

82ND GENERAL ASSEMBLY

REGULAR SESSION

JUNE 24, 1982

PRESIDING OFFICER: (SENATOR DONNEWALD)

The hour of ten having arrived, the Senate will come to order. Will the guests in our galleries please rise. Prayer by Rabbi Barry A Marks, Temple Israel, Springfield, Illinois.

RABBI BARRY A. MARKS:

(Prayer given by Rabbi Marks)

PRESIDING OFFICER: (SENATOR DONNEWALD)

Reading of the Journal.

SECRETARY:

June...June the...Thursday, June the 17th, 1982.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nega.

SENATOR NEGA:

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

PRESIDING OFFICER: (SENATOR DONNEWALD)

You've heard the motion. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Motion carries. Senator Nega.

SENATOR NEGA:

Mr. President, I move that reading and approval of the Journals of Monday, June the 21st; Tuesday, June the 22nd and Wednesday, June the 23rd, in the year 1982 be postponed pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR DONNEWALD)

You've heard the motion. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. 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 adopted the following joint resolution, in the adoption of which I am instructed to ask

concurrence of the Senate, to-wit:

House Joint Resolution 96, be handled by Senator Vadalabene.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Consent Calendar. Resolutions.

SECRETARY:

Senate Resolution 611 offered by Senators Demuzio, Rock and all Senators, it's congratulatory.

Senate Resolution 612 offered by Senator Rock, Jerome Joyce and all Senators, and it's a death resolution.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Consent Calendar.

SECRETARY:

Senate Resolution 613 offered by Senator Demuzio.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Executive. Senator Rock.

SENATOR ROCK:

I'd like leave of the Body...there is a person who wishes to take pictures of Senator Egan, and only Senator Egan, with leave of the Body.

PRESIDING OFFICER: (SENATOR DONNEWALD)

I can't understand it. On the Order of House Bills 3rd Reading, Page 3 of your Calendar. Will the Senate come to order. Will the members please be in their seats. We'll start with House Bill 1623, Senator Rock. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1623.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Rock.

SENATOR ROCK:

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

Senate. All within the sound of my voice, I hope they show up on the Floor, we need help here. This is an amendment to the Court of Claims Act. The Court of Claims is, of course, the legislative court, and the problem has been in the past that we had kind of a bifurcated system, that the folks who work for the Court of Claims also work for the Secretary of State. House Bill 1623 incorporates every recommendation made by the Auditor General of the State of Illinois with respect to the operation of the Court of Claims. I will suggest to you that probably the Secretary of State is not particularly happy because this removes him as the clerk and removes about four jobs from his office. The fact of the matter is, this office, this court is an arm of the Legislature, and as such, we are attempting to implement the recommendations of the Auditor General and place total responsibility and accountability with the court. There...there is, I'm sure, some objection, but I would solicit a favorable roll call.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Yes, there is some small objection. Senator Rock, with due respect, the...all the recommendations of the Auditor General are not fulfilled with this bill. This reminds me a little bit of...of a person who gets married and leaves his home and then charges his parents for the rent. The fact is, you moved it out of there but you stiff the Secretary of State with the cost, and I don't think that's quite fair. Now, I do know that there was some concern about amending this bill. In fact, I had an amendment in committee for it, because of the uncertainty of what happens in the House, but I think we have used that excuse far too often. The fact is, I have no objection to moving this function, neither does the Secretary of State,

out of his office, but don't stiff him with the space and the computer costs and the rest of it when you're taking that function away from him.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berning.

SENATOR BERNING:

Just one question of the sponsor.

PRESIDING OFFICER: (SENATOR DONNEWALD)

He indicates he will respond.

SENATOR BERNING:

Senator, according to the Calendar, this amends the Court of Claims, allows commissioners to act as trial judges. Senator, would you be willing to state for the record that it would be the legislative intent that these commissioners, no matter the designation, are not to be considered eligible for the judges pension system?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Rock.

SENATOR ROCK:

Yes.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berning.

SENATOR BERNING:

Thank you. Then, for the record, these commissioners are not judges and do not qualify for membership in the judicial pension system?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Rock.

SENATOR ROCK:

We...we have, as you know, Senator Berning, been arguing this point since about 1971, and I, as a former member of the Pension Laws Commission, adamantly opposed affording the commissioners that opportunity, I stand here today adamantly opposed to that proposition, yes, Sir.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there...Senator Bloom.

SENATOR BLOOM:

Senator Rock, didn't the Auditor General's report recommend that the Court of Claims functions, their lapse period function, go to the Comptroller, the tort claims go to the courts? Didn't the Auditor General recommend that the Court of Claims be dismantled? I mean, I...I haven't read it, but I...my recollection is along those lines, or was that somebody else's?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Rock.

SENATOR ROCK:

The answer is, no. It may well be somebody else's, but it was not the recommendation of the Auditor General, no.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there...Senator Bloom. Is there further discussion? The question is, shall House Bill 1623...just a moment. Senator Rock may close.

SENATOR ROCK:

Allow me at least to filibuster and close while we get the troops here, we hope. Yes. Can I yield to Senator Bruce?

SENATOR BRUCE:

I...I...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bruce.

SENATOR BRUCE:

Well, I'm...I'm sorry, Mr. President, I couldn't get your attention, I was in a hurry.

PRESIDING OFFICER: (SENATOR DONNEWALD)

I was distracted, you're...

SENATOR BRUCE:

I...that's alright, I...

PRESIDING OFFICER: (SENATOR DONNEWALD)

...I'm sorry.

SENATOR BRUCE:

...I had not had a chance to read this bill in its entirety, and since there aren't a lot of members here, I...and I'm sure that a lot of them have not had a chance to in the last couple of days, I wonder...I wonder if, Senator Rock, if you could give me a...a more detailed explanation of what is contained in your bill, so that I could be more fully apprised of what...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Rock.

SENATOR ROCK:

Let me suggest that this passed the House of Representatives with a hundred and five affirmative votes. Now, that ought to give you a pretty good idea what we're about here. This...this is an amendment to the Act creating the Court of Claims. It declares again as we declared in 1972 after the passage of the 1970 Constitution that the Court of Claims was and is a part of the legislative branch, and as such, we are effectively restructuring the Court of Claims to provide that the Secretary of State no longer has people who run the Court of Claims. It is totally a legislative branch. I think it's a good idea, one that has been suggested very strongly by the Auditor General and one that deserves our full support, the Secretary of State notwithstanding.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Let me point out some of the very important things that this bill does that...that are very important. No, I think he was responding to a question. First of all, it extends the statute of limitations for cases brought in the Court of Claims from six months to one year.

Now, that's very important to those people that have a legitimate claim against the State to give them adequate time in which to gather all the facts before having to file their claim. Secondly, would you believe that without this bill the judges and commissioners of the Court of Claims can be nonlawyers. I'm sure that is shocking to most of us. But this bill requires that...that the commissioners of the Court of Claims be attorneys licensed to practice in Illinois. Also, it raises the filing fees. Those were set many years ago, they are at very low levels, and with the increases that we have passed under a number of Statutes as far as recoveries are concerned, there should be an increase in the costs of filing in the Court of Claims. And third, which I'm sure most of you would concur in strongly, it sets a maximum contingent fee for attorneys that represent claimants before the Court of Claims. I think that on the merits, this bill does some very important things and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Rock. Senator Rock, you may close. (Machine cutoff)...a moment. Senator Nedza.

SENATOR NEDZA:

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

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates he will respond.

SENATOR NEDZA:

Do we have enough troops now?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Rock.

SENATOR ROCK:

We are approaching maximum level, yes, indeed. Senator, I'm...I'm going to yield to Senator Egan to tell you what this bill is about.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. I...I do think that Senator Bloom's question merits a little consideration. Insofar as the incursion of the Auditor General in the operation of the Court of Claims, as I understand it, he did at one time feel...

PRESIDING OFFICER: (SENATOR DONNEWALD)

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

SENATOR DeANGELIS:

Well, I don't know what our rules are on filibustering here, but it seems to me there's a little bit of a controlled filibuster here.

PRESIDING OFFICER: (SENATOR DONNEWALD)

You all have five minutes in which to speak. Senator Rock.

SENATOR ROCK:

I would like to yield to Senator Grotberg. John, will you get over there and talk for a minute, please.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Rhoads.

SENATOR RHOADS:

Just to move the previous question, Mr. President.

PRESIDING OFFICER: (SENATOR DONNEWALD)

There are...Senator Egan...Senator Egan was speaking. Would you continue, Senator Egan.

SENATOR EGAN:

Thank you. Perhaps you weren't listening, Mr. President, but I was in the middle of my dissertation at the time that you cut me off and I...I just would like to finish. In any event, the...the subject that Senator Bloom brought up was the incursion, as it were, of the Auditor General into the function of the Court of Claims, and I...I think it merits some consideration and exploration as to exactly what hap-

pened, because I think it totally exonerates whatever innuendoes, perhaps, conclusion that might have been reached as a result of the Auditor General's inquiry. The...the fact is that there was a...a concept that the Court of Claims was not necessary and that it should be reorganized under a different branch, and I...and...thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Grotberg.

SENATOR GROTBORG:

Thank you, Mr. President. I...I'm so honored to have the President yield to me, because I was training...I was training with him very hard all day yesterday to be quiet and had just agreed to be quiet and remain quiet, and now that the shoe is on the other foot, in fact, I have none on either foot because of...of my desire to walk quietly, speak quietly and do all the proper things. But would the sponsor yield? Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONNEWALD)

He indicates he will yield.

SENATOR GROTBORG:

What does the bill do and what does it cost? Nobody has asked you what it costs, President Rock. Yeah, who wants this bill?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator...Senator Rock.

SENATOR ROCK:

The...the beauty of this bill, as all the bills that I am the sponsor of, costs nothing. This is sheer good government.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? Senator Rock may close.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. It's a little tough to be first out of the chute in

the morning, but I think 1623 is worthy of our support. The Court of Claims is a legislative creation, and as such belongs only to the Legislature. The judges that are appointed to the Court of Claims are appointed with the advice and consent of the Senate. They are totally accountable and responsible to us, and all this does is implement the recommendations of the Auditor General who is also a creature of the General Assembly. I urge your favorable support.

PRESIDING OFFICER: (SENATOR DONNEWALD)

The question is, shall House Bill 1623 pass. Those in favor vote Aye. Those opposed No. The voting is open. (Machine cutoff)...voted who wish? Have all those voted who wish? Take the record. (Machine cutoff)..question, the Ayes are 32, the Nays are 22, 1 Voting Present. House Bill...Senator Keats, do you wish a verification of the negative?

SENATOR KEATS:

We...we...we certainly do. We would like it of the positive, my friend, not the negative though.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Alright...verification will be held. The Secretary will call the roll of the affirmative vote. Just a moment. Senator Rock.

SENATOR ROCK:

May I ask who requested a verification?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Keats requested the verification. The Secretary will call the affirmative votes.

SECRETARY:

The following voted in the affirmative: Berman, Bruce, Buzbee, Carroll, Collins, D'Arco, Dawson, Degnan, Deauzio, Donnewald, Egan, Geo-Karis, Gitz, Hall, Johns, Jeremiah Joyce, Jerome Joyce, Lenke, Marovitz, McLendon, Nash, Nedza,

Nega, Netsch, Newhouse, Ozinga, Sangmeister, Savickas, Simms,
Taylor, Vadalabene, Mr. President.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Keats.

SENATOR KEATS:

Senator Dawson.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is Senator Dawson in the Chamber? Senator Dawson in the
Chamber? Remove him from the roll.

SENATOR KEATS:

Senator Newhouse.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is Senator Newhouse in the Chamber? Senator Newhouse is
in the Chamber.

SENATOR KEATS:

Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Geo-Karis is in her seat.

SENATOR KEATS:

Senator Johns.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is Senator Johns in the Chamber? Senator Johns in the
Chamber? Senator Johns in the Chamber? Remove him from the
roll. On that question, the Ayes are 30, the Nays are 22, 1
Voting Present. So, House Bill 1623 having received the con-
stitutional majority is declared passed. House Bill 1882,
Senator Gitz. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1882.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz.

SENATOR GITZ:

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

PRESIDING OFFICER: (SENATOR DONNEWALD)

Just...just a moment, Senator, it seems that we're restless this morning. Would the members please be in their seats. Would all unauthorized personnel remove themselves. Proceed.

SENATOR GITZ:

Thank you, Mr. President and members of the Senate. House Bill 1832 in its amended form does three things. It includes the channelization amendment offered by Senator Sangmeister. It includes the risk share amendment offered by Senator Joyce, an item which I think many of us feel is of the highest priority for the needs of Illinois agriculture. Thirdly, we have researched very carefully Senator Maitland's amendment on wetlands. This bill in its final form and wetlands is nothing more than a thorough inventory, it has no regulatory language. In lifting from Senator Maitland's good suggestions, we also incorporated reference to soil and water conservation districts throughout the bill. The only part we did not lift from Senator Maitland's amendment was the Sunset provision. And Ladies and Gentlemen of the Senate, I would commend you why we have taken that thoughtful alternative. Once we have completed that inventory, it's going to be very important after we have looked at what lands are vital to be able to update that with some consistency so we know what is vital and what is not vital to our State's long-term future. I believe, likewise, that this is probably the only remaining vehicle that is available for risk share which is something that every major agricultural group in the State of Illinois assigns the highest of priority to. I'll be happy to yield to any questions.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Keats.

SENATOR KEATS:

Would the...will the sponsor yield for some questions?

PRESIDING OFFICER: (SENATOR DONNEWALD)

He indicates that he will.

SENATOR KEATS:

Thank you. Senator Gitz.

PRESIDING OFFICER: (SENATOR DONNEWALD)

He indicates he would yield.

SENATOR KEATS:

Okay, Senator Gitz, I would like to ask you a couple of questions. I'm not opposing your bill, but because of previous attempts, one was called coastal zone management a couple of years ago, where the State bureaucracy made a mess as usual, I just want a couple of key questions in the record.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Just...just a moment. The noise level is not...is unrealistic. Would the members please be quiet. Senator Keats, you may proceed.

SENATOR KEATS:

Okay, Senator Gitz, the first question...and I'm asking these simply for the record, because when we got to fight with these guys on overexpanding the way they always do, I want these in the records. One, have all regulatory aspects of this legislation been eliminated?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz.

SENATOR GITZ:

Yes, Senator Keats, and what's more, if they were in there, I would join you. I understand fully your concerns in the coastal management.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Keats.

SENATOR KEATS:

This bill now only provides for a study of wetlands in

Illinois by the Department of Conservation? That's all it does, other than you mentioned the thing from Senator Maitland's amendment?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz.

SENATOR GITZ:

That is correct, and, in fact, I would argue that probably those of us like yourself that are concerned about developmental issues, this bill is constructive because it will help us isolate out which wetlands are really key to the future to be maintained and which ones are not that important.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Keats.

SENATOR KEATS:

My...my final question. Prior to any additional regulation or control of the Illinois wetlands, additional legislation would have to be offered, correct?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz.

SENATOR GITZ:

That is correct.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Keats.

SENATOR KEATS:

I appreciate your answers. I intend to support the bill, but having fought them on these long enough, I just wanted to make sure we had it in the record. Thank you, I intend to support the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to House Bill 1982. We made an

honest, sincere, dedicated attempt to make this truly a mapping and an inventory bill, and we worked hard and I thought we...we had a good amendment on the bill. It did just that. You can say what you want to about this bill, and it does not have any teeth in it, really will not put any undue restrictions on anyone. But I want to call your attention to a phrase in the bill which states, "It is declared to be the public policy of the State of Illinois to preserve, protect and conserve wetlands and benefits derived therefrom." Allow me to present to you a scenario. As a farmer and a landowner, I might have land that is currently being pastured and that land may become wetlands on the map. Future regulations may prohibit, could prohibit the pasturing of that land. This is the first step toward land use planning in the State of Illinois, and I think can be detrimental to every landowner in downstate Illinois. Any farmer, anyone connected with agriculture that supports this kind of a piece of legislation simply doesn't know what his constituents want. Another damaging possible scenario, you may have property adjacent to a wetlands area...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Just a moment, Senator. Would the members...I see about four or five, six different conversations going on and it's difficult to hear the debate. Well, we won't proceed until it's quiet, that's all. And that...that...that includes all staff, they're raising a lot of noise. Senator, you may proceed.

SENATOR MAITLAND:

...as I was saying, Mr. President, if you own property that's adjacent to wetland and you choose to drill a well, a simple task of drilling a well, it could be that if the drilling of that well caused the water table of that wetlands area to be lowered, you very honestly could be in violation and could be forced to stop the well. These are the

things...the potential problems with the wetlands bill as we have it here. Let me indicate to you once again the statement that I mentioned in the beginning. It's the policy of the State of Illinois to preserve and...and to protect the wetlands area. From that very language there, in my judgment, rules could be promulgated that we'd have to adhere to because that shows legislative intent. And you talk about rules and regulations that scare you, these scare the dickens out of me. We wanted an inventory and a mapping bill, and we presented you one. This is more than that. Mr. President, a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONNEWALD)

He indicates he will respond. Senator Gitz.

SENATOR MAITLAND:

Senator Gitz, we asked for a fiscal note on...on this legislation and you provided a fiscal note to us that included the cost of...that would be incurred by the Department of Conservation. Obviously, there are many other agencies involved in this bill, many other agencies involved in this study, and I would submit to you that that fiscal note doesn't really show the total cost, and I'd ask you to respond.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz.

SENATOR GITZ:

Mr. President and members of the Senate, Senator Maitland has done absolutely everything he can from start to finish to obfuscate, to change the rules of the game, to delay, to block. I am amazed that every attempt has been made to accede to his request, and as if...Abe Lincoln said about Judge Douglas, "There's no way to pacify the good judge." Now, this fiscal note was filed before any amendments were heard. The fiscal note was supplied to the Senate Secretary. It is also the same fiscal note that was supplied in the

House. That fiscal note was handed to Senator Maitland, it was distributed according to our rules, and the bill moved off of 2nd reading and there has been no further objection until now on 3rd reading, when once again he attempts to obscure the issue and to use delaying tactics. And, Senator Maitland, you know as well as I do that under the rules of the Senate that the request and that has been met.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Maitland.

SENATOR MAITLAND:

Further question, Mr. President. What really is...is meant by...by farmlands, Senator Gitz?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz.

SENATOR GITZ:

I'm...I'm sorry, Senator Maitland, I don't...I'd be happy to respond to your question but I don't understand the thrust of it.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Maitland.

SENATOR MAITLAND:

My question really is, what are we talking about by...by farmland that's recently been farmed?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz.

SENATOR GITZ:

Exactly what we stated.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Maitland.

SENATOR MAITLAND:

Well, you know, this is the problem with the bill. This is the problem with the bill, it says areas with drained or undrained hydric soils that are currently or were recently farmed, what does recently farmed mean, twenty years, thirty

years? And who makes the determination?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz.

SENATOR GITZ:

Well, obviously, one of the determinations, Senator Maitland, is going to be made the..the Department of...the soil and water conservation districts.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Maitland.

SENATOR MAITLAND:

Well, thank you, very much. That's a...that's a...that's a good answer...that's a good...that just shows what's the matter with this bill. It's a...it's a bad approach, it's a...it's a bad precedence to...to set, and I...I rise in strong opposition. Let's move on to another amendment. The wetlands bill...I'm sorry, the risk share bill. It comes back to haunt us on every occasion in this General Assembly. Is the money there, Senator Gitz?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz.

SENATOR GITZ:

I will yield to Senator Joyce on that.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I'd be happy to answer that. The...the money is...is still alive in the House, and whether or not the money is there does not matter for this bill to be implemented next year. We can't implement it this year already as you know, Senator. You have been very critical of this bill, and...and I want to...I...I just wonder why, when as a farmer, you happen to be in probably the best county in the world, McLean County, as far as farmland is concerned, but all of us aren't that fortunate. There are

some counties in the northern part of the State, there are counties in the southern part of the State that are a little hilly, a little sandy, a little rough, and some of these areas are in dire need of conservation tactics. Now, you can say all the good farmers are doing that, but I contend they're not, because all the good farmers aren't fortunate enough to live in an area where it's darned easy to farm. Now, when...when you take the...the problems that we have in this economy, when it is so very difficult to hang on to your farmland, to hang on to your farm totally without worrying about the top two inches, then I contend it's time that we put a little effort into that. It's not going to cost any money this year, it probably won't cost any money ever. The other day you said that there's...if the million dollars wasn't spent in three years it could be spent further on down the road. Now, that's wrong, and I think you knew that was wrong then but it's still wrong. We took care of that early in the bill. And as far as the wetlands part of this amendment is concerned, I happen to live in an area where the Kankakee River comes in from Indiana. Now, they've drained a hundred and eighty thousand acres, pulled out the trees, drained it, put dikes along the river and every time it rains, it silts up the river. I think we need to protect our wetlands because that not only protects areas for wildlife and what have you but it protects farmland. It keeps our creeks, rivers, streams, everything else from silting up. So, I think that just because you happen to live in the greatest county in the world as far as farmland is concerned, you better be concerned about the rest of the State of Illinois.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Maitland.

SENATOR MAITLAND:

Well, thank you, Senator Joyce, for sharing this entire

Body that you do support future regulations. I think that's just really great to know. We appreciate that. Back on the risk share bill. Let me tell you, every farmer in his right mind now is attempting to conserve soil. Every farmer in his right mind is not asking for a subsidy from the State of Illinois or from the Federal Government. This is money that could be much better spent in education and mental health and areas like that, and let those of us in farming who believe in the free enterprise system farm and be good stewards of the land which we've done and done for years. To even suggest something like this is...is, in my judgment, bordering on being ridiculous. This is a bad bill and, honest to goodness, folks, should be defeated.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz may...oh, Senator Joyce wishes to...

SENATOR JEROME JOYCE:

You know, I just want to point out one thing in closing on this bill. You know, it's not a big coincidence that we have the dust bowl in...in the...when the depression was going on, and the reason for that is just the way I explained, when it gets so darned tough to hang on to your farm, you quit worrying about it, you plow up the ditches, you plow up close to the fence 'cause you got to try and make the payments to the land bank and everything else. So, I contend this is a good vote for the farmers of the State of Illinois and for everyone else.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz may close. Just a moment. Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Mr. President, the...the sponsor of this bill has indicated that there is no State control in the bill. Now, the last speaker argued in favor of State control. So, I think that before you vote on this bill, you better carefully

consider whether or not you want the State to control farmland as it applies to the wetlands. The sponsor's explanation of this bill was that we were going to inventory wetlands. Now, the chairman of the Agriculture Committee argues in favor of some kind of State control. So, it seems to me that the better course of action is to support the suggestion of Senator Maitland. That if, in fact, the movers of this matter intend that there be some State agency created that's going to have control over our farmland, we'd better nip this in the bud right now, and if we want to inventory farm...wetlands, then let's do that only and not set up some agency that's going to go way beyond that. I urge a No vote on this bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, I would like to say there's a whole lot of difference between protection and control. Now, you're making a big thing out of control over there. There's no agency in here that's going to control, and I'm primarily concerned about the top two inches of our farmland and that's definitely not being controlled. It's the...the soil and water conservation districts that...that are going to be in charge of this. So, I think we're...we're trying to make something out of...over there that's not at all in the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONNEWALD)

He indicates he will.

SENATOR GEO-KARIS:

Is this...the way I...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Just a moment...just a moment. The sponsor of the bill is Senator Gitz. Proceed. Senator Gitz indicates he will respond.

SENATOR GEO-KARIS:

The way I read this bill, it...it seems to me that it indicates a land plan use. Am I correct in that?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz.

SENATOR GITZ:

No, Senator Geo-Karis, that is not correct. I can understand how that has been the confusion. Unfortunately, the past speakers of this bill simply have not bothered to read the amendment which, in fact, incorporated language that they suggested in committee. It is not a land use bill, it is not a control bill, it does not have a new agency set up in this bill to tell people what to do. None of those allegations speak to what exactly is in the amendment.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Can you tell me whether or not that this bill might attempt to be preemptive of the Federal wetlands legislation that is handled by...I understand, by the Army Corp of Engineers?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz.

SENATOR GITZ:

It is not preemptive. As a matter of fact, the bill explicitly indicates that in this inventory the Department of Conservation will do these things in consultation of the Department of Transportation, the Department of Energy and Natural Resources, the Department of Agriculture, et cetera. Now, we are silent on the Federal legislation because we are making State policy, we're not directing Federal agencies,

but I do know that the Water Resources Division of the Department of Transportation works very closely with the Army Corp, and the hearings process in this would give them ample opportunity for any comment and input on the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, just...my gut feeling is if the...if the Federal...Federal regulations are preemptive of the wetland provision in the State now, this reminds me of the coastal zone management bill which would have given the State pretty much authority and I...I don't want the State running my local area on the farm...Mr. President and Ladies and Gentlemen of the Senate, I am concerned about this bill. I can tell you I have divided opinion back in my area, but now that I have acquired two townships that have much farmland, I am very concerned that we have more local control than State control because I don't trust any bureaucrat sitting in...in the State of Illinois, in Springfield, telling and running my areas as to their farms and how they should be operated. I'm afraid I'm going to have to speak against the...this bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I'll just make one observation, Mr. President and Ladies and Gentlemen of the Senate. In Senate Bill 1487 we created the Farmland Protection Act that was sponsored by a gentleman who spoke here this morning, and this pertained itself, as you well know, to the prime farmland issue in Illinois, and certainly we all supported that, I don't think there was a negative vote anywhere on that bill. It's passed the House and it's now on the Governor's Desk. But I want to just read a portion of the section of the Senate Bill 1487 that is on the Governor's Desk today in...in regards to prime

farmland which we support. It says that the department will formulate rules and regulations for the implementation of this Act, sets up the interagency committee and designates the so-called members of the...of the committee. It was passed by a member of the opposite side of the aisle who is sitting here today arguing in opposition to this bill. We've...ready...ready have established that in a previous bill sponsored by the other side of the aisle, and I see absolutely nothing wrong with this language that's in this bill today.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Weaver.

SENATOR WEAVER:

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

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates he will respond.

SENATOR WEAVER:

Senator, by the Sangmeister amendment eliminating the cost benefit ratio for river channelization projects, will that also apply to drainage districts State-wide?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz.

SENATOR GITZ:

No, it will not.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Weaver.

SENATOR WEAVER:

It has nothing to do with, then, drainage district projects State-wide, only river channelization, and it also means that you have...mean the department could not deny any future river channelizations because of the cost benefit...lack of cost benefit ratio?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz.

SENATOR GITZ:

That is correct.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Weaver.

SENATOR WEAVER:

Well, isn't that kind of a serious deviation from our...our past approval of channelization projects that have been, you know, adhered to by the department for many years?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz yields to Senator Sangmeister.

SENATOR SANGMEISTER:

In speaking to that, Senator Weaver, as you raised that question or similar to it when we were on 2nd readings is, the way it is presently structured now, we have projects eight particular projects in the State of Illinois, that is going to cost twenty-five million dollars to do because it's got to meet a cost benefit ratio. If we channelize in that same project which accomplishes the same flood control that we want, we can do it for twelve and a half million. Where is there any possible sense, can you explain to any constituent in your district, you ought to spend twenty-five million to do what you can do in twelve and a half? And understand, it is restricted to channelization, no other water projects.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Weaver.

SENATOR WEAVER:

Well, Senator Sangmeister, why is this amendment going to save twelve and a half million dollars? I don't quite get the relationship.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Sangmeister.

SENATOR SANGMEISTER:

Because it will allow the Division of Waterways to put an okay on this project for twelve and a half million cost

rather than twenty-five because it doesn't have to meet the cost benefit ratio.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, on two...two points. On the point of personal privilege, I just want the Body to know I know who is distributing that picture and I fully intend to get even at a later date. That's not why I originally pushed my button. Simply put, I...I'm under the impression that the people probably most directly affected in my district, the farm bureau, are in support of the bill. I'm hearing conflicting reports on that particular thing and, frankly, that's quite important to me, and I would appreciate being enlightened either by a definitive statement on the Floor of the Chamber or a discreet hand signal from the gallery as to where my friends are.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz may close. Senator Gitz may close.

SENATOR GITZ:

Thank you, Mr. President and members of the Senate. This bill in its present form is supported by every major farm organization. The most important part of that bill to them is risk share. There have been extensive consultations with them on wetlands. They have no opposition to a mapping, and as a matter of fact, they feel much more comfortable with the language we have adopted. It has been alleged that this is a control bill, that is not so. Let me quote the language which the sponsors do not care to quote, "The Department of Conservation shall hold county-wide public hearings in conjunction with the local soil and water conservation districts. The hearings shall be held prior to any of the maps designating wetlands being included in the final inventory. It shall cause notice of the hearings to be published twice.

At least thirty days before the hearing, all maps to be included shall be made available to the public. Each affected soil and water conservation district shall review the testimony in the public hearing, shall make additions and corrections it deems necessary. All maps included submitted to the director of Conservation have to be approved by that district. " These are the people most vitally concerned about the future of agriculture. This is not a control bill. This is the language that Senator Maitland wanted. But every time we have adopted one of his amendments, he has a new amendment with the design being the actual destruction of the bill. That's what's most unfortunate, that we have not had a spirit of agreement here to proceed in a constructive basis. The channelization provisions that Senator Sangmeister alluded to are actually going to be very helpful to certain sections of this State. This is a very practical bill. This bill will let you make some determinations of what wetlands should be evaluated in the future as a matter of public policy and which ones are not that important, nothing more. It doesn't compel them to do anything except to do some evaluation. The risk share provisions have been debated and approved by this Senate before. We are in this posture today because the House, for whatever their reasons, chose not to react to that issue. What can be more important to the future than the use of that guarantee? It's not a subsidization, as one of the sponsors would allude to, it's risk share. If they have to use it, then they get reimbursed. This is what is House Bill 1882 as amended does, and I ask for its favorable consideration.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Alright. The question is, shall House Bill 1882 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. (Machine cutoff)...voted who wish? (Machine cutoff)...voted who wish? Have all those voted who wish? Have

all those voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 18, 4 Voting Present. House Bill 1982 having received the constitutional majority is declared passed. Senator Rock.

SENATOR ROCK:

I wonder, Mr. President and Ladies and Gentlemen of the Senate, Senators Philip and the Speaker and the Minority Leader and I are going to meet later on. It...it...I would ask leave of the Body to move the appropriation bills on 2nd reading, and with leave, we'll go to that order. Move them to 3rd reading for the purpose of continuing negotiations so we don't have to be here on Saturday and Sunday if that's...meets with the approval of the Body. The appropriations people and the leadership will stay here Saturday and Sunday but the rest of us can, hopefully, adjourn.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Alright. Is there leave? Leave is granted. Senator Buzbee, for what purpose do you arise?

SENATOR BUZBEE:

Well, one thing that Senator Rock, I think, did not point out about this procedure that perhaps should be pointed out. It is the intention not to adopt any of the committee amendments today on any of these appropriation bills due to the fact that negotiations continue on, but we're...we're running out of legislative days. So, the idea is to be...is to call them back, all of them back.

PRESIDING OFFICER: (SENATOR BRUCE)

We're going to read them without any committee amendments, we can leave them on 2nd but they will have been read a 2nd...

SENATOR BUZBEE:

Leave them on 2nd, okay, very well.

PRESIDING OFFICER: (SENATOR BRUCE)

Right, and that will be the procedure. We are not going

to consider any of the...any of the amendments including committee amendments. Senator Schaffer, for what purpose do you arise?

SENATOR SCHAFFER:

Only to echo Senator Rock and Senator Buzbee's comments. I think we are, in fact, very close to reaching a responsible conclusion of the appropriations process, and I think this will avoid a lot of extra time on the Floor for us and a tremendous amount of busy work for the staff if we can , in fact, move forward with this procedure.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. There is leave. House Bills 2nd reading. We'll take all the appropriation bills. House Bill 2190, Mr. Secretary.

END OF REEL

REEL #2

SECRETARY:

House Bill 2190.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2191.

SECRETARY:

House Bill 2191.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2193.

SECRETARY:

House Bill 2193.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2194.

SECRETARY:

House Bill 2194.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2195.

SECRETARY:

House Bill 2195.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2196.

SECRETARY:

House Bill 2196.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2197.

SECRETARY:

House Bill 2197.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2198.

SECRETARY:

House Bill 2198.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2199.

SECRETARY:

House Bill 2199.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2200.

SECRETARY:

House Bill 2200.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2201.

SECRETARY:

House Bill 2201.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2202.

SECRETARY:

House Bill 2202.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2203.

SECRETARY:

House Bill 2203.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2205.

SECRETARY:

House Bill 2205.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2206.

SECRETARY:

House Bill 2206.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2207.

SECRETARY:

House Bill 2207.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2208.

SECRETARY:

House Bill 2208.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2209.

SECRETARY:

House Bill 2209.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2210.

SECRETARY:

House Bill 2210.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2212.

SECRETARY:

House Bill 2212.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2213.

SECRETARY:

House Bill 2213.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2214.

SECRETARY:

House Bill 2214.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2215.

SECRETARY:

House Bill 2215.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2216.

SECRETARY:

House Bill 2216.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2217.

SECRETARY:

House Bill 2217.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2218.

SECRETARY:

House Bill 2218.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2219.

SECRETARY:

House Bill 2219.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2220.

SECRETARY:

House Bill 2220.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2222.

SECRETARY:

House Bill 2222.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2223.

SECRETARY:

House Bill 2223.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2247.

SECRETARY:

House Bill 2247.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2279.

SECRETARY:

House Bill 2279.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2283.

SECRETARY:

House Bill 2283.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2339.

SECRETARY:

House Bill 2339.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2245...2345.

SECRETARY:

House Bill 2345.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2370.

SECRETARY:

House Bill 2370.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2393.

SECRETARY:

House Bill 2393.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2399.

SECRETARY:

House Bill 2399.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2422.

SECRETARY:

House Bill 2422.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2441.

SECRETARY:

House Bill 2441.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2455.

SECRETARY:

House Bill 2455.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2456.

SECRETARY:

House Bill 2456.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House...House Bill 2457.

SECRETARY:

House Bill 2457.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2458.

SECRETARY:

House Bill 2458.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2459.

SECRETARY:

House Bill 2459.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

HB 2461
2nd reading

House...House Bill 2558.

SECRETARY:

House Bill 2558.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator Kent arise?

SENATOR KENT:

Rise on a point of personal...privilege, excuse me. In the gallery you will be noticing periodically through the day some very lovely young ladies, and they are members of Illinois Girls State that has been meeting all week, and I'd like them...they are Illinois' cream of the crop, and it is very fitting to have these outstanding young ladies in our gallery today. I'd like them to be recognized by the Illinois Senate.

PRESIDING OFFICER: (SENATOR BRUCE)

Would our guests stand and be recognized by the Senate. We have one bill on the reorganization we would like to read a second time, also. Is there leave to go to the Order of Committee Reports? Leave is granted. Committee reports.

SECRETARY:

Senator Gitz, Chairman of Reorganization of State Government, reports out House Bill 2461 with the recommendation that it Do Pass as Amended.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip, we have the reorganization bill here, and I'm told there's an amendment. Are you ready to handle the amendment so we can read it a second time right now? All right. Read the bill a second time, Mr. Secretary, please.

SECRETARY:

House Bill 2461.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Reorganization of

State Government offers three amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip to explain Amendment No. 1. Gentlemen, in case you have lost track with us, this is the reorganization bill that was heard in committee today. It is not on your Calendar. It's House Bill 2461 and the committee this morning reported out three amendments. Senator Philip on Amendment No. 1.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I don't have the amendments here with me, we just did it this morning. I've talked to Senator Rock, we suggest just putting it...on, we'll send it over to the House, we'll get it in a Conference Committee and we'll try to work the mess out. It...you know, it's about a hundred and fifty page bill, it's been amended in the House four times, it's been amended here three or four times, quite frankly, I'm not sure what it does at this point, but I will guarantee you we'll get it in a Conference Committee and get the mess straightened out.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SECRETARY:

Committee Amendment No. 2.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip moves the adoption of Amendment No. 2. Discussion of that motion? All in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

Committee Amendment No. 3.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip moves the adoption of Amendment No. 3. Discussion? All in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. We will now return to the Order of 3rd Reading where we left off. House Bill 1913, Senator Mahar. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1913.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. House Bill 1913 as amended restricts the use of CV plates. The bill is designed to tighten the Statutes regarding the issuance of charitable vehicle plates and it does several things. It tightens the definition of charitable vehicle, it eliminates the charitable...vehicle bus plate and permits the Secretary of State to use one plate for both...buses and cars. It gives the State the authority to require proof that the...that an organization is exempt and it permits, also, the...for retired plates at the regular fee. It permits a Pearl Harbor plate at the regular...fee. It tightens the issuance and use of ceremonial plates, and by amendment, I took it back to second and I amended out the external identification on vehicles which was a subject of some discussion. I ask for your support and would try to answer any questions.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to House Bill 1913. I think the attempt to tighten up the issuance of charitable vehicle plates is a laudable attempt. The bill as amended simply doesn't do anything. In addition to that, it does some things that I think we ought not to do. Namely, it affords the Secretary of State to issue ceremonial plates for any designated ceremony, apparently, no guidelines whatever, and it affords retired members, apparently, a number that will conflict with existing members. I just think the bill ought to remain here and we can study it further. I urge opposition to 1913.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Nega.

SENATOR NEGA:

Mr. President and members of the Senate, I'm the hyphenated co-sponsor of this bill. A few days ago, I heard our esteemed President, Phil Rock, in second reading, complain about the lame ducks in the House. Now, there's a Democratic Party here, there's a Republican Party, there's a downstate party and there's a...City of Chicago party. All I wanted to say to you is this, the ten of us who are not coming back here next year, who are not running for office and those of you who may get beat, we had a caucus and we'll be watching your vote and we appreciate your support.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cutoff)...Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Collins.

SENATOR COLLINS:

Does...does this bill still have the provisions in it dealing with the license plates of religious organizations?

PRESIDING OFFICER: (SENATOR BRUCE)

May we have a little order. As Senator Donnewald always says, we have very little order, but...Senator Mahar.

SENATOR MAHAR:

Yes, Senator Collins, it does deal with charitable vehicle plates. The other day when the bill was on 3rd reading there was a request, I think, from Senator Rock about the no fee registration plates. I have some information here to tell you that there are all kinds of plates in Illinois and we have some seventeen thousand and ten no fee plates. Those include ex-POW, Congressional Medal of Honor, disabled Veterans, and we do have special inaugural Presidential plates in which there are no fee. Now the only other no fee plates at the present time are Lincolnfest plates. We also have counselor plates on State owned vehicles. I might add that the purpose of this amendment that was added by the Secretary of State, contrary to what the President said, is to tighten up the no fee ceremonial plates. Presently, there are no restrictions on the number and the amount of time that ceremonial plates can be used, this tightens it up to no more than two hundred plates and for sixty days. So it does...and it deals with all those including charitable vehicle, and it's an attempt to tighten up the use of charitable vehicle plates and their fees remain the same.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

Does it still require that they exhibit the name of the organization on the automobile?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar.

SENATOR MAHAR:

No, that was removed by an amendment the other day, we took that out. Now there's no identification on any of the CV...cars except the actual plate itself.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Chew.
SENATOR CHEW:

Thank you, Mr. President. The objections that I had to this bill have been removed through an amendment and that was exactly what Senator Collins had asked recently. The inclusion of the bill itself, I find no objections of anything that it contains. Sometimes we put on a superficial act on the Floor of the various Houses attempting to show that we don't want certain things...that we do want certain things and we really don't. I don't think anything in this bill is offensive to anybody, now. So, I would certainly hope that everyone in here could vote for it, or if you now find some objections, why, the sponsor is still here on the Floor. So, I would ask for a favorable vote on the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Thomas.

SENATOR THOMAS:

Thank you, Mr. President. I just want to know that if we pass this bill, can we get...

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator Totten arise?

SENATOR TOTEN:

Point of order, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

State you point.

SENATOR TOTEN:

There was passed out on our desks this morning, this Illinois Legislative Service book, which is official book. Page 12 lists the 36th Legislative District for State Senator vacant. The Gentleman who's speaking supposedly represents

that district. I request that the Chair ignore his remarks, refuse to let him vote until it has been officially certified that he is a member of this Body.

PRESIDING OFFICER: (SENATOR BRUCE)

And the...the Chair will take your request under advisement. Senator Thomas, do you have anything in defense before the Chair rules?

SENATOR THOMAS:

Well, I'm just going...I just want to know that if we pass this bill, the guy who designed the color of our license plates for General Assembly members, can we get it changed so we're not confused with taxicabs and funeral homes?

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Further discussion? Senator Weaver.

SENATOR WEAVER:

Senator Simms and I take offense at that.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Mahar may close.

SENATOR MAHAR:

Thank you, Mr. President. I think this bill has received considerable airing and I would ask now for your favorable support.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall House Bill 1913 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 33, the Nays are 24, none Voting Present. House Bill 1913 having received the required constitutional majority is declared passed. House Bill 1925, Senator Walsh. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1925.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Walsh.

SENATOR WALSH:

Mr. President and members of the Senate, House Bill 1925 as amended contains the proposal recommended by the Attorney General, Ty Fahner. It creates a new crime of State benefit fraud and raises the penalty for obtaining or attempting to obtain State benefits through the use of an illegal document from a misdemeanor to a felony. In the interest of...of conservation of paper, since I know most you have as much paper on your desk as I do, I did not distribute copies of articles and...and newspaper endorsements of this proposal, but I would like to indicate to you that this proposal has been recommended by the Chicago Sun Times and Chicago Tribune editorially, as well as Channel 7 T.V. It is...indicated through a test that was conducted by the Attorney General, that just in the area of unemployment compensation benefits alone, we can save up to sixty-six million dollars if this proposal is enacted into law. I...I know of...of no opposition and I urge your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall House Bill 1925 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 1925 having received the required constitutional majority is declared passed. House Bill 1938, Senator Nedza. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1938

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate...House Bill 1938 as amended provides that in any certificate of incorporation issued to a social club shall include a notice stating that the social club must be in compliance with all State and local liquor laws if it is allowed to sell or permit the consumption of liquor on the club premises. The amendment to the bill, at the time that the bill was presented to the committee in Judiciary, the amendment was not prepared and at that time I stated that I would give each copy...or each member of the committee a copy of the amendment prior to any movement of the bill, which I have done. I know of no opposition. The members of the committee have read the amendment. The amendment is...was made by the Secretary of State in order to make it a workable entity. The Secretary of State now supports the bill because of the fact that their amendment puts it in that kind of shape is...in order to have it workable for the Secretary of State at a minimal cost. If there are no questions, I solicit your support.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Mahar.

SENATOR MAHAR:

Yes, thank you, Mr. President. Will the sponsor yield for a question? Does this come under the local, Chapter 43 the...in other words, the issuance...does this have to deal with the issuance of license?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

Senator, the...the...it comes under local...or Chapter 43 where it applies to the municipalities so that the municipal-

ities still have the control over that portion with the liquor aspect.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar, is that sufficient? Further discussion? Senator Rhoads.

SENATOR RHOADS:

Senator Nedza, what...what prompted the introduction of the bill? What...what's the purpose of the bill that...how does the State get into the act beyond a local...what a local municipality might do?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

There's a problem in...in my community and in adjacent communities where there has been a rash of individuals going into so-called alleged social clubs. The social clubs then immediately embark on the sale of alcoholic beverage. The police department in the City of Chicago...okay.

PRESIDING OFFICER: (SENATOR BRUCE)

Okay. Now, Gentlemen, if I might have your attention, we're going...we have a...a glitch in our electronic marvel here and we're going to run a test vote, so just...you'll hear the machine clicking, but we got to make sure we're going to get a correct vote. (Machine cutoff)...Weaver, do you have your yellow switch on? All right. (Machine cutoff)...we're going to have to run another test. If you would vote Aye this time, perhaps it...Senator Johns' switch is stuck on Aye...inside the machine. No, so, Senator Johns, if you would...no one else, now, everyone else stay off the...all right, just go ahead and take it, Ken. If you'll just be at ease for a minute, the...(machine cutoff)...all just...if no one will vote this time, Senator Johns...Senator Johns, we're eating up a lot of time, if you...if you would vote red this time. All right, take it, Mr. Secretary. Now,

if I might have the attention, Senator Johns' light, evidently, is stuck on green but the electronic switching is still working. So, those of you who are watching his vote on the board may get the wrong vote. But Senator Johns' switch at his desk is...is voting properly and that's what we wanted to insure that if he votes Yes or No it is recorded, and Senator Johns, if you don't vote, even though it shows green, you're showing as not voting. So...the technicians are going to be working on clearing the light but the switch is correct. All right, Senator Nedza, I apologize that we had to do that. Senator Nedza, do you wish to close again? (Machine cutoff)...Nedza.

SENATOR NEDZA:

Thank you, Mr. President. I...if the...since it happened now, on this bill, if the...if the bill is not passed, can I ask for a recount? I move for your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 1938 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 1938 having received the required constitutional majority is declared passed. House Bill 1993, Senator Lemke. Read the bill, Mr. Secretary, please. House Bill 1992.

SECRETARY:

House Bill 1992.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

What this bill does is exactly what the synopsis says, it raises the cancellation of a memorandum from five to ten, has

Senator Bowers' amendment which makes it optional as to the number of plats a recorder of deeds require, and the state's attorneys are entitled to collect their expenses as well as their fees. It takes care of a problem that was in the Extradition Act.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Bowers.

SENATOR BOWERS:

Thank you, Mr. President. Someone asked me to make it clear what the intent of that amendment that I put on was...make it clear in the record. Let me just say that we, last spring, adopted a provision that required six legible copies to be filed with the recorder. In my particular county, the recorder doesn't need six copies, doesn't even have a place to put them. So, the intent is to permit the recorder to change the general requirements so that he can say to everyone, we only have to file five copies, or to everyone that we only have to file two. It is not intended to permit the recorder to willy-nilly, say, Sam, you've got to file six and, Joe, you only have to file four. It's...it's a general requirement so that he may, at his option, reduce the requirement down to whatever number fits his particular...particular schedule.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? The question is, shall House Bill 1992 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 1992 having received the required constitutional majority is declared passed. House Bill...House Bill 2038, Senator Carroll. House Bill 2039, Senator Geo-Karis. Performing marriages. All right, it's on the recall list, we'll get to those later. House Bill 2044, Senator Gitz. Read the bill,

Mr. Secretary, please.

SECRETARY:

House Bill 2044.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Gitz.

SENATOR GITZ:

Thank you, Mr. President and members of the Senate. First of all, let me point out House Bill 2044 has nothing to do with risk share or wetlands. This is a merely bill that affects the Select Joint Committee on Regulatory Reform. It would change the repealer dates to December 31st, 1983, and the reason for that is...is we have found in our past actions occasions when the Governor may wish to make changes, legitimate changes, and we are in a quandary because of the nature of the Veto Session and where it falls. So, this would make all the repealers effective December 31st, to give us time to react to any recommendations for change or vetoes that the Governor has. Secondly, at the request of the social workers, we have moved their cycle up to 1985 so that they can be reviewed at the same time as the psychologists. They feel that there are overlapping jurisdictional issues there, they'd like to be heard at the same time. My original response to this request was, why don't we hear the psychologists in the '83 cycle? The problem there is that the review cycle is already in progress, so we'd actually be treating them unfairly to move them up. I commend this bill to your favorable attention and be happy to respond to any questions.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall House Bill 2044 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

H. B. 2079
M. Etheredge

that question, the Ayes are 59, the Nays are none, none Voting Present. House Bill 2044 having received the required constitutional majority is declared passed. House Bill 2079, Senator Netsch. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 2079.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I believe the discussion of House Bill 2079 can be fairly brief. It is, in form, identical to Senate Bill 1535 which passed the Senate, I believe the vote was 56 to nothing earlier in this Session, this is the look alike drug bill. Basically what it does is to recognize that the sale, distribution and even possession of look alike drugs is of enormous importance in terms of the...the profit business that is involved and in terms of the potential threat and danger to those who are buying and using so-called look alike drugs. It is a serious problem, this bill attempts to meet that problem by prohibiting, basically, the manufacture, sale and possession of look alike drugs as defined in the bill. If there are questions, I would be happy to answer them. If not, I would mention, incidentally, that the bill is the work product of the Dangerous Drugs Commission, the Attorney General, and the House sponsors, and particularly, Senator Etheredge, Senator Maitland, and myself in the Senate. We have worked out all problems and we commend it to your favorable consideration. Senator Etheredge might like add something.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President and Ladies and Gentlemen of the Senate, the only thing that I would add to Senator Netsch's discussion is that the penalty structure is designed in...in such a way as to remove the economic incentive. It's a...it's a good bill and would encourage an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Further discussion? The question is, shall House Bill 2079 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 2079 having received the required constitutional majority is declared passed. Senator Vadalabene, would you come to the Podium, please, and Senator Weaver. If I might have the attention of the Senate for a moment, Senators Vadalabene, Grotberg, Weaver, Hall and Senator Davidson have some special guests, some winners...in State-wide boys clubs and they would like to introduce to the Senate.

SENATOR HALL:

We're indeed honored today to have such a distinguished guest here, and of course, we'll start out with Senator Davidson because he has the boy of the year.

SENATOR DAVIDSON:

...thank you. Mr. President and members of the Senate, I'd like to present to you, as most of you may be aware, boys club have Boy of the Year contest for the outstanding boy of their club and the different chapters of boys clubs throughout the State of Illinois. I would like to present to you the Boy of the Year for the State of Illinois from the Springfield Boys Club from Springfield, Illinois, Charles Leavy, Jr. Charles, congratulations.

CHARLES LEAVY, JR.:

(Remarks made by Charles Leavy, Jr.)

SENATOR VADALABENE:

Yes, I'm honored to have two recipients here from the 1982 Boy of the Year. We met with the Governor, the first one from Bethalto, Illinois, Jay Lawrence from the Bethalto Boys Club, Jay Lawrence. Okay, and the other one is Nick Williams from the Bethalto Boys Club from...of Bethalto, Illinois.

SENATOR HALL:

The next one is Leotis Fields and he's from the Boys Club of East St. Louis. Leotis.

LEOTIS FIELDS:

(Remarks made by Leotis Field)

SENATOR GROTBORG:

Okay, Joe, let's show them how it is done. Joe Isles from Chief City Boys Club, Pontiac, Illinois. You want to talk awhile because they don't like to hear me.

JOE ISLES:

(Remarks made by Joe Isles)

SENATOR GROTBORG:

That's enough, Joe.

SENATOR WEAVER:

From Champaign, of the Don Moyer Boys Club, Reggie Jones. Reggie.

REGGIE JONES:

(Remarks made by Reggie Jones)

SENATOR HALL:

Well, we certainly want to thank all of you and it's great to have these young men with us. Congratulations to everybody. And John wants to take a picture.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2091, Senator Marovitz. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 2091.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. This bill, House Bill 2091, provides that in a prosecution for a sex offense, which is listed in Article XI of Chapter 38 of the Criminal Statutes, where the alleged victim of the offense is a minor under the age of thirteen, the court may in its wisdom...the court may in its wisdom exclude from the press proceedings while the victim is testifying all persons who are, in the opinion of the court, do not have a direct interest in the case except for the media. The bill that we're...certain problems with the bill, they...they were brought to the attention of the sponsor by the Judiciary II Committee. They were corrected by amendment. The bill is tight and specific, and I would solicit your Aye vote for this important legislation.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bowers.

SENATOR BOWERS:

Sponsor yield to a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Bowers.

SENATOR BOWERS:

Senator Marovitz, did you have an opportunity to read the article in the Tribune this morning that indicates that a similar law of this nature in Massachusetts was stricken by the Federal Supreme Court? Did...did you have an opportunity to read that?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

I have not had an opportunity to read the Tribune this

morning.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bowers.

SENATOR BOWERS:

I'm just going to make a suggestion, Senator. I'll vote for your bill and I think it's a good concept. I, frankly, think now that it's totally unconstitutional. If we have an amendment on it, perhaps we could...there is a way, I think in, at least reading this article...I have not read the opinion, I think there's a way to make it constitutional, and I would suggest that you take a look at it, maybe put it in a Conference Committee since you have an amendment on it...with the consent of the House sponsor, and perhaps we could do a little work on it and make it right, but it seems to me, after reading the newspaper article, that it definitely is an unconstitutional provision as it is written right now.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

I...I would be happy, should the bill pass out, to go to the House sponsor, Representative Virginia Frederick, and see if we can't put this bill in a Conference Committee and correct the constitutional problems that may exist.

PRESIDING OFFICER: (SENATOR BRUCE)

Although the Chair does not want to involve itself in the debate, there are no amendments to this bill as it presently is before the Body. All right, Senator Marovitz.

SENATOR MAROVITZ:

Then the amendments that we...that were put on were...were House amendments, so, Senator Bowers, I would...I would...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bowers.

SENATOR BOWERS:

HB 2095
3rd Reading

I wonder if we could have an agreement to get back to this very shortly, and let me confer with Senator Marovitz for just a moment...

PRESIDING OFFICER: (SENATOR BRUCE)

All right, we are going to...we are going to get to recalls. If you can prepare an amendment of some nature, we could amend it today. Senator Marovitz.

SENATOR MAROVITZ:

...let me ask the...the President this. Should we not find an amendment is possible, then what would this posture be if we took it out of the record now? Would we be able to get back to it on 3rd reading today if, indeed, Senator Bowers, and I, and the House sponsor would find that it would not possible to correct any...any problems by amendment?

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to get back to this today, out of the ordinary order? Leave is granted. House Bill 2095, Senator Schuneman. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2095.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President and members of the Senate. This bill does three things. First of all, the...the first provision is one that was requested by the Department of Insurance, and it simply clarifies the definition of the word "cancellation" as used in the Insurance Code as it applies to termination of insurance by either an insurance company as opposed to termination by the insurance buyer. The second provision requires that an insurance company include underinsured motorist coverage in any auto policy...in those

HB 2116
3rd Reading

cases where the insurance buyer has elected to raise the minimum uninsured motorist limits. There were some discussion of that amendment just a day or so ago on the Senate Floor. The third provision clarifies the language to specify that each insurance company be required to establish a discount in premium to be allowed senior citizens who have passed a defensive driving course, and it also allows some reasonable exemptions to that discount requirement. I'd be happy to answer any questions. Ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there further discussion? Further discussion? The question is, shall House Bill 2095 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 2095 having received the required constitutional majority is declared passed. House Bill 2116, Senator Egan. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2116.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. House Bill 2116 is a relatively simple criminal procedure bill, tighten up procedures in criminal cases. First, it allows the State to appeal personal recognizance bonds, and also, it allows the State to appeal the setting of bail in the event such as deemed necessary by the State, simple procedure that I think will tighten up the release of criminals on bail and personal cognizance. And two, it provides

for the necessity now thirty days after arraignment in criminal cases for the motions to continue to be in writing and it's simply that. And I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? Question is, shall House Bill 2116...just...Senator Collins. Your light was not lit.

SENATOR COLLINS:

Oh. Yes, Senator Egan, yeah, what...what do you mean about appealing the bail?

PRESIDING OFFICER: (SENATOR DONNEWALD)

...Senator Egan.

SENATOR EGAN:

It means the State can appeal the setting of bail by the court. If the court...if the State feels that the court did not properly set bail, it can appeal that bail order to the Appellate Court.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Collins. Is there further discussion? Question is, shall House Bill 2116 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. (Machine cut-off)...voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, 1 Voting Present. House Bill 2116 having received the constitutional majority is declared passed. House Bill 2125, Senator Bruce. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2125.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. This is identical to Senate

HB 2126
3rd Reading

Bill 1503 that was made so good that it sunk in the House. This bill is unamended. It deals with legislative scholarships and makes the House appointment to vacancies identical to the appointment procedure as Senators, because they, like us, will be in single-member districts. And I know of no opposition, it passed out of here, I think, 320 to nothing, and that this bill should get the same fate.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? Question is, shall House Bill 2125 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all those voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none. House Bill 2125 having received the constitutional majority is declared passed. House Bill 2126, Senator Demuzio. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2126.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2126 is a product of the...the Illinois Department of Aging. It amends the Domestic Violence Act and adds to the definitions of abuse, those family or household members that would be considered elderly. We passed a Domestic Violence Act back in 1981 and expanding the civil in the criminal...remedies for victims of domestic violence. This, 2126, would simply...expand the definition of abuse and...expands the family or household members as currently defined as...as spouses. Amendment No. 2 was put on in...on the Floor because...also when we established the Domestic

Violence Act, a Domestic Violence Shelter and Services Fund, which was enacted last summer, there was a court case that was involved with the constitutionality as to whether or not the disbursement of the money as collected under the Act could be, in fact, disbursed because we had left out in the enacting legislation the fact that the county treasurer was the officer that was the empowered by the Constitution to receive and collect the funds. Amendment No. 2 corrected that particular problem. I will, at this time, Mr. President, yield to Senator Geo-Karis who is a principal co-sponsor of this legislation.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? Senator Bowers. Oh, I'm sorry, Senator Geo-Karis.

SENATOR GEO-KARIS:

I'll yield to him and I'll speak after.

PRESIDING OFFICER: (SENATOR DONNEWALD)

You yield back to Senator Bowers?

SENATOR GEO-KARIS:

I'll let him go ahead and I'll be called after.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Well, Senator Bowers, let's...let's...

SENATOR BOWERS:

Well, would the sponsor yield to a question? I had one...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates he will.

SENATOR BOWERS:

...one question in committee that I don't see as having been resolved and perhaps it was. What do we mean by an aged family member? Is that defined anywhere, and...and if not, perhaps you could, as part of legislative record, tell us what you mean.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Demuzio.

SENATOR DEMUZIO:

Well, the bill was handled in committee by Senator Geo-Karis. I was not present when the arguments were presented. I would yield to Senator Geo-Karis, if she could lend any light on the particular subject.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Would...Senator repeat his question, please.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator...

SENATOR GEO-KARIS:

Your question.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bowers.

SENATOR BOWERS:

Well, it seems to me as I recall, when we were going through this bill in committee, there is a reference in the bill to an aged family member. It's not defined anywhere. What do we mean by an aged family member? You know, I'm reaching that age and I'd like to know if I'm included.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I think, Senator, it's going to be...this is the type of situation that would have to be determined case by...case. I don't know whether you qualify yet by age, but I'll be very happy to help you when you do.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Demuzio, do you wish to close?

SENATOR DEMUZIO:

Well, Senator Bowers...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Question?

SENATOR DEMUZIO:

In response to his question, I think on page 4 of the bill it talks about the entering the...the injunctive relief and refers to aging...the aging network...petitioners of sixty years of age or older.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator, just a moment. Senator Geo-Karis, did you wish...I'm sorry, I cut you off, did you wish to complete your statement?

SENATOR GEO-KARIS:

Mr. President and Ladies and...Gentlemen of the Senate, this is a bill whose time has come. It refers to the help to protection of the elderly, and as far as the aging...the...what the aging network is, I believe it's from the Federal guidelines of sixty years of age or older, and I move in favor of...favorable passage of this bill, because we've had many, many abuses of the elderly and this is just one step in the right direction to start curbing some of those abuses.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Grotberg.

SENATOR GROTBORG:

Thank you, I...as the sponsor was closing, I have a question either to the sponsor or to the sponsor of Floor Amendment No. 2 about the county clerks and how that all worked out with the changing of the money. Who would like to answer my question regarding that? Senator Demuzio...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Demuzio indicates he will respond.

SENATOR DEMUZIO:

Yes, Amendment No. 2, as I mentioned, was in response to the litigation brought about by virtue of the fact that there was a challenge to the constitutionality of the Domestic Vio-

lence Shelter and Services Fund simply because of the fact that the county treasurer was left out of our enacting legislation and as the principal individual who is empowered to receive, under the Constitution, the monies collected. Amendment No. 2 said that each...circuit and county clerk shall deposit with the county treasurer in accordance with the provisions of the Act and...by September the 1st, let's see, I'm sorry, and then those...amounts by the tenth day of each month following the receipts shall be deposited to the State Treasurer who shall deposit the amounts into the Domestic Violence Shelter and Services Fund in the State Treasury. So, basically, this is in reference to that case.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Grotberg.

SENATOR GROTBORG:

Thank you. You've solved most of my problems, Senator, but it was the Kane County Board that refused to send the money and hung on to it and...and all but...they did not file the suit, somebody else filed the suit. My question is, is there any skim for the county...for handling the...the money? They have to make it up, deposit it, and mail it, is it just another added expense to the county with no means of reimbursement, whatsoever?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Demuzio.

SENATOR DEMUZIO:

I believe the answer is, yes.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Grotberg.

SENATOR GROTBORG:

That bothers me, and I would...when we get to the House, now that we are amending it, if it goes into conference, I would like to suggest that something like that be done. Thank you.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bowers.

SENATOR BOWERS:

I'm sorry for a second time, but I...I don't think I was quite through. Senator Demuzio, back to this question of an aging family member. I want to call your attention to the fact that on page 3, we referred to an aged family member. Now that's not defined anywhere. It's true, that on page 4, when you talk about referring to the aging network, you're saying that if it's a petitioner sixty years age...of age or older, they may do that. Are you...are you suggesting to us now that your intent is that the sixty age requirement be also read into paragraph 6 on page 3?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Demuzio.

SENATOR DEMUZIO:

No, I...I am not suggesting that, however, I would be glad to discuss the matter with the House sponsor,...Representative Oblinger, and if there's a way in which we can tighten up the definition, I'll be glad to do that. I am familiar, on page 2, that we do, in fact, talk about the...advanced age. I do not see anywhere in the bill where that is defined. Since I wasn't present during the committee hearing, I would be glad that if...if we do go into a conference with this bill, which I assume that we will, to resolve that problem in terms of a definition.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bowers.

SENATOR BOWERS:

Well, just...just for myself, at least, Mr. President, I...it seems to me that...that you've got an awfully difficult proposition to uphold a Statute that talks about an aged family member without any kind of definition. I would certainly hope the Senator does put it in Conference Committee.

In the meantime, I'll be glad to vote for it, if he doesn't want to state on the Floor that sixty...that we're talking about sixty years or older, but I...I would suggest that it go to Conference Committee, we do define; otherwise, I...I don't think you've got a valid proposal, Senator.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berning.

SENATOR BERNING:

I'd like to direct a question to the sponsor, and based on the provisions on page 3 at the bottom, quoting from the new...new material which says, "Or from improperly using an aged family member's resources, financial or otherwise." Would seem to me that would imply the physical capabilities of the individual, and the reason for my question has to do with a case that I have had brought to my personal attention in my own little Village of Deerfield, where a...an elderly gentleman is living with his daughter and son-in-law. He is totally dependent upon them for sustenance though he is in good physical condition and he actively participates in the chores around the family restaurant. Now, the reason that I raise this as an issue is that I can see, excuse me, a similar situation arising under this as a result of some overly eager bureaucrat coming to that family or another family and saying, you cannot have your father-in-law wash dishes or sweep the floor. And the reason I bring that up is that this same situation I'm referring to was the case...was involved in a case with the Social Security Administration. Would you believe that a social security investigator came to the house, demanded to know how much the old gentleman was being paid, what were the provisions that...for his personal comfort and so on. Here he is the father and father-in-law of this family, living with them and only because he is...active wants to do some things. The outgrowth of it was, he now is the recipient of a social security check, something he didn't

want, tried several times to return many of them, finally gave up in disgust. But this is what happens when bureaucrats involve themselves into a situation which really is not a problem, and so, my concern here is that supposing all of a sudden I retire from the Senate, and I decide I want to move in with a child of mine. Under the...definition here I am an aged citizen. Now, if I want to go out and spade in the backyard, is someone going to...you wouldn't know what a spade is because you're only a card player, you're not a gardner or a farmer, I guess.

END OF REEL

Reel #3

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator...

SENATOR BERNING:

Will my daughter or son be liable because some bureaucrat interprets that as improperly using this family members...resources energy?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Demuzio.

SENATOR DEMUZIO:

Is that a question?

SENATOR BERNING:

Well, I...

PRESIDING OFFICER: (SENATOR DONNEWALD)

The Chair rules that it was rather lengthy. Don't ask to...to repeat it. Senator Geo-Karis.

SENATOR GEO-KARIS:

I think I can answer that. If you'll look at it very carefully, it says from improperly using an aging...family member's resources. And if I know you, Karl, no one is going to do it improperly. I move for...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? Senator Demuzio may close. The question is, shall House Bill 2126 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all those voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 3. House Bill 2126 having received the constitutional majority is declared passed. House Bill 2135, Senator Lemke. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2135.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Lemke.

SENATOR LEMKE:

What this bill does is...is incorporates numerous bills by amendment...soon as I get the list...wait till I get the list so I can read it to you. It asks for computer voting, clustering of election judges in township elections, makes numerous changes. I think it's a good bill and I ask for its adoption.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? Senator Mahar.

SENATOR MAHAR:

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

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates he will.

SENATOR MAHAR:

Senator Lemke, I think there was so many amendments added to this bill, I...I wonder if we could have just a little more explanation of the amendments. I...because of the numbers and...could you do that?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Lemke.

SENATOR LEMKE:

What amendments were adopted, there was Amendment No. 1 which is State Board of Elections computer revisory amendment with a redundant count. Amendment No. 2, the clustering of election judges which was Senator Sommers' proposal. The multiple township caucuses to be conducted by a township caucus which is Senator Coffey's amendment. Adoption of Amendment 5 that only the county clerk in which the candidates resides must provide disclosure materials, that was

Senator Demuzio's suggestion. Adopted was Amendment No. 6 which gave voting procedures for people that became hospitalized voters. Amendment No. 7 which takes care of the vacancies in township offices...regards to appointment which was suggested by the township people. Amendment No. 8 which is the Penny Pullen-Nimrod amendment which talks about backdoor referendums. Amendment No. 9 is also an extension of...of backdoor referendums which is a Penny Pullen-Nimrod. Amendment No. 2 which is the vacancies of an election commission to be filed by appointment by the court within sixty days, this was suggested by Representative Phil Collins. Adopted was the procedures for when the state's attorney or county clerk became incapacitated. Amendment No...14, which is Senator Rhoads' amendment, Fair Campaign Practice Act. Amendment No. 15 which calls for school board and community college board members which was suggested and is needed for the up and coming elections involving those offices. And Amendment No. 16 which is Senator Totten's which expands Amendment No. 7 to include DuPage and Cook Counties. I think it's a good amendment and I ask for its adoption.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Rhoads.

SENATOR RHOADS:

Thank you, Mr. President and members of the Senate. I rise in support of House Bill 2135 as amended with the exception of the three amendments that were placed on yesterday, two by myself and one by Senator Totten. All the other amendments had been before the General Assembly in one form or another in...in one or both Houses, had been approved in one or both Houses. Many of them had been part of the Conference Committee report on Senate Bill 791 last year, the first Conference Committee report. I do recommend it, I think it's good legislation, I ask for its adoption.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? Senator Lemke may close if you so desire. Do you wish a roll call?

SENATOR LEMKE:

Ask for a favorable vote and favorable roll call.

PRESIDING OFFICER: (SENATOR DONNEWALD)

All right. The question is, shall House Bill 2135 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 6, 1 Voting Present. House Bill 2135 having received the constitutional majority is declared passed. Earlier in the day leave was given to revert back to House Bill 2091, Senator Marovitz. Will the Secretary...they indicate that they are ready to consider this legislation. Will the Secretary read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2091.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Once again, this bill would allow in a prosecution for a sex offense listed in Article XI where the alleged victim of the offense is a minor under the age of thirteen, the court may, in its wisdom, depending on the facts, exclude from the proceedings while the victim is testifying all persons who in the opinion of the court do not have a direct interest in the case except for the media, who may not be excluded. Referring to the...in answer to and referring to the case in the Chicago Tribune today, June 24th, that case involved a law which automatically excluded from sex offense trials certain individuals. This law does

not automatically exclude anybody and is drawn so that the judge may determine on a case by case basis if anyone should be excluded, except for the press, and the press cannot be excluded. Justice Brennan, joining five other justices according to the Tribune Article in striking down that law in, I believe it was Massachusetts, said in order to protect first amendment rights of the press and the public there should be determined on a case by case basis whether the closure is necessary to protect the welfare of a minor victim. Among the factors to be weighed are the minors...minor victim's age, psychological maturity and understanding, the nature of the crime, the desires of the victim and the interest of parents and relatives. I would reiterate here as to legislative intent and the nature of the legislation that this is exactly what we are allowing the courts to do, determine on a case by case basis whether or not individuals should be excluded from the hearing where a minor under the age of thirteen is testifying in a sex case covered under Article XI of our Criminal Statutes. We are not excluding everybody, there is no automatic exclusion, we are giving the judge the permissive authority to do this based on a case by case analysis. And that's what this legislation is and I think it would...it would stand the test of any constitutional challenge, and there is no basis of comparison for the case which is mentioned in June 24th's Chicago Tribune article, that is today. So I would solicit your Aye vote for this important legislation.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, thank you, Mr. President and members of the Senate. Just to...to allay Senator Bowers' fears on this thing. As I see it and we're only reading from a newspaper article, I think Senator Marovitz's explanation is correct in that it is

not mandatory. His bill specifically is permissive, and as I read the newspaper account of the United States Supreme Court decision, in that particular case it was mandatory. So, I think this...this is constitutional legislation.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? Senator Marovitz may close if you so wish.

SENATOR MAROVITZ:

I would just solicit your Aye vote. We've discussed this with the Minority Spokesman, Senator Bowers, and I think he concurs with the fact that this is different from the case in the Tribune.

PRESIDING OFFICER: (SENATOR DONNEWALD)

The question is, shall House Bill 2091 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all those voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none. House Bill 2091 having received the constitutional majority is declared passed. House Bill 2135, Senator...I'm sorry, 2147, Senator DeAngelis. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2147.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. The bill does exactly what it says. It is unamended, it requires the Department of Public Aid to apply for a waiver from the U. S. Department of Health and Human Services to obtain Medicaid reimbursement for the elderly and the disabled on a community service basis. It also allows the establishment of

a nursing home prescreening program. It...it allows for risk measurement of institutionalization. It also provides for a...a payment schedule based on income. Yesterday we passed a bill of almost equal quality, Senate Bill 1120. I ask for your favorable consideration. I do want to make one comment. As a matter of clarification of legislative intent, on page 5, lines 3 and 4 regarding departments...of charging for services, "The department may allow recipients to pay vendors directly rather than the department collecting the money from recipients."

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? The question is, shall House Bill 2147 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all those voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none. House Bill 2147 having received the constitutional majority is declared passed. House Bill 2175, Senator Kent. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2175.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Kent.

SENATOR KENT:

Ladies and Gentlemen of the Senate, House Bill 2175 permits public water districts to establish different rates between users currently served by the district and new users. If a new...new area is added to a public water districts cost will generally be considerably higher than they were when the district was originally established. H. B. 2175 will allow the new property owners to pay the higher cost without passing this on to the current property owners in the district. Different rates can be charged only under the following

HB 2234
3rd Reading

circumstances; if the cost of servicing the new users, is greater than the cost of servicing the current users, or if it is necessary to defray a proportionate share of the payment of the principle and interest on any revenue bonds. I'd be...welcome any questions or ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? The question is, shall House Bill 2175 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. (Machine cutoff)...those voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1. House Bill 2175 having received the constitutional majority is declared passed. House Bill 2334, Senator Geo-Karis. Read the bill, Mr. Secretary. I'm sorry, it's 2234, for the record.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 223 .

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, House Bill 2234 provides that...a school board which has military...rather school districts that have military reservations therein, the State Board of Education can promulgate rules permitting school districts to charge an educational fee when the funds...Federal funds are cut down. And that's the main purpose of the bill. The second amendment on this bill, if I recall correctly, was an amendment that provided that in school districts which levy dollars for special education, the building...the special education buildings, they can be used...the monies can be used for special education purposes and maintenance instead of special education building purposes alone. The third amendment is an amendment that

relates to the Veterans scholarship and this amendment prohibits State controlled colleges, university or community colleges from denying admission to a person entitled to a Veterans scholarship solely on the ground that State funds may not be sufficient to reimburse the institution for the scholarship. I move for the favorable passage of this bill as amended.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Maitland.

SENATOR MAITLAND:

Well, thank you, very much, Mr. President. Just for a point of...of clarification with respect to the special education levying. As you know, we debated this issue last year and I...I thought it was clear what we had on the record last year and what the language said and...and I believe that the attempt now is to once again, reclear-up that language. And to ask you a question, specifically, Senator Geo-Karis, is it your understanding that the legislation would permit only the continuing...the continual levying for that eight...eight-year period if a school district was now levying in that period and there would be no extension beyond the eight years?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Yes, Senator, and this amendment will only allow districts which have levied the special education billing tax in the past to continue to levy the tax and use the funds for general special education. The purpose is the eight-year limit still applies and it does not allow school districts to start up a new tax.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Maitland.

SENATOR MAITLAND:

Final question. It...it would not allow, though, a school district who had never...who had never levied for that period, they could not now start up?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Geo-Karis.

SENATOR GEO-KARIS:

No, they could not now start up.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates she will.

SENATOR HALL:

Senator Geo-Karis, is the bill still doing just what I read on the Calendar, that it allows to charge fees for those who reside on military bases?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Yes, in the event that Federal funds are cut down.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Hall.

SENATOR HALL:

Well, the reason I asked that now, what happens in case of handicapped, you know, I mean,...don't we guarantee that...that all those are entitled to free education if they're handicapped? Just how would this affect that?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I don't quite understand your question, Senator.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Hall.

SENATOR HALL:

I think that somewhere in the Education Code there that...that children who are handicapped, they're supposed to be guaranteed a free education. If they are on the base and they are handicapped, would they still have to pay?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Geo-Karis.

SENATOR GEO-KARIS:

The most they would have to pay would be their basic tuition charge, if it becomes necessary, not the whole thing. But you must remember, in areas like in North Chicago, Illinois and Rantoul that have military reservations on them, they do send a lot of students to the local school districts, and the costs are quite phenomenal for the local school districts, and if the Federal funding is cutoff, then the local districts, school districts, will be in an awful bind. It simply provides...this bill in its original form, really provides that...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in support of the bill, but I think that Senator Maitland raised the question and let me give...my interpretation. Looking at the language, it says as follows, "Any other provisions in the law to the contrary notwithstanding, any school board which levies," and the words that are stricken is, "'is levying,' a special education building tax under this section may by proper resolution use the revenue raised for such...by such tax for other special education purposes." I think that your question presumably could be subject to interpretation, and that's the way I read it. I think that's...that would be my answer to you, maybe or maybe not. I think that it could be argued that if they haven't done it before, this bill might

allow them. There is no specific prohibition, I felt that you're entitled to that, at least my opinion on that.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nimrod.

SENATOR NIMROD:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DONNEWALD)

She indicates she will respond.

SENATOR NIMROD:

Senator Geo-Karis, my only concern about the military bases is that we are encouraging people to enlist into our military services, and then we tell them that when they come to Illinois if they're stationed on one of our bases and serving our country, they're going to have to pay the local charges of...paying to send their children to a school, to a public school. I don't...I...I see the problem but I don't know that this is the best way to solve it, because certainly what we're doing then is putting a burden again upon people, putting an extra cost on those who are serving in our military services. And wherever we have a fort or a training center or a permanent base, I can see where there's always that same amount of personnel there and there's always that same number. And whenever you have a base of this type or a fort, it also adds revenue and income to that community; so whether or not it overcomes whatever the costs are in taxes or not, it seems to me that this is an undue hardship that we're putting upon military personnel who serve...serving our country.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Geo-Karis.

SENATOR GEO-KARIS:

There is a...Federal Impact Fund that affects all these schools, and if the Federal funds are cut, that's the only reason...the only time that the State Board of Education

shall by rule promulgate guidelines according to which a school district may require students residing on military...reservation to pay an education fee. I might say, this bill enjoys the support of the State Board of Education.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Maitland. Oh, all right. Senator Geo-Karis, do you wish to close or you want to vote?

SENATOR GEO-KARIS:

Just close.

PRESIDING OFFICER: (SENATOR DONNEWALD)

The question is, shall House Bill 2234 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all those voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 5. House Bill 2234 having received the constitutional majority is declared passed. House Bill 2262, Senator Nash. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2262.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nash.

SENATOR NASH:

Mr. President and Ladies and Gentlemen of the Senate, this is the commission bill that we amended yesterday. Creates a Gang Crimes Activities Commission, the Commission on Health Assistance Programs, Suburban Problems Task Force and makes some technical amendments some other commissions. I ask for adoption...for an Aye vote.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? The question is, shall House Bill 2262 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all those voted who wish? Have all

those voted who wish? Take the record. On that question, the Ayes are 44, the...Nays are 9, 1 Voting Present. House Bill 2262 having received the constitutional majority is declared passed. House Bill 2266, Senator Jerome Joyce. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2266.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This amends the Drainage Code to remove public highways from the types of property assessments...subjects to assessments in counties less than two hundred and seventy-five thousand. It excludes Cook, Lake, Will, Kane and DuPage. This was at the request of Senator Berning and I'd be happy to answer any questions. What...what it does is...is that...the highways in these rural areas are being taxed now to the center of the road, the landowner is paying this tax, and the highway commissioners in some areas feel that this is a double tax and they would like to do away with this.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is...is there discussion? Senator Kenneth Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates he will.

SENATOR HALL:

Senator, you intimated that you excluded some counties there at the...the other Senator's request. What was his reasoning for requesting that?

PRESIDING OFFICER: (SENATOR DONNEWALD)

HB 2276
3rd Reading

Senator Joyce.

SENATOR JEROME JOYCE:

Well, it...it seems that in some of the larger counties, and perhaps Senator Berning can explain this better than I because I was not aware of it, that...the right of ways through these are owned by the municipality rather than...as in a rural area, so that they would, in fact, be subject to this...this tax. I might point out though that it...it has just come to our...attention that this is only on the original assessment. Now, I'm not even sure that this is doing...this bill is doing what the sponsors of it want it to do, because it's...it appears that this bill will only affect a new drainage district when a new drainage district is formed and the original assessment is the only time that it would...would take effect.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? Senator Joyce may close or do you want a roll call?

SENATOR JEROME JOYCE:

Roll call.

PRESIDING OFFICER: (SENATOR DONNEWALD)

The question is, shall House Bill 2266 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all those voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none. House Bill 2266 having received the constitutional majority is declared passed. House Bill 2276, Senator Bruce. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2276.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bruce.

HB 2285
3rd Reading

SENATOR BRUCE:

Thank you, Mr. President. This is the bill that changes all of the interest rates for the maximum rates for bonds of public corporations in the State of Illinois. We passed one of these bills out, Senator Grotberg's bill was amended in the House, and I think that...he...I think we may need another bill. And this does the same thing by making it seventy percent of prime or fifteen percent. Senator Vadalabene passed out a bill like that and I would like to have this one out. I think this may be the one that finally sees the light of day.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? The question is, shall House Bill 2276 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all those voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, 1 Voting Present. House Bill 2276 having received the constitutional majority is declared passed. House Bill 2285, Senator Philip. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2285.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2285 as amended requires additional reporting for distributors, wholesalers and retailers of fuel. It would provide a better auto trail for the Department of Revenue. It provides that they file a monthly return. If they do not, the director has the ability to put on a one cent per gallon fine. Also, it would retain the two percent

HB 2286
3rd Reading

fee that they get for the administrative cost. This amendment has been worked out with the Committee on Revenue and the Department of Revenue. They tell us that will probably raise an additional one million in taxes per month. I'll be happy to answer any questions. I would hope that it would receive favorable consideration.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I also rise in support of House Bill 2285 as amended. Senator Philip has very accurately described it. It was the recommendation of the...the unanimous recommendation of the Revenue Committee with the cooperation of the Department of Revenue. It will help to make possible a better enforcement of the tax without creating any of the problems that a redistribution of the tax liability would have created. It's a very, very good idea and I commend it to your attention.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? Senator Philip may close or else have a roll call. The question is, shall House Bill 2285 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1. House Bill 2285 having received the constitutional majority is declared passed. House Bill 2286, Senator D'Arco. You wish the bill read, Senator? Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2286.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

*HB 2310
3rd Reading*

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This is the bill that permits the Cook County Deputy Sheriff's to transfer credits to the Cook County Employee's Fund from the State Employee's Fund. There was also a...an amendment on here that changed the pension for the judges from the last day to the average of the last year, and there's also an amendment for annuitants to withdraw from the pension system if they're sixty years or older. I don't know of any opposition and I would move for a favorable vote.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? The question is, shall House Bill 2286 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none. House Bill 2286 having received the constitutional majority is declared passed. House Bill 2289, Senator Maitland. House Bill 2310, Senator Grotberg. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2310.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Grotberg.

SENATOR GROTBORG:

Thank you, Mr. President. 2310 contains the language duplicating another bill that went out of here regarding the assessors and their forty-eight hours of training compensation money. But the amendments that were offered the other day...this bill has had an interesting and sometimes difficult effort to get to 3rd reading, but it is really quite

uncontroversial in its substance, we've tried to keep it that way. It now contains the reimbursement by county boards for...farmland assessment review committee expenses. It contains the...the deadlines for the supervisor of assessment to send out his assessment books and a date for return, and it contains...oh, yeah, and it contains Senator Netsch's amendment that the county collectors do not necessarily have to send out receipts after their payment, and I'm sure that there are questions and probably some interesting ones.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise in support of what is in the bill. The problem with the bill is not what's in it but what is not in it, because Senator Grothberg would not call it back for further amendments yesterday. Actually, what is here makes a great deal of sense including some provisions that were requested by the county treasurers, and I would certainly urge support of the content of 2310 as it currently exists.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? Senator Demuzio.

SENATOR DEMUZIO:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates he will respond.

SENATOR DEMUZIO:

Senator Grothberg, one of the amendments that were added to this bill provided for the county boards the opportunity to reimburse, as you say, for expenses incurred with the implementation of the farmland assessment advisory board at the local level. I can't find the amendment, it seems to me, however, that the...the definition is a little bit broader that just reimbursement for expenses. As I recall correctly,

it said...compensation to be set by the board. Could you indicate to me what your purpose was in the...in the adoption of that amendment?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg.

SENATOR GROTBORG:

Thank you, I will read the language to you, Senator, it's...just one sentence. "The county board of each county may," they don't even have to, but they "may fix the compensation." And when we're talking about expenses yesterday, I...I may have inferred that it was...expenses only, I hope that's all it is. But as we get into that language, we don't know whether it's better to give them five dollars a meeting or ten dollars a meeting or just to reimburse them for mileage and get involved in a lot of reporting. But the sentence reads, "They may fix the compensation of members of the county farmland assessment review committee for attendance at meetings of such committee." So, it's only for attendance at the meetings.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

If you manage to go to Conference Committee with this...bill, you might want to clarify that, because there are some individuals in particular counties that want to fix some kind of a salary in connection with serving on that particular...advisory board for farmland assessments. So you may want to clarify that a little bit more when you get to conference.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Berning.

SENATOR BERNING:

Thank you, Mr. President and members of the Senate. I have to say that, yes, perhaps this is a step in the right

direction and that we should be making some effort to help speed up the assessing process, but it occurs to me as a rather presumptuous action on the part of this Body. Here we say that no matter what the circumstances are, within a hundred and twenty days at the most or June 1st, whichever is longer, the bills...the books must be returned, okay, so what. What if the assessor has not completed his job or what if he hasn't even started it by that time, what have we accomplished? I think there's no...no penalty at all in it, that's part of the problem. But I think the other aspect of it is, Ladies and Gentlemen of the Senate, here we are again, we who cannot accomplish our business in six months expect another lone elected official, frequently without any help and never with adequate help, to carry on and fulfill a directive which we give him and we don't know a single thing about the assessing process.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR GROBERG:

Thank you, Mr. President. Only in response to Senator Berning's concern and it's a righteous one, this...the history of who's to blame is more serious than the history of penalties once blame is established. This bill puts the buck equally on the shoulders of the supervisor of assessments and the lonesome assessor that the Senator is talking about and I would recommend an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House bill 2310 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 52, the Nays are 4, 1 Voting Present. House Bill 2310 having received the constitutional majority is

HB 2357
3rd Reading

declared passed. House Bill 2342...House Bill 2356, Senator Gitz. House Bill 2357, Senator DeAngelis. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2357.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. House Bill 2357 creates the third party prescription program. When the bill came over here it didn't seem to have any difficulty, and then when we looked at the possible implementation, significant changes had to be made in the implementation. So Amendment No. 1 rewrote the bill, keeping the intent where it was and dealing with the difficulties and implementation. The second amendment broaden...the powers of the Department of Insurance to deal with some of the fraud that goes on in third party payments. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 2357 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none Voting Present. House Bill 2357 having received the constitutional majority is declared passed. House Bill 2361, Senator D'Arco. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2361.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This bill legalizes marijuana in the State of Illinois...no, it doesn't. This bill...no, this bill provides that you can mail a ballot for the election of a person to the board of the pension system of the State...of the Chicago Firemen's Pension System instead of having them vote at division headquarters. These are for incapacitated annuitants who can't get to the headquarters and they have to mail the ballot to them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator D'Arco moves that House Bill 2361 be passed. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none Voting Present. House Bill 2361 having received the constitutional majority is declared passed. House Bill 2381, Senator Bloom. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2381.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. This bill now in its pristine form takes care of a problem in the northwest part of the County of Cook. The language was drawn up with the assistance of county officials. It does no harm and it assists some people who had...were wrongly assessed and then had it corrected, but in order to qualify for circuit breaker and certain tax benefits, they have to...right

HB 2384
3rd Reading

now the...their base year is the year it's wrongly assessed and this provides them a mechanism to have it corrected. That's basically the guts of the bill. Answer any questions, otherwise, ask you for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. In its pristine form this is a super bill and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 2381 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none Voting Present. House Bill 2381 having received the constitutional majority is declared passed. House Bill 2384, Senator Davidson. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2384.

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

This is the school formula bill, we debated it...we debated this the other day, there was some questions which has been satisfied. I would yield to Senator Bruce in relation to the...he asked the questions and I understand they've been satisfied to his satisfaction.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. Senator Davidson, just before

HB 2391
3rd Reading

we called this bill, read a statement into the record which we have now worked out. It related to thresholds for school districts that were going to receive the elementary weighting and that has been put by amendment on another bill and has been satisfied. The other question related to how we were going to count seventh and eight graders, and it is clear now that that can be taken care of by...by rule and that is we...we know the population of our elementary districts, one through eight, we are going to use two-eighths of that. It will not work out exactly student per student but it will be within an error factor of less than one percent and that will be done administratively and we think without objection, and that is the way the printout was done for those of you who look at the printout. It was taking the eight grades and taking two-eighths of that. And so, with that, we have cleared up the statements and the record and the amendments that need to be put on are put on other bills, so this will go directly to the Governor and I...I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I also rise in support of this bill and urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 2384 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 54, the Nays are none, 3 Voting Present. House Bill 2384 having received the constitutional majority is declared passed. House Bill 2391, Senator Marovitz. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2391.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2391 amends the Criminal Code to create the offenses of ethnic intimidation and institutional vandalism. Acts of ethnic intimidation and institutional vandalism should be recognized as especially abhorrent to a decent and orderly society such as ours. We've been witnessing an increase of overt action of anti-semitism against churches, synagogues, descretion and other evidences of religious and racial bias. The willingness of bigots to act out their intollerance and bigotry is a troubling manifestation of which...and which requires a response from civic and...governmental leaders. Legislation which increases the penalties for criminal acts specified in House Bill 2391 is one way for society to express its repugnance for antisocial behavior based on bigotry and hatred. The Institutional Vandalism Statute embodied in House Bill 2391 increases the penalty for the existing crime of criminal damage to property in excess of three hundred dollars when that crime is done with a discriminatory intent and to certain types of property, and obviously, that's a matter of law to be determined by a court. Under existing law, criminal damage to property in excess of three hundred dollars is a Class IV felony punishable by up to three years in prison. Under the proposed Institutional Vandalism Statute embodied in House bill 2391, criminal damage to property in excess of three hundred dollars becomes a Class III felony, punishable by up to five years in prison, if done by reason of the race, color, creed, religion or national origin of another individual and to a church, synagogue, or other

building used for religious worship, a cemetery, a mortuary, a school or community center or to the grounds of such institutions or to any personal property contained within. The crime of ethnic intimidation which is the second part of the legislation increases the penalties for the crime of assault, criminal trespass to land or mob action when done with a...discriminatory intent. Obviously, that, too, was to be determined by a trier of fact. Under present law, these crimes are Class C misdemeanors, punishable by up to thirty days in jail, under the proposed legislation, 2391, the crime would become a Class A misdemeanor, punishable by up to one year in jail when done by reason of the race, color, religion, creed or national origin of another individual or group of individuals. I think it is important to note that this law does not make illegal anything that is presently unlawful now. It increases the penalties for some severely abhorrent type of conduct, and I would ask and solicit everyone's Aye vote for House Bill 2391.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Rhoads.

SENATOR RHOADS:

Mr. President, I rise to join Senator Marovitz in asking for adoption of 2391, because as a matter of public policy it calls special attention to a particular kind of crime that we ought to go on record as...as being most adamantly opposed to.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

A question, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR WEAVER:

Does Senator DeAngelis have an amendment on this?

HB 2417
3rd reading

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Not to my knowledge.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

There have been some threats going around by certain ethnic groups, I just wondered whether he had a specific amendment on this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR DeANGELIS:

Well, I...I did have an amendment prepared, Senator Weaver, you're right, but I did withdraw it because I did not feel that ethnic intimidation of Italians deserved a double penalty. I think the courts will take that into consideration and do so on their own.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 2391 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none Voting Present. House Bill 2391, having received the constitutional majority is declared passed. House Bill 2417, Senator Nedza. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2417.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2417 deals with the redemption of tax delinquency property. It increases the fee paid to the county collector for the annual sale for the property from ten to twenty dollars; increases from five hundred thousand to a million dollars in the maximum amount allowed in the Indemnity Fund; it clarifies that the penalty on property sold for delinquent taxes is twelve percent on property sold prior to November 3rd, 1981 and eighteen percent on property sold after that date; and the bill also provides a provision for reimbursement to any tax purchaser when the county clerk of the court finds that there has been a sale in error. The bill yesterday was amended by Senator Netsch and the amendment was Senate Bill 1321 which left this Body 56 to nothing, and that dealt with the...the publishing of property, the county collector would publish an advertisement for the sale of lots and lands for unpaid taxes. If there are no questions, I know of no opposition but I'd be glad to answer any questions, and I move for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR GEO-KARIS:

Is the late payment penalty payment payable on all delinquent property, has that been increased from seven percent to eighteen percent?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

Senator Geo-Karis, there has...House Bill 103 which was

passed in 1981 had raised the penalty for it but it did nothing to alter the penalty or taxes on the special assessments occurred. This also increases that portion of the special assessment portion. The bill in itself had the twelve percent, eighteen percent.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Johns.

SENATOR JOHNS:

Yeah, Mr. President and the sponsor, what's this going to do to a lot of little people who are struggling right now? Does this have any base that kind of protects the downtrodden and the...the people that are out of work right now, is this just for everybody a blanket type bill on all property and penalties thereof?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

Senator Johns, this is...this is only addressing itself to previous legislation which was to property considered delinquent. That portion of the delinquency not being, I think, for...like now, we're in the economic downtrend, they would not, the assessors or the county collectors or whatnot, would not publish the property for delinquency just for the first one year or one...there is a criteria for that and I think it's more than just one or two payments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Johns.

SENATOR JOHNS:

Just trying to keep an eye out because there's more bankruptcies now, there's more property foreclosures than we've had for...since the last thirty years, and I just want to be careful that we just don't hurt people that are already hurt because of the economic conditions of our time.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 2417 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 52, the Nays are none, 2 Voting Present. House Bill 2417 having received the constitutional majority is declared passed. House Bill 2430, Senator Egan. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2430.

(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. Presently the law provides that the counties will pay annually the...the payments collected from penalty assessments, this changes it to quarterly. It has the concurrence of all of the county officials, and also, we amended the bill to include the permission for local units of government to have more flexibility to schedule training to meet local needs and resources and lessen the burden placed on the Office of the State Fire Marshal. At the request of the State Fire Marshal that amendment was placed onto the bill. That is the substance of House Bill 2430 and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator...if not, the question is, shall House Bill 2430 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... take the record. On that question, the Ayes are 57, the Nays are none...58...the Ayes are 58, the Nays are none, none Voting Present. House Bill 2430 having received the constitutional

majority is declared passed. House Bill 2485, Senator Joyce. Jeremiah Joyce. House Bill 2502, Senator Davidson. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2502.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this is the bill we had in the record yesterday, we took out 'cause there's some questions. And the answer to some people who were trying to say little old ladies could be taken out of their homes without a search warrant is absolutely incorrect. In the present law exists already, this doesn't change that...that a inspection provision...area without a search warrant is Cigarette, Bingo and Coin Operated Amusement Device Tax Act. Someone said the agents with the new police officer status could be running around with a gun hung on their hip, without any training and that's a lot of hogwash. All individual fraud agents who would have this status must have three mandatory qualifications a year on firearms including a nightshoot and a stressshoot. They have a mandatory training by the Department of Law Enforcement attorneys in the use of force, the liability and responsibility. They have monthly mandatory training program by law enforcement. They have at least one week per year in-service training with the Department of Law Enforcement. Average college...average education of a revenue fraud agent is four years. They've been in existence for thirteen. They collected five additional million dollars this year for the Department of Revenue which you now have to appropriate out in school funds or whatever, estimated thirty-five million more in this

coming fiscal year. Appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I think everybody ought to pay a lot of attention to this bill. Last year all of us here and those down on the second floor were embarrassed seriously when a bill involving machine guns passed the General Assembly and was signed by the Governor, nobody knew what was in it. We were all embarrassed because something would slip by and nobody knew what the ramifications were. Well, here we go again. I don't think...but this time, no one can say they didn't know what was in the bill. No one can go and campaign in November and say, well, we didn't realize this. If I was your opponent and you voted for this bill, this would be the first issue that I'd jump on. I wonder what...what we're afraid of. Are we afraid that unless an investigator goes into a...to...to check on cigarette stamps or unless an investigator goes into a senior citizen home to check on circuit breakers and whether the circuit breaker has been fraudulently filed and that's in this bill, regarding senior citizen circuit breakers, are we afraid that perhaps an investigator is going to be run over by a wheelchair or stepped on by a walker and he needs a gun. We're going to send him packing...with...with pistols checking on senior citizens and...and their circuit breakers or whether they filed it fraudulently. There's no limit in this bill as to how many investigators can be hired by the Director of Revenue, absolutely no limitation whatsoever. Now, the Director of Revenue tells me through his emissary, well, we only have twenty-five investigators and we're only going to do it in extreme cases, that's fine, but we don't come here to pass laws for this Director of Revenue, we come here to put Stat-

utes on the books for the future, in futura, and we don't know what's going to happen in the future, or who the director is going to be, or how many investigators are going to be hired, or what use they're going to be used for, or what senior citizen homes they're going to go into, or how...how extensive this is going to be. No one has been able to tell us why we're not going to be able to find tax cheats unless they have guns, no one has told us that. And if you want to vote for this bill, a repeat of the machine gun fiasco of last year, go ahead. But what happens if the Director of Public Aid wants...wants this power to stop public aid cheaters, and what happens if the Director of Nuclear Safety says, we got to have this because we have to check the nuclear facilities? What happens if the Director of DCFS wants this because there may be some child abuse we got to send them in packing pistols? What happens if the Director of Public Health wants this because there are some homes throughout the State that have serious abuses and we got to send them with pistols? The question is, where does it end? As far as I'm concerned, it ends right here with 2502, let's stop it.

END OF REEL

REEL #4

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

Thank you, Mr...thank you, Mr. President. I...I rise, while I happen to support the bill, I do not rise at this moment in support of the bill. I just want to correct one statement and while...Senator Marovitz, I appreciate your...your concern on the bill. On that machine gun bill, I want to clear up one correction, some of us did know what was in the bill. In reality, the story of that is one...one T.V. commentator stuck his foot in his mouth and made a fool of himself and didn't have the courage on T.V. to concede he hadn't read the bill before he had made a fool of himself. We, then, since we are often run by the press anyway, decided to back off and cleanup a problem in a bill that had passed twenty some states, and no trouble in any other state, it simply was one reporter who, unfortunately, and I do not speak to our friends in the written media, it was a T.V. reporter who made a fool of himself on Chicago T.V. I can't remember his name, Tim, but I did want to correct, while I appreciate your concern for opposition of this bill which I'm sure is sincere, please, do not say that on that machine gun bill that a group of legislators knew nothing about it, 'cause most of us knew what was in it and didn't have any trouble with the bill, and it just was one fool making a fool of himself in public and so we reacted to it, unfortunately. But I do support this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

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

years ago a movie was produced...starring Jimmy Stewart and I think it was called, "Mr. Smith Goes to Washington," and if they were going to film the proceedings today, I think they would title the film, "Grandma Goes to Prison." Now, I think you ought to take a look at what we do, Senator Davidson, to grandma who files her circuit breaker, and if she misfiles that form, she's going to serve one to three years in prison. Now, that's a fair deal because the average award, as I recall, is about fifty-four dollars she's going to get back. The average award to senior citizens is about fifty-four dollars. So, for a fifty-four dollar error we're going to ship her off and keep her in prison for one to three years. Now, if she got help, if she got help by some accountant in the State of Illinois and he makes the first error we're pretty easy, it's only a misdemeanor. He would probably only get a citation by the Accountants Ethics Board, the second time he will lose his licenses and he will join grandmother in prison for the one to three year sentence. We, also, take anyone who is a commercial motor carrier who carries vans of more than twelve, and so that includes a lot of senior citizen vans around the State of Illinois carrying more than twelve people. Now, somehow the senior citizen agency there forgets to file their license and operates that as a non-licensed commercial motor carrier carrying grandmother back and forth to sign the form, we're going to send the driver to join grandmother in prison for one to three years, also. In case they rent from a businessman, the senior citizen center, and he fails to file his ROT tax, if it's less than a hundred and fifty dollars, and I don't think there are many businesses doing that, he doesn't go to prison. However, if his check is greater than a hundred and fifty dollars and it happens to inadvertently bounce, then we send him to join grandma in prison. So, we've got the...we've got grandmother, her accountant, her bus driver, and the busi-

nessman that rents the place, but in case they rent it in the evening to the Sisters of Charity, you threw in bingo. Just in case we missed her any other way getting to or from or any of her checks, we have her playing bingo. It was nice that she doesn't have to play bingo in prison, because this says that the gross proceeds plus confiscating all the equipment used when they fail to file and get a license in a timely fashion, this includes the failure to get a timely filed license and for all the American Legion halls, and VFW halls, and St. Joseph Catholic Church in Olney that sometime does not have a license hanging on the wall, we're not only going to take their proceeds, but we're going to confiscate all the bingo cards, and little turners, and all the little numbers, and so you've denied her even the right to play bingo. I think this bill ought to go back to committee and take a long close look at it. We didn't talk about grandmothers who smoke because we're going to go in a take a look at her cigarettes, but in prison they don't give them any cigarettes anyway, so I guess they won't have to worry about her and her cigarettes. But I just think, along with Senator Marovitz, to have armed revenue agents running around in people's places of business searching for cigarettes without search warrant is bad enough, but to take grandma down the path on the circuit breaker bill, I think goes too far.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rhoads.

SENATOR RHOADS:

Thank you, Mr. President and members of the Senate. I had raised some questions in debate, was either yesterday or the day before on this bill. Since that time, I've been contacted twice by the Department of Revenue and they have answered the questions that I had to my satisfaction, particularly that point about conferring peace officer powers on some of the department investigators. The peace officer

powers would be extended only to those official duties that the investigators are dealing with. It's a Catch-22 situation. You have to have people who are trained with police training in order to do this job, but they can't get the training unless they have a peace officer status under the law in the first place. In a particular situation that occurred within the last year in my district, I had occasion to ask the internal investigating unit of the Department of Revenue to come into my district because we had some people who were impersonating...employees of the Department of Revenue and were, frankly, shaking down local businesses. Now, I learned that during the stakeout for this particular investigation, it was necessary to have local police officers from my village standing nearby with radios and on call to come in in case they were needed, but the local investigators did not themselves have the power to go in and make the arrests. Now they can't share this information on the investigation with other local police departments, the county sheriff, or local municipal police department, not even the State police, because the problems in the investigations are of such a highly sensitive nature and such a confidential nature that they just can't go outside the department, and indeed, can't even go outside particular units in the department. So, Senator Bruce has raised some new issues that weren't raised the other day, but my questions have been answered, and I think this is good legislation and ought to be supported.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nega.

SENATOR NEGA:

Mr. President and members of the Senate, I was one of the handful that did not vote for the machine gun bill. I am not running for reelection and I suggest to you, if you are running for reelection, I'd hesitate voting on this bill at

this time. I suggest we send it back to committee and give it further study.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Senator Nega just said exactly what I wanted to say behind Senator Bruce's remarks, however, there is one question just in case that you're not going to send this bill back to the committee that I would like to ask the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR COLLINS:

On...on carrying the gun issue, what, in fact, was the response from the...director as to the necessities for the guns?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

'Cause, two things, one is the individuals go into unknown circumstances or unknown hazards to themselves when they go to investigate a fraud. They don't know who they're dealing with, and they have had weapons pulled on them and they should have the opportunity to defend themselves. They carry a gun now. The reason why the word "police officer" is in here is, as I explained yesterday, that when the Attorney General ruled in December of '81 that these individual were police officers, they, therefore, were cut out of any pension benefits under the present system because social security...Enabling Act of Social Security exempted police officers from social security. They must get their pension from their own special police pension, and these individuals as State employees were denying an opportunity to participate in the pension rights and that's why this description of peace officer is in there. The other is so they can have the power

of arrest, because just what was recited about the confidentiality of the Revenue Act of the State of Illinois that if these agents are doing a fraud investigation, they cannot share this information with...with any other law enforcement because of confidentiality of the Act, and they could not get...excuse me, prosecution on part of the cases because they could not share that and did not have the opportunity to arrest the person when fraud was being done right in front of their eyes, and that's the other part of the police officer definition.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

No, well, that explanation does not satisfy, you know, my concerns. I still do...and you're talking about them going in examining people's records without a search warrant.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is that a question, Senator, or a statement?

SENATOR COLLINS:

No.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Was that a question? You want...

SENATOR COLLINS:

When we debated this bill on 2nd reading, we talked about them going in and confiscating the records of those persons without a search warrant, is that still in the bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

It...the only time they can go in without a search warrant is in relation to cigarette, bingo, or coin amusement tax devices. It cannot, cannot, take anybody's records or go in and go into their records without a search warrant in all other cases. And it's already in the law that they can go in

and look at cigarettes, bingo, and coin amusement tax devices already, that's already existing law that they can go in and do that without the search warrant.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nash.

SENATOR NASH:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he will.

SENATOR NASH:

Senator Davidson, do the IRS agents...the Federal IRS agents, do they carry guns?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

A question I can't answer. I don't know. The FBI carries guns but whether the Federal Revenue internal agents carry a gun, I don't know. The treasury agents do, and I...if they do their investigation, they have the power.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nash.

SENATOR NASH:

Mr. President and Ladies and Gentlemen of the Senate, I rise in opposition of this bill. The Federal agents...the Federal...IRS agents don't carry weapons and I see no need for our State revenue agents to carry weapons. If they need assistance in an investigation, they can always call the law enforcement agency in. An agent can be deputized by a local sheriff for that purpose, he can ask the assistance of the local police department or can ask the assistance of the local sheriffs department where they're making an investigation. Most of these investigations are done by letter, and auditors meet at the State of Illinois Building or at the accountants office and they work these problems out and then

charges are filed if they find anything. This is a senseless bill and I ask for its defeat.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bowers.

SENATOR BOWERS:

Well, thank you, Mr. President. I'm not going to suggest to you, Senator Nash or Senator Marovitz...Senator Marovitz, would you...would you let me enlighten you a little bit...but I really feel that this gun issue is...is totally a red herring. The Attorney General has already ruled, and I have a copy of the opinion here, that and...and he quotes the Statute and I'll read it is just a second, but he's already ruled that if a officer has the power to make an arrest, which these officers have, they are a peace officer under the Statutes of the State of Illinois. So, under today's Statute, they are peace officers and they have the power to carry a gun. So what is in this bill in reference to that is totally codifying what the Attorney General has said is already the law, so it should not be an issue in your vote. Now if you have other reasons you want to oppose this bill, I think that's fine, but don't do it on the basis that you think you're giving somebody the power to carry a gun that doesn't have that power today. Now in quoting the Statute with reference to peace officers he says, and I quote the Statute, "Any person who by virtue of his office of public employment is vested by law with a duty to maintain public order or to make arrest for offenses," and this is underlined, "whether that duty extends to all offenses or is limited to a specific offense, that person is a peace officer." Now these people have the power to make arrests for violation of the...of the Statutes that they're enforcing. So, they are peace officers under the law today, they have the power to carry a gun and, as a matter of fact, the director will tell you they do carry guns. So you do what you

want with the bill, but don't use as an excuse to vote No the fact that we're giving them power to carry guns. They have that power today, and they have it by virtue of Statutes that already exist.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Gitz.

SENATOR GITZ:

I have a question of the sponsor and then I'd like to speak to the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR GITZ:

Senator Davidson, on page 22, line 19, commercial motor vehicle is defined, and that includes a motor vehicle that has seats for more than twelve passengers and there's new language that is propelled by special fuel. What is the purpose of that language in the bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Go ahead and speak, and I'll get an answer for your...an answer to your question, 'cause special fuel I do not have right at my fingertips. I'll get it for you in about a minute.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Gitz.

SENATOR GITZ:

Well, while you're getting that, I see a whole section on page 22 that is dealing with distributors of motor fuel, suppliers, bulk users, anybody who acts as a motor carrier without having a permit to do so, or fails or refuses to make payment. How do you determine when somebody has refused to make payment?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR GITZ:

It is...is it just simply the absence of the return, does that constitute automatically an implied refusal?

SENATOR DAVIDSON:

Two things. One is the part in relation to your special fuel is getting the Revenue Act into the same words that's in motor fuel section of the Statute, and they're reducing the penalty on the relation to the motor carriers.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Gitz.

SENATOR GITZ:

I truly hope that everybody does read this twenty-eight page bill, I've read it several times. Page 28, for example, "To appoint investigators to conduct all investigations, searches, seizures, arrests, or other duties imposed under the provisions of any law administered by the department, such investigators may exercise all the powers of peace officers." Note, too, on page 27, not only now do they have the ability to go into a...anyplace that is selling cigarettes without a search warrant and seize any packages not stamped but also inspect any located. This is a bill that broadens in every conceivable way to carry any loophole that the Department of Revenue might imagine. I don't think anybody objects to specific words, but this is the very same department, Ladies and Gentlemen of the Senate, the very same department that was so arrogant that they didn't even believe that they needed authorization to hire new revenue collectors. Now, I dare say, every Senator here has heard a myriad set of stories about the Federal IRS. In fact, the Internal Revenue Service is now one of the agencies that many people feel we ought to put some dampers on. Why in the world do we want to adopt a twenty-eight page bill to broaden, in every conceivable way, the powers of these officers? Senator Davidson, I don't care

whether they got the power to carry a gun now or not. And I find it kind of interesting, now we're...we're supposedly implying these definitions so that they qualify for pensions, but the bill isn't drafted that way. It's kind of like if the department hasn't covered every bailiwick before, now they'll come in here whether it's bingo, whether it's the senior citizens transportation, whether it's to go in without a search warrant on cigarettes, where does it end? Are you seriously going to tell me that our revenue problems are so bad that we've got to draft a bill without any regard to the safeguards of the citizens? We've got to increase every penalty, what are misdemeanors now go to felonies? We extend the line of years for the violation to which they can file it? This bill has not improved in anyway, shape or form in twenty-four hours, and I think we ought to think long and hard before we encourage anymore Elliott Ness tactics on the part of the Department of Revenue.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think what Senator Bowers stated in regard to the Attorney General's opinion is even more reason for us to give an affirmative...I mean a very strong No on this bill. An Attorney General's opinion is not law, it is merely an advisory opinion, and I think that if we want to set the policy that we do not wish these revenue agents to, in fact, carry guns, then it is our legislative intent by a firm No to indicate that. Secondly, I would say this, we're talking about the collection of taxes that in most of the cases cited are debts owed to the government. The only reason I can think of to allow the carrying of gun by these people that are only investigating the payment of these debts, is A, either intimidation, which rubs me substantially the wrong way, or

B, you're endangering the life of these revenue agents. You're going to give them the power to carry guns, you're going to find that...as Senator Davidson has suggested, if somebody pulls a gun on them, you'll probably windup with the revenue agent pulling his gun and getting killed, or perhaps some innocent bystander getting killed. I don't think this is a good policy for us to endorse, I urge a No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator McMillan.

SENATOR McMILLAN:

Mr. President and members of the Senate, I rise in support of the bill. I really wasn't going to say very much on this bill, but I think an awful lot of allegations and comments have been made for which there's very little justification and very little reason. Not more than a half hour or forty-five minutes ago everybody in this Body but one, under the disguise of trying to do things to stop the...the cheats when it comes to the collection of...of the sales tax on gas, voted for a bill that's going to impose all kinds of red tape and regulations on little gas stations, and small gas distributors, and everybody else, because supposedly you were so concerned about cheats, and that imposition didn't go on the cheaters, it went on the innocent. Now, we come to a bill that would provide the kind of leverage that's necessary to get the precious revenue that so many of you have cried that the State is not going to have. This is a bill that would give the Department of Revenue the kind of leverage necessary not to get at innocent people but to get at those who have been guilty or...or who have been guilty of fraud or who have cheated on their taxes, and all of a sudden, you're crying, help. It's very inconsistent. If you're concerned about the money coming into the State Treasury, if you really want to do something about fraud, then give the department the power that's necessary to deal with those that are breaking the law

and deal with those that are cheating the State. You said you were going to do that forty-five minutes ago when you imposed additional red tape on a heck of a lot of innocent people, if you did that, at least have the guts to put some muscle where it belongs to get at those who are cheating. It's a good bill and ought to be passed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Johns.

SENATOR JOHNS:

Well, Mr. President and the sponsor, the Secretary of the State sends people all over the United States to audit some of the giant trucking firms of the...of the country involving hundreds of thousands of dollars, they do not carry guns. I might say that we're just encouraging every other department who has any kind of fears as they enter a place to collect money that's due to the State of Illinois to perhaps carry a gun. I think it's a bad precedent even though it's in the bill, and the Attorney General so ruled it's all right or whoever did. I just think this bill deserves a defeat, and I think the mood of this side of the aisle is that, if we just set tight, I think it'll go down the drain.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berning.

SENATOR BERNING:

Yes, thank...thank you, Mr. President. I had asked the sponsor a question relative to the pension benefits referred to in here, and I'm just curious, have you had an occasion to confer with the House sponsor as to the intent on page 11 and 12 that we discussed?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Unfortunately, the House sponsor was tied up yesterday evening and I was unable to confer with him in the intent on

the pension, and the only thing I can tell you is the memorandum that I got from the Department of Revenue in relation to the pension is that...that words that are in the pension is so that these individuals who were...employed doing work for you and I can have an opportunity to participate in the pension fund same as any other State employee due to the ruling that they were police officers and that's what that wording is in this section for.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berning.

SENATOR BERNING:

But that...that isn't what it says, Senator. It even provides that a person who is no longer in service may elect to benefit by an increased...level of pension benefits, and I...I really think that this needs some careful reevaluation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nega. That wasn't a question, that was a statement...and you'll be able to answer in your closing. Senator Nega.

SENATOR NEGA:

Mr. President and members of the Senate, I apologize for rising the second time, but Senator Nash asked a question. I worked for Internal Revenue Service as a collection agent and we did not...we were not permitted to carry guns, and I suggest when Senator McMillan gets to Washington that should be his first order of business, but as far as the State of Illinois is concerned, I urge...a No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR DAVIDSON:

Well, let's correct a few misunderstandings and misstatements. First off, we're talking about investigators, we're not talking about agents, we're talking about investigators

who are going out and try, try, for your and my protection, and your and my get fair share to collect taxes that these people who are tax cheat are not paying. We're not talking about a agent that goes investigates some books, we're talking about an investigator that's laying his life on his line, he already has the ability to carry the gun now under the ruling, and he's been doing it for several years now. If you want to protect the tax cheats, go right ahead, vote against this bill. In relation to the pension question which you did not allow me to answer a minute ago, the special formula provided is identical to other State employees with peace officer status such as Secretary of State Investigators, and Department of Conservation Police Officers. Senator Bruce, you talked about the little old grandma, you forgot to tell them...forgot tell them one big item. It had to be second conviction in a court of law knowingly they have done this. This is not talking about someplace, somewhere to get at any normal individual, we're talking about people who are costing the State of Illinois and you and I as taxpayers who legitimate pay our taxes thirty-five million plus dollars a year. You're talking about people who make their livelihood bringing in...illegal cigarettes without...without taxes. You're not talking about an individual that may go buy a carton of cigarettes over in Indiana, you're talking about people who...an illegal gain to their own benefit who bring them in by the truckload that we're after. Now, if you want to help the tax cheats...get away without paying their fair share and send individuals who are State employees out to lay their life on the line without you giving them protection and deny their opportunity to have a pension as you already have, then vote against this. If you're for some law and order and giving State employees a fair shot and everybody pay their fair share of the taxes, then vote for the bill. Appreciate a favorable...roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 2502 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 22, 5 Voting Present. Senator Davidson seeks leave to put it on an Order of Postponed Consideration. Is leave granted? Leave is granted. If we can just stand at ease for a moment, Senator...Senator Kent has...Senator Kent has a group of individuals she would like to introduce at this time. Could we have a little order. Senator Kent.

SENATOR KENT:

As I told you earlier, we have the pleasure of having the Illinois Girls State with us today, and these girls are the ones that are running for State-wide candidates, and I'd like to make an introduction of those girls. The candidates for the Governor of Illinois Girls State are Kim Carmichael from Senator Sommer's district, Debbie Winestein from Senator...Schuneman's district. For a candidate for Lieutenant Governor are Chris Cockrell from Senator Thomas' and Tracy Coon from Senator Thomas' district. For the Attorney General, Sally Armstrong from Senator Grotberg's district and Katie Thompson from Senator Demuzio's district...for Secretary of State, Christine Bradford from Senator Schuneman's district and Debbie Duncan...from my district, sorry, mine is the one that got washed out. Okay, for Comptroller, Brenda Bair from Senator Maitland's district and Dana Brandt from Senator Schuneman's district. Boy, Cal, you've got a whole bunch of of them. Candidates for Treasurer, Ann Hodel from Senator Sommer's district and Sue Lambert from Senator Berning's district. The President of the Senate has already been elected and that is Jackie Hanson from Jeremiah...Jerome Joyce's district. The Speaker of the House...the Speaker of the House is Allison Fry from Senator Demuzio's district.

HB 2504
3rd reading

The Nationalist Party Leader is Vivian Ashenbreck...Ashenbock, excuse me, from Senator Walsh's district, and the Federalist Party Leader is from...is Tina Zorick and she's from Senator Geo-Karis' district. I hope you will welcome these girls. They really are the cream of the crop. Senator Rock, if you'd come up, we'd like to make a small presentation. The Speaker of...the President of the Senate, as I said, is Jackie Hanson and she would like to make a presentation.

MISS JACKIE HANSON:

(Remarks made by Jackie Hanson)

PRESIDENT:

A much prettier Senate President, I might add. Thank you, very much. Thank you all, very much. Yes, Senator Grotberg. No. Thank you all, very much. On the Order of House Bills 3rd Reading is House Bill 2504. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2504.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

SENATOR SOMMER:

Thank you...thank you, Mr. President. This bill is a relatively complex bill that's been subject to a number of drafts and discussions, we did have a discussion on amendment stage yesterday, and I'd be happy to respond to any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Yes, this has been a matter of some discussion for

sometime. A lengthy amendment was offered yesterday, with which I totally agree, and I urge a favorable vote on House Bill 2504 as amended.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 2504 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...and 1 Voting Present. House Bill 2504 having received the constitutional majority is declared passed. House Bill 2507, Senator Kent. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2507.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kent.

SENATOR KENT:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill...2507 amends the Illinois Public Aid Code and various other Acts to authorize the court order designment of or voluntary deduction from an individual's unemployment benefits for the purpose of paying delinquent child support payments. This legislation was initiated to bring the State law into compliance with the Federal law. Failure to approve this could result in the loss of sixteen million dollars in Federal financial participation for the aid to families with dependent children's program, and the loss of a hundred million dollars in Federal funds for the administration of the Unemployment Insurance Program in Illinois. I would answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Yes, thank you, Mr. President. I do have a couple of questions of the sponsor, if she will yield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she will.

SENATOR DEMUZIO:

The...the disbursements, I...I mean, how...how is this transaction going to take place? The...when the cases are report...reportable that they're are delinquent in their payments, how...what's the mechanism between the Department of Public Aid and the circuit clerk and the unemployment insurance office, and what procedure is utilized?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kent.

SENATOR KENT:

There's a cross-match between the computers between Department of Public Aid and Department of Labor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Then...is the payment then automatic upon delinquency made to the person through the circuit clerk's office?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kent.

SENATOR KENT:

At first, they try to work out a voluntary type of arrangement. If...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Yes, but how...how does the person receive their payment? From whence does the money come if they are delinquent?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kent.

SENATOR KENT:

They would have to go through the court to start with, but then they'd get it in the mail.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

From whom?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kent.

SENATOR KENT:

If he's a public aid recipient, he gets it through public aid. Public aid would administer it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Then the...the payment is deducted from the person's unemployment benefit by the department, transferred to the Department of Public Aid via some computerized mechanism, I assume, and then the disbursement is made. What function then does the circuit clerk play in this process?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kent.

SENATOR KENT:

They're notified of this happening.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, are they required...is the circuit clerk then required to take any...any substantive action?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kent.

SENATOR KENT:

The court would notify the circuit clerk, who then would notify Department of Public Aid. That's where the clerk

comes in.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

The circuit clerk's primary function, and only function, is just simply notification as a facilitator of the information between the circuit court and the various department as well as the recipient.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion or is there a question? Senator Kent. Senator Kent. Senator Geo-Karis, do what to answer?

SENATOR GEO-KARIS:

No, I'd like to speak to the bill, if I may.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, Senator Demuzio just asked Senator Kent a question, he's waiting for an answer. Senator Kent. Senator Demuzio.

SENATOR DEMUZIO:

I'm not quarrelling with the bill, I want to know what the process...the circuit clerk then, his primary and only function then, is...is to act as a middleman, a communicator, a facilitator, a what have you, and if that's so, do we make any reimbursement available to the circuit clerk's office for this function?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kent.

SENATOR KENT:

This is to let the clerk...he's the middleman now, and he has...his records have to be brought up-to-date, if they...if the court just...does it between public aid and the recipient, then the clerk is left out. So, it's just to notify him that it is being done.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

I don't want to belabor it. I have...I have no quarrel with the...with the bill. I was curious about the...the mechanism by which it would be accomplished, that's another function that we're...the circuit clerk is being required to do, and I know Senator Groberg has always been terribly upset about the additional functions that the county government has to take on with the...the lack of additional expenses, but in this particular instance, started to comply with the Omnibus Reconciliation Act, and the fact of the matter is that there would be a sixteen million dollar loss if we don't comply...I stand in support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, just as a little bit of advice to Senator Kent. I had noticed earlier in her responses to Senator Demuzio that she shook her head yes to some of his questions, and I believe it would be better and it would show on the transcript that you would answer yes or no, and then that would help some of us who aren't watching the deliberations in regards to the answers you're giving. Shaking your head just doesn't tell everybody the answer.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I speak in favor of this bill. This...if we don't approve this legislation it can cost about sixty million dollars in Federal financial participation for the aid to...to families with dependent children and the loss of a hundred million dollars in Federal funds for the administration of the Unemployment...Insurance Program in Illinois. Furthermore, the department...states that noncompliance will result in the

loss of a tax...tax break for employers in Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Will you break up those conferences by Senator Demuzio so he can listen.

SENATOR GEO-KARIS:

What has happened in the past in the courts, as people...as some of you know, that when a person is on unemployment compensation and has minor children, he gets an extra amount plus his own unemployment compensation while many of these people will not pay in their child support from that extra amount. And what this is...destined to do is see to it that a court order...for a section...for a portion of the unemployment compensation check is honored and that part go to the person who is supporting the child. I think it's a good bill and we better pass it, because if we don't, we're going to lose a...millions of dollars of Federal funds which will go to other states.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR KENT:

I just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 2507 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none Voting Present. House Bill 2507 having received the constitutional majority is declared passed. House Bill 2577, Senator D'Arco. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2577.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank...thank you, Mr. President. This is the bill to create the twelve-member Labor Law Revisory Commission to study the laws pertaining to labor and employment. There's no question, I think, that the General Assembly should be involved in the process in determining what laws we do pass concerning unemployment and workmen compensation insurance. It seems to me that the agreed bill process has not worked in the past because of the fact that the members of the General Assembly are not involved in that process, and I feel that the members deserve input into the process because we can take a more impartial stand on these bills that affect the labor and business community in the State of Illinois. Therefore, I would seek support of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 2577 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 16, none Voting Present. House Bill 2577 having received the constitutional majority is declared passed. House Bill 2578, Senator Berman. Read the bill, Mr...House Bill 2588, Senator Grotberg. Read the bill, Mr...Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I would request, in the absence of Senator Johns, a Democratic Caucus immediately in Room 212.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Ozinga.

SENATOR OZINGA:

We, on this side of the aisle, need a little relaxation,

too, so we'll retire to Senator Philip's office for a caucus.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The Senate will stand in recess for how long, Senator Rock? Senator Rock.

SENATOR ROCK:

I would suggest it probably won't be more than...let's...let's say, we'll come back at three o'clock, but 212 immediately.

RECESS

AFTER RECESS

PRESIDING OFFICER: (SENATOR BRUCE)

If Senator Grothberg can hear my voice, if you'd come to the Floor, Senator, you're going to be the first bill out of the box. (Machine cutoff)...three having arrived the Senate will come to order. Senator Philip, I think we'll have a few...Senator Philip, we have few items of paper work and we'll get right to 2588 when Senator Grothberg gets here. 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 refused to concur with the Senate in the adoption of their amendments to the following House bills:

House Bill 2359, with Senate Amendment No. 1.

House Bill 2498, with Senate Amendments 1, 2, 3

and 4.

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 a bill with the following title:

Senate Bill 1652, together with House Amendments 4 and 5.

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 concurrence of the Senate, to-wit:

House Bill 2517.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to go to the Order of Resolutions? Resolutions.

SECRETARY:

Senate Resolution 614 offered by Senator Gitz and all Senators. It's congratulatory.

Senate Resolution 615 offered by Senators Geo-Karis and Berning, and it's a death resolution.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolution Consent Calendar. Senator Grotberg, are you ready to proceed? Now just...and now to the head, I've got one other thing...you're ready? Alright. (Machine cut-off)...Nash, you had a motion?

SENATOR NASH:

Mr. President and Ladies and Gentlemen of the Senate, I move to...for the immediate consideration of House Joint Resolution 94, it's congratulatory.

PRESIDING OFFICER: (SENATOR BRUCE)

House Joint Resolution 94 is on the Resolution Consent Calendar and it needs to be passed today. It's congratulatory in nature, and Senator Nash moves to discharge...moves to suspend the rules for the immediate consideration and adoption of HJR 94. On the motion to suspend, all in favor say

HB 2588
3rd reading

Aye. Opposed Nay. The Ayes have it. The rules are suspended. On the motion to adopt, discussion? All in favor say Aye. Opposed Nay. The Ayes have it. HJR 94 is adopted. Turn to House Bills 3rd reading. Leave is granted. House Bills 3rd reading, House Bill 2588. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 2588.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg is recognized on House Bill 2588.

SENATOR GROTBORG:

Thank you, Mr. President and fellow members. House Bill...

PRESIDING OFFICER: (SENATOR BRUCE)

Excuse me, Senator Grotberg, may we have...if we can take the staff conferences off the Floor and if we can get our Pages to find a seat, and if the...if we can clear these aisles and take the conferences off the Floor, perhaps I might be able to hear Senator Grotberg. Senator Grotberg is recognized.

SENATOR GROTBORG:

Thank you, again, Mr. President. House Bill 2588 is a bill with some fame by this time in the Session. I have enjoyed sponsoring it and I'm happy to see it come to a fruitful conclusion after today's debate, I hope, but what has brought House Bill 2588 to fruition is the concept that once again the courts of Illinois and the courts of the nation, probably in the not too distant future, will decide what we lawmakers intended a decade or so ago when we redrafted the income tax laws of Illinois. As we setup the corporate tax structure, we setup a separate concept for corporate taxing, separate for each subcorporation

and...subordinate corporation and...of any corporation that does business in Illinois and reporting as such, in using an appeals process which is still in the book, this does not delete Section 304E, an unjust and unfair tax concept cannot be imposed and there was a method of appeal. The wonderful strong corporation from Illinois called Caterpillar, wisely, I would say, because they're a very prudent and successful firm, appealed and that's how we got to the concept of unitary tax in Illinois, and through the courts they prevailed. This bill then puts us back by discontinuing by statutory intent the concept of unitary without destroying the ability to appeal on an unfair tax apportionment process. We are after equity for all corporations. If we do not pass Senate...House Bill 2588, we have, in fact, customers choice...taxpayers choice in the State of Illinois, and any prudent business would take the choice that is most beneficial to their tax bill. Therefore, this is not the unitary tax bill, this is the nonunitary tax bill permitting...prohibiting the Department of Revenue from permitting or requiring combined apportionment in determining a company's corporate tax...income tax base. It's a jobs creation bill, most businesses that have taken a position on the issue of combined apportionment are opposed to that method of determining the corporate income tax. These firms say that combined is a significant disincentive to expand or invest in Illinois. House Bill 2588 by doing away with combination will demonstrate that Illinois wants business to expand and invest in Illinois and thereby create jobs for our people. If there is one thing we need today, it is jobs. While businesses may not be unanimous, as we know so well on the issues, most businesses are opposed to combination. On 2nd reading you heard that between seventeen and twenty-three firms favor combination. However, only nine firms registered in opposition to House Bill 2588 when heard in the Senate

Revenue Committee. Fifty firms, plus two associations that have indicated their support are for 2588. In addition, ninety-five percent of the Cost Committee, the Committee on State Taxation are opposed to combination, and that committee consists of one hundred eighty-one major firms. The Japanese and European economic community are opposed to combination, and whether nine, seventeen or twenty-three firms favor combination, the fact is far and away, most businesses oppose combination and consider it a disincentive to invest. If combination is good for a state, why does the State of Arizona advertise that it does not have it? Obviously, Arizona realizes that most businesses are opposed to combination. We, too, should be concerned about what is best for most businesses if we are to...if we are to pass House Bill 2588. Let there be no mistake about it, the number of states that, like Illinois, there are...that like Illinois have mandatory combination. There are twelve such states in addition to Illinois, most are western and nonindustrial states, California, Oregon, Alaska, Kansas, Montana, Idaho, North Dakota, Colorado, Utah, Nebraska, New York and Minnesota. The only concern that we have is that you've always heard of the California example, they are considering getting out of the business because their own Business and Economic Commission is recommending that it is a disincentive to California. California being the farthest westerly of our states, it's as close as you can get to the Asian continent and a lot of people locate in California forget regardless...oh, Hawaii, oh, yes, Hawaii, I got you, there you go...Alaska has it, too. Finally, I want to mention...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg, your time is nearly expired.

SENATOR GROTBORG:

Oh, am I on a timer? I can save the rest for closing because I'm sure there are a number of people that may want

to talk. It's a difficult technical question, I will do my best to answer the technical questions in a laymans language and would be honored and pleased to have your support for this bill. I have...I have caused to be put on your desk some...some information if you want to skim through it.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. I have the following Senators who have sought recognition, Senator Grotberg, that's why I thought there was going to be some questions: Senators Johns, McMillan, Rupp, Collins, Gitz, Netsch, Geo-Karis, Mahar, Bloom. Okay...okay, Senator Johns is recognized. For what...we'll get to you, Senator Keats. Senator Johns.

SENATOR JOHNS:

Thank you, Mr. President. Something missing in your original opening statement, Senator Grotberg. One is...if you're going to interrupt, I'll just take awhile, let you come on with some more but your time ran out, and if you keep talking, I might just vote against the bill, but I'm trying to find some answers here because I haven't made up my mind. But the question is, where's the Governor on this bill, you haven't said. You haven't said where the Department of Revenue is on this bill. You haven't stated that we might lose an anticipated revenue of a hundred and forty to a hundred and eighty million dollars. You haven't said that this is a multi-international type of business, type of proposition, now you didn't say that. You also didn't tell us that probably the...one of the largest stockholders in one of the major oil companies is from your town, is one of the biggest benefactors of your town, and I can understand why you would have sympathy for pushing for this bill, but I still haven't made up my mind, because I want to know if the Governor is looking for revenues...if he's looking for revenues, what is his position on this bill? Now we've got a lot of people for it, we got a lot of people against it, and I dare say, on

this side of the aisle, we really don't know how we're going to vote, we're on our own. We're on our own to listen to the debate as to what's good for this State and what isn't, and I haven't found anything in this thing that tells me that it's going to be tremendous for this State except in the economic side. The economic side is, if we fail to pass this bill, then we might cause multinational organizations to stay out of the State. I don't like the idea of us taxing, for example, a multinational oil company who has a subsidiary in Florida, and because they do, we're going to tax them on that apportionment basis which is the gross payroll, the property and the gross receipts. That kind of disturbs me 'cause we're saying, hey, you got something in Florida that we ought to tax in Illinois, that kind of bothers me 'cause I don't like that. I think if they're doing business in Illinois, they really got holdings in Illinois, then we ought to tax them for what they've got in Illinois, but that's just part of the program. The long-term impact, I wonder just where is the Department of Revenue? We haven't seen the Governor's people walking this Floor saying, hey, I really want this bill 'cause I think he's really torn between with the giant corporations on one side wanting it and all these other national concerns on the other that don't. Now you're going to have to sell me, Senator Grotberg, from this time on, with testimony from those proponents who want it versus Gene Johns who hasn't made up his mind. I want to do what's best for the State, and I think that man on the second floor should have sent word what he wants out of this bill, because he's supposed to be the leader of this State, and if it's good for this State, then he ought to be out there pushing the buttons and twisting the arms. Okay, I'll accept the time. Thank you.

Page 132 - JUNE 24, 1982

END OF REEL

REEL # 5

PRESIDING OFFICER: (SENATOR BRUCE)

Senator McMillan.

SENATOR McMILLAN:

Mr. President and members of the Senate, I am going to vote for the bill as...as the best of two bad alternatives, but I think some comments are in order, because if we're going to vote for this bill, I think we ought to do it knowing what we're doing and I think it's, in fact, dishonest to infer that we're doing something else. A bill could have been written and it could have been passed which would have said that the State shall not require combined apportionment, but that's not what the bill does, and I would really like for Senator Grotberg to listen because again and again he's said otherwise, and this bill simple is not the bill that Senator Grotberg described. This bill both says that the State shall not require combined...apportionment but it also says the State shall not allow, and for you to say as you said the other day, and if you...to stand up and say again that we have choice is simply not the way this bill reads and it's not the way it will be interpreted. Now, I'm going to vote for the bill because I don't think it's right for the court to say that the State shall require combined apportionment no matter what, and I think that was a position we could all have agreed on and would not have necessarily caused the split that's here. But what we are doing is taking the bill that passed the...the House, and it had some things in it I don't even think those that drafted it thought would ever get through the House, and because a lot of those companies that for very good reason don't like, don't want and want to do anything to avoid combined apportionment got that bill through, they are unwilling to allow a bill to be...or at

least from their standpoint...to be improved over here in this Body to do what should have been done. So, what we're doing in order to provide some relief that's absolutely necessary for some very important corporations that are important for jobs and economic vitality in this State, we are passing a bill that goes far beyond what was needed, that socks one of the primary employers in this State in a way that it really was not necessary to do. So, I support the bill. I plead guilty to voting for a bill that certainly isn't as good as it ought to be. It's important that we stop, in my mind, the requirement of...of requiring unitary apportionment, because I don't really believe we want to place this State in any worse business climate than it is now. But I think we ought to understand what we're doing, and those that are going to be very happy when this bill passes and they have their victory, I don't think they can take much pride in what they have done by refusing to allow the bill to be rewritten in such a way that it would have provided some other options for companies that are really going to be disadvantaged by the action that we're taking here. I will support the bill, I don't necessarily do it proudly, I think it's something that we have to do given the fact that we don't have any other alternative at this point.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. Actually we have heard proponents of this House Bill 2583 arguing that combined apportionment imposes Illinois income tax liability on corporations that are far removed and unrelated to Illinois. That's inaccurate. Combined apportionment can apply only to unitary corporations, and those corporations are...a unitary corporation is one that is managed...as if it's a branch or a...a division of the parent company. And also by definition, uni-

tary corporations are integrated with or dependent upon or contribute to the activities of each other. Corporations are not unitary unless they are operated as a single business. If this bill passes, some corporations will be taxed as separate businesses. What we feel is that if you operate as a single business, then you should be taxed as a single business. That, basically, is all that's involved, and because of that, I think a No vote would be the proper vote and that's the vote I would call for.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins. Senator Gitz.

SENATOR GITZ:

Well Mr. President and members of the Senate, I think Senator Millan was quite accurate when he said that there are ways that we could have drafted this legislation to handle some of the problems of other major employers. I found it very interesting in reviewing other states that most of the major industrial states do not have combined apportionment, and, of course, one of them, New York, that was involved I'm told has a very restricted version. One of the things that bothered me initially was revenue loss, but I found it very interesting that most of the people that speak to revenue loss initially and unitary seemed to neglect to talk about many of the companies that might not locate unless we do make such a change. I also found it very interesting when I was confronted with a personal example of that in northern Illinois in which a major Iowa firm has options, is thinking right now of locating and has indicated that one of the major, very major, in fact, the major consideration of whether they're going to follow through in those plans is the fate of this bill. And it seems to me that any deliberations have to take into account not only the immediate revenue projections but what we're going to do to really do our darndest to attract high tech industries that obviously are

affected, are multinational in character and which have looked at Illinois with some degree of favor. And I hope we will not only look at the immediate consequences but our long-term consequences. It is ironic that of many of the considerations that we have adopted, both for small business and large business, are completely ignored. We are accused of being an anti-business climate no matter how many millions of dollars in relief. Here we have another example, I think, of a proposal that is going to have constructive results. But I do hope, assuming that this bill is approved, that we will not neglect, we will not choose to ignore the concerns that have been exhibited by major firms that are important to the immediate and long-term future of this State that are affected adversely. I think that certain Senators like Senator Bloom have major points that we would do well to bear in mind.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I have several big businesses in my area and we have now eleven percent unemployment, International Harvester, Johns Manville, Quaker Oats, American Hospital Products. I would like them to stay there because they each employ roughly about a thousand to twelve hundred a...apiece. The only way they're going to continue to stay there is if they have an incentive, and the incentive is, if they're going to produce their work and do their work here in Illinois and make their...this as their sources of income, that's what should be taxed, not whatever they make in another state. I might tell you that it's true that Illinois would perhaps lose some money in collections over the next ten years by the passage of this bill, however, Illinois can gain twice that amount of money involved in tax revenue because of keeping jobs here

and bringing more jobs here. And I think this is the essence of the bill, to tax the gains and losses in the...at the source where they are received. And I speak in favor of the bill, and I can honestly tell you that it would be a great travesty on justice if this bill were any different for my area.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar.

SENATOR MAHAR:

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

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Mahar.

SENATOR MAHAR:

Senator Grothberg, local government seems to be concerned about this legislation. I've been hearing today from them that it's a bad bill and that sort of thing, that they're going to lose revenue. Now, can you...can you disspell those fears, can you tell me where that's coming from, or is there a formula that they're going by, or why are they concerned about it?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grothberg.

SENATOR GROTHBERG:

Senator Mahar, I would presume that that fear to which you relate comes every time we talk about changing a tax structure in Illinois. The fear should be allayed because it does not directly relate to the...proper...corporate property tax...replacement tax which is what the locals are worried about, and one-twelfth of the income tax as well, but in the long-run, it'll...should mean more revenues for everybody given the best analysis we have. The...the shortfalls that have been talked about are taxes that they've never paid and would be windfall. Now, if they're...if they're worried

about losing some future windfall over this, even that is very much in doubt because the figures the department put together in the fiscal note are completely guesswork, and we have worked them up to find that they could run from a minus twelve million to a hundred and seventy-four million plus over the next several years.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar.

SENATOR MAHAR:

In other words, then they're surmising, based upon what you said earlier, that there's a possibility of loss and there is no...there is no real indication that they couldn't actually gain by this, is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GHOTBERG:

That's essentially correct, but the...well, I won't qualify it...they're talking about losing a windfall in years downstream if the unitary were to stay in.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Well, got a question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Bloom.

SENATOR BLOOM:

Senator Grotberg, about twenty-four hundred companies are affected by the present law, is that not correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTERG:

That is about correct. There are eighty thousand corporations in Illinois, about twenty-five hundred of which are eligible to use the unitary...no...that file apportionment

claims...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR GROTBERG:

...and returns.

SENATOR BLOOM:

So, approximately seventy-five of them have gotten involved in one way or another, either for or against, is that not correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTBERG:

Seventy-five plus the membership of cost which is an association of interested people.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Well, that's subject to interpretation to the bill. Here is the way the law is presently written, fairly much as described. Subsequent to the court decision the Department of Revenue has promulgated rules. One thing proponents of this legislation have not dwelled upon because it undercuts their position is that right now under the Department of Revenue's existing rules, those companies that want a separate approach, rule...Section 304-5 of their existing rules, can seek it. That subsection can let them go to a separate accounting which this bill would now mandate. It would let them exclude any one or more of the factors, or it lets them include additional factors that are relevant to the base, or the employment of any other method to effectuate an equitable allocation and apportion of that corporation's income. The subsection, in other words, permits the departure from the so-called combined apportionment where such methods do not accurately and fairly reflect the business activity of that

corporation within the State. Now, as a practical matter, one of the oil companies saw their tax liability increase from, what they perceive, from four million up to twenty million. Instead of pursuing its administrative remedies, this bill is now before us even though the applicable rules of the Department of Revenue subsequent to the Supreme Court decision give them an opportunity to pursue an alternative apportionment method. Now, their problem is they've got to prove by a...that the regular required formula grossly distorts the results of their activity. To the best of my knowledge that company has yet to start its way through the administrative process. I guess it's easier to come and change the law. I believe the proper vote on this issue is No, because there are existing avenues for a company to pursue. This bill is not necessary, therefore, I intend to vote No and I urge all responsible members of this Body to do so. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nimrod.

SENATOR NIMROD:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, this bill received probably among all the years that we've been...I've been here, it's probably received the most thorough and very extensive and fair kind of a hearing I think that could have been given any kind of a bill in committee. Everyone had a chance to present their views and to learn about the affect that this bill was going to have. I have within my district a major company, Avon Company, that's in my district that has several hundred employees that certainly wants to see me vote against this bill. There are several other companies, major companies in my district that want me to vote for it. The important thing, I think, is here is what happens and what kind of testimony we received from the Department of Revenue. For your information, during the testimony after...under questioning that I pursued, I

found out that this bill was in a different posture in 1975, that the...the bill was absolutely reversed, it was the other way around, and from what it...being proposed to do. And I was trying to get what financial impact that bill had at that time when they made that change, and they made that change by rule. They cannot tell me or were they able to tell the members of the committee what financial impact it had. So, evidently, the financial impact is negligible, because if it didn't make any difference then with those same major companies that are here, it certainly wouldn't...doesn't seem to make any difference today. Now, as far as the money is being concerned that's lost, everyone's talking about us losing, I thought Senator Grotberg touched on the subject but I would like to restate that for emphasis purposes. Local governments or no one else...we are not going to lose any money because we don't have...we're not getting any money that we're going to lose. However, if the bill is not changed and the court order stands, then it might have some different kind of effect. So, the real issue is...is not...not that kind of bill, we don't know what financial impact it has and the only financial report that we've been able to receive from the Department of Revenue is based on a record in California on how it affected them. They have interpreted the California records on how it would affect us. Now, that's far-fetched and our conditions are far different and the information is far different than relates to us here. I guess in summary what I'm telling you, I am going to vote for this bill because I think after I heard everything that's been expressed and explained that it's certainly in our best interest, I think, to straighten out this problem once and for all on the basis that we need to do. But let me remind you about one other conclusion that I've come to as a result of what I see happening in this State. First of all, we have driven hundreds of companies out of this State by creating a

climate that is not too healthy or desirable for whatever reasons, and we've had a chance to change some of that but that's not this issue right now. Secondly, I do not see any companies nor do I know of any major international company or any manufacturing firm that's come into this State in the last five, or six or seven years. So, that means we're not getting any jobs and we've only driven those out that have been here who have had a chance the leave. Seems to me what we ought to do is make sure we try to keep what we've got left, and evidently what we need to do in order to keep what we've got left is to send out that message and emphasize the fact that we are doing that which is in the best interest; we think, of the business for the concerns of this State. Financially, I don't think it's going to make one bit of difference, it's not going to affect local governments, it has not affected our income, and it...it will not affect our income. It did not affect our income when we made the change before, and certainly what we need to do is straighten this out and we have to take a stand one way or another at this point. And it seems that after all the discussion that has been presented and all the information that's here, none of us will be able to make a decision that will not affect or hurt someone. And I tell you right now that I think the best course of action in this case is to support this bill and settle this problem once and for all.

PRESIDING OFFICER: (SENATOR BRUCE)

Channel 5 NBC News, Channel 20 and WCIA-Channel 3 request leave to film the proceedings. Is there leave? Leave is granted. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President, that was mighty nice of you. Mr. President and members of the Senate, I stand in support of House Bill 2588. I want to make two very quick points about the bill. First of all, if we pass House Bill 2588, we

will not be reversing some longstanding tax policy of the State. We simply will be reverting to the same tax base that corporations have used throughout the past years up until, as I understand it, January 1, of 1982. So, we're not going to be replacing or reversing some longstanding tax procedure. The second has to do with a question of encouraging industry to locate in Illinois, and I think that whether or not this bill encourages industry will depend upon the industry because, obviously, it falls differently upon different companies. But I'd like to tell you about one instance, about one prospect that we have to encourage an industry to come to Illinois. Iowa Beef Processors has announced that they will be building a plant, they're going to be spending thirty-two million dollars, they will employ six hundred people, they'll have an annual payroll of about ten million dollars, that plant will be in Iowa or in Illinois. One of the very important things that they're considering is whether or not we pass this House Bill 2588. They have given very strong indications that the Illinois income tax law as compared to the Iowa law does not put us in a very competitive position. And if we fail to pass House Bill 2588, we'll be even in a less competitive position. So, if we want to compete for jobs, I suggest that we may be doing more for the State by passing House Bill 2588 than if we simply allow the court decision to stand. I stand in support of this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Would the sponsor yield, please?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR HALL:

Senator Grotberg, I have three things here and I'm going

ask you all three and then you can answer them down. Number one is, who wants this bill? Number two, is it true that the business climate of the State would worsen especially for the healthy businesses wishing to remain, or expand or locate in Illinois? And number three, Senator Grotberg, talk to me, convince me and tell me why I should vote for this.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTBORG:

Well, thank you, Senator Hall. For someone who has been chastising me about talking to you for the last several days, I'm honored. Your first question, who wants it. I provided you with a list, I believe, of fifty-two corporations that are on record in testifying that they want it. The sponsor wants it. It is good and is a job creating concept. And your last question was what?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR GROTBORG:

Just convince you, I guess. I would convince you...going back while I have the opportunity to correct Senator Johns assumption that this has something to do with gross profits in huge corporations. We are talking, Gentlemen, about the tax base for the State of Illinois and how to determine it, and many of those big companies that you're concerned about are losing money. The economy is bad. We are after equity and fairness, and if it's the same thing in the State of Illinois that it is...as it should be, fair, if you and I both go down to the taxman and say, I want to take this route and you take that route in our private filing every year, we would really be up a tree because we would call it unfair and inequitable if you took the best choice. The Illinois Coal Association is very much for this bill, if that's any help to you.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. We have heard quite a bit of rhetoric with those who are the proponents, those who are the opponents and probably the lists are the same. We have heard of the loss and the gain in revenues to the State of Illinois, and that probably will balance itself out given a number of years, one way or the other. But one thing we lose sight of I think in all of our discussions is that we have constantly stood in this Chamber and have had a variety of bills for various sectors of the business community. We now have a opportunity to provide another good or bad bill for another sector of that business community, the international companies which have most of the money, I understand. If we create a climate in the State of Illinois for these various corporations to come into the State of Illinois, the bottom line I think is the creation of jobs, and jobs is what I need in my district and I think jobs are what a great many of you need in your various districts. Therefore, I stand in support of this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, thank you, Mr. President and members of the Senate. Just briefly, I think Senator Bloom probably expressed my exact sentiments, but, obviously, this is a fight between the giant corporations of this State. Senator Grothberg...I think he said there were fifty-two that were in favor of this. Senator Grothberg, I also listened with interest to your last explanation to Senator Hall, and I don't think you gave him any reason to vote for this outside of the fact that you said it was fair, and I think that's where the big problem lies here. I can't for the life of me understand why all of the

corporations that are in favor of this legislation did not get behind those that are voting for them and put on the amendment that was offered on 2nd reading which would have...at least given those corporations on the other side of the issue the chance to go to the Department of Revenue and hit them over the head to try to see how they were being punitively treated under this kind of legislation. Had that gone out of here, I think we could have gotten fifty-nine votes on this bill. As it stands now, for those that are on the other side of the issue, I have no other alternative but to vote No.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Just...just briefly, Mr. President and members of the Senate. I was a joint sponsor of this bill, I'm in complete support of it and would like to be put back as a joint sponsor. I don't know how I lost my identity.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This is not an issue on which all right and justice falls on one side or the other for that matter. It is a relatively close question and a very tough question to resolve. I resolved it in the negative. I think House Bill 2588 should not pass. I voted that way in committee and I will vote that way today. And if I might attempt to summarize the reasons why I reached that conclusion. First of all, there is still a court matter pending. The Illinois Supreme Court decided the Caterpillar...Caterpillar decision that is still pending for the United States Supreme Court. I don't think anyone in this room has any idea which way that decision is likely to go, and it could have a major and perhaps even complicating impact on what we do here

today. I think reason suggests that we should await that outcome to begin with. Secondly, I believe that there is a trend, not a massive overwhelming trend, but a small perceptible trend toward the combined apportionment method. We were told that Minnesota has just recently adopted it, there are several other states that are expressing interest, and there are some major associations that are interested in State Government and in tax policy, the Federation of Tax Administrators, for example, who are supportive of it. I think the trend is likely to be in that direction, and, of course, we've always had California as a unitary state. Third, as others, I think, have pointed out, we are talking about a very small number of the total number of companies that do business in the State of Illinois. Only, really, the multinationals and only about twenty-five hundred in number out of some eighty thousand corporations are likely to be affected one way or the other. Fourth, I think that perhaps the most important reason is its impact on the revenue base of the State of Illinois, and, Ladies and Gentlemen of the Senate, that is something that I think all of us are going to have to begin to pay some attention to. We already are going to absorb a very substantial falloff in corporate tax receipts as a result of the accelerated depreciation, the safe harbor leasing and other provisions that are built into the Federal income tax and that are automatically picked up in our own State income tax. We also have enacted an investment tax credit which, admittedly, does not directly affect State revenues but which is going to have a very, very significant impact on the replacement fund, and that means local governments, so that what we see happening is that the combination of the changes in Federal law plus some of the actions that we have taken...that have...we have adopted in this State ourselves, we are seeing what amounts to not just an erosion but almost an elimination of the business corporate

income tax receipts to the State of Illinois. Now, if you think that is correct, fine. This certainly is going to be another contribution to it, but for those of us who are going to have to face not just this year but next year and the next year, where are we going to get adequate income to finance the essential services of this State? I think it is a matter for very, very serious concern. Sure, the estimates that were made by the Department of Revenue were based on formulas, they are not absolute and...and they were not represented to be that. But both of their methods of attempting to determine the revenue impact indicated about a hundred and eighty to a hundred and ninety million dollars a year that this bill represents. Finally, I really believe that this is not an economic development issue. As others have pointed out, there are winners and losers, there are some companies that would be attracted to Illinois because it had combined apportionment, there are some that would be attracted here because it did not have combined apportionment. It is not an economic development issue, it is a tax policy issue. And looked at as a tax policy issue, it seems to me that the arguments come down on the side of defeating House Bill 2588 and retaining the combined apportionment method.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Johns.

SENATOR JOHNS:

Yeah, my name was used awhile ago, I just want to talk about that because the thing today is jobs and the...to all states, the...that's handed out to us and...wrangled before us is, jobs, jobs, jobs. Well, yeah, that's fine. And then I understand that Senator Nimrod said no big businesses had come into Illinois in the last five or six years, well, who's been at the helm of the State for the last five or six years? Not a Democrat. But let me tell you something, we ought to have a Sunset provision in this bill 'cause they don't want

any amendments to it. Well, you ought to have a Sunset provision that if they don't come in here and locate and don't do some expansion, then this bill ought to go down the drain in a year. You ought to have something to encourage these multinational corporations to come in here. Now, as far as losing money, I really cry crocodile tears about multinational oil companies that make a billion dollars a year in profits and...and they...and they've got...oil companies have got the gasoline prices up and they've called a...a shortage, and then we've got a glut, then we've got a shortage, and then we've got a glut. Well, anyway, you can lose money in a corporation just by using the pen and the pencil on the books. And another thing that bothers me is this, that if they have a loss outside this State, it becomes a credit on the payment that they must make to this State and they can deduct so much from the loss. That really bothers me. So, we said there was eighty thousand corporations or better in Illinois and fifty-two are for it. Well, some of those corporations are two and three people. Look at the size of the average corporation. So, I say to you, fifty-two are the big boys, eighty thousand is a lot less. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, I move the previous question.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright, Senator Vadalabene, no other speaker has sought recognition so we will honor that. And Senator Grotberg, you may close the debate.

SENATOR GROTBORG:

Thank you, again, Mr. President and fellow members. I realize we have debated a rather serious topic and a very complicated one. In closing I would simply state that we are

not California, we are Illinois, and California is thinking of getting out of the business. We are not Minnesota who just passed it and had four major corporations leave their state since they passed it a few months back. On the list of companies that I provided with you, let us start only with the first company, Abbott Laboratories is number one. Abbott Laboratories is not in the business to make pills, they're in the business to make money. The last one at fifty-two is Xerox Corporation. Do you think they're in business to make Xerox machines? They're in business to make money. That's why these people are in business and that's why we're all in business. They have chosen their route and their product. This bill brings equity and sensibility to the fairness doctrine of let us all be treated equal for what we make. We don't need two systems. And Senator McMillan, you were right in your comments, the only change that I would make in the way you interpreted my remarks, as long as we're operating under the court order we have the dual system and the customers choice unless, if the court rules for it, the unitary as is fact, the companies that are involved. There are seventy million dollars in claims already, by thirty-two hundred and some claims, and those will be adjudicated no matter what comes out depending upon the...validity of the claims. But this bill brings what I think is a positive action on the behalf of the people of Illinois and this General Assembly to attract corporate business to Illinois in the best and fairest manner that we can. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 2588 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 12, 1 Voting Present. House Bill 2588 having received the required constitutional majority is declared passed. For

what purpose does Senator Lemke arise?

SENATOR LEMKE:

May I be excused, I'm leaving for Chicago for my son's graduation? I'll be back tomorrow at one o'clock. Thank you.

PRESIDENT:

On the Order of Motions in Writing, Mr. Secretary, read the motion.

SECRETARY:

I move to discharge the Senate Executive Committee from further consideration of Senate Joint Resolution 10 and that the resolution be placed on the Calendar for immediate consideration. Dated June the 3rd, 1982. Signed, Senator James C. Taylor.

PRESIDENT:

Senator Taylor.

SENATOR TAYLOR:

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

PRESIDENT:

Leave has...leave...pardon me, Senator Taylor. Leave has been granted for the film crews. Senator Taylor.

SENATOR TAYLOR:

Over the past few weeks I have had a number of the membership of this Body have approached me and ask me when will I call for this particular motion. As you know, I have worked very hard in trying to get enough votes to change the rules. They seem to be that they are not there. Therefore, I have called today for the submission of the rules to bypass the Executive Committee in order that we in the great State of Illinois will have an opportunity to cast the vote on the Equal Rights Amendment. I know for some you...you feel that it's a mute subject at this moment. I am one personally committed to this regardless of what the fate of this motion is. I do not know whether I'll have an opportunity to make

my remarks that is...appropriate for this type of subject matter, but it is important that you know that we just have a few days before the deadline for the Equal Rights Amendment. My motion clearly asks that you give the people of the State of Illinois an opportunity to see the votes as they are casted on this particular amendment. It's going to be very difficult I know, and for members in the gallery who I hope that they do not be disencouraged if this does not make it. I hope with all my heart that you do give us this opportunity so that we can debate the issue as it is presented, and, therefore, I move at this time, Mr. President, that Senate Joint Resolution No. 10 be adopted...be discharged.

PRESIDENT:

The motion is to discharge the Senate Executive Committee from further consideration of Senate Joint Resolution No. 10 and that the resolution be placed on the Calendar for immediate consideration. Discussion on that motion? Senator Rhoads.

SENATOR RHOADS:

Thank you, Mr. President and members of the Senate. Question of the sponsor of the motion.

PRESIDENT:

Indicates he will yield, Senator Rhoads.

SENATOR RHOADS:

Senator Taylor, according to the Digest, Senate Joint Resolution Constitutional Amendment No. 10 was introduced on February the 17th, 1981 and signed to the Committee on Executive. Did the Committee on Executive ever hold a hearing on the resolution?

PRESIDENT:

Senator Taylor.

SENATOR TAYLOR:

The Committee on Executive has never held a hearing on the amendment.

PRESIDENT:

Senator Rhoads.

SENATOR RHOADS:

Did you ever request a hearing on the resolution?

PRESIDENT:

Senator Taylor.

SENATOR TAYLOR:

I had talked to all the people that was in authority about it and they felt that it was not time.

PRESIDENT:

Senator Rhoads.

SENATOR RHOADS:

Okay. Now, as I understand your motion, the...I believe the Secretary read that your motion would be to discharge the resolution and go to its immediate consideration. Now, by immediate consideration, do you mean today, and do you mean to preclude the opportunity of members to offer amendments to the resolution?

PRESIDENT:

Senator Taylor.

SENATOR TAYLOR:

I intend to go to the resolution as soon as I possibly can, preferably today. Everyone, as you well know, Senator Rhoads, that you gave me the date that I introduced this resolution, and had you had any intentions of introducing any amendments, they should have been on the Calendar at this time on the desk.

PRESIDENT:

Senator Rhoads.

SENATOR RHOADS:

Well, there...there are a couple of technical problems with your resolution to begin with, Senator Taylor. I don't know whether you're aware of all of them or not, but let me...let me first of all ask the Chair and then we can get

back to this, Mr. President, what do our rules say about a resolution and the opportunity to offer amendments? And secondly,...well, please answer that question first.

PRESIDENT:

There is always the opportunity to offer amendments.

SENATOR RHOADS:

Well, if we went to the immediate consideration of the resolution, how would we have time to draft an amendment to the resolution?

PRESIDENT:

That's why the motion to discharge takes thirty votes. I...I would assume you would have to write it out in a hurry. Senator Rhoads.

SENATOR RHOADS:

Secondly, Mr. President, is it your intention...is it your intention to then stay on the ocean...Order of Motions in Writing and proceed to all motions in writing?

PRESIDENT:

I understand...the Secretary informs me we have nine or ten filed. If that's the will of the Body, that's what we'll do.

SENATOR RHOADS:

Alright, the...the...can...can the Secretary provide us with the date of Senator Taylor's motion?

PRESIDENT:

I think he already did. June 3, 1982.

SENATOR RHOADS:

Alright. Mr....Mr. President, I have a substitute motion in writing on the desk that the Senate go to the motion of all...Order of all Motions in Writing, and I would amend that motion to say that we take them in order of the date they are filed.

PRESIDENT:

That...that will be considered. Senator Chew.

SENATOR CHEW:

Mr. President, I would move that the latter motion lie on the Table.

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. I think, Senator Taylor, in fairness to the Chair of the Executive Committee you should point out that no authority in me has ever done anything to thwart your effort to advance Senate Joint Resolution 10, and that it was never requested to be heard, otherwise, you would have had a fair hearing.

PRESIDENT:

Further discussion? Any further discussion? The question is the motion to discharge the Senate Executive Committee from further consideration of Senate Joint Resolution 10 and that the resolution be placed on the Calendar for immediate consideration. That motion will call for thirty affirmative votes. 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 29, the Nays are 27, 1 Voting Present. The motion fails. Further motions, Mr. Secretary?

SECRETARY:

I move to discharge House Bill 2501 from further consideration by the Senate Executive Committee and ask that the bill be placed on the Order of 2nd Reading. Signed, Senator Savickas.

PRESIDENT:

Senator Savickas. Hold that one.

SECRETARY:

I move to discharge Senate Rules Committee from further consideration of House Bill 1345 and that it be placed on the

Calendar on the Order of 2nd Reading. Signed, Senator Marovitz.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Mr. Speaker...

PRESIDENT:

No, he's...he's across the hall.

SENATOR MAROVITZ:

I'm sorry, Mr. President. This is the collective bargaining bill, just a small noncontroversial bill. I think the...of the House, of the Senate...excuse me, at this time, perhaps we could take this out of the record.

PRESIDENT:

Take it out of the record, Mr. Secretary.

SECRETARY:

I move that the Senate Committee on Rules and the Senate Committee on Assignment of Bills be discharged from further consideration of House Bill 1317 and that the bill be advanced to the Order of 2nd Reading. Signed, Senator Bloom.

PRESIDENT:

Senator Philip, for what purpose do you arise?

SENATOR PHILIP:

Thank you, Mr. President. For the purpose of a motion. I'd like to move that we adjourn.

PRESIDENT:

Till ten o'clock tomorrow morning. All in favor signify by saying Aye. All opposed. The Ayes have it. The Senate stands adjourned till ten o'clock tomorrow morning.