

82ND GENERAL ASSEMBLY

REGULAR SESSION

JUNE 25, 1982

PRESIDING OFFICER: (SENATOR DONNEWALD)

The hour of ten having arrived, the Senate will come to order. Will the guests in our galleries please rise: Prayer by Reverend Eugene Weitzel, Director of Chaplains, St. John's Hospital, Springfield, Illinois. (Machine cutoff)...of the Journal. Senator Johns.

SENATOR JOHNS:

Thank you, Mr. President. I move that reading and approval of the Journals of Monday, June the 21st; Tuesday, June the 22nd; Wednesday, June the 23rd; Thursday, June the 24th, in the year of 1982 be postponed pending arrival of the printed Journal.

PRESIDING OFFICER: (SENATOR DONNEWALD)

You've heard the motion. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Motion carries. 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 adopted the following joint resolutions, in the adoption of which I am instructed to ask concurrence of the Senate, to-wit:

House Joint Resolution 97, 98 and 99, and they're all congratulatory.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Consent Calendar.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives has concurred with the Senate in the passage of bills with the following titles together with House amendments:

Senate Bill 1231 with House Amendment 4 and 5.
1251...Senate Bill 1251 with House Amendments

1, 4 and 5.

Senate Bill 1285 with House Amendment 1.

Senate Bill 1289 with House Amendment 2.

Senate Bill 1299 with House Amendments 13, 14,

19, 20 and 21.

Senate Bill 1361 with House Amendment 2.

Senate Bill 1374 with House Amendments 1, 2 and

4.

Senate Bill 1403 with House Amendments 1 and 2.

Senate Bill 1407 with House Amendment 1.

Senate Bill 1408 with House Amendment 1.

Senate Bill 1409 with House Amendment 1 and 2.

Senate Bill 1410 with House Amendment 1.

Senate Bill 1411 with House Amendments 1 and 2.

Senate Bill 1412 with House Amendment 1.

Senate Bill 1416 with House Amendments 1, 2, 3

and 4.

Senate Bill 1421 with House Amendment 1.

Senate Bill 1426 with House Amendment 1.

Senate Bill 1428 with House Amendments 1, 2 and

3.

Senate Bill 1492 with House Amendments 1, 2 and

3.

Senate Bill 1514 with House Amendments 1, 2, 4,

5 and 6.

Senate Bill 1516 with House Amendment 1.

Senate Bill 1558 with House Amendment 13.

Senate Bill 1588 with House Amendment 1 and 4.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Resolutions.

SECRETARY:

Senate Resolution 616 offered by Senator Netsch and all
Senators, and it's congratulatory.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Consent Calendar. For the information of the members, we are about to start on the Order of 3rd Reading very shortly. Resolutions.

SECRETARY:

Senate Resolution 617 offered by Senator Sangmeister.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Consent Calendar. (Machine cutoff)...will come to order. On Page 2, House Bills 3rd reading, of the Calendar. House Bill 396, Senator Sangmeister. We're on the Order of 3rd Reading, Page 2 of the Calendar. Well, do you wish to call it? House Bill 608, Senator Berman. House Bill 712, Senator Marovitz. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 712.

(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. House Bill 712 is the product of the Illinois Sheriff's Association, through the cooperation of Mike Mory, who is the director of the State Employee's Retirement Fund, and Ralph Kausch of the Illinois Municipal Retirement Fund. Mr. Anderson of the Department of Insurance and Mr. Sandor Goldstein of the Pension Laws Commission were able to put together this concept in proper form to be administered that is supported by all groups. I might add that all parties, again, have agreed to this bill. There were some concerns voiced by people covered under Article III, namely, downstate police pension funds, but these concerns have been addressed by an amendment to the bill which we put on yesterday. The bill simply allows vesting through combined service where each system internally computes its own

service and credits. The bill does nothing other than what other pension systems already do. The bill will ensure the continuity of professional police officers within the State of Illinois. And the Illinois Sheriff's Association, again, is very, very much in favor of the bill. This bill does not, and I repeat, this is important, the bill does not allow for the transfer of credits from one system to another within Article III which originally was the concern of the Downstate Police Association. So, we have answered their question. This is simply a vesting bill for sheriffs that will help the sheriffs attract well-trained, experienced, capable law enforcement officials throughout the State of Illinois. I would ask for your favorable consideration of House Bill 712.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Before we continue discussion, do we have leave to have WCIA permission to videotape, and also WBBM-TV would like permission to shoot, and for the Illinois State...Illinois State University Newspaper, it's in Normal. Is there leave? Leave is granted. Senator Vadalabene.

SENATOR VADALABENE:

...thank you, Mr. President and members of the Senate. I just want to make one comment in regard to House Bill 712, and I want the legislators to cast their own opinion on this, and I do want to emphasize that the Downstate Policemen Association are opposed to this bill, and that's my only comment.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Thomas.

SENATOR THOMAS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would echo what Senator Vadalabene just said. I have contacted the Fraternal Order of Police and the FOP is not in favor of this bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berning.

SENATOR BERNING:

I rise in support of the bill. It answers most of the problems that those of us had when it was originally introduced. There may be some modification necessary in the future, but at this time, this meets most of the objections, and I would suggest an Aye vote.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Johns.

SENATOR JOHNS:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Marovitz. Indicates he will respond.

SENATOR JOHNS:

Senator, this will probably be the first time I've ever gone against you and I hate to do it, but these men tell me they have fear of the use of their pension money without their discretion or voice. And I've never gone against you before, but I think I'm going to have to go against you on this one.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator...Senator Marovitz.

SENATOR MAROVITZ:

In answering Senator Johns' concern, that has been answered by an amendment to the bill. All four individuals who helped prepare this, the director of the State Employee's Retirement Fund, the Illinois Municipal Retirement Fund, the Department of Insurance and the Pension Laws Commission got together, drafted the amendment to answer the concerns of the downstate police so that there won't be any problem about transfer within Article III, an easy transfer. This doesn't have anything to do with transfer within Article III. The bill does not allow for transfer of credits from one system to another system within Article III, which was the concern of the downstate police. I understand that concern. This

doesn't allow that at all. This allows somebody who has been a policeman and wants to be a sheriff into another system to transfer into that system, and in computing the pension, there will...there will be two different checks issued, one from the original pension system, let's say it's the police pension system, and another from the downstate sheriff's system. So, there won't be any diluting of the pension system from one to another, it will be computed totally, separately. No transfer within each system.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Johns.

SENATOR JOHNS:

Well, an old friend of mine we call Curly just spoke to me this morning. I wish that you and Curly could have got together and ironed that out because he still has a great deal of fears about it.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Marovitz.

SENATOR MAROVITZ:

If I could have leave of the Body, because I understand this is a concern but it's the last day, if we could get back to this bill, I'd be happy to take it out of the record and sit down with them and answer their concerns, because I know they can be answered and they have been, if we can have leave of the Body to get back to it.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there leave to take it out of the record and come back to it? Leave is granted. House Bill 891, Senator Marovitz, do you wish the bill called? Read the bill, Mr. Secretary.

SECRETARY:

House Bill 891.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

*HB 891
3rd reading*

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. There are four points that would summarize this bill. First of all, in Section 10-2240, this amends the powers in section of the School Code dealing with school boards and requires the boards to be in current compliance with the reporting requirements for Section 236. No dues may be paid to any association which sponsors athletic competition among schools and which does not permit a post audit by the Auditor General. This latter change applies to the Illinois High School Association. The second part of the bill requires school boards which hire noncertified personnel to pay them all earned compensation on or before the third business day following his or her last day of employment, and this would put...noncertified personnel in the same posture as certified personnel. The third part amends the section dealing with employment of teachers and specifies that if...the right of any tenured teacher who is dismissed, they'd have the right not to lose those rights which they had and which had accrued while they were employed and while they were tenured. The bill also clarifies...and this was put in for Senator Sangmeister...clarifies that if the vacancy is filled within one year from the beginning of the following school term, the tenured teacher, when rehired, shall lose no rights that he had prior to the time that he was...he had retired or he had been let...let off. The latter provision is consistent with the present Section 2412. Finally, this specifies that there is a violation in terms of discrimination if the postseason basketball tournament for both boys and girls is not identically structured, the same number of girls and boys teams, common locations, same number of games, et cetera. And I would ask for your favorable consideration of House Bill 891.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? Senator Thomas.

SENATOR THOMAS:

Thank you, Mr. President. Senator Marovitz, I'm not trying to pick on you this morning, we've been too good of friends for that. I have one problem with the bill though, and...and in elementary and secondary ed...you like them, thank you...in Elementary and Secondary Ed Committee the issue of whether or not the IHSA should provide a two-weekend basketball tournament the same as the boys have, I suppose from a fairness doctrine makes sense, but if we take a look at the cost involved, first of all, the girls program in Illinois is building and it is building well, and it may be in the...in the very near future that there will be enough interest to put sixteen thousand people in that assembly hall on two separate weekends to watch Class A and then Class AA girls basketball. At this point, however, that is not the case. There just simply isn't that much interest and so the concept was, with the support of many of the schools and the parents of the girls that were playing, that it made more sense to have the summer finals and the quarter finals...thank you, Mr. President...to have the early preliminaries take place in communities nearer the home towns of the schools and then bringing the four best teams in Class A and the four best teams in Class AA all on one weekend to Springfield...or to Champaign. I think that was...as the program grows and more interest takes place, they'll probably want to go to two weekends and mechanisms are already there for it. But I think to impose this legislation on them right now is...is certainly not cost effective and it's actually going to make for a less interesting weekend in Champaign, there will be fewer people attending.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. In keeping with what Senator Totten said yesterday about the 36th Senatorial District, I think I know now why they consider it to be vacant, because the Gentleman who's sitting over on that side of the aisle who claims to be the Senator from the 36th District is obviously a House member given the attire he has on today, and I think that perhaps his comments should be stricken from the record and he not be allowed to speak anymore.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there...is there further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

I...I...I would just suggest that this is something that I think is long overdue. The girls high school associations would like it, the...the...the attendance at...at the girls basketball team, just in answering Senator Thomas' question, has increased threefold over the last six years, and it's...it's really been a...a tremendous boom to girls basketball in the State of Illinois. The other sections of this bill which are very important to noncertified personnel, supported by the IEA, clarifying language regarding tenured teacher's rights when they get back after a year's absence. I think these are very important points in this bill and I would solicit everybody's support for 891.

PRESIDING OFFICER: (SENATOR DONNEWALD)

The question is, shall House Bill 891 be adopted...be passed. 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 38, the Nays are 20. House Bill 891 having received the constitutional majority is declared passed. Do we have leave to go back to the Order of 3rd Reading, House Bill 608? Leave is granted.

*HB 608
3rd reading*

Read the bill, Mr. Secretary.

SECRETARY:

House Bill 608.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. House Bill 608 is the Child Passenger Restraint Act. This is the bill that requires children who are riding in their parents cars with their parents to be in child...in...in seat restraint facilities. These are anatomically designed restraints to prevent the number one killer of children. I want to repeat that, automobile accidents for children below the age of five, the number one killer is automobile accidents. This bill can dramatically decrease that experience of severe injuries and death. The bill applies to children aged four, three, two, one and below. It has been endorsed by the Illinois State Medical Society, the American Medical Association, the Illinois Secretary of State's Office, a new...number of State agencies, a number of organizations such as the Pediatric Association, both Chicago, State and national. It is to save the lives, to save hundreds of thousands of dollars of expenses involved with the serious injuries that are occasioned by children. The bill is designed...and we distributed two days ago the memorandum from the State Department of Law Enforcement, the State troopers, as to the method that will be employed in enforcing this and that is a very understanding approach whereby the first ticket will be merely a warning, that a system of free child restraint seats will be available throughout the State of Illinois at either no cost or small cost to parents. In the State of Tennessee, their experience was that ninety percent of the serious injuries

have been decreased and a dramatic drop in deaths since the passage of their law three or four years ago. Since the passage of their law, there was only two deaths of children that were in these car restraint seats. In Illinois, in the past five years we've had over a hundred and forty of those deaths. This bill is co-sponsored by Senator Bloom and Senator Nash. And, Mr. President, for the closing remarks after the...any questions or debate, I would defer to Senator Bloom. Be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Members of the Senate, I rise in opposition to this bill, not because I oppose the idea of child restraints, I think child restraints are a good idea, but I think it's a bad law. Young children need vitamins but we don't have a law to arrest their parents if they fail to give them vitamins. Young children need clothing but we don't have a law to arrest parents who can't afford to buy clothing to properly clothe their children. Young children need love and affection but we don't have a law that would arrest a parent who refuses to provide that. I think that this goes entirely too far in intruding into the area of judgement on the part of the individual parent. I think we're doing something else here that...that we may not even be aware of. I think sometimes we become so interested in what's going on in these two Chambers, and in this building, and in this city that we lose touch with what people really want away from Springfield. Now, I've led...I've read the list of all the organizations that support this bill and I respect them, but I haven't had any parents come to me and ask me to pass this kind of a bill. I think that we're going to have a bad reaction from the public. I don't think the public wants this bill, in spite of the fact that all these

fine organizations support it. I think it will be a bad mistake to pass the bill, I don't think it'll do anything, and I urge your...your opposition to it.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONNEWALD)

He indicates he will.

SENATOR HALL:

Senator, I understand that if a person...if a family or an owner of a car cannot afford to purchase a...a seat for this child that they can...that will be furnished without any charge to them. Is that correct?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berman.

SENATOR BERMAN:

There is a system that is being developed. First of all, the implementation of the...of the law will have an immediate effective date, is going to be a delayed implementation for... 'til January 1. That's been indicated by the law enforcement agencies. In that period of time, a system of free loaners and...and free car seats is being developed throughout the State of Illinois. It's...again, approximately twenty other states have this. They have been able to put together through volunteer efforts, and service groups and parent organizations the kind of program so that if somebody needs it and can't afford it, they are going to be available. I was just handed a listing of the...of a association called the Illinois Child Passenger Safety Association which indicates groups throughout the State of Illinois that are already plugged in to provide this kind of car seat.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Schaffer.

SENATOR SCHAPFER:

Mr. President and members of the Senate, I don't think there's anybody on the Floor of the Senate who wants to see a child injured. I don't think there's anybody on the Floor of the Senate who wouldn't like to see the statistics, the grim statistics, cut down. Let me suggest to you, though, that this bill applies to the parents car, which means that if you have a car pool and you pick up a bunch of other kids, you've got to strap in your kid but not their kids. Doesn't apply to grandparents, doesn't apply to babysitters. In fact, it only applies to a very small percentage of the cars that operate with children in them. So, the statistics that are occasionally tossed about are a little hard to justify. My major objection to this bill is the age. I think that the benefits in the first three years, the first couple of years in particular, probably do merit some sort of attention and those children, I think, will, in fact, are...the parent can keep them in. You go to five and you go to a family that has a bunch of children, well, you have a lot of problems strapping them in. I object, and I object strenuously to the hard-line, no amendment attitude of the sponsors of this bill saying we can't send it back to the House. I checked the record, there were a hundred and fourteen votes for this bill in the House. What do you mean you can't send it...what do you mean the Senate doesn't have the right to make a change? Let's...I hate to say it, let's put it on postponed consideration and see if we can get some amendments on to modify the bill. In its present form, I think it is a tremendous invasion on the rights of the parents. I think the statistics indicate that most of these injuries are in the first couple of years, the largest number, it declines as they get older. It's unenforceable for five year olds because a policeman has got to guess the age of the child and children don't carry identification, he's got to guess the weight of the

child. It's...it's just not a good idea in its present form, and it's one that will come back to haunt us as the parents of this State realize what an imposition has been imposed upon them, and, frankly, you will argue that taking care of the safety of child is not an imposition. I note with some interest that many of us in this Body that have younger children, that understand the problem, probably are going to be voting No. In its present form...and we're going to hear a lot of rhetoric about all the accidents that have happened in the past, but in its present form it is a law that makes it illegal for a mother to hold her child in a car.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, that's quite true, we are restricting the parent by saying that she...she or he has to have a seat for the child up to five years of age. But what also concerns me is, when I see a parent or anyone with a child, an adult, in their lap while they're driving, and then there might be a sudden stop, I'm worrying also about the people on the other side who might be hit by a car that...the driver of which didn't have full control of it because with one arm and the baby and so forth running around just to see what to do. I think this is a step in the right direction, I think it's worth a try. I notice that the Department of...the...Rehabilitation Institute of Chicago is for it. I notice that the Chicago Chapter of the American Academy of Pediatrics is for it, the Department of Insurance is for it, the Law Enforcement...Department is for it, Public Health is for it, and the experience in Tennessee where fifty percent of child deaths were...the deaths were decreased to fifty percent because of the use of these seat belts. If nothing else,..these seats rather...if nothing else, it will alert the person who is driving with a

little child in their arms to be more careful, and I think it's time we were more careful, not only for that child's safety but also for the people who might be in another automobile which the first car would encounter with a child in it that...which was loose. I speak in favor of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nimrod.

SENATOR NIMROD:

Thank you, Mr. President. I am not opposed to some sort of a law that would, in fact, protect the children. It seems to me that there has been a great deal of resistance to allow any amendments to go on this bill. I think all laws and all laws that we pass ought to be in their best form, and if we allow this kind of a law to go through without amending it, what we're saying is that the general public is too stupid to become educated and informed on a program that, in fact, they want to live by and save the lives of their own children. I do not believe that there is any parent who would willfully or knowingly cause harm or death of his child or her child. Well, I think that on this kind of a basis and for you refusing to go along on this system that makes it a voluntary system that helps implement that program that's being installed, what you're doing and what you're saying are two different things, Senator Berman. You're saying that, in fact, we are passing a law that's going to cause a fine. Secondly, you're saying that we are installing and going to have a program that's going to allow loaners and make these things available at no charge to individuals. Well, you can't...you're doing it both ways. What you're doing is that you're going to be fining the people. And you've only produced one letter from one agency that involves less than a thousand of the patrolmen who will be on the highway and in most cases will come in less contact probably than two or three percent of the people. You...you have not even managed

to reach the sixteen thousand or so municipal police and the twenty-five hundred sheriff's police that are involved in this program. That...it...in any way...in...in...you're comparing with Tennessee, Tennessee does not even enforce it on the interstate highway. The only thing I can say to you is that all of you that are going to be voting for this bill, I wonder how many of you strap yourself in and put a seat belt on that car when you're riding in that car and you're worried about concern or safety. I think you have that kind of responsibility, I think we do have a responsibility to protect the children, but this law does not address that particular problem adequately, and I would urge you to return it back so we can all reach some agreements on this bill before you attempt to pass it.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator McMillan.

SENATOR McMILLAN:

Mr. President and members of the Senate, I rise in opposition to the bill. I think a case has been made by many members of the Senate on behalf of the argument that this is an invasion of...of privacy that's...that's very much unwarranted. I think there are some other arguments that can be made. I find it very strange that the supporters of this bill include a lot of those same people who have said for years that the death penalty is not a sufficient deterrent to murder, yet, all of the sudden, they are contending that a twenty-five dollar or a fifty dollar fine is some kind of a deterrent to carelessness for a mother in the care of her...of a child that she loves. It doesn't make sense to say that the ultimate penalty won't stop a...a terrible crime, yet, they want to impose a penalty and a fine in an instance where a mother in the first place has caring love and concern for that child that...that this law is supposedly trying to protect. We're going to be asked today, or tomor-

row, or Monday, or Tuesday or sometime to defer for another year the old practice of robbing funds from the Highway Fund in order to pay for things like State police and everything else. The roads of this State are in horrible condition. We are going to continue to rob Gas Tax Funds to pay for State police, yet, here we go, when we really can't afford it, asking the State police to take their precious time to meddle into something that really isn't their responsibility. We can't afford it, they've got more important things to do, yet, here we go again doing it. Local law enforcement agencies, county sheriffs, city police operations are all in very difficult financial straits. Many of them have been asked to cut back on their police forces, yet, here we go adding to the duties and responsibilities that they have and ask them to spend their time when they should be protecting the health and safety of the community against violent crimes, they're going to have to take precious time to be concerned about enforcing this unenforceable law. This State has a lot of responsibilities. We have responsibilities to get drunken drivers off the road. We're doing a better job but we still fail at that. We're supposed to have the responsibility for safe highways in this State and we have failed at that. We're supposed to protect children from the child molesters and the sex maniacs and we really fail at effectively doing that. We're supposed to make this world safe for senior citizens to live and to walk late at night and early in the morning and we really have not yet accomplished that. We have vandalism in the cities and in the rural areas, and it's the police's responsibility to protect property from that vandalism, and that's our responsibility and we fail in that. We have drug abuse that continues to go rampant in this State, that's the State responsibility and we fail in that. Yet, we are coming forth having failed in this State's responsibilities to do those things which the State should be

doing, and we're so bold as to come forth with a law that indicates that we know better than every mother in this State how to take care of their child. It's absurd, it's wrong, it's a wrong use of State funds, and I think this State will be sorry for it if it goes that far. I oppose it.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President and Ladies and Gentlemen of the Senate, I rise in support of this legislation. It has not been a particularly easy decision for...for me to reach, because generally I am one of those who believes that less government is...is better government. However, I also believe that it is not an encroachment on parents' rights to require these restraints when it is the children who are at risk and who do not have the ability to...to protect themselves. Therefore, I...I would urge support for this legislation.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Walsh.

SENATOR WALSH:

Mr. President and members of the Senate, like Senator Schaffer, I'm surprised that the sponsor of this bill wouldn't...wouldn't agree to accept some amendments, some of which are...are obviously necessary. For those of you who haven't had an opportunity to look at the bill, as was indicated the other day, it provides for an effective date of January 1st, 1982. Not 1983, 1982. When the bill was introduced over a year ago, I guess it was felt that a delayed effective date would be appropriate and give people at least a chance to acquire these...these restraints so that they wouldn't be in violation of the law immediately upon its being signed by the Governor. Because the sponsor was not willing to at least make this change, we're in a position of having a law which is going to become effective on the day

the Governor signs it. So, contrary to what the sponsor indicated in his response to a question by Senator Hall, we're not going to have a delayed effective date, and we may have a delayed enforcement date, although I don't know that we can count on that by the State police. I think if the...if the measure becomes law, the...the State police are probably obliged to enforce it, but even if the State police are going to wink at it or give people a pass for awhile, what about the many local law enforcement agencies? And is it good government to have a law on the books which isn't going to be enforced? I think this is a measure that requires more consideration, more examination. As Senator Schaffer pointed out, it received plenty of votes in the House, there shouldn't be any reluctance to correct it and send it back. I urge a No vote, we'll put it on postponed consideration, clean it up and get it back to the House, so if we're going to have a measure of this nature, it will at least be in proper form.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Johns.

SENATOR JOHNS:

Thank you, Mr. President. If I do nothing else for the children or for the little woman at home who lives for children, I'm going to speak just a little bit on this bill. Why are children and child passenger restraints necessary to protect infants and small children? I'm reading from the Rehabilitation Institute of Chicago, "A small child cannot be considered a miniature adult for purposes of car passenger safety as its incompletely developed pelvis is unable to serve as a...a anatomical error point for lap belts." Now, I used to be chairman of safety for a multinational oil company, and I travelled all over the country talking about restraint seat belts and the thousands of lives it saved. And we had graphic pictures and films proving that restraints

did do a job. Now, if I do nothing more than point out to you that I as...as an adult...just do not feel comfortable at all unless that seat belt is around me when I get into that car. I tell you that I have watched doctors work feverishly over children trying to save them from the...negligence that a parent has had in regard to his child in a car. I once witnessed a doctor rolling down the window and saying to a mother who had a child hanging out the window of a car like some dog, and he said, "Why don't you just put a gun to that child's head and kill it because you're going to damage it one of these days to where it will be nothing but a vegetable." And he meant every word of it, 'cause he said he had to work thousands of hours throughout the years of his career trying to restore a child's brain and body back to normalcy from the neglect of a parent. If I do nothing more than call that to your attention,...I know there is problems in this bill. Maybe it could be worked out, but you got to start somewhere in calling attention to those that are in charge of the little infants and the little...little children and help them get some sense in their heads. Thank you, very much, Mr. President.

PRESIDING OFFICER: (SENATOR DONNEWALD)

As per the request of Senator Berman, Senator Bloom may close.

SENATOR BLOOM:

Well, thank you, Mr. President and fellow Senators. I'd like to clear up some misconceptions that were generated in the debate. First, some of the prior speakers apparently forgot the letter from the State police. When this bill becomes law, the enforcement will start off with written only...warnings only. They'll implement the law in a manner the same way that the Motor Carrier Safety Regulations and Act were implemented, which by the way, had an immediate effective date, however, they took a common-sense approach.

They will issue a six-month warning plan, for six months they'll issue warning citations, then after six months, they will do a warning citation for the first offense and then a citation upon any subsequent incidents. I think that one thing that some of the people who spoke against this bill forgot is that the language is almost identical to the Statute on the books in Tennessee, and no one can quarrel with the fact that the reduction in fatality and serious injury rates in that state went down by fifty percent the year after it was enacted and seventy-one percent in the subsequent year. This bill does make good sense, and yes, Senator Schuneman, we don't have a law that mandates that we love our kids, but we do have laws that immunize our children, that say to parents, you've got to immunize your children against communicable disease. And you can't quarrel with the fact that the number one killer of kids under five are car accidents. I usually don't sponsor legislation such as this, but in my judgment, the benefits to us as a people in the State of Illinois far outweigh the inconveniences, because don't forget, that the cost to society at large for a seriously injured child over that medical and rehabilitative cost to a seriously injured child over that child's lifetime are anywhere from three-quarters of a million to 1.5 million. I think the savings is obvious. And finally, timeliness, on June 23rd if you had read the Chicago Tribune, there was a letter in...to "Dear Abby" that described laws that exist in that state and said, "We moved to this State four years ago leaving behind in Ohio a deep dark secret we never mentioned here. I was driving my baby daughter unbelted in her carrier beside me five blocks from home, I was broadsided by a mail truck, my car was flipped over twice and my precious baby girl was tossed around inside like a ping-pong ball. She died seventy-two hours later of massive head injuries. Going home to an empty nursery drove me crazy with guilt, I'd

always been so careful. If I had only known what I know now, she would have ridden home in a safety seat instead of in my arms." The point is that you do things 'cause they're right and they're responsible, and I suggest that it's the responsible vote for everyone in this Chamber to vote Aye, and I'd urge a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR DONNEWALD)

The question is, shall House Bill 608 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. (Machine cutoff)...voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 39, the Nays are 13, 1 Voting Present. House Bill 608 having received the constitutional majority is declared passed. Do we have leave to go to the Order of 3rd Reading, House Bill 396? Leave is granted. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 396.

(Secretary reads title of bill)

3rd reading of the Bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. House Bill 396 does exactly what it says on the Calendar, and that is, allows us to make our license plates in the State of Illinois in our penal institutions. Presently, there are forty states in the United States according to a survey taken by the Illinois Legislative Council which does exactly that and there are only ten states who do not. Presently, the State of Illinois does have their plates manufactured in penal institutions but we do our vanity plates in New York and we do the rest of our plates in the Texas prisons. As many of you know, this General Assembly, in legislation that I introduced a couple years ago, decided to use inmates from

our correctional institutions to cleanup our highways, and I would like to think that that program is becoming a success if it is not already. And I think this is another step in using our inmates the way we ought to, and in the long-run, certainly to be a good cost savings to the State of Illinois. That's simply all the bill does. The money to do this is in a CDB appropriation, and the Department of Corrections, if we put this into law, has indicated that Vienna is probably the area that they would like to put the building up to do this. If there are any questions, I would be happy to answer them. If not, I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Chew.

SENATOR CHEW:

Mr. President, I caught that last part, Senator, you said put the building up. We are on a multiyear plate and I understand we are going on a...probably an eight-year license plate within the next two years. Has it become such a grave problem in manufacturing these plates that we feel if we build adequate facilities for manufacturing, what is the cost factor compared to what we have now, keeping in mind of the eight-year plate that's built out of a heavy extruded aluminum...for lasting purposes?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, I'm not sure what kind of cost comparison you're asking for, but right now, as you know, we're on the five-year plate program and whenever this is going to be implemented...this is just the substantive legislation that will allow the program to be put into use, the Department of Corrections will do the timing on it, they may or may not. There is some money, I believe it's a million and a half, into the program for a building at Vienna so that the build-

ing would be there and the equipment ready to go whenever they want to implement the program. Whether they do that this year or next year, I don't know. This is just the legislation to allow it to be done. As far as costs are concerned, the Legislative Council has come up with a figure that, I believe, our 1980 contract for multiyear plates totalled a million six hundred and twenty-four thousand, if that figure is any help to you.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Chew.

SENATOR CHEW:

Yeah. A million now is the cost of what we're doing now. Can you give me any figures as to what it would cost including construction of a building at Vienna? What is the savings, or what is the cause for this particular bill? I think we're talking about a cost factor. You should have something on it that would clear my mind, inasmuch as you're the sponsor of the legislation.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Sangmeister.

SENATOR SANGMEISTER:

The staff has provided me with figures that it will be approximately four hundred thousand to five hundred thousand for equipment and materials and probably about a million dollars for the building that would have to be put up. But that's, of course,...naturally, the original start-up costs are going to be there, but after it is once in implementation, why then, of course, the cost will drop tremendously over the next years as we manufacture our plates. I don't have an exact figure or a proration over the years as to what we're going to save, but it's going to be a good savings, there's no question about that.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Chew.

SENATOR CHEW:

Senator, can you tell me who is supportive of this bill, what State agencies and where did the bill come from and who wants it?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, both the Secretary of State and the Department of Corrections is backing this legislation. But over and above the cost savings, Senator Chew, it also does something for our penal institutions in that we are doing something constructive within those institutions by putting these people to some work that in the long-run is going to be a cost savings to the State of Illinois, and certainly it also keeps our money back in the State of Illinois rather than going to out-of-states now for the production cost of those plates.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Newhouse. Senator Hall.

SENATOR HALL:

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

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates he will.

SENATOR HALL:

Senator, my understanding was, when the Secretary of State was before our committee, that some years ago the State of Illinois formerly made the plates, and I was under the impression that some of that machinery or the buildings or some places still available, and I...am I correct or have I been assuming that wrong here?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, my research shows, Senator Hall, that back in 1937

and 1938 was the last years that we manufactured State plates in our penal institutions. I really don't know how much of that equipment is still available or whether any of it is usable for the way we make our plates today.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nash.

SENATOR NASH:

Mr. President and Ladies and Gentlemen of the Senate, I rise in support of this legislation. First, I'd like to answer one of the questions of one of the previous speakers. Right now we are on the multiyear license plate, it's not five, it's approximately eight years. The Secretary of State says as long as the plates last they will not replace them. We are two...two out of forty-three states who do not manufacture our license plates in our prisons, Dakota is the other state. Our vanity plates are manufactured in the prison of New York State and the regular plates in the Texas...Texas prison system, and this bill will put Illinois money back into Illinois. I urge your support.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Marovitz.

SENATOR MAROVITZ:

My question was answered.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Coffey.

SENATOR COFFEY:

A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DONNEWALD)

He indicates he will respond.

SENATOR COFFEY:

Yes, Senator Sangmeister, you might have already answered this question, but I missed it if you did, but will we be set up...under the way you're intending to set this up, to manufacture plates for other states or to be able to contract

with other states?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Sangmeister.

SENATOR SANGMEISTER:

Yeah, I've been advised that we would then, of course, have the capability of doing that. That is not the intention...but if other states would come to us and would want to do that, I'm sure that would be seriously considered.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Coffey.

SENATOR COFFEY:

Mr. President and members of the Senate, I rise in favor of...of House Bill 396. I think there's several things that's important factors here. Number one, that we again...I think we can save some tax dollars and bring the manufacturing of those license plates back into the State of Illinois. Number two, I think it will be a big help to those people serving in those institutions to give them an opportunity to do something with their time, which I think will probably cut down on the problems we have in that institution, and also, thirdly, I think if we do have the capabilities of being able to contract with other states, we might be able to subsidize that cost of that operation by doing that. I think it's a good bill and I'd ask for members of this Senate to support it.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Mahar. Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I...I have no problem with the bill. You mentioned, however, Vienna as the place where this would be...has the site already been selected?

PRESIDING OFFICER: (SENATOR DONNEWALD)

(Machine cutoff)...Sangmeister.

SENATOR SANGMEISTER:

Well, I've been advised by the Department of Corrections that the money is in the CDB appropriation to do that and it is their plans to put it at Vienna. I don't know whether that's totally final decision or not, but apparently, it is...okay, yes, it has been decided, it will be at Vienna, that's the answer to your question.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Newhouse.

SENATOR NEWHOUSE:

In which case I agree with the concept of the bill, but I'd like for the record to tell me some more about how this site was selected.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, I...like I say, I've been told by the department that that's where they would like to put it. I'm sure that the director would be more than happy to talk to you about relocating it. So, I would suggest you talk with him.

PRESIDING OFFICER: (SENATOR DONNEWALD)

(Machine cutoff)...Mahar. (Machine cutoff)...Johns.

SENATOR JOHNS:

Thank you, Mr. President. Just like...you touched on a word, Senator Coffey, that is really part of the key to this thing, subsidize. If you look at the State of Texas and their Department of Corrections, they brag on that department practically paying for its own way and showing a profit, and the reason is the very element that we're talking about. They're doing work for other states. So, we really are subsidizing the Department of Corrections in Texas by allowing the present system to go along. Now, that's one thing. Second, we're not really hurting unemployment, we're not helping unemployment, but we're not causing further unemployment in Illinois by doing this either. So, we're not hurting

the labor force. Third, Vienna is a beautiful site, we have thirty-four hundred acres of State-owned property there right now that could be utilized for many, many reasons and good and sound purposes. I think this is a good idea. This initial investment might be a little large, I don't know what it costs us presently. Can you tell me, Senator Sangmeister, what it costs us right now to do this job in Texas? Do you have...I might have missed that figure.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Sangmeister.

SENATOR SANGMEISTER:

The only figure I've got is the one I gave Senator Chew, that in 1980 the total amount of the contract that was awarded was one million six hundred and twenty-four thousand one hundred and eighty-four dollars.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Johns.

SENATOR JOHNS:

Well, I certainly rise in support of this, not because Vienna is in my district but because of the facts I've just expressed. Thank you, very much.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Keats, for what purpose do you arise?

SENATOR KEATS:

To move the previous question.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator, we have but two members to speak to this...three now, and going up. We'll consider that after the three are...finalize their speech. Senator Schuneman.

SENATOR SCHUNEMAN:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates he will.

SENATOR SCHUNEMAN:

Senator Sangmeister, my question has to do with whether or not this program really would be cost effective. You've indicated that there is an appropriation in the CDB budget for a million and a half, and when we sell those bonds, I assume we're going to have to pay somewhere around ten percent in the bond market today, municipal bonds. So, if I figure it correctly, we're going to spend about a hundred and fifty thousand dollars a year in interest. And you indicated earlier that our total cost for license plates now is a million six, is that right?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Sangmeister.

SENATOR SCHUNEMAN:

So, it seems to me that we're going to be spending about ten percent for interest of what our total cost outlay is now, and I'm just wondering if that really is a cost effective program for the State to get into. I'm not particularly for or against your bill, but I...I am curious about that. It seems to me that it might be questionable as to whether or not it really is cost effective.

END OF REEL

Reel No. 2

PRESIDING OFFICER: (SENATOR DONNEWALD)

Was that a question, Senator, or a statement? Senator Sangmeister may respond if he so desires.

SENATOR SANGMEISTER:

Well, we do not have...neither the Secretary of the State nor the Department of Corrections can give me the actual figures now so that we can get it right down to the...being the dime of cost effectiveness. But, obviously, the start-up costs are going to be there and in over a period of years is when we should be getting our return. But, Senator, I ask you to consider the additional factors of that money will be spent in Illinois, not in the State of Texas or in New York, and also, it will be doing something within our penal institutions to give the inmates some meaningful labor. I think certainly those two additional things far outweigh any cost effectiveness that you may be concerned about. That's the best I can answer your question.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz.

SENATOR GITZ:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates he will respond.

SENATOR GITZ:

Senator Sangmeister...did I understand you correctly that you said the estimated cost of the State was some four to five million dollars in start-up cost?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, four hundred to five hundred thousand for equipment

and materials and then, of course, for the construction of the facility which is a start-up of a million and a half and then whatever it goes to, it could reach that amount, that's correct.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz.

SENATOR GITZ:

Has the Secretary of State evaluated some other mechanisms by comparison how we might manufacture license plates in Illinois?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Sangmeister. Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, I understand they have talked to the Department of Rehabilitation Services, and somewhere along the line, they maybe cut in on a portion of the license plate manufacturing, but that's down the pike.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz.

SENATOR GITZ:

Does the Secretary of State or anyone else have an estimate of what these other alternatives such as through the Department of Rehabilitation would cost?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Sangmeister.

SENATOR SANGMEISTER:

As I understand it, that department is still studying it and they don't have any better figures to offer than anybody else at this time.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz.

SENATOR GITZ:

Well, I'm also given to understand that there has indeed been an estimate done and that that estimate would be some

five hundred thousand dollars. Can you explain the...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Sangmeister.

SENATOR GITZ:

Can the sponsor shed any light on that?

SENATOR SANGMEISTER:

Senator Gitz, you have information that I...I do not have. I have been working with the Department of Corrections and the Secretary of State to try to resolve their differences and their problems which was resolved with Amendment No. 1 that was placed on this bill. Other negotiations, I have not been...contacted on nor asked to participate in.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz. Your time is about expired, proceed.

SENATOR GITZ:

Well, if there is a...if it's cost effective to do it through the prison system, that's fine. I certainly don't object to the thrust of the legislation. But I do note that, apparently, there has been some study given to other alternatives such as rehabilitation facilities, and it seems to me that if they have the possibility of achieving the same end and doing so with a better efficiency in terms of cost, that that is certainly a worthy alternative to examine on how to meet the same objective.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. I...I'm a little confused by all of this opposition and questioning of what's going on here. This is something that on this Floor over the years and the appropriation's process over the years we've heard time and time again the people espouse, that what we ought to do is bring the license plate manufacture back to Illinois, put it in the prisons and give the cons something to do.

Now, if you talk to anybody that's in the corrections business, a warden or anything like that, they'll tell you their biggest problem is finding something to do to keep these people busy, and they make up jobs. Do you know, as an example, that under a Federal Court ruling, we now pay every con that's in our system some thirteen to fifteen dollars a month for spending money. We used to pay them for work, for jobs, and then a Federal Court ruled years ago that you couldn't give it to some and not to others, so now we pay all of our cons. And this is an attempt to give some more people a job. What difference does it make if...if the building is located in Vienna, or if it's located in Joliet, or if it's located in Springfield on the...at the top of the Capitol Dome. It's not going to make one iota of difference as far as jobs for civilian population. We're going to put cons to work, Ladies and Gentlemen, and they're going to work wherever the building is built. It so happens the Department of Corrections has decided that since they're building a brand new, medium security penitentiary in Vienna, that the best way to build this building is right there when they're building the whole...the whole kit and caboodle at once. As far as cost effectiveness, of course, it's not going to be cost effective the first year. But you can bet your bippy it's going to be from...at some point down the line cost effective if we're spending those dollars, as Senator Sangmeister said, in Illinois as opposed to in Texas or New York. Now, why are we fooling ourselves, let's go ahead and vote the bill out of here and get it on the books and get on with the business.

PRESIDING OFFICER: (SENATOR BRUCE)

The last speaker, Senator Davidson, before closing.
Senator Davidson.

SENATOR DAVIDSON:

Well, most of the points I want to make have been made by

Senator Buzbee and Senator Sangmeister. There is one other item which none of you have responded to. Forget all the malarkey about this, that, and the other. But all of you, including some of you who are asking questions, in the ten years I've been here in saying, bring the plate manufacturing back to Illinois, quit sending our money out. But the other item which most of you had complained about is, we have to train these individuals in a useful talent when they get out. Now these individuals are going to be working with metal stamping machines, et cetera. One of the prime needs of industry today is individuals who know how to operate an automatic metal stamping machine. Here we have an opportunity to train someone who did not have a useful talent before they went in, to a paying job when they get out so, one, we're not going to recycle them as a prisoner; two, we make them a tax supported individual no longer. They're going to pay taxes to help the rest of us support the rest of them. It's a good bill, vote Aye, it ought to go out of here 59 to nothing.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Sangmeister may close.

SENATOR SANGMEISTER:

Well, not to delay anything any further, I think the summation by Senator Buzbee and Senator Davidson says it all. Request a favorable vote.

PRESIDING OFFICER: (SENATOR DONNEWALD)

The question is, shall House Bill 396 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. (Machine cutoff)...all those voted who wish? Get with it. Have all those voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none. House Bill 396 having received the constitutional majority is declared passed. House Bill...we...we did have leave to go...return to House Bill 712. Senator Marovitz, the bill has been read

a third time. Senator Marovitz you may proceed.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Just...just a moment. I...I'm sorry, the Secretary advises me that that has been taken out of the record. The Secretary will read the bill for the third time.

SECRETARY:

House Bill 712.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Marovitz, I think you want to yield to Senator Vadalabene.

SENATOR MAROVITZ:

Yes, I do. This is the Sheriff's Association bill. The substance of which has been already discussed at length, and I would yield to Senator Sangmeister and then Senator Thomas for some clarifying comments.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Well, just a moment, Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

I think he acknowledged that he...you...he was to yield to me, although he didn't mention it. Are you going to yield to me or not?

PRESIDING OFFICER: (SENATOR DONNEWALD)

...Senator Marovitz. It's too early, folks.

SENATOR MAROVITZ:

Senator Sam, you're much too big for me to fight with. I yield to Senator Sam first and then, I said after that, to Senator Thomas.

PRESIDING OFFICER: (SENATOR DONNEWALD)

All right.

SENATOR MAROVITZ:

After Senator Sam, seniority already holds, Sam.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Vadalabene.

SENATOR VADALABENE:

You didn't confuse me, you confused the President of the Senate. The objections to Senate...House Bill 712 has been removed. There has been a meeting with the Executive Director, Curly Rodgers. The bill is intended to go to a Conference Committee and then include the downstate policemen and everything is in good order and now we should support the bill the way it is.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Thomas.

SENATOR THOMAS:

Thank you, Mr. President. I concur with what Senator Sam said, the problems have been worked out and the FOP is happy, the sheriff's people are happy, everybody is happy, let's vote for it.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cutoff)...discussion? Senator Rhoads.

SENATOR RHOADS:

Well, will the sponsor or someone please tell me, if everyone is so happy why is it intended to go to a Conference Committee?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Very legitimate question, there were two separate vesting sections in the bill, Curly Rodgers of the Police Association had some question about whether the vesting sections were equal. He said that there needs to be a clarifying amendment put in there. I committed that the bill will go to Confer-

ence Committee, that the amendment will be put on, and if, indeed, the amendment is not put on, I make the commitment, this bill will be Tabled.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? The question is shall House Bill 712 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none Voting Present. House Bill 712 having received the required constitutional majority is declared passed. House Bill 1006; Senator...House Bill 1060, Senator Marovitz. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1060.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

In the original draft, House Bill 1060 required notification given to the Northwest Planning Commission of any proposed IHDA housing development in the commission's geographical boundaries. That would be the counties of Cook, DuPage, Lake, McHenry, Kane and Will. And originally provided that the commission might be able to notify legislators in other areas. Now the bill says that the Northwest Planning Commission must notify the Senators and Representatives within their authority, and I think this is a very good piece of legislation. There are a lot of IHDA developments that we, in our districts find out about too late to inform community residents so that they can participate in the planning process. This just says that we must be notified of proposed IHDA developments within our districts and I would solicit

HB 1244
3rd Reading

your Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall House Bill 1060 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 4, 4 Voting Present. House Bill 1060 having received the required constitutional majority is declared passed. House Bill 1244, Senator Degnan. Read the bill, Mr. Secretary, please. Senator Degnan. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1244.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. House Bill 1244 is offered as an incentive to the restoration...for the restoration and preservation of landmark historical buildings in Illinois. It provides a tax incentive when the director of the Department of Conservation approves a building as a historical building and when twenty-five percent of the fair market value has been spent on rehabilitation. The bill does contain an opt out clause for municipalities. I'll answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

I would just like to indicate to the Body that I live within a historic district, and because I would be affected by this program, I will not be voting on it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

I live in one too, I think, but I certainly plan to vote for the bill, I don't live in an historic building. Well, be that as it may, I...I was rising in support of the bill. I think that it does address some of the provisions of Senator Joyce's original legislation that were considered not totally effective in achieving the intended results of preservation aid, and I think it is a good idea, it...it's going to be easier and more rational in terms of its application and I would urge support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. Due to a conflict of interest where I would... gain substantial financial benefit from this bill, I'm going to vote Present.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR MAHAR:

Two...two questions. Does this allow the municipality to set up the...the historic district? Does it allow it to initially establish an area for historical sites?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

No, it does not.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar.

SENATOR MAHAR:

That's in some other bill, is that correct? Does this allow non-home rule municipalities to opt out?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

Yes, it does.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar. Okay, Senator Grotberg.

SENATOR GROTBORG:

Thank you. A question of the sponsor. Senator Degnan, is it not true that once you have a historical building, there are already in place, beautiful, beautiful and successful Federal tax benefits for helping a historic building, once it's certified and that people who are trying to shelter their investments are seeking nationwide for such wonderful bills as this? Is there any truth to that?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

Yes, Sir.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTBORG:

I just thought it should be in the record. I happen to operate a historic landmark and it is owned by a not-for-profit so we don't get the tax advantages of it. But this is a marvelous bill, and it takes it just a little further than the Feds already have going and it's a great incentive to get...landmarks declared. But the truth behind the whole thing, I'm sure, and this was not to embarrass the sponsor, but I think for the record, we should all know that we should vote for it for that very reason. It's a good investment, it's a good private enterprise bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Walsh.

SENATOR WALSH:

Will the gentleman yield for a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield, Senator Walsh.

SENATOR WALSH:

Senator, I was one who was not in favor of the original bill which...which actually froze real estate taxes, I guess, for ten years, thanks to Senator Joyce. But...I'm not sure how...how this bill changes the existing law. Is that freeze being eliminated, or are we extending the freeze, or is it somewhat more stringent requiring substantial rehabilitation, or how does it affect the existing law?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

Amendment No. 1 which we adopted several days ago provides that that repealer in the bill is still intact with the exception of...we believe two municipalities took advantage of that, two municipalities in this State. And by repealing it, there would be a question on whether or not those people who took advantage of it would no longer have that advantage, so the...the adoption of Amendment No. 1, two days ago, protects only those two municipalities. Other than that, it is repealed.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Walsh.

SENATOR WALSH:

...the whole bill is repealed or...in other words, we're not going to have the freeze any more as a result of this measure?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

Public Act 81-1501, which is Senator Joyce's bill of several years ago, is repealed except for those two municipalities who took advantage of it at that time.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Walsh.

SENATOR WALSH:

So, that will be the effect of House Bill 1244 as amended, we'll be finally getting around to repealing that bad bill that Senator Joyce passed a couple of years ago. Is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Degnan.

SENATOR DEGNAN:

Well, good or bad, it's repealed.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Walsh.

SENATOR WALSH:

Thank you, very much, it's nice to be with Senator Joyce for once.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I would just like the record to reflect that I, too, have a conflict, I live in the Oak Park historic district.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Further discussion? Senator Collins.

SENATOR COLLINS:

Just wanted to declare my conflict of interest. I...the area that I live in is under consideration for historic landmark status and I may have a conflict of interest.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Degnan may close.

HB 1423
3rd reading

SENATOR DEGNAN:

I'm a little confused on the conflict of interest statements. This bill provides that when one who owns a historic building puts in twenty-five percent of the fair market value in rehabilitation he is eligible for a tax advantage. Just owning a building gives you nothing under this bill and, in fact, it repeals the availability of a tax advantage granted by Public Act 1501 of '81. The bill is supported and suggested by the...Landmarks Preservation Council. I urge the passage.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 1244 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 2, 6 Voting Present. House Bill 1244 having received the required constitutional majority is declared passed. House Bill 1240...1423, Senator Egan. Read the bill...Senator Egan. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1423.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan.

SENATOR EGAN:

Yes, thank you,...Mr. President and members of the Senate. House Bill 1423 is a...an amendment to the Pension Code for the Chicago Teacher's Pension System and they are requesting in this bill three things, that they be allowed to remarry and still maintain their pension which is a benefit that has been held to be necessary by the Federal Courts and all the other systems with...I don't know of any exceptions have adopted. And it allows also for a one time increase of

three percent for survivors of a benefit which the downstate teachers have, and this would bring that benefit in line with the...benefit that is already afforded to the downstate teachers. And thirdly, it allows that...the...the board...for an early retirement if...if the...the board allowed up to thirty percent of the...the eligible teachers early retirement. a somewhat controversial pension topic that has emerged within the last few years. But, basically, the benefits that are afforded the downstate teachers, they have these benefits, presently, this would bring the Chicago teachers within the same benefits in their pensions, and to my knowledge, the...there is no opposition, it's been well worked out and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning.

SENATOR BERNING:

Well, Mr. President, first, I'd like to call the attention to the Chair and to the sponsor that amendment, I believe it was Amendment No. 1, that was put on the other day appears to be in improper form. It adds a section to the bill without indicating underlining and I wonder if that is not improper. I'm referring to line 14 which is an addition to the context of the bill on page 4 at the end of line 20. It says, "Add by inserting survivor's and children's benefits described in this section and so on." This is entirely new language and it seems to me should have been underlined.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan.

SENATOR EGAN:

Well, I...I had the same observation as you, Senator Berning, but I have been informed that because of the language that states the following and then the language is in quotes that that does not necessitate underlining. I accepted that and it's new language.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning.

SENATOR BERNING:

Well, then, Mr. President, let me call the attention of the Body to the Section 2 which purports to eliminate the State obligation under the State Mandates Act and the...dollars involved are rather substantial. The indication is that it would run between two and a half and three and a half million dollars; to me, that is substantial. And let me read to you what the amendment purports to use under the State Mandates Act to absolve the State of Illinois of this obligation. "The General Assembly finds that under the provisions of subpart 3 of Section A of Section 8 of the State Mandates Act, the State is relieved of reimbursement liability," now get this, "because this Act creates additional costs but also provides offsetting savings resulting in no aggregate increase in net cost." Ladies and Gentlemen of the Senate, that is a totally specious argument. Yes, it creates additional costs, I don't even know how much but at least two and a half million dollars and probably a good deal more. But there isn't anything that's been given us in the way of evidence that provides offsetting savings. Even if there were, that would not eliminate the State's obligation under the State Mandates Act. Further, Ladies and Gentlemen of the Senate, let me remind you that at the committee hearing the representative of the Chicago Board of Education testified against this. The Chicago Board of Education is the one which will be burdened with the cost if the State is relieved of the obligation and they say they can't afford it. For that and several other reasons, such as establishing a brand new precedent again with a three percent annuity for survivors over sixty, something that we don't have in any other system, this bill, in my opinion, Ladies and Gentlemen of the Senate, ought to be defeated.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cutoff)...discussion? Further discussion?

Senator Egan may close.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. Well, there is a great deal of contradictory notion on...on the cost of this bill. As a matter of fact, I think it's readily admitted by most, if not all, that ultimately, it will save money and the Board of Education objection was that this year they can't afford it, and their estimate on the cost is way over what I think is a reasonable estimate on the cost. In any event, there is no new precedent set here whatsoever. The...the...the bill merely lines...puts in line the benefits the teachers have in Chicago with that of the downstate teachers, and we now have a uniform pension for teachers State-wide when the bill passes. I commend it to your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 1423 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 32, the Nays are 25, 1 Voting Present. House Bill 1423 having received the required constitutional majority is declared passed. If I might have the attention of the Body, all the remaining bills on this page are on the recall list, and I will go down through them. Some of them are amendments proposed by sponsors, except the last bill, Senator Berman's bill, 2578 does not have an amendment. I would also call the attention of the Body, if I might have you, on page 3 of your Calendar, House Bill 2461, the description contained on the Calendar is in error. So, you will want to refer to your Digest to make sure you have the correct information concerning House Bill 2461. Senator D'Arco, for what purpose do you arise?

SENATOR D'ARCO:

There's two amendments to 2439, but I would like to withdraw those amendments. I think the bill is on the recall list now, but I would rather withdraw those two amendments and proceed with the bill as is.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. If I might just ask...Senator Netsch. Is Senator Netsch on the Floor? Senator Carroll, 2038, are you going to amend it? The amendment is offered by Senator DeAngelis, do you plan to...I just want to get...yes, all right, so we'll take that one. I think 2039, Senator Geokaris, are you going to amend? All right. Well, then...Senator Netsch, you will amend? All right. Senator Maitland. All right. Senator Berman, your 2342. And Senator Gitz...all right. Well, with leave of the Body, let's take the...the one bill on that page that has not been yet amended, then we will go to recalls, then go back through the list for those bills that have been amended. There...there is only one remaining bill on 3rd reading that does not need to be amended, along with Senator D'Arco's, I guess. Senator D'Arco, we'll just take them in order then. Senator D'Arco on (Machine cutoff)...Bill 2439, on Page 3 of your Calendar, was on the recall list and Senator...Senator D'Arco indicates he will...those were his amendments. Senator D'Arco is recognized. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2439.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This is the Chicago Park District pension bill. It makes certain provisions providing

that a person at least sixty age could withdraw from the pension system if he entered service before 1980. It increases the surviving spouse award, it increases the minimum...benefit for surviving annuitants from...it also provides that the employee who entered service...who retires on July 1, 1983 with at least ten years of service shall not have his death benefit reduced, and the bill was amended to provide that it was exempt from the State Mandates Act. There is also an amendment on here for the Policemen's Pension Fund that the minimum widow's...pension would be raised the...from two hundred dollars to two fifty per month. And there was also an amendment on here for the State Board of Election to pick up the contributions of regional superintendents for compensation purposes. That's what it does, I don't know of any opposition and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Sommer.

SENATOR SOMMER:

Thank you, Mr. President. Just one inquiry, perhaps. In relation to the amendment for the regional superintendent of schools, does that mean that somehow the State of Illinois is going to pay their pension contribution and that would be equivalent to the State of Illinois paying our three thousand dollar pension contribution? In other words, is this a kind of a backdoor pay raise for these folks?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

What...what the amendment says is that the...it just clarifies the authority of the State Board of Elections to shelter regional superintendents' contributions to the pension funds. That pickup is strictly for IRS, Internal Revenue Service, purposes and all the systems shelter that

pickup cost by providing it on paper as a employer contribution, but there is no additional cost to the system. The employee still has to make his pension contribution to the system. Just for IRS, Internal Revenue Service, purposes for...for the pickup, where you...where they shelter the tax to the pension system from...from that point of view, the employer contributes the pickup to the system, but the employee, in...in fact, makes the contribution.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sommer for the...Senator Sommer.

SENATOR SOMMER:

Well, it's my understanding now, those of us in the General Assembly or State employees can opt to have our pension contributions treated as taxable or non-taxable income under the deferred compensation plan. Does this amendment do that, I don't think it does, does it, Senator?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

That...I think that...that's the purpose of the amendment, in order to get the regional superintendents under the...deferred compensation plan. Wait a minute. Roger, ask that question one more time, I just want to be perfectly clear that's what it does.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sommer.

SENATOR SOMMER:

I understand the deferred compensation arrangements, you can treat your pension contribution as non-taxable and that...that helps you in a couple of ways, but it does not say that the State of Illinois pays that contribution. We still pay that, it's simply for a bookkeeping purpose created, not part of our gross income. Does this amendment do that, or does this amendment actually pay that...that con-

tribution for these people?

SENATOR D'ARCO:

No, that's exactly what the amendment does. It's treated as non-taxable income for deferred compensation purposes only, but the employee pays the...his contribution to the pension system.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. I'd like to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield.

SENATOR RUPP:

In fact, two questions. The two amendments that you had, what did they cover and are...I would like to have you repeat that, included in this bill is the proper amendment which takes care of the State's Mandate question.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

Well, we went over that, you know, I don't know how many times, and that amendment is...has been filed on 2nd reading and it...it does say that the State would not have to reimburse the unit of local government, in this case the Chicago Park District, for any increase in pension benefits from the effect of this bill, I don't know how else to say it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp.

SENATOR RUPP:

Thank you. I also asked what was contained in the two amendments that were not put on.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

Well, we just discussed the other amendment about the regional superintendents on the State Board of Education. So that's not the amendment you're talking about, right?

PRESIDING OFFICER: (SENATOR BRUCE)

No, Senator D'Arco.

SENATOR D'ARCO:

You're talking...are you talking about...I got more amendments, you want to talk about those?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp.

SENATOR RUPP:

It was my understanding that this bill was called back, this is on the recall list to put amendments on, now we find out that those two amendments are not going to be put on. I was wondering what they were, and if they were amendments that had been put on or were going to be put on in response to some questions previously asked.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco, the question relates to the two amendments that were not put on. Senator D'Arco.

SENATOR D'ARCO:

The...the two...the two amendments that were not put on were amendments to the teacher's retirement system, and those amendments were withdrawn and they were not put on.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp.

SENATOR RUPP:

Thank you, I think. What did they say? What did they cover? What was the purpose of them?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

You know, it doesn't make sense to me to discuss two

amendments that have been withdrawn, I mean, logic dictates otherwise, if there is such a thing, but...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp, Senator...Senator D'Arco's point is fairly well taken. Senator Rupp, though, I understand your point too.

SENATOR RUPP:

Thank you, I appreciate that, but if there had been a...an agreement to make some changes and these were to take care of those changes that were agreed to, then I think it is relevant to ask if they are now not being followed through on. That's what has happened in the past on some of them, and I just didn't want this to happen in this case.

PRESIDING OFFICER: (SENATOR BRUCE)

The Chair would point out on this bill that the amendments proposed were Senator D'Arco's, it is not a question of some other Senator wishing to add and he did not recall it, they were...his amendments. Further discussion? Senator Berning.

SENATOR BERNING:

Well, I...I am a little bit confused also, Senator D'Arco. The two bill...or the two amendments you just discussed, the pickup provision and the elimination of the elected superintendents were the only two amendments I knew of that were to be offered. Are you saying that there were more under consideration?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

No...in...the...the two amendments that you just described, you and I agreed to withdraw, and we do have that agreement that Senator Rupp was talking about, that hasn't been violated.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning.

SENATOR BERNING:

I...I understand that, but you just elaborated on these two amendments as if they are an integral part of the bill and that's what confuses me. Or...or did I misunderstand that you had taken them out, and you're describing why you took...what they were even though you took them out?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

No...no...no. They were not...they're not a part of the bill, I withdrew them, Karl, so how could they be a part of the bill, you know. But, just trust me, Karl, just trust me.

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose...Gentlemen, I...it's now ten minutes after twelve, so Senator Totten.

SENATOR TOTTEN:

Thank you, Mr. President. I wonder, I was thinking of a couple of amendments for this bill, could we discuss those?

PRESIDING OFFICER: (SENATOR BRUCE)

Only if you get the approval of Senator Geo-Karis. Further discussion? Senator D'Arco may close.

SENATOR D'ARCO:

Well, I really didn't mean to confuse anybody, Mr. President, and if I did, I apologize. I just...everyone knows what's in the bill, and what's not in the bill, we shouldn't worry about. And I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 2439 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 16, 1 Voting Present. House Bill 2439 having received the required constitutional majority is

*HB 1607
Recalled*

declared passed. The only other bill not to be amended is House Bill 2578, Senator Berman. No? All right. Is there leave to go to the Order of Recalls so that we can...then the Chair's intention, with leave of the Body, will be to go right back through these bills once amended and pick them all up again. So, we will have intervening business between the first recall and the passage. So back on page 3 is House Bill 1607. Senator Netsch asks leave of the Senate to return House Bill 1607 to the Order of 2nd Reading for the purpose of an amendment. Is there leave? Leave is granted. The bill is on the Order of 2nd Reading. Are there amendments, Mr. Secretary, please?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senator Netsch.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch is recognized.

SENATOR NETSCH:

Yes, Mr. President. The amendment relates to the original text of House Bill 1607. Is it Amendment No. 3? Thank you. When we restored that to the bill on the Floor of the Senate, we forgot to take account of a change in the date that I believe the Revenue Department and others had requested of us. So this does pickup that requested change which we meant to incorporate originally in the text of 1607. And this, incidentally, deals with the assessing process and the...is one of the series of bills that is attempted to speed that up.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Netsch moves the...Senator Grotberg.

SENATOR GROTEBERG:

Thank you. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she will.

SENATOR GROTEBERG:

Senator Netsch, I was distracted. Having had so many of these assessment bills and shared them with you for good and bad, would you do it once more and tell me what the substance of it is in a brief paragraph?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Yes, I...unfortunately, I'm looking for my copy of the amendment, I have the Digest of it but not the actually amendment. It deals with the date on which the Boards of Review will go into session to begin their part of the process. And the bill at one point had said, I believe, the first Monday in May, this was at the request of the Department of Revenue and others to keep it in order was changed to the first Monday in June.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator McMillan.

SENATOR McMILLAN:

Very simply, I would support the bill. This is something we thought we had had done previously and it's an amendment that needs to be made.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Netsch moves the adoption of Amendment No. 3 to House Bill 1607. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 3 is adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 4 offered by Senator Bruce.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

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

guess the world goes round and round. This is...this is old Senate Bill 1607 revisited on House Bill 1607. The cycle is complete. The bill passed out of here, I believe, without a dissenting vote and the Rules Committee in the House decided not to...to handle it. It deals with the Corporate Personal Property Tax Distribution Formula to...to districts around the State. It moves the entitlement year forward one year so that many school districts, many taxing districts will not be harmed by the hold-harmless provision that is presently in there. It makes the assessment year move forward one year. I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator McMILLAN.

SENATOR McMILLAN:

Mr. President and members of the Senate, this...the text of this amendment did have full hearing as Senate Bill 1607 in the...the Revenue Committee. We agreed that it was very necessary, particularly for some districts, and I would support it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR BRUCE:

Sorry, what was the...

PRESIDING OFFICER: (SENATOR SAVICKAS)

No question, Senator, you're recognized to close the debate.

SENATOR BRUCE:

Right. Move the...move the adoption of the amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce moves the adoption of Amendment No. 4 to House Bill 1607. Those in favor will indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 4 is adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 5 offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. What Amendment No. 5 to House Bill 1607 does is it taxes those trucks who travel through Illinois but do not buy their gas here. And the way that is done is by taking the mileage traveled through Illinois and dividing it by 4.5 to get the number of gallons and imposing a tax upon that gallonage...that is consumed but not purchased in the State of Illinois.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator McMillan.

SENATOR McMILLAN:

Well, I don't particularly want to oppose the amendment, but, in all honesty, I...I'm not sure I understand exactly how it's done, exactly how it would be administered, what changes in reporting requirements or what changes in responsibilities of Department of Revenue or whoever else is involved, what they would have to do. So, not wanting to necessarily oppose it, I, frankly, don't know what it is and certainly maybe Senator DeAngelis could explain in far greater detail because this is not a bill that has been in committee and has been...discussed.

PRESIDING OFFICER: (SENATOR BRUCE)

Further...further discussion? Senator DeAngelis, you want to...Senator DeAngelis.

SENATOR DeANGELIS:

Well, I can appreciate Senator McMillan's concern, and I do apologize to the Body for not getting this around, but right now, those records are being kept, except they only...they have to record the number of miles they travel

through Illinois. So, it's not an additional record keeping system. Those people who currently pay taxes will get a credit for the amount of tax they've already paid in Illinois. So what you're doing right here is having them report the same thing, except those who didn't buy their gas are going to pay the tax, those who bought it will get a credit for that tax and pay no additional tax.

SENATOR McMILLAN:

Then...and...now some people feel that's really already on the books. Exactly what is the additional, either penalty or additional requirement that this imposes over what's already on the books?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

It's five percent of the average retail price of the gasoline computed every six months by the Department of Revenue.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator McMillan.

SENATOR McMILLAN:

That's an additional penalty on top of...you know, what's the penalty now? I mean, what's the tax now?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, the tax is whatever it is right now. This is an...an additional five percent on the retail price, the average retail price of the gasoline.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator McMillan.

SENATOR McMILLAN:

Well, I apologize for being confused. I thought...how...if you're trying to get dollars from people

that don't buy gas in Illinois, then, explain again what it is we're increasing the tax on in order to get revenue.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Well, I think what he's doing, Mr. President and members of the Senate, is we...we have the tax on gasoline on a mileage basis if it's not purchased in Illinois. What I think you're doing is adding the five cent sales tax to that tax also. Is that not true?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR WEAVER:

You're just adding the five cent sales tax to what is already their obligation?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis. Further discussion? Further discussion? Senator DeAngelis moves the adoption of Amendment No. 5. All in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 5 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2038, Senator Carroll. Senator Carroll asks leave of the Senate to return House Bill 2038 to the Order of 2nd Reading for the purpose of amendment. Is there leave? Leave is granted. The bill is on the Order of 2nd reading. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 1 by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis on Amendment No. 1.

SENATOR DeANGELIS:

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

HB 2039
Recalled

have a House Bill 2399 which funds a nurse's scholarship fund. The administering body in that bill is the Illinois State Scholarship Commission. What this amendment to House Bill 2038 does is changes the administer of that fund to the Department of Public Health, and it's being done for two reasons. One is the Scholarship Commission and myself don't want to do it; and secondly, the Department of Public Health currently administers the program for doctors and dentists and we feel it's more appropriate that that agency do the administering of that fund. There's no opposition from the Nurse's Association, no opposition from the sponsors of the bills, both in the House and in the Senate, of that fund. I would ask your favorable approval of this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2039. Senator Geo-Karis asks leave of the Senate to return House Bill 2039 to the Order of 2nd Reading for the purpose of amendment. Is there leave? Leave is granted. The bill is on 2nd reading. Amendments, Mr. Secretary, please.

SECRETARY:

Amendment No. 7 offered by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis is recognized.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I'd like to ask leave to...to Table Amendment 4 that's on the bill now, because this new Amendment 7 is a corrective amendment, and I would like...since I voted on the prevailing

side, I move to reconsider the vote by which Amendment 4 was passed.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to reconsider the vote by which Amendment No. 4 was adopted. On that motion, all in favor say Aye. Opposed Nay. The Ayes have it and the vote is reconsidered. Senator Geo-Karis now moves to Table Amendment No. 4. On that motion, all in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 4 is Tabled. Further amendments? For what purpose does Senator Marovitz arise?

SENATOR MAROVITZ:

Well, just for the record, Amendment No. 4 was my amendment, I believe. Is that correct?

SENATOR GEO-KARIS:

No, that's my amendment.

SENATOR MAROVITZ:

Which amendment...which amendment are we Tabling?

PRESIDING OFFICER: (SENATOR BRUCE)

If...if we'll all just wait just a second, the Secretary can answer the question and then we'll have the answer. Senator Geo-Karis was the offerer of Amendment No. 4.

SENATOR MAROVITZ:

What is Amendment 4, would you tell us what we're Tabling?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

We're Tabling the amendment relating to the support orders to notify...to require Department of Public Aid, et cetera. I have a new amendment that will cover that and your amendment was Amendment No. 5.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

This also has nothing to do with joint custody?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis. Further discussion?

SENATOR GEO-KARIS:

I move the...the adoption of Amendment No. 7.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 7. On that motion, all in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 7 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2289, Senator Maitland. Ask leave of the Senate to return House Bill 2289 to the Order of 2nd Reading for the purpose of amendment. Is there leave? Leave is granted. Are there amendments, Mr. Secretary? Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 1 offered by Bloom...Senator Bloom.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom with Amendment No. 1.

SENATOR BLOOM:

Yes, thank you, Mr. President. This amendment does two things. First, it contains provisions which exclude the municipal utility tax receipts and related accounting charges from the gross receipts subject to the State utility taxes.

Now, currently there are three kinds of utility taxes. The State utility tax is assessed at the rate of five percent of which three percent is submerged in the rate base and two percent is an add-on. The municipal tax...the second one is a municipal tax of up to five percent plus accounting charges of three percent of the tax. And then another State tax of .8 percent assessed by the Commerce Commission. It addresses this problem, that municipal taxes are levied on a base which

includes State taxes, and the State public utilities tax is imposed on a base which includes the municipal tax. There has been litigation in this area and that portion of the amendment would clear that up. The tax relief is estimated to be approximately twelve million dollars, and it would, in other words, reduce State revenues by that amount. That portion of the amendment would take effect January 1st, 1984 and would apply to utility bills issued on or after that date. The second portion of the amendment puts in Senate Bill 499, which basically abolished the State inheritance tax except for the amount of tax allowable as a credit against the Federal estate tax, it's known as the Add Tax. That is because a study done by Mr. Samuel Hunt, who is very well known in the estate field, showed that Florida which has the pickup tax now leads all states in Federal estate tax paid and, of course, their State tax paid, whereas its position, according to a study done by the corporate fiduciaries, should be tenth. They lead the nation but they should be tenth. It's their opinion that the revenue impact in the next fiscal year will be negligible. It's estimated, right now, that more than one billion dollars of estate values will be taxed by Florida rather than states of the former domicile over the next few years. There are also, according to Mr. Hunt, over one billion dollars of estates and trusts of former northern residents now being administered by Florida law. I believe that this is necessary. Our State death taxes are imposed to prevent the accumulation of great wealth, they were not intended to apply to all socioeconomic classes. This amendment would still prevent the accumulation of great wealth but would do two things...this portion of the amendment would do two things. It would relieve your average homeowner, and your small business, and your family business, and your family farm and it would also...it would also cut down on the flight of estates of the rich to Florida because it would

remove the incentive. I'll try and answer any questions you may have, otherwise, I'd ask for...support.

End of Reel

REEL #3

SENATOR BLOOM:

The amendment is supported by the Farm Bureau, the Live-stock Association, the NFIB, most of the business and trade associations. I repeat, there would be no revenue loss in Fiscal 82-83.

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 Amendment No. 1 and I hope everyone was paying attention when Senator Bloom indicated the fiscal impact of this amendment. It will reduce the State revenue in a time when we simply can't afford to do that by some sixty to seventy million dollars. It will amount...there will be a loss to the counties estimated, I am told, of three to four million dollars. I just don't think we should...can afford to do this at this time, as good an idea as it might be, and I urge opposition to Amendment No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I also rise in opposition to this amendment to House Bill 2289, and I would, just to clarify matters, ask the sponsor a question. Is this identical to House Bill 93 that was before us last year?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

What happened to House Bill 93?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

House Bill 93 lies on a Table in the House. It was never called for concurrence, as I recall.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Is there any reason to think that this amendment to this bill would have any different fate?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR NETSCH:

And if it did, what is the Governor going to do with it?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Senator Netsch, I'm reliably informed that...should...should it get over to the House that it would be considered. As to what the Governor will do, I am not in a position to say at this time. However, I would add that representatives of the Farm Bureau, and the corporate fiduciaries, and the small business people are scheduled to discuss this with the Governor over the weekend.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Thank you. Well, I think the answer, of course, is that we don't know what will happen to it and the House, perhaps, in one of its few moments of rational judgment, I think, disposed of House Bill 93 in the manner that it should have been

disposed of. I think the problem is really a...a very serious one though. It is an unbelievable revenue loss to the State when it becomes fully effective, and I think there's a serious question as a matter policy whether it is a good idea to engage in...what amounts to total abolition of the inheritance tax. I think that we should be reminded that we have already, this Session, passed out of this House and I expect some out of the other House, bills that address some of the problems that occur particularly to farm families and others as a result of the...existing provisions of the inheritance tax. I think the bill that Senator Sangmeister had, for example, which did address that, at the same time attempted to protect the State's revenue base was a very responsible approach. It seems to me that that is where we should direct our energy and efforts and not to a bill this dramatic and this catastrophic in terms of the future revenues of the State of Illinois.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Gitz.

SENATOR GITZ:

I have a question of the sponsor. If I understand the first part of this amendment, the utility portion takes effect January 1st, 1984, did you say?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Gitz.

SENATOR GITZ:

Well, Senator Bloom, I think all of us agree that there's something inherently unfair with paying a tax upon a tax, but if it's a good idea in January 1st of 1984, why is it not a good idea in January 1st of 1983? Particularly when there's

been litigation in this area. What's the rationale for a deferred effective date which is so far away that we could actually have regular legislation introduced and passed in the next General Assembly and still meet that guideline? If it is an emergency to put it on now, why do we have a deferred effective date which is more than a year and some six months away?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

I'm informed that the reason it was drafted in that manner was, one, to establish a State policy because there are several court decisions that conflict, and two, to minimize the revenue impact on the State. That's the answer that I was given.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Gitz.

SENATOR GITZ:

Well, I can understand the...the revenue impact on the State, but what we seem to be saying here is a matter of public policy, it's inherently unfair to have a tax upon a tax. I think everybody here is agreed in that, but if it's no good then, then it's no good now. I think that the major thing wrong with the first portion of that amendment is the fact that you have deferred the effective date so far away, and if we have revenue problems, let's discuss more fair and equitable ways to do so, but I am bothered by the deferred effective date. Secondly, I find it somewhat amusing that when some of us have offered rational inheritance tax reform, which could be adopted now, that it has been resisted. It has been resisted by some of the same people who now indicate they want to have a repeal of the inheritance tax. This is a wide-ranging proposal which I think has a...a great deal of merit, but I find it amusing and, in fact, disturbing that it

depends on who the sponsor is whether or not certain people vote for it. It seems to me that inheritance tax reform ought to be something that is a shared situation on both sides of the aisle and not subject to the particular whims of who the sponsor might happen to be.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Well, thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of Amendment No. 1 to House Bill 2289. It is correct, Senator Gitz, it's extremely unfair to have a tax on...on tax, and this addresses a very...a very serious issue. Those who are concerned about ever increasing utility rates and utility bills, this a step in the right direction. The legislation clearly provides, at least for this point in time, some protection from local revenue loss by not eliminating that tax on tax, I too want to do away with that at some time and that will happen, but this, in my judgment, is a step in the right direction. Addressing the second part of the amendment, I think all of us, in varying degrees, have always supported some kind of relief in the inheritance tax area. When you live in the part of the State that I do where you see family farms, in some cases, virtually wiped out because of this unfair tax, I believe it's a...it's a...a good time to begin to move in the direction of abolishing the inheritance tax, and along that same line, and I think probably Senator Bloom will disclose this in closing, but we perceive there to be no local revenue lost by increasing the percentage to local units of government. I think this is a proper means and was well drafted in...in the original 499. I urge support of Amendment No. 1 to House Bill 2289.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Bloom may close.

SENATOR BLOOM:

Well, thank you, Mr. President, I'll try and be brief, and respond to the concerns voiced by some of the...prior speakers. I believe, first, that this is something that we all agree that needs to be addressed, inheritance tax. And I know that...there are bills that have gotten wide ranging support on both sides of the aisle addressing this, but the concern raised by Senator Rock...certainly, it's a legitimate concern and we...he and I discussed it, I've discussed it with the Bureau of the Budget, but the way this amendment is crafted there's no revenue loss in Fiscal 82-83. The Farm Bureau has made an actuarial study showing that the maximum loss in '84...1984-85 would be around twenty million, but even that loss would be reduced by eliminating some of the wasteful administrative expense of some eight million, and you'd keep the estates in Illinois, would also keep folks here for other income and sales tax revenue. Corporate fiduciary association studies the maximum loss of fifteen million, and they, saying there would be no loss in 82-83. Now it seems to me, that it is in our interest to try and prevent this tremendous flight of our State's assets to Florida. The fact that there are one billion dollars worth of assets that have been traced to northern states in Florida ought to tell us something. You know, the...the...the frostbelt and the sunbelt difference is not just one of climate, it's also one of tax. I would urge every member of this Chamber to support this amendment. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom, if I might have your attention, do you have a copy of the amendment you proposed so that...are the last, oh, four or five digits LM1AM01 on public utilities? Okay. All right, Senator Netsch, the last five, seven digits are LM1AM01. All right. We do have seven amendments proposed and so we'll try to keep you straight...seven more, the

Secretary tells me. On the motion to adopt, is there a request for a roll call? All right, Senator Netsch requests a roll call. On that question, those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 42, the Nays are 14, none Voting Present. House Bill 2289 having received the required...no...no...sorry. So on the adoption of the amendment there are 42 Ayes, 14 Nays. Amendment No. 1 is adopted. (Machine cutoff)...what purpose does Senator Bloom arise?

SENATOR BLOOM:

Well, you'll be pleased to know because that amendment was adopted, I will withdraw the three subsequent amendments that I had filed.

PRESIDING OFFICER: (SENATOR BRUCE)

Yes, does any Senator wish to talk about those, even though they've been withdrawn? All right, further amendments?

SECRETARY:

Amendment No. 4, no. Amendment No. 2, now, offered by Senator Sangmeister.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister is recognized on Amendment No. 2.

SENATOR SANGMEISTER:

Thank you. Well, what I wanted to do, Senator Bloom, was to give the Governor an alternative, because my bill that went out of here with 57 votes, I believe, which was the, you know, take care of the spouse bit but I understand, and I'd like to hear from your staff over there that if I do put this amendment on that that's going to kill the utility tax portion of your bill, it that what's going to happen? That is what seems to be indicated over here; if it is, I'm not going to do that.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

I'm informed that the way that amendment is drafted, it would...gut the bill and just...you know, so, yes, it would.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well...what have I got, three amendments up there? We tried to structure this and we...okay, I'll withdraw my three amendments, whatever they are.

PRESIDING OFFICER: (SENATOR BRUCE)

Further amendments?

SECRETARY:

Amendment No. 2 offered by Senator Demuzio.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio is recognized.

SENATOR DEMUZIO:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 2 would establish a seven-member elected Illinois Commerce Commission commencing with the General Elections in 1982. The two members will be elected from the City of Chicago. One would be elected from the territory in Cook County, not within the City of Chicago, and one member would be elected from each of the four judicial districts other than the first judicial district. The two members that are initially elected from the City of Chicago would meet within two days after the election to determine by lot which shall serve for a two-year term and which shall serve for a term of four years. The chairman of the commission will be elected by the membership, and in the case of a vacancy, the Governor with the advice and the consent of the Senate would make a temporary appointment, and any person so appointed shall hold his office during the remainder of the term. As you well know, the Illinois Commerce Commission and the way in which we establish rates in

the State of Illinois has been a subject of a great deal of concern by many of the...of our constituents who feel that the Illinois Commerce Commission has simply failed to regulate the energy industry and to control utility rates in this State, and in most instances, they feel that public confidence in this commerce commission has been totally eroded. It has been said, also, that we have the highest utility rates of any state in the nation. I would ask that the members of the Senate provide for this elected body and I will be glad to answer any questions in this regard.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt, is there discussion? Senator Maitland.

SENATOR MAITLAND:

Well, yes, Mr. President, there is. First of all, I would question the germaneness of this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland, we'll...as the old expression is, we'll get back to you. I'm...well, before we debate on it...close debate, I'll rule on whether or not the amendment is germane, but I mean, it's not easy with all of Senator Bloom's...Senator Maitland.

SENATOR MAITLAND:

Well, thank you, Mr. President. Then also I...I don't think anyone has a copy of the amendment. It is a substantial amendment and guess I would have to suggest that we get five names and...and circulate the amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Is...is Senator Maitland joined by five Senators? Yes, he certainly is. All right. All right, Senator Demuzio, under our procedure, we would...all right, Senator...Senator Netsch. All right, Senator Netsch, the procedure is going to be that Senator Demuzio is going to make sufficient copies and circulate them to members who request them. And can I

just see the hands of members that wish copies so that we can...there's no reason, I think...I would say, Senator Deauzio, fifteen copies would probably be sufficient. All right, we'll get...Senator Netsch, we'll get back to your bill. Senator Buzbee, for what purpose do you arise?

SENATOR BUZBEE:

Well, Mr. President, are you going to allow debate on this amendment, now then prior to there...it's being circulated?

PRESIDING OFFICER: (SENATOR BRUCE)

No, we'll...we'll get back to this in just a moment.

SENATOR BUZBEE:

Okay, I...the reason I was rising is I wanted to speak to the amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Right and Senator Maitland brought up the question of germaneness and we have really not got into debate on it yet. All right. For what purpose does Senator Johns rise?

SENATOR JOHNS:

I have a copy of the amendment and I'd like to be shown as a co-sponsor of the amendment with Senator Deauzio.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. There seems to be a great deal of interest in this particular piece of legislation, my...my suggestion is we move on and come back to this in just a little while. All right. (Machine cutoff)...Maitland.

SENATOR MAITLAND:

Well, we...we...we just had a question there and...and...I...I guess I would like to see the bill taken back to 3rd reading.

PRESIDING OFFICER: (SENATOR BRUCE)

The bill under our normal procedure is it stays on the Order of 2nd Reading pending...

SENATOR MAITLAND:

Well...well, Mr. President, if...if...if...if...if that amendment is not in order, and it appears not to be, there are no other amendments filed.

PRESIDING OFFICER: (SENATOR BRUCE)

The Chair was informed that there were two other amendments, in fact, that you had filed, Senator.

SENATOR MAITLAND:

Well, that's...that's right...well, we're not to that order of business yet.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cutoff)...Senator, we're going to distribute the amendment and...Senator Maitland.

SENATOR MAITLAND:

Is it...would it be correct to ask then, Sir, to rule on germaneness before the...the amendments are circulated then? Certainly, you've had time now to make that decision.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, let's...Senator DeAngelis, can you add to this confusion?

SENATOR DeANGELIS:

Only to the fact that he deserves an answer to his question.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. I would just alert you that if you don't allow the Chair sufficient time to analyze all these amendments, I will probably give you a ruling that's not to your liking, but I...I just caution you that way because I...Senator Bloom's amendment got into the Public Utilities Act and there was not an objection to that, and Senator Demuzio's amendment deals with the Public Utilities Act and there we are. And the Chair has consistently ruled that once we get into an Act that any amendment dealing with that same chapter is germane. I have not so ruled on this amendment, but if it need be we can get to that order. For what purpose

does Senator Demuzio arise?

SENATOR DEMUZIO:

I can't hear a thing Senator Maitland is saying.

PRESIDING OFFICER: (SENATOR BRUCE)

My suggestion to the Body is that we move on to another bill. This amendment will be distributed, and we can talk about germaneness and any other problems concerning it and then we can dispose of it in an orderly fashion. For what purpose does Senator Grotberg arise?

SENATOR GROTBORG:

Just to understand that you will get back to it.

PRESIDING OFFICER: (SENATOR BRUCE)

Oh, absolutely, it...it...that has been our procedure, as soon as the amendments are distributed, we'll get right back to it. Senator Maitland.

SENATOR MAITLAND:

No, that was my question.

PRESIDING OFFICER: (SENATOR BRUCE)

All right...the Chair is not trying to invade your right to have the bill called, we're just trying to do things in an orderly fashion. 2342, Senator Berman, asks leave of the Senate to return House Bill 2342 to the Order of 2nd Reading for the purpose of amendment. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 1 offered by Senator Berman.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman is recognized on Amendment No. 1.

SENATOR BERMAN:

Thank you, Mr. President. 2342, without the amendment, has been passed in a Senate Bill and is on the Governor's Desk. Amendment No. 1 strikes the provisions of 2342 and substitutes two items which are necessary in order to respond to recent court decisions. Number one, again, deals with the

land trust, which was the subject of the original bill, a decision came down which said that the transfer of a ownership of a parcel of property from an individual into the land trust where the beneficiary is that same individual, triggers the due on sale clause in a mortgage. This is contrary to...that...that's a technical ruling by the court, this is really contrary to what the due on sale clause is meant to be, namely it...a actual factual change in ownership, not merely a technical change in title, and this bill would say that the due on sale clause is not triggered when a transfer into a land trust by the same owner takes place. The second part of this clarifies the exemption Statute. Again, a second district appellate court decision said that the two thousand dollar exemption for personal property applied to a garnishment...against a bank account. This language clarifies that to show that the two thousand dollars of personal property is...does not include money, salary or wages due from any other person or corporation unless specifically exempted elsewhere in this...within this section. With the ruling of the second district appellate court, the entire collection process for everything under two thousand dollars would come to a screeching halt. I've shown this to the Minority spokesman on the Finance Committee, I know of no opposition, be glad to respond to any questions, and I move the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Bowers.

SENATOR BOWERS:

Senator Berman, I realize I'm a hyphenated co-sponsor but I do have some questions. When I...when I read that Section 2, on page 2, I understand what you're trying...or I...I think from your...from your description, what you're trying to do is to void that situation where an individual decides he wants to hold his own property in trust, so he creates a

trust and he conveys his own real estate into that trust that he's the beneficiary of. Okay, but I don't see anything in here that would prevent me if I wanted to avoid that due on sale clause to let the buyer...to create the land trust with the buyer as the beneficiary and convey that land on an ordinary sale, and that's done all the time, because what you say in the language of this amendment that the creation of a trust and the conveyance to the trust does not trigger the due on sale clause. You don't say, creation by the...by the owner of the land nor do you say that the owner of the land has to be the beneficiary of that trust and it seems to me that you have, in effect, created an instrument where anyone can avoid the due on sale clause simply by having the buyer create a land trust, or creating it for him, and deeding into that trust. And I would like your response to that.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Berman may close. Okay.

SENATOR BERMAN:

I was...I'll respond to the question. Your point, Senator Bowers, is that the...that the language does not spell out that the beneficiary must be the conveyor, is that...is that your point? I'm reading Section 2 and I would agree with you. My question is whether Section 3 that deals with the...the definitions might not address it, I'll tell you, can we have...could we come back to this in just a few minutes? Let me respond, it's a legitimate question and I just can't pull out the language.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, is there leave just to leave it on 2nd reading and we'll get right back to it as soon as Senator Bowers and Senator Berman have had a chance? All right, leave is granted. We'll get back to this one in just a moment. For what purpose does Senator Geo-Karis arise?

HB 2039
Recalled

SENATOR GEO-KARIS:

Hoping you'd call my bill because Senator Marovitz is going to withdraw an amendment, that's all. 2039.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, we've...with leave of the Body, we'll return to House Bill 2039, which was earlier recalled and an additional amendment needs to be Tabled. Is there leave to return to the bill? Leave is granted. On House Bill 2039, Senator Geo-Karis asks leave of the...Senate to return to House Bill...to return House Bill 2039 to the Order of 2nd Reading of the purpose of Tabling an amendment. Is there leave? Leave is granted. Are there motions? Senator Marovitz is recognized on a motion.

SENATOR MAROVITZ:

I would move...having voted on the prevailing side on Amendment No. 5, I would move to reconsider the vote by which Amendment No. 5 was adopted and I would like to speak on the motion.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Marovitz, now would be the time.

SENATOR MAROVITZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. It has never been my policy to try and kill somebody's bill by an amendment that I put on, if the sponsor and other members of the Body feel that it would be injurious to the legislation. This is the one word amendment that would allow former judges, instead of retired judges, to perform marriages. There are...there has been some objection to the bill, I am still in favor of that policy and would like to see that adopted, but rather than see the entire bill and a bill of this importance in magnitude which I do support go down, I would move to reconsider the vote by which Amendment No. 5 was adopted to House Bill 2039.

PRESIDING OFFICER: (SENATOR BRUCE)

HB 2485
Recalled

Senator Marovitz moves to reconsider the vote by which Amendment No. 5 was adopted. On the motion, all in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 5 is reconsidered on the...Senator Marovitz now moves to Table Amendment No. 5. On the motion, all in favor say Aye. Opposed...Nay. The Ayes have it. Amendment No. 5 is Tabled. Further motions? 3rd reading...2356, Senator Gitz. Senator Gitz asks leave of the Senate to return House Bill 2356 to the Order of 2nd Reading for the purpose of amendment. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 3 offered by Senator Gitz.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Gitz.

SENATOR GITZ:

Thank you, Mr. President and members of the Senate. When Amendment No. 1 was Tabled by Senator Weaver there was, inadvertently, created a technical conflict, so in Amendment No. 3 we are taking care of that technical problem in Section H of the bill. Now all the substantive provisions of the bill are as before and I would move its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 3. Is there discussion of the motion to adopt? On the motion to adopt, all in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2485, Senator...for what purpose does Senator Thomas arise?

SENATOR THOMAS:

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

Senate. I just found out a moment ago, this is on a point of personal privilege, a moment ago that we've got a friend of many of us here in the Body who is celebrating a birthday today. The women may not know him as well as we do, because this is the man who is the attendant in the gentlemen's rest room. Everett Kinchelow is celebrating his sixty-ninth birthday today. Everett, can you come outside and have everybody say hello to you.

PRESIDING OFFICER: (SENATOR BRUCE)

Everett, Happy Birthday. Senator Jeremiah Joyce on 2485 asks leave of the Senate to return House Bill 2485 to the Order of 2nd Reading for the purpose of amendment. Is there leave? Leave is granted. The bill is on the Order of 2nd Reading. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 4 offered by Senator Jerome Joyce.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce is recognized on Amendment No. 4.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Amendment No. 4 is designed to not really be an alternative to House Bill 1296 that Senator Netsch passed here the other day, but it does add a couple of things, and 1296 did not, specifically, freeze county by county assessment practices, this...amendment does. And 1296 did not provide a sunset provision and this amendment limits the freeze until January 1st, 1985, so that's a two years for it to be a sunset. This amendment extends the protection against reclassification and...shifting assessments, but does so on a county by county basis to insure that assessment practices of individual counties are not altered. This is the stated intent of House Bill 1296, according to its sponsors, the Taxpayers Federation. However, the way 1296 is drafted, cases could arise where one type of...classification is claimed for a type of property in a given way, say in

Grundy County or Lake County, and based on the way...in the same type of property was classified in the majority of the other counties. So I'd be happy to try and answer any questions, if there are any.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 4. Is there discussion of that motion? Senator McMillan.

SENATOR McMILLAN:

Just a couple of brief questions. I...I think I understand but I want to make sure that...what the provision says, is that for property that went on the assessment rolls and is to be assessed after the time that we refer of...to in 1296, that what you're saying is, it is our intent that those assessment...or whatever that property is, should be assessed in the same way that like property was assessed previous to the cutoff day, is that right?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, that's correct, Senator McMillan.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator McMillan.

SENATOR McMILLAN:

And with regard to the sunset provision, which is essentially the date by which we're getting a little deadline that we either...either have to redo this or come up with a definition, what's that date, how many years after the date in which this bill goes into effect?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Jerome Joyce.

SENATOR JEROME JOYCE:

It's at the end of the next General Assembly. It's January 1st, 1985.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator McMillan.

SENATOR McMILLAN:

Well, I, personally, think that both of those are probably good ideas. Now I haven't...maybe by..between the time this amendment goes on and the hour or so before we get to final passage, something may come up, but I...I, frankly, think both...both of these are good ideas. We are...we have never attempted with 1296 to ultimately escape coming up with a solid definition. We're really doing this to prevent any further chaos until we do that and...and I think if the sunset provision provides us with a little pressure that's...there's nothing wrong. Now, there may be some people who object to that, so as long as I tend to support it, but I think everybody better take a good look at it to make sure they agree before we get to final passage.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Well, I had two questions. One is, I imagine, the way the amendment is drafted that it preempts home rule units, and I would ask that the Chair rule on its preemption and, also, on its germaneness as far as the same subject matter in the bill...

PRESIDING OFFICER: (SENATOR BRUCE)

All right, Senator Savickas.

SENATOR SAVICKAS:

...I don't think we should open the door again as we, obviously, did on one or the other bills without question.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, the Chair hasn't ruled on the other bill, I think, to which you are referring, so we will...and your question is on whether or not this bill is preemptive with the amendment.
Senator Savickas.

SENATOR SAVICKAS:

Does the amendment preempt home rule units, and is it germane to the bill as...as the same subject matter?

PRESIDING OFFICER: (SENATOR BRUCE)

All right, we'll...we'll get back to you. Further discussion of Amendment No. 4 on the motion to adopt? Senator Netsch.

SENATOR NETSCH:

Yes, I...I would certainly support the amendment. I think one of the very important things that it does, which we chose not to do on 1296, to be perfectly honest, because we did not want 1296 to go back to the House again, is to put the sunset provision on. That does keep pressure on the Legislature to do that which it now has got to face up to doing, as difficult as it may be, and that is to attempt to develop standards for the definition of realty and personality. 1296 was intended, simply to hold us in limbo, in abeyance, if you will, until that were done, having a deadline certainly increases the certainty that that will be done.

PRESIDING OFFICER: (SENATOR BRUCE)

Further...Senator Netsch, was that a question? Okay. Further discussion? Senator Berning.

SENATOR BERNING:

Just a question, Mr. President. Are we discussing the amendment to 2485 that is numbered, the last initials, GLCBAM?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Joyce, was...

SENATOR JEROME JOYCE:

Yes, the number we are...the amendment is, GLJSAM.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning.

SENATOR BERNING:

Well, no wonder I couldn't follow you because I don't

have that one, and I have another one about which I would have a question. Is this the only amendment, Mr. President, that's on the...Mr. Secretary, which is before us?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning, I cannot hear you. If you'd speak louder or the Body would be quieter.

SENATOR BERNING:

Is there another amendment on the Secretary's Desk on 2485?

PRESIDING OFFICER: (SENATOR BRUCE)

Yes, I think there are four amendments, Senator. Three more, a total of four. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Yes, Mr. President and Ladies and Gentlemen of the Senate, I believe that the amendment will try to rectify some of the unfound...and standards unfound definitions in 1296, and I think it's an equitable way of trying to help straighten that bill out and I'm for it.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cutoff)...discussion? All right, Senator Savickas, as to your question on germaneness, the bill as introduced dealt with a revenue article, the Amendments 1, 2 and 3 all dealt with the revenue article, and Amendment No. 4 deals with the revenue article...the chapter on revenue, and I would rule that the amendment is germane. Your second question, more appropriately is...is asked on final passage, but the Chair having gone through this would just as soon rule that it is not preemptive in that...well, stay with me just for a minute...and Section 5 of Article IX, dealing with State Revenue power, it states that the General Assembly, by law, may classify personal property for purposes of taxation by valuation. That is an exclusive State power and in Section 10, it states that the revenue article is not

limited. This article is not qualified or limited by the provisions of Article VII of the Constitution and that is...the Article VII deals with the power of home rule units. Now...the Constitution gives the State the power under the...under the Revenue Act to classify, solely, personal property for purposes of taxation. That's...that's Article IX, Section 5 and Article IX, Section 10. Senator Savickas.

SENATOR SAVICKAS:

Well, I'm getting a little mixed-up, it's...you say it's not preemptive, and yet you're...you're not allowing counties between January 1, '79 and prior to...January 1, '85 to reassess property, and it doesn't exclude home rule units, so you're...you are, in my opinion, preempting their ability to assess.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, my problem is...

SENATOR SAVICKAS:

Not...not to just to raise revenue but to assess.

PRESIDING OFFICER: (SENATOR BRUCE)

Right, and that's...that's why the Chair looks at Section 5, paragraph A, stating that the General Assembly, by law, may classify personal property for purposes of taxation by valuation, and that appears to me...if you wish, Senator Savickas, the Chair will hold the ruling until you have a chance to get your troops together, because it...it does not effect the passage of the amendment, it will...it will only effect the passage of the bill.

SENATOR SAVICKAS:

Well, then we'll get to the bill...we'll get together on the bill on it.

PRESIDING OFFICER: (SENATOR BRUCE)

And you can renew you question at that point. Question is, on the adoption of Amendment No. 4. Further discussion? All in favor...say Aye. Opposed Nay. The Ayes have it.

Amendment No. 4 is adopted. Further amendments? All right, before we go through all these other amendments, perhaps, you would like to know that Channel 7, Chicago, wishes to photograph the proceedings, as does, I believe, Channel 17, and is there leave for their recording of the proceedings? Leave is granted. For what purpose does Senator Grotberg arise?

SENATOR GROTBERG:

Thank you, Mr. President. I'm trying to follow any or all of these amendments. I only find one on my desk for 2485, evidently, it wasn't the last one, and I would certainly ask if we're going to start fooling with the Revenue Act this late that...let's just...let's get all the amendments that are going on to all the members so we can try to track them, and would the sponsor identify the LRB number, it's confusing and I think rather important. I'd appreciate being accommodated.

PRESIDING OFFICER: (SENATOR BRUCE)

I think Senator Grotberg makes a good suggestion. If...if the members who are going to offer these amendments would, at least, circulate it to the leadership and perhaps the Minority spokesman on the Revenue Committee, we would...he would know to whom other...other Senators that might have...need copies, so we would speed up the process. The next amendment is offered by Senator Jerome Joyce, is that right, Mr. Secretary? Amendment No. 5, Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This...amendment is intended to negate the impact of Public Act 81947 and enacted in 1940...1940, I mean, enacted in 1979, 1979 this as enacted. The law provided for the assessment of pollution control facilities on a basis of net earnings with regard to utilities. Now, I don't have any problem with that and I don't

think anybody in here does, but the problem came about when the Pollution Control Board started ruling that, virtually, everything was a pollution control facility. It turns out that they rule the...the walls, the doors, the windows, virtually, everything. This could have a...a serious and, in fact, is having a very serious impact on taxing bodies where utility facilities are located. For instance, seven million dollars will have to be refunded from 1976 to '79 from various taxing bodies where these...these facilities are located. Now, we are not changing the whole thing, we are saying that the scrubbers for the use of coal, burning coal facilities, are still tax exempt. The water treatment facilities where the water has to go back into the rivers and lakes and so forth, but that is what we...what I feel that this General Assembly was exempting when they did this in the first place, but it turned out that the Pollution Control Board took a much broader view and, virtually, everything it turns out they...the...I mentioned the fact when this bill was introduced about cooling lakes, well they took care of that problem in the House, but it turns out that the dikes, the roads, the gravel, everything else is tax exempt as a pollution control facility. I think...the meaning was...was taken in a much broader sense than this General Assembly intended for it to be, and this would correct that facility, but it would still exempt scrubbers and...and water treatment facilities and the likes of that. So, I ask any...answer question, if there are any.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 5. Discussion? Senator Nimrod.

SENATOR NIMROD:

Yeah, do we have a copy of this amendment?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, it was passed out a couple of days ago, but I've asked them about an hour ago to get, you know, to get it out again and it just has...they haven't...the paper work hasn't caught up yet. I...I haven't got one either, it's on the new...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce, I...the amendment is about six lines long, perhaps, if you just read it that would...satisfy some. Senator Joyce.

SENATOR JEROME JOYCE:

Yes, it's on the back. It says, "For the purpose of this section, the land underlying a cooling pond and public utility property with the exception of scrubbers and waste water treatment facilities shall not be considered a part of a pollution control facility."

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nimrod.

SENATOR NIMROD:

Yeah, that amendment seems rather extensive and I would like to get a chance to look at it and see what it actually does. I know you're saying what it's doing, but I don't see how it affects this and what we're talking about, because this could affect millions of dollars, and I think we ought to just take a few minutes to look at it.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, Senator, the...the amendment has been distributed.

SENATOR NIMROD:

Where?

PRESIDING OFFICER: (SENATOR BRUCE)

The sponsor indicates to everyone's desk, is that...Senator Joyce.

SENATOR NIMROD:

Well, the sponsor...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nimrod. Senator Nimrod.

SENATOR NIMROD:

Yes, I said the sponsor indicated he was having copies made, and we'd like to take a few minutes to look at it and see what the impact to this is, so we can intelligently interpret it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nimrod, the...the Chair is advised by the sponsor that the...the amendment was distributed on everyone's desk, and...and, therefore, it meets the requirement that it be distributed and...Senator Nimrod.

SENATOR NIMROD:

Well, thank you. In that case, if you're not going to give us a little time to digest it and take a look at this, I'm going to have to rise in opposition to it at this late time. Since you are making some major...causing some major impact, this discussion...this subject has been discussed before in committee and there has been some discussions about it, and now you bring in here at this last minute on the Floor attempting to affect some of the major costs. What's going to happen is we're going to end up again with higher...utilities bills as a result of this amendment and...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nimrod...Senator Nimrod...Senator Nimrod, perhaps Senator Joyce will have one of the staff people bring the copy of the amendment. We have three other speakers and I'll get right back to you and, perhaps, if you can read this, we can solve some of the problems. Senator Bowers.

SENATOR BOWERS:

Sponsor yield to a question, when he gets through talking to Senator Grotberg.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Joyce, I'm sorry, there's...there's a question

from Senator Bowers.

SENATOR BOWERS:

Senator, now, I...I've been reading the amendment, am I to understand that under the present interpretations that there is land that is construed as a facility under this...under this type of an exemption?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Joyce.

SENATOR JEROME JOYCE:

I think what you're looking at is the section that was put in a couple of years ago when...when we raised the question...when we raised the question here, when the bill was brought up it was very unclear as to what was going to be included, and I've raised an example of a cooling lake. So, they said, okay, we'll take the cooling lake out. So they put the amendment on in the House and, in fact, did take the cooling lake out. So that has never been...they've never filed for a...an exemption on that, but the only problem is that the rest of it, the dike, I forgot to mention the dike, and the road on top of the dike, and the gravel on top of the road on top of the dike and, you know, you go under the sun, the star, and the moon if the...anything you didn't mention, it got exempted.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, Senator Bowers, I'm sure you'll want to know that Channel 20 is requesting permission to film the proceedings. Is there leave? Leave is granted. Senator Bowers.

SENATOR BOWERS:

That's likely to keep me up a long time. No, the thing that...that concerns me is you're saying here that the land underlying a cooling pond, and...and I guess what I'm hearing you say is that under today's interpretation, they are including land underlying a cooling pond and you want to eliminate that, is that...is that what we're saying? You're

adding it in the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Okay. Well...there in...in the original bill, that was...that language, I believe, for the purpose of this section the land underlying a cooling pond was in the other bill, and now they've put a line under it, again, but...and public utility property with the exception of scrubbers, waste water treatment facilities shall not be considered a part of a pollution control facility, that's the new language. So, they are...the land underneath the cooling lake is not exempt now, but that's the only part of it that isn't.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bowers.

SENATOR BOWERS:

All right, just so I'm clear. Then, as far as the Statue is concerned, or as far as the amendment I have in my hand is concerned, the underlining of the words, for the purpose of this section, the land underlying a cooling pond is in error and that's already the Statute, is that what you're saying?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

That's correct.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bowers.

SENATOR BOWERS:

Well, I'm not sure that the amendment shouldn't be put in proper form before it's...before it's put on, but I...I don't want to hold it up for that purpose, except that if that, is a matter of fact the case, Mr. President, maybe someone, other than I, ought to take a look at it. Now, if this amendment goes on then, Senator Joyce, what we're really

saying is that the only property that can fall within this exemption will be scrubbers and waste water treatment facilities. That's the only thing that can be construed as pollution control devices, is that...is that your intent?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, that's correct.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bowers.

SENATOR BOWERS:

I guess then my next question is, what are the examples of the items that are today being considered these facilities that you are...that will no longer be considered after the adoption of this amendment or this bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Joyce.

SENATOR JEROME JOYCE:

Dikes, containment walls, the building, the containment building, the doors, the windows, the roof, it goes on and on. I can't begin to think of all of the...the things that they think of to exempt.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bowers.

SENATOR BOWERS:

Are you suggesting that a waste water treatment facility does not include the building?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Joyce.

SENATOR JEROME JOYCE:

Well, I'm not sure that I understand that but, you know, the containment building or the, you know, the...the whatever kind of a building it is that covers a...waste water treatment facility, in my opinion, should not be exempt. The

waste water treatment facility should be exempt.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bowers.

SENATOR BOWERS:

Well, I'm, obviously, not an expert in this field and I just don't want to get caught short, and that's the reason for the questions. But it appears to me that if...if I'm required to construct a waste water treatment facility, and I have to construct a building and to hold the facility that what I'm intended to...or what's intended to be covered is the whole...is the whole thing. Now, I guess, what you're saying is that it's just the...the integral workings that are covered and not the rest of what I would call the facility. If...if that's your intent, fine. I just want to make sure I understand what we're changing here. I kind of agree with Senator Nimrod, I...it's...it...it seems to me to be rather innocuous language that makes a great big change that a lot of us are not going to be aware of until it's too late.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator McMillan.

SENATOR McMILLAN:

Well, very briefly, I...I rise in opposition to the amendment. I...I understand, clearly, because we've had a couple of year's experience trying to cope with the problem that Senator Joyce's amendment is attempting to deal with. Senator Geo-Karis, I'm sure, has...has expressed to many in this Body her similar concerns, and there are some other places in the State, though their problems are not as great, that are also affected. But I think the point that Senator Bowers makes is a good one. I've read it, and reread it, and reread it again, and I personally fear that...that not having gotten testimony on it, and not having heard from those people who are going to have to end up interpreting it and applying it, that what we may be doing is now excluding from

this exemption some things that we really don't intend to, and that in turn means we are socking some utilities with additional tax. That additional socking of the tax means somewhere along the line, somebody's going to have to pay that in terms of utility rates somewhere. This is another one of those tough situations where you're damned if you do and damned if you don't, but I personally can't support the amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nimrod, do...I'll take you out of order, would you like? Are you ready? No, no, that's fine, Senator Nimrod. If you're ready we'll...Senator Nimrod.

SENATOR NIMROD:

Yeah, well, thank you. I had a chance to look at this and get a little better understanding of what you're trying to do, and thank you for getting the amendment over. Evidently, this is earmarked, particularly at the Zion plant, and we have...we have had in that plant alone, if I recall, it's going to increase the cost of what we're presently doing by some five or six million dollars alone. And that means that what we're tempting to do here is to remove, Senator Bowers, remove some of the things that you need in order to have a scrubber. We're saying that those things are not going to have to get the tax benefit, but you couldn't have a scrubber without having those facilities in the first place. Now, they are not needed in the order...in the operation of that particular utility but they are needed in order to operate for that building. I think for us to try to debate and decide this issue here on the Floor is the wrong place to do it. Senator McMillan said this has come up many times before. Again, it appears that this is a last minute attempt, again, to come in and divert an opportunity where what we're going to do is to increase the cost of some five to six million dollars on the Zion plant alone. Now what this will do to

other places, I can't tell you, but that I know it'll be that many millions there. How many million more? I...we...we don't have the information and all it's going to do is raise the rates to...to the ratepayers. Now this issue has been debated. It has been decided that that...those facilities are needed in order to have a..a scrubber equipment and utility where the ponds involved with it, and I think that there ought to be some technical information supplied here rather than some arbitrary decision attempting, at the last minute, to divert this issue and to allow a few local governments to...arrive at some windfalls and some changes in existing law. I strongly urge opposition to this particular proposal at this time.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

END OF REEL

REEL #4

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, it just doesn't apply to Zion alone, it applies to the different areas that have these very big public utility plants. This is a very good bill in definition because it says very...very frankly that the scrubbers and waste water treatment facilities are considered part of a pollution control facility, but when he talks about...the prior speaker talks of what it's going to cost the poor public utilities companies five or six million dollars, what he doesn't tell you is that it also has cost the taxpayers twenty-two million dollars...twenty-three million dollars in assessed valuation if this...this situation isn't corrected by the amendment in this bill. And I think we have to consider the public utility companies, which are monopolies, have a certain responsibility to the taxpayer. And if they want to pass stuff off to us, fine, but in the meantime, I think they better consider what they have tried to pass off on us, and if they can sit...continue with getting off twenty-three million dollars in assessed valuation just in my county alone, just think who's going to pay the difference, the ordinary taxpayer and the small businessman. And I speak in favor of this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Jerome Joyce may close on Amendment No. 5.

SENATOR JEROME JOYCE:

Well, thank you, Mr. President. What...what has happened to us is because we have a unique situation in a few counties in this State that we passed a measure in here that I don't think we...we realize the...the impact on these few counties

and taxing bodies that are...that are involved in...in this. It just...it's having a devastating effect on them. I don't think that we realize that anyone in there broadest sense of the imagination could...construe a...a pollution control facility as the housing. Now, I guess that in the broadest sense is the way they interpreted it. If you have a vessel sitting here that is a nuclear reactor, you don't need anything else around it if it doesn't have a...an accident and radiation escapes. So we have nine foot thick walls, we have these containment buildings that are all going to hit the skids and go off the tax rolls. Well, Ladies and Gentlemen, it's...that would just...I don't know what's going to happen to these communities if this does happen. You know, they have a certain obligation that...when there is a nuclear plant in...in your area, you have to...you have some problems that are unique, for instance, you have evacuation plans, you have a lot of things that just...people are not very comfortable with. A little bit of humor that happened, it's...it's funny now, but it didn't seem so funny at the time, at the LaSalle area plant, when they were testing the sirens, when the first...when they went off the first time, all of the cows stampeded and they...you know, they couldn't find them...they've, you know, they're just not use to that sort of thing. And so to take the tax base away from those people is...is a...just a travesty and I'd ask for your support on this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall House Amendment No...Shall Amendment No. 5 to House Bill 2485 be adopted. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 24, the Nays are 28. Amendment No. 5 is defeated. Senator Joyce, for what purpose do you arise?

SENATOR JEROME JOYCE:

...the negatives.

PRESIDING OFFICER: (SENATOR BRUCE)

There's been a request for a verification of those who voted in the negative. Will the members please be in their seats, and pursuant to Senate Rule, will you please respond when your name is called. Secretary will call those who voted in the negative.

SECRETARY:

The following voted in the negative: Berman, Berning, Bloom, Bowers, D'Arco, Davidson, DeAngelis, Friedland, Grotberg, Keats, Mahar, Maitland, McMillan, Nash, Nimrod, Ozinga, Philip, Rhoads, Savickas, Schaffer, Schuneman, Simms, Sommer, Thomas, Totten, Walsh, Weaver, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Joyce, do you question the presence of any member recorded in the negative?

SENATOR JEROME JOYCE:

Senator Simms.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Simms is behind the Minority Leader.

SENATOR JEROME JOYCE:

Senator Totten.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten...you see him by the phone booth?

SENATOR JEROME JOYCE:

Senator D'Arco.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco on the Floor? Senator D'Arco. Strike his name. All right. On a verified roll call there are 24 Ayes and 27 Nays. And the motion to adopt is lost. Further amendments?

SECRETARY:

...Amendment No. 6 by Senator Sangmeister.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister, perhaps this would be an appropriate time to take a break. We have some special guests here and give a little interlude here. The Illinois American Legion Police School Officers are here and would Senators Vadalabene, McMillan, Gitz, and Davidson please come to the Podium. We'll have a brief introduction here of those officers.

SENATOR VADALABENE:

Yes, may I have your attention, please. I would like to introduce to you our former colleague and a person who is instrumental in Veteran Affairs, our colleague, Senator Robert Mitchler.

SENATOR ROBERT MITCHLER:

(Remarks by Senator Mitchler)

MISS MARIE LINDGREN:

(Remarks made by Marie Lindgren)

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister, before we went to that order of business, you were about to offer Amendment No. 6 to House Bill 2485. Senator Sangmeister is recognized.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. Withdraw that amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Sponsor...withdraws the amendment. Further amendments?

SECRETARY:

Amendment No. 6 offered by Senator Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce is recognized on Amendment No. 6.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. Amendment No. 6 to House Bill 2485, Tables Amendment No. 1 and Amendment No. 3. Those amendments, as this amendment,

deal with the notice provisions of this legislation. I don't think there's any opposition. This is a result of some discussions between the Taxpayers Federation and the downstate assessors. I ask for its adoption at this time.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce, do you need to Table Amendments 1 and 3? Senator Joyce moves to reconsider the vote by which Amendments 1 and 3 were adopted. On the motion to reconsider, all in favor say Aye. Opposed Nay. The Ayes have it. The vote is...reconsidered. Senator Jeremiah Joyce moves to Table Amendments 1 and 3. On the motion to Table, all in favor say Aye. Opposed Nay. The Ayes have it. Amendments 1 and 3 are Tabled. Senator Joyce now moves the adoption of Amendment No. 6. On that motion, is there discussion? Senator McMillan.

SENATOR McMILLAN:

Go ahead.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Well, I think I've just explained it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator McMillan.

SENATOR McMILLAN:

You have now already reconsidered the vote and so forth, and you're ready to discuss the amendment. Right?

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 6, we're to that point. Senator McMillan.

SENATOR McMILLAN:

Okay. This amendment does, as...as Senator Joyce has indicated, it merely takes the first two, which weren't stated all that well and places it in a form that's more easily understood by everybody and...and puts it in a much

better position to be enacted on and I support it.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 6. All in favor say Aye. Opposed say Nay. The Ayes have it. Amendment No. 6 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Now, the Chair inadvertently, skipped 2461, Senator Philip, because of...again, I would alert you that the description on your Calendar is in error. Senator Philip asks leave of the Senate to return House 2461 to the Order of 2nd Reading of purpose of amendment. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 4 offered by Senator Rock.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock. You have an amendment on the Governmental Reorganization Act, Amendment No. 4.

SENATOR ROCK:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 4 to House Bill 2461 does two things, it affords...in the case of Executive Reorganization, it affords any employee of the department who...whose rights may be affected the opportunity to have the matter reviewed by the Civil Service Commission. Secondly, it suggests and states that where two or more employees are eligible for the same or similar position, the one with the most seniority shall be appointed, and seniority means the length of time as a full-time employee of the State of Illinois and I urge adoption of Amendment No. 4.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 4. Discussion of that motion? All...Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise to oppose this amendment. Quite frankly, when you merge two agencies and you have two people for the same job, and you automatically take the person with the most seniority, you don't always get the...best person for that job. Also, if you would do that, you would take the person with the highest salary and, of course, this is going to cost the Governor more money and that department more money. So, I rise in opposition to this and I would ask for a roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, is there further discussion? Further discussion? Question...Senator Rock may close.

SENATOR ROCK:

Thank you. I, again, urge support for this amendment. It's really very simple, and in my discussion with the Governor's representative, I didn't seem to have any problem with it. It affords State employees certain rights in the case of an Executive reorganization. I don't think there's any problem with it and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Amendment No. 4 be adopted. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 28, the Nays are 29. Amendment No. 4 is lost. (Machine cutoff)...amendments?

SECRETARY:

Amendment No. 5 by Senators Philip and Gitz.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip on Amendment No. 5.

SENATOR PHILIP:

You know, I hope I have the right amendment, but I think...does Senator Gitz have an amendment also, his own

amendment? If this is the long amendment...okay, thank you, it is. This is the...this amendment is the same as House Bill 2530 which got caught in the last moments and was not acted upon over here, was passed the House but it is the Criminal Justice Trust Fund and I would move its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 5. Is there discussion of that motion? All in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 5 is adopted. Further amendments?

SECRETARY:

Amendment No. 6 offered by Senator Gitz.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Gitz is recognized.

SENATOR GITZ:

Thank you, Mr. President and members of the Senate. This is an amendment which is agreed to in the Executive Reorganization Committee. Briefly, in the legislation sent to us by the House to implement Executive Order No. 1, it was indicated that the Department of Administrative Services and now its successor wish to change the guidelines for internal audit. However, that language was broad enough that it appeared to affect other agencies which were not directly under the control of the Governor. So, this is the amendment which will clarify exactly who has the internal audit procedures.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 6. Discussion of that motion? All in favor say Aye. Senator Hall, did you wish recognition? Senator Kenneth Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Kenneth Hall.

SENATOR HALL:

Is a...Senator Gitz, is this the salary amendment? Is this the one with the salary in there?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Gitz.

SENATOR GITZ:

No, Senator Hall. As I explained, this is the guidelines for the establishment of internal audit. The amendment you're concerned about is Amendment No. 3 which is already a part of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, the motion is, to adopt Amendment No. 6. On that motion, all in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 6 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. All right. We have two bills we left on 2nd reading that had amendments that need to be dealt with, 2289 and 2342. Everyone indicates that they're ready to go. Senator Maitland, 2289, are you ready to consider the amendments? All right. Is there leave to return to House Bill 2289? Leave is granted. The bill was already...was left on 2nd reading. And are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 2 offered by Senator Demuzio.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio is recognized.

SENATOR DEMUZIO:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. Again, for the second time, this is the amendment that would establish the seven-member elected Illinois Commerce Commission. I think that, as I've said before, that the...is...there is a great amount of support now in

Illinois to bring this regulatory agency into some degree of responsiveness with an elected membership. The amendment would provide for seven members, two would be elected from the City of Chicago, one member would be elected from the territory in Cook County that is not within the City of Chicago, and one member shall be elected from each of the four judicial districts, other than the first judicial district in Illinois. The chairman of the commission would be...elected by its own membership, and in case of any vacancy, the Governor, with the advice and consent of this Body, would make a temporary appointment and any person that's so appointed shall hold his office during the remainder of his term and until his successor has been elected and duly qualified. The studies that I have seen throughout the period of time that the ICC has been of major...controversy in Illinois have indicated that Illinois has the highest utility rates in the nation. And there's general consensus among our constituents that the ICC has failed to regulate the energy industry and to control utility rates. Over the last five years, the ICC has granted Illinois' electric utilities over 1.8 billion, almost two billion dollars, and natural gas utilities over two hundred million in rate hikes. And during this same period, electric rates...increased by ninety-three percent, natural gas rates by a hundred and five percent while inflation increased by only...by not...not by only, but by sixty-five percent. So, today the ICC routinely grants about eighty to ninety percent of the rate increases that are requested, and it's also been commonplace for this appointed body to allow utilities to charge consumers for construction work in progress....in fact, both the CIPS and Illinois Power have both filed for...for rate hikes, and they were asking for over one billion dollars in customer charges before the first kilowatt or...megawatt was...of electricity, was to be utilized. So, the ICC, frankly, has failed to

devise and to implement incentives to encourage the utilities to increase their efficiency, and although this is not an idea...a new idea, I believe that the time has really come for us to elect these new...these members. The membership on elected basis would more carefully scrutinize the requests for construction work in progress, and I would ask this Body for support to adopt Amendment No. 2 to House Bill 2289.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Maitland.

SENATOR MAITLAND:

Well, thank you, Mr. President. I would ask, first, a question of the Chair. Does the amendment...would you read to me the first...the second line of the amendment that you have before you?

PRESIDING OFFICER: (SENATOR BRUCE)

I take it...Amendment No. 2, starting right there, Senator? "Amend House Bill 2289 as amended by deleting lines 1 and 2, and inserting the following, 'An act to amend various Acts in relation to public utilities.'" Amendment No. 2...amend House Bill 2289 as amended on page 1 by deleting lines 1 and 2 and inserting...the following. Senator Maitland.

SENATOR MAITLAND:

Okay, that's...that's indeed interesting, because the amendment that we debated some...sometime ago did not say that. It said, Amendment No. 2 amend House Bill 2541. Now, all of a sudden, there's a different number there.

PRESIDING OFFICER: (SENATOR BRUCE)

Yes. The bill was on 2nd reading.

SENATOR MAITLAND:

Well.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator, there could have been twenty-three more amendments filed while the bill is on 2nd reading. Once you've

called it back, there is no rule in this Body that disallows anyone from filing any amendments that are germane and to the point.

SENATOR MAITLAND:

But we, in fact, are not debating the same amendment that we were some hour ago.

PRESIDING OFFICER: (SENATOR BRUCE)

Except for the typographical change, it is identical, I'm...I'm told. But I...the Chair is not going to rule it's identical...this amendment is before the Body.

SENATOR MAITLAND:

Well,...does that...does that motion have...does that amendment have to be withdrawn? We...we were debating the amendment, weren't we?

PRESIDING OFFICER: (SENATOR BRUCE)

We were debating Amendment No. 2.

SENATOR MAITLAND:

And now we're debating another amendment, and...and...

PRESIDING OFFICER: (SENATOR BRUCE)

The sponsor withdrew, I suppose, if you want to get into a technical ruling, withdrew Amendment No. 2 which had a typographical error and substituted Amendment No. 2 which does not have a typographical error, a procedure I...I...I assume is done here with some with regularity. And I'd...even if he did not, Senator, the ruling would be that Amendment No. 2 then becomes two and Amendment No. 3, which is before us. So, I...I don't think you're gaining anything over the typographical error, and I assure you that...that it is done in this Body when people find errors in amendments that they withdraw them and substitute properly...drawn amendments.

SENATOR MAITLAND:

Okay, well, then...then I would understand then that it's...that it's perfectly cricket to at anytime to just sub-

stitute amendments, you know...regardless of what issue you were debating, you can substitute, and, you know, I...I think everyone knew that there was a typographical error, and that's fine, but we...we, in effect, simply gave, you know, a substantial amount of time to get the change made and to debate an amendment that was in proper form, and that's the point that I wanted to make. And that...and that, seems to me to set a...a bit of a precedence, and I, you know, I just call that to the attention of the Chair.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, I would just...call to your attention, the Chair had nothing to do with anything except that you were joined by five members, and following the procedure to this Body written in the rules of the Senate of this General Assembly, the Chair allowed you the opportunity to have the amendment circulated, and the Chair did nothing ordinary, extraordinary or out of the ordinary course of the rules of this Senate, and now we have the amendment back before us. Had you made an objection as to whether or not the error...the original amendment was in proper form, the Chair would have been willing and...to rule. It was not requested of me and I followed your procedures, Senator, in asking for time to have the amendment distributed.

SENATOR MAITLAND:

Okay...okay. Just...just two points, Mr...first of all, I did...I did make note down in front that there was an error. And the second point is, we...we...we did circulate a different amendment than what we initially debated and that's my only point.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Maitland.

SENATOR MAITLAND:

Well, I'll...when...when are we going to answer the germaneness question?

PRESIDING OFFICER: (SENATOR BRUCE)

The Chair is willing to rule right now, Senator, if you wish.

SENATOR MAITLAND:

Well, let's...let's hear it, Sir.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The Chair will rule...the Chair will rule that the amendment... subject to the amendment...drawn by Senator Bloom that it is germane. That Senator Bloom's amendment amends the Public Utility Act, and because of that, it has been a consisting ruling of this Chair that once...once we have gotten into a specific chapter, it amends the same chapter of the Statute on an ACT relating to public utilities. And I don't think that you would want another ruling than that, Senator Maitland. Senator Maitland.

SENATOR MAITLAND:

Well, thank you, very much, Mr. President, I appreciate that ruling. I do rise in opposition to...to Amendment No. 2 to...to House Bill 2289. I...the issue has been around a long time, and it's...it's one of those things, it's a very popular thing back in the district and...and many people don't understand what...what really could happen, but it...I think it's just not of the best interest of...of the utility users around the State to be subjected to this kind of a situation. I believe that...that politics put in the rate structure is...is wrong. You talk about...you talk about getting money behind particular candidates and people whose best interest is...is not in...in good utilities this, in fact, is...this is really going to, I think, upset that. I think the situation that we have now, the most...the two most recent Commerce Commission members that we have had seated on the board are considered to be very proconsumer. Their activities before going on that board were in the consumer area. They understood utilities. They understood rate

setting. Some of us had some objections to them, yes, but, in fact, they are on there and they are making a good contribution to the...the...to the Commerce Commission. If we elect the Commerce Commission members, we're going to have the utilities, in my judgment, working diligently to get Commerce Commission members elected that are going to be people who are extremely interested in the utilities' side of the issue. And the rest of us are going to be working very diligently, contributing money to get people who we think will rule in our favor. That's not the case now, it simply is not. I'm not saying...that the Commerce Commission is a lily-white, perfectly run organization. And I do believe they need more auditors. I believe they need to take less of their information from the utilities and derive that information from competent, adequate auditors, and that's our mistake and we should try to improve upon that. But to suggest that a Commerce Commission member be elected with no qualifications whatsoever, and there's nothing mentioned at all, they don't have...nothing says that they have to live in the district in their elected from or anything like that, no age requirements, no nothing, I think is wrong. You know, one might think that the media would be strongly supportive of this, but there are a number of papers around this State that have editorialized against electing the Commerce Commission members. I was interested some weeks ago with an editorial that the Tribune had on this issue clearly saying, spare the Commerce Commission from elected commission members. It's been said also by the proponents many times that those states that have elected Commerce Commission members do, in fact, have the lowest or almost the lowest rates in the country and that's not the case at all. Illinois, for example, is right about the medium...slightly below the national median and we don't have an elected Commerce Commission members. Arizona has an elected Commerce Commission and has the very highest

or almost the highest. There is some...there is some substance to the statement that will be made by some of the proponents to this amendment that, in fact, in the last two or three years in those states where you have elected Commerce Commission members, the rate of increase has been somewhat less. But I will also suggest to you that in some of those very same states utility companies are having a very difficult time and are going to the courts to get their rates increased so that they can survive. I don't like higher and higher utility rates any better than the rest of you do, and if I thought for one minute that this would give me a lower rate, I would vote for it, but I'm convinced in my own mind that this will not do it and I think the amendment should be defeated.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Johns.

SENATOR JOHNS:

Thank you, Mr. President. I am certainly glad to be a part of this war on the utilities. I don't know of a group that has a...a lack of corporate responsibilities other than the utilities. I'd also like, just for what it's worth, to ask everybody in this General Assembly who owns utility stock not to vote or at least declare themselves that way. Second, if you had an initiative referendum, and that's what's bringing the popularity of that to the front, you put this test to the people and they'll vote overwhelmingly...overwhelmingly that the utilities should have an elected ICC in this State. You talk about rates, sure the ICC doesn't give all the rates that's wanted, but they give initially what the good utilities have, a staff of lawyers, expertise, engineers, et cetera, who put forth just exactly what they want and they put it so much above that they know that when the ICC cuts them, they'll get exactly what they want in the first place. The mismanagement, the overbuilding of the utility companies,

let's take one for example in this State, the Newton plant, the ICC has stated, especially Charles Stalon, who I helped get appointed and approved, who I have consistently said we've made a mistake about, he says that now the CIPS customers will just have to absorb the overbuilding costs that we kept telling the ICC was happening with Newton. Now, isn't that something? For years we've said, hey, you're overbuilding. You see, they base the rates on a plateau that they expect the people to reach in their use of electricity, but we haven't been reaching those plateaus. In fact, we have been insulating, we've been cutting back the use of electricity, so what happens then? Well, I'll you, we're penalized and the rates got to go up to subsidize the utilities because they say, we've got to keep our stock options attractive. That's a bunch of bull. That is absolutely a bunch of bull. Down there where we get it and what we have left remaining, is what Paul Powell called "ungawa" and you know what that stands for, but I'll tell you this, the utilities are having trouble simply because they don't have to practice efficiency. I'd like to have a little quiet...

PRESIDING OFFICER: (SENATOR BRUCE)

Can we have some order. May we have some order, please.

SENATOR JOHNS:

Thank you, Mr. President. It's so nice to have you listening for a change. But let me tell you something, they have fleets of cars that they let their people use that you pay gas tax on...you...pay gasoline benefits on, and they run around all over the country. There's no reason in the world that they have any fear of the ICC. The reason the Governor doesn't want it, and I'll tell you, it takes away the power of his office. But I say that when you put it in the power of the people, you're doing a great justice to them and I think that this is a great idea and it should be pursued, and I'm glad to be a part of it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. This is a concept that I have historically been opposed to. I have said so many times. I have not made a political career of being a utility kicker, some folks do. I...I have not. There is an organization in my area called SCAM, the Southern Counties Action Movement, which this has been one of the number one issues on their agenda for a number of years getting an elected Commerce Commission. I told SCAM several weeks ago that I was not in favor of an elected Commerce Commission, but about three weeks ago, I changed my position. I have experienced for...once again, the power that the public utilities in this State have over the elected officials of this State. When I tried to get a bill out of the Senate Rules Committee which dealt with the elimination of the fuel adjustment clause...pardon me, the...the fuel...the transportation portion of the fuel adjustment clause eliminated, I wanted to get the bill before this Body for its consideration, the public utilities without ever once passing out one piece of paper indicating the data on which their opposition was based and their figures varied last year...two years ago, Commonwealth Edison said that my bill would have cost them sixty million dollars, their lobbyist this year registered...pardon me, testified in the Illinois House of Representatives that my bill would have cost them four million dollars, but yet never passed out one piece of paper to verify that, or how it was going to cost them, or whatever. When I saw the power of the public utilities once again being displayed in their opposition to our attempt to get thirty-five hundred coal miners back to work in this State, I decided that I'll fight power with power, and I will be for an elected Commerce Commission, and I'm going to stand up and I'm going to fight

the public utilities in this State every time I get a chance, it's going to be a part of my political agenda now, and I'm going to fight them every time I get a chance, and this is my first chance. And Senator Demuzio, I'm going to vote for your amendment, it's a good amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Gitz.

SENATOR GITZ:

Thank you, Mr. President and members of the Senate. I rise in support of this amendment. I think it improves an already good bill. I was slightly bemused by some of the comments of a prior speaker. Nobody argued the germaneness when we were talking about the utility tax on a tax, it's only when we're talking about a very controversial amendment and some accountability in the Commerce Commission. They're some good arguments against an elected Commerce Commission, make no mistake about it. But I want to point out, and by the way, I'm very glad that Senator Maitland has now joined the list of people who are proconsumer when he says that they will be contributing money to the campaign and he'll have to come up with money for the consumer, because every major utility proposal in this Senate has in one way or the other has been defeated, even restrictions in advertising. It is alleged that this puts politics into the process. Well, Ladies and Gentlemen of the Senate, there's politics already involved in the process. How do you suppose it is that the recent Commonwealth Edison rate increase is going to be ruled on after the election, but before the new General Assembly takes its seat? And when a motion was filed with the Commerce Commission by one of the intervenors to require that decision to be moved up, it was simply not acted on. It is alleged that the people somehow do not have the skill, do not have the knowledge to pass on these events. There isn't anybody in this State that doesn't understand what money is all

about. There's been a billion dollars worth of rate increases, and what's more, according to documents filed with the Commerce Commission, another two billion dollars in its expected rate increases from Commonwealth Edison. And people now more than ever are beginning to say, enough is enough. The Governor's Office of Consumer Affairs, a division of the Governor's Office, was just quoted in our press releases handed out as raising some major questions about the energy projections that have been supplied to the Commerce Commission asking that they adopt as their official position a .5 five percent increase each year. I think that this amendment is deserving a serious discussion, and I know that the House sponsor of this bill, given his concern that he has testified frequently about utility rate increases, knows that we need to have some accountability and ought to bring that issue forward. I believe this is a good amendment and I believe that it doesn't interject any more politics in the process, in fact, it brings more accountability, and I know that some of the people who have spoken in opposition are the same ones that are always trying to preserve, rightfully so, the prerogatives of local elected officials. Let's put that accountability in this manner, if there is...simply is no other way to bring some sense to this process.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and members of the Senate. Like Senator Buzbee, I have gone on record in my district in support of an elected commission because the majority of people of my district feel that we need persons making decisions on the costs of their utilities which is probably one of the most essential services and one of the most costly services and one that has been constantly increasing, probably higher than any other needed service in the State, and for that

reason, they feel that those persons who make the decisions about rate increases should have some kind of accountability to them, and I happen to agree with that. I feel that as representatives elected by the people to protect the welfare, health and safety of those people, that it should be the responsibility of either the Legislature or someone else elected. And for that reason, I would ask for a favorable vote on this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator...Senator Marovitz and then...Senator D'Arco. Senator D'Arco, for what purpose do you arise?

SENATOR D'ARCO:

I want to move the previous question.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, we only have a couple of more speakers, Senator. All right, Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I just would like to know what's wrong with responsible government? What's wrong with having...having somebody to hold accountable for utility rate increases? I...you know, we...that's the way we operate in government, we're held accountable. What's wrong with having people that are in control of the utility rates in this State to be held accountable to the electorate? I really don't see anything wrong with that. Now just to reiterate a couple of arguments, states with elected commissioners have lower rates for electric service than states with appointed commissioners. States with elected commissioners have a lower rate of increase in electric costs than a state with appointed commissioners. And...and...when we're...if we're going to be concerned about the utility companies, let me assure you, the last people that we're ever going to hold a tag day for are

the utility companies. Credit ratings of utilities in elected commission jurisdictions are of comparable quality with utilities in appointed jurisdictions, so, I mean, let's...let's call a spade to spade, let's be straight about this thing. We're talking about responsible government, holding somebody accountable, a lower rate of increase and a lower utility rate in a state with elected commissioners. There's absolutely nothing wrong with this. It's a good people vote, and in these tough economic times, we really ought to put the people first, and by putting the people first, we'll put this amendment on.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Will the sponsor yield, Mr. President?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield.

SENATOR SCHUNEMAN:

Senator, I have a couple of questions about the commission as constituted in the bill. I notice that two members shall be elected from the City of Chicago, one member...shall be elected from the territory in Cook County not within the City of Chicago, but then you refer to one member each shall be elected from each of the four judicial districts. What judicial districts are you talking about?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

The...the Supreme Court districts.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, are we...are we simply to assume that, Senator, or should...should that not be a part of your bill? Should not

your bill be more specific as to which judicial districts you're...you're referring to?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Perhaps, but I don't know of any other districts throughout Illinois are judicial districts that are described in the manner which they are in the bill. However, if that is your notion, I would be glad to add that in the House.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

One other question has to do with the appointment of a vacancy. Assuming that a vacancy exists in your district, for example, the vacancy would be filled by appointment of the Governor? I don't see anything in here that says that the appointee has to be from your district. Could...wouldn't it be possible for the Governor to pick some other member from the City of Chicago to fill that district? It doesn't say.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Demuzio.

SENATOR DEMUZIO:

Under the description that you've indicated, perhaps.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

What's...what's the salary to be for the commission members?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Same as they are now.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Where does it say that in the bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

We're not changing their salaries now at all, it's already set by Statute.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Mr. President, simply to speak to the bill. I think that the...the amendment has some flaws in it. Whether you like the idea of an...an elected Commerce Commission or not, I think that those flaws should be corrected before we pass any legislation like this. The other thing that concerns me about this concept is that we would hope to be able to improve the regulation of utility rates in the State. And I question very seriously whether we're really going to do that by means of an elected Commerce Commission. I think of the area of campaign contributions, for example, if someone without any vested interest seeks to run for an office on the Commerce Commission, first of all, what would prompt that person to run for that office, and secondly, who's going to finance the campaign? And I think that's a very important consideration to think about when voting on this issue. We may wind up with a bunch of special interest groups running Commerce...running the Commerce Commission, one group first pulling it in one direction, and then after later political campaigns and political contributions, another group pulling it in a different direction, and I suggest to you that the system we have now, even though it has some flaws, may be much better than the one that's suggested in this amendment. I'm going to vote No on the amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning. Final speaker. Senator Berning.

SENATOR BERNING:

Thank you, Mr. President and members of the Senate. It seems to me that there are a couple of things that we are not considering here irrespective of, and I emphasize that, irrespective of whether or not you are for or against elected or appointed officials. The three things that...appear to me to be much more significant in...the context of the total problem, namely, rate increases is the guaranteed profit which the utilities have. No other industry, private or otherwise that I know of, has guaranteed profit. Secondly, there isn't any restriction, that I am aware of, on useless costs which the utilities undertakes, such as expensive T.V. advertising and philanthropic projects. Thirdly, this General Assembly from time to time imposes additional burdens on the public utilities. All three of these things militate to require increased rate items. And it would make no difference whether we had a...an elected or an appointed commission. I believe that we ought to be addressing these other three points and forget this issue.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio may close the debate.

SENATOR DEMUZIO:

Well, thank you, very much, Mr. President. I've heard some debate here about special interests, about campaign finances, about this being too political. I would like to point out that the current system of appointment is already political. It is not an open process, it is a process that takes place behind closed doors. It's a process where every special interest utility group tries to buttonhole every legislator and the Governor for their particular guy to be on the Commerce Commission in order to set the rates, so it's not an...up-front process, it's a behind-the-closed-doors

process. This particular agency is now too important to be left to the appointment process. We have to subject the Commerce Commission and the issues that surround this agency to a...an accountability through a public debate and from Illinois citizens at elections. And Mr. President, I would like leave to add both Senators Gitz, and Joyce, and Johns, and Buzbee as co-sponsors of this amendment and ask for a roll call. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Amendment No. 2 to House Bill 2289 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Senator Donnewald, would you...have all voted who wish? (Machine cutoff)...voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 23. Amendment No. 2 to House Bill 2289 is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator Nimrod.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nimrod.

SENATOR NIMROD:

Thank you, Mr. President. This amendment was the amendment that was on Senate Bill 2541 which dealt with a problem that we have concerning wasting of associated gas, which probably most of you know as flare gas, and what was...was happening is that this gas which is associated with oil wells gets burned off into the air. Most other states they're...they're able either to put that back into the ground or forced to put it into a pipeline and send it off so it could be used. This amendment offers an alternative and encourages the Commerce Commission to work with those who might be able to collect it from...various wells and deliver it to a wellhead...deliver it to a pipeline and allow them...certain requirements that it must at least be...meet

the pipeline standards...quality and it must also be of sufficient quantity, two hundred thousand cubic feet in order for them to accept it. It also protects the small companies by allowing...the...distributing company...the utility in order to allow them to pass that back into the pipeline where they can't use it and it will not cause the increase in rate. This is a good bill which causes...a good amendment because it saves energy and allows us to find a solution that does not harm anyone and does not discourage any of the people who are presently exploring for wells and for energy resource within our State. Happy to answer any questions, if not, I would ask for a favorable adoption of this amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...is there discussion? Senator Maitland.

SENATOR MAITLAND:

Well, yes, Mr. President. This came up rather rapidly and...and it is my bill. I...I would like to see a copy of the amendment. I would suggest, if I could get five people to join me I'd like to have it circulated and see where we are here.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You...Senator, you do have five people that join you in that request. Senator Demuzio, do you...

SENATOR DEMUZIO:

I'd like to see a copy of the amendment, too.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio joins that request. Could we have leave to go to House Bill 2342 while the amendments are being passed. Senator Hall, for what purpose do you arise?

SENATOR HALL:

Thank you, Mr. President. I'd just like to announce someone lost a wristwatch in the telephone booth. Look on your wrist, somebody is missing a wristwatch.

PRESIDING OFFICER: (SENATOR SAVICKAS)

While we're waiting for the amendments to be distributed, we do have leave to go to the Order of House Bill 2342 for the purpose of amendment. Senator Berman. On the Order of House Bill 2342, Senator Berman seeks leave to bring it back to the Order of 2nd Reading for the purpose of amendment. Is leave granted? Leave is granted. On the Order of 2nd Reading, House Bill 2342. Read the bill, Mr. Secretary.

END OF REEL

REEL #5

PRESIDING OFFICER: (SENATOR SAVICKAS)

On Amendment No. 1, Senator Berman.

SENATOR BERMAN:

All right, this is the only one that you have now, right? All right. Ladies and Gentlemen of the Senate, a...a few minutes ago we discussed the amendment on this bill and Senator Bower raised the question as to the language dealing with the land trust provision. Also, included in the amendment was a matter dealing with the exemption Statute and the amounts of money subject to garnishment. There are questions that have been raised on both of these issues and they're legitimate questions. We have an understanding...we have an understanding with Senator Bowers, Senator Bloom and others who have talked about this bill, we're going to put on Amendment No. 1 which deals with the exemption Statute, send it over to the House, they're going to nonconcur. We'll get this in a Conference Committee and address both of these concerns in conference. So at this point, I would move the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Bowers.

SENATOR BOWERS:

Will the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR BOWERS:

Senator Berman, in...in my discussion with you, I was under the impression that...we were not going to go with the amendment we were going with before, and staff tells me there has been no other amendment filed. Could we be clear on which amendment we're on? Okay.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bowers.

SENATOR BOWERS:

If the Clerk perhaps could...or the Secretary could perhaps give us the...the LRB number on the one we're actually discussing.

SECRETARY:

There...there isn't...it isn't an LRB but I can read you...

SENATOR BOWERS:

Okay. Okay, I know which one it is and thank you, Mr. Secretary. I agree.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any other discussion? If not, Senator Berman moves the adoption of...Amendment No. 1 to House Bill 2342. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Any further reading?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. On the Order of Postponed Consideration we have House Bill 2508. Senator Grothberg seeks leave to bring it back to the Order of 2nd Reading for the purpose of amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2508. Mr. Secretary, would you read the bill.

SECRETARY:

Amendment No. 2 offered by Senator Vadalabene.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Amendment No. 2 to House Bill 2508 deals with the tax on the

downstate tracks that we thought was exorbitant in the original bill. After two days of meeting with the Governor's people and with the downstate tracks, a compromise has been reached and they can live with this amendment. What the amendment does for the tracks that have a handle of up to four hundred thousand dollars, there will be a one hundred dollar a day fee. From four hundred thousand to seven hundred thousand dollars a day, there will be a two hundred dollar a day fee, and over seven hundred thousand dollars a day there'll be a three hundred dollar a day additional tax. Let me tell you what the impact does on our downstate race tracks. For Fairmount race track, the thoroughbred racing days, the take...the handle is five hundred and four thousand dollars per day, which means that they will be paying two hundred dollars a day on their tax. Their harness racing will be three hundred and fifty-eight thousand dollars per day handle, they will be assessed a hundred dollars a day. An interesting...the quad-cities track at Moline, Illinois, whose handle is two hundred and fifty-nine thousand dollars a day will pay what they're paying now, one hundred dollars a day at no additional cost. Over in Belmora in Will County, the thoroughbred racing per day, their handle is four hundred and eleven thousand dollars average, so they will be paying two hundred dollars per day, and their harness racing which averages four hundred and eighty-nine thousand dollars per day will be paying two hundred dollars per day. It's a compromise, one that they can live with, and now I move for an adoption of this Senate amendment...House Amendment No. 2 to House Bill 2508. It's been agreed on by the Governor and the sponsor of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Vadala moves the adoption of Amendment No. 2 to House Bill 2508. Those in favor indicate by saying Aye. Those opposed. The

AB 394
Recalled

Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Back to postponed consideration. Senator Johns, for what purpose do you arise?

SENATOR JOHNS:

A point of personal privilege. Just like to announce to some of those that haven't heard it that Alexander Haig has just resigned.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Could we have a little quiet in the gallery. On the Order of House Bills 3rd Reading, on page 2, House Bill 394. Senator Netsch wishes to have House Bill 394 brought back to the Order of 2nd Reading for purpose of amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 394, Senator Netsch.

SENATOR NETSCH:

First of all, I think, Mr. President, it ought to be made clear that Senator Hall is officially listed as the sponsor of the bill, and he has requested that sponsorship be assumed by Senator Keats and myself. So the bill will be shown as under our sponsorship, Netsch-Keats, if that is agreeable.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch moves that Senator Hall and Senator Vadalabene...Senator...Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, I have...a question from Senator Netsch, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR VADALABENE:

Yes, the...original bill included bistate and I want it

shown in the record, there's nothing in this bill that affects a bistrate development agency, is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator,...we're not to that point yet. The point at this point is to change the sponsorship of the bill and then offer the amendment to do...to eliminate your concern. Senator Vadalabene.

SENATOR VADALABENE:

I'm sorry, I was in the telephone, I came out and I heard 394 and that alerted me.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall moves that Senator Netsch and Senator Keats replace Senator Hall as the Senate sponsors of House Bill 394. Is leave granted? Leave is granted. Now, Senator Netsch is sponsor of House Bill 394. Senator Netsch.

SENATOR NETSCH:

Yeah, I think to get this in the proper order for the recall and the amendment which will do what Senator Keats and I want it to do, as one of the hyphenated co-sponsors, I would now move to suspend the rules so that we can immediately consider House Bill 394 and place it on the Order of 2nd Reading to be amended according to the amendment which has now been filed. The reason for that is that it is not clear that...that 394 which remains on the Calendar from last year was cleared by the Rules Committee. So, I think we need to suspend the rules to accomplish that purpose and I would so move.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Senator Netsch moves to suspend the rules to have immediate consideration for House Bill 394 on 2nd reading. All those in favor indicate by saying Aye. Those opposed. The Ayes have it. The rules are suspended. The bill is now on House Bills 2nd reading for consideration of amendments. Mr. Secretary, are there any amendments?

SECRETARY:

You got your amendment marked No. 3, but actually it's No. 2. Amendment No. 2 offered by Senators Netsch and Keats.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Well, I think I put Senator Keats' name first on it...

SECRETARY:

I'm sorry you did.

SENATOR NETSCH:

It is indifferent to either of us but, Senator Keats, be my guest.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

I've always wanted that invitation...thank you, Senator Netsch. What this amendment to House Bill 394 does is abolish the...CUTD, Chicago Urban Transit District. This is something the Senate and House have both done before, just not at the same time. There seems to be agreement on this. It does set up that the money would be used for capital improvements in that area with the CTA, et cetera. If there are any questions, we'd be glad to answer it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Netsch and Keats move the adoption of Amendment No. 2 to House Bill 394. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 2 is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. On the Order of House Bills 2nd Reading, House Bill 2289. Senator Nimrod, these are Amendment No. 3

that we will be on. This is where we had left for the purpose of distribution of the amendments. Amendment No. 3, Senator Nimrod.

SENATOR NIMROD:

Yeah, the amendments haven't come back yet, but I'll go ahead and...if there's no objection, I'll go ahead because I did give it to the sponsor and had given it to the leadership on both sides. The amendment as...as it's presented certainly allows us a chance to presently solve the problem of the wasted natural gas that's being burned off into space. And I certainly would encourage adoption of this amendment. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Nimrod moves the adoption of Amendment No. 3 to House Bill 2289. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 3 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. Now, the Chair...we will go back to all those bills we had on recall. On the Order...on page 2 of our Senate Calendar, we will start with House Bills 3rd reading and we'll start with House Bill 394. On the Order of House Bills 3rd Reading, House Bill 394, Senator Netsch. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 394.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senator Keats, would you

return to your chair because you are a hyphenated co-sponsor of this. This is the bill that we just amended. What it does...it strikes everything that was originally in the bill, Senator Vadalabene, there is nothing about bistate at all. It achieves something that Senator Keats and I and the Senate have attempted to achieve over a period of several years and that is the abolishment of the Chicago Urban Transportation District, an agency that was created in, as I recall, 1967 to build a couple of subways in Chicago that will never be built. There...there is a considerable amount of money sitting in its fund unused. There is absolutely no use for the district any longer, and as part of our clean-up operation and to free the money for good purposes, the...the district should be abolished. I might say that a good deal of the money that is in that...in the fund right now is money that was collected through property taxes imposed in the central area of Chicago, including a good part of the district that I represent. It is absolutely clear from the terms of the bill that the money will be used only for capital improvements in the area from which it was raised. It will not be used for operating expenses of the Chicago Transit Authority.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, just for the record, I want to repeat there is nothing in this bill even, though you've said,...that considers a bistate development agency, that has been stricken completely from the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is, shall House Bill 394 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 57, the Nays

HB 1607
3rd Reading

are none, none Voting Present. House Bill 394 having received the constitutional majority is declared passed. On the Order of House Bills 3rd Reading, House Bill 1607. Senator Netsch. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1607.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 1607 now does so many things I'm not sure that I will remember them all, and if I overlook something, I would ask those who added the particular amendments to rise and add their explanation. The...the basic bill, the part that I had something to do with, does a couple of things. First of all, it is part of the speeding up, we hope, of the assessing process, and it does change the date by which the supervisors of assessments must meet and begin their phase of the work. We amended that from the first Monday in May to the first Monday in June, I believe that was a suggestion of the Department of Revenue. I believe there is no...objection at all to that part of the bill. Secondly, it...includes the text of a bill that came to the Senate as House Bill 1254, which has to do with the annual refiling for exemptions and that is...simply a clarifying matter. Third, it has to do with Senator Bruce's amendment on the...invested capital tax and makes it clear that unitary was never to be a part of that tax alone, it has nothing to do with the income tax or with the bill we passed yesterday. Let's see, what else does it do. I believe Senator DeAngelis added an amendment which imposed a...an additional tax having to do with those who come through the State, and if there's any further explanation of

that, he will give it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall House Bill 1607 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 2, 1 Voting Present. House Bill 1607 having received the constitutional majority is declared passed. House Bill 2038, Senator Carroll. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2038.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The bill after having just been amended by Senator DeAngelis now does two things. One, it allows various community college districts to adopt their budget within the first quarter of the fiscal year rather than the first month, a truly essential change necessary for these community college districts. Secondly, Senator DeAngelis has added to this that the new baccalaureat assistance law for registered nurses be in the Department of Public Health as opposed to the Scholarship Commission. It's my understanding that that, too, is agreed to by all participants and that there is no problem in that provision, and Representative Keane has allowed this bill to be used to accommodate Senator DeAngelis' suggestion. I would ask for a favorable roll call and answer questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall

HB 2039
3rd Reading

House Bill 2038 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none Voting Present. House Bill 2038 having receive the constitutional majority is declared passed. House Bill 2039, Senator Geo-Karis. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2039.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, House Bill 2039 adds sections of various Acts to authorize the...the Department of Public Aid to continue collect maintenance or child support payments on behalf of a former recipient for a period not to exceed three months from the month following a date...the month in which the person's assistance was terminated. It also, in addition, this amendment makes the extended collection provision uniform throughout the State which complies with Federal...regulations. It includes in this...the following amendments, an amendment which provides for joint custody for a child but is determined by the court to be in his best interest and both parents agree to terms of custody, and it also includes clarification of the joint custody order...stating that the court shall take into consideration the health care, education, religious training of the child on awarding joint custody. I move the passage of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is,

shall House Bill 2039 pass. Those...Senator Walsh.

SENATOR WALSH:

Will the Senator yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she will.

SENATOR WALSH:

It's my understanding that...that Senator Marovitz's amendment relative to former judges performing marriages has been deleted from this bill, is that correct? Was there an amendment adopted to this bill which provide for visitation rights of grandparents? Is this the bill that had that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Yes, I'm sure there is. It was Grotberg's amendment, it's right in the file there.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Walsh.

SENATOR WALSH:

...I'm sorry, I didn't hear in your explanation that that was...was part of the bill. Now, does that provide for...for visitation by...by grandparents under what circumstances?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Hold on just a minute and I'll give it to you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

All right. This provides that grandparent visitations may be granted to a grandparent whose child is deceased or whose childrens...whose child's parental rights with respect to minor child have been terminated....this amendment provides the court, of course, has the discretion. No visita-

tion rights will be granted where the minor has been adopted after the death of one or both parents, and this happens to be Senator Bruce's amendment together with Senator Grotberg.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Walsh.

SENATOR WALSH:

Well, then it...it would provide for visitation rights even though one of the parents is alive, is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce can answer this question. Senator Bruce.

SENATOR BRUCE:

Senator Walsh, if you have no objection, I was the offeror of the amendment and perhaps can explain.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Walsh.

SENATOR WALSH:

It's...it's all right with me, unless Senator Geo-Karis wants to answer the question. I think it would be up to Senator Geo-Karis. I put the question to her.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I'd be happy to yield to Senator Bruce 'cause that was an amendment that he and Senator Grotberg worked.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Yeah. A year ago, as you may...recall, under the Marriage and Dissolution Act we allowed grandparents to petition the court to have visitation rights in a marital dissolution. After that bill was passed, some attorneys, in which there was a death of one of the parents, have alleged that they have no right to petition, so this adds that one additional clause...the grandparent visitation question has been

resolved in divorces. All this adds is the additional time as when one parent has died, they can still petition...in other words, you would not have to have a dissolution of the marriage, but if there was a...a death of one parent, the grandparent could go into court, petition the court to have visitation rights.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Walsh.

SENATOR WALSH:

Well, I know, of course, in the event of a dissolution, we have a continuing proceeding where there are minor children involved. We have apparently under this bill a situation where there has been no litigation, just the death of a parent so that a grandparent, in a sense, will be able to file a...a new action in court to request that that grandparent be permitted visitation where there had been no...there had been no court proceeding prior thereto, is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

That is correct. They would have the option of filing de novo action by...by a petition and asking that the court grant visitation rights, if it was in the best interest of the child.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Walsh.

SENATOR WALSH:

...you made the statement earlier that where the...the child had been adopted that there would be no...

PRESIDING OFFICER: (SENATOR SAVICKAS)

No...he indicates, no.

SENATOR WALSH:

Well, someone made that...I guess maybe Senator Geo-

Karis...I understood from the answer to one of my questions that if the child had been adopted, that the grandparent would then have no right to act under...under this bill, is that correct or not?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

There was language concerning adoption in this amendment when it first began. There was no way that we could draft language that anyone could see that can handle the question of an adoption. There are many people, including me, that have very serious questions about grandparent's rights when the biological parent's rights have been terminated by an adoption proceedings. And...and that would also get into a whole question of the Supreme Court ruling on...on releases by illegitimate fathers and the whole question, and we thought it would be best since we only put the one in on visitation and marriage dissolution last year, that we add this death of a parent this year and take up the question of adoption next year when we have more committee hearings scheduled.

PRESIDENT:

Further discussion? Senator Walsh.

SENATOR WALSH:

Well...then I guess your answer is that in a situation where there has been adoption, the grandparent would have the right to visitation. Is that correct, Senator? That's the way I read this amendment. Where there has been adoption, the grandparent would have the right to...to visitation.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Senator Grotberg has an amendment which he at one time offered which dealt with adoption rights, and you may still

have that in your hand. The amendment I...that was eventually offered on this bill, we Tabled Senator Grotberg's Amendment No. 2 and adopted a later amendment which took out all the reference to adoptions. There is no reference in this Statute at the present time relating to adoptions.

PRESIDENT:

Senator Walsh, your time, Sir, please.

SENATOR WALSH:

Well, Senator, the amendment I have, which reads Grotberg and Bruce, makes no reference to adoption and since it makes no reference to adoption and merely provides, if I can read it to you, "The court, pursuant to this subsection may grant reasonable visitation privileges to a grandparent whose child has died." So, if that grandchild has been adopted, the visitation privileges can be granted. There is no exclusion in the case of an adoption, so if there's no exclusion in the case of adoption, the visitation privileges can be granted. So, just briefly, Mr. President, since that is the case, under this bill as amended, I think it's offensive and an unwarranted intrusion on the part of the family unit where there...an adoption has taken place. I...it's not in the nature of a...a question, I...there's no doubt in my mind from a reading of the amendment, I think this bill should be defeated.

PRESIDENT:

Further discussion? Senator Geo-Karis may close.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, to answer the last query, this amendment and I have...don't want this amendment confused with the prior one, provides that a court may grant visitation privileges to a grandparent or a great-grandparent whose child has died where the court determines it is in the best interest of the child. It's...this amendment clarifies that grandparent visitation rights may

be granted not only in dissolution of marriage cases, as we passed last year, but also when a parent dies. This is a very crucial bill. It's a good bill and I don't think the amendment is bad, because when a child is adopted, for example, it's...it...it...it has...it has the same rights as a child born of a natural...parents and I think it's a good bill, and I urge its favorable consideration.

PRESIDENT:

Question is, shall House Bill 2039 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 44, the Nays are 8, 2 Voting Present. House Bill 2039 having received the required constitutional majority is declared passed. Senator Maitland on 2289. On the Order of House Bills 3rd Reading is House Bill 2289. Read the bill Mr...Senator Johns, for what purpose do you arise?

SENATOR JOHNS:

Sorry to interrupt, Mr. President, but I voted wrong on that last bill because I can in and I just...like for it to be a matter of record, I would have opposed the bill.

PRESIDENT:

On the Order of House Bills 3rd Reading is House Bill 2289. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2289.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2289 as originally introduced was a rather...was a totally noncontroversial bill, it simply

allowed downstate counties to opt out of burdened apportionment and...that, of course, passed out of committee with no negative votes, and I believe there is no objection to any portion of that part of the bill. There have been a couple of other items added onto the bill that you might recall. First of all, Senate Amendment No. 1 would...would abolish the...basically abolishes the State inheritance tax and also abolishes the tax on tax for utilities, that's Senate Amendment No. 1. Senate...Senate Amendment No. 2 is a...is an amendment that calls for an elected Commerce Commission. And Senate Amendment No. 3, and Mr. Secretary, I hope I've got these amendment in the proper order, Senate Amendment No. 3 would encourage public utilities to purchase natural gas producing it from...with associated gas delivered to public utilities. In other words, from the stack gases, that gas would have to be piped into natural...or could be encouraged to be piped into public utilities' lines.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he'll yield.

SENATOR DeANGELIS:

Are you in favor of this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

I...I believe in...in the words of Senator Demuzio, there's something in this bill for everybody.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom. Senator Rock.

SENATOR ROCK:

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

Senate. I rise in opposition to House Bill 2289 as amended and I would ask the Chair for a ruling. My understanding of Amendment No. 1, which I believe was offered by Senator Bloom, was that it was, in fact, preemptive in nature.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Yes, looking at it now, Senator, we'll give you an answer in a minute. Senator McMillan.

SENATOR McMILLAN:

I'll wait until after you've ruled on that question, then I would like to speak to it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, pursuant to Article VII, Section 6, Paragraph G, it limits the home rule power to tax, and therefore, would be preemptive and would require thirty-six votes. Senator McMillan. If not...

SENATOR McMILLAN:

Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator McMillan.

SENATOR McMILLAN:

I rise in opposition to the bill. As Senator Maitland said, there is a little bit in here for everybody, but this is probably one of the worst examples of what happens with a legislative process that if we abide by the rules, we'd have a fairly reasonable process, but because we throw everything aside when we get down to the very end, this is an example of the...the rottenest kind of a product. Some of the bills...some of the things considered here haven't had ample consideration in committee. This is a bill that intends to provide everything for everybody and...and, in fact, it is a disgrace to the oath of office we take. It's a disgrace to what we're trying to do on behalf of the State of Illinois, and because of that, because I oppose about half of the bill, I'm...I'm going to vote No, it's very hard. There's...it's

very hard to vote against eliminating the inheritance tax, but this is exactly the kind of...of abuse of the legislative process that makes people highly suspicious of what on earth we are...are here to do. I'm going to vote No.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR DEMUZIO:

Well, thank you, Mr. President. I rise in favor of...in support of House Bill 2289. I would like to point out that the amendment to elect the Illinois Commerce Commission is not something that is not...is a brand new concept, it's been around for a long, long period of time. House Bill...Senate Bill 1313 still resides in the Rules Committee, it was identical to the bill that was introduced in the last Session, so there is nothing in this amendment that is of any surprise to any person in this Chamber, and I would...agree with that amendment as well as to the other portion of the bill that abolishes the inheritance tax and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR MAITLAND:

Well, thank you, very much, Mr. President. I agree with what Senator McMillan has said. I believe much thought and effort was put forth into the first amendment, and I believe that's all that should have gone on there. I can...I can tell the Body this, that this bill has to go back to the House, and I personally will make every attempt to...to work in the direction of getting the elected Commerce Commission members off. I...I rose very vigorously against that amendment. I think it makes this bill a bad bill, but I think the overriding issue has to be that of the elimination of the inheritance tax, truly no revenue loss 'til late in...in

Fiscal Year '84, and the abolition of the tax on tax with public utilities. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 2289 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 45, the Nays are 11, none Voting Present. House Bill 2289 having received the constitutional majority is declared passed. For what purpose does Senator Taylor arise? Senator Taylor.

SENATOR TAYLOR:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Taylor asks leave for the Body to go to motions in writing. Is leave granted? Leave is granted. Senator Taylor. Senator Taylor.

SENATOR TAYLOR:

Mr. Chairman, I'd like to have the motion...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Taylor.

SENATOR TAYLOR:

...read by the...by the Secretary.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Taylor, you're recognized.

SENATOR TAYLOR:

Thank you, Mr. President...Mr. President, I move to suspend the temporary Senate Rule 5 and to discharge the Rule Committee from consideration of Senate Joint Resolution 104 and that such resolution be placed on the Calendar for our immediate consideration. And the reason that I put forth this motion this afternoon is because of the fact that yesterday the resolution that we was about to vote on was somewhat out of order, and that was explained to me by the President, and what I did was to file a new motion dealing

*AGR 104
Motion in Writing*

with the Equal Rights Amendment. And I, therefore, move that we suspend the appropriate rule in order that we might be able to bypass the Rules Committee and go directly to the motion.

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose does Senator Ozinga arise?

SENATOR OZINGA:

You want a caucus or don't you? I'm...I'm torn between...I'd ask leave for an immediate caucus in the Senate...I'll hold my motion.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of Senator Taylor's motion to immediately consider the resolution as again introduced today by him. I think, obviously, we are all aware, I suggested yesterday very strongly that was not the opportune time. The majority of the membership, I think, has now made it clear that they do wish the opportunity to voice their vote on a subject that's long overdue and so do I. So, I would move...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, could we just back up for one second. We will go to the Order of...with leave of this Body, go to the Order of Resolutions. Is leave granted? Leave is granted. On the Order of Resolutions, Mr. Secretary.

SECRETARY:

Senate Joint Resolution Constitutional Amendment 104 offered by Senator Taylor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Now the resolution has been officially introduced. On Senate Joint Resolution 104, Senator Taylor.

SENATOR TAYLOR:

Thank you, Mr. President. I move to suspend the tempo-

rary Senate Rules 5 and to discharge the Rule Committee for the consideration of Senate Joint Resolution 104 and that each...and that such resolution be placed on the Calendar for immediate consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is there discussion? Senator Ozinga.

SENATOR OZINGA:

I have been requested by five members on this side of the aisle to call a Republican Caucus immediately in...in Minority Leader's Office.

PRESIDING OFFICER: (SENATOR SAVICKAS)

How much...that request is in order under our rules. Senator, how much time do you request? The Senate...the Republicans will meet in caucus in the Minority Leader's Office for ten minutes. And we will return back in here...for work in ten minutes. They are in caucus, the Senate will be recessed for ten minutes and we will return at two-thirty...sorry, three-thirty.

RECESS

AFTER RECESS

PRESIDING OFFICER: (SENATOR SAVICKAS)

The hour of three...three-thirty having arrived, we had encouraged the Senators to come back to the Floor so we can reconvene the Session. We have no instructions, the Senate will stand in recess for another ten minutes.

RECESS

AFTER RECESS

PRESIDING OFFICER: (SENATOR SAVICKAS)

The Senate will come to order. Will all those not entitled to the Floor please vacate. Sergeant-at-arms would you...Mr. Secretary, we were on the Order of Senate Joint Resolution 104 on a motion to...for immediate consideration. On that motion, Senator Taylor was recognized and speaking. Senator Taylor, on the motion for immediate consideration.

SENATOR TAYLOR:

Thank you, Mr. President and members of the Senate. This issue that we are involved in is the Equal Rights Amendment. As you know, it is very important to our country and especially to our State, and having had the activity that we had in our State, I felt that it was very important that we at least give them a fair chance by having a fair debate on it. That is why I put the motion for the suspension of the rules in order to have House Joint Resolution 104 heard and I move for the adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

On the motion, any discussion? Senator Rhoads.

SENATOR RHOADS:

Thank you, Mr. President and members of the Senate. A question of the sponsor of the motion. Senator Taylor...

PRESIDING OFFICER: (SENATOR SAVICKAS)

...indicates he will yield.

SENATOR RHOADS:

Thank you. Senator Taylor, is SJR 104, as far as you know, is the language the the same as SJR 10 from yesterday?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Taylor.

SENATOR TAYLOR:

As far as I know, it's the same language.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rhoads.

SENATOR RHOADS:

Thank you, Mr. President and members of the Senate. I intend to cast a vote of...of Present on the motion to discharge SJR 104 from committee for a variety of reasons, which I think we ought to at least get on the record in terms of legislative intent. The reason for my vote of Present is that I honestly do not believe...and I've discussed this with Senator Netsch and other proponents on various occasions, many people feel sincerely on the merits of the issue, pro and con, but I honestly don't believe that SJR 104 or any other resolution before this General Assembly constitutes a valid instrument of ratification of an amendment which was passed by the 92nd Congress on March the 22nd, 1972. That resolution which was House Joint Resolution 208 which contained within it a seven year expiration date. In 1979, the Congress purported to extend the time period for House Joint Resolution 208 by passing another joint resolution, and Senator Taylor has properly drafted this resolution insofar as it goes by referring to that resolution. That resolution did not pass the Congress of the United States by a two-thirds vote which is indicated by Article V of the Constitution. There was subsequent litigation on the extension. That litigation was decided in January of this year in a Federal District Court in the State of Utah, I believe, in which the extension of time because of it's violation of Article V was struck down. A later appeal to the United States Supreme Court found that that order was staid and that the expedited hearing was not granted. If the State of Illinois passes this resolution, and if two other states in the next five days pass resolutions, it will not automatically ratify that

proposed amendment which was generated in March of 1972, it will be brought before the U.S. Supreme Court automatically, which is now on appeal. The question is, and I ask each of you just to read the language of Article V which is very plain. The most eloquent argument made against the extension was by the Democratic Senator from Illinois, Adlai Stevenson, who at the time argued against it and vote for it. Senator Stevenson said that if theoretically Congress had the power to extend a instrument of ratification, it certainly did not have the power to extend it by less than the two-thirds vote required in Article V. Therefore, it is my position that there is no valid instrument of ratification before the General Assembly, and I'll be casting a vote of Present on the resolution. Perhaps later we can discuss the merits of the proposed amendment itself. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall the rules be suspended for immediate consideration of House Joint Resolution 104...Senate Resolution...104. 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 35, the Nays are 22, and 2 Voting Present. The rules are suspended. Senate Joint Resolution 104 is before the Body for its consideration. On the adoption of Senate Joint Resolution 104 is Senator Taylor. Senator Taylor.

SENATOR TAYLOR:

Thank you, Mr. President and members of the Senate. You know this a great country we have when men and women can sit down and get into heated discussions and then come back and have this kind of agreement. And certainly that we know that in this country of ours that Columbus found in 1492 that he was looking for a free world, and since that time, there have been many other persons, and many might be on the Floor

today, or their parents, we're immigrants from foreign land. They came to this country because of...it was a free land, there was equality for all people. Many of those persons because of certain discriminations changed their names in order that they might be able to enjoy the same freedom and...equality that exist for some but not for all in this country. I know there was many of my friends of all national origins that have talked to me about the problems that they had in order to be able to get a license, one reported to me that he had to change his name, become something other than what he was in order to be able to get the license. That kind of thing did not exist for our...a fella of my facial complexion, changing my name would not have helped me any. It did not exist for the women of our country 'cause just changing their names has not fully given them the equality that they rightfully deserve. I know that there has been an awful lot of demonstrations around this Capitol complex and I understand that, I support the...the so-called chain gang. I support the fasters. I support all people that was fighting for their freedom. In fact, seven of the last presidents...six of the last seven presidents have went on record in support of the equal rights amendment, there's Eisenhower, Kennedy, Johnson, Nixon, Ford and Carter. The Equal Rights Amendment said, equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex. I have seen this amendment defeated time, and time, and time again for other things other than what the amendment stands for. I honestly believe that we have a golden opportunity if not to help the rest of the country, but yet to help the women of our State. And we dare not forget that we are the heirs of the first revolution, and I say let the word go forth, from this time and place, to friends and foe alike, that the time has come to ratify the equal rights amendment, and we are unwilling to witness or permit

the slow undoing of those human rights, to which this nation has always been committed, and to which we are committed today, that all people are created equally. The Equal Rights Amendment will mean hiring and promotional practices based on the true merits of an individual applicant, regardless of sex. The Equal Rights Amendment will provide a legal precedence for equalization of rights, meaning, clarifying laws, thereby minimizing the differences in judicial rulings which businesses must deal, and the result will be saving of time and money. The Equal Rights Amendment will mandate uniformity in regulation affecting companies operating nationwide. The Equal Rights Amendment will clarify the economy status of women, including credit standards. The Equal Rights Amendment will potentially increase the dollars coming into the homes. The Equal Rights Amendment would increase the income of a single-woman household. Twenty-five percent of all U.S. households are ran by women. Let both sides explore what problem unite us, instead of belaboring those problems which divide us. In your hands, my fellow legislators, more than mine, will rest the final success of failure on our course. Since this country was founded, each generation of Americans has been summoned to give a testimony to its national loyalty. Now the trumpet...trumpet summons us once again, not as a call to bear arms, though arms we need, not as a call to battle, though embattled we are, but a call to bear the burden of a long twilight struggle, year in and year out, "Rejoicing in hope, patient in tribulation," that the State of Illinois would take its place among those states that believe equal rights for all citizens. As we move into the 1980's, it is necessary that we carefully assess what we have done with the first two hundred years under our Constitution, and what we have not done. The women here today had a difficult task of telling us some of the things we have not done, and things that have to be done if we are

to have a healthy, fair, and decent country. Things that have to be done if our Constitution is to be respected as a guide for all our citizens. A guide that did not ask some of its citizens to wait for the millennium, and flexible enough to permit citizen to get overdue solutions for their problems now. There comes a time when people get tired. For many years, women have shown amazing patience. They come here today to be saved from that patience, to make them patient with anything less than freedom and justice. One of the great glory of democracy is the right to protest for right. And may I suggest, that under our Constitution, we have a duty, a duty to protest for right, and never in the next hundred years, to be patient with anything less than freedom, equality and justice for all. Mr. President and members of this august Body, I solicit your support for the ratification of the Equal Rights Amendment in this Senate today.

PRESIDENT:

Further discussion? Senator Rhoads.

END OF REEL

REEL #6

SENATOR RHOADS:

Thank you, Mr. President and members of the Senate. I know there is a good deal of impatience in the Chamber to get on with the vote and it will come very shortly, but there is an obligation, I think, on the part of those who are not convinced that this a wise piece of public policy to state why they don't feel that way. Unfortunately, it's not been an easy thing to not even oppose the Equal Rights Amendment, but to merely to say, one was not convinced that it was a good idea, because such a statement made one automatically suspect that one was somehow opposed to the cause of women's rights or some...one was somehow hostile to the idea that people ought to be treated equally in all public laws. When I first saw the Equal Rights Amendment, I figured it certainly...there's no harm in this amendment, it's a pretty innocuous statement of equality of rights under the law. I didn't see that it really added much to the United States Constitution that wasn't already there in the fourteenth amendment equal protection clause or the Illinois ERA, but surely there would be no harm in passing such a statement. As I began to study the issue a little bit more, I began to wonder what kinds of public policy options do State Legislatures and the Congress now have that they would not have if ERA were part of the supreme law of the land. Basically those objections boil down to two categories. It seems to me highly unfortunate that the public debate on ERA has gone on so many different levels, and it's in such a poor quality of debate that attention has been focused away from the constitutional issues involved. There's a great deal of emotion on both sides. One often sees in the media coverage of...the National Organization for Women or the Eagle Forum demonstra-

tions and so forth. How often have you ever seen in the last ten years of debate in the newspaper between Philip Kurland, and Lawrence Tribe, and Dick Posner, or Paul Froines all constitutional scholars of great renown who have analyzed this amendment very carefully, and the answer is very seldom. The two legal doctrines that I find objectionable in the Equal Rights Amendment boil down to suspect category and mechanical unity. Under the suspect category doctrine, gender would be made a suspect category in the law such that the burden of proof shifts from a...from the plaintiff to the defendant. Instead of having to prove that the defendant is guilty, the defendant now has to prove his or her innocence against a charge of discrimination based on gender. Now I'm willing to concede that that suspect category doctrine might have been justified in the case of racial discrimination, because of the historic pattern involved, nor do I deny that there has been some historical pattern that might justify it or might have justified it in 1972 on the basis of discrimination based on gender, but since 1972, we have had the Equal Opportunity Employment Act and a host of Federal laws and State laws dealing with the issue of equality of rights. Secondly, the mechanical unity doctrine, and this one causes me even more problems. If as a matter of the supreme law of the United States we say, henceforth, there shall be no distinctions permitted in law arbitrary, invidious or otherwise between male and female citizens, then you can cause some real problems in public policy making and take away policy options that the State Legislatures and Congress now enjoy subject to the wishes of their constituents. The most conspicuous example that anyone can think of happened just last year. After the Soviet invasion of Afghanistan, President Carter asked the Congress to reinstitute draft registration for both male and female citizens aged eighteen and older. The Congress did not go along with the President. They

decided that their constituents wished them to exempt female citizens. That was a policy option they now enjoy that what they would probably not enjoy if ERA were...were part of the supreme law of the land. That's just one example, there are many others. I think it finally should be said that there are people of sincere good will on both sides of this issue. It is no more fair to say that all opponents of the ERA are chauvinist than it is to say that all proponents of the ERA are militant feminist. There are people on both sides who have thought about this carefully and seriously and want to do the right thing for our constituents and the right thing for the American Constitution. Thank you, Mr. President.

PRESIDENT:

Illinois Information Service and AP have asked permission to take some pictures. Is leave granted? Leave is granted. Further discussion? Senator Schaffer.

SENATOR SCHAPFER:

Mr. President, I rise in support of this amendment. When I first got down here ten years ago, it was one of the first issues that I had to face, and frankly, I went back to my district and polled rather extensively,...as did my representatives, and we found an overwhelming consensus for it. As a result of that, I took a position and it's a position that I have not shifted from in a decade. During that ten years, the debate on this issue has, to say the least, gone downhill, and we find ourselves discussing unisex johns and other unrelated issues, but the bottom line in my mind is that the ERA continues to be a moral statement that belongs in the U.S. Constitution as much as any other amendment and more than some I can think of. If I ever had any doubt in my mind about whether I was doing the right thing for my rural suburban Republican constituency on this issue, that doubt was erased in the last primary. My opponent chose to make this the issue. My area was deluged in mails on this issue.

I think people are nominated and elected on their records and on a lot of issues, but clearly, that was to be the issue in the primary. I won that primary 70-30, and in an all candor, on my best day, I'm not worth 70-30. I have to conclude that it was...an affirmative vote, possibly a little for me, but I think it was a resounding vote by a Republican constituency for the Equal Rights Amendment, and I think the Equal Rights Amendment is going to have more than one vote on the Republican side of this aisle, and it deserves probably more than it's going to get.

PRESIDENT:

Further discussion? Senator Lenke

SENATOR LENKE:

Mr. President and fellow members of the Senate, this amendment is untimely, because there's more concerned here and that's the future of the nation, and that future of the nation...is based on the unborn. And until the human life amendment is not bottled up in Congress and takes its rightful place to be ratified by the states, or at least given the opportunity to ratify, I in no way can vote for this amendment, and I no way can vote against equal rights for women. But I'm telling you this now, if this passes after the human rights amendment, there's no problem, but the future of America, the unborn, and the children of this country if this passes, they are doomed to the rules of the Federal Government by basic of Section II of this amendment, which gives Congress exclusive power to pass all laws to enforce this amendment. That's what it says. If you want to give up your state's rights to passing a human life amendment and protecting the unborn, then you vote for this, but if you think of those people here that have no rights and have no voice, then you will be like me and you'll Vote Present until the Congress in their right mind takes out Section II and starts putting in some language to protect these children or at

least allowing the human rights amendment to come out. The basic sponsor of this resolution is the National Organization of Women, and at their own convention, they had said they would loose the Equal Rights Amendment as long as they can abort children at any stage of life and get rid of the future of America. And I'm telling you this, I stand here in shock and amaze to see the country of Germany who suppressed even living people's rights and put them in gas chambers and not only people of a particular religious background but of an ethnic background, or as many Poles and Bohemians wiped out, and Lithuanians by the German's through extermination. They wiped out the entire town of Lidice in Czechoslovakia, not only with people but they removed monuments, and homes, and roads, and plant grass seed. To remove the young, they killed the young because of the fear that's coming in. When we evaluate money more than we evaluate children, then we have abortion, and then eventually after abortion, we get rid of the elderly, and after the elderly, we get rid of those kids that have red hair or blue eyes, or they're Polish, or Jewish, or Christian, or Jesuits, or whatever religion, and you just keep going 'cause there's no stopping. When we start...when they started talking about Nazis, the intellectuals that are sponsoring this amendment, we're...they were still intellectuals they should listen to this, because it was the intellectuals that agreed with Hitler to exterminate two hundred and seventy-five thousand disabled people, incompetents, mental retarded and sick people. They were the first to go, and they wouldn't go because of their particular religion or nationality. They went and they kept starting, and pretty soon it got into the point where you had a dictator in Germany who thought maybe they should all have blue hair and blonde eyes. I mean that's what you have...you know, you can laugh and be silly...you can laugh and be silly but that's what it leads

to. You know I'm not a fear, I...I look at what things to start, it's like a seed, you plant it and you eliminate it. I'm sorry, I...blonde hair and blue eyes. I'm sorry that I made a mistake, but I get very emotional when I talk about people that can't speak for themselves and I get very much involved. They can't chain themselves to the Governor's Office or obstruct legislation in the State of Illinois because they don't have a voice, their voice is yours and mine and the concern of our morality. I am going to Vote Present like I always have and no amount of personal or physical violence, or threats, or bribes by high officials will get me to change this opinion. This is an ideal that I was born in...born with and it's an ideal that I will die with, and whether I have money in my pockets or none in my pockets, or whether I have a job or don't have a job doesn't matter, because I was taught when I was young that once you learn something, no one can take that from you, no one. They can take everything else you own, but not what's inside your head, and I'm telling you this right now, this is an ideal. So you people want to justify yourself and you vote for ERA, and when the Federal Government says, we can't do anything to regulate abortion in this State, and you come to me and cry and you feel sorry because the guilt is on you. I ask you to Vote Present or No on this thing until we get the human life amendment out of Congress taking its course.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I think everyone has heard the arguments pro and con, but the most important statement that I have to advance is that we in Illinois have had the benefit of equal protection of the laws because under Section 18, they cannot be denied...we cannot be denied that equal protection or not abridged on account of

sex. Now we've had it in our State Constitution for ten years. I am a great believer that if anyone wants to be a homemaker, they should be a homemaker, and I respect the homemaker. My mother was a homemaker and she had ten children, she never worked outside the house a day in her life, but if she were living today and my father were living today, they would roll over in their graves if I did not support equality under the laws. And this is the way I honestly feel, it should not be abridged on account of sex, and sex does not mean homosexuality...homosexuality is sexual preference, and there is...we all know what we...how we're going to vote, but let me point out one thing. Wouldn't it be nice to be nice to the other citizens in the southern states who would never do anything unless...a Federal amendment were to pass. It's...a human rights amendment for both men and women, it's not just for the women. And I certainly solicit an Aye vote and I support it very wholeheartedly.

PRESIDENT:

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex. It is not radical, it is not revolutionary, it is basic and American that government will treat people equally and fairly. It's not so much that the Equal Rights Amendment is going to change society, it is that society has changed but not fairly for all people. I think that is why the Equal Rights Amendment has had such a broad base of support in this country, and even in the State of Illinois and even the Illinois General Assembly. Let's remember that on three occasions already before today, the Illinois Senate has supported the Equal Rights Amendment by a majority vote, not a three-fifths vote but a majority vote. And in the Illinois House, on seven occasions, a majority of

the members elected has voted affirmatively for the Equal Rights Amendment. There is indeed a broad base of support at large in this country and in the State of Illinois. Some will say that this vote today is symbolic. If that is so, the symbolism is enormous. It is simply this, will we in Illinois record our belief that this great Constitution of ours in this country will recognize a past history of discrimination and second-class citizenship and rectify it. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex. Who among you will choose to deny that?

PRESIDENT:

Senator Taylor may close.

SENATOR TAYLOR:

Thank you, Mr. President and members of the Senate. I'm truly indeed grateful to all of you for extending this opportunity to me. Whether the amendment goes up or down, I want to remind you that the Equal Rights Amendment for women will never go away, it is here to stay. I think it's time that you all recognize it and make certain in future years, whether we do it today or next year, that you consider the mistakes that has been made for our womanhood. I know the problems, I've seen them, I know what discrimination is all about far better than many of you. I know they know for the misuse and the abuse that has been placed upon them. Therefore, I wholeheartedly support and I will be in the firing line as long as there is no person that is free under our Constitution. Mr. President and members of the Senate, I solicit your support for Senate Joint Resolution 104.

PRESIDENT:

Question is, the adoption of Senate Joint Resolution 104. Thirty-six affirmative votes will be required. Those in favor of Senate Joint Resolution 104 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, there are 31 Ayes, 27
Nays, 1 Voting Present. Senate Joint Resolution 104 fails.
If I can have the attention of the membership, if you'll turn
to page 3 on the Calendar. On the Order of House Bills 3rd
Reading is House Bill 2342, Senator Berman. Senator Berman.
On the Order of House Bills 3rd Reading, House Bill 2342.
Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2342.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

House Bill 2342 was the one we discussed earlier today.
It's the intention of the sponsors and the Minority repre-
sentatives that we have discussed this with to pass this over
to the House with the amendment that deals with the exemption
regarding garnishment...send it to Conference Committee and
address the problems of the due on sale clause in trusts and
to preserve the right regarding collection and still preserve
the right regarding exemptions under bankruptcy. I solicit
your Aye vote.

PRESIDENT:

Any discussion? Senator Bowers.

SENATOR BOWERS:

Those on this side of the aisle who...who have asked me,
this is the agreement and I agree with Senator Berman and
would urge them to vote Aye.

PRESIDENT:

Question is, shall House Bill 2342 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 2, none Voting Present. House Bill 2342 having received the required constitutional majority is declared passed. 2356, Senator Gitz. On the Order of House Bills 3rd Reading is House Bill 2356. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2356.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Gitz.

SENATOR GITZ:

Thank you, Mr. President and members of the Senate. House Bill 2356 in its amended form would allow local governmental units and would allow the State Department of Administrative Services and its successor agency to be Central Management Services.

PRESIDENT:

Can we take the caucuses off the Floor. Senator Gitz.

SENATOR GITZ:

Thank you, Mr. President and members of the Senate. This would allow local governmental units in the State of Illinois to enter into the purchase of goods and services from handicapped associations. As amended, it also has guidelines for the noncompetitive bidding under certain conditions. This legislation, I think, is landmarked legislation because it will allow handicapped associations that have been very vigorous in their efforts throughout the State for the first time some real teeth for participation in fulfilling State

AB 2461
3rd reading

contracts. I'd like to cite very briefly a couple of examples. The Chicago Association of Retired Citizens, for example, is able to make pillows, something which could be done through our mental health institutions. The Kaskaskia workshop, ballpoint pens, and Mt. Carmel, nameplates, and Illinois Valley workshop, metal signs and barricades. At several different locations, packaging, shipping blocks, pads and equipments, emergency flags. I think that this is important legislation and positive legislation. I'd be happy to respond to any questions.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall House Bill 2356 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none Voting Present. House Bill 2356 having received the required constitutional majority is declared passed. 2461, Senator Philip. Okay. On the Order of House Bills 3rd Reading is House Bill 2461. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2461.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Philp.

SENATOR PHILIP:

I...I'm sorry, Mr. President and Ladies and Gentlemen of the Senate. This is House Bill 2461 which is the combination of the Department of Administrative Services and Personnel into the Central Management Services. Quite frankly, there's been quite a few amendments put on today and it would be my intention to get it in Conference Committee and try...and try

HB 2485
3rd Reading

to straighten it out, and I would ask for your favorable consideration.

PRESIDENT:

Question is, shall...any discussion? Senator Gitz.
Senator Gitz.

SENATOR GITZ:

Thank you, Mr. President and members of the Senate. Very briefly, I would like to explain why I think this is going to be important legislation to ratify. The Central Management Services components are important so that the director can be paid in the proper fashion. The Criminal Justice Information Authority has been amended into the bill. Without that, they will find a difficult task in fulfilling contracts that they're seeking to implement.

PRESIDENT:

Pardon me, Senator. All right, will the cameras please vacate. Senator Gitz. Senator Gitz. All right, Senator Gitz. Senator Gitz.

SENATOR GITZ:

I've concluded my remarks, Mr. President.

PRESIDENT:

All right. Any further discussion? If not, the question is, shall House Bill 2461 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Aye 56, the Nays are none, none Voting Present. House Bill 2461 having received the required constitutional majority is declared passed. 2485, Senator Joyce. On the Order of House Bills 3rd Reading is House Bill 2485. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2485.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. House Bill 2485 as amended has been debated. It consists of the amendments which we debated and put on. Basically, what it does is that would provide for a weighing of the equalization factor in downstate counties according to the percentage of valuation of various types of property. There's also a notification and publication provision of the...that would...that provides for a notification of the taxpayer of their right to appeal. I ask for a favorable roll call.

PRESIDENT:

Any discussion? Senator McMillan.

SENATOR McMILLAN:

Mr. President and members of the Senate, the parts of this bill have gotten detailed consideration in several different stages. I think it's a sound bill. I seek its support.

PRESIDENT:

Any further discussion? If not, the question is, shall House Bill 2485 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none Voting Present. House Bill 2485 having received the required constitutional majority is declared passed. 2578, Senator Berman. Senator Berman.

SENATOR BERMAN:

Mr. President, regarding House Bill 2578. This morning I received a communication from the Board of Governor's of the Chicago Bar Association which outlines their opposition to this bill. Among that is issues which I think would impact

negatively on the rights of the little taxpayer for proper review of assessment appeals. For that reason, I'm not going to call this bill at this time. I think it requires further work and I ask that we skip calling of this bill at this time.

PRESIDENT:

All right, on the Order of Motions in Writing, Mr. Secretary, before we get...and then we'll turn to page 14 for...to pickup the bills on consideration postponed, but motions in writing, with leave of the Body. Read the motion, Mr. Secretary.

SECRETARY:

Motion in writing to move to amend Senate Rule 5 by deleting June the 5th, final day of 3rd reading and passage of House Bills and inserting in lieu there of the following: June the 25th - final day for 3rd reading and passage of House Bills except appropriation bills; June the 28th - final day for 3rd reading and passage of House Appropriation Bills. Signed, Senator Carroll and Senator Buzbee. Dated June 25th, 1982.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As most of the members are aware, we have been attempting to resolve the differences between the two Chambers and the second floor on the level of the budget, and in the interest of trying to do that before we pass the legislation, we will appear to need at least another day, so I have asked that the rules be suspended so that appropriation bills can be read a final time and passed on Monday, in lieu of today's deadline.

PRESIDENT:

Is there any discussion? If not, all in favor of the

HB 1301
3rd Reading

motion indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the rules are suspended with respect to the appropriation bills. On the Order of Consideration Postponed on page 14, if we can have your attention...if you'll turn to that order. House Bill 1301, read the bill, Mr. Secretary.

SECRETARY:

House Bill 1301.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1301 contains the following items: the new adult education funding formula, clarification of the...of the availability of...parent/teacher conferences with...institute days, the hiring of certified school counselors and the extension of the reporting date for Chicago Community Schools Study Commission. Senator Degnan added amendment and Senator Grotberg has the amendment regarding the indemnification for the school trustees. I solicit your Aye vote on passage of 1301.

PRESIDENT:

Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, a point of personal privilege.

PRESIDENT:

State your point.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I have been a strong supporter of ERA, but I do not think that your conduct, young lady, is the kind of conduct that's going to militate to the passage of the amendment. And I wish you

would just leave peacefully.

PRESIDENT:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Just...just to make sure I understand, and I don't have the language before me and I apologize for that, but I want to make sure that number one...number one, that it is not necessary nor mandated to be in a community college district to qualify for payment, is that not right, Senator Berman?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

That's correct.

PRESIDENT:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

I just rise in support of this bill. 1301 it was a bill which was held over from last Session which was used to amend to...the adult education worked out an agreement between community colleges and the high school districts, and I urge a favorable vote.

PRESIDENT:

Question is, shall House Bill 1301 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none Voting Present. House Bill 1301 having received the required constitutional majority is declared passed. 2502, Senator Davidson. On the Order of House Bills...on the Order of Consideration Postponed is House Bill 2502. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2502.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, we've debated this bill yesterday. All the points are pretty well covered. I would like to touch on two points, first, and foremost, people talked about the police officer was necessary so these individuals can receive their pension. There's...involves thirty-five people is what this involves, twenty-five outside investigators, ten...internal security investigations, this applies to thirty-five people. This, I think has covered most of the points and I appreciate a favorable roll call.

PRESIDENT:

Any discussion? Senator Marovitz. Senator Marovitz.

SENATOR MAROVITZ:

Thank you. Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think that...I hope that the...the hysteria of the moment will not keep anybody from paying attention to this bill, because it...this is a very important bill, and what we're doing here is we're opening up a Pandora's box. There maybe some discussion about a...an Attorney General's opinion giving authority for the Department of Revenue and their agents or inspectors to use guns to go into people's homes to investigate...senior citizens circuit breaker fraud, to take a look a cigarette cartons and see if they are properly stamped. But what we're doing here is opening up a Pandora's box for all the department heads to come in, subsequently, and say, give us the right to use guns. And the Department of Revenue has...there is no limitation on this bill in any way of how many inspectors they can have of a...where they can go, they can go into homes to examine...inspections for senior citizens circuit

breaker fraud. This is a absolutely terrible precedent, and let me tell you, and I will say this once again, if I were running against anybody that voted for this bill, this would be one of the first things that I would do. If you want to authorize, and forget about the Attorney General's opinion, that's got no force of law whatsoever, they're coming to us to say give us the force of law, tell us that it's okay. If you want to say in a Statute that it's okay for inspectors of the Department of Revenue to go in and carry guns and investigate senior citizens circuit breaker and whether cigarette...stamps are on cartons and whether there's...there's been violations of the...of bingo laws, well that's okay, but just remember, that's a...that's a price that your going to have to pay. I don't think we ought to open up a Pandora's box and authorize by Statute the director of any department...of any new department to...to allow guns to be used to go into people's homes and investigate. And I would solicit a No vote on this very bad bill. And Mr. President, if this bill should receive thirty votes, I would like a verification of the roll call.

PRESIDENT:

That request is in order. Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. I rise in support of this legislation. Senator Marovitz, I take offense with most of what you've said here. You ought to stand up here next to this young lady. You're talking about people going into people's homes. You want to look at what we put on...on the side of security officers in the City of Chicago...private security agencies. You come out into my district, I'll give you a roll call. I'll...I'll have a good time with you on it.

PRESIDENT:

Further discussion? Senator Davidson may close.

SENATOR DAVIDSON:

Ask for a favorable roll call vote, please.

PRESIDENT:

Question is, shall House Bill 2502 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take...take the record. On that question, the Ayes are 37, the Nays are 14, 3 Voting Present. House Bill 2502 having received the required constitutional majority is declared passed. 2508, Senator Grotberg. On the Order of Consideration Postponed is House Bill 2508. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2508.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Grotberg.

SENATOR GROTBORG:

Thank you, Mr. President. This is the agreed race track fee system, let's all ride. I ask for an Aye vote.

PRESIDENT:

Any discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, all the...all the controversy over this bill has been worked out and I agree with Senator Grotberg to give this bill an Aye vote.

PRESIDENT:

Question is, shall House Bill 2508 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none Voting Present. House Bill 2508 having received the required constitutional

majority is declared passed. 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 concurred with the Senate in the passage of the following Senate Bills together with House Amendments:

...Senate Bill 1359, House Amendments 1, 4 and

5.

Senate Bill 1363, House Amendment 1.

Senate Bill 1386, House Amendment 1, 2 and 3.

Senate Bill 1397, House Amendment 1.

Senate Bill 1398, House Amendment 1, 2, 3, 4,

5, 6 and 7.

Senate Bill 1399, House Amendment 1 and 2.

Senate Bill 1400, House Amendments 1 thru 15.

House...Senate Bill 1402, House Amendments 1, 2

and 3.

Senate Bill 1405, House Amendments 1, 2, 3 and

4.

Senate Bill 1406, House Amendments 1, 2, 3, 5,

6 and 7.

Senate Bill 1415, House Amendments 4, 5 and 6.

Senate Bill 1418, House Amendments 1, 2, 3, 4,

5, 6, 8, 9 and 10.

Senate Bill 1419, House Amendments 1, 2, 3, 4,

5, 6, 8 and 9.

Senate Bill 1420, House Amendments 1, 2, 3, 5,

6, 8 and 9.

Senate Bill 1425, House Amendments 1, 2, 3, 4.

Senate Bill 1427, House Amendments 1, 2, 3, 4,

5, 6 and 8.

Senate Bill 1445, House Amendments 1, 2, 3, 4.

Senate Bill 1524, House Amendment 1.

Senate Bill 1404, House Amendments 1, 2, 3, 4, 5, 6, 7, 8, 9.

House Bill...Senate Bill 1414, House Amendments 1, 2, 3, 4, 5, 7, 14, 15, 17, 18 and 19.

Senate Bill 1413, House Amendments 1, 2, 3.

Senate Bill 1417, House Amendments 1, 2, 3, 4, 8, 10, 12, 21, 23, 24 and 25.

Senate Bill 1422, House Amendments 1, 2, 5, 9 and 10.

Senate Bill 1678 with House Amendments 1, 2, 3, 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 as refused to concur with the...

PRESIDENT:

Pictures are not allowed up there, Sir.

SECRETARY:

I am...I am directed to inform the Senate the House of Representatives refused to concur with the Senate in the adoption of their amendments to the following House Bills:

House Bill 1913 with Senate Amendments 1, 2 and 3.

House Bill 2234, no...2276 with Senate Amendment 1.

House Bill 2285 with Senate Amendment 1.

Message from the House by Mr. Leone, Clerk.

Mr. President - I am directed to inform the Senate the House of Representatives concurred with the Senate in the adoption of the following amendment to House Bill 2234 concur in Senate Amendment No. 1. I am further directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment No. 4.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg, for what purpose do you arise?

SENATOR GROTBORG:

Thank you, Mr. President. As regards Senate Bill 1193, I would like to accede to the House's request to...conference, so we can start the paper work.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would you let the Secretary read that in first, Senator.
SECRETARY:

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

Mr. President - I am directed to inform the Senate the House Representatives refused to recede from their Amendments Nos. 3, 4 and 9 to a bill with the following title:

Senate Bill 1193 and they request the first conference. The Speaker has appointed the members on the part of the House.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg. Senator Grotberg accedes to the a request and a Conference Committee will be...

SENATOR GROTBORG:

...1193.

PRESIDING OFFICER: (SENATOR SAVICKAS)

On 1193.

PRESIDENT:

Further business to come before the Senate? All right, for the benefit of the membership, the schedule will be, I just spoke with the House, nine o'clock tomorrow morning, and 6:00 p.m. Sunday evening, and noon on Monday. So if there is no further business, no further announcements, Senator Bruce moves that the Senate stand adjourned until Saturday, June 26th at the hour of 9:00 a.m. Nine o'clock tomorrow morning. Senate stands adjourned.