

82ND GENERAL ASSEMBLY

REGULAR SESSION

MAY 27, 1982

PRESIDENT:

The Senate will please come to order. Will the members be at their desks and will our guests in the gallery please rise. Our prayer this morning is...by Reverend Eugene Weitzel, the Director of Chaplains at St. John's Hospital, Springfield, Illinois. Father.

REVEREND EUGENE WEITZEL:

Thank you, Mr. President. Before I offer my regular prayer this morning, I would like to offer a prayer for the repose of the soul of one of your colleagues of former years, for Senator Homer Butler who was a member of Senator Johns' district, the 50th District. I invite those who know this little prayer to join me.

(Prayer given by Reverend Weitzel for Senator Butler)

(Prayer given by Reverend Weitzel)

PRESIDENT:

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

SENATOR JOHNS:

Thank you, Mr. President. I move that reading and approval of the Journals of Wednesday, May the 19th; Thursday, May the 20th; Monday, May the 24th; Tuesday, May the 25th; Wednesday, May the 26th, in the year of 1982 be postponed pending arrival of the printed Journal.

PRESIDENT:

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

ACTING SECRETARY: (MR. FERNANDES)

Rules Committee report. Pursuant to amended Rule 5, the Rules Committee met at 9:00 a.m. May 27, 1982 in Room 400 and makes the following report:

By unanimous vote, the committee ruled that the following bills be considered during this Session of the Senate: House Bill 608, 1046, 1229, 1302, 1623, 1651, 1924, 1938, 1986, 1992, 1998, 2005, 2056, 2088, 2135, 2167, 2242, 2284, 2303, 2359, 2425, 2464, 2503, 2505, 2516, 2521. By a majority vote, the committee ruled the following bills be considered this Session of the Senate: House Bill 1955 and 2474. The foregoing bills were ordered sent to the Committee on Assignment of Bills. By unanimous vote, the committee ruled the following bills be considered during this Session of the Senate: House Bill 396, 748, 1243, 1301. Signed, Philip J. Rock, Chairman.

Senator Donnewald, the Chairman of the Committee on Assignment of Bills reports the following assignment:

To the Committee on Agriculture - House Bill 2505; to the Committee on Elections and Reapportionment - House Bill 2135; the Committee on Executive - House Bill 1302, 1623...2474, 2503; the Committee on Finance and Credit Regulations - House Bill 1651; Committee on Insurance, Pensions and License Activity - House Bill 1992 and 2516; Committee on Judiciary I - House Bill 608, 1938, 2167, 2284,... 2464; Committee on Judiciary II - House Bill 1229, 2242 and 2521; Committee on Local Government - House Bill 1046, 1955, 1986, 2005 and 2056; Committee on Public Health, Welfare and Corrections - House Bill 2303; Committee on Revenue - House Bill 1924, 2359, 2425; Committee on Transportation - House Bill 1998 and 2088.

PRESIDENT:

Message from the House.

ACTING SECRETARY: (MR. FERNANDES)

Messages from the House by Mr. Leone, Clerk.

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

ask concurrence of the Senate, to-wit:

House Bill 2066, 2115, 2190, 2191, 2193, 2194, 2195, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2205, 2206, 2207, 2208, 2209, 2210, 2212, 2213, 2216, 2218, 2219, 2220, 2301, 2339, 2399, 2422, 2455, 2476, 2477 and 2558. Passed the House May 26th, 1982. Anthony J. Leone, Clerk of the House.

PRESIDENT:

Resolutions.

ACTING SECRETARY: (MR. FERNANDES)

Senate Resolution No. 553 offered by Senator Gitz and all members.

Senate Resolution...it's congratulatory.

Senate Resolution 554 offered by Senator Jeremiah Joyce, congratulatory.

And Senate Resolution 555 offered by Senator Berning, congratulatory.

PRESIDENT:

Consent Calendar. With leave of the Body, we'll move to the Order of House Bills 2nd Reading. There is a bill of some emergency. Senator Carroll is the sponsor of House Bill 2115. On the Order of House Bills 2nd Reading is House Bill 2115. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2115.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDENT:

3rd reading. Turn to Page 4 on the Calendar, on the Order...we'll, with leave of the Body, we'll move to the

Order of House Bills 1st Reading. Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1882, Senator Gitz.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 1925, Senator Walsh.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2440, Senator D'Arco.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2574, Senator Maitland.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2578, Senator Totten.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2617, Senator J. E. Joyce.

(Secretary reads title of bill)

1st reading of the bill.

PRESIDENT:

Resolutions.

ACTING SECRETARY: (MR. FERNANDES)

Senate Joint Resolution No. 98 offered by Senator Rock.

And Senate Resolution No. 556 offered by Jerome Joyce.

PRESIDENT:

Executive. Senator Johns, for what purpose do you arise?

SENATOR JOHNS:

Mr. President, Democratic Senators and today if the secretaries are listening, they're not invited, but if their Democratic Senator is in the office, tell them there's a caucus immediately in Room 212, immediately.

PRESIDENT:

Senator Ozinga.

SENATOR OZINGA:

The less caucussing we do, the better we're off.

PRESIDENT:

I couldn't agree more but you don't take the abuse I take. I think Senator Philip wishes to have a caucus in his office also immediately. The Senate will stand in recess until the hour of eleven-thirty. Senator Ozinga.

SENATOR OZINGA:

They do tell me we want trouble, so there is a caucus. Pate wants more fun, I guess. So, we'll be...meeting in Senator Philip's office immediately.

PRESIDENT:

Alright. Democrats to 212 immediately, Republicans to Senator Philip's office immediately. We will reconvene at eleven-thirty with the absolute assurance that we are leaving today to return on Tuesday. Senator Berning, for what purpose do you arise?

SENATOR BERNING:

Mr. President, I'd just like to recall for you and the members of this Body the admonition of the Chaplain this morning.

PRESIDENT:

Amen. Immediately in 212. The Senate will stand in recess until eleven-thirty.

RECESS

AFTER RECESS

PRESIDENT:

The Senate will please come to order. With leave of the Body, WCIA-TV requests permission to tape the proceedings. Is leave granted? Leave is granted. Channel 20, I guess, also wishes to get in the program. Is leave granted? Message from the House.

ACTING SECRETARY: (MR. FERNANDES)

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

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

House Bill 2339. Passed the House May 26th, 1982. Anthony J. Leone, Clerk of the House.

Mr. President - I am directed to inform the Senate the House of Representatives adopted the following Joint Resolution, adoption of which I am instructed to ask concurrence of the Senate, to-wit:

House Joint Resolution 89, Senator Vadalabene, the Senate sponsor.

PRESIDENT:

Consent Calendar. Resolutions.

ACTING SECRETARY: (MR. FERNANDES)

Senate Resolution No. 557 offered by Senators Hall, President Rock and all Senators, and it's congratulatory.

PRESIDENT:

Yes, Senator Grotberg, for what purpose do you arise?

SENATOR GROTBORG:

On a point of personal privilege, Mr. President. This is so personal it's very difficult for me to express because this is National Pickle Week, and I have cause to have a resolution...

PRESIDENT:

I can see you're all choked up.

SENATOR GROTBORG:

...on that subject...I am all choked up, I have warts, you know, and I have all of the things that go with pickles, but I am causing to be placed upon your desk the answer to everything about pickles and would want the membership to know that National Pickle Week always is two weeks long, and I'm sorry, I'm three days into the second week already.

PRESIDENT:

Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. As you know, Memorial Day is approaching this weekend, and if any of you Senators are giving a Memorial Day speech, I really have a good one for you. You can come to my desk and get it. It really is an outstanding speech if you want to include it in your remarks. And don't forget, Tuesday we are having our Memorial Day here on the Floor of the Senate, and we would want all the Senators to be here on time.

PRESIDENT:

That's Tuesday at twelve-thirty. When we return we will have our Memorial Day service. Committee reports.

ACTING SECRETARY: (MR. FERNANDES)

Senator Gitz, the Chairman of the Committee on Reorganization of State Government to which was referred the Governor's Executive Order No. 1 reported the same back with the recommendation the Senate Do Not Disapprove of Executive Order No. 1.

Senator Gitz, the Chairman of the Committee on Reorganization of State Government to which was referred the Governor's Executive Order No. 2 reported the same back with the recommendation the Senate Do Not Disapprove of Executive Order No. 2.

PRESIDENT:

Senator Gitz.

SENATOR GITZ:

Thank you, Mr. President and members of the Senate. Executive Order No. 1 is the Executive Order that would combine the present Department of Personnel with Administrative Services. The appropriations bills that we have taken up are already predicated upon the combination. The committee has heard testimony on two separate occasions. It was the judgement of the majority of the committee that the reorgan-

ization under Executive Order No. 1 should take place. This would again combine Personnel and Administrative Service. There have been, in fairness, objections in certain quarters, questions that have been raised. I think that overall people feel that this would be at least some minor savings in the State budget. Under the Constitution, the motion that will be put before you is, shall the Senate disapprove of Executive Order No. 1, and that means to act affirmatively upon the committee's recommendation and to accept that recommendation, you will have to vote No on a motion of disapproval.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? Senator Hall.

SENATOR HALL:

Senator Gitz, would you yield, please?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Hall.

SENATOR HALL:

Senator, I...I just walked back on the Floor. Are you proposing this for a vote now?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Gitz.

SENATOR GITZ:

Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

Well, the...I don't want to delay that, but I just wanted to tell...you were not able to be there yesterday when we had the hearings, but I have some very vital concerns about...I've gotten some calls and especially in the Department of Personnel about some people that are being replaced and they...the real procedure is not being followed. It's unfortunate this comes at eleventh hour, and I just wanted to call and make known that...we do have some problems. But I



know that's...is this...what's the deadline for the passage of this?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Gitz.

SENATOR GITZ:

The effective deadline, Senator Hall, would be today since this is the last day we will be in Session before we move to June Calendar, and May 31st would be the last day under the sixty days to act upon it. I would point out in response to your question, yes, there are positions being eliminated, and yes, there are people that perhaps have raised concerns. It's perhaps unfortunate that those concerns were not raised earlier when we were taking up these same matters in the Appropriations Committee. I would like simply to state, in passing, that if we do not approve this Executive Order, then we are going to have some major problems with the way we have structured the appropriations bills because they are based upon it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? I have Senators...Geo-Karis, Grotberg and Berning and Bowers. Senator Geo-Karis. State your inquiry.

SENATOR GEO-KARIS:

If...there's...there's a motion on the Floor not to..disapprove. If we vote Yes, then we are not disapproving of the Executive Order, is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Alright, if I might have the attention of the Body, we'll go through this three times before we vote on it, so let's...let's try it one time. If you wish to approve the Governor's Executive Order, you shall vote No. If you wish to disapprove of the Governor's Executive Order, you will vote Aye...Senator Geo-Karis.

SENATOR GEO-KARIS:

Then may I ask for a clarification. What is the motion on the Floor?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis, I can explain the motion and you will...alright. The motion will be, shall the Governor's Executive Order be disapproved so that it shall not become effective. It is a double negative. So if you wish to approve, you vote No. If you wish to disapprove, you vote Aye. That is the easiest way for the Chair to explain it. If you approve, vote No. If you disapprove, vote Aye. Now, Senator Grotberg...well, I had Senator Berning was up first then, so we'll have to go...go in order. Senator Berning.

SENATOR BERNING:

First question on the order in which we're proceeding. Are we considering only Executive Order No. 1, or are they being taken as one issue, 1 and 2?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Gitz.

SENATOR GITZ:

Senator Berning, we are taking Executive Order No. 1 at this time, the combination of Administrative Services and Department of Personnel. And after we have voted upon that motion, then we will proceed next to Executive Order No. 2 which is the present Illinois Law Enforcement Commission.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senator Berning.

SENATOR BERNING:

My question then has to do with two things. Why, in light of our present financial condition, are we establishing a director at fifty-two thousand and two assistants at forty thousand when we all know that the director here exceeds the salary of our judges, and many of us are having some difficulty in justifying an increase for judges, and obviously, a judge has greater responsibility than the director of even a

combined system of departments. And secondly,...if you can successfully answer that, Senator, secondly, why is it now considered appropriate? What is the rationalization for consolidating Administrative Services and Personnel when in 1977, again under Executive Order, we established Executive Order No. 2, risk management and other employee benefit programs in the Department of Personnel...incurring a greater responsibility in that department, and at that time, it appears that the Department of Personnel was a defensible, single entity. What was the rationalization for consolidation?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Gitz.

SENATOR GITZ:

Senator Berning, at that time, the then Department of Finance had certain risk management functions. It was felt that you could streamline the State government by combining those functions within the Department of Personnel. Now, the administration in reviewing its organization of State Government has decided that they could further streamline that by taking the Department of Personnel and consolidating those functions in Administrative Services. Now, I will freely tell you that there are good arguments in both sides, but I think that a very important element of this is, number one, giving the Executive reasonable flexibility in how to organize the functions of State Government, and secondly, that if there is a cost savings in a time of tight budget, that perhaps it should move forthwith. Our appropriation bills have been approved with this Executive Order in mind. And I think that whatever questions we have on that perhaps would best be addressed to the fellow in the blue coat who is lurking near your desk. I don't set the functions, I don't set the salaries of those directors. If they are considered to be...excessive, I think that the Senate is perhaps not the

place that we are going to decide that issue at this time.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning.

SENATOR BERNING:

One comment that was made that intrigued me was there would be cost saving. What do you estimate is the cost saving?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Gitz.

SENATOR GITZ:

It's four hundred and ninety-six thousand dollars estimated savings, Senator Berning. Let me also point out, Senator Berning, that there is a House Bill, House Bill 2461, which has the direct amendatory language on the salaries of your director and his subdirectors. And consequently, perhaps the most effective way to address that specific issue that you raised in your prior question is to prepare the necessary amendment should that bill come before you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Nimrod.

SENATOR NIMROD:

Yeah, thank you, Mr. President. Ladies and Gentlemen of the Senate, I wasn't going to address this subject, but for Senator Berning's sake, let me just go into just a brief comment. The salaries of the director and two assistant directors in the new case, in fact, is less than the two present directors and the two assistant directors. And in this Executive Order the salaries are not addressed. If we have some concerns about that, we'll have a chance to address that subject on those salaries when it comes over in the House Bill that's coming over to the Senate. So, I think that that might...concern of that issue is not within this bill, but certainly we'll have a chance to discuss the issue and...and make any changes or adjustments if you so feel.

The important thing is that this move is one that was...we've held hearings on, it's been explained before, there has been an opportunity to ask many questions, it is certainly an advantage, I believe, at this time for us to...to approve this Executive Order or not to disapprove the Executive Order and, in fact, to go out because it does provide for a good management practice and it does provide some efficiencies. There are some reductions and changes that are taking place in the departments that have nothing to do with this particular merger, would take place anyway, the conversation was brought out. But there are a total reduction of some twenty-three positions that are involved with this merger. And I would say that this is a wise thing to do, and I would certainly ask us to support this position by voting No. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Bowers, you had sought recognition earlier. Okay. Further discussion? Senator Gitz may close.

SENATOR GITZ:

Thank you, Mr. President and members of the Senate. This Executive Order will create the new Department of Central Management Services, combines the functions of the Department of Personnel and the present Administrative Services. As I stated previously, our budget is predicated upon it. There have been thorough hearings, the overall consensus has been that the Executive Order should move forward. Now, the motion before you under the Constitution is, shall the Senate disapprove Executive Order No. 1. And to approve this Executive Order, it is necessary to vote negatively on the motion to disapprove.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. If you wish to approve, you will vote No. If you wish to disapprove, you will vote No. And now the ques-

tion is, pursuant to...if you wish to approve, vote No. If you wish to...disapprove, vote Aye. Alright. Alright, the question is, pursuant to Article V, Section 11 of the Illinois Constitution, shall Executive Order No. 1 be disapproved so that it shall not become effective by operation of law by its terms. 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. Alright, on that question, the Ayes are 4, the Nays are 54. Executive Order No. 1 not having been disapproved by a majority of the Senators elected shall become effective by operation of law by its terms. For what purpose does Senator DeAngelis arise?

SENATOR DeANGELIS:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

State your point.

SENATOR DeANGELIS:

In the gallery on the right side of the Chamber, we have with us a very distinguished member of our Board of Education, Edie Goodman and some less distinguished members and our superintendent, Mardel Parker from School District 161. I would like for them to stand and be recognized.

PRESIDING OFFICER: (SENATOR BRUCE)

Would our guests in the galleries please rise and be recognized. Executive Order No. 2, Senator Gitz.

SENATOR GITZ:

Thank you, Mr. President and members of the Senate. Executive Order No. 2 will create the Illinois Criminal Justice Information Authority, and it will transfer all the functions of the present Illinois Law Enforcement Commissions' powers and duties relating to criminal justice information systems. It will also abolish the present Illinois Criminal Justice Information Council that was created in 1977. Now, if you'll recall, the present Illinois Law

Enforcement Commission has a very substantial impact in the immediate past on the administration of grants, traditionally which were made with money available through the Federal Government. The grants made under the Illinois Law Enforcement Commission have virtually ceased to exist. The Criminal Information System that is being designed is to take care of some necessary functions that are felt to be very important to our criminal justice system. And this will include twenty-one members which will also be balanced according to the Illinois Attorney General, the Director of the Illinois Department of Corrections, the Director of the Illinois Department of Law Enforcement, the Sheriff of Cook County, the State's Attorney of Cook County and certain other appointees. There also is a superintendent of the Chicago Police Department, the Chief Judge of the Circuit Court of Cook County, a justice from the Illinois Supreme Court designated by the Chief Justice of the Supreme Court, a judge of the Illinois Circuit Court of a county other than Cook, a sheriff and a state's attorney from a county other than Cook, the chief of police from one of the other municipalities to be appointed by the Governor and three members of the general public to be appointed by the Governor. I'd be happy to respond to any questions. This review of the Executive Order has proceeded in two occasions. There was extensive testimony taken. It was felt to be in the best interest of the continued functions of State Government and the Criminal Justice Information System that Executive Order No. 2 should proceed forward.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Nimrod.

SENATOR NIMROD:

Thank you, Mr. President. On Executive Order 2 I would urge us to also support this motion by also voting No, which means not to disapprove. This did have extensive hearings,

questions were answered, and I find...I know of no opposition to this. There was no opposition in the...in the hearings, and I would urge your support.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Alright, it is the same question. If you wish to approve, you will vote No. If you wish to disapprove, you will vote Aye. The question is, pursuant to...to Article V, Section 11 of the Illinois Constitution, shall Executive Order No. 2 be disapproved so that it shall not become effective by operation of law by its terms. 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 none, the Nays are 58, none Voting Present. Executive Order No. 2 not having been disapproved by a majority of those Senators elected shall become effective by operation of law by its terms. For what purpose does Senator Donnewald arise?  
SENATOR DONNEWALD:

Yes, on the Committee on Assignment of Bills, I inadvertently misassigned House Bill 608 to Judiciary I. I would like to have that from Judiciary I to Public Health and Welfare. And on the Local Government be discharged from House Bill 1955 and that the bill be reassigned to Conservation and Energy.

PRESIDING OFFICER: (SENATOR BRUCE)

You've heard the motion. Is there discussion? All in favor say Aye. Opposed Nay. The Ayes have it. House Bill 608 and House Bill 1955 will be discharged and rereferred to the committees suggested by Senator Donnewald...Message from the House.

ACTING SECRETARY: (MR. FERNANDES)

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

Mr. President - I am directed to inform the Senate the House of Representatives has passed bills with the



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

House Bill 2196, 2214, 2217, 2247, 2283, 2370, 2393 and 2481. Passed the House May 27, 1982. Anthony J. Leone, Clerk of the House.

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator Rock rise?

SENATOR ROCK:

Thank you, Mr. President. I have discussed with Senator Philip and I think the order of business ought to be just start on Senate Bills 3rd reading, we'll go right down the line. If anyone has an amendment or wishes to call it back, that's their prerogative. But we'll just go right down the line.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom, for what purpose do you arise?

SENATOR BLOOM:

Well, I'd make an inquiry. As I recall, last night we had gotten to 1651 which was the last on the call backs, and I wondered if nobody objects, we could get that taken care of before we go down the list.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave? Leave is granted. When we adjourned last evening we were on the Order of...of Recalls and Senator Bloom had presented an amendment...was prepared to present an amendment on Senate Bill 1651. Senator Bloom asks leave of the Senate to return Senate Bill 1651 to the Order of 2nd Reading for the purpose of an amendment. Is there leave? Leave is granted. The bill is on the Order of 2nd Reading. Are there amendments, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senator Bloom.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

I'd like that withdrawn. Was...that was...is that a rather thick amendment? No...pardon? Yes, I'd like the bigger, longer, wider amendment withdrawn.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

I have a request of Senator Carroll.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll, you might have your...might have your attention. Senator DeAngelis.

SENATOR DeANGELIS:

Senator Carroll, I had an amendment preceding yours which I asked to put back. I was just wondering if you would give Senator Bloom the same opportunity, because it might impact on your amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

I...Senator DeAngelis would like to consider his amendment prior to yours.

SENATOR DeANGELIS:

I would like to have mine considered prior to his, if he would let...if he would let me have Senator Bloom consider his before mine.

PRESIDING OFFICER: (SENATOR BRUCE)

I...I guess the order would be Bloom, DeAngelis and Carroll. The Secretary has them in...Senator Bloom has withdrawn amendment, you were the next, Senator DeAngelis also has an amendment and a substitute amendments and...alright, thank you, Senator Carroll. With leave of the Body, we will take Senator Bloom's amendment first, then Senator...Senator Bloom, the Secretary informs me, in fact, we don't have the amendment.

SB 1231  
3rd Reading

SENATOR BLOOM:

My hat is off to...

PRESIDING OFFICER: (SENATOR BRUCE)

No, Senator Bloom...

SENATOR BLOOM:

...the staff of the...

PRESIDING OFFICER: (SENATOR BRUCE)

Okay, we don't have the amendment, that's the difficulty.

Senator Bloom.

SENATOR BLOOM:

Right, well, my...my hat is off to the staff of both the Governor and...and IDOT, they've done it again. Take it out of the record, we'll get back to it. I was hoping we could handle this.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Rock.

SENATOR ROCK:

Good. Now...now let's start at the top and go right through the list, alright?

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Is there leave to take it out of the record? Leave is granted. Take it out of the record, and we'll get to it in the ordinary course, Senator Bloom. Senator Bloom, you understand that, we'll just get to it when we get to it. Alright. So, if you open your Calendar to Page 2, Senate Bills 3rd reading is Senate Bill 1231 under the sponsorship of Senator Sangmeister for the Judiciary II Committee. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1231.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. This is the Senate Judiciary II Committee bill which made a study of what amendments there ought to be made to the Juvenile Court Act, if any. We came to the conclusion that there should not be a complete overhaul of the Act, but there was one area in particular that we should address very strongly, and that is the automatic transfer of juveniles in certain cases. The certain cases where they would be transferred to adult court would be in the crimes of murder, rape and armed robbery. I believe we discussed at length on 2nd reading Senator Netsch's proposals to modify that, I think it brought out all the discussion necessary on that particular point. There are other things in the bill which if you have any questions about, I'd be happy to answer. There is in the bill a...I think, a well written portion concerning court supervision which will give our judges a guide as to how to handle those particular cases. Senator DeAngelis presented us a bill where he wanted his school people, some I understand that are in the balcony, to be notified in the event that they had a problem student in their school, and we didn't put everything in he wanted in that regard, but in case there is a conviction, the school superintendent has to be notified that he's got a bad actor in his school. I think it's...it's a good bill and I would answer any questions you have. If not, move for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Simms.

SENATOR SIMMS:

I...if the sponsor would yield. Senator Sangmeister, has that provision...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Simms, just a moment. If we could have some order. This is the first bill. If we could just get through

this one, perhaps we can calm down and run the rest of the day. Senator Simms.

SENATOR SIMMS:

Senator Sangmeister, is the portion of the bill that was originally in there dealing with the age of consent being dropped to ten years old, was that eliminated by amendment?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SIMMS:

Is that a different bill?

SENATOR SANGMEISTER:

I'm not...I don't think that was even in this. That was another bill, not even this one, but if you'll just talk to Phil Webber standing right next to you, he'll certainly guarantee you that that was long, long gone.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? The question is, shall Senate Bill 1231 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 1231 having received the required constitutional majority is declared passed. Senate Bill 1242, Senator Berman. Read the bill, Mr. Secretary, please.

END OF REEL

SB 1242  
3rd Reading

REEL #2

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1242.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1242 is a bill that will provide a long overdue pay increase for the judiciary of the State of Illinois. Several weeks ago there was distributed to every member of this Body, a pamphlet entitled, The Case for Judicial Salary Increases. It was published by a joint committee of the Illinois State and Chicago Bar Associations and went into great detail as to the background and the justification for this salary increase. As amended, this bill provides for a judicial pay raise in two phases. On July 1, 1982 judicial salaries of the Supreme Court and...and appellate courts will be raised eight thousand five hundred dollars from their present level of fifty-three thousand and fifty-eight thousand dollars respectively, and one year later an additional eighty-five hundred dollars. The associate judges and circuit court judges will have a seventy-five hundred dollar increase on July 1, of '82 and a similar seventy-five hundred dollar increase on July 1, of '83. Both of them, at the present time, the associate judges...receive a salary of forty-five thousand and the circuit court receives a salary of fifty thousand at the present time. We have seen in recent weeks, I think more dramatically than in the past, that several excellent judges have seen fit to announce their retirement. It's a very simple fact, it's the economics of

the situation. Judges salaries are only fifty-five percent of what they would be receiving had their salaries increased in line with the average full-time wage and salary worker in the United States since 1969. They are receiving half of what average full-time wage and salary workers receive. A judge's salary today has the purchasing power of only sixty-four percent of what it was receiving in 1969. And according to the study that we passed out, the average full-time wage and salary worker has a hundred percent purchasing power. A judge presiding in a courtroom today is receiving only half, fifty percent, of what the average lawyer practicing in that courtroom makes, and only a third of the income of the most successful lawyers that appear before that same judge. This bill is justified by the economics of the salary scales. It is justified in order for us to respond to an equal branch of government, in order to maintain and encourage good judges to stay on the bench and to encourage good lawyers to ascend to the bench. I will be glad to respond to any questions, and solicit your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Thomas.

SENATOR THOMAS:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. We are led to believe by editorials in the Chicago area papers that without an increase in pay we are not going to get good quality people wanting to become judges. I find that interesting because as a member of the General Assembly, I don't ever see a shortage of qualified men and women Statewide who want to take jobs that pay twenty-eight thousand dollars and are willing to convince others to spend upwards to a hundred and fifty and two hundred thousand dollars to get them elected to this twenty-eight thousand dollar a year job. I just had a phone call from one of my local newspapers who said that back in Rock

Island County there is a little associate judgeship that has opened up, and there are eight applicants for that job and all of them have received favorable recommendations from the Bar Association. I further submit that if we grant the pay raise, is this going to get the judicial system in this State to reverse some of the insane rulings on our county jails? In Rock Island County we can't even house anybody anymore because according to a judge, the jail is substandard. Will the pay raise also get judges to change their mind on the public aid ruling in the City of Chicago when we know the Department of Public Aid doesn't have enough money? I doubt that that will happen. Will the increase...and I'm speaking now as a Republican, will the increase in judge's salaries reverse the reapportionment decision? I doubt that, too. Will our granting this huge pay raise in light of the fact that we are cutting back on State employees' wages upgrade the image of the General Assembly? I doubt it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

I thank you, Mr. President and Ladies and Gentlemen of the Senate. I'd appreciate your listening for a moment. I personally intend to support this pay raise. I have always consistently voted for pay raises 'cause I recognize if you want good people, you're going to have to pay for them. Earlier...earlier we are having some comments made about a member of the Governor's Cabinet being paid fifty thousand dollars and thought that was an unbelievable amount of money. Well, I concede, that may be a lot of money in the real world, but you know what, there are some people in this world who do make that kind of money, and it may come as a surprise to someone, but if you want people at that caliber, you're going to have to pay for them. Now, I want to throw in a couple of other thoughts, it isn't just that the judges need



a pay raise, when I think that the Governor of the State of Illinois is paid fifty-eight thousand dollars a year, that is two inches short of disgraceful. The fact that the Governor has cabinet members who barely make forty thousand dollars a year is disgraceful. Now, I do say with a little bit of chiding to our friends in the press, every time we try and review the salary levels at all levels in the State, it is perhaps printed as a way to sell a newspaper and a way to sell advertising space, and it's probably not accurately reported in terms of what needs to be done to insure the quality of the people we have. And I think we should be not simply looking at the judicial level, looking at the Governor, looking at his cabinet and looking at State employment as a whole. And I do recognize we have some excellent judges who are grossly underpaid, but I want to follow up on something Senator Thomas has said, we've got a couple of judges on that bench who are grossly overpaid, and I want to give you two examples. There's a judge named George Higgins, I've never met the man in my life and with a little luck I never will, he has decided that he knows more than Jim Thompson, Howard Carroll, Ken Buzbee and the entire General Assembly. He must think the elected officials of this State who pass a budget and decide at what level we will fund general assistance, et cetera, that we've never given any thought to this, and that we don't know how this system works. And to George Higgins, whoever you may be, if we pay you a dollar a year you're probably overpaid. There's another judge named Marjin Staniec who has decided that he knows more about the Dixon Developmental Center than does anyone else in this State. And I would mention to some of these judges, when it comes up for retention on the bench while we are voting higher salaries to...retain the highest quality judges, I think we should say to the news media, we would like a little of your help when it comes time to retain a few of these judges for

those who are grossly overpaid...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator, your time has expired, would you bring your remarks to a close.

SENATOR KEATS:

...I think it has come time...I think it has come time that we remove them from the bench, and I think that is an obligation that should be ours also. So, I would solicit your support for this, recognizing that most of our judges are well worth this pay raise, and for the few that aren't I think it is up to us to try and do something about it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey.

SENATOR COFFEY:

Mr. President and members of the Senate, I'm rising in opposition to Senate Bill 1242, and I would like to point out, before making some comments, that consistently in the past I have supported pay raises for the General Assembly, other Statewide officials and the judiciary when and if money is available. For us to come at this time and ask for this kind of increase for a judges pay raise while at the same time we're having trouble balancing the budget, we're cutting pay to...to other Statewide employees as well as...we passed out of here cutting our own and other State officials I think is just not right. And I think that we ought to...to, at this time, deny the thirty votes it takes to put 1242, out regardless if the Chicago Tribune says don't delay the...the judicial pay raise. If we go back to our districts, and I...yesterday got some hundred and fifty phone calls and letters in...in both my district and here in Springfield from most other State employees saying, you know, don't cut our pay raise...or don't cut our salaries and we need a...a cost of living pay increase. And we have to tell them, No, we don't have the money, and then to come back today and pass

this kind of pay raise for the judiciary is just not in good taste for us to do at this time, and I would ask, as many of the members in this General Assembly, to oppose this bill and let's deal with this at a time when monies are available to give those pay raises. I'm not saying judges don't need pay raises or that...that we should consider this at some time, but now is not the time and we should object to this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

...Mr. President and Ladies and Gentlemen of the Senate, I rise to speak in favor of the pay raise for the judges. I've had about thirty-nine years of trial experience, and unless you are in the courts, as many...some of us who are attorneys and are there many days, you don't really appreciate the difference of a political hack, or a judge who doesn't know which end is up, or one who is a qualified trial lawyer sitting on that bench. We cannot attract qualified trial lawyers or keep qualified trial lawyers on the bench if we don't face the realities of life. When I know that there are people coming out of law school...fresh out of law school commanding starting salaries at...in some Chicago firms as high as thirty-seven thousand dollars a year, it just galls me to know that we cannot do something to keep good trial lawyers on the bench and attract good trial lawyers on the bench. And unless they are good trial lawyers, they're not going to be sitting as good judges. Remember who finally determines the...the constitutionality of any law passed by this General Assembly, it is the judges. Who...who determines on every legal dispute when they hit the courts? It's the judges. And I think it behooves us to be sensible about it. I thought the commission bill last year was fair because the Legislature did not abdicate its responsibility if it had thought that any of the raises after hearings were too high

for any of the officials. We could have filed the motion and had a roll call vote on it, but that bill was vetoed. However, I think we have to face the facts of life. If you want a good judicial system, you have to make it comparable to what it is worth if someone is staying out of it. Some political hacks that are in there cannot cut the mustard as good lawyers on the outside. There's where we can weed out the system, and I speak in favor of this bill. I think it's a worthwhile bill no matter what people think.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'm not sure that anyone's mind can be changed at this moment. I think we all know what's before us. This, I suggest, however, is one of those instances where we have a responsibility, not easy, admittedly, but it is our responsibility. It seems to me that we ought to, at this time, recognize the fact that throughout this State there are men and women serving as judges who are sadly, sadly undercompensated. And as a matter of public policy, we owe it to them and to the people about whom they render judgement to recognize their true worth. I urge an Aye vote. I think this is really serious. I don't think it ought to be a political issue for one's campaign for or against, I think it's a recognition of our responsibility, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Simms.

SENATOR SIMMS:

Mr. President and Ladies and Gentlemen of the Senate, I rise in opposition to the pay raise. At a time in the history of Illinois when we have inadequate funds to pay for education, we have inadequate funds to pay for mental health,

scholarships, other programs of State Government, the ordinary operations of government and the serious financial problems that our State faces, I think it's an ill time that we grant a pay raise. I don't question the need that the members of the judiciary do need a pay raise, but I think it's a matter of timing. But I think another thing ought to be taken into consideration, and that's the pension windfall benefits that can take place. Already, over two hundred members of the judiciary have inquired of the Judicial Pension System exactly what this will mean in their retirement. What it means basically is a three thousand dollar increase in the retirement predicated on their last day of service. And I submit to you, Ladies and Gentlemen of the Senate, that we are going to see a mass exodus of judges as it is, because of the judicial increase and the benefit that it will give to those that have the twenty years of service for the pension bonanza that they will receive on their last day of service. We in the State of Illinois and those in the Senate, reflecting a responsible position, in all good conscience should not be granting this type of pay raise at other time when we're asking State employees to take decreases in pay, layoff of employees and not being able to provide the essential services to those citizens of Illinois. A pay raise, I'm sure, probably is justified for most of those that sit on the bench, but I think the timing of it is ill conceived and the citizens of Illinois are not going to appreciate another bonanza pay raise that is bestowed upon the elected officials of the State. I'm going to vote No.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, the...I agree with Senator Rock that there's total justification for a pay raise for the judges. I also agree that we're going to lose

some good people if we don't do something. I would respectfully suggest to you that it's time for the General Assembly to get away from these lump sum salary increases, although I have to commend Senator Berman for at least splitting this increase in half and making it two lump sums instead of one. I think it's time for us to get down to treating ourselves, the judges and the rest of the Statewide elected officials like we treat everybody else, with annual salary increases. Now, admittedly this year the annual salary increase for State employees doesn't look all that rosy, but I think because an elected official's term...salary, and not the judges but in most cases, can't be increased during their length of term, that we've got to get away from this tradition of last minute burglary, as our friends in the media like to call it, except for their editorial pages on this...in this case, I wonder how they're going to treat us on page 1, I wonder how many people read the editorial page. I think it's time for us to get away from that tradition and to start a new tradition, a tradition we can defend back in our districts and that's for reasonable, annual increases spread over the length of the term of the officials. I personally hope that this bill won't receive thirty votes, that it will be put on postponed and called back for that amendment that tied here last fall 27 to 27, and if it does, then I think a lot more of us can do what we think is right, which is vote for a reasonable increases in salary for the judges, one that we can justify back in our district, and one that I think will go a long way to keeping the good men and women who serve on the bench doing just that, serving.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Mr. President, I move the previous question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

If you would hold that motion, we have the following Senators that have sought recognition before that...your motion: Senator Buzbee, Berning, Lenke, Demuzio and Schuneman and Senator Nega. Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. I...what...what are we doing? I...I know that Senator Berman is absolutely sincere in this attempt, and I am sure that there are all kinds of cases that can be made as to why judges ought to have pay increases, and I would assume that most of those cases are legitimate ones. But we have, in effect, in this Body just told prison guards who make fourteen thousand dollars a year and who experience everyday the threat of immediate death, and I'm not overdramatizing here, that is, in fact, true, who experience human feces being thrown on them as they walk past certain cell houses. We have said to mental health workers and developmental disability workers who make...who start at somewhere around twelve to fourteen thousand dollars a year, whose jobs include changing diapers on adults, who have to literally sometimes pick adults up and carry them, we've said to them, in effect, we're only going to allow you a four percent pay increase on your fourteen thousand dollar salary next year. Now, I do not try to equate the duties of a prison guard or of a mental health worker, or the responsibilities, or the training with that of a judge. But the fact of the matter is, this State is in dire fiscal straits, and this Body has made an expression of what they think the public policy ought to be as it relates to those low paid State employees, and so, how can we possibly be talking about giving an eight or nine thousand dollar a year pay increase to public employees who are already making fifty thousand dollars a year plus?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, would you bring your remarks to a close.

SENATOR BUZBEE:

Well, Senator, I certainly will. It's interesting to me that my five minutes started one and a half minutes ago, however. I would point out that this is going to cost us somewhere in the neighborhood of six million dollars. I have said all along that I will support a pay increase for the judges if they will do it over a four year increment, over a four year period. They don't find that acceptable. Senator Schaffer is absolutely correct, we ought to stop this fiddle faddle that we go through every time on pay increases. We ought to establish a percentage pay increase for department heads, for the Governor, the Attorney General, the General Assembly and judges that is an automatic percentage pay increase every year, tied somehow or other, and I have some ideas as to how it could be, but tied somehow or other to the same percentage pay increases that State employees and university employees get. At one point I thought that idea was sold back in 1976 when then Senate President Tom Hynes agreed to be a sponsor of that along with then Minority Leader Doc Shapiro. Unfortunately, it became a political issue and the Democratic candidate for governor that year said that he thought it was terrible that anybody who wanted a pay increase that served in public life and then...then candidate Thompson...or then Governor Thompson, rather...pardon me, it wasn't '76 it was in '78 I guess it was, when Governor Thompson said he would veto any such pay increase. And so as a result, the idea died before it ever had a chance to come to public light. But for us at this time to talk about giving judges an eight thousand dollar a year pay increase...and, by the way, I've had...I've talked to a lot of judges about this, and every one that I've talked to has said, your idea of spreading it over four years seems good to me. I think my idea of spreading it on a percentage basis



for all employees when you consider some of the directors of departments in this State running departments with three or four thousand employees are making thirty-two thousand dollars a year, that it ludicrous. We ought to put those folks...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, would you bring your remarks to close.

SENATOR BUZBEE:

...yes, I will, Mr. President. We ought to put all of those folks on a sliding pay scale that goes up at the same rate that all State employees and all the university employees pay scale goes up. We could save ourselves an awful lot of grief, and we could adequately compensate the folks that need to be compensated. This is a bad idea and especially at the wrong time.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berning.

SENATOR BERNING:

Thank you, Mr. President. I just want to speak briefly a bit further on the question of the judicial pensions and call to your attention, Ladies and Gentlemen of the Senate, that under the Judges Pension Code, and bear in mind that it's funded in the low thirty percent range, that under that Pension Code, the day after this bill, if it passes, were signed by the Governor and the new salary scale takes effect, any judge may resign, and his or her pension will be based on that new salary scale even though the individual served one day. For that one day the pension will increase approximately three thousand dollars a year. That, to me, is the inequity here. I have tried desperately to negotiate, to get a bill out of the House and into a conference where we could amend that pension system to require at least the last year for the basis for a pension rather than that last day. I have not been able to successfully get the cooperation needed

to get that amendment passed. And in my opinion, it's ill advised to pass a salary bill without first providing the protection to that pension system. On the basis of that, I see no choice but to resist this, and let me...make one further comment, Ladies and Gentlemen, in my nineteenth judicial circuit in Lake County, Lake McHenry, we have probably the finest contingent of judges in the State of Illinois. I wish it were possible to classify judges, just as there are some who would like to classify legislators.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

Mr. President and members of the Senate, I find that I must get up to defend one of our jurists, Marjin Pete Staniec who is...who is one...at one time and is still one of the noted experts on Social Security law in this country. He was...commemorated by...President Eisenhower, President Truman and other presidents of both parties as being an outstanding expert. And if it's wrong for a jurist to enjoin a State body that's insensitive to hear the parents of Dixon's and not even take their testimony or hear there...there thing, and it's...if it's wrong for a jurist to enjoin a State body and said, have a hearing first so we can find out what the reasons are, then I think we are stepping our bounds 'cause that's what the judge's job is, to see that a fair hearing is given to all before a law takes effect, and that's what we're saying when he did that, and I think it's another case with Senator Keats not checking out the facts on a particular jurist's background. He has the qualifications on both sides of the aisle.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Yes, I have two questions of the sponsor if he will

yield. The first question being, what is the revenue impact to the State of Illinois this year and next year, and if in...and what is...are the pay raises in the Governor's budget?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Six million dollars this year, six million dollars next year, that's assuming that we don't increase the number of judges. It's not in the budget.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, Mr. President and Ladies and Gentlemen of the Senate, I feel like...a little bit like Alice in Wonderland here. Even though I did, in fact, drive fifty miles and came back to this same Chamber, yesterday we sat in here and we started talking about reductions, we...talked about everyone taking a seven hundred and fifty dollar pay reduction, of State employees being layed off another five days. I keep look...looking for that big white rabbit, Harvey, you know, the one in Alice in Wonderland who kept fading in and out. Now...now you had the money and now you didn't. Well, in my story it's Harvey. We have in Illinois, as you well know, the highest unemployment, we have interest rates that are astronomical, we have the highest number of bankruptcies of any state in the nation, we're talking about cutting hospitals thirty percent, we're talking about delaying State aid to schools and educational school districts, we're talking about further layoffs, we got people in cheese lines all over the State of Illinois. It just appears to me, my dear friends, that something went bump in the night, what a transformation that this place has taken since...since yesterday, and it appears to me that if we pass this, I think

that we are saying to the people of the State of Illinois, let them eat cheese.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President and members of the Senate. I find I have to rise in opposition to this bill. I think that a good case has been made for the need to raise the salary for judges, but I think you can make a good case for raising the salary of a lot of people. I think that a lot of people in the private sector and a lot of people in government this year are going without pay raises. And so, I think that the problem with this bill is first of all the timing, it's the wrong time. We all know that we're in a recession, we all know that government incomes and revenues are down. The other thing that's wrong with it is the magnitude of the pay raise. Now, I come from a district that includes the City of Dixon and it includes Dixon Developmental Center, and there's a lot of pain and a lot of trauma in that community because the State of Illinois is closing the major industry in that town. We're going to put out of work about a thousand people, more or less, in Dixon and Lee County, and they're not going to get a pay raise, they're not going to get any pay because of the financial constraints of this State. Now, we have a bill coming along that purports to spend all the money that the State is going to save by closing Dixon, going to spend all the money to give the judges a pay raise. I suggest to you that that's wrong, the timing is wrong and the amount of the pay raise is way too much. We should vote against this bill at this time.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

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

had not planned to speak on this issue, and I think that most of the people speaking in opposition to his bill have voiced my sentiments one hundred percent. This is not a political issue for me, and I think if I had to labor it, I would say it was an immoral issue as it affects me, because there is no way at this time that I can all...with all consciousness go back home and sleep tonight after cutting and all of the sacrifices that we have imposed upon the people of this State, and before the deadline of June 30th we may not even have monies to fund education. I have not seen yet any new sources of revenue that will, in fact, bring us back up to the level of essential human services that we had last year. I think there's nothing wrong with giving the judges a pay raise and we should give them one, but this is bad timing, and if the sponsor of this bill have any human compassion at all, I would ask that you delay this pay raise at least until the first of the year, unless we will take this bill out of the record and put the amendment suggested by Senator Schaffer on it. This bill at this time is impractical, immoral and inhuman.

PRESIDENT:

Senator Berman to close.

SENATOR BERMAN:

Thank you, Mr. President. This is a tough bill and I think it was interesting, one of my colleagues came up to me and said that everybody that spoke against it drew a two year term yesterday. Now, I think that every day in this Body we are called upon to make tough decisions, and I think that we have enjoyed a little bit of demagoguery with some of the people that have opposed this bill. And we understand those things, we do it every day. But let me tell you something, I wouldn't be up here with this bill if this Legislature had done for judges what we have done for every State employee for the past thirteen years, because instead of asking for a

judges...judicial pay raise for circuit judges from fifty thousand to fifty-seven five next...next July 1st, those same judges if they had been State employees would be...now be earning seventy-five thousand dollars. There is not one State employee who has gone without some type of wage increase for the last three years since 1979, not one. But there isn't a judge who has received a step increase, a merit increase, a longevity increase or a cost of living increase as have one or other category of State employees since 1979. Judges haven't received a penny increase since 1979. I'm not asking for us to put the judiciary on the same level as we have done for every other State employee for the past number of years. I'm asking to do less for them, and I don't think that they are comparable. Every person that stood up...in opposition to this bill said a good case can be made for the increase. Somebody else said, you can't compare the duties of a jail guard or mental health worker with the responsibilities of a judge, then don't. I am telling you that some of the brightest and the best of the judiciary who have growing families, who have sacrificed a financial future to dedicate themselves to the judiciary, which is a crucial part of our society, cannot afford to stay on the bench. And I'm not sure that they can afford with this split pay raise to stay on the bench. One of our best judges who served in this General Assembly has announced that his...that he's retiring to leave the...a very responsible position in the Circuit Court of Cook County as a presiding judge of the largest division...divorce division of the...in the country where they handle tens of thousands of cases each year to go into private practice. He's a young man, I don't blame him for leaving the judiciary even with this pay raise, he'll triple his income. Now is that the kind of judicial system that we want? I say, no, it's not what we want, we can't afford that kind of judicial system. I would suggest to you that this is

a tough vote, but it must be voted Aye because the future of the judicial system in this State depends on it. If you have the backbone to justify your presence in this Body, your vote must be Aye, and I call for an Aye vote.

PRESIDENT:

The question is, shall Senate Bill 1242 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 32, the Nays are 25, none Voting Present. Senate Bill 1242 having received the required constitutional majority is declared passed. On the...yes, Senator Buzbee, for what purpose do you arise?

SENATOR BUZBEE:

Request a verification of the affirmative votes, Mr. President.

PRESIDENT:

Alright. Senator Buzbee has requested a verification, will the members please be in their seats. Mr. Secretary, please read the affirmative votes.

ACTING SECRETARY: (MR. FERNANDES)

The following voted in the affirmative: Berman, Bowers, Carroll, Chew, D'Arco, Dawson, DeAngelis, Degnan, Donnewald, Egan, Geo-Karis, Grotberg, Hall, Jeremiah Joyce, Keats, Lemke, Mahar, Marovitz, McLendon, Nash, Medza, Nega, Newhouse, Nimrod, Ozinga, Philip, Rhoads, Sangmeister, Savickas, Taylor, Vadalabene, Mr. President.

PRESIDENT:

Here. Senator Buzbee, do you question the presence of any member? The roll has been verified. On that question, there are 32 affirmative votes. Senate Bill 1242 having received the required constitutional majority is declared passed. 1243, Senator Philip. On the Order of Senate of Senate Bills 3rd Reading is Senate Bill 1243. Mr. Secretary,

read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1243.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1243 as amended appropriates the sum of a little over two million dollars to the Department of Transportation to help the flooding along Sauk Creek. Basically, does three things, it improves the Bussey Reservoir, provides money to buy land for two reservoirs and dredges out a little bit of Sauk Creek in-between Elmhurst and the Village of Oak Brook. The Department of Transportation says it will clear up about eighty-four percent of the flooding in that area. It has been endorsed by the Sauk Creek Steering Committee, the Villages of Elmhurst, Villa Park, Wood Dale, Itasca and by the DuPage County Board. Be happy to answer any questions.

PRESIDENT:

Any discussion? The question is, shall Senate Bill 1243 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 57, the Nays are none, none Voting Present. Senate Bill 1243 having received the required constitutional majority is declared passed. 1272, Senator Coffey. Senator Coffey.

SENATOR COFFEY:

Yes, Mr. President and members of the Senate, I would like to recommit 1272 back to the Transportation Committee.

PRESIDENT:



AB 1299  
3rd Reading

Senator Coffey moves to recommit Senate Bill 1272 to the Committee on Transportation. Any discussion? All in favor signify by saying Aye. All opposed. The Ayes have it. Motion carries. 1299; Senator Totten. On the Order of Senate Bills 3rd Reading, Senate Bill 1299. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1299.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Totten.

SENATOR TOTTON:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1299 as amended yesterday is a bill to create enterprise zones in the State of Illinois. The bill has rather extensive provisions to target to certain depressed areas within the State as designated by a...municipality and approved by the Department of Commerce and Community Affairs as areas of persuasive...pervasive...poverty and otherwise unemployment and economic distress. The bill also provides that for all local initiatives they may be...they must be initiated by the local municipality or county before taking place. So, the bill is not preemptive. There are a number of significant credits that would take place in the area of an enterprise zone, some of those are the results of compromises that the sponsors, Senator Dawson, Senator Bloom and myself have made with the Governor's Office and the Governor's Task Force. As the bill is presented, we are in agreement on...on everything that is in the bill. I must be frank and say the Governor's Office does object to a couple of things in the...in the measure. The bill creates local neighborhood organizations, provides for shopsteading, homesteading, provides for the creation of venture capital by

the use of IDA bonding, provides for income deductions for corporations giving money to neighborhood organizations to do such programs as privatizing public services. There's sales tax exemption in here for the rehabilitation and construction materials used in a zone, dividend exemptions, interest exemptions, property tax incentives from the local levels, the bill also permits local municipalities or counties to suspend zoning, building codes, rent and price controls. There's capital formation provisions in the bill and there's tax increment financing provisions for the construction or reimprovement or improvement of existing interest structure within a zone. If we look at the proposal as an experiment...

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order please. If we would take our conferences off the Floor. Senator Dawson is trying to hear the discussion and cannot, so...Senator Totten. Senator Totten.

SENATOR TOTTEN:

...thank you, Mr. President. When we look at the concept of enterprise zones, I...we cannot look at it as a...a replacement for what's happened in our inner cities in the way of urban decay, we must look at this as an experiment and another tool in the arsenal to reverse the exodus of jobs, people and business from our inner cities, and if we view it as an experiment and an experiment that's a little different than the prevailing philosophy that has come from Washington and from our state capitols, I think we can do nothing but say that this...this proposal, this concept deserves a chance, let's take...let's pass this law. And I would solicit your favorable support for Senate Bill 1299.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Dawson.

SENATOR DAWSON:

(Machine cut-off)...Mr. President and Ladies and Gentlemen of the Senate, I'd just like to reiterate that this was a Democrat and Republican piece of legislation and many hours went in here to...to work on this piece of legislation, and as was said, it's not pleasing everybody, but we feel it's the best thing that we can come up with and I ask for a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? May we have some order please. If we could just take our conferences off the Floor, I think we could get about our business. I have Senators Geo-Karis and Bloom and Carroll. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Senate Bill 1299 as it has been amended, I think, is an excellent bill to stimulate business and industrial growth in...depressed areas. I have eleven percent unemployment in my district, and I think this is a step in the right direction because it does provide for an application by the local government for such a...for such a...a project, and I think it's...it's a very, very good bill in its present form. I rise in support of it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Yeah, thank you, Mr. President. I rise in support of this, obviously, as one of the sponsors, and I want to thank the Governor's Office because we spent many hours, Senator Totten and Dawson and myself with Mr. Kiley from the Governor's Office, in fashioning many of the concepts that are embodied in this. Earlean, I still think you have the only pure enterprise zone bill of this Session, but this is...is as good a camel as we're going to get. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch.

SENATOR NETSCH:

It probably is a camel, Senator Bloom, because I think it's...if I may mix my metaphors, its nose is hiding under the tent. The problem, I think, is not that anyone is...or not very many people at least at this stage are opposed to the idea of trying something, and enterprise zone is kind of today's most fashionable thing to...to try, and I for one am willing to try it also on that basis. I think that one of the things that is most disturbing is that...and...and incidentally, I in no way question the good faith of those who are working on it, I realize the work was going on intensively up until the very last minute, but we do have a seventy-five page bill which, I believe, appeared on our desks hot off the press sometime yesterday afternoon. There are tons of community groups and others around the State who are very concerned about this concept and precisely how it is to be carried out. I know they have not had an opportunity to see this bill, and I strongly suspect that most of the people, except for those who literally worked on it who are speaking in favor of it have also not read this seventy-five page...bill. It is...it's going to pass anyway, and it doesn't bother me that it's going to pass except for one thing, and this is, I think, a point of some concern. It holds out the representation to a lot of communities that somehow by passing this piece of State legislation their communities are going to be revived overnight. Apart from the fact that only a few will be participants and it may be at the expense of those who are not participants, there is just no reason to think that it really is going to have that kind of success rate. I think it is kind of sad that we are in a sense leading some of the depressed communities in our State down a primrose path. If it does work a smidgen, fine, but it's not likely to, and I think in the meantime, we are

building up a lot of hopes in a way that most of us have condemned in the past.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. Just...first of all, I thought I had been an original hyphenated joint sponsor, would ask leave to be so shown. Reason being that I had been the original sponsor of this several years ago. This type of legislation has always enjoyed bipartisan support. The problem in the past was one year it was the Republicans, the next year it was the Democrats, never both together. It looks like this year they finally...we finally all have gotten our act together and I would hope we could get the enterprise zones actually going.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Hall.

SENATOR HALL:

Senator, I see that you have designated eight zones, would you tell me where those zones are...in this bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten.

SENATOR TOTTEN:

The municipalities and counties in the State can make application for an area within their municipality or county to be a zone to DCCA. DCCA will determine where the designation are...will eventually be. If East St. Louis wants a zone, they make an application, they start the process. So, it's the municipalities that want them that will be considered.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

Well, I...you're leaving that up to the discretion of the Department of Commerce and Community Affairs? When you're saying eight zones, I'm just trying to figure, how do you arrive at just eight? Why it could be ten, twelve, why did you arrive at eight?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten.

SENATOR TOTTEN:

Well, eight was no magic figure, there were...the numbers that were bantered around but there is a revenue impact, and in order to minimize what might be that revenue impact 'til we see if the experiment works, we selected a number. It's eight, could be six, could be ten. Eight was a number we appeared to agree on, and the bill also says that only three of them in one year can be in the same...in the same municipality or county. So, this bill as...before you today actually has rural and urban zones in it because they can be all over the State of Illinois.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

Well, I know that Senator Dawson has been working with you on this and I...it's much improved over the others, but I just want to clarify some language here. I see...it says here that legislation requires the State or any county or municipality that owns any structure or vacant land within the enterprise zone to either sell such structure or vacant land at public auction or to establish an urban homestead program. Is that so written in here? That...is that mandatory that we do that?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten.

SENATOR HALL:

Is that optional?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten.

SENATOR TOTTEN:

Thank you, Mr. President. The language is May, it is optional.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...further discussion? Senator Rock.

SENATOR ROCK:

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

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Rock.

SENATOR ROCK:

Senator Totten, is this in any way preemptive of the duties and powers of local governments?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten.

SENATOR TOTTEN:

Thank you, Mr. President. It is my understanding that everything in here is local initiative and that the bill would not be preemptive.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. On that basis I will certainly lend my support and urge...everyone else to do so.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there further discussion? Further discussion? Senator Totten. The question is, shall Senate Bill 1299 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 yeas are 56, the Nays

SB 1319  
2nd reading

are 3, none Voting Present. Senate Bill 1299 having received the required constitutional majority is declared passed. Senator Lemke, for what purpose do you arise?

SENATOR LEMKE:

A point of personal privilege, Mr. President. I'd like to introduce two people from the Palos Hills community, one is Joseph Zoller a noted artist in Palos Hills and a noted artist in Illinois, and also, Edward Patronick who's a member of the Polish Hills...Polish...Palos Hills community and who has...who has been a outstanding chemist with the...for forty years with International Harvester and one of his attributes is being the brother to Lisa, Senator Bruce's secretary.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright, would our guests in the galleries please rise and be recognized by the Senate. Senator Davidson.

SENATOR DAVIDSON:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR BRUCE)

State your point.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I'd like to introduce to the members of this Senate six visiting Attorney Generals from the Country of Nairobi, continent of Africa who are in the President's gallery right above the President.

PRESIDING OFFICER: (SENATOR BRUCE)

Would our guests please rise and be recognized by the Senate. Senate Bill 1319, Senator Netsch, did you want to call that today or call it tomorrow? Senator Netsch, 1319. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1319.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)



Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This is decoupling. The form...the reason for the bill, first of all, let me briefly explain. Our corporate income tax, and to a lesser extent, our individual income tax in Illinois are automatically tied into certain definitions in the Federal Income Tax Act. That is most particularly noticeable with respect to the corporate income tax where we pick up immediately Federal taxable income. That means that when significant changes are made in the Federal tax laws, they have an automatic impact on ours. This bill is directed to one of those changes. The Economic Recovery Tax Act that was passed in August of 1981, effectively retroactive to the beginning of that year, included among other things something called ACRS, Accelerated Cost Recovery System or more commonly, accelerated depreciation. It dramatically changed the way in which depreciation can be taken on Federal income tax returns. Again, because we automatically tie into those provisions, it also dramatically affects the amount of money that we will realize at the State level most particularly in our Corporate Income Tax Act, to some extent also in our Individual Income Tax Act. The way in which the bill is now structured does not touch that accelerated depreciation. Obviously, every taxpayer in Illinois will get it on their Federal returns, they will initially get it also on their State returns. What the bill does is to say that in order...that Illinois will not lose revenue at a time when we are desperately in need of maintaining our revenue base, that we will add back forty percent of the accelerated depreciation that had been taken as a deduction on the Federal return. It does not require maintaining two depreciation schedules, it is a simple add-back similar to others that are already done on our State tax forms, so that the idea of double bookkeeping is simply not

in the bill at all. I have also added at the request of and by draftsmanship of the Department of Revenue a provision dealing with capital gains so that Illinois taxpayers will, in effect, not be double hit by the fact that they are not getting the full benefit of the Federal depreciation. That provision is also in the bill. It is...does not take effect until January 1, 1983, and so it will be applicable only to tax years after...that fall after January 1, 1983. There are a number of estimates of the revenue loss to the State of Illinois caused by the accelerated depreciation, and I might add that accelerated depreciation is only one of the changes in the Federal tax law that is going to cost us money in Illinois. The most modest of those estimates for Fiscal Year 1983, not surprisingly, comes from the Bureau of the Budget, and it is in the neighborhood of forty million dollars at the State level. In addition, I should point out, this Act will also have an impact on the money that goes into the Corporate Replacement Tax Fund which funds all of our local governments, and Mr. Mandeville's estimate on the amount that would be cost in Fiscal '83 to local governments through the Replacement Tax Fund is about twenty-four to twenty-five million dollars. What is most significant is not just this first year where everyone acknowledges we have the hardest time estimating the revenue loss but what happens down the road. The Treasury Department itself, the U.S. Treasury Department which obviously supported this, estimates that by 1986 accelerated depreciation will have eliminated about thirty-eight to forty percent of Federal corporate tax receipts, and the National Governors Association has told us states which automatically tie-in can expect a similar, not identical, but a similar experience. This accelerates, what it means is that we will lose some...we have already lost some revenue in Fiscal '82, we will lose some more in '83, and we will lose very substantial sums by the time the...it

becomes fully operative as new equipment is purchased under it in '84, '85 and '86. It is not in my judgement a tax increase, it is maintaining the status quo. It is saying that at a time when State revenues are in extremely tight circumstances, we do not have to add this extra tax break for businesses. And finally, one other thing that I would like to add is that it has no affect virtually on small business. Most small businesses are subject to the expensing provision in Section 179 of the 1981 Code, they will get what they need by the treasury estimates, again, eighty-five percent of them will take advantage of that provision and will not need the ACRS. They are mutually exclusive. I think this is something that is extremely important to the future revenue base of the State of Illinois. I would be happy to answer questions.

END OF REEL

REEL #3

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Bloom.

SENATOR BLOOM:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates she will yield. Senator Bloom.

SENATOR BLOOM:

These substantial sums that will be lost to the State of Illinois, what's your dollar amount?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

The BOB, the Bureau of the Budget, estimate, which I might say is...is considerably reduced from their original estimate, for Fiscal Year '83 is still forty million dollars. That is the lowest estimate. The Illinois Department of Revenue has given me, in writing, an estimate that is slightly in excess of one hundred million dollars. They assume that because the...because ACRS has not worked and the economy is in a recession that that figure probably ought to be revised down somewhat, and the lowest revision that the Department of Revenue has given me for this next fiscal year is sixty-three million dollars, and they all indicate that that accelerates.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Would you leave my mike on when I ask her a question, 'cause I want to be able to, after I get the answer, to ask

another one. Okay?

PRESIDING OFFICER: (SENATOR BRUCE)

We can't do that, Senator Bloom, because we cannot get the transcription tapes right. We turn off...turn on one mike at a time. Senator Bloom.

SENATOR BLOOM:

All right. Well, it's an uphill battle. The Department of Revenue document that I received put it below one hundred, you know, and I...I think that the figures, quite frankly, are being fudged. In the testimony that I heard in the Revenue Committee, as I was patiently waiting for my bill to be called, was permised on assuming national investment patterns and if it occurs...I think those figures are phoney is what I'm saying, 'cause you can't say you're going to lose money when you pass a measure like this that will discourage small business, and notwithstanding what was said, the family business and family farm groups, the NFIB, the mail I've received, they do say it's going to hurt them. As one NFIB member from my district wrote, he said, "I find it...extremely difficult to justify needed purchases when the economic and interest conditions are so volatile. How can I plan on a purchase for a seven or ten year period when the banks can't even give a fixed interest rate for more than a year?" Accelerated depreciation gives a measure of counter balance to that problem. As a practical matter, if we pass this measure out, we are sending a very clear signal to the private sector and it is a very clear negative signal. I would ask all others to rise in opposition to this legislation. Now is not the time.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator McMillan.

SENATOR MCMILLAN:

Mr. President and members of the Senate, I think this is not a wise idea and for several reasons. I don't care how

many times you stand up and say this is not a tax increase, that, in fact, is incorrect. By taking action today, if this bill were to be enacted, large businesses, and small businesses and middle-sized businesses will be in a position of having to pay more tax to the State of Illinois than they would have otherwise. That's a tax increase, and for anybody to assume that they can justify it in any other way, I think is incorrect. Number two, the estimates that come out range all over the board. There is a four hundred percent margin of error between the smallest estimate and the largest estimate. In fact, nobody knows whether, in fact, we're really suffering substantial losses or not. It's certainly difficult to pinpoint because people who spend their time trying to figure out whether or not the State is losing much money simply cannot agree. Number three, one of the things we need to keep in mind in this ACRS relates to new investment. New investment admittedly after January 1, 1981, but it's new investment, we're not talking about systems for turbines purchased ten years ago or fifteen years ago, we're talking about a special provision for new investment coming in the future. Number four, when we're talking about new investment, I think you need to take a look at how it...affects your local communities. If there is a company that is in the position of taking advantage of this special tax provision, that means that they have either purchased a new crawler, a new automobile, they are building a new building, a new tractor or a combine has been purchased, and that purchase puts people to work, and that's the primary thing that we ought to be concerned about in this State. We have huge companies that are vitally important to the welfare of this State from an economic standpoint, who are laying off employees day after day, who are fighting for their economic lives, and to whatever extent these provisions work, to whatever extent this special tax provision would go into effect, that would

mean that some company has purchased a tractor, or purchased a crawler, or started to build a new building, and that means that somewhere along the line somebody's getting some income they would not have gotten, somebody is spending money in a community, that means added revenues for this State through the...the individual income tax, and that means added revenue to states and local units of government for...from the sales tax. The last point is with regard to small businesses. Admittedly, there are special provisions for some purchases and some depreciation for small businesses, but I think you need to really understand that there are literally hundreds of thousands of small businesses in this State whose expenses, and whose purchases, and whose capital requirements are substantially in excess of what we're talking about here in terms of small business. If you go our and explain that to a lot of small businesses which provide the economic vitality for a lot of small communities, they'll laugh back at you and point out that the provisions simply don't have much impact on the kind of purchases that are necessary to keep a lot of our small businesses in place. This is not a good idea. This is a tax increase, and this is certainly not the time to provide this kind of a negative incentive for what little investment we can be expecting this year, and next year, and in the year ahead.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Nimrod.

SENATOR NIMROD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would oppose this decoupling proposal on the basis that we would be sending out the clear message, that has been indicated by the previous speakers, and at a time when we've lost some two hundred thousand jobs, we have not taken any action to make a reform on workmen's comp, we've not indicated to businesses to give them any desire and interest to

move to the State of Illinois or to expand in the State of Illinois. We ought to send out one message and say, there is some hope, don't run away from us, and that this is a chance that we are not going to send out another signal telling you that it is undesirable and that we have an unhealthy business climate in the State of Illinois. Several hundred businesses have left and the figure of two hundred thousand employees whose jobs have been lost in this State is an underestimated figure, and this would only add to that problem that exists today. And I would certainly urge us to defeat this measure.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch may close.

SENATOR NETSCH:

Thank you, Mr. President. I would like to respond to a few points. First, because Senator Nimrod just spoke about the affect on business decisions to invest, let me read you two sentences from the report of the National Governor's Association, "The relatively small size of state corporate profits taxes relative to Federal taxes, relative to Federal taxes, suggests that state policy will have a limited impact on corporate investment decisions. It is unlikely that state decisions on depreciation can undo whatever effects or forecasts for the Federal economic policy decisions." It is not that big a factor in business decisions, Senator Nimrod, and we do not touch the Federal accelerated depreciation, which is where it really does count for business. And along that line, let me point out that the treasury estimates themselves indicate that the cost to the United States Treasury of the accelerated depreciation alone by 1986 will have accumulated to a hundred and two billion dollars. What is happening is that we are slowly and now rapidly eroding the corporate tax as a source of revenue for government. If that is your decision, if that is your desire, this certainly contributes to it. There are many who would suggest that it is not an



appropriate decision at this time. I would repeat again, that eighty-five percent of the businesses, the small businesses in this country, will be basically...I'm sorry...in the State of Illinois will be unaffected by this bill. They will use the Section 179 expensing provision which...by which they get a total deduction, not just a...a depreciation deduction, and that will take care of a very large part of their acquisitions. I would remind you also that we are talking about, in effect, not just on State revenues but on local government revenues. When you add this to the investment tax credit which becomes effective next year and which is going to take a major impact on that corporate replacement fund, there will be very little left and that is your local governments that you are talking about. Finally, I would point out...once more, this does not remove the accelerated cost recovery benefit. What it does is say that Illinois cannot afford this loss in its revenue base at the current time. I would urge your support.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 1319 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 22, the Nays are 36. The sponsor asks that further consideration of Senate Bill 1319 be postponed. It will be placed on the Order of Postponed Consideration. 1377, 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, we started on this bill yesterday which would provide for the paramedics to join the Chicago Fire Department Pension Fund, and Senator Berning had requested a decoupling from the State Mandates Act. The letter was provided to them. I hope that answered his objection. It's a bill that was drawn following an original agreement with the Chicago Firefighters Union and the City of Chicago. They were asked to provide for this...for the paramedics to join the fire department's pension fund. Senate Bill 1377 as amended would cost nine hundred thousand in increased liability, and approximately four hundred and fifty thousand in annual cost to the City of Chicago. I would appreciate your support.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas...Senator DeAngelis.

SENATOR DeANGELIS:

Senator Savickas, are the paramedics members of the fire department? Are they they firemen?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Well, they're not firemen, they...they are part of the Firefighters Union, and the Firefighters Union wishes them to be part of the...this fund, and that's part of...part of their...no, they don't...they are not firemen, per se.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I have no problem with paramedics, in fact, I think they're super people, but in this particular instance, they

are not firefighters. And I'm just wondering, if they're going to let paramedics who are not firefighters join the Firemen's Union and receive that pension, can we as legislators who make laws get into the Judicial System...Retirement System?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

I imagine if you introduce the legislation, we can.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Berning.

SENATOR BERNING:

Thank you, Mr. President. I'd like to pose a question to the Chair, and I assume in your omnipotence, you can provide the proper answer, Sir. I have a copy of the letter from one Stephen E. Brown, Director of the Office of Legislative Liaison and Intergovernmental Affairs for the City of Chicago, and it purports, Mr. President, to absolve the State from obligation under the Mandates Act. But there are two things that are of concern. Number one, it says in the letter, since the City of Chicago has requested the passage of Senate Bill 1377, my question is, Mr. President, does the Chair or anyone have a copy of this request? It appears to me that the existence of a formal request would have a significant bearing on where the financial responsibility lies.

PRESIDING OFFICER: (SENATOR BRUCE)

The Chair does not have a copy of the request.

SENATOR BERNING:

(Machine cutoff)...inquire if anyone does have.

PRESIDING OFFICER: (SENATOR BRUCE)

Well...does anyone have a copy of the request? I...I hear...hear no affirmative responses, Senator Berning, so I assume that no one does. Senator Berning.

SENATOR BERNING:

It appears then that there is no formal request in existence, and my second point then is, that while this letter purports to hold the State harmless, it does not in so many words say that. All it does is say, according to that first sentence, "It appears." It appears that no reimbursement is required under the State Mandates Act. Mr. President and members of the Senate, I suggest that it appears that a statement such as this, not over the mayor's signature, or more importantly, not over the signature of the presiding officer of the council, or the council members and says, it appears there is no liability, certainly doesn't absolve the State of the responsibility for funding this four hundred fifty thousand dollar a year annual cost under the State Mandates Act. I suggest that in all fairness to the sponsor, to the paramedics whom he wishes to take care of, irrespective of the justification for that, that's another issue, and in light of this rather substantial amount, four hundred and fifty thousand dollars plus the precedent we are establishing, that the bill ought to be held until fall so that we can really have from the City of Chicago a bonafide request and a statement that the city council approves of the incursion of an additional .03 tax levy to cover this additional cost.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Body. Senator Berning, if there are some problems with this bill, they are readily correctable with respect to the City of Chicago's intent with respect to the mandates. We can get that letter for you, send...we'll send the bill over to the House and get that letter and start affording these paramedics who do, in...in many instances, do tasks more dangerous than firemen, the same type of treatment.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Berning.

SENATOR BERNING:

Mr. President, since my name was mentioned in the discussion, may I ask then, Mr. President, that a statement be included in the...recording of this Session that it is the unqualified position of the representative of the City of Chicago that the City of Chicago assumes the liability and the State of Illinois will have none under the State Mandates Act.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, perhaps Senator Savickas can answer that question on his closing comments. Is there further discussion? Senator Savickas may close.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, obviously in Senator Berning's haste and his forgetfulness to check with the State Mandates Review Office in the Department of Commerce and Community Affairs, had he taken the time when he received the letter, he would have known that this is the form that this office requested this letter to be in. That this is the form that they have followed in previous dealings with the City of Chicago, and this is the accepted form that the office uses. Now, Senator Berning, I don't know what other commitment we want, it's on the transcript that the city wishes to assume this obligation. If there is a problem...I am sure if there is a legal technical problem, if you would talk with the Department of Commerce and Community Affairs, Mr. Patrick Grady, take time out after we finish this Session today and ask him the type of forms that they would use, and if there is a problem, I am sure that it will be amended in the House to comply with whatever...the department requires in these instances. Unless it has been changed

from previous times, this is the form that they followed before, this is the form that's always been acceptable. I would solicit your support for the passage of this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 1377 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 32, the Nays are 22, 1 Voting Present. Senate Bill 1377 having received the required constitutional majority is declared passed. Senate Bill 1425, Senator Bloom. Are you ready, Senator...for what purpose does Senator Grothberg arise?

SENATOR GROTHBERG:

Thank you, for...on a point of personal privilege, Mr. President, to introduce in the rear gallery to...on the Republican side, very timely that the...those of us who are Rotarians, the Streater Rotary Club represented today by Robert Deacon from Streater, has the Rotary International Group Study Exchange from Argentina. And he has with him their group leader, Oscar Lopez Raffo, Hugo Arizmindi, Paul Carbo, Alberto Perlo, Raul Quadrini, Alfredo Tirichini and Mr. Deacon. Would you please rise and be recognized.

PRESIDING OFFICER: (SENATOR BRUCE)

Would our guests please rise and be recognized by the Illinois Senate. 1425, Mr. Secretary, read the bill, 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:

Thank you, Mr. President. I believe that the questions staff on both...had on...questions that staff had on both

sides of the aisle have been answered. This is the appropriation for the Department of Registration and Education and it's at about 7.8 million. Any questions, otherwise I'd ask for a roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Gitz.

SENATOR GITZ:

There have been, as Senator Bloom indicated, discussions. The information that's been requested on their investigations has not yet been received but it is promised by tomorrow.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussions? Senator Buzbee.

SENATOR BUZBEE:

Well, I was rising because my seatmate, the chairman of the committee, Senator Carroll is meeting with some folks from hospitals right now, and so I wasn't able to ask him about this. And I don't see any of our staff on the Floor and the appropriations staff, so I...I'm...apparently, Senator Gitz, you...it's been answered to your satisfaction, is that correct? It has not been answered to your satisfaction. Could...could we just hold it for a few minutes?

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to take it out of the record at the request of the sponsor? Leave is granted. 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. I'm on a roll, I can see. After discussions with Senator Demuzio, I believe all ques-

tions have been answered. So, I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion of the question...shall Senate Bill...Senator Lemke.

SENATOR LENKE:

How come on the Calendar it's not marked amended?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom, there was no amendment. Senator Bloom.

SENATOR BLOOM:

Because it isn't. Appreciate a roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Question is, shall Senate Bill 1449 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Senator Geo-Karis, we'll wait until you can find the key. Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none Voting Present. Senate Bill 1449 having received the required constitutional majority is declared passed. Senate Bill 1490, Senator Davidson. If...if you ...if you don't wish to call it, perhaps we could...all right, we'll leave them on the Calendar then. 1492, Senator Marovitz. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1492.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. This legislation results from exposes that occurred sometime ago on ABC...it talks about



X-rays and...and the benefit that X-rays have, and that they can help save lives by helping doctors diagnose serious illnesses. But as the medical establishment knows, X-rays can also cause cancer and genetic damage and there is always a risk with a potential benefit. There's been much public attention directed at radiation from nuclear plants, but the reality is that less than one percent of our exposure to man-made radiation is from nuclear plants and more that ninety percent of our exposure comes from X-rays. Every year seven out of every ten people are exposed to X-rays, and every year three thousand people die from the effects of X-rays, thousands more are exposed to unnecessary X-rays or unnecessary high dosages that increase the risk of further harm. And one problem that the State has recognized is that there has been some problem with the inspections and the reporting system, and that's what this legislation deals with. This provides for inspection and inspection schedule and fees to pay for the service, that no fees will be paid by the State of Illinois and a creditation of those who administer the X-rays to humans, sets up a Radiologic Technology Board appointed by the Governor. The system will pay for itself. We've answered...we've dealt over the last month and answered all the objections of the Medical Society, the Dental Society, the Hospital Association, the nurses, we've worked with the Department of Nuclear Safety and the Governor's Office to answer any of their problems. I think this is a very important piece of legislation for the health and safety of all the people of the State of Illinois and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Ozinga.

SENATOR OZINGA:

Well, I really wasn't going to talk on this bill because I have no interest in the radiologist or anybody else other

than preservation of my own life, probably. But, I caused to be distributed amongst you all a fiscal note. Now according to this fiscal note, the general revenue funding for X-ray inspections in Fiscal Year '83 is approximately six hundred thousand dollars. The addition of the three hundred and fifty thousand dollars will provide the department with adequate funding to insure all machines scheduled for inspection are inspected on schedule. Now, I'm sure that each and every one of you have received in the course of the last two, or three, or four weeks a substantial amount of mail objecting to and raising the ideas of hospital and other health-care costs. If anything will help to increase against the wishes of some of these people is this bill. I think it's a bad bill. It also in the bill itself says, that even though the question of inspections is to be had and made by the pollution...or by the Department of Nuclear Safety, but it says that the person that's going to do the inspecting...can be done by their own staff upon the payment of a fifty dollar fee. Well, that's great. From a practical standpoint, you're going to tell your own people, go out and tell me it's a good report. I know the question is...the answer is going to come, oh, it's got to be by a recognized group. Sounds great, you have to be qualified. All of these people that are going to have to be licensed, registered, regulated, et cetera, et cetera, et cetera are going to do nothing more than to help increase the cost of your health care. I think that this bill is a bad one. Its...its intent probably comes out of a good television show that everybody got excited about, and yet, it's a matter of more licensing, more regulation, et cetera, et cetera. I think it's just a plain old bad bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Schuneman. Senator Geokaris.

SENATOR GEO-KARIS:

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

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Is Amendment 2...2 still on the bill which says that...I believe, in a dental office, the dental assistant has to be replaced with a registered nurse?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

The dentists are out of the bill. This is what we've been working with, the dental and dental technicians are out of the bill because of the small amount of X-ray and radiation that they use, therefore, they did not...they agreed that they did not need a place on the board, we replaced them with a registered nurse. The nurses asked to be on the board and we replaced a dental technologist with a registered nurse.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Why...just a point of clarification. Why are you asking the department to make the inspections instead of the...people who are in the business, who know about radiation equipment and so forth?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

This...we are not changing present law in that regard at all, and I think this would clarify also what Senator Ozinga said, the hospitals today are doing their own inspections and under...and...and paying for it themselves. Under this legislation, they will still do their own inspections and pay for it themselves, there won't be...additional cost of one

dine to anybody, because the hospitals will still do it. They're doing it now and they will continue to do it, and...and it won't cost them anything at all. The only people who...the small facilities who may have one or two machines will have the department inspect them and...and... the...then pay the department.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. I have two main areas that I would like to ask a question of the sponsor, if he'd yield, please.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Mahar.

SENATOR MAHAR:

One is the area of inspections and regulations. Now we've just gone through a period where, we've seen in addition to the news media regards to X-rays, also the inspections of doctors, and we find in the Appropriations Committee that there are about thirty license holders and of that number, only about seven are inspected, and that R and E really doesn't have the staff enough set up to do it. The history of R and E, as we've noticed in the newspaper, is that they're ignoring these things that are very important to all of us, now you're adding one more to them. What makes you think that we're going to go out and do the job?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

I'm glad you brought that up, Senator, I really am. The department has that responsibility now, that's been the problem. This is to answer that, the department has this responsibility now but hasn't been able to fulfill the responsibility because they haven't had enough workers. What

we're doing now is we're making the people who have the X-ray machines pay for the additional workers. That's what the department wanted, that's what they think they needed to fulfill the obligation. We're not giving them any added responsibility, they have the responsibility of inspecting these machines now. Now we're saying...they told us they couldn't do it, we're saying, what...what can we do to help you? Here's what they wanted to help them be able to do the inspections throughout the State of Illinois, have the people who have the...the radiation installations pay for it with a report, and they will have enough inspectors now, through this bill, as the fiscal note shows, signed by the director, to do the inspections throughout the State of Illinois.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Mahar.

SENATOR MAHAR:

Then what you're saying is...it's endorsed by our needs, is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

It's endorsed by the Department of Nuclear Safety. That's the department that does this, not R and E. Yes, it is, and the...the department's amendment is on the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...further discussion? Senator Ozinga.

SENATOR OZINGA:

Just...just one thing to correct a statement just made. I believe, with emphasis it was stated that this would not cost one dime more. Very obviously, in the bill it's cost fifty dollars a year more just to file a report.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Well, I just think that this...this piece of legislation which has gone through a tremendous amount of work with the Medical Society, the dentists, the nurses, Hospital Association, the Governor's Office, the Department of Nuclear Safety will make sure that all the people who administer radiation to humans know what they're doing and have some training. And number two, that all the machines are properly checked, and that the people who have the machines and are getting paid for the X-rays actually pay for this and not the State of Illinois. And if any hospital...the only cost to any hospital, maximum will be fifty dollars a year, period. I solicit your Aye vote. I think this is a very important piece of legislation for the health and welfare of all the people of the State.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 1492 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 35, the Nays are 18, 11 Voting Present. Senate Bill 1492 having received the required constitutional majority is declared passed. Senator Chew, for what purpose do you arise?

SENATOR CHEW:

Personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

State your point.

SENATOR CHEW:

In the gallery in front of the President is...the Gillespie School, it's students and some of their teachers are here visiting us, and we'd like to acknowledge their presence.

PRESIDING OFFICER: (SENATOR BRUCE)

Would our guests please...stand and be recognized... they

are are standing, there. Welcome to Springfield. For what purpose does Senator Johns arise?

SENATOR JOHNS:

A point of personal privilege and I ask that the members respectfully listen, please. About thirty years ago, a man by the name of Homer Butler was a Senator, and he sat right down front where Senator Rupp sits now, and Ed Fernandes remembered him well and he passed away, and in just a few moments his funeral will start taking place in Marion, Illinois. And I just...I've entered a resolution honoring Senator Homer Butler, and I just ask that we pause just for a few moments to remember a colleague that has passed away and will be interred shortly.

PRESIDING OFFICER: (SENATOR BRUCE)

Could we all just stand for a moment of silence. Senator Maitland, for what purpose do you arise?

SENATOR MAITLAND:

Thank you, Mr. President. On a point of personal privilege, please.

PRESIDING OFFICER: (SENATOR BRUCE)

State your point.

SENATOR MAITLAND:

Mr. President, standing here, wandering all around, is a former colleague in...in this Chamber. He's my predecessor, former Senator Harber Hall. I'd like for the Chamber once again to recognize him.

PRESIDING OFFICER: (SENATOR BRUCE)

Welcome, Senator Hall. Senator Nimrod on 1521. For what purpose does Senator Vadalabene arise?

SENATOR VADALABENE:

Yes, I would like to ask Senator Harber Hall a question, please.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, perhaps he can run over to your desk and, Sam...

SENATOR VADALABENE:

Senator Harber Hall, do you have a convention center yet?

Yeah, do you have yours?

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Carroll on 1522. Is Senator Carroll on the Floor...in the phone booth? All right. Is there leave to...Senator Carroll has been called off the Floor, is there leave to return to that when he gets back? Leave is granted. And 1523. 1524, Senator Buzbee. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1524.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. This is an item that we have some interest in, it's an...a two thousand dollar...appropriation GRP to the Department of Public Aid for an equipment study, and I would be glad to answer any questions, otherwise, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall Senate Bill 1524 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 45, the Nays are 6, 2 Voting Present. Senate Bill 1524 having received the required...constitutional majority is declared passed. 1525, Senator Buzbee. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1525.

(Secretary reads title of bill)



SB 1606  
3rd Reading

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. This appropriates four thousand two hundred and fifty dollars in GRF to the Board of Higher Education to conduct a study of scientific equipment needs of public universities and community colleges, and I would be glad to answer any questions, otherwise, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1525 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 36, the Nays are 13, 3 Voting Present. Senate Bill 1525 having received the constitutional majority is declared passed. Senate Bill 1596. Senate Bill 1597. Senate Bill 1606, Senator Bruce. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1606.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. As amended, Senate Bill 1606 does three things. It insures that employers are not going to pay interest charges that are made against them for money that we borrow from the Federal Government to pay unemployment comp benefits. It redefines the trigger period for extended benefits and increases the requirements for which people would be eligible to receive those benefits. It will

toughen it up, knock about five thousand eight hundred people off, it will...save the fund a great deal of money. And I'd ask for your favorable consideration. All of these are compliance...Federal compliance requirements.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. Senator Bruce has done an admirable job with a very hairy situation. I urge support from our side.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 1606 pass. Those in favor will vote Aye. Those opposed voted 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 1606 having received the constitutional majority is declared passed. Senate Bill 1613, Senator Newhouse. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1613.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. 1613 amends the Comprehensive Health Planning Act. What it does, it eliminates the present board, it expands the size of the board to succeed it. That board then will include all the State agencies involved so that planning can take place in an orderly fashion. I'd like to answer any questions and ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1613 pass. Those in favor will vote Aye. Those

*SB 1632  
Received*

opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. Senator Newhouse. Senator Newhouse asks leave to postpone consideration. Leave is granted. Senate Bill 1632, Senator Taylor. Read...read the bill, Mr...Senator Taylor, for what...Senator Taylor.

SENATOR TAYLOR:

Thank you, Mr. President and members of the Body. This is to ask leave to return Senate Bill 1632 back to 2nd reading for the purpose of an amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. 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. 5 offered by Senator Taylor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Taylor.

SENATOR TAYLOR:

Thank you, Mr. President and members of the Body. Amendment No. 5 deletes everything after the enacting clause, eliminates the current board thirty days after the effective date of this Act, and...provide means for the appointment of seven new members. It increased the number needed for a quorum from three to four. It permits the authority, by resolution, to establish a salary or per diem allowance for the chairman. Provide there are no commission of the CHA who receive compensation under this Act may receive compensation from any other publicly entity. Mr. President and members of the Body, I have had this amendment distributed to each member of this House, and I have a letter here from the Secretary of Housing and Urban Development, and this is where this proposal came from. And I don't know if you have read it or not, and I think I should take the time and go through

it and read it. As another result of our ongoing review of Chicago Housing Authority, it has become obvious that a significant reorganization of the CHA is necessary if we are to restore it to a sound physical condition. Enclosed is a brief statement of the...current financial picture of the CHA. A quarterly, we proposed that the following steps...will be taken. You will request the resignation of all current CHA board of commissioners. You will appoint a blue ribbon panel of Chicago citizen which shall prepare a slate of nominees from which you can select with the HUD study group approval new commissioners. The blue ribbon panel should consist of objective, knowledgeable, independent and concerned citizens such as, the president of the four major universities, the University of Chicago, the University of Illinois, Loyola University of Chicago and Northwestern University, civic watchdog group representatives such as the Civic Federation, the Better Government Association, labor representatives such as Bill Lee and Al Harwood of Chicago Federation of Labor, Bob Gibson of the State Federation of Labor, representatives from the Chicago Housing Authority tenant group independent of CHA financial support, the representatives of the League of Women Voter...the panel will be briefed by the HUD study group of CHA physical and managerial circumstances and needs. The study group will act as a continual advisor to the panel and, subsequently, to the new commissioner and his executive director. There is much more to this pamphlet I have in my hand, and in respond to this, to Donald I. Hovde, under secretary of the Department of Housing and Urban Development, today issued the following statement regarding funds for Chicago Housing Authority withheld since March 31st. So we are today lifting the freeze on operating subsidies to the Chicago Housing Authority. I have asked the department staff to speed processing procedures so that funds which has been withheld will be forwarded to the

CHA at the earliest possible date. Our action respond to Chicago Mayor Jayne Byrne commendable initiative in proposing a...to work through the State Legislature to recast the CHA. Specifically, the mayor is asking that the Legislature to expand the CHA Board from five to seven member and to turn the board chairmanship into a full-time paid position. Secretary Samuel R. Pierce, Jr. has agreed to give the mayor until July the 15 to achieve the necessary results and is granting the moratorium on any other action in the matter by this department during this period. I know there has been quite a bit of controversial about this proposal, and that's why I've taken the time to read the letters so that you could understand just what was in the background of this measure. I solicit your support for the adoption of Amendment No. 5 to Senate Bill...1632.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. By my count, this is the seventh time you've trotted this beast out, Senator Taylor, twice in committee and this is the fifth time on the Senate Floor. I appreciate the documents you provided us with this morning, but I do have some concerns. One document is dated April 13th and that speaks to a seven-member CHA Board. The other document is undated, can you share...and that speaks to a five-member CHA Board. Can you share with us either the date or today's current position with respect to HUD?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Taylor.

SENATOR TAYLOR:

The date of the first document came prior to the one that you have of the 13th. Today I have not had any other information from them, other than what I'm working with here.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Degnan.

SENATOR DEGNAN:

So prior to April 13th, HUD talked to a five-member board. On April 13th, they released a news release talking to a seven-member board, but since then, they've remained silent?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Taylor.

SENATOR TAYLOR:

Prior to that, HUD had made the request for the five day. After they got the agreement from the mayor, they did agree that HUD reorganization plan was acceptable and that was for a seven-member board.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. First of all, I'd like to point out something as a matter of information. Senator Taylor, yesterday when you were asked about the possible reappointment of a current member of the board, you indicated that was not possible because the amendment read, "new commissioners." Now I have read that amendment over thoroughly, and I see nothing that says "new commissioners." It simply says, "seven commissioners," and I would like to know if this amendment will allow the reappointment of a current member to that particular authority?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Taylor.

SENATOR TAYLOR:

Thank you, very much. Senator DeAngelo, yesterday I had a different amendment. Today my...well...just one moment, please, but it will allow the appointment...reappointment of the members on the board today.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, perhaps I was reading the wrong...did you file this amendment today yesterday also, or was this a new amendment today?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Taylor.

SENATOR TAYLOR:

This is a new amendment today.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I'll dig in my wastepaper basket and I'll show you the wording, it's identical to this one, but that's okay. But...now I'd like to make a statement, if I could. First of all, quite frequently, we in the suburbs and other parts of Illinois are asked not to interfere with the commerce and the affairs of the City of Chicago, and I very strongly believe this. However, in this particular case, we are asked now to intercede in a matter that can very well be resolved by the City of Chicago by itself. So I don't know why the city is asking us to do something for them that they, in fact, can do by themselves.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Taylor.

SENATOR TAYLOR:

Mr. President...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Just, a moment. Was that a question, Senator? No, that was a statement, that wasn't a question, Senator. You can respond to that in your closing argument. Senator Rock, for what purpose do you arise?

SENATOR ROCK:

Well, I just wanted recognition.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Oh. Well, we have Senator Newhouse, Senator Mahar and yourself. Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Senator, when we discussed this bill at its fifth appearance yesterday, you indicated that you had not been in touch with HUD, is that correct? And I guess some of us assume that that absence of communication had spread throughout the universe, but immediately after the Session, I received a copy of an undated letter which is a very detailed suggestion of procedures and policies that apparently had been mailed from HUD to the Mayor of the City of Chicago, is that correct? Now on that record, it has asked for the resignation of all current CHA board commissioners, and yet, according to your statement today, those same commissioners can be reappointed the following day, what's the sense of this request, then? Would...could you explain that to me?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Taylor.

SENATOR TAYLOR:

The request was made by HUD that there be a reorganization and that is why we are here today to try to correct that problem. The Mayor of the City of Chicago cannot remove the chairman of CHA, that is done by the Department of Commerce and Community Affairs. That has been stated before, that's why we are here today.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Newhouse.

SENATOR NEWHOUSE:

Well, according to this letter, they are asking for the appointment of a five-member commission. Could you tell me when and under what circumstances that change was made?

PRESIDING OFFICER: (SENATOR DONNEWALD)



Senator Taylor.

SENATOR TAYLOR:

That change was made after an agreement between HUD and the Mayor of the City of Chicago when they talked and sent a letter to Secretary Pierce. He agreed with her suggestion, and that's why...the freeze on the...the money was lifted because of the fact that she had made the suggestion that they would move to a seven-member board and they would change the board.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Newhouse.

SENATOR NEWHOUSE:

I...I still fail to see, Senator, what is...what...what is accomplished by the addition of the two members? What's the logic of that?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Taylor.

SENATOR TAYLOR:

It would...it would make a larger board, one thing, Senator Newhouse.

SENATOR NEWHOUSE:

If...if that...that clears it up, Senator, and that is why this is a bad bill, there is no explanation for it. Let me just say this, if we're talking about reform, then I would suggest to you that, but for one item, reform is on the way. There are two commissioners there now who have every intention of trying to clean up the CHA. There is a third commissioner who on numerous occasions will vote for some of these very same measures. That isn't the problem any longer and it's not the problem of a numbers game. HUD has said very clearly it wants one thing, it wants that chairperson out, and this Body ought not be involved in making that kind of local decision. It's a bad bill, I think it ought to go down to a resounding defeat.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Mahar.

END OF REEL

REEL #4

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. Senator Taylor, I think you know that from my votes in committee and on the Floor that I am not dilatory when I have some concerns about this bill. I think the reason why we have it here is because of the structure, because DCCA has the power to disapprove so, therefore, we do have some say in what happens because they can overrule as you pointed out. But I notice after several amendments, you still have the item that I'm mainly concerned with, that I have received no answer to, and that is the question of salary. I just can't understand why, at this stage of the game, that we have to provide salaries when the only reason that I was given in the news media that this would get Swibel to quit by making the job a full-time job, and there's nothing in there that says it has to be a full-time job, and secondly, there's no reason why we should have to provide a salary to get a person to quit.

PRESIDING OFFICER: (SENATOR DONNEWALL)

Question of...was that a question of Senator Taylor? It's a statement, that wasn't a question. You can respond in your closing argument. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I hope everyone has had an opportunity to read these documents. I don't know why there's no date on the letter. It's a copy that was provided to me by someone other than the Mayor of Chicago, and it is from one, in my judgement, whom is a bureaucrat. And it says to the Mayor of Chicago, one, "You will request the resignation of all current CHA Board of Commissioners," that's what the letter says. Upon receipt

of the letter, I am reliably informed, that request was, in fact, made of all the board members. Some board members refused, and upon their refusal, other board members refused. Then came the stalemate, and that's the second document. Subsequent to that, when there was a great deal of Federal money at stake for the purpose of providing low-income housing, HUD said...with great magnanimity, we are today lifting the freeze on operating subsidies to the Chicago Housing Authority, which authority, by the way, Senator DeAngelis, is a creature of the State Legislature. It is not a creature of the Chicago City Council, we created it, we control it. So, HUD says on April 13th, "We're today lifting the freeze, and our action responds to Chicago Mayor Jane Byrne's commendable initiative in proposing to work through the State Legislature to recast the CHA." Specifically, the mayor is asking the Legislature to expand the board from five to seven members and to turn the board's chairmanship into a full-time paid position. Secretary...secretary of the United States Department of Housing and Urban Development, Samuel R. Pierce, has agreed to give the mayor until July 15th to achieve the necessary results and is granting a moratorium on any other actions in the matter by this department during that period. That's why we're here. The General Assembly has until July 15th according to HUD to respond to this initiative. Otherwise, we are jeopardizing a great deal of otherwise available money. And why we don't do it,...I just simply don't understand. We have been requested legitimately to respond to a request of the Federal Government who controls the purse strings of this agency, which agency this General Assembly created. I urge the adoption of Amendment No. 5.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

It is not...thank you, Mr. President. It is not we,

President Rock, it is not we who's causing all of this, it is Mr. Swibel, the bureaucrat, the man who authored this letter, this undersecretary who you referred to as a bureaucrat, this who says...sets up all of these conditions, I just spoke with him an hour ago on the phone from Washington. You want me to tell...I'll tell you what he has said. I will paraphrase in part, and then I will quote in part. They don't care if you expand the board, if you keep the board the same way it is, the same number, they don't care if you decrease the board, they want, and I quote, "Mr. Swibel off the board, they want a substantially improved operation, and they want good public housing in Chicago." It is not our problem, it is not the problem of the Department of Housing, it is Mr. Swibel's problem and Mayor Bryne's problem, and if Mr. Swibel were to step off that board today, the problem would be over.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. I remember when I was Mayor of the City of Decatur, we had a Decatur Housing Authority, and it was wonderful the influence and the power that the mayor had. What he could do was to submit names to the State for appointment to the board, and then it was gesundheit. That's all you could do. In this particular case, someone else does have to step in. The mayor cannot do it...herself or himself whoever it is. We down here have to step up and do something in order...because the mayors, the local people cannot do anything, the power...we might be able to do something by suggestion, shall I say, to the State board here, one of our own offices, but in lieu of that, we do not as local...we did not as local mayors have the authority to even appoint the people so we could never get rid of them either, and we had that question come up in Decatur, and we never could. We had a fine time getting rid of them...wait 'til the term ran out,

that was about it. And I think if the question in Chicago is so important right now, I think we should do something to help clean up the matter.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, yesterday it was alluded in a brief conversation that there was a conspiracy regarding all the amendments on this bill. I would like the record to show that the only conspiracy involved was my request of Senator Taylor to include on his bill by amendment the ability of the city council to be notified and to exercise eminent domain powers over to CHA. The purpose of this was that two places in my community and the community...residents asked me, since this is a creature of the State Legislature, to introduce these provisions. They wanted to know when this Chicago Housing Authority would come in and buy up property in the community without notification to any of the neighbors, and what they were going to do with the property. And I think, just like all of you who wish to be notified constantly of what's going on in your community, through the Department of Transportation, through IHDA, through every agency we have in the State, you want to know what's going on in your districts, so should the aldermen in a community be notified, so should the residents. Senators stood up here earlier on the Enterprise Zone Act, they were concerned that community groups know what's going on in their community and be notified of everything. All this conspiracy was to provide this notification to our local aldermen so they can have a voice with the community, if not the voice at least a knowledge that the Chicago Housing Authority was coming in, what their proposal was and what they intended to do. If there are legislators in this Body that think this is wrong, that our aldermen and our local community groups

should not be notified when the Chicago Housing Authority desires to do this, that's their prerogative. If they feel that their aldermen or their representatives...that's right, but this is a part of the conspiracy, Senator Collins...that if...they shouldn't be notified, that's their prerogative. I think it should be...this was the extent of the collusion or conspiracy...so-called conspiracy that was alluded to yesterday of our involvement on 1632. I think that the State Legislature does have a voice in this matter, they should get involved into, and if this is the way to do it, let's get on with it, pass this legislation out and move onto other business.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I voted for Senator Taylor's amendment yesterday because I thought we did need to resolve this problem. But I think now we better find out who the blazes does have the power to fire Charlie Swibel. Someone says it's the mayor, someone says it's not the mayor. Someone says it's the Governor, someone says it's not the Governor. Someone says it's the Department of...Community Affairs, and someone says, no. I heard Senator Rupp say that the mayors don't have much power. Somebody else says the Governor doesn't, this is nuts. Those positions exist. There are statutory provisions that deal with removal from office. Instead of playing games here again, and again, and again, I think we ought to leave the law exactly as it is, and whoever has the power to get him out better do it.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Rock. Senator Jeremiah Joyce, your light was on, did you...Senator Taylor may close.

SENATOR TAYLOR:

Thank you, Mr. President. To the previous speaker, Sena-

tor Netsch, the Department of Commerce and Community Affairs is the one who has the power to get rid of Charlie Swibel, if you deem that's the way to go, they has not. This Legislature Body today has that power because we created the Act, and we can do it through this amendment. For those person that they feel is important to the board, I would pledge my support to try and see that those persons are reappointed if they are that good of individual and can help make the Chicago Housing Authority work better than it has in the past. Mayor Byrne did not appoint Charlie Swibel. She inherit him, he was there at the time that she was elected. It is bad that some of the members from the City of Chicago have taken on their own to want to fight the Mayor of Chicago for...political vendetta, not for the good of the people of the public housing. I think she has made an honest effort, an honest attempt, in order to resolve this problem. And the portion of the bill that Senator Savickas mentioned, the eminent domain, the city council having approval, has been deleted from this bill. The portion that...Senator Mahar is concerned about, monies was mentioned in this program from Department of HUD seeking salaries for all commissioners, a per diem for all commissioners. They was the one who made the suggestion, not I. I'm only trying to fulfill this mandate in order that we might be able to keep good housing going and keep the money flowing to the City of Chicago for those people, as in my community, that need good housing. Surely if there is a problem there, I want to clean up as well as anyone. None of you could care any more about it than I do. You don't have Robert Taylor homes in your district. Jeremiah Joyce he live out in...out there in the Beverly Hills. That is no housing projects out there. You don't understand how the people in my community feel. I know how they feel and I want to...and change those problems that we have. This is the right way to go. I beg of you to sup-



port this amendment. It's a good amendment, and it'll go a long ways in solving the problem that we have. I solicit your support for Amendment No. 5 to Senate Bill...

PRESIDING OFFICER: (SENATOR DONNEWALD)

The question is...the question is, shall Amendment No. 5 to Senate Bill 1632 be adopted. 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 26, the Nays are 30. Amendment No. 5 to Senate Bill 1632 fails. Are there further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR DONNEWALD)

3rd reading. Senate Bill 1651. Read the bill, Mr. Secretary. Just a moment. Senator Bloom requests that Senate Bill 1651 be recalled for the purpose of amendment. Is there leave? Leave is granted. The bill is now on the Order of 2nd Reading. Senator Bloom.

SENATOR BLOOM:

Yes, thank you, Mr. President. I...I believe the...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Have to get the amendment number, Senator.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senator Bloom.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bloom.

SENATOR BLOOM:

Thank you. As you recall, this morning the Secretary couldn't find the amendment to make the record clear. I punished the Governor's Office and I was wrong. It was...the amendment was apparently stapled to another amendment. Alright, basically what this does is, I've Tabled bigger, longer, wider and discussed it with the Department of Trans-

portation, and they feel that perhaps they should go discuss this with the trucking association further, and in the meantime, this amendment would increase the fines for five thousand or more overweight trucks, raising it from thirteen cents to fifteen cents, or seven hundred and fifty dollars if you're five thousand pounds overweight, and would provide for semiannual inspections, and if you have four or more overweight convictions, you pay a two and a half thousand dollar fine per driver, not per company 'cause there are many trucks on the road. Basically, a spot-check in the St. Louis area has shown that one out of every three trucks in the Illinois and Missouri area that were inspected had serious mechanical defects. During this spot check they took four hundred and three big trucks and eighty-three drivers out of service. The most common violation of the safety standards was defective brakes. Nearly one-half of the trucks stopped with mechanical problems were carrying hazardous materials. This is a serious problem. I'll answer any questions, otherwise, ask for your support on this.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates he will.

SENATOR MAROVITZ:

Senator Bloom, just to clarify the difference in all these bills that are flying around here, keep on trucking around here or whatever, this bill...this amendment which becomes the bill, I presume, raises the limits to eighty thousand pounds. Does not...keeps...does it...alright.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Just a minute. Senator Bloom.

SENATOR BLOOM:

The amendment was...copies of the amendment were distributed this morning. As I said in my remarks, bigger, longer, wider is out. Okay? It just addresses the penalties for overweight now.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Marovitz.

SENATOR BLOOM:

There is no bigger, longer, wider on this amendment, or that I'm aware of that's filed for this bill anymore. Okay?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Marovitz.

SENATOR MAROVITZ:

Is there any way to anticipate the amount of penalties that will be...amount of money that will be produced from this money, judging by the history of the...of the department and the traffic on our highways?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bloom.

SENATOR BLOOM:

No, this is not a revenue generating bill. This is a bill just to increase the penalties for being overweight, whether it's over the State weight or the Federal weight.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Marovitz.

SENATOR MAROVITZ:

Well, that's...it seems fine and kind of innocuous. Obviously, this is going to be a vehicle, perhaps a truck, for whatever's to come back from the House. I think we all know that no bill is going to get out of here...that isn't bigger, longer, wider and doesn't...we all know that. The question is, I mean, where are we...are we just voting for some nebulous vehicle that's going to be settled in Conference Committee?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bloom.

SENATOR BLOOM:

That's a good...well, that's a good question, Senator Marovitz. My own judgement is that I don't think either side of the bigger, longer, wider issue can necessarily prevail in the Senate, and I seriously doubt whether either side of bigger, wider, longer will clearly prevail in the House. And my advice to the Department of Transportation was to go back and talk with the truckers, what do you folks want done in the meantime? They say, we would like to increase the penalties because of the spot-check that was recently done by the Federal Highway Safety folks in the St. Louis area. Now, that's as straightforward an answer as you're going to get from a colleague. I mean, I'm laying it right out, all cards on the table. I don't see this as a vehicle, 'cause I don't think that anything that they put into 1651 can necessarily gather support given the present breakage of the two factions. I've told them to go back together, we have better things to do with our time.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Chew.

SENATOR CHEW:

Thank you, Mr. President. A couple of questions to Senator Bloom.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates he will respond.

SENATOR CHEW:

Senator, the bill...the amendment to 1651 that we defeated on Tuesday, have you filed that amendment to be attached to 1651 again?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bloom.

SENATOR BLOOM:

I withdrew it this morning, Senator Chew.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Chew.

SENATOR CHEW:

Are you aware of any other member on your side with an identical amendment as we defeated on last Tuesday?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bloom.

SENATOR BLOOM:

Nope.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Chew.

SENATOR CHEW:

What is the purpose of attempting to gain ten million dollars through additional fines for the industry...the trucking industry? We've tried every way possible to get Illinois in the mainstream of America. That bill of mine last night would have left out of here looking like a Christmas tree with all of the innocuous amendments that were on there. Apparently, it was an attempt to kill the Chew bill, because strangely enough, that other amendment that was supposed to tailgate has not shown up this morning for 1651. Either we want heavier trucks, or we don't want heavier trucks. Very frankly, I think the State needs to...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Just...just a moment, Senator. Senator Bloom, for what purpose do you arise?

SENATOR BLOOM:

Yes, would you instruct the speaker to confine his remarks to the amendment. There is no bigger, longer, wider before this Body.

PRESIDING OFFICER: (SENATOR DONNEWALD)

We are...we are discussing the amendment, Senator Chew, Amendment No. 2 to Senate Bill 1651.

SENATOR CHEW:

Thank you, Mr. President. The speaker knows very well, and he doesn't take instructions, Senator Bloom. He can take a suggestion but not an instruction. We prepared long ago to avoid that. Now, what I'm saying is we've had a golden opportunity to get a bill out of here through amendments that was agreeable to most concerned and we failed. I rise to resist this amendment to raise an additional ten million dollars through additional law enforcement to ride up and down the highways following trucks for any other little minor infraction of the law that will be huge fines, so much so until a portion of this amendment goes up to twenty-five hundred dollars, I believe, if there are four convictions, and it does something pertaining...let me read this to you, "Extends safety inspections to interstate vehicles of Illinois carriers," Section 13-114 of the Vehicle Code. "Raises overweight fines for violations in excess of five thousand pounds overweight from twelve cents per pound to fifteen cents per pound. Provides that each person convicted of four or more overweight violations in a one year period shall be fined an additional twenty-five hundred dollars for the fourth and each subsequent conviction within that year." In other words, a trucker could be fined...if he were apprehended six times in one year, he could be fined five thousand dollars in addition to what the fines are now. This kind of amendment is repulsive to anybody who has any sense of commerce in the State of Illinois. We're going to have trucks on our highways whether...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator, could you conclude.

SENATOR CHEW:

...they're carrying fifty thousand pounds or five thousand pounds, they're going to be there. And I would ask everyone to vote against this amendment because it is absolutely useless to the State of Illinois other than than to

gouge again the truckers in the State of Illinois on additional fines, and they are fined heavily enough, plus the registration is the fourth largest in the United States on license plates. I would ask that we defeat this amendment.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Coffey.

SENATOR COFFEY:

Yes, Mr. President and members of the Senate, I rise in opposition of Amendment No. 2. Again, we're getting back to an issue that if, in fact, this amendment is necessary, it certainly should be studied. We have a Motor Vehicle Laws Commission that can deal with this problem if it is, in fact, a problem. All we're doing is putting another undue hardship on the trucking industry, and maybe that is just to punish them for supporting the bill...1202 the other day, I'm not sure what the reason is. But I want to make it real clear for the members that didn't understand the other day, at least on this side of the aisle, I'm rising in opposition of this amendment so no one misunderstands how I feel about this amendment. It also...in the bill which has not been explained, it also changes the...from...the weight...overweight from five hundred...from two thousand pounds to five hundred pounds, and I think that this Body ought to be aware of that. There are some other provisions in the bill that probably ought to be explained also. But if we're going to deal with an issue in the last few minutes of this deadline, I think we ought to know more about the issue and this thing should be studied. I was also informed that...and in all due respect to the sponsor of this amendment, and I think his intentions is good, saying that the industry was going to meet with the Department of Transportation in working this problem out. They haven't even contacted them yet. And that doesn't surprise me any, they didn't discuss it with them in the past when we was working

in 1202, and I think if we're...if we don't want to deal with eighty thousand pounds, let's let her all go down, and let us let them run free if that's what the wishes of this Body is.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bloom, you may close.

SENATOR BLOOM:

Alright. There's been so much misinformation generated by prior speakers on this amendment. I'll read it to you. It deletes everything after the enacting clause, and then if you turn to Page 2, they're talking about overweights and it says, "When the excess exceeds four thousand pounds and is five thousand pounds or less, then the penalty is raised to fifteen cents per pound, and in addition, any person, firm or corporation convicted of four or more violations of Section 15-111 of this Chapter within any twelve month period shall be fined an additional amount of two thousand five hundred, and for the fourth and each subsequent conviction within the twelve month period, providing, however, that with regard to the firm forth, et cetera, et cetera, it shall mean a fourth or subsequent conviction attributable to any one employee driver." That's it. There's nothing about reducing things down to five hundred pounds or more. The fact of the matter is...the fact of the matter is, that that spot-check showed that there are grossly overweight trucks. What we're talking about is, the two speakers against this amendment apparently think it's fine to be two and a half tons over the limit. Now, that's wrong. I've already told the IDOT folks to go back to the truckers and try and work something out, and this is not the answer to bigger, longer, wider by any stretch of the imagination, but it puts some teeth into doing something about highway safety and protecting our highways. And Lord knows where one of the prior speakers got ten million dollars. There sure has to be an awful lot of trucks running around that are two and a half tons over the limit for that



to happen. I see no reason why everybody in this Chamber should not be supportive of this amendment, and I ask you to vote Aye on the roll call. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is on the adoption of Amendment No. 2 to Senate Bill...1651. 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 31, the Nays are 25. Amendment No. 2 to Senate Bill 1651 is adopted. Alright. Senator Carroll. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Alright. The Chair was...and the Secretary was in error. We will now return the bill with leave of the Body, to 2nd reading. Is there leave? Leave is granted. The bill is back on the Order of 2nd Reading. There were two amendments filed.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis is recognized.

SENATOR DeANGELIS:

Mr. President, I'd like to withdraw Amendment No. 3.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave? The amendment is withdrawn.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 3 deals with a problem that all the

municipalities of the State have been facing of scofflaw violators, people who in fact obtain multiple parking violations and fail to pay or show up and defend after several notices. What this provides, as I understand it, with the agreement of the Secretary of State that there will be a procedure whereby after a minimum of ten such warrants have issued to a person, a notice will be sent to that person indicating that the Secretary of State shall suspend their license until such time as they have, in fact, responded to the warrant that had issued. There would be a warrant first with notice, followed sixty days later by the letter indicating the suspension should, in fact, the person not respond to the warrant. If the person does respond and clarifies their position, clears up the warrant, whether it's by payment or trial or whatever else, that would automatically reinstate the license. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Sommer.

SENATOR SOMMER:

Thank you, Mr. President. A question for Senator Carroll. My constituents for years have been plagued by parking tickets emanating from the City of Chicago, and they claim that they haven't been there. And in many cases it's quite provable they simply haven't been there, there might be elderly people or people who couldn't possibly have been there, and they...they get series of these tickets. I've had as many people...many...people with as many as fifty to seventy-five of these issued against their automobiles when they were not in town. Now, under your bill, the procedures apparently would kick-in and a warrant would issue, and they would have to go up and defend themselves. Is that not correct? If that's not correct, could you clear it up?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

That is not correct. Currently, the warrant, if...if, in fact, there had never been any information given in a case that you described, for example, to the Circuit Court of Cook County, in fact, today a warrant issues for their arrest. What this says is, sixty days after that warrant already allowed by law issues, there will be notice to the Secretary of State. It would be my understanding in those types of cases that, in fact, the notice to the court in Cook County would generally cause the warrant not to have issued in the first place.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sommer.

SENATOR SOMMER:

Well...well, our problem has been, Senator Carroll, who do you talk to? Sometimes you hit the right person, sometimes you don't. The lawyer...people go out and hire lawyers, they're even more at a loss as to what to do about this situation, and...and apparently, your...your amendment will put these people...these innocent people in more jeopardy, those who are guilty, of course, we don't defend.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

No, I don't think so, Senator Sommer, because again, this would be after at least twenty-two notices had been received by the purported violator to which there is a name and address where to respond.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Simms.

SENATOR SIMMS:

A question of the sponsor. Senator Carroll, how do you handle in the bill automobiles that are owned by leasing companies or...or on a fleet-leasing basis or belong to a

fleet of cars. How is that handled in your bill...amendment?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Again, that is the area of law that we had settled in a prior Session as to the liability on those tickets. This relates to the license plate and notification of the registered owner if, in fact, there is one in those cases. It does not deal specifically with that area.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Simms.

SENATOR SIMMS:

The second point, what Senator Sommers illustrated of people from downstate Illinois receiving traffic parking ticket violations from Chicago. Some counties downstate, the sheriff doesn't bother serving the warrants simply because they come from the County of Cook. What's going to happen in cases like this, Senator?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Again, the requirement here is that before this would trigger in, there had to have been notice actually sent to the purported violator, and then sixty days later this would trigger in. So, there would had to have been not only the service by the sheriff, rather than the notice that would go out from the circuit court, as would the notice in each ticket and then the follow up notice and then the third follow up.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Has this amendment been distributed?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Not being the Secretary of the Senate, I wouldn't know, but it was filed several days ago.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Joyce,...since it would be the sponsors responsibility to distribute, I suppose the answer...was not distributed.

SENATOR JEREMIAH JOYCE:

...this out of the record?

PRESIDING OFFICER: (SENATOR BRUCE)

No, well, under our rules, amendments do not have to be distributed unless it is requested by five Senators that they receive copies, and so if you are joined by four others, we can delay the proceedings, or perhaps the easiest thing is for Senator Carroll to permit you to have a copy of the amendment. We...we have other speakers, Senator Joyce, if we can get back to you. Alright, Senator Joyce, is that...while you review that, we'll get back to you. Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President. I was not asked the question, but I have the answer for Senator Sommers as to how you get hold of people. The legislators will get all of the phone calls. You will never see such traffic in your home office and on your telephone if this baby passes as you've ever seen before, and I think you all know what I'm talking about.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Gitz.

SENATOR GITZ:

Well, Mr. President and members of the Senate, I am...I think it's a good thing that we are going home in a short amount of time, because the longer we stay around here, it seems the crazier the things that we are going to be doing. This amendment says if you have ten parking tickets and the

Secretary of State is notified, you suspend the driver's license of that individual, quoting from the amendment, "Without prior hearing and do not remove that suspension or issue any license or permit until it's taken care of." Now, I submit to you that suspending somebody's driver's license for parking tickets is really going too far. There may be many elements, many ways to take care of it, but this is an amendment that appears at the eleventh hour, and to suspend a person's driver's license for parking tickets, I think, runs from the ridiculous to the sublime. I have...in many occasions, I know in my own district, been invited to participate in a public meeting, go to the public meeting which goes on for several hours, come out to be greeted by a parking ticket, not a very pleasant thing. Yeah, there are some people in our State that I'm sure run up all kinds of parking tickets, but even if there are some individuals that have abused that situation, to simply suspend a license on that kind of a premise, I think is simply unworthy of our consideration. I believe the proper thing to do with this amendment is to send it right down the drain.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator...Jeremiah...Senator Geo-Karis is...

SENATOR GEO-KARIS:

I...I move the previous question.

PRESIDING OFFICER: (SENATOR BRUCE)

...alright, I just have Senator Jeremiah Joyce anyway. So, Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

If Mr. Carroll...or Senator Carroll knows, do you know what happened to that grand idea that they had in Chicago where they were going to assign these tickets to a collection agency for collection for a percentage of the...and the collection agency would be paid a percentage of what they re-

covered?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

I have no idea.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Well, if I gave you a hypothetical, and I assigned to your law firm the responsibility, for a fee, of collecting these delinquencies or these parking fines, do you think it would be more or less helpful to your law firm in the collection process if the violator had hanging over his head this type of legislation?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

I do believe that you would not have this given out for a collection when, in fact, you could have the warrant issue and then the suspension. There would be no reason to go to a collection agency or any other such activity, and I think this would, in fact, stop such a practice if...if it, in fact, existed.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Who requested this legislation?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Several municipalities including Chicago and Peoria. Peoria loses about four hundred thousand dollars a year in unpaid parking tickets, and several others have statistics similar to that. Chicago, obviously, loses significant

dollars in unpaid parking tickets.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator...Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I'd just like to comment, you know, if I go to Kankakee and something about my license plates they don't like or something, if I don't get out of the car quick enough to put money in the meter, they put a ticket on it. I'd be out of business.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Bloom...and I would just remind the membership, it is now about three minutes 'til three, and this is an amendment to a bill that is still under consideration by the Body. Senator Bloom.

SENATOR BLOOM:

Well, for the record, I am not...not supportive of this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll may close.

SENATOR CARROLL:

Thank you, and I think...let me just respond to some of the other comments that were made since they were not questions. Senator Gitz misread the entire legislation by reading one sentence out of context. No, it is not a suspension for receiving ten moving...ten parking tickets, it is not a suspension for receiving ten parking tickets, but what it is, is for those people who are multiparking violators and do not respond, who after notice has gone out, they have received ten or more parking citations with notice to them and a second notice and in most counties a third notice on each and every one of those parking violation allegations, then they receive a warrant notice, a letter is sent to the address shown on their license suggesting that there is, in fact, a warrant out for their arrest for being a repeated



violator of the parking laws. What this amendment would say is, after all of that, sixty days later if they do not in some way respond to that warrant notice that the Secretary of State will suspend their license until such time as they respond to that warrant notice which again is a notice that you have totally ignored on at least two notices each in excess of ten parking violations. One, you're talking about a usage...or an abuse of the law, and two, the significant dollar impact of that. And again, the...the suspension is immediately lifted when, in fact, you respond to that warrant and warrant notice, whether you respond by going to court on each ticket, or if you are guilty and want to pay them, of paying those tickets or working out some other procedure. This is merely to give some teeth to those notices so, in fact, these people who just leave their car willingly anywhere and...and get flocks and flocks of tickets for parking violations, that someone can, in fact, enforce those laws. And I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is on the adoption of Amendment No. 3 to Senate Bill 1651. Those in favor say Aye. Opposed Nay. In the opinion of the Chair the negatives have it. The amendment is lost. Alright, let's have a roll call. It's now two minutes after three. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 21, the...the Nays are 34, 2 Voting Present. The amendment is lost. Is there request for a verification? Slightly after three o'clock. Alright. Is there...are there further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 4 offered by Senator Lemke.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

All this amendment does is...is reduces the driver's license fees for sixty-five and older and also for the handicapped to half price. I ask for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. For what...what purpose does...Senator Rupp, did you...Senator Bloom, for what purpose do you arise?

SENATOR BLOOM:

I don't think the sponsor has distributed the amendment. There's no copy of it on my desk. I wonder if he'd take it out of the record, as well as I'm sure...

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senator Bloom questions whether or not the...the amendment has been distributed. Senator Lemke, has it been distributed?

SENATOR LEMKE:

I...I don't know. It was filed this morning, that's up to the Secretary.

PRESIDING OFFICER: (SENATOR BRUCE)

Okay. The Secretary is not responsible under our rules for distribution. And if Senator Bloom is joined by five...four members in requesting it, we will make sure that copies are given. I see three hands, four, five. Alright. Senator Bloom, the net effect is that we will take your bill out of the record. Alright. Is there leave to take Senator Bloom's bill out of the record pending...Senator Lemke getting his amendments prepared? Alright, Senator Lemke, if you would just make...if you will make copies and distribute to, I think, the Chair realized...saw most of the hands on the left side of the Podium here. Perhaps if you distributed thirty copies, we could get right back to it. Senator Bloom, for what purpose do you arise?

SENATOR BLOOM:

Okay, I just wanted...will it be on the Calendar, please?

MB 1670  
3rd Reading

PRESIDING OFFICER: (SENATOR BRUCE)

What...what be on the...

SENATOR BLOOM:

It's out of the record and back...I'd like it back on the Order of 3rd where it was.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, let's just...alright, we'll just leave it on the Order of 2nd Reading, and we'll get back to it as soon as Senator Lenke distributes his amendments.

SENATOR BLOOM:

Beautiful.

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator Rupp arise?

SENATOR RUPP:

Mr. President, this might be an appropriate time. If the members have not had enough hot air or gas, I would like to remind everyone of the Kilngas display that's on the first floor. This is a joint venture by State and private enterprise to promote the use of Illinois coal, and I recommend that each of us take time to look at that display. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Thank you. Let...let's...why don't we just see...see if we can get back on 3rd reading and get a chance to...Senate Bill 1670. Senator Schaffer, are you ready to roll on that one? Alright. Read the bill, Mr. Secretary, please. We are on the Order of 3rd Reading. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes. This is related to Senator Rupp's announcement just now. I have one better than that. The Kilngas Plant is being constructed in my district. Be fine if we'd adjourn and all drive down there over the weekend.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. 1670, read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1670.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this is no longer that bill. Yesterday we put an amendment on and the amendment is, in effect, the agreement that was reached between the administration and the nursing home industry. It's a cost containment measure, it delays...in essence, delays the next scheduled increase in rates for six months. It's a one-time savings to the State of twenty-five million dollars. I don't think any of us are delighted to be doing it, but I think we almost have to. I don't know of any opposition, I don't know of any great enthusiasm either, but I think it's something that we do have to do. And be happy to answer any questions or would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield? Senator Schaffer, you said there...the nursing homes agreed to this? Did I understand you correctly? You are suspending for six months, right? And you say that this was an agreement worked out with the nursing homes?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

Yeah, it's...it's kind of a traditional agreement. It's, you know, like a Jesse James agreement, the guy has a gun to

your head. No, they aren't very happy about it, but we are arguing, frankly, over language. They recognize that things are rough this year in the budget, and I think they agree that this is the way to go, and if this is all we do to them, I guess they'll figure things weren't too bad. I would hardly describe their support of this bill as enthusiastic.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

Well, I...I had one other thing. I have some nursing homes in my area, and they have a tremendous hard time of even get the payments that they do have. If they're going to keep it like it is...are you going to spur up the payments of theirs where they can start receiving those things? Your behind.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Schaffer.

SENATOR SCHAFFER:

I should...I should have mentioned that one of the parts of the agreement is, in fact, adding some additional language which puts the State under that ninety day...or penalty provision so they are, in fact...they did get something out of the deal. They are going to get their bills paid in a much more timely fashion or else.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, I was...I was going to mention the one percent penalty too. No comment.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Schaffer may close.

SENATOR SCHAFFER:

Roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate bill 1670 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 7, none Voting Present. Senate Bill 1670 having received the required constitutional majority is declared passed. Senator Carroll has returned to the Floor and he...went off the Floor, we sought and received leave to go back to 1522. And Senator Philip, I know yours is the next bill, but we can perhaps get rid of this, and he has to go back off the Floor, I think, fairly soon. Senator...1522. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1522.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

This, like the last bill, coincidentally just voted on, was part of the attempts to come to some type of cost containment arrangement to help provide the needed services for the people of the State of Illinois but to do so within limited dollars available. This bill as now amended would be a fifteen day limitation at the costs of providing the service for hospital stay. I do not suspect it would stay in that form as we get closer to June 30th, but it is the hope that we can have some vehicle available, and this one would in itself be a potential limitation, but some vehicle available if we can reach some agreement on what, in fact, would be effective cost containment that would still provide services. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Schaffer.

SENATOR SCHAFFER:

I rise in support of this Chevrolet, and I commend Senator Carroll for his ability to sponsor concepts and ideas which promote economy, and for the life of me, I can't understand it.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there further discussion? Senator Johns.

SENATOR JOHNS:

I, too, rise in support. I've met with several hospital administrators and all the legislators in our area have been invited in and discussed it with them. Part of the problem with hospital administrators is they say that last year they were cut a hundred and six million dollars and they more or less bit the bullet last year, now I understand it's around three hundred million this year that they're being asked to absorb, and this particular piece of legislation, if I'm not mistaken, will help the hospitals stay alive especially in my rural areas, and I applaud Senator Carroll for his efforts and I hope that everybody will support it.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield? Senator Carroll, I understand that you were in a meeting with some of these hospital people today. Is this in regards to this particular matter?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Yes, coincidentally, they happened to be here for a meeting now and we discussed this bill in the discussions. Actually, what's been going on, for the edification of the membership, is under Senator Nash's committee auspices, we have been holding on a more than weekly but less that produc-

tive basis cost containment hearings with all of the provider groups, Senator Schaffer, myself, Nash and often Senator Nimrod, who have been meeting with the Department of Public Aid and all of the providers in an attempt to find a...an acceptable cost containment approach. Very honestly, to date, we have not resolved that. This is a potential and probably more important a...a ultimate vehicle should a solution come about. This in..of itself would be effective for giving the hospitals the actual costs were some miracle to happen and it be passed by the House, but more likely than that, it will be back to us to see if we can, in fact, resolve the entire issue of cost containment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall. Further discussion? The question is, shall Senate Bill 1522 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 1, none Voting Present. Senate Bill 1522 having received the required constitutional majority is declared passed. (Machine cut-off)...Philip on 1681 or do you wish to take Senator Bloom's bill first? Senator Philip. Read the bill, Mr. Secretary, please. 1681.

END OF REEL



Reel No. 5

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip asks leave of the Senate to return 1681 to the Order of 2nd Reading for the purpose of amendment. Is there leave? Leave is granted. The bill is on the Order of 2nd Reading. Are there amendments, Mr. Secretary, please?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 7 offered by Senator Philip.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 7 takes the existing bill with all of the amendments and reformats the bill to show that the RTA Act provision...

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator...

SENATOR PHILIP:

...for home rule.

PRESIDING OFFICER: (SENATOR BRUCE)

...excuse me, for what purpose does Senator Taylor arise?

SENATOR TAYLOR:

Has the amendment been distributed yet?

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Philip, have the...Senator Taylor wants to know if the amendments have been distributed.

SENATOR PHILIP:

I'll tell you what I...I have done. I've given Senator Rock and his staff a copy of the amendment. It's a large amendment, and unfortunately, the hour was late we wouldn't have time to reproduce it, but I'll have our staff bring one over to Senator Taylor immediately.

SENATOR TAYLOR:

Mr...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor.

SENATOR TAYLOR:

...Mr. President, I came prepared to stay all week if necessary. I'd like to see that the amendment is distributed properly, according to the rules of this House.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Taylor has made a request that he receive a copy of the amendment. Is he joined by four other Senators in requesting that copies be distributed? All right. Now...all right, Senator Taylor is joined by four others. Because this has come up again, let me just read the rule to the Body so that we know where we are. When requested...under Rule 15, when requested by five or more members, amendments shall be printed and made available to every Senator who requests a copy before the amendments may be voted upon on the Order of 2nd Reading. So, if those who wish a copy will make the request, we will make...I...I indicate to you that this is a lengthy amendment. All right, would the...if you want a copy, why don't you just...let's play second grade, raise your hand and the teacher here is going to take your names down, we'll make copies. Five members requested it, we make it available to those who request, so who...who needs a copy? I know Senator Johns, Senator Lemke, Senator Hall and Senator Savickas, Senator Gitz, Senator D'Arco, Senator Nash, Senator Demuzio. All right. It's all right, it's quarter after three, Gentlemen, we'll...we'll be here until whenever we complete. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

A point of information or point of order.

PRESIDING OFFICER: (SENATOR BRUCE)

State your point.

SENATOR DAVIDSON:

If we move to suspend the appropriate Rule 15 so...so it takes thirty votes to suspend that rule, we don't have to print that amendment at this time. Is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

No, Senator.

SENATOR DAVIDSON:

With that being the case?

PRESIDING OFFICER: (SENATOR BRUCE)

No, Senator, you've misread the rule. The rule requires that once five Senators request it, it must be printed and distributed to all who wish a copy. And the Chair reminds the members of the time and the length that we will be here. Senator Weaver, for what purpose do you arise? Wait a minute...wait a minute, Senator Weaver. Senator Davidson didn't get his question. Senator Davidson.

SENATOR DAVIDSON:

My question was, if we move to suspend that appropriate rule and there's thirty votes to suspend it, therefore, we would not have to print this amendment, correct?

PRESIDING OFFICER: (SENATOR BRUCE)

If the rule were suspended, we would not have to distribute it except for the fact the Constitution of the State of Illinois requires that amendments be prepared. Senator Weaver.

SENATOR WEAVER:

It shouldn't take more than a half hour or forty-five minutes to get this, so I move that we recess for a half hour and come back and...that will give us time to get the amendment, and you could all read it and we can act on it.

PRESIDING OFFICER: (SENATOR BRUCE)

Well...Senator Weaver, perhaps if you'd just hold that motion for a moment we can get back on track here. Senator

Philip, your...your bill is...for what purpose does Senator Savickas arise?

SENATOR SAVICKAS:

I understand that the House has adjourned until June the 8th, and maybe a motion should be made that we join them...in that adjournment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Weaver, for what purpose do you arise?

SENATOR WEAVER:

Well, Mr. President, I think that we have received Senator Lemke's amendment, so we can go ahead and act on that and continue while we're getting the amendments prepared.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Bloom, you're...everyone's ready on 1651? Senator Philip, we haven't adopted any amendments. We could just take your bill out of the record with...with leave to get right back to it after Senator Bloom. Senator Philip.

SENATOR PHILIP:

Are you coming right back to it, Mr. President?

PRESIDING OFFICER: (SENATOR BRUCE)

That's what I said, as soon...

SENATOR PHILIP:

That's fine...fine.

PRESIDING OFFICER: (SENATOR BRUCE)

...we're just...I'm trying to get everyone back on track. Amendments have...Senator Lemke's amendment has been printed and the...Senator Philip, the Chair takes recognition that you have two amendments, and perhaps we should be making about ourselves getting two amendments copied anticipating...okay. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Yes, for the purpose of making a motion. I...I move that we go to the Order of Motions in Writing.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, we're...we have another motion on the Floor, so we'll get to you in the order, and we will get to that when it deserves to be gotten to. All right. Senator Bloom, you left your bill on the Order of 2nd Reading. It is on 2nd reading, and we are back to the order with leave of this Body to 1651, and with an amendment, I think. Mr. Secretary, do we have amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 4 by Senator Lemke.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke is recognized.

SENATOR LEMKE:

What this bill does is...is it changes the age to sixty-five for senior citizens in reducing the driver's license fee to four dollars. It also adds...handicapped people, reduced their fee to four dollars. I think it's a good amendment. Since the State isn't getting additional money by this...I think it's time for us to share with some people that need it.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt. Is there discussion? Senator Bloom.

SENATOR BLOOM:

Well, there are two problems with this. The first is, it does not technically track with the bill in its present form. And so, I would seek to have the Chair say it's out of order. The other problem is that this is basically Senate Bill 94, and it would have a significant adverse effect on the Driver's Education Fund which is not fully funded right now. But I would suggest it technically doesn't track and I think it's out of order.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator...Senator Bloom. The Chair is advised by the Secretary, we've adopted Amendments 2 and this

would be Amendment 4, and Amendments...Amendment No. 3 was lost and Amendment No. 1 was lost earlier. In reviewing the legislation, Senator Lemke's amendment amends Section 6-118. And a quick review of all the amendments that the Chair can find, no other amendment amended Section 6-118, and that being the case, then the amendment would be in order. Senator Bloom.

SENATOR BLOOM:

Okay, and so you're saying it is germane and it does not...it does technically track.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, it...it tracks. If you question the germaneness, that's another question. It...it is not out of order, it...it fits the bill.

SENATOR BLOOM:

Okay. Okay. Is it germane?

PRESIDING OFFICER: (SENATOR BRUCE)

Let's see, at three-twenty...

SENATOR BLOOM:

Well, I don't...I don't want to belabor this.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, I...

SENATOR BLOOM:

I've already said it...I've already mentioned the merits...

PRESIDING OFFICER: (SENATOR BRUCE)

All right, the...

SENATOR BLOOM:

...of the thing, but I don't want to unduly burden the Body. I...we're waiting around for...

PRESIDING OFFICER: (SENATOR BRUCE)

Yeah, right... The Chair would rule that it amends the Vehicle Code, and therefore, in the broadest interpretation, it is germane. And the Chair relies upon the membership to

give him guidance in these things. Senator Bloom, on the...on the amendment.

SENATOR BLOOM:

Okay, on the amendment. As I said, this is Senate Bill 94, reborn, and although it has a minimal fiscal impact on the Road Fund, it has a significant impact on the Driver's Education Fund which we are unable to fully fund presently. I urge its rejection. Plus...yes, and this may, well...said enough.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom, have you completed?

SENATOR BLOOM:

Sort of.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Thank...thank you, Mr. President. Does the State Mandates Act apply?

PRESIDING OFFICER: (SENATOR BRUCE)

Well, it's...it only affects State revenue, and so it would not apply because we're not affecting local government.

SENATOR MAITLAND:

Well...well, in fact, it does, if it affects the Driver's Education Fund. We're taking money from...from that school district by reducing the available revenue to the Driver Education Fund.

PRESIDING OFFICER: (SENATOR BRUCE)

No, my...my ruling is that the State Mandates Act does not apply, because the Driver's Education Fund is funded by the State, and if we take that money and put it somewhere else, we have the option of adding general revenue or any other thing to it. The State Mandates Act applies when we are affecting the revenues received by local units of government, and this does not affect any unit of local government.

It might indirectly, but it certainly...this legislative Body could respond to that and so we...we are not. Senator Maitland.

SENATOR MAITLAND:

...could...could we have some indication then, the loss in revenue so that this indirect revenue that's not going to be going to local units of government, we'll know what it is?

PRESIDING OFFICER: (SENATOR BRUCE)

Yeah, Senator Lemke, question. Senator Lemke.

SENATOR LEMKE:

I don't think there'll be any loss because Senator Bloom's bill increases revenue, so this just takes some of the increase, so there's not really a loss.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland, I...

SENATOR MAITLAND:

Well...well, that's beautiful, Senator Lemke, you got a great laugh, but it was a dumb answer. We're talking about two different kinds of revenue, and I'm just curious to know how much this is going to cost the Driver Education Fund. I want a simple answer.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

Really nothing, 'cause it'll be up to the...the Governor, he could easily take the money from this increase and put it in the Driver's Education Fee.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Maitland.

SENATOR MAITLAND:

Well, Senator Lemke, you don't know how the Driver Education Fund is funded. It's not funded that way, and I...I...I really think the Body needs to know what the loss in revenue is, and I ask you once again for the simple



answer.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LEMKE:

My understanding, the loss revenue is...is way under a million dollars.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Oh, Senator Maitland, I'm sorry. Senator Maitland.

SENATOR MAITLAND:

What was...what was the response?

PRESIDING OFFICER: (SENATOR BRUCE)

Way under a million dollars, was the...

SENATOR MAITLAND:

Way under a million dollars. Well, you know, I...I think that the point has been made. It's...it's a dumb amendment and should be defeated.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Well, Mr. President and members of the Senate. I rise in opposition to this. This is the same as either Senate Bill 94 or Senate Bill 95 which was sponsored by Senator Lenke a year ago. They were assigned to the Committee on Transportation, in the case of 94 and 95 never did get out of the Committee on Assignment of Bills. And neither bill, neither bill, was ever called for a hearing in Transportation a year ago. And with that kind of history, this needs to be buried where it should be because it's more than a million dollars. It's a known fact that at least twenty percent of our population of Illinois are...over sixty-five, that's two million plus people. Suppose a million of them drive, that's four dollars a minimum...at four dollars a license, that's four million dollars a year. This what goes into the Driver's

Education Fund of which some of you were screaming to us to fund higher so the Driver's Education Fund would be paid for out of the fund it should be and not by local taxpayers out of the Common School Fund. This is a bad bill and if you remember the article just last week that senior citizens are not near as bad off as we try to paint them into, they're willing to pay their own share. This is a...deserves to be buried as it should, and I urge all of you to vote No.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. This is somewhat reminiscent of a few years ago when, I think, Senator Philip had a bill that was going to...that was going to reduce the license plate fees for senior citizens. That was a bad idea then, this is a bad idea now. Those of you who are interested in keeping driver education as a requirement in the State of Illinois know that we don't have sufficient funds in that Driver Education Fund, as Senator Maitland stated, to fully fund that program now. So whatever the figure is, whether it's anywhere ranging from that under one million...considerably under one million to four million, whatever it may be, it's more than we can afford. This is a bad idea and it ought to be defeated.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collin...or...or Grothberg...Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President, fellow members. I can stay as long as anybody, but stuff like this just can't be allowed and somebody better continue to speak against it, because more than the fifty-five years of age and up control eighty percent of all the deposits in the savings and loans institutions and make a quarter of all the consumer purchases. Somebody has to have a car to...to...or be related to a car

to have a drivers license. We're not talking about the destitute senior citizens for which we all have compassion, but this is just addressing the wrong population when you start out, because by and large, the age group you're talking about have more money than the younger group that does all the driving. They're probably the ones that should get the break, let's kill it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Leake may close.

SENATOR LEMKE:

Well, just to correct Senator Davidson. This was given a hearing and I was told by the chairman, Chairman Chew, that this would be attached to, at that time, Senator Rock's package, Road Fund package, which it was. We adopted that amendment, attached it to the package. But...we...we're forgetting another element of society who doesn't...is not as fortunate as some of the other seniors that are wealthy and that's the handicapped and the disabled. They have a hard time getting a job, they have a hard time working, and they need their automobile and this assists them. Now if there's a loss to the Driver's Education Fund, then I would suggest that the Governor, since he's getting all this revenue from overweight trucks and so forth, that some of that money go into that Driver's Education Fund because that indirectly will also assist in the future cutting down the necessary things for the Road Fund. Now, I think that this is a good amendment, and I think if...it's...it's...it's upon us that when we start talking about increasing revenues from other drivers that we share in giving some of those benefits to the less fortunate, that's the handicapped and the senior citizens that aren't wealthy. And to correct it that three...it's going to be four million dollars, well the driver's license in this State are issued on three years, so

that wouldn't be...in Senator Davidson's own thing, it's a little bit over a million. So, I think that this is a good amendment, I ask for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 4 to Senate Bill 1651. Those in favor say Aye. Those opposed Nay. All right, there's been a request for a roll call. Those in favor vote Aye. Those opposed will vote Nay. The voting is open at three thirty-one. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 26, the Nays are 29, the motion is lost. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. It's three thirty-one, three thirty-two close. Senator Philip. The Chair agreed that we would go back to your bill if your amendments were distributed. Are...are they? Senator Philip, have they been distributed?  
SENATOR PHILIP:

Mr. President, I have the one amendment on my desk, I see the other one here, too. I...I know the one has, I'm not sure about the second amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Perhaps we can start. If...if number one has been distributed...go with that one and then...I am...I am...

SENATOR PHILIP:

Unfortunately, Mr. President, the large one is the first amendment. The one page amendment is the second amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Donnewald, for what purpose do you arise?

SENATOR DONNEWALD:

Well, to...make a couple of announcements. I think that this might be appropriate that I move that we waive the Six

Day Rule for all House Bills coming out of the Rules Committee until June 11th. That's the first motion I'd like to make at this time.

PRESIDING OFFICER: (SENATOR BRUCE)

You...you've heard the motion. Is there discussion of the motion? All in favor say Aye. Opposed Nay. The Ayes have it. The motion to suspend the rule is adopted. Senator Donnewald.

SENATOR DONNEWALD:

Yes, the...the other motion, I would like to move House Bill 2464 from Judiciary I to Finance and Credit Regulations Committee. That was inadvertently misplaced.

PRESIDING OFFICER: (SENATOR BRUCE)

Heard the motion. Discussion of the motion? All in favor say Aye. Opposed Nay. The Ayes have it and the bill is so transferred. Now, Senator Donnewald had a couple of announcements. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Well, I...I distinctly heard Senator Donnewald make a motion. I understand that we are on the Order of Motions and I move that we go to the Order of Motions in Writing.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, at three thirty-four...we're still on 3rd reading, Senator. We're...Senator Demuzio.

SENATOR DEMUZIO:

Mr...Mr. President, I have made a motion that we go to Motions in Writing.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Demuzio has moved that we go out of the ordinary course of business to go to the Order of Motions in Writing. All in favor say Aye. Opposed Nay. It's the opinion of the Chair the negatives have it, and the motion is lost. Senator Simms, for what purpose do you arise?

SENATOR SIMMS:

...Mr. President, I would like to have leave to go to the Order of Postponed Consideration for the purpose of returning a bill to 2nd reading for the purposes of Tabling an amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

We plan to get to the Order of Consideration Postponed after everyone has got a shot the first time through. All right. For what purpose does Senator Grotberg arise?

SENATOR GROTBERG:

On a point of personal privilege, really, Mr. President. For the last hour, everybody walking by my desk has been saying, when are we going to get out? Mr. President reiterates every two minutes what time it is. Isn't it a damn shame if we'd have to put in a day's work on a Thursday. You know, call the airport and tell them you're not going to get on the plane. Do something, but I think it's an insult to the people of Illinois and to this Body to get nervous. Most of the employees of the State of Illinois are going to work till four-thirty today. Can you imagine that? Now, that's how I feel about it, fellow Senators, I just wanted to express myself. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, just so that you understand, Senator Grotberg, we're paying our electrician down here twenty-two dollars an hour, and even twenty-two dollars concerns the Chair. Thank you. All right. Senator Berning, for what purpose do you arise?

SENATOR BERNING:

Well, Mr. President, I think none of us would really be upset or irritated if we were attending to business, but the dilatory tactics that have been going on for the last four hours are enough to irritate not only the Senators but the citizens of the State of Illinois, and I think it's sad that

we are here all these hours.

PRESIDING OFFICER: (SENATOR BRUCE)

Gentlemen, if we can get back, we would get out of here.

Senator Totten.

SENATOR TOTTEN:

Thank you, Mr. President. I just wanted to know how I could get the job of the electrician.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion of anything? All right. Senator Bloom. Is Senator Bloom on the Floor? Senator Bloom, you've had a lot of... 1425 is still on the Calendar. I... thought perhaps... Senator Gitz on... Senator Buzbee and Senator Carroll on registration and education. Could we get to that bill. I see a lot of nods, Senator Bloom. With leave of the Body, we'll return to Senate Bill 1425. 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:

Yes, thank you, Mr. President and fellow Senators. The director of R and E has changed his underwear, and I believe that the questions that the chairman and Minority Spokesman had have been answered. This is the ordinary and contingent expenses, 7.6 million. I'll try and answer any questions, otherwise, ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? The question is, shall Senate Bill 1425 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50,

the Nays are 3, 2 Voting Present. Senate Bill 1425 having received the required constitutional majority is declared passed. Senator Buzbee, did you plan to call 1596? All right. Okay. Senator Bloom, we've now had intervening business on your 1651. Did you wish to call that now, Senator Bloom?

SENATOR BLOOM:

Sure, why not.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. With leave of the Body, we'll go to Senate Bill 1651. Leave is granted. Read the bill, Mr. Secretary, please. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1651.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Well, the bill has been fulsomely discussed. It raises the overweight fines for violations for those that are in excess of five thousand pounds from twelve cents to fifteen cents a pound. Provides that each person convicted of four or more overweight violations in a twelve month period shall be fined an additional twenty-five hundred. It's in response to some safety inspections that have been done where they discovered that many of the trucks had mechanical defects, mainly breaks, eighty percent of which, in this particular spot, checked were transporting hazardous materials, and it extends safety inspections to interstate vehicles. Try and answer any questions, otherwise, seek a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Chew.

SENATOR CHEW:



Thank you, Mr. President. I think the entire bill should be defeated and we go on and take care whatever else is left on the Calendar because this is just a time-consuming waste of time of people that have other things to do. I would hope that everybody would vote against the entire bill, it's of no value to the State of Illinois, the trucking industry or maybe to the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Gitz.

SENATOR GITZ:

Well, I would point out, I hope that people have looked at the amendment because we are not only talking about fines for overweight but also subjecting intrastate based trucks to a brand new set of regulations, examinations, inspections. And if you have looked and dealt with and talked with some of the operations within the State of Illinois, I am not sure you want to do that without thinking it through very, very carefully. But it's dealer's choice, everybody will do as they please.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion...Senator Berman.

SENATOR BERMAN:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Berman.

SENATOR BERMAN:

Senator Bloom, aside from all of the machinations that this bill and Senator Chew's bill have been put through in the past couple of days, a number of us are concerned that Illinois does something to obtain revenue from the new heavier trucks that are going to be allowed, apparently, by Congressional action. Would you explain to me what bills or what the program will be; A, if this bill passes; or B, if this bill doesn't pass, so that the State of Illinois doesn't

get shut out from revenue that we ought to be able to obtain.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Thank you, Senator Berman, that's a very good question. And I have instructed the people from IDOT to go back and talk with the truckers, and they in turn have given me this particular...this particular feature which basically is a safety mechanism. If there is no Statute on the books, then the Surface Transportation Act of 1982 will mandate going from eighteen thousand to twenty thousand pounds and carrying up to eighty thousand loads without any revenue generated. This bill now is a safety bill, if you will. And to correct a mistatement by a prior speaker, it extends safety inspections to interstate, not intrastate, they already have inspections for intrastate. Does that answer your question?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

What I want to know is, are you willing...do you think that there are votes in both Chambers to pass a revenue bill, not a safety bill, but a revenue bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Yes, I think there are votes, but the way the cleavage is now, there are not enough votes for either side in their present positions to pass a revenue bill, so they have to get together and they have to work out something.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Is there any indication to your knowledge of some other method besides passing this, what I really say is, an

innocuous bill at this point? Is there another method to achieve a revenue bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Well, you know, nothing is ever dead in the General Assembly. That's a very good answer, if you know what I mean. Is there another method,...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BLOOM:

...you know, bills have been resuscitated over and over again here in one form or another.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Well, I would just feel much more comfortable if I could have some comment from somebody on the record that there is a plan available that will not embarrass us if this bill doesn't pass, but that there will be another opportunity to pass a revenue bill dealing with transportation and the big trucks.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well, I would...in the same vein as Senator Berman's question, which is the same concern that I had and expressed to you, Senator Bloom. Might it not be the truckers philosophy, or strategy, or game plan to...to let nothing...no revenue matter pass, hoping that Congress would increase the weight limits throughout the country, and then they'd have the weight limits that they want with no tax or no penalty, no revenue matter whatsoever and they're home scot-free getting one hundred percent of what they want and

we're out. Now that's...if that's the game plan, let's lay it before the Assembly and let's say what it is.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Well, Senator Marovitz, that thought has crossed the minds of knowledgeable observers. Yes, that does concern me, I would like this to pass out of this Chamber, and as I have said, I've told the IDOT folks to go back to the trucking folks and try and work on a compromise on the matter.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

If I'm a trucker, I'm going to stall and negotiate as long as I can. I mean the IDOT folks...and rather the truckers, they've got...they got all the leverage in the world. I mean, why...why negotiate, why give anything, why...why go to first base or second base? The...the time is on their side.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Chew, for a second time.

Senator Chew.

SENATOR CHEW:

Just to answer two questions. Senator Marovitz, the truckers are in agreement to the tone of thirty million dollars, explained yesterday in plain English, they agreed to that, that's on 1202. The truckers know very well this legislation we're debating now is a gimmick to cause them to do all of the things that this will do, which is totally discrimination against motoring public. There are three vehicles alive that will generate fifty...thirty million dollars, that's agreed upon by the truckers. The truckers, and I want to emphasize this, are not attempting in any way to escape or stall until the Federal Government mandates it. The truckers are not in agreement to pay fifty million

dollars, and they should not be, because there's been no established report by anybody, by anybody, that the potential damage would even come near fifty million dollars. As I said yesterday, why gouge your truckers, and that's exactly what fifty million dollars will do. Now, that answers your question, that answers Senator Berman's question. There are vehicles alive that the truckers have agreed on thirty million dollars.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Bloom may close.

SENATOR BLOOM:

Well, I'd seek a favorable roll call. In the meantime, we do have to address the safety problem, and I think that the facts shown from that spot-check that there are trucks on our...large trucks on our highway with serious mechanical defects, and as the spot-check showed, eighty percent of those trucks with bad breaks were carrying...transporting hazardous materials. So I'd seek a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 1651 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 27, the Nays are 21, 3 Voting Present. Senate Bill 1651 having failed to receive a constitutional majority is declared lost. Senate Bill...Senator Philip, has your amendment been distributed? All right. I...I think that the membership that desired a copy have received copies. 1681, Mr. Secretary, read the bill, please. Is there leave to return the bill to the Order of 2nd Reading for the purpose of an amendment? Leave is granted. The bill is on the Order of 2nd Reading. Are there amendments, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 7, by Senator Philip.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip is recognized.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No...7 takes the existing bill with all of the amendments and reformats the bill to show that the RTA Act provisions on home rule powers and taxing bonding powers remain and continue to exist. I move the adoption of Amendment No. 7.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 7. Discussion? All in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 7 is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 8, Senator Philip.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip is recognized on Amendment No. 8.

SENATOR PHILIP:

Thank...thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 8 to Senate Bill 1681 merely takes out the one-thirty-second and two-thirty-seconds State subsidies from the six-county area. I move its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 8. Discussion?  
Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. This is hardly a merely amendment. By virtue of Amendment No. 8, Senator Philip accurately described what it does. It removes any provision for State subsidy. Now the whole idea of this bill and the other bill was that there would be a State subsidy upon proper and acceptable, apparently, reorganization of the umbrella authority in the underauthorities. Now, we have gone along with that, and said all along that whatever reorganization is

reasonable, we will certainly accept. But there has to be recognition on the part of the State that a State subsidy is required. This amendment just wipes that out, and I rise in strong opposition to Amendment No. 8. It ought to go down to resounding defeat whether it's one-thirty-second, two-thirty-seconds, three-thirty-seconds, whatever it is, there has to be as a matter of public policy recognition of the fact that public transportation is deserving of a State subsidy. We can argue about the amount, but there is no one, I suggest, no one, who will not admit that a State subsidy is essential, and to knock this out, just flies in the face of that acceptable admission. I urge the defeat of Amendment No. 8.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Philip may close.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Am I to assume, President Rock, if this amendment is defeated, you'll support the proposition?

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cutoff)...Rock.

SENATOR ROCK:

No.

SENATOR PHILIP:

Well, just to set the record straight, Senator, I am for a State subsidy. Nobody, at this point, can tell you in what kind of shape the RTA is in and how much money we will need. Also I've got some downstaters that would like to see a State-wide road program. They're not willing to give us the one-thirty-second or two-thirty-second until there is some kind of a downstate road program put together. Now, what I'm suggesting is to put this amendment on, pass this bill over to the House, and later during this Session, perhaps we can

work out something for downstate roads and something for mass transit in northeastern Illinois.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is on the adoption of Amendment No. 8. There's been a request for a roll call. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 25, Amendment No. 8 is adopted.

(Machine cutoff)...other amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. All right. Now, we had...we have...Senator Davidson and Senator Berman, you have formula bills, did you wish to recommit those to committee? Senator Berman moves to recommit Senate Bill 1597 and Senator Davidson...moves to recommit Senate Bill 1490 to the Committee on Elementary and Secondary Education. On the motion to recommit, all in favor say Aye. Opposed Nay. The Ayes have it and the two bills are recommitted to the Committee on Elementary and Secondary Education. Senator Buzbee, 1596, did you wish...it's the last call, we're going to go through the Calendar one last time. Senator Carroll told me he did not wish to call 1523. Senator Buzbee, did you wish to call that?

SENATOR BUZBEE:

No.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Did you wish...you want to recommit that, Senator Buzbee, so we can...all right. Leave it on the Calendar. Senator Taylor...all right. Senator Philip, we've had intervening business, we've recommitted a couple of bills. Senator Philip, are you ready? Read the bill, Mr. Secretary, please. Senate Bill 1681.



ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1681.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

Well, you know, the hour is late, we've certainly debated this subject for a good number of months, days and years. The amendment has been around, the bill has been around. There's been some suggestions made because of the time being late that I don't go into the full details and answer some questions. I might like to make a few brief comments though. As I want to compliment the Chicago Association of Commerce and Industry and their staff for working so hard to put this piece of legislation together. As you know, they've been working on it for over a year. Their only intent, and I would say this again, their only intent is to get people from the suburbs to Chicago to work and back again, and to make it a responsible well-working system. There isn't any other implications in regards to the mayor, your side of the aisle, my side of the aisle. I will be happy during this Session to work with both parties, with the mayor to work something out that's reasonable for anybody...for everybody. Also when it comes to the downstate road program, I have been for the downstate program, I will sit down with anybody at anytime and try to work out a downstate program. We all know what it's about. This new board, if it does become law, certainly is going to have teeth, and I think that's what we've needed all along. We need something that has some control over mass transit. We think this bill happens to do it. I'll be happy to answer any questions, and I would ask for your favorable support.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator...Senator Rock. Senator Sangmeister. Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, just a couple of quick questions. Senator Philip, you know, this bill has been amended so many times, I just want to make sure of two things as far as I'm concerned before voting on this thing. One thing, the opt-out is still in the bill, right, with all these amendments, it's still in there?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

That is absolutely correct.

SENATOR SANGMEISTER:

All right. And there will be no additional subsidy...of one-thirty-second or any kind from the district to this agency. Is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

That is correct.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. It's somewhat sad because there were some very good and right things in the bill as it was proposed. There were also some provisions, as you know, that were troublesome. But you just did it, Senator Philip, there is no way that those of us who have been firmly committed to a strong Regional Transportation Authority would vote for any plan of this sort without some indication of State subsidy.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Buzbee.

SENATOR BUZBEE:

Yes, a question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Buzbee.

SENATOR BUZBEE:

Senator Philip, how would you propose that this transportation authority have sufficient revenue to operate since you have wiped out any revenue from the State of Illinois to them? We all know that there is no way that they're going to be able to generate internally sufficient funds to operate on.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

Well, as you know, we have left in the one-cent for Cook County and the quarter-cents for the collar county plus the fair box. We think duplications of route and perhaps the...the cooperation in buying fuel and insurances that we could save a great deal of money. Nobody will ever know until we get in there and have a good look at exactly what's going on. Every time I've negotiated, one time they're a hundred and twenty million short, the next time they're eighty million short, the next time it's seventy million short, I don't know how many times they were going to close the CTA down and the RTA down during the last Session. Nobody really knows, Senator.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee.

SENATOR BUZBEE:

Well, as you know, the RTA, about as close as it gets to my district is about three hundred and fifty miles away. However, if you look at the mass transportation systems across the United States, there are none of them that can operate without subsidies. Now, I don't know, Senator Philip,

how much the proposed savings that you have advocated, how much revenue that is actually going to save. From what little bit I know about it, the one-cent and the one-quarter cent and the combining of the insurance and the elimination of duplication of...of routes, et cetera is not going to be sufficient to keep this system operating. As I said, the closest the RTA comes to my district is three hundred and fifty miles, but I'll tell you how my district is directly affected. If that area of the State where you preside...where you...you reside, Senator Philip, and where a good number of my colleagues here from the City of Chicago reside, if there is not adequate mass transportation, there is not going to be a market for the corn that is grown in my district or the apples because that area is going to close down if folks can't get to work there. So I do have a commitment, and I have always advocated that there has to be some public subsidy. I, like all the rest of the downstaters, want to see our share of highway funds. But it seems to me that your approach here is kind of like the overly simplistic taxpayer, irate taxpayer, that when we talk about needing an additional three hundred million dollars in revenue says, well, why don't you make them stop buying two typewriters in that office when they only need one. You know, I'm all for making them stop buying two typewriters, I'm all for making them stop having two buses and one route if they only need one. But the fact of the matter is that's not going to generate sufficient revenue to keep the system in operation. So, I think your approach is an overly simplistic one of saying, we're not going to have any State subsidy to the Regional Transportation Authority, and you can use that against me all you want to in my campaign, I'll defend in my district all day long the fact that we have to give some subsidy to the folks in the six northeastern counties of this State because that's where sixty percent of the

population is and about eighty-five or ninety percent of the commerce is and where most of the revenue comes from that operates our State on. And I think that if we don't keep a viable transportation system there going, the whole State is going to go down the tubes.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Just a question, Mr. President. Senator Philip, you indicated that the Chamber of Commerce worked on this for a year with you and some other groups, do they approve of the amendments stripping the State's participation on the three-thirty-seconds? Was that with their approval, or is this just your own?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

Senator Savickas, they've been down here this entire week. It was at their suggestion that we do that because we didn't think we could pass the bill any other way. They feel, like I do, there should be a State subsidy. But first of all, you have to have a structure, you have to get control of the system. There are no controls.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Well, Senators, it sounds like we've been snookered again. They gave us a year's load of work, promised a State subsidy; and now at the last minute, they took it right out and said, well, we can't do it, we've got to pass it without it. I...I would suggest that we not vote for a bill like this.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. I wasn't going to speak, but when I...I can't help it when I heard Senator Savickas say we were snookered again like we were in 1979.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis. DeAngelis...Senator, you're on.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. I rise in support of Senate Bill 1681. It's always been indicated by members of the task force, members of this General Assembly, and concerned people about transportation in the northeast part of the State of Illinois, and I agree with you that it is the center of commerce and the giant of our population. That reform must, in fact, precede subsidy. This bill shows the honest intention of this Body to deal with those issues that will, in fact, bring about the subsidy. A vote against this bill is not a vote against no subsidy, it is, in fact, a vote against the subsidy because without this bill, there will be no subsidy. Now...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

...Some of you voted for a bill yesterday called 1601. The bill is not a bad bill, but let me just caution you about what you voted for. For those of you who voted for the subsidy, I commend you, but you also voted for a lack of control. If you look at that bill, it earmarks funds into various transportation districts, reduces the accountability, diminishes the oversight, doesn't put anything into cost control, and if you really think that's reform, I want to tell you, it really, really isn't. For those of you who may have justified that decision, you have an opportunity to, in fact, correct yourself by voting for 1681.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Grotberg. Senator Rock. Senator...Senator Davidson, did you have...Senator Davidson. SENATOR DAVIDSON:

Mr. President and members of the Senate, I rise in support of this package. And some of you must be not reading the whole Act if you're saying you're not getting a subsidy. The fifty million dollars that's been going to the RTA on capital subsidy is still intact. That's fifty million dollars from the rest of us taxpayers to the mass transit of the Chicago or six-county northeast area, that's in place. The other part of the...read the whole amendment that was struck about the one-thirty-second and possibly two-thirty-seconds after four years. That only, only, became operative if the Federal subsidy for operating capital is reduced. Now you and I both know the Federal budget year is different from our year. If the operating capital is reduced from mass transits as they say it's going to be, you certainly are going to be back here in time to, if you all feel that there should be a subsidy of the one-thirty-second, replace the lost Federal funds to correct that item. But unless you change the structure, have something to operate with, you've got nothing. I'm as aware of the importance of the City of Chicago and the northeast five counties besides Cook to the State of Illinois as any of you. And Senator Buzbee, you better go back and talk to your people down in southern Illinois and see which way that corn goes for overseas shipment. It doesn't go north, you'll find out ninety percent of it goes down the Mississippi River by barge to be loaded out of the port of New Orleans, but that's beside the point. I'm well aware that they don't operate...we don't operate downstate. This is an...solution, and until we downstaters see something of a workable road plan to get to the item which we need, a township, county and urban streets, then you don't deserve our operative subsidy, it only kicked in when

the Federal Government dropped out. Gentlemen, let's call a spade a spade and get this passed so we have something to work with.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President, I'm being urged to be brief. But the one thing that hasn't been said here that the whole thing right at this point of time at 4:10 p. m., Mr. Chairman, Mr. President, is that the substance of the bill has nothing to do with the roll call we're about to perceive. But I would remind the loyal opposition, that this may be the last suburban train that leaves the General Assembly. You've been begging us for ten years, ten years, to climb onboard and be part of the program. We know that it needs a one-thirty-second, we're trying to get some of our guys onboard, you know you need some. It's only May the 27th, it'll be back, I presume, but I ask everyone on this side of the aisle, if you ever thought of a program that works as being the vehicle to keep this concept alive and keep the...cooperation of this side of the aisle, suburban Cook, the collar counties, keep the faith, the roll call will tell the truth, but I wanted it on the record.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Rock.

End of Reel



REEL #6

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, am readily willing to commend the efforts of the Chicago Association of Chamber and Commerce. I spoke with them many times, as Senator Philip knows, and suggested very strongly that one of the major flaws, if not the major flaw, in this proposal was the absolute antilabor provisions that are contained therein, and for those of you who have not read them, I caution you to read them. We not only are abrogating existing labor contracts, we are saying in the section called management prerogatives just exactly what is and what is not subject to collective bargaining. And I'm not so sure, as a matter of public policy, we ought to get into that business. Additionally, there is no question in my mind but that this bill is preemptive, and I will ask the Chair to rule on that provision. And finally, the taking out, the excising of any hope of State subsidy seems to me just to be terrible. I don't know how we can talk legitimately about reorganization...reorganizing the mass transit system moving one million people a day in the six-county area without also talking about proper funding. For those of you who were prepared to support this on the basis that this is the last chance, I suggest to you that Senate Bill 1601, which is much, much more reasonable, which recognizes little things like local control is, in fact, in the House, we're ready to sit and negotiate as we have been. That bill was drawn, as you all well know, by the Association of Suburban Mayors. They recognized, rightfully so, the need for a State subsidy. If you put those three things together, and there are a whole list of things I could recite, but those three things, it seems to me, the antilabor abrogation of existing contractual

rights, the preemptive nature of this, and now, no provision for the State subsidy, 1681 simply does not deserve your support and I urge a No vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock addressed a question to the Chair as to whether this legislation is preemptive, and pursuant to Article VII, Section 6, Paragraph G, Senate Bill 1681 as amended does, in fact, limit home rule authority by creating the Northeastern Illinois Transportation System as a successor agency to the RTA with the same or similar preemptive powers over home rule...municipalities and counties as existing regional transportation authority, and therefore,...will...will require a three-fifths vote for passage. Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yes. I would like to go on record as challenging the ruling of the Chair, and I would like to have the Chair point out what section of the bill, in fact, Section G violates...of what section the bill violates or Section G...of Paragraph G of Section 6.

PRESIDING OFFICER: (SENATOR BRUCE)

Let me just read it to you. On Page 95...93 it states, "Insofar as this Act is an expressed limitation on the powers of home rule...home rule municipalities and counties within the meanings of Paragraph G of Section 6 of Article VII," on lines 22...starts on...line 12 through line 22. The title of the Article is "Limitation on Home Rule Powers." Senator Philip.

SENATOR PHILIP:

That's exactly the law today. That's exactly what the CATS bill does, and that's the law today.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator, you are perhaps abolishing it, but you are, in...in effect, reimplementing it. If you were abolishing

those preemptive powers, it would only take a thirty votes, but you are, in fact, abolishing it and reestablishing those same or similar powers for this new authority. And I do not see how you can preempt those, having said in your own legislation, limitation on home rule powers, how does one avoid saying that this bill doesn't, in fact, limit home rule powers? That's the ruling of the Chair. Senator Philip.

SENATOR PHILIP:

Yes, thank you, Mr. President. You know, that's exactly what the Act says now, that's exactly what 1601 says, exactly the same thing. Now, what's the difference? It's in there now, it's the law now, 1601 says exactly the same language, exactly.

PRESIDING OFFICER: (SENATOR BRUCE)

And...and I believe that we ruled when this bill was first passed that it was preemptive. The rulings are consistent. Senator Philip.

SENATOR PHILIP:

We...we are amending something that's preemptive, Mr. President. That's exactly what we're doing. 1601 has the exact same preemption.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, all the Chair...Senator Philip, all the Chair can rule on is the bill before us, and my ruling is that this bill is preemptive. I was not presiding when 1601 came before the Body, I'm not aware of what the ruling was, and it would not affect my ruling in any way anyway, because this is preemptive by its own language. It states that this is a limitation upon home rule units. I don't see any way to avoid the ruling. And so I have so ruled. Senator DeAngelis.

SENATOR DeANGELIS:

Well, just...just to clear the record, Mr. President. 1601 was not ruled to require a three-fifths majority, and I

want that shown in the record as well.

PRESIDING OFFICER: (SENATOR BRUCE)

You have just made it part of our electronic record. And if I was...in error on that, I...I apologize to the Body. Let's...Senator Chew.

SENATOR CHEW:

Just for the record, I want the record to show that 1601 did, in fact, receive 36 votes.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Fine. Senator Philip, had you closed? Senator Philip, did you...

SENATOR PHILIP:

I just might say this, Mr. President and Ladies and Gentlemen of the Senate, I live in a suburban area. In my legislative district I have over sixty thousand people who commute to the City of Chicago five days a week. And if you don't think I'm not sensitive to good mass transit, you are sadly, sadly mistaken. And I'm not saying this bill is perfect, it's the best that I have seen come down the pike, and I have talked to some experts. I'm suggesting we should pass this, if there are some amendments we can work out, I'm always available to try to work out reasonable amendments, but this problem is not going to go away. It's here, it may not fall down tomorrow, but it's going to. It is a problem, we have a chance to solve it. I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 1681 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 24, 4 Voting Present. Senate Bill 1681 having failed to receive constitutional majority is declared lost. For what purpose does Senator Taylor arise?

SENATOR TAYLOR:

Mr. President, I'd like to make a motion to go to motions in writing.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor, we're about to...the last bill on 3rd reading, Senator, is your 1632. Did you wish to call it?

SENATOR TAYLOR:

Motion in writing at this particular time. We can always get back to that order of business, I think.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, we're on the Order of 2nd Reading...on 3rd Reading. We'll...we're on that order. Did you wish to call...we're going to...we're leaving this order of business, and if you wish to call it, now would be the appropriate time. You informed the Chair you wished to call it after 1681, Senator Taylor.

SENATOR TAYLOR:

Thank you, Mr. President and members of the Senate. 16...

PRESIDING OFFICER: (SENATOR BRUCE)

If you...let...let the Secretary read it, then we'll get...

SENATOR TAYLOR:

Okay.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip, for what purpose do you arise?

SENATOR PHILIP:

(Machine cut-off)...I move we adjourn.

PRESIDING OFFICER: (SENATOR BRUCE)

Well. Senator Philip, you were not recognized for the purpose of a motion. We are on the Order of 3rd Reading. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1632.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor.

SENATOR TAYLOR:

Thank you, Mr. President and members of the Body. Senate Bill...Senate Bill 1632 is my original proposal. It's amend. the Illinois Housing Development Authority Act. The authority may grant...may make grants to...for maintenance, rehabilitation and municipal cooperation organized to provide low-cost public housing. My district is one of those districts that needs such loans, and Mr. President and members of the Senate, I solicit your support for Senate Bill 1632.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is on passage of Senate Bill 1632. Those in favor will vote Aye. Those opposed will vote Nay. Is there discussion? Senator Newhouse. Senator Newhouse on 1632.

SENATOR NEWHOUSE:

Yes. What is it we're voting on now?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor.

SENATOR TAYLOR:

On the 1632 as it was originally proposed in terms of making grants to low-income...for low-income...for rehabilitation and maintenance in that particular area.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Newhouse.

SENATOR NEWHOUSE:

Is the CHA Board involved in this?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor.

SENATOR TAYLOR:

No.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Newhouse. Senator Newhouse.

SENATOR NEWHOUSE:

What purpose does this bill serve?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Taylor.

SENATOR TAYLOR:

Senator Newhouse, the purpose of this bill is to try to get money for rehabilitation, maintenance for low-income houses in those areas. Now, once before I tried to do a friend a favor, and I lost a bill. I certainly hope I don't have this thing to happen today again by trying to do other persons a favor. That's all I asked this to do, to give me some money...give me an opportunity to make loans for those persons in low-income areas for rehabilitating houses.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Newhouse.

SENATOR NEWHOUSE:

Is your commitment to this Body then, that this bill under your control will never see the light of those other measures that you had in here regarding the CHA Board?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor.

SENATOR TAYLOR:

You know, I can't control the House of Representatives, but over here, it is very apparent that you have an awful lot of control here. So, whatever happens, you in the future can do just as you did today and may be able to stop it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Newhouse.

SENATOR NEWHOUSE:

But we...wouldn't we solve that much more simpler here today by voting this down, Senator?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor.

SENATOR TAYLOR:

I don't think so. I think that the...the House might go along with my proposal since many of the persons over there represent the county constituency I do.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. I have Senators Philip, Weaver, Berning, Bowers, Walsh, Grotberg, Schuneman, Rhoads and Jeremiah Joyce...and Senator...and...and Senator Thomas. Alright. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'm afraid that...Senator Taylor, I'm a little confused in exactly what your bill does these days. It's been amended so many times in committee, and you've amended and unamended it so many times on the Floor of the Senate, I'm confused on exactly what the blasted thing has ever done as introduced, I guess.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Taylor.

SENATOR TAYLOR:

Mr. President and Senator Philip, it does what it intended to do as introduced. No amendment has ever been adopted to this. Only a committee amendment was put on and it was taken off by this Body.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

Well, I guess my question is, Senator Taylor, how many amendments did you have, and why would you try and put all these amendments on?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor.

SENATOR TAYLOR:

Because I was trying to help out a friend, like I did



when I tried to help Senator Hall out and lost my bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Let's see, several Senators have gratefully dropped off. Senator Bowers.

SENATOR BOWERS:

Well, I really...really wanted to address this bill very badly, Mr. Chairman, and I'll certainly do so and I appreciate your recognition, but I...I did want to get back to that other question. I thought a motion to adjourn was always in order and you didn't have to recognize. You know, the only protection a minority has is the rules, and if we're not going to follow the rules, then...then we're very disturbed over here. And it seems to me that a motion to adjourn is always in order and it's non-debatable, and I would like to make that motion. I move we adjourn.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, let me tell you where you're going to put us, Senator. We have not adopted an adjournment resolution. The House has, in fact, adopted a resolution which is in error. If this Body does not, in fact, amend that House joint resolution, we...we're going to be back here on Sunday, because we cannot be out of Session more than three days. Now, if you will allow me to get to that adjournment resolutions, I think we can resolve all your problems and adjourn and get out of here. So, I mean, that's...that's part of my...that's part of the Chair's problem. We've got a...they are not going to be here next week, but they forgot that we are. Senator Schuneman. Senator Philip, for what purpose do you arise?

SENATOR PHILIP:

You know, what really disturbs me, you know, all you have to do is make those comments and you wouldn't have had any trouble. But...but you try to fool us, you know, and it just...it's just ridiculous. Why don't you come over and

say, hey, we've got a problem with the message, we need a little time. We're reasonable people, but to not even acknowledge a motion to adjourn is ridiculous.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip, if I tried to fool you, I certainly did not. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I think I should yield my time to Representative...or, excuse me, Senator Jeremiah Joyce...I forgot where I was, sorry about that.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright, that is, in fact, the last speaker on my list. Senator Joyce...Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Well, I think we should turn this down. I think it's a vehicle, and I think that it's likely that Senator Taylor might get another call from his friend.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright, Senator Taylor, you may...close the debate.

SENATOR TAYLOR:

Thank you, Mr. President. You know, Senator Joyce always come up with those interesting remarks. My friend is right here on the Floor, I don't have to get a call from him, and anytime my friends is here, I can talk with them about whatever measure I like to talk about. But this happened to be an important item here that I feel for the people of my area, in my constituency, and I, like all other members of this House, try to do the best that he can for his constituency. That's why I put forth this measure in the beginning, in order to be able to try to pass it so that we could get money. As you know, if you live in the City of Chicago, the county area that I represent, it do need monies badly for rehab and maintenance and so forth for those particular buildings. If I can get that kind of consideration out of

this Body, I certainly would appreciate it. I solicit your support for...Senate Bill 1632.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 1632 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 26, the Nays are 29. Senate Bill 16...okay...Senator Taylor asks that further consideration of 1632 be postponed. It will be placed on the Order of Postponed Consideration. Is there leave to go to the Order of Messages from the House? Messages from the House.

SECRETARY:

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

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

House Joint Resolution 91.

(Secretary reads HJR 91)

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to take this up for immediate consideration? Leave is granted. On the...and Senator Rock offers an amendment to the...to the adjournment resolution. Would the Secretary please read the amendment.

SECRETARY:

Amendment No. 1 to House Joint Resolution 91 offered by Senator Rock.

(Secretary reads Amendment No. 1)

PRESIDING OFFICER: (SENATOR BRUCE)

Basically, Gentlemen, this would adjourn us for today and come back on the first at twelve-thirty. Senator Rock is recognized.

SENATOR ROCK:

Yes, the long and short of that is...and I would move the adoption of the amendment, that we will return next week at twelve-thirty on Tuesday. It says noon, but we'll start at twelve-thirty with the Memorial Day service, and then when...the House, in fact, has left us and are going to be returning on the 8th of June, that's why we went through all that rigamarole. And I would move the adoption of the amendment and then the adoption of the House Joint Resolution 91.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock moves the adoption to the House Joint Resolution 91. On the motion to adopt the amendment, all in favor say Aye. Opposed Nay. The Ayes have it. The resolution is adopted. Senator Rock moves the suspension of the rules for the immediate consideration and adoption of the resolution. On the motion to suspend, all in favor say Aye. Opposed Nay. The Ayes have it. On adoption, all in favor say Aye. Opposed Nay. The Ayes have it. House Joint Resolution 91 is adopted. Do we have the adjournment... (Machine cut-off)...leave to go to the Order of the Resolution Consent Calendar? Leave is granted. Mr. Secretary, have any Senators filed objections to the Resolution Consent Calendar?

SECRETARY:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Taylor moves that the resolutions contained thereon be adopted. On the motion to adopt, all in favor say Aye. Opposed Nay. The Ayes have it. The resolutions are adopted. Senator...Senator Taylor, for what purpose do you arise?

SENATOR TAYLOR:

I move that we go to motions in writing.

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose, Senator Taylor, do you wish to go to motions in writing?

SENATOR TAYLOR:

I move to amend Rule 6, Section D as follow to affirm the vote of a majority of the members elected to the Senate shall be required to request Congress to call the Federal...I move to go to motions in writing for the purpose of being able to get a majority of those members elected in order to ratify the equal rights amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads, for what purpose do you arise.

SENATOR RHOADS:

To move that the Senate stand adjourned until twelve-thirty on Tuesday.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion to adjourn is in order. Senator Rhoads has moved that the Senate stand adjourned until the hour of twelve-thirty on June the 1st. On the motion to adjourn, those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 23. The Senate stands adjourned until the hour of twelve-thirty on June the 1st.