

82ND GENERAL ASSEMBLY

REGULAR SESSION

JUNE 23, 1982

PRESIDING OFFICER: (SENATOR DONNEWALD)

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

REVEREND KALTENBACH:

(Prayer given by Reverend Kaltenbach)

PRESIDING OFFICER: (SENATOR DONNEWALD)

Reading of the Journal.

SECRETARY:

Tuesday, June the 15th, 1982; Wednesday, June the 16th, 1982.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Johns.

SENATOR JOHNS:

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

PRESIDING OFFICER: (SENATOR DONNEWALD)

Heard the motion. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries. Senator Johns.

SENATOR JOHNS:

Thank you, Mr. President. I move that reading and approval of the Journals of Thursday, June the 17th; Monday, June the 21st and Tuesday, June the 22nd, in the year of 1982 be postponed pending arrival of the printed Journal.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Heard the motion. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries. Message from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate

the House of Representatives has concurred with the Senate in the passage of the following bills together with House Amendments.

Senate Bill 1305 with House Amendments 1 and 2.

Senate Bill 1519 with House Amendments 1 and 2.

Senate Bill 1532 with House Amendments 1, 2, 3, 4 and 6.

Senate Bill 1566 with House Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Resolutions.

SECRETARY:

Senate Resolution 609 offered by Senator Becker. It's congratulatory.

Senate Resolution 610 offered by Senator Berning. It's congratulatory.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Consent Calendar...stand at ease until all of the members get in their place. Now this is a good time to introduce all the people in the gallery that you want to do today. Don't do it during the Session. We'll stand at ease for about five minutes. Senator Thomas, for what purpose do you arise?

SENATOR THOMAS:

Well, thank you, very much, Mr. President. You stated a few minutes ago that this might be an ideal time for all the Senators to get up and introduce everyone from the gallery.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Whether they're here or not.

SENATOR THOMAS:

That's right. And I'm...I'm just very pleased to announce this morning that not one of my constituents from the 36th District is here in Sangamon County, but I will relinquish my time to Senator Geo-Karis if she has anyone from Lake County.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. While we're introducing people in the balcony, maybe we ought to introduce our Senate colleagues who can't figure out where the Senate Chamber is. And if they're within hearing distance of the voice of the President of the Senate, perhaps you could remind them that there is a Session going on today.

PRESIDING OFFICER: (SENATOR DONNEWALD)

They've been reminded. The Senate will come to order. House Bills 2nd reading on page 8. House Bill 396, Senator Sangmeister. 2nd reading, 396. Wish the bill read? I'm advised you do have an amendment on the Secretary's Desk. Read...read the bill, Mr. Secretary.

SECRETARY:

House Bill 396.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, at this point, I would like to defer to the chairman of the committee, Senator Nash.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nash.

SENATOR NASH:

Mr. President and Ladies and Gentlemen of the Senate, I move that we Table Committee Amendment No. 1 on House Bill 396.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Could you give an explanation of that, Senator, so we can avoid some discussion possibly?

SENATOR NASH:

Mr. President and members of the Senate, the Floor amendment would take care of what Committee Amendment No. 1 did, and there were some technical errors on that one.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Sangmeister.

SENATOR SANGMEISTER:

Yeah, well, this is the license plate bill to make license plates in our penal institutions and there has been some problem between the Department of Corrections and between the Secretary of State's Office. That's now been resolved with Floor Amendment No. 1. So we want to Table Committee Amendment No. 1 and put on the Floor amendment which resolves their problems. So that...that's why we're moving to Table Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONNEWALD)

All right. It is a committee amendment. There is a motion to Table Committee Amendment No. 1 by Senator Nash. Those in favor indicate by saying Aye. Those opposed Nay. The Ayes have it. The Committee Amendment No. 1 is Tabled. Are there further amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Are there amendments from the Floor?

SECRETARY:

Amendment No. 2 offered by Senators Sangmeister and Nash.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Sangmeister.

SENATOR SANGMEISTER:

All right. Now, this is the...the amendment that's been worked out between the Department of Corrections and the Secretary of State's Office in order to smooth out how they're going to be able to order the plates and what other...other problems they may have had, but it's their

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2nd Reading

resolution and their solution to the problem and I move for its adoption.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Heard the...is there discussion? The question is, shall Amendment No. 2 to House Bill 396 be adopted. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 2 is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DONNEWALD)

3rd reading. House Bill 608, Senator Berman. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 608.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Are there amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Nimrod.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nimrod. Senator...Senator Nimrod. Senator Grotberg.

SENATOR GROTBORG:

I would question, is it an agreed amendment of Senator Nimrod's? No, we better wait for him.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Keats. Well, Senator Nimrod...some...Senator Nimrod is here. Senator Nimrod as to...

SECRETARY:

Amendment...Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONNEWALD)

As to Amendment No. 1 to House Bill 608, you're recog-

nized.

SENATOR NIMBOD:

Thank you, Mr. President. This amendment came about as a result of discussion with the...witnesses and involving the Child Restraint Act and what it does, in fact, is put into words some of the concerns that were brought up at the meeting which allows the voluntary involvement of the Child Restraint Act. And now I know that the Act in itself as it is is one that is intended to save lives of those children that are under five years of age, but the problem is that they talk about making everything voluntary. We had some testimony from the department, the issue is one that really puts a, I think, a very serious concern on those that are involved and I think this would make...this amendment would certainly go...it's consistent with what was the intent for the bill to do, and that is that the police department would, in fact, not...if they issue a citation, that, in fact, that that citation then would be null and void, they would not have to be fined, if, in fact, the parties show that they had, in fact, either purchased or obtained a...a seat that met the requirements and all they do is show proof. It seems to me that this is in line with what's happening...the State Police have said in a letter that just brought out, it says that they are in agreement. But when we talk about the...the Tennessee Law pertaining to this Act, the Tennessee Law does not even enforce this on their interstates. And what we're saying is that the...the few hundred State policemen are just a drop in the bucket compared to the fifteen thousand...policemen that are...over fifteen thousand policemen that are involved in our cities and municipalities. And it seems to me that if we're serious about wanting to pass this law and disseminate information and do it, we ought to do it in a manner such that causes the least inconvenience for those that are involved, and the net result is that we ought

to be saving lives and not to find some source of revenue for the police departments or cause some inconvenience for them.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nash.

SENATOR NASH:

Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to this amendment. House Bill 608 received a nice long hearing in the Committee on Public Health, Welfare and Corrections who want the bill to stay as it came out of committee. Thank you.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bloom.

SENATOR BLOOM:

Yes, thank you. I too rise in opposition to this amendment because it's unnecessary. Senator Berman passed out his copy of the letter that both he and I received from the Division of the State Police, from R. J. Miller, that explains exactly how they're going to implement this plan, this particular proposed piece of legislation is not a revenue raiser. The superintendent says during the first six months of the Act the enforcement will consist of written warnings and that they will implement the law in a manner similar to the way they implemented the Motor Carrier Safety Regulations recently signed into law. The testimony in the committee from the Commissioner of Public Safety from Tennessee showed that they can have a program that is not necessarily written into the Statute. This particular amendment adds nothing to the proposed implementation and is somewhat like sugar in the gas tank, it offers nothing positive but has tremendous negative potential. I would urge this Body to reject it.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? Senator Berman may close. I...I'm sorry, Senator Berman...speaking.

SENATOR BERMAN:

Thank you, I also rise in opposition. Every member of the Senate received yesterday the memorandum, the letter that Senator Bloom has just referred to. And the State Department of Law Enforcement, the Division of State Police has outlined in...in their administration of this and also outlined their communication with the Illinois Association of Chief's of Police as well as the Sheriff's Associations exactly what this amendment seeks to do. The amendment is not necessary, I urge a No vote.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? Senator Nimrod may close.

SENATOR NIMROD:

Thank you, Mr. President. Well, for the very reasons that those are in opposition, I say that we need this. In fact, if they...if they are saying that the State Police are going to do what we're going to do in the amendment, then there should be no objections to having the amendment put in. The only reason you can be opposed to the amendment is because you might not want to do what you say they're going to voluntarily do and that is very simple. The amendment is a very simple one, it says here that the fines provided in this section shall be waived if evidence is presented to indicate that the parent or guardian has purchased or obtained the restraint system. If you get picked up on the highway and you're on...child and you're going through the interstate, that means that you're...the person who is fined is going to have to go back to that community in order to pay for that ticket. That seems to me that's a great inconvenience. They ought to be able...proof at any police station, anywhere, that they've done it and if they're serious about doing that when they're...then they ought to be able to waive the fine. The second part of the amendment says, the...says that the...the State police or other law enforcement officials with enforcing provisions of this Act may work

with any public or private agency for the purpose of obtaining child restraint systems to loan to individuals arrested for a violation in this Act. Nothing in this section shall be construed to require the purchase of a child restraint system by the law enforcement agency. If we pass the law, they're going to come back later and say that we have to provide the money in order to provide for these systems. The only way they're going to be able to do this is if we put it into the law and say that there ought to be a loaner system and that, in fact, the police department should not purchase it. I think if...if we really are serious about wanting to pass this, then we ought to be concerned about saving lives and not having a law on the books that, in fact, would cause an inconvenience for the people within this State. I think...strongly urge the adoption of this amendment, and I want to call your attention to the fact that the State police are only a hundred and seventy-five or so, there are over fifteen thousand other policemen who would be required to enforce this Act. That means in every city, in every community, we would have to have every police department enforcing this bill. In that case, it would cause a total inconvenience and it would be an abuse and it certainly would not be the original intent of having the policemen be in a position to say, look, if you've found out that you...you will restrain the child and that you have obtained a loaner seat, we're not adding additional cost onto the...individual families and asking if this system might work. Seems to me that we're only asking to put into the law what we say they're going to do and that certainly should not be an inconvenience to them. I ask for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR DONNEWALD)

All right. The question is, shall Amendment No. 1 to House Bill 608 be adopted. Those in favor indicate by saying Aye. Those opposed? It's apparent to the Chair that the

Noes have it. There is a request for a roll call. Do you...are you joined in that Senator, by a few? All right, we'll have a roll call. The question is,...shall Amendment No. 1 to House Bill 608 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 15, the Nays are 29. Amendment No. 1 to House Bill 608 fails. Are there further amendments?

SECRETARY:

Floor Amendment No. 2 by Senator Schaffer.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Schaffer.

SENATOR SCHAFFER:

I'm a member of the Senate Public Health Committee and was present during the debate. I would refer those members of the committee that were present to the discussion that went on. I left that committee meeting having voted for the bill with the clear understanding that amendments were, in fact, going to go on the bill to clean up some of the problems. I'm beginning to wonder about that agreement. This amendment, and I have two here, is in response to comments in that committee meeting. Now, we're all standing around and talking to each other and very few people are listening to the debate on this, but let me tell you, a few months from now, you're going to wish you remembered the debate on this bill. This is one of those little sleepers that comes along that you start getting mail on and a few angry phone calls a little later in the year because of what you've done down here, so, forewarned is forearmed. This amendment is very simple. The bill in its present form says that you have to have all children under five restrained. Well, what happened in Tennessee is they passed this bill and then they discovered that they had prohibited nursing mothers from being

able to nurse their babies while in cars, and there was a hue and cry in the state and they amended the bill to put the exemption in for nursing mothers which is what this amendment is. Now there was no objection to this amendment being offered on the Floor, and I was under the impression, rightly or wrongly, that there was an agreement that this, indeed, was something that had to go in the Act. I'm now told, yeah, well, we'll put it in next year. Well, if it's a good idea next year, it's a good idea today. It is ridiculous to think that...well, just think about it a little bit. This is something that clearly belongs in the Act if the Act is to be viable and in...anywhere near enforceable, which is, I guess, a discussion on 3rd reading. There is no objection from anybody I've heard to this amendment. They have...as I say in Tennessee this was the one great thing that raised the hue and cry, and those of you who are familiar with the LaLeche League know exactly what's going to happen if this bill goes to the Governor's desk and is signed without this amendment. It is a common sense thing, I will interestingly...wait with interest the arguments against this amendment which everyone agreed to in committee.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen. I rise in opposition to the amendment, not in the...not because of the idea of it, but rather because of the...response that this is, in fact, going to be done. Our staff has indicated that they have been in touch with the leadership of LaLeche League, they know nothing...they have indicated that they know nothing about this. I think that that doesn't mean that there aren't some individuals who are concerned. But the official league has not taken a position as far as the communications that my staff has indicated. Furthermore, in

that same letter from the Department of Law Enforcement, we have...they have indicated and I quote, "also by policy, nursing mothers will be exempt while in the act of nursing an infant. Our officers will be encouraged to be compassionate and to use discretion concerning unusual cases, i. e., an ill child." I think the entire purpose of this is to recognize that there are some functions in which the discretion of the police officer must be maintained, we have indicated that. I indicated in committee that their concerns that were voiced in committee would be addressed...and we have done that, not necessarily by amendment, but certainly by...under the administration of this bill when passed. And, therefore, I urge a No vote on..on this amendment.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nimrod.

SENATOR NIMROD:

Yeah, I...a question of Senator Berman, if I might.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berman yields, you may proceed.

SENATOR NIMROD:

Senator...Senator Berman, you have a letter that came from the State police. If, in fact, did we not receive testimony on the Floor that the State of Tennessee does not, in fact, enforce...their law prohibits the enforcement on the interstate highways?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berman.

SENATOR BERMAN:

I...was your question whether their law prohibits enforcement on the interstates? No, as I understood it, it was their policy, the law is state-wide. But it was the state troopers from Tennessee, they don't do it on the interstates because of the difference in...I think that was

spelled out by both Superintendent Miller and the gentleman from Tennessee, that Tennessee is...their interstates are used...by a great, great majority of non-Tennessee people. Illinois, on the other hand, their interstates are used by Illinois people, the Act only applies to Illinois residents, therefore, there's a substantial difference. Our law would be enforced as to Illinois residents on our interstate highways.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nimrod.

SENATOR NIMROD:

Yeah, thank you. The again...again...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Just...just a moment, just a moment, Senator. There's an awful lot of conferences going on, a lot of noise in the back and in the front and in the middle. Would the unauthorized people please remove themselves or will the Sergeant-at-Arms clear the aisles. Will the members please be in their seats. Proceed.

SENATOR NIMROD:

Thank you, Mr. President. The important thing here is that if we are reluctant and will not allow any amendments to go on this bill, then it seems to me that we are not keeping the good faith that Senator Schaffer indicated at the committee. And certainly these minor adjustments are...the concerns are that we ought to be able to find some means of compromise in order to save the lives of the children. I think that the whole idea of a Child Restraint Act is one that causes a great deal of controversy and concerns about parents' rights. I have no problems in trying to go along with that, but I think when you start to say that we're going to pass a law that's going to cause a fine whether you have...have a system or not, you say voluntarily you're going to have a loaner system, and then you only have a letter from...a hundred

and...a group representing a hundred and seventy-five, which in fact, will not be in contact with more than probably five percent of the population, what you are failing to do is address and notify the other ninety-five percent. If, in fact, the State police are going to do this, why don't we get letters from the Chicago Police Department? Why don't we get letters from all the...all the suburban and downstate police departments that represent over fifteen thousand policemen? There are some two thousand three hundred sheriffs...police departments, we don't have any notice on them. But only thing we're going on the letter that represents less than two hundred people out of some seventeen or eighteen thousand law enforcement officials. I think there's something wrong, and I think there's more to this idea of having the reluctance of refusing to go along with what you basically agree with. It seems to me that you're inconsistent, and in this case, I would say we should adopt this amendment and go back and adopt the other one too.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President, I agree with Senator Schaffer. I'm a member of that committee, also, and when this bill was debated in committee, it is true that several of us had some concerns over the fact that this is a new idea and as to the impact on the people because of so many other problems financially that many of these people are experiencing at this time, and also the whole issue of...too much interference into the family unnecessarily. The concept of wanting to protect the rights and the health and safety of children is a concept that I feel that we have a responsibility to insure that the children are adequately protected from unnecessary accidents or from unnecessary...victims of careless parent while driving in an automobile. But I do feel that if we are

going to embark upon this new concept, that we should do everything that we possibly can to make sure that the administration of those persons who are responsible for enforcing this law have a clear idea of what the intent of the law is so that, at least, we can do what the law set out or profess that it is to do. And I do not feel that we should allow rules to be written, the administration or the application of this law to be left up to the discretion of law enforcement officials. And many of the states where they do have such a law, you're not talking about populations like the City of Chicago and cities with the...multiplicity of problems and the same type of police relationships that...exist between the communities, the residents, the public and the police department of the City of Chicago. And so we have to take all of those things in consideration so that if we're going to pass this law,...

PRESIDING OFFICER: (SENATOR DONNWALD)

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

SENATOR GROTBORG:

Point...a point of order, Mr...about twenty minutes ago...

PRESIDING OFFICER: (SENATOR DONNEWALD)

We need a lot of it.

SENATOR GROTBORG:

...we said something about nursing mothers. I wish they would address themselves to nursing mothers and not the bill. Let's get back on the track.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Collins, please restrict your remarks to the amendment.

SENATOR COLLINS:

I am restricting my remarks to the...the sponsor's statements that said that we should not amend this bill, no matter

what the amendment is. I say that it is important that we amend this bill at this stage because it is, in fact, a new law, and we did agree in committee that we would put some amendments on this bill to try and make this a better bill, that's what I'm talking about, and I think that's what we should do right now and not leave it up to the discretion of the law enforcement officials or the Department of Law Enforcement to promulgate rules and regulations as to the application of this law because I think we're embarking on a dangerous area.

PRESIDING OFFICER: (SENATOR DONNEWALD)

All right, Senator Keats.

SENATOR KEATS:

...thank you, Mr. President. What I wanted to say is just...while we're debating these amendments, I'm on that committee too and with the exception of one person who's...who have been complaining against the bill now, they all voted against it in committee. What I'm saying...what I'm saying...excuse me, led the opposition in committee and then we voted it out to discuss it here. Senator Berman is not really operating in bad faith, despite all things being said, I'll...I'll defend him. Phil, maybe you got to defend him to. Art's really an honest, decent guy, he is not a convicted child molester and he isn't about to be. These amendments, vote pro or con, personally I'm going to oppose all of them. All I'm saying is let the bill go in the form the sponsor wants. Vote it up and down, it's a philosophic question for many people. There was no real agreement on amendments, we did discuss it, you know, let's talk about amendments, that was where it was left. This is not a bad faith effort by the sponsor. If you are for or against the amendments, vote that way, but let's get on with it and let's quit debating the...merits of the bill, that's what 3rd reading is for. 2nd reading is to deal with some specific amendments

and let's get on and quit debating this bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, rise in opposition to Amendment No. 2 and I will rise in opposition, if necessary, to Amendment No. 3. I think the point is, that at this time of the year we are taking a chance with a bill that virtually everybody agrees is a good thing, as a matter of public policy, taking a chance by sending it back to the House. This amendment can be implemented administratively. I mean, how in the world are we...I...I can understand the concern of...of that league of people, but how in the world are we to be, as a matter of public policy, saying to our police officers, you better not arrest a mother who's nursing a baby, for goodness sake. If...if the police are dumb enough to do that, they deserve what they get...well, I'm not so sure of that. The fact is that this can be done by administrative order or just common sensibly no policeman is going to do this. And to take a chance on sending this back to the House and letting it get lost in the cracks or in the shuffle or in Conference Committee when somebody's got some other brilliant bill that didn't get out of Rules Committee that they want to lag in here, we're defeating our purpose. This bill is good as it is. It's a...it's a new program, one that we ought to at least afford the opportunity to work. The Department of Law Enforcement has indicated that they can handle many of these things administratively, and for us to be nit-picking at this point seems to be self-destruct. I would urge a No vote on Amendment 2.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? Senator Schaffer may close.

SENATOR SCHAFER:

Well, Senator Rock as usual has been honest and candid with us, he's told us the real reason. The real reason that we can't allow any amendments to go on this bill no matter how intelligent or common sense they might happen to be is that if the bill goes back to the House, there's serious doubt whether it'll survive because evidently our colleagues in the House are beginning to catch a little heat for what they did earlier or reconsider what they did. I...I guess if that's the case, then there are an awful lot of other amendments we ought to Table on an awful lot of other bills. I thought it was a two-House Legislature, I thought we had a chance to participate in the molding of legislation. This...this amendment, in fact, will go on, the experience in other states is that there's a hue and cry and that there will, in fact, be some policemen somewhere who will do this and that we will look a bunch of buffoons, again. This amendment makes sense. It's not that late in the Session that we can't expect the House to do its duty. I urge a favorable vote and ask for a roll call.

PRESIDING OFFICER: (SENATOR DONNEWALD)

The question is, shall Amendment No. 2 to House Bill 608 be adopted. Those in favor vote Aye. Those opposed Nay. The voting is open. (Machine cutoff)...those voted who wish? Have all those voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 26, the Nays are 29. Amendment No. 2 to House Bill 608 fails. Are there...just a moment. Are there further amendments?

SECRETARY:

...Amendment No. 3 offered by Senator Schaffer.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Schaffer.

SENATOR SCHAFFER:

This amendment was suggested by a constituent of mine who is concerned about the implications of this bill. By the

way, my hat's off to Winston and Strone, they certainly are doing a good job, I'd sure like to know who's paying their fee, I'm sure it's...I'm sure it's ultraistic. This amendment is very simple, it deletes five and puts three in. It would change the impact of the bill for children three and under instead of five and under. Interestingly enough, in the testimony in committee and the statistics we've been able to gather...by the way, this bill, as a backdrop for this amendment, applies only to parents in Illinois, it doesn't apply to relatives, babysitters, grandparents, people out of State and it doesn't apply just to kids up to five. If they're over forty pounds, the way the bill is worded, you can just put a seatbelt on them. Well, the statistics which include all injuries and deaths indicate that three-fourths of the injuries and deaths for children are, in fact, in these younger age categories. And that if, in fact, one believes that this concept will work and...and I suspect that it will have a positive impact at some social cost, then clearly by lowering the age limit to this level, we avoid the vast majority of the deaths and injuries that will be avoided by the law. Additionally, we have information from two or three sources on the average weight of children and the bill will, in effect, not be operative after three because the majority of the kids will be three and a half or so, will be forty pounds or over and the way the word...the bill is worded, although it evidently is carved in granite, the standards will exempt the kids over forty pounds, so a large number of them will probably not have to be in a restraining seat anyway, could just be strapped down. Now I would also suggest to you, now many of you have children. How many of your children are carrying Id's, under ten...under five? Very few of them, almost none of them. When a policeman pulls a car over, he is going to have to make two judgment calls under the current law. He's going to have to figure

out whether the kid is five or under, he's going to have to figure out whether the kid weighs forty pounds or...or less. Well, I guess they could carry a scale to figure out the pounds thing. I happen to have a three year old...three and a half year old, that is, confound it, he's a pretty big little fellow and I'm not sure that if I were a cop I could honestly tell you what his age is, if I didn't know the little fellow. And I know a lot of kids in my neighborhood that I...that my kids are playing with and I realize what their age is and I think they're a year or two older than they really are.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator, your time has about expired.

SENATOR SCHAFER:

Okay, thank you, I wasn't watching the light, my apologies. I would suggest to you that this is a good amendment. There is a real legitimate case for three or under and...above that, I think it becomes difficult to enforce and a real burden and hardship on the citizens of Illinois. A burden and hardship that they are unaware is about to be inflicted upon them and when they discover it well, we'll all hear about it.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berman.

SENATOR BERMAN:

Thank you. I rise in opposition to this amendment. This bill was drafted after a substantial research, both from an experienced point of view in other states and upon very hard scientific data gathered by physicians and automobile designers and accident experts, et cetera. They were...this bill was put together to aid those children that need that kind of safety precaution. The bill as drafted today applies to every child below one year of age, below two, below three, below four, up to five years of age. Once a child is five,

this bill doesn't apply. This amendment would cut that down to eliminate the four year olds and five year olds from the protection of this...of this bill. Yesterday, out in the rotunda, a pediatrician was here and handed us some material...that was distributed by the American Academy of Pediatrics, that was Doctor Gardner. He indicated to me, in response to Senator Schaffer's amendment, that there is a logical explanation, first of all, as to why forty pound children are exempt. The seat belts that we have in our cars are made to protect a child that is over forty pounds. They don't need the protection of this bill. But if you have a three or a four year old that is not forty pounds, that seat belt, in fact, can be injurious and they need, in fact, the car seats that are provided in this Act. The...I have in front of me a letter, coincidentally is from one of my constituents, and I just want to read you two sentences, "Unfortunately, people learn some things the hard way and that learning generally is not too pleasant. I know, I lost my three year old daughter in an auto accident eight years ago, she was not in a car seat." This bill would not address...if this amendment was put on, would not address and would not protect a child of three or four. It has been technically researched as to why this is necessary. I urge a No vote on this amendment.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Rhoads.

SENATOR RHOADS:

Mr. President and members of the Senate, on the main bill, House Bill 608, I've received about a half dozen letters and had indicated to a doctor in my district who is a pediatrician and a...former Senator Saperstein when she called, that I could support the bill and...and would do so reluctantly because it's not the kind of bill that I would normally support but that the rehab institute had some pretty

impressive figures. Now, with respect to the amendments, it seems to me that Senator Schaffer has offered a very reasonable series of amendments and the argument that because this might cause problems in sending the bill back over to the House just isn't good enough. And I would suggest to the proponents of the bill that they are losing votes by this policy of not taking any amendments, they're losing votes on the final passage of the bill. I intend to reverse my position unless a more compromising attitude is taken.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bloom.

SENATOR BLOOM:

Yes, thank you, Mr. President. I rise in opposition to this. The...I did not speak on the last amendment for a variety of reasons, but this one, this particular amendment in the judgment of the experts that are involved runs counter to the philosophy of the bill. You get a kid five years or under, the leading cause of death of kids five years and under are crashes. Until a kid gets to first grade and is more fully developed their center of gravity is higher than grown-ups. There is a reason why the bill was drafted to say under five and it has to do with the development of a child. And it has to do with the fact that children under five have a more pliable and thin skull, have incomplete developed spinal columns...or spinal cords, I'm sorry, and that they need to be restrained. This particular amendment, I believe, does not make the bill better, it weakens the bill and is not in the best interest of protecting kids, 'cause the bill is designed to protect kids, not punish parents, notwithstanding some of the rhetoric that has flown around. I would urge that this amendment be rejected. Thank you.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Walsh.

SENATOR WALSH:

Mr. President and members of the Senate, like Senator Schaffer and Senator Rhoads, I can't...I can't quite understand the hustle for this bill. It's...it's been lingering in the General Assembly since...since March 19th, 1981, when it was introduced over in the House and apparently had some difficulty getting out of there. It looks to me like a...a bill that very obviously needs amendment. As a matter of fact, Section 8 of the bill provides, "This Act shall take effect January 1st, 1982." I would think the sponsor himself would be proposing some amendments, certainly want to clarify the...the section which provides for the effective date of this Act. Senator Schaffer's amendment is very reasonable, I would...I would hope that there would be others, especially the one that relates to the effective date. So I urge an affirmative vote.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'd like to share a paragraph from a letter that I received from the Rehabilitation Institute of Chicago in which states that, "A small child cannot be considered a miniature adult for purposes of car safety as its incompletely developed pelvis is unable to serve as an anatomical anchor point for lap belts. In an impact situation, a lap belt has a tendency to ride up and potentially cause serious internal injury to such organs as the heart and lung or cause the infant or small child to be projected over the lap belt. Additionally a small child's higher center of gravity resulting in a greater body mass above the belt may cause the child to whip forward more violently than an adult placing greater loads on the lap belt. The result may be severe cranial and spinal injury." And for this reason, I oppose this amendment.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Schaffer may close.

SENATOR SCHAFFER:

Well, I think those of you who know me in the Senate, particularly on this side of the aisle, have always considered me a real goody-two shoe, I'm usually in the forefront of all of this type legislation, but frankly, I think sometimes we just go too far and I think to impose this on up to the age five is...is going too far. I think of...I think the statistics indicate the vast majority of the deaths and accidents are age...the...the first three years. I think that you talk about a family with four or five children, you talk about strapping all four or five of them in, you got twenty minutes of strapping and then by the time you got the last one strapped in, the first two are out. I think the bill, frankly, is unenforceable, the testimony we got from other states led me to believe that maybe we're arguing about anullity because the police have a tough time with it. I think at three I can make an argument, I can go back to my people and say, yes, the numbers were there, it's something that should be done. I think taking it all the way up to five is just, frankly, unworkable. I...I don't want to see any child injured, I don't want to see anybody hurt. But I think to make a law unworkable, the end result will be that nobody get's strapped in, the police will shuffle it away and occasionally use it as a gimmick to pick somebody up on the streets that they once wanted to pick up for another reason. And I, too, am frankly a little frustrated by this no amendment attitude. There was another proposal to put the fees in a fund to help the people that can't afford to...buy these thirty or forty dollar car seats, whatever happened to that? How are the poor people going to get car seats, are they just there...you know. I think that the...the idea of no amendments is offensive, I think this amendment makes sense and

just before next election the Governor will sign this bill and you'll all have a chance to explain it to your constituents in the course of the fall campaign.

PRESIDING OFFICER: (SENATOR DONNEWALD)

All right. The question is, shall Amendment No. 3 to House Bill 608 be adopted. Those in favor vote Aye. Those opposed Nay. The voting is open. (Machine cutoff)...all those voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 26, the Nays are 29. Amendment No. 3 fails. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DONNEWALD)

3rd reading. We can break for just a minute or two, Senator Johns has an introduction.

SENATOR JOHNS:

Ladies and Gentlemen of the Senate, if I can have your attention this morning. I'd like to take the...pleasure of introducing to you, Lucinda Walters, sixteen, of Olmstead, Illinois. She will be representing Illinois in this year's Miss United Pageant...Teenage Pageant. Lucinda's mother, Dixie, is with her here and they...I'd like to tell you they have a very close relationship. Dixie owns the Dina's Clothing Store in Cairo and...they are very, very close. Lucinda has always worked close with her mother, but her father also, he saved the City of Cairo by diving under the levy and closing a sluice gate during high flood waters, and we've come to know them and love them very much. Lucinda's hobbies include horseback riding, creative writing, obedience dog training, swimming and softball. She plans to attend college and major in merchandising and fashion marketing. The Miss United Teenager Pageant will be held at the University of Illinois, and I might tell those people like Senator Rupp, on July the...15th of this year and the 17th. The requirements

for the pageant are to be fourteen to fifteen years of old...of age...fourteen to eighteen and to have at least a B average in school. The election of the queen will be held and based on her scholastic and...civic achievements, beauty, poise and personality. The winner then will go to compete in the national finals in November and December this year in Hollywood, Washington D. C. and Waikiki Beach. Awards will also be given for Miss Congeniality, citizenship and her, "My Country" essay, Miss Photogenic and the Volunteer Service Award. So allow...I would like to introduce you to Lucinda Walters of Cairo, Illinois. Lucinda.

LUCINDA WALTERS:

(Remarks given by Lucinda Walters)

PRESIDING OFFICER: (SENATOR DONNEWALD)

The Chair will...note that all of the remaining substantive legislation on the Order of 2nd Readings have amendments. So I think that the membership should be guided accordingly. Therefore, I'll call House Bill 712, Senator Marovitz. You wish the bill read? Read the bill, Mr. Secretary.

SECRETARY:

...House Bill 712.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Are there amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President, Ladies and Gentlemen of the Senate. House Bill 712 is a product of the Illinois Sheriffs Association. It was filed early last year and the

amendment which is offered is the bill. Through the cooperation of Mike Mory, the Director of the State Employees Retirement Fund, Ralph Kausch of the Illinois Municipal Retirement Fund, Mr. Anderson of the Department of Insurance and Sandra Goldstein of the Pension Laws Commission, we were able to put together this concept in proper form to be administered. And I might add, this is one of the few times that all these parties have agreed on a pension bill. There were some concerns voiced by the people covered under Article III, namely, the downstate Police Pension Funds and these concerns have been addressed by this amendment. The bill simply allows vesting through combined service where each system internally computes its own service and credits. The bill does nothing other than what other pension systems already do. This bill will insure the continuity of professional police officers within the State of Illinois. The bill does not, and I guess this is perhaps very important, the bill does not allow for the transfers of credit from one system to another within Article III, which originally was the concern of the downstate police representatives. There will be separate...computation of each system and this simply is for the downstate sheriffs so that we can attract well trained, experienced, capable law enforcement officials to sheriffs in downstate Illinois and I would ask for the adoption of Amendment No. 1 to House Bill 712.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? The question is, shall Amendment No. 1 to House Bill 712 be...just a moment. Senator Berning.

SENATOR BERNING:

Thank you, Mr. President. We have been furnished with a copy of the amendment but haven't, of course, had an opportunity to really analyze it. I think that it does what we want it to do, but my only request is of the sponsor that in the event we find there is something we feel we would like to

offer in the way of an amendment, will you bring it back from 3rd reading?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Marovitz.

SENATOR MAROVITZ:

I'd be happy to do that, Senator.

PRESIDING OFFICER:

All right. The question is...is there further discussion? Senator Thomas.

SENATOR THOMAS:

Thank you, Mr. President. Senator Marovitz, how do the downstate police associations feel about this, not the sheriffs association, but like the FOP?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you. They have no objection to this bill, because by the amendment, their concern about transfers with...within the same system were addressed, because by the amendment, the bill does not allow for the transfer of credits from one system to another within Article III which is their Article. So we've addressed their concern about the...the continual transfers within Article III, not allowed by this amendment.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? The question is, shall Amendment No. 1 to House Bill 712 be adopted. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Are there further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR DONNEWALD)

3rd reading. House Bill 891, Senator Marovitz. You wish it read? Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 891.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Elementary and Secondary Education offers one amendment.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Marovitz.

SENATOR MAROVITZ:

I believe, I'd like to defer to Senator Berman...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berman, I'm sorry.

SENATOR MAROVITZ:

...is that the amendment we're going to Table? Yeah, I...

PRESIDING OFFICER: (SENATOR DONNEWALD)

It's a committee amendment.

SENATOR MAROVITZ:

I would move...move to Table Amendment No. 1 to House Bill 891.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berman.

SENATOR BERMAN:

Yeah, when this Amendment No. 1 was adopted in committee, I'd indicated that some of the language regarding...associations subject to audit by the Auditor General was too broad. That language is being replaced by what will be offered as Amendment No. 2. So, at this point, I'd move to Table Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berman moves to Table Amendment No. 1 to House Bill 891. Those in favor indicate by saying...indicate by saying Aye. Oh, Senator Bruce.

SENATOR BRUCE:

Sorry, I was called off the Floor. I just wonder if Senator Berman could explain what was in 891 that we're

Tabling.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berman.

SENATOR BERMAN:

The amendment that was offered in committee, Senator Bruce, provided for a prohibition regarding payment to associations which do not permit a post audit by the Auditor General under the Illinois State Auditing Act. The language that was in that amendment that was adopted in committee, we had indicated in committee and upon review after committee, was much broader than was my intent as the offerer of the amendment. That language is tightened up by Amendment No. 2, which is being offered after we Table Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bruce.

SENATOR BRUCE:

I believe, Senator Berman, I stand in opposition to your motion to Table. We have several associations in the State of Illinois that are involved in public use of public funds to lobby the General Assembly. Some of them comply with the Act which requires under the State Board to file an audited return of how they spent public monies. For example, the Illinois Association of School Boards uses public funds that we send to them and they get from the local taxpayers and pay dues into Illinois Association of School Boards. I have no objection to their using public funds to pay those dues. They also file with the Illinois...Office of Education an audited return showing how they spent those public monies as is required by the Statute. I have no objection and I think it's quite appropriate that the Illinois Association of School Boards have their opinions represented in this General Assembly, even if they used public funds to do so, because they have an interest. There are other associations, the Illinois High School Association and EDRED and other groups

of large school districts that fail to comply with that Act. Now we have thirty or...thirty to fifty school districts that have combined together and presently have a lobbyist working in Springfield, spending State and local funds to pay their expenses, but they refuse to file with the Illinois Office of...Education an audited return. What this bill says is, they should file that. I think the taxpayers in those thirty school districts ought to know where their money goes, I think the people of the State of Illinois ought to know where their money goes, and all Senator Berman is saying is that we're going to take out that portion and leave those thirty districts without reporting to the State of Illinois, I think that's unreasonable. This was discussed in committee, we all agreed to sign on board that both EDRED, the...organization we're talking about and the Illinois High School Association should report their funds. Thousands and thousands of dollars are spent by...by local districts in the Illinois High School Association, they ought to tell us how much money they get from school districts as is required by law. This clarifies what they consider to be loophole, to take it out flies in the face of good sound management.

End of Reel

Reel No. 2

PRESIDING OFFICER: (Senator Donnewald)

Senator Berman.

SENATOR BERMAN:

Senator Bruce, may I call your attention to both Amendment 1 and Amendment 2. There are two sentences in each of those amendments. The sentence that you are referring to that requires disclosure is the same in both amendments. And it reads as follows, "Any association subject to Article XXIII of this Act must be in current compliance with the reporting requirements of Section 23-6 in order to qualify as a recipient of membership dues under this section." That language is the reporting requirement. That is the same language in both amendments. If EDRED or the high school association or the school board association or any other group falls within that definition, they're covered by both Amendment 1 and Amendment 2. It is the post-audit language, the second sentence, that has in fact been changed, Senator Bruce, and I didn't think that there was any disagreement as to what my purposes were regarding the audit procedures. It's my understanding that you wanted disclosure. That is provided in exactly the same language in both Amendment 1 and Amendment 2. I renew my motion to Table Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bruce.

SENATOR BRUCE:

You are striking, I guess then...then, you...you want to Table Amendment No. 1...

PRESIDING OFFICER: (SENATOR DONNEWALD)

No. 1.

SENATOR BRUCE:

...and add Amendment 2 and you want to take out the

post-audit so that all associations in the State of Illinois who are presently receiving funds would file an audited report with the Illinois Office of Education but they...it would not be subject to an audit...post-audit by the Auditor General, is that correct? That EDBED would have to file, but they would not be subject to an Auditor General audit, is that correct?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berman.

SENATOR BERMAN:

The language says any association subject to Article XXIII. If an association is subject to Article XXIII, under both Amendment 1 and Amendment 2 would be required to...to disclose, you know, to...to report. The question is, who's subject to Article XXIII, I don't know, but the...but the language is the same.

PRESIDING OFFICER: (SENATOR DONNEWALD)

...Senator Bruce, are you...finished? Senator Buzbee.

SENATOR BUZBEE:

Well, Senator Berman as...as you know, I have an intense interest in this also because this was my bill several sessions ago and the Illinois High School Association used to just go and have...epilexy...apoplexy trying to kill the bill and they were always successful at it. Why are you wanting to relieve them of the post-audit function? Well, you tell me you're...you tell me that...what is the difference in Amendment 1 and Amendment 2?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berman.

SENATOR BERMAN:

All right. It's the second sentence that makes the difference. In the...in the Amendment 1, that was adopted in committee, it said, "No dues may be paid to any association which does not permit a post-audit by the Auditor General

under the Illinois State Auditing Act." That meant that every organization that's under Article XXIII would be subject to post-audit, that wasn't my intent. My intent is, as is stated in the second sentence of Amendment No. 2, "No dues may be paid to any association which has as one of its purposes providing for athletic competition among schools and students, unless that association permits a post-audit by the Auditor General under the Illinois State Auditing Act." The audit, under the amendment I wish to adopt, will apply only to the high school association. Both...all associations subject to Article XXIII will have to file a disclosure, but it's only post-audit for the high school association.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? The question is, shall the motion...Senator Berman made a motion to Table Amendment No. 1 to House Bill 891. Those in favor indicate by saying Aye. Those opposed. The Ayes...in the opinion of the Chair, the Ayes have it and Amendment No. 1 is Tabled. Are there further amendments?

SECRETARY:

Amendment No. 2 offered by...no further committee amendments.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Are there amendments from the Floor?

SECRETARY:

Floor Amendment No. 2 offered by Senator Berman.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berman.

SENATOR BERMAN:

All right. We've...we've debated, I think, extensively, the...the language. This still requires disclosure by all groups subject to Article XXIII and the post-audit requirements of the high school association. It...this amendment has all of the other provisions that were in the amendment

adopting a committee dealing with noncertified employees and rights of recall to teachers. I move the amendment...I move the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Maitland.

SENATOR MAITLAND:

Well, I would...I would...thank you, Mr. President. I would call attention to the Body that...that there...there is another provision in there also. I think it has to do with the...with the girl's basketball tournament. And I think this is, in...in my judgment, perhaps a substantial part of...of the amendment. What it says is that...that the two basketball tournaments, both men and women's will be held and structured in exactly the same fashion, which means that the girl's basketball tournament will exactly track the boy's tournament, sending eight teams to...to Champaign every year. Now this sounds good, but very honestly, the schools themselves don't want this. I believe, Senator Berman, correct me if I am wrong, but there are only four teams that now go...I'm...is it four teams go to Champaign now? It...it's half the number of...of the boy's teams. And quite frankly, the schools like to have this semifinal part of the tournament held in close proximity to their home so they can draw more people. The girl's basketball does simply not draw the crowds that...that the boy's basketball does. And I think this is ridiculous, really, to...to pursue this and I'm sorry, but it really kills the whole amendment.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bruce. Senator...

SENATOR BRUCE:

Now, Senator Berman, on your proposed Amendment 2, the first sentence says, "Any association subject to this Article must be in current compliance with the reporting...requirements of Section 23-6 in order to qualify as a

recipient of membership dues." What is...what is a recipient of membership dues? Who would those include?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berman.

SENATOR BERMAN:

I'm not sure.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bruce.

SENATOR BRUCE:

Who do you intend it to include?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berman.

SENATOR BERMAN:

Well, if I read Article XXIII, I could probably give you a better explanation, but I don't have it in front of me.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bruce.

SENATOR BRUCE:

Well, let me ask you, if...if EDRED doesn't file a post-audit report, can they still receive membership dues, even though they are subject to the requirement of filing, but fail to file?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman. Senator Bruce.

SENATOR BRUCE:

What does it mean when you say a recipient of dues? If a...if an association, such as EDRED, which is subject to the filing requirements fails to file, can they still collect and receive dues from school boards around the State of Illinois?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Let me just read to you the language. It says, "Any association subject to Article XXIII of this Act must be in

current compliance with the reporting requirements of Section 23-6 in order to qualify as a recipient of membership dues under this section." Therefore, Senator Bruce, if any organization, whether it be EDRED, School Board Association, IASA, you know, you name it, if they are subject to Article XXIII and they have not filed the disclosure requirements or reporting requirements under 23-6, they may not be a recipient of membership dues.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

All right. So you're saying without regard to whether or not they are audited by the Auditor General, EDRED or any like association that is subject to Article XXIII would have to file with the Illinois Office of Education before they could legally receive dues payments by school boards. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

If EDRED is subject to Article XXIII.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

And it is your clear intent then that the second sentence about no dues may be paid to any association on athletic competition unless audited by the Auditor General is only related to the associations dealing with athletic competition, and in no way relates to the first sentence which requires all Article XXIII associations to file reports with the Illinois Office of Education prior to being able to collect dues from members of the association including school boards. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

I'd like to remind the Body, we have twelve more bills and thirty some amendments that will be going on them on 2nd reading. Is there further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR DeANGELIS:

Senator Berman, there are some associations that collect their dues from school boards for membership in their associations. Are they covered by this also?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

If they are...if they are subject to Article XXIII, and I'm sorry to say, I don't have Article XXIII, but the language here says, "Any association subject to Article XXIII has to file a report." That's the same language, for example, Ron Cardoni has indicated that he has no problem with that language. I have not heard from, for example, EDRED, that they have any problem with that language. They may be subject or they may not be, I don't know...to Article XXIII. If they're subject to Article XXIII, they must make a financial disclosure.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, would you be willing to broaden this to include those that are not in Article XXIII, but those who, in fact, do receive their monies from school districts and school

boards?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Well, I think that you and Senator Bruce ought to sit down because he's aiming at one group and you're aiming at another group, I think. And I think that everybody would be happiest if we just leave the language as is presently in Section...in Article...in Amendment No. 2. That's...that's the safest way so you don't get a...a interdenominational war going.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Berman moves the adoption of Amendment No. 2 to House Bill 891. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

Amendment No. 3 offered by Senator Sangmeister.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. This amendment is merely a clarifying amendment. We believe the law as structured says it anyway, but it clarifies that a tenure teacher who is dismissed by the board and is recalled shall lose no rights if he or she accepts a vacancy within one calendar year from the beginning of the following school term. We think that's what the law presently is, but we want to make sure that that's absolutely clear and it's a clarifying amendment, would move for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Marovitz.

SENATOR MAROVITZ:

Just as sponsor of the bill, I would...would concur wholeheartedly with Senator Sangmeister. There is no objection to this amendment and it is clarifying language and I would ask that everybody adopt Amendment No. 3.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, you know, I do have to make a comment. And it seems prevalent in the Education Committee that rather innocuous bills come over here and then they get stripped, and we make all kinds of new public policy and they don't really go through the right process, but...and therefore it's very difficult to track what some of these things do. But, Senator Sangmeister, tell me the difference between your amendment and what exists in Senator Berman's amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

I'm not sure that there's any difference at all. The purpose of this amendment...I was approached by the representative from the Illinois Association of School Boards who wanted to make very sure that this particular language is clarified and I stated on their behalf that I would be willing to offer this amendment to make sure that it is...it is understood, as I just stated, that when a tenured teacher is dismissed by the board and is recalled shall lose no rights if he or she accepts a vacancy within one calendar year from the beginning of the following school term. I don't think that's any different than probably what is in Senator Berman's amendment, it's just further clarifying, that's all.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, if that's all it does, the only difference is the

time frame. If I'm reading...Section 24-12.1 in Senator Berman's amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Sangmeister moves the adoption of Amendment No. 3 to House Bill 891. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 3 is adopted. Are there any further amendments?

SECRETARY:

Amendment No. 4 offered by Senator Keats.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. My amendment...I want to take a quick explanation, it has something to do with seniority provisions as Senator Sangmeister's did, and before anyone gets too upset, I want to say, we're not abolishing teachers' seniority or anything like that. We're clarifying the language, make it easier to live with using language that's existing in many of the negotiated contracts, it's strictly geared to protecting quality classroom instruction. It sets up your seniority list based upon the...you have an established, published seniority list based upon the instructional area, teachers can move back and forth between the lists, there's no problem with that. They don't lose their seniority on one list, they can be teaching in one area and still be on the other list, that's no problem. It does say though, that every five years they do have to teach in that area, it could be done during summer school, it could be done in a different school system, doesn't matter. Just says that every now and then they've got to teach or to take three hours to maintain proficiency in that other area and that's really all the amendment deals with. And it...oh, and it does cleanup the language too in terms of days. Now if there are any

questions, I'd be more than happy to answer them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President, Ladies and Gentlemen of the Senate. I reluctantly rise as sponsor of the bill in opposition to Amendment No. 4. There is one other change in this bill offered by the amendment that is very substantial and changes a part of the Statute that has been effective in Illinois for many, many years, and that is that a tenured teacher has always been given sixty days notice of his or her removal. This amendment would change that to only fifteen days and that is a tremendous change of a part of our law that has been on the books for many, many years. And I think...fifteen days is...is much too short a time to notify a tenured teacher that he or she is going to be dismissed when the law today is sixty days, and I would, therefore, stand in objection to Amendment No. 4.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Yes, thank you, Mr. President and members of the Senate. I rise in opposition to Senator Keats' amendment as it relates to dismissal of tenured teachers in Illinois. This area is new and I think that the combatants, if we might use that word, have developed their own strategies in the whole question of tenured teacher dismissal to where it is now working quite well. I think the...the most radical change that you see in this is the sixty days versus fifteen days notice of dismissal. For those of you who are concerned about school teachers, if you give fifteen days before the end of the term notice to a teacher that they are not going to be working next year, you have effectively said that they're not going to work at all, then fifteen days all jobs

for that September have already been taken. The reason for the sixty days, Senator Keats, is the board meetings occur and you get some notice that you're going to have to start scrambling around and finding a position somewhere else. And...and what you have effectively done is...is allow school boards, frankly, to dismiss people they would like to dismiss with...with...with the...idea that they're not going to get employed at all, and I think that you have given an advantage to the school boards that's quite unfair when people have worked and become tenured within the...within that school district and give them fifteen days notice of their dismissal, that's a...that's a pretty tough standard for them to meet, particularly when you know that hiring is done far before that fifteen day period.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. First of all, Senator Bruce, unfortunately when we get...we get into these issues, they're perceived as being pro-teacher or anti-teacher. And I think we're not focusing on the right part of this issue. The reason for this proposal is that anybody...for instance, in our budgeting process, the closer we get to the end of the Session, the better we know what...where the dollars are going to be. You are asking boards of education to make decisions before; one, they even know the assessed valuation of their district; and two, before they know what they're going to receive from the State of Illinois. Consequently, what occurs in order to protect themselves is an over-riffing situation. Now you're claiming that putting the date closer to the reality is a punishment to the teachers, and I'm submitting to you that keeping it further away from that date is, because it forces the undue notification of an excessive amount of teachers to compensate for the incomplete and

inaccurate information that is available on the sixty day basis. So, whether you vote for it or you don't vote for it, I think it ought to be pointed out that this is simply done to create more accuracies. In addition to that, whether you give sixty days or two weeks, nobody is doing any hiring at that time anyhow, so nobody is really losing out.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate. I rise in opposition to this amendment. They've been doing the sixty day notice for a good many years, it's worked. Now, there is hiring going on at times. If you wait 'till the end of the school year and they get fifteen day notice, it's going to be an impossibility for a school teacher who is trying to supplement his income with a part-time job during the summer, which is...they are to be commended for...if they do not know 'till the end of the school year, they got to go out and try to seek employment somewhere else. Now, it's worked...the school board had a very good idea how many they need to reduce in force at the end of...sixty day notice, and fortunately, most of those who get notice are called back because most seniors...teachers take an idea they want to retire during the summer. I oppose this amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR KEATS:

Thank you, Mr. President. There are several points that have been raised in the debate that I want to correct because while the intentions of the speakers were good, their information was probably basically inaccurate. A couple of things, I want to say first of all in terms of the seniority lists, et cetera, that is really a noncontroversial issue as

you can see, it was not...it's...it's just cleaning up a problem we're dealing with. The idea of the lay off or alleged rif, sixty day notice saying that that a sixty day notice works, you should go out and talk to a couple of teachers sometime. You want to develop an ulcer in a teacher, you let them know that they're about to be riffed and then...most of them know they're going to be brought back, but they sit there for a couple of months going oh, my God, am I unemployed, what do I do, am I looking for a job, it's unnecessary pressure. The sixty day thing does not work, and let me explain to you why, because it's easy to say you need to give the sixty days if you don't understand how the process works. In order to give a sixty day rif notice, you've got school boards basically trying to decide in January what their school force will be because they only meet every couple of weeks, twice a month, once a month, whatever, depending on the school board, and so what happens is in January before we have a Senate budget message, before we have passed the State budget, before we know what their funding is, before we know what they're going to get in terms of equalized assessed valuation, anything, they have no idea what they're going to get, they have to decide who's being riffed. So, of course, you get these massive rif lists and you've got all these teachers hanging out there in the wind, slowly turning, not knowing what's going to happen. Where if you cut it back to fifteen days, they aren't making the decision in January, they are making the decision after the budget message, after their budget comes out and so they're making an accurate decision, so when a teacher gets a rif notice in, he or she says, oh, my goodness, I'm actually being riffed, instead of the present case where two-thirds of them will be hired back. So in reality, while the intentions of the opponents of this amendment are good, perhaps their misunderstanding of the system causes them to say I'm helping

a teacher, when in reality, they're hanging them out in the wind. This amendment will make it easier for teachers to know what their status is, allow decisions to be made after they have a budget and is fair to everyone involved, and I think certainly fair to the teachers. I would appreciate your support. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats moves the adoption of Amendment No. 4 to House Bill 891. Those in favor indicate by saying Aye. Those opposed. The Nays have it. Amendment No. 4 loses. A roll call has been requested. All those in favor of adopting Amendment No. 4 to House Bill 891 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 15, the Nays are 34, none Voting Present. Amendment No. 4 having failed to receive a majority vote is declared lost. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 5 offered by Senator Bloom.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Yes, I believe that that amendment is not drawn in the form that I want it, so I would move to withdraw it and the next one after it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 1060, Senator Marovitz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1060.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. The bill as it was originally drafted allowed NIPSY, Northwestern...Northwestern Planning Commission, to notify legislators and Senators in the northeastern Illinois area of proposed IHDA developments in their area. This is a one word amendment and it says that they "shall"... "We, as Representatives and Senators shall be notified of IHDA proposals in the...northeastern Illinois area," and I would ask for this one word adoption of Amendment No. 1 to House Bill 1060.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Marovitz moves the adoption of Amendment No. 1 to House Bill 1060. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senator Etheredge.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge. Is Senator Etheredge on the Floor?
Senator Marovitz.

SENATOR MAROVITZ:

Senator Etheredge indicated to me that he was going to withdraw Amendment No. 2. For the record, I would agree

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that...I would like to...that to move this bill to 3rd reading. If Senator Etheredge comes to the Floor and says that that was not his agreement, he told me directly as well as others, I will make the commitment that the bill be moved back to 2nd reading so that we could hear Senator Etheredge's amendment. But he did come to me and say that Amendment No. 2 was going to be withdrawn.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? You've heard Senator Marovitz's motion. Leave granted? Leave is granted. Senator Marovitz will bring the bill back if Senator Etheredge so desires. Senator Etheredge, would you...wish to comment on your...Floor amendment.

SENATOR ETHEREDGE:

Yes, Mr. President, I would like to ask leave to have that amendment Tabled.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge...withdraws Floor Amendment No. 2. Is there further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 1244, Senator Degnan. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1244.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

ACTING SECRETARY: (MR. FERNANDES)

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

Committee Amendment No. 1...thank you, Mr. President...allows those two communities who have already given the tax...the tax break to people with historic buildings to continue giving that tax break, notwithstanding the applier in this bill. I move its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Degnan moves the adoption of Amendment No. 1 to House Bill 1244. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 by the Committee on Revenue.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Amendment No. 2 firms up the language and it now requires substantial rehabilitation on a building prior to the director awarding historic building deferment. I move its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Degnan moves the adoption of Amendment No. 2 to House Bill 1244. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator Degnan.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

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2nd reading

I would like to withdraw this amendment now.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan withdraws Amendment No. 3. Are there further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 1423, Senator Egan. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1423.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator Egan.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. Amendment No. 1 is offered in...in behalf of the Legislative Reference Bureau, in addition to which it...it...it's the Mandates Act exemption inclusion in the bill, but apparently the bill originally as it was drafted was improperly drafted. This amendment will correct those improper drafting and add the Mandates Act exemption. I move its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...is there any discussion? Senator Egan moves the adoption of Amendment No. 1 to House Bill 1423. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

HB 1607
2nd reading

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 1607, Senator Netsch. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1607.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senate...any amendments?

ACTING SECRETARY: (MR. FERNANDES)

The Committee on Revenue offers one amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr...Mr. President. The first thing that I would like to do is to Table Committee Amendment No. 1 and I will explain why. In the process of that amendment, the...everything that was in the original bill was struck and that is not what the amendment should have done. And so we are going to kind of start all over again. I have cleared this with Senator McMillan, he is aware of what is happening. I will then explain the rest of it when we get to Amendment No. 2, but it...the first order of business is to move to Table Committee Amendment No. 1 to House Bill 1607.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Senator Netsch moves to Table Committee Amendment No. 1 to House Bill 1607. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Committee Amendment No. 1 is Tabled. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Now, that means that the original content of House Bill 1607 is back in being and we'll get to that, of course, on 3rd reading. But it does...it's one of the bills that deals with revising the scheduling of

when the assessment process takes place to try to speed it up, and I think there was no objection at all to that. Now, Amendment No. 2...oh, I'm sorry, it still will be No. 2, that's right, because the first one was a committee amendment. Am I correct, Mr. President?

PRESIDING OFFICER: (SENATOR SAVICKAS)

You're correct.

SENATOR NETSCH:

Yeah. Amendment No. 2 then has two parts to it. The first is, it picks up the text of House Bill 1254, which also got amended out of existence at...at one point in the committee. A fairly noncontroversial amendment which deals with the language having to do with property tax exemptions for charitable and other types group...type groups. It doesn't change it in any way, but it does revise it in a clarifying way, and it was something that apparently was felt necessary so that there would be no question about the need to reapply every year for the exemption. The language says specifically that...property which is exempt from the property tax imposed pursuant to this Act, in effect, has to reapply every year. That is the first part of the amendment. The second part of the amendment is the amendment that was, in fact, adopted in committee at the request of Senator Bruce, and I think he would probably like to explain it, if I may defer to him.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This deals with the invested capital tax which this General Assembly passed in 1979 which was in the corporate personal property tax bill which we enacted, and what this amendment will do, and I believe that most utility companies have now signed on board, is to insure that we do not have any problem with the Caterpillar decision as it relates to utilities. When we

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passed the investment capital tax for utility companies, it was with the clear understanding that they would not file as...what is known as combined return. All...all this says is that we leave the situation exactly as it has always been. It does affect them, the Caterpillar decision does not affect them, other than the fact that they might be able to combine their returns if they don't wish to do that and this clarifies that and insures the State of Illinois will not lose a significant amount of the revenue they presently collect from the utility companies.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Netsch moves the adoption of Amendment No. 2 to House Bill 1607. Those in favor indicate by saying Aye. Those opposed. The Ayes have it...Amendment No. 2 is adopted. For what purpose does Senator Grotberg arise? Are there further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House bill 1733, Senator Bruce. House Bill 1902, Senator Rhoads. Read the bill, Mr... Senator Rhoads, for what purpose do you arise?

SENATOR RHOADS:

Very reluctantly, Mr. President. Senator Weaver and I have decided that it would be prudent to Table this bill. So I move to Table House Bill 1902.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rhoads moves to Table House Bill 1902. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. House Bill 1902 is Tabled. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I have just been advised by the Speaker that the Governor's Office has requested that the meeting that was to

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2nd Reading

be held at noon with respect to the appropriations and...and the amendments offered to the appropriations bill will have to be delayed until two o'clock. So I would request that those who are sponsors of appropriation bills just hang on a little longer until we can see if we can get the differences between the two Houses and the Bureau of the Budget worked out this afternoon. So if we can just move right on to the next substantive bills, we'll get back to the appropriations as soon as we have some agreement.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, then, we will move to page 12, the middle of the page, House Bill 2361, Senator D'Arco. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2361.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No amendments from the Floor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2381, Senator Bloom. Senator Bloom. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2381.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator Bloom.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President. This is essentially a multiplier divided and it changes the method used in determining local taxing units tax rate. It would provide that the tax rate, subject to limitation, would equal the district's levy divided by its assessed valuation instead of its equalized assessed valuation. In short, the tax rate would be determined prior to the State equalization factor which is still calculated for the purposes of State aid. Basically, it says that local officials should be totally responsible, totally responsible, for property assessments and the property tax revenue generated therefrom. In essence, what it will do is get the monkey off of our backs at the State level and force your local taxing officials to get some equalization within a county. The...the problem with all of our bills that address State multipliers is that they don't address the fundamental problem, which is unequal assessment practices within a county. Try and answer questions that you may have, otherwise, I'd urge the adoption of the amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, a question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR ROCK:

Amendment No. 1 looks suspiciously like Senate Bill 1664. I wonder if you could give us the history of that bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Well, I don't know about whether it's...suspiciously like

1664, it is 1664. 1664 was not called in Senate Revenue because of the length of the call and the unavailability of witnesses at the time. And I believe this Body should vote upon it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, I rise in opposition to Amendment No. 1 and would point out that this is the much heralded gubernatorial plan to abolish effectively the State multiplier. And I think it's almost untoward that that bill having been introduced was not subject to a hearing. Unavailability of witnesses seems to me to be a little lame, you have a whole second floor full of witnesses that I'm sure would have liked to talk to this point. This will have a dramatically negative impact, particularly in the County of Cook. And I think while it's a subject worthy of some study, I think to try to endorse this amendment at this time with little or no testimony, little or no evidence to...to support it simply is something we should not engage in, and I urge opposition to Amendment No. 1.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. I, too, rise in opposition to Amendment No. 1. Senator Rock, Senate President Rock, has spoken in general terms about the impact of this amendment. Specifically, this amendment if adopted would cost the Chicago Board of Education a decrease of about forty-three percent. I think that the motivation of this amendment is ill-founded at this time, I think it is primarily political, I think it is addressed at the grassroots activity in DuPage County, I think it is addressed at the...it...it is an attempt to alleviate the impact of the

multiplier which is going to be reduced for Cook County which is going to be higher than the tentative multiplier. I think it is a...a...a totally political response to a problem that we have tried to deal with in this Session of the General Assembly, and I have an amendment that is...has been prepared by the Assessor of Cook County's Office that tries to deal with this in a sensible way. I think if you are sincere in your desire to address this problem that you will have an opportunity when I offer this amendment, and I ask that this amendment, Amendment No. 1 to House Bill 2381, be defeated.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Yes, Mr. President and members of the Senate. Rather than get into a lengthy dissertation on this, Senator Bloom, is it possible for you to explain cryptically the alternative to the equalizer? It...it's got to be a brilliant idea, I'd just like to hear how it works.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

...question. I want you to repeat the question. The alternative to the equalizer, you mean...

SENATOR EGAN:

Yes, you're eliminating the...

SENATOR BLOOM:

...turn to...turn to page 4...

SENATOR EGAN:

...the multiplier, the equalizer, and my question...

SENATOR BLOOM:

...you call, is it...I just want to make sure we're all talking apples and apples...

SENATOR EGAN:

...yeah...well, you're...

SENATOR BLOOM:

...so what we call multiplier, is that...

SENATOR EGAN:

...the equalizer. It's...

SENATOR BLOOM:

...the multiplier.

SENATOR EGAN:

You...you multiply the tax to equalize it, or you...you...

SENATOR BLOOM:

Well, the multiplier, the State multiplier is imposed or comes into play where you have one county, you'll have a multicounty taxing unit or a multiarea district, you have one county underassessing and another county doing it on the square. Or are you...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR BLOOM:

...discussing equalized assessed valuation?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

I understand that, Senator Bloom, quite well. But what I don't understand is the alternative formula that you are asking us to adopt in this amendment, that I don't understand.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Okay, that's legit. Okay. Your tax bill would equal your assessed value, times the multiplier, times the tax rate, which would be your local tax rate divided by the multiplier. That's...that's it in a nutshell.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

I'm sorry, Senator Bloom, that's what we do now. But your amendment would alter that, you would eliminate the multiplier. And my question is, with what would you replace it?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

What we do now, is the assessed val times the multiplier, times the tax rate. Right? What I have described is changing that so you'd have the local rate divided by the multiplier.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise in strong opposition to this amendment, which indeed is Senate Bill 1664 and let me just make a couple of points. One is that while I do not have the affect on every part of the State, the affect on Cook County has been computed and that alone is disastrous. It is estimated that there would be...that the bill would result in a forty-seven percent drop in assessed valuation in Cook County and that, in turn, would translate into a loss of about a hundred and twenty-two million dollars per year to the Chicago school district alone. I do not think this is an appropriate time to begin to play that kind of game with the assessed valuation base, generally and particularly, where it is going to have that affect on a school district which is teetering on the brink of disaster to begin with. Secondly, I would point out that even so reform...a tax reform oriented a group as the Taxpayer's Federation has raised serious questions in one of their bulletins about this approach. They say the principle is a nice idea, but they have severe doubts concerning its overall impact on reforming the property tax

system. They point out a number of objections, including the fact that it requires additional work of county clerks, that and the taxpayers end up receiving relief only when the local assessing officials fail to do their jobs; and they make this point also, the true purpose of this proposal appears to be to get taxpayers and local officials to stop blaming governors and their respective departments of revenue for higher property assessments and the resulting higher tax bills. I think that is precisely the purpose of 1664. It is not going to achieve any real help or reform in the system. It is intended to get the Governor off the hook. Finally, I would point out that the bill was in committee, it was set, there was no denial of an opportunity for the sponsors to present the bill and the choice was theirs that it was not desirable to proceed with the bill. I do not think this is the appropriate time to attempt to revive and resuscitate this monster.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I certainly arise to support this amendment. As you know, this has been a recommendation by the Department of Revenue, the Governor's Office. And as you know, since we have, on the State level, put the multiplier on and the taxing bodies hadn't used good common sense in judgment and it abated, they have had a great increase in monies. And of course when the taxpayers raise up in revolt, those taxing bodies blame it on what, the General Assembly and the Governor, it's the multiplier. We know it's not the multiplier, they just don't abate. I certainly think that this is a good approach. In my area we had anywhere from a ten to a fifteen to a seventeen percent increase in real estate taxes, and quite frankly, we're fed up with it. There is a large group

of people in DuPage County that are going to be circulating petitions to reduce those taxes. That movement has started, it has flourished, there are a lot of local officials, how should I say, a little worried about that. I think that this amendment, perhaps, would cool down that movement and perhaps solve that problem. I hope everybody that was in the suburban area would support this amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. I rise in opposition to this amendment. I guess we have to always keep remembering why multiplier is in effect, and that is because the assessment procedure has been done improperly. That's what it's all about. And if you do it improperly, you're going to get a multiplier, if you don't you get a 1.0 and you're all right. And what this bill says, if you don't do your assessments properly and get a multiplier, we're going to negate the affect of the multiplier. Well, what does that do to the counties that have assessed properly? It means that we collect more at the local level and get less at the State level from the School Aid Formula and other formula driven amounts of money. And so what you are rewarding by this bill is those who...those counties and assessors who have done the poorest job of assessing real estate within their counties. Now if you want to get to the questions of how much money and what this is going to do, I think the taxpayer is going to be surprised. In downstate, and Senator Rock has already covered the...the Cook County, downstate schools, it's going to cost downstate altogether about three hundred and twenty-four million dollars, I'm told, Senator Bloom, if the multiplier is not put on, the effect of the multiplier. That will cost the schools about two hundred and three million, the county government thirty-three million,

the cities thirty-eight million, townships twenty-three million and other special districts, twenty-six million. Now that's not some boon that they just happen to get, that...that's their fair share of the assessed valuation in their districts, that's all. That's what the multiplier does. And...and what you're saying is we ought to...if you have a multiplier, we'll multiply and then divide it to where the net result is no increase at all. And for those of us who assess fairly, I think it's...it's an improper way of handling assessment procedures. We...we have wrestled with assessments time and time and time again and the difficulty always comes back to the way in which we assess property. And until we're willing to address that problem, to train the assessors to improve the process, these kind of tack-on amendments which are good in...in campaign years are not going to solve the problems of making sure that Illinois properly...property is assessed at its true market value, thirty-three and a third of that market value. And this amendment just should be defeated, it...it...it tries to tack onto a bad system a worse amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I apologize for rising a second time, but I was, frankly, a little surprised to hear Senator Philip rise in righteous indignation in defense of what's indefensible, as Amendment No. 1 is indefensible. And I just wanted to share with him, if he's available, and with Senator Berning that the school...the business manager of the Oak Park River Forest High School corresponded with some school districts in Cook, Lake and DuPage and reported back from their respective business managers a total of seventy-four school districts responded, eight of which were in Lake County, eighteen in

DuPage and forty-eight in Cook. And the total tax loss, if Amendment No. 1 is successful and approved, to those seventy-four districts was a hundred and thirty million dollars. And it was...it's been extrapolated that every school district in Cook, Lake and DuPage will lose in its educational fund and its operations and building and maintenance fund, roughly twenty percent of their current revenue. That I don't think is...is desirable at all and I again urge opposition to Amendment No. 1.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Berning.

SENATOR BERNING:

Thank you, Mr. President. I can't pass up the opportunity to again say to all of you, my fellow members of the Senate, that we are again back in that thicket where there are no answers. You and I or no one else can ever look at pieces of property and come up with the same assessed valuation, that's part of our problem. So that the solution I have been urging these many years for us to seriously consider is the flat grant. All of our time, all of the money and effort of...the school boards, the assessors, the State Board of Equalization and everybody else would be saved, well, that's my parting shot. Meanwhile, since we're stuck with this, any kind of an improvement is to be supported, in my opinion, and I humbly suggest to those of you who are adjacent to Cook County that it is impossible, it's impossible to defend an assessed valuation of a home on one side of an imaginary line exactly one hundred percent higher than a house on another side of that imaginary line, and that's exactly what the situation is between my country and Cook County. No one can defend that, but we aren't going to solve it with this kind of an approach, or the original bill, or what we have now.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Well, I'd like to thank Senator Bloom for giving us a chance to vote on this. In my county, in many of the counties in the State, I believe, there's a conscious effort to underassess and let us take the heat. I guess my county, Senator Netsch, goes a step further, they have a handout listing the legislators...should call on the State multiplier after, I suspect, instructing the assessors to assess at some level below thirty-three and a third. Well, how dumb do they think we are? I would suggest to you that the cost figures that have been tossed out, that will cost our school districts x amount of dollars and this amount of dollars are based on the assumption that those school districts are so dumb they won't go to court and sue the assessors to do their job properly and assess at the legal figure in the law. I can assure that my school districts are not dumb, that, in fact, they are willing to go along and let us take the heat 'cause it doesn't inconvenience them. But the minute it inconveniences them, they will be in court...awful, awful quick and awful, awful hard, and those assessors and those supervisor of assessments are going to have to go out and do the job that the taxpayers pay them to do. Let's put this assessing process back where it belongs, back at the local level. If they assess too high, the taxpayers can force them to reduce it, and if they don't do their job, the taxing bodies have the authority and the wherewithal to get that...them to assess at the legal limit.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I apologize for speaking twice, but I guess I had to answer my good friend, Senator Rock. And I happen to be in

Unit School District 205 in DuPage County. In the last two years they've closed four schools, our school population is down. This year, and I believe they're at the maximum rate, I think that every school district in DuPage County is at the maximum rate, they took in this year more than last year, a million seven hundred and fifty thousand dollars more. Now they could have abated that, they could have done it, they did not do it. It cost every taxpayer in my district more money because of that fact. A lot of our taxing bodies did this similar thing, and when the taxpayers rise up or somebody calls the office and moans and groans, you know what they say, the automatic answer is, the State did it, the General Assembly did it, your Senator did it, your House member did it. And I'm kind of sick and tired of taking the blame because we aren't to blame.

End of Reel

Reel No. 3

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Thomas.

SENATOR THOMAS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I...I really have to concur with Senator Philip. Last year, the good people of Moline went along with their school district up there and approved a referendum and some of the people simply didn't know what they were getting into. And now that the tax bills have come out, my mail in Springfield has really picked up and people have circled the multiplier, they have circled the increases on their property taxes. And curiously though, we have six thousand taxing bodies in the State of Illinois, as Senator Philip and...and many other members have explained, the heat ends up falling on the General Assembly. And the reason for that is that we...we see the multiplier coming out of Springfield, when, in fact, we have a tendency to want to say, well, go back to your city council, go back to your county...county board, go back to your assessors locally, but they just simply don't seem to understand that. And so, as Senator Philip has explained, we have taken a lot of heat down here. Many of us came down here and in our elections told people that we would...oppose any property tax increase without referendums, we have done that pretty successfully in the Senate and I presume over in the House as well, but all that goes for naught when the tax bills come out, we are still the boogie-men, and that's why I would be all in favor of Senator Bloom's idea.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nimrod.

SENATOR NIMROD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I want to issue a fair warning that the State of Illinois is slowly getting into a massive tax revolt. If we don't take some step that's going to remedy it within this Session, then I think the people will take that position and you will find throughout this State that we will do worse than what's happened in...both in Boston, Massachusetts as well as California. Seems to me that at this point, an example for you is at...in the City of Park Ridge, a local citizen decided to get out and collect some signatures and was very upset and went to the local governments and asked them to hold hearings, in fact, over three weekends he and two others picked up almost nine thousand signatures of residents within that community. Each of the local governments held hearings, both the city, the schools, the parks, the discussions went just like it's going on this Floor and the net result that nothing was done. You still have nine or ten thousand people there who are very disturbed and concerned about what's happening, and I heard the whole cry as I went around with petitions on my Senate Bill here, 1521, and picked up some forty-six thousand signatures in my district alone. All I can tell you is that we need to do something. We have turned down every piece of legislation that's come here that addresses this problem. This is the one answer now and if you don't do it now, then I think you're going to be back here this fall and you're going to have to take some action that's being proposed on freezing the taxes or on limiting the amount of growth. It's our responsibility to take some action and offer those senior citizens a chance to live in their homes. It's our responsibility to see that young people have an idea that they can buy a home and live in a home without worrying about having to...not knowing what their taxes are going to be and...and have to consider passing up the opportunity of this so-called American dream. I

think if we don't address this problem now, it's going to be a far more drastic problem that's not going to be in the hands of the Legislature. It seems to me that this is the responsible thing to do, and since we have provided no other means for doing it, that we ought to accept this method and go on to the...accept this proposal.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR BLOOM:

Well, thank you, Mr. President. I think that this proposal merits the support of everyone in this Chamber. Senator Netsch read you selected portions of the Taxpayer's Federation news letter, she did not read you that portion that said, the use of township multipliers is not a bad side effect to this proposal. More counties should adopt the system, if they did so the impact of the State multiplier on assessments and tax bills would be neutral as the Governor proposes. The point is, what's wrong, Senator Joyce, with addressing your grass roots problem? I thought that's what our system of representative government is all about. This basically strips away the veil and the...the enigma surrounding the property tax cycle and says, all right, folks, do it on the square. And if you don't do it on the square, then you get taken to court and forced to do it on the square, it's...it's simple. I see no reason why everyone in this Chamber can't support it because the...the numbers thrown around are guesstimates, that's all they are, guesstimates. And their guesstimates presumed on the premise that the property tax cycle will continue not to be operated on the square. And I submit to you, Ladies and Gentlemen, that that has to stop, and the first step toward's getting it to stop is to vote Aye. I'd ask for a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom moves the adoption of Amendment No. 1 to House Bill 2381 and has requested a roll call. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 24, the Nays are 28, none Voting Present. Amendment No. 1 having failed to receive a majority vote is declared lost. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. On page 13, in the middle of the page, House Bill 2521, Senator Simms. 2541, Senator Schaffer. On the Order of House Bills 3rd Reading, on page 6, we'll begin where we left off at House Bill 2406, Senator Jerome Joyce. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2406.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. 2406 amends the Architect Licensing Law. This law was put into effect fifty years...over fifty years ago and what it did was...or the problem right now is that it...requires a home builder to have an architect's seal on his house plans when the house is over two thousand square feet or costs over ten thousand dollars. When this section was enacted, such houses were considered large and moderately expensive and today these requirements are completely out of date. The problem came about in the fall of 1981. Most building inspectors or

builders were not even aware of these restrictions. The law was brought to the attention...was brought to the attention of a building inspector in a northern Illinois town, and the building inspector's group came to the home builders and asked that the law be changed so that building permits could be issued without this added cost. And what it does, it deletes the reference to two thousand square feet and limits the reference to ten thousand dollars...to remodeling. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? Senator D'Arco.

SENATOR D'ARCO:

Just for legislative intent purposes. Does this apply to industrial or commercial buildings as well as residential buildings?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Joyce, Jerome Joyce.

SENATOR JEROME JOYCE:

No, it does not. It's a single home on a single lot.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

Does...does it...it apply to any structures on a farm?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

No, it does not.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Berning.

SENATOR BERNING:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Berning.

SENATOR BERNING:

Senator, I've had a tremendous outpouring of correspondence from architects and the Illinois State Council of Architects opposing House Bill 2406. And their primary objection, as I gathered, is a concern over the potential for unsafe buildings. Now, is it the intention or is it the provision of the bill that there shall be no inspection by an architect or no predrawing approval or drawing approval by architects for private homes, or just what are the provisions of the bill that this outpouring of objection has stimulated?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

All right. No, that's not the intention. The intention is that...that right now, if you have over two thousand square feet or your home cost ten thousand dollars. In many instances...a home builder will come into a subdivision and build two or three types of homes and they will be twenty or thirty of them in there. What this does is say that, you know, he doesn't need an architect's seal on all of those homes...and it amounts to...to somewhere between a hundred and fifty dollars and five hundred dollars in savings to the homeowner.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning.

SENATOR BERNING:

Well do I understand you to say then that a small home does not need the architect's approval and seal but a larger home does?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, that's correct.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning.

SENATOR BERNING:

Well, there may be a logical reason for this, Mr. President and members of the Senate, but I submit to you that a home is a home is a home to the individual who happens to own it and occupy it. It seems totally inconsistent to me to say to the person who can't afford a five thousand square foot or fifty thousand square foot home that requirements must be adhered to, but to the person who has a small home whether he builds it himself or not is not going to be protected by the interests of us and the State of Illinois. That's the way I interpret this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes...this, for many years, no one even knew it was on the books. It was on there and it was discovered by a building inspector that it was on the books and they asked that it be removed. We've been doing it without architects' seals and now I believe they're...most the, well the largest architectural association in the State of Illinois worked this arrangement out with the...the home builders, and all they're trying to do is clarify it for the building inspectors and what have you around the State of Illinois. Most cases they didn't even know that it existed. And now they're just trying to take an old law, fifty year old law, off the books that was not being enforced in the first place.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Nedza.

SENATOR NEDZA:

Senator Joyce, for clarification, do I understand that the bill as it now stands before us does not exempt all single family housings on a single lot?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

No, I believe it would exempt them on a single lot.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

It presently exempts them?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR NEDZA:

But it also...

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Joyce.

SENATOR JEROME JOYCE:

The bill does, that's what I'm trying to do.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

Exempting all of the single family homes up to a limitation of ten thousand dollars and/or two thousand square feet?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

No, that's what is in the law right now. The law right now says that if...if a home is over two thousand square feet or costs more than ten thousand dollars, it has to have an architect's seal. I'm changing that to remodeling expense...if the remodeling expense is over ten thousand dollars, they have to have an architect's seal, and we're deleting the part about the two thousand square feet.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Davidson.

SENATOR DAVIDSON:

Senator Joyce, your bill, if it passes, no way would preempt or remove the zoning and subdivision ordinance control by local government which is more stringent than the present State law is in most instances now, is it not?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

That's correct.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I rise in support of this bill. The bill affects the building of single family private homes in Illinois, and if there's any industry in Illinois that needs a little help from the Legislature right now, it's that particular industry. The bill does nothing by way of removing any safety factor, as far as I'm concerned. I heard this bill in committee, I think it's a good bill and we should support the bill on final reading.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jerome Joyce may close.

SENATOR JEROME JOYCE:

Thank you, Mr. President. What...we're just, as Senator Schuneman said, we're trying to promote the home building in the State of Illinois. This is a savings of a hundred and fifty to five hundred dollars on...on every home and I would

appreciate a roll call...favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 2406 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, 1 Voting Present. House Bill 2406 having received the required constitutional majority is declared passed. House Bill 2408, Senator Philip. Read the bill, Mr. Secretary, please.

SECRETARY:

House bill 2408.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President. I'd like to ask leave to consider House Bill 2408 and 2409 together as they are companion bills.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave? Leave is granted.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2408 and 2409 as amended amend the Wildlife Game and Fish Code and create a new offense called natural resource theft, which, in effect, would be a Class 3 felony. Also extends the time for prosecution from one year to two years, allows the Department of Conservation to revoke commercial licenses up to five years. This is a tough bill on commercial poachers, people who kill game and net fish for a profit. It would also...and I'd give you some kind of an example what this was involved, fur bearing animals over twenty-five dollars, over a hundred and fifty pounds of fish

caught in Illinois and parts of various animals that are valued over three hundred dollars. This has been a compromise worked out with the Department of Conservation, most sport clubs, and that means deer hunting clubs and fishing organizations in the State of Illinois that do it for sport, not-for-profit, are in favor of this legislation. And I'd ask your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Nedza.

SENATOR NEDZA:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Nedza.

SENATOR NEDZA:

Senator, in I believe it was 2408, is that still...the penalty still in there, a Class 3 felony?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

Yes, it is.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

That's sort of a heavy imposition on somebody who likes to catch fish.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

It's just in regards to commercial fishermen, commercial poachers, not the guy that's just got a simple license like you and I have, perhaps. But we're talking about people who take over a hundred and fifty pounds of fish illegally.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

If I...my memory serves me correct, in committee when we were hearing the bill, the Department of Conservation had taken this from a Class C misdemeanor or a Class B misdemeanor, increased it to a Class A misdemeanor and still feel the necessity of making this a Class 3 felony.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

That is correct, Senator Nedza. And, you know, these...these...this game and these fish have to be taken illegally. And of course, there are people that make big dollars and do it continually all year around, and the department and a lot of people who are sport enthusiasts in regards to hunting and fishing feel that we ought to make the penalty severe.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, Mr. President. We have amended these bills in committee and on the Floor and I would support them. It is three hundred dollars worth now rather than a hundred and fifty, we increased that. There have been several modifications in these bills and I...I would support them.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, I ask for support of this legislation also, because with the commercial fisherman, it's just like a black market with anything else, the money that's being made on the illegal catches that they're making and the efforts that they have take to go into the black market business of the fish industry. And I ask for favorable support of this.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Gitz.

SENATOR GITZ:

Just to clarify for the record, Mr. President. I think it should be noted that the natural resource theft has been eliminated from the bill. The penalties are still there, but that has been done by amending the portions of the Statutes that relate to commercial poaching. And so, it would be somewhat inaccurate to relate that the bill still has a new class of...of felony within it for natural resources theft.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Philip may close.

SENATOR PHILIP:

Well; thank you, Mr. President, Ladies and Gentlemen of the Senate. If you're a fisherman and a hunter like I am and you appreciate the outdoors and recreation, you'll certainly want to support this piece of legislation because it comes down extremely hard on poachers, people who violate the law, who take more fish out of Lake Michigan, who kill more deer out of season, and we should be tough on them. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 2408 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 52, the Nays are 4, 1 Voting Present. House Bill 2408 having received the required constitutional majority is declared passed. Is there discussion on 2409? Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 2409.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator McMillan arise?

SENATOR McMILLAN:

Well, it's a point of order, maybe rather minor, but I thought the sponsor asked leave for two bills to be considered together or something of that kind.

PRESIDING OFFICER: (SENATOR BRUCE)

He did and received leave.

SENATOR McMILLAN:

On one roll call?

PRESIDING OFFICER: (SENATOR BRUCE)

No...no. He...he...got and received leave to discuss both bills at one time. Obviously, if he had not, there would be a point of order that he was discussing a topic not germane to 2408. Is there discussion on 2409? Senator Bloom.

SENATOR BLOOM:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

He indicates he will yield.

SENATOR BLOOM:

Senator Philip, as 2409, maybe the board should reflect that, came over from the House, it had language in it authorizing the director of the department to have undercover agents make buys, what's known in some quarters as quack scam language. Has that language been removed from 2409?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

That has been removed, Senator Bloom.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, that was it. I just wanted to point out that the...the buy money was taken out.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Further discussion? Senator Kenneth Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield.

SENATOR KENNETH HALL:

Senator, I...see you're having this bill to impress funds. In other words, that you're going to be able to get money to buy evidence? What about that impress funds you got in there?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

...Senator Hall, it has been taken out of the bill completely. It's been removed.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator McMillan.

SENATOR McMILLAN:

Yes, my question of the sponsor is, then please indicate again what it is that the bill does, because that's what it started out to do. What does it do now?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

It will eliminate...the fee requirement on noncommercial areas...hunting areas.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there further...is...is there further discussion? The question is, shall House Bill 2409 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.

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3rd Reading

On that question, the Ayes are 54, the Nays are 2, 2 Voting Present. House Bill 2409 having received the required constitutional majority is declared passed. 2417, Senator Nedza. House Bill 2425, Senator Rupp. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 2425.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. The basic bill, and I say basic bill because this has been...has had a couple of amendments attached to it. All the basic bill did was to exempt the tax on petroleum products that were sold to Antrak's and to Conrail, that was the basic bill. Now added to that is that...the one amendment, Senator Philip's amendment, changed the population level from five hundred thousand to one million in order to take care of DuPage County change in total population on collection of delinquent taxes. Senator Dawson's amendment is one and I would like to defer to him if he would care to talk to it, but I do recommend this bill. I recommend all portions of it. I think the part that Senator Dawson...is going to present is by far the most important part, and I commend him for coming and having it put on this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Dawson.

SENATOR DAWSON:

All I could ask for has been worked together and agreed on. I ask for a favorable roll call.

Further discussion? The question is, shall House Bill 2425 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. House Bill 2425 having received the required constitutional majority is declared passed. House Bill 2430, Senator Egan. Read the bill, Mr. Secretary, please. Senator Egan.

SENATOR EGAN:

I have an amendment. If this is not the proper time then I suppose we put it on recalls, but I have an amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. We'll...we will get to recalls, and for those Gentlemen that have, and Ladies, that have bills on 3rd reading, if they plan to recall today, would you please bring your amendments down. That will alert the Secretary who will be preparing a list of recall bills for distribution to the members desks very shortly. House Bill 2439, Senator D'Arco. All right. House Bill 2450, Senator Marovitz. House Bill 2451, Senator Coffey. House Bill 2452, Senator Coffey. House Bill 2485, Senator Jeremiah Joyce. All right. House Bill 2495, Senator Schuneman. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 2495.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a Department of Insurance bill which would establish procedures for the payment of retaliatory taxes by foreign insurance companies. The bill imposes penalties upon any insurance company which fails to file timely tax returns or pay the taxes as required by the code. It also changes

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3rd Reading

the penalty for the late payment of taxes from the present penalty which is one percent a month to the rate established under the Internal Revenue Code. I know of no opposition to the bill. I would ask for your favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall House Bill 2495 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. House Bill 2495 having received the required constitutional majority is declared passed. Senator Marovitz has returned to the Floor. Is there leave to return to 2450? Leave is granted. House Bill 2450, Mr. Secretary. Read the bill.

SECRETARY:

House Bill 2450.

(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. House Bill 2450 is aimed at preventing persons who have acquired funds through illegal narcotics activities from investing those funds in legitimate businesses or enterprises either in Illinois or associated with Illinois. The Narcotics Profit Forfeiture Act, which is House Bill 2450, recognizes the fact that I think we are all too well aware of that narcotics racketeering is a very profitable criminal enterprise and persists despite the threat of prosecution and actual prosecution because the existing sanctions do not effectively reach the money and the assets that are generated by narcotics profiteering and, in

fact, the assets are sometimes worth the sanctions. The Narcotics Profit Forfeiture Act proposes that the General Assembly statutorily prohibit narcotics racketeering in the State of Illinois and supplement existing sanctions by mandating forfeiture of money and other assets that are generated by narcotics racketeering activities. Under this Act, a person commits the narcotics racketeering law...violates that law when he participates in a pattern of narcotics activity and receives income or property therefrom, or if he is employed or associated with an Illinois business and he conducts the business affairs through a pattern of narcotics activity. A pattern of narcotics activity is defined in the bill of two or more felony violations of the drug laws pertaining to cannabis, narcotics, controlled substances or dangerous drugs. Either the Attorney General or a state's attorney may commence a prosecution under this Act. The assets that are received under this Act are split-up as follows: fifty percent of the assets go to the unit of local government where the officers conducted the investigation and were, in fact, responsible for the prosecution; twenty-five percent go to the Drug Traffic Prevention Fund in the State Treasury to help fund the meg units; twelve percent go to the county for state's attorney enforcement of laws pertaining to narcotics activities, and twelve percent to the State's Attorney Appellate Service Commission. They would receive the assets generated by the fund under the Narcotics Profit Forfeiture Act. I would be happy to answer any questions. This is a very important piece of legislation, and hopefully, we'll deal with the real crux of the narcotics problems and the profit that is generated therefrom. I would ask for the favorable support of House Bill 2450.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Walsh.

SENATOR WALSH:

Mr. President and members of the Senate, just to add my...my support to that of Senator Marovitz, and also to indicate to the membership that this bill was introduced at the request of Attorney General Fahner. I urge an affirmative vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Marovitz, you wish to close?

SENATOR MAROVITZ:

Just ask for a favorable roll call on this bill which is supported by the Antidefamation League.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 2450 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 58, the Nays are none, none Voting Present. House Bill 2450 having received the required constitutional majority is declared passed. Senator Coffey has returned to the Floor, and can we just proceed with the next bill. Leave is granted. 2451, Mr. Secretary, read the bill, please.

SECRETARY:

House Bill 2451.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. This bill is...amends and transfers two million eight hundred and twenty thousand among various line items in the FY '82 transportation appropriation. It also transfers one million dollars from five separate line items into a new game line item for Illinois State Lottery. I'd ask for a favorable

roll call and be glad to answer any questions you might have.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall House Bill 2451 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none Voting Present. House Bill 2451 having received the required constitutional majority is declared passed. House Bill 2452, read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 2452.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. There's two bills necessary for this transfer. To enact a transfer on House Bill 2451 includes IDOT's FY '82 new appropriations for House Bill 2452...House Bill 2452 is part of the two bills in this series and collectively transfers this two million eight hundred and twenty thousand dollars from the Road Fund. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall House Bill 2452 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none Voting Present. House Bill 2452 having received the required constitutional majority is declared passed. House Bill 2496, Senator Geo-Karis. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 2496.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill amends the Nuclear Safety Preparedness Act to increase the one time fee for nuclear power stations by...from two hundred and forty thousand...by two hundred and forty thousand dollars. And to include...increase the annual fee for nuclear power reactors by a hundred and five thousand dollars, and the fees for shipments of spent nuclear fuel are increased a...a thousand dollars for shipment by truck, and they're increased...they're two thousand dollars for shipment by...by train. The reason for this bill is so that we can have a...a faster monitoring system on all these nuclear plants so that the incident of three mile...Three Mile Island would not occur in any of our plants, 'cause this monitoring system will be able to now monitor the plants inside and out and I ask for a favorable vote on a very important bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Bowers.

SENATOR BOWERS:

Would the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates she will yield, Senator Bowers.

SENATOR BOWERS:

I'm not quite sure from reading my analysis and I'm sorry. You didn't discuss the amendments or did you? I notice the bill was amended.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I...I'm sorry. I...I'll tell you about the two amendments that were put on. The one amendment is the shipment, as I said, by truck to a thousand dollars...per...per...by...per cask and by train two thousand dollars per a cask. The other amendment authorizes local governments to be reimbursed up to one hundred thousand dollars for expenses attributed to implementation and maintenance of plans and programs authorized by the Act.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bowers.

SENATOR BOWERS:

It was the last amendment that peaked my curiosity. From whence does that money come? Where...where does it come from?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

It would be coming from the monies collected from the fees.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bowers.

SENATOR BOWERS:

Where does that money presently go?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

There's a separate fund that is collected and it...it's under the purview of the Nuclear Safety Department.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bowers.

SENATOR BOWERS:

Well, now, if I understand correctly, then, there is a fund that's created from these license fees and that fund today is used for what...is that...does that go into general

revenue or does it have specific purposes?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

It's...yes, and it's used for monitoring but there's not enough money to do the proper job of monitoring.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bowers.

SENATOR BOWERS:

Well, I don't think I have any problem, I'm just was curious--as--to--the hundred thousand dollars that the local governments are going to get. There are an awful lot of local governments in the State of Illinois. Are they all going to be in for that hundred thousand, and if so, where is the money coming from?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bowers.

SENATOR BOWERS:

Well...you're providing for up to a hundred thousand dollars to local governments for the implementation of this...of this Act. Now, I assume that every little town that a railroad runs through or that a truck goes through is going to be entitled to a hundred thousand dollars. Now where's all that money coming from, that's all I'm asking?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I think, Senator, that if it becomes necessary, it would be coming out of this fund.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bowers.

SENATOR BOWERS:

Well, do you have any kind of statistics or figures on the dollars that...this hundred thousand dollars that all

these local governments may request, do you have any idea what that's going to cost?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

They may not have any cost associated at all and I don't have any figures for you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. Maybe I can shed some light on this, it was my amendment that put the hundred thousand dollars in there for local governments. I talked to the Director of Nuclear Safety, he said that they could spare one hundred thousand dollars out of this increase. The reasons for it is, I...I...every little town that a railroad runs through is not going to be eligible for this. What is happening in areas where there are nuclear power plants or, if you will, waste facilities, there has to be drills. Now the NRC says that they have to do evacuation plans, they have the local governments in these areas, the sheriffs' departments, the...ESDA, they are incurring a substantial loss, these counties are, for doing these drills. Now as the tax base on these nuclear power plants and facilities are eroding, and we are going to erode them some more a little later on with Senator Netschs' bill, 1296, and with some bills that we have passed in here the last few years, there is very...there's little money coming in here and it...they're losing it very rapidly. Now the sheriffs' departments are saying, why in the world should we do this, why do we have to do this when we're not getting paid for it? And that to provide electricity and energy for the rest of the State of Illinois, it seems to me that it's only fair that we will provide a pittance back to these...units of

local government that have to go through this drill. And Senator, I wish you'd explain to me how this bill will prevent Three Mile Island from happening in Illinois.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I can answer that. I think we have a proper monitoring system that will monitor the plants inside and out and a twenty-four hour monitoring system, I think we certainly can prevent reoccurrences or at least try our best, and I think we...it's incumbent upon us to try for the safety of our people to the best of our ability. After all, nuclear energy is a federally regulated item, but if we can do what we can in the State of Illinois to protect our people, then I think we should do it. And I think this is a good bill in that direction.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Well, that's fine, but it'll tell us after it happens. The reason I'm supporting this bill, aside from the hundred dollar fee...hundred thousand dollar fee in the bill, is that the shipments of spent fuel rods are intra as well as inter. Now, there is litigation still pending on a law that we passed in this General Assembly on interstate shipments, but this entails intrastate shipments as well, I just want that in the record.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. May I ask the sponsor a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates she will yield. Senator Rupp.

SENATOR RUPP:

Thank you. Is it accurate that there is on existing plants an additional quarter of a million dollar fee? The ones that have already started have gotten their initial fee paid, and now you're coming back and saying oops, we're going to charge you another quarter of a million dollar fee?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Yes, because at the time that there was an estimation made about the cost for the monitoring fees it was grossly...underestimated and that is why we're coming back for more money.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp.

SENATOR RUPP:

Well, I think you would...that's an unfair approach, I think. If we have...automobile license fees and we charge a...a certain fee and we run out of money, we don't go back and charge them. I don't see why we are going to do that, that's an enforcement problem and that's our fault, and I don't know why we should go back and...what we're doing is putting right back onto the utility customer. That company is not going to be able to absorb a quarter of a million dollars.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I think what we...we are losing sight of the fact that the reason...is the reason that we are doing it is, to begin with, the nuclear plants are involved with nuclear energy, which is not exactly a simple energy. And therefore, I think we have to do everything we can to protect the people of the State in the best way we know, and the best way we can do it

is be sure that we have an alert system that is adequate. We do not have enough funding for an adequate alert system for all the seven plants and that's the reason for this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. I'm not quarrelling with the fact that you shall do it from now forward...from now on, but you're going back and changing the rules again, you're going back. If I started a plant, if it took me so much in my budget and I...I had that much laid aside to pay my fee, now you're coming in onto me and saying another quarter of a million dollars. Start from now on, but don't go back on those that have already, in good faith, started their own program.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

...we're not trying to offend anyone, but as long as we grossly underestimated to begin with, we had to come back and it's a legitimate need. It's not anything that's for me or you alone, it's for all the people who are involved near the plants.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President. Senator Geo-Karis...my district is Sheffield, Illinois, the radioactive waste disposal site, the low level site in the State. Citizens there are very much concerned about the fact that the State of Illinois established that site without the necessary funding to provide a trust fund for the permanent monitoring of that site. There were a lot of mistakes made in the early days of nuclear power and I think that was one of them. No one established the proper fees to create enough money to

maintain that those sites would be monitored and if there are any problems developing with the sites that the State has any money to clean up the site. Now, I'm concerned about what's going to happen to the fees that propose to be charged under this bill. Will those fees go into that monitoring fund or is that a different fund that's being established?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, the fees are going in for the monitoring fund.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Mr. President and members of the Senate, normally, I guess my support might be opposed to the idea of this bill because as Senator Rupp said, there's a problem with asking any private enterprise to go back and pay fees that were improperly charged in the past. But I think we're dealing with a little different problem here. When we begin to talk about nuclear power and the dangers to the public of not having those sites properly monitored, I think we've got to give consideration to that. And it's true that the costs will be borne by the utility companies and ultimately by the users of utility services, but by the same token, to a great extent, those are the same people who need protection against the dangers of nuclear power and the radiation that...that might result. And consequently, I stand in support of the bill and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nimrod.

SENATOR NIMROD:

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

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates she will yield, Senator Nimrod.

SENATOR NIMROD:

Senator Geo-Karis, you're not indicating this bill is necessary because we are not now properly monitoring the existing nuclear plants, are you?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I am indicating to you that we will not have a proper monitoring system completed if we don't pass this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nimrod.

SENATOR NIMROD:

Thank you. I don't think you're addressing my question. Is this a...is this an item of remote monitoring system that has been asked for by the Nuclear Safety Commission that we created as a means of saying they found some deficiencies in these nuclear plants?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

The monitoring system was required under the Nuclear Safety Preparedness Act that we passed, and this bill is supported highly by the Department of Nuclear Safety. It's an administration bill and Dr. Ferguson Philip... Ferguson, who is a nuclear scientist who is the director, is very much for this bill because he needs...he knows the necessity for...have enough funds to adequately...monitor all the plants timely instead of taking years to do it and we shouldn't take years to do it.

PRESIDENT:

Further discussion? Senator Nimrod.

SENATOR NIMROD:

Thank you. Well, my concern about this is...is that by

coming up with this kind of a proposal, and I'm sorry I didn't have the input from the committee, is that we're indicating that there's something wrong with the present operation of the plants. Now this new Act that's been prepared, as...as you say, this complies with the Nuclear Safety Preparedness Act, all we're doing is increasing the costs of 1979, but we didn't have a...we didn't have a Nuclear Safety Commission in 1979, and I'm not sure that this is not a result of...of something that...it's not a result of our recent enactment, it has to do with something else, and I think that coming up at this time and telling us that we need all these millions of dollars that are going to increase the costs, when I'm...don't know that it's needed in order to provide any additional safety requirements because certainly our plants that are presently operating today, to the best of my knowledge, have adequate safety precautions. Now, if there's some deficiencies that are not being met, that's a different question and...but to increase the cost for putting in an additional system that might or might not be necessary, I certainly think is a very serious thing to...for us to consider. And my notes here and the...in the analysis here says that one plant, for example, takes seven years in order to make up the revenues involved. I...I think that the advantages that we've gained by having some foresight in providing all the nuclear plants in the State of Illinois and...and enjoying a lower rate today than we were before. Every time the rates go up and this is going to help the rates go up, we're going to provide additional State money to help those people who can't afford those bills. I think this bill has either not been adequately explained to us or I really don't know the purpose of it.

PRESIDENT:

Further discussion? Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. Question of the sponsor.

PRESIDENT:

Indicates she'll yield, Senator Rupp.

SENATOR RUPP:

How far back does this payment go? Zion, I think, in your district, put up a plant sometime ago. Does this also apply to them, the two hundred and forty thousand dollar payment?

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Yes, and I might tell you that the remote monitoring system being installed at the LaSalle Nuclear Plant power alone...would cost two...approximately two million dollars. And under the existing fee structure, it would take seven additional years to generate sufficient revenue to fund another monitoring system. That's why the purpose of the bill.

PRESIDENT:

Further discussion? Senator Berning.

SENATOR BERNING:

...thank you, Mr...President. I have great reservations also about the potential for increased bill...electric bills for our consumers here. But I'd like to direct a question toward the amendment of Senator Joyce. Senator, your Amendment No. 2, which unfortunately I don't really have, but says there is a one hundred thousand dollars that local governments are authorized to be reimbursed. Now, there are a great many local governments, as was pointed out, and my question to you is, if there are more than enough applicants to suck up what available dollars there are in these fees, does the State become liable for the rest of the expense?

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

No, the hundred thousand dollars would be at...available to the units of local government at the discretion of the director of nuclear safety. Now, there's a hundred thousand dollars there, I don't know if it'll be used...any of it. But, you know, I've listened to this debate on how we don't want to tax the utility companies and how this is going to have such an adverse affect on the citizens of Decatur and, you know, this is a bunch of nonsense. This...these plants can be very, very dangerous. All we're asking for is a little bit of help from to the areas...the sheriffs' departments, local ESDA's need the help, for crying out loud, you know, you ought to have the thing in your back yard. It's not the greatest thing in the world to have. It depresses land values, and every time we come down here, we are eroding the tax base that they generate. So, it's just a hundred thousand dollars to help those units of local government. I don't know that it's such a big deal.

PRESIDENT:

Further discussion? Senator Berning.

SENATOR BERNING:

I...I really didn't get an answer to my question. I don't know whether your amendments limits the total to a hundred thousand dollars or a hundred thousand dollars for each one of the multitude of small governments, that's my question.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

It limits the amount, totally. I...I wish it went to everyone, but it doesn't.

PRESIDENT:

Further discussion? Senator Thomas.

SENATOR THOMAS:

Thank you, Mr. President. Well, I, too, have a nuclear power plant in my district. I have the Cordova Nuclear Power Plant, and like everyone who has a power plant in their district, the last thing I want to see happen is for any of my constituents to glow in the dark. I am going to vote for this, but what's going to happen is that the utility companies are now going to go back to the ICC, request a rate hike because they now have new costs. The ICC will grant that rate increase and then the cry will come out again that the utility companies are gouging us, and I don't like paying my utility bill anymore than anybody else does. But when this happens and when the rates go up, let's remember that we did it, it wasn't a utility company making a lot of money on this. And then we're going to hear about the elected commerce commission and without an elected commerce commission we're never going to get utility bills to go down, and because our EPA regulations are such in Illinois, the utilities are having to go out-of-state at sixteen dollars a ton for coal. So these are the cost increases, let's go ahead and vote for it.

PRESIDENT:

Further discussion? Senator Grotberg.

SENATOR GROTBERG:

Yes, thank you, Mr. President. I'm honored because I really haven't seen this bill until today in its final form and I have LaSalle, I'm the Senator from LaSalle and the big village of Seneca and Marseilles who...their total budget is about a hundred thousand dollars. And I'm wondering why nobody has written to me or called me from there. We have not been memorialized over in that community, Senator Joyce, on...on the importance of this bill. I see in my sheet here, it's an administration bill and I'm kind of hard put being one of the Governor's leaders on this side of the aisle or the Republican leaders, at least, but it's an amazing thing

that you can be left out when you're...when you're the main event...and don't you have a power plant, a nuclear power plant, we've all got one, and this is the first I've really heard of this gem. I just wanted that to be in the record as the...we slip slowly into the sunset.

PRESIDENT:

Further discussion? If not, Senator Geo-Karis may close.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the reason probably my...distinguished colleague hasn't heard from LaSalle is because they have the monitoring system in the LaSalle Nuclear Power Plant. Urge a favorable consideration. This is a bill destined for the safety of the people of Illinois.

PRESIDENT:

The question is, shall House Bill 2496 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 50, the Nays are 7, 1 Voting Present. House Bill 2496 having received the required constitutional majority is declared passed. Senator Savickas, on 2498. On the Order of House Bills 3rd reading is House Bill 2498. Read the bill, Mr. Secretary.

End of Reel

Reel No. 4

SECRETARY:

House Bill 2498.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Savickas. Senator Savickas. Try Senator
Bruces'.

SENATOR SAVICKAS:

I'm getting the message. House Bill 2498 authorizes the use of articulated vehicles which be comprised of two sections neither of which exceeds forty-two feet and it's not to have...exceed the maximum of sixty feet. There were four amendments put on. One was a technical one, one was one to allow for energy absorbing bumpers, the other was Senator DeAngelis' amendment regarding urban mass transit's acts on Federal funds and the fourth was Senator Grotherg's amendment on studded tires for handicapped vehicles. I would appreciate your support of 2498.

PRESIDENT:

Any discussion? Senator Keats.

SENATOR KEATS:

Question of the sponsor, please.

PRESIDENT:

...indicates he'll yield, Senator Keats.

SENATOR KEATS:

This bill which is basically a good bill, and I have no trouble with it knowing that it's now amended and knowing that it's going to a Conference Committee, can we have just kind of a friendly comment that you really don't intend to add any other things that could be nefarious in this particular area?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Senator, I've acceded to the request of anyone that has asked to have this bill amended. Now, I don't know what...would you consider that I should close the door to anybody else having an amendment on it? No, I don't...I...if someone wants to add something, I'll consider it, just like Senator Grotberg's, Senator DeAngelis' amendment, no problem.

PRESIDENT:

Any further discussion? If not, the question is, shall House Bill 2498 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 55, the Nays are none, none Voting Present. House Bill 2498 having received the required constitutional majority is declared passed. 2500, on the Order of House Bills 3rd Reading, the middle of page 7, is House Bill 2500. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2500.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. House Bill 2500 authorizes the Department of Transportation to convey 5.231 acres of land in St. Clair County to the adjacent owner for appraisal value of eighteen thousand three hundred dollars. It also authorizes another parcel of 3.845 acres to Kendall County to be conveyed to the Village of Oswego for purposes...for public purposes at no dollar cost.

Be glad to answer any questions, if not, I'd ask for a favorable roll call.

PRESIDENT:

Any discussion? If not, the question is, shall House Bill 2500 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 56, the Nays are none, none Voting Present. House Bill 2500 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 2502. Read the bill, Mr. Secretary, please.

SECRETARY:

House bill 2502.

(Secretary reads title of bill)

2nd...or 3rd reading of the bill.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this bill is to increase the penalties in relation to those who are tax fraud individuals in relation to the Department of Revenue for the State of Illinois. There was an amendment put on it here on the Floor so that the police powers or the tax revenue fraud agents is limited solely for the purpose of enforcing taxing measures administered by the department. Appreciate a favorable roll call.

PRESIDENT:

Any discussion? Senator Marovitz.

SENATOR MAROVITZ:

Question of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator Marovitz.

SENATOR MAROVITZ:

I'm question...I have a question regarding those appointment powers of...of investigators who would have the powers of peace officers. That is still in the bill, is that correct?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

That's correct and the reason why it's in there is the Attorney General ruled in December that these revenue agents had police office powers under the enacting of the old...the social security enabling legislation back in the thirties, peace officers are exempted from the social security. Our present State Pension System is a joint effort between social security and the pension plans. These individuals were be denying the pension credits or ability to participate, and this definition allows so they can qualify for the State Pension System as State employees.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

So are we then, by this bill, going to allow the director of revenue to appoint, in his wisdom, investigators, all of whom would then have police powers and thereby be able to carry a gun on any investigation that they feel it's necessary?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Well, I...I...I'm not sure that what, as I understand, these agents are all either been through the police training...officers situation or former police officers who have been in the training. But we put the limitation in there so that only, only, for the enforcing of taxing measures administered by the department. This is limited only in relation

to tax fraud under the department, they don't have broad...police office powers.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

I'm just not sure why in investigating and enforcing tax fraud and tax powers, these officials, investigators would have to be carrying guns. And that is what you are doing by this legislation. You are allowing the director of the Department of Revenue to appoint investigators in his wisdom and all of the investigators, in the course of their investigation, you are giving them the power to carry guns and that is no small addition to the...to the present law. And I don't understand, for the life of me, why we give these people the power to carry guns if they're investigating tax fraud, and I question whether we want people coming into businesses even though they may be on legitimate investigations and be pistol packing.

PRESIDENT:

Further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDENT:

Indicates he'll yield, Senator Hall.

SENATOR HALL:

Senator, I have serious reservations about this also. We already have the State police, we have the IBI and the Secretary of State has his police, now we're giving the director of...of Revenue, he's going to have his police force. We're getting too many police forces here. Also, you amended the cigarette tax with this bill? Are you allowing these people to go in without a warrant, to any place where cigarettes are being sold and able to just go in and start to...an investigation, open up packages of cigarettes without a warrant?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

The part, and it's added, is, it gives them authority to inspect any cigarettes on the premises when some are discovered that are not tax stamped. Presently, they're finding cigarettes are not tax stamped and they have no way to get out to see whether all the rest of them are tax stamped or not. This is a way to try to collect the taxation that is due the State of Illinois that the rest of us who...rest of you who smoke that the legal taxes being paid for the revenue to go to the State of Illinois. Applies only, only, if a pack or cigarette packs are found that have not tax stamped on them, they can then inspect the rest of them.

PRESIDENT:

Senator Hall.

SENATOR HALL:

But you haven't answered my question. Are they able to do this without a warrant?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

I don't know, that was not on my information I got from the Department of Revenue whether a warrant is needed or not.

PRESIDENT:

Senator Hall.

SENATOR HALL:

Well, my information is that the bill adds that the department is authorized without search warrant to inspect all cigarettes located in any place of business. Now, if I'm a person operating a business that he can simply walk in there to start taking things off of my shelf, going through all of these and no warrant, packing a gun, now this is going too far.

PRESIDENT:

Further discussion? Senator Rhoads.

SENATOR RHOADS:

Question of Senator Davidson.

PRESIDENT:

Indicates he'll yield, Senator Rhoads.

SENATOR RHOADS:

Senator, perhaps you could...I have a concern similar to that of Senator Marovitz. Could...perhaps you could explain again the exact powers that peace officer status is...is what peace officer status powers are being granted to these investigators? The reason I ask, I had a bill two years ago that passed this Chamber and did not pass the House which would have granted peace officer status to FBI agents in that we ran into some of the similar concerns on that bill.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Well, as I understand it, the necessity of giving the revenue agents, the police officer description is because the Attorney General ruled in December or November of 1981 that those revenue tax agents or fraud agents were police...were peace officers. When he ruled that, that took them out from underneath the pension of the State of Illinois is presently is involved because it's a joint pension between social security and the pension system. If, under the enabling Act of Social Security back in the thirties, police officers were exempt from social security, and when that was done, then the pension funds or pensions for police officers was set up separately from social security. When they came down to that ruling, these individuals working were being denied pension rights and this is just necessary so they can participate in receiving a pension through the police pensions that are exempt from social security participation, as the State

police are or any other local police officer are. They are under their own pension system, they do not participate in social security from their police officer's pay.

PRESIDENT:

Senator Rhoads.

SENATOR RHOADS:

So this...the...the bill as amended would undo what the Attorney General did in his opinion? Is that correct?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Well, yes and no. What it does, it makes them police officer status so they can participate in a pension fund that the police officers already have or policemen have in their different pension funds. Most of the individuals who are out there are either State policemen or former State policemen or former local policemen, and they can participate in the pension funds of whatever they want to participate in.

PRESIDENT:

Senator Rhoads.

SENATOR RHOADS:

Well, then perhaps I could yield to...to Senator Bruce. I...I think we ran into this problem once before when we tried to open up the...the peace officer status for pension purposes. And if...if that's what you're trying to do, fine, but I...in other bills before the General Assembly, it's been concluded that that was not a good idea and which is why similar proposals have been defeated in the past.

PRESIDENT:

Further discussion? Senator Totten.

SENATOR TOTTEN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I think this bill has implications that are not easily read into the measure. For example, people would

maybe be inclined not to pay their taxes unless under the threat of a gun. Now, we have cities like Morton Grove where tax collectors would not be allowed to go in if we pass this bill. We would then encourage municipalities around the...around the State to pass bills like the one that Morton Grove had. And the fiscal impact to the State could be immense as no one would be paying taxes unless they were under the threat of a gun. As Senator Marovitz has pointed out, to give revenue agents the use of weapons to collect taxes may have apparent easy impact of looking like we're going to collect six million dollars as the department says, but on the other hand, we could exempt everybody, the municipalities from allowing people to carry guns and revenue agents wouldn't be allowed anywhere. I think we have to look carefully at this. Everybody is going to be moving into Morton Grove real quick if they find out they don't have to pay taxes.

PRESIDENT:

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. I...Senator Davidson, if I could direct a question to you again because there is still some confusion, I believe. Were you saying that the section which is on 20...page 28 of the basic bill and that was amended slightly by Amendment No. 1, that is the section that talks...that gives the Department of Revenue the power to appoint investigators to conduct all investigations, searches, seizures, arrests and so forth, and ends up, such investigators have and may exercise all the powers of...of peace officers, not police but peace officers, that that was added solely to enable the investigators for the Department of Revenue to come under the pension system which you were describing a few minutes ago?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

That's...that's two parts. One is that the part which about the pension system and the other part is so that those individuals who are cheating on their taxes, that the individuals who are the revenue tax fraud agents could go on premise to conduct investigation, search and seizures and other duties that they need to do in relation to making sure that the people pay their...legitimate share of the taxes. It's estimated this will bring in an additional thirty-five million dollars into the State revenue, which all of you say you need, in relation to getting at those people who are not paying their fair share at this time.

PRESIDENT:

Further discussion? Senator Berning.

SENATOR BERNING:

Well, thank you, Mr. President. There's a section in this bill that causes some of us a bit of concern, and I wish that it had been brought to the attention of the Insurance and Pension Committee long ago. It was never referred to us and I'm referring to pages 11 and 12. I think my question to the sponsor is, where is the...bill that affects the pension systems which would attempt to implement what is implied on page 12?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Well, what part of page 12 are you talking about this implied?

PRESIDENT:

Senator Berning.

SENATOR BERNING:

Starting with paragraph G, where it points out that any member who has withdrawn from service with not less than

twenty years of creditable service and this has to do with your police conservation and police officers...in the position of investigator for the Department of Revenue and has attained the age of fifty-five, or any member who has withdrawn from service with not less than twenty-five years of creditable service in the position of investigator for the Department of Revenue and has attained age fifty regardless of whether the attainment of either of the specified ages occur while the member is still in service shall be entitled to receive at his option in lieu of the regular or minimum retirement annuity, and on and on, new benefits. Now, it's nice to say that and I am not sure that it is justified, but where is the Pension Code bill which then puts that into the Pension Code?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

As I understand it, Senator Berning, the language that's been put in here is language that's in the pension language for the State police and other areas where that is already in...in force. And since most of these tax revenue agents are former State policemen, fact that the director of that is on loan from the State police or they had service from other police enforcing bodies, that this is language that is already existing in the different pension funds. Now, if I am in error, I will...I don't know, you're the pension expert, you and Senator Egan, but I was led to believe this is the language that already exists in other Statutes.

PRESIDENT:

Senator Berning. I would point out there are six additional members who have sought recognition. Senator Berning.

SENATOR BERNING:

Well, I don't want...I don't want to belabor it, but it appears to me that you are providing additional better bene-

fits for people in the Department of Revenue, and here we go again, impacting on the pension systems. But there is the question then in my mind as to whether or not by this approach you can be in a sense amending the Pension Code. And I was curious...my question was, where is the bill that implements what you're trying to do here that spells out the Pension Code change?

PRESIDENT:

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. I had not finished previously, Mr. President.

PRESIDENT:

That was made patently clear to me. Thank you.

SENATOR NETSCH:

I thought you had gotten the message. Thank you, very much. Back to that section again, Senator Davidson. If I read it in context...

PRESIDENT:

Page 28.

SENATOR NETSCH:

...yeah, this is page 28 of the Act and I've got the Statute book up...out now and if I read that section correctly, it does, even though you say that its primary purpose is to put them under the pension with maybe some slight additional purpose, it seems to me that it does clearly authorize these investigators to exercise unbelievably extensive powers including within someone's own home. Because there are tax laws that are administered by the department which might lead to the necessity to go into someone's homes to get their own personal tax records. I just...I have a feeling the rest of the...a lot of the rest of the bill is very good, and it's something some of us had been trying to do in past years, but it seems to me that section, if...unless there is something we do not see on the face of it is just dynamite and is going

to cause unbelievable amounts of trouble.

PRESIDENT:

Further discussion? Senator Bruce.

SENATOR BRUCE:

Well, thank you, Mr. President and members of the Senate. This...this is the gem of the Session, I guess.

PRESIDENT:

All right. Hold on, Senator Bruce, I think Senator Davidson has gotten the message. Senator Davidson.

SENATOR DAVIDSON:

Mr. President, let me take this out of the record and get the Department of Revenue down here to give me answers to these questions these individuals have asked.

PRESIDENT:

Take it out of the record, Mr. Secretary. 2504 I understand is to be on the recall list, is that right? 2505, Senator Coffey. On the Order of House Bills 3rd Reading is House Bill 2505. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2505.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. 2505 amends the Uniform Commercial Code and the Civil Administrative Code to provide for additional security to farmers in marketing agriculture products. It clarifies the Department of Agriculture may accept security from licensing or collateralizing financial deficiencies and to accept collateralizing and security of liens or in addition to a commercial security bond. If any...elevator goes bankrupt, creditors would have to exhaust security bonds first. Number

two, it establishes two classes of priority liens on the stored grain or grain...or on grain producers. First priority is claimants possessing any written evidence of ownership which discloses a storage obligation by a failed grain dealer. Second priority, the claimant possessing written evidence of sale of grain of a failed grain dealer or warehouse who has completed delivery and...within the pricing thirty days prior to the failure. I'd be glad to answer any questions you might have in regards to this bill.

PRESIDENT:

Any discussion? Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. May the sponsor answer a question?

PRESIDENT:

Indicates he'll yield, Senator Rupp.

SENATOR RUPP:

Thank you. Is there any way that a purchaser, say a company such as we have in Decatur, Staley's or Archer-Daniels-Midland, if they purchase and properly pay for corn, beans, something like that, could they possibly under your bill be called back to pay for those a second time?

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

Yes, that is not the intent of this bill and that's not the way the bill reads.

PRESIDENT:

Senator Rupp.

SENATOR RUPP:

You said I...my question was, could they be, and you said, yes.

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

No.

PRESIDENT:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think this legislation is well drafted and it does provide for the producers of grain some extra protection that...that they have not had in the past. They...they need to have that protection contained in...in the bill. I...I too, Senator Coffey, have perhaps a question somewhat similar to that of...of Senator Rupp. Would this require the buyer of grain, who has purchased and paid for grain in good faith be subject to any kind of a second payment or retrieval of the grain, in other words, are they protected against double jeopardy?

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

Yes. Senator, it is not the intent of this Act to make subject to retrieval or second payment of the grain purchased and paid for by the buyer in the ordinary course of business as defined in the Uniform Commercial Code of Illinois from a failed grain dealer or a grain warehouseman.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. I...I appreciate that answer and I think this clearly protects...protects everyone. I think the bill is well drafted and I rise, therefore, in support of House Bill 2505 as amended.

PRESIDENT:

Further discussion? Senator Schuneman...Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. A question of of the sponsor if he'll yield.

PRESIDENT:

Indicates he'll yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator Coffey, the analysis and your...your opening remarks indicated that it clarifies the Department of Agriculture may accept security from licensees to...collateralize financial deficiencies and accept collateral and security in lieu or in addition to a commercial surety bond. While I stand in support of...of anything that will protect our farmers against failure of grain elevators, I am concerned about the wording of that provision and I have a question about that. Does this allow, for example, the department to take collateral which otherwise might have been relied upon by a surety company for the issuance of a bond?

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

As I understand, the department sometimes will accept a CD for collateral, and this will just allow them to...will require them to go through the bonding before they go to that...that process.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Perhaps I should have stated my question in a different way. Has any of the writers of surety bonds indicated any opposition to this bill or any problem with it? I...I don't want to see us get into the situation where our grain dealers can't buy surety bonds 'cause I think that's our...our major protection. Has there been any indication by any surety writers that...that this would be a problem as far as their security is concerned?

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

There has not that...that I'm aware of and this has been discussed with, you know, for several weeks and days now among several different people and that has not been, at this time, been an interest.

PRESIDENT:

Further discussion? Any further discussion? Senator Coffey may close.

SENATOR COFFEY:

Well, Mr. President and members of the Senate, I just ask for a favorable roll call. This is a bill I think that's timely needed, especially in the time inflation's here and the bankruptcies been taking place in this state, the farmers storing their grain and then losing title to that grain. I think this deserves a favorable roll call.

PRESIDENT:

The question is, shall House Bill 2505 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. House Bill 2505 having received the required constitutional majority is declared passed. 2507, Senator Kent. 2508, Senator Grotberg. On the Order of House Bills 3rd Reading, the bottom of page 7, is House Bill 2508. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2508.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Grotberg.

SENATOR GROTEBERG:

Thank you. Thank you, Mr...thank you, Mr. President and fellow members. This is now the unamended version of the increase in rates, daily fees for the race tracks and the race track employees to generate the funds to accommodate the laboratory purchases that the Racing Commission needs. I'd be glad to answer any questions, otherwise I ask for a favorable roll call.

PRESIDENT:

Any discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, Mr. President and members of the Senate, let me go through the scenario of 2508.

PRESIDENT:

Can we ask the staff to take the conferences off the Floor. Senator Vadalabene.

SENATOR VADALABENE:

The original bill, House Bill 2508, increased the license fee to be paid by organization licensees to hold a horse race meeting from one hundred dollars to three hundred dollars each racing day. It was opposed by licensed holders because the increase in cost was so great. And now we go to the second chapter. It changes the license fee to be paid by an organization license to one hundred dollars for each racing day allotted for the calendar year prior January 1, 1983, two hundred dollars after 1983 and three hundred dollars for 1984 and succeeding years. It required that one-half of the 1983 and two-thirds of the 1984 license fees be expended by the board to acquire, establish and operate testing laboratories for the purpose of conducting saliva, blood, urine and other tests on horses and this amendment was adopted. And this amendment is the result of a compromise between the racing board and the organization of license holders. And as...as a result of that amendment, they

halfheartedly supported the bill. However, that we go into the third chapter of this scenario and just the day before yesterday that compromise amendment was Tabled and we're back to the original bill. Now, I don't know what's going on here, but let me tell you this, the Illinois Racing Board last Thursday refused by unanimous vote to recommend the use of lasix drugs for the treatment of the so-called bleeders of the thoroughbred racing industry. A number of trainers in the Chicago area presented the horsemen's idea on the use of the drug and recommended that the trainers be allowed to use it on those horses that are classified as bleeders. And the Chicago news media, and to be exact, the Chicago Tribune carried the stories about how the presentations was made, and it was evident from the presentation to the board that it was unanimous, a seven to nothing vote, that the board did not buy the story being advanced by the trainers of the Chicago horsemen on the necessity of the use of the use of the drug lasix, in fact, the racing board by its actions said that lasix is but a drug that is used, "to heat up." And what they mean by that is to dope the horses. Inasmuch as the racing board had made its unanimous action, refused to allow the use of this drug, I can see no reason to support this bill which will call...cost my race track, Fairmont, fifty-five thousand additional dollars by the time it runs its course. Ladies and Gentlemen of the Senate, the economy in Madison and St. Clair County, and we just lost Cahokia two years ago, cannot stand such a tremendous boost in payout by these tracks. And I also have my suspicions about some of the Chicago tracks being able to handle the additional cost of daily operations for laboratories for the testing of these drugs that the racing board has now turned down. Let me give you some more examples, and let...and while I'm on my feet, let me tell you this, that the owners and operators of the Fairmont Race Track have never, have never, been consulted

about this bill. And I'm sure it may hold true for the race track in Moline and the race track at Balmoral in Senator Sangmeister's area. But let me tell you the injustice of this bill. Arlington Park averages two million dollars a day, Sportman's Park averages two million dollars a day, Hawthorn Park averages two million dollars a day, Maywood Park over one million dollars a day and now we come down to Balmoral in Will county, approximately five hundred thousand dollars a day, Moline Downs in Randy Thomas'...Senator Thomas' district, four hundred thousand dollars a day and in my district, Fairmont City, six hundred thousand dollars a day, taxing us all at the same price that they're taxing their race tracks in Chicago. Now to you people downstate who like to see racing downstate in Illinois, this may be one way to close up all our downstate tracks and give the City of Chicago all of the race tracks in the State of Illinois. This is a bad bill and it should be defeated.

PRESIDENT:

Further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDENT:

Indicates he'll yield, Senator Hall.

SENATOR HALL:

Senator, who...who wants this bill, please?

PRESIDENT:

Senator Grothberg.

SENATOR GROTHBERG:

The administration of the State of Illinois and the Racing Board in particular and several legislators.

PRESIDENT:

Senator Hall.

SENATOR HALL:

Senator, you...you realize that on these parimutuel

bettings that the State realizes quite a bit of revenue. Now what you going to do in effect, you going to put some race tracks out of business. And as Senator Sam has told you, I've already lost one in St. Clair County. The increase of fee...of fee here is too great. I think that you ought to ask everybody to vote against this bill, even though you are the sponsor because what you're doing is that you're going to really curtail racing in the State of Illinois.

PRESIDENT:

Further discussion? Further discussion? If not, Senator Grotberg may close.

SENATOR GROTBORG:

Well, thank you, Mr. President. And not unlike that country girl at the dance, Senator, we...we would appreciate first of all an Aye vote on this, but let's rebut some of the friendly conversation that's going around. Let's talk about what this Legislature has done for the race tracks. In 1975, a revised horse racing Act created the race track improvement fund used by all racing organizations to improve their facilities for patrons and horses. The improvements have been a boon to business. In 1979, the State's share of the privilege tax was cut by two percent with one percent to the tracks and one percent to the horsemen in the forms of added purses, and I think I handled that bill. As a result, the State's share of the total handle dropped from eighty-two million to about seventy million in the last two years, fairly drastic. In 1981, Governor Thompson approved other-track...not off-track but other track wagering for the big...Arlington Million, and this was added to previously approved off-track betting on Illinois tracks and other states. For example, the Preakness was a wagering event at four Illinois tracks, Sportsman's, Fairmont, Senator...Senator, Fairmont got in on the Preakness, Quadcity Downs and Maywood earning about seventy-four thousand dollars

for those tracks. Now, lest we think that the track owners are the only contributors to this, let us also suggest in this bill that none of the fees for the workers of the track, the licensees for the handlers and the trackmen and all of those have not been raised since 1960. They are being doubled or better twenty...twenty-two years later and they are contributing more than the tracks are contributing to this cause. Getting down to the essential ingredient that we have an 1890 vintage laboratory in Elgin, which is in my county and Senator Friedland's district, where a lot of people try to work finding lasix and other drugs in the horse urine that is submitted to them and the blood. And it is my opinion and that that of everybody that works there, if something isn't done to buy laboratory equipment out of this fund that we will not...only not be able to detect lasix which is almost impossible to find with the equipment we have but a lot of other drugs. So that there is a basic need, it's not a thoughtless bill. It's not a thoughtless bill, the Senator Vadalabene is very correct when he suggested that the amendment to phase-in was offered and withdrawn, I'm not disputing anything the Senator has said except the basic need for this legislation and I would ask for an Aye vote.

PRESIDENT:

The question is, shall House Bill 2508 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 19, the Nays are 24, 2 Voting Present. Sponsor requests that further consideration of House Bill 2508 be postponed. So ordered. Senator Chew, top of page 8. On the Order of House Bills 3rd Reading is House Bill 2511, the top of page 8, House Bill 2511. Read the bill, Mr. Secretary, please.

SECRETARY:

H.B. 2520
3rd Reading

House Bill 2511.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Mr. President, we took off an amendment the other day, it's in agreement. It merely brings Illinois in conformity with the Federal Government. And it provides relief for the Illinois carriers whereby they will not have to monitor the hours and things that the Federal Government has required. I'd ask for a favorable roll call.

PRESIDENT:

Any discussion? If not, the question is, shall House Bill 2511 pass. Those in favor will vote Aye. Those opposed with 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 53, the Nays are 1, none Voting Present. House Bill 2511 having received the required constitutional majority is declared passed. You lost your last friend, Charlie. Senator Geo-Karis on 2520. On the Order of House Bills 3rd Reading is House Bill 2520. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2520.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, House Bill 2520 provides that any accident or health policy which covers routine physical exams shall include rape exams or exempts their exams of...victims of sexual assault without

offset for...deductions or coinsurance.

PRESIDENT:

Any discussion? If not, the question is, shall House Bill 2520 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 51, the Nays are none, none Voting Present. House Bill 2520 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 2536. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2536.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, Mr. President and members of the Senate, House Bill 2536 amends the Uniform Commercial Code and very simply establishes that on an NSF check that a retailer would have the fixed sum of ten dollars as his cost for attempting to redeem or make good the check that has been presented to him which has gone bad. He has that alternative or to go to court and get whatever costs the court may give, but it would set ten dollars as the fee. I feel that is a very reasonable fee and the Illinois Retail Merchants Association would like to see this established in the law. Be happy to answer any questions. If not, move for a favorable vote.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 2536 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 49, the Nays are 3, 1 Voting Present. House Bill 2536 having received the required constitutional majority is declared passed. Thank you. 2577, Senator D'Arco. 2578, Senator Berman. Middle of page 8, okay. 2588, I understand Senator Grotberg will hold till tomorrow. We will now return back to the beginning. Page 2 on the Calendar, on the Order of House Bills 3rd Reading. 468, Senator Bruce. On the Order of House Bills 3rd Reading, is House Bill 468. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 468.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This is the Beer Industry Fair Dealing Act, and basically, the purpose of this legislation, which has been under consideration by the beer brewers and the beer distributors in the State of Illinois for some three and one-half years is to finally set out in statutory form the rights of negotiation between the brewers and the distributors of beer in Illinois. It sets forth in some detail when brewers can cancel agreements with distributors, the reasons for that cancellation, the requirements that must be met on transfer of business, and then specifically, the notice required before a brewer can tell a distributor that he will no longer be able to distribute and retail a particular brewers product. It is the work of many people and many individuals. I think that the Associated Beer Distributors of Illinois and the brewers have worked out acceptable compromises. There are a few glitches in the...in the whole compromise, but everyone has signed on

board except one or two brewers. And with that explanation, I would be happy to answer any questions that you might have concerning this legislation.

PRESIDENT:

Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I simply wanted to point out to the members of the Senate that, once again, we are intruding into the areas of private business which...in such a way that I think we have no business intruding. We did that a few days ago when we passed a law that would prohibit any automobile dealer from being open on Sunday if he chose to be open on Sunday. We did that simply because a majority of automobile dealers asked us to do it, and I think that was a mistake. Now we have the brewing industry coming to us, wanting us to ratify some kind of a contract that they have voluntarily entered into, that is most of the industry is voluntary. The rest of the industry we will force to comply to the wishes of the rest of the industry. I think this is not the right way for this Body to proceed. I think we should not involve ourselves in these matters and I would urge a No vote on this bill.

PRESIDENT:

Further discussion? Senator Mahar.

SENATOR MAHAR:

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

PRESIDENT:

Indicates he'll yield, Senator Mahar.

SENATOR MAHAR:

There was amendments added to this bill, were there not?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

No, there...there were no amendments. The bill is as it came from the House.

PRESIDENT:

Senator Mahar.

SENATOR MAHAR:

As it is now, what is the waiting period? For example, if the principal owner of a distributor dies, what is the action taken? Is there a sixty days or a ninety days in which a decision can be made in regard to whether the distributorship would continue in the hands of that family or not?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

The only limitation I know that is in...that is in Section 6 on transfer and on...on death is mentioned in Section 6. There are no limits except the only limit...time limit set forth is sixty days notice of cancellation. A...a brewer would have to give sixty days notice if, under the specified statutory requirements, a...a distributor had failed to meet those requirements he could cancel after a sixty-day notice, but he has to have at least a sixty-day notice and there are provisions for arbitration.

PRESIDENT:

Senator Mahar.

SENATOR MAHAR:

Well, then it doesn't protect a family. For example the...the owner dies and the distributor feels that his wife is not qualified to handle the business and carry on or the sons can't carry on the business, they can take it away from them. Is that correct?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

No. That is handled in this legislation. And that is, it states, "Upon the death of one of the partners or of a partnership that are operating the business, the brewer shall transfer to an active...the survivor who has been active in the management of the partnership and is otherwise capable of carrying on the business of the partnership." Now, we will get into, obviously, some questions about who is qualified. But if they have been actively involved, they, in fact, can transfer.

PRESIDENT:

Senator Mahar.

SENATOR MAHAR:

May I speak to the bill?

PRESIDENT:

Indeed.

SENATOR MAHAR:

It seems to me that there is a restriction on the small businessman here. And I know of many cases where suddenly the principal owner has passed away and a son, or a daughter, or a wife who has not been active in the business is able to take over and run that business and do it quite well but may show on the surface that they're not qualified since they've not been active. It just seems to me that that restriction is such that...that the family ought to have that control and not be regulated by some distributor. And I would urge a No vote on this bill.

PRESIDENT:

Further discussion? If I can have your attention. The Illinois Information Service has requested leave to shoot some film. Is leave granted? Leave is granted. I wanted to get that in before you got up. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr...thank you, Mr. President. Senator Bruce, I...I want to take issue on one thing. By the way, I...I'm

going to vote Present, because I think you've made every attempt to put this bill in the form that it should, but I do want to put myself on notice that next fall or in the next Session this bill ought to be amended. Now, there are some reasons why amendments are not being put on this bill because of the possibility that this bill could be used for some other purpose, and I defer to that, okay. Now, let me point out, when you're talking about succession, Senator Bruce, you pointed out the part that related to a partner who is active in the business, but you are not applying the same standard to a successor in the event of a death as you are to the transfer of the ownership, because under the transfer in the event of a death in the case of a wholesaler there is no basis for denial. If you will read on Section 6, paragraph 2, there's nothing in here that says they have to meet reasonable standards, nothing. And that is the part I'd like to put the Body on notice that I would like to see amended next fall. I will defer to the wishes of everybody who is involved by not attempting to amend this bill, but I can't support it the way it is.

PRESIDENT:

Further discussion? Senator Simms.

SENATOR SIMMS:

A question of the sponsor.

PRESIDENT:

Indicates...indicates he'll yield, Senator Simms.

SENATOR SIMMS:

Senator Bruce, I have a different interpretation of this bill than what Senator Mahar has, and correct me if I am wrong. Does this legislation not protect the investment of the small...of...of the distributor for the financial investment for many reasons, in case of death, where the ownership can be transferred to another family member or to another active individual, or secondly, that a manufacturer of a

product cannot make unreasonable demands upon that distributor in order to take that away? Is that an accurate assumption of what this bill is trying to stop in trying to protect the family ownership?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Yes, and, Senator Mahar, you...you...I hope you will listen, I think you have misinterpreted the language that I read to you that is protection for every distributor to make sure that they, in fact, can transfer to a surviving spouse or child. This is a...this bill is approved by every beer distributor in the State of Illinois and one of the big questions is transfer rights. And let me read it to you again, "Upon the death of a wholesaler, no brewer shall deny approval for any transfer of ownership to a surviving spouse or adult child of an owner of a wholesaler." Now that's...that's the language. They cannot deny that transfer, and so, I mean, that protection is in there. And I...I...that is not a limitation, there...presently there is no language in the Statutes protecting a surviving spouse, and this language allows a surviving spouse or an adult child a right to inherit that business.

PRESIDENT:

Further discussion? Senator Gitz.

SENATOR GITZ:

Thank you, Mr. President and members of the Senate. I truly hope the membership will look at this bill very carefully. Because if you are genuinely concerned about small business, then I think that this is a bill which is very fair. Most of the industry does exactly what is already covered in this legislation. There are, however, a couple of companies which don't always choose to honor that. There are, indeed, cases where wholesalers have been subject to

shipments that they didn't order. There are cases where the contracts are ambiguous, there are cases where price fixing can actually be one of the course of tactics involved. Correspondingly, it does not mean that brewers do not have rights under this legislation. If they are not given their payments on time, in deed, it is subject to cancellation. If they are insolvent, they are subject to cancellation. This is, exactly what has been stated, a fair dealing act. I think it is important that we protect the franchise arrangements and protect it in a fair way. And anyone who is interested in the spirit of fairness and retailing, I think, indeed, that it is appropriate for us to set some ground rules. It is alleged that this bill in somehow is an infringement on free enterprise. I believe there is a legitimate between free enterprise, the rules thereof, and the laws of the jungle. We also did not have any problem in a previous bill just a couple of minutes ago setting forth a standard for insolvencies on checks and establishing a service fee, somehow that was no problem in free enterprise. But now we are alleging that this legislation is somehow an infringement in that area. This is a bill which is fair to all concerned, and I believe should have been approved long before today.

PRESIDENT:

Any further discussion? Further discussion? If not, Senator Bruce may close.

SENATOR BRUCE:

Thank you, Mr. President. All this bill does, really, is set forth the agreements that most brewers have extended to their distributors, and it puts in the Statute the way that they can be transferred upon death. Senator DeAngelis has worked very hard in trying to get some additional language that protects the distributors and...and compromises with the...with the brewers which we will be working on in the

fall and next spring. But I think this bill in...in its present form meets the challenge that we have and that is to insure that small businessmen in this State who happen to be beer distributors are protected from brewers who may not treat them fairly. Gives a...a balance between those two parties.

PRESIDENT:

Senator Donnewald, for what purpose do you arise?

SENATOR DONNEWALD:

Only to declare that I...may have a possible conflict of interest, although we have had this system in existence with our company for ten years, so I will vote Present on this.

PRESIDENT:

Question is, shall House Bill 468 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 41, the Nays are 15, 2 Voting Present. House Bill 468 having received the required constitutional majority is declared passed. 579, Senator Grotberg. Senator Grotberg, on the Order of House Bills 3rd Reading is House Bill 579. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 579.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Grotberg.

SENATOR GROTBERG:

Thank you, Mr. President and fellow members. First of all, Mr. Secretary, would you let the record show had I not been arguing another bill, I would have voted Aye on the previous bill, which as I understand was the beer distributors bill.

PRESIDENT:

The record will so indicate. Senator Grotberg.

SENATOR GROTBORG:

Thank you. Senate Bill 579 now includes the senior citizen amendment that we put on yesterday State-wide for townships and counties of all sizes to impose by frontdoor referendum a tax for purposes of senior citizen programs. The original bill...is amended to impose fines on zoning violations, to not to...up to five hundred dollars, but instead of with each separate day, it is now one week later the meter starts running on each extra day. I believe we have a technical amendment on county board term lottery, yes, that was offered to straighten out the county board lottery so that they will know what districts they will be running in before their nominations, and other than that, it's a...mostly a housekeeping bill. I would ask for a favorable roll call.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 579 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 50, the Nays are 1, none Voting Present. House Bill 579 having received the required constitutional majority is declared passed. Senator Sangmeister, on the Order of House Bills 3rd Reading is House Bill 748. Read the bill, Mr. Secretary.

End of Reel

Reel No. 5

SECRETARY:

House Bill 748.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. This bill deals with the Firearms Owners Identification Act and is a rewriting of that Act to make it a workable Act in the State of Illinois. I think many of you are aware of the problems that we have had in properly administering the Act, and as a result, we have worked, I think, over a year now with sportsmen's clubs and with everyone else who is interested in the proper working of this particular Act. One of the deficiencies that we had with this Act, as you know, I believe it was the Chicago Sun Times proved that the Act was ineffective in Illinois when they were able to get a...firearms identification card for John...Dillinger and other notorious characters which shows that the Act was not working. We have now made some changes which we think will make the Act work properly. In addition to the problem that we had as far as identifying people was, of course, that it was inconsistent with certain Federal law and we have also turned that around. I think probably the most important thing in the Act is that from henceforth instead of applying directly to the Department of Law Enforcement in Springfield for your card, you will now be able to, if this act becomes law, to go to your local police department or your State police district or to your sheriff's office if, in fact, those offices accept the responsibility under this law and

you'll be able to apply locally for your card. There's two aspects and two reasons for that. One, the convenience for the person who wants to get their card. I would say to you, if you are a sportsman and you wanted to get a card to go hunting this fall, you better get your application in because to get it processed in time is almost impossible. This will help speed up identification locally with our local police agencies. Also, of course, on the other hand, it will also give the local agencies a chance to put enforcement into the law and that who knows better whether or not the card should be issued or whether there's any problem with an individual being able to obtain such a card than your local police agency. The fee which was originally five dollars was increased to ten and by amendment, I've reduced it down to eight dollars. So the fee is a three dollar increase which is broken down that five dollars goes into the FOID Fund to administer the program and the other three dollars continues to go the Fish and Wildlife...Fund. Basically that's what it does, it doesn't change any other laws pertaining to gun registration or anything like that. It is backed by the Department of Law Enforcement. I think the last time I talked to the lobbyist for the Illinois Wildlife Federation that they were now in support of the bill and I think that is correct. And would ask for your approval of this legislation. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR BLOOM:

Yeah, George, this is kind of a dumb question, but let's say if you lived in Morton Grove, could you go

get...fireowners identification card? Could you...submit your application through that particular unit of local government?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR BLOOM:

You follow...you follow my question, don't you?

SENATOR SANGMEISTER:

Yes, if...if the Morton Grove Police Department decides to participate in this program with the Department of Law Enforcement, then, yes. If...if that particular police department does not want to participate in the program then the answer would be no. It's discretionary, not mandatory on that police department.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

So, in...in other words, irrespective of ordinances banning handguns or firearms in that community, you can still use a participating law enforcement agency to apply? Is that...is that a fair...is that a fair characterization of the situation that would obtain if this bill passed?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Yes. That is correct as long as they decide they want to participate in the program.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Simms.

SENATOR SIMMS:

Two questions. Senator Sangmeister, in the case of a municipality that decides to participate and not all municipality police departments have merit commissions that are necessarily out of the realm of politics, and the mayor indi-

cates to the police chief, don't issue any cards, what's...what's the check and balance on the system to give someone the right to obtain a fire...firearm owners identification card?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Although we are hopeful that everyone will go to the local police agency that's involved to ask for their card, there is no requirement in this bill that you have to go to your local police agency. So, going back to Senator Bloom's illustration, if Morton Grove Police Department decides because of their position not to participate in the program, anyone living in Morton Grove that wanted to get a FOID card would then either go to the sheriff's office in that county or to any other participating police agency in the area.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Simms.

SENATOR SIMMS:

The last question, what is the effective date on this bill? My analysis says it's...the effective date is January 1, 1981. Is that correct? So it's a...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

No, the effective date is January 1st, 1983. There's been...the amendment...I don't know where your...your analysis might have been of...of a prior amendment or the original bill, but this...the amendment makes it January 1st, '83.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

Okay, here we go again. Here we have another scenario. There are approximately two hundred and forty thousand appli-

cant renewals each year at a cost of five dollars each for a total of a...one million two hundred thousand dollars. Of this amount, seven hundred and twenty thousand dollars goes to the Wildlife and Fish Fund, leaving four hundred and eighty thousand dollars to administer the FOID card. However, and I want to make this clear, the appropriation to administer this Act is a hundred and sixty-five thousand dollars, that leaves three hundred and fifteen thousand dollars in revenue derived from the fees not being used for the administration of this program. Now, in this proposal on House Bill 748 would increase the fee to eight dollars for application with two hundred and forty thousand dollars going to the annual renewals, there would be a total of one million nine hundred and thirty-two thousand dollars of which seven hundred and twenty thousand would go the Wildlife and Fish Fund, one million two hundred and twelve thousand dollars would go into the General Revenue Fund and seven hundred and twenty thousand for the operation of the program, and four hundred and eighty thousand dollars, and he said, if they propose to go into this Act and...and administer the application which is already notorized. Now the Illinois Wildlife Association evidently does support this concept. But I heard directly from the migratory waterfall duck hunters and from the sportsman's clubs throughout the State that they are not in favor of this bill. It was just a board of the Wildlife Association. Again, this is a seventy-five tax increase on the sportsmen and the gun owners of the State of Illinois. It is another bad bill. They don't use the money that they take in now to administer the program and it should be defeated also.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR NEDZA:

Senator Sangmeister, I have my identification card in front of me now. The expiration date on it is 1 August, 1986. Does that change in anyway or is this card still in force?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

It will not change any of the existing cards that are...are in effect. Your card would be good until that date. One additional thing we are doing in the bill, however, which you have not gotten before is when that expires you will be getting a notice, I don't know how many days but prior to the time that your card expires, like on your driver's license to let you know that it is expiring, so that it's not in your wallet, like mine is as we stand here today, totally expired.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

Will the criteria be changed at the time that they send me my notice? Will there be any change in the criteria in order for me to qualify?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Nothing...well, let me make that perfectly clear. We're using all of the same criteria before to qualify for a card. However, we did have in there prior, as I recall, that if you're convicted of a felony within five years, and we took out the five years, that puts us in conformance with Federal law because what was happening is we had people being prose-

cuted federally who were saying, well, gee, I got a FOID card from Illinois and saying that should mean I ought to be able to carry a gun, so we're putting that in conformance, but that's the only small changes that have been made in the criteria.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

First question of the sponsor. Is this legislation supported by the Rifle Association?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

I...I have not heard from the Illinois Rifle Association one way or another, whether they support this or whether they don't. So, I...I cannot answer your question. I honestly have not heard from them one way or another. All I know is that the Illinois Wildlife Federation has told me that since we took out the two dollars...incidentally, Senator Sam, that was going to the General Revenue Fund was ten dollars, that two dollars is now out of here, so there's nothing going directly into the General Revenue Fund from this fee. But to answer your question, I have not heard, Senator Collins, from the Illinois Rifle Association.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Then my next question is, if I qualify for the...the card, based on the new law, is that in addition to or will local governments have to allow me to have a gun...to...to purchase a gun? Will this card give me the right to purchase a gun if I meet all the requirements of this gun? Now, notwithstanding that I may not be able to purchase the gun within the jurisdiction of a given local municipality, but I

can go any other place in Illinois and purchase my gun. Is that not true?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

If I understand your question correctly, the present law, which we are not changing at all, says that you are to have this card in order to be a person in possession of a firearm or in order to go out and purchase ammunition. You got to have this card today, we're not changing any of that criteria at all.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

So, this...this change that you're making now is...does not have any impact at all on local ordinance. Because you made a statement that they can either opt in or opt out or, you know, what...what...what do you mean about that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

All right, let me clarify that. That...that does not mean whether a community can opt in or opt out. Whether or not a local police agency, such as the police department for the City of Chicago or Oak Park, whether they want to participate in reviewing applicants for this and then submitting that application to the Department of Law Enforcement is going to be up to them, whether they want to participate or not, we're not locking in those departments saying you have to handle these cards, that part will be voluntary.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Johns.

SENATOR JOHNS:

You know, Mr. President and members of the assembly, it's

going to get so expensive to go hunting and fishing and carry firearms identification, the poor man on the street is not going to be able to...to...to afford this one-time necessity and now it's becoming fast and a...a luxury. You pay seven dollars and a half for a fishing license now and...and I don't know whether it's just this administration or what, but the whole thing is a silent move to push the poor people out of the simple enjoyments of life. But this card is probably one of the most hated of all cards that you have to carry in order to own a firearm. And people protest to me all the time about having to pay five dollars for this simple little plastic device that gives them so much harassment and now we're wanting to raise it three dollars more. I don't like the bill, I don't like it's...I like the Wildlife Federation and all that and I'm a hunter and a fisherman and a conservationist, but I don't like the idea of constantly digging into the little guy's pocket to pay what the government ought to give them in the first place.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The Illinois Information Service requests permission to film the proceedings from the President's Gallery. Is leave granted? Leave is granted. Senator Becker. Senator Egan.

SENATOR EGAN:

Yes, I...just one question. I know what you say that the police departments can opt in or opt out, and I'm curious to know what they want to do in Chicago, have...has there been any reaction from them?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, when you say opt in or opt out, you can participate or not participate in the program, I don't know if that's an opt in or opt out, but I've been advised that the Chicago Police Department is more than willing to participate in this

program. And the Illinois Sheriffs and Chiefs Association wants to participate in the program.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Well, who says so?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

I've been advised that Superintendent Braszic's office and also the Mayor's Office has so advised the Department of Law Enforcement for the State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Well, I question that because number one, presently they don't even take fingerprints on immigration cases, I don't know how they're going to be able to do this, that's my question. If they want to do it and they can do it and they're going to do it, I can support it. But if they just say, oh, it's a good idea and we...the mayor and the superintendent of police think it's a great idea and they don't do anything about it, that's something else.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Was that a question?

SENATOR EGAN:

I guess.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew. Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President, just a couple of questions. Senator Sangmeister, on the bill as it came over amended from the House, Section 4, paragraph 2, where is it that's it's optional about making an appearance at a police station

before you can get one of these?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, first place, I can't follow you because the original bill was...was...the amendment is now the bill. The bill is completely changed from when it came over from the House last year. So, if you're looking at the original bill, there's no way I can follow you, the amendment completely changed that. But I assure you, if your question is, do you have to go to the police station or sheriff's office in your county, I would direct your attention to, if you're looking at the amendment, it's now in Section 9 which says, "Each applicant for a firearms owners identification card shall make application on an approved form supplied by the department to participating municipal law enforcement agencies, sheriff's office and Illinois State Police Districts.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you. Well, the...the reason I didn't read that, I guess, is because the amendment is not underlined. I don't know why that...since that would be new language, so, anyway.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, the reason for that is is because this amendment strikes the entire existing Act and puts in a new Act, all...with all the same language we had before but with the changes I talked about, okay?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

What happens if my local municipality, and I'm sure that

you've gone over this, but what...what happens if my local municipality does not wish to participate? Where do I go?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, you go to...to the closest participating agency. I understand that the Sheriffs Association endorses this, and I would presume you'd probably go to your county sheriff's office then.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Whatever your answer is going to be, it's going to worry me. Now, there are two situations, I don't want to go back to my district and try to seek reelection if I tell my people that rather than send in a check for five dollars, they now have to go down and see the local gendarmes and say, by the way, I'm Terry Bruce and I'm here with my birth certificate and everything else. Now, and..and is that true or not true? If they decide to participate, do I have to go down and see my sheriff?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, now you're raising more pork chops, is what you're doing in this thing. There...you can go to your local police agency if they're going to participate, you can go to your sheriff's office, who I indicate...who are indicating the association they want to participate, you can go to your State police office if you want to, or you can do exactly what you do under the law right now, you can submit it directly to the Department of Law Enforcement.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Well, that's what I can't read anywhere in your bill, because it says, "An applicant shall make application on an approved form supplied by the department to participate in municipal law enforcement agencies, sheriffs' offices and State police districts." Now, that is on the amendment, on page 9, lines 27 through 32. I don't see anywhere where I can just go down to my local post office box and put a check for eight bucks and drive it in, can I?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

What I'm saying is you can come to the Department of Law Enforcement and they'll process right here in Springfield, we'll process your application. You would have to come personally, that is true, not through the mail.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

And...and that's what I was afraid of. And that's why I don't think this is a pork chop, this is a bill that is going to cause me more problems than I think that anyone can envision. In my district, the last thing in the world my constituents want is a firearms owners identification card anyway and they have been supporting the abolition of that. And if you are telling me that before they can get one of these gems that they don't want to pay for anyway, that they're going to have to drive to Effingham, the nearest State police station or to Carmi, the nearest State police station, let me tell you that I don't want my name on this in anyway, shape or form. Not only are you increasing the cost of this thing, but...from five dollars to eight dollars, but you know, there's a point in this country where people have to be responsible for their own acts and if some news

reporter wants to put Donald Duck or Daisy Duck or somebody on an application, send it in, well, that's fine. He...you know, most of my farmers, workers and the rest of them fill out these forms, do the best job they can, are honest, hard-working people, and there's something that smacks a little bit of a totalitarian state when you say, before you can get one of these things, you've got to go down to this...well, Dawn Netsch is excited now that somehow we shouldn't use the word, totalitarian. Let me tell you, I don't want to have to go down to the sheriff's office or this...or the police office or the Department of Law Enforcement or the Department of Revenue or to the Department of Agriculture or to the Agriculture Extension Advisor and walk in and say, look, I'm Terry Bruce, here's my birth certificate, my driver's license and now please give me one of these cards, it just seems an unreasonable request. And...and to require that State-wide, if that's what the amendment says, is...is...is not a pork chop, George, it's...it's harassment of the...of...of the normal everyday working stiff who will put up with a lot of harassment by the government, but I think maybe we've gone a little too far when we say run down and...and get this thing at the local sheriff's office.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I just want to say to Senator Terry Bruce and the rest of you, Amen. He hit this right on the head. Now I just got from a reliable source that the migratory water people are vehemently opposed to this bill. I...I don't understand why all of a sudden that this comes...these are the ones that are part of the hunting group. But...but many people around here are opposed to such things, and to tell me

that I can come up here to Springfield, I'd go up a hundred miles, I'll go around this. This is another one of...of these bad bills that ought to be defeated. And watch these two here down here on the Floor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Thomas.

SENATOR THOMAS:

Thank you, Mr. President. This bill has...has been a confusing one to a lot of us. There are all kinds of sportsmen groups and gun owners groups who have taken an active interest in the bill. Some cosmetic surgery and maybe some major surgery is yet necessary, but I don't think we're going to have the opportunity today. And I'm just kind of thinking that I'll reluctantly support this bill and how shall I carefully say this, hoping that our friends across the way one day soon has a chance to do a little work on it and that's all I can say at this time.

PRESIDING OFFICER: (SENATOR SAVICKAS)

For the second time, Senator Bruce.

SENATOR BRUCE:

Thank...thank you. I just want to point out to Senator Sangmeister, one of the reasons I have objection to this is that there are two hundred and forty-four thousand applications, I guess, that go in each year to the department. And of those two hundred and...two hundred and some thousand, at least a hundred thousand of them come to my office for reassignment. And the...the average wait in my district goes over three months. And...and I ought to get an extra staff assistant just out of this appropriation to handle them because I dare say that there is not an application submitted that does not eventually come to my attention in my office where we write the second check and we wait and we wait and we wait. Well, as Senator Vadalabene pointed out, you...we give you three hundred thousand dollars to run the program,

you only take a hundred and sixty-five thousand of what the sportsman has already paid, and he's expected to put up with the harassment because you took the other money and gave it to someone else. I...I just want you to know that this program is so poorly administered that...that you...you just cannot imagine the harassment a State legislator gets whenever they have to file one of these applications.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any...further discussion? Senator Walsh.

SENATOR WALSH:

Well, Mr. President and members of the Senate, I...I am a little surprised with the remarks of Senator Bruce who...who just got through sponsoring the Beer Industry Fair Dealing Act to now say that this measure of Senator Sangmeister's which seems to me to modest in scope is overregulation. I just...I just don't understand the Senator who's up on the...up on the Floor speaking even a second time on this measure. I see nothing...nothing really wrong with it and urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR SANGMEISTER

Well, thank you, just briefly in closing, I can understand the downstate legislators that get awful nervous when we start talking about firearms, okay. But I wish to assure you that you take a look at my legislative record concerning gun registration or gun confiscation, you won't find me getting anything close to a bill that's going to do that. All we're trying to do is correct a situation which you're complaining about, Senator Bruce. You're complaining about the...the Act isn't working, people are waiting three months to get their card. The whole idea behind this thing is to...to try to accomplish and...and get the machinery in

order so that we can properly process the cards. And for you to say that your people don't want to go to their local police agency in order to get a card, what kind of an indictment is that? Are your people scared to go into their own local police department that protects them or their own sheriff's office? What have they got hide that they don't want to go in and see their own local police department? It sounds rather suspicious. As far as the cost is concerned, my, isn't this a tremendous cost we're putting upon the sportsmen in Illinois. This card is good for five years, we're increasing the fee three dollars. If my math is good and it never has been, that means we're charging sixty cents, sixty cents a year is what we're talking about in the way of additional cost to administer this program, isn't that terrible. You can't even go across the street and get a beer any longer for sixty cents. Certainly sportsmen are more than willing to pay that additional cost for a decent program. And as far as an inconvenience is concerned, you got to go get your driver's license. Don't you have to appear down there once every three years, or five years, or whenever the thing is renewed, isn't that a terrible imposition that we should have to do that for driver's license, but to carry a firearm in the State of Illinois, we shouldn't even have to do this. Hogwash. This is a good clean-up bill and it ought to be supported. The Department of Law Enforcement is behind it and so is the Governor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 748 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all vote who wish? Have all voted who wish? Take the record. On that question, the Ayes are 23, the Nays are 34, none Voting Present. House Bill 748 having failed to receive a constitutional majority is declared lost. House Bill...House Bill 869, Senator

Demuzio. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 869.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 869 addresses itself to the Section 18-10 of the School Code which sets out that there would be at least fifteen pupils in average daily attendance, or in the high schools to have at least sixty pupils in order to qualify for State reimbursement State aid. This bill, a simple bill, that says that the provisions of this section will not and shall not apply to claims that are filed in June of 1982 for aid to be paid in the '82-'83 school year or for any other claims thereafter. So in essence what we are doing is that we're striking that minimum average daily attendance requirement in order for a school district...in order to receive State aid. To my knowledge, it only pertains to three school districts so far that I know of in Illinois, and I will yield to Senator Coffey to...for a further explanation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I rise in favor of House Bill 869. I happen to have one of the schools that is affected with the sixty pupil requirement. As a matter of fact, I had one school that's already lost...went under...the sixty pupil requirement and I have one that's nearing that now. We did a study on the one in Westfield, which is in Clark County, one part of my district,

to see what quality of...of those students coming from that school, what the quality of that education was, were they offering the appropriate requirements so they could continue on to college, and if so, were they going to college and if so were they passing out of colleges and with what kind of...what kind of degrees were they getting and what kind of grade points were they carrying? And we was astonished with the type of education that we're getting in that school, and yet, we see that if this continues as its present form, that under the six-day pupil requirement that they will not be able to receive any State aid. And that's saying that a school giving quality education and the community willing to put additional effort out to continue running that school, but yet, they will not get any State aid from this...from the State while other schools are receiving those dollars. And I think it's strictly unfair. And what we're asking in this bill is not that we lessen the quality of education in those communities that have less than sixty pupils, we're asking that they meet all the requirements every other school does in the State. They have to be approved by the State Board for the...the requirements and the type of...classes that they're offering and the requirements that they're offering, and we want to continue to do that. And we...we have asked the State Board that they monitor this very closely to see that those schools continue the quality education that's necessary for those students to have an opportunity to go on to college. And I would ask this side of the aisle to support this. I think it's a good measure and I'd ask them to support this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I rise reluctantly in opposition to

House Bill 869. I...I, quite frankly, voted for the bill in committee, but I...I think you have to stop and evaluate really what you're doing here, I don't think there's a member of this assembly on either side of the rotunda who favors mandatory consolidation, I certainly don't. But I believe you should create an environment where you encourage consolidation in those areas where those schools have gotten so small that they cannot operate an efficiently run school. Education is extremely expensive in today's market, extremely expensive. And it seems to me that just because these schools can well afford to hire one teacher for one student, or whatever the case may be, this really clearly is not providing an environment for that child that the child really needs. There is something to be said for competitive environment, and that means that when more than one child or five or ten compete in a classroom, they become better students and they're better prepared for life and they're better prepared for college. And it seems to me that although we don't favor mandatory consolidation, we should not encourage more and more small schools as enrollment clearly declines. Big is not necessarily better, but certainly, small and extremely small is not good and I would urge defeat of House Bill 869.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR SCHUNEMAN:

Senator, our analysis indicates the State Board of Education estimates that the cost of this bill in Fiscal Year 1983 will be less than eighty thousand dollars. Do you agree with that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Yes, a fiscal note was filed to...this was Representative Beilly's bill in the House. Fiscal note, if I can put my hand on it, does say either eighty thousand dollars or less.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Secondly, our analysis indicates that there is attached a list of school districts to which this would apply, unfortunately, I don't have that list. There is one particular school district in my district that is very much interested in it. Could you read that list to us to...or...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

I have not seen such a list. To my...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, we have a list on...the number of schools with a hundred students or less. I don't know if it'll apply to all of these schools. I do know, to my knowledge, it only applied to three existing school districts thus far.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I now have the list and I see that there are two schools in my district to which this would apply and so it answers my specific question. If any other member wants to know the names, I'd be happy to read them for them. In response to what Senator Maitland said a few minutes ago, I'd tend to agree with that except that I'd like to point out that these particular school districts that

I know about are seeking ways to consolidate with other schools, Senator, and I think that they need this assistance over this next period of one or two years in order that they can work out their consolidation problems, and for that reason, I would urge support of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. I rise in support of...of Senator Maitland's comments in opposition to the bill. Senator Maitland and I both voted for this bill in committee, and sometimes you have to see the errors of your way and correct yourself at a later date. He's correct, our...one of our greatest problems today is the fact that we are not dealing with economies on a scale with education. I'll give you an example from my own district so you don't think I'm picking on anyone else. I've got a town in my district that has four elementary school districts, three of which are closing schools, one of which is building new schools. I don't know how you can possibly defend that in public and I don't, I mean, I just say hey, forget it, that's just plain inept management, there's nothing we can do. But somewhere you have to deal with the concept of economies a scale and when you're at a level where a school is saying, well, we can just kind of meet all of your minimum requirements, you really have to ask yourself what's going to happen to those students when they get to...I'm not talking about the University of Illinois with thirty-five thousand students, get to a school where they got four or five thousand. Sometime you have to allow them to gain a...the competitive edge that you supposedly gain through schools, and by constantly saying that we can have smaller and smaller schools, less and less competition, less and less mental stimulus that somehow we're saying these kids are being educated, we're kidding our-

selves. And so even though Senator Maitland and I voted for this bill in committee, we have both seen the errors of our ways, and we are rising to the occasion saying, please don't make the same mistakes we did and we probably ought to say, these schools are simply too small to offer the kind of education these students need.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I rise in support of this bill. Now many of you of my age went to a school that had less than sixty in it. There's nothing wrong with this bill other than the fact it says presently the State Board of Education has an arbitrary figure of sixty. If your district falls below sixty and you want to continue to support that school district in your area, you don't qualify for any State aid. If you're willing to throw those kids into some big school district and they...where they don't want to go, then you would qualify. This doesn't...the IOE cannot close that school if the local taxpayers continue to pay and support that to the minimum standards. All it does when it does sixty or less...or should say below sixty, the State Board quits giving them any funds. Now just for some of your people, there's four districts presently that are under sixty, one's in DuPage County, one's in Randolph County, but due to quirk of nature, they still qualify 'cause there is exception in the rule to qualify for State funds if natural barriers, roads, bridges or et cetera and that happens to qualify in Randolph County, Pike and McLean County presently. Estimated for this coming Fiscal '83 year additional, Bureau County, Iroquois County, Bureau County, Clark County and LaSalle County will qualify...will fall below. They want to continue to operate, the local taxpayers are going to share and run it without any State contribution. We

passed resource equalizer ten years ago saying every student should have an opportunity of a quality education in their home area, their community. And all we're saying here is, if it below sixty, the local taxpayers want to continue to carry that tax load, then the State should participate and help them fund it. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you...thank you, Mr. President. I rise in support of this bill. It's really curious to me how the alignment is on this bill because some of the people who normally oppose interference with school districts are standing in support of the opposition to this bill. Anybody who opposes this bill is telling school districts, you must have more than sixty students. They're also telling them that if you don't, you must, in fact, consolidate. And opposition to this bill is, in fact, mandating school size. The other reason I stand in support of it is that as someone who graduated from a school who had less than sixty students and only three classrooms, I resent being referred to as noncompetitive.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey, for the second time. Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR COLLINS:

Senator Demuzio, you're talking about entire school districts, you're not talking about schools within a district?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

That is correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR DEMUZIO:

Well, I would solicit an Aye vote. As long as the school district meets all of the mandated programs and the services as required in the Statute, and as long as they are providing qualified and certified instructors, certified by the State of Illinois, the State Board of Education, I think, would look favorably upon this being added to the Statute, and therefore, I would ask for your favorable support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 869 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 40, the Nays are 12, none Voting Present. House Bill 869 having received the constitutional majority is declared passed. House Bill 958, Senator Hall. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 958.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill should really be Keats, Senator Keats bill. It...what he has done, along with this...this is the bill that creates the Community Development and Finance Cooperation Act, and along with Senator Collins, that all of us have worked on this and in order to get it into the shape that it is in at this time. So it's a new Act creating the

Illinois Community Development Finance Cooperation Act and it empowers that body to fund local development cooperation and projects aimed at aiding the redevelopment of economically depressed areas. And I'm sure that Senator Collins and Senator Keats both will have some comments to make in regards to this bill, so I will defer to either one of them that wants to go first.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, ladies first, Senator Collins. She says they feel equal, so Senator Keats can go first.

SENATOR KEATS:

It's always...it's always good to get up and say something about a bill right after you've just hammered somebody else's bill, but luckily, you didn't listen to me on that one, so maybe you'll listen to me on this one. But on a...on a serious level, with an unemployment rate of four and five percent, bills like this would not exist, but with unemployment rates in some of your districts between ten and fifteen percent, what we're trying to do is use the free enterprise system to keep as many...going during this recession as possible. You remember, we passed Senate Bill 1383 a month ago that set up a bond fund to help employees buy out their own firms with all...you know, without any public liability, without the State being responsible, but give them the advice they need to see if these firms can make it. This now turns around...this bill, House bill 958 sets up a community development finance corporation, so that if a community is making an active and serious attempt to renovate part of their own community, we can assist them again with no State obligation but helping them get the bond funds and the technical...expertise they need so they don't get off on some boondoggle somewhere, they're getting technical expertise that they couldn't possibly afford. They get it for free based upon this fund with the receipts coming out of the bond

fund. These are investment grade bonds, no one is forced to buy them, and if nobody thinks investing in Illinois is a good idea, then the bonds won't get sold. But it does offer a free enterprise alternative, and as Senator Bloom said on the last bill, that that was a classic enterprise zone bill, well, this is ...this is the complimentary bill to it that allows a community to take the same type of activist role that the other bill did which allowed the individual workers to do it with no State obligation but does give them the technical expertise so they don't get out on a limb.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR RHOADS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will yield.

SENATOR RHOADS:

Senator, we've seen various versions of this bill before. Once in 1979 a version was defeated in the Senate, and I believe the Governor vetoed last year's version of it. Now what's...and I note that the Governor's Office is still in opposition as this bill came over from the House with the House amendments. Now what's different about this bill than earlier versions with regard to State liability?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall. Senator...

SENATOR HALL:

I...I'll defer to...

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator Keats.

SENATOR HALL:

...what Senator Collins was...did...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats. Senator Collins, do you wish to answer this?

SENATOR COLLINS:

I didn't know the...Governor was in opposition to it, so I'll let Senator Keats answer it or Senator Grotberg over there, inasmuch as he's speaking for the Governor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

Mark...Mark, quick answer, wrong analysis, pre amendment. As amended, the...the Governor has said nothing else, I understand the Governor is neutral, as amended, in fact, Curt is shaking his head, yes. The Governor has no position as amended, there is no State liability whatsoever. Mark, you're just...you're just reading the wrong piece, that's all.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Totten.

SENATOR TOTTEN:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR TOTTEN:

Either...does the bill as it's now before us include target areas as those having a minimum of six percent unemployment in the prior three years?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

Excuse me, I was getting a pearl of wisdom from Senator Friedland and missed the question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Totten.

SENATOR TOTTEN:

Apparently, you need one. Does the bill as it is before us...require target areas to be those that have a minimum of six percent unemployment for the last three years?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

As...as amended, the answer is, no, the initial bill did. What this one does, you have to have a community that has setup a community development finance corporation on their level, this is not a State mandated program, it is locally initiated. We don't force anyone to do anything, and the community decides at what standards they want to do it, we do not mandate specific standards. The community has to initiate it and take responsibility for it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Totten.

SENATOR TOTTEN:

It is my understanding that this is supposedly targeted relief. Under the original bill, you targeted it by trigger mechanisms indicating unemployment. Have all those trigger mechanisms and targeted goals been taken out of the Bill as amended?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

The answer is, yes. In the original bill it basically was your description of saying the State funds it. There is no State obligation and no State funds. It is based upon a local community initiating its action through the community development finance authority, or whatever they want to call them at their local level, so that you have the active...you know, participation of that local government. They must initiate it, if they aren't committed to renovating their town,

then we aren't forcing it on them. They initiate it and they set the guidelines.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Totten.

SENATOR TOTTEN:

Thank you, Mr. President. So that anybody can do it in any city or any municipality in the State?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

That's true.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President. I, too, rise in support of...of House Bill 958. I think this is a very good concept, and it is an opportunity for the private sector and citizens of a given community to participate in the revitalization of that particular communities and it will most certainly create jobs and capital formation within a community. If, in fact, that during times of...of shortages of funds from the Federal and State levels to assist the cities in rebuilding and providing for jobs necessary to meet the needs of the citizens, then we must look for alternative resources to assist during these times. And I think this bill and the bill that we passed out of here on plant closing, I think are probably the most two productive things, so far, that we've done down here this Session, and I'm proud to say that it...it was a bipartisan effort and Senator Keats and I worked very closely and also the members of the Labor Committee on these two particular bills. And I would just ask all of you to give us an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If...Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. May I ask the sponsor or any one of the three a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

You may.

SENATOR RUPP:

Just what does the bill do? I think as far...bringing it right back to my own home town of Decatur, I don't think this is going to do anything that we cannot do now. We can issue industrial revenue bonds, so can they. What's the difference between this and an industrial revenue bond situation, no obligation on the State's part, no obligation on the city's part?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats, do you wish to answer that?

SENATOR KEATS:

One...now, one of the advantages of this, and I could go into a whole group of technical ones, but the key one is you set up a bond fund where you have advisors who are appointed by the Governor, now they offer technical expertise. One of the problems with the industrial revenue bonds, et cetera or with some of our local revenue bonds that are offered is that the towns get out on a limb because in some cases they lack the technical...expertise. This gives a review mechanism and makes sure that there is no liability at the State or local level. These are investment grade bonds, people are getting a tax break, in this case by buying these bonds, what anyone does to buy tax exempt bonds, and what they are doing is...is investing in communities.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rupp.

SENATOR RUPP:

Now I have a question. Would you tell me what the difference between this and industrial revenue bonds is?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR RUPP:

That's just what I asked before. There wasn't any...there isn't any difference. And where you...you have indicated to me, on the Floor here, that there is no money involved, no money involved, and then you start talking about bond funds. Where do we get those bond funds and what...and to what use can they be put, and who's going to control to what use they will be put?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

Okay. What...yeah...Senator Rupp, what you're missing is we have a...a board of directors, nine people, they are a board of directors appointed by the Governor, they are confirmed by the Senate, as I was saying earlier. It is required in the bill, specifically, that they have to have an expertise in this area. One of the reasons and...and for those of us who are very aware of municipal bonds and you have experience in this area, the reason some of these bonds are rated triple A and some are rated D minus is the faith of the people investing in them. In order...you're finding right now in some of the bonds local municipalities want to sell, people don't want to buy them because they don't have faith in the people issuing them saying, I'm not sure they've got the expertise to put these bonds out. This puts together a group, appointed by the Governor, that gives you the expertise so that they could sell the bonds. Many of these other bonds...on the municipal level, and pardon, I don't mean this to give Chicago a partisan slap, but you know, Chicago is having a little trouble selling bonds right now. By setting up a separate authority, you have a group that is monitoring bonds, offering immediate and obvious knowledge

about it. You got to...you got to read the bill to specifically see how it's setup.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Two questions to Senator Keats.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will...

SENATOR DAVIDSON:

One, will this replace Senator Totten's enterprise zone, or work in conjunction with it; and second, if this is such an emergency, the information I have, the effective date is not till July 1, 1983?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

The answer is twofold, does it replace enterprise zones, no. This is a...a completely free enterprise concept where, even though I'm a strong supporter of enterprise zones, enterprise zones is a government initiative. In this area, while the government initiates it, the government is not funding it or offering specific tax breaks right there. Your second question, I forgot, what was it? Oh. Effective date, in order to get the people appointed, confirmed by the Senate and to get the ability, the technical expertise and the bonds ready to go, you can't do that overnight. So, we're giving ourselves a little leeway on it, that's all.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nimrod.

SENATOR NIMROD:

Question of, I guess...presume, Senator Keats.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR NIMROD:

I...Senator, I hear you speaking about the expertise and this panel is going to be appointed by the Governor and all that. Is there any expertise that's going to be involved into which companies they're going to invest in or what they're going to do? They're just there to sell the expertise on how to sell the bonds. Do they have any voice at all in the management or the...determine not whether the companies that are being involved that there's any quality there?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

The...the board...the nine-member board, which is chaired by the Lieutenant Governor, if they feel that the program brought forth through one of these local community development finance corporations at the local level, if they feel it isn't going to work, they turn them down for the money and don't lend it to them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nimrod.

SENATOR NIMROD:

Yeah, well, I didn't read that in...in the bill. I don't know, might be in one of the amendments someplace. I...I think all they do is determine the bonds, they have nothing to do with the quality, I thought the local community decided that. I thought the local community decided whether or not they wanted to invest, I thought this was a community project rather than a...a decision by this board.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, is that a question?

SENATOR NIMROD:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

You're mixing apples and oranges, the initiation is at the local level. But one of the problems they have is the lack of expertise to see whether or not they put together a program that works. They initiate at the local level, then your authority takes a look at it, gives them a second reading whether they think it'll work, then the money can be put in the bank through escrow funds or whatever in terms of protecting where the money goes. But in terms of local initiation, it is, but this is their second check. I mean, how many times and...and for all of us who have worked with local governments or even worked in our own groups, an idea looks great on the surface but it's sometimes a good idea to get a second opinion.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nimrod.

SENATOR NIMROD:

Well, it seems to me I'm still a little bit in the dark in what you're trying to say, because on one...on one side we're saying that we need to have an expertise group to get in there and give them some advice and some direction, and the second area we're saying it's needed in the community and the community decisions. We're saying the State is not going to have any funds, but the State is now...no involvement of the State, but yet, the State appoints the board and the State determines whether or not they get the money. I...I question whether there can really be this kind of a relationship and this kind of control and decision made by the State without having its obligation involved also.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

Reel No. 6

SENATOR SCHUNEMAN:

Yes, thank you, Mr. President. Some questions of the sponsor. Senator Keats, I followed this bill somewhat but listening to debate, a couple of questions come to my mind. This...this bill would establish the community development finance corporation, and I understand these are the people that you say are going to have some expertise. Who issues the bonds?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

The authority.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Let's...let's stick to the same terminology now, do you mean the corporation?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR SCHUNEMAN:

The...the corporation that we establish under State law and the directors who are appointed by the Governor sell the bonds, that's the corporation that issues the bonds. By what authority do they issue the bonds?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

These are an investment grade bond, they are offering it as their authority and they are an investment grade bond.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I would hope they would be an investment grade bond, but that doesn't answer the question as to who has the liability...for the bonds. Someone has...some organization has to guarantee the payment of the bonds. Is that organization the community development finance corporation? An agency of the State Government?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

The answer is...is, yes and no. The answer is, yes, they are the ones who are authorizing, and the answer is, no, the State is not obligated the authority is obligated.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Mr. President, I...I think that I've just changed by position on this bill. I don't see how we can have it both ways. I...I don't see how we can establish an organization of the State Government, have the directors appointed by the Governor with the consent of the Senate, have that corporation issue bonds and have no responsibility for what they do. That...that simply doesn't make any sense in the real world. And I don't think that the actual working of this organization will be quite as it has been represented here, and for that reason, I'm going to withhold my vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR HALL:

Yes. Yeah and thank you, Mr. President and Ladies and Gentlemen of the Senate. The reason that we have the...the explanation that has been going on. This bill has been coming back year, after year, after year and it was suggested

that we would all get together and finally at long last come up and work on this bill. I...I want to thank Senator Collins in her committee for the work they did on it. I want to thank Senator Keats for his amendments, and you're absolutely right, Senator Rhoads and Senator Totten, that this keeps coming back. So what we did was, that we thought with a joint venture that everyone would work on this bill, and as the results of this, I think we got a bill that everyone can live with.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 958 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 38, the Nays are 20, none Voting Present. House Bill 958 having received the constitutional majority is declared passed. House Bill 1108, Senator Bruce. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1108.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This bill deals with two pension systems, the Downstate Teacher's Retirement System and the University Employee Retirement System. As you may recall, we allowed an early out option several years ago, legislation which I handled, and there have been some abuses in the system whereby in the last year of a person's employment they will underpay him and then the contribution he would make is very small. The purpose of this Act is to insure that no teacher, in fact, does that,

and it will base the lump sum payment on the last final full-time annual salary or the salary used to compute retirement benefits, and that usually goes back the highest four of the last five. So, it's the higher of those, it will...it will insure that no abuses of the system occur. It also sets the interest rates a six percent of payout. Senator Weaver attached an amendment for University Retirement Systems which deals with the way in which the universities, in fact, would pay, sets their payment...provisions, clarifies that an employee may pay the employer a lump sum from the same source of funds as is used to pay employees' earnings. Also sets the...interest rate at six percent compounded, and also sets the...the same requirement as to computation of final wage. It has been approved by the Pension Laws Commission, both amendments. The one amendment will cost approximately twenty thousand dollars and the university amendment, the Pension Laws Commission determined that there was no significant cost impact. The Downstate Teachers Retirement System indicates that the fund presently, at the present rate without any increase in interest, could fund this for another eleven years. If they went from six percent to seven percent, it would fund it for thirteen years. So there's absolutely no cost, it's approved by both...the...both amendments as the bill stands are...are approved by the Pension Laws Commission.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 1108 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 50...59, the Nays are none, none Voting Present. House Bill 1108 having received the constitutional majority is declared passed. House Bill 1120, Senator Berman. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1120.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1120 deals with the subject that we have addressed over the past several years, that is the program for in-home health care for the elderly. House Bill 1120 requires the Department of Public Aid to conduct a demonstration nursing home prescreening project for Medicaid applicants who may require care in intermediate or skilled nursing homes. The project would determine the feasibility of diverting these clients instead of to nursing homes to alternative residential settings, hopefully, in their own residences or apartments. The bill mandates a nursing home prescreening program. It requires the Department on Aging and Department on Rehabilitative Services to develop a sliding fee scale based on income and family size which shall not exceed a hundred dollars per month for each eligible person. It requires Department on Aging,...Department of Rehabilitative Services plus other State agencies to negotiate written agreements under the demonstration project with the Department of Public Aid to accomplish the purposes set forth in the bill; provides ongoing case coordination by the area agencies on aging. There is another bill on the Calendar that deals with a similar subject matter, House Bill 2147 sponsored by Representative DeAngelis. I have indicated to him and we have exchanged our comments that we are going to support both this bill and 2147. I think the...main reason...there are differences in these bills. This bill mandates certain programs, 2147 allows them. The main reason

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for suggesting to you that we pass both bills out, even though I think mine is better than DeAngelis', the reason that we're suggesting that we pass both bills out is because in conversations with the Department on Aging, there is a court order that was entered very recently in a case called Benson versus Blazer. That...that court order is still on motions in the trial court and may be appealed. It imposes certain restrictions on the Department on Aging and DPA that would be more restrictive than this bill and probably more restrictive than the department wants to be. I think that with the passage of both bills and the time frame that will pass between the passage of both bills and the court action the Governor will have the opportunity to hopefully pass the bill that is most responsive to the needs of our senior citizens in keeping them out of nursing homes, providing them with the kind of care necessary to live full and useful lives with supportive services in their own...own residences. Be glad to respond to any questions. Solicit your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 120...1120 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none Voting Present. House Bill 1120 having received the constitutional majority is declared passed. House bill 1178, Senator Egan. Read...read the bill, Mr. Secretary.

SECRETARY:

House Bill 1178.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. House Bill 1178 is in the Senate as a result of the Association of Park Districts' strong proposal in...in favor of this bill. It permits park districts with a population of less than five hundred thousand to deliver and sell alcoholic beverages in the park district property buildings, principally for the use of...to utilize the many buildings throughout Illinois that can be used for wedding receptions. It also allows park districts...or rather forest preserve districts less than three hundred thousand...three...three million population to do what the park districts now do with their eating facilities at golf courses. The bill has been before the Body before, and I'm sure you're familiar with it and I know that there are some who philosophically oppose it, but I think that bearing...or barring that philosophical...barring that philosophical disapproval, I...I know of no other opposition. So, I commend it to your favorable determination.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise to support this bill. As you know, in DuPage County where we have one of the largest, finest forest preserve districts in the State of Illinois, we're in the process of building a golf course with a course club house facilities. Our so-called experts tell us to make it a successful, profitable operation, it takes liquor, quite frankly. When people get through playing golf, they like to sit down and have a beer. I support this and I suggest that we should all support it because it makes some good common sense.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR SANGMEISTER:

Senator Egan, maybe the question was already answered by Senator Philip's discussion, but as I understand the way the bill is drafted, it's not only for weddings and social events. If a company wants to have a...a party out there that they can then have alcoholic beverages in the district. It's also so the districts themselves can set up their own operation, obtain their own license and sell alcoholic beverages, is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

The first part of your question, Senator, the answer is yes, the company could use it, it's not strictly for weddings. The second part of your answer is no, they cannot...they cannot become the...they can't open bars and...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

In that respect, unless I'm missing the boat here somewhere along the line, I don't see how Senator Philip is going to get what he wants. He said that they wanted to put in a golf course and open up a bar. That's obviously going to be operated by the...by the district then. So, I really don't quite see how they're compatible.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator Egan.

SENATOR EGAN:

Let...let me explain, Senator Sangmeister, so it's clear.

Half of the bill is for the park districts to allow them to use literally hundreds of buildings, as I say, principally for wedding receptions. The other half of the bill allows forest preserve districts to do that what the park districts can...can now do with their golf course facilities. The park districts...or the forest preserve districts cannot do that now, we're just allowing them to do the same thing that the park districts can do, only in respect to their golf courses. And there'll be...total local control which is important.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Then what you're saying is, it's restricted to those districts that have got a golf course involved, is that correct? Only with a golf course, is that what...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

In relationship to the forest preserve district, yes. But the park districts presently can do it throughout the State. This allows the forest preserve districts to do that same thing.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. I don't know that all park districts are permitted to do what you have said, Senator Egan. There is an element of local control in this, and I think that that's one question I would like to address to the Chair. This is under the jurisdiction of the local mayor, the local liquor control commissioner, want to know how many votes it will take to pass this, and my own observation is that I don't have any objection to some of these things, but I do feel that there should be one last bastion, one last

place where families can go and not have to put up with the likes of you and I.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, your request is...Senator Rupp. Your request is if it's preemptive? Senator Egan.

SENATOR EGAN:

Well, it's...it is not preemptive, Senator Rupp, it is subject to the local control. If the local people don't want this to be, it...it will not be.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Simms.

SENATOR SIMMS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I rise in opposition to House Bill 1178. If you remember last year, this identical bill was defeated. This bill at that time was for the park districts and the forest preserves were amended onto it. As I...remember, Senator Johns gave a very dramatic speech in opposition to it, illustrating what Senator Rupp said. There should be some places left in our State where people can take their families without having liquor being dispersed and being distributed and being sold. This isn't just for golf courses and forest preserves, it pertains to park districts inside of municipalities where families take their children for picnics, for...for family recreation without having to worry about someone that is intoxicated falling over their kids as they're playing in a park within a park district inside a municipality. This is a bill is a combination of many things to try to pass an expansion of alcohol in parks by the guise basically of...for the...the use of a golf...for a golf course for a forest preserve. This legislation goes far beyond that, this identical legislation was defeated last year by this Senate, overwhelmingly, and there should be some places left that we can take our families without having to

worry about some drunk stumbling upon the kids as they're playing harmlessly in the...a park district park. Many of these golf courses in park districts are connected to the park districts and the parks within a municipality. And I suggest to you that there are plenty of other places that liquor can be sold, can be purchased, can be consumed without having it readily available and around children. And I do think we spend millions of dollars a year in trying to educate people to the evils of alcohol without trying to encourage, in essence, permeate this throughout the park districts in the State of Illinois. And we all know basically what this is going to be used for, it's going to be used to generate revenue for some of the park districts and not necessarily in conjunction of what the general populous in many of the cities and municipalities in our State would want. And I would hope that the House would defeat...the Senate would...defeat House Bill 1178 as we defeated similar legislation last year.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

(Machine cutoff)...thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of the bill and it's not identical to the bill that was up before us a year ago which was House Bill 1371. We heard the bill in committee, and at the time in committee, there was some reservations about the bill by the municipal league. There was an amendment that was attached to the bill that changed four words of the language which, in fact, give the local municipalities complete control. Now, just so the record is cleared that that amendment gave all the authority back to the municipal...or to the municipalities and that's the entire Chapter 43. I rise in support of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bowers.

SENATOR BOWERS:

Thank you, Mr...thank you, Mr. President. I rise in support, also, and I...I don't want to repeat what Senator Nedza said, I think he's cleared up a couple of items. But, Senator Rupp, the local authorities do have the power under...after this thing has been amended and was amended on the Floor, they have to obtain...the park district has to obtain its license from the local liquor control commissioner as does the forest preserve district. There are two elements in this bill, one as relates to park districts, and all it does in that area is to give to the downstate park districts the same power that we gave to the Chicago park districts some years ago. I don't know, Senator Simms, that all those problems that you're dreaming up have occurred in Chicago, I know an awful lot of people in DuPage County that go into Chicago and enjoy the Chicago parks. I don't see any particular problem from this, I think we're...we're dreaming up some problems. When we go to the second issue which is the forest preserve district and its power to sell liquor on its golf courses or at its golf courses, here again is the same power that's existed within the park districts and I don't see that it's created any big problem. I would certainly hope we could support this legislation. Would urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Gitz.

SENATOR GITZ:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR GITZ:

Senator, the legislation in here refers to building. Now it has been indicated to me that building is not going to be construed as an open shelter, in other words, open facility

but a roof. But I see nothing that really explicitly defines that. What is your definition of building, can you establish a legislative intent whether an open shelter is or is not included?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Well...there is no legislative definition to my knowledge in the Act. What my interpretation would be, Senator, is any structure that is...that is called a building on the park. There are literally hundreds of these that are used for...that can be used for example for wedding receptions. I'm sure they won't use a...a wishing well or such a structure. It would be a bona fide building with doors and windows and floors, I assume.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Gitz.

SENATOR GITZ:

I now understand why you're a lawyer. You said any structure but you also said doors. Anyway, it...it seems to me clear then, we're going to have a very broad interpretation; essentially, whatever the park district defines as a building is a building.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grothberg.

SENATOR GROTHBERG:

Well, thank you, Mr. President and fellow members. There's a missing ingredient here called private enterprise. Would you believe that there's plenty of capacity for every wedding in Illinois, carried out by good taxpayers of Illinois. There are plenty of golf courses owned by private enterprise that do a good job of dispensing alcohol and good times. In my old district, my present district, we are...redundant, we have an abundant supply of such organiza-

tions, they pay on their forest preserve stub of their tax ticket a healthy forest preserve tax, a healthy park district tax for their township or municipal, and here we go again ripping off private enterprise. The saloon business is pretty good all over I guess, but I'll tell you, the hospitality business in general, Senator Egan, is off about twenty-five or thirty percent. Check to see whether your Ramada Inn is for this, whether your...Holiday Inn, whether Hilton is for it. In my new district, I believe I find Indian Lakes residing there, a swanky place, a brand new one called something else over on the other side of the tollway. Who do you think is helping to pay the forest preserve bill now, the same people that you're going to go in business against. And I think the State going into business or a municipality going into business, or yes, a park district or forest preserve is bad business. I'm not even arguing the moral question of the young people, I'm talking about the size tab that St. Andrews pays for the forest preserves of DuPage County, and I'm asking about the sizable thing that I happen to run, a small one, and we need all the wedding receptions we can get, we live on them, the Hotel Baker, and we pay taxes on that portion of it. For Heaven's sake, let's remember what this is all about. You want to hand it over to the elected officials and the bureaucrats of every municipality and forest preserve to offer a wedding reception for a dollar a head cheaper, of course that's what the thrust of this thing is. I resent it, I resent it as an entrepreneur that I represent, at least, and I resent it having spent all of my life trying to hustle a buck in a very tough business and an honest business where the customer always gets treated right, you have continuity or you go broke. Given a forest preserve or a park district running such a fantastic hospitality center has nothing to do with reality. I resent the whole concept and will urge anybody that feels like I do

to vote no, but thank you for taking the time to hear, at least the unspoken agenda behind this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

For a point of information, the Secretary has informed me we're averaging about twenty-three minutes for each bill now. And now we have, since Senator Grotberg's speech, we have four more people that have sought recognition. Senator Rhoads, for what purpose do you arise?

SENATOR RHOADS:

I had declined making this motion prior to Senator Grotberg, I now move the previous question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The previous question has been moved. The following people, Senator, if you hold your motion, have sought recognition: Senator Mahar, Bloom, Geo-Karis and Johns. Senator Johns. Senator Johns.

SENATOR JOHNS:

Mr. President, I wouldn't give up this privilege for anything because it's a principle. Why is it that we have to have this kind of element in public places? The destruction wrought by those people...I was just reading an article here awhile ago called, "The Question of Ethics" in the Department of Conservation booklet. I just want to quote one thing about you, it's called a crisis of conscience. It says, "Many outdoor users have not developed a predetermined system of ethical behavior." Right now we got a case down in Hardin County where the motorcycle gang is running in and out of the park, raping our women, running off to other states. We've got all kinds of beer cans everywhere and bottles and we're paying heavily for that privilege, and I say it's wrong. I say it's wrong to intrude into a place that's supposed to be wholesome and conducive to peaceful living, family environment. And I think that of all places we ought to let these parks alone. The money you talk about spending on this, we

don't even have the money to operate the State right now, and it's going to take a lot more money to cleanup these parks, to police them because this is an invitation to come in there and have a ball. And I say vote No, Ladies and Gentlemen, 'cause as I said before, this is supposed to be a place where you can take your children without the potential of a disaster due to elements beyond a human beings control and his ability to control them.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? All the lights have gone out, so, Senator Egan, you may close.

SENATOR EGAN:

Well, very briefly, Mr. President and members of the Senate, I would like to point out that the bill addresses itself only to buildings, not the grounds. Incidentally, Senator Johns, if you pick up those aluminum cans you get about eight dollars a pound. Senator Grothberg, relative to private industry and its opposition, this broadens the conflict between competitors, and it reminds me a little of the bill that I think you had to allow wine to be sold at colleges, there's some vague recollection of...of a bill you handled. In any event, to...to commend it to your favorable consideration with perhaps a toast may not be the tasteful thing to do but I ask for your support.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp, for what purpose do you arise?

SENATOR RUPP:

I...Mr. President, I asked for a ruling as to whether or not this was preemptive. I got a ruling, I think, from both Senator Egan and Bower, but I have not gotten one from the Chair.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, I wish you'd gotten one before I got up here. Senator Rupp, I've been told by all the Chairs that are up

here that this is not preemptive and it is permissive. And as...as I glance through this piece of legislation, it says subject to the approval of the governing board of the district. And so, it would be my ruling that it is not preemptive and it does not remove from them any authority they have presently. The question is, shall House Bill 1178 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 40, the Nays are 15, 2 Voting Present. House Bill 1178 having received the required constitutional majority is declared passed. House Bill 1229, Senator Chew. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1229.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Chew.

SENATOR CHEW:

Thank you, Mr. President. This amends the Criminal Code and it adds a new section on category aggravation rape. This is a gang rape bill. It amends the Criminal Code...yeah, a gang woman rape, Lemke. In other words, if someone should rape a woman, that's already taken care of in the Correctional Code, but if it's a gang rape, this is where it adds a new section, and it is a felony and it's a mandatory sentence. And I will ask...answer any questions that you have, otherwise, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall House Bill 1229 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 59, the Nays are none, none Voting Present. House Bill 1229 having received the required constitutional majority is declared passed. House Bill 1241, Senator Bowers. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1241.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bowers is recognized.

SENATOR BOWERS:

Thank you, Mr. President. This is...so I can get your attention, a salary pay raise bill. I thought that might stir up something. Most...this...this provides for an increase in salary for the Prison Review Board, and I would point out to those of you who have had some concerns about salary increases, they did not get an increase the last series of increases this...this Body granted to most of their people within the administration, I'm not quite sure why, but in any event, they didn't. They presently make thirty thousand dollars for the board members and thirty-five thousand dollars for the chairman. We are seeking to increase that by ten thousand dollars over a period of three years. It's a four thousand dollar increment next year...this year and then it's three thousand for the following two years making a total of ten thousand dollars. To those of you who have some concerns about the impact, the fiscal impact, I would point out that none of these members can get a salary increase during their term of office, therefore, the impact on this year's budget will be six thousand dollars. In other words, it's three members who are up for reappointment next year, they will...if they get a reappointment, or someone will be appointed I assume, the increase then would become effective and there would be half of the fiscal year for three members.

So it's a...it's a minute impact on the...on the budget. On the basis of comparison, I thought I might point out that the executive secretary of this board makes more than the board members and more than the chairman. I could compare you with some states, for instance, New Jersey, a member makes forty-eight, the chairman fifty-eight; New York forty-six, chairman fifty; California, forty-five, chairman forty-seven. In other words, this is a catch-up provision as far as this board is concerned, and I would ask for a favorable roll call unless there are any questions.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall House Bill 1241 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 5, none Voting Present. House Bill 1241 having received the required constitutional majority is declared passed. House Bill 1254, Senator Egan. Senator Egan. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1254.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. This...this bill as it has progressed is not as the Calendar explains, but is really nothing more than increasing the homestead exemption on your real estate tax assessment from three thousand to thirty-five hundred. I'm happy to answer any questions. I think it's gone around here a few times and I think we're all well aware of the impact. It'll save the

average homeowner in Illinois about forty-five dollars this year with the multiplier increasing. It's just a little homeowner's help. I commend it to your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Rhoads.

SENATOR RHOADS:

Question of the sponsor. Senator, what does this do to our tax base for local school districts and so forth?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan.

SENATOR EGAN:

It does nothing, it merely exempts from the tax bill of homeowners an additional five hundred dollars from assessed valuation but the base is still there.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads.

SENATOR RHOADS:

Well, where is...there is lost revenue here, where is it made up?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan.

SENATOR EGAN:

Well, I...I think that the only lost revenue would be in the failure to abate, because it's a...an exemption against the...the equalized assessed valuation when applied against the rate is much higher than it should be, so I don't think there's any loss, at least that's my argument, Senator.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of this Body. Well, Senator Egan, there is a tax loss. If there's a tax saving, there's got to be a tax loss. But I won't get into that

issue. The issue that I want to bring up is, this is really somewhat of a farce. We're going to tell the people that we're going to save them all this money, and I've gone over this with Assessor Hines. The fact of the matter is that the assessed valuation is only one factor in terms of determining what your tax bill is. Now if a local unit of government which is under home rule levies the same amount of dollars and is basically a residential community like Park Forest, Illinois, you are not going to save the homeowner anything. But more than that, it is a cruel form of savings because those units of government that are at max rate that are not at home rule that are primary residential communities lose a good part of their tax base. Those units that are home rule don't lose any part of it, and in many instances, where you have an industrialized community like Chicago Heights, you merely shift the base from residential to industrial. If you want to give the homeowner tax relief, then do it in a fair and equitable way where everybody gets the same thing. But this thing is just a way of going back and telling the people that maybe you gave them something, it...it compensates for some skyrocketing assessed valuations, it covers up a little bit for a bad multiplier, but it is an unfair form of tax relief and usually punishes the more responsible foras of local government.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Maitland.

SENATOR MAITLAND:

Senator Egan, is the...is the total assessed valuation that we use for computation of the resource equalizer figured based on this reduction or is it...is it based on the total

amount of assessed valuation prior to this reduction?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan.

SENATOR EGAN:

It...is based on the total equalized assessed valuation prior to the exemption.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

That is correct. Let me indicate to you that this really becomes a double whammy for school districts. First of all, you get...because of the higher assessed valuation per student you get less money through the resource equalizer, that's one whammy. The second one is, you have reduced the local effort. So you're really...you're really creating a very serious problem for, in...in my judgment, school districts and we are simply further screwing up the assessing process and we should not be about that, and I would urge defeat of House Bill 1254.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. We supposedly here are doing something for the taxpayer. How much, Senator Egan, does the State lose by this particular bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan.

SENATOR EGAN:

I'm sorry. I...I was otherwise interrupted, Senator.

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Rupp, would you repeat your question.

SENATOR RUPP:

How much does the State itself lose by this particular bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan.

SENATOR EGAN:

The State would lose nothing.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp.

SENATOR RUPP:

That's correct. Now, what are we doing here? We're saying we're giving people a tax break? We're not giving them anything as far as the State is concerned, 'cause you just said we are not losing anything on a State basis and this is a sham. We're telling them that we, and we're going to take credit for it in an election year, we are going to say, we gave you this reduction. But what's going to happen on the local level, the taxes, if someone saves taxes, then someone else has to lose them and the local, whether it's the school, your park board, maybe it's a good thing you voted in that liquor thing to make up this difference. But here the...the park boards, school districts, counties, cities are all going to lose, and so you know how they're going to determine their next tax bill? They're going to take the assessment and the bill, the total balance or the budget that they have and divide it in and the rate will go up. And the people should, if everything is worked out the same way, should pay the exact same thing, and here, you and I supposedly are going to be able to go home and claim that we helped them, I don't think we're helping them in anyway.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Berning.

SENATOR BERNING:

Thank you, Mr. President. I...I hate to be harping on the same issue, but we're right back again to what is a major concern in my mind and that is the State Mandates Act. Now, we are exempting the local property holders from two hundred

sixty-three million dollars in taxes, and according to the information furnished me, the State Mandates Office estimates this and, at the same time, we indicate that there can be no State liability. I fail to understand what the State Mandates Act does, I think I know what it is supposed to do, but how can we by a provision in a bill which involves millions of dollars of another taxing district's money just say blithely, there is no liability on the part of the State? I thought our Mandates Act was for the purpose of keeping us from taking money from the local districts or adding costs to their operations unless we provided the money. Now, here we're...we're dodging the issue again. There's something basically wrong with the State Mandates Act, and I'd like to know how do we get around this all the time? I'd enjoy an answer from anybody.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning, I...the Chair doesn't recognize anyone wishing to answer your question. Senator Berning.

SENATOR BERNING:

Would you answer it, Mr. President?

PRESIDING OFFICER: (SENATOR BRUCE)

The...the Chair...it would be inappropriate for the Chair to involve itself in the debate.

SENATOR BERNING:

This is not a debate, this is a direct question. Talk to your Parliamentarian. How do we do this? It may be that we can do it, but there is no way we can justify it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning, you'll have to take it up with a higher authority than...than the Presiding Officer. Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President. Question of the sponsor?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield, Senator Collins.

SENATOR COLLINS:

I guess his answer may help...no, this is very serious. Senator Egan, I notice in Cook County under this bill that we stand to lose without any increase at all in the assessed valuations that we're talking about 48.5 million dollars?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Egan.

SENATOR EGAN:

No, I...I maintain, Senator Collins, that with the proper rate in Cook, we won't lose anything.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

We...okay, but if the value of the...the homes go up, then what you're saying that we won't lose anything but we won't gain what we could ordinarily gain if the exemption was not in... That...that's what we're...what Senator Berman, I think...Berning was talking about. So, in actuality, we don't really...we don't lose but we do lose. So...no, I...I am very concerned about this, Senator Egan, because...because of the problem with financing in the Chicago area for the school districts. I would not...while I have always supported the homestead exemption programs and tax relief of any kind for the citizens of the State of Illinois, these are very critical times right now and we really don't know and we have not seen, at this point, an adequate formula or resources to adequately fund the school systems throughout the State at this time. And I think that we should be very careful before we talk about any type of tax or exemptions that's going to impact on the amount of revenue that the local school districts may be able to generate to fund their schools. So this may be ill advisable at this time.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in support of the bill and let me tell you why. I think that we're trying to have it both ways when you don't support this kind of a bill. We have certain obligations here that I am the first to admit that we have not lived up to in this Session of the General Assembly. There is not enough money in the revenue picture today to do what we ought to do, and the reason there is not enough revenue is because we didn't pass even some of the littlest bills that we now call revenue enhancement measures. But that should not relieve us of recognizing that homeowners throughout the State and in my district in particular where I've got a lot of middle class homeowners are being priced out of the market as far as their taxes are concerned. I've got people in Rogers Park in Evanston and in East Rogers Park and in Edgewater whose tax assessments have increased dramatically. They've lived in those homes and they intend to live in those homes for many, many years. Those increased assessments are an academic increase in their value and they've got to pay taxes on them. Now they're going to be hit because of our lack of action with increased taxes to fund the schools, they're going to be hit with increased...requirements to fund local municipalities because we haven't done what we should have done. And this is the only kind of response that we can give to those people that are being squeezed. We've taken the easy way out, we have not voted any tax increases in anything, whether it be insurance companies or whether it be alcohol or any of the other things including decoupling. That's our responsibility and we've got to cut services and we've got to address it, but that does not relieve us of the obligation to ease the burden on these people that are being hit with increased real estate assessments that is costing them money because we haven't

done our job. This is a small increase, I think it's been amended back from where it was originally proposed, and even though I am always one to support the needs of our schools, those needs have to be met by increased State appropriations, not from increased real estate appropriations and real...increased real estate taxes. The State is going the wrong way, Ladies and Gentlemen, in school funding. We're funding less of the total cost of schools from the State. This is one small effort to ease the burden on home...homeowners and I intend to vote Aye.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grothberg.

SENATOR GROTHBERG:

Thank you. Until I heard the previous speaker, I was not sure how well he would do covering both fronts on this bill, but he did rather well in this dichotomy and I commend you, Senator Berman, for having taken care of both sides. But at eight o'clock this morning there was a big meeting to find out how the State of Illinois is going to survive and a lot of it has to do with schools. In that conversation comes out, I believe floating around, a...an amendment of some sort to bail out Chicago schools again for some ninety millions of dollars, if my memory serves me correct. At least that is the wish and I understand they get thirty-three and a third percent of the common school fund now in Chicago...and evenly distributed across the State, you are absolutely correct, this is a State-wide bill. But you're talking about reducing the revenue, that's really all this bill does is reduce revenues to propel each of us by November 3rd in the case of...of the sponsor of this bill and some of his associates, we've granted tax relief. In the case of the Governor when he gets it downstairs, he's going to have to cut several millions...hundreds of millions more out of other things. We're all supposed to represent all of the people of Illinois

and present a balanced budget. We have the same political problems you do on your side of the aisle, but for Heaven's sake, how can you stand on both sides of the fence on this issue and give away the store when your...when we're facing special legislation to balance the budget and keep the schools open all over the State of Illinois including Kane County and DuPage. For that very reason alone, we should wait for this until the economy turns around, otherwise, we'll be back here voting for a tax increase, maybe July 15th by this year, Senator Berman, and I know you'll be the sponsor of it. Thank you, very much. Vote No.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise in support of the bill and let me just briefly summarize some of the reasons. One, it does not take revenue away. It...in time, it will indeed, create pressure on this State Legislature to address the general property tax problem and most particularly the level of State aid to schools, but it doesn't take existing amounts of revenue away from any local units including the school districts. Secondly, it is for homeowners only. I think that is the, one of the questions that Senator Collins was really raising and I think most of us realize that it does not affect commercial business et cetera. It is a form of, not of tax relief directly, but a form of easing the pressure brought on by inflationary increases in the value of real estate, and what it says is that you are not going to have to pick up and pay your property taxes on the entire amount of that inflationary increase. Third or fourth, it really is, for those of you who have sponsored constitutional and statutory proposals to this effect in the past, it is a form of tax limitation and one of the more responsible forms because it doesn't take away what is already there. What it says is

that we are, in effect, going to put some limit on the extent to which you can grow in terms of property taxes and much of that growth is due to increases in assessed valuation, and this simply says, you're not going to get, you, the taxing districts, or as some of you would call them, the tax eaters, are not going to get the full value of those increases. So, in that sense, it is a very direct form of tax limitation and one of the most responsible forms of tax limitation.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning.

SENATOR BERNING:

Thank you, Mr. President for the second time. It's no wonder, in my opinion, that so many of the speakers are from Cook County and the...in spite of the specious arguments they present and, Senator Berman, I'd like sometime to have an opportunity to really get into it with you. But, Mr. President and members of the Senate, let me point out where there is a very deep inequity here. Percentage-wise, at a five hundred dollar additional homestead exemption, who is going to benefit the most? The residents of Cook County where residential property is assessed at sixteen percent, whereas, in my county residential property is at thirty-three and a third. So percentage-wise, those residents of Cook County will benefit another big fifty percent over what those in my county and other counties will. That's why Cook County is so adamant for this.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Egan may close.

SENATOR EGAN:

Yes, Mr. President and members of the Senate, I, in briefly closing, just want to point out that it's not a double whammy if the rate is used properly. What has been happening is that the basis for assessment on homes and industrial and commercial property is based on their market

value which has been spiraling with the rate of inflation. All this does is continue a very viable active program to give the homeowner a little bit of relief in the State of Illinois. It applies only to the homeowner, it applies to the homeowner who throughout the State has been increasing their...their assessment has been increasing because of the increased market value due to the inflationary rate. This is a very modest increase in a present law which works, and I commend it to your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 1254 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 46, the Nays are 11, none Voting Present. House Bill 1254 having received the constitutional majority is declared passed. House Bill 1296, Senator Netsch. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1296.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 1296 as it was amended in the House and came to the Senate is a bill that is basically designed to restate and reaffirm what the Constitutional Convention indirectly and the Legislature explicitly said when the personal property tax was finally abolished, and that is, that you can't start playing games with the reassessment process. Let me first just read the text of the amendment in context. The sentence that is already in the law begins, "No property lawfully assessed and taxed as personal property under this Act prior to January 1, 1979." And

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then we have added as new language in this bill, "Or property of like kind acquired or placed in use after January 1, 1979." And then the existing law continues, "Shall be classified as real property subject to assessment and taxation under this Act after January 1, 1979." And exactly the same language appears with respect to the other form of reclassification. A brief word of background, the Senate Revenue Committee in cooperation with the House Revenue Committee has been working for sometime on attempting to determine a redefinition, if you will, that would in time be uniform State-wide of the difference between realty and personalty. It has turned out to be a very complicated issue and we were not able to resolve it in this legislative Session. As a matter of fact, we have sent out an extensive survey to all of the assessing officials in the State and that is going to help us to determine how we do finally resolve the redefinition problem. In the meantime though, we felt and many others felt that it was necessary to maintain the status quo until the Legislature can work out that redefinition problem which, hopefully and certainly a commitment from some of us, will be in the next legislative Session. We recognize that there is not uniformity of definition within the State right now, and we recognize that this bill by maintaining the status quo to some extent freezes that lack of uniformity for the period of time again until the Legislature acts, but we feel it is very important. There are a lot of misconceptions, I think, about what the bill does and I would like to read just two short things that will help to explain. One of them is in a letter that, I believe, was sent to all of us as Senators from Doug Whitley of the Taxpayer's Federation who has certainly been very much involved in this redefinition problem and specifically with respect to House Bill 1296. He said in his letter, dated June 4th, 1982, addressed to me and to all of you, "House

Bill 1296 does not exempt property from existing tax rolls. It does not destroy the tax base in Zion, Illinois or anywhere else. It does not reverse local assessing practices or prevent local assessing practices from continuing in the manner in which the assessing jurisdiction is accustomed." And he goes on to say that, "It does not require much vision to foresee what is going to happen to taxpayers unless this bill and follow-up definition legislation is approved," and that, of course, is the commitment that many of us has made. Again, in a memo explaining it from some of the other groups and...and as you well know, many of the business groups are in support of it, explaining this to us. "It does not, this bill, does not exempt property from current real estate rolls, it adopts a local control status quo approach by maintaining county assessing practices as they have existed." I think that is very important because that is exactly what we are intending to do. We are reaffirming the commitment made in the Constitution when the Constitution mandated that the personal property tax would ultimately be abolished, that we could not start classifying realty to personalty or personalty to realty in order to take advantage of that abolition. We are reconfirming that the statement that was made in our own Statute when we did, in fact, finally abolish the corporate or the...the general personal property tax. We are not intending to change the law, we're not intending to do anything to pending cases. All we are doing is saying that...what we said before, we are repeating, you cannot start reclassifying according...from your local custom until we have...the Legislature has a chance to decide what is the final and best definition of realty and personalty. I'll be happy to answer any questions. I would certainly solicit your support.

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End of Reel

Reel No. 7

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I can understand the need for 1296, but I think there is a unique problem in this bill and...and I realize it's probably going to pass, but what happens to Grundy County and Zion Township and Lake County if this bill passes could be disastrous. We could lose in the neighborhood of almost half, almost one-half, of the total tax dollars that come into...to Grundy County. The total tax revenue there is twenty-three million dollars, and...and over the years, we could lose nine million three hundred thousand if our figures are correct. And the reason for this is that Grundy County is...is unique because in...in 1972 they did what the Statutes told them to do. You see, Zion...or Grundy County had Dresden Nuclear Power Plant built, it was the first one in the nation. When this was built they didn't know how to assess it, Grundy County was a rural county and they just didn't know what to do so they hired a...a firm that...that dealt in this, they came down here to the local government affairs and they worked this out and they assessed it as real property. They took it from personal property and placed it in...as real estate property in 1972. What happened then was the personal...with the personal property replacement tax, they don't qualify for very much. They get about two million dollars now in personal property replacement tax when they should be getting, had they left this as personal property between nine and twelve million dollars. So, what this bill does and why we're...afraid of it there is that it does not freeze the assessment practices on a county by county basis, it does it on a State basis. What Doug

Whitley's letter and memo says is that...is one thing, but the bill doesn't do what the letter says. Now I had...my county board people were down here with the supervisor of assessments from Grundy County the night before last, we went over all this. Doug Whitley went to Grundy County when the bill was in the House and said, don't worry about your problem because we'll amend it in the Senate. Now I can't amend the bill in the Senate because the sponsor won't bring it back, and I...I would have put legislation in earlier to do this but the people in Grundy were...were led astray by Doug Whitley coming up there and addressing them. So, what we have is...is a problem that...that we just really don't know what to do and...and how to deal with it. There is no Sunset in this bill, it's...it's supposedly not doing anything, it's just going to be good for all of us...until we come up with a solution. But as...as long as there's no Sunset, we'll never come up with a solution. So Grundy County stands at the mercy of the General Assembly again, as it has when Senate Bill 767 was passed...and you know, I'm complaining all the time about trying to get more money for these areas where a nuclear power plant is, well, that one passed and then everything was taken off the tax rolls because it was pollution control, so...so, we're just...we're stuck again. Now if this were Cook County or some other large county, there'd be a much better chance of stopping this and getting it taken care of, but it's not, it's just a small county and we stand to let...maybe lose one half of our tax revenue. So I'd urge a No vote on this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, House Bill 1296 in its original form was the same as Senate Bill 586 which would have allowed Ten Story Towers to be

classified as personal property. This bill is a travesty on justice, it's a windfall...windfall, rather, for the public utilities companies. The statement in the bill as amended now says that...that property assessed as personal property prior to January 1, 1979 remains that way. Real property assessed as real estate prior to January 1, 1979 remains that way or property of like kind acquired or placed in use after January 1, 1979 shall be classified as the way it was. Now, let me tell you something, there are no standards in this bill, there are no definitions. Now we hear from the sponsor...and I have constantly asked her to amend this bill to provide some standards, to provide some definitions or at least wait till her survey comes in and bring out some equitable provisions so we can now live with them. In my county, it will affect evaluation of three hundred million dollars. Now, I can tell you that the public utilities companies can sit back and smile if this bill passes, because there are cases in litigation right now that...this bill, once it's signed into law by the Governor, will be used as a model by the public utilities lawyers and say, well, look, here's what we got here. It was classified in a township as personal property, so our public utilities equipment even though it's rooted to the ground, it's way under the ground, it's still personal property. Is that fair? It is not. I submit that the small taxpayer, the homeowner and the small businessman is going to be taxed the difference that the public utilities will be let out from paying because of this miserable bill. This amendment is just a put-on job, this amended bill. Let me tell you, Ladies and Gentlemen, if they said, well, we just wanted to keep the law the same as it was, you didn't need this bill. Real property under common law was...was defined what it was, so was personal property, and the courts have had a chance to go in and look into it in the different townships. You have no uniformity of assessment because

different townships have assessed the same types of property in a different way. So, consequently, you have a bill that could well be unconstitutional. Remember, the public utilities companies have loads of money to pay for high priced legal talent. Our municipalities do not. The Illinois Municipal League signed against this bill, the Park District Association signed against this bill at the hearing, the school district signed against this bill in my area and I'm sure in Grundy County, and I think if we're going to be fair, why not wait and...and let this bill die and prepare a bill in the coming Session that would be very fair and have standards and definitions and have uniformity instead of allowing one township to tax differently than another. I submit this is an unfair bill and it's a travesty on the public, a costly bill to the public and it will benefit the public utilities.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President. That's a tough act to follow. As the joint sponsor of this bill and certainly as the sponsor of 586, I...I would rise in support of this and I would say to some of those who've spoken against this legislation, you can't have it both ways. You didn't like the definition last year, we sought to get language in there that you liked. Now this is a new approach. The idea is you've got to somewhere stop and have some uniformity. This legislation is backed by the Livestock Association, the manufacture's, new car and truck dealer's, Press Association, the Retail Merchants Association, the various trade and...business groups, as well as the Taxpayer's Federation. As a matter of fact, the small businesses do support this. You all received a memo from the NFIB and I want to quote a portion of that. One member...sixty-four percent of their membership say, yes, do it; seventeen percent say, we don't

understand what you're talking about, and the other nineteen percent don't want it, but sixty-four percent do. One member said, in one of his...in supporting 1296 said, fertilizer tanks that were specifically listed as personal property in the old assessors' manual are not being assessed, excuse me, in his county as real estate property. We've appealed to the State, but have not received an answer from them as yet. This was for a 1980 assessment, the system is very, very slow. This is one example of how an assessment switch would result in a small business being double taxed since the abolition of the corporate personal property tax. We got to start somewhere and I submit that this bill is a good starting place, and I see no reason why every member of this Chamber cannot support it. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Well, thank you, Mr. President, members of the Senate, just to add my voice against this fine piece of legislation. As you know, the House tussled with this for a long time and they came up with this marvelous compromise to lock everything into the year January 1st, 1979. I don't think that's much of a compromise myself, because what you're obviously doing is, you're locking in all of the inequities that there might have been at that time. If...if your township assessor was doing his job the way he should of and properly, well, then I guess you're locking in a good system, but what about those who weren't doing their job or had made some kind of a deal with the utilities or with their particular manufacturing industry in that area as to how these things should be assessed. Those were inequities at that time, and all you're doing by passing this bill is further locking them in. I think it's a...a horrible approach and to call this a compromise and...obviously, the business community and the sponsors

that Senator Bloom are talking behind it, with that kind of a group behind it you can imagine where the inequities lie as far as the taxing bodies are concerned which nobody seems to be talking about who are really going to get hurt under this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Netsch may close.

SENATOR NETSCH:

Thank you, Mr. President. Just a couple of points. One, this is not Senate Bill 586 or House Bill 1290...1296 as it was originally introduced. This is a very different animal. Secondly, I am more than sympathetic with the problem of Grundy County and Zion Township that Senators Joyce and Geo-Karis have referred to. I have tried to help them in the past and I will continue to. I happen to agree that I think we were taken to the cleaners by Commonwealth Edison a couple of years ago, and I think that still needs to be righted. But let me point out, and this is extremely important, this bill did not create the problems that the two areas have nor will it perpetuate them. Those problems predated this and they related to a different set of circumstances. This bill, again, is designed to maintain the status quo until the General Assembly can come up with its own definition of what constitutes realty and what constitutes personalty, it is that and nothing more.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 1296 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 5, none Voting Present. House Bill 1296 having received the required constitutional majority is declared passed. House Bill 1623, Senator Rock. For what purpose does Senator Rock

arise?

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. In order...in order to attempt, at least, to expedite the schedule, I am informed by the Secretary a number of members who have wished to...or have placed amendments with the Secretary for the purpose of recalling bills, we are making an attempt, at least, to adjourn at a reasonable hour. Senator Philip and I have agreed to meet with the Speaker and the Minority Leader at five-thirty in my office and we will attempt to adjourn by then. So my suggestion, with leave of the Body, is that we go immediately to the Order of Recalls and try to wrap that up as rapidly as possible and then we will start again tomorrow morning at ten o'clock. The other reorganization bill from the House has just arrived. Senator Gitz has been kind enough again to set a Committee of Executive Reorganization tomorrow morning at nine to take a look at that bill. So, we will read that Message in and...and suspend the applicable rules and have a committee meeting of the Committee on Executive Reorganization tomorrow at nine, and we'll start the Session at ten, and hopefully, the appropriations people will be in a position to expedite the handling of the appropriation bills at ten o'clock tomorrow morning. So with...with leave of the Body, Mr. President, let's go to the Order of Recalls.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, Senator Rock, can we handle the Message, we're on 2461, while you've mentioned it. Is there leave to go to the Order of Messages from the House? Leave is granted. Messages from the House.

SECRETARY:

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

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

the passage of Senate Bills with the following title, to-wit,
together with House amendments.

Senate Bill...1256 with House Amendments 1. and

2.

Senate Bill 1387 with House Amendment 1.

Senate Bill 1452 with House Amendments 1, 3 and

5.

Senate Bill 1487 with House Amendment 1.

Senate Bill 1593 with House Amendment 1.

Senate Bill 1652 with House Amendments 1 and 3.

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

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

House Bill 2461.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I understand Senator Philip is
the sponsor, he probably wants to make the motion to suspend
the applicable rules.

PRESIDING OFFICER: (SENATOR BRUCE)

Okay. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the
Senate. I move we suspend the appropriate rules and have
House Bill 2461 read a first time, discharge the Rules and
Assignment of Bills Committee from further consideration and
refer House Bill 2161 to the...to the Committee on State
Government Reorganization. Also, that we suspend the Six Day
Posting Notice and have House Bill 2461 heard at 9:00 a. m.
in Room 212.

PRESIDING OFFICER: (SENATOR BRUCE)

HB 1882
Amendment #5

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Heard the motion. Discussion? All in favor say Aye. Opposed Nay. The Ayes have it and the appropriate rules are suspended. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 2461, Senator Philip is the Senate sponsor.

(Secretary reads title of bill)

1st reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

The Committee on Reorganization, and the bill will be heard tomorrow morning at 9:00 a. m. Committee report.

SECRETARY:

Senator Gitz, Chairman of the Reorganization of State Government reports out House Bill 2530 with the recommendation Do Pass as Amended.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. With leave of the Senate, we will now go to the Order of Recalls. First bill on the recall list is Senate Bill...or House Bill 1882, Senator Gitz. Senator Gitz asks leave of the Senate to return House Bill...1882 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?

SECRETARY:

Amendment No. 5 offered by Senator...Joyce and...and Gitz...Jerome Joyce, right.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce is recognized on the amendment.

SENATOR JEROME JOYCE:

Thank you, Mr. President. The amendment contains three parts, the Wetlands Act is in this bill and the conservation risk tillage and Senator Sangmeister's amendment. Would Senator Sangmeister care to explain his amendment first?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister is recognized on Amendment No. 5.

SENATOR SANGMEISTER:

Yeah, thank you. This is the same amendment that was offered individually before and that is it...it eliminates the cost benefit ratio as to channelization. Same thing that we had before.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? On the motion, all in favor say Aye. Opposed Nay. The Ayes have it, amendment...all right, Senator Weaver. I'm sorry, Senator Weaver. All right. On the motion to adopt, all in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 5 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. 1992, Senator Lemke. Senator Lemke asks leave of the Senate to return 1992 to the Order of 2nd Reading for the purpose of amendment. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 3 offered by Senator Lemke.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke is recognized.

SENATOR LEMKE:

This is...amendment that amends this bill to allow the state's attorney to collect the cost of extradition in the case of felonies. I ask for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke has moved the adoption of Amendment No. 3. Is there discussion of the motion? All right. On the motion to adopt, all in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2079, Senator Netsch. Read the bill...oh, Senator Netsch asks leave of the Senate to return House Bill 2079 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?

SECRETARY:

Amendment No. 2 offered by Senator Etheredge.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President, I would move to Table Amendment No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Etheredge was the moving sponsor of Amendment No. 1, and he now moves to reconsider the vote by which Amendment No. 1 was adopted. On the motion to reconsider, all in favor say Aye. Opposed Nay. The Ayes have it and the vote by which the amendment was adopted is reconsidered. Senator Etheredge now moves to Table Amendment No. 1. On the motion, all in favor say Aye. Opposed Nay. The Ayes have it. The amendment is Tabled. Are there further amendments, Mr. Secretary?

SECRETARY:

Amendment No. 2 offered by Senator Etheredge.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge.

SENATOR ETHEREDGE:

Yes, I...I move the adoption of Amendment No. 2. Amendment No. 2 is identical in wording to Amendment No. 1 but this time we're applying it to the...a proper section of House Bill 2079.

PRESIDING OFFICER: (SENATOR BRUCE)

H.B. 2079
2nd reading
passed

NB 2/16
Recalled

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

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2116, Senator Egan. Senator Egan asks leave of the Senate to return 2116 to the Order of 2nd Reading for the purpose of amendment. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 3 offered by Senator Egan.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. Amendment No. 3 would add to the Code of Criminal Procedure the requirement that motions for continuances in criminal matters be in writing and I move for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2135, Senator Lemke. Senator Lemke asks leave of the Senate to return House Bill 2135 to the Order of 2nd Reading for the purpose of amendment. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 14 offered by Senator Rhoads.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads is recognized.

SENATOR RHOADS:

Mr. Secretary, there are two amendments, I'm not sure of the order. Could you read the last four initials on the LRB?

SECRETARY:

FSBAM. And the other one is...

SENATOR RHOADS:

Thank you.

SECRETARY:

Is that okay?

SENATOR RHOADS:

Thank you. Mr. President and members of the Senate, this is a...an attempt to lay the basis or lay the groundwork for a fair campaign practices amendment. It amends that section of Chapter 46 which has been in the law for several years which provides that we have to list the name of our treasurer and committee address and so forth. The amendment does three things: it first of all says that if you have a newspaper editorial or endorsement or article in the campaign brochure, it must carry the date of that newspaper editorial; it also says that if you have the endorsement of a local...of an organization of some type, you must have a letter of written authorization from them; and then, finally, if you are endorsed by a public official or party official, you must have a written letter of authorization for that to take place. I urge...this was not...this is new language, it was not heard before the committee, and I simply offer it for your favorable...consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 14. Discussion?
Senator Collins.

SENATOR COLLINS:

Question of the sponsor. This is...this is new language and I'm just trying to be clear what...what you're trying to

do here, Senator Rhoads. Are you... are you saying that in order for anyone to endorse a candidate for public office that that person must have a written authorization filed by the candidate or the designee of that candidate with the local board of election?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads.

SENATOR RHOADS:

No, Senator Collins, not exactly, only if you intend to publish that in a campaign brochure of some type, political literature is already defined. So if you intend to publish it in a...in a brochure, mailing piece, newspaper advertisement of some kind and you use a newspaper editorial, it's got to have the date on it. That's to...to prevent somebody from using an old editorial which is no longer relevant to a current campaign. Secondly, if you have...an endorsement from a local organization, you have to have a letter from them, if you're going to publish it. And thirdly, if you have an endorsement from a public official or a party official, you would have a letter of authorization from them. It can be a xerox form or a mimeograph form or...anything of a very simple nature, and it would be filed with whoever you filed your nominating petitions with, county clerk or State Board as the case may be.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, what about individuals?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads.

SENATOR RHOADS:

No, that was...that...there was some discussion of that, but that was deleted and it's...it's only public official or party official.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

I...I think that is probably one of the biggest problems with all of this, that you, you know, you're really trying to get at a problem, but I think you dealing with the wrong population here to solve their problem. I think it is individuals who we need to get at about this kind of unauthorized endorsements to...to deal with the problems that you're trying to address in this bill and...and without the individual in here,...I...I just think it's...it's really not going to have any impact at all.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Weaver.

SENATOR WEAVER:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he'll yield. Senator Weaver.

SENATOR WEAVER:

...Senator Rhoads, what...what's the penalty, forfeiture of office or...or what for the failure to file?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads.

SENATOR RHOADS:

No, Senator, it's the same penalty which is already in the Statute, if you fail to list the treasurer, the name of the committee and so forth, which is a Class A misdemeanor.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Nedza.

SENATOR NEDZA:

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

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield.

SENATOR NEDZA:

Senator Rhoads, on Page 3 from line 16 to 22, stating, "Any language and any political literature which states or implies the endorsement or recommendation of a candidate by any present or former public or party official shall be prohibited unless et cetera, et cetera, there is a written statement that is filed." In other words, what you are doing, as I stand before you, I am not only a public official but I am a party official, so you are denying me the right of...of saying that I think Mark Rhoads is a hell of a Senator and, therefore, I can endorse you. Well, in effect, I am endorsing your candidate or anyone else's candidate, you're denying me that privilege of doing that.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads.

SENATOR RHOADS:

No, Senator, I'm not denying you that at all. If you are the candidate and you endorse me, the only thing I'm saying is that I can't publish that in...in my campaign material unless I have your written permission to do so. Now the genesis of the bill came from some problems that have occurred in every election, primaries and generals. It...it happened to Senator Egan, it happened to Senator Carroll, it's happened to me, I dare say, it's happened to probably everyone in the Chamber. Some "endorsements" of doubtful validity come out at the last minute. All we're saying is that if you are endorsing me, I should have a written form from you to that...it's a protection for you and me.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza. Senator Lemke.

SENATOR LEMKE:

Senator Rhoads, when you talk about a written endorsement by any organization or association are you talking about also public announcement? You know, 'cause in...in certain legis-

lative districts you have a legislative committee and they choose to endorse a particular candidate for either for the Senate or for office of State-wide office, and they don't usually give a written authorization, usually they publish it in a newspaper and they do it that way or they make a public announcement on television or someplace else. And you're talking about written authorization, this means that every State-wide candidate would have to have a written letter either from the Republican Central Committee or the State Central Committee, and I don't think this is what the intent is. So, would this do that or...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads.

SENATOR RHOADS:

No, Senator, that is the intent, that if you...a letter from the chairman of the slating committee would be sufficient or a xerox form or a mimeograph form, just something that somebody has signed saying that you have permission to use their name. If...if Senator Rock as Chairman of the Democratic State Central Committee of the State chooses to endorse you, you should have a letter from him signed. That is to prevent the malicious use of the...of the good name of the organization by persons who aren't authorized to use it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. Without belaboring this, I rise in support of the amendment, I think it's good, it just doesn't go far enough. I wish we could give the local election authorities more power to in time inform the public and the voting public that a candidate is misusing endorsements. It's...and I'm going to try later to make it stronger.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

I...I still say that...that this would be a good amendment if we apply this to individuals, 'cause that's where our problems. I can't see what good it would do for Senator Rock as Chairman of the Democratic Party in Cook...in the State of Illinois to have to send out...for all of us to have to send a letter indicating that he has endorsed us...that the Democratic Party had endorsed us, and then, we then go back and file those with our local board...boards of election. I...I just don't see that. But...but...but here again, you know, jokingly enough, Senator Rock may not decide to endorse some of us although we may have been endorsed by our local committeemen's.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Rhoads may close.

SENATOR RHOADS:

Thank you, Mr. President. Senator Collins, it's half a loaf. I would like to include individuals, I just thought that might be too controversial to get it passed. I hope you...you support me on this one because I think it's a step in the right direction and maybe next year you can go farther with it. But I think this is a modest proposal and I would ask for the support of the Body.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is on the adoption of Amendment No. 14 to House Bill 2135. Those in favor say Aye. Opposed Nay. All right, let's have a roll call. Those in favor of the adoption of Amendment No. 14 will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Senator Savickas. Have all voted who wish? Take the record. On that question, the Ayes are 38, the Nays are 13, none Voting Present. Amendment No. 14 is adopted. Further amendments?

SECRETARY:

Amendment No. 15 offered by Senator Rhoads.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads.

SENATOR RHOADS:

Thank you, Mr. President and members of the committee...members of the Senate. This is an amendment which I believe has no controversy attached to it, it was requested by the Illinois Association of School Boards. It changes the language affecting the six-year board terms so that the initial referendum can be held at any one of the five consolidated election dates. And it further provides for a transition schedule for the board members and that's...that's...I have passed out on each members' desk an explanation from the Association of School Boards the contents of the amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The motion is to adopt Amendment No. 15. Discussion of that motion? All in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 15 is adopted. Further amendments?

SECRETARY:

Amendment No. 16 offered by Senator Totten.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten is recognized.

SENATOR TOTTON:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 16 to House Bill 2135 adds something that was left out in an amendment yesterday providing for the vacancies in township boards. The amendment yesterday exempted Cook County and DuPage County from filling vacancies in the method we had prior to the consolidated bill, which means they would be appointed for the remainder of their term. This bill...this amendment includes Cook and DuPage so it would be uniform State-wide, and I would move for the

adoption of Amendment No. 16.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 16. Is there discussion of that motion? All in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 16 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2234, Senator Geo-Karis. Senator Geo-Karis asks leave of the Senate to return House Bill 2234 to the Order of 2nd Reading. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 4 offered by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this amendment prohibits a State controlled college and a registered community college from denying admission to a person entitled to a Veteran's scholarship solely on the grounds that State funds may not be sufficient to reimburse the institution for the scholarship. And I...I move its passage.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SENATOR BUZBEE:

Well, I would just point out to the Senator that the additional funds that we appropriated in this Body to fund those military scholarships were...those funds were killed in the House of Representatives. The bill of which I was the sponsor that extended military scholarships to all folks that

are eligible, that bill was killed in the House of Representatives. What you're doing with your bill, Senator, is you're telling every community college and every public university in the State that they will go ahead and grant those military scholarships and that they will eat it internally. That there will be no funds available to them, that they must...they must internally absorb the cost of that tuition to that...of that scholarship. You're creating a burden on those community colleges and those universities that a lot of them now accept willingly, but a lot of them simply cannot afford to accept it willingly. Now, I submit to you that that is not a good public policy.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Geo-Karis may close.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the Attorney General's opinion already has stated that that would...what Mr. Buzbee just said has to take place whether we like it or not. And I move the passage of this amendment because I think it's a good amendment and it does follow the law because when a veteran is entitled to the scholarship, he's entitled to that scholarship under the law, and the Attorney General's opinion has spoken and says that the...the cost...he...he has to get the scholarship from the school that he attends.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee, she was closing. Senator Buzbee.

SENATOR BUZBEE:

Well, she's asking us to ratify an improper decision that the Attorney General has rendered, which is nothing unusual for the Attorney General to render improper decisions, and he has done that now and she is now asking us to make it law. I submit to you, as I said earlier, this is not good public

policy.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The motion is to adopt Amendment No. 4. All right, there's been a request for a roll...okay. On the motion to adopt, all in favor say Aye. Opposed Nay. In the opinion of the Chair, the motion prevails and the amendment is adopted. All right. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2262, Senator Nash...Senator Nash asks leave of the Senate to return 2262 to the Order of 2nd Reading for the purpose of amendment. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 8 offered by Senator Nash.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nash is recognized.

SENATOR NASH:

Mr. President and Ladies and Gentlemen of the Senate, Amendment No. 8 is a technical amendment. This amendment rennumbers the sections of the bill to clarify Amendments 1 through 7 which were adopted yesterday. This amendment does not add any new or delete any commissions. I ask for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Heard the motion. Discussion of the motion? All in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 8 is adopted. Further amendments?

SECRETARY:

Amendment No. 9 offered by Senator Nash.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nash.

SENATOR NASH:

Mr. President and Ladies and Gentlemen of the Senate, Amendment No. 9 is an act relating to the commissions on High-rise Fire Commission. This amendment extends the reporting date of the life of the High-rise Fire Commission. The reason for that is the commission had to report by June 30th of this year, that the Governor's appointments were not made till March of '82, so they haven't had time to do it.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The motion is to adopt Amendment No. 9. Discussion of the motion? All in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 9 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. 2266, Senator Jerome Joyce. No. 2286, Senator D'Arco. Is Senator D'Arco on the Floor? For what purpose does Senator Berning arise?

SENATOR BERNING:

Mr. President, Senator D'Arco had to leave the Floor and he asked if I would handle this amendment for him. By way of explanation, Mr. President and members of the Senate, this is the amendment which was originally agreed to...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Berning, let's...let's do the...the work here. Is there leave for Senator Berning to handle the bill in Senator D'Arco's absence? Leave is granted. Senator Berning asks leave to return House Bill 2286 to the Order of 2nd Reading for the purpose of amendment. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 3 offered by Senator Berning.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning is recognized.

SENATOR BERNING:

Thank you, Mr. President and members of the Senate. Amendment No. 3 is the amendment in proper form which was originally discussed last week and then an improper form was put on last Monday and we then took off. This bill provides...this amendment now provides for the right of employees or widows who withdrew from their systems in 1981 with a minimal pension of between a hundred and two hundred dollars to elect to take the entire amount of their contribution in one lump sum rather than...than this small pension. I would move for the adoption of Amendment No. 3, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio, for what purpose do you seek recognition?

SENATOR DEMUZIO:

To ask a question on the last amendment, but...

PRESIDING OFFICER: (SENATOR BRUCE)

Well, Senator Demuzio, the Chair takes note that the two pretty Demuzio's are here, Deanna and Stephanie, and so perhaps you should ask them if they would rise. We're happy to see somebody that looks a lot prettier than you. 2310, Senator Grotberg. 2356, Senator Gitz. Senator...Senator Netsch, for what purpose do you arise?

SENATOR NETSCH:

Thank you, Mr. President. As the hyphenated co-sponsor of 2310, I would like to have it called back and I would like to address that question to the principal sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg, you're being paged.

SENATOR GROTBERG:

Thank you, Mr. President and I respect the honorable request of the Senator across the aisle, my hyphenated co-sponsor. Until you've been hyphenated by Senator Netsch, you've never been hyphenated. I would like to discuss with the Body just a little bit. Senate Bill 2310 is the one that I caught hell for from my own associates on this side just yesterday for trying to amend, and the day before, and the day before the amendment to which Senator Netsch and Senator Joyce, and we've discussed it, are about to address themselves, was not around then, it happens to be around now that we've passed Senate Bill 1296 and part of the bargain was completed. I just don't care to open Senate Bill 2310 again because it's a pretty clean little township clean-up bill at this point in...in local government. But the amendment that is about to be offered, and I should not discuss it because it is not my amendment, but it's very controversial and will keep this Body tied up and the other Body in the House, should it prevail, for the rest of the summer. And that is my reason, and I've told this, I think, both to Senator Netsch and to Senator Joyce. Now, I don't know where to go from there, Senator Joyce or Senator Netsch, but I prefer not to call it back.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Netsch.

SENATOR NETSCH:

This is a question that has come up before. Do I have a right to call the bill...the bill back on my own?

PRESIDING OFFICER: (SENATOR BRUCE)

No.

SENATOR NETSCH:

The answer is, no.

PRESIDING OFFICER: (SENATOR BRUCE)

That's correct.

SENATOR NETSCH:

A hyphenated co-sponsor has no rights, is that what you're telling me?

PRESIDING OFFICER: (SENATOR BRUCE)

No, Senator, I answered your question. The question is whether or not you should recall it without the consent of the first hyphenated co-sponsor and the answer is, no.

SENATOR NETSCH:

Yeah. I...I might point out that if some of my amendments to rules of several years ago had been adopted, I would have the right to call the bill back, which is what I should have.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch, the Chair cannot...right...the Chair would remind Senator Netsch that you did not call your bill back earlier today as principal sponsor, so...right...all right, let's get back on track. 2356, Senator Gitz. Senator Gitz. Senator Gitz asks leave of the Senate to return House Bill 2356 to the Order of 2nd Reading for the purpose of amendment. Is there leave? Leave is granted. Are there amendments, Mr. Secretary? Oh...oh...Senator Weaver, I believe you wish to make a motion.

SENATOR WEAVER:

Thank you, Mr. President. I would move that we reconsider the vote by which Amendment No. 1 was adopted. With the adoption of Amendment No. 2, I think Amendment No. 1 is unnecessary and maybe not in the best interest for what the purpose of the bill is, so I would move to reconsider.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, Senator Gitz is that...Senator Gitz.

SENATOR GITZ:

I quite concur with Senator Weaver. I think that would

HB 2417
Recall

be in order, and incidently, the Chair took due note of Senator Demuzio's family. I would like to bring to the attention of the Body, today is their twentieth anniversary.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Deanna, you...you deserve two or three applauses here. All right. The motion is to reconsider the vote by which Amendment No. 1 was adopted. On the motion to reconsider, all in favor say Aye. Opposed Nay. The Ayes have it. The vote is reconsidered. Senator Weaver now moves to Table Amendment No. 1. On the Motion to Table, all in favor say Aye. Opposed Nay. The Ayes have it and...Amendment No. 1 is Tabled. Further motions?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. House Bill 2417, Senator...3rd reading. 2417, Senator Nedza asks leave of the Senate to return 2417 to the Order of 2nd Reading for the purpose of amendment. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 1 offered by Senator Netsch.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch is recognized.

SENATOR NETSCH:

Thank you, Mr. President. Senator Nedza and the House sponsor kindly agreed to allow this bill to be a device, if you will, for a bill which the Senate unanimously passed 56 to nothing. It deals with the scavenger sale process in Cook County, specifically, and it is considered very important in their attempts to collect delinquent taxes. Our committee passed it unanimously, the Senate passed it, as I said, 56 to nothing and it got caught up in the Rules controversies over there and did not get out of the Rules Committee. I would

move the adoption of Amendment No. 1 to House Bill 2417.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Netsch moves the adoption of Amendment No. 1 to House Bill 2417. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

House Bill 2430...3rd reading. House Bill 2430, Senator Egan. Read the bill, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Egan.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. The Office of the State Fire Marshal has asked that I amend this to include for them the permission for local units of government to have more flexibility in scheduling their training to meet local needs and resources. It will lessen the burden that they have in the Office of the State Fire Marshal and their personal resources and it is non...there is no cost involvement, it's...it's a streamlining of their administrative procedure and I move its adoption, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Egan moves the adoption of Amendment No. 2 to House Bill 2430. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

No further amendments.

HB 1301
Post-poned 1982

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. On the Order of House Bills 3rd Reading, Senator Joyce seeks leave to bring House Bill 2485 back to the Order of 2nd Reading for purpose of amendment. Is leave granted? Leave is granted. On the Order of 2nd Reading...on the Order of House Bills 2nd Reading, House Bill 2485. Read the bill, Mr. Secretary.

SECRETARY:

Amendment No.4...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SECRETARY:

Amendment...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Why don't we...we may be able to hold that one until tomorrow. As I...as I read the list, there are only two remaining, 2507 and 1301, is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

2504 and 1301.

SENATOR ROCK:

Is Senator Berman on the Floor?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Take it out of the record. On the Order of House Bills 3rd Reading, House Bill...House Bill 1301, Senator Berman. It's on the Order of Postponed Consideration. He seeks leave to bring it back to the Order of 2nd Reading for purpose of amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1301. Read the bill, Mr. Secretary. Senator Rock.

SENATOR ROCK:

I'm sorry, I misspoke, it was 2504...2-5-0-4, after 1301. Okay.

SECRETARY:

Amendment No. 6 offered by Senator Degnan.

PRESIDING OFFICER: (SENATOR SAVICKAS)

We're on 1301 now. Senator Degnan.

SENATOR DEGNAN:

1301 is back on 2nd reading now?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Right.

SENATOR DEGNAN:

I want to move to reconsider the vote on Amendment No. 4 for Tabling purposes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan seeks leave to reconsider the vote by which Amendment No. 4 was adopted to House Bill 1301 for the purpose of Tabling. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. To move to reconsider is before us now. Senator Degnan.

SENATOR DEGNAN:

Now, I move to Table the amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan moves to Table Amendment No. 4...Amendment No. 4 to House Bill 1301. The motion to Table is not debatable. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 4 is Tabled. Senator Degnan. Further amendments?

SECRETARY:

Amendment No. 5 offered by Senator Degnan.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Amendment No. 5...

SECRETARY:

No. 6, I'm sorry, Senator.

SENATOR DEGNAN:

HB 2504
Referred.

Amendment No. 6 corrects some inaccurate reference numbers in Amendment No. 4 that we just Tabled.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Grotberg. Senate...if not, Senator Degnan moves the adoption of Amendment No. 6 to House Bill 1301. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 6 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

House Bill 1301 will be sent back to Consideration Postponed. On the Order of House Bills 3rd Reading, House Bill 2504. Senator Sommer seeks leave to bring it back to the Order of 2nd Reading for purpose of amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2504, Senators...would you read the bill, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Sommer.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

SENATOR SOMMER:

Thank you, Mr. President. Before we do that, having voted on the prevailing side, I would move to reconsider the vote by which Amendment No. 1 passed. We will be repeating Amendment No. 1 in Amendment No. 2 and the explanation would...can flow at that time.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer seek...moves to reconsider the vote...vote by which Amendment No. 1 is adopted. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is reconsidered. Now, Senator Sommer moves to Table Amendment No. 1. Those in favor indicate by saying Aye.

Those opposed. The Ayes have it. Amendment No. 1 is Tabled.
Any further amendments?

SECRETARY:

Amendment No. 2 offered by Senator Sommer.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

SENATOR SOMMER:

Thank you, Mr. President. Amendment No. 2 includes the language essentially of Amendment No. 1, in the first instance, which has to do with the conditions under which vouchers can be certified. The second part of that is what was Senate Bill 1480, sponsored by Senator Bruce, which inadvertently died over in the House. It passed this Body unanimously, it was from the Comptroller's Office and it...it dealt with contracts on that that are required to be filed for...for professional and artistic services. Part number three was essentially Senate Bill 1671 that got involved in a controversy here having nothing to do with the content of the bill, as far as I know, having to do with Senator Sangmeister's amendment, however. The bill, which was an administration bill, indemnified certain advisory employees and certain contractual employees with the Department of Mental Health. The amendment does these three things.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Sommer moves...Senator Demuzio.

SENATOR DEMUZIO:

A quick question of the sponsor. In House Bill 2504 the Legislative Audit Commission had some questions about this bill this morning, and you're...Senator Schuneman and I were to talk with you about this. Are we agreed now that the amendments that are put on this bill are those that meets the objections of the Audit Commission?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

SENATOR SOMMER:

Would it be possible to direct that to Senator Schuneman?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman, would you answer that?

SENATOR SCHUNEMAN:

Well, to my knowledge, Senator, there is no agreement as to the language that's to be adopted. I had a question of Senator Sommer and that...that was, is the language in your new amendment substantially the same as respects the elimination of the intentional falsification from listing of offenses constituting official misconduct? Is that language substantially the same in this amendment as it was in Amendment No. 1?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

SENATOR SOMMER:

You're...you're saying that somewhere in the amendment the...the language concerning official misconduct has been struck?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, that's my understanding, Senator, that it's either been struck or substantially changed. And...and I guess my question is whether amendment...I do not have a copy of your new amendment, so I'm asking you if that particular language is changed in this amendment as opposed to Amendment No. 1?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

SENATOR SOMMER:

In fact, it has been changed; however, it's a stiffer penalty under the new language than then was previously the penalty.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Mr. President, I...I don't know exactly how to react to this amendment. There is a controversy going on between the Legislative Audit Commission and the administration as respects some of the language in this amendment. Last year the Legislature passed Senate Bill 446, which was vetoed by the Governor, and Senate Bill 448, which was signed by the Governor, that established language having to do with penalties for official misconduct resulting from falsification or intentional falsification of vouchers. And I think we all have a concern that we do not delete that language from the Statute. There seems to be some controversy right now as to whether that is being deleted by this amendment. I think probably the right thing to do now, Senator Demuzio, and perhaps we could agree that the amendment ought to go on and that...and that tomorrow, before this bill comes up on 3rd reading that we all have a chance to take a look at it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer moves the adoption of Amendment No. 2 to House Bill 2504. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. Senator Bruce. Senator Rock.

SENATOR ROCK:

Thank you, I think...I'm sorry, Senator Demuzio.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR DEMUZIO:

On 2nd reading, House Bill 2541, sponsored by Senator Schaffer, resides on the Order of 2nd Reading. There is a committee amendment that was adopted in regards to the importation of western coal, and I have filed an amendment to allow for the election of the Illinois Commerce Commission. Senator Schaffer, I, today, publicly would offer you to remove the ICC election amendment from the bill if you are...if you, in fact, would call it and allow that committee amendment to be adopted. I pose that to you as a matter of...of advanced notice today.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He's been notified. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. There is...I don't know what other paper work the Secretary has, but I have filed a Senate joint resolution. As you know, we passed out a Senate joint resolution calling for the fulfillment of our duty to write an explanation of the bail reform amendment which will be presented to the voters in November and the reporting date was today...is today. And unfortunately, the House leadership has just now apparently made their appointments to that committee for the purpose of writing. So, I have filed new Senate joint resolution extending the reporting date of that committee...the joint committee to June 29, and I would like that immediately considered if...with leave of the Body.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is leave granted? Leave is granted. Senator Rock moves to suspend the rules for immediate consideration of Senate Joint Resolution 103. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Senate Joint Resolution 103 is under consideration now.

Senator Rock moves its adoption. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Senate Joint Resolution 103 is adopted. Any further business, Senator Rock? Senator Walsh.

SENATOR WALSH:

Mr...President, I, along with some other members, have filed motions in writing relative to bills which failed to escape the Rules Committee. I know that Friday is the...is the deadline for consideration of...of House Bills, and I was wondering, Mr. President, you know, when we would get to that order of business, and if you don't have a specific time when we can set that order, I would make a motion that that these matters be heard at the present time.

PRESIDING OFFICER: (SENATOR SAVICKAS)

I would suggest that you sit down with the President and we can discuss this tomorrow. If there is no further business to come before the Senate, the Senate will stand adjourned until Thursday, June 24th, 1982 at 10:00 a. m.

End of Reel