

82ND GENERAL ASSEMBLY

REGULAR SESSION

MAY 26, 1982

PRESIDING OFFICER: (SENATOR DONNEWALD)

The hour of ten having arrived, the Senate will come to order. Will the guests in our galleries please rise. Prayer by Reverend Victor J. Kaltenbach of St. Patrick's Catholic Church, Springfield.

REVEREND KALTENBACH:

(Prayer given by Reverend Kaltenbach)

PRESIDING OFFICER: (SENATOR DONNEWALD)

WCIA-TV requests permission to be...tape the proceeding. Is there leave? Leave is granted. Reading of the Journal. Senator Johns.

SENATOR JOHNS:

Mr. President, I move that reading and approval of the Journals of Wednesday, May the 19th; Thursday, May the 20th; Monday, May the 24th and Tuesday, May the 25th, in the year of 1982 be postponed pending arrival of the printed Journal.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Heard the motion. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries. House Bills 1st reading.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 668, Senator Newhouse.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 1954, Senator Thomas.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2079, Senators Netsch, Etheredge and Maitland.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2102, Senator Savickas.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2243, Senator Bruce.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2286, Senator D'Arco.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2340, Senator Philip.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2437, Senator Friedland-Grotberg.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2450, Senator Marovitz.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2541, Senator Nimrod.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2569, Senator Netsch.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2586, Senator....Senator J. J. Joyce.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2599, Senator Marovitz.

(Secretary reads title of bill)

1st reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

The Senate will stand at ease for ten minutes.

PRESIDENT:

The Senate will come to order. It was agreed yesterday that certain appropriation bills were subject to further amendments and would, in fact, when the amendments were agreed to, be called back for the purpose of those amendments. If I can have your attention, I will...beginning on

page 3, we will list the bills. I understand amendments have been filed. We'll take the appropriations bills first so that they can...Enrolling and Engrossing can get them ready for final action. The middle of page 3, Senate Bill 1363, 1393, 1396, 1397, 1398, 1402, 1403, 1404, 1405, 1406, 1407, 1409, 1411, 1413, 1414, 1415, 1416, 1418, 1419, 1420, 1425, 1426, 1427, and 1445. All right, we will begin...and there are other bills that sponsors have indicated they wish called back for amendment or amendments have been filed. There are some that are substantive bills. As soon as we finish the appropriation bills and get those up to Enrolling and Engrossing, we will go back and pick up the rest. On the Order of Senate Bills 3rd Reading is Senate Bill 1363. Senator Carroll seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd is Senate Bill 1363, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senator Carroll.

PRESIDENT:

...Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is an add-back from Motor Vehicle Laws Commission to put the Contractual Services at the level that they have had it within the growth allowed for various commissions of sixty-one hundred dollars. And I would move adoption of Amendment No. 2.

PRESIDENT:

Senator Carroll has moved the adoption of Amendment No. 2 to Senate Bill 1363. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. Senator Schaffer on 1393. On the Order of Senate Bills 3rd Reading is Senate Bill 1393. Senator Schaffer seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd, Senate Bill 1393, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 5 offered by Senator Schaffer.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAPPER:

Mr. President, members of the Senate, most of you will recall that we had a court decision in Chicago recently which sort of negated what we thought was going on in which the circuit...Illinois Circuit Judge, in effect, decided that he would set the rate of reimbursement to general assistant recipients regardless of what this General Assembly appropriated. This particular amendment and the out...the end result of that decision is that it has caused the department to expend more money than was anticipated. In the last month of this fiscal year, the general aid recipients will only be receiving a hundred and twenty-three, instead of the hundred and forty-four which this General Assembly agreed to not a week and a half ago. I would suggest it might not be inappropriate to close the shortfall by a transfer from an appropriate line item in another budget. And after some research, we have found several appropriate line items to transfer this additional money in so that the circuit judge's wish that we pay the higher amount, can come true. And that's the purpose of this amendment.

PRESIDENT:

All right. Senator Schaffer has moved the adoption of

Amendment No. 5 to Senate Bill 1393. Discussion? Senator Carroll.

SENATOR CARROLL:

I was just wondering if Senator Schaffer would be so kind as to identify where that transfer was coming from. I don't think anybody heard...I'm sure it was just an oversight on his part in not identifying where the money was coming from.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Well, we...we think it's coming from the most appropriate line item imaginable, it's coming from the Circuit and Judicial Salary line items for the month of June. As a matter of fact, it strips those items bare for the month of June and will provide the necessary funds to implement the wishes of this circuit court judge, the appropriation of the General Assembly notwithstanding.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

So that the three million dollars would come out of judges' salaries to pay the GA monies. Is that correct?

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Yes, they...they, in fact, there would be no funds to pay the judges in the month of June of this year.

PRESIDENT:

Further discussion? Senator Johns.

SENATOR JOHNS:

Well, he never has...was it three million as Senator Carroll said?

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Three million twenty-two thousand four hundred and twenty-five dollars, to be exact.

PRESIDENT:

Senator Johns.

SENATOR JOHNS:

If I might. You said there was three transfers of line items, so you're allowed to take two percent off of a line item, am I right, at the most? Or you can take any amount? Okay. All right, then what's your other two amounts? Would you discuss those with us?

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Well, that was the total amount. We transfer from the line items of the appellate, circuit and Federal courts...not Federal, pardon me, Supreme Courts.

PRESIDENT:

Any further discussion? Further discussion? Senator Schaffer moves the adoption of Amendment No. 5 to Senate Bill 1393. Those in favor of the amendment signify by saying Aye. All opposed. In the opinion of the Chair, the Noes have it. Amendment No. 5 fails. 1396, Senator Sommer. On the Order of Senate Bills 3rd Reading, Senate Bill 1396. Senator Sommer seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1396, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 4 offered by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the

Senate. In line with our discussions of yesterday, these are...the series that are coming up are the restoration amendments based on adjustments on the formula. In this particular case, there was the opportunity to purchase a piece of equipment in IIS that had been leased and to add some monies in some of the...revolving funds. I would move adoption of Amendment No. 4.

PRESIDENT:

Senator Carroll has moved the adoption of Amendment No. 4 to Senate Bill 1396. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. Senator Davidson on 1397. On the Order of Senate Bills 3rd is Senate Bill 1397. Senator Davidson seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? On the Order of Senate Bills 2nd Reading is Senate Bill 1397, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 5 offered by Senator Buzbee.

PRESIDENT:

Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. This amendment adds back fifty-six thousand seven hundred dollars. Thirty thousand nine hundred from GRF, twenty-five thousand eight hundred Older Americans to Personal Services relative to the PIPS recalculation. And I would move its adoption.

PRESIDENT:

All right. Senator Buzbee has moved the adoption of Amendment No. 5 to Senate Bill 1397. Any discussion? Sena-

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tor Rhoads.

SENATOR RHOADS:

Question of the sponsor.

PRESIDENT:

Sponsor indicates he will yield, Senator Rhoads.

SENATOR RHOADS:

Senator Buzbee, can you indicate the...the reason for the amendment and why it did not go on in committee.

PRESIDENT:

Senator Buzbee.

SENATOR BUZBEE:

Well, this...this was an add-back of fifty-six thousand dollars. In talking with the department, as small an agency as that is, they...you have to be very sensitive to the total cuts that you make because...

PRESIDENT:

Senator Buzbee moves the adoption of Amendment No. 5 to Senate Bill 1397. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. Senator Maitland on 1398. On the Order of Senate Bills 3rd Reading, 1398. Senator Maitland seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bills 1398, Mr. Secretary.

ACTING SECRETARY:

Amendment No. 5 offered by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:



Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is an add-back amendment for the Department of Agriculture. I might advise the membership, it does not add back Chicagofest...does not add back Chicagofest, but it does add back some phasing of vacancies where the jobs have, in fact, already been offered and identified in corresponding travel and retirement for those people. I would move adoption of Amendment No. 5.

PRESIDENT:

Senator Carroll moves the adoption of Amendment No. 5 to Senate Bill 1398. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. Top of page 4, on the Order of Senate Bills 3rd Reading, is Senate Bill 1402. Senator Sommer seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1402, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Because of the deep cuts made by the Executive branch in CDB's operations when they were talking about consolidating this agency, our further reductions would have gone way too deep and it's an add back of sixty-six thousand four hundred. I would move its adoption.

PRESIDENT:

Senator Carroll moves the adoption of Amendment No. 3 to Senate Bill 1402. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills 3rd Reading, Senate Bill 1403. Senator Coffey seeks leave of the Body to bring that bill back to 2nd reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1403, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. With only ten and a half employees, again the Civil Service Commission would have had significant products on the PIPS part of it and we have added back sixty-five hundred dollars.

PRESIDENT:

Senator Carroll moves the adoption of Amendment No. 3 to Senate Bill 1403. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills 3rd Reading is Senate Bill 1404. Senator Kent seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the

Order of Senate Bills 2nd Reading, Senate Bill 1404, Mr. Secretary.

ACTING SECRETARY:

Amendment No. 5 offered by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As part of our cuts in the Department of Commerce and Community Affairs, there were some Federal funds. We were able to identify Grant lines instead of Operations lines where we could use those funds so that these funds would, in fact, go back out to all of the areas of the State. In addition to that, we changed some phase-in's of some of the vacancies taking into account positions they have already offered jobs on, and this amendment would be that projection of Grant line monies of Federal funds and the add-backs. I move adoption of Amendment No. 5.

PRESIDENT:

Senator Carroll moves the adoption of Amendment No. 5 to Senate Bill 1405. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills...3rd Reading is Senate Bill 1406. Senator Etheredge seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1406, Mr. Secretary.

ACTING SECRETARY:

Amendment No. 7...offered by Senator Buzbee.

PRESIDENT:

Senator Buzbee.

SENATOR BUZBEE:

This is 1406, Amendment No. 7.

PRESIDENT:

7.

SENATOR BUZBEE:

Okay. This amendment adds back the following amounts it's a total addition of one hundred sixty-nine thousand dollars to the Department of Energy and Natural Resources. It adds back ten thousand dollars to GRF for commodities for the State Museum; in the...natural or rather in the Geological Survey, it adds back fifteen thousand dollars for printing typographic maps...topographic maps, I guess that is, sixty thousand dollars for Personal Services due to the reexamination of the application of the PIPS calculation. In the Natural History Survey, it restores forty-two thousand one hundred dollars due to the PIPS reexamination, and in the Water Survey it restores forty-two thousand dollars due to the PIPS...reexamination. And I would move its adoption.

PRESIDENT:

Senator Buzbee moves the adoption of Amendment No. 7 to Senate Bill 1406. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments. Amendment No. 8...

PRESIDENT:

Senator Carroll.

ACTING SECRETARY: (MR. FERNANDES)

...by Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This amendment would add 2.5 million out of Coal

Development Funds for a fluidized bed combustor at Pekin, Illinois at the Midwest Salvin Company...ulitization of the Coal Development Fund. I would move adoption of Amendment No. 8.

PRESIDENT:

Senator Carroll has moved the adoption of Amendment No. 8 to Senate Bill 1406. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. I'm sorry, Senator Mahar, I skipped 1405 inadvertently. On the Order of Senate Bills 3rd Reading, Senate Bill 1405. Senator Mahar seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes for an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1405, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is to add back a position in the Maintenance and Calibration Shop. I would move adoption of Amendment No.3.

PRESIDENT:

Senator Carroll moves the adoption of Amendment No. 3 to Senate Bill 1405. Any discussion? If not, all in favor.....Senator Mahar.

SENATOR MAHAR:

Yes, thank you, Mr. President. Will the sponsor yield

for a question?

PRESIDENT:

...indicates he will yield, Senator Mahar.

SENATOR MAHAR:

According to the records I have, we took out thirty-two thousand and we're adding back 7.6. Now, that doesn't add that job back, does it?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

It's a phase-in of a currently vacant position so that they could have that job during part of the fiscal year.

PRESIDENT:

Senator Mahar.

SENATOR MAHAR:

It should be then more than 7.6, should it not?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

The original cut gave them a partial year funding. This gives them the rest of the year so that they can have the man on board the full year.

PRESIDENT:

All right. Senator Carroll has moved the adoption of Amendment No. 3 to Senate Bill 1405. Any further discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills 3rd Reading, the middle of page 4, Senate Bill 1407. Senator Simms seeks leave of the Body to return that bill to the Order of 2nd

Reading for purposes of an amendment. Is leave granted?  
Leave is granted. On the Order of Senate Bills 2nd Reading,  
Senate Bill 1407, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is an add-back to the Unclaimed Properties area to allow for audits and legal expenses in attempting to obtain for the State additional unclaimed properties from various insurance companies and financial institutions. I would move its adoption.

PRESIDENT:

Any discussion? If not, Senator Carroll moves the adoption of Amendment No. 3 to Senate Bill 1407. All in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. Senator Schaffer on 1409. On the Order of Senate Bills 3rd Reading is Senate Bill 1409. Senator Schaffer seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1409, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator Buzbee.

PRESIDENT:

Senator Buzbee.

SENATOR BUZBEE:

Thank you very much, Mr. President. This adds back one

hundred and forty thousand dollars GRF cut by Amendment 2 as follows: restores seventy-eight thousand one hundred dollars turnover in hiring lag to budgeted level and restores one half of the PIPS reduction; in the Contractual Services it restores forty-four thousand dollars for legal fees, conference expenses and board member travel; the Equipment, it adds fifty-two hundred dollars restoring...grant requested office equipment. In other lines, it restores twelve thousand seven hundred dollars adjusted to reflect the services restored. It deletes twenty-four thousand five hundred dollars of the Personal Services and related line requests from Federal funds to eliminate vacant positions with no waiver. And I would move its adoption.

PRESIDENT:

All right. Senator Buzbee has moved the adoption of Amendment No. 3 to Senate Bill 1409. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills 3rd Reading, Senate Bill 1411. Senator Davidson seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1411, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. For the Historical Library we added back the six



month funding for a guide and allowed them a station wagon to move their stuff around. I would move adoption of Amendment No. 3.

PRESIDENT:

Senator Carroll has moved the adoption of Amendment No. 3 to Senate Bill 1411. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills 3rd Reading, Senate Bill 1413. Senator Becker seeks leave of the Body to return that bill to the Order of 2nd for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1413, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 4 offered by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is an add-back in Group Insurance, ...Printing, Contractual, UI Equipment and other usages of the Federal funds in the Department of Labor, Bureau of Employment Security and for its Financial Information System. I would move adoption of Amendment No. 4.

PRESIDENT:

Senator Carroll has moved the adoption of Amendment No. 4 to Senate Bill 1413. Any discussion? If not, all...Senator Becker...if not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills 3rd Reading, bottom...I'm sorry, Senator Becker.

SENATOR BECKER:

Thank you, Mr. President and members of the Senate. While I spoke to Senator Carroll earlier about this 1413, I had no objections to the three million nine hundred and sixty-two thousand being restored, but I have asked for additional information pertaining to two departments that report to the Labor Department, the Real Estate and Private Employment Agencies. I have asked the people connected with this department to give me this additional information. So, if I don't receive it, I may call the bill back to 2nd reading for an additional amendment. Thank you.

PRESIDENT:

All right. On the Order of Senate Bills 3rd Reading, the bottom of page 4 is Senate Bill 1415. Senator Coffey seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1415. Oh, I beg your pardon, I'm skipping...oh, okay. I'm marking them too fast. Let's do 1415, then we'll go back to 14...I'm getting punchy up there already. On the Order of Senate Bills 2nd Reading, Senate Bill 1415, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is an add-back to allow them to operate a new

car that they had bought. I would move adoption of Amendment No. 3.

PRESIDENT:

Senator Carroll moves the adoption of Amendment No. 3 to Senate Bill 1415. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills 3rd Reading is Senate Bill 1414. Senator Schaffer seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1414, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 6 offered by Senator Buzbee.

PRESIDENT:

Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. Amendment No. 6 restores sixty-two thousand one hundred dollars. Thirty-four thousand six hundred of GRF, twenty-seven thousand five hundred to Road Fund, to the Department of Law Enforcement's FY'83 budget as follows: thirty thousand dollars to the Division of Support Services for printing and telecommunications; four thousand...pardon me, thirty-four thousand six hundred dollars for the Financial Fraud and Forgery Unit for Personal Services and Retirement...pardon me, that's only forty-six hundred dollars; and then State Police for printing purposes, twenty-seven thousand five hundred dollars out of the Road Fund, a grand total add-back of sixty-two thousand one hundred dollars, and I would move its adoption.

PRESIDENT:

Senator Buzbee has moved the adoption of Amendment No. 6 to Senate Bill 1414. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills 3rd Reading, Senate Bill 1416. Senator Thomas seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1416, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Because of the only seven positions in this agency, we had to add back some of the productivity monies, forty-five hundred dollars. I would move adoption of Amendment No. 3.

PRESIDENT:

Senator Carroll moves the adoption of Amendment No. 3 to Senate Bill 1416. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills 3rd Reading, Senate Bill 1418. Senator Rupp seeks leave of the Body to

return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1418, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 5 offered by Senator Rupp.

PRESIDENT:

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. Mines and Minerals and this restores two hundred and seventy-two thousand three hundred dollars; one thousand from General Revenue Fund and two hundred and seventy-one thousand three hundred from Federal money. The agency has now received promise for the Federal Service Mineland Control Act, and this money restores the reductions in Amendments 1 and 2, except the pay plan and PIPS for the Division of the Land Reclamation.

PRESIDENT:

All right. Senator...Senator Rupp has moved the adoption of Amendment No. 5 to Senate Bill 1418. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 6 offered by Senator Rupp.

PRESIDENT:

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. The effect of this amendment increases the pass-through of Federal funds from the...from the Department of Mines and Minerals to the Department of Energy and Natural Resources for the lands unsuitable for mining program. It increases the Personal Service, the Retirement, the Social Security and Operations, and I ask for a favorable roll call.

PRESIDENT:

Senator Rupp has moved the adoption of Amendment No. 6 to Senate Bill 1418. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills 3rd Reading, Senate Bill 1419, Mr. Secretary. Senator Etheredge seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? On the Order of Senate Bills 2nd Reading, Senate Bill 1419, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a add-back due to a miscalculation of fifteen thousand six hundred. I would move adoption of Amendment No. 3.

PRESIDENT:

Senator Carroll has moved the adoption of Amendment No. 3 to Senate Bill 1419. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills 3rd Reading, Senate Bill 1420. Senator Sommer seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of

an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1420, Mr. Secretary. We...the Secretary does not have an amendment for 1420.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 5 offered by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Well, I thank you, Mr. President and Ladies and Gentlemen of the Senate. This is an add-back for a manager and secretary in the Division of Group Insurance Benefits. I would move adoption of Amendment No. 5.

PRESIDENT:

Senator Carroll has moved the adoption of Amendment No. 5 to Senate Bill 1420. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills 3rd Reading is Senate Bill 1425. Senator Bloom seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1425, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 4 offered by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is an add-back of three EDP and two investi-

gative positions that had been offered since the bill came out of committee. I would move adoption of Amendment No. 4.

PRESIDENT:

Senator Carroll has moved the adoption of Amendment No. 4 to Senate Bill 1425. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills 3rd Reading is Senate Bill 1426. Senator Davidson seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1426, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 3 is...as we've done with all the other smaller agencies, it's an add-back within the PIPS because they only had five employees, twenty-nine hundred. I'd move its adoption.

PRESIDENT:

Senator Carroll has moved the adoption of Amendment No. 3 to Senate Bill 1426. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:



3rd reading. On the Order of Senate Bills 3rd Reading is Senate Bill 1427. Senator Kent seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1427, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 5 offered by Senator Buzbee.

PRESIDENT:

Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. This is a restoration of one hundred forty-five thousand seven hundred dollars to insure certification of the Veteran's Home by the Veteran's Administration and for Medicare. And I would move its adoption.

PRESIDENT:

Senator Buzbee moves the adoption of Amendment No. 5 to Senate Bill 1427. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills 3rd Reading, Senate Bill 1445. Senator Sommer seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Where is the good Senator? All right, we'll get back to that one. On the Order of...if you'll turn to page 6. Senator Carroll, is there an amendment to 1516? All right. Is there an amendment, Senator Buzbee, to 1525? All right. On the Order of Senate...wait a minute...on the Order of Senate Bills 3rd Reading is Senate Bill 1525. Senator Buzbee seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave

granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1525, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator Buzbee.

PRESIDENT:

Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. This adds five million dollars GRF for scientific and technological equipment purchases at community colleges and public universities in FY'83. The FY'83 BHE budget recommended...recommendation included four million four hundred sixty-eight thousand eight hundred dollars for scientific equipment replaced at public universities. The Governor's budget eliminates the funds. This is requested by the Society of Professional Engineers in this State and the breakout is as follows: six hundred thousand to community colleges; seventy-seven thousand to Chicago State; a hundred and ninety thousand to Eastern; thirty-eight thousand to Governor's State; a hundred sixty-nine thousand to Northeastern Illinois; three hundred twenty-two thousand to Western; two hundred thirty-seven thousand to Illinois State; three hundred five thousand to Northern Illinois; eighty-seven thousand to Sangamon State; seven hundred seventy-five thousand to Southern Illinois University and two million two hundred thousand to the University of Illinois for a total of five million dollars. And I would move its adoption.

PRESIDENT:

Senator Buzbee has moved the adoption of Amendment No. 1 to Senate Bill 1525. Any discussion? Senator Rhoads. Senator Sommer.

SENATOR SOMMER:

Thank you, Mr. President. As I understand this, this is an unbudgeted item for the universities. You kind of wonder

when the universities are going to quit around here. Everybody else is taking cuts and they keep adding, and adding, and adding. This is another unbudgeted five million dollars not recommended by the Board of Higher Education. Therefore, I would suggest that those who can would vote No on this thing. And a roll call, Mr. President.

PRESIDENT:

All right. Senator Buzbee has moved the adoption of Amendment No. 1 to Senate Bill 1525. Any further discussion? Yes, Senator Buzbee for what purpose do you arise?

SENATOR BUZBEE:

Well, on a point of order. The Gentleman can disagree if he doesn't like the concept but he's got to be accurate in his facts. The Board of Higher Education, in fact, did recommend this amount, and secondly, the universities did not request this add-back, Senator Sommer. The request was from the Society of Professional Engineers due to the fact of the deterioration of all of the scientific equipment in these engineering schools across this State. The universities had nothing to do with this whatsoever, this is the Society of Professional Engineers and my idea, and a few folks think it's a good idea. So, I just wanted to set the record straight.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The Illinois Information System requests permission to take still photos. Is leave granted? Leave is granted. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, on a point of...of personal privilege. We have with us today in the President's gallery the President of the Saint Therese Hospital...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Wait, Senator...wait...we're on an amendment right now. Would you just wait.

SENATOR GEO-KARIS:

Oh, I'm terribly sorry, I'll wait my turn.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee, I'm sorry. Would you... Senator Buzbee moves the adoption of Amendment No. 1 to Senate Bill 1525. All those in...a roll call has been requested...roll call has been requested. All those in favor of adopting Amendment No. 1 to Senate Bill 1525 will vote Aye. Those opposed vote Nay. The voting is open. For what purpose does Senator Grothberg arise? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question the Ayes are 28, the Nays are 29, none Voting Present. The amendment having failed to receive a majority vote is declared lost. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, it's a...on a point of personal privilege. It's my pleasure to introduce a number of constituents, very prominent ones, who are sitting in the President's gallery. Sister Maryann, the President of Saint Therese Hospital, Waukegan, which is the largest hospital in Lake County. Sister Xavier, the Vice-president, Sister DePassi and Mary Jean...who is on the Board of Directors, and Mrs. Mary Jean Falconer the Vice-president of St. Therese Hospital, which is not only one of the finest hospitals in Lake County but in the whole country, a they're in the President's gallery. And in addition, I would like to also introduce Reverend Harry Wilson, Perry Payne and Barbara Gordon, who is the head of our Citizen's Action Project in Lake County. And there's one other lady there, but I don't have her...her name. Is it Mrs. Payne?

Would you all stand up.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would they please rise and be recognized. On the Order of Senate Bill 1445. On the Order of 3rd Reading, Senate Bill 1445. Senator Sommer seeks leave of the Body to call it back to the Order of 2nd Reading for purpose of amendment. Is leave granted? Leave is granted...Senator Sommer. Secretary please read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 6 offered by Senator Philip.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a reappropriation of two million three hundred eighty thousand dollars to the Space Needs Commission for ongoing land acquisition. I move its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Philip moves the adoption of Amendment No. 6 to Senate Bill 1445. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 6 is adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 7 offered by Senator Simms.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Simms.

SENATOR SIMMS:

Mr. President and Ladies and Gentlemen of the Senate, I have a technical amendment for two items that have been appropriated. One is technical amendment for the Broadway Armory in Chicago for the refurbishing and the second one is the...the completion to...of the Rockford Academic Center, the title to be held by Northern Illinois University. I would move for the...adoption of Amendment No. 7 to Senate

Bill 1445.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Simms moves the adoption of Amendment No. 7 to Senate Bill 1445. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 7 is adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 8 offered by Senator Sommer.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

SENATOR SOMMER:

Thank you, Mr. President. This is a purely technical amendment and I move its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer moves the adoption of Amendment No. 8. Is there any discussion? On that question, those in favor indicate by saying Aye. Those opposed, Nay. The Ayes have it. Amendment No. 8 is adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. On the Order of Senate Bills 3rd Reading. Senate Bill 1606. Senator Bruce seek...for what purpose does Senator Vadalabene arise?

SENATOR VADALABENE:

Yes, I've been requested to pick up House Bill 2599, and I understand that Senator...Senator Marovitz has already picked it up. How do I handle that situation?

PRESIDING OFFICER: (SENATOR SAVICKAS)

If the House sponsor will notify in writing the Secretary of the Senate, the...the change will be effected.

PRESIDENT:

Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

AB 1231  
2nd Reading

Yes, I wanted...also had another point I wanted to bring up. On House Bill 1655, Senator Grotberg as a joint sponsor.

PRESIDENT:

All right. Senator Vadalabene seeks leave to show Senator Grotberg as a joint sponsor of House Bill 1655. Leave granted? Senator Bloom, for what purpose do you arise?

SENATOR BLOOM:

Point of personal privilege.

PRESIDENT:

Yes, Sir, state your point.

SENATOR BLOOM:

Yes, Sir, Mr. President. Seated in the President's gallery is a delegation from Saint Francis Hospital in my community. They...they do fine work and I...I wonder if they'd stand and be recognized. Sisters, fellows.

PRESIDENT:

Will our guests...our guests please stand and be recognized. Welcome to Springfield. All right. The Secretary is preparing an additional list with respect to recall bills of a substantive nature and we'll get back to that order of business later. We will begin again...on the Order of Senate Bills 2nd Reading. And I would remind the membership, if we need reminding, that it is Wednesday, May 26. On the Order of Senate Bills 2nd Reading, Senate Bill 1202, Senator Chew. All right. Senate Bill 1231, Senator Sangmeister. On the Order of Senate Bills 2nd Reading, Senate Bill 1231. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1231.

(Secretary reads title of bill)

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

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, at this time, Mr. President, I would move that we Table Committee Amendment No. 1 because it's been encompassed in Floor Amendment No. 1.

PRESIDENT:

All right. Senator Sangmeister moves to Table Committee Amendment No. 1 to Senate Bill 1231. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. Amendment No. 1 is Tabled. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senators Sangmeister and Marovitz.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Mr. President, Committee Amendment...Floor Amendment No. 1 encompasses practically everything that was in Committee Amendment No. 1 except we added a few additions to it which I would be willing to explain if you want to, or we can leave it for 3rd reading.

PRESIDENT:

It is...

SENATOR SANGMEISTER:

...at this time I'd move...

PRESIDENT:

...Okay, it is technically Amendment No. 2, 1 was Tabled.

SENATOR SANGMEISTER:

I'm sorry, you're right, No. 2.

PRESIDENT:

Okay. All right. Senator Sangmeister moves the adoption of Amendment No. 2 to Senate Bill 1231. Any discussion? Senator DeAngelis.

SENATOR DeANGELIS:

...question of the sponsor.



PRESIDENT:

Indicates he will yield, Senator DeAngelis.

SENATOR DeANGELIS:

Is the automatic transfer of juveniles to the adult court still in the bill with Amendment No. 2?

PRESIDENT:

Senator Sangmeister.

SENATOR SANGHEISTER:

The answer is, yes.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I will reserve my debate then for 3rd reading.

PRESIDENT:

All right. Any further discussion? Senator Sangmeister has moved the adoption of Amendment No. 2 to Senate Bill 1231. If there is no discussion, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator Netsch.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Yes, I have two amendments and the...I'm trying to...let me find the number of the one that I would like to have...be offered first. Just a second.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

It is Reference Bureau 8205258GLDVAM01. Do you have that? Okay.

PRESIDENT:

All right. Senator Netsch on Amendment No. 3.

SENATOR NETSCH:

Thank you, Mr. President. Amendment No. 3 offers an alternative to that which is basically incorporated in the bill. Instead of automatic transfer for the designated crimes, it provides for automatic hearing before the judge, for not exactaly the same number of crimes, but for a similar list, and I will identify which they are, murder, rape, armed robbery while armed with a firearm or aggravated arson. The reason for this is that, well, several fold. One, I suppose is just simply philosophical. There are those people who are involved with this series of issues who do not feel that the transfer into the adult system ought to take place automatically without any hearing or review on the part of a judge who ultimately has some responsibility. The judges, of course, will continue to hear requests for transfer in those categories of crime that are not automatically to be transferred under this bill. It is an...it is somewhat troublesome because it does mean that the sole discretion, the sole judgment, if you will, about whether a particular matter is...should be automatically in the adult system or not is, in effect, left with the charging police officer or the prosecuting attorney. And again, it is not subject to any form of review. I don't think anyone at the moment really knows whether this system or the one that is reflected in Senator Sangmeister's amendment is going to result in more convictions of those juveniles who are, in fact, violent offenders. And incidently, the...this amendment is in no way disagrees with the basic premise that there are a number of juveniles who are violent offenders, and who ought not to be subjected, if you will, to the juvenile court system but ought to be part of the regular criminal court system. It just is simply a means of identifying how they are to get into that system and basically who is to make the decision. It's a choice between the charging officer or the juvenile

judge. And philosophically, it seems to me that there ought to be some review by the presiding juvenile judge and that is what this amendment is intended to offer as an option.

PRESIDENT:

All right. Senator Netsch has moved the adoption of Amendment No. 3 to Senate Bill 1231. Discussion? Senator Geo-Karis.

End of Reel

REEL #2

SENATOR GEO-KARIS:

I don't have a copy of that amendment, but anyway if the speaker would yield for a question?

PRESIDENT:

Indicates she will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

If that is...if I am correct, the bill which...to which you are speaking is the one that provided that minors at the age of fifteen and upwards would automatically be tried by the adult courts for armed robbery, rape and murders. Is that correct?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Yes, that is, I believe, the substance of Senate Bill 1231 as it has now been amended by Senator Sangmeister.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

...the amendment of which you speak, which is your amendment, is that correct? It further amends the bill...I didn't quite get the gist of it with everyone running in and out of here, so could you just...just give me a one line change that you made. Did you say, in effect, maybe I understood it, that the minor could waive himself back to the juvenile court?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

No, that is not what this amendment which you are now considering deals with. What it does, Senator Geo-Karis, is

to substitute an automatic hearing before the court for automatic transfer with respect to a similar list of violent offenses.

PRESIDENT:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I rise with great trepidation in support of this amendment. Senator Netsch and I usually are not on the same side on juvenile court issues, but on this one, I would like to side with her. The problem with 1231, and really this is the only problem with it, it's an extremely good bill, is the fact that it really...

PRESIDENT:

Pardon me, Senator. Will the members please be in their seats and those not entitled to the Floor please find somewhere else to congregate. Will those not entitled to the Floor please find somewhere else. Senator DeAngelis.

SENATOR DeANGELIS:

The problem is basically that...in 1231 we are essentially riding juveniles, in this particular provision, out of the juvenile court system, period. In other words, we're doing a complete bypass, and now we're saying that juveniles age fifteen and older for certain crimes are no longer juveniles and must automatically go to the adult court. Now I...I know that the court has shown leniency in the past in dealing with violent offenders as far as trying them as adults, but I don't believe that a complete bypass is a solution. I think juveniles are still juveniles, and the juvenile court should have the first shot at them. And this bill...this amendment does, in fact, force a hearing on their transfer. So I stand in support of Senator Netsch's amendment.

PRESIDENT:

Further discussion? Senator Bowers.

SENATOR BOWERS:

Thank you, Mr. President. I rise in opposition to the amendment, obviously. And I'd like to call the Body's attention to a couple of things that seem to me haven't been emphasized sufficiently. We talk about "juveniles", we're talking about two years...fifteen...fifteen and above, so in effect, fifteen, sixteen and seventeen year olds, and we're talking about that age group that is charged with murder, rape, or armed robbery. Now I suggest to you, if you want to call them juveniles, and if you want to pretend they're juveniles, that's fine, but under today's society and today's societal acts that these people are committing, I don't think they ought to be treated that way. And all we're really saying here is that this limited group of people should be tried as adults, and as part of the reasoning behind this, we had testimony before a subcommittee, we've had numerous matters called to our attention where the juvenile courts, in very, very serious matters simply refused to refer them to the...to the criminal courts, and because of these refusals, we've come back now with the automatic transfer. And I see no reason...no reason at all why people in this category should be treated as "juveniles," and I would hope we would defeat this amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. I, too, rise in opposition to this amendment. I think the proponents of this amendment are ignoring the realities of what is going on outside of this Chamber. We are going to...if we are going to transfer these juveniles, and we're talking about those types of persons and those types of crimes as stated by Senator Bowers, to try...to put in another step to put in a hearing creates such a...a...a burden on the whole system, now we will be into the

issue or the question of whether or not there was...the hearing prior to transfer was fair, whether or not there was sufficient due process for the defendant. We will be litigating and appealing, and up and down the judicial review process on the question of hearing before we even get the juvenile in front of a...in front of a judge on the question of...of the substantive crime. I am strongly opposed to this. I think if...if this goes in, it defeats the very purpose of the bill and I would ask your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. I rise in support of Amendment No. 3. Senator Netsch and myself were the only two people on the Judiciary II Committee not to vote for the automatic transfer. And I just feel that the scope of the inclusions within the automatic transfer are much too broad. Murder, I can understand that, if...if you want to transfer a fifteen to seventeen year old to the felony court without a hearing in juvenile court if he is charged with a murder may be, under those circumstances, it may be justifiable. But when you want to charge a juvenile, fifteen to seventeen year old, who has been alleged to commit an armed robbery, I think because of the...the degrees of...of, I don't know, what's the right word...I'm looking for a word...but armed robbery can constitute almost anything. It could constitute a person assaulting another person with a baseball bat and in the process stealing his wallet, and that would constitute a armed robbery. Now, you...do you want that young person to go before a felony court and be tried as a adult felon? I mean, that's the question. I think they over extended the scope of the crimes that could be constituted enough to go to felony court, and I would rise in...support of Amendment No. 3.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President. I rise in support of this amendment, too, because I feel that the amendment is, in fact, a reasonable compromise. I think Senator D'Arco basically expressed my sentiments, because I, too, feel that the scope of this bill is...is just too far. I, for one, do not want to coddle criminals...hardened criminals, and I do realize the necessity for us to try and do something about the gang-bangers and those youths who get away under disguise of being youth, and who commits serious and hideous crime. But I think this bill goes too far as it is, and I think this amendment is, in fact, a reasonable compromise. Now, if all things were equal in this country, if everyone received equal protection under the law, then maybe we could do something like this and our conscience would be clear that everybody would receive justice, that is not the case. So we have to operate under the system that we are under whether we like it or not. And I think this is a fair compromise, and I ask for your favorable support of this amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President. Make the Body aware that this is a committee bill, this did not come around lightly. We had hearings throughout the State of Illinois, took a lot of testimony and this is a very difficult...premise on which to have to legislate. So, the committee has taken, I think, a very modest approach, we are only taking it on fourteen and fifteen year olds, eliminating the thirteen year olds, and that's only for the three crimes of murder, rape and armed robbery. This is an approach we think we ought to start in Illinois and we ought to take a good look at. This amendment, of course, if adopted, turns the whole situation



around, and I rise in opposition to it. And I only wish that Senator Netsch, as a member of that committee, would have submitted these amendments in committee so that we would have had a chance to discuss them there, because this...did come out as a committee bill 9-2, we think it is something that ought to stay in its exact form and I oppose any changes to the bill in the form of this amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. I...I dare anybody to try and figure out who's where on this one. I rise in opposition to this amendment. There have been hearings held on this issue. One thing that everybody should realize is that very substantial changes have been made in the bill from where it was originally introduced. We no longer have fourteen year olds in the bill, and we no longer have the slew of crimes that were in the bill originally. Only limited crimes, as Senator Bowers has said and Senator Sangmeister, and fifteen and sixteen year olds, and perhaps the most important provision that is now in the bill is the waiver back provision, so that if a juvenile is charged with rape, murder, or armed robbery, and if that charge is reduced, that individual automatically gets to go...go back to juvenile court unless he himself because of a plea bargaining arrangement waives that right. So he...goes back to juvenile court and is tried as a juvenile unless he is actually tried with rape, murder, or an armed robbery charge. I think it is a very good bill. It's a tough issue and I...and I would...I would hope that the membership would be listening to this because this is one of the most important issues that will be coming before the Body this Session. And...there is a difference of opinion on it, I think you have to take a hard look at it, and this...voting

on this amendment really is...is voting on the substance of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Apologize to the Body for rising for the second time, but I've a question of the sponsor...another question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he...she will yield.

SENATOR DeANGELIS:

Well, I'm sorry, I would like to ask the question of Senator Sangmeister. Could I do that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister. Senator DeAngelis.

SENATOR DeANGELIS:

Senator Sangmeister, at the hearings, it was recommended by somebody that perhaps the middle ground on this issue would be to have a hearing with a transfer but shift the burden of proof to the defendant as to why that person should not be moved to the adult court. Now, did the...did your group decide to scrap that compromise?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, Senator DeAngelis, there were many different approaches to this problem presented to us, and we didn't necessarily scrap anything. We considered the testimony of all the groups involved and felt this was the modest approach, and on a...on a 7 to 2 voted in committee, I believe it was, this was the approach we decided to take.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, there is an old expression in the public policy

world that the consequences of public policy are sometimes unforeseen, unchosen, and frequently dichotomous. In this particular instance, with the way the bill is right now, it's perceived that this is going to offer greater punishment to the juvenile because they have committed a more severe crime. In reality, the opposite could occur, because, I think, first of all, you're going to see a lot more plea bargaining, but more importantly, you're going to find adult courts very reluctant to prosecute a fourteen year old who happened to be riding around in a car with some older kids when one of the kids took out a gun and held up a gas station and all five of them get tried on the same...same crime. And what's going to happen is, you're going to have five kids going free rather than one person who should be punished more severely and the other four who should have been dealt with...with the juvenile court.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I...I apologize for speaking to you again. I rise in opposition to this amendment. When anyone's fifteen or fifty and commits armed robbery, or murder, or rape, it's still armed robbery, murder or rape in their intent crimes, you have to prove intent. And this...this amendment will still make it optional in the court to send them back to the juvenile court. Well, it's already optional. What the bill in itself does is it makes it mandatory that any juvenile at the age of fifteen years who commits...takes upon himself to commit armed robbery, rape, or murder, which are vicious crimes, they are subjecting themselves to a mandatory appearance before the adult court. And I certainly think this amendment strips the bill...of its original intent of the hearings that militated to the final bill and I speak against this amend-

ment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR NETSCH:

Thank you, Mr. President. Again, I think this is a...an important issue and not one on which all right and justice is on one side or the other. I am presenting it as an option, because it is an option that was presented from time to time before the committee and is supported by a number of people. I would say, first of all, Senator Sangmeister, the reason why it was not literally presented in committee was it...I had talked to you at one point and I really thought this was going to be the compromise of the committee, so that that is why I did not pursue it at that time. Secondly, I would like to make clear that this amendment is not a, if you will, soft-on-crime amendment. There is no question that juveniles who have, in fact, committed the crimes that we are talking about, either in Senator Sangmeister's list or in mine, are very serious offenders. So that is not the issue at all, in fact, I would suggest, and I think this was a point that was being made perhaps by Senator DeAngelis, that the chances of a conviction of a fifteen or sixteen year old who has committed one of these offenses is probably much greater in juvenile court than it is in the criminal court, because all kinds of legal rights that are just beginning to filter into the juvenile system are available once they are tried as adults in criminal courts subject to all of the normal provisions that are available there. So that, I think, in fact, the...the end result, if indeed you have a violent offender, of getting that violent offender "off the streets" and into something useful to try to change him if possible is more likely to take place when he is tried in the criminal system. Now again, the question really is not of whether you do or do

not approve of what these people have done, obviously no one does that. The question really is by whom and when should the decision be made as to where they are to be tried. And I would point out, briefly, that New York which has, I am told, a fairly identical law has had a real problem with the movement back and forth. There's a tendency to overcharge, that means that a lot of...those who are subject to these provisions get into the adult court, it is then determined that the charge was too heavy for the particular crime and they get moved back, and you get this yo-yo back and forth. That certainly does not help the administration of justice nor the end result. Finally, I think, the...the real point is, who should be making the decision? What my amendment is intended to suggest is that there should be a judge who is practiced, hopefully, in dealing with juvenile crime or...or serious crime committed by juveniles involved in the process and not have the decision be solely a matter of the discretion of the arresting officer, which I think is the end result under Senator Sangmeister's amendment. So, for those reasons, I think it is a reasonable alternative and I would commend it to your attention.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch moves the adoption of Amendment No. 3 to Senate Bill 1231. Those in favor indicate by saying Aye. Those opposed. The Nays have it. Amendment fails. A roll call has been requested. On that, those in favor of adopting Amendment No. 3 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 7, the Nays are 49, none Voting Present. The amendment having failed to receive a majority vote is declared lost. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 4 offered by Senator Netsch.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This amendment does not change the automatic transfer provision, it doesn't deal with those at all, it simply confines the armed robbery to armed robbery while armed with a firearm. In other words, automatic transfer would take place in cases where the charge is rape...murder, rape, or...sexual deviate assault or...no sexual deviate assault, I'm sorry, I don't have the basic text in front of me, or armed robbery while armed with a firearm, and that term is defined in terms of an existing statutory definition. It would reduce the number of automatic transfers and it would, of course, clearly pinpoint those where a weapon of that kind was in use, and that obviously is the most serious category of armed robbery. As many of you know, armed robbery can also take place without a firearm with some other kind of a weapon. There, the opportunity for the hearing would still be available, but it would not be an automatic transfer. I would move adoption of Amendment No. 4.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Well, thank you, Mr. President. I rise in opposition to this amendment. We...we did originally consider this and then basically rejected it on the basis that armed robbery with a knife is just as bad as armed robbery with a...a hand-gun and that differentiation should not be made. Armed robbery is armed robbery.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion?...Senator Netsch...Senator Marovitz, did you wish to speak? Senator Netsch moves the adoption of Amendment No. 4 to Senate Bill 1231. Those in favor will indicate by saying Aye. Those opposed. The Ways

have it. The amendment is defeated. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. For what purpose does Senator Schuneman arise?

SENATOR SCHUNEMAN:

A point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR SCHUNEMAN:

A group of citizens from Fulton, Illinois are visiting Springfield today in an effort to try to bring about the end of tolls over the Mississippi River Bridge between Fulton, Illinois and...and Clinton, Iowa. They're in the gallery to the left under the capable guidance today of the Assistant Director of the State...of the Board of Education, Mr. Robert Leininger. We'd ask them to please stand and be recognized by the Senate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would they please rise and be recognized. On the Order of Senate Bills 2nd Reading, Senate Bill 1492. Senator Marovitz. Senator, I've been notified there is a request for a fiscal note on it and it hasn't been answered. Senator Marovitz.

SENATOR MAROVITZ:

I never received that request. I...I have had no notification of that. I will be happy to...if we can move the bill to 3rd reading, I'll be happy to hold the bill and get a fiscal note for the sponsor...today is the last day to move bills on 2nd to 3rd.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz, we can't move it yet, it's...evidently Senator Ozinga has an interest in this. Senator Ozinga.

SENATOR OZINGA:

Senator Marovitz was served with notice of this fiscal note the day it was on the Calendar the first time, which was at least three or four weeks ago, and he's been asked about it at least a half a dozen times since.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

You have never asked me once for a fiscal note. Now whether you filed it, that's...I have no question about that, I'm sure you've filed it, but to say that I've been asked six times absolutely is untrue.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Ozinga.

SENATOR OZINGA:

I don't know what else I can say, there's no fiscal note is up there, and he knew about it the day it was filed because it was mentioned in his...in the committee at the time. The only reason it was put up here so that it could stay on 2nd reading until we got that fiscal note. Another thing, there is supposed to be a couple of amendments up there with reference to the nurses and other people involved which was supposed to be here before it was moved.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

I agree with the last point of Senator Ozinga and those amendments were what I was about to get up and explain. The nurses amendment, the Dental Society amendment, the amendments that...the amendment...the amendment from the department which now have been filed, and drafted, and agreed with those people and I was just going to explain them to you, because those amendments...the bill has been held this late waiting for those amendments. Those amendments are now



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2nd reading*

drafted pursuant to the nurses and the Dental Society, and they have agreed to the amendments, and that's what I was just going to present to the Body.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, Senator, we can't move the bill as long as there is this fiscal note requirement. I would suggest that you take it out of record and sit down and talk to Senator Ozinga. Senator Marovitz.

SENATOR MAROVITZ:

I will get a fiscal note if we can get back to this so that we can move the bill to 3rd reading today. And we may have to take it out of order, but could we have leave to take it out of order when a fiscal note is filed?

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Leave...leave is granted. Senate Bill 1670, Senator Schaffer. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1670.

(Secretary reads title of the bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator Schaffer.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, Amendment No. 1 strikes the title and deletes everything thereafter and, in effect, rewrites the bill. This becomes the only component of the Medicare-Medicaid cost containment program that we have been able to achieve anything approaching consensus on. It affects the long-term care...long-term care industry,

meaning the nursing homes, primarily. It is a...under its...the amended form will be a one-time delay in the rate increase. It's a one-time savings to the State of some twenty-five million dollars. I don't think anybody in the industry is that bubbly about it, but I think they recognize that we have some tight financial...we have a very tight financial situation this year, and I think they are somewhat reluctantly going along with it. Be happy to answer any...other questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Schaffer moves the adoption of Amendment No. 1 to Senate Bill 1670. Those in favor will indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Representatives of the Alton Memorial Hospital and St. Anthony's Hospital in Alton, Illinois are in the gallery, and I would like for the Senate to recognize them if they'd stand for recognition.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would they please rise and be recognized. They're in...in the gallery on the Democratic side.

PRESIDENT:

All right, if I can have your attention. Here are the list of recalls...substantive recalls that have been filed. We will get to these bills later. The order of procedure will be, we will go through Senate Bills 3rd reading,

skipping the ones that there's been an indication that there's a recall on, and hold those 'til the end. And then we'll go again back to 2nd reading, so that by tomorrow, everything, hopefully, will be in final form for final action. If you'll just mark these, we will skip these as we go along. 1272, Senator Coffey. Then on page 6, 1522, Senator Carroll. Top of page 7, 1606, Senator Bruce. 1632, Senator Taylor. And 1651, Senator Bloom. 245. Is there another one? Yes, Senator Totten.

SENATOR TOTTEN:

Thank you, Mr. President. I believe 1299, I'd also indicated that I wanted recalled. We did file an amendment on it.

PRESIDENT:

All right. 1299, we will also mark that. Can we get more copies of this amendment? The Secretary needs more than one copy. We will get back to this later, but we need more copies for the record. 1299, also. All right, it's 1272, 1299, 1522, 1606, 1632 and 1651. Those six will be held until after the call. 1202 is on 2nd reading. All right, on the Order of Senate Bills 3rd Reading, 1242, Senator Berman. 1243. Is there leave to get back to 1243, Senator Philip is on the phone? 1264, Senator Rhoads. On the Order of Senate Bills 3rd Reading is Senate Bill 1264. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1264.

(Secretary reads title of the bill)

3rd reading of the bill.

PRESIDENT:

Senator Rhoads.

SENATOR RHOADS:

Thank you, Mr. President and members of the Senate. Senate Bill 1264 is one of a series of bills which amend the

Truth in Taxation Act. As originally introduced, it had some referendum provisions in it which are no longer in the bill by virtue of Committee Amendment No. 1. As now written, the bill would provide that in the...in the cases where there is more than a ten percent increase in the extensions over the...prior year, a three-fifths majority of the district's governing body, whatever that body might be, will be required to approve that extension. This is in addition to the public hearing notices that were passed last year. I think it's a good and reasonable approach. There are...the bill is supported by the Civic Federation of Chicago, by the Taxpayers...Federation of Illinois, I talked with them this morning. As originally introduced, there was some opposition from the Municipal League, I believe that they are still in opposition, but that their opposition has mellowed somewhat by virtue of the watering down process that took place with Committee Amendment No. 1. I think it's a good bill, and I think most of the bills in the package are...are good for the people of the State of Illinois, and I would ask for a...support of Senate Bill 1264.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Netsch.

SENATOR NETSCH:

Thank you...sorry, I pressed the wrong button. I would rise also in support of the bill. I think that as it has been amended in committee it does not do any harm in terms of being unduly restrictive, although it certainly does require a slowing down and a careful thinking through of the process of raising property taxes, and I think that is precisely what many of us think ought to take place with this, probably, most onerous of all of the taxes that can be imposed on our constituents. It is a building on, if you will, of a thesis that we started in this Legislature last year, the truth in taxation provision, and I think it is one that is livable and

that will help to provide some thoughtfulness about property tax increases in the future.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to Senate Bill 1264 and would seek a ruling from the Chair as to its preemptive nature, how many votes are required for passage. But before the Chair issues that ruling, I would suggest to you that we think very, very carefully about this and the succeeding two bills. We are in a time of shrinking, if not nonexistent, revenues both at our level, the State level, certainly at the Federal level, and most hard hit will be the local level, and we sit here and make all kinds of grandiose schemes and suggest to local government that they ought to do this, or ought to do that, and then we are at the same time literally and effectively tying their hands. They cannot, they who are elected and who are accountable to the people cannot, we suggest, apparently, raise the revenue necessary to provide the services that the people will require. There is a diminution of services at the Federal level, there is a shifting of program responsibility back to the local level, and we are saying, here, you take the responsibility, but you cannot responsibly address that responsibility because we're tying your hands. I think it's a bad idea.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berning.

SENATOR BERNING:

Just a question of the sponsor. What is the effective date?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rhoads.

SENATOR RHOADS:

Section 2, page 3, line 18, "The amendatory Act takes effect upon it's becoming a law."

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berning.

SENATOR BERNING:

Senator, will not that pose some difficulties for the local governmental units? I respectfully suggest that, perhaps, you ought to set an effective date a year hence, so as to give the local governmental units an opportunity to adjust to it and the clerks' and treasurers' office an opportunity to gear up for this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rhoads.

SENATOR RHOADS:

Senator, I'm not sure whether I agree with you or not, because I...I would have to look at the schedule of the hearings of the various local taxing bodies involved. I can't tell you it is not a problem, but it...it might not be a problem. If it...if that becomes a problem, I think that effective date could be added in the House.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Will the Senator yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR ETHEREDGE:

Senator Rhoads, does this bill as amended apply to all levies by local units of government? I'm thinking, particularly, about the Bond and Interest Fund, of example.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rhoads.

SENATOR RHOADS:

Senator Etheredge, that issue isn't addressed in this

bill. We had toyed with the idea of...as a matter of fact, an amendment is being prepared by the Department of Revenue right now to try to do something to correct the problem that we've experienced in suburban Cook County of the sixty-nine taxing districts which...some of which...some of whom, many of whom, I think acted in good faith and included their bonded indebtedness from the prior year. The State's Attorney of Cook County and the Attorney General have come out with opinions, since many of those districts acted, indicating that they should not have included the bonded indebtedness. Quite frankly, right now, I am looking for a vehicle somewhere on the Calendar that...amends truth in taxation where we could address that problem, and I had thought about doing it on this bill. The Cook County Assessor's Office had objection to my doing it on this bill and that's why I didn't offer it at this time. It's a problem, it's a very naughty technical problem, set aside the politics of the question for a moment, and we're...we're looking for a solution, the Department of Revenue is working on it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Collins. He indicates he will yield.

SENATOR COLLINS:

Question of the sponsor. Senator Rhoads, quite frankly, I think you have a good idea. I think the timing is off, and I want to know that if we pass this bill and it's signed into law, will the State, in fact, make up for the loss...Federal revenue to local governments, and will we make up for the needed revenue for education and other vital essential services in case they can't get that three-fifth vote?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rhoads.

SENATOR RHOADS:

No, I don't think so. I...I the...nothing in this bill

says that they cannot extend beyond a hundred and ten percent. It only stipulates that the majority by which they do so shall be a three-fifths majority. In reference to the previous speaker from Oak Park, Senator Rock, I...it's not...I share his concerns, and I...I think he's very sincere in his criticism, but nothing in this bill ties anyone's hands...nothing...nothing in the bill shackles anyone, it simply does make it a little bit more difficult by requiring the three-fifths majority. With respect to lost revenue, no, there's no...nothing in this bill that would pledge the State to making up a revenue, let's say you get majority but not a three-fifths majority on a local taxing body, I...I don't think that's a suitable public policy for the...for the State to pursue. So, no.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Let...let me...let me make...this...I need clarification here. If, in fact, that they don't get the three-fifth majority needed for the tax levy, if it's more than the hundred and ten percent, then they could not get the revenue that is needed to make up the losses for the cut in Federal revenues or for...or for...inflationary costs that necessitate more money for essential services and education. So, where would the money come from? What would they do? What options, then, will they have if they don't get the three-fifth vote?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rhoads.

SENATOR RHOADS:

The only option in that case, Senator Collins, would be to drop back below the one hundred and ten percent level and pass it by a simple majority. Now I assume in...in the example that you're giving, that there is at least a simple



majority, there has to be, behind the...the increase in the levy. If they don't get the three-fifths, then it doesn't happen. I mean, that's the purpose of the bill, frankly, is to...is to control the further spread of these extensions. Now, it...where there is a compelling, overwhelming case to be made for increasing the levy beyond a hundred and ten percent, I think, in that case, you can get the three-fifths majority without any problem.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Would you be able to...to move up the effective date...move back the effective date?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rhoads.

SENATOR RHOADS:

I think in my answer to Senator Berning, I...have no objection to that, and all I'd have to do is...is we'd have to sit down with the Department of Local Government Affairs and the Department of Revenue and see if there's any...if this creates any problem in the schedule of the governing Bodies now wrestling with this. In the case of Cook County, we're...we are first, we're before anyone else, and we're already experiencing the problem of the sixty-nine districts that I alluded to and there is some pending litigation on that. If it creates a problem, I'll be happy to postpone the effective date and suggest that to the House sponsor. I have no problem with that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Well, speaking to the bill, Senator Rhoads, I have some problems with this bill, particularly in township governments where, say the road district

one year needs no money at all and makes no levy, and then the next year they come back and they need a full levy, and it's much more than a hundred and ten percent over the previous levy, and the make up of township government sometimes is bipartisan, sometimes there...they get into little fights and snits. I think it's going to cause more problems really in smaller, say township governments, in really taking care of the needs, because at sometimes they don't have any levy in certain areas, and then the next year they come back and they need a full levy. That's what bothers me about the bill, I...I have...I understand what your intent is, but it concerns me, particularly in downstate Illinois, that we're going to run into a lot of problems.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. I rise in opposition to this bill. I think the truth in taxation legislation which we enacted last year has been tried. Some sixty districts in suburban Cook County got in trouble because they didn't have the hearings. The largest taxing district in...in my district, in fact, did advertise in thirteen newspapers that they were going to extend their levy at a greater than a hundred and ten percent, and after having advertised in thirteen counties, they got two civilians to come in and want to know about it, and when they left, they were all satisfied that it was necessary for them to operate the...the college district in a fair and equitable way, that they have the additional amounts of money available without any increase in their tax rate, it was just a benefit...they were a beneficiary of increased valuation. All...almost all the boards that have the authority to levy taxes in this State are elected, now there are some appointive boards, but they...they are limited, and all of those people have to go

back to their voters and respond to their questions about why our taxes are going up. To acquire a...a three-fifths majority, for example, on a seven member community college board, you'll have five positive votes, oftentimes there is not full attendance at those meetings. First thing you know, one or two people in a community college board is going to tip the apple cart over. They're elected, they have to go back and respond to their voters. It seems to me that we ought to be about our business, not about their business, and that's what we're saying, you don't have the competence, you don't know...what the voters think in your own district as much as the State Assembly does, and we're going to tell you that you have adopt these things by three-fifths. These are not tax rates, those go to the voters, these are levies in extension. As Senator Etheredge pointed out, one of the big...big problems that are occurring in the truth in taxation legislation is, what happens about bond and interest levies. And we've gotten opinions from Chapman and Cutler both ways, and whether or not those are included in your levy, and if you build a new building and the second year out, you have an extension to pay for the interest on the bonds levied, does that throw you over the hundred and ten percent, and Chapman and Cutler's, I believe, advice to every district that I know that got the opinion was, you'd better have your truth in taxation hearing just so that you can cover the bond and interest levy which is...which is required. Once you issued the bonds for the protection of the bondholders, you have to levy it. So, I...I...that should have been clarified in the Act...Senator Rhoads' explanation was that he was going to clarify that, but I think this Act could stay here. Most of the districts have acted very responsibly in this area, they don't levy more than they need. The Truth in Taxation Statute is on the books, voters are notified, they're there, they can have the hearing and attend it if they wish, and I

think that should be sufficient protection for the taxpayers in the State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg.

SENATOR GROTBORG:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will yield.

SENATOR GROTBORG:

Senator Rhoads, in discussing the actual vote three...what a three-fifths vote means, it has come to my attention that this probably really only affects boards of ten or more, because it takes six of ten to...that is three-fifths. There is some discussion as to whether a seven man board would have five or four...with the actual...you can't divide a person, depending on how the vote goes, but it doesn't affect nearly as many boards. A three-man board already has to have two. Do you...have you got any arithmetic on how many boards are affected by this?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rhoads.

SENATOR RHOADS:

No, Senator, none at all. It's...you know, with the numbers of elected bodies in this State, in Illinois of all States, we have more elected officials, more governing bodies from mosquito abatement districts on up than any other state. I...I can't give you, and I'm not even sure that...that DLGA could give you a figure on that right...right now.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg.

SENATOR GROTBORG:

Well, thank you. To...to the bill, I have a lot of good

feelings about this bill and I'm going to vote for it, but as I discussed with the troops that are worrying about that and some other things, maybe in closing, you can give it the final impact to the best of your ability. Thank you, Senator Rhoads.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield to a...for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he'll yield.

SENATOR GEO-KARIS:

Under the Truth in Taxation law, was there a referendum provision in it? I can't recall.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rhoads.

SENATOR RHOADS:

Oh, gosh,...no, there were...there were public hearing provisions. There were some referendum provisions in this bill which were taken out in Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the Chair is prepared to rule on Senator Rock's request. The Chair will rule that Section 3 of the bill requires that..and it mandates that taxing...districts comply with the provisions of this Act, and under Article VII, Section 6, Paragraph G of our Constitution that would be preemptive and it would require thirty-six votes. Senator Rhoads.

SENATOR RHOADS:

I'm sorry, Mr. President. I...I heard the ruling, but I didn't hear the...the rationale behind it before you got to the preemptive clause. What did you say that was in the bill that...that dealt with that section of the Constitution?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Section 3 would mandate that taxing districts comply with the provisions of this Act. Is there further discussion? If not, the question is shall Senate...oh, Senator Rhoads may close. Senator Egan, for what purpose do you arise?

SENATOR EGAN:

Yes, just a repetition of the ruling, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The ruling is that the bill is preemptive. It would require thirty-six votes.

SENATOR EGAN:

I understand that, but what I want to know is what you're saying it...it violates.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Under Article VII, Section 6, Paragraph G. It says, "The General Assembly by law approved by the vote of three-fifths of the members elected to each house may deny or limit the power to tax." Is there further discussion? If not, Senator Rhoads may close debate.

SENATOR RHOADS:

Thank you, Mr. President and members of the Senate. With respect to the ruling of the Chair, I'm...I'm not going to...dispute it or argue with it at this time, I am somewhat puzzled by it. I suppose one could state that by stipulating the majority involved in the extension of levy that that was a limitation on the power to tax. If that is your reasoning, at least I understand the...the purpose of the ruling. With respects of the merits of the bill, I think if...if you just take a minute to read the bill, it would take about thirty seconds. There's only four lines of new language in the relevant section of the bill. What we're doing is amending Section 3 of the Truth in Taxation Act that was passed last year, and that we required that in addition to the public hearings, we require that the aggregate levy will be adopted by a three-fifths majority of the members of the governing

authority of the taxing district, if the aggregate levy exceeds the extension of the prior year by more than one hundred and ten percent. It's a very simple concept. Yes, it does make it tougher. With respect to the remarks of Senator Weaver, I'm not sure I have an answer to your problem, Senator, only...my only answer would be that anyone who was in that situation, particularly if there had been no levy in the prior year, I would think could muster a three-fifths majority. It...it would seem to me that there would be that kind of consensus, and if there isn't, then that is the...exactly the kind of situation that this bill is...is designed to...to put a limitation on. With respect to some of the concerns of...of other individuals, what we're trying to do here is control the explosion of levies that we've seen in recent years. I think it is good concept and...and a good bill, and I would ask for you support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 1264 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 25, the Nays are 26, 4 Voting Present. Senate Bill 1264 having failed to receive the constitutional majority is declared lost. Senate Bill 1265, Senator Buzbee. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1265.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

(Machine cutoff)...Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. This is a very simple concept, it's a very simple bill. It simply says to the State of

Illinois Department of Revenue, you may no longer increase the multiplier assigned to local counties. We originally wrote the bill last fall when it was introduced to say that the bill...that to use 1980, but we have now amended that so that 1981 is the operative multiplier year. So that in the future, the State of Illinois Department of Revenue cannot increase any county's multiplier over the...the multiplier that was assigned to that county in...for 1981. Just to give you some of the reasons why this legislation ought to pass, people have little idea on how their tax bills and ever increasing sums have been calculated, taxpayers have not too big amount of a knowledge, as a matter of fact, on the budget, levy, or collection cycle, they have only partial understanding about the assessed evaluation of their property, but I don't think anyone really understands the multiplier. How can we continue a system that allows significant increases in tax bills to occur year after year when the taxpayer cannot understand what causes them and allows him no remedy to alleviate himself of this burden? I think it was this very sort of thing that caused the taxpayer revolts and brought about Proposition 2 1/2 in Massachusetts, and Proposition 13 in California. Inflationary pushed property values have shown up in the multipliers which have been increasing in almost every county in the State for the last several years. Over the last six years, an average of seventy-two counties have received increases, twenty-one have decreased on the average. This year, even considering the sick real estate market, approximately eighty-four counties will receive increased multipliers. The...impact of these multiplier increases have been to provide artificial tax base for taxing bodies, thus avoiding statutory tax rate maximum limits imposed by the Legislature for the protection of taxpayers. Some years ago, we passed the homeowners exemption originally at fifteen hundred dollars, later increased to



three thousand of the increased equalized assessed valuations. With the rapid and staggering increases in the equalizer, we have eroded the taxpayer...the homeowners protection that was provided by the Legislature. I have passed around to a few individuals, I didn't have enough copies for everybody, but I've passed around to a few individuals a little summation as to what's been happening on the multiplier. And let me just quote very briefly from this, "Comparing the 19 equal... '80 equalization factors with the '81 factor, it shows that there were eighty-four counties who had an increase in the multiplier in the State. Of those eighty-four," and I will leave out the bottom percentage of increases, "but those who increased from four to five percent, there were seven counties in the State; from five to six, ten; from six to seven, five; from seven to eight, eleven; those who increased from eight to nine percent were seven; counties that increased from nine to ten percent were ten; ten to eleven, eight; eleven to twelve, there were two counties; twelve to thirteen, there were four counties; thirteen to fourteen, four counties, and there was one county that increased by over fifteen percent in one year." Again, a few of the increases in a few of the counties, "Alexander had an 11.7; Adams, 9.6; Bond, 13.3; Carroll, 10.3; Clark, 13.7; Clay, 9.7; Crawford, 10.3; Cumberland, 8.0; DeKalb, 8.5; DuPage, 10.8; Edwards, 13.7; Effingham, 8.6; Fayette, 9.4; Ford, 7.3; Gallatin, 8.7; Hancock, 7.4; Jackson, 9.2; Jasper, 7.7;... Jersey, 9.8; JoDavies, 12.7; Kendall, 10 percent; Lawrence, 12.1." Well, I can go on, and on, and on, but you get the drift, here's one Montgomery increased...pardon me, Monroe increased by 13.3, Montgomery by 9.4. The increases that have been laid upon these counties by the State of Illinois Department of Revenue has taken away any property tax relief we've given through the...through the exemption...the homestead exemption, that I just pointed out. I think it's

time we say to the Illinois Department of Revenue, if you decide next year you're going to assign a multiplier to this county, fine, but, you cannot assign one that is any larger than the one that you assigned this year. You can, with this legislation, decrease the multiplier, but you cannot increase it any more than it currently is. I think it's good legislation. I think this is the type of legislation that everybody knows, obviously, that this came from Cook County Assessor Tom Hynes. It was his...his bill to start with, so why does somebody from three hundred and fifty miles away sponsoring the legislation for the Cook County Assessor? It is very simple, because my county is just as affected, has been just as affected, my counties, my part of the State, your part of the State has been just as affected by the Department of Revenue as has Cook County, and I will leave it to some of my Cook County colleagues to make the argument as to what's happening in that county, but I would solicit your favorable support.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator McMillan.

END OF REEL

REEL #3

SENATOR McMILLAN:

Mr. President and members of the Senate, about the only good thing I can say for this bill is that it...it was brought forth by former Senator Hynes. It's a bad bill and I think you need to take a good look at it. Freezing multipliers has become a very popular political approach for a lot of candidates that I really don't think have taken a good look at what it would do to the assessment system. This bill does prevent any increases in the multiplier but it does not prevent any reductions in the multiplier. Now remember, the whole reason why we end up with a multiplier is to make sure that in those cases where we have overlapping districts there is some reasonable kind of equity in terms of the way property on one side of the county line in that district is taxed related to on the other side. Now, this freeze in multipliers is not going to change...not going to change assessment increases that might occur within any one county. And if we have assessment increases in one county with an old multiplier applied, and if we have different assessment increases over the county line but still in the same district, and perhaps in that other district we have had a reduction in the multiplier because people in that county, the assessors in that county, have done a competent job, then what we end up with is vastly different tax burdens being borne by property owners that happen to be on different sides of...of the line. Now, I know this is designed to try to...to come forth with a popular gimmick, everybody hates the multiplier so what we do is freeze it, and supposedly that's going to hold down peoples taxes. It doesn't do anything to reduce the power to levy tax increases, and what it will do...and mark...or mark...the word, you'll have people

coming to you after this is done and try to point out or try to have you explain why you have allowed their taxes to increase on one side of the county line, while in another...with another property on the other side of the county line they may have stayed the same. You're not necessarily preventing somebody's taxes from increasing, what you're doing is setting down a freeze which prohibits the multiplier from increasing while, in fact, the assessment practices which go on may allow some taxpayers on one side or the other of the county line within the same districts to have their taxes increased substantially. It's a nice idea but it is destroying whatever equity there may be for taxpayers that happen to reside in the same taxing district, whether it's a highly taxed school district or a very lowly taxed mosquito abatement district which happen to be across county lines.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning. And I have Senators McMillan, Berning, Joyce and Thomas on my list, and Senator Rhoads. Senator Berning.

SENATOR BERNING:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, first I want to congratulate the sponsor on proposing an innovative solution to a serious problem, and then point out to the Senator that as I understand the equalization process, it is to assure that each one of our citizens bears an equal share of the load. If our township assessors don't perform properly within their township that county supervisor of assessments equalizes between those townships, and then in the event the counties are not fulfilling the purpose of equalization properly, the State equalizes between counties. My...my suggestion to you, Senator Buzbee, is that to freeze the multiplier at the State level could only compound difficulties for your citizens in your area or the citizens in my

area, or some other...one of the areas of the State, and certainly is not going to produce any logical defensible benefits. I suggest, Mr. President and members of the Senate, that while this is a very, very interesting topic, and one that some of us have been attempting to provide an answer to for a long, long time, that attacking the problem from the multiplier point of view is totally erroneous. In fact, I can't believe that a man of the intelligence of the sponsor can't see beyond the ineffectiveness of a hitting at the multiplier. I submit, Ladies and Gentlemen of the Senate, the only place, the only place to attack the ever increasing and escalating burden on the homeowners is at the assessment level itself. That assessment, Senator Buzbee...Senator Buzbee, I wish you would consider joining me in freezing the assessment at some determined level. That would eliminate any problem with...with equalization rates and tax bills. They would automatically be terminated at their current point.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. Very briefly, we have been through this in committee. What we are saying is, not that each person pay his equal share, we say each person be assessed at his fair share. It is impossible, given the classification system, given the requirement of thirty-three and a third percent of market value, to properly...and given the disproportionate ratio which exists to commercial and residential property in Cook County, to come up with that. What...how I view this legislation is, I view this as the first step in doing away with the multiplier. As you know, Senator Stevenson, Adlai Stevenson, has made such a proposal. There are inequities in this. What we are saying here today, let us stop the inequities. The best way that we can stop

them today is to freeze it and get to work on the whole problem of...multiplier and resource equalizer and all those other things that are tied into this.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Thomas.

SENATOR THOMAS:

Thank you, Mr. President. Senator Buzbee, your idea is very interesting and...and I think that I'm going to join you on this. I was listening very carefully to Senator McMillan and to Senator Berning as well, and I...I do agree with them that perhaps the problem should be taken care of locally with...with the local assessors. However, I believe even the Governor said a few months ago that he was getting a little tired of local units of government pointing their finger at the State of Illinois for being the bad guy with...with the adjustments, and I know that in various parts of the State of Illinois property owners are snickering when they see the assessment on their home because they know it's a low assessment, and many assessors are purposely underassessing knowing that the State will come in and adjust. And I don't think that...I don't think we've got the problem that some of us think we have. For instance, if you are trying to sell your home or you're attempting to buy a home, the lending institution will come out, they'll do an appraisal and that appraisal will be right on the money, right on the money. I know, I'm in the process of buying a home right now and the people that are selling the home, both of us agree that it's a fair market value. So, there are people out there that can do a darn good job of assessing the value of property. I think all you're trying to do, Senator Buzbee, is to get local assessors to do the same sort of thing. And while there are some problems, and I don't like to be a party of restricting local units of government, I do think that you're on the right track and I will...I will support your bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads.

SENATOR RHOADS:

Thank you, Mr. President and members of the Senate. I rise in support of Senate Bill 1265 as I have the entire package...but must in fairness point out that this...being from suburban Cook, I might be more enthusiastic about the bill than I...I would be if I lived in another part of the State. It may impact different areas in different ways. For the members of the Republican side of the Chamber, I would like to clear up one piece of confusion, some of you have a staff analysis dated May 3rd which may mislead you into thinking that the Taxpayers Federation is not in support of Senate Bill 1265. About five minutes I received a phone call from Doug Whitley of the Taxpayers Federation in Chicago. They are in support of 1265, and if that carries any weight with anyone, the Taxpayers Federation does support this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Simms.

SENATOR SIMMS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. If...I think if everyone will remember that those that served in the Legislature sometime back, that the freeze on property tax assessment was tried under Governor Walker, and as most of you will recall, it caused a very serious debacle into the assessment procedures in the State of Illinois. And frankly, it caused more problems and more inequities than what it solved. If you want to really look at what the problem is, it's the rising property taxes in the State of Illinois. And let's be very candid, the places where they have really increased have been in home rule units of government. In my own community our property tax bills have skyrocketed this last year because home rule units can simply adjust their rate to generate the revenue that's needed to

operate government, and government is going to have to have funds in order to operate so they go through the process of either a front door or a backdoor referendum, or in the case of a home rule unit, the city council can go ahead and just simply increase the rate. What we're doing here is not solving a problem, we're creating a greater problem, and frankly, you wouldn't have to worry about the multiplier, you wouldn't have to worry about the...the assessment factor if it were not for the School Aid Formula. And perhaps the thing really that should be changed is the School Aid Formula that it isn't so dependent upon the...the property tax assessment procedure because, frankly, that's where the greatest argument comes in. I think the Senator sponsoring this bill meritoriously is trying to do something, but this has already been tried, it's failed, and so, consequently, I think that Senator McMillan has well addressed the issue, this bill is not going to solve the problem, it will create a greater one.

PRESIDING OFFICER: (SENATOR BRUCE)

Channel 20 is seeking leave to film the proceedings. Is there leave? Leave is granted. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise in support of the bill and would like to make just a couple of points underscored because I think they are important. I don't think any of us who supported this bill in committee and...and helped to bring it to the Floor are suggesting that it is any kind of a final solution to the problem of property taxation. But by the same token, I think we should make it clear that it is not a gimmick either. It...it does not restrict local governments unduly, certainly not in any way at...at the present time. It certainly does not, by the same token, solve the problem of what we ultimately do with the property tax. But what it does do is to eliminate one factor of the spiraling property taxes that some of us suspect is a little



bit artificial and for which no one takes any responsibility. It is part of the pattern of being able to pass responsibility for increasing property taxes off onto someone else but never me, and when local governments or local government assessors are accused of too much increase in property taxation they say, oh, it's not our fault, it's because the multiplier has been going up so high. We do not expect this to be the end of the process of attempting to control and put a...some kind of a limitation on the extent to which property taxes have got to fund government, but what we do say is that it is one step, and an important step, in number one, helping to pin responsibility, and second, slowing down the process until this General Assembly ultimately faces up to the question of what kind of a State and local government tax structure it does, in fact, want. It is ultimately our responsibility as legislators to decide this. This bill is intended only to help us to that ultimate decision.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? I have the following Senators now have been added to my list: Senators Demuzio, Nimrod, DeAngelis, Schaffer and Egan. Senator Demuzio. Alright, Senator Nimrod.

SENATOR NIMROD:

Thank you, Mr. President. A question of the sponsor if I may.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he...Senator Buzbee...indicates he will yield.

SENATOR NIMROD:

Senator Buzbee, do we know...list of the states that you have, what is the total spread between the highest and the lowest on the multiplier there?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee.

SENATOR BUZBEE:

I can give you a... yeah, here I think I've got it. It looks like the lowest multiplier in the State of Illinois is Crawford County which has a multiplier of .9751, which in other words is a negative multiplier. Anytime you go under 1.0 it's a negative multiplier. So that would be the lowest and the very highest is Pope with a 3.7 multiplier. Those obviously are both very small counties, so it's...it's...they're not good examples.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nimrod.

SENATOR NIMROD:

Thank you, Senator Buzbee. I think what we have to face on a bill of this type, first of all, we are addressing one phase as we've been indicating here of our tax bills. And the important thing is, of course, I think we have to address the total tax bill or the total dollars, that's where it affects it. And I'm sure that all of you are aware and recall that a tax bill is made up of three parts, the assessment which is controlled locally, the rate which is controlled both locally and by the State, and the multiplier which is the State. So anytime you adjust, or fool around, or freeze or manipulate one item, there are still two other variables that can take place. It seems to me that my first reaction of this was that I thought it was not a good idea, and as the more I thought about it, the more I felt well, at least it'll keep the bills from escalating and still allow the...if the Department of Local Governments, and still allow an equity to take place. Now, the figure you just gave me, Senator Buzbee, was it 3.7 to -.9. something, almost a spread of four. So, instead of using one as the base, maybe the Department of Local Governments can use .5 as the base and use that as the basic and then adjust up and down so that the highest one might be .8 or 9 and the lowest one would be down to .1. And on that basis, we would then have a reduction in

all of the taxes and all the tax bills across the whole State and still have an equity and allow some freedom for it to take place. I am for any process or anything, in fact, that will stop us from allowing real estate property taxes from increasing year after year. We are not only destroying the ability here of the real estate property tax to bear the burden, we're destroying the initiative of the young people to be able to consider buying a home. We're forcing older people to move out of their homes and to sell their homes for the senior citizens. We're forcing them either to move to the Sun Belt or to move into some other rental property and accelerate their movement into a nursing home. We're destroying the American family concept by...one thing is the American dream is of owning a home. Now, they...the interest rates have done a part of that, but we're sure leaving it an open-end item and allowing taxes to increase each year. I have a bill a little bit later on that addresses the bottom dollar, but I'm for any bill that can take and do this process, and I would say that possibly from this discussion, we can see that there can still be an adjustment between counties and a leveling and all the State has to do is constantly keep lowering that multiplier, the factor, even if they use negative figures so that we can still have that spread and have the adjustment. Because it certainly would be unfair to stop any county from...who would take advantage of this and do some false assessing which would cause an inequity of adjustment between one county and the other. So, as long as they can go on a negative basis and keep going to the negatives, minus two, three, four or five, I'm sure that they can continue to adjust counties if they will just not...no longer use one as the basis for the adjustment. And if they can just do that each year, it seems to me that at least that's one factor. But remember we're only dealing with the multiplier. We still have not addressed ourselves to rates

and we still have not addressed ourselves to assessment and we have not addressed ourselves to the problem of seeking an alternative. And until the day comes when this Body will be...be able to accept that responsibility, and the time is now, of saying, no more, we'll force ourselves into a position of finding some of the alternatives for raising those taxes and finding some other basis for taxing other than the home. The home is not the place for you and I to continue to allow to be destroyed. The home is very vital and important to our American way of life, and I want to tell you that I for one am not going to contribute to the decay and the demoralization of both the American individual, the American dream or the American family. And the time to do it is now, and if this is one step toward it, I applaud it. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright, Senator Gitz, for what purpose do you arise...Senator D'Arco. Senator D'Arco.

SENATOR D'ARCO:

I move the previous question and I suggest you set the timer.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright, well, the Chair has been watching the five minute debate clock and we...no speaker has yet exceeded five minutes. I have on my list then Senator DeAngelis, Senator Schaffer, Senator Egan, Senator Rock and Senator McMillan for a second time and Senator Rupp...I'm sorry, Senator Rupp, you were covered by a piece of paper, Senator Rupp. And those...it was large piece of paper. Senator Gitz, for what purpose do you arise?

SENATOR GITZ:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR BRUCE)

State your point.

SENATOR GITZ:

As a part of the lobby day today, the Rockford St. Anthony's Hospital is in Springfield to lobby on pending legislation. I'd like to recognize them in the gallery to our right.

PRESIDING OFFICER: (SENATOR BRUCE)

Would our guests in the galleries please rise and be recognized by the Senate. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. I rise reluctantly and out of frustration in support for this bill. It's most unfortunate that Senator Buzbee indicated that this bill was being pushed by Assessor Hynes, for I feel that he has been much of the part of the problem, and hopefully, now trying to be part of the solution. This bill is really putting perfume on a pig, and if it's going to make the pig smell a little bit better, I'm going to be in support of it. However, let me point out a couple of things that we ought to be aware of. Those of us in Cook, as Senator Rhoads said, have no choice but to support this. If you really want to do something about what's going on, let's really attack the problem. First of all, the classification system really makes it...Cook County subject to a rather high multiplier and then we blame the Department of Revenue. And I think we ought to address ourselves to that point. The second thing about Cook County, and some of you talked about what we could do for the business community yesterday, when you're assessed at forty percent of market and residential is assessed at sixteen percent and the multiplier goes up eight percent, you're really forcing a two and a half times increase on the business community as you are on the residential community. And I know right now there is a company from Indiana seriously looking to coming into Cook County, and the thing that scares them the most is the assessment practice and the multiplier. And I think we would do well for our constit-

uents in Cook County, and I will take back everything I've said about Assessor Hynes if he will participate with me, as I have asked him in a letter, to clear up some of the problems involved in the assessments in Cook County.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Well, I didn't really want to perfume the pig or save the American home, but I did have a couple of questions. Been my experience in bills like this that there's always winners and losers. First question is, what are the affects of this on the School Aid Formula? I don't think that's been mentioned, I assume that means there are no affects, and if there are some affects, who wins and who loses. And two, it's also been my experience over the years that when someone has a bill like this and they pass out packets of information to selected members, it's generally the members who stand to win. And since I didn't get a packet, am I to assume that my district is a loser on this?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan. Was that a question, Senator? It was two questions, Senator Buzbee.

SENATOR BUZBEE:

Yes, Senator Schaffer, on your first question, what happens to the School Aid Formula. As a matter of fact, I was going to mention that in my closing in my summation. What happens, of course, as you know...well now, Senator Schaffer, I'm trying to answer your question...Senator Thomas there can give you...he's got the...he's got the...the...the answer to your second question. But your first question is on the School Aid Formula. As you know, the way the Resource Equalizer Formula works, and in fact, the very reason why it's called that is to equalize resources. Therefore, the formula...you're a very difficult man to talk with, Senator

Schaffer, because you keep getting interrupted and I can't answer your question. As assessed evaluation increases or as equalized assessed evaluation increases because of the application of the multiplier, so the equalized assessed evaluation as it increases in a county, their receipt of the School Aid Formula goes down. So, everytime the State assigns a multiplier increase to your county, that means your local school districts are getting less access to the School Aid Formula money. So it makes you a loser State dollarwise if you have an increase in...equalized assessed evaluation. The only thing that is rewarded in the School Aid Formula is an increase in effort, and the increase in effort is obviously the increase in tax rates. But as the equalized assessed evaluation goes up, the School Aid Formula access goes down. The second question...the only reason I did not...I was not trying to be selective, I was only given ten handouts this morning, and I just passed them around to a few people who were not busy at the moment. I think you have already seen in there, anybody that is interested, we have the 1981 multiplier for every county as compared to the 1980 multiplier and the percentage of increase or decrease that that has indicated. Senator Schaffer, I hope that you have seen yours.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. To add what Senator DeAngelis has said to what Senator Buzbee has said I think that...and incidentally, Senator DeAngelis, as long as you brought it up, in my memory, Senator...Assessor Hynes has done more to clarify and equalize the assessment practices in Cook than anyone that I can remember and, I...I think he'll continue to do that, but it's a very complicated, it's a very difficult process, it's obvi-

ous that the equalizer doesn't work. Because if it did, then we wouldn't have to have a School Aid Formula to equalize the assessment levels in different districts. So, obviously it doesn't work, basically, but it's interesting to note and I think the bottom line should be that the local taxing bodies are those who are most strongly opposed to this bill. It's obvious that they will get more money from the real estate taxpayer, and...because when we limit their spending authority and they don't reduce the rate, they'll spend the increased amounts of money that they get. And it may be that they need that money but they shouldn't have to get it from the real estate taxpayer. It's also interesting to note that the Department of Revenue is opposed to this bill because they know very well, as Senator Buzbee points out, that they will have to pay less general revenue money into the school aid...into the school...local school districts, consequently, saving them tax dollars and adding the burden to the real estate taxpayers. So, if we're going to give the real estate taxpayers some relief, now is the time to do it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. So that all the premises are clear, I rise in opposition to Senate Bill 1265, notwithstanding the fact that I am from the County of Cook, notwithstanding the fact that Tom Hynes is a friend of mine as is Doug Whitley. We have not heard, frankly, about what the estimated fiscal impact of this little gem is, and I probably won't hear because nobody can calculate the loss. I think it's fair to say that any freeze of the multiplier is going to have a devastating adverse affect on local school districts. We are in the situation now where the State has recommended, or is recommending to those school districts, we've delayed their school



aid payment, we've said, you're going to have less revenue from the State than you had a year ago, and you're going to have to make it up locally. And now we're saying to them, but we're not going to let you make it up locally because even though the multiplier probably should go up, we won't let it. It seems to me when you consider the...what are obviously adverse effects, you have to vote No. We have just sent to the House a package of bills, which I supported, which calls for a new procedure in the issuance of the multiplier, and I suggest we ought to stay with those bills and follow that course. I would also point out that in my opinion, this bill is patently, as is the next one, patently unconstitutional. And for those of you who have not yet read this gem, I would point out to you that Section 2 is totally different than Section 1. Section 1 amends the Revenue Act of 1939, and that's fine, freeze the multiplier. Section 2, at line 12, on Page 3, however, adds a section to the State Mandates Act which is in Chapter 85. The Revenue Act, as I'm sure you all know, is in Chapter 120. And so Section 2 says, "The following mandate is exempt from this Act, the limitation on the Department of Revenue with regard to equalizing assessments as set forth in Section 146 of the Revenue Act of 1939." For those of you who have not yet this week reread the Constitution, in Article IV, Section 8, it says very plainly, and we have argued this at some length as has our Supreme Court in years past, where it says, "Bills, except bills for appropriations and for the codification revision or rearrangement of laws shall...shall be confined to one subject." This bill I suggest to you very plainly has two subjects. And if we are to embark on this unconstitutional course, I suggest to you that there is no need for the proliferation of five thousand bills as we have seen Session after Session. We can take all our favorite gems and put them in one bill because we are no longer limited, appar-

ently, to one subject. If we are to...limited to one subject as the Constitution constrains us, this is unconstitutional. So, for those of you who don't wish to vote...against this bill on its merits, vote with us lawyers, it's unconstitutional.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. I should sit down after that, I think, but...actually what I...one question I would have of the sponsor is does the bill have in there any restriction on the costs of the supplies or the employees that these governing bodies are going to have to use in their operations?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR RUPP:

Wouldn't it be logical if we're going to put a cap on the income that we also do something with the...perhaps the teachers' pay, make sure that that is not permitted to go up, make sure that the cost of the supplies, the books and everything else has a cap on it. And then, does this apply to township multipliers which are coming into fashion?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR BUZBEE:

Well, first of all...I have a new word this week, Senator Rupp, it's...it's nonoperative, I've been using that quite a bit. Your...your first question is nonoperative because it does not cap revenue. All it caps is the State's assignment of a multiplier. All it says is they cannot assign a higher multiplier than last year, it doesn't cap revenue at all. They can increase their tax rates if they want to. They can...they can continue to increase...they can continue to...to collect their property taxes, it's just they can't

have a multiplier assigned to them any higher than last year. The second part of your second question is, which I assume is the serious question, the first one was not too serious, I don't think. The second question is, it does not address the township assessor. In other words, a county can still equalize within the county. It's just that the State will not be able to assign a higher multiplier.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator McMillan.

SENATOR MCHILLAN:

I apologize for speaking the...the second time and commend Senator Rock for a very forthright and statesmen-like position opposed to this bill. I'm very comfortable being on the same side he is. I hope it doesn't make him uncomfortable siding in with a conservative. I just want to remind particularly those of you downstate who do have a different problem with overlapping districts that a lot of others...than a lot of others do, that the people who are going to be hurt most, the people who stand to be hurt under this bill, are those who happen to be in a county where there is a supervisor of assessments who does a competent job and who when it comes time to assess property is going to assess it according to the law, which means that it probably will be coming under some increase. That county can either keep their multiplier the same while their assessments go up, or in some cases, their multiplier may go down which is fully allowable under this Act and their assessments may go up, and because their supervisor of assessments is abiding by the law, they will end up carrying a relatively heavier share of the tax burden for some districts than somebody else. I'm appalled that the Taxpayers Federation, which has normally been a...a source of some amount of good reason when it comes to tax matters, has supported this bill. I'm surprised at a lot of the people that have. I know that many of you feel

that you've got to do something to prove that you're doing something about property taxes, but the inequity that you are creating as a result of this, I think many of you will live to regret when some people on some sides of the county line come to you and say you made it possible for my taxes to go up, while somebody else in the same district, across the county line may have had theirs either stay the same or go down.

PRESIDING OFFICER: (SENATOR SAVICKAS)

That concludes the Senators that sought recognition before the previous question was moved. Senator Buzbee may now close debate.

SENATOR BUZBEE:

Thank you, Mr. President. I'm...I'm glad that Senator Rock is a friend of...of Senator Hynes and a friend of mine, and...otherwise, no telling what he would have said about the bill. I would like to address a few of the things in my summation that were brought up in debate. First of all, recall that the way that the...the multiplier is arrived at for each individual county by the Department of Revenue, they go through a series of looking at the sales of property in that county, and then they match that with property assessments as done by the local assessors in that county, and then they apply a factor in the formula which brings it to thirty three and a third of what they consider to be fair market value. Now, I would submit to you that any kind of formula that they are using today is badly skewed, given the fact that there have been very few property sales in most counties in this State in the last few years...in the last year or so. So how can you say that...that whatever a piece of property sells for is a fair market value, there's no way of determining in today's market the way that the...the way I look at it, and I don't claim to be any expert in real estate property values or in assessment methods, but I think that the formula is

badly skewed because of such few amounts of sales and all of the fancy types of financing, as an example, that are available today. I know I have a piece of property for sale where I have said to a buyer, I will give you a lower price if you'll give me a higher interest rate if I've got to carry this for you. Now you know that there are all kinds of fancy formulas worked out nowadays for the sale of real estate. So, you're not getting a true market value reflection when you look at what the price of property sells for in this day of high interest rates. Somebody mentioned, I think it was Senator Rock, that there was no way to calculate what this was going to cost local units of government. I would turn that around and say there is no way to calculate how much this is going to save local property taxpayers in property tax dollars. And we know, we've heard it time after time after time from our constituents and from others on the floor how those on fixed incomes and so forth are horrified when they get their property tax bills after the multiplier has been assigned because they continue to go up up up. Now, as Senator Netsch pointed out, this bill is not a panacea. It has never been built as that, it's not the final end all. We will be addressing this subject again next year, hopefully, in a complete look at the whole revenue picture of the State of Illinois and of all of its local governments...all of its local units of government. This is a method of holding down the State's ability at this time to increase the multiplier anymore. And my final point in response to Senator Rock's accusation that the bill is unconstitutional, my lawyer says it's not. We have checked, and this procedure that has been adopted on this bill has been approved, and the form of the bill has been approved, and as a matter of fact, by one Stan Johnson. The Constitution provides that bills shall be confined to one subject. There is no prohibition from amending several Acts to accomplish this purpose, and that's what

we're doing. This bill is confined to one subject but we are addressing two different Acts in the bill to get at that subject. It increases the exemption and the procedure to increase this exemption under current State law, therefore, the bill is in proper form, and as I said, my lawyer says that it is constitutional. I think it's a good bill, I would solicit your favorable support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1265 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 18, the Nays are 37, none Voting Present. Senate Bill 1265 having failed to receive the constitutional majority is declared lost. Senate Bill 1266, Senator Egan. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1266.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

(Machine cut-off)...Egan.

SENATOR EGAN:

Well, thank you, Mr. President and members of the Senate. I certainly hope the mood improves over...with this bill over the last two, but I'm going to proceed to try once again to give some tax relief to the homeowners, if not all of the real estate taxpayers. I think that everyone here is totally familiar with the homestead exemption as it currently exists at the level of three thousand dollars. As this bill originally was introduced, we tried to conceive of increasing that amount to forty-five hundred, but in the practical world, we felt that it would be better if we limited...rather to increasing it fifteen hundred to increase it by only five

hundred which is simply tax relief to the homeowners in the amount of about forty-five dollars a home. Simply that and nothing more. The statistics have been bandied around here all morning, I don't think we have to go it any further. But if you want to go home and tell your homeowners that you gave them some tax relief, vote Aye.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Channel 17 has sought permission to film. Is leave granted? Leave is granted. Senator Keats.

SENATOR KEATS:

Considering we've spent about six hours debating two bills that lost that badly, I'm going to move the previous question so we just have a couple of speakers. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, if you'd hold your motion. The only other person seeking recognition is Senator Bowers. Senator Bowers. Senator Rock, I'm sorry I didn't see his light underneath the pad.

SENATOR BOWERS:

Senator Egan, would...would you yield to a question, please?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR BOWERS:

In the original Hynes proposal as I recall, and this is sort of...and it's had a couple of additions since, it was to come solely out of increases. That is to say that the exemption that was built in did not trigger unless there was an increase in the assessed valuation. Is that provision still encompassed in this amendment? In other words, will this five hundred dollars not trigger to the homeowner unless his assessed value, in fact, increases?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Yes, that provision remains.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bowers.

SENATOR BOWERS:

Can that increase come either by assessor action or by virtue of the formula itself?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

The formula itself?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bowers.

SENATOR BOWERS:

Well, I probably...misspoke. I don't mean the formula, I mean the equalizer, of course, applied by the State. Does...does the application of the equalizer also result in an increased assessed valuation that the homeowner can take advantage of?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

It applies to the equalized assessed value.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bowers.

SENATOR BOWERS:

Only to the increase in the equalized assessed value, right?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bowers.



SENATOR BOWERS:

Okay. Just briefly, I voted against the last two proposals...or the last...maybe there were three of them...two, I guess, but it seems to me that...that this is the valid way to...to get some taxpayers relief. I think it's extremely limited in its application. It's a small amount but...but it will not affect the School Aid Formula, and as a matter of fact, is...is probably the least offensive way to grant taxpayer relief, and I think we ought to go for it, and Senator Egan, thank you for putting this to us.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would...ask if the sponsor will yield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he will.

SENATOR ROCK:

Senator Egan, can you explain in dollars and cents what the fiscal impact on local governments, particularly the County of Cook, will be by virtue of this?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Well, I take it from your opposition that it will amount to something, but...but I can't tell you how much. I can...I can only tell you that nobody has called me, so it can't be a whole lot.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, I guess the point of my question, however, since we are again confronted with an uncertainty as to fiscal impact is, why the necessity then to amend and to have two subjects

in the same bill? If you'll look on Page 2, lines 25, 6 and 7, we are again confronted with the fact that there is what's called, euphemistically, a disclaimer that says even though it may cost the counties of this State, all hundred and two, and the school districts of this State some great amount of money as yet undetermined, the State's in no way liable. Now, I suggest to you again that my same objection obtains in this one. The Constitution is very clearly says that bills shall be confined to one subject. This is two subjects, and so again, I suggest, Mr. President and members, that the bill is unconstitutional on its face. The Legislative Reference Bureau of the State of Illinois notwithstanding.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senato. Egan may close debate.

SENATOR EGAN:

Well, thank you, Mr. President and members of the Senate. I...I read the Constitution differently than Senator Rock. I do believe that this bill addresses itself to only one subject. And we many times have amended bills...have passed bills that amend different...different Acts. This is certainly no different than many of the other bills that we've passed out of here. I respect your opinion but I disagree most heartily with...heartily with the...with the conclusion. I, however,...we...we certainly, I'm sure, have an opportunity to clean that up when the bill gets over to the House. But I would like just in closing to say that all we're doing, Ladies and Gentlemen of the Senate, is giving homeowners about forty-five dollars off their real estate tax bill this year, that's all we're doing. I commend it to your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1266 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is

open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 23, none Voting Present. Senate Bill 1266 having failed to receive a constitutional majority is declared lost. For what purpose does Senator Egan arise?

SENATOR EGAN:

I'd like you, Mr. President, to put the bill on the Order of Postponed Consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan asks leave to have Senate Bill 1266 placed on the Order of Postponed Consideration. Is leave granted? Leave is granted. On the Order of Senate Bills 3rd Reading, Senate Bill 1280, Senator D'Arco. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1280.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This bill is commonly known as compulsory insurance. I believe that it is a very effective mechanism for providing that every driver who owns a motor vehicle in the State of Illinois has insurance so that...pedestrians who walk our streets will be protected against drivers who are not insured and should be. The bill would provide that when an insurance company issues an insurance policy to an automobile driver, they would issue a card indicating the amount of insurance, the policy number, the company's name, the effective date of the policy and the description of the motor vehicle insured. When the driver applies for license plates and a registration tag with the

Secretary of State Office, he would submit this card to the office, and then at that point, before the office would issue him license plates and registration fees, they would check with the insurance company so indicated on the card to determine if this person does, in fact, have insurance. The bill also provides that if a...company intends to cancel a person's insurance, the company must notify the Secretary of State until...at least thirty days after the company has mailed to the Secretary of State a notice of cancellation. It also provides that if a person does not intend to renew his insurance policy, the company shall mail to the Secretary of State a notice of such fact within twenty days after the effective date of termination of the policy. A very important provision of the bill, I feel, is the fact that the person must carry this card with him when he is driving the motor vehicle. So, if he is stopped by a police officer, he...the police officer has the right to ask for his insurance card to determine if this person does, in fact, have insurance. And if he doesn't have a card, he can cite him for a violation for not having the insurance card. This way the bill becomes enforceable under the law. Most other versions of compulsory insurance are not enforceable because of the very fact that I have just mentioned. There are extensive penalty provisions under the...under the law...a violation is a Class A Misdemeanor, a first violation is punishable by a two hundred and fifty dollar fine, a second, by a five hundred dollar fine. Also, there are provisions that provide for a three month suspension of a person's privileges to own a license plate and a registration tag, and on the second conviction a six month suspension of a privilege to own a license plate and a registration tag. The bill was worked out very extensively. Senator Collins and myself worked on the bill. We believe it's a good bill. We believe that the time has come for compulsory insurance in the State

of Illinois. There is no question about the soundness of the proposal. There was recently an article in the State Journal-Register that I have before me saying that we should study the proposal more before we make a determination. The fact is, compulsory insurance has been before this Body on any number of occasions in the past years, and, in fact, at one point, it did pass both House...both Houses and was sent to the Governor and it was vetoed at that point and time. We've studied this for many years prior to now, and the time has come to pass this and get it on the books. And I would ask that we vote for this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator...well, let's start right down the line. We have Senator Rupp, Keats, Rhoads, Schuneman, Simms and Buzbee and then Collins. Senator Rupp.

END OF REEL

REEL #4

SENATOR HOPP:

Thank you, Mr. President. Yes, we have considered these bills many, many times...this type of legislation. One other state just recently went into this and that was West Virginia. They have a compulsory automobile insurance law that they put in last October 1st. That legislation down there provided for the same things that this bill does, advance notice of suspension and a certificate or evidence or...that's proof of insurance. Both of these provisions are contained in this Senate Bill 1280. The West Virginia experience was such that they have already changed their law effective April 1st, of 1982 because of those two things. It has become such a...a burden, they have not been able to keep up with the records, and because of that, they have already made changes in it. I don't see why Illinois has to continue to go into this particular question. Twenty-two states have tried this now, and usually it has resulted in increased premiums and a situation which was not enforceable. I don't see why we cannot learn from some of our other states and what they have had happen there. And I ask that this would get a resounding No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. I think we're all fairly aware of this bill. It's a major piece of legislation. We've all given it a lot of thought, so I'm going to move the previous question to shorten the debate. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion...Senator, if you would hold that, I will indicate the Senators that have sought recogni-

tion. They are Senators Simms, Schuneman, Buzbee, Collins and Geo-Karis. Senator Simms.

SENATOR SIMMS:

Mr. President, I have a...two questions I'd like to ask the sponsor of the bill and then I'd like to address the bill. Senator, administratively in the case where a person pays...some insurance companies offer monthly premium payments to insurers, in the case...on a monthly basis, where a person fails to pay their insurance premium, administratively how will the Secretary of State be able to have thirty days notice? Wouldn't it, in fact, turn into a sixty-day notice that a person might not have valid insurance? The second question is, does this prohibit someone from...from titling and licensing a car and storing it and not driving it on the roads of the State?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Well, to answer your second question first, if you're...if you're talking about antique vehicles, that's no...that's no problem, I mean that can be solved with an amendment. People have raised that question and...and I would offer an amendment for that. The...the...your other question is that it's really the determination of the insurance company when to notify the Secretary of State that a person has not paid their premium, and...and, in effect, has cancelled their insurance. If they would send the notification to the Secretary of State, they must make a determination that thirty days prior to the date of cancellation...they...they have to send a notice thirty days prior to the date of cancellation. So, the point that they decide, even if it's on a finance premium basis, it's really up to them to make that decision.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Simms.

SENATOR SIMMS:

Thank you, Senator D'Arco. I'd like to speak in favor of the bill. Senator D'Arco is right, it has...this legislation has been presented before the General Assembly as long as I have been a member of the House and in the Senate. With the responsibility of driving an automobile also comes the added responsibility of financial responsibility that may occur in case of an automobile accident. I think Illinois should be a pioneer in enacting legislation that would, in fact, require compulsory auto insurance for anyone that's...that has an automobile in the State of Illinois. And I applaud Senator D'Arco for working on this bill. It's a very comprehensive bill, and he's satisfactorily answered my question on the antique automobile.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. A question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR SCHUNEMAN:

Senator, this bill has gotten to be a...quite a political bill, I understand. Is State Treasurer Consentino still in support of this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Well, I...I think it...I think he is, yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Mr. President and members of the Senate, compulsory automobile insurance is...is a very popular political issue and I



understand that. But what we have here is a bad solution to that political issue. First of all, and there are...just three points I want to make. First of all, the bill repeals a very important section of law in that it repeals the safety responsibility law in Illinois. Now, that law is the only effective help that the State of Illinois presently gives to the victims of uninsured drivers. And I, for the life of me, can't understand why the sponsors of this...bill decided to...to repeal the only effective control we now have against uninsured motorists. Secondly, the amendment which was adopted yesterday made, I think, a very bad bill much worse. It does a couple of things that you should be aware of. First of all, it puts the State back into the business of regulating automobile insurance rates. Now, that's exactly contrary to what we decided to do yesterday in the area of worker's compensation. We decided to have a free and open competitive market in worker's compensation, now what we're seeking to do is set up a system of automobile insurance rate making which would give the government control of setting rates and premiums. I think that's moving in the wrong direction. The other problem with that amendment, and I'd like those of you from downstate and particularly the downstate Democrats to pay attention if you will, please. There is a provision in this bill now that says there cannot be more than a twenty percent variation in insurance rates throughout the State as far...I'll read directly from the bill, it says, "No person within the same insurance class shall pay premiums for coverage under a motor vehicle liability policy in excess of twenty percent above the Statewide average premium for the same class and coverage of insurance." Now, I'd like to explain to you what that means to those of us downstate and what it means in Chicago. I called my office this morning and asked them to give me the premiums for...for example, a youthful male driver in the inner City

of Chicago with fifty and one hundred liability limits, fifty thousand dollars property damage. The insurance premium for liability that they quoted me was eight hundred and forty-three dollars, pretty high premium. In our part of the State, the premium for that same coverage is three hundred and fifty-seven dollars. Now, what the bill says is that nowhere in the State shall the rates be twenty percent more than the average. So, if we can assume that the average rates or premiums might be four hundred and fifty dollars, then the maximum premium in Chicago would be pegged at five hundred and forty dollars, some three hundred dollars below what the market is now. Now, if insurance companies are forced to write insurance in the...inner City of Chicago for three hundred dollars less than they think the premium ought to be, who do you think is going to make up the difference? That premium is going to be leveled by the director of insurance over suburban and downstate drivers. And I suggest to you that this is a terrible idea for people from the suburbs and downstate. The third reason, the third reason that you should vote against this bill is the cost that's involved, the cost to the State. I asked the Secretary of State last week to give me his estimate of what this bill will cost to administer, and the figure that he gave me was seventeen million dollars the first year and fifteen million dollars thereafter. Now, I understand that this is a political bill, and we have two competitors for the same office seeking to use this issue, so you may not accept those figures. But I would like to point out to you that just a few years ago when we had a similar bill at the time Alan Dixon was Secretary of State, Alan Dixon estimated the cost of administering that bill at ten million dollars. So, whether you want to accept seventeen million or fifteen million or Alan Dixon's ten million dollars, it really doesn't make that much difference to me. I think we can all agree that this is a very expensive

compulsory automobile insurance system. Now, if you're absolutely committed to voting for compulsory auto insurance, I don't think anything I tell you can change your...your mind, but there are better compulsory automobile plans and systems than...than this one. I refer specifically to the one known as the self-certification method, under which the State would achieve substantially the same compliance and substantially the same increase in the number of insured drivers within the State. This bill is too costly, it's the wrong bill. If you're committed to vote for compulsory auto insurance, I suggest that you take this bill back, amend it, make it less expensive for the taxpayers, less expensive for the insurance premium payers and adopt some other form of compulsory insurance. This is the wrong one.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. I have long favored the concept of compulsory automobile insurance and would vote for this bill except for the reasons just given by Senator...Schuneman. There is no way I can in good conscience vote for a bill that I know is going to raise the cost of automobile insurance to the constituents in my district considerably to allow the constituents of another district whose proven risk is higher to get a lower rate. Now, if I were to do that, I think I would be pretty dumb politically, because if I were my opponent, I would use that against me. So, my opponent will not be able to use that against me because I'm going to vote against the bill in its present form. As soon as...this amendment is removed, I will vote for the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

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

because I do believe that we should have compulsory liability insurance laws, and that everyone driving an automobile should be responsible for any accidents that they are involved in to pedestrians and to...to the citizens of the State of Illinois. In addressing the part about the amendment that I put on yesterday, I know that this is, in fact, a political issue and all of us are up for re-election. But I'm here just as all of you are, first to protect the interest of the people of my district and the people of Illinois, and I just believe in basic fairness. And I do not feel that it is right or no one can justify having the good driver in the City of Chicago or any other highly...populated area to assume all of the risk for bad drivers all over the State, and that is exactly what is happening today. Yes, maybe the risk will be spreaded out across the State. I very carefully made sure that that risk would be spreaded on the basis of classes of insurance, which simply means that a good driver in the City of Chicago will...in fact, assume some of the risk but not all of the risk, and that a bad driver in Springfield will, in fact, assume the responsibility for being a bad driver. That is basic fairness. The other part of this bill that was incorporated in that amendment dealt with the basic premise of whether or not the State of Illinois should, in fact, have some monitoring powers over the insurance...automobile insurance industry. That amendment does that. It does not require the department of...of...of...State Department of Insurance to establish a set rate. This is not a rate making bill. It promotes open competition, but it simply allows the department of...director of insurance to, in fact, review those rates and determine whether or not they are excessively high. That's all the bill does, and I think it is time that we get about the business and respond to the cry of many of the people throughout the State, notwithstanding the...the lobby-

ists of the insurance industry or whether or not we are up for re-election but to respond to a very critical need of...of our constituents. And I think that's what Senator D'Arco and I have done, and I would hope that you would join us.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this may not be the best bill for compulsory...automobile liability insurance, but we...a number of us in this Legislature have been trying for the last eight years to get a bill out and we have constantly been...been bucked by certain insurance companies. I think the bill is worth a try. I think it's...it's even worth a try if we have to pay a little more in premiums to safeguard the lives and property of other people which we do not do at the present time, and therefore, I think that if there are any bugs in this bill, I'm sure they can be taken care of by...by the other House and I rise in support of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

That concludes the list of Senators that sought recognition before Senator Keats moved the previous question. Senator D'Arco is recognized to close debate.

SENATOR D'ARCO:

Thank you, Mr. President. The one issue about the administrative cost of this bill. I...I believe is erroneous because, number one, the personnel at DOT that presently certify the reports of accidents that occur in the State of Illinois would be eliminated, and that function would be taken over by the Secretary of State, so we would save money by doing that. Secondly, the fact is that the mechanism for programming...compulsory insurance is already in place at the Secretary of State's Office. So, the administrative cost to

put that program in effect is not going to be that high. I mean, the estimates on the other side about the millions and millions and millions of dollars that this is going to cost are...are truly erroneous, and I haven't seen any figures to indicate that. Thirdly,...

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose does Senator Rhoads arise?

SENATOR RHOADS:

Just on a point of order. The Senator is trying to explain his bill and it's very noisy. Could we have a little order please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the request. The gavel has been struck to reflect that request that we can have a little order on this important issue, if we pull the conferences off the Floor. Senator Hall, and those not entitled to the Floor would they please vacate the Chambers. Senator...Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Thirdly, the fact is that that has nothing to do with rate making, the amendment that was put on the bill yesterday. It's a mechanism to do whatever it's going to do, I mean, but as far as rate making is concerned, it has nothing to do with rate making. This issue has been discussed many, many times in the past. We all know what it's about and I would seek your favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1280 pass. Those in favor will vote Aye. Those opposed vote Nay. Senator D'Arco. The question is, shall Senate Bill 1280 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all...vote me Aye. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 28, 1 Voting Present. Senate Bill 1280 having received the con-

stitutional majority is declared passed. For what purpose does Senator Schuneman arise?

SENATOR SCHUNEMAN:

Request of verificatin of the vote, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

A request of the verification...a request by Senator Schuneman for verification of the affirmative vote has been requested. Will all the members be in their seats. Senator D'Arco, for what purpose do you arise?

SENATOR D'ARCO:

I want to verify the negative.

PRESIDING OFFICER: (SENATOR SAVICKAS)

We...we will verify the negative. Will all the Senators be seated. Will the Secretary please call the roll...of the affirmative votes.

SECRETARY:

The following voted in the affirmative: Berman, Bruce, Carroll, Chew, Collins, D'Arco, Dawson, Degnan, Demuzio, Donnewald, Egan, Friedland, Geo-Karis, Hall, Johns, Jeremiah Joyce, Jerome Joyce, Lemke, Marovitz, McLendon, Nash, Nedza, Nega, Netsch, Newhouse, Sangmeister, Savickas, Taylor, Vadalabene, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The roll call has been verified. Do you question the presence of any of the Senators, Senator Schuneman?

SENATOR SCHUNEMAN:

Senator Taylor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is Senator...Senator Taylor on the Floor? Is Senator Taylor on the Floor? Senator...Senator Taylor appears to be on the Floor. Do you question the presence of any other Senator?

SENATOR SCHUNEMAN:

Is that really Senator Taylor, Mr. President? Senator

Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jeremiah Joyce. Senator Jeremiah Joyce is to the right of...do you question the presence of any other Senator?

SENATOR SCHUNEMAN:

No...no.

PRESIDING OFFICER: (SENATOR SAVICKAS)

On that question, the Ayes are 30, the Nays are 28, and 1 Voting Present on a verified roll call. Senator Rock.

SENATOR ROCK:

Thank you. Having voted on the prevailing side, I do now move to reconsider the vote by which Senate Bill 1280 is declared passed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock moves to reconsider the vote by which 1280 was passed. Senator Carroll moves to lay that motion on the Table. All those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion lays on the Table. Senate Bill 1290, Senator Lemke. Senate...Senate Bill 1290. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1290.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

What this bill does is...is gradually increase the exemption for surviving spouses, what it...to a hundred and fifty thousand over a five year period of time. What it does is, each year it increases it by twenty thousand dollars, and five years from now it will be a hundred and fifty thousand dollars. What this does is tries to meet some of the problems that were raised on other issues, but also tries to meet



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3rd Reading

a needed problem which we're trying to solve in the State. With this bill, the revenue loss would be about three million dollars a year, but the increase in revenues from inheritance tax through the years would pick up and cover this loss. So there really wouldn't be any loss to existing revenues, plus this would not be affable...until the 19...1984 Fiscal Year because it takes approximately ten months to...on inheritance tax. I think it's a good bill and I think it's a bill that the Governor will sign. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1290 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 5, none Voting Present. Senate Bill 1290 having received the constitutional majority is declared passed. Senate Bill 1296, Senator Marovitz. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1296.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. This bill stems from a...an issue and a problem that is on the north side of Chicago involving my district, Senator Carroll's district and Senator Berman's district. A charter was issued to Rose Hill Cemetery for cemetery purposes to be used for an...a tax exempt status for nonburial purposes. All this bill does now...now that we have amended it is codify case law in the case of Rose Hill versus...the State of Illinois versus Rose Hill, and just

reiterates that real estate held by the company...that is the Rose Hill Company for nonburial purposes and not for the general use of lot holders and not subservient to burial uses shall not be so tax exempt. It doesn't change their charter in any way. Doesn't deal with the back tax issue in any way as it did in committee. It's been changed completely, it just codifies existing case law and solves a very serious problem in our communities. And I would ask for a favorable roll call.

PRESIDENT:

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill...I beg your pardon, Senator Ozinga. Can we take the meetings off the Floor? Will those not entitled to the Floor, except for Senator Telcser, he's always welcome. Senator Ozinga.

SENATOR OZINGA:

I hate to rise on this issue, but Senator, have they corrected the exemption date when it will take care?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Yes, that has been corrected. There is no date, we're taking all that...all that out of the bill, all that language about back taxing and going back to a certain date is now out of the bill, has nothing to do with that. All it says that the real estate held for nonburial purposes and not for the general use and not subservient to burial uses shall not be so tax exempt. The dates are now totally out of the bill.

PRESIDENT:

Senator Ozinga.

SENATOR OZINGA:

According to this sheet that was just handed to me, there is a technical problem with the amendment. She tells me it was cleared up, okay.

PRESIDENT:

Alright. Any further discussion? If not, the question is, shall Senate Bill 1296 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 3, none Voting Present. Senate Bill 1296 having received the required constitutional majority is declared passed. 1299 awaits an amendment. 1319, Senator Netsch. Is Senator Netsch still with us? 1329, Senator Johns. On the Order of Senate Bills 3rd Reading is Senate Bill 1329. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1329.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Johns.

SENATOR JOHNS:

Mr. President and members of the Senate, I come before you after working for ten years for such passage of such a bill. It's a very monumental bill in that we have it in the best shape that we've ever had it. We have United Mine Workers' endorsement, and I'd like to read that endorsement to you if I might. This is by Gerald Hawkins, he's the legislative representative of twenty-two thousand coal miners in Illinois. He said in committee, "I am here in support of Senator John's Senate Bill 1329 as it has been amended. In doing so, the mine workers are pleased to join the representatives of county boards, churches and organizations in the Illinois coal fields who are here today to endorse both the idea of the coal severance tax and the specifics of the proposal before you." Over thirty-three states now have some sort of form of natural resource severance tax. This partic-

ular bill will break it down to where one-third of it goes back into the use by coal companies and utilities of this money. I will answer any questions. You're all familiar with it, and I support the bill to the fullest without any reservation.

PRESIDENT:

Is there any discussion? Any discussion? Senator Nimrod.

SENATOR NIMROD:

Mr. President and Ladies and Gentlemen of the Senate, I have to reluctantly rise against this bill. I think there are many merits to an idea of having a tax come about as a severance tax, but certainly it's not the time to bring it about when, in fact, the miners now have increased from two thousand to three thousand, when, in fact, we have mines that are closed in the...throughout this State, and one in particular only a few miles from here who competitively lost a bid for less than the amount of money that this severance tax is going to add, at a time when we've had declining production in coal and when we're trying desperately to get in the position to become competitive to market our greatest asset, what we're really talking about is starting off on a taxation. We're trying to divide a pot before we're starting to sell anything. And it seems to me that we shouldn't be pushing this particular item. In fact, the coal miners six months ago were vehemently against it, and today they...I don't know how the miners feel but I know their representative has come out in favor of it, but he also is a candidate for county commissioner in one of the counties that's going to benefit from this. So, I think that what we ought to do is to make sure that we allow our major asset, and it is our asset within this State, and I'm one of the strong ones who stands behind in the way of marketing and the method of desulfurizing our coal so that we can produce and sell it.

In fact, right not too far away from here over in the Charleston area, we find that the...one of the new plants decided to go over there with their second utility plant, that, in fact, they're going to enter...they have entered into a contract with the State of Indiana to use their coal. Now, the present money that's being collected here is two-thirds of the money goes to the counties and one-third would go to the State, but it wouldn't even go to the State. There's no limit...everything has to go into research with no limit going back into general revenue. The bill is in a very bad position. It's untimely, it's an unfair bill, and at the same time, it certainly should not be done at this time. I would say that what we need to do is to allow the market to work, find ways of using our coal, and I want to tell you, there's plenty of money to divide. If there are sixty billion tons of recoverable coal, that means we will have close to three trillion dollars. When you talk about three trillion dollars, you talk about two percent, you're talking about several billions of dollars that would end up going downstate to the counties downstate. Before we start a process that involves billions of dollars, seems to me that we ought to be in a position to have a product to sell, we ought to have people that are working, and we ought to have...develop a market. So, before we start making ourselves further in an uncompetitive position and destroying our ability to market our coal, I think the time is not now for us to be putting a new tax that makes us further uncompetitive and gets us in a very bad position. I rise in very much opposition to this bill at this particular time.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Weaver.

SENATOR WEAVER:

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

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates he will yield.

SENATOR WEAVER:

Senator Johns, I had a letter from one of the Central Illinois utilities quoting that it was going to cost them next year...approximately eight hundred thousand dollars in additional costs for fuel in their coal burning generators here in Illinois. Is that to be passed on then to the ratepayers throughout the service district?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Johns.

SENATOR JOHNS:

It's not any different than your Governor's proposal to hike truck fees, gasoline fees, liquor fees and whatever. It always comes back to the consumer on any tax. Where do you expect it to go?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Weaver.

SENATOR WEAVER:

Well, I know there's a delegation always coming to me anytime any utility comes up for a...a rate increase objecting to the high cost of utilities. I've heard you cry about the high cost of utilities to the poor people. We're all concerned, but one other point, do the purchasers of Illinois coal, do they not pay a five cent...sales tax on every ton...or on every dollar paid for Illinois coal?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Johns.

SENATOR JOHNS:

(Machine cut-off)...believe, Ladies and Gentlemen, that Illinois ranks tenth, down tenth in the taxes on its industry.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Weaver.

SENATOR WEAVER:

(Machine cut-off)...ask a question, Senator Johns. Did you hear the question?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Johns.

SENATOR JOHNS:

I heard the question, yes.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Weaver.

SENATOR WEAVER:

And does not one cent of that five cents go back to the local community?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Johns.

SENATOR JOHNS:

That's true, just as it is on many other things and you well know it.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Weaver.

SENATOR WEAVER:

Well, my only point is, Mr. President, is this is just going to add to the cost of electricity sold throughout the State of Illinois, and whether or not the benefit derived from a portion of this going into coal research, I don't know. We've already established a Coal Bond Research Fund in millions and millions of dollars which has not really been effectively used yet. So, at this point, I would stand in opposition to 1329.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? Senator Demuzio.

SENATOR DEMUZIO:

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

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates he will.

SENATOR DEMUZIO:

Senator Johns, am I to...am I correct in...in assuming that the United Mine Workers are...are strongly in support of this legislation at this time. Is that correct?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Johns.

SENATOR JOHNS:

Absolutely correct, one hundred percent.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I would like to point out that in some respect I...I do have to agree with some of the speakers that have already spoke today on this very issue, that this indeed may be a very bleak time in order to...to bring about a...a coal severence tax. However, I should also like to point...for several reasons I guess, number one, because of the coal glut; number two, because of the foreign markets that have gotten into our...our own market, and I will say that you and I have had some long discussions about this severence tax over the years and...and I am prepared this...this morning to support you in your effort. I am, however, going to watch this legislation as it proceeds through the Legislature, and if there is no rejuvenation of the coal industry in the State of Illinois before this bill gets out of the House, perhaps we might have the opportunity to discuss it as it proceeds through that Chamber. Thank you.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? Senator Johns may close.

SENATOR JOHNS:

Alright. Would I ask that my colleagues pay close attention. One is that in Illinois alone the utilities are only using one-third, the...only one-third of all the utilities



will be...affected by this particular passage of this particular bill. Midwestern states by 1985 will pay close to 2.6 billion dollars to western and southern states in severance taxes. I copied this bill after Kentucky, a state probably that...we as supposedly sophisticated people say is redneck country, but they've been utilizing this tax to remain solvent. The State of Montana collects six dollars and sixty-six cents a ton on Illinois coal and it pours into this State many, many times. One-third of this will be utilized. What for? To develop coal, to aid the utilities to put on scrubbers. Strange enough, Senator Weaver, you want fifteen million dollars for the University of Illinois, and the bond fund that I'm wanting to put this money into, as Senator Buzbee knows, yesterday he spoke, one-third of that money is to come from the bond fund for Illinois coal. This would help fund the very project that you seek to have in your localized area. Illinois coal is high sulfur coal and the production is down because of that very reason. Coal companies will tell you the environmental regulations are the problems. Now, let me point out something else to you. Think of this very closely, Senator. One year is the effective date from July 1st. If you Republicans believe in your President and that this recession will end and we'll have an upswing, then you're going to need steel, you're going to need coal to produce the cars, you're going to have production going again and then, and only then, could this bill kick in. One year. The Governor, if he had signed this bill in 1975 would have captured a quarter of a billion dollars for this State. I dare say, if Governor Jim Thompson were on this Floor today and put his hand on the Bible, he would tell you he probably regrets not signing that bill because he wouldn't be scratching today for dollars. He wouldn't be hitting a deferred payment on education. He wouldn't be trying to tax gasoline, and cigarettes, and liquor, and

everything else because we could have been solvent. Mr. President, I move for a favorable roll call on this vote, please.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Alright, the question is, shall Senate Bill 1329 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 30. Senate...Senator Johns requests postponed consideration. Consideration is postponed. (Machine cut-off)..Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Thank you, Mr. President. A point of parliamentary inquiry. Are we...does the Chair intend to go to motions in writing today? I...I filed a motion on the Senate Bill 1313 on the election of Commerce Commission members. Are we going to go to that order of business today?

PRESIDING OFFICER: (SENATOR DONNEWALD)

No.

SENATOR DEMUZIO:

Well, I move, Mr. President, we go to the Order of Business of Motions.

PRESIDING OFFICER: (SENATOR DONNEWALD)

That motion is out of order. We're on the Order of 3rd Readings, Senator. Senate Bill 1358, Senator Bruce. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1358.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This is the bill which was the companion to Senate Bill 1357. Because an amendment came up a little late yesterday we did not move it out. This is the funding mechanism for the community college funds which we ran out of here yesterday. It is the funding formula at the level approved by the Appropriations Committee which adds an additional eighty-eight cents per...average of eighty-eight cents increase per credit hour grant. I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? The question is, shall Senate Bill 1358 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all those voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none. Senate Bill 1358 having received the constitutional majority is declared passed. Senate Bill 1363, Senator Carroll. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1363.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the omnibus commission bill for those commissions that have been filed in the Senate, to-wit: the Motor Vehicle Laws Commission, Atomic Energy Commission, Ethnic Heritage, Public Employees Pension, Pension Laws, Criminal Sentencing and Commission to Visit and Examine State Institutions, as well as Judicial Advisory Council. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? Senator Keats.

SENATOR KEATS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONNEWALD)

He indicates he will.

SENATOR KEATS:

On these particular pork barrel commissions, how bad is the increased rip off on a couple of these line items?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Carroll.

SENATOR CARROLL:

Since we never deal with pork in my commission...in my committee, I can't answer your question.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Are there further questions, Senator Keats?

SENATOR KEATS:

...I stand corrected. These excellent commissions that do absolutely nothing, in many cases, could you tell us how much more they're going to cost us this year than last year? And I apologize for such a nasty reference to these fine commissions.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Carroll.

SENATOR CARROLL:

I don't care about your reference to the commissions, we just don't deal with that topic in my committee. In fact, one commission will be higher than last year's level of funding and that is the Visiting and Examining of State Institutions Commission. The others...three of the commissions have basically no change or minimal downchange. The others range from two percent to forty-two percent decrease in funding from last year's level.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? Senator Totten. Is there

further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates he will respond.

SENATOR COLLINS:

Senator Carroll, does this bill have all of the commissions in it?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Carroll.

SENATOR CARROLL:

No, Senator Collins. It merely consolidated all of the commissions that had filed bills in the Senate. There is a similar bill in the House which contains a great number of commissions as well. This one deals with eight commissions.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Collins.

SENATOR COLLINS:

Do you have any idea of the total appropriations for all of the commissions proposed?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Carroll.

SENATOR CARROLL:

No. This, again, is only part of all of the ones that are around. This one is a approximately seven hundred and sixty thousand two hundred dollars for the seven combined. The House, obviously, has a significant number of commissions as well, and it would really be too early in the year to figure out exactly what those appropriations will be. As the House bill comes over and this gets to passage stage, assuming it does in the House, then we would be better able to give you an identification of what that total would be.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Collins.

SENATOR COLLINS:

Do you know what the total was last year?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Carroll.

SENATOR CARROLL:

Offhand, no.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? The question is, shall Senate Bill 1363 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all those voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 40, the nays are 14, 1 Voting Present. Senate Bill 1363 having received the constitutional majority is declared passed. Senate Bill 136, Senator Lenke. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1366.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Lenke.

SENATOR LEMKE:

What this bill does is remove the exemption for...gives an exemption to churches and church schools for electric and gas utilities. What this does is helps these schools to function so that they don't have to pay the...the high cost of utilities. In one incident that, I believe, a church school in my area pays a utility bill of about sixty thousand dollars, and this would mean a substantial savings to them. But I think it's more important that...to look at the fiscal impact. The fiscal impact for public schools was less than four million, this fiscal impact, according to the department, is...they're unable to determine, and it should be considerably less...and I assume less than a million dollars.

And I think that we as a body should do something to assist private schools to keep functioning, because as long as they function, the burden of teaching these students is on them and not on the public, and we have trouble with public funds. I think it's a good bill. I ask for its adoption.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates he will respond.

SENATOR SCHUNEMAN:

Senator, does your bill apply to only church related schools or does it also apply to the churches?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Lemke.

SENATOR LEMKE:

It applies to religious institutions, which I'm going by what the Department of Revenue gave me as a definition of what they consider a church. This would include day schools as well as...the church body. I...I would assume that it would include churches because we...there's no way of separating the two.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator...Senator Schuneman.

SENATOR SCHUNEMAN:

Well, that was the point of my question, Senator, whether we are excluding taxes to be paid by all churches or just schools that are related to churches. And are you telling me that...that the bill applies to both?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Lemke.

SENATOR LEMKE:

Yes, I believe it...I talked to the Department of

Revenue, there is no way of...they'd have to use the present definition of religious and that would include the church as well as the school.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. Unpopular as it probably is, I...I feel I have to stand in opposition to this bill. I think that...that we may see ourselves exempting churches today, fraternal organizations, service clubs, Veteran's groups tomorrow, and I suggest that this bill may be going too far. If it were only limited to the church related schools, then perhaps we'd be consistent in what we did yesterday, but it seems to me this...this goes beyond that and I rise in opposition to the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President. A question of the sponsor. Senator Lemke, what happens now with the charitable organizations? Is...do...are they allowed a refund of any kind on taxes paid? How...how do they get around to taxes now or do they just pay them and eat them?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

This tax they pay and eat. There's some other taxes they're exempt from like real estate taxes and water taxes and things. It's up to the local government, but...and this tax they pay directly to the utility company so the utility company must collect, I think, a five percent tax. So they pay this tax direct...two percent is...is a tax that goes to the individual and three percent is a tax that goes to the utility. What this does is eliminate the two percent tax



that the church has to pay to make up the five percent, but the utility must pay five percent. What this will do, by doing this, the utility will only have to pay three and the churches won't have to pay the two.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTEBERG:

Thank you. Then under this bill, how is it administered, in the form of a refund or do they just change the tax rate on your monthly bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

They'll just simply change the tax rate on your monthly bill if you're a...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR LEMKE:

...fit into this category.

SENATOR GROTEBERG:

Well, thank you, Mr. President. Now to the bill, I just discovered in the analysis that I carried this bill last time around. I have a feeling I'm going to vote for it. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar.

SENATOR MAHAR:

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

PRESIDING OFFICER: (SENATOR BRUCE)

He indicates he will yield, Senator Mahar.

SENATOR MAHAR:

Senator Lemke, many municipalities have a utility tax that they add on. Does this exempt the churches from the

utility tax at the local level?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

This does not apply to local municipal taxes. This only applies to State taxes, the State two percent tax, it does not apply to those. Let the local government decide whether they want to...some local governments exempt charities, some don't. I mean, it's up to them to decide, I'm not going to get involved, I don't believe in compelling local government to do anything, and if I did, we'd get hooked under the Mandates Act, so let them do it themselves. This is only the State's part.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. Earlier in the Session, the sponsor of this bill afforded me the opportunity to become the hyphenated co-sponsor, and because of...of the burden of the times, I inadvertently did not do that. At this time I would like to accept that offer and...and be listed as the hyphenated co-sponsor. And I think that in support of the bill, just to say, it's a good thing to do and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to...show Senator Egan as a joint co-sponsor? Leave is granted...Senator Grothberg wants to be joined as a co-sponsor, Senator Carroll as a co-sponsor, Senator...alright, why don't all of you who have seen the merit of this legislation tell the Secretary. Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, yes, I'd like to ask the sponsor a couple questions, if I may. First of all, Senator Lemke, does

this...would this apply to private colleges that have...that are...that are affiliated with a religious domination according to your amendment? Would the private institutions qualify under this?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LEMKE:

According to my staff, he says...he says, yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, if...if you...is there anything in your amendment that determines or defines what a religious...what religious...church or religious domination means? Is there anything covered in this definition?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LEMKE:

In...no, not in my bill, but in talking to the Department of Revenue, they have a standard...definition which has gone to court and has been decided what a religious...and have revised that there is a standard definition what a religious institution is in that definition of Department of Revenue.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Can you...can you...can you tell me...I've asked the chairman of revenue and unable to get an answer, how much...what the revenue impact is to the State of Illinois if this...if this bill is adopted?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LEMKE:

According to the fiscal note that I got...the study, it

was...they couldn't measure it and...and they considered it to be...not be very much.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR LENKE:

That's the note I got.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch.

SENATOR NETSCH:

I...I would point out, however, that at the time that the fiscal note was requested from Economic and Fiscal Commission...and it is true, they said that they did not have any information on the amount of sales of electricity to any church religious educational institution broken out, but since then, the bill has also been amended, as I recall and understand it, to exempt all of these institutions and groups from all the other State utility taxes so that that...that zero is now zero compounded many times, Senator Lenke.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Dawson.

SENATOR DAWSON:

Senator Lenke, I like to have a...ask a question. In my district I have quite a few storefront churches, are all these going to qualify for that?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LENKE:

If they qualify under the present tax exemption of the Department of Revenue, then they will qualify. If they don't qualify under that, then they wouldn't qualify. I understand that they did a...they did a survey on it, and Representative Huskey had a bill about the license plates and they did a survey and they have determined that, you know, that certain places get and some of them don't. But I don't think because

a church starts off in a storefront or if it starts off in a garage, I can remember our church started off in a basement and it's quite large. I know a lot of churches like St. Baul that started off in a storefront and now are million dollar churches. So, I mean, you can't start selecting which religion is capable or which religion isn't. I mean, you know. But I think it's good bill. And Senator Netsch, if you multiply zero by zero, you still get zero.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Schaffer.

END OF REEL

REEL #5

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, this bill was introduced on March 23. Between now and then, I have not received one phone call, one postcard, one letter, one telegram, or one piece of conversation from anyone in favor of it. I suspect most of us on the Floor are in a similar situation. I would suggest to you that there are a lot of people asking for tax relief and that we ought not to give them tax relief until they at least ask us for it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Berning.

SENATOR BERNING:

Second debate going here, Mr. President. I have a question for the sponsor, if you will, please. I have a copy of the Amendment No. 1 in my hand and let me read the underlined portion on lines 14-15, "Exempt...except receipts obtained from any church or religious denomination from transmission of messages." Senator, what would we be doing if we passed a bill like this designating religious denomination? What is a religious denomination? Is that not a generic term?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LENKE:

That is a standard language used by the Department of Revenue and they have a decision as to what a...a religious denomination is. They've been to court many times on that and they have that basis in case law, and it's there what a religious denomination is. I tried to talk to them as to what category it is, and they said that each case as it comes

up, they're always tested and sometimes the definition changes, sometime it stays the same on those court decisions, but that is determined by decisions of court.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning.

SENATOR BERNING:

Well, it seems to me that an amendment such as you are proposing...or a bill such as you are proposing can be specific in its definition. When it says, and I go on, "Receipts obtained from any church or religious denomination from transmission of messages." Well, now, I submit to you that that's going to be impossible to determine. And on the next page, of course, it goes on, "For receipts from gas sold to any church or religious denomination." I don't see that you're...ever able to identify that, Senator.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

Senator Berning, for years in the State of Illinois, local governments and counties have been exempting religious denominations, and there are court decisions on what a religious denomination is. It's there, it's on the books and they've been doing it for years. And county taxes, they have no problem with determining what a religious denomination is, and I think, Senator Berning, you may be a little confused as to...that there is no case law, but there is case law even on what...any Veterans' group or any type of group is, there are case laws. And it's very tight and it changes with the...with the court and with what the Supreme Court of this State does, and there is definitions, and the Department of Revenue assures me that there's no way of coming up with a set definition without that being immediately challenged and going to court and declared unconstitutional, that the best way to handle the definition of religious denominations, or

charity groups, or Veterans' groups is to follow the case law and their rules and regulations, and I think they're right...and it seems like the Department of Revenue is very tight in construing what religious denominations are and if they are too tight, they're usually taken to court. So, I think it's a bad policy to set in this Act what a religious denomination is because we'd have to go through all the Statutes and set up...make definitions in all those what a religious denomination is. I think it would...it's best to let to the Department to determine.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President. Just a question of the sponsor. If we are exempting all these religious institutions, many of which we don't even know how many...religious, charitable and educational, we don't know how many there are, if we are exempting them, obviously that means someone is going to have pick-up the revenue. Who is going...is this going to cost the residential customer more money since the utility companies are obviously going to receive less?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke...

SENATOR LEMKE:

No, this will not go into the...this doesn't affect the rate, this is just a strict tax. Whatever the...whatever rate is charged, okay. The utility is not paying the extra two percent...they're only paying three percent which they always pay now. So, the utility customers will not be paying the two percent.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Okay, so then the State...I...I'm sorry...the State is



receiving less money. I mean, is there...is there no way of determining...since we have religious, charitable and educational institutions not included, is there no way of determining how many institutions we're talking about, A, and B, how much this is going to cost the State of Illinois in lost revenue?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LEMKE:

According to the fiscal note, you know, they said it was not very much and they was unable to determine what the exact loss would be. That's what the fiscal note said.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch.

SENATOR NETSCH:

If I might just add to that once more, it is true that the fiscal note could not come up with a figure. They didn't say it wouldn't cost much, Senator Lenke, they just said they could not determine it because there was no basis on which to determine it. It is also true that at the time this bill was in committee, it was voted out, although I think the vote was 5-3-3, so it was not an overwhelming vote, but it was with the understanding that if possible the definition would be tightened up. Instead, an amendment was offered on the Floor which further exempted them from the gas tax and the message tax, so that it was broadened rather than narrowed. Now, there is no question that this is going to have a significant impact on the State revenues from those sources. Having said that, I'm sure the bill will go flying out if here.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, any further debate? Any further debate? Senator Lenke may close.

SENATOR LEMKE:

I think that, just to set the record straight as far as

Senator Netsch, I did mention that I was going to amend it to include gas...gas for heating. But I think this is a good bill and I think it's a positive step to help people with their ever growing energy crisis, and it spreads the savings across the board and will eventually help us in this State to say that...to utility companies, quit charging the large rates and quit trying to pass things off on the people. But this does not increase rates on the utilities, it doesn't increase anybody's own bill, and I think it's a good bill, and I think it's positive legislations. I ask for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 1366 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 39, the...the Nays are 18, none Voting Present. Senate Bill 1366 having received the required constitutional majority is declared passed. Senate Bill 1377, Senator Savickas. Senator Savickas. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1377.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, Senate Bill 1377 would provide for transfer of the Chicago Fire Department paramedics from the Chicago Municipal Employees Pension Fund to the Chicago Firemen's Pension Fund. This amendment...or this bill was drafted pursuant to the original agreement between the Chicago Firefighters Union and the City of Chicago and would provide the following: It would extend

the Chicago Firemen's exemption from worker's compensation coverage to the Chicago paramedics, it would clarify the timing of the transfer from the Municipal Pension Fund to the Firemen's Fund, and the paramedics service within the fund would commence January, 1981 pursuant to a contribution for service through January of '83, and it eliminates the contribution for salary amounts in excess of permanent rank rates. This will preserve the integrity of the fund by eliminating the windfall pensions for higher salary administrative employees. I would solicit a favorite...a favorable vote on this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Berning.

SENATOR BERNING:

Question of the sponsor, please. Senator, were you not going to furnish this Body an official statement from the City of Chicago renouncing the obligation which the State would have under the State Mandates Act for this four hundred fifty thousand dollars a year which this bill will cost and I said per year. Was that not the agreement, Senator?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Yes, we...I don't know if that was the agreement, we talked about that in committee, and the city has agreed to sign off any obligation of the State under the State Mandates Act with the passage of this bill. I don't know if they sign off before the bill is passed or after the bill is passed.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning.

SENATOR BERNING:

Well, it was my distinct understanding, and I'm sure that of the other members of the committee, that this was a statement that would be furnished to us before consideration of

any kind was given to the bill. Senator, it would be totally irrelevant to have a statement come holding the State harmless after we have passed this and assumed the obligation. I suggest that we do one of two things, Mr. President, either the bill be taken out of the record and the Senator proceed to supply us with that hold-harmless statement from the City of Chicago, or in the alternative, we would have to defeat the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Well, Senator, I would take it out of the record then and try to get it here by tomorrow or some type of communication that would indicate the city's intent to hold the State harmless in this and call it tomorrow.

PRESIDING OFFICER: (SENATOR BRUCE)

All right.

SENATOR SAVICKAS:

Is there leave to take it out of the record and call it for tomorrow then?

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to take it out of the record and that we get to it tomorrow? Leave is granted. Senate Bill 1393, Senator Schaffer. Read the bill, Mr. Secretary, please. Just to alert the membership that this the first of about fifteen or twenty appropriation bills that we will be, I think, going through rapidly, so stay near your switch. Senator Schaffer...read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1393.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

This is a supplemental and transfer bill for the FY '82...fiscal year. It amends the Guardianship and Advocacy Commission and appropriates an additional...transfers seventy-five thousand from the Personnel line items to the Service line item. Transfers...pardon me, appropriates an additional two hundred and eighty-two thousand for the Military and Naval Department, this is for armories' utilities, we underbudgeted again, as usual. Amends the Department of Mental Health Disabilities, appropriates a total transfer of two million five ninety-eight among various line items, and transfers some forty-two million dollars worth of line items in the Public Aid budget. I don't think any of it is controversial.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 1393 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, none Voting Present. Senate Bill 1393 having received the required constitutional majority is declared passed. Senate Bill 1396, Senator Sommer. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1396.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sommer.

SENATOR SOMMER:

Thank you, Mr. President. This is the OCE for Admin Services.. It's down three million from what it was introduced.

PRESIDING OFFICER: (SENATOR BRUCE)

AB 1397  
3rd Reading

Question is, shall Senate Bill 1396 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none Voting Present. Senate Bill 1396 having received the required constitutional majority is declared passed. Senate Bill 1397, Senator Davidson. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1397.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this...annual appropriation to the Department of Aging, and it is sixty-seven million three hundred and eighty-eight thousand three hundred dollars. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? The question is, shall Senate Bill 1397 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 1,...none Voting Present. Senate Bill 1397 having received the required constitutional majority is declared passed. Senate Bill 1398, Senator Maitland. Is Senator Maitland on the Floor? All right, Senate Bill...1400, Senator Sommer. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1400.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sommer.

SENATOR SOMMER:

Thank you, Mr. President. This is the bill that contains the new capital projects and new monies. It's down about thirty million dollars which figure reflects that prison money that was removed from it.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill...Senator Lenke, did you have a comment? Senator Lenke.

SENATOR LENKE:

I just wanted to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield, Senator Sommer...

SENATOR LENKE:

Senator Sommer, how much of this capital development money goes for those...that art that we put in at a half of one percent, I think it is? How much is it total that we're spending for all of these new structures where we have to add...art objects to the structure?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sommer.

SENATOR SOMMER:

Apparently, the law is that it's what a half of one percent of the total construction price? However, there was a bill introduced here by Senator Thomas, which would have made that optional but, it was killed in the committee, and perhaps, you could get the bill out of the committee and change that, huh?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LENKE:

Think on the bill, you know, we're building a new State of Illinois Building in the City of Chicago, and our projections will be that there'll be a 1.7 million dollar art

object built for the State of Illinois building. 1.7 million dollars, that's a lot of money when were talking about closing the Hearing clinic and the visual handicapped clinic, we're going to go out foolishly and spend a million seven for some kind of a monstrosity that we won't understand.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is...Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I think there's a House bill that Senator Lemke could co-sponsor to do away with that half of one percent soon as we can get it out of Rules.

PRESIDING OFFICER: (SENATOR BRUCE)

Gentlemen, we were doing pretty well, it's now three o'clock. Senator Grotberg.

SENATOR GROTBORG:

Well, thank you, Mr. President. But you can't let opportunities like this go by either.

PRESIDING OFFICER: (SENATOR BRUCE)

No,...and they'll...they'll be...

SENATOR GROTBORG:

I wish they'd have spent another half a point across the street at the Stratton Building, it's the dullest building in Illinois. I hope to Heaven they spend something in that one hundred and ninety million dollar monster down in LaSalle Street in Chicago to keep it from becoming, over the ages, an ugly building. And I would just wish everybody would think twice before they shoot from the lip on the concept of buildings that last fifty to a hundred years, of building them right when you build them the first time, and don't come back worrying about architects when business is good. Right now we're in a recession, it's a very popular move and that I understand, but be careful and beware of the arts.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? The question is, shall Senate Bill



1400 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 46, the Nays are 7, 1 Voting Present. Senate Bill 1400 having received the required constitutional majority is declared passed. Senate Bill...with leave of the Body, Senator Maitland is now on the Floor, may we return to 1398? Leave is granted. 1398. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1398.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. I apologize for being off the Floor when this bill was called. Senate Bill 1398 yesterday as amended added back in two hundred and forty thousand dollars. The agency...the bill as...as submitted was forty million nine seventy-eight. The agency bill today is forty thousand three hundred and twenty-one dollars, that's six hundred and fifty-six thousand six hundred dollars below submission.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 1398 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none Voting Present. Senate Bill...1398 having received the required constitutional majority is declared...passed. Senate Bill 1401, Senator Weaver. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1401.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. 1401 raises the bond authorization by one dollar. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 1401 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. (Machine cutoff)...all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 48, the Nays are 7, 1 Voting Present. Senate Bill 1401 having received the required constitutional majority is declared passed. Senate Bill 1402, Senator Sommer. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1402.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sommer.

SENATOR SOMMER:

Thank you, Mr. President. This is for the operations of the Captial Development Board and it's down eighty-nine thousand dollars from the level at which...it was introduced.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill...1402 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, none...1 Voting Present. Senate Bill 1402 having received the required constitutional majority is...declared passed.

Senate Bill 1403, Senator Coffey. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1403.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. Senate Bill 1403 as amended provides three hundred and five thousand five hundred dollars for the ordinary and contingency expense of the Civil Service Commission for the fiscal year beginning July 1st, 1982. I'd be glad to answer any questions, and I'd just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 1403 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 3, none Voting Present. Senate Bill 1403 having received the required constitutional majority is declared passed. Senate Bill 1404, Senator Kent. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1404.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Kent.

SENATOR KENT:

Thank you, Mr. President and members of the Senate. This bill appropriates the funds for the FY '83...operations of the Department...excuse me, Commerce and Community Affairs.

The dollar amount is a hundred and ninety-six million seven hundred and sixty-one thousand nine hundred dollars.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 1404 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none Voting Present. Senate Bill 1404 having received the required constitutional majority is declared passed. Senate Bill 1406, Senator Etheredge. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1406.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge.

SENATOR ETHEREDGE:

This is the appropriations bill for the Department of Energy and Natural Resources. It is in the amount of forty-eight million eighty hundred and ninety-one thousand dollars. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 1406 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 6, none Voting Present. Senate Bill 1406 having received the required constitutional majority is declared passed. Senate Bill 1407, Senator Simas. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1407.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Simms.

SENATOR SIMMS:

Thank you, Mr. President. Senate Bill 1407 as amended appropriates three million...excuse me, three million forty-five hundred dollars for the ordinary and contingent expenses of the Department of Financial Institutions for the fiscal year beginning July 1st, 1982. I move for its passage.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 1407 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none Voting Present. Senate Bill 1407 having received the required constitutional majority is declared passed. Senate Bill 1408, Senator Maitland. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1408.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Senate Bill 1408 as amended appropriates one million eight hundred and forty-four thousand one hundred dollars to the General Assembly Retirement System. That's two hundred and seventeen thousand dollars below introduction.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 1408 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted

who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none Voting Present. Senate Bill 1408 having received the required constitutional majority is declared passed. Senate Bill 1409, Senator Schaffer. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1409.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

The appropriations for a total of three million fifty-six thousand dollars, two hundred and twenty-one thousand five hundred below introduction.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Discussion? The question is, shall Senate Bill 1409 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 2, 1 Voting Present. Senate Bill 1409 having received the required constitutional majority is declared passed. Senate Bill 1411, Senator Davidson. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1411.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this is the annual appropriation for the State Historical Library, one million six hundred and sixty-seven thousand one hundred

dollars. Appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 1411 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the...55, the Nays are none, none Voting Present. Senate Bill 1411 having received the required constitutional majority is declared passed. Senate Bill 1405 is now...we now have a copy of it. Is there leave to return to that, Senator Mahar? Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1405.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. Senate Bill 1405 is the FY '83 ordinary and contingent expenses for the State's Emergency Service and Disaster Agency. The total amount after amendment is twelve million eight...eight hundred and twelve thousand three hundred. Ask for a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 1405 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none Voting Present. Senate Bill 1405 having received the required constitutional majority is declared passed. Senate Bill 1413, Senator Becker. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1413.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Becker.

SENATOR BECKER:

Thank you, Mr. President. Senate Bill 1413, Department of Labor, under Amendment 4 restores a total of three million nine hundred and sixty-two thousand four hundred to the FY '83 budget of the Bureau of Employment Security in the following line items: Group Insurance, three hundred and ninety-one thousand four hundred; Contractual, three million fifty-four thousand seven hundred; Printing, two hundred and eight thousand; Equipment, three hundred and eight thousand three hundred. For a total of three million nine hundred and sixty-two thousand four hundred. Senate Bill 1413 as amended provides a hundred and fifty-one million nine hundred and ninety-nine thousand seven hundred and one dollars for the ordinary and contingent expenses of the Department of Labor for the fiscal year beginning July 1, 1982. General Revenue, eighteen million two hundred and thirty-six thousand; Federal Funds, a hundred and thirty-three million seven hundred and sixty-three thousand seven hundred and one dollars, or a total of a hundred and fifty-one million nine hundred and ninety-nine thousand seven hundred and one dollars. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 1413 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 50, the Nays are 5, 1 Voting Present. Senate Bill 1413 having received the required constitutional majority is declared passed. Senate Bill 1414,



Senator Schaffer. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1414.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

Appropriates ninety-seven million three hundred and fifty-two thousand. It's down about a million seven.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 1414 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, none Voting Present. Senate Bill 1414 having received the required constitutional majority is declared passed. Senate Bill 1415, Senator Coffey. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1415.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. Senate Bill 1415 as amended appropriates twelve million eight hundred thousand and eighty dollars for the ordinary and contingency expense for the Illinois Law Enforcement Commission for the fiscal year beginning July 1st, 1982. And I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill

1415 pass. Those in favor vote Aye. Those opposed vote Nay. The...voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none Voting Present. Senate Bill 1415 having received the required constitutional majority is declared passed. Senate Bill 1416, Senator Thomas. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1416.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Thomas.

SENATOR THOMAS:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1416 as amended appropriates four million one hundred thirty-one thousand eight hundred one dollars for the ordinary and contingent expenses of the Illinois Local Governmental Law Enforcement Officers Training Board for the fiscal year beginning July 1, 1982. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 1416 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none Voting Present. Senate Bill 1416 having received the required constitutional majority is declared passed. Senate Bill 1417, Senator Schaffer. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1417.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAPPER:

Department of Mental Health, substantially down below as introduction.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 1417 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 2, 2 Voting Present. Senate Bill 1417 having received the required constitutional majority is declared passed. Senate Bill 1418, Senator Rupp. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1418.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp.

SENATOR RUPP:

Senate Bill 1418 appropriates fourteen million sixty-seven thousand fifty dollars for the Department of Mines and Minerals for Fiscal '83 ordinary and contingent expenses. I ask an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 1418 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, 1 Voting Present. Senate Bill 1418 having received the required constitutional majority is declared passed. Senate Bill 1419, Senator Etheredge. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1419.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge.

SENATOR ETHEREDGE:

Yes, Mr. President and Ladies and Gentlemen of the Senate, this is the appropriation bill for the Department of Nuclear Safety. It is in the amount of three million nine hundred fifty-six thousand four hundred and fifty dollars, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 1419 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, none Voting Present. Senate Bill 1419 having received the required constitutional majority is declared passed. Senate Bill 1420, Senator Sommer. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1420.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sommer.

SENATOR SOMMER:

Thank you, Mr. President. This is the appropriation for the Department of Personnel. It's down four hundred and fifty-three thousand dollars from the introduction level.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 1420 pass. Those in favor vote Aye. Those opposed vote Nay.

SB 1422  
3rd reading

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 2, none Voting Present. Senate Bill 1420 having received the required constitutional majority is declared passed. Senate Bill 1422, Senator Schaffer. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1422.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

Three billion twenty-four million, down about eighteen million from introduction. Leaner than a junkyard dog.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Lenke.

SENATOR LEMKE:

Senator Schaffer,...I'd like to ask you a question.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield, Senator Lenke.

SENATOR LEMKE:

What is the Department of Public Aid doing with the workfare program we passed last week...last year?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

Great things.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LEMKE:

I understand that they have some problems trying to implement it,...and I...I see a problem where...how would you have people that encourage people to be on welfare try to

encourage them to get off? I think the department should give up this function to the Department of Labor so we can start looking for jobs. I think they have done nothing with it except discourage it. I understand they have hearings on why workfare will not work in Illinois, even though it is working in Indiana. I mean, this is what they're going around doing. I'm going to Vote Present on this bill and I urge everybody else to until they get the workfare program straightened out. We got to straighten this thing out, because people that are on welfare that deserve to be on should get their money, but these other people, the majority that cheat on welfare, should get off of it. And they should get out and put a job to work and they're not doing anything with it, and I'm going to Vote Present and I...urge everybody else to do the same.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I think, Senator Leake, that the workfare program is working very well, except perhaps in some of the large urban settings which regrettably is where we have the largest number of clients, but I think the department has made a sincere effort. And I think those of us that are on the Joint Committee on Public Aid and have heard testimonies, certainly have come away with the impression that the department is in pitching on this. Thanks to the courts, there are obstacles tossed in their way, but they have, I think, rather doggedly pursued the concept that this General Assembly enacted, and I think that they are making a good faith effort to achieve the goals that we outlined for them and think the bill should pass, that problem notwithstanding.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 1422 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have

all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 14, 9 Voting Present. Senate Bill 1422 having received the required constitutional majority is declared passed. Senate Bill 1425, Senator Bloom. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1425.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

I've just consulted with leadership on the other side of the aisle as well as leadership here. I'd ask that this bill be held until the information that was requested at the committee hearing be furnished to the satisfaction of the Minority Spokesman and the chairman of appropriation. Will you take it out of the record, please?

PRESIDING OFFICER: (SENATOR BRUCE)

Take it...is there leave to take it out of the record? Leave is granted. Take it out of the record. 1426, Senator Davidson. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1426.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, the annual appropriation of one million nine hundred and ninety-four thousand nine hundred dollars for the annual budget of the State Employees Retirement System. Appreciate a favorable

vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 1426 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none Voting Present. Senate Bill 1426 having received the required constitutional majority is declared passed. Senate Bill 1427, Senator Kent. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1427.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Kent.

SENATOR KENT:

Mr. President and members of the Senate, the budget for this is twenty-three million five hundred and twelve thousand eight hundred dollars. Ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 1427 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none Voting Present. Senate Bill 1427...Senate Bill 1427, the Ayes are 56, the Nays are none, none Voting Present, and the bill having received the required constitutional majority is declared passed. Senate Bill 1445, Senator Sommer. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1445.

(Secretary reads title of bill)



3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sommer.

SENATOR SOMMER:

Thank you, Mr. President. These are the old projects that are in various stages of completion. It's down forty-eight million dollars from the level at which it was introduced.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall Senate Bill 1445 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 4, 1 Voting Present. Senate Bill 1445 having received the required constitutional majority is declared passed. Senate Bill 1449, Senator Bloom. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1449.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President. 1449 addresses a minor problem with the interface of the Administrative Procedure Act and what we've written into the Environmental Protection Act by way of hearings. Basically it says, to satisfy the economic impact hearings, you don't have to go through the process two times. The second...the APA hearings, if they comply with bringing out the information on...on economic impact would suffice. I'll try and answer any questions, otherwise I'd ask for your support.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, I'm particularly interested in this because of the possible impact upon some of the hazardous waste sites in my district. And particularly, the authority granted the Pollution Control Board to cite hazardous waste locations; will this in any way change the...the law that was passed last year, for example, Senate Bill 172 or any other existing Statute at all, or...does this only have to do with rule making?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

This is a great microphone, it kind...no, it's...it addresses...goes through the rule making process itself. It does not address those other hearings. And when I refer to economic impact, we finally passed, I believe Senator Donnewald was the sponsor back in '75, an amendment to the Environmental Protection Act that said when you start these rule makings and get these light bulbs go off over your head in the agency, you go out and have hearings and determine the economic impact of your regulatory schemes. And so, this measures the APA with those sort of provisions. This is a great microphone, it...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LEMKE:

Senator Bloom, I have a question.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield, Senator Lemke.

SENATOR LEMKE:

How does this affect our bill that we passed for small businessmen as far as having representation. Does this change any of those rules?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

No, Sir.

SENATOR LEMKE:

Thank you.

SENATOR BLOOM:

No, Sir, it's tracked to 403, as a matter of fact. This microphone is kind of like Senator Bowers.

PRESIDING OFFICER: (SENATOR BRUCE)

Further...Senator Lemke, further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. I'd ask the sponsor to yield for a question, if he...if he would.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield, Senator Bloom. Senator...Senator Demuzio.

SENATOR DEMUZIO:

...Senator, I was detained here and not listening, can you briefly reiterate again the rationale behind the elimination or...or the...going to the duplicative hearings? There was so much going on over here, I didn't hear you. Would you reiterate your explanation again, please.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Well, Senator, this was one of the recommendations coming out of the Joint Committee on Administrative Reviews annual

report and you sit on the committee. And basically, we found that this would cut down on what we perceived as wheel spinning. In other words, going through the same hearing process twice.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

So, under the...the proposed legislation, both the hearing for the Pollution Control Board and the...to satisfy the PCB and EPA would be held simultaneous. Is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Where it's applicable and if...you'll notice the line which says, "So long as both provisions are fully complied with." We don't want to give anyone an opportunity to make an end run.

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Demuzio.

SENATOR DEMUZIO:

Is there anything in the Statute now that prohibits the hearings to be held concurrently?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Why I don't think there's any language that says, thou shalt not hold concurrent hearings. This just sets it out, 'cause when we...we're reviewing the process, we said that it appears that this would involve going around the track a couple of times. Believe me, I wouldn't be handling this if I thought that it would...it would provide an agency a chance to make an end run.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I'm just...I'm...I'm trying to...to recall what the rationale was of the joint committee in recommending the legislation, and frankly, either I was absent or I...I simply...just simply do not remember the rationale behind why we would do this. Can you tell me in what procedures and in what hearings that this pertains to? What is...what...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Okay, you look at the bill, you refer to Section 27, we're amending the way the board adopts its substantive regulations...its regulations.

PRESIDING OFFICER: (SENATOR BRUCE)

All right.

SENATOR BLOOM:

We're amending the way the board adopts its...

PRESIDING OFFICER: (SENATOR BRUCE)

Hold on, Senator Bloom. I wonder if we could have some order. If we can take our conferences off the Floor. Senator Bloom.

SENATOR BLOOM:

Thank you. Okay, you look at it, Section 27 of the Environmental Protection Act sets out how the Pollution Control Board adopts substantive regulations, pursuant to the directions in the other sections in the Act. I forget, ten, thirteen, twenty-two, twenty-seven, something like that. Then it says, except as provided below before the adoption of any one, they go through their own notice and procedure thing. Now, this was set up prior to the creation of the joint committee. Now, there's...you go around the track twice right now. Now this language then says, "A hearing under this subsection, or before it, may also be used to satisfy the requirements of this section on new rule making, so long

as,"...and that's the key...that's the key thing, "so long as the provisions are fully complied with."

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Also, I'm told then that pursuant to Section...1027, Sub C, that in case of an emergencies that the Governor could proclaim...and may order proposed regulations to take effect prior to the hearings while such hearings are being held. And does that...is that something new that...is being added to...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Aye. The guts of the bill are on page 4 and on page 2. Now, you look back on page 4 and they talk about the procedures and hearings required by Subsection A, of Section 501 of the Act. Then again they say, "So long as both provisions are fully complied with." If...if staff feels that it is flawed, I don't want to take up the time of this Body. I'll that it out of the record and bring it back and correct it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio. And your time, Senator, has just about expired. Senator Demuzio.

SENATOR DEMUZIO:

Could you hold it just for...a few minutes? Maybe we can iron some things out and come back to it if the President...

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to take it out of the record? With leave, we can bring it back in just a few minutes and maybe save some time. Is there leave? Leave is granted. Senate Bill...1479, Senator Carroll. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1479.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the bill that has been so widely acclaimed by various news media throughout the State to unshackle our Comptroller and allow him to question questionable warrants. Senator Totten raised a legitimate question when this bill came before us once before, but we've done a poll and we think we're relatively safe, so that we would like to proceed with the legislation. The legislation adds like the counterpart states of California, New York, Pennsylvania, Wisconsin, Massachusetts, Michigan, Florida, Connecticut and others would allow the Comptroller to, in fact, check before payments were made on a questionable expenditure. There are significant safeguards to various departments and agencies wherein they can still require the payment upon affidavit and I would urge a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. This bill is no better than it was when it was taken out of the record several weeks ago. I might caution everyone that this is the Comptroller's State Grand Jury bill. It allows them the privilege of holding up any warranty they choose to, for whatever purpose he wants to, for whatever period of time he would like to, and then hold a public hearing on the holding up of the warrant. I really think that that's a heavy responsibility. I don't think that the Constitution ever intended for the Comptroller, regardless of who...whoever it

might be, to have these kind of authorities and powers. I would urge a No vote on this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further dicussion? Senator Totten.

SENATOR TOTTEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would like to submit as Exhibit A to this Body the latest poll that shows the incumbent at twenty-two and the challenger at twenty-six, undecided are the rest. It would probably be our best choice to give these powers to undecided rather than to either of the other two, and this bill should have the same action from the sponsor as it did two weeks ago. This is a dangerous precedent especially when undecided is ahead.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I think the intent of the bill is good, but if we're going to give the Comptroller...investigatory powers, which is similar to a grand jury type of power, we're going to have to give it to every other department, then we'll never finish paying bills...the State will be completely in the red. I don't think that this is the bill that should go forward, because you cannot give it to just one agency and not give it to another, and therefore, I speak against the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, McHenry County has never had a governor. This bill will put a resident of my county in the Governor's Mansion. I intend to support it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Keats.



SENATOR KEATS:

Could...a...a question of the sponsor. Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Keats.

SENATOR KEATS:

Senator Carroll, was this bill brought to you by our...our young friends in the press? This bill will keep more cub reporters employed than anything else I can possibly think of. Do you have any comprehension of just what this is going to be like? You're going to have cub reporters in every nook and cranny of this State...covering goofy stories about things that probably never should have been discussed. While I appreciate your...your introducing the bill to help a friend, I think you're going to kill your friend and a lot of other people too, and I would think the best idea would be to save the Legislature the problem of killing this bill and do as you did earlier and perhaps set it aside. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion. Senator Carroll may close.

SENATOR CARROLL:

Well, first, I thought the rules were that the other side would have one designated hitter, but I guess they've decided to go with a larger number. As to Senator Keats, if full employment is a good idea it's a good idea for reporters too, even though the idea did not generate from that area. I think it is quite clear, however, you know, the Governor has used other methods of not paying bills when he didn't feel he had the cash around? This isn't necessary to do that, nor will it accomplish that purpose, nor should it, nor is...is it intended to. What it is intended to do, however, is to say to the person who has the constitutional responsibility to be the Comptroller of this State to have some authority to check things that come across his desk, rather than have

potential scandals take place wherein, even on its face, it was quite apparent that it was an improper payment, but we've never given the Comptroller the authority to do what Controllars would do in private industry or anywhere else and that is to look beyond the four corners of a document when there is something on the document itself that shows there might, in fact, be a problem. I think it would be silly for anyone to want to deny that authority to the Comptroller of this State regardless of party, regardless of occupant, other than possibly Senator Totten's concern, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 1479 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 30, the Nays are 28, none Voting Present. Senate Bill 1479 having received the required constitutional majority...I see three senators who have requests...Senate Bill 1479, the roll call is 30 Ayes, 28 Nays and the bill is declared passed. Senator DeAngelis requests a verification of those who voted in the affirmative. Will the members please be in their seats. Will the Secretary please call those who voted in the affirmative. Will the members please be in their seats and answer when your name is called.

ACTING SECRETARY: (MR. FERNANDES)

The following voted in the affirmative: Berman, Bruce, Buzbee, Carroll, Chew, Collins, D'Arco, Dawson, Degnan, Demuzio, Donnewald, Egan, Gitz, Hall, Johns, Jeremiah Joyce, Jerome Joyce, Lenke, Marovitz, McLendon, Nash, Nedza, Nega, Netsch, Newhouse, Sangmeister, Savickas, Schaffer, Taylor, Fadalabene.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis, do your question the presence of any

member? Senator Buzbee on the Floor? Senator Buzbee is in his seat. Senator Dawson. Senator Dawson is in his seat. Senator Jeremiah Joyce is standing in front of Senator Carroll's seat. Senator Nash. Is Senator Nash on the Floor? Senator Nash is in my seat. Is Senator Degnan on the Floor? Degnan. Is Senator Degnan on the Floor? Strike his name. Well, Senator Carroll. Senator Carroll. Well, Senator it wouldn't...we normally...no, we...we do not allow...Senator Carroll, we do not allow a verification of negatives when it has no impact upon the outcome, and so, no...no. The...the Chair...the Chair will have to rule that your request is out of order and I've stalled about as long as I can. On a verified roll call there are 29 Ayes, and 28 Noes, and the...and the sponsor asks that further consideration of Senate Bill 1479 be postponed...it will be placed on the Order of Postponed Consideration. Senate Bill 1490, Senator Davidson. Hold. Senate Bill 1501, Senator Nedza. Read the bill, Mr. Secretary, please.

END OF REEL

Reel No. 6

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1501.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza. May we...Senator Nedza, excuse me just a moment. May we have some order, please. We can take some of the conferences off the Floor and clear the aisle. Senator Nedza is recognized.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1501 will provide that the Chicago Park District may issue bonds to an amount which when added to the outstanding bonded indebtedness will not exceed 1.15 percent of the assessed valuation of the district's taxable property. It also changes the maximum interest rate on the district bonds so as to conform with the General Interest Rate Act. There were two amendments to the bill. The one amendment would...to the bill, was to change the one and one-quarter percent to the 1.15 percent, which I just mentioned, which reflected a thirty million dollar to a decreased amount of eighteen million dollars. That twelve million dollar differential was because of the accrual of twelve million dollars on previous bond issues which was applied to this bill. The other amendment that was put into the bill was some wordage and the wordage being, "For the preservation...or the habilitation and renovation of existing district facilities or for similar purposes." Both of those were put in based on some legal opinions that came in as to the use of the money, and the language being to offset some objections to the bill. If there are no questions, I would move for a favorable roll

call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Grotberg.

SENATOR GROTBORG:

Thank you, Mr. President. Senator Nedza, are the museums in...in this?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR BRUCE:

No, Sir, Senator Grotberg. 1502 is the museum. This bill has nothing...with the museum, this is just the straight bonding.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTBORG:

Thank you. That does make a difference. Thank you, very much.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall Senate Bill 1501 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 30, the Nays are 27, none Voting Present. Senate Bill 1501 having received the required constitutional majority is declared passed. Senator Weaver, for what purpose do you arise? All right. Senator Weaver has requested a verification of the roll call on Senate Bill 1501. All right. Mr. Secretary, would you call those who voted in the affirmative. Will the members please be in their seats and answer when their name is called.

ACTING SECRETARY: (MR. FERNANDES)

The following voted in the affirmative: Berman, Bruce, Buzbee, Carroll, Chew, Collins, D'Arco, Dawson, Degnan,

Denuzio, Donnewald, Egan, Gitz, Hall, Johns, Jeremiah Joyce, Jerome Joyce, Lemke, Marovitz, McLendon, Nash, Nedza, Nega, Netsch, Newhouse, Sangmeister, Savickas, Taylor, Vadalabene, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Weaver, do you question the presence of any member?

SENATOR WEAVER:

Senator D'Arco.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco is in the well.

SENATOR WEAVER:

Senator Newhouse.

PRESIDING OFFICER: (SENATOR BRUCE)

Is Senator Newhouse on the Floor? Senator Newhouse. Okay, strike his name. Oh, Senator Newhouse is right...right at the...rear of the Chambers. Senator Weaver.

SENATOR WEAVER:

Senator Carroll on the Floor?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll is in the phone booth, or was in the phone booth. All right. Senator Weaver.

SENATOR WEAVER:

Buzbee...oh yeah,...he's there.

PRESIDING OFFICER: (SENATOR BRUCE)

Buzbee...Senator Buzbee...standing by his chair. Colonel Buzbee.

SENATOR WEAVER:

Colonel Johns here?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Johns on the Floor? Here he is.

SENATOR WEAVER:

We're keeping them hotfooted anyway.

PRESIDING OFFICER: (SENATOR BRUCE)

Right. On a verified roll call, there are 30 Ayes, 27 Nays, and Senate Bill 1501 having received the required constitutional majority is declared passed. For what purpose does Senator Vadalabene arise?

SENATOR VADALABENE:

First of all, Mr. President, I'd like to have some order.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. May we have some order, please. Senator Vadalabene.

SENATOR VADALABENE:

Yes, we're getting into the habit again, and I made a talk about it last year in regard to our colleagues who are supposed to be responsible Senators who are playing with their switches on these bills when they come 29, 30 and 31. As I said last year, some of us when we hit that narrow margin, there's others who would like to get on those bills, but when they see that 30, 31 and 32, refrain from getting on those bills; and consequently, the button players get off of the bill and it causes the bill either to get on postponed consideration, lost, or it takes the time of the Senate. Now, I don't have any bills on 3rd reading, but I suffered some bad effects from that kind of game playing last Session and had two very important bills on postponed consideration of which we never got back to because the players played with their switches. Now, I think this is a bad practice and, Mr. President and members of the Senate, for the sponsors of the bill and for the lobbyists, I think that kind of action...should be discontinued.

PRESIDING OFFICER: (SENATOR BRUCE)

Also advise the membership as to that practice that we...if you wait long enough and change late enough, the official Journal may not reflect your true vote, as that the printer sometimes locks before you change, and although you may be changed on the electronic board, the printer may, in

fact, print a different total. And so I would advise you that you may be embarrassed, as time goes on, if you wait until the very last second that the printer and the board may, in fact, not be the same.

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose does Senator Demuzio arise?

SENATOR DEMUZIO:

Yes, Mr. President. Can we go to the Order of Motions in Writing now? What...is that the order of business?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, the order of business right now, Senator, is 3rd reading, Senate Bills, 1502.

SENATOR DEMUZIO:

Well, do we intend to get to motions in writing...very quickly?

PRESIDING OFFICER: (SENATOR SAVICKAS)

I would suggest you turn around and talk to the President of the Senate.

SENATOR DEMUZIO:

Well, I am talking to the Presiding Officer. Do we intend to get to motions in writing today?

PRESIDING OFFICER: (SENATOR SAVICKAS)

The Presiding Officer does not intend to get it...to it very quickly, he intends to go through Senate bills 3rd reading.

SENATOR DEMUZIO:

I will persist in my motion at a later date then, today.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Thank you.

SENATOR DEMUZIO:

Thank you, Sir.

PRESIDING OFFICER: (SENATOR SAVICKAS)

On the Order of Senate Bills 3rd Reading...Senator Thomas, for what purpose do you arise?



SENATOR THOMAS:

Mr. President, while we had just a little lull, I'd like to ask leave to have House Bill 1954, which I am shown as key sponsor, I would like that changed, if I could, to reflect it Senator Davidson-Thomas.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is leave granted? Senator Davidson indicates he would accept it. Leave is granted. Senator Maitland, for what purpose do you arise?

SENATOR MAITLAND:

Thank you, Mr. President. I would also like to ask leave that my name be removed from House Bill 1733 and that that bill be assigned to Senator Bruce.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is leave granted? Leave is granted. Senate Bill...Senator Nedza on Senate Bill 1502. Mr. Secretary, would you read the bill?

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1502.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1502 increases the bond authorization for aquarium and museum purposes from thirty million to sixty million dollars. The increase in the bond authorization is needed for a number of reasons, the extensive repair and restoration work is needed on the Art Institute, the Field Museum, the Shedd Aquarium. New projects include more gallery space for the Art Institute, a Marine Mantel Pavilion for the Shedd Aquarium, and galleries, lecture rooms and a theatre for the DuSable Museum of African...American Art. It

should be noted that according to the district that the eight museums will collect one dollar from private donors for every one dollar they receive in tax supported bonds. If there is no discussion, I would move for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Yes, I just have one question. Senator Nedza, on the previous bill, 1501, the Chicago Civic Federation had a positive position on Senate Bill 1502. Can you tell me what the position of the Chicago...Civic Federation is, on this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS).

Senator Nedza.

SENATOR NEDZA:

Senator Demuzio, I cannot presume to speak for the Civic Federation, but the Civic Federation was concerned with the twelve million dollars that was the accrual on the previous bond issue. That...twelve million dollars was applied to...Senate Bill 1501 and on this one there's, you know, it was just the twelve million is what we were concerned with.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President. A question of the Chair. Would you tell me the number of votes necessary to...pass this bond authorization.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, we'll get back to you. We want to look at the original bill. Senator Becker.

SENATOR BECKER:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR BECKER:

Senator Nedza, in 1502, is there a hundred and eighty thousand dollar bond for the Brookfield Zoo?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

No, there is not, Senator. It is...it is for eight museums total.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Becker.

SENATOR BECKER:

Museums only?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

Yes, it is for the Adler Planetarium, the Art Institute, the...Chicago Academy of Sciences, the Chicago Historical Society, the DuSable Museum of African-American History, the Field Museum of Natural History, the Shedd Aquarium and the Museum of Science and Industry.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? If we can stand at ease for a second, we were...Senator Grothberg.

SENATOR GROTHBERG:

Well, thank you, Mr. President. We do need the ruling.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The ruling would...Senator, we've read the bill, and there's nothing in it that indicates anything out of the ordinary. It does not apply to full faith credit of the State, so it would take thirty votes. Senator Grothberg.

SENATOR GROTHBERG:

Well, thank you, because I'm going to give you a vote, but I wanted to make sure if you needed thirty-six that maybe somebody else can too. The museums of Chicago belong to

everybody in Illinois and we don't want anything to really, seriously impair them. Sometimes even their art work, for those of you who question, but as long...well, I understand that, but also coming to Chicago taxpayers...a voice from the background says as long as Chicago taxpayers pay for it. There are tens of thousands of Illinoisans from downstate that travel to Chicago and spend their good money. The museum business is awful good for Chicago, but it's also good for the State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Nedza may close.

SENATOR NEDZA:

Ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1502 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 2, none Voting Present. Senate Bill 1502 having received the constitutional majority is declared passed. Senate Bill 1516, Senator Carroll. Senator Carroll here? Senate Bill 1521, Senator Nimrod. Senate Bill 1522, Senator Carroll. Senate Bill 1523, Senator Carroll. Senate Bill 1524, Senator Buzbee. Senate Bill 1525, Senator Buzbee. Senate Bill 1558, Senator Chew. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1558.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

Mr. President and Ladies and Gentlemen of the Senate, this is the bill that we called on day before yesterday or

yesterday. Senator Coffey asked me to hold until the agreements had worked out. Those agreements are now worked out, all parties involved are satisfied. It did not intend to reach a conclusion as had been rumored. Senator Coffey has discovered that that is true and there's no controversy on the bill and I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1558 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none Voting Present. Senate Bill 158 having received the constitutional majority is declared passed. For what purpose does Senator DeAngelis arise?

SENATOR DeANGELIS:

I would like the members of the Body to know that today is the birthday of our esteemed leader on our side, Senator Philip. And contrary to popular belief, he is not approaching the age in which his vote is to be considered critical on any of the pension bills. Also available in his office at the fine hands of his good secretary, Oma, is some delicious birthday cake, and everyone here is invited to participate in that at your leisure, in the leader's office. Happy Birthday, Senator Philip.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would Senator Geo-Karis wish to lead us in song? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Is that long enough? I just want to thank you, very much, from the bottom of my heart. You know, I've been in the General Assembly sixteen years now. It seems like thirty-six years, but I'll tell you, I've met a lot of great

people here. I've enjoyed the comradery, it's a lot of fun, I still enjoy it. Look...forward to four more years at least. And I hate like heck to admit it, but I am fifty-two and I feel twenty-two, and...all...all come back to my office then and have a piece of cake and a cup of coffee. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll has returned to the Floor and seeks leave to go back to the Order of Senate Bill 1522. Is leave granted? Leave...1516. 15...Senator, did you make up your mind? Senate Bill 1516. Leave granted? Leave is granted. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1516.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. It's probably very fitting that this bill be called immediately after the announcement of Senator Philip's birthday, and in celebration thereof, I think it appropriate that we pass the buck over to the House. This bill appropriates one dollar under the Mandates Act, which is a dollar more than we have so far mandated, so that we can get it over to the House and keep it there as we need it for mandates, and I would move...I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senate...the question is, shall Senate Bill 1516 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 4, none Voting Present. Senate Bill 1516 having received the con-

stitutional majority is declared passed. Senator, 1522.  
Senate Bill 1523. On the Order of Senate Bill 1560, Senator  
Berman. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1560.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This bill as amended does three things. Number one, it deals with the Chicago Community School Study Commission, it allows designees to represent the State Superintendent and the Chicago Superintendent of Schools on that commission and extends its reporting date from September 1, of '82 to March 1, of '83. Secondly, it gives the authority to school boards to hire certified school counselors and a supervised school counselor interns, grants permissive power only as to those persons. And thirdly, it clarifies that parent teacher...conference days may be held on those days that are presently used as teacher workshop days. I ask your favorable support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I rise in support of this bill as amended and urge a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 1560 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 1, none Voting Present. Senate Bill 1560 having received the constitutional

majority is declared passed. Senate Bill 1588, Senator Schaffer. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1588.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this bill addresses a problem that we have in the northern part of the State where snowmobiling is extremely popular. Due to a legal opinion in the Department of Conservation, evidently backed up by legal opinions and a couple of our local units of government, we came up with an interesting Catch-22 similar to the old situation we used to have on the sidewalks. If you shoveled your sidewalk and someone fell, you were liable, if you did nothing, you weren't. The Department of Conservation was advised that if they attempted to mark hazards for snowmobiling and failed to get them all or do them exactly right that they were liable, but if they did nothing, they weren't. The snowmobile clubs have offered to help the department mark all of our parks where snowmobiling is allowed and the problem extends beyond our own system, and frankly, there are, in fact, people being killed and seriously injured and loss of property because of this problem. This bill, I think, in a responsible way attempts to solve that problem by simply saying that if you in a conscience effort attempt to mark hazards for snowmobiling, you will not be held liable and...for anything that you would otherwise, if you'd...if...you'd have the same liabilities if you'd done nothing. I think, obviously, we wish to encourage these hazards to be marked so that our citizens will not be harmed. I'd be happy to answer any questions. The Department of



Conservation is in support as are the many snowmobile organizations. Appreciate your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1588 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, 2 Voting Present. Senate Bill 1588 having received the constitutional majority is declared passed. Senate Bill 1596, Senator Buzbee. Senate Bill 1597, Senator Berman. Senate Bill 1601, Senator Chew. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1601.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

Thank you, Mr. President and members of the Senate. This is the version to create a new transit system in northern Illinois. We did have some extensive discussion on this on yesterday. We brought it back for the amendments that those members that had some problems with it and those amendments were adopted. I have no additional amendments and no one has informed me of any amendments that are outstanding or filed. We have carefully worked this out with all parties concerned. I will answer any questions, otherwise, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR SANGMEISTER:

Senator Chew, I spoke to you the other day about this and you did answer in the affirmative. I just want to check that the opt out is in here, is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

Senator Sangmeister, that was adopted yesterday, sponsored by Geo-Karis.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Just a rapid, quick question regarding the opt out because I did not see it and that's my fault, not yours. But the one that was in the other transportation bills around, there was a three year period before you could opt out. Have you got...that was adapted similar to the same one that...all right, thank you, that's all I need to know.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of Senate Bill 1601. This bill is the work product of a number of public hearings and public meetings originated and initiated by the Conference of Mayors of suburban Cook County at the request, I might add, of the Governor. They have worked long and hard. They have invited legislative participation, and, in fact, there was legislative participation by both Senators Chew and Carroll who attended their meetings. They were meeting a couple of times a month for the past few months. I think the work product is a good one. It affords to those who were concerned about the structure a true change in structure. It recognizes the need

for a State subsidy and I think it's deserving of our support. I urge an Aye vote on Senate Bill 1601.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR CHEW:

Thank you, Mr. President. It is a step forward, and to reemphasize what the President has said, it's been a lot of long hours and input from everybody concerned. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1601 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Senator, would you vote me. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 20, 2 Voting Present. Senate Bill 1601 having received the constitutional majority is declared passed. Senate Bill 1606, Senator Bruce. Senate Bill 1607. On the Order of Senate Bills 3rd Reading, Senate Bill 1607. Would you read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1607.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. Senate Bill 1607 changes the formula under which distribution is made of the Corporate Personal Property Replacement Tax Funds. As you will recall, when that bill was passed three years ago, at the request of Senator Knupfel and others, we put a hold-harmless clause in there which related to sixty percent of the 1976 and '77 collections. Because of changes we have made in the Statutes

and the effect of the economy, the amount of collections that have been received in the Corporate Personal Property Tax Replacement Fund have not risen nearly at the rate we expected. What this bill does is change that distribution formula to reflect the lessened amount of money we have so that districts do not lose any money, and it holds every district in the State of Illinois, some six thousand seven hundred taxing districts harmless from loss by moving the formula to the 1978 personal property tax collection year. That is fair to everyone, I believe. If we do not move the formula, there will be two thousand seven hundred districts that will lose up to forty percent of their revenues, three hundred and sixty-one districts that will lose more than sixty percent of their total revenues, but only about three thousand districts that will have any gain, and the maximum gain of all the districts is two percent. I have made available and indicated in the committee, we have run each taxing district in the State of Illinois, we have a printout of it, they are all in. As far as I know, the Municipal League, the Taxpayers Federation, just about everyone that I can think of except the apple growers have indicated that they would like to change the formula so that everyone is held harmless based on the 1978 collection year. I know of no opposition to the bill and I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any discussion? Senator McMillan.

SENATOR McMILLAN:

Very simply, I rise in support of the bill. It's very necessary. I seek a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Walsh.

SENATOR WALSH:

Will the Gentleman yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR WALSH:

Senator, I tried to follow your explanation of this. The...we're concerned here with a reallocation of the funds that are collected under the personal property tax replacement tax that we enacted a couple of years ago. And...I'm usually in something like this, you're taking from one and giving to another, and I'm wondering who benefits and to whose detriment is...is this bill, if it passes? I haven't seen the list which you've distributed but...we're talking about the same amount of money that's going to be distributed in a manner different from that in which it is distributed now. So, I wonder if you might elaborate on that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you, Senator Walsh. This..this is the list of taxing districts, so I did not distribute it to you. We would have had an increase in the printing costs of the State that even we couldn't afford. It is true that we are redistributing the money, but I...the reason that there has not been any great opposition is that those from whom we are taking money, the maximum they have of all the six thousand seven hundred districts, the maximum increase is two and one-half percent over last year. The maximum decline of some two thousand and seven hundred districts has been up to sixty percent loss. Those who are gaining, are gaining so little that they have decided to redistribute the money. No single unit of government in the State of Illinois is going to lose more than two and a half percent of their total collection. Districts I know in Senator...one...one school district in Senator Buzbee's district is going to lose...it goes from a hundred and nine thousand dollars in two years to eleven thousand, a loss of a hundred thousand dollars nearly in a

two year period. So, that is...I wish Senator McMillan were still on the Floor, we went through this is committee. It is a distribution, you are absolutely correct, we are taking from some winners and redistributing to the losers, but there are very few winners and almost all the districts lose money.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Walsh.

SENATOR WALSH:

Well, the one example you gave would indicate to me we should vote No on this bill...nothing personal, Senator Buzbee. But I...I just wonder, that is the effect maybe for this...the next year. What...what is the overall effect in...I...I know we had considerable debate on this...on this bill when it was originally passed, and once we change this formula, we...we find these things are very hard to...to change back if...if what we are doing now is not the right thing to do, because the people that benefit may be in a much stronger position to see the error of their ways than what you state now. The people who are benefiting, apparently, are either not aware of what's going on or are willing to...to make a change. But is this...is it a population trend situation, or...or...or if you can explain just what brought about the...the need for this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Okay. The problem has been we have more money to distribute each year. So, I mean, I want you to keep that in mind. One of the controversies, as you recall, when we passed the replacement tax is that it would go up every year and taxing districts would get a windfall from the income tax addition that they would not have gotten from personal property tax, and that is exactly what has happened, that is why this is not a bill that has caused a great deal of anguish

from taxing districts, they have, in fact, received more money. We base those allotments, based on 1976 for downstate...for Cook and 1977 for downstate. As you recall the pot is divided into two...two portions. In the legislation as we passed it, we said they no district this coming year would get less than sixty percent of...of the initial year. The problem is the collections and how much we are getting is going down, it is not increasing at a fast rate as we thought, so that when we go to that formula of sixty percent of either 1976 or 1977, there are a great number of losers, but very, very few gainers. If you move the year to '78, the amount of money has grown from about an initial five hundred and eighteen million, has grown enough that if we change the assessment year for everyone to 1978 which is the year personal property tax was abolished, if we go to that year, the Department of Revenue and the administration who supports this says that that is a fair distribution of the money available.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Walsh.

SENATOR WALSH:

So then...correct me if I'm wrong, this...this bill changes the...the base year from 1976 to 1978? Does it do anything other than that, Senator Bruce? I...I can understand why we're making it '78 because that...and it also goes from sixty to a hundred percent? Does it do two things?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Well, as you know, the pot is determined by the '76-'77 year, that has not changed...the fifty-two forty-eight split. What we are changing by this is, under the original legislation, we triggered the hold-harmless provision which is already in this Act to '76 and '77 collections and we started

phasing that out. So that it was a hundred percent last year, it is to be sixty percent in the coming year. The Department of Revenue will, to any taxing body that requests in writing, a certification of how much money we're going to get from corporate personal property tax. You need it for your bond and interest fund, you need it for many levies. What they found out is that in...when I get the figure, it's about three thousand districts of the seven...six thousand seven hundred, they all got letters back saying, you're going to get a lot less money at sixty percent of that year. What this bill does, and it was drafted by the Department of Revenue, was to change the hold-harmless year to 1978 collections. That protects everybody in the State of Illinois that they get as much as they got in '78. A lot of districts are going to get more. A lot of districts are getting more than they had ever from personal property tax, because it has grown. What this does is say that you cannot get less than 1978 which is what you got when we abolished the tax. That seems to be fair, that was the year in which we did away with the tax. We now know 1978 collections, no district will be harmed if we keep it that way, no...district is going to be unjustly enriched. If we don't change it and we leave it at seventy percent...or sixty percent of '76 and '77, nearly three thousand of the sixty seven hundred districts will lose and they are big losers, up to sixty percent of their total is going to be lost. And some districts....some three hundred districts will lose one hundred percent of their personal property tax collections because they made no collection in that year.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Nimrod.

SENATOR NIMROD:

Yeah, one further question, Mr. President, of the sponsor.



PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR NIMROD:

What...what happens...I understand where we are now, but what happens as we go on a year and we get out of this...declining involvement of money and it starts to improve again? Are we going to create another inequity?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

No...no, now you remember, Senator Nimrod, as the system grows, you will only get your percentage, your proportional share. This is the floor...this is the floor and it says that you can never get less than '78. Once we...every taxing district in the State gets their '78 share, we then divide it among all the other taxing districts. As the system grows you will get your share of what personal property tax collections were in '76 and in '70...in '77.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Could we break up those conferences, this is very important. Senator Bruce...

SENATOR BRUCE:

Okay, Senator Nimrod...so that I don't confuse you, what you get is based on your '76 and '77 collections as a proportion of the total pot. Then...but you will not get less than your '78 collections. So this just establishes the floor. You will not be unjustly enriched as...as the system grows because you will only get your proportional share as it was determined in '76 and in '77, downstate and Cook County...Cook County Downstate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Bruce may close. Senator Bruce, do you wish to close?

SENATOR BRUCE:

I'm...all this bill does is change the formula so that no taxing district will be harmed next year by the distribution of the money in the corporate personal property tax by basing it on the 1978 collections. I know of no objection, no taxing district in the State of Illinois opposes this bill. It is supported by every group I know of because it equitably divides the money by putting a hold-harmless and also allows the growth to go to those districts in the same proportion it was in '76 and '77. It just places a floor under the three thousand districts that stand to lose a great deal of money unless we change this bill and pass this bill and I'd ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1607 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none Voting Present. Senate Bill 1607 having received the constitutional majority is declared passed. Senate Bill 1613, Senator Newhouse. (Machine cutoff)...Bill 1614, Senator Bloom. Senator Newhouse.

SENATOR NEWHOUSE:

Senator Becker asked if I would bring that bill back for an amendment and I will accommodate him. I'd just like to make certain that I can get back to the bill today. And I understand that's the purpose of the recall list, right?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Right. We have a list now being made up of the recalls.

SENATOR NEWHOUSE:

Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senate Bill 1614, Senator Bloom. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

SB 1624  
3rd Reading

Senate Bill 1614.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. This bill also is recommended by the Joint Committee on Administrative Rules. Briefly, in October of 1980 we filed advisory objections to three provisions of R and E's medical disciplinary rules because they did not set out standards and criteria, and that we felt that it violated Section 4.02 of the Illinois Administrative Procedure Act. This legislation sets out standards and criteria to be used in determining what constitute the grounds for revoking physicians licenses. I'll answer any questions, otherwise, I would seek your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is shall Senate Bill 1614 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question the Ayes are 53, the Nays are none, none Voting Present. Senate Bill 1614 having received the constitutional majority is declared passed. Senate Bill 1624, Senator D'Arco. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

(Machine cutoff)...Bill 1624.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This is the pension bill for the Chicago Park employees. We discussed the amendment

yesterday as far as the survivor's annuity and the child's annuity was concerned. The bill itself deals with a person age sixty or over, and provides that he may opt out of the pension system if, in fact, he joins the park district when he is age sixty or over. We don't feel that it should be incumbent upon him to pay into the pension system because he is sixty years old and he would not enjoy the benefits of a pension because of his age.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not....Senator Berning.

SENATOR BERNING:

Thank you, Mr. President. May I ask the sponsor a question about his statement of exemption under the State Mandates Act. Senator, what do you have in the way of a statement and from whom?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

I don't have the amendment in front of me. Do you have the amendment?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berning.

SENATOR BERNING:

No, I...I don't have the amendment. My understanding is that...this, that's been furnished me, is an amendment to the Act, Mr. President and members of the Senate, and it says, "The General Assembly finds that this Act does not require reimbursement under Subdivision E, of Section 6 of the State Mandates Act." And let me refer you then quickly to Section E of the State Mandates Act, which says, bear in mind this is the law right now, "All...all of the increased costs of the local government directly attributable to a mandated increase in public employee retirement benefits enacted after the effective date of this Act and which has the effect of

elevating retirement benefits of local government employees, shall be reimbursed by the State." Mr. President and members of the Senate, it appears quite obvious that this amendment to the Act in no way obviates the obligation of the State of Illinois under the provisions that would prevail if this bill is passed. And we would be talking about an annual cost of...in the neighborhood of three hundred thousand dollars a year, and that is in addition to the over a million dollars which the fund would have to absorb as increased underfunding. The question arises...Ladies and Gentlemen of the Senate, as to what does it really take for the State of Illinois to be absolved of obligation under this statutory provision. Short of amending the law, it would appear to me that the very least we can depend on is a copy of a resolution duly enacted by the city council advising the State of Illinois that the State will be held harmless, and any and all obligation as a result of, in this case, Senate Bill 1624, will be borne by the city council. I'm not sure, Mr. President, how soon the...the Senate sponsor could furnish us with that, but I submit that without that, the State of Illinois will be obligated if this Senate does pass 1624.

PRESIDING OFFICER: (SENATOR SAVICKAS)

UPI seeks permission to film. Is permission granted?  
Leave is granted. Senator Buzbee.

SENATOR BUZBEE:

Yes, thank you, Mr. President. First, Senator D'Arco, I have absolutely no objection to the intention of your bill as amended. My fear is what's going to happen to it when it gets to the House of Representatives, and this is a pension bill and I think we are all very much aware of what happened to the pension bills as they came back to this Body last year after they left the House of Representatives. And there were some amendments put on in the House on, those pension bills, that several of us in this Body found to be objectionable and

embarrassing. First of all, my question to you is, would you assure us when this bill comes back from the House to us that you will keep the bill in its present pristine form, and not accept any amendments that the House might add on as it pertains to General Assembly retirement, or as it pertains to judges' retirement or anybody else's retirement?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Well, yes, I would do that, and, in fact, if there's any amendments on...offered in the House on the bill, I would not concur in those amendments and would hope that the bill would remain in...in its Christine form. And I don't know Christine myself but...I heard she's a hell of a girl. No, but I...I'll do that for you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR BUZBEE:

Thank you. Well, I appreciate that, Senator D'Arco. My second point is a question to the Senate President. I wonder if he is going to raise the constitutional objection on this bill that he did on Senator Egan and my bills previously, given the fact that this bill addresses two separate things. One is the Pension Code and the other is the State Mandates Act, and I think that perhaps Senator Rock may have a comment, because he is concerned about the constitutional question as to whether you can address those two subjects in one bill. I wonder if Senator Rock would care to comment on that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock is not on the Floor, and I'm sure after he reads the transcript, he will send you his comments. Senator Grotberg.

SENATOR GROTBURG:

Thank you, Mr. President and fellow Senators. I would first of all like to ask a question or two of the sponsor if he would yield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he will yield.

SENATOR GROTBORG:

Senator D'Arco, the old question always goes back to who wants this bill, and I can...it's the Chicago Park District and we know that, but how many individuals are affected?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

I guess all of the spouses of the retired members and...and the offspring of those members would be affected by the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grothberg.

SENATOR GROTBORG:

Our summary shows, Senator D'Arco, and I don't know if it's still in it, that it was those over age sixty when they started work. Is that still in the bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Yes, that's still in the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grothberg.

SENATOR GROTBORG:

Well, it seems to me, Mr. President and fellow Senators, that this is kind of a new departure. I don't know who Pristine is, I would like to meet her one day too, but creating creative retirement programs for people who enter systems at the age sixty and beyond is kind of a whole new ballgame in the retirement business, as far as I know, and State

retirement programs and other public retirement programs, and just based on that alone, letting the door open to such expansion of already troubled and underfunded retirement programs, seems to me like a bad way to go and I think we should defeat the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. I think we should get back to the main point here. In the committee, the sponsor agreed that we would get a signoff letter taking the responsibility for the money under the bill. That is what we are waiting for, we do not have that, and so, I ask that he hold the bill until he gets it. That's what the indication that we got in the committee, that's why some of us perhaps voted to permit it to get out of the committee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator D'Arco may close.

SENATOR D'ARCO:

Thank you, Mr. President. To answer Senator Berning and Senator Rupp, the...the question becomes whether or not the second amendment, which provides that the General Assembly finds that this Act does not require reimbursement under subsection E of...of Section 5 of the State...Mandates Act, does specifically provide that the State does not have to reimburse the unit of local government. And in my opinion, there is no inconsistency in that amendment and the bill itself, and it would meet the requirements of the State Mandates Act. I have here a letter from the...a Mr. O'Grady, who is the State's Mandate Review Officer. And he says, it is...it may be a question of judicial interpretation whether or not the amendment is consistent or not consistent with the State Mandates Act. And he does suggest a mechanism for remedying the situation if we feel, in our wisdom, that there is some



inconsistency. There is no question that the legislative intent and my intent in passing this bill is to exempt the State from reimbursement. I mean, that should be absolutely clear. This burden, if you want to call it that, is going to fall on the Chicago Park District only. We don't want any money from the State of Illinois to pay for these increased benefits, and I make that perfectly clear, here and now. If there is a problem and...and there is a question of interpretation, I will definitely, and I give you my word, will definitely solve that problem when the bill is in the House. And we can sit down and study that question. But I want to make it perfectly clear, it is not our intent to violate the State Mandates Act and I don't know how else to put it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is shall Senate Bill 16...Senator Berning, we are on the closing remarks of Senator D'Arco. So, we are on the vote now. Senator D'Arco.

SENATOR D'ARCO:

And Senator Berning indicated it would...it would take a resolution from the city council in order to satisfy that requirement. Well, the State Mandates officer indicates that the simple reiterating in the bill itself that the Chicago Park District would pay the cost of these benefits would satisfy the requirements of the Act. And he is in a much better position to know what the State Mandates Act...Act requires than I...than I believe anybody else. So, we don't have to go to the city council for a resolution to prove the point.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1624 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 28, none Voting Present. Senate

Bill 1624 having received the constitutional majority is declared passed. For what purpose does Senator Rhoads arise?

SENATOR RHOADS:

To request a verification of the affirmative vote, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rhoads has requested a verification. Will all the Senators be in their seats. Will all the Senators be in their seats. Will the Secretary read the affirmative votes.

End of Reel

REEL #7

ACTING SECRETARY: (MR. FERNANDES)

The following voted in the affirmative: Berman, Bruce, Buzbee, Carroll, Chew, Collins, D'Arco, Dawson, Degnan, Demuzio, Donnewald, Egan, Gitz, Hall, Johns, Jeremiah Joyce, Jerome Joyce, Lenke, Marovitz, McLendon, Nash, Nedza, Nega, Netsch, Newhouse, Sangmeister, Savickas, Taylor, Vadalabene, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rhoads, do you question the attendance of any Senator?

SENATOR RHOADS:

Senator Dawson.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dawson is standing in the back.

SENATOR RHOADS:

Senator Bruce.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce is...is Senator Bruce on the Floor? Senator Bruce is on the Floor. Is there...

SENATOR RHOADS:

Senator McLendon.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator McLendon. Is Senator McLendon on the Floor? Senator McLendon. Senator McLendon on the Floor?

SENATOR RHOADS:

I don't see him, do you?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He's not answering the call. Strike his name from the record. Do you question the attendance of any further Senator? Senator D'Arco asks leave to postpone consideration. Is leave granted? Leave is granted. On the Order of Senate

Bill 1643, Senator Davidson. Senator Davidson. Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I'd like leave to Table 1643.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is leave granted? Leave is granted. Senate Bill 1643 is Tabled. Senate Bill 1645, Senator Gitz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1645.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Gitz.

SENATOR GITZ:

Thank you, Mr. President and members of the Senate. Senate Bill 1645 in its amended form would increase the privilege tax on horse racing by a schedule that is approximately twenty percent. The proceeds from this Act as of this year would be earmarked to the Common School Fund which is frequently used for paying things like mandated programs, sixty-five percent to that fund and thirty-five percent to the Mental Health Fund. We toyed with amending each of the schedules and found that to be very cumbersome and felt that would best be done by rule. Now, this legislation is its reforms would generate in the neighborhood of twelve to fifteen million dollars. I offer it for your consideration because I think all of us are sincerely interested in providing some new revenue initiatives that, hopefully, are as painless as possible for the everyday...taxpayer.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Weaver.

SENATOR WEAVER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will yield.

SENATOR WEAVER:

Senator Gitz, how long has it been since we've raised these...fees?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Gitz.

SENATOR GITZ:

Senator Weaver, I'm not aware of what year was the last increase in fees. I know that it has not occurred in the last four years.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

I thought a few years ago we passed kind of a comprehensive schedule, and my only concern is, maybe we're...we're going to lose money in the long-run if...if we...I'm not saying that it's right or wrong, I just wondered if you had some information as to how long it'd been since we raised the privilege tax, or what it might...whether we stand to win or lose. You say we're going to possibly gain twelve million dollars. I think Senator Rock had a bill not too long ago, maybe he could tell us what the schedule was then and how much we raised it then, and what this is going to amount to.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator McMillan.

SENATOR MCMILLAN:

Mr. President and members of the Senate, I simply rise in opposition to the bill. It is a...a tax increase and I don't believe, even though we...we heard it in some detail in...in Revenue, there were other tax increases that were proposed, I don't see anymore justification for an increase in this tax than...than any others, and I would oppose it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to Senate Bill 1645. As Senator Weaver rightly pointed out, in 1975 then Senator Harris and myself embarked, after about an eighteen month study by the Legislative Investigating Commission, to totally restructure the law of Illinois as it applied to parimutuel wagering in horse racing, and it's the Horse Race Act of 1975, I guess is the euphemistic term that the racing board terms it. And we set up a schedule of both privilege tax and takeout, the takeout is to be equally divided between the operators of the track and the horseman. And that was a legitimate attempt to increase the handle for the State of Illinois and thus increase the tax revenue for the State of Illinois. In fact, it has done that. We will receive by virtue of parimutuel wagering somewhere in the neighborhood of seventy-five to eighty million dollars this year and the prospects are even better for next, even in a deflated economy. This kind of tax, and it's a twenty percent tax increase, there's no increase in the takeout, so what's happening, in effect, is whatever the amount, whether it's twelve million or eight million as the Economic and Fiscal Commission estimate, that eight million is coming directly from the racing industry and from the horseman. And you and I both know that if the purses are not as high as they ought to be or can be, the horseman will simply race elsewhere. We made a legitimate attempt, I think, to...to stabilize and encourage the growth of that industry. This, for the amount of money involved, I suggest, is not going to be of that significant amount of help to both those worthy causes, education and mental health. Eight million dollars simply is not going to cover the shortfall as we project it for this

year and next. But I suggest to you, it will be...have a devastating effect on parimutuel wagering in this State, and for that reason I oppose it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR GITZ:

Well, Mr. President and members of the Senate, for a bill that is supposed to have a devastating effect on the industry, I find it remarkable that since its date of introduction, a date that, in fact, goes back to March 25th of this year, there has not been a single phone call, a single letter, a single contact from anyone in the racing industry. Now, this legislation was introduced to put into the mainstream another idea, and it certainly has had ample time, if indeed there were very deleterious effects, for those to be voiced. There was not a single witness against this bill in the Senate Revenue Committee. Now, it is true that each racing organization licensee is permitted under the present law to retain up to about sixteen percent of the daily handle. There is nothing that prohibits in this legislation them from adjusting those ticket sales. There's nothing that compels any citizen of this State to go to the race tracks, that is an option that they exercise. And I submit to you that probably one of the reasons that this legislation has not had an outpouring of negative support has been the very fact that they are not that concerned about it. I think that this legislation is worthy of consideration. I talked earlier today with the Governor's floor representative, he said they didn't seem to have any particular problem with the legislation, they were neutral on it. I think that it is another concept that is worthy of our consideration. And at a time when we're asking State employees and other people to serve without pay for a certain number of days, when we are

adjusting budgets and the fine print right down to the printing items, I submit to you that it is not untoward to consider ways we might be able to put together another four million dollars or eight million dollars, whatever that may be, and then certainly, if this legislation was going to be totally destructive of the racing industry as represented, I would not commend it to you for your consideration and 3rd reading because simply the opposition has not been there.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1645 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are...18, the Nays are 33, 2 Voting Present. Senate Bill 1645 having failed to receive the constitutional majority is declared lost. or what purpose does Senator Grotberg arise?

SENATOR GROTBERG:

A point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR GROTBERG:

Mr. President and fellow members, in the rear gallery on the Republican side is a charming lady, Mrs. Dorothea Green of Pontiac, Illinois. Most of you have...remember her best in the many years that she ran radio station WGSW...BOK in Pontiac, and for these ten years and now dwindling down to the fact that I'm losing Livingston County in my new district, but she has guided my legislative...and legislative aid function in the Livingston County area for ten years, and I'm honored that she would come down and help us with the swan song on this district representation. Dorothea Green.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would she stand and be recognized. On the Order of



SB 1671  
3rd Reading  
AB 1654  
3rd Reading

Senate Bills 3rd Reading, Senate Bill 1654, Senator Schaffer.

Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1654.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

(Machine cut-off)...Schaffer.

SENATOR SCHAFFER:

Mr. President, it's a simple bill that simply expands the Public Assistance Emergency Revolving Fund to allow that fund to be used to assist public aid applicants in obtaining copies of birth certificates, death certificates, marriage license or other similar documents that may facilitate the verification of eligibility for public aid under the code. Simply put, we have people that are trying to get in that probably are qualified, but our requirements require them to come up with certain documents, they don't have the money to do it, the department does not want to be unduly harsh but they also want to make sure they're policing the system properly. And I believe it's an appropriate use of that fund.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 1654 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none Voting Present. Senate Bill 1654 having received the constitutional majority is declared passed. Senate Bill 1671, Senator Simms. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1671.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Simms.

SENATOR SIMMS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1671 is a merely bill, it merely does several things. The first thing it does, it amends the Act on the representation and identification of State employees to include physicians to contract with the Department of Public Health and persons who serve on advisory boards, the Department of Public Health, Public Aid and Registration Education. And in addition, it indemnifies physicians that are employed by the Department of Mental Health. And the last portion of it which was amended on, amends on a proviso that was placed on that to assist in the cash flow crisis of the State of Illinois which has the potentiality of adding an additional forty to fifty million dollars. What it would do is, for the first ten days of the month of July of the next fiscal year, those constitutional and State officers would be unable to draw their paychecks and five days for those State employees in the corresponding period of time. As I indicated, this legislation is predicated on many facets dealing with the wide range of employee situations. The merits of the bill toward...of helping the cash flow of the State of Illinois basically is predicated on the...the premise that with the amendments that were offered by Senator Carroll and on many of the appropriation bills, whatever, basically has been relegated to the employees of the State of Illinois that those in the higher up positions of the Executive department of government as well as the members of the Legislature should also help in the sacrificial contribution to the financial well-being in the State of Illinois. And this would take effect July 1st, of 1982, so it would be an immediate contribution on the part of those elected officials, and I would move for the passage of Senate Bill 1671.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Alright. We have the following persons that have sought recognition here: Senator Sangmeister, Collins, Hall, Schuneman and Senator Rock...Senator Sangmeister. Oh, wait, we have two more, Keats and Bloom. Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President. Having been the co-sponsor of the amendment that was placed on the bill which seems to have caused some concern to a lot of people about the fact that they're going to have to give up ten days or are going to have to give up five days of their pay, I would just like to once again explain that, you know, this particular amendment or proposition is not in concrete to begin with. It's an alternative, as I see it, to what has been proposed by the chairman of the Appropriation Committee for the Senate. I think it's a reasonable alternative to it, it should be compared to it. We all know that this bill if it passes and the other appropriation bills will be coming back in the way and form of Conference Committees, where it's just another viable alternative that I think you ought to consider. For those people who think that this is a great sacrifice all, I can say to you is, you should take a look back in my legislative district as to what we are doing in the private sector in order to exist in these times. One out of five people, and it's going on to one out of four people, don't even have a job in the Joliet area anymore. They would be more than happy to give up five days, and many of them are giving up as much as a day a week, which will amount to fifty two weeks...fifty two days out of the year out of their employment just so that they can maintain their employment. I don't think that asking us to give up ten days or the State employees five days is too much. But, as I say, this proposition is not in concrete, it's, you know, everybody says we've got a fiscal crisis, we've got a fiscal problem that we

got to face in the State of Illinois, and I think each and every one of us has a responsibility to look to that and attempt to solve it. This is my humble approach to how this problem ought to be solved. If you don't think it's a great idea and you don't want to give up this time, then go ahead and vote it down, and I don't say that facetiously. Not going to hurt my feelings how you go on this. But I want to tell you, I think you have your responsibility as a legislator. You know, some members of my party say, as I said to Senator Carroll, why you getting out in front and trying to solve the Governor's problems, I mean, it's his problems to see that the State of Illinois is funded. Well, maybe it is, but I think we share that responsibility as well. I don't think you can sit here and know that the State is going bankrupt and do absolutely nothing to keep the State employees working. I think they have to realize too that giving up five days nor giving up ten is not that much to keep the machine running. This is a family problem. Industry is solving it among their employees, why shouldn't the public sector do it as well. But if you don't like this program, then why don't you, instead of just speaking against it, come up and tell me, what is your program to solve the problem?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and members of the Senate. I think that when this amendment went on yesterday, that the sponsors and proponents of this amendment had the opportunity to have cast a vote in the affirmative so that they can take it back home and put it on their campaign literature, and tell all the people how charitable they were and how concerned they were, and they can say, look here, I've given up part of my salary, and hopefully, they will be successfully reelected. Amen. However, this bill does not just deal with

the State Legislature giving up part of their salary, it is, in fact, a double whammy on State employees of this State. There was a bill that passed through here which we cut their salaries already by five days...their income, and in this amendment, it included them back again which says, the first week of July that they will not get paid. It is true that people throughout this country are making sacrifices and I think that is good and that we all should, in fact, make sacrifices. But I think the form of that sacrifice should be voluntary on the part of those who...participate. I have chosen to sacrifice and I make those sacrifices. As I said yesterday, month of June...the month of May and June and part of April, I am, in fact, paying my staff one thousand dollars a month out of my legislative pay, and I, in fact, pay two hundred and sixty dollars a month out of my legislative pay, and I, in fact, pay approximately two hundred and fifty dollars a month for telephone calls, stamps and everything else to go with it. Now, I feel that is a form of sacrifice and I'm willing to make that sacrifice, but I think this is a joke, and that this was a noble gesture and that we should give it a noble death with flashing...fifty-nine flashing red lights.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

I would move the previous question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, if you'd hold that motion, we have the following people that have sought recognition: Senator Hall, Schuneman, Geo-Karis, Mahar, Bruce, Buzbee, Gitz and Senator Rock. Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Will the sponsor yield for a question? Senator

Simms, according to your bill, that it says here, "State employees." Now, who do you consider State employees, and tell me, what State employees are you talking about in your bill? I mean, everyone that's in there. Not every name but I mean what...every category, I'm talking about legislators and so forth.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Simms.

SENATOR SIMMS:

The people that work for the State of Illinois, Senator.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Well, I understood that you didn't have some...you didn't have the Secretary of State in this bill, I understand you didn't have the judges in this bill. Aren't they State employees? Who...who all's in there? Is...let me ask you this, is the Secretary of State in the bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Simms.

SENATOR SIMMS:

Well, Senator Hall, Senator Sangmeister drafted the amendment, maybe it would be better if you directed your question to him. But it applies to anyone that receives a paycheck from the State of Illinois and it's my understanding that the judicial arm of State government does receive their paycheck from the State Treasury.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall, do you want to direct your question to Senator Sangmeister?

SENATOR HALL:

Yes. Well...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator Hall.

SENATOR HALL:

I'll direct it to...because the media carried last night that there was a flaw in that the Secretary of State wasn't included. Is...are they in there, Senator Sangmeister?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

It's not they, Senator Hall, it's he. One individual was left out inadvertently when drafted by the Reference Bureau. I'll take the responsibility of not having it in there, but I'll tell you, I haven't even talked to the Secretary of State yet. One individual...but I'm sure that if I were to speak to Jim Edgar, he'd be more than happy to give us his ten days, so I wouldn't worry about the one individual that's not in there.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Well, I don't know how you come here and set yourself up as a person who's going to go around and talk to the one...why did you not include him when you include the others? Now, I've been here for over sixteen years and we do things honorably around here, and, you know, that I'm kind of shocked to think that you would come along at this late day now...if...if you are trying to embarrass some members of the Legislature, if you're trying...since you're doing well, since you're getting along, now then you use the term of our late, beloved President, "Ask not...turn the mike on..." Ask not what you do for...country can do, what can the State do for you." But why don't you do like he did? If you so well off, why don't you turn your entire salary over, that's what they do. Now, I want to tell you this, that what you need to do is...you know and I know, and if you had read...you're an attorney, and you know Article VI of the Constitution,

Section 11 says.. "Compensation and Allowances. A member of the Legislature shall receive a salary and an allowance as provided by law, but changes in the salary of a member shall not take effect during the term for which he's been elected." Now, you know that. Now why are you up here trying to add something on, and who...who are you misleading? You...you're an attorney. And...and, you know, it's really a sad state of affairs when you come along and here...now, I know that you're doing well, I know that you on many payrolls and I know you represent a lot of people, but the point is that there's no need in the world for you coming here at this time trying to embarrass a lot of people, and I'm telling you, it's time for you, Gentlemen of the Legislature and Ladies, to stand up, be counted. I'm willing to hear any...and I'm willing to help anyone, and I'm willing to do what every others, but there's no way to do. Now you come along and tell me you left out one individual.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Was that a question, Senator Hall? Senator Sangmeister, we have about a minute left on his time.

SENATOR SANGMEISTER:

Well, it certainly was a question. Number one, I tried to explain to you that inadvertently, inadvertently, the Secretary of State was left out and that's one man. But as long as you asked the question, Senator Hall, about what my other activities are, and you asked the other day when I was practicing law, let me tell you something, as you fully well know, we are down here...we are not down here in July, we're not down here in August, we're not down here in September, we're not down here in October, maybe a couple weeks in November, we're not down here in December, we're not down here, basically, in January. It's February, March, April and May and June that we're down here. Now, I don't know what you do with the rest of you time, maybe you sit in the Mis-



Mississippi River and throw a line in the water, I don't know how you spend your time. But I want to tell you one thing, in this country there is plenty of opportunity to do things, and if you got any ambition, you don't sit back in your office with your feet up on the desk. You go out and you do something, you earn a living, and you have some pride for your family. If you don't want to do that, don't criticize other people who do.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. I have a question either to the sponsor of the amendment or the sponsor of the bill. And I'm concerned about some of our State employees. Now, there are many areas where the State employee can be off for five days or can go five days without pay, but I'm wondering about, for example, Joliet Prison...Statesville Prison or our State police. If they're going to go five days without pay, do they have to work? Supposingly they decide...for example, the prison people decide, look, we're not getting paid, we're not going to be at Statesville for five...five days. What are we going to do in that case? Is there an answer to that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister or Simms...Sangmeister.

SENATOR SANGMEISTER:

The nicest way to have structured this bill would have been to give everybody five days off and I know that's what they would like. But for the very reason that you cited, we can't let all those employees out of Statesville Penitentiary or anyplace else and then have to hire people to come in and replace them. There's no money saved under that kind of a program. So, the answer is, it's five days with work.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

Well, it's five days with work, but do they have to report? Can they be fired if they don't report? They're AFSCME employees, can we fire them if they don't report to work?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

I don't think we can fire anybody here. It's up to the people who have control of those employees as to what action they would want to take if they wouldn't show up.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis. Senator Gitz.

SENATOR GITZ:

Very briefly, Mr. President. I was one of the people who walked the line the other day, and one of the things that people said in response to that as State employees is, well, how easy it is for you in the Legislature to tell the State employees of the State of Illinois that we should have only a four percent increase, but where's the sacrifices that you've been making? And we know that in this Body that there's not been a general increase for legislative compensation, but at least this amendment, which is offered by Senator Sangmeister, does take care of one simple quandry and that is to take something that we presently enjoy and to apply a standard of comparison that shows we are putting our responsibility where our rhetoric has been and where our votes have been for other people. Like Senator Hall, I'm not a practicing attorney, I don't have a side deal going that gets extra income in the side, but I feel very certain that this is not such a monumental sacrifice that anybody in this Body is truly going to have a real difficulty in making their bills or their ends meet by simply signing on board to do

what we are asking other people, in effect, to do as well.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President. I rise in support of this. As I said when it was debated the other day, this has been proposed in other states. In Idaho they're trying to do it now, and I...I think that if we're asking others to tighten their belts, I think that we ought to be tightening our own. I'd urge support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. It's too bad we didn't have this bill the first thing this morning so we could have gotten off to a good start as opposed to ending up on a good start. This is a...this is a bad idea. I've gotten the nasty letters also from State employees saying, you know, if you think the four percent pay increase is a good idea, well, why don't you take a pay cut yourself. Well, I informed them I didn't think the four percent pay increase was a good idea to start with, but I also informed them...I sat up late here in my office one evening writing some personal notes on the bottom of my typed letters to those who had been especially nasty saying that...reminding them that the General Assembly, in fact, had not had a pay increase at all for three years. I...I think in this time of...of...of tight fiscal matters that it would not be too much to ask the members of the General Assembly and the elected officials of this State to take a furlough for a few days. I could live with that, I'm not sure my banker that holds my notes could live with that, but I could live with that for a few days, perhaps ten is a little bit too much but at least some. But I would point out to the Body that as Senator Collins stated earlier, as it

affects State employees, this is on top of the proposed only four percent increase in January that passed... has been passing out of this Body in the appropriation bills. So, my guess is, that...first of all, Senator, your...your bill is unconstitutional as it's present...your amendment is, I...I believe, because Senator Hall is correct in that you cannot reduce the pay during...during a member's term. However, if...if we were to agree that we would do that, there's somehow or other, I would imagine, that we could convince the Comptroller to reduce our checks for a few days. But as it affects the State employees, you're now going to be imposing upon them an additional five day work without pay, on top of the pay increase or the pay decrease...the increase in the decrease...the decrease in the increase, if you will, that is proposed for January. So, I...I think this is a double whammy, I think it's a bad idea. I know that it was conceived in a good fashion, that you were absolutely sincere in your effort to...to address the problem. I don't think this is the proper way to do it and I think it ought to die a fast death.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This bill has a lot of good points and a lot of bad points, but it reminds me about an ugly baby that was so ugly that the mother had to tie a pork chop around its neck so the dog would lick it, that's what this...that's what this bill is all about. This bill has a couple of warts on it and then Senator Sangmeister has tried to hang a pork chop around its neck so that somehow we're all going to find out how to get reelected in the fall. Now, Senator Sangmeister, I...I...I enjoy your concept about working and not getting paid. Some people would say that a lot of people around here are paid

but don't, work but I think this is a new concept. If we can do this for five days, why can't we do it for ten and double the savings? No, let's...let's think about that. If it's legal to require an employee to report for work for five days without pay, why can't we say that for ten days, and if it's legal for ten, why can't we say it for twenty, and if it's legal for twenty, why not thirty, and if it's legal for a month, why not twelve months, and then we can save...if I had my gold dust twins down here report to me how much we have in personal services income, we would have saved the State of Illinois a lot of money. And I think that shows...now, that shows the problem with this. I had the staff last night spend a lot of time going through old law cases. They found out a case in the State of Illinois that says you can't work and not...you cannot be required to work and not be paid. That was when we abolished slavery in the 13th, 14th and 15th Amendments. In the Land of Lincoln, I don't think since that time, in 1865, we've required people to report for work and not paid them. A lot has been said about private industry and the sacrifices made and that the State of Illinois ought to take a look and say, yes, to the State employees, let's make the same sacrifices they're making in industry. I think that is a reasonable request and we ought to do that. And I think the State employees would say, we're willing to talk about sacrifices, but those are all negotiated. United Auto Workers weren't told by General Motors, or Chrysler, or any of the other companies that have negotiated reductions in salaries and increases in production demands by just...by a unilateral fiat that says, from now on you're going to work for less; they negotiated those and they laid off people. There is not a private sector employer or employee in the State or in the nation that has negotiated contract, of which I am aware, that requires a worker to report and work and he is not paid for it. That would violate, as far as I know,

State and Federal laws... under the Fair Wage and Hour Act. And I don't think that anyone, and I will stand here until someone...reports a contract in which people have been required to work that they have negotiated and not gotten paid for it. I don't...I think that the point was made on the other side, what mental health employee or prison guard is going to report for work when he knows he's not going to get paid. Now, that's a tough job anyway, and if you're going to fire him,...does he get fired if he doesn't report? Can he grieve the firing? Is the judge going to say because you didn't report on a day that you weren't going to get paid that that's grounds for dismissal? What about Saturdays and Sundays when you're not paid, you didn't report those days either. And so, I think that there's a real problem. We're...we're asking for a minor...sacrifice from ourselves, seven hundred and fifty dollars and ninety cents as I mentioned yesterday, and I...I still stand as I did yesterday and say that's fine. If we truly want to make this bill symbolic, if we really think that there needs to be an act by this Legislature as a beacon to private industry and the employees who work for the State of Illinois that we want to have them work and work more productively and work for less pay, then let us get about the business of creating that symbol by reducing our own salary by five days. Let us just do that. Let us...let us do that now and say to the State employees, we have cut your salaries, we have reduced your pay raise, we have taken off your holidays, we have reduced your sick leave and we want to suffer with you because we all have an economic problem and the Legislature alone, alone is going to pass a bill that reduces our pay for five days, and that would not be political chicanery, that would not be some bill that the press is going to write about, that is something that we could go back to the State employees and go back to our constituents and go back to all the people that

we try to help in this State and say, look, we took a five day cut in our pay, and we're asking you to do the same. And if that bill is before this Body, I will not only vote for it, I will speak for it and co-sponsor it, but this is not what we are about. We are about doing something that is a nullity, we are doing something that will not require any State employee to get less money, and I think that it...it does not serve this Body well to debate this type of item. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock. For...for what purpose does Senator Rhoads arise?

SENATOR RHOADS:

Point of order, Mr. President. I would request that the timer be turned on, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Yes, well, let me just give you a timetable here. The timer has run out, we haven't watched it very closely for the members, but we have one more speaker before Senator Keats' motion to move the previous question. We have four others that sought recognition after that motion was made and two others that sought recognition for the second time. The last person who sought recognition before the motion was made was Senator Rock. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I too, as Senator Bruce, rise in opposition to Senate Bill 1671 as amended, and I agree wholeheartedly with what he said. I think we are, in fact, being a little bit hasty. We are being stampeded when it truly is unnecessary. It is one thing to suggest that the State Treasury cannot afford legitimately a proposed increase and so we will have to cut and delay that increase with the hopes that when things get better we'll all get better. It's quite another

to ask existing employees to take this kind of a cut. If we wish to do it, I am perfectly willing to do it, that's something else. What we are doing by virtue of...of this amendment, it seems to me, is setting up one heck of a class action in the court of claims, and I am still practicing law, Senator Hall.

PRESIDING OFFICER: (SENATOR SAVICKAS)

On...on Senator Keats' motion to move the previous question, those in favor of adopting the motion, signify by saying Aye. Those opposed. The Ayes have it. The motion carries. Senator Simms may close debate.

SENATOR SIMMS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think if most of you today have read The Chicago Tribune, in the business section there's a large story, it said, "Caterpillar Salary Freeze Indefinite." So, this is not something that's just come out of the air of the Illinois Senate. It says, "The Caterpillar Company, the largest private employer in Illinois said Tuesday it is freezing for an indefinite period of time the salaries of all management and weekly salaried employees in the United States and abroad." The paraphrase a little farther down, meanwhile, two other midwest companies announce salaried reductions beginning June 1st, Sun Electric Corporation of Crystal Lake which is in Senator Schaffer's district, said it will cut officers salaries by ten percent and the salaries of the upper management employees by eight percent indefinitely. Cumbine Electric Company announced it will reduce salaries for all salaried workers, including officers, by six percent. Previously, the company had cut officers' salaries from five to ten percent. And it goes on to list some other large employers that are doing the same thing. It said earlier this month the Caterpillar Company said that it will layoff eight thousand of its sixty thousand two hundred workers on June 7th. That



will bring the number of Caterpillar workers laid off to seventeen thousand five hundred. So, they're doing it in industry, Ladies and Gentlemen of the Senate, I think we in the State of Illinois, in the Illinois Legislature and the constitutional officers can also endure some of the economic suffering that other State employees evidently are going to have to endure by some of the amendments that have been placed on the appropriation process. I leave this decision to you. Vote your own conscience. I'm going to vote Yes for Senate Bill 1671...1671.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall...shall Senate Bill 1671 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 20, the Nays are 38, 1 Voting Present. Senate Bill 1671 having failed to receive a constitutional majority is declared lost. Senator Simms, for what purpose do you arise?

SENATOR SIMMS:

Postpone consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Simms seeks leave of the Body to postpone consideration. Is leave granted? Leave is granted. Senator...

PRESIDENT:

Senator Ozinga, for what...can I have the attention of the membership. Senator Ozinga, for what purpose do you arise?

SENATOR OZINGA:

I have been asked by leadership to call a Republican caucus in the Minority Leader's Office. It will not last more than fifteen minutes I am assured.

PRESIDENT:

Alright, Senator Philip, do you want to make that other announcement? Alright, let...just so everybody understands

what we're...where we're going, I understand that Senator Philip has requested a Republican caucus immediately in his office for a very short amount of time. 1681 will not be called this evening. We will, when we return, go to the Order of Senate Bills 2nd Reading for the last time and then go to the recalls, and then we will be finished for the evening. Well, we...Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'd like to make the announcement that the Secretary of State is holding the lottery for your term of office in Room 212 at six-thirty. So, I'm assuming we'll still be in Session, everybody will know their terms sometime after six-thirty.

PRESIDENT:

Alright. Pursuant to request, there...request for a Republican caucus immediately in Senator Philip's office, the Senate will stand in recess until the hour of six o'clock. Senator Carroll.

SENATOR CARROLL:

I was just going to ask Senator Philip where you buy tickets for the lottery.

PRESIDENT:

Please stay loose, we'll be back here at six o'clock.

RECESS

AFTER RECESS

PRESIDENT:

The hour of six-thirty has arrived. As you know, pursuant to the law that was signed by the Governor today, the Secretary of State is conducting a lottery to determine the Senate terms of the members, so I would suggest that we all repair to Room 212, and then we'll come back up here immediately after the constitutional lottery.

RECESS

AFTER RECESS

PRESIDENT:

The Senate will please come to order. If I can have the attention of the membership. While the hour is admittedly late for this early in the Session, we are making an attempt to assure the fact that we will, in fact, adjourn tomorrow and not return until next Tuesday. So, we will again go through Senate Bills on 2nd reading, and there are...amendments filed with the Secretary with respect to six bills on 3rd reading that have to be recalled. There is additionally, the House just sent us a bill which is of an emergency nature which we will have to finally approve on Tuesday, but it's necessary for us to move it. So, if we can move with some dispatch, we should be finished within the hour, if we can move with some dispatch. Senator Carroll, are you ready on Messages from the House? Messages from the House, Mr. Secretary.

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 a bill of the following title, in the passage of which I am instructed to ask concurrence of the Senate, to-wit:

House Bill 2115 passed the House May 26th,....1982. Anthony J. Leone, Clerk of the House.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill is of somewhat an emergency nature in that it affects the ability of the State to meet its obligations to pay certain bonds. We must appropriate the funds within three legislative days so as not to be in a position of default. I would therefore move you, Mr. President, that we

suspend the appropriate rules so that we may read the bill a first time, bypass the Committee on Rules, bypass any substantive committee and advance the bill to 2nd without reference to committee.

PRESIDENT:

You've heard the motion as placed by Senator Carroll. Is there any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The motion carries. It is so ordered. Mr. Secretary, read the bill a first time.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2115.

(Secretary reads title of bill)

1st reading of the bill.

PRESIDENT:

Alright, 2115 will, pursuant to that motion, be shown on the Order of 2nd Reading without reference to committee on the Calendar tomorrow. On the Order of Senate Bills 2nd Reading is Senate Bill 1202, Senator Chew. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1202.

(Secretary reads title of bill)

2nd reading of the bill. The bill has been recommitted to Committee on Transportation and is reported back with the recommendation the bill Do Pass as Amended with Amendment No. 5.

PRESIDENT:

Alright. Amendment...on Amendment No. 5, Senator Chew.

SENATOR CHEW:

Mr. President, I would ask leave to Table Amendment No. 5.

PRESIDENT:

Senator Chew moves to Table Committee Amendment No. 5 on Senate Bill 1202. Any discussion? If not, all in favor sig-

nify by saying Aye. All opposed. The Ayes have it. The amendment is Tabled. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 6 offered by Senator Sangmeister.

PRESIDENT:

Senator Sangmeister. 1202 on 2nd reading. Well, we have a problem, Senator Sangmeister, because this amendment is amended and we just Tabled Committee Amendment No. 5. So, we'll have to try to resort this out.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No....

PRESIDENT:

Wait...wait a minute. Senator Sangmeister.

SENATOR SANGMEISTER:

Does that mean my amendment is now out of order, is that...or it's not correct?

PRESIDENT:

Yeah,...technically, it doesn't jive anymore. Why don't we...why don't we see what we've got in front of us and then maybe we can get back to you, Senator Sangmeister, with...with respect to further amendments. Senator Sangmeister.

SENATOR SANGMEISTER:

I...I don't want to hold up the bill. What's going to happen now, I...I have to have that all redrafted, is he going...is he...is he got other amendments or...now

PRESIDENT:

There are...there are at least four or five here pending.

SENATOR SANGMEISTER:

Well, is he going to have to have them redrafted because they're out of order now that something has been Tabled?

PRESIDENT:

My understanding is that the next amendment is Senator Chev's amendment which will, in fact, fit what was...what the

procedure is here.

SENATOR SANGMEISTER:

Well, why doesn't my amendment fit? Well, alright, go ahead with the other amendments. Let me take a look at it.

PRESIDENT:

Okay. Amendment No. 6, Senator Chev.

SENATOR CHEV:

Mr. President, Amendment No. 6 strikes everything after the enacting clause and rewrites the entire bill. And this is the...1202 that, as the Secretary stated, was brought back out of committee with the recommendation Do Pass. We Tabled number 5, which makes this an entire new bill, and it is the truck weight bill, the eighty thousand pounds as we talked on yesterday that we have worked with all of the groups that were concerned. The Secretary of State's Office so stated this morning that the cost of...administrating this...of administration is zero, that there would be no additional employees necessary in order to administer Amendment No. 6. It is not based on the weight distance tax. It is designed for those that use the highway with heavy loads will be those that will pay for the usage. The revenue generated by this amendment is at thirty million dollars. There's been some long studies by the Federal Government, the Federal Bridge Formula, the Transportation Study Commission, Secretary of State's Office, Department of Transportation, the truckers of Illinois, the...every organization or industry that has had some interest in proposing an additional weight on our highways have had participation. I have a list of companies, commerce and industry, I don't want to read this list, but it goes on and on as in total support of this amendment that I now ask the Senate to adopt. I would answer any questions that I can, and if there are no questions, I move its adoption.

PRESIDENT:

Senator Chew has moved the adoption of Amendment No. 6 to Senate Bill 1202. Any discussion? Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President. Can we see a copy of this gem? It has not been distributed and our staff tells me that our spokesman and staff haven't got a copy of this. I want a copy.

PRESIDENT:

That request is in order. Let...let the Gentleman receive a copy, will you. Can we get a Page up here to take a copy over to Senator Bloom, please. Alright, there are four or five others who wish to address this...I'll...Senator Bloom, we'll give you time to take a look. Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. A question of the sponsor.

PRESIDENT:

Indicates he will yield, Senator Maitland. Can we stop the conferences, please. Senator Maitland.

SENATOR MAITLAND:

Senator Chew, I have two or three questions I'd like to ask of you. First of all, could you walk us through the mechanism used for trucks that are not domicile in Illinois? What...what's the procedure used for reporting their miles in Illinois?

PRESIDENT:

Senator Chew.

END OF REEL

REEL #8

SENATOR CHEW:

As it is now, trucks do not...Illinois truckers do not report mileage other than what has been mandated by the Federal Government. Out-of-state trucks will pay on a mileage base that come into Illinois.

PRESIDENT:

All right, Senator Chew, there...there has been a request that copies of this amendment be distributed. In order to facilitate that to get fifty-nine copies of this lengthy amendment, we are going to have to take it out of the record for the moment. I understand. Not yet. All right, take this one out of the record and let's get copies of Amendment No. 6 run off and distributed, so that everybody is apprised to what's going on. I will assume now that this other stack of amendments have all...already been distributed. Yes, Senator Chew.

SENATOR CHEW:

I understand from the Chair the other day that unless these amendments were requested...now we have about twenty copies.

PRESIDENT:

I...I just indicated that they are requested.

SENATOR CHEW:

Okay.

PRESIDENT:

There's a request from Senator Rhoads, from Senator Gitz, from Senator Netsch, from Senator Sangmeister, from Senator Bloom, from Senator Geo-Karis, and so let's get them distributed.



SENATOR CHEW:

No problem.

PRESIDENT:

All right. All right, on the Order of Senate Bills 2nd Reading, Senate Bill 1350. Senator Taylor does not wish to call it. 1492, Senator Marovitz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1492.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Insurance, Pensions and Licensed Activities offers one amendment. This bill...had a request for a fiscal note and has been answered. Committee on Insurance...

PRESIDENT:

Okay, Committee Amendment No. 1, Senator Marovitz.

SENATOR MAROVITZ:

Move to adopt Committee Amendment No. 1 to Senate Bill 1492.

PRESIDENT:

Senator Marovitz moves to the adoption of Committee Amendment No. 1 to Senate Bill 1492. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further committee amendments.

PRESIDENT:

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senator Marovitz.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Ladies and

Gentlemen of the Senate. Amendment No. 2 to Senate Bill 1492 was the amendment that was requested by the Illinois Dental Society and prepared by the Illinois Dental Society. It is...it is the amendment which takes dental technicians out of the purview of this bill because of the small amount of radiation and a limited scope that is used in those machines, therefore, we take them out of the bill. They are...the dental assistant is also...off the board and replaced with a registered nurse. This answer is the...the request of the Nurses Association, and that basically is what Amendment No. 2 does. It also adds three classes as to the...when an inspection report must be filed. This just codifies what is presently in public health and nuclear safeties rules and regs, so that...Class A would be inspected every three years, that would be the dentists, Class Two, every two years, and all physicians and hospitals in Class Three which are inspected annually and that is as is being done right now by the department and by public health, and I would ask for the adoption of Senate Bill...Amendment No. 2 to Senate Bill 1492 which is the Dental Society and the nurses amendment.

PRESIDENT:

All right, Senator Gitz has moved the adoption of Amendment No. 2 to Senate Bill 1492. Any discussion? Senator Ozinga.

SENATOR OZINGA:

Mr...Mr. President...Chairman, I have received a copy of the fiscal note. However, I don't want to delay the proceedings, there are no copies. I have two copies, I have got a copy of each, the second and third amendment, but I would like the word of the sponsor of this bill that he gets the copies around at least so we have them and tomorrow when we can vote on this darn thing. There are no copies in the hands of the rest of the members.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

I've given a copy of the amendment to Senator Ozinga prior to the...amendment coming up. I gave copies of the amendments to the spokesman on the committee prior to this coming up. Amendments are being printed right now, will be distributed to all the members within...just a few minutes.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

A question of the sponsor, Mr. President.

PRESIDENT:

Indicates he will yield, Senator Schuneman.

SENATOR SCHUNEMAN:

I'm not certain what you said about the support or non-support of the Nurses Association. Could you...could you tell me whether or not they're in support of this bill now as amended.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Yes, they are. They asked to be added to the board, and they have been added to the board and that satisfied their problem.

PRESIDENT:

Any further discussion? If not, Senator Marovitz moves...moves the adoption of Amendment No. 2 to Senate Bill 1492. All in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator Marovitz.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 3 is the amendment prepared by the Department of Nuclear Safety. This just changes some language as to...as to the fee, it doesn't change the fee schedule whatsoever. It also says that...we took the Classes A, B and C in Section 8.9 out of...out of the previous amendment and put it into this amendment and says that the schedule will be...will be determined by the department. The schedule is to be three, two and one as in this amendment, and I would ask for the adoption of Amendment No. 3, prepared by the department, to Senate Bill 1492.

PRESIDENT:

Senator Marovitz has moved the adoption of Amendment No. 3 to Senate Bill 1492. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. All right, if I can have your attention, this is the list of recalls that...that the Secretary has provided to the Chair where amendments have been filed. They are: Senate Bills 1272...1272, 1299, 1522, 1606, 1632 and 1651. 1613, the Secretary tells me there is no amendment pending. Is that...three...those six bills, I understand, are the only ones remaining and then 1202. All right, Senator Coffey does not wish to recall Senate Bill 1272. On 1522, Senator Carroll. On the Order of Senate Bills 3rd Reading, the top of page 6, Senator Carroll seeks leave of the Body to return 1522 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1522. Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

1522, Amendment No. 1 offered by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As many of you may be aware, we have been attempting to hold cost containment hearings with the medical providers, mainly the Hospital Association, in an attempt to provide a realistic solution to both the financial and health needs crisis the State is facing for Fiscal Year 1983. While those discussions have been going on for quite sometime, they have not as yet led to a resolve, which of course, those who have dealt in the area understand that we are about a month and a few days away from normally resolving those types of issues. The intent of this bill at the request, basically, of both sides is to have a vehicle potentially available that could, in fact, be used as substantive language should a agreement of cost containment be reachable by members of the General Assembly, hopefully, and also members of the provider groups and the Department of the Public Aid. This amendment is an attempt to make sure that at least it will still be a vehicle, and it would provide that during the fifteen day spell of illness limitation that should that every become law, then actual costs would have to be paid. I would move adoption of Amendment No. 1, so that we can then move the bill on and get it over to the House.

PRESIDENT:

All right. Senator Carroll has moved the adoption of Amendment No. 1 to Senate Bill 1522. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

*SB 1299  
Recalled*

3rd reading. Senator Bruce on the Floor? Senator Totten? Okay. Turn to page 3 on the Calendar. On the Order of Senate Bills 3rd Reading, Senate Bill 1299. Senator Totten and Dawson seek leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1299, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senators...Totten, Dawson and Bloom.

PRESIDENT:

Senator Totten.

SENATOR TOTTEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would like leave to Table Committee Amendment No. 1.

PRESIDENT:

All right. Senator Totten having voted on the prevailing side moves to reconsider the vote by which Amendment No. 1 was adopted. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The vote is reconsidered. Senator Totten now moves to Table Committee Amendment No. 1 to Senate Bill 1299. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. Amendment No. 1 is Tabled. Further amendments, Mr. Secretary?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senators Totten, Dawson and Bloom.

PRESIDENT:

Senator Totten.

SENATOR TOTTEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Amendment No. 2 to Senate Bill 1299 is the

SB 1606  
Bruce

fashion in which the sponsors, myself, Senator Dawson, and Senator Bloom would like to present the bill to the Body. It encompasses a lot of the discussions that were held in the committee, the subcommittee and discussions with interested parties on the bill. I believe everybody has a copy and an analysis of the amendment. I'd be happy to answer any questions on the amendment. I move its adoption.

PRESIDENT:

Senator Totten has moved the adoption of Amendment No. 2 to Senate Bill 1299. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. Senator Bruce on 1606. On the Order of Senate Bills 3rd Reading, at the top of page 7 is Senate Bill 1606. Senator Bruce seeks leave of the Body to return that bill to the Order of 2nd Reading of purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1606, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senator Bruce.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This is an amendment to the Unemployment Insurance Act which relates to compliance with the Omnibus Budget Reconciliation Act of 1981. That eliminated the trigger on extended benefits for employees in the State of Illinois, and we will have to put in a new trigger period. Under the current law, a state extended benefit period occurred when the rate of...of insured unemployment was four percent for a thirteen week

moving period. In addition, the...option could waive the hundred and twenty percent requirement, which is the average rate for the corresponding thirteen weeks and offer extended benefits. As you...remember, individuals are entitled to twenty-six weeks of unemployment comp. They can have the extended benefits of thirteen weeks. We no longer have the national trigger, this would implement the State trigger. This changes that trigger to effective for the weeks beginning after September 25, 1982, to a five percent plus, a hundred and twenty percent for the thirteen week period in the preceding two calendar years. In addition, in other words, we first have the triggering of the unemployment compensation extended benefit period...in addition, the Omnibus Budget Reconciliation Act limited the individuals' combined unemployment insurance benefits and trade adjustment allowances to a maximum of fifty-two weeks. All right, Senator DeAngelis gives me the signal that I think everything is...is running along well. If we don't pass this, it's going to cost us four hundred and ninety million dollars in State benefits, a hundred and thirty-three million dollars of Federal funds. If we pass this, we're going to cutoff of unemployment benefits about fifty-eight hundred and twelve people, which will reduce the cost to the employers of the State of Illinois significantly. It toughens up the requirements for the extended benefit period. Thank you.

PRESIDENT:

Any discussion? Senator Bruce had moved the adoption of Amendment No. 2 to Senate Bill 1606. Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. Even though this did not go through the Senate Labor and Commerce Committee, it is a...agreement within the Governor, the business community, labor. I would say to my Republicans, it sounds controversial but it isn't really, it's Federal compliance, and I



AB 1632  
3rd Reading

mean, we're sort of stuck with it. It's not that bad of a bill.

PRESIDENT:

All right. Senator Bruce has moved the adoption of Amendment No. 2 to Senate Bill 1606. Further discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. Page 7 on the Calendar, on the Order of Senate Bills 3rd Reading is Senate Bill 1632. Senator Taylor seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill...1632, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 4...Amendment No. 5 offered by Senator Taylor.

PRESIDENT:

Senator Taylor.

SENATOR TAYLOR:

Thank you, Mr. President and members of the Senate. There's been much discussion on the amendment that I've tried to place on 1632 in order to get it into the liking that most members of this Body would like it to be. I have adjusted this bill to try to meet all objections, and I think at this point in time, it does just that. It deletes everything after the...the enacting clause. It eliminates the current board thirty days after the effective date of this Act and provides means for the appointment of seven new members. Increased the numbers needed for a quorum from three to four. It provides that no commissioner of the CHA may receive any compensation or other things of value directly or indirectly

from the organization or business entities that transact any business with the authority. I move for the adoption of Amendment No. 5 to Senate Bill 1632.

PRESIDENT:

All right, Senator Taylor has moved the adoption of Amendment No. 5 to Senate Bill 1632. Any discussion? Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. We are now at the, what we call, the fall-back position. And I don't mean to make light of this, and I don't think it's...and I...I don't mean to joke about it. I have been trying to figure out what these amendments are about and what they do to the people living in public housing and what they do to the taxpayers in the City of Chicago. Now Senator Taylor has sought fit to fashion this as an anti-Jayne Byrne proposition, and that my...the basis of my opposition is solely because I oppose Jayne Byrne's administration. Let me tell you what I think has happened and what this means, and I will leave it up to you to decide the merits of this. The first...the first amendment that we...that we had before us transferred these powers to the city council, including powers to convey and powers of eminent domain. That was defeated. When we discussed that amendment, Senator Taylor told us, if you're interested in good public housing in Chicago you should support this. Senator Savickas got up and said, excuse me, didn't say, intimated, if you don't want public housing in your ward, you should support this. And Mr. McCabe who represents Jayne Byrne down here went around and told people that you made a big mistake, you didn't support that, now you're going to get public housing in your ward and I know you don't want public housing in your ward, that was day one. Day two, we get the...we get the amendment from Senator Taylor that provides that we put two new members

on the Chicago Housing Authority, not a word about what is going to happen to the present five members, nothing in the amendment about what is going to happen to the chairman. And now we...and we defeated that, and now we have before us the fall-back position, and I'll tell what the fall-back position is and what I think prompts it. We are now going to replace the whole board. And the reason we have to replace the whole board is because there are at least two and possibly three members on that board, Mr. Nash, Mr. Robinson and possibly Mr. Finney who cannot be controlled by Mayor Byrne. So, if Mr. Swibel steps off, we might have too much democracy on the CHA. So this is what this is about, as near as I can figure. There is still nothing in here that says, Mr. Swibel will not serve, there is nothing in here that assures he will not be reappointed. But the bottom line is this, why is this here? Why is this being placed in front of us, and why are we being told to occupy our time with this when they saw no problem with Mr. Simon getting off the Park District Board, and certainly...certainly, Mr. Swibel is as willing or more so to accommodate the mayor than Mr. Simon, from my knowledge of that. So I ask we...that we defeat this, and...we've taken up enough time, defeat it...it isn't good government.

PRESIDENT:

Further discussion? Senator Rhoads. Senator Grotberg.

SENATOR GROTEBERG:

Only to reaffirm the previous figure. If it looks bad, and it smells bad, and it tastes bad, it's probably bad.

PRESIDENT:

Further discussion? Senator Degnan.

SENATOR DEGNAN:

Question.

PRESIDENT:

Indicates...sponsor indicates he will yield, Senator Degnan.

SENATOR DEGNAN:

What's the effective date of the bill now?

PRESIDENT:

Senator Taylor.

SENATOR TAYLOR:

Immediately.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Is that July 1?

PRESIDENT:

Senator Taylor.

SENATOR TAYLOR:

Thirty days after the effective date in this Act, all members should be reappointed.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

That's August 1st. Who appoints?

PRESIDENT:

Senator Taylor.

SENATOR TAYLOR:

It would also have to be signed by the Governor.

PRESIDENT:

Senator Taylor. Oh...all right, Senator Degnan.

SENATOR DEGNAN:

Are we assured that Mr. Swibel will not come back as a member of the seven member board?

PRESIDENT:

Senator Taylor.

SENATOR TAYLOR:

It said appoint seven new members. New members.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

I have no further questions.

PRESIDENT:

Yes, I was aware of that, Senator. For the first time, the House has quit before we did. Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. As...as everyone knows this is a very sensitive issue with some of us from Chicago with a great deal of concern about what happens with that authority, by virtue of the fact that it has been a pretty terrible operation over the past twenty years, and we're not sure it's going to get that much better. I wonder if the sponsor would yield to a question?

PRESIDENT:

Indicates he will yield, Senator Newhouse.

SENATOR NEWHOUSE:

Do you take the language of this bill to mean that it is impossible to reappoint those persons who are presently on the board?

PRESIDENT:

Senator Taylor.

SENATOR TAYLOR:

Yes, I do.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Which means that Mr. Robinson and Mr. Nash will be out, and Mr. Finney will be out, is that correct?

PRESIDENT:

Senator Taylor.

SENATOR TAYLOR:

If they appoint seven new members, I suppose it would be correct that everyone would be out.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Can you...I'm a little puzzled because we have been strong champions of home rule in Chicago, and we now have an opportunity for a home rule unit to do anything it wants to do within the law. I...I'm curious as to why we want the change.

PRESIDENT:

Senator Taylor.

SENATOR TAYLOR:

Mr. President and members of the Senate, I have did everything in my power to try to convey the message to the members of this Body. I have put different amendments in just to passify some individuals here. And I've felt that putting it in...in this direction, that I would be able to get my amendment onto the bill, so that I could have the bill in the form that I want it in. It doesn't mean that the bill is going to pass, although I hope it would. I would like to get the amendment adopted.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

I...I wonder if you'd answer the question though, Senator. What is the purpose of the expansion?

PRESIDENT:

Senator Taylor.

SENATOR TAYLOR:

Because much of the...the knowledge that I gained from reading the newspaper that HUD wanted a new operation there was the first step. They wanted all board members removed, that was the first order of business, and then they changed it of a later date, and I said, well, if I'm going to move anyone, I will move all of them. And that is the purpose of

we bring it in at this time, because of the confusion that we had...the conflict that we have with HUD.

PRESIDENT:

All right. Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

I'm...I'm sorry, I...I don't...I don't quite understand...I wasn't clear what you were saying, Senator. Were you saying that HUD has demanded that the entire board be eliminated?

PRESIDENT:

Senator Taylor.

SENATOR TAYLOR:

In the first article that I read, they did demand that all members be removed.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Are...are you basing your conclusions on all this on a newspaper story, Senator?

PRESIDENT:

Senator Taylor.

SENATOR TAYLOR:

I have not talked with anyone from HUD.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Senator, how could you conform to what HUD requested without having some conversation with the HUD officials?

PRESIDENT:

Senator Taylor.

SENATOR TAYLOR:

There were persons on my staff that had conversation with HUD people, not I.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Would you share with us what it was that HUD wanted?

PRESIDENT:

Senator Taylor.

SENATOR TAYLOR:

I cannot give you all the information at this point in time. I do not have it here before me what HUD wanted.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Well, Senator from what of many of us read, what Hud really asked for was the elimination of the present chairperson. Isn't that correct?

PRESIDENT:

Senator Taylor.

SENATOR TAYLOR:

There was a certain article that I read.

PRESIDENT:

All right, Senator, your time has almost expired. Senator Newhouse.

SENATOR NEWHOUSE:

Well, the point being this Mr. Chairman...Mr. President and Senators, we have a home rule unit which has always held very close to the home rule principles. We have an organization that's been set up under the Statutes already. For us to have to come to battle everytime there is a requested change along the line, it just doesn't make any sense. Either we have set up an operation that is workable or it isn't. When there was a wish for the resignation of the chairman of another similar operation, it was very simple, there was a request made for the resignation, that request was honored. I see no difference in that operation than in this one. And I'm, frankly, puzzled as to why we're eliminating a board



which has two persons on there, at least, who really want to do a job for the Chicago Housing Authority, and I would certainly like to see them having been appointed permitted to do that job. It just seems to me a little insane for us to have to act to...to increase a board for no reason that anyone can...can discern...to eliminate a board for no reason that has been explained to this Body. It seems to be an exercise in something other than what this Body ought to be dealing with.

PRESIDENT:

Further discussion? Senator Rhoads.

SENATOR RHOADS:

Mr. President, I wonder if I might make a suggestion to the sponsor. Some of us on this side of the aisle think that you might be moving in the right direction, and you did meet one of the major objections. Inasmuch as the...it's seven-thirty and the amendment has not been distributed, and there is a question raised by Senator Newhouse on a complete...turnover of the new members, would it be possible for you to distribute the amendment, and since the bill has already been read a third time, we could...we could discuss this...again tomorrow on a call back.

PRESIDENT:

Senator Taylor.

SENATOR TAYLOR:

Mr. President, due to the fact that the lateness of the hour and the discussion that Senator Rhoads made, it might be better that we move it back to 3rd and put it on the recall for tomorrow, if that's possible. Could I have leave?

PRESIDENT:

All right. Withdraw Amendment No. 5 and if there are no further amendments at this time, the bill will be returned to the Order of 3rd Reading. I understand the amendment has now been distributed on Senate Bill 1202. With leave of the

Body, we'll go to the Order of Senate Bills 2nd Reading for Senate Bill 1202, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Number 6 offered by Senator Chew.

PRESIDENT:

Amendment No. 6, Senator Chew, the previous amendment having been Tabled.

SENATOR CHEW:

Thank you, Mr. President. The amendment has been distributed to each member, and I can take questions, or I would ask for its adoption.

PRESIDENT:

All right, Senator Chew has moved the adoption of Amendment No. 6 to Senate Bill 1202. Any discussion? Senator Gitz.

SENATOR GITZ:

A question of the sponsor. Senator...

PRESIDENT:

Sponsor indicates he will yield, Senator Gitz.

SENATOR GITZ:

...Senator Chew, I see in Section 13A that a tax is hereby imposed at a rate of 2.2 cents per gallon above the rate established in Section 2. I interpret that to be that we are taxing all vehicles who use diesel fuel, including, presumably, diesel automobiles and very small diesel trucks. What is the purpose, since they are obviously not the ones that are going to be creating the damage, of having that in the amendment? I do have follow-up questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

Senator, that is, if you read it right, it is for all commercial vehicles, an automobile is not a commercial vehicle. Anything that has twelve passengers or more...passenger

seats or commercial vehicles, and in for...commercial vehicles would have the tax on the diesel fuel. However, the Department of Revenue...that's a law with the Department of Revenue now on the deal...on the fuel...diesel fuel for the taxes, and they can maintain their receipts, even those twelve-passenger vans, and be refunded the taxes on those...on that fuel.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Gitz.

SENATOR GITZ:

I follow your point on commercial vehicles, apparently not including diesel automobiles, but what is the purpose of a 2.2 cent per gallon tax on diesel fuel to begin with? I mean, it...it seems to me that this is being levied in all vehicles, and what we really are trying to do is arrive at a system wherein raising the weight limits, the onus falls on those who are really responsible for damage. And you know and I know that there are vans and other vehicles that fall within that commercial category that clearly are going to be asking us questions like, why did you give us an additional tax increase when we're not associated with the weight limit?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

Senator, the heavier the load, the more fuel you consume. The taxes on the diesel fuel will generate approximately 2.6 million dollars. The further you travel in Illinois, the more fuel that's consumed by the diesel-using truckers. Again, that's a creation of revenue, which you'll find in the final analysis that we're generating thirty million dollars including the taxes on the diesel fuel. As you probably know, we are low on taxes now, one of the lowest states in the union with diesel fuel tax, as it is. We are...had conference after conference with the users of the fuel, and

it was unanimously agreed that they would pay that cost. The truckers...the users themselves, are not objecting to that cost at all. The various organizations that's supportive of 1202 as amended are not objecting to that cost.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Gitz.

SENATOR GITZ:

Senator Chew, one of the reasons this legislation is before the Legislature is the fact that there is reasonable concern that the Federal Government will act for us, and we will not get the benefits of this legislation unless we act now. And yet I notice that the effective date of this is the deferred effective date of, I believe, July 1, 1983, is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

The reason for the legislation, Senator, is that we are one of the three states that do not have an eighty thousand pound Statue on our books. It is true that the Federal Government is going to mandate these remaining states for the eighty thousand pounds because we are losing commerce by virtue of the fact that that eighty thousand pound, or anything passed seventy-three to eighty, must go around the state or take the chance on being caught and paying a fine. We are like a thumb setting out in an ocean without the legislation to allow the commerce to come through this State. We've worked on this for the past four years. Now that is the first part of your question, what was your second part?

PRESIDENT:

Senator Gitz.

SENATOR GITZ:

Well, my question is, that it seems to me that there's something askew here when we have a years deferred effective

date. If we can do this in July 1, then presumably, we don't have to do this right away now. I do have one last question, Mr. Speaker...Mr. President, before I speak directly to the bill. Senator Chew, I am looking through the amendment and the analysis of it, does this increase the weight distance tax above the original provisions in your first amendment, or...are we at the same levels we were talking about previously?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

Senator, at any change in any law, the administering agent has to have sufficient time for notification getting the operational procedures in order. That is the answer to the effective date. The amendment that was Tabled, we were at that point about twenty-seven million dollars. We are now at thirty million dollars, so it has been an increase of three million dollars.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Gitz.

SENATOR GITZ:

Thank you, for the explanation. I truly hope that everyone in the Assembly will look carefully at this amendment. And I am certain that the Honorable Chairman has spent a considerable amount of time on this, I know Senator Coffey has. I believe we're getting closer to a reasonable and acceptable bill, but I think there are some shortcomings still within this legislation. I would like to see us act, but I hope we do not act precipitously, and I question, quite frankly, the fact that we are presumably going to put an amendment on to preempt the Federal Government from doing something for us, and yet, it's not going to have an effective date of a year. And yes, I'm still aware of the implementation problems, but I don't think that that's going to solve our problem with the

Federal Government. And I really think that Amendment No. 6 is an improvement over what we saw in committee, but I'm not sure it totally gets the job done.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of the bill if for no other but because of the great many hours, at not only the Motor Vehicle Law Commission and the various other state agencies that were instrumental in putting this bill together, and I must law the...the Chairman of the Transportation Committee and the Minority Spokesman on the Transportation Committee for the amount of work that they have done. We don't... any times we...we come in with all types of legislation, we don't claim any of it to be a panacea, because if we were doing that, we'd probably put ourselves out of business because every law...every bill that we would pass that would become effective into the law, would probably be the only bill that we'd passed. If we are going to have some of these commissions do a creditable job, I think that we...it behoove's this Body to at least pay attention to and acknowledge the work that they have done and try to at least take a step in the...right direction in accepting this amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. I agree with previous speakers that this bill is better than the one that we addressed yesterday. I do have some...a follow-up question on Senator Gitz's question with respect to...to the differential tax. Senator Chew, what...what is the mechanism that we shall use for refunding, and that's the way it's going to have to be, a refund to noncommercial diesel vehicles?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

Well, all one has to do is to maintain the receipts and apply for it and the Department of Revenue will refund it. However, there's been a comparison, Senator, made and we just recently got the report back. We get into a passenger...have a little attention, Mr. President, please. Mr. President, can we have a little attention, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've got my attention.

SENATOR CHEW:

The driver of a diesel automobile compared to the driver of a gasoline driven automobile has been brought to an eight dollar difference per year at fifteen thousand miles per year driven, just a mere eight dollars. I have a gas consuming automobile, you have a diesel consuming automobile, we both drive fifteen thousand miles annually, the cost to you in taxes on your fuel would be eight dollars different than what it would be now. But in the meantime, my owning a gas consuming automobile, I would pay far more taxes on my gasoline than you would on your diesel fuel, and yet, you would be eligible for an eight dollar refund, I would be eligible for nothing. So it is so minor when it comes to a diesel automobile, but even at that rate, the Department of Revenue will, in fact, refund you your taxes if you will present receipts.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Okay, second question has to do with...with the local option. Are...are all units of local government mandated into the bill now and by proper resolution have to..to depart from that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

Yes, Sir. All units of local government where these units will operate, by the way, will even get a five percent portion of the...generated revenue local government.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Final question. Yesterday the legislation that was before us, I thought, discriminated rather drastically against trucks that were domicile to Illinois. This one tends, I believe, to give them a little special break, especially below the...what is it...sixty-five thousand...sixty-three thousand pounds. We are allowing those trucks an additional two thousand pounds per tandem axle for no extra charge, and I'm wondering if there was any consideration to perhaps raising those...those...those fees just a little bit. The intent being, of course, to generate a little more revenue.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

It's not a special privilege, Senator, but the fact is that this amendment is not based on a weight distance tax, so consequently, it's only being paid by the actual users. We wouldn't want to tax someone who actually did not use the privilege in which Amendment No. 6 does, in fact, grant. We...those trucks that are operating in Illinois now that do not expect to purchase a Z plate, and we only have one plate involved on the registration for the users, will not be paying any cost other than the tax on the diesel fuel in which it will be using that's purchased in Illinois. So, it's not a special privilege, it's just a breakdown of costs



to not to penalize those that are not...users.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Well, thank you. Final point, Senator Chew, you are still permitting those trucks, although not increasing their...the cost of their licenses, to...to...to...to haul more per axle and so, theoretically, they do more damage to the highways.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey.

SENATOR COFFEY:

Yes, Mr. President and members of the Senate, I rise in favor of Amendment No. 6, and would like to point out that Amendment No. 6 was not something that just came up overnight. It's a amendment...a proposal that we've been working on over a period of months. And involved in that proposal...or that amendment which is the bill, at this time, was the Illinois Department of Transportation, the Secretary of State's Office, the Taxpayers Federation, the railroads, the State police, the Ag contractors, Midwest Trucking, Illinois Trucking, Illinois AG, county of superintendent of highways, Illinois Farm Bureau, and the public, as well as the press. So, I think this bill has been aired for many months to try to come up with a bill to deal with the problem or situation that we're getting ourselves into. And, Senator Gitz, I don't think we're preempting the Federal Government with this legislation, we're dealing a the need that we should deal with before the Federal Government does come down upon us and then...allow eighty thousand pound trucks without a fee. And then it was suggested that...that the effective date was too late. The fees that we'll be able to increase will...will not...we cannot collect them immediately, and it will take some time to...to get this proposal from the Secre-

tary of State's Office to get it enforced, and I think that time is needed. At the same time, we'll be...dealing with the issue where at least the courts will not have to come in and deal with the issue for us. And I would ask this side of the aisle...to support this amendment because I think it is one that is agreed upon. It's going to bring twenty-six and a half million dollars this year and an additional two and a half million dollars next year for twenty-nine million dollars into the Road Fund which we feel is adequate, at least at this time, to take care of the needs of the...additional deterioration to the highway system. And if it is not, there is a reporting procedure in this bill that will...it should come back to the General Assembly, which we could address and add on if it's necessary to add additional costs for the damages done to that system. I think it's a compromise, like I said before, between two groups when they started out and one said, sixteen million damage to the system and at one time the Department of Transportation said thirty million, then thirty-six million, and we come up with a compromise which we think is going...in the end result, is going to bring in twenty-nine million dollars to the highway system, and we think it's fair, and I'd ask this side of the aisle to support this amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

It seems that...to move things along, we have...I'd like to make a notification here. We have four senators that had sought and requested copies of Amendments No. 6, 7, 8 and all other amendments to Senate Bill 1202 to be distributed to the Senate membership. So, I'd just like to place...whoever has amendments on these bills just for their notification to move this along to distribute the amendments to the membership, because there has been a signed request for this. Senator Marovitz.

SENATOR MAROVITZ:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR MAROVITZ:

Senator Chew, could you just explain to me, is there a differentiation, and...and please excuse me in advance if this question was asked and answered. Is there a differentiation between the amount of tonnage that a vehicle has and...and a differing fee or a graduated fee that that vehicle will pay for his overage or for the increased tonnage that's going to be allowed by this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

Yes, Sir.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Can you tell me what...what that is? I...I...I've been led to believe that there are about seventy thousand small diesel powered vehicles, automobiles or vans, that will come under the purview of this legislation. How will we differentiate between those seventy thousand vehicles between those that weigh eighty thousand tons, those that weigh seventy thousand, sixty thousand, fifty thousand, et cetera?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

Senator, on page 8 of the amendment, there is a total breakdown. However, just to give you...one category, from seventy-three thousand two hundred and eighty-one pounds to eighty thousand, that would be nineteen hundred dollars.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...

SENATOR CHEW:

...from sixty-four thousand and one pound to seventy-three thousand two hundred and eighty pounds, that would be fifteen hundred and two dollars. But on page 8 will answer your question in its entirety.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Bloom. Senator Bloom, do you wish to discuss this bill...amendment?

SENATOR BLOOM:

Well, the hour is late and perhaps...because the amendment is the bill, we can save it for 3rd reading. I would say that this is bad.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR CHEW:

Thank you, Mr. President. Those persons that have had some...some questions on this bill, apparently their questions either some were not sincerely, because as long as it's been around, if we've had any ideas, certainly we have welcomed every member of the Senate to give us input. We have had it on 2nd reading, we have accepted amendments, we have discussed it, we have had early morning meetings, we have had late night meeting, this morning at eight o'clock we in a meeting dealing with this same thing. Senator Gitz said it's...it's an improvement. Well, Senator, if the Federal Government mandates Illinois to have eighty pounds, we get no money, none whatsoever, there is no increase in the Federal subsidy for highways if they mandate us. If we pass this legislation and get it signed by the Governor, we will generate thirty million dollars annually. Now, there is a provision that the Department of Transportation will report to the Governor and to the General Assembly. If we find this amount that's being taxed on the additional weight is not sufficient

to defray the cost of damage that has occurred, then it will be up to us to deal with that additional cost at that time, and I might add, we have an agreement with the trucking industry of Illinois that if it is proven, scientifically, by authorized bodies of State or Federal Government, which include highway engineers, that the damage that it...these extra weights have caused have, in fact, been beyond or above the amount of taxes that these users are paying that they will agree to pickup that additional money. Senator Gitz, I'm trying to answer your question, I hope you're listening. Mr. President, I would ask for a favorable roll call on adoption...or an adoption of this Amendment No. 6 to Senate Bill 1202.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew moves the adoption of Amendment No. 6 to Senate Bill 1202. Those in favor indicate by saying Aye. Those opposed. The Ayes...the Ayes have it. Amendment No. 6 is adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 7 offered by Senator Sangmeister.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, just a minute. For what purpose does Senator Philip arise?

SENATOR PHILIP;

Thank you, Mr. President and Ladies and Gentlemen of the Senate, for the purpose of an introduction. We have the first Comptroller of the State of Illinois, Appellate Court Judge from the Second Appellate Court district, the Honorable George W. Lindberg.

PRESIDING OFFICER: (SENATOR SAVICKAS)

All right, now Senate...Senator Sangmeister on Amendment No. 7 to Senate Bill 1202. Senator Chew, for what purpose do you arise?

SENATOR CHEW:

I don't have a copy of his amendment. If he has an extra one, I'd like to have it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

I distributed it and you were not at your seat at that time, and I told Senator Degnan to tell you that it was there, that was at least two days ago. But my...my amendment is very simple, Senator, just let it...I don't even have a copy on my desk, I don't know what happened to the last copy that I had, but I...the only thing this amendment simply does is, if you're going to pass this bill, I think you're putting on the highways of the State of Illinois an even more lethal weapon that's out there already. You're increasing these weight limits, as I see it, something like three tons, and I hope that you've had the same experience, I hope that maybe you haven't, but in driving our interstate highways, how many times have you looked in your rearview mirror and you don't see a truck behind you, you see a grill, and you see a guy flashing his lights, and he's already ten miles over the speed limit because you're probably five miles over the speed limit, and he still wants to go by you. Simply what this amendment does is, if any driver of a truck is convicted of following too closely, this is an automatic revocation of his license and I think it should be.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Chew.

SENATOR CHEW:

Senator, that kind of amendment, in my opinion, is some-

thing that should not be attached to this bill. We have the Illinois State Police, and we also have a law the in Motor Vehicle Code that already has a penalty for tailgating, I'm sure you're familiar with it. Now, tailgating is following too close to another car, but what is too close to you, or what is too close to me if no accident occurs? You're saying in you're amendment, that any truck, which I think is totally unfair, that's behind an automobile, or another truck, or a bus, does your amendment state anything pertaining to a distance? That is why I asked for a copy because I don't have one.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Senator, this amendment ties it right into the Statue of following too closely. Following too closely is a violation of the Motor Vehicle Code, and all it says is that if a truck driver is convicted of following too closely, that he automatically...it's a...it's a revocation of his license.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

What about if an automobile is involved in tailgating and he's convicted...an automobile driver?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR CHEW:

Shouldn't he be treated the same way?

SENATOR SANGMEISTER:

The...the amendment is restricted to the driving of a truck. No, I do not feel the same way. It's a lot different when I look in my rearview mirror and I see your car following me, than when I see a...a forty ton truck that's six inches from my bumper and is about ready to ride right over

the top of me, that is a lethal weapon.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

Senator, I'm not going to resist this amendment, but always remember, you'd never look in your mirror and see me behind you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey. Senator Coffey.

SENATOR COFFEY:

Way to go, Charlie. Mr. President and members of the Senate, I would just like to clarify one thing, and I'm not sure...whether...the Senator's amendment is either bad or good, but I would like to clarify one thing that...a little information I have here which says, the size and weight of trucks is not a primary factor in truck related accidents. This is from the Department of Transportation and National Highway Safety Administration, it says here, the Federal Bureau of Motorcarriers or Safety in 1978 and '79, showed that higher percentage of accidents in which one was killed or injured in the eighty thousand pound class weights, which is...in other states, is less than the trucks twenty-five thousand pound weight class. So, I don't think by going to eighty thousand pounds is going to make the roads any more hazardous. Maybe in total, all trucks might be hazardous to some degree if there is someone that is abusing their driving privileges and following too close. If the amendment is necessary to correct some of the problems, I guess...there's...there's no big problem. But I don't think we can say that eighty thousand pounds is going take more lives than the present trucks we have there now.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? If not, Senator...Senator Gitz.



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END OF REEL

REEL #9

SENATOR GITZ:

Mr. President, very briefly, I really...I hope that some people think through this amendment. I'm sure that we've all had instances where there's been following too closely, but you know, that can also be interpreted very broadly. And quite frankly, to just simply, completely revoke somebody's license, which in many cases is a livelihood, on this kind of an issue I, frankly, think is excessive. A penalty, yes, but this kind of a penalty, I really think we ought to think very carefully before we go that route.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Chew, for the second time.

SENATOR CHEW:

Mr. President, we have discovered that Amendment No. 7 by Senator Sangmeister which is claiming to do nothing but revoke a driver's license of a trucker if he's following too close, in fact, rewrites the entire bill. So, if we accept this amendment, the amendment that we have just adopted, Amendment No. 6 really become null and void. So, I resist the amendment. The copies of his amendment have not shown up on my desk nor his, and I have just received a copy of the amendment, and it clearly states by deleting the introductory clause of Section 1 and inserting in lieu of the following. So, in fact, Senator, your amendment is not bad, it is a disaster.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Totten.

SENATOR TOTTEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. In lieu...because of what Senator Chew has said, I think this amendment now looks like the best amendment we got

on the bill and we ought to adopt it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? If not, Senator Sangmeister may close debate.

SENATOR SANGHEISTER:

Well, frankly, I don't...I hope everything is in order. I'm not trying to screw up your bill that way, but I talked to your staff man, Frank, and Frank told me that as soon as your amendment went on, mine was in order. So, that's why we're proceeding that way. Oh, well, this is not intended to destroy the bill. Let me answer Senator Coffey over there. I think I'm correct, if it wasn't just last week, there was a State trooper on the bypass at 55 that was completely run over by a truck like this of lesser weight, so don't tell me that those things don't happen. Now, I want to tell you, these truck drivers better learn that if they're going to tailgate automobiles or other trucks or whatever, that if they get caught at it and they are found guilty of following too closely, they ought to lose their license. They ought to remember that, it's their livelihood, it's a strong point from that standpoint, but they ought to remember it when they're six inches behind you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is on the adoption of Amendment No. 7...for what purpose do you arise, Senator Chew?

SENATOR CHEW:

I wanted to ask the...sponsor a question of the amendment, if I may.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He...he was...he was on the closing debate there. We're on the adoption of the amendment now. On the adoption of Amendment No. 7 to Senate Bill 1202, Senator Chew.

SENATOR CHEW:

May I have leave to ask the sponsor a question on this

amendment?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is leave granted? Leave is not granted. On the adoption of Amendment No. 7 to Senate Bill 1202, those in favor indicate by saying Aye. Those opposed. There's been a request for a roll call. Those in favor of adopting Amendment No. 7 will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 27, the Nays are 27, none Voting Present. The amendment having failed to receive a majority is declared lost. Senator Sangmeister, for what purpose do you arise?

SENATOR SANGMEISTER:

There's a number of people interested that we will have a verification of the negative.

PRESIDING OFFICER: (SENATOR SAVICKAS)

A verification...Senator Sangmeister has requested a verification. Will all the Senators be in their seats and will the Secretary...we will...Senator Chew has requested a verification of the affirmative and that will be the next order of business. Secretary, will you please read the negative votes.

ACTING SECRETARY: (MR. FERNANDES)

The following voted in the negative: Becker, Berman, Chew, Coffey, Collins, D'Arco, Davidson, DeAngelis, Degnan, Etheredge, Geo-Karis, Gitz, Grotberg, Hall, Johns, Keats, McLendon, McMillan, Nash, Nedza, Nega, Newhouse, Rupp, Taylor, Thomas, Vadalabene, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister, do you question...

SENATOR SANGMEISTER:

Senator Nash..

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nash is in his seat.

SENATOR SANGMEISTER:

How did Keats...Keats voted No. Is Senator Keats around?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is Senator Keats on the floor? Senator Keats. Senator Keats on the floor? Will the Secretary please strike his name. Any further questions, Senator Sangmeister?

SENATOR SANGMEISTER:

Oh, somebody said Senator Thomas, is he here?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He's sitting in his seat. There has been a request that...a request to verify the affirmative vote. Mr. Secretary, will you please read the affirmative votes.

ACTING SECRETARY: (MR. FERNANDES)

The following voted in the affirmative: Berning, Bloom, Bowers, Bruce, Buzbee, Dawson, Demuzio, Egan, Friedland, Jeremiah Joyce, Jerome Joyce, Kent, Mahar, Maitland, Marovitz, Netsch, Nimrod, Ozinga, Rhoads, Sangmeister, Savickas, Schaffer, Schuneman, Sommer, Totten, Walsh, Weaver.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew, do you question...

SENATOR CHEW:

I...I have no question, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Mr. Secretary, would you give the vote.

ACTING SECRETARY: (MR. FERNANDES)

The Yeas are 27, the Nays are 26.

PRESIDING OFFICER: (SENATOR SAVICKAS)

On that question, the adoption of Amendment No. 7 to Senate Bill 1202, the Ayes are 27, the Nays are 26. Amendment No. 7 is adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 8 offered by Senator Berning.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berning.

SENATOR BERNING:

Thank you, Mr. President. Amendment No. 8 is a very, very simple amendment and seeks to address the question of inadequate funding for highways. In addition, most of us know that these very large trucks are the major factor in the deterioration of our highways. In fact, new highway I-55 up here is already crumbling. By one survey, the indication was that one of these big trucks creates as much highway damage as nine thousand six hundred automobiles. So, Mr. President and members of the Senate, Amendment No. 8 seeks to raise additional funds by doubling the license fees. That will produce between a hundred and forty-five and a hundred and fifty million dollars.

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose does Senator Rock arise?

SENATOR ROCK:

Thank you, Mr. President. I have just...chat with the sponsor and I would like to yield to Senator Chew.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

I would ask for leave to return Senate Bill 1202 back to the Committee on Transportation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is leave granted? Leave is granted. Recommit Senate Bill 1202 to Transportation Committee. On the Order of Recalls, Senate Bill 1651, Senator Bloom. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Before we put the...motion to adjourn 'til ten o'clock tomorrow morning, it appears from the Calendar that there are only approximately twenty bills or so that will be subject to our action tomorrow, and I am deeply hopeful that we will, in fact, adjourn tomorrow so

that all of us can enjoy a much needed rest. The only bill remaining on the recall list is 1651 and that's subject to whatever Senator Bloom wishes to do, but we will...when we adjourn, we will adjourn 'til ten o'clock tomorrow morning. I'd ask all the members to be prompt so that all of us can accommodate one another and we can, in fact, leave for home tomorrow afternoon.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donnewald.

SENATOR DONNEWALD)

Yes, Mr. President and the members. Could I have their attention that there will be a Rules Committee meeting tomorrow morning, nine o'clock, Room 400.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll moves to adjourn. For what purpose does Senator Bloom arise...Senator DeAngelis?

SENATOR DeANGELIS:

Well, Mr. President. I have been...I have been waiting...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

...well, Mr. President, we were informed that the bills that were on 3rd would be called back to 2nd. Now, okay...he said you're going to adjourn right now. Oh, okay.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

If...if everybody can sit down for a minute and have a little order, we can...what I suggested was, that before the motion to adjourn is put until ten o'clock tomorrow morning, all the bills that were...amendments were filed were subject to recall at the sponsors request. I had an amendment filed on 1272, Senator Coffey did not request that it be returned

to 2nd reading. The only one left is 1651 which is subject to Senator Bloom, whatever he wishes to do. But when we get finished, it's ten o'clock tomorrow morning. I asked everyone to please be prompt so that we can, in fact, all of us leave.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Simms.

SENATOR SIMMS:

Mr. President, I'd like to have leave of the Body to take from postponed consideration Senate Bill 1671 to return it to 2nd reading for the purposes of Tabling an amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, I'm sure we can handle that tomorrow in time for your concern. I don't think that's a problem. Senator Rock, did you...Senator Rock.

SENATOR ROCK:

Well, now Senator Taylor received leave of this Body to come back to 1632 tomorrow. I will assure Senator Simms we'll get to that one tomorrow too for the same purpose.

PRESIDING OFFICER: (SENATOR SAVICKAS)

So, Senator...Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Yes, I move we go to motions in writing.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, at this point we're on Senate Bills recalled...

SENATOR DEMUZIO:

Well, I...

PRESIDING OFFICER: (SENATOR SAVICKAS)

...on the Order of Senate Bill 1651....

SENATOR DEMUZIO:

...I have a motion that we...

PRESIDING OFFICER: (SENATOR SAVICKAS)

...before we were interrupted. Senator Demuzio.



SENATOR DEMUZIO:

I persist in my motion, I move that we go to motions in writing and request a roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom, for what purpose do you arise?

SENATOR BLOOM:

Well, the hour is late and perhaps there's only one recall left. We can handle 1651 first thing in the morning and then maybe we can adjourn, what do you think? Yeah, if I can get the commitment to bring it back, there's only one recall left, we don't need to get into another...about five other wars, and I can see that happening.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, you will have that commitment. Senator Demuzio, you persist in your motion?

SENATOR DEMUZIO:

Yes, I move we go to motions in writing for the purpose of discharging rules from Senate Bill 1313 which is to elect the...members of the Illinois Commerce Commission.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

That certainly sounds like fun, but I move we adjourn 'til ten o'clock tomorrow morning.

SENATOR DEMUZIO:

Roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

It's undebatable.

SENATOR DEMUZIO:

I request a roll call on the adjournment....

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

I request a roll call on the adjournment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

That...that's in order. Will all the members get in their seats, there's been a motion to adjourn until ten o'clock tomorrow morning. A roll call has been requested. On that motion, all those in favor will be voting Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? On that motion...take the record, Mr. Secretary. On that motion, the Ayes are 41, the Nays are 13, none Voting Present. The motion carries. The Senate stands adjourned until ten o'clock Thursday morning.