

82ND GENERAL ASSEMBLY

REGULAR SESSION

MAY 19, 1982

PRESIDENT:

The Senate will please come to order. Will the members please be at their desks. Will our guests in the gallery please rise. Our prayer this morning by the Reverend Anthony Tzortzis, St. Anthony's Hellenic Orthodox Church, Springfield, Illinois. Father.

REVEREND ANTHONY TZORTZIS:

(Prayer given by Reverend Tzortzis)

PRESIDENT:

Thank you, Father. Reading of the Journal.

ACTING SECRETARY: (MR. FERNANDES)

Thursday, May 13, 1982, 10:00 a.m.

PRESIDENT:

Senator Johns.

SENATOR JOHNS:

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

PRESIDENT:

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

ACTING SECRETARY: (MR. FERNANDES)

Senator Rock, the Chairman of the Committee on Rules reports as follows: Pursuant to Amended Rule 5, the Rules Committee met at 10:00 a.m. May 19, 1982 and makes the following report: By unanimous vote the committee ruled that the following bills be considered this Session of the Senate:

House Bills 869, 1244, 1254, 1271, 1296, 1607, 1648, 2125, 2221, 2289, 2310, 2441, 2451, 2452 and 2485. The foregoing bills were ordered sent to the Committee on Assignment of Bills. Signed, Senator Philip J. Rock, Chairman.

Senator Donnewald, the Chairman of the Committee on

Assignment of Bills reports the following assignments:

To the Committee on Appropriations I - House Bill 2451 and 2452; to the Committee on Appropriations II - 2221 and 2441; the Committee on Elementary and Secondary Education - House Bills 869, 1271; the Committee on Higher Education - House Bill 2125; the Committee on Revenue - House Bill 1244, 1254, 1296, 1607, 1648, 2289, 2310 and 2485.

PRESIDENT:

Messages from the House.

ACTING SECRETARY: (MR. FERNANDES)

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

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

House Bill 955, 1600, 1971, 2147, 2282, 2377, 2462, 2496, 2566, 2610, 2612, 2613 and 2614. Passed the House May 18, 1982. Anthony J. Leone, Clerk of the House.

PRESIDENT:

In the visitor's gallery there is a film crew from Cablevision of Chicago. Do they have leave to shoot some film? Leave is granted. Senator Johns, I think we forgot half your motion. Senator Johns.

SENATOR JOHNS:

That's alright, Mr. President, we'll forgive you this time. I move that reading and approval of the Journals of Friday, May the 14th; Tuesday, May the 18, in the year of 1982 be postponed pending arrival of the printed Journal.

PRESIDENT:

You've heard the motion as placed by Senator Johns. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. Motion carries, it's so ordered. Senator Thomas, for what purpose do you arise?

SENATOR THOMAS:

Thank you, Mr. President. Last year at this time I had the opportunity to introduce to my fellow Senators a young seventh grader from my district who had won first place in a regional historical society essay contest from the Quad Cities. Well, lo and behold, she's back again this year, she has won now two years in a row and she's down here with her parents. From Washington Jr. High School in Rock Island, I would like to have you meet Miss Stacy Howe and her family, Stacy.

PRESIDENT:

Will our guests in the gallery please stand and be recognized. Senator Nash, for what purpose do you arise?

SENATOR NASH:

Mr. President and Ladies and Gentlemen of the Senate, I ask leave to be removed as the co-sponsor on House Bill 2474.

PRESIDENT:

You've heard the request, House Bill 2474. Is leave granted? Leave is granted. It is so ordered. Resolutions.

ACTING SECRETARY: (MR. FERNANDES)

Senate Resolution 533 offered by Senators Hall, Rock and all members, congratulatory.

Senate Resolution 534 offered by Senators Rock, Collins, Walsh and all members, it's congratulatory.

Senate Resolution 535 offered by Senators Nash, Rock, Carroll, Geo-Karis, Berman, D'Arco, Savickas and all members, congratulatory.

PRESIDENT:

Consent Calendar.

ACTING SECRETARY: (MR. FERNANDES)

Senate Resolution 536 offered by Senator Chew.

PRESIDENT:

Executive Committee. Senator Schuneman, for what purpose do you arise?

SENATOR SCHUNEMAN:

Thank you, Mr. President. To ask leave to have Senator Rupp named as hyphenated co-sponsor on House Bill 2095 and House Bill 2495.

PRESIDENT:

I beg your pardon, Senator, what was your motion?

SENATOR SCHUNEMAN:

I was asking leave, Mr. President, that Senator Rupp be named as hyphenated co-sponsor on House Bill 2095 and 2495.

PRESIDENT:

Okay, 2095 and 2495. Senator has asked leave to show Senator Rupp as the hyphenated co-sponsor. Is leave granted? Leave is granted. It is so ordered.

PRESIDING OFFICER: (SENATOR BRUCE)

If I might have your attention please, for what purpose does Senator Rock arise?

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate, on a point of personal privilege. A few moments ago we placed on the Consent Calendar Senate Resolution 534 which is a congratulatory resolution commending the Village of Oak Park. As I'm sure most are aware, the Village of Oak Park and River Forest have for the past day and a half been in Springfield meeting with agency directors, and this is, I think, the first community service program of its kind, certainly in Illinois, and it was sponsored by the Oak Park Trust and Savings Bank. They are seated as a group in the President's gallery, and I would like...I'm sure Senator Collins and Senator Walsh will have...also have something to say, but I would like the group from Oak Park-River Forest to stand and be recognized by the Illinois Senate.

PRESIDING OFFICER: (SENATOR BRUCE)

Would our guests please stand and be recognized by the Senate. Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and members of the Senate. First, I would like to congratulate our Senator Rock for having the vision and recognizing the importance of involving those people who are responsible for government in Oak Park and River Forest to have the opportunity to come to Springfield and to see how government works. I'm sure that they have enjoyed their stay here. I had the opportunity to have dinner with them last night, I most certainly enjoyed myself, and I'd like to thank Senator Rock for inviting me to participate, and welcome again to Springfield and I hope that we're going to make this an annual event. I think we got a commitment from Senator Rock and Governor Thompson to do it next year.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President. Just so the members of the Senate and others in the gallery don't think that there are only Democrats praising the Village of Oak Park and...and somehow the sister-village of River Forest is frequently omitted, I would like to add my...my best wishes and thanks to...to Governor Thompson, Senator Rock and Bill Langley of the Oak Park Trust and Savings Bank for arranging this meeting, I think it was an excellent idea, it has come off very well, and I too hope that you can arrange to come back next year and...and join us here in Springfield. Thank you, very much.

PRESIDING OFFICER: (SENATOR BRUCE)

We're going to have a series of special guests in today because the Governor has invited most of the winning teams in the State athletic areas into the Mansion, and so Bill Calvin and the Associated Press photographers and several other photographers today would like to have leave to take still photographs on the Floor. Is there leave? Leave is granted.

And our first guests of the day are here, and I would like to have Senator Grotberg introduce them to the Senate.

SENATOR GROTBORG:

Thank you, Mr. President, fellow Senators. Senator Etheredge and I are pleased and proud to present to you today from the rural parts of Kane County...following Senator Walsh's remarks, we tried very hard to find a Democrat in rural Kane County to be bi-partisan about this but there are none, we bring you today the Lady Knights of Kaneland Senior High School, they captured the Illinois Girls Class A State Basketball Championship on March 27th. We have been waiting and waiting for their arrival, today is the day, and Coach Rick Sharer an athletic director...or Principal Richard Rink are with us and you can...we have honorary resolutions for each of your members. If you would introduce your group, Coach, Senator Etheredge and I and...the Senate of Illinois are pleased and proud to have you. Please, take over.

COACH RICK SHARER:

Thank you very much, it's a real pleasure to be here. The members of my ball club are, over behind Senator Grotberg, Patty Hara, Paula Byer, Janet Andrew, step out a little bit, LeAnne Machias in the back, Kara Pietrie in front here, behind Kara, Amy Rink, Raquel Slay in the back, Sue Baldridge, our manager, Judy Whitney, Nancy Petersen, Leslie Hudgins, big girl, Dee Dee Dedier and Melissa Almstead. We want to thank you folks very much for this, this is quite an honor, thank you.

SENATOR GROTBORG:

And if we can take just a moment, Bill Calvin, can we take a group photo while we're all here? You got three? Okay, you're all taken care of. Senator Etheredge. Senator Etheredge will be representing this group next year, do you want to say a word?

SENATOR ETHEREDGE:

I just want to extend my congratulations to these...these State champions but I think that you would...might want to hear a word from the captain of this team rather than me.

SENATOR GROTEBERG:

Just say hello, Leanne. Captain Leanne, one kind word.

LEANNE MACHIAS:

Hi.

SENATOR GROTEBERG:

That's it. Thank you, very much. The Lady Knights of Kaneland Class A Girls Basketball Champions of Illinois. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to go to the Order of House Bills 1st Reading? Leave is granted. House Bills 1st reading.

ACTING SECRETARY: (MR. PERNANDES)

House Bill 1215, Senator Jerome Joyce.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 1320, Senators Vadalabene and Savickas.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2088, Senators Davidson and Vadalabene.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2095, Senator Schuneman.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2133, Senator Mahar.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2335, Senator Gitz.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2357, Senator DeAngelis.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2397, Senator Bruce.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2416, Senator Jerome Joyce.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2430, Senator Egan.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2439, Senator D'Arco.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2495, Senator Schuneman.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2500, Senator Coffey.

(Secretary reads title of bill)

1st reading of the bill.

House bill 2506, Senator Sangmeister.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2513, Senator Schaffer.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2261, Senator Marovitz.

(Secretary reads title of bill)

1st reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to go to the Order of Senate Bills 2nd Reading? Leave is granted. Senate Bills 2nd reading. Senate Bill 1202, Senator Chew. First five sponsors will be Chew, Sangmeister, Rock, Egan, Schaffer. 1231, Senator

SB 1319
2nd reading

Sangmeister. 1243, Senator Philip. 1266, Senator Egan. 1285, Senator Schaffer. 1296, Senator Marovitz...Senate Bill 1299, Senator Totten. 1318, Senator Berning. Senator Berning, 1318, advertising restrictions. You want it read, Senator? Senator Berning. Senator Berning.

SENATOR BERNING:

Mr. President and members of the Senate, I ask leave to Table Senate Bill 1318.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to Table Senate Bill 1318. On the motion to Table, all in favor say Aye. Opposed Nay. The Ayes have it. Senate Bill 1318 is Tabled. Senate...for what purpose does Jerome Joyce arise?

SENATOR JEROME JOYCE:

Thank you, Mr. President. In that...on a personal...point of personal privilege, in the gallery on the Republican side are Mrs. Marilyn Ames and sixteen students from the Melvin Sibley High School and five parents. They are being honored today at the State Historian Award Day at Sangamon State. I'd like...if they would rise and be recognized.

PRESIDING OFFICER: (SENATOR BRUCE)

Would our guests in the galleries please rise and be recognized by the State Senate. Happy to have you in Springfield. 1319, Senator Netsch. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1319.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch to explain Amendment No. 1.

SENATOR NETSCH:

Yes, this is the committee amendment. What it...it basically changes the structure of the decoupling bill and rather than requiring those who would take advantage of the so-called ACRS, accelerated cost recovery system, on their Federal tax forms to maintain two sets of depreciation schedules, it allows them to take advantage of the ACRS, translate that onto their State tax form and then add back a stated percentage of that which they had reduced. I think it was by all odds and certainly by recommendation of the Department of Revenue, an easier way for this objective to be met. The department also requested that the amendment include a provision which, in effect, did not double penalize anyone with respect to any capital gains on the accelerated property. I would move the adoption of the committee amendment to 1319. And I might say, there is one other member of the Senate that I believe indicated he might...he was considering offering an amendment, Senator Sangmeister, and if he decides to pursue that, I would certainly give him that opportunity at a later point. In the meantime, I move the adoption of the committee amendment.

PRESIDING OFFICER: (SENATOR)

The motion is to adopt Amendment No. 1. Discussion of the motion? Senator McMillan.

SENATOR McMILLAN:

Mr. President and members of the Senate, I would merely indicate that this is the amendment which puts the bill in the form that Senator Netsch had determined that she wanted the bill to be in. I don't think it's an issue that we really need to debate at...at this point. It basically does what she had intended to do in a...in a form that it is at least administrable and...and workable so I have no quarrel with it and think it should go on.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt. Is there further discussion? All in

favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further committee amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No amendments from the Floor.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1321, Senator Netsch. Senate Bill 1324, Senator Grotberg. 1350, Senator Taylor. 1352, Senator Rock. We'll be holding all the appropriation bills for the...for the moment. 1368, Senator Friedland. 1383, Senator Collins. 1430, Senator Gitz. 1430...1449, Senator Bloom. 1490, Senator Davidson. 1492, Senator Marovitz. 1496, Senator DeAngelis. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1496.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR BRUCE)

Senator, there's only one committee amendment, you may have another Floor amendment. Okay. Alright. Senator DeAngelis on Amendment No. 1.

SENATOR DeANGELIS:

Thank you, Mr. President. Committee Amendment No. 1 is, in fact, the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

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

ACTING SECRETARY: (MR. FERNANDES)

No further committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis is recognized.

SENATOR DeANGELIS:

Thank you, Mr. President. While drafting this, an error was made on Page 13 and committee...I mean Floor amendment No. 1 clears up the error that was made in the bill regarding the situation that occurs when the director determines that a situation is...that a market is no longer competitive. It's been worked on by all the groups and everybody has agreed to this language.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 2...

ACTING SECRETARY: (MR. FERNANDES)

Senator DeAngelis, are you talking about Reference Bureau No...ending in 984EG?

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. There are..there are two amendments down here, Senator, from the Floor. On the motion to adopt, further discussion? All in favor say Aye. Opposed...Senator D'Arco is recognized. Gentlemen, if we could have some order. We are on amendment stages. Senator D'Arco is recognized.

SENATOR D'ARCO:

If Senator DeAngelis would simply read the amendment. Is it a short amendment, Aldo? Is that the short one? Would you just read it into the record.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

This amends Page 13, Line 8. "If the director determines that a competitive market does not exist, then the worker's compensation market is provided in a ruling pursuant to this section, then every company must prefile every manual of classification, rules, rates, rating plans, rating schedules and every modification of the foregoing covered by such rules. Such filing shall be made at least thirty days prior to its taking effect, and such prefiling and requirements shall remain in effect as long as there is a ruling in effect pursuant to this section that a reasonable degree of competition does not exist."

PRESIDING OFFICER: (SENATOR BRUCE)

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

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Amendment No. 3 describes what occurs in the residual market. What it does, it gives the director the opportunity to stop the subsidizing of the residual market and let the residual market pay for itself.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt. Discussion? Senator Rhoads.

SENATOR RHOADS:

Senator DeAngelis, now this is not a technical amendment from Enrolling and Engrossing, this is a substantive Floor amendment. Has it been distributed?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

No, I'm sorry, it has not been distributed. If you would

like for me to hold it, I can hold it 'til you see it. It's only one paragraph long, or I can read it.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senator Rhoads.

SENATOR RHOADS:

Well, Mr. President, I apologize to the Body for being a...a Johnny-one-note on this subject, but I think it is important that when we have substantive Floor amendments which are other than those that come from Enrolling and Engrossing as technical amendments, or other than committee amendments, that we ought to abide by our rules and have those amendments distributed and prepared on the Floor. There may be agreement in committee, there may be agreement by interested parties, but it's the first time that a lot of us not on the committee are seeing these amendments, it would be helpful. And I would request, and make this request of members of both sides of the aisle that these amendments be printed and distributed. Yesterday we had an amendment from Senator Gitz, and it was helpful to have that amendment on our desks. So I don't mean to make unnecessary work for people, but I think it is important to the proper functioning of the Body and I do request that you prepare it.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, this question may come up again and...and you may recall the change in our rules that does not require printing and distribution of all amendments. We have saved literally thousands of dollars by not printing fifty-nine copies of amendments that are not read. And under our rules, if...if...if a Senator requests and joined by five others we can, in fact, distribute the amendment, but perhaps if we can just take a look at it but...the question will come up time and time again, we do not distribute, under our rules, all amendments. Obviously, if you think they're going to be controversial, it's wise to do so but many of these are not and

can be handled without the printing cost of doing fifty-nine. Senator Demuzio, you had a question?

SENATOR DEMUZIO:

Hello. Thank you very much, Mr. President for your edification of the saving millions of dollars. I too will join Senator Rhoads in asking for the amendments to be distributed, particularly those amendments that are being put on... on the appropriation bills. Many of us may have several millions of dollars that may be deleted from our district and have no way of knowing it. So, I...I join Senator Rhoads in his request.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Further discussion on Amendment No. 3 to Senate Bill 1496? Senator Rhoads.

SENATOR RHOADS:

Inquiry of the Chair, Mr. President. It...from now on, if I have to get five people to leap up at a particular 2nd reading stage in order to ask that an amendment be distributed or when do we make such a request? I'm...I'm looking at the rules here, and I remember the purpose of the rule was to...to relieve us of the responsibility, as you said, of distributing very large amendments which were of a...of a fairly routine nature. I don't know that this falls in this category, but it says "When requested by five or more members, an amendment shall be printed and made available to every Senator who requests a copy before the amendments may be voted upon on the Order of 2nd Reading." Very often, we as members don't know prior to 2nd reading that some amendments have been filed with the Secretary, so we have no way of...of knowing when to enter such a request. Now, I would like to know from this point on, when is this request supposed to be made or do we just have to hustle around and get four colleagues to join us in a request at a particular time?

PRESIDING OFFICER: (SENATOR BRUCE)

Well, first of all the rule has been in effect for more than two years, and to my knowledge...to my knowledge, Senator Rhoads, we organized and put that rule in in January or February of a year ago, at least if not two, and I don't know of an instance in which the Chair has denied a Senator who requested, nor has a sponsor said, "We'll go on without you." If...it has never been, to my knowledge, denied the request of distributing an amendment, and if you are joined by four members on this particular point, the Chair will recognize that, we will take the bill out of the proceedings and...and have the amendment proceeded...printed and I'm sure Senator DeAngelis will go along with that procedure. Alright. Well, alright, Senator DeAngelis, I see requests from about five or six members, perhaps with your leave we will take this out of the record have you...have a chance to make copies available to those who have requested it, and we will get back to this bill in...in the order...yes, we will just...we will leave the bill on the Order of 2nd Reading and hold it with the two amendments adopted, we are not taking it out of the record, we're just holding it at this point. If I might have the attention of the Senate, the Lawrenceville Indians are here from my district, the State basketball champions, and I would like to have them and Representative Bower come to the Podium, and perhaps we can have their coach say a few words and welcome them to the State Senate as State champions in Illinois. Alright. The coach of the Lawrenceville Indians, Ron Felling.

COACH RON FELLING:

I appreciate being here and the invitation of both Mr. Bower and Senator Bruce to watch both Chambers in Session, legislative process and we're very proud of our team. Of course, if you're not familiar, the fact that we went 34-0-1 the State this year was very gratifying to us. At this time I'd like to introduce our players, our managers, and our

mascot, and our assistant coaches. So, first, I'd like to introduce our mascot, Fad Hennessy, Chief Towanka okay, and our two managers, Tim Sightsinger and Mark Simmons, okay. Our...starting with our Sophomore players we have two sophomores with this years team, they are Jay Baker and Keith Prohock. Our Junior players at this time are Billy Anthony, Smiley back there in the back, Ernie Hoh, starting guard, Tim Leighty, starting forward, Dave Parker in the back, Darin Blair and our other...Jeff Gher our other starting guard and Marty Simmons in the back. Our three Seniors this year, Bryan Nead, Brian Cochran and Doug Novsek in the back. Well, I don't know...Doug Novsek just signed a grant and aid at West Virginia University and Doug...would you like for him to say something, Senator Bruce? Here's a few words of wisdom from Douglas.

DOUGLAS NOVSEK:

We would...this team would just like to thank Senator Bruce, Representative Bower for letting us come up here. This is something a lot of people...kids don't really get to do...have a chance to do, and I guess basketball's what got us here, I don't know. We'd just like to thank you all.

PRESIDING OFFICER: (SENATOR BRUCE)

We have another winning team here today, the East St. Louis Tigerettes, and they won second place in the Double A Girls tournament and they are gong to be introduced...by Senator Kenneth Hall today. They're all trying to get over to lunch at the Mansion at noon, so we're trying to have them all in here. They're going to the House and Senate before noon and have a chance to have dinner...lunch with the...the Governor.

SENATOR HALL:

Thank you, Mr. President. It's indeed an honor today to have the Lincoln Tigerettes of East St. Louis who, as Senator Bruce has told you, and I'll have their coach...assistant

coach Miss Ash to introduce them to you. Come here, Miss Ash.

MISS ASH:

On behalf of the Lincoln Tigerettes and coaches...on behalf of the Lincoln Tigerettes coach and staff it is an honor to be here. To my right we have Stirdevant Junior from East St. Louis Tigerettes. Lisa Bonner, Tina Harris, Debra Wilson, Donna Pope, Silvia Owens, Silvia, Debra Joiner, Misha Strauter, Linda Williams, Kathy Smith and Henley...Monita Henley.

PRESIDING OFFICER: (SENATOR BRUCE)

We also have with us today from East St. Louis, the East St. Louis Tigers and they are, in fact, the Double A champions in basketball, and Senator Hall in going to introduce their coach.

SENATOR HALL:

Yes, also from Lincoln High School is the champions of the Double A, I know all of you saw them on television and it's a great honor to have Coach Lewis here who will introduce them.

PRESIDING OFFICER: (SENATOR BRUCE)

Coach Lewis.

COACH LEWIS:

On the behalf of Lincoln High School in East St. Louis, we would like to present the boys Double A basketball, Illinois State championship team to you. Now, unfortunately, we have some guys that double over and run track or play baseball, that's why they're not here today, so the people that are present we would like to introduce those to you. Todd Porter which was our leading scorer last year, Tyrone Jackson who played center for us and probably the best defensive player in the State, Earl Jones is a junior, he'll be back with us next year. Napoleon Sanders is a senior, he's leaving us, Derek Moses is a senior, also is leaving us. Now,

the guys that's not here, Roger Horn, Darrel Morgan, Mark Dale, Kevin Fifer, Baron Wilson, Tommy Reed, Carlton Cannon and Edmond Jones, they make up...they made up our team for last year, and also have Dwayne Chapman who's here. Our athletic director, Henry Harris, he's somewhere in the building, I don't know where, and our assistant coach, Donald Hurt, our scorer Mr. John Morgan, and our trainer Donald McHenry. And also, one of our trainers and scorers and whatever, Miss Tiffany Morgan, and my better half Mrs. Louis, Mrs. Vinney Louis.

SENATOR HALL:

Thank you, Coach. I was wondering if you were going to introduce your wife. I know you didn't want to have trouble when you got home. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright, now, we have a couple more special guests, but Senator Thomas, for what purpose do you arise?

SENATOR THOMAS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a special legislative day for the Fraternal Order of Police in the State of Illinois, and seated right now in the President's gallery are men and women representing police departments from throughout the State of Illinois and I'd like to have them be recognized.

PRESIDING OFFICER: (SENATOR BRUCE)

Would our guests in the galleries please rise and be recognized by the Senate. Senator Geo-Karis, for what purpose...for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, on a point of personal privilege. It's my pleasure to introduce members of the Lake County Board of Realtors and today we are also honoring Mrs. Jane Klauser, K L A U S E R, who has been selected as Realtor of the Year and she's here with her hus-

band Ludwig, and also present is Mrs. Lee Borst the Legislative Chairman, Mrs. Dorothy Fettinger, Mr. Jack Forney and Mrs. Shirley Peterson, and in addition to those constituents that I've just mentioned, we also have three police officers here from my county, Lieutenant Gene McGaughey, Delores Nage and Mary Gillian. I'd like us to welcome them all here, and I'm delighted to see you whether I agree with you or not, I love you all.

PRESIDING OFFICER: (SENATOR BRUCE)

Would our guests please rise and be recognized. Welcome to Springfield. If I might have the attention of the Senate, Senator Bloom has brought us a very special guest today that he would like to recognize and introduce from the Podium. Senator Bloom.

SENATOR BLOOM:

Thank you, Senator Bruce. We're honored to have with us today Ilion Crabel from Chillicothe. She has been the city and township clerk for fifty-nine years, May 1st marked her fifty-ninth year. She has been elected to six...this is something you all should take note of...six two-year terms and eleven four-year terms and she is of the Democrat persuasion but outside of that she's absolutely perfect. Ilion, would you like to greet the Senate.

ILION CRABEL:

I'd just like to thank all of you for allowing me to be presented to you and Senator Bloom and I also would like to introduce my family...my son, Sid Crabel, who's Superintendent of the Public Works at Chillicothe and his wife, Sharon, and then the triplets, there's Shannon and Scott and Shawn, and then my friend, Bill Prather and his wife.

SENATOR BLOOM:

Yes, thank you so much. Bill Prather is the County Chairman of Peoria County. President Rock, you have a...

SENATOR ROCK:

Bill Prather is the Democratic County Chairman of that county. Ilion, we're delighted we're here and let...let me say that the Senate has adopted a resolution which says in part, that "we are resolved by the Senate that we express our sincere admiration to Ilion B. Crabel upon the completion of five and a half decades of exemplary service to her community as city clerk and fifty-nine years as township clerk." Ilion, we're delighted to present this to you today.

PRESIDING OFFICER: (SENATOR BRUCE)

Before we took our very pleasant break, we were on the Order of Senate Bills 2nd Reading, and Senator Gitz had been called off the Floor for some of his guests and we would like leave to go back two bills to pick up Senate Bill 1430 and 1436. Is there leave? Leave is granted. Senate Bill 1436. Mr. Secretary, read the bill, please. 1430...1430.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1430.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator Gitz.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Gitz to explain Amendment No. 1.

SENATOR GITZ:

Thank you, Mr. President and members of the Senate. Senate...Senate Amendment No. 1 will create an effective date of July 1st, 1983, this is in recognition that the legislation that we are presently passing does indeed have a fiscal impact. This will remove us from the uncertainty of what it may do to impact Fiscal Year '83 budget decisions. Secondly, it will for surviving spouses under the age of sixty-five raise the present exemption which with the

B 1436
2nd reading

Governor's action last year is sixty thousand dollars to an effective amount of eighty thousand dollars. Finally, it affects and makes possible an interest-free exemption for the first ten months under the...after the decedent's death. This is very much in line with the Federal procedures that are applied in inheritance tax due dates. I would move respectively for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt. Discussion? Senator Rhoads.

SENATOR RHOADS:

Thank you, Mr. President and members of the Senate. I did ask Senator Gitz yesterday to distribute this, and he did and I appreciate that, and we, Senator Walsh and I, looked it over and we think it's a good amendment and I support it.

PRESIDING OFFICER: (SENATOR BRUCE)

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

ACTING SECRETARY: (MR. FERNANDES)

No...no further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1436. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1436.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator Grotberg.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTBORG:

I withdraw that.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg withdraws the amendment. Are there further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments from the Floor.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. 15...1501, Senator Nedza. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1501.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments. Amendment No. 1 offered by Senator Nedza.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza on Amendment No. 1.

SENATOR NEDZA:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. There are two amendments to the bill which were to alleviate some objections that were made with reference to the bill and also to concur with a legal opinion. The Amendment No. 1, the language that is being inserted is for the preservation habilitation and renovating of existing district facilities. I would move for adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

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

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senator Nedza.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

Yes, thank you, Mr. President. Amendment No. 2 is

decreasing...changing the one and one-quarter percent which is 1.25 and decreasing it to 1.15 to conform with a legal opinion. I move its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 2. Discussion of the motion? All in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. (Machine cut-off)...have another Class Double A Champs from junior high in Charleston, and I think Senator Coffey has brought the entire Charleston Junior High School with him, not just the team, but we're certainly happy to have you here. Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. Speaker. It is my honor to introduce some of the people from Charleston, and I want you Senators out there that had some of the high school champs to know that this is the junior champs and going to be the ones that's going to be up here in two or three years again, so I thought it would be fair in warning you now. I would like to introduce a...a few of the people that's here. First of all, if I could, John Dively is the Principal of Charleston Junior High. Bill Hill, Superintendent of Schools, where's Bill? Terry Wears, Assistant Superintendant...Terry, he's around here somewhere, and then the person that I would like to introduce his team is the head coach...Steve, could you step up here just a minute and maybe you could run very quickly through the...the team.

STEVE:

I'd like to thank Senator Coffey and Representative "Babe" Woodyard and you the Senate for having us up here today, we feel very honored. We had a very tremendous sea-

son, 18 and 2, and Class Double A State Champions. At this time I would like to just run through the players, Mike Bell, Mike Bloomquist, David Brown, Ron Chapman, Jeff Gilner, Jerry Hamner, Darrel Hight, John Kirshner, Kevin Kramer, Kye Lindsay, Jeff Edding, Tom Pageant, Mike Slavin, John Watson, Tom Wear and Jeff Willis, those are the players, the 1982 Little Trojans. I would also like to introduce my managers Marvin Franklin, David Merriman, Ty Cottingham, Pat Pruitt, Mark Williams. Our cheerleaders are...our cheerleading sponsor, Brenda Garriott, Tammy Bacon, Molly Jackson, Valerie Marble, Christi Young, Marsha Sealy, Michelle Johnson and Justine Duncan, those were our cheerleaders. My assistant coach is the guy with the flat-top up here, Coach Harold Royer.

SENATOR COFFEY:

Thank you very much, Steve. If I could...if I could have John Dively slip over here, stay right there Steve, John you want to slip in here. We'd like to present you on behalf of the State Senate a resolution here that you could place in the junior high school, and we also have a copy of this resolution for each one of the members, and John we just appreciate you and the coach and all of you being here today. Thank you very much.

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator Geo-Karis arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, again on a point of personal privilege, I find that I have three members of our Lake County Sheriff's Department here with us today in addition to the ones I mentioned, Sergeant Stan Iwan, I W A N, Corporal Chet Iwan, I W A N, and Deputy Dan Dunn from Lake County. In addition, I have four of my citizens from Zion who are here from the police department, William Middleton, Cindy Marcobrad, Henry Hughs, and they're

sitting up in the President's gallery. I'd like us to welcome them here if I may.

PRESIDING OFFICER: (SENATOR BRUCE)

Would our guests please stand and be recognized by the Senate. Welcome to Springfield. Senator Carroll...Senator Carroll or Senator Buzbee, 1522, cost containment. Senator Chew, for what purpose do you arise?

SENATOR CHEW:

...personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Yes, Senator Chew.

SENATOR CHEW:

We have in Springfield today several members from the Department of Correction in Cook County, and as you can plainly see, some of Chicago's finest Chicago police officers. We want to welcome you here and we're grateful that you came, and we'd like to recognize you by giving you a hand.

PRESIDING OFFICER: (SENATOR BRUCE)

Would they please stand and be recognized by the Senate. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Now that we have introduced, I hope, everyone in the world, it is the intent to go through the Calendar once, and then we will conclude our business today. We will commence at nine o'clock tomorrow morning and again go through the Calendar. I am...it was requested by the Appropriations chairman and minority spokesman that the appropriation bills will be held until Monday to afford the agencies and the staff time to go over the amendments, so that we will again go through the Calendar tomorrow, and it does not appear to Senator Philip and myself that it's necessary for us to be here Friday. I'm sure that will not meet with any strong objection. But my suggestion is that we just

carry on and go through the Calendar and when we have gone through it once we can quit for the day.

PRESIDING OFFICER: (SENATOR BRUCE)

Senate Bill 1534, Senator Netsch. Read the bill, Mr. Secretary, please.

END OF REEL

Reel No. 2

ACTING SECRETARY: (MR. FERNANDES)

(Machine cutoff)...Bill 1534.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Judiciary II offers one amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch is recognized on Amendment No. 1.

SENATOR NETSCH:

Thank you, Mr. President. Amendment No. 1 was the committee amendment which incorporated those changes which were worked out during the course of committee. We will, in fact, have a second amendment which Senator Etheredge will be offering which incorporates all of those changes plus a couple of others that were made. I could Table Committee Amendment No. 1, if...would it be simpler? I've already renumbered the others. Amendment No. 2 will supersede No. 1. Would it save time when it goes back to the House if we simply Tabled it?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator, does Amendment No. 2 contain all the material in Amendment No. 1?

SENATOR NETSCH:

It should. It deletes every...deletes the title.

PRESIDING OFFICER: (SENATOR BRUCE)

Fine.

SENATOR NETSCH:

Wait a minute, let me check just to make sure, just a second.

PRESIDING OFFICER: (SENATOR BRUCE)

No if it...

SENATOR NETSCH:

Yes, it does, it deletes everything after the enacting clause.

PRESIDING OFFICER: (SENATOR BRUCE)

...all right. It would save our Enrolling and Engrossing a great deal of time if we could just...

SENATOR NETSCH:

Senator Etheredge, is...if I might have Senator Etheredge's attention a moment.

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Etheredge. Senator Netsch has an inquiry.

SENATOR NETSCH:

As I read the...your amendment, it does totally supersede 1534. All right, let's...let's move to Table Amendment No. 1 to Senate Bill 1534.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to Table Amendment No. 1. All in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is Tabled. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senators...Etheredge and Netsch.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Etheredge, do you wish to explain the amendment or Senator Netsch? Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President and Ladies and Gentlemen of the...the Senate, Amendment No. 2 has been distributed and although it is a rather hefty amendment, the...the differences between it and the bill which passed out of committee are...are not that great. The amendment does...adds a preamble to establish

legislative intent. It deletes the...the penalties associated with the...the crime called possession with intent to manufacture, those provisions have been stricken from the bill. And then the monetary penalties have been reduced from seventy-five thousand to twenty-five...to twenty thousand dollars.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 2. On the motion to adopt, all in favor say Aye. Opposed Nay. The Ayes have it. Senator Netsch.

SENATOR NETSCH:

Just a point. This will now be Amendment No. 1 or will it still be No. 2? It will still be No. 2 because the other was a committee amendment, correct?

PRESIDING OFFICER: (SENATOR BRUCE)

The other we've taken action on.

SENATOR NETSCH:

Yes, very good. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

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

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senators Netsch and Etheredge.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Thank you. This does not have to do directly with the look alike drug problem which is the substance of Senate Bill 1534. But we did take the opportunity to correct a fairly important mistake that was made in a bill that was passed last year having to do with the controlled substance offenses. And, basically, what it does is to restore in Section 401 the requirement that the amount of the controlled

SB 1609
2nd reading

substance be computed in terms of the aggregate weight of the amount being purchased or possessed rather than the weight of the drug itself. For example, if you have a batch of a substance which contains heroin, even though it is not one hundred percent pure heroin, that is the means by which the nature of your offense is measured for purposes of the controlled substance abuse. That was incorrectly changed in Section 401, and this would restore that pattern to the Controlled Substances Act. It is extremely important, I would move the adoption of Amendment No. 3 to Senate Bill 1534.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt. Discussion of the motion? All in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1560, Senator Berman. 1566, Senator Etheredge. 1588, Senator Schaffer. 1597, Senator Berman. 1601, Senator Chew. 1609, Senator Egan. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1609.

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator Egan.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan is recognized.

SENATOR EGAN:

Yes, Mr. President, thank you and members of the Senate. Amendment No. 1 removes the objection of the Executive Branch, the Department of Revenue by deleting provisions

which would require a checkoff from the income tax...State income tax form. What the bill now does is allow the Governor's Council on Health and Physical Fitness to promote the Prairie State Games and...and establish them in fashion after the International Olympic Games. This would be an intrastate olympic game, and the council will...the council presently has the authority but does not have the funds. The principle aspect of the bill now as it's amended...after it's amended will empower the council to solicit the funding for the games totally privately. It will not cost the taxpayer any money. It will be totally privately endowed, and I move the adoption of Amendment No. 1 to Senate Bill 1609.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 1. Discussion of the motion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I rise in support of this amendment. Give you an idea what...if we get this done and get it moving with volunteer contribution is Illinois will start getting more than its share of people on the olympic teams as it's happened in the three states where they are already doing this. And it's time that Illinois, who produces outstanding athletics, give them an opportunity to participate. I urge the adoption of this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt. Further discussion? Senator Gitz, on this amendment? Senator Gitz.

SENATOR GITZ:

Mr. President, I just wanted to ask a question about it. I notice in scanning the amendment, Senator Egan, that it is permissive. I think it's a great idea, but for my own edification,...why do they have to codify? Do they have the power now, since it's permissive?

PRESIDING OFFICER: (SENATOR BRUCE)

SB 1632
3rd Reading

Senator Egan.

SENATOR EGAN:

Well, the...the provision that is necessary is the funding provision. That empowers the council to generate the funds privately, but the other language is put in to clarify the...the purpose for the funding.

PRESIDING OFFICER: (SENATOR BRUCE)

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

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. 1624, Senator D'Arco. 1632, Senator Taylor. Senator Taylor. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1632.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor to explain Amendment No. 1.

SENATOR TAYLOR:

Thank you, Mr. President and members of the Senate. Amendment No. 1 deletes everything after the enacting clause, increased the housing authority board to a total of seven, which is now five, increased the number needed for a quorum from three to four. It permits the CHA to establish salary or per diem allowance for the commission who serves as chairmen, requires the Chicago City Council approval of CHA budget. It removes the power of eminent domain from CHA and gives such power to the City Council. Requires thirty day notification of plan acquisition, a real problem for CHA to

the city council. Notification must be in writing and the acquisition must be approved by the city council contained under immediate effective date, and I move for the adoption of Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 1 to Senate Bill 1632. Senator Netsch is recognized.

SENATOR NETSCH:

Thank you, Mr...President. First, if I might be clear, Senator Taylor, is this amendment the one that includes the provision that would take away from CHA and put into the Chicago City Council the total power with respect to land acquisition and other property...transactions on CHA projects?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor.

SENATOR TAYLOR:

Do...I think you understand the...the...the amendment quite well, Senator...Netsch. I think these powers has always been somewhat been in the hands of the city council, but by a court order there were some problems and the Statute is not really clear in that aspect of it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

All right, I just wanted to make sure that that was incorporated. I would rise in strong opposition to the amendment then. This was not a casual court order that prevented that provision in the existing law that gave the city council the power to rule on land acquisition arrangements for CHA. The...it was enjoined in an opinion dated April 10th, 1972 by Judge Austin in the Gautreaux litigation, and it was enjoined because as the court found, it was being used to further the pattern of racial discrimination that had been

engaged in by CHA with the full compliance and, indeed encouragement, of the then city council. It was a part of what was, indeed, invalidated in the Gautreaux litigation. And it seems to me to go back to attempt to restore a provision that is; number one, under a Federal court injunction and, second, that was found to have been a part of a long standing practice of deprivation of constitutional rights of a lot of people in the City of Chicago, is an absolutely unconscionable position at this time. And I would hope that the General Assembly would not try to flaunt that court, the constitution and the rights of a lot of people in the City of Chicago by adopting this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Chew.

SENATOR CHEW:

Mr. President, I was temporary off the Floor. Let me ask the...No. 1 Amendment, is that, in fact, the entire bill now?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor.

SENATOR TAYLOR:

The No. 1 Amendment is, in fact, the entire bill, but as you know, there's many amendments that has been agreed to that members of this Body has attempted...will attempt to place on this particular bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Chew.

SENATOR CHEW:

I have some amendments that have been filed and when the Clerk gets to them, why we should be notified by numbers.

PRESIDING OFFICER: (MR. FERNANDES)

Senator Chew, several amendments have been filed and some of them...right...your...your amendments will be coming up next after Senator Taylor's amendment. Further discussion? Senator Newhouse...or Senator...Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Mr. President, some of us have been trying to take that power and authority away from the city council for years. It has abused the authority, it has not constructed housing in the City of Chicago for...for some twenty years now. It's a bad concept, and I think the...amendment simply makes a bad bill worse and I certainly rise in opposition to it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, I think we're missing the whole concept of this amendment. One is that for the past ten years there has been no housing being built in the City of Chicago. The purchases that CHA makes now, and have made in the past year or two, have been in violation of their own decree where they must...refrain from purchasing in peripheral areas and going to all white areas. They have not purchased and no housing has been constructed for any...any poor people. I think that what we're saying here as we are attempting to do for the Illinois Housing Development Act, is to notify those elected officials in that area that plans are to purchase these properties or buildings and for the purpose that they are intended to be used. In my own community, they have purchased two buildings over a year ago. The buildings lay idle, vandalism is occurring, they have made no attempt to refurbish or to use them, they are off the tax rolls, and yet nobody in the community, the alderman or the community groups themselves were contacted for public input in this. And all this says is that, if they are going to do this, they should notify the local alderman, they should have the...authority or the power to veto any condemnation proceedings because you're going to have the input from the local community. Some people are saying, well

it's too much power for the city council. But at this point there is no building, no construction, no use of the monies for these units in any community. Nobody is getting the advantage of the Chicago Housing Authority's ability to purchase and they've become a very stagnated area. Senator Netsch alluded to...Gautreaux decision, but it was denied in the Supreme Court, they didn't even take it up. So the questions are still there on the legality of this decision. It has not been settled on that point. I think this is a bill that...or amendment that will help those of us that are in neighborhoods that are concerned about low income housing and the impact that it has, and I think that a vote against this amendment would be a vote against your neighborhood's interests and concerns.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah...no, Senator Lenke. I have Lenke, Joyce, Nedza and then Senator Chew a second time. Senator Lenke.

SENATOR LEMKE:

Sometimes with great...interest you look at these bills and you wonder why, and sometimes you take the sweet with the bitter. But I have always been an advocate, as well as the alderman elected in my area, of more local control over public housing, more control by the neighborhoods and by the people that the housing is going to build in. It's always been my theory that if you open a business and you put it into a community that doesn't want it, that business is constantly going to have trouble and eventually it's going to be out of business. This bill, even though there's some provisions in it that are not good, I have discussed it with my local alderman and they think it's a great bill for the communities and I am voting for the amendment.

PRESIDING OFFICER: (SENATOR BUZBEE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. So interesting to hear Senator Savickas in support of public housing, a welcome commentary on this legislation, but we all know what is behind this bill or this proposed amendment. And what we are talking about is setting out the first step and first stage and saving Charlie Swibel and I don't think...

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose do you arise, Senator Taylor?

SENATOR TAYLOR:

Mr. Chairman...Mr. President, I wish he would stick to the main subject of this particular legislation and not any other person. We have not called anyone's name in this legislation at all.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates that he will yield. Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Senator Taylor, where did you get this bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor.

SENATOR TAYLOR:

Where everyone else gets their bill when they file them. I got a bill, and I filed it with the...Reference Bureau and now it's here and file it with the Clerk's office.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Joyce.

SENATOR JEREMIAH JOYCE:

Did you draft it yourself? Did you think it up? Did Mayor Byrne give it to you? Did Senator Savickas give it to you? Where did it come from?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor.

SENATOR TAYLOR:

I think there are very few members on this Floor draft any legislation of their own...of their own. They go to the Reference Bureau and they request the Reference Bureau to draft the legislation and that you...file here in...in the Senate.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Do you know whether or not Mr. Swibel supports this legislation?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor.

SENATOR TAYLOR:

I have not talked to Mr. Swibel about this legislation.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

No further questions.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

Yes, thank you Mr. President and Ladies and Gentlemen of the Senate. In order to probably put things in proper context and clarification, at the time that the bill was in committee, there were certain Senators that had some objections to the bill but had requested the sponsor of the bill to leave the bill on 2nd reading until they can prepare those amendments that they had with reference to the objections that they personally had with the bill. Senator Taylor has acquiesced and and have kept the bill on 2nd reading until those Senators can properly file their amendments, and I

think we're being rather premature in discussing this which is...this amendment which is the bill intact and allow the amendments to correct the bill, and I think we would expedite the bill and save some time if we would adopt this amendment and then allow all those Senators that had those objections in order to...have their amendments to the bill to put it in proper context. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator...Senator Walsh, for the first time, then I have Senator Chew and Newhouse for a second time.

SENATOR WALSH:

Mr. President and members of the Senate, as the sponsor indicated, this amendment is, in fact, the bill so I would hope that my colleagues would consider their vote on...on this matter. We...we have a unique opportunity here to put the whole thing to rest once and for all by defeating this amendment, and then we can spare ourselves the agony of considering all of the others that apparently are...have been filed and are on the Secretary's Desk. The...the amendment on the bill as...as the sponsor has indicated would provide that the...the Chicago Housing Authority be expanded from five to seven members, there doesn't seem to be any good reason why it should. But more important, it provides that the...the seven members who would be appointed by the Mayor of Chicago...determine a salary to be paid to the chairman. I don't think it's good public policy for the chairman of a public body to be paid and the other members not be paid, we'd end up with a czar-like atmosphere of one person running the authority and everybody else just showing up to ratify his decisions. There doesn't seem to be any reason why we should add two people to the Chicago Housing Authority, nor why their terms should be for four and five years, which is unusual in...in a situation where you would add members to a

public board or agency. As I said before, we have a unique opportunity to put the whole thing to rest. Let's vote No on this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Marovitz.

SENATOR MAROVITZ:

Senator Taylor, is the question of the eminent domain power of the CHA addressed in this amendment?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor.

SENATOR TAYLOR:

Yes, it is in this amendment. But, Senator Marovitz I'm certain that you know why this amendment is here, it's an outgrowth from...if you've been reading the newspaper, the articles, that HUD had requested the City of Chicago to do in order to be able to continue to support the public housing with their funding and so forth in the city. And that is why this amendment is here.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

I just want to stick to the...to the one point that I'm not clear on and that is the eminent domain power of the CHA. There...there...there is some contradictory language about whether or not CHA does, in fact, have the power of eminent domain, whether it has to be approved by the City Council of the City of Chicago. What does this amendment do specifically to clarify the power of eminent domain with exclusively the...the Chicago Housing Authority?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor.

SENATOR TAYLOR:

Senator...Marovitz, it provides that, however, that the authority in the municipality have in over five hundred thousand inhabitants is not authorized to accept or on its own initiative to exercise any rights of powers of eminent domain, but instead, instead such rights and power may be exercised for the use and benefit of the authority in proper cases and for the purpose stated in this Act, but only by action of the city council of such municipalities upon their prior written request to...of the authority.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Just to be clear now, is it correct to say that prior to this amendment, there is an ambiguity about the power of eminent domain, and this amendment clarifies that so that the CHA does not exclusively have the power of eminent domain but only by prior city council approval?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor.

SENATOR TAYLOR:

Well, that is basically correct, they have to have the approval of the city council but it's based upon the authority to request that...power from the city council in order to be able to...with eminent domain...act on eminent domain.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

One other question. How does this amendment affect the ramifications of the Gautreaux decision?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor.

SENATOR TAYLOR:

Will you restate your question.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

How does this amendment affect the ramifications of the Gautreaux decision, which required the development of certain public housing units throughout the City of Chicago? In...in certain communities.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor.

SENATOR TAYLOR:

You mean, according to the City of Chicago the statutory inconsistencies were such in a judiciary reluctance in strictly enforcing the city council approval of property be purchased. Requirement of notice and approval of acquisition in municipalities over five hundred thousand has been waived in court.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...all right. Does any Senator wish to address this issue for the first time? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. The point of discussion appears to be whether or not there ought to be prior approval of the city council in this case, and I suggest to you that Senator Chew, among others I know, has an amendment to deal specifically with that. All the subsequent amendments, however, are predicated upon the adoption of Amendment No. 1. My suggestion is, we adopt Amendment No. 1 and get on with our business.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? For the first time? Well, then Senator Chew is recognized for a second time.

SENATOR CHEW:

Mr. President, I'm not recognized for the second time to

discuss the amendment, I merely asked information and I explained to you and the Senate that I was not on the Floor when the bill was called.

PRESIDING OFFICER: (SENATOR BRUCE)

The Chair has been properly admonished. Thank you, Senator Chew.

SENATOR CHEW:

Thank you. The...the whole concept of the Amendment No. 1 is to give the chairman of the Chicago Housing Authority a salary. As we know now, it is not a salaried position. Senator Taylor mentioned about reading the papers, we all have read the papers as to what this amendment is alleged to do. If that was all that the amendment did, I would have no objections whatsoever and to leave the other provisions that's included in Amendment No. 1, if we could leave those out. So in committee hearing, I brought it to the attention of the sponsor and we are dealing with the amendments which I have filed. I...I think the...the whole concept was drawn wrongly, and...and we aren't getting to what the Amendment No. 1 is to deal with, and we're escaping the actual subject of Amendment No. 1. Amendment No. 1, as we know, there's been a lot of controversy about the current chairman of CTA. I have no qualms with the current chairman one way or the other, whether he's done a good job or whether he hasn't, I don't know...CHA. But I do know that this is a backdoor attempt to indirectly remove him from that position by declaring a salary to go with the position, consequently, it has been reported that he would not serve if it became a full time position. Now that's the guts of the entire amendment. The amendments that I have on file, one is dealing with the eminent domain question and the other is dealing with the payment of...of board members and to increase from five to seven. So if the Amendment No. 1 fails or succeeds, then we'll have to deal with the issues as they come up by amend-

ments.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. There's just no way to clean this bill up, it's a bad bill and it gets worse everytime you talk about it. The facts of life are, if you put...if you pay...if you pay the chairman of the CHA, what you in effect are doing is installing two executive directors. There's no way that any operation ought to be run in that fashion, that's the first point. The second point is what the bill does is go on and lock in a discriminatory pattern that that organization has been guilty of locking that city into for the past twenty-five years. Let's face it, that's what this bill does. I regret that I wasn't in committee and I regret that I didn't get a chance to talk to the sponsor before, but this has come up in sixty-seven different forms in this Body, and I don't think that the State, that this Senate, ought to put itself in a position of sanctioning that kind of activity on the part of the City of Chicago and the CHA.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cutoff)...Senator Totten.

SENATOR TOTTEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Part of this amendment was requested as part of the agreement between HUD and...and the city to lift the moratorium on funds. And I just want to read from part of the agreement that was...that was made part of a HUD release on April 13th, in 1982, which said, "Today we are lifting the freeze on operating subsidies to the Chicago Housing Authority. I have asked department staff to speed processing procedures so that funds which have been withheld will be forwarded to the CHA at the earliest possible date. Our action responds to Chicago Mayor Jane Byrne's commendable

initiative in proposing to work through the State Legislature to recast the CHA. Specifically, the Mayor is asking the Legislature to expand the CHA Board from five to seven members and to turn the board's chairmanship into a full-time paid position. Secretary Pierce has agreed to give the Mayor until July 15th to achieve the necessary result." I think...there are...there are other issues that are in the amendment, I'm not quoting from the release, but that we ought to adopt the amendment to keep the...the agreement alive on the funds, and then argue the other issues in the subsequent amendments that are apparently going to be brought forth. So, I would recommend that we adopt the amendment and then take up the debate on the other issues as the amendments are put on.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Rhoads.

SENATOR RHOADS:

I...I wanted to ask a question of the previous speaker, but since he's not the sponsor of the bill, I would ask the question of the sponsor of the bill and the amendment. If we don't adopt the amendment...in response to Senator Totten's remarks a few minutes ago, if we do not adopt the amendment, how does this affect the agreement with HUD?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor.

SENATOR TAYLOR:

Well, if we don't adopt the amendment, it will have a definite effect on the HUD's position. I think that in all fairness that this amendment should be adopted, whether you pass the bill or not is another thing, but I would like to see...that this amendment is adopted so that we can go on with the arguments of the other amendments that will help cleanup this bill and put it in the form that we feel, in this Body, that it should be in. And that's when I...I've

been trying to do here is get this amendment adopted.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Rhoads. Senator Walsh, for a second time.

SENATOR WALSH:

Just briefly, Mr. President. I...apparently from...what Senator Totten was reading from, HUD can be accommodated if certain action is taken either by the General Assembly or Chicago Housing Authority. I...I think everybody here knows that HUD was critical of...of the chairman of the Chicago Housing Authority, and the money was withheld pending his removal from office by whatever means that might...might occur. Now we have a lot of face saving, I guess, by both HUD, and the Mayor of the City of Chicago, and the Chicago City Council, and the Chicago Housing Authority, et cetera, et cetera. I don't know why we should be involved in all of this. If...if there's something wrong with the way the Chicago Housing Authority is being administered and the...and the chairman's presence is no longer desired, he should remove himself. I mean they are all one big happy family in that organization, the city council and the Mayor, I don't know why we're involved in it, and frankly, the letter that was read by Senator Totten I think is irrelevant to the question at hand. The...the issue is one that should be resolved within the City of Chicago and not in Springfield. The...the amendment is just not good public policy, the idea is not good public policy, and I think the amendment should be defeated and the idea put to rest.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. I have Senator Keats and Philip for the first time and Senator Marovitz for the second time, so we'll take Senator Keats, then Senator Chew for the third time then. Senator...Senator Keats.

SENATOR KEATS:

I...I just want to say I wish you guys would all quit picking on my constituent Charlie Swibel. I don't know what you guys got against Charlie, he lives up in my district at 56 Hibbard Road in Winnetka or Northfield, and if you guys would quit kicking him, I'd be a lot happier because it's unfair for you guys to discriminate against my constituents.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip...Senator Philip. No. All right. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President. I'm sorry to speak for a second time, but this is an issue that my community has been involved with for the last several years and HUD, and CHA, and the City of Chicago. And whether you vote for this amendment or whether you vote for the bill, I don't think anybody should...should believe that there are really any negotiations involving HUD involved in this amendment or this bill. HUD's really got nothing to do with this, the agreement between HUD involved in any of the cases that are pending or have been decided, the City of Chicago, the CHA have nothing to do with this amendment or...or this legislation. Vote on the merits of the...of the legislation...the amendment and the legislation itself. There is...this has nothing to do with any agreement determined in or out of court, and HUD is really uninvolved in this entire situation as far as this bill or this amendment goes.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Chew.

SENATOR CHEW:

Yeah, I want to clarify with Senator Totten, there's no one in this Chamber or the City of Chicago that has seen one piece of print in any kind of an agreement from HUD of the Federal Government and the City of Chicago. Now it is an optical illusion for someone to say that this is an agreement

by HUD for this legislation. The things that are contained in this Amendment No. 1, HUD has absolutely nothing whatsoever to do with it, and they would never stoop to that position to make this kind of an agreement that we continue to label, a HUD-Chicago agreement, it is not true. And the monies that were released recently, the fourteen million dollars to the Chicago Housing Authority was not, and I want to emphasize, was not predicated on any kind of an agreement between the City of Chicago and the Federal Government. Mr. Pierce came to Chicago, I had a personal conversation with him and brought...brought it to the attention of what the rumors were, and Mr. Pierce who is the Secretary of Housing United States Government denied any kind of an agreement. That money was released predicated on what Chicago could furnish and it had absolutely nothing, absolutely nothing to do with whether Charles Swibel stays as chairman or whether Charles Swibel leaves as chairman. The State of Illinois, the Illinois Senate and the Illinois House, neither one, should have anything whatsoever to do with this amendment. It's a waste of time of all of our working legislators here to even take the time to discuss it because it is a Chicago problem and it should be dealt with in Chicago. And it can be dealt with in Chicago if people want to show their responsibilities. Chicago Mayor's make those appointments to the boards and the Chicago Mayor's can remove those appointees from the board. I don't intend to save anybody's face to keep friends because all of the people up there are friends of mine, the Mayor of the City of Chicago, Charles Swibel, and now I've met Mr. Pierce. But I want to emphasize, there is no agreement, no agreement between HUD and the City of Chicago where this amendment is absolutely necessary in order to do the job that some people say they want done, but they send it down here to us to have us do the hatchet job that should be done in Chicago, if it's a hatchet job.

If Mr. Swibel wants to stay on in...in CHA, then he has a right to stay on until he's removed by his appointer, and the city...the...the Illinois Legislature did not, in fact, appoint Charles Swibel to the board or to the chairmanship of Chicago Housing Authority. And why should we have the responsibility of setting up some phony kind of legislation whereby he will resign. If the Mayor wants him to resign, then tell him to resign, if he fails to resign, the appointed members of the board will, in fact, take a vote on that. That's where the power is, in the board of CHA, not in the Senate of the State of Illinois, or not in the House of the State of Illinois, or not in the city council. They do not have to ratify an appointee being removed, that responsibility is left entirely to the chief executive of the City of Chicago, be that anybody. It's not a Mayor Byrne or a Mayor Daley, or Bilandic or who will be Mayor from here on in. We are usurping the powers that Chicago has and we should not do it.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there further discussion? Senator Taylor may close. Senator Taylor, perhaps you can handle that on your close.

SENATOR TAYLOR:

Thank you very much, Mr. President. I think both Senator Walsh and Senator Chew are both wrong in the statement that they made in relationship to the mayor being able to remove any person from that particular board. The Department of Community Affairs of the State of Illinois have the power, they have to approve and they have to remove. The Mayor of the City of Chicago cannot remove, and it has so been stated before. I think they are wrong in their allegations of what is going on here. I have been watching the arguments of racial discrimination in terms of public housing. Right now a project is trying to be built in...in IDHA, IDHA is trying to build a project in Aurora. Right now the community out

there and the legislators are from that particular area has not wanted that particular housing project built because it will bring other people into their community. I, for one, have always wanted to be able to build homes and houses in the City of Chicago. In today's Tribune, if you read the article carefully, you will see where some thirty-eight units are being built now in my community there on the sixty-one hundred block on Halston, the first of its kind for many of years, and I think that this bill here will go a long ways in helping us to correct some of the problems that we have. I do not think and they mentioned Charlie Swibel, that he is totally the fault of the operation of the Chicago Housing Authority. There has been many persons in the City of Chicago that cannot operate on a six-flat building in one community, that meant many of you right here in this community. And I think Senator Walsh is one of them that owns property in the City of Chicago and about to walk off from it because of the fact that the upkeep and the problem that exists in those communities that they cannot contend with. I'm just saying that the city council has the right, every alderman there has a right, to know what is going on in his or her community. And that is what this is all about, giving them a chance to have some input too. Just as we want input in what is going on in the State here, they want input on what is going on in their various communities. I do not see anything wrong with adopting this amendment that we have and then going and trying to straighten the bill up and put in the fashion that it should be. I solicit your support for...Senate Bill 1632, Amendment No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The motion is to adopt Amendment No. 1 to Senate Bill 1632. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?

Take the record. On that question, the Ayes are 22, the Nays are 35, the motion to adopt is lost. Further amendments, Mr. Secretary?

ACTING SECRETARY: (MR. FERNANDES)

No further committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor.

SENATOR TAYLOR:

Mr. President, will you hold this bill on 2nd reading, please.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The sponsor has asked that the bill be held on 2nd reading. Is there leave? Leave is granted. 1645, Senator Gitz. For what purpose does Senator Rhoads arise?

SENATOR RHOADS:

On a point of personal privilege. Mr. President, we've had several groups visiting Springfield today and seated in the rear gallery is the Hinsdale American Association of Retired Persons group led by their chairman, Gertrude Finnigan and two former teachers of mine, Roy Latimer and Frank Stacey and I'd like them to be recognized and welcomed.

PRESIDING OFFICER: (SENATOR BRUCE)

Would our guests in the galleries please rise and be recognized by the Senate. 1651, Senator Bloom. 1654, Senator Schaffer. 70...1670. 1671, Senator Simms. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1671.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Simms on Amendment No. 1.

SENATOR SIMMS:

Thank you, Mr. President. Amendment No. 1 expands the definition of an employee to include persons serving on public entities and persons who either as volunteers or pursuant to contract furnish professional advice or consultation to State agencies. I would move for the adoption of Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

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

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Simms.

SENATOR SIMMS:

Committee Amendment No. 2, Mr. President and Ladies and Gentlemen of the Senate, indemnifies physicians employed by the Department of Mental Health and Developmental Disabilities. I would move for the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR BRUCE)

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

ACTING SECRETARY: (MR. FERNANDES)

No further committee amendments?

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No amendments from the Floor?

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. 1678, Senator Carroll. 1681, Senator Philip. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

(Machine cutoff)...81.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip to explain Amendment No. 1.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1681 as amended...the Amendment No. 1 is a committee amendment, it is the entire bill although we have some four more amendments. And it really is the product of the Chicago Association of Commerce and Industry. They came down to Springfield some year ago concerned about mass transit in Northeastern Illinois. The Governor threw a challenge at them and said, well come up with a suggestion. This is some eight months to a year's work in reorganizing and putting, we think, a business-like attitude towards mass transit. So I would ask your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 1. Discussion of the motion? Senator Demuzio.

SENATOR DEMUZIO:

Well, yes...the sponsor would yield for a question. What...what is in the amendment?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

All right, I'll tell you. It creates the Northeastern Illinois Transit System with eleven members, a super board. Under that would be suburban bus, suburban train and the CTA.

PRESIDING OFFICER: (SENATOR BRUCE)

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

ACTING SECRETARY: (MR. FERNANDES)

No further committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senator Philip.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip on Amendment No. 2.

SENATOR PHILIP:

Amendment No. 2 is strictly a technical amendment and I move its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

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

ACTING SECRETARY: (SENATOR BRUCE)

Amendment No. 3 offered by Senator Sangmeister.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. Amendment No. 3, after conferring with the sponsor of the bill, I have drafted here an opt out amendment for the Counties of Kane, McHenry and Will. The amendment is detailed as to what the requirements are to opt out. It has to take into consideration, of course, if you do opt out, that the commuter rails and whatever other public transportation may be in the system has to be properly accommodated. In other to give this system, if it becomes law, a chance to work, there will be no opt out until three years after the effective date of this Act. I think it's a reasonable approach, it's something that these three counties have certainly wanted and would request a favorable roll call on...or not a roll call but a favorable vote on the amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt. Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, will the maker of the amendment...yield for a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

...Senator, have you included Lake County in there, 'cause I didn't here it?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

No, we didn't. We generally felt that Cook, DuPage and Lake, if anyone needs the mass transit system that is being proposed by this legislation, those are the three counties. We felt Kane, McHenry and Will have always been the counties that have been put upon in this kind of legislation, therefore, that's why we are allowing them to opt out.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I will support...the amendment and the maker, but I wish he would amend it to add Lake too. I think our people are entitled to have a right of referendum...as well. Believe me, they are. Would you be willing to amend your amendment, on the face?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

I'm sorry, not at this date.

PRESIDING OFFICER: (SENATOR BRUCE)

...further discussion? Senator Grothberg.

SENATOR GROTEBERG:

Thank you, Mr. President, fellow members. I rise in support of Senator Sangmeister's Amendment No. 3. The concern that we have had, I personally have had, my constituents and I believe suburbanites in general have been with the existing law that we've spent years to get on the books through Senator Schaffer, Senator Sangmeister and others, to reserve the taxes that are raised in the county to come back to that county is not included in the bill before us. However, given the project of a three year test run, I think that most communities, counties, suburban counties, and I speak for Kane and now DuPage and suburban Cook probably too, would understand that every system has to have a chance to work. This is the safety valve then, that if they fail that...that the system has gone sour and that those monies are not being...returned in the form of service, that there is a way out, and therefore, I rise in support of Amendment No. 3.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Sangmeister may close.

SENATOR SANGMEISTER:

Well, as Senator Grotberg has indicated, I think three years also is a chance to give this new system if it becomes law a chance to work. If it doesn't work at the end of three years, we ought to be able to get out. Request a favorable roll.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is on the adoption of Amendment No. 3. Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 4 offered by Senator Rupp.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp is recognized.

SENATOR RUPP:

Thank you, Mr. President. Amendment No. 4 holds harmless the downstate districts and provides that from the Downstate Public Transportation Fund that no participant would receive less in this quarter than he did in the previous year's quarter. That's the only change in this amendment. I ask approval.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 4. Is there discussion of the motion? All in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 4 is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 5 offered by Senator Newhouse.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Newhouse is recognized.

SENATOR NEWHOUSE

Thank you, Mr. Chairman, members. Amendment No. 5 increases these...the limits on administrative expenses to a more realistic level of nine percent initially and seven percent in 1985 and thereafter. This amendment also makes a technical correction to the bill so that all taxes permitted under the bill are used as the basis for calculating the administrative expense limit. These taxes are...are identical to the taxes currently permitted in the RTA Act. I move its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 5. Discussion of the motion? All in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 5 is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Just for the...as a reminder to the membership, the Gridiron Dinner is this evening, and I'm informed

that the Gridiron Dinner is now sold out but anyone who wants to be put on a waiting list should tell the Press Secretary, Tom Massey, at the front desk in the press room and they will see if any tickets are available. Senator Chew,...did you wish to go back to 1601? All right. Is there leave? 1601 has several amendments also that we would like to dispose of today. Is there leave to return to Senate Bill 1601? Leave is granted. 1601, Mr. Secretary, read the bill, please.

End of Reel

REEL #3

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1601.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on...transportation offers six amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Chew to explain Amendment No. 1.

SENATOR CHEW:

Amendment No. 1 cleans up the bill itself. Amendment No. 2, I would ask request to Table No. 2.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 1. Discussion of that motion? All in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Senator Chew now moves...Senator Chew moves to Table Committee Amendment No. 2. On the motion, all in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is Tabled. Amendment No. 3, Senator Chew.

SENATOR CHEW:

That gives downstate subsidy. I move its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt. Discussion? All in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Amendment No. 4, Senator Chew.

SENATOR CHEW:

Amendment No. 4 is a labor protection amendment that the Council of Mayors requested that we adopt, and I move its adoption...contraction.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 4. Discussion? All in favor say Aye. Opposed Nay. The Ayes have it. Amendment

No. 4 is adopted. Amendment No. 5, Senator Chew.

SENATOR CHEW:

Amendment No. 5, Mr. President, is additional protection labor cause that has been requested, and I would move its adoption, just protects the workers which everybody has agreed upon.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright, the motion is to adopt Amendment No. 5. Is there discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President. Senator Chew, I'm sorry that I didn't get to you earlier on this, but the previous bill that we had I put an opt out provision in that mass transit bill. There's none in this one, is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Chew. Senator Sangmeister.

SENATOR SANGMEISTER:

Would you have any objection if we drafted one to put into this legislation, or what....what's your position on attempting to put an opt out in here?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Chew.

SENATOR CHEW:

The Council of Mayors, Senator, did not wish to have an opt out position in this legislation. They were violently opposed to it, including the mayors from your area.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

I would respect that. Not necessarily vote for the bill but respect that.

PRESIDING OFFICER: (SENATOR BRUCE)

On the motion to adopt Amendment No. 5, discussion? All in favor say Aye. Opposed Nay. The Ayes have it. Amendment

SB 1289
3rd Reading

No. 5 is adopted. Further...Senator Chew on Amendment No. 6.

SENATOR CHEW:

Amendment No. 6 returns the CTA Board and salaries to its composition. I would move its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 6. On the motion, all in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 6 is adopted. There are no further committee amendments, are there amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No amendments from the Floor.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Is Senator DeAngelis on the Floor? We're now going to the Order of Senate Bills 3rd Reading. Senate Bills 3rd reading, Senate Bill 1212, Senator Maitland. 1242, Senator Berman. 1264, Senator Rhoads. 1265, Senator Buzbee. 1267, Senator Netsch. 1272, Senator Coffey. 1280, Senator D'Arco. 1289, Senator Lenke. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1289.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LENKE:

What this bill does now is put us in tightening legislation for the Department of Revenue to police the illegal operations in bingo palaces and bingo games throughout the State. This does not have a limitation on the game which we took out. It does reduce the prize to twenty-two fifty. I ask for the reasonable adoption of this bill to conform to the request of the Legislative Investigating Committee. They found...various violations in the operation of bingo in the

State of Illinois. I think the bill is...meets half the requirements of the Illinois Legislative Investigating Committee. The only requirement it doesn't meet is the limitation of the game, and there was requests by numerous charities not to limit the number of games at one facility, so we took that out and wanted to see how it would...this new...these new provisions would operate in eliminating illegal operation in the State of Illinois of bingo.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is on the passage of 1289. Is there discussion? Senator Rhoads.

SENATOR RHOADS:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he's...he will yield. Senator Rhoads.

SENATOR RHOADS:

Senator Lemke, what is the current position of the administration on the bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

The current administration of the Department of Revenue is for the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten.

SENATOR TOTTEN:

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

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Totten.

SENATOR TOTTEN:

Senator Lemke, in committee there was considerable discussion regarding some of the human service providers who receive receipts from the bingo as to the size of the prize,

has that been resolved? I see that the bill as proposed here has not been changed.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LENKE:

As you recall, Senator Totten, we had some discussion, the numerous churches and Veterans groups were...wanted to limit the number of games at one facility and also cut the size of the prize down to a certain amount. The...some of the charities wanted to not have any limits and not cut the size of the prize. What we did is try to come up with a compromise to please everybody half way, and I think we've done that. I think...and what we do is the Legislative Investigating Commission recommended that we start off with a prize of fifteen hundred to twenty-two fifty and we took the top amount they recommended. So I think that the bill is a good bill and...as it is now. We have to do...do something to limit it. I think it will put competition back in bingo and we'll get rid of the illegal operations that are going on. And the reason being is that small bingo games are going out of business, because if you take a prize of twenty-five hundred dollars most churches and Veterans groups have halls that hold between two and three hundred people, they will not be able to operate bingo, and the true purpose of bingo will not be given by putting a higher prize when you take the profit out of it. And I think...the way it is now, I think it's a good bill and I think it takes care of everything.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten.

SENATOR TOTTEN:

Thank you, Mr. President. Does the City of Hope, Little City and the other groups now support the bill as you're presenting it?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LENKE:

They support the bill as far as the...taking the game limitation off. They are...there's about six or seven large groups that oppose the...limiting the prize, but as I told them that bingo is for everybody in the State, and I don't see by limiting the prize to twenty-two fifty where it's going to hurt them, because what it does is gives them more money to be used for charity and less money to be given out as prizes so, therefore, more money will go to the people that the bingo game is named to operate for, that's the recipients of their proceeds.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten.

SENATOR TOTTEN:

Thank you, Mr. President. I understand that, but the question that I asked was, in it's form at twenty-two fifty are those groups supporting the bill? I think it just is a yes or a no.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LENKE:

No.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten. Senator Grotberg.

SENATOR GROTBORG:

Thank you, Mr. President. Addressing the bill as it's before us, I have been informed that the sponsor is correct in that the Department of Revenue has worked very closely and through compromise has arrived at some language that they can live with and are actually in support of it, the Governor's Office does remain neutral on the bill. I think how you vote on our side of the aisle, if anybody cares, is how you feel about bingo but there is no particular red flag on this par-

ticular bill. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank...thank you, Mr. President. I also would rise in support of the bill. I suppose it is literally accurate that a few of the groups that appeared before the committee may still not be happy with the fact that we have returned the maximum prize to the amount at which it was set several years ago. I think, however, that the principal bone of contention for those groups which was the limitation on the number of games has clearly been removed, and that was the one thing that would have hurt them very badly if it had remained in the bill, so that while there may not be one hundred percent happiness for some of the groups, I think a lot of them, as they indicated to us at the time of the hearing, were really not all that upset with the maximum prize of twenty-two fifty. And along with that, I should point out that there are...some other very important provisions in the bill which have to do with the enforcement and policing of this whole business. They are very important provisions. I think it is a very good reasonable accommodation of what started out to be a...a very major conflict between some of the charitable groups and I would urge support of Senate Bill 1289 as it is amended.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Nedza.

SENATOR NEDZA:

Yes, thank you, Mr. President. Ladies and Gentlemen of the Senate, I've received considerable correspondence on this particular issue from the churches and some of the smaller groups within my district. They do concur with the limit of twenty-two fifty on the prize because, in fact, this makes them more competitive, and therefore, some of these smaller

churches, Veterans groups and charitable institutions will have a similar draw and it will be a draw that they will be able to tap upon because of the fact that they will not be enticed to go to other establishments because of larger game prizes, so I rise in support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR LENKE:

I think...I ask for...I ask for a favorable vote. I think that everybody I talked to, even those people that are against the prize limit, said they can live with the bill and operate under it, and I assured them if...we're not trying to put any legitimate charity out of business or any legitimate church or anything like that, what we're trying to do is to tighten up the law to regulate bingo in the State of Illinois, and we asked them to go along with this and most of them have, most of them from downstate have gone along with this provision, and I assured them if...if it's not liveable, then next year we could correct it. But we have to start now to do something to eliminate bingo palace. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1289 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none and 3 Voting Present. Senate Bill 1289 having received the constitutional majority is declared passed. Senate Bill 1290, Senator Lenke. Senate Bill 1302, Senator Sangmeister. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1302.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Yeah, thank you, Mr. President and members of the Senate. Senate Bill 1302 is drafted in light of what has happened with the Economic Recovery Act of 1981, wherein for all practical purposes there is no longer any Federal estate tax between husband and wife. Certainly if they can do that at the Federal level, I think we ought to put Illinois law into conformance with it and I don't think there should be any Illinois inheritance tax between a husband and wife. I could tell you from experience, and I'm sure the lawyers here with me will support that and others know the trauma that is involved when a widow or a widower is in your office and finds out after they've worked all their life to put together their home and a few other thousand dollars in the bank that all of the sudden they've got to pay a sum...portion of that money to the State of Illinois. I think the Federal Government recognized it and I think we ought to. The problem originally with the bill was...was that, of course, it would cost the State of Illinois something like a loss of revenue of forty million dollars. In order to compensate for that, I have conferred with the Attorney General's Office and we have raised the rates, not the exemptions, we haven't touched the exemptions at all, but we have raised the rates on sisters and brothers and aunts and nieces and nephews and children, who, I think, do not in any case stand in parity with the spouse. And if we can do that, this will not cost the State of Illinois any money at all. I think it should be very palatable to the Governor that he can sign this kind of a bill, and I don't want to pass legislation that he would have to veto. So, on that basis, we made that amendments. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Bloom.

SENATOR BLOOM:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he will yield.

SENATOR BLOOM:

Senator, basically you're saying you take all death taxes off the spouse and then you jack up the other. Could you tell us what the percentage is? What the changes are, from what to what, and then I have another question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, I can, Senator Bloom. Of course, you realize that's...that's a long schedule, I'll just give you a couple...I'll...I'll go through each one of the categories. For example, in Class 1 which is the spouse...which is the child and sister and brother, the rate went from two percent on the first fifty thousand to three percent. It went from four percent to six percent on the next hundred thousand, so...and then, of course, it goes all the way on down the schedule. An uncle, aunt, niece or nephew on the first twenty thousand the old rate was six percent, it would now go to eight percent. On all others, except charitable, in other words a friend, it would go from ten percent to fourteen percent on the first twenty thousand, and as you know there's a whole schedule all the way down.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

As a...as a rule of thumb, basically the others are being jacked up by about two percent, is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...

SENATOR BLOOM:

The problem I have is, we passed out two times last year the abolition of the inheritance tax and going to the Federal pick up, and of course, it was defeated in the House because of the question of loss of revenue. And the problem I have, Senator Sangmeister, 'cause I obviously supportive of reducing death taxes, I...I believe that it works against the family business and the family farm, the present system, is that that would make it that much harder...are you done Paul...it would make it that much harder to go to the kind of system that they have in Florida and the Sun Belt, because the difference between the Sun Belt and the Frost Belt isn't climate, it's taxes. Could you next year go along in supporting the full abolition of the Illinois death tax and go to the Federal pick up?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, in fact the very proposals that you talked about previously, if you look at the roll calls, you'll find me on them. I...I agree with that concept, I have no problem with it, but right now I think we have to look at the situation as it is today.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator McMillan.

SENATOR McMILLAN:

Well, Mr. President and members of the Senate, I rise reluctantly in opposition to the bill. I think I could have supported it had it been simply allowing the spouse to be freed from the inheritance tax, but for a lot of small businesses or medium size businesses or family farms or whatever in which they may be right at the point where, in order to...to get that business or get that farm transferred from

one generation to the other, what we're really doing, in fact, is increasing the inheritance tax on that particular kind of transfer. It's a...it's a heck of a good bill from the spouse standpoint, but it does provide increases for...in the inheritance tax rates for a large number of other kinds of inheritances and for...for that reason, I would oppose it. It's...it's one of those very complicated bills and...and there is some controversy over whether or not it would cost the State revenue. I think Senator Sangmeister has designed it so that it would not be any...any net loss. It's very hard to tell about that, but even if we accept the fact that it would not be any net loss, I find some problem in the fact that all of the other rates are going to be increased.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berning.

SENATOR BERNING:

I have a question of the sponsor, please. The inheritance tax is collected by the counties and for this service they get a small charge. Do you have any projection as to what impact the passage of this bill would have on county revenue?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Shouldn't change it whatsoever, Senator Berning. They'll collect the same percentage that they have before and where it would be down on spouses, of course, there'll be a certain increase in the other categories and that percentage should work out the same.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berning.

SENATOR BERNING:

I don't quite follow that. If there is no inheritance tax for the spouse, then there can be no tax collected and

the county would get no revenue, isn't that true?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

In that category that's correct, but as far as the other categories, sisters and brothers and children and nieces and nephews, if that percentage is going to be higher when the county applies their tax collection percentage against it, it would give them that much more revenue over on that side, so it will equalize out. There's no loss to the counties.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berning.

SENATOR BERNING:

Well, perhaps you have answered the second question then. You are saying that the increased rate for other survivors will generate the same income as what is now the case, is that right?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

That is correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berning.

SENATOR BERNING:

One other question then which is not totally relevant, but we have at least two other bills before us, what is the major conflict between yours and the others, or are you prepared to compare them?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

I'm not prepared to...I...I have not done an analysis between the other bills that are...are floating around in this particular area. This is the concept and the way I

think we ought to go so I cannot give you a comparison. Each of them approach the problem a little bit differently, each one of them has different fiscal implications and I have not compared them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berning.

SENATOR BERNING:

Well, I just wanted to make one other comment, Ladies and Gentlemen of the Senate. It isn't always true that the siblings, the other heirs, brothers, sisters, and others are the beneficiaries of a windfall, if you will. A...an inheritance from an estate is equally as important to the children or aunts or uncles or grandparents or anyone else as it is to the spouse in my opinion. I have seen many an instance where children have been as destitute, if not more so, than a spouse would have been without the benefit of an inheritance, and while the Senate sponsor of this bill indicates he will support eliminating the inheritance tax altogether and that may be wishful thinking, I believe that by imposing an additional burden to offset the advantage for the spouse is not being fair with the other so-called inheritance participants.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Gitz. Senator Gitz.

SENATOR GITZ:

I rise in support of Senator Sangmeister's bill, and I recognize as Senator Bloom and Senator McMillan have pointed out none of us feel comfortable about raising the other rates. But I don't think that there is anyone here who is probably naive enough to believe that we can pass an inheritance tax reform bill all the way through the process that is going to affect Fiscal Year '82 revenues and have any hope and expectation that it's going to be signed. And I think, too, that most people who are voting on this issue would agree that the first place that we ought to start with reform

is at least among surviving spouses. None of us enjoy the idea that brothers, sisters, or sons or daughters will pay a higher rate. But I think we can live with that for at least three hundred and sixty-five days to try to get a needed reform, and I think we can do that without lessening any commitment with the recognition that the first order of business when that State economy begins to pick up ought to be to look at these other areas that people like Senator McMillan and Senator Bloom and others have historically fought for constructive change in. It's a question of what we can realize at the moment. And I think that most of our constituents who have written us about this issue, if we were to put it to them in that kind of a basis, to say, "No, we don't like to raise the inheritance tax for other categories, but wouldn't you agree that a person's mother or a person's father ought to be entitled for those remaining years to live with a measure of dignity without that transfer of tax?" I think that most reasonable people would answer that, at least for now, yes. And I believe that this proposal does represent another alternative for those of us who believe that there are other ways to go about this, there are other bills on the Calendar, but I think that it is a worthy proposal, we've been recognizing the deficiencies that none of us like to have to make up that revenue loss to pass this legislation out of the Senate, to send it to the House for their consideration. The Senate, ironically, has gone on record time and again, and I have joined Senator Bloom on those roll calls as well in a complete elimination, it has been the Illinois House that tends to not, for whatever their reasons, to have been sensitive to a bigger and major reform in the inheritance tax, and I think if nothing else, the passage of this bill will point out the problem, will point out that Illinois ought to follow the Federal example, that we are sending a message to our colleagues, that we are setting the

stage for a needed reform in the entire inheritance tax schedule. Quite frankly, I wish too that we had gone further in our amendments to this bill. I wish there was no inheritance tax in this issue, but I think we have to be cognizant of what we can approve now that is going to make some very needed reforms in the very immediate future, and for that reason, I rise in support of Senate Bill 1302.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg.

SENATOR GROTBORG:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he will.

SENATOR GROTBORG:

...Senator Sangmeister, for those of us who don't practice inheritance tax law, would you edify, for my benefit at least, what the exclusion is now or what are the upper limits of the surviving spouse exemption?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

The present exemption for a spouse is sixty thousand dollars, for a child it is forty thousand dollars, for a brother it is ten thousand dollars, for an uncle, aunt, niece or nephew or a cousin it's five hundred dollars, and for all others it's one hundred.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg.

SENATOR GROTBORG:

Could you, by the same token, rattle off the Federal exemption?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGHEISTER:

The Federal estate tax is not a tax on individuals as the Illinois inheritance tax is, that is by your relationship to the decedent. The Federal estate tax is a tax on an estate, but presently that estate carries the...it's a total exemption between husband and wife, then as far as whoever the rest of the heirs may be, as of this fiscal year, it's two hundred and twenty-five thousand, '83 it goes to two seventy-five, '84 to three twenty-five all the way up to 1987 when there's a six hundred thousand dollar exemption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg.

SENATOR GROTBORG:

Thank you, Mr. President. Speaking to the bill, my concern is that this bill then makes it almost attractive for me to leave everything to my wife and nothing to my kids, to the degree that those dollars are important that we're talking about. And, if I do that, not that I feel a bleeding heart for local units of government and counties and everything but to the degree that this impacts future drafting of wills and legacies in the State of Illinois, it will become an attraction to leave everything to your wife and let the next generation pass through if there are children and surviving relatives, so that I think it's opening up that can of worms that has not been addressed in debate. I raise it, if you have a response, I would like to hear it in your close, Senator Sangmeister, but it...it...it tells me one thing that I'm going to change my will.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President and members of the Senate. Senator Grotberg brought up the point that I was going to inquire about. Our State inheritance tax now has a sixty

thousand dollar exemption for a spouse, and as I understand the origin of this tax, it was intended to tax the wealthy primarily, and those exemptions were put in the law many years ago and were never raised as they should have been over the years with inflation so that in many instances those taxes are now being applied to the smaller estates. It seems to me that a better way to approach this problem, Senator Sangmeister, might be to increase the exemption for a spouse to something like the Federal Government has done under President Reagan's tax reform bill of 1981 which would gradually phase in the estate tax exemption to some six hundred thousand dollars, I think, per person. I...I recall a few years ago the...the tax revenues to the State of Illinois from the Wrigley family, for example, and the inheritance taxes, and I wonder if it's good public policy to completely eliminate taxes to the estate of a spouse in the case of those very large estates, and I'd be interested in your response to that question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, I think the approach that I have here at the State level is minimal when you compare it as to what it is at the Federal level. Can you imagine what tax relief has been given under the Economic Recovery Act of 1981? This is...this is a spit in the bucket so to speak to what the Federal Government has done. So, if you're concerned about what this may do as between spouses, you know, you should talk to your Congressman.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you. Just as a response to that as far as this being a spit in the bucket, it's no spit in the bucket.

The...the fact is that the exemption under the Federal estate tax was increased drastically and I agree with you that that is a large reduction in taxes, but this tends to eliminate the tax as far as spouses are concerned and I wonder if we should go that far.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, when we know that the Federal Government has...has completely exempted spouses, I think it's only fair that we be consistent under Illinois law and make the same exemption. Personally, I don't like inheritance taxes for anyone. But as I know Senator Sangmeister and I both feel, and I'm sure Senator Bloom does too, we certainly will work in the future trying to eliminate them...them more and more. However, the facts remain, when you represent a number of widows and widowers such as I have and some others in here who've had it very tough because of the present tax rates in Illinois, I think it is only fair and equitable even though it might hit my inheritance...whatever I leave a little more because I'm not married at the present time. I certainly speak in favor of the bill. I think it's only being consistent with the Federal exemptions and I urge favorable support of it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nimrod.

SENATOR NIMROD:

A question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR NIMROD:

Thank you. Senator Sangmeister, in line with Senator Bloom's question before about the elimination of inheritance tax and some of the questions that have come up since then,

and I'm aware of the impact it would have in '82 or '83 but would we ever consider maybe amending your bill to incorporate the phase out of the entire Act like with a two or three year delay and with...taking place over a five year period as...as the bills had been presented? Maybe that would solve everybody's problems and then get your immediate one passed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Senator, I considered that approach but we don't know what the future is going to be, and I'd like to look at this legislation as to what it does today so that the Governor can understand what the economic...or what the fiscal implications of this bill would be today, not what it may be down the road. You know, Senator Taylor just said he's going to be back next year or somebody's going to be back next year and we could take a look at it then.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bowers.

SENATOR BOWERS:

Thank you, Mr. President. I rise in support and, Senator Schuneman, I just wanted to point out that I think...I'm not quite sure from your...from your statement that you understood that the Federal Act does eliminate all taxes as between spouses and that's what this is attempting to do. And I would say to Senator McMillan that if you're concerned about the children, think of it this way, when the...when the parents die or when the spouse dies, there is more money going to the remaining spouse, there's no tax at that time. Now, if she doesn't need the money, then there's going to be more for the kids so, in effect, I don't know that the children are going to be hurt. If she does need the money, it's there. I frankly think it's a little unseemly for the State of Illinois to be taking dollars away from what has been an

economic unit as it's accumulated those dollars over the years, that is a husband and wife when part of that unit goes. I think it's much more sensible if we're going to have an inheritance tax at all to tax it when that economic unit disappears in its entirety. In other words, when the surviving spouse is deceased, then the State can reach in and grab its... its share. But I think it's...it's really a terrible thing, and if you've handled inheritance tax cases as Senator Geo-Karis says, when you have a spouse comes in, they've saved their money all their lives, it's not a lot of money under today's standards and all of the sudden you say, "Oh, by the way, the State wants part of those dollars." She's always considered them her dollars, they should be her dollars, and for Heaven sakes, we know that we can't get a bill signed unless we draft it in such a way that there's no economic impact in these times. I think the Senator's done an excellent job and I would hope we would pass it out of here.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President. I'm reluctant to rise a second time but my name has been used. My concern is here that what essentially we're doing is putting a tax increase on your family business and family farm no matter how fancy your arguments are, the bottom line is we're increasing a tax on generational transfers, and I just wonder if that is what this Body wants to do because spouses, according to our staff work, account for about twenty-five percent of the inheritance tax dollars in Illinois, now the other seventy-five percent, basically, are going to have this increase. Now is that fair? I think that's a...a difficult question to put to this Body. And when you get down to it and you're talking about estate planning and you're talking about your small

business and your family business and your family farm and this is my...my concern. You're ending up increasing their taxes and I just put the question to the Chamber. Is this fair? Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR SANGHEISTER:

Well, thank you, Mr. President and members of the Senate. Just briefly in answer to some of the questions that have been raised, Senator Schuneman, I think, was adequately answered by Senator Bowers, it's exactly what the Federal Government has done as...he questions whether we should eliminate taxes between spouses, that's exactly what the Federal Government has done and that's exactly what this bill will do. As far as Senator Grotberg's question is concerned as about how estate planning is going to go, I would suggest to you, Senator, that it will make estate planning a lot easier when you know that there's not going to be any taxes between the spouses and you can correlate that with the...with the Federal law. And I would say to you anyway and probably in your own personal estate planning, that ninety percent of the property you have today is in joint tenancy between your wife and yourself anyway, and it's going to pass by way of operation of joint tenancy and this is going to preserve it from taxation, alright. Senator Bloom, I don't understand your argument at all, I think Senator Bowers also indicated that with less taxes or no taxes between spouses, there'll be much more...or not much more, there'll be some more to pass down to...to subsequent generations and if dad dies and mother gets it all tax free, let her go into a gift tax program and move it out of her estate on that basis if there's so much...if it's going to be that big of an estate. But I think what's important here is that

we get our priorities in order. What's more important, your spouse or your children? I say to you right now, what do we owe to our children? I hope my son is in listening distance. You owe your children nothing more than an education, in my opinion, that's all you owe them and after that, whatever they get from...from the last spouse that dies is nothing more than a windfall. A windfall for children, what do you think it is for a brother or sister that gets an inheritance? If that isn't a windfall, I don't know what it is, or a person who isn't related at all. Let's get our priorities in order. The spouses work a lifetime together to preserve these assets and they should be tax free. The Federal Government has recognized it, the State of Illinois can now recognize that and without one cent of tax loss to the State of Illinois. I urge your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1302 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 4, none Voting Present. Senate Bill 1302 having received the constitutional majority is declared passed. For what purpose does Senator Rhoads arise?

SENATOR RHOADS:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR RHOADS:

Mr. President, we have one more championship group here today, they're from the Hardhats Club from Lions Township High School in La Grange, Illinois are here with Representative Boucek. They are holders of the world's record for a marathon volley ball game...breaking the previous world record that was held by a team from England of seventy-five

and a half hours, they've set a new world's record of seventy-seven hours. I'd like them to be recognized, from Lions Township High School.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would they please rise and be recognized. Senate Bill 1379, Senator Jeremiah Joyce. For what purpose does Senator Johns arise?

SENATOR JOHNS:

Didn't you just have 1302?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Yes, I've got a note here that there's amendment that they're preparing.

SENATOR JOHNS:

Yeah, I want to bring it back for the purpose of amending it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Oh, fine, okay. On Senate Bill 1329, Senator Johns.

SENATOR JOHNS:

Yes, the first amendment, Mr. President and members of the General Assembly here...Senate, is a...is putting the bill in what I call a fantastic shape in that it will allow one-third of the proceeds to go towards coal development. Now, this one-third will go into the energy...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Wait, Senator, let's do the mechanical part first. Senator Johns moves that Senate Bill 1329 be brought back to the Order of 2nd Reading for the purpose of amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1329, Senator Johns.

SENATOR JOHNS:

Thank you, Mr. President. Demuzio detracted me over there, my buddy. Anyway, this particular bill with this amendment puts one-third of the proceeds into the Energy Resource Commission, a bi-partisan, legislative, layman-type

operation that's performed admirably for many years. This one-third would go towards coal development. This is a bill that the committee said they wanted this kind of action. I devised it, I thought it up, and I think it meets all of the peoples criticism about putting the money back where it belongs towards coal development and that's what this amendment will do and I move for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. All those in favor...any discussion? Senator Nimrod.

SENATOR NIMROD:

Thank you, Mr. President. This bill, of course, we'll have a chance to discuss it, but this amendment tries to change a bill that's rather untimely. The concept is a bad one at this time when miners have increased from two thousand out of employment now going to three thousand out of employment, where we're losing contracts and cannot market our product of coal today in competitive basis, and here we are trying to tax it and provide a tax increase. It's just the wrong concept at the wrong time.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator McMillan.

SENATOR McMILLAN:

Question for the sponsor. I'd like for Senator Johns to explain again, please, how the funds would be distributed under the amendment...bill as amended compared with how it was under his original bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Johns.

SENATOR JOHNS:

The one third, Senator, that I'm talking about now is the change in the bill. It was to go into general revenue, but Senator George Sangmeister and others in the committee said they would like for that one-third to go specifically for

coal development, and I agree readily because there's nothing that goes right to the heart of the matter. We've got a doldrum in the coal market because we're not bringing on the development of coal. So this one-third, all of these proceeds from this sale, and I might add, sixty-two percent of our coal is going out of state untaxed, millions of dollars lost, so, I want that one-third to go into the Energy Resource Commission for the dispensation right there for grants, loans, development of coal.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator McMillan.

SENATOR McMILLAN:

Well, I would rise in opposition to this amendment. I...I don't really believe that a commission such as the Energy Resources Commission ought to be in the position of...of...of doling out revenues from...from this kind of a tax. Coal severance tax is a difficult issue for most of us to...to deal with. There are local counties that suffer rather considerable economic problems because of...of coal mining, we at least understand that difficult issue and why we would want some money, if there is a coal severance tax, to go back into that county. But we also know that if there's a coal severance tax, that's a tax that's ultimately going to increase the price of coal and it's ultimately going to end up increasing the price of utilities and everything else, and I think for us to...to designate that some of that money would go to be administered by one of our commissions, I do not...I personally don't feel that's a wise expenditure of those...or wise place for those funds to be expended and I would oppose the amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. I am in agreement with the

thrust of Senator John's bill and I'm also in agreement with the thrust of his amendment, that is that one-third of that money go to the State of Illinois for purpose of coal development. I think that's a good idea. But like Senator McMillan, and as the immediate past chairman of the Illinois Energy Resources Commission, I seriously question whether we ought to allow a legislative commission to have the authority to spend dollars that come into the State of Illinois for this kind of purposes. In the first place, I think there's a very serious constitutional question here as to whether a legislative commission can go about administering tax dollars that come into the State. You'll recall that the Energy Resources Commission is made up of ten legislative members, five House members and five Senate members, and eight public members. Under the Statute and under the bylaws of the Energy Resources Commission, it takes a majority of a quorum for the Illinois Energy Resources Commission to act. Therefore, you could end up having nine or, let's say, ten members present of which eight could be public members, two could be legislative members and six of those ten present...and it could all be public members in this scenario I'm drawing, six of those ten members could end up public members deciding how State tax dollars are going to be spent. Senator, again, I'm in agreement with the thrust of your amendment, I just don't think that we ought to give that kind of authority to the Energy Resources Commission, and again, I say that as the immediate past chairman. It would have sure been nice to be able to have control over those kinds of funds but, I don't think it would be constitutional and I don't think it would be good public policy. I would suggest to you that perhaps...and I don't have a ready answer, but perhaps the Illinois Department of Energy or the Illinois Department of Commerce and Community Affairs would be a more proper area to allow the administration of those tax dollars rather than a

legislative commission.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Weaver.

SENATOR WEAVER:

Just a point of order, Mr. President. Senator Johns, are you discussing the bill or are you discussing the amendment?

PRESIDING OFFICER: (SENATOR SAVICKAS)

The amendment, Senator.

SENATOR WEAVER:

Well, didn't we already adopt that amendment? The amendment I have on my desk is the effective date of July 1st, '83.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Johns.

SENATOR JOHNS:

To my knowledge, we have not adopted the amendment we're speaking about right now.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Well, I don't have a copy of the amendment. The amendment I have on my desk is the effective date January...or July 1st, 1983.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...there's two amendments, Senator Weaver. Senator Weaver.

SENATOR WEAVER:

Have we adopted one amendment to this bill already?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Yes.

SENATOR WEAVER:

Then we're talking about the amendment on the effective date, is that right?

PRESIDING OFFICER: (SENATOR SAVICKAS)

No, we're talking about the amendment...the effective date amendment was adopted. It's the next amendment, I'm sorry. It will be the next amendment, this is Amendment No. 1, Amendment No. 2 will be the effective date. Senator Weaver, there will be three amendments altogether after they've all been offered. No. 1 was adopted and we are on No. 2, and then there will be 3. Senator Johns.

SENATOR JOHNS:

Yes. Now, at what point is the discussion? Is Senator Weaver still in debate with me on the second amendment, the amendment we're trying to adopt now on the distribution of the funds?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

I think you distributed two amendments, and I just received the third one here that you were talking about. They were not numbered, so I had no idea which amendment you were talking about.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, Senator Johns moves the adoption of Amendment No. 2 to Senate Bill 1329. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 2 is adopted. Any...a roll call has been requested. Senator McMillan has requested a roll call on the adoption of Amendment No. 2 to Senate Bill 1329. Will all members be in their seats. Senator Buzbee.

SENATOR BUZBEE:

Before we get to the vote, I wonder if I might ask the sponsor a question 'cause there is some confusion on this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll answer your question.

SENATOR BUZBEE:

Okay, Senator Johns, my previous comments were based on

what you had said about the Energy Resources Commission being the people that would have that money and that is what I am opposed to. Now, without having benefit of the amendment in front of me, I am told that it...that...that the amendment says that a coal development fund would receive this money. To my knowledge, there is no coal development fund at the present time, there is a Coal Development Bond Fund. These obviously would be revenues other than from the sale of bonds, and so I don't think you could place that in the...in the same fund. Are you creating a new fund, is that...is that the idea of this, and if so, who will administer the dispersal of these funds?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Johns.

SENATOR JOHNS:

It is my intention that this will supplement and add to the Coal Development Bond Fund which is administered by the Energy Resource Commission on applications by various companies, groups, et cetera.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR BUZBEE:

Well, again, I would point out there is no such thing as a coal development fund. There is a Coal Development Bond Fund which receives its revenue from the sale of general obligation bonds on the bond market that the State of Illinois sells, and then the Illinois Department of Energy and Natural Resources is the one that administers that fund after they have received approval on a specific project from the Energy Resources Commission. But the Energy Resources Commission does not...does not administer the fund first of all, and secondly, what your bill...what your amendment refers to simply does not exist under present Statute. Now, if you are creating another fund then that's a separate ques-

tion. But you refer to in your amendment as the coal development fund and the only one that I'm aware of that comes anywhere close is the Coal Development Bond Fund which I...I'm...I'm not...I'm not a lawyer, but I don't believe that you could put funds collected from taxes into a bond fund.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Johns.

SENATOR BUZBEE:

So you need to create a new fund if you want to do what the thrust of your amendment does.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Johns.

SENATOR JOHNS:

I'd like to pull this amendment out of the fund...out of the record rather. Got money on my mind. But, now I would like to pursue the other...third amendment then, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

That will be Amendment No. 2. Mr. Secretary, read the amendment.

ACTING SECRETARY: (MR. FERNANDES)

Amend...Senate Bill 1329 as amended by deleting all of section 15 and inserting in lieu thereof the following:

Section 15. This Act shall take effect July 1, 1983.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Johns.

SENATOR JOHNS:

Yes, I move for the adoption of moving up the deadline for the implementation if passed of this bill by six months.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Totten.

SENATOR TOTTEN:

Thank you, Mr. President. All this is is a change in the effective date?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Yes.

SENATOR TOTTEN:

This is a good amendment, I'd like to be added as a co-sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Johns moves the adoption of Amendment No. 2 to Senate Bill 1329. Those in favor indicate by saying Aye. Roll call has been requested...roll call has...all those in favor of adopting Amendment No. 2 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 47, the Nays are none, none Voting Present. Amendment No. 2 having received the majority vote is declared adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. Senate Bill 1379, Senator Joyce. Read the bill, Mr. Secretary. Senator Joyce.

SENATOR JEREMIAH JOYCE:

Mr. President, at this time I would move to go to motions in writing for the purpose of considering a motion I have filed to discharge the Executive Committee from further consideration of House Bill 57 and have that bill placed on the Order of Senate Bills 2nd Reading. Mr. President, this is...

PRESIDING OFFICER: (SENATOR SAVICKAS)

That motion is out of order, Senator...

SENATOR JEREMIAH JOYCE:

...Mr. President, this...

PRESIDING OFFICER: (SENATOR SAVICKAS)

...you were recognized for the purpose of addressing Senate Bill 1379. If you don't wish to address it, we'll move on to Senate Bill 1390, Senator Sommer. Senator Rock.
SENATOR ROCK:

Well, it appears that we are going to have some turmoil here. I had suggested early on to the Senator that in the regular order of business we would most certainly take up this motion. I am prepared to vote against this motion, why don't we do it now and get it over with and lets carry on.

PRESIDING OFFICER: (SENATOR SAVICKAS)

There's a motion to adjourn. The motion is in order. That motion's in order. Those in favor to adjourn indicate by saying Aye. A roll call has been requested. On the motion to adjourn, all those in favor to adjourn will vote Aye. Those opposed vote Nay. The voting is open. On that question, the Ayes are 3, the Nays are 50, none Voting Present. The Ayes are 2, the Nays are 50. The motion fails. Take the record. On the order of business, motions in writing. Mr. Secretary, would you read the motions.

END OF REEL

REEL #4

PRESIDING OFFICER: (SENATOR BRUCE)

Did we get leave? (Machine cutoff)...Joyce has asked leave of the Senate to go to the Order of Motions in Writing. Is there leave? Leave is granted. We are on the Order of Motions in Writing. Mr. Secretary, are there motions filed? (Machine cutoff)...Senator Weaver arise?

SENATOR WEAVER:

Order.

PRESIDING OFFICER: (SENATOR BRUCE)

State your point, Senator.

SENATOR WEAVER:

Inquiry, I mean.

PRESIDING OFFICER: (SENATOR BRUCE)

Yes.

SENATOR WEAVER:

How many motions are on...filed?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Joyce asks leave to go to this motion in writing and sought leave of the Body and we will go...

SENATOR WEAVER:

I just wondered how many were filed though, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

I'll get back to you, Senator Weaver, as soon as we read this motion. But we're just going to motions in writing for this one motion.

SENATOR WEAVER:

Are we going to hear all the motions at this point in time?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Joyce's motion was that we go out of the ordinary

course of business to motions in writing to consider a motion on Senate Bill 57.

SENATOR WEAVER:

But when we're on this order, are we going to continue on with all motions?

PRESIDING OFFICER: (SENATOR BRUCE)

No, because he only sought leave to consider his motion and that leave was granted for that motion.

SENATOR WEAVER:

Well, we...I think we probably ought to object. I'm...not objecting to this particular motion be heard, but I think we ought to know when we're going to hear the rest of them.

PRESIDING OFFICER: (SENATOR BRUCE)

I will...I will inquire and find out when we're going to get to the rest of them, Senator. Read the motion, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Motion. I move to discharge the Committee on Executive from further consideration of House Bill 57 and that the bill be placed on the Order of 2nd Reading. Signed, Senator Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Joyce is recognized...Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. Before we...before I go into discussion of this, I would just like the Body to know that I had had the discussion with President Rock with respect to when this motion would be heard, and I had a commitment from him because of those people present here that it would be heard prior to two o'clock. That was the reason I made the motion the time I did. Copy of House Bill 57 has been distributed to the membership...a copy of House Bill 57 has been distributed to the membership. Basically, it is a statement

that certain procedural protections which apply to almost every other professional employee shall also apply to law enforcement officers in the State of Illinois. It is not a collective bargaining bill as some would have you believe or as some people have told you, it is not an unreasonable piece of legislation, it is not unworkable. It is very simply a symbolic statement by the Illinois General Assembly that we believe that police officers have certain minimum rights, and that we want to go on record and say that we think these rights should be protected. You can read the bill, you can read it in two or three minutes. You can look at the procedural protections contained in there. There is nothing extraordinary, there is nothing that's going to cause any police department in this State any problems. Let me give you the real legislative history of this. This bill passed out of the House last May, passed out of committee 15 to 0, passed out of the full House 153 to 15, and arrived in the Senate and was assigned to the Executive Committee. It arrived at a time when the Chicago Police Department was involved in labor negotiations with the Chicago Police Officers Union, the POP. We sat in Executive Committee and we listened to considerable discussion. We listened to all the objections the the City of Chicago had and we listened to the objections of other parties who came to testify in opposition to this. We offered amendments that would have met any of those objections. The bill was voted down in committee. Shortly thereafter, the Chicago...the City of Chicago incorporated in it's agreement the procedural protections contained in this legislation. Shortly thereafter, a bill passed out of here with respect to those protections...as they exist now for State police officers...they are...substantively the same, with maybe some few minor ramifications which really are not of our concern today. I think that it is wrong. I think that it is unjust for police

officers in the suburbs and for police officers downstate to be denied these procedural protections on purely political basis because the City of Chicago and because Chicago politics entered into this process. And I indicated to Senator Savickas that I would get off this bill, I indicated to the people from Chicago that I would get off this bill, I'll get off this bill now. These men have a right, they are here today to ask for some very minimal procedural protections. I will answer any questions that I can. And I ask for your favorable support.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning, do you have a point of order? Senator Berning.

SENATOR BERNING:

Point of order, yes, Mr. President. Without in any way taking issue with the bill itself, we have not adopted a motion to go to this, have we?

PRESIDING OFFICER: (SENATOR BRUCE)

Yes.

SENATOR BERNING:

That's what's pending.

PRESIDING OFFICER: (SENATOR BRUCE)

No. Senator, I...I asked leave to go to the Order of Motions for the consideration of the motion in writing on House Bill 57. And the Body gave leave to go to that order of business.

SENATOR BERNING:

I...well, I beg your pardon then, I did not believe that we had actually granted approval.

PRESIDING OFFICER: (SENATOR BRUCE)

Yes, we...we have. The Chair stands by the statement that leave was sought and received to go to this order of business and this bill. Now, I have Senators Thomas, Rhoads and Rock have...have...on the motion, Gentlemen, not on the

merits, on the motion. Senator Thomas, the motion is to discharge. Senator Rhoads.

SENATOR RHOADS:

I guess, Mr. President, I misunderstood too, that I thought we we're going to go to this order of business for all motions and not just for this motion. And in explaining...regardless of the merits of the bill, but on the motion, and explaining my opposition to the motion, I don't want to go to this discharge motion until we go to all discharge motions. So, I'd be prepared to move to Table this motion.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cutoff)...to Table is in order, it is not debatable. It will take thirty affirmative votes to Table Senator...Jeremiah Joyce's motion to discharge the committee. On the motion to Table, 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 21, the Nays are 22. The motion to Table is lost. We...we are now on the main motion to discharge the Committee on Executive. I have Senator Dawson, Egan...and Senator Berning, on the issue, now? All right. Senator Berning, for what purpose do you arise?

SENATOR BERNING:

Well, Mr. President, I perhaps didn't make myself clear. When you said that you had granted the motion to discharge, I assumed that...the sponsor was debating the bill. Now you have reversed yourself and you are saying, we are voting on the motion to discharge. The debate has been going on on the substance of the bill, that was my point.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, but the Chair did not give leave, Senator. I want to point out that the Body gave leave to go to this order of business. And we are on the motion to discharge,

which Senator Rhoads moved to Table that motion, and we have discharged...we have, in fact, defeated that motion. And we are now on the motion...the main motion to discharge. Senator Dawson.

SENATOR DAWSON:

Senator Joyce, on page 3, line 15, where it states in there, "No officer shall be requested to disclose any of the following: any item of property, assets, income, sources of income, debts, personal or domestic expenditures or any information," I would like to know...

PRESIDING OFFICER: (SENATOR BRUCE)

All right, Senator Rhoads, for what purpose do you arise? Senator Rhoads. Senator Rhoads is recognized.

SENATOR RHOADS:

Yes, on a point of order...the Senator is not speaking to the motion to discharge...examples of debate on the motion would be why it was...wasn't given a hearing in committee and so forth, not to merits of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Dawson, if you would confine your remarks to the motion before us and...it is the motion to discharge. Okay. Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. I rise in opposition to the motion to discharge the Committee on Executive. I find it very distasteful indeed to address an admonition in any way or degree, to you, any of my colleagues. But we do have a Committee on the Executive, which I am chairman and have afforded, I think, anybody who has appeared before that committee equal opportunity and fair and deliberate action on their requests. I think that this bill needs an awful lot of work, and being the sponsor of the original legislation, about eight years ago, you know my sympathies, Senator Joyce. But I find that...I find it

listasteful that you're requesting that my committee be discharged under these circumstances, and I'm going to oppose you're motion as viciously as I can.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I hardly think it is fair to take one bill...a motion on one bill, when we have a flock of other motions, and the Chair still hasn't answered about hearing them all at once. First of all, I think it is very unfair. I think it's very prejudicial to the rest of us who have had motions, and I...I really think it's bad taking it out of order, and I don't care what commitment was made.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, just in defense of the Chair, Senator Geo-Karis. The Chair didn't do anything that the Body didn't allow to happen, and the Chair sought leave as Senator Jeremiah Joyce ask to go to this order of business out of the ordinary course of business to his motion, and leave was sought and received to go to this motion. The Chair did nothing more than recognize the motion made and the Body assented to the motion. That's all that has occurred. Senator Geo-Karis.

SENATOR GEO-KARIS:

Point...point of parliamentary inquiry. And you said earlier that you would let us know whether or not the rest of the motions would be heard today? Are you prepared to have the rest of the motions be heard today, right after Senator Joyce's motion?

PRESIDING OFFICER: (SENATOR BRUCE)

I think the consensus would be that we would prefer not to do that until we've had more 3rd readings. But again, the Body will make a determination the order of business here and that is, we would go back to 3rd reading unless the order of

business was changed by a majority of the Senators. The Chair just presides, Senator, you determine where we go from here. Further discussion? Further discussion? Senator Jeremiah Joyce may close. Oh, I'm...I'm sorry, Senator Rock was on my list. I apologize, Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I too rise in opposition to the motion to discharge. We have in this Body established procedures. This bill has been in the Senate Executive Committee for a year now. There was, to my recollection, some attempt to amend, to effect some compromise, the Association of Chiefs, and the Department of Law Enforcement and everybody was supposed to get together and try to work it out. And now, here we are now, a year later, out of the ordinary course of business dealing with a House Bill when we are confronted with a Senate Bill deadline. I just don't think it's good procedure, and I would urge abstention or a No vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Thomas.

SENATOR THOMAS:

Well, yes, Mr. President, while on the one hand you don't want any of us proponents of the bill speaking to the bill directly or indirectly because of the dialogue that's going on about why this has been held up and the fact that it needed work, and it needed this. That I believe is speaking to the bill. Some of us would like to speak to the merits of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, Senator, the comments about the hearing that could have been held goes to whether or not the committee ought to be discharged. When you talk about the merits of the legislation itself, it goes to the issue of passage. And so when Senator Joyce talks about whether or not the bill got a fair

and complete hearing in committee, it goes to the issue of discharge, and so I think his comments would be in order. When Senator Dawson starts to refer to the bill itself, I think that he is probably out of order. But the Body here can allow...the Chair does not bring those points to the order...appoints of order, those are made by the Body, and you can go as widely as you wish to...and if...without objection, you will have a chance to do whatever you wish. Senator Thomas.

SENATOR THOMAS:

I appreciate that, Mr. President. However, a statement has been made by the chairman of that committee that the bill is bad and needs work. Now that is a negative impact on this bill which is going to affect every member of this Body in how they vote on Senator Joyce's idea...on his motion.

PRESIDING OFFICER: (SENATOR BRUCE)

And...although the Chair does not want to involve himself in this debate, another member of the committee could stand up and say that it...in opposition to the chairman that the bill did receive a full debate. I mean, Senator Egan was appropriate in making the comments, I think, as chairman of the committee, and some other person would be appropriate in disputing what he says in a gentlemanly disagreement. So,...if you are...wish to talk...if you are a member of the Senate Executive Committee or...all right, I have Senator DeAngelis...is Senator Buzbee...on a point of order, Senator Buzbee?

SENATOR BUZBEE:

Yes, on a point of order, Mr. President. I would suggest to Senator Thomas that perhaps like lawyers would want to do, they could disregard Senator Egan's remarks.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Point of parliamentary inquiry.

PRESIDING OFFICER: (SENATOR BRUCE)

State your point, Senator.

SENATOR DeANGELIS:

Could you state what Senator Joyce's motion really is?

PRESIDING OFFICER: (SENATOR BRUCE)

We have disposed of Senator Joyce's...he asked leave to go out of the ordinary order of...

SENATOR DeANGELIS:

No...no the motion in writing.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion in writing is to discharge the Senate Committee on Executive from further consideration of House Bill 57 and that the bill be placed on the Order of 2nd Reading. Senator DeAngelis.

SENATOR DeANGELIS:

Well, are...are not all the bills suppose to go to Rules first?

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The bill can...properly be placed on the Order of 2nd Reading. That is all that's before the Chair, and the Chair would rule that that motion is in order. What happens to the bill after it gets to 2nd reading, in fact, may be another matter. Senator DeAngelis.

SENATOR DeANGELIS:

Well, correct me if I'm wrong, I think the motion...the proper motion should be to discharge the Committee on Rules, not the Committee on Executive.

PRESIDING OFFICER: (SENATOR BRUCE)

No, Senator, so that we understand, bills that were in committee when we left here last December are still in committee and are not subject to Rules. Bills that have come over since January have been automatic refers to the Rules Committee and are in the Rules Committee and would have to be

discharged from there. Again, I would point out that whether or not this bill can in fact be considered this Session, may be up to other rules of the Body. But I...I would rule that his motion is in order to discharge the committee and have the bill placed on the Order of 2nd Reading on the Calendar. What happens after that will be another decision. (Machine cutoff)...further questions? Okay, Senator Davidson.

SENATOR DAVIDSON:

A point of information. With all the debate that's going on, do I understand it takes thirty positive votes to put this bill on the Calendar on 2nd reading, or does it take a simple majority of those who are voting?

PRESIDING OFFICER: (SENATOR BRUCE)

It will take thirty affirmative votes to discharge the committee from Executive...

SENATOR DAVIDSON:

Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

...on...from further consideration of the legislation. Any further debate? Senator Nimrod.

SENATOR NIMROD:

Thank you, Mr. President, just a point of clarification. I inquired about some bills that we introduced last year and I was told, that according to Rule 5, that all the bills that we had left in committee, Senate Bills or House Bills I guess it would apply to, had to go to Rules. And that those bills, in fact, were not in committee, but they would be in Rules if you wanted to get them out.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...

SENATOR NIMROD:

Is...is that the proper understanding, or are these bills actually in committee?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator, your...your expression is exactly correct, and that is they have to go to Rules.

SENATOR NINROD:

They're...they're in committee then, but they can't be heard without having gone...to go to Rules first.

PRESIDING OFFICER: (SENATOR BRUCE)

They have to have the approval of the Rules Committee before they can be heard, and bills that were in committee when we adjourned remain in committee but they cannot be heard without the approval of the Rules Committee. Bills that have come over since December have automatically been referred to the Rules Committee and they reside there until either passed out or sent...or they have been sent to committee. Senator Simms.

SENATOR SIMMS:

Parliamentary inquiry, Mr. President. After the vote on this, would it be in order then for the Senate to go to the motion in writing which I have filed on Senate Bill 1292? Leave of the Body to go to that order?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator, the main motion before the Floor is Senator Joyce's motion. We will have to dispose of that and the Chair will recognize you as soon as that motion is over with for your motion, which may or may not be in order at that time. All right. Senator Joyce, did you wish to close...and...and, Senator Joyce, before you close, the photographers have asked leave to take still photographs. Is there leave? Leave is granted. Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, I will just tell our visitors in the gallery that the green lights are those who are concerned about police officers procedural protections and the red lights aren't. And all the other stuff that Egan does, and what Rock does, and Jane Byrne pushing their buttons, fine. Vote it.

SB 1292
motion in Writing

PRESIDING OFFICER: (SENATOR BRUCE)

The question is on the motion to discharge House Bill...57 from further consideration by the Senate Executive Committee. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 26, the Nays are 17, 2 Voting Present. The motion to discharge the Senate...Committee on Executive is lost. For what purpose does Senator Geo-Karis arise?

SENATOR GEO-KARIS:

A point of personal privilege, Mr. President and Ladies and Gentlemen of the Senate. The fact that some of us voted green does not mean we do not support our police. I've always supported their pensions and I've...always supported other rights, and I think it is very, very unfair of Senator Joyce to make a crack like that.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Now, Senator Simms.

SENATOR SIMMS:

Mr. President, I would like to have leave of the Body to go to the motion that I have in writing to consider. Senate Bill 1292 to discharge committee.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cutoff)...bill or Senate Bill, Senator?

SENATOR SIMMS:

Senate bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Simms has asked leave of the Senate to go out of the ordinary order of business, the order of motions, to consider a motion that he has filed to discharge the Committee on Welfare from further consideration of Senate Bill 1292. (Machine cutoff)...and he has, in fact, filed a motion in writing to that effect with the Secretary. Is there leave to

go out of the ordinary order of business? Is there leave? I hear objections, Senator Simms. Senator Simms.

SENATOR SIMMS:

I would like to make a motion, then, to go to that order of business.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, the motion is in order that we go to the Order of Motions in Writing, out of the ordinary order of business. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. We require thirty affirmative votes to go out of the ordinary order of business. (Machine cutoff)...all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 4, 1 Voting Present. The motion prevails. Senate is on the Order of Motions in Writing. Senator Simms.

SENATOR SIMMS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The reason for asking for the discharge of Senate Bill 1292 from committee, the vote in committee was 5-5, it was deadlocked. This pertains to the exemption for the church child care bill, which would give exemptions to church operated child care facilities meeting the criteria of the legislation. It's particularly important. This is legislation that has the backing of the administration, Director Coler, and it was an agreement that was worked out after long deliberations. And I would ask for a favorable vote of the Senate in discharging the committee and sending it to the floor for consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senators Nimrod, Nash, Leake, Collins, Farovitz have sought recognition on the motion to discharge Senator Nimrod.

SENATOR NIMROD:

Thank you, Mr. President. I rise in support of this

bill. This bill was, in fact, a compromise measure after the bill that was worked out last year. And it does not specifically apply that the churches...there are limitations and restrictions on this bill, it applies to those churches that have schools. And if they have a school, it does...

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose...excuse me, Senator Nimrod. For what purpose does Senator Marovitz arise?

SENATOR MAROVITZ:

Personal...on a point of parliamentary procedure...that...he's not speaking to the motion. We've objected to everybody else speaking to the substance of the bill, we're not talking about the substance of the bill, the motion and only the motion.

PRESIDING OFFICER: (SENATOR BRUCE)

Okay...all right. Thank you, Senator Nimrod, for agreeing with the Chair. If the members will confine their debate to the matter before the Body, we will be able to dispose of these motions perhaps in a more speedy form. Senator Nash.

SENATOR NASH:

Mr. President and Ladies and Gentlemen of the Senate, this bill received the proper two day hearing in the Committee on Public Health, Welfare and Corrections and the vote was 5 to 5, it was tied in committee. There is a compromise worked out and there's a bill that this bill is going to be amended to. I oppose this motion. I urge a No vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LENKE:

I rise in support of the motion. It's always amazing to me that certain individuals in this Assembly get up when it comes to something concerning a religious institution and opposes it. I don't know what's going on, but I think this is a good bill and any time anybody sits down over the summer

and works out an agreement and comes up with a bill, and it goes to the Public Health Committee...who's...is so liberal that anything that helps people...they don't agree with they just kill. And I say that this bill should come out, and I rise in support of my colleague, Senator Simms.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President. And I rise in opposition to this motion. Senator Nash was correct when he indicated that this bill had a hearing, as a matter of fact, two days hearing. There were considerable debate in committee on this bill and discussion, and I just...I don't think that this bill should, in fact, be discharged from the committee.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

To affirm what the chairman of Public Health said, this bill received a longer public hearing and more testimony was heard on this legislation than any legislation before the Public Health Committee this year. And for anybody to say that it didn't get a fair hearing according to the Democratic small deprocess really isn't very fair. A compromise is being negotiated. It has been worked out with all parties and it will be placed on another piece of legislation, and so, everybody is going to be satisfied. But to stand up here and say that...anything that deals with religious schools or religious...education...there are a substantial number of religious organizations, Catholic, Jewish, and other organizations which came before the committee and espoused to their opposition to this legislation. So to talk about the religious organizations being in favor of this would be very, very far from the truth. This bill got a full hearing and I would suggest that we uphold the committee process and oppose

this motion, and we'll see the substance of this legislation in compromise form in...in other legislation coming before this Body.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer and Geo-Karis remaining on my list. Senator Schaffer on the motion to discharge.

SENATOR SCHAFFER:

On the procedure, of course, not speaking on the merits of the bill. If I listen to the opponents of this motion they seem to be saying, we'll just stick this on another bill, and therefore, we don't need the bill. Well, I got a pretty good idea whose bill they want to stick it on. And I would honestly prefer to let this bill go with it's original sponsor, 'cause every time I have a bill, somebody puts an amendment on it and we spend two weeks fighting over it, and I don't need it. I'd support this motion.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I speak in favor of the motion. If the other...if opponents of this bill don't like it, they have plenty of opportunity to make amendments to it on 2nd reading. And I support the motion.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock. Senator Rock, before you begin I...

SENATOR ROCK:

Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

...can you tell me, on the front page of your Calendar, is this May 19th or June 19th?

SENATOR ROCK:

Well, I...I would just point out, and I rise in opposition to this motion to discharge, also. I intend, frankly,

to oppose all the motions to discharge. And I will suggest that any time we deviate from what is the ordinary procedure, we're bogging down and we ought not bog down. We have been in constant communication, frankly, concerning this substance with not only the department but with those who are supporters of this legislation. I am confident and hopeful that an accommodation can and probably should be reached. 1292 in it's present form simply doesn't do the job, and the committee rightfully kept it there. I think a motion to discharge ought to be opposed.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Simms may close on the motion to discharge.

SENATOR SIMMS:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. I'd appreciate thirty affirmative votes. If there is agreement on the bill, which there is agreement, the department would prefer a separate bill dealing strictly with this matter. It will be on 2nd reading where amendments can be placed to correct any errors that may have occurred or where there may be some changes. I think the bill should be considered as it is on its own merits without being tacked onto Senator Schaffer's bill, who I understand prefers to have his legislation considered on its own. I'd ask for thirty affirmative votes.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall the Senate Committee on Welfare be discharged from further consideration of Senate Bill 1292. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. It will require thirty affirmative votes. Have all voted who wish? Have all voted who wish? Take the roll. On that question, the Ayes are 34, the Nays are 16, 1 Voting Present. For what purpose does Senator Marovitz arise?

SENATOR MAROVITZ:

Request a verification.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz has requested a verification of the roll call. Under the rules of the Senate, will the members please be in their seats. Will those not entitled to the Floor, please leave the Floor. And under the rules, you are to respond when your name is called. Mr. Secretary, would you call those who voted in the affirmative.

ACTING SECRETARY: (MR. FERNANDES)

The following voted in the affirmative: Berning, Bloom, Bowers, Coffey, Davidson, DeAngelis, ...Degnan...Degnan, Etheredge, Friedland, Geo-Karis, Gitz, Grothberg, Jerome Joyce, Keats, Kent, Lenke, Mahar, Maitland, McMillan, Nimrod, Ozinga, Philip, Rhoads, Rupp, Saugmeister, Schaffer, Schuneman, Simms, Sommer, Thomas, Totten, Vadalabene, Walsh, Weaver.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator, do you question the presence of any member?

SENATOR MAROVITZ:

Senator Coffey.

PRESIDING OFFICER: (SENATOR BRUCE)

Is Senator Coffey on the Floor? Senator Coffey. Strike his name.

SENATOR MAROVITZ:

Senator Rupp.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp is in his seat. Okay. On a verified roll call there are 33 Ayes, and 16 Nays, 1 Voting Present. The motion to discharge the Committee on Welfare from further consideration of Senate Bill 1292 passes, and the bill will be placed on the Order of 2nd Reading. Senator Totten, for what purpose do you arise?

SENATOR TOTTEN:

Thank you, Mr. President. First, an inquiry of the Chair, are we on motions in writing in general?

PRESIDING OFFICER: (SENATOR BRUCE)

I believe that we are, Senator.

SENATOR TOTTEN:

Okay. I have a motion in writing that I would like to have heard then.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten, the Chair...informs me...the Secretary informs me you have two motions. Do you have a preference?

SENATOR TOTTEN:

I think there's one on 1299. That is on the Calendar...if that is correct, then I would like that one withdrawn.

PRESIDING OFFICER: (SENATOR BRUCE)

1299, you do not wish to call...it is...withdraw that one? All right. Mr. Secretary, any motions by Senator Totten?

ACTING SECRETARY: (MR. FERNANDES)

I move to discharge the Executive Committee from further consideration of Senate Joint Constitutional Amendment No. 54 and that it be advanced to 2nd reading. Signed, Senator Totten.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten.

SENATOR TOTTEN:

Thank you, Mr...thank you, Mr. President and Ladies and Gentlemen of the Senate. SJRCA...54 is one that the Body has considered before but not in the form that it is. I'm not complaining necessarily that the committee gave it an unfair hearing. My motion to discharge is because we didn't get enough votes, and that I believe that that is not the sense of the Body, and that the Body in its entirety ought to have the opportunity to debate the bill or the amendment to the

Constitution, rather than the committee action that was precipitated at a late hour after all other bills and amendments had been heard. Mr. President and Ladies and Gentlemen of the...of the Senate, this is an amendment to amend the Constitution to limit state and local taxes. I think there is all the flexibilities that are needed. In addition, it is quite unclear in our Constitution that if we pass an amendment to the Constitution to put on after the May deadline that it can be put on the ballot at a subsequent election. I think that this Body ought to say that, yes, we are for limiting taxes and then this...amendment, if we succeed in passing it in the Senate and in the House, would be on the ballot in 1984. I would solicit your favorable support for the motion to discharge and put this amendment on 2nd reading.

PRESIDING OFFICER: (SENATOR BRUCE)

On the motion to discharge, further discussion. Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. Well, for that reason and those reasons enumerated by Senator Totten, I think this motion is even more objectionable than Senator Joyce's. You did, in fact, get a fair hearing, and now you're saying that that's not good enough for you. We've got a lot of work to do and let's get to it. I oppose the motion, like I opposed Senator Joyce's.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock. All right.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, rise in opposition to this motion to discharge. Talk about spinning your wheels, this is truly the ultimate. Even..even if this is successful, where in the world is it going? I think this is, frankly, a waste of

time and I urge a No vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Buzbee,...I...I have Senator DeAngelis first. If it's on a point of order I'll recognize you, otherwise, we'll go in the order...ordinary order. Senator Buzbee...Senator DeAngelis.

SENATOR DeANGELIS:

Just a point to notify the Body. We had two Constitutional Amendments which failed to meet the deadline. Senator Totten, you are aware that this bill is failing to meet the leadline for Constitutional Amendments?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock, again just...Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I move that the Senate stand adjourned until nine o'clock tomorrow morning.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion to adjourn is in order. On the motion to adjourn, all in favor say Aye. Opposed Nay. The Ayes have it. Senate stands adjourned until 9:00 a.m. tomorrow.