

82ND GENERAL ASSEMBLY

REGULAR SESSION

JUNE 30, 1982

PRESIDING OFFICER: (SENATOR BRUCE)

The Senate will come to order. Prayer today will be by Reverend Rudolph Schultz of the Union Baptist Church, Springfield, Illinois. And will our guests in the galleries please rise.

REVEREND RUDOLPH SCHULTZ:

(Prayer given by Reverend Schultz)

PRESIDING OFFICER: (SENATOR BRUCE)

Reading of the Journal. Senator Nega.

SENATOR NEGA:

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; Friday, June the 25th; Saturday, June the 26th; Sunday, June the 27th; Monday, June the 28th and Tuesday, June the 29th, in the year 1982 be postponed pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR BRUCE)

You've heard the motion. Discussion? All in favor say Aye. Opposed Nay. The Ayes have it. The motion prevails. Message from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives refused to concur with the Senate in the adoption of their Amendments Nos. 1 and 2 to House Bill 394.

And a like Message on Senate Amendments 3 and 4 to House Bill 2206.

And a like Message on Senate Amendments 3 and 4 to House Bill 2205.

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

Mr. President - I am directed to inform the Senate the House of Representatives refused to recede from their

Amendments 1 and 2...1 and 5 to a bill with the following title:

Senate Bill 1663.

They request a first conference, and the Speaker has appointed the members on the part of the House.

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

Mr. President - I am directed to inform the Senate the House of Representatives acceded to the request of the Senate for a first...conference...Committee of Conference to consider the difference between the two Houses on Senate Amendment No. 1 to House Bill 712. And the Speaker has appointed the members on the part of the House.

A like Message on...House Bill 1607, Senate Amendments 2, 3, 4 and 5.

A like Message on 1938, Senate Amendment No. 1.

A like Message on House Bill 2266 with Senate Amendment No. 1.

A like Message on House Bill 2276 with Senate Amendment No. 1.

And a like Message on House Bill 2498 with Senate Amendments 1, 2, 3, and 4.

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

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

House Joint Resolution 110.

It's congratulatory and Senator Grotberg will be handling this resolution.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolution Consent Calendar. Resolution.

SECRETARY:

Senate Resolution 643 offered by Senators Geo-Karis and Berning, and it's a death resolution.

PRESIDING OFFICER: (SENATOR BRUCE)

Consent Calendar. For what purpose does Senator Maitland rise?

SENATOR MAITLAND:

...thank you, Mr. President. I'd like to Table Senate Bill 1663, please.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to Table...Senator Rock.

SENATOR ROCK:

Pardon me, Mr. President and Ladies and Gentlemen of the Senate, there was a little bit of confusion. As I understand it, there is a Message from the House...is this 1663? We've got nothing on the board, I don't know where we are.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, that's what the Chair is trying...it came back on a Message. The motion...1663.

SENATOR ROCK:

Alright. The Message from the House is that we...they are requesting that we accede to their request for a Conference Committee. And I suggest that rather than attempting to Table, because I truly don't know at this moment whether the sponsor has that prerogative, just don't accede to their request, just let it sit.

PRESIDING OFFICER: (SENATOR BRUCE)

Just...I...I think, Senator Maitland, Senator Rock's point is well taken. If you don't accede to the request, it just stays here. Alright, thank you. Senator Walsh.

SENATOR WALSH:

Well, I...I think there's something here we should understand. If the...well, right, I...I guess we're both asking, if the sponsor...does the sponsor have control of the bill at this point in the proceedings, and if he does, he wants to Table? If the...if the ruling of the Chair is that he does not, well then, it's a question of whether we accede to the

request of the...of the House for a Conference Committee.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Walsh.

SENATOR WALSH:

So it's...I request...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Walsh.

SENATOR WALSH:

...a ruling of the Chair. Does the sponsor have control over the bill and can he exercise his prerogative to Table the bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Well, we're not at that point. Well, Judge Walsh, you know that a good jurist doesn't reach for points not before him. Senator Maitland has helped the Chair by withdrawing his motion. We're going to try to unwind all this. I have no idea what is going on with 1663. If you will allow us just to get on with the business of the Senate, I am sure that whatever happens, we are going to get back to this and resolve it when we have enough members on the Floor to make the appropriate motions. But I...when we get to it, there will be a honest discussion of...of the matter. On the Calendar under the Order of Nonconcurrency, the Senate...Page 4, there are nonconcurrences on six bills, and we would like to get the paper work and then to alert the membership, with leave of the Body, we will then go to the...under Secretary's Desk for Concurrences, all the appropriation bills that are on the Concurrence Calendar. I understand that those amendments can be concurred with and those bills can be taken off the Calendar. So, the order of business, with leave of the Body, will be to take the nonconcurrences and then go back to the concurrences, and then we'll see where we go from there. Is there leave? Leave is granted. Secretary's Desk Nonconcurrency, House Bill 403. Senator Nedza is recognized

for a motion.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I...move not to recede from Senate Amendment No. 1 to House Bill 403 and Senate Amendment No. 2 to House Bill 403 and request a Committee on Conference.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is that the Senate refuse to recede from Senate Amendments 1 and 2 to House Bill 403 and that a Committee of Conference be appointed. On the motion, all in favor say Aye. Opposed Nay. The Ayes have it. The Senate refuses to recede. House Bill 1060, Senator Marovitz. Is anyone handling a motion for Senator Marovitz? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would move that the Senate refuse to recede from Senate Amendment No. 1 and ask that a Committee of Conference be appointed.

PRESIDING OFFICER: (SENATOR BRUCE)

You've heard the motion. Discussion? All in favor say Aye. Opposed Nay. The Ayes have it. The Senate refuses to recede and requests a Conference Committee. On House Bill 1301, Senator Berman. Do you wish to refuse to recede and ask that a Committee of Conference be appointed? Senator Berman.

SENATOR BERMAN:

This was Senator Grotberg's amendment is what's in question here, and I think he indicated that he wanted to recede but I think we better wait...oh, here he is.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, Senator Berman, if it's going to require a roll call, I...

SENATOR BERMAN:

Should I take it out of the record?

HB 2461
refuse to recede

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Skip over it for a second.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 2342, Senator Berman, the land trust. House Bill 2461, Senator Philip. Is anyone...Senator Weaver. Is anyone making a motion for Senator Philip on those Senate amendments? Do we wish to refuse or...Senator Weaver.

SENATOR WEAVER:

I would move that we refuse to recede. Committee of Conference be appointed.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. You've heard the motion. Discussion? All in favor say Aye. Opposed Nay. The Ayes have it. The Senate refuses to recede and asks that a Committee of Conference be appointed. House Bill 2504, Senator Sommer. Senator Sommer is recognized for a motion.

SENATOR SOMMER:

Thank you, Mr. President. I move that we refuse to recede and request a Committee of Conference.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to refuse to recede from Senate Amendment No. 2 to House Bill 2504. On the motion, all in favor say Aye. Opposed Nay. The Ayes have it. The Senate refuses to recede and requests a Committee of Conference. On the Order of Secretary's Desk Concurrence are several appropriation bills. Senator Buzbee, are you ready on those? Is Senator...is Senator Deakin here? Alright. On the Order of Secretary's Desk Concurrence is Senate Bill 1361. Senator Weaver is recognized for a motion.

SENATOR WEAVER:

Thank you, Mr. President. I would move that we concur with House Amendment No. 2 to Senate Bill 1361.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to concur. Senator Weaver for an explanation.

SENATOR WEAVER:

This House amendment would bring it back to the seventy percent level instead of the sixty-two and a half.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. Yes, I concur with this action. In our long ongoing negotiations with the Governor's Office, the Governor was maintaining a stance for a long time of sixty-two and a half percent funding, but they backed off of that and we're perfectly willing to fund all the pension systems. In his original budget request, which was seventy, and this does this to the university systems. And I would...I would move we vote with Senator Weaver.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to concur with House Amendment No. 2 to Senate Bill 1361. On that question, those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none Voting Present. The Senate does concur with House Amendment No. 2 to Senate Bill 1361. The bill having received the required constitutional majority is declared passed. Senate Bill 1392. Senator Sommer is recognized for a motion on House Amendments 1, 4, 6, 7, 9 and 10.

SENATOR SOMMER:

Thank you, Mr. President. I would move that we concur with House Amendments 1, 4, 6, 7, 9 and 10. I would be happy to...to explain these amendments. This bill has been sitting here a couple of weeks, in the event anybody's interested. Amendment No. 1 is...is a transfer in various lines

to...to repair horse barns that were damaged by fire at the State Fairgrounds. It is a transfer from last year's budget, it's not new money. Amendment No. 7 does appropriate some new monies in relation to the...the lawsuit that was held over the interest monies on the civic centers. That has apparently been fairly much resolved and this money is now freed up to...to pay those, at least, who have been signatory to the agreement. No. 3 adds six hundred and ten dollars for the Commission on the Uniformity of Legislation. No. 6 transfers some lines and adds six...seven hundred and sixty dollars for the School Problems Commission. No. 9 is a variety of transfers at Northern Illinois University, and No. 10 is a twenty-eight thousand dollar appropriation for the Department of Children and Family Services.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator...alright, Senator Carroll.

SENATOR CARROLL:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. Yeah, it's apparent that while some of this is very late in the fiscal year, it's still necessary to create some reappropriations, and, in fact, I understand that the judges' checks couldn't go out unless we passed this supplemental, because of the ones we've approved. And I would concur with Senator Sommer's request that they get paid.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? The question is, shall the Senate concur with House Amendments 1...Senator Sommer.

SENATOR SOMMER:

Senator Carroll shouldn't have mentioned that the judges' checks can't go out unless this passes. It isn't true, however.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Everyone calm? The question is, shall the

Senate concur with House Amendments 1, 4, 6, 7, 9 and 10 to Senate Bill 1392. On that question, those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 3,...1 Voting Present. The Senate does concur with House Amendments 1, 4, 6, 7, 9 and 10, and the bill having received the required constitutional majority is declared passed. Senate Bill 1408, Senator Maitland for a motion on House Amendment No. 1.

SENATOR MAITLAND:

Thank you, Mr. President. I move that the Senate concur in House Amendment No. 1 to Senate Bill 1408. This is the...the amendment that takes the funding level of the pension system back to seventy percent.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion of the motion? The question...Senator Carroll.

SENATOR CARROLL:

We totally agree with the consistency of seventy percent throughout.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 1408. On that question, those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57...58, the Nays are none, none Voting Present. The Senate does concur with House Amendment No. 1 to Senate Bill 1408, and the bill having received the required constitutional majority is declared passed. Senate Bill 1410. Senator Bloom for a...for a motion. The motion is to concur with House Amendment No. 1. Is there discussion of that motion? All...discussion? Senator Bloom.

SENATOR BLOOM:

This makes some transfers and allows the Health Finance Authority to shut down on October 1st. So, I'd move its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 1412. On that question, those in favor vote Aye. Those opposed vote Nay. The voting is open. Sorry, the vote is on 1410 and House Amendment No. 1, the concurrence thereon. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 9, none Voting Present. The Senate does concur with House Amendment No. 1 to Senate Bill 1410, and the bill having received the required constitutional majority is declared passed. Senate Bill 1412, Senator Bloom for a motion.

SENATOR BLOOM:

Yes, thank you, Mr. President. This brings it up to seventy percent like the other retirement systems. I'd move that we concur.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? The question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 1412. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 8, none Voting Present. The Senate does concur with House Amendment No. 1 to Senate Bill 1412, and the bill having received the required constitutional majority is declared passed. (Machine cut-off)...Weaver, do you have a motion on Senate Bill 1401? Senator Weaver is recognized for a motion on Senate Bill 1401, on Page 3 of your Calendar.

SENATOR WEAVER:

Thank you, Mr. President. I would move that we nonconcur in House Amendment No. 3 and a Committee of Conference...

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to nonconcur with Amendment No. 3. Discussion of the motion? All in favor say Aye. Opposed Nay. The Ayes have it. The Senate nonconcur with Amendment No. 3 and the Secretary shall so inform the House. Now, we'll just go down...Senator Keats.

SENATOR KEATS:

Excuse me, Mr. President, I thought yesterday when you were in the Chair and President Rock, I thought, did an excellent job of being sure these things were explained. I understand the hurrying along, but yesterday you did an exemplary job of being sure this stuff was explained. At this hour, you and I know none of us trust anybody. Let's make sure that things are explained.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Weaver.

SENATOR WEAVER:

Senator Keats, would you like to be on that Conference Committee?

PRESIDING OFFICER: (SENATOR BRUCE)

Senate Bill 512. Senator Philip, do you wish to make a motion? Senate Bill 1044. Senator Berning, do you wish to make a motion? Shall I get back to you, Senator Berning? Definition of employee, alright. Senate Bill 1324, Senator Grothberg. Senator Grothberg.

SENATOR GROTHBERG:

Oh,...no, pull 1324.

PRESIDING OFFICER: (SENATOR BRUCE)

Senate Bill...1593, Senator DeAngelis. 1599, Senator Mahar. 1652, Senator Bloom. Civil Administrative Code and charges fees. What about 1652, Senator?

SENATOR BLOOM:

...me to hold it.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. 1653, Senator Grotberg. Senator, I think that's the one you wish to call.

SENATOR GROTEBERG:

Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there a motion?

SENATOR GROTEBERG:

I move that we do concur in House Amendments 1, 2 and 3 to Senate Bill 1653. I will explain all of the amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Thank you.

SENATOR GROTEBERG:

Amendments 1 and 3 are technical in nature. Amendment No. 2...first of all, the main bill...the main bill clarifies the Airport Aeronautics Act which combines the language of the present language in the Transportation Bond Acts with the Illinois Aeronautics Division language as they handle Federal and State grants, and they purely are technical in nature, and that's the main thrust of the bill. Amended in them were House Amendments 1, 2 and 3. Amendment No. 2 is a technical change to the Transportation B Bond Act that clarifies the purposes for which bond proceeds may be used. Section 2B-1 provides that funds may be used for the acquisition, construction, extension, reconstruction improvement of mass transit facilities including rapid transit rail, bus and other equipment used in connection therewith, while the seventy-five million dollars for use from the six county RTA area, and that's the suburban only, suburban Cook and the other five counties for the acquisition of mass transportation equipment. This amendment conforms the uses of the seventy-five million...there's only sixteen million left in that authorization...to the uses of the balance of sixteen million to the Series B Transit Funds, and that's the amendment. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Demuzio, and I have Senator Demuzio, Sangmeister, Totten, Rupp and Coffey. Senator...

SENATOR DEMUZIO:

Senator Grothberg, you must be talking so much, yesterday I could hear you very well, today I had trouble. Could you run through House Amendment No. 2 again for me, please, and for the members of the General Assembly about seventy-five million dollars authorization for mass transportation. I didn't follow that.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Senator Demuzio. I am honored to stand on my feet. If I mumbled, it's a...a rarity, but I will sip a little coffee and try. In 1973 we created a seventy-five million dollar add-on to the Series B Bonds for mass transit for use specifically in the suburban Cook and the five collar counties, not the City of Chicago nor the CTA. Over the years that has been used to build stations, repair tracks, whatever it is in the suburbs and all of the goodies that go to the suburbs, which haven't been too many. There are some sixteen million dollars left in that authorization, so that we're not talking about seventy-five million, we're talking about the remainder. This amendment conforms those uses to the uses of the balance of the fund. And for instance, I have a list of what's all...what's in this year's authorization. I think there's a station in Elgin somewhere...where am I here? A...north Chicago station, Park Forest station, Elgin station, Berwin station on the suburban trains, Oak Lawn, Palos Park, this is all collar county and suburban Cook for those works in this year's authorization. They are now preparing for next year's authorization. Bond Counsel has asked to be more specific in nature, and I've offered this

clarifying amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Alright. Seventy-five million dollar authorization is already in there. We're talking about the remainder of sixteen million dollars in...it's what is left in Series B Bonds. House Amendment No. 1, the technical amendment that was added here, provided for funds for acquisition, and construction, extension, reconstruction improvement of airport or aviation facilities including reimbursement for certain engineering and land acquisition costs. Is this...can you tell me what House Amendment No. 1 relates to specifically? I mean, is that a...is that a bonding aspect also for airports throughout the State, or is that restricted to these collar counties also, or...can you explain that one to me?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTBURG:

That's all over the State, all airports in the State. Has nothing to do with the transportation bond amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Sangmeister. Senator Totten.

SENATOR TOTTON:

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

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Grotberg...or Senator Totten.

SENATOR TOTTON:

Precisely what did Amendment No. 2 do that is different from the way the authorization reads now? Did we extend the things that can be done or did we just specify the list of

things that are going to be done?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTBORG:

It, I think, extends just a trifle but it certainly clarifies. The original language says for the acquisition, construction, extension, reconstruction and improvement of mass transportation facilities including rapid transit rail bus and other equipment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten.

SENATOR GROTBORG:

And the...the area of changes for the acquisition of mass transportation equipment including rail and bus...I've got it reversed, I've just...my handlers are telling me I've got it reversed. But in general, it does not restrict it, it clarifies on the...difference between equipment and acquisition of what is equipment. That's my best answer, Senator Totten. I haven't memorized all of this, but I'm reading the fact sheets that I have. I'll speak up so Senator Deamuzio can hear me.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten.

SENATOR TOTTEN:

Thank you, Mr. President. I'm...I'm still not sure precisely what words have changed. Has acquisition been added to the Statute...to the authorization? Has construction been added, or has one of the items such as rail bus and other equipment been added?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTBORG:

I'll read the amendment. "And for the acquisition, construction, extension, reconstruction and improvement," are

AB 1657
Concurrence

the key words. The existing language...in...in...in the old House Bill 45 from ten years ago it said, "use...shall be used for the acquisition of mass transit." This adds acquisition, am I correct, handlers? That's the old...that's the original language. It's not in there, that the...you want to pull it out of the record just a second while I answer...do you have other business? I don't mean to...

PRESIDING OFFICER: (SENATOR BRUCE)

Right. We...we can get back to it. Is there leave to take it out of the record? Leave is granted. May I have the attention of the membership for a moment. On your desks, we will be using later today, is Supplemental No. 1. That is on your desks. We have also distributed to you concurrence, nonconcurrence on a blue...that is No. 6, it is cumulative. You can throw away 1 through 5 and everything that we will be considering is in No. 6. Yes, and on the back of the Supplemental Calendar there is a list of all the Conference Committee reports which have been distributed to your desks, and they should be on...on the back of the Supplemental Calendar are all the Conference Committee reports that have been distributed. And we will have a printout of the contents of the Conference Committee reports as soon as the little computer makes all the copies. Senator Bowers.

SENATOR BOWERS:

Well, my seatmate wants to know if we've adopted the Open Meetings Act for the General Assembly? It seems maybe it now applies, right?

PRESIDING OFFICER: (SENATOR BRUCE)

It might apply. 1657, Senator Bloom. Nurses and detectives. Senator Bloom is recognized for a motion on Senate Bill 1657.

SENATOR BLOOM:

Okay, thank you. 1657, the House...the net effect of these two amendments is to create a dedicated fund for the

optometrists that's known as the Optometric Examining and Disciplinary Committee Fund. And I would move that we concur.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. The motion is to concur with House Amendments 1 and 3. Is there discussion of the motions? The question is, shall the Senate concur with House Amendments 1 and 3 to Senate Bill 1657. On that question, those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none Voting Present. The Senate does concur with House Amendments 1 and 3 to Senate Bill 1657, and the bill having received the required constitutional majority is declared passed. And that roll call was 56 to nothing. The Chair would again hope that members would get on as quick as possible. Alright. We will now go, with leave of the Body,...Senator Newhouse, for what purpose do you arise?

SENATOR NEWHOUSE:

Now, where's 1657, I don't...

PRESIDING OFFICER: (SENATOR BRUCE)

It's on Page 3 of your Calendar. Alright. We will now go, with leave of the Body, to the Supplemental No. 1. There are several...there are three nonconcurrences, if the sponsors wish, we can get those into the process. Senator Netsch. Senator Bloom on House Bill 2205.

SENATOR BLOOM:

Yes, thank you, Mr. President. Apparently, we left out some monies for a day-care agreement...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator.

SENATOR BLOOM:

...so, therefore, I would move that we not recede and ask for a Conference Committee so we can put some monies in.

This is the DCFS appropriation.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to refuse to recede to Senate Amendments 3 and 4. Senator Buzbee on the motion.

SENATOR BUZBEE:

Yes, I understand, Senator Bloom, that this is a negotiation that's been going on between the Child Care Association, the Bureau of the Budget, the Department of Children and Family Services. It involves some four million dollars of Trust Fund money and it also involves about eight hundred thousand dollars of intradepartmental transfer. We are not privy to all of those conversations yet. So, I would suggest that, perhaps, a Conference Committee is the place to discuss it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Yes, Senator Buzbee, as a...as a matter of fact, this is an extension of what was going on last year. You're absolutely correct. Thank you, very much.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. The motion is that we refuse to recede from Senate Amendments 3 and 4 and that a Conference Committee be appointed. On the motion, all in favor say Aye. Opposed Nay. The Ayes have it. The motion to refuse to recede passes and the Secretary shall so inform the House. House Bill 2206, Senator Etheredge. Is Senator Etheredge on the Floor? Senator Grotberg, you are a joint co-sponsor, Senator Sommer indicates he also has some knowledge of it. In Senator Etheredge's absence, can we...is there any controversy that we might get the paper started? Senator Sommer. It's an appropriation.

SENATOR SOMMER:

Thank you, Mr. President. It's my understanding that we

HB 394
Refuse to Recede
HB 1244
C.C.R.

would wish to refuse to recede, to place this in Conference.

PRESIDING OFFICER: (SENATOR BRUCE)

You've heard the motion. Is there discussion? Is there leave for Senator Sommer to make that motion in Senator Etheredge's absence? Leave is granted. Motion is that we refuse to recede from Senate Amendments 3 and 4 and that a Committee of Conference be appointed. On the motion, all in favor say Aye. Opposed Nay. The Ayes have it. The motion prevails. (Machine cut-off)...Rock.

SENATOR ROCK:

With leave of the Body, I think I can make the same motion with respect to House Bill 394 and move that the Senate refuse to recede from Senate Amendments 1 and 2 and ask that a Committee on Conference be appointed.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave? Leave is granted. On the motion, discussion? All in favor say Aye. Opposed Nay. The Ayes have it. The Senate refuses to recede from Senate Amendments 1 and 2 and asks that a Committee of Conference be appointed. With leave of the Body, we will go to Conference Committee reports. They are on the back of the first Supplemental Calendar. For what purpose does Senator Rock arise?

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I have just again spoken with the House and I understand the Conference Committees on Appropriations will again try to meet shortly after two o'clock. So, my suggestion is, we attempt to run as many of these Conference Committee reports as we can, then we'll be in a position to recess for an hour, an hour and a half to afford the Conference Committees a chance to meet again.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. House Bill 1244, and there's a...a first Conference Committee report has been filed. Senator Degnan

is recognized on a motion.

SENATOR DEGMAN:

Thank you, Mr. President. Conference Committee No. 1 on 1244 contains some language to make it more digestible to both the Director of Conservation of the State of Illinois and the Cook County Assessor. It includes a new effective date of January 1st of '83. It includes some local government certifications suggested by the director of conservation. If there are any questions, I'll be happy to answer them.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? Senator McMillan.

SENATOR MCMILLAN:

Mr. President and members of the Senate, I rise in support of this Conference Committee report. I believe the Conference Committee, in fact, strengthened the legislation which we passed earlier which dealt with property that's in a historic preservation area. I think it's an improvement on what we had done earlier and I would seek its support.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. The Chair would like to indicate because of a conflict I will be voting Present. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. In terms of the substance of what is in the bill and in the Conference Committee report, I think it is in very good shape and should take care of a number of problems that were raised about double sales of the house and so forth. I live in a historic district and...and according to what others say, somehow I guess I'm not supposed to be voting on this, but I have consistently, because I don't think I am in any way personally affected, and I am very strongly supportive of this kind of legislation.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. I'm just taking the same position you are do to my conflicts. I'm going to Vote Present on the bill, but I did want to say that I have one.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Walsh.

SENATOR WALSH:

I wonder if Senator Degnan would yield for a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Degnan...or Senator Walsh.

SENATOR WALSH:

Senator, I'm not sure that I...that I know exactly how this Conference Committee report differs from the...the House bill with the Senate amendment that we passed. Can...could you mind...would you mind just briefly indicating what changes were made?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

Sure. Basically, the effective date was changed, some approvals to local governments were included, a provision was included to disallow the tax abatement, if you will, after a sale...after the second sale of the property. The first sale permits the tax to be still reduced, a second sale, the tax would go back to the market value of the property. This eliminates or...or...or prohibits speculation.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? The question is, shall the Senate adopt the first Conference Committee report on House Bill 1244. On that question, those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that

question, the Ayes are 57, the Nays are none, 2 Voting Present. The Senate does adopt the first Conference Committee report to House Bill...1244, and the bill having received the required constitutional majority is declared passed. House Bill 1271, Senator Keats. Senator Keats is recognized on a motion on the first Conference Committee report. Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. 1271 is the bill that cleans up the problems in terms of access of the school formula for Quincy, O'Fallon, Centralia, et cetera. In Conference Committee they added two things, one has to do with some working cash bonds and the other one is to take care of, I guess...I think it was Centralia was the other one, I think probably Senator Davidson or Senator Berman could explain if there are any further questions in those two areas.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? Senator Berman. Okay, the question is, shall the Senate adopt the first Conference Committee report to House Bill 1271. On that question, those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none Voting Present. The Senate does adopt the first Conference Committee report to House Bill 1271, and the bill having received the required constitutional majority is declared passed. For what purpose does Senator Newhouse arise?

SENATOR NEWHOUSE:

Could that be on my desk in this form...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator, it should be...a Conference Committee report should have been printed and distributed upon your desk on 1271. Okay, it's the only white one we put out today. House

Bill 2133, Senator Mahar. Senator Mahar is recognized for a motion on the first Conference Committee report.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. I'd move that we concur with the first Conference Committee report to House Bill 2133. What it does is puts back in the amendment...this is a bill that deals with the annexation of the metropolitan sanitary district from the district that...that I serve in. Also puts back a Senate amendment which deals with an area in Hoffman Estates of Senator Friedland, does a couple of other things, validates the tax levy for Cook County, exempts the assistant treasurer of the MSD from civil service exam and permits employees to engage in political activity not during working hours. I would ask for its passage.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Totten.

SENATOR TOTTEM:

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

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Totten.

SENATOR TOTTEM:

I notice on this Conference Committee report that the area involved in the Village of Hoffman Estates is also represented by Representative Doris Karpziel who did not sign the Conference Committee report. Do you know why?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar.

SENATOR MAHAR:

No, I don't know why, but I do know that the area has been covered...is covered in this bill is also covered in another bill which has been passed...a Senate bill which was passed out. There was some question as to whether the legal

description were exactly the same, and that's why it was put back in here to be sure the area was covered. Now, I haven't talked to her as to what her problem...or maybe Senator Friedland might be able to answer that. I...

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Totten.

SENATOR TOTTEN:

Well, there were a number of things added to this bill that weren't in...weren't in the original bill, I think, such as the exemption of the assistant treasurer of the metropolitan sanitary district from the civil service exam and the validating of the tax levy ordinance for the forest preserve district, what does that mean?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar.

SENATOR MAHAR:

The...as I understand it, the assistant treasurer was the only one that was...was not exempt in a previous legislation and he was just added in to correct that. As far as the validation is concerned, that is an annual procedure, and that was on Senate Bill 60 sometime way back and had gone by the board. So, it's been added in here to accommodate Cook County.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten.

SENATOR TOTTEN:

If it's an annual thing, why do we have to do it on an amendment in a Conference Committee report?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar.

SENATOR MAHAR:

I am not sure why the Legislature is required to validate those orders. I do know that it's been done ever since I've been down here. Now, there might be someone who is more

familiar with that than I am who could tell you why that's being done. Maybe Senator Nash could do that.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock, for what purpose do you arise?

SENATOR ROCK:

Thank you, just to volunteer an answer. Bond Counsel suggests that the validation which we do virtually every year here and goes out of the Senate virtually unanimously every year. It's a safeguard. There are some of us in the legal profession who don't think it has to be done. The county, frankly, feels more comfortable, given the advice of their Bond Counsel, to do it. We passed it out of the Senate virtually unanimously. It got stuck in the House Rules Committee.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Totten. Alright. Senator Friedland. Further discussion? Senator Mahar may close.

SENATOR MAHAR:

I ask for your support.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate adopt the first Conference Committee report to House Bill 2133. On that question, those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 4, none Voting Present. The Senate does adopt the first Conference Committee report to House Bill 2133, and the bill having received the required constitutional majority is declared passed. House Bill 2285, Senator Philip. Senator Philip on the Floor? House Bill 2359, Senator Berman. Corporate loan funds. Senator Berman is recognized on a motion on the first Conference Committee report on House Bill 2359.

SENATOR BERMAN:

Thank you, Mr. President. What this bill does is it eliminates the repealer date on the Chances and Raffles Act that was passed several years ago. This would...this will continue the authorization in local communities to monitor and license these programs which have been very successful for charities and other not-for-profit organizations throughout the State. I move the acceptance of Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt. Is there discussion of the motion? The question is, shall the Senate adopt the first Conference Committee...Senator McMillan, did you have a question? Senator McMillan.

SENATOR McMILLAN:

No, I was merely going to say it's...it's exactly as the sponsor has indicated, it's in good shape. I seek a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? The question is, shall the Senate adopt the first Conference Committee report to House Bill 2359. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are 1, none Voting Present. The Senate does adopt the first Conference Committee report to House Bill 2359. The bill having received the required constitutional majority is declared passed. Senate Bill 1193, Senator Grotberg. The Chair...the Chair is advised that the House has already defeated the first Conference Committee report, if you will just call it, we'll defeat it and then...no...alright. Senator Grotberg.

SENATOR GROTBURG:

The House is in the process of reconsidering, and we will wait 'til they reconsider.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senate Bill 1251, Senator Rock. Senator Rock is recognized for a motion on the Conference Committee report on Senate Bill...1251.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The first Conference Committee report on Senate Bill 1251 was signed by all members. This is the bill, you will recall, that sets up the Legislative Advisory Committee on Block Grants. When the bill went to the House, the House in its wisdom or lack thereof removed any provision for public members. I think that was ill-considered, I suggested that very strongly to the House. They have now reconsidered their position, so what we will be doing by virtue of Senate Bill 1251 in its Conference Committee form, is setting up a twelve-member committee, eight of whom will be legislative members and four of whom will be public members. That group is to meet, elect from its own group a chairman or woman and hold public hearings and make recommendations to the General Assembly and to the Executive with respect to the allocation and the funding levels pursuant to the Federalism Block Grants. I know of no objection and I urge a favorable adoption of the first Conference Committee report on Senate Bill 1251.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt. Discussion? Senator Netsch.

SENATOR NETSCH:

One question of the sponsor, if I might. I assume that this is still in a form that I believe it was in when it left the Senate finally that the Advisory Committee does not have actual powers to legislate with respect to the Block Grants. That is, it is indeed an Advisory Committee. Is that correct, Senator Rock?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

That is correct.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? The question is, shall the Senate adopt the first Conference Committee report to Senate Bill 1251. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 2, none Voting Present. The Senate does adopt the first Conference Committee report to Senate Bill 1251, and the bill having received the required constitutional majority is declared passed. Senate Bill 1452, Senator Carroll. Senator Carroll is recognized for a motion.

SENATOR CARROLL:

Thank you, Mr. President. I move we do adopt Conference Committee Report No. 1 on Senate Bill 1452. Basically what it does now is, we concur in two of the House amendments, the House receding from the third. One allows participation in General Assembly to those who had at one time had said no. The other is on county employees and officers annuity fund to allow an entry level of four years capped thereon. In addition thereto, an amendment for the State Treasurer to invest a...funds not needed for current expenditures, something they have requested, and I have been told has been agreed to by all parties. Second is to allow certain investment certificates not insured by FDIC, which appear to be money market funds. Next is a list of investments, there are some other clarifying. Maybe it'd be better just to answer any questions. There was also some language necessary because of the...the prudent person rule dealing with the Israel bond investments which was the original purpose of the bill before it became the Hanuka bush.

PRESIDING OFFICER: (SENATOR BRUCE)

SB 1452
1st C.C.R.

Discussion? Senator Sommer.

SENATOR SOMMER:

Thank you, Mr. President. Having read this gem, here's what it does. For anyone who was elected or...or anyone who became a member of the General Assembly Retirement System in 1973, those of you who came before that don't get this goodie, but those who came in '73 do get it. What it does is it allows you to buy in pension time at the rate...based upon the rate of salary then paid to the General Assembly. I was a State employee back, let's say in 1968, '69, and the General Assembly made about ten...about ten thousand dollars a year. I could buy in time under this provision for about a thousand dollars. There's no State contribution, that's been waived under this. There is an interest contribution at the rate of six percent. So, what this does is it allows some people to buy in for almost nothing further pension credits and time in the General Assembly Retirement System, but it excludes others of you. I would suggest that it's bad policy in any event and should be defeated.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Rhoads.

SENATOR RHOADS:

Well, just a question of the sponsor on, I believe it's Page 13, referencing back at Senator Sommer...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads, I think you may be able to...ask your question later. Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. With leave of the Chamber, I would like to take it from the record, see if we can resolve these problems.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave? Leave is granted. Take it out of the record. Senator Maitland on 1487. Senator Maitland is

recognized on the first Conference Committee report for a motion.

SENATOR MAITLAND:

Thank you, Mr. President. I...I do move that the Senate adopt Conference Committee No. 1 on House Bill...I'm sorry, on Senate Bill 1487. We...there were some concerns with this legislation as it passed from the Senate with DCCA, were some problems with IDOT, I believe that those concerns have been clarified and would be happy to respond to any questions.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee, was your light on for the last bill? Okay. Senator Nimrod, did you wish to comment on this Conference Committee report? Your light is on, Senator. Alright. Is there discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I have some comments about this bill. Some of you may have noticed that I did not sign the Conference Committee report on Senate Bill 1487, and I'd like to explain why. I did not withhold my signature because SB 1487 is a bad bill. I'm a hyphenated co-sponsor of this legislation and I was prepared to introduce it myself until I found out that Senator Maitland had similar intentions. My hesitation in signing the report stems not from any feeling that SB 1487 does anything that is particularly bad, but rather that it does nothing that is particularly good either. First, Senate Bill 1487 is designed to put into law a Governor's Executive Order from 1980. The purpose of that Executive Order and this bill is to state publically that is...it is its own land consuming projects, including highway projects, water projects and any other projects where the State monies are used and farmland is...purchased and converted for nonfarm purpose...State agencies will take time to stop and think about how much land they are taking out of production and what that decrease...decrease in production

means to Illinois' ability to produce food for this nation in export. I would have thought that the State agencies could have exercised that degree of good judgement without either an Executive Order or a piece of legislation directing them to do so. Second, I don't want anyone to get the impression that this Senate Bill 1487 actually stops any...public project. When it was first introduced, the bill at least required the Department of Agriculture to sit down and make a judgement as to whether or not a project could cause a conversion of farmland. If the department decided that conversion would result for a project, it would then conduct an agricultural impact study to determine the extent of that conversion and its affect on Illinois farm production. Of course, none of this either stops a project or decreases the amount of land it uses, but at least it got the...efforts down on paper so the agency personnel could read them if they wanted to. But then the agencies got hold of the bill, both by amendment and by this Conference Committee report, now whole categories of projects will be exempted from the Department of Agriculture's perusal through categorical exemptions written into working agreements between agriculture and other agencies. The example always given to a possible exemption is that some projects may be needed to looked at...may not be needed to looked at because they are too small. Fine, if that's what the agencies want, why didn't they say that the projects are just too small and would be exempted. Why open the door for working agreements that will come later and can exempt anything that the two agencies decide should be exempted. So, not only do the agencies not have to trim down these projects because the agriculture's recommendations, but agriculture doesn't even have to make the recommendations in all instances. Third, if the agriculture does find a State project somewhere that weren't studied, we can't have it referred to as an agricultural impact

study. The agencies decided that that term sounded too much like an actual study, the...piece of paper that someone might actually take into court, or worse yet, read. So, this Conference Committee report takes out the term agricultural impact study and refers instead to studies of agricultural impacts. Fourth, and this is my greatest concern, I'm afraid this Senate Bill 1487 is being handed to the farmers of this State as a placebo. Several times this Session I have attempted to pass a...Conservation Tillage Risk Share Act, the program that could have benefited those people farming today and those who will try and farm our rapidly diminishing topsoil in the future, and at a relatively modest cost, a maximum of a million dollars for a threeyear program, this million could have come from the 4.5 million excess that is projected from the Agricultural Premium Fund at the end of the next fiscal year. But at every turn the risk share program was...stopped by the Republicans in this General Assembly. The risk share program would have actually done something for Illinois farm community. And I just want it made clear that I acknowledge the fact that Senate Bill 1487 cannot make the same claim. I fear that we are trying to tie a pretty ribbon around an existing Executive Order so we can take it home to our farm constituents and say, see what we have done for you this Session. This would give us an opportunity to avoid saying, see what we had the opportunity to do for you this Session but we didn't. And this is what I fear most from Senate Bill 1487, and that's why I feel that I could in all conscience not sign the Conference Committee report. However, I am going to vote for the adoption of this...Conference Committee report. And as I said before, Senate Bill 1487's fault is not that it is a particularly bad bill, I just don't feel that it is a particularly good bill either. And I just don't feel that it is good enough to be this year's major effort of this General Assembly for the

Illinois farmers.

END OF REEL

REEL #2

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Maitland may close.

SENATOR MAITLAND:

Oh, excuse me. Thank...thank you, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Wait a minute, Senator Maitland, Senator Bloom wishes to comment before you close. Senator Bloom.

SENATOR BLOOM:

Well, I was up in my office listening to Senator Joyce, and it was okay until you got partisan, Senator Joyce. I've stood with you on this because I believe the Department of Agriculture is being penny-wise and pound-foolish, but I...I see no necessity to now make it partisan. Every time you brought that up for a vote, I've been with you, and it's a question of how you look at it. But I don't think that it serves any good purpose on the last day of the spring Session on this issue to try and make it partisan. Okay?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, Senator Bloom, that's...this isn't the bill we're talking about. The bill you stuck with me on, I appreciate that. At one time you were the only one on that side of the aisle that stuck with me on it, but that was a different bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Maitland may close.

SENATOR MAITLAND:

Well, thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. It was the attempt by a number of

us at the beginning of the Session to put the Governor's Executive Order No. 4 into the Statutes, and I think Senator Joyce and I still agree with that. I think he's with me on that, he's indicated he intends to vote for the bill. It is true...it is correct the Executive Order which is now 1487 isn't as binding as it was in its pristine form, and I have no argument about that at all. But the fact of the matter is, it does put in the Statutes the fact that the State of Illinois in their governmental movements to take farmland out of production need to go through certain channels. This bill still does this. The farm organizations all support the compromise. I had asked Senator Joyce to be a part of that meeting, indicated to him from the very beginning exactly what was going on and we have an agreement there, no problem. But I am disappointed that he did not sign the Conference Committee report. I am delighted he's going to vote for the bill, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1487. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none Voting Present. The Senate does adopt the first Conference Committee report to Senate Bill 1487, and the bill having received the required constitutional majority is declared passed. (Machine cut-off)...Rock, for what purpose do you arise?

SENATOR ROCK:

Thank you, Mr. President. Unless there are more Messages from the House or any paper work, I think it's an appropriate time, given the fact that the conferees are starting to gather all over the building, that we stand in recess until the hour of three-thirty. Three-thirty.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright, we have just a little...we have a few announcements. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President. This is the annual Fourth of July speech, if anyone wants one, I have thirty-five left.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio, did you...further announcements? (Machine cut-off)...Messages from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives refused to recede from Amendment No. 1 to Senate Bill 1186, asked for a first conference. The Speaker has appointed the members on the part of the House. Senator Berman is the Senate sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Does Senator Berman...is...Senator Berman, do you wish to accede the request of the House that a Conference Committee be appointed? On the motion, all in favor say Aye. Opposed Nay. The Ayes have it. The Senate accedes to the request of the House that a Conference Committee be appointed.

SECRETARY:

A like Message on Senate Bill 1180 and Senator Berman...on House Amendment No. 1 and Senator Berman is the Senate sponsor of that bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman moves that we accede to the request of the House that a Conference Committee be appointed. On the motion, all in favor say Aye. Opposed Nay. The Ayes have it. The Senate accedes to the request.

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 adoption of their amendments to a bill with the following title:

House Bill 2196, and they concur in Amendment No. 4, they refuse to concur in Amendment No. 5.

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

Mr. President - I am directed to inform the Senate the House of Representatives has refused to concur with the Senate in the adoption of their Amendments 1, 2 and 3 to House Bill 2289.

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator DeAngelis arise?

SENATOR DeANGELIS:

Mr. President, I had to step off the Floor for a rather irrelevant Conference Committee. Had I been here, I would have voted Yes on 1251 rather than the No vote that was recorded on my behalf.

PRESIDING OFFICER: (SENATOR BRUCE)

Electronic records will so indicate. Further business? Further announcements? Senator Geo-Karis.

SENATOR GEO-KARIS:

Pardon me, I had to step out earlier. Were the resolutions called? I had a death resolution in there.

PRESIDING OFFICER: (SENATOR BRUCE)

No, Senator, we haven't acted on any resolutions, we'll do that when we have a lull in the proceedings here. Alright. Any further business? Senator Rock moves that the Senate stand in recess until the hour of three-thirty today. On the motion to recess, all in favor say Aye. Opposed Nay. The Ayes have it. The Senate stands in recess 'til three-thirty.

RECESS

AFTER RECESS

PRESIDENT:

The Senate will come to order. Messages from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives has refused to concur with the Senate in the adoption of their Amendment No. 1 to House Bill 2345.

A like Message on House Bill 2370 with Senate Amendment No. 2.

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

Mr. President - I am directed to inform the Senate the House of Representatives has acceded to the request of the Senate for a first conference...Committee of Conference on House Bill...394 with Senate Amendments 1 and 2.

House...a like Message on House Bill 403 with Senate amendments 1 and 2. The Speaker has appointed the members on the part of the House on each Message.

A like Message on House Bill 1060 with Senate Amendment No. 1.

A like Message on House Bill 2205 with Senate Amendment 3 and 4.

A like Message on House Bill 2206 with Senate Amendments 3 and 4.

A like Message on House Bill 2439 with Senate Amendment No. 2.

A like Message on House Bill 2461 with Senate Amendments 2 and 3.

And a like Message on House Bill 2504 with Senate Amendment No. 2.

PRESIDENT:

(Machine cut-off)...members have a copy of the second Supplemental Calendar.

PRESIDING OFFICER: (SENATOR BRUCE)

The Senate will come to order. Resolutions.

SECRETARY:

Senate...the following resolutions are offered by Senator Gitz and all Senators, and they're all congratulatory: 644, 645, 646.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolutions Consent Calendar. If I might have the attention of the members, the Secretary has distributed to you Supplemental Calendar No. 2. Supplemental Calendar No. 2. We have also distributed to your desks two additional concurrence and nonconcurrence reports, No....alright, it...all of the messages are in No. 8. No. 8 is cumulative, you can..you can file 1 through 7. Wait a minute...new...new message from the front. 6, 7 and 8 are all current. 6, 7 and 8 are all current. No. 8 relates to the second Supplemental Calendar. (Machine cut-off)...work off of the second Supplemental Calendar. We have nonconcurrence on four House bills. If you wish, the motion would be to recede or refuse to recede. Senator Schaffer on House Bill 2196. Is Senator Schaffer within the sound of my voice? Does anyone know whether he wishes...what action he wishes to take on that? Alright. As an appropriation bill, and perhaps some of the appropriation wizards can apprise the Chamber.. It's various State agencies, it's the...yeah, I think Senator Schaffer should return. House Bill 2289, Senator Maitland. House Bill 2345, Senator Carroll. House Bill 2370, Senator Nash. Senator Nash is recognized for a motion.

SENATOR NASH:

Mr. President and Ladies and Gentlemen of the Senate, I refuse to recede from Senate Amendment No. 2 and ask that a Conference Committee be reappointed.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is that we refuse to recede from Senate...Senate Amendment No. 2 and that a Committee of Conference be appointed. Senator Nash, do you...can you just

describe briefly Amendment No. 2? Is there any discussion? Senator Rhoads indicates that it's just fine. On the motion that we refuse to recede, all...all in favor say Aye. Opposed Nay. The Ayes have it. The Senate refuses to recede and requests a Committee of Conference be appointed. Senator Medza, you want to try your Conference Committee report on 1938? Senator Jerome Joyce, on House Bill 2266 on drainage codes and public highways. Senator Joyce...Jerome Joyce, do you wish...alright, fine. Jeremiah Joyce. Alright. Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

I'm off that even though I'm listed on it, okay?

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Your Calendar is in error, and Senate Bill 740 is now under the sponsorship of Senator Savickas. And Senator Savickas, do you wish to make any motions relative to that bill?

SENATOR SAVICKAS:

Yes, Mr. President, I have an ex-State Senator here, Senator Guidice, that's monkeying around with the microphone. Would the Sergeant-at-Arms please...no, Mr. President and members of the Senate, I would move that this Body concur with the...Conference Committee report on Senate Bill 740. It does a variety of things and I would like to list them for you so there are no questions. It increases the minimum monthly annuity amount for policemen retiring before September 1st, 1976 from three hundred and fifty dollars to four hundred dollars a month. It increases by one and a half percent monthly annuity for fire department retirees before...born before January 1st, 1930 to three percent. It increases the minimum monthly annuity for firemen retiring before September 1st, 1976 from three hundred and fifty dollars to four hundred dollars. And it changes the cutoff date from 1967 to 1976. This 1967 was a typographical error

that had been put into law, and we felt that now is the time to change it to its proper date. And it would allow employees to receive pension credits under the Chicago Municipal Pension Fund for service rendered for a transportation system operator by public utility prior to the establishment of the Chicago Transit Authority. And in a summary, it just increases the minimum monthly annuities for policeman and firemen retiring before September 1st, 1976 from three hundred and fifty to four hundred dollars. We have a letter from the Office of the Mayor...reporting that no reimbursement is required under the State Mandates Act, and I would appreciate the concurrence of Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Rhoads.

SENATOR RHOADS:

A question of Senator Savickas, if he will yield.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Rhoads.

SENATOR RHOADS:

Senator, you enumerated about three things that I don't find in the Conference Committee report that's on my desk. Now let's...to begin with, let's go to the date. On Page 2, Line 10, we're talking about the monthly annuity payment due in July of 1982, then later old language on Line 13, before September the 1st, 1976 which appears to be current law. You said that you were changing a typographical error, and yet there's no...I don't find the new language that does that. Could you point that out to me, please.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Yes, on...you're talking about where we had it 1967 to 1976. There...that would be on Page 5, Line 14...Line 14 and

15. This was an LRB situation where...in the firemen's or...I forgot now...in the firemen's or policemen's, they reversed the numbers from 67 to 76.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads.

SENATOR RHOADS:

Alright, thank you, Senator Savickas. And just one other question I have. On Page 7, Line 9, the...can you tell us why the...the language has been added the...for predecessor public utilities, and what does that refer to.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

What?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads, would you repeat your question, please.

SENATOR RHOADS:

Yes. He answered my first question. My...my second question was, on Page 7, Lines 9 and 10, can you tell us what the new language predecessor public utilities refers to, why is that in there?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Yes,...Mr. President, there were a few old time employees of the old surface lines, when they were...

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator Weaver rise? Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senator Savickas, I wonder if you could take this out of the record for a little bit?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Yes, is there a problem with it? Well...well, I would like to make sure that we get back to it. I know how these things at these late night Sessions all of a sudden we start rolling, and I don't know if this is a...any real question or if we just want to hold it as a hostage. I would prefer to just move it out and get it going because we...we can lose these type of bills when it gets nine, and ten, and eleven o'clock at night, and twelve o'clock. And I...I don't think we should be...this...this is something that is not...let me...let me state a fact here, this is not monies that are being expended by the State. The firemen through their own funding mechanism have requested this. This is paid through the Firemen's Fund and the Police Fund. I...I don't think we should be pulling it out at this time.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Weaver.

SENATOR WEAVER:

I...I think we can get it worked out, and we'll get back to it, Senator Savickas.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cut-off)...Savickas.

SENATOR SAVICKAS:

Well, I've never been one to defer a request from one of the leaders from the other side of the aisle, and, Mr. President, as long as it will be on...on this Supplemental No. 2 and we can get back to it before the close of business here, I will defer to Senator Weaver.

PRESIDING OFFICER: (SENATOR BRUCE)

We're always open for business. Take it out of the record, at the sponsor's request. Senator, we're on Supplemental Calendar No. 1, I want...there's one more there and then we'll get right...Senator Berman has a motion, you can have the next one. On Senate Bill 1256, Senator Kent. Senator Kent is recognized for a motion. Senator Kent.

SENATOR KENT:

I would move that we concur with Senate Bill 1256. This bill passed out last year on a vote of 46 to no...to zero...no votes and 1 Present. We refused to recede...let me get the motion right, we refuse to concur with the House amendments so, this is in the same form that it was that it passed out last year. And what the bill does, it authorizes the Illinois Department of Veteran's Affairs to provide financial assistance to disabled veterans for remodeling their residence to meet the needs of their disability. It does... put us in line with the Federal regulations, and I would move that we adopt the first conference report.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, as a member of that Conference Committee report and...and having my signature on it along with the others, I move that we all support this Conference Committee report.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? The question is, shall the Senate adopt the first Conference Committee report to Senate Bill 1256. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none Voting Present. The Senate does adopt the first Conference Committee report to Senate Bill 1256, and the bill having received the required constitutional majority is declared passed. For what purpose does Senator Demuzio arise?

SENATOR DEMUZIO:

Thank you, Mr. President, for the purpose of a motion. I move that the Senate refuse to recede from Senate Amendments 1, 2 and 3 on House Bill 2289.

PRESIDING OFFICER: (SENATOR BRUCE)

HB 1301
nonconcurance

Well, we'll get back to you. House Bill 1301, Senator Berman. On Page 4 of the regular Calendar is...Senator Berman is recognized for a motion on House Bill 1301, Page 4 of the regular Calendar. Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1301 had a number of items on it dealing with the School Code, including the formulary for adult education. One of the items was the amendment placed on it by Senator Grotberg to provide indemnification for the regional board of school trustees. That's the one amendment that the House did not like, they did not concur in that. It's back here on a motion to recede from Senator Grotberg's amendment. Senator Grotberg has indicated to me that he would do so and he's on the Floor. He was on the Floor a second ago...oh, he indicates he will...agree to my motion to recede from Senate Amendment No. 5 on House Bill 1301.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is that we refuse to recede...no, Senator Berman has moved to recede from Senate Amendment No. 5 to House Bill 1301. Is there discussion of the motion to recede? Senator Grotberg.

SENATOR GROTBORG:

Yes, I think the membership is entitled to know, this was the amendment that county school trustees would be indemnified by the county board. I spoke to my man up in Kane County, he says January is soon enough to get it done, and I would, rather than cloud this bill, be glad to recede.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Walsh. (Machine cut-off)...discussion? Further discussion? The question is, shall the Senate recede from Senate Amendment No. 5 to House Bill 1301. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the

record. On that question, the Ayes are 59, the Nays are none, none Voting Present. The Senate does recede from Senate Amendment No. 5 to House Bill 1301, and the bill having received the required constitutional majority is declared passed. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, in the form of an announcement, and I'll be making them all through the evening. They're going...they're going pretty fast and I...and I have thirty-five Fourth of July speeches here if anyone would like to have one.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nash, for what purpose do you arise?

SENATOR NASH:

Mr. President, we have leave to go back to Supplementary Calendar No. 2 to handle House Bill 2345 for Senator Carroll?

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Is there leave to go back to the Order of Secretary's Desk Nonconcurrency, on Supplemental Calendar No. 2 is House Bill 2345. Senator Nash seeks leave of the Body to handle that in Senator Carroll's absence. Is there leave? Leave is granted. Senator Nash, have you spoken to Senator Carroll? Senator Nash.

SENATOR NASH:

Mr. President and Ladies and Gentlemen of the Senate, I move to refuse to recede from Senate Amendment No. 1 on House Bill 2345 and ask that a Conference Committee be appointed.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright, the motion is that we refuse to recede and ask that a Committee of Conference be appointed. On the motion, is there discussion? All in favor say Aye. Opposed Nay. The Ayes have it. The motion prevails. On Supplemental Calendar No. 1, Senator Philip, did you wish to...we still have House Bill 2285. Senator Philip. Senator Philip is recognized for a motion.

SENATOR PHILIP:

Thank you, Mr. President. I move that we adopt the...committee report.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cut-off)...is to adopt the first Conference Committee report. Is there discussion? Senator Jeremiah Joyce. Oh, Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I think it would be appropriate if Senator McMillan were also on the Floor when you made this motion, because he has some very pointed remarks to make about this, Senator Philip. Would you hold it until we... until Senator McMillan is available? You will not?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip has indicated he wishes to proceed, Senator Netsch.

SENATOR NETSCH:

Alright, then I would arise in violent opposition to the adoption of the Conference Committee report and would point out that there are at least two levels on which I would oppose it. One is that two versions of the bill which was intended to redistribute the sales tax on gasoline liability came...came before the Senate Revenue Committee. The first one sponsored by Senator Rock was defeated in committee. This bill which came over from the House was also defeated in committee. Subsequently, I asked Senator Philip if he would be willing to allow the bill to be put in a form in which a clear majority, in fact, a unanimous majority of the members of the committee would be agreeable, and that form was Senate Amendment No. 1 to House Bill 2285. At the same time...and I made it very clear to Senator Philip that the committee would not permit this bill to leave the Revenue Committee in any other form. Senator Philip acceded to that request and the bill was put in that form and passed the Senate in that form.

The petroleum marketers then got a hold of it and managed to get it into a Conference Committee and put it back into the form in which it had been consistently rejected by the Senate Revenue Committee. I consider that good faith has been broken with the members of the Revenue Committee, and I specifically condemn the lobbyist for the petroleum marketers who has been playing games left and right with this piece of legislation. Now, let me tell you why it is not a good piece of legislation as it is. The first thing that it does is to require prepayment by the retailers of this tax at the time that they purchase their petroleum. That presents considerable cash flow problems for those retailers, many of whom are small independent retailers and are in no position to absorb that kind of cash flow impetus. Secondly, and...and this is perhaps even more important, the bill has a major gap in it, and that gap is such that as the director of revenue put it to me, you could drive a Mack truck through it. It does not cover the pure wholesalers. That means that those who have been a part of whatever problem has existed in terms of collecting this tax money would simply not be covered at all, and that leaves the entire system without really the kinds of tight reins that the Department of Revenue would like to have. The Department of Revenue does not want 2285 in the form in which the Conference Committee has put it. The form in which the Department of Revenue feels that it would be able to help bring about better enforcement of this tax is the form in which the Senate passed the bill, which gives them the audit tracking powers that they need to find out exactly where the...the gasoline sales are going and who, in fact, is not paying the tax that is due. The bill in this form does not solve that problem at all. The Department of Revenue opposes the bill in the form in which it is in this Conference Committee. It supports the bill in the form in which the Senate adopted Amendment No. 1 and actually passed

the bill. This would not solve the problem. As I indicated, the...the gap by not covering the so-called pure wholesalers is sufficient that the...the desire to track these sales would simply be lost to the Department of Revenue. If there is indeed cheating taking place, and there probably is some, this will not solve it. In fact, it will allow it to continue. This presumes that it's only the retailers who have been responsible for the loss of revenue from this tax and that is simply not the case. A lot of the problem has taken place at a different level. I cannot tell you how strongly the members...a majority of the members of the revenue...of the Revenue Committee feel that this is no solution at all, and in addition, that there has been an act of bad faith to some extent on the part, I regret to say, of Senator Philip and certainly on the part of the industry which has been pushing this. We are absolutely convinced that the reason why they have pushed the bill in this form is not to close the gap on any revenue loss but to give the big oil companies a chance to put pressure on the independent retailers and have their way with them. That is the only reason why they would refuse to accept the proposal that the Department of Revenue put forward for closing the revenue loss that may be taking place. This is a very bad bill as it is. There is an alternative which the Senate has already passed by an overwhelming vote, and that is the form in which the bill should be.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Well, first of all, could we have the sponsor explain what the bill does?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

I'd be very happy to do that, Senator. First of all, it's the precollection of sales tax on gasoline to the tune of five cents per gallon. It also improves the audit trail making it easy for the Department of Revenue to decide who, when and where to collect those taxes. It also provides the two percent collection allowance to the dealer who has taken the time and effort to fill out the forms and collect the tax. That's basically what it does. The Department of Revenue, I've been led to believe, has no position on it. It has been suggested...it has been suggested that this may raise as much as a million dollars a month or as much as forty-five million dollars revenue that is kind of falling through the...the grates.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Will he yield to question, please?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield.

SENATOR JEREMIAH JOYCE:

Senator Philip, are you aware that at the time you appeared and that this bill was in front of our committee, that the committee was under the impression and there was no doubt on the part of anyone involved in this legislation that this bill would not appear in the form that it is before us today?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

All I can remember is that I said that I would be happy to work in Conference Committee to work out a reasonable compromise between the Department of Revenue, the committee and the oil producers. And I don't know how...how many meetings I've attended and how much time we've tried to work

something out that's reasonable, and maybe there isn't any reasonable ground, Senator, I don't know.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Let me ask you the question again. Were you aware at the time that this bill was before our committee that the committee and all of those who were involved with this were under the impression that this bill would not appear before the Body in the form that it is here today? Yes or no?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

I don't know what impression you were under, Senator. I know I wasn't under that impression.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Are you aware that this bill as it is before us now in the form that it is in now was given two previous hearings in front of the Revenue Committee?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

I don't know that.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Well, why don't you tell us what you know about it and why you're doing what you're doing here today? Why you are probably bordering on, in my opinion, unethical conduct. And I've been in the Chicago City Council, and I've been in this Body, and I've been interviewed by people who have said, you are sitting in two legislative Bodies that are the most writ-

ten about and the most criticized legislative Bodies in the country, how does it feel? And I consistently say...I consistently say that it is totally inappropriate to characterize those bodies in the way that they have been characterized, that they are hard working, ethical, honest, concerned legislators. And I'll tell you, Pate, what you're pulling here today stinks, and anybody who gets on this had better sit and seriously examine what we're doing down here, because I've played hardball down here, and I've played in the council, and I've seen guys get it stuck to them and all that, but this is the first time that I've seen something like this that you're doing here today. And I would ask that this Body reject this attempt.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Nimrod.

SENATOR NIMROD:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I want to ask our Minority Leader a question...a couple of questions, but I want to tell you that I...I have to somewhat agree with the speakers that have spoken before, that at least in...under my impression was that this bill was heard twice, once when Senator Philip was not there, once when he was there. And that when this bill was defeated the second time, that there was a suggestion and proposal that we address the problem of the cheaters and avoid the other problem which comes about, and that is of basically causing some undue hardships on independent distributors of...of...within the service industry. I don't think there is anyone on that committee who would in any way indicate that they would, in fact, approve of cheating that can go on. But certainly this bill, as another purpose, and it's main purpose is also to put out of business those individuals who are forcing the prices to come down and the lower gasoline stations. It's the wrong proposal and it's the wrong way to do it. And

Senator Philip, I would say to you that I, too, have to join hands and say that this is not the way to do the right problem...to address this problem, to come back with the same bill that was defeated twice. And I would ask you if you would take it out of the record.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator McMillan.

SENATOR MCMILLAN:

Mr. President and members of the Senate, I rise in very strong opposition to the bill, and I really have no interest in this debate other than to defeat what I believe is a bill that many of you if...if it's enacted will be very sorry for when it gets enacted and when you go back into your districts and have to...to suffer the questions that are going to come. I'd like to set the record straight, however, on a couple of things. This bill was defeated essentially and vaguely this form twice in committee, once it was a Do Pass motion when it was in a much different form, earlier it was voted down, and a Do Not Pass motion carried on this exact bill. Let me state very clearly that the Department of Revenue opposes this bill in this form. Now, the thing you need to keep in mind is not who's for it and who's against it or what promises may have been made or what promises may not have been made, but take a look at what the bill does and ask yourself the question of whether or not it's going to get at the tax cheaters and what is going to happen to a lot of innocent people in the process. Number one, this places the collection of the sales tax on one commodity, oil, primarily back at the wholesale level, rather than putting all of the emphasis on the retail level. That's quite a departure, we've gone through day after day of headlines in the Chicago papers on the mirage scandal and other things, and no matter how badly those scandals got, no matter how bad they got, we never went to the wholesale level to try to collect taxes on

any of those products, but here we are doing it when it comes to gasoline. Take a look at the top of Page 3 of your Conference Committee reports, and if you don't believe this is something going beyond just a little change in the way we're going about things, it changes the whole name of the retailers occupation tax. It's Section 2, at the top of Page 3 of the Conference Committee report. It says, "The title of said Act is amended to read as follows: an Act in relation to a tax upon persons engaged in the business of selling tangible personal property." That does not say at retail. That changes dramatically the name of this...of this Act. One of the things that it does in addition, is...in addition to...to putting a lot of the tax collection on the wholesale level, the retailer still has to be in the business of collecting, because it's the retailer who still has to collect that local one cent, or cent and a quarter, or two cents as it happens to be. Both the retailer and the distributor now will be responsible for some additional red tape, and when you go sit in the line at the gas station, your local retailer, whether he's a good guy or a bad guy, is going to have every reason to complain about the extra paper work that he's going to have to...to...to do. The local retailer is going to have to cough up the sales tax as much as two months earlier than he would have otherwise, because this law says that he has to pay it to the distributor when he buys his gas. And the law as it is now says that he does not have to fork over that money to the Department of Revenue until the end of the month after the month in which it was collected. Now, in addition to that, some of the distributors have the potential of holding the sales tax that they get under this Act in their hands where they can invest it and get return on it for up to fifty days. If they buy a...tankload of gas, and if they...if a local retailer does and if he pays the sales tax on it to a distributor, that distributor does not have to pay that por-

tion of the sales tax over to the Department of Revenue until the twentieth of the following month. That's fifty days that they will have to earn a return on that. Now, those aren't even the bad parts of the bill. The worst part of the bill is that it does nothing to increase the audit trail, it does nothing to provide any regulations on the pure wholesaler. That's the person that buys from an oil company and sells to the local retailer. In many cases that is the person that may be most likely to contribute, or most likely to turn his head, or most likely to not be involved in trying to track down the real cheaters in this...this situation. I have no desire to do anything to make it easier for tax cheaters. I don't believe in any way in making it more easy for tax cheaters, but I oppose a bill that goes much farther than what's necessary. I oppose a bill that isn't really going to get at the biggest part of the problem. I oppose a bill where the claims of the amount of extra sales tax that we will raise are far inflated, and I think that the word that I would say to all of you is, when you go back home and have to face the wrath of a lot of people that are having to shell out money far earlier than they ordinarily would have and have to contribute to a lot of additional red tape, I think that you'll find that this is not a good bill and not a bill that really solves the problem.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Simms.

SENATOR SIMMS:

Would the sponsor yield for a question? Senator Philip, by some of the dialogue by some of the those that are opposing the legislation, they seem to leave the impression this is a new idea. If my recollection is correct, is...isn't this not the same system, basically, that was enacted many years ago when you had a good deal of cheating in the liquor industry? Doesn't the wholesale liquor industry pay their

tax up front at the present time, and wouldn't this be something in the same way where the wholesaler is paying the tax in advance rather than the present system of paying it afterwards?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

Senator Simms, I believe that's correct. I also think they collect cigarette tax the same way. I think you have to pay that up front also. Not...it's a matter of philosophy, I guess. I don't have a problem when you're...with philosophy when it comes to collecting taxes, whether you...collect taxes at wholesale or retail, it doesn't make any difference to me, and if you can collect it at the wholesale level and pick up some cheaters, perhaps, and maybe save the State some money, perhaps, I think that's a good idea.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, it's very possible that it could have been a miscommunication between the sponsor and the committee. But one thing I do find about this bill, I find that it will penalize independent distributors, and I am not for the oil companies as it is, because when there's an oil glut they...they cut down their supply and the prices still remain high. And I...I couldn't go back home and tell them I voted for a bill like this, and I speak against the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cut-off)...discussion? Senator Thomas.

SENATOR THOMAS:

Thank you, Mr. President. I...I think a number of the members here in the Senate are a bit in a quandry. For those of you who joined us in...in adding the new revenue collec-

tors, obviously, we want to do everything we can in the State of Illinois to...to get into our coffers all of the outstanding tax that is due us, and yet what bothers me, I think, a bit about the bill is that we're singling out a particular occupation. What's going to be next? Will drug stores prepay? Will...will grocery stores prepay? And I think following Senator Schuneman's argument of last week when we were talking about the car dealers, whether or not they should be open on Sundays or not, and Senator Schuneman aptly asked the question, who's next? The K-Marts, the 7-Elevens, are we going to just mandatorily decide that all business will be closed on Sunday. I, on the one hand, I'm torn and I think many of us are torn here, that we want to collect all the money that's due, and if there are retailers in the State of Illinois who are not paying what they owe, then they sure should be. But it seems like maybe we're taking...we're taking unfair advantage of...of one particular class of retailer, and...and for that reason alone, maybe it's just not a fair idea.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Totten.

SENATOR TOTTEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, rise in opposition to the Conference Committee report that's before us. Although it would appear that we have the major oil companies coming down here in an altruistic form to help us collect sales tax and get at sales tax evaders, what's really happening is an attempt to get the small businessman, the small independent, off the street and by the putting of the collection fee, the prepay, into the hands of the major dealers. This...in the form that it is before us, it is an anti-small businessman proposal. And it's not...I can't blame the oil companies for it, they want to make as much profits as they can, but when we're faced

with a special interest measure like this, which, in effect, would knock the small independents off the street, would allow the majors a major collection fee that they can invest because of the monies involved on the prepay, I think we're taking a bad direction. For all of you who promised major oil companies you would vote for this bill, let me remind you, you did when you voted for the bill 2285 when it passed out of the Senate in a form which most of us in the Revenue Committee heard the bill a number of times, agreed that this was the best way to do it, in a manner in which the Department of Revenue also concurred, and in a manner which would provide the audit trail which would get at the sales tax evaders in the best manner that we thought we could do it. In the manner that it's before us now, it is not a good business proposal. We ought to send it back to Conference Committee and have the sponsor come back in the manner in which most of the members of the Committee on Revenue agreed, and which the Department of Revenue agreed would really get at the problem.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch.

END OF REEL

REEL #3

SENATOR NETSCH:

Thank you, Mr. President. I...I know it is the second time, but if I might just underscore a couple of the points that have been made by now, I think. Number one, the Department of Revenue does not, I underscore, does not want this bill in this form. It wants a bill in the form in which the Senate passed it with Senate Amendment No. 1, and the reason is very simple. Number one, it would cost the department about four million dollars to administer this. It will cost something to administer the other, but not nearly that much. Secondly, there is no audit track provided for in the bill as it is in the Conference Committee report. It is the audit track which the department must have if it's going to close the...the gaps. Third, the pure wholesalers, so-called, are not covered by the bill. That means that a major gap exists, and if I may repeat how Director Johnson described it to me, it's a gap big enough to drive a Mack truck through. The bill does not achieve what it was intended to do, and I suspect, as Senator Totten suggested, it would be strange indeed if the Department of Revenue has told us what it can effectively use, and the department wants...and the industry wants to put it in another form. This is a very bad bill as it is and it should not be approved.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Chew.

SENATOR CHEW:

I don't know whether to direct this at the sponsor or to the chairman of the committee. I'd like to direct this to the chairman of the committee, if the President will allow.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave? Leave is granted.

SENATOR CHEW:

Senator Netsch, is this the bill that failed to pass out of your committee on two occasions?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

A...basically, yes. There was another version of the bill which failed to pass earlier. This is a different version from the first one. Both of them were along the same line but they did have different provisions. The...the basic bill in its two versions was defeated twice in committee, it was allowed out of committee only on the understanding that it would be in the form in which the Department of Revenue wanted it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Chew.

SENATOR CHEW:

And at this point it is not in the form, and yet it shows here on this Conference Committee report, is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

That is correct.

SENATOR CHEW:

Well, let's kill the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Would Senator Philip yield to a question? Would the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Savickas.

SENATOR SAVICKAS:

There was one question that was brought up and of con-

cern, I know, to myself and a few of the other Senators, was a...reimbursement to the individual station owner of his two percent on the collection of the sales tax. Has he been eliminated from this collection or is he included in this collection?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President. The two percent collection fee is included in the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I'm not positive that this bill will stop all the tax cheaters, but I think back to a few years ago when I sponsored a bill to charge out-of-state truckers for the miles travelled over the roads in Illinois four and a half cents gas tax, and at that time the Department of Revenue fought me all the way. They said, it's going to cost more to administer this bill than you're ever going to get out of it. Well, I think the first year we got nine million dollars, and the second year about twelve, and I think last year we got nineteen million dollars out of a bill that the Department of Revenue fought the sponsor and the State, all of us. So, I just sometimes wonder whether the Department of Revenue tries to work with sponsors of legislation trying to close loopholes and bring in tax due and to stop tax cheating.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Nimrod.

SENATOR NIMROD:

Thank you, Mr. President. Ladies and Gentlemen, I'm sorry to stand for a second time, but there's something I'd like to straighten out what Senator Simms had asked before

about this being similar that we collect taxes...retail occupational taxes both in cigarette and liquor. Those are excise taxes and those are not collected at the retail level. Those excise taxes are collected at the other levels and have nothing to do with the occupational retail tax. Secondly, I want to make sure that we understand and get the record straight, this bill in its present form, and it's been said over and over again, is not addressed to take care of the cheaters, that if you want to take care of the cheaters, that was the bill that was presented here before which everyone agrees to and that will bring in all the money and take care of all the problems, that's the bill that was passed in the Senate. What this bill will do is put the independents out of business and cause them troubles. I'm one who has stood here many times for big business and for big oil. Oil jumped twenty-three cents here in the last month and a half or two months without one cent increase in...in any of the prices around here. What they're saying is that the independents who buy these loads or bring them in can...must be stopped and this is the way to stop them. I think this is the wrong way to go. I think we're doing a disservice to our entire business climate, and I would certainly tell us that this is not the means to stop the cheaters. We do all support stopping the cheaters and that's the bill that was passed out of this Senate before, and that is not this version.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President. I move the previous question. I think that all of the speakers have said basically the same thing. It is very clear what this bill is all about, and I think it's...Conference Committee report, and I think it's just time for us to vote it down.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright, there was one other speaker. Senator Jeremiah Joyce. Senator Philip may close.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2285 is the precollection of five cents per gallon. It does prevent a better audit trail and it does keep in the two percent collection allowance. The Department of Revenue thinks it may collect additional taxes anywhere from twelve to forty-five million dollars per year. Passed out of the House by a hundred and forty one votes. I don't have any problem with that philosophy, if you're going to collect taxes whether you collect them on the wholesale or the retail. And I know this bill may not be perfect, I don't know. And I'll tell you one thing, the Governor has got a pen, he can always adjust it if he thinks it's wrong or it isn't going to do the job. But I have some experts on both sides, and some people think it'll collect a large amount of taxes that are not being collected today.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate adopt the first Conference Committee report to House Bill 2285. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? (Machine cut-off)...voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 12, the Nay...question, the Ayes are 13, the Nays are 39. And the first Conference Committee report on House Bill 2285 is lost. For what purpose does Senator Buzbee arise?

SENATOR BUZBEE:

Mr. President, last night in a fight with the Senate President I lost on a fourteen affirmative votes. So, I'm glad to see that I've been outdone by the Minority Leader, he lost on a thirteen affirmative vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg, while we're on that order of business, on that same Calendar, you wish to handle Senate Bill 1193? We'll get back to you. Senator Nedza, did you wish...alright, on the second Supplemental Calendar, on the Order of Conference Committee Reports is House Bill 1938. Senator Nedza for a motion.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1938 emanated in the House by Representative Kulas who is a member of my district. We have a specific problem in...in my community, his community and the community surrounding us which was the alleged social clubs that were engaging in the sale of alcoholic beverages. The bill came to the Senate and the Secretary of State prepared an amendment to the bill which put the bill in its proper form in order for the Secretary of State to officiate his portion of the legislation. The bill went back to the House and it was put into a Conference Committee, and in the Conference Committee an amendment was adopted to the bill that provided for liquor to be sold in retail in connection with the food service in a structure that has been designated as a historic landmark or is part of a historic landmark district. That is what is before us today, and I would ask to...your favorable response for the bill. If there's any questions, I'd be most happy to answer them.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is on the motion of the adoption. Is there discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield.

SENATOR JEREMIAH JOYCE:

Would you tell the Body, or would you tell me anyway

where this historical landmark is located.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

Senator Joyce, I have no idea. The bill as it's designated or as been written it just states in a historic landmark or a historic landmark district. There's no specific location.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Well, do you know where it came from?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

The amendment?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

The idea of the...of the historical landmark. Someone put it on there, do you know where it came from? What historical landmark are we talking about?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

I have no idea. It was a...an amendment that was put in in Conference Committee by Representative Kulas, and there is no specific designation of any one entity. It just...it's broad, where it says a historic landmark...a structure which has been designated as a historic landmark or part of an historic landmark district.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Didn't anyone think to ask about that? Wasn't anyone curious about that?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

Well, I...Senator Joyce, I believe part of your district is designated as a historic landmark, I know there's a section of it. There are a great quantity of structures in the City of Chicago and the County of Cook which are designated this. There has recently been a tendency to have social functions, dinners and what have you in some of these historic landmarks, or in these structures. There is no provision to have them and this is the enabling legislation in order to have them there.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Well, as...as an aside, Senator Nedza, all of...all of...all of my district that's in a historical landmark is dry, so we don't have this problem. Is this the Chicago Water Tower that we're talking about?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

I haven't the faintest idea, Senator. I've specifically stated that...the language of the bill is before you, the Conference Committee report is before you.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza...or Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Well, do you think maybe Senator Savickas could help you make that determination, he seems to be up on a lot of those things?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

Senator, I would not presume to speak for any other Senator of this Body, and if you wish to direct your question to Senator Savickas or anyone else, please be my guest.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Well, is there anyone in the Body from the City of Chicago who might want to venture into this and tell us if we're talking about the Chicago...if we're talking about the water tower or what we are talking about here?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

I can't answer for the Body. The legislation...the Conference Committee report is in front of you and it specifically is...does not designate any single structure.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Is this preemptive?

PRESIDING OFFICER: (SENATOR BRUCE)

I...I'll get...I'll get back to you. Further discussion?

Senator Mahar.

SENATOR MAHAR:

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

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Mahar.

SENATOR MAHAR:

Senator, I...is it necessary to have legislation like this to allow the sale in a historical landmark site which is not under control of the municipality?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

Yes, Sir, it is.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar, did you...

SENATOR MAHAR:

The material I have here says that it's handled somewhat like House Bill 1178, which means that the municipality must issue the license, they must by ordinance allow for the license, is that true? The wording here says that it's similar to House Bill 1178. So how is...how is it handled differently than...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

Senator Mahar, I don't have it in front of me, but I would...I've been just advised that 1178 did not refer to historic landmarks.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar.

SENATOR MAHAR:

Well, I'm told that there's no...licensing provision in the Conference Committee report, which means that apparently if the municipality by ordinance allows the sale, then they'll go ahead and sell as long as they've got dramshop insurance. It just seems to me that every time you turn around there's another...another liquor bill allowing more liquor to be sold in varying organizations. When somebody said historical site, maybe we're getting around to cemeteries. I said sometime ago the only place left where they don't sell booze is in cemeteries, and this may very well be the one that we've been waiting for.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

(Machine cut-off)...Mahar, in...in response to your previous question, it makes this provision pursuant to Chapter 43, Section 130 which gives that authority to the municipalities.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Bowers.

SENATOR BOWERS:

Well, thank you, Mr....thank you, Mr. President. I really am not in this question, Senator Joyce, except to tell you that floating around this side of the aisle is a statement it's the water...it's the...it's...it's the firehouse at the water tower. I don't know what that means, I'll let you decide that. But I do...some of you downstate people would like for you to take a look at this. I've been asked on this side of the aisle as to why I didn't sign this Conference report. I was satisfied the first time this bill came through to simply vote No, but I think you ought to take a good hard look at what is being done here as far as your local social clubs are concerned, because what this bill does and what it says is that if there is a violation of the liquor ordinance, the...and then notice goes to the Secretary of State and the charter...the corporate charter is automatically revoked. That's the strongest penalty I know of anywhere in the United States for the violation of a liquor ordinance. Now, generally speaking, if somebody...if a minor comes in and...and buys...buys booze, there's a rap on the knuckles, they can close them down for awhile, they can, as a matter of fact, suspend or revoke a license. But I don't know of any time we've ever suggested that they can do away with the corporate charter. In other words, the whole shebang goes out of business. Now, take...take a little thought about your local American Legion, they serve booze,

they get caught and sometimes it's very inadvertent. They can get caught in a situation where they have sold liquor to a minor, they forgot to card a minor or something of that nature, they don't get a suspension, they're going to get their corporate charter revoked. And I have asked a number of times of the sponsor what happens to the assets. For instance, my American Legion in Downers Grove sold a piece of property, they're pretty wealthy, they've got, I don't know, two or three hundred thousand dollars in their...in their corporate coffers. If they get caught violating a liquor law, their corporate charter is...is...is revoked, and I think that's awfully strong. I don't think it's necessary to do what the sponsor wants to do, that's why on this side of the aisle at least, that's why I did not sign the Conference Committee report.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator...Senator Collins, have you spoken on this once? Senator Collins.

SENATOR COLLINS:

Just for the record, I...I'm looking here at this...the new language. I wanted to be very sure that you're talking about where the local municipality have ordinance already allowing the sale of liquor. For example, in the Village of Oak Park, for example, if, in fact, the ordinance prohibit the sale of liquor, no one could come in and have liquor under those circumstances, because that is a historical landmark area?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

Yes, Senator, the...the local commission...liquor commissioner, mayor, each individual municipality maintains control over that specific area.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I did sign the Conference Committee report, and surprisingly enough, we did have a Conference Committee report...a Conference Committee meeting and we did have quite a bit of discussion, and whereas I concur with Senator Bowers' perception of the consequences, when confronted with the possibility of any alternatives, nobody came up with any, and therefore, we're kind of stuck with something that might have a bad consequence. But there is a problem in that area, it has to be dealt with and maybe it isn't the best way to deal with it, but I think barring the fact that there are no better ways we have to go with it. Senator Joyce, in regard to the area about the landmarks, I have to tell you, there was no debate on that in the Conference Committee. The legislation is permissive, it's not preemptive, and if a municipality doesn't want to do it, it doesn't have to do it. The license still have to be issued.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Well, for all of you who have been paying attention and those of you who have not, don't you remember this? This is...this is at the water tower, it's the firehouse. Don't you remember last year, this is Chapter 2? Last year...last year we beat this, and during that scenario, there was...there were statements made that the Chicago Fire Department had been ordered to do a study to show that there was not...that the fire protection in that area was sufficient and they could close the firehouse so that someone could buy it and make a restaurant out of it. That's all we're talking about. We beat it then, I think we should beat it now.

PRESIDING OFFICER: (SENATOR BRUCE)

Further...further discussion? Senator Nedza may close. Wait a minute, I'm sorry, Senator Nedza. Senator Netsch.

SENATOR NETSCH:

Yes. Thank you, Mr. President. I think this is in my district, Ladies and Gentlemen, and I can only tell you that the first time...I assume it does indeed refer to the fire station near water tower, and the only thing I can tell you is that when I first heard last year that that fire station might be closed, and I don't care what it's turned into just the fact that it's going to be closed, let alone a restaurant, I was...I was incredulous, I couldn't believe it. That is one of the most densely populated areas, there is a whole hospital complex right around there. To take that fire station out of that area and endanger that whole community is absolute insanity, in addition to which, we don't need any more restaurants on Chicago Avenue, but the idea of...of closing that fire station for someone's restaurant is crazy, and I...well, it is.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Nedza may close.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would like to, quite honestly, invoke the services of both Senator Netsch and Senator Joyce because they foresee things that I do not foresee or see in this bill. There is no designation of any specific locality, any specific structure, and if they have that type of foresight, I would like them...engage their services as my financial advisor. Perhaps you can give me a few tips on some stock or what the gold market or the bullion market is going to be doing in its entirety. But speaking to the...the other content of the bill, Senator Bower has...his concerns. I respect his concerns with regards to the legislation. The mayors of each

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individual municipality presently have the authority to revoke or suspend any liquor license. The additional legislation that is permissive, permissive in the sense that any of the concerns that Senator Bowers had with some of the social clubs, Veteran's clubs and what have you, fraternal, that they...the Secretary of State does not automatically revoke that charter unless that local municipality or the liquor commissioner, and in many of the cases I would imagine ninety-nine out of a hundred are the mayors of the...respective municipalities, that unless that particular individual notifies the Secretary of State, and only at that time will he then revoke the charter. It's...there are some safeguards, perhaps they're not as good as Senator Bowers' and some other concerns would like to have them, but it's...this amendment was drawn up by the Secretary of State in order to have him officiate in this capacity. I would hope that you could all support this legislation. It's required, we need it in our community, and I just solicit your affirmative vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate adopt the first Conference Committee report to House Bill 1938. 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 16, the Nays are 40. The motion to adopt the first Conference Committee report is lost. Senator Nedza. Right. Senator Nedza asks that a second Conference Committee be requested. Senator Joyce, do you wish to move 2266? Alright. Senator Grotberg, are you ready on 1193? Alright. On the back of your first Supplemental Calendar is Senate Bill 1193, and Senator Grotberg is recognized for a motion on the first Conference Committee report.

SENATOR GROTBORG:

Thank you, Mr. President and fellow members. I move that the Senate do adopt the first Conference Committee report on now famous Senate Bill 1193. Senate Bill 1193 clarifies a problem that has occurred with the passage of Senate Bill 172 a couple of years ago in the area of extra paper work, basically, is what was really the genesis of this bill. This clarifies that except for MSD, new regional pollution control facilities, the...and fossil fuel mining that the issuance of an EPA permit does not relieve the permit applicant of meeting applicable zoning requirements. The Municipal League, the Illinois Chamber of Commerce, the Illinois Environmental Protection Agency and many others are in support of this bill. The only reason we were holding it, there was a...a...a problem looking to be solved that was presumed to be germane to this, had nothing to do with this. It was passed out of the House with a hundred and twenty-two votes about eleven o'clock this morning. I urge the adoption of it.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt the first Conference Committee report. Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, rise in support of the Conference Committee report to Senate Bill 1193. I would like for the record, however, to ask Senator Grotberg a question, if I may. If a facility has been legally located, has obtained the necessary developmental and the construction permits, would this legislation allow local governments to change zoning to prevent or limit the operation of the facility?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTBORG:

Senator, on the best legal counsel we've been able to get

from every side of this issue in the last forty-eight hours, the answer is, no.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DENUZIO:

I concur in that assessment from the basis on which I read the legislation, therefore, I support Conference Committee 1 on Senate Bill 1193.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate...Senator Lenke, did you have a comment on this...Senator Lenke.

SENATOR LENKE:

Why...why are we exempting MSD from landfills? Are they proposing some dumps...some landfills? We're having a problem with MSD dumping sludge all over the place where towns don't want it. Now, are they proposing to make a landslide some place around in Cook County or in their jurisdiction? Landfill or something, you know, what are they trying...why are we exempting them?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grothberg.

SENATOR GROTHBERG:

Senator Lenke, I have a feeling you may be aware that the sanitary district has been exempt from this Chapter since 1914 or whenever they were...whenever they were devised, and it has nothing...they still have to get their EPA permit. Nothing has changed in the...we don't change anything in the Statute about MSD. We reiterate their exemption.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LENKE:

But this goes a little farther. We talk about landfills, and as far as the permit from the environmental people, forget about it, it's issued automatically. The local villages

and the people have nothing to say about it, it's just an automatic thing. They have no power to talk about this, they have no power for public hearings, they have no power for public notice, and they're dumping sludge and dredgings all over the County of Cook and the people are up and...rising about it. And I don't think we should be giving them the power with landfills which are worse than dumping of sludge and things, and which we all know they probably will start doing. To save money they'll start landfilling with the...with this treated waste as digested sludge, and I think that we should not make this exception. And I am going to vote against this.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg...no, that was not a question. Further discussion? Senator Grotberg may close.

SENATOR GROTBORG:

Well, thank you. Just in closing I'd like to remind the membership Body again, if the Gentleman wants to repeal the Sanitary District Act and its exemption which goes back seventy-five years, that takes another bill. This just repeats the reference that I referred to before, and I move for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1193. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, 1 Voting Present. The Senate does adopt the first Conference Committee report to Senate Bill 1193, and the bill having received the required constitutional majority is declared passed. Senator Carroll, did you wish to take 1452? Senator Carroll is recognized for a motion on the first Conference Committee report on Senate Bill 1452.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that we do accept the first Conference...do adopt the first Conference Committee report on Senate Bill 1452 which would, I think, clarify...we had pulled it from the record as you'll recall. When we were discussing it later there was a technical correction necessary which was made. I believe that this has answered the questions and would urge a favorable vote, but would be willing to answer questions if I can. 1452 is the Israel bond investment bill with the additions thereto. Senators Sommer and Simms raised some questions yesterday when we were dealing with it, and I believe there was a correction made to that to resolve that issue.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Bowers.

SENATOR BOWERS:

Will the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Bowers.

SENATOR BOWERS:

I may have misunderstood, Senator Carroll, but I thought I heard you say that when Senator Sommer raised some objection earlier that those...that there's been some technical corrections. Is there a second Conference Committee report floating around? We only have one here. And as far as I know, it's the one we had when we were discussing it before.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

It's my understanding that this is the first Conference Committee report, that the issue raised was resolved, I believe, that there was, in fact, a correction made, Senator Bowers, not to be misleading, but I assume it's the one you

have, but it was...it is the first report which was withdrawn.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Bowers, did you have further...Senator...further discussion? Senator Rhoads.

SENATOR RHOADS:

Well, just so that we're clear, if the Secretary could tell us that the Conference Committee report before him, on his desk is LRB 8206675EGCBCCR. Is that jive with what you have, Mr. Secretary?

SECRETARY:

That...that is correct.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads.

SENATOR RHOADS:

Then it seems to me, Mr. President, that the same problems that Senator Sommer pointed out on Pages 11, 12 and 13 earlier in the day, seem to still...still apply. What we're talking about here is the ability of former members of the General Assembly, current members of the General Assembly to buy into the pension system without paying, Subparagraph B, Line 6 of Section 11 which is the funded cost for the State of Illinois in effect at such date. In other words, they would be permitted to buy in only using those contributions at the rate that was in effect for participants at the date of the membership in the system based on the salary then in effect, which would be...could go back as far as 1973, for members of the General Assembly. It seems to me that that's a departure from what's been done in the past. In other words, it...they would no longer be requested to pay in the...the State's share, and I just would like, in the form of a question, to ask the sponsor, Senator Carroll, what's the justification for that?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. Senator Rhoads, and...and to Senator Bower, let me take the leave to say that this is exactly the one that's on your desk, there has been no change. The window, as it is referred to, was extended. The window existed, the January 173 is existing law, the window existed and has been extended to the period of September 1, '82 to March 1, '83. It is the window that...previously existed and has now, in fact, been extended for this period of time. It is my understanding that the...this amount, the recipients contribution would be...would total thirty-two hundred dollars.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads.

SENATOR RHOADS:

Senator Carroll, that's a beautiful answer but it wasn't answering my question. My question relates to Page 11 of the Conference Committee report, Line 6, which by reference on the following page appears to be deleted as one of the requirements for a member to buy into the system. Now, specifically what seems to be deleted here is the State's share. In other words, the funded cost for the State of Illinois in effect at such date. My question was, what is the justification for deleting the State share?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

It's my...again, the issue as I understand it, Senator Rhoads, is the window, the period of time. But here's the dollar difference, twenty dollars. Had they bought in originally, it would have been three thousand two hundred and twenty dollars. Having bought in this way, it's three thousand two hundred. The difference to the recipient and what

he has to pay is twenty dollars, and there was no way of figuring it any different or any closer. Senator Rhoads, I don't know if you heard me, the difference is twenty dollars. Without that language it was, had they bought in originally, three thousand two hundred twenty dollars payment. This way it's three thousand two hundred dollars.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads.

SENATOR RHOADS:

Well, if...if, in fact, that's the difference, and I have no reason to dispute your numbers without having a calculator in front of me, but if that's the only difference then why are we deleting the twenty dollars? It doesn't seem to make sense to me, Senator Carroll.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Again, unless we're talking different issues, as I understand it, Senator Rhoads, it's an issue of allowing them this new window or extended window to get into the system, them having not done it before.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Yes, question of the sponsor, Mr. President, if he will yield. Senator, I understand what you're saying about the window and that we're opening the window, which, in effect, gives people the opportunity to buy in credit for past service not in the General Assembly, but my question has to do with the fact that not only are we opening the window and allowing them to buy credit, we are not requiring them to pay the share that the State will have to pay. Now, I submit to you that there's a lot more involved here than twenty dollars. I don't know what the share...what the State share

is, but could I give you some examples and perhaps you could respond to my question. If, in fact, someone wants to buy credit for a time when the Legislature was earning twenty thousand dollars per year, how much would the State contribution be?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

The way I have the formula, Senator Etheredge, is that the member would have...excuse me, would have paid eight percent of that salary which was twenty thousand then. Yeah, I'm sorry, the employer contribution that they would have paid would have been fifteen percent which would have been...three thousand dollars.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

On a twenty thousand dollar salary, the employer contribution would have been three thousand dollars for each year. Now, as I read this Conference Committee report, that's the break that we intend to give people who want to buy into the system. And I would suggest to you, members of the Senate, that if you read this as I do, this is giving an extraordinary break to people that we have not been in the practice of giving in this General Assembly. This is a....this is certainly a departure from what the pension practices have been in the General Assembly since I've been around here. We have been opening the window at various times and allowing people to buy in, but I can't remember another instance of where we...we have allowed them to avoid paying the State share of the contribution. And I suggest to you that this is a terrible Conference Committee report.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

Mr. President and Ladies and Gentlemen of the Senate, we're not changing the law as far as paying the funded cost of the State of Illinois, we're...we're...where that was the law before that the employee did not have to pay the cost that the State of Illinois would have had to pay. We're not changing that law, and I think Senator Berning, I don't know if he's going to talk on the issue, but he would reiterate that fact to us that we're not changing the law in that respect at all. So, it may have been a bad idea when we passed the law, but we're not changing that fact. All we're doing is extending the dates.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning.

SENATOR BERNING:

Well, thank you, Mr. President. I believe the...the confusion arises over the fact that with or without the window this particular amendment before us contains the phrase for...under Section C and under Section E, "For the contribution by the individual plus interest," but very conveniently omits Paragraph B which is what provides for the contribution of the State's share, Senator. And that, I have learned to my chagrin, has been done a time or two without our catching it. But just as an example, you read on Page 12, starting with Line 23 and it refers back then credits under Subparagraph C and E of this section by paying an amount equal to subparts A and C of such subparagraphs. A and C only provide for the employee and the six percent interest but not the employer, that is Subsection B. So, as an assumption, if an individual was eligible to come in now and he took it back to the January '73 at a twenty thousand dollar salary for ten years, this would be the equivalent of thirty thousand dollars that he would be achieving in the way of a benefit, and half again that much more is what the State

should be paying. Mr. President and members of the Senate, there are several provisions of this particular bill that really ought to be carefully considered by the members of this General Assembly before we embark on this. For instance, on Page 11 under E we have included again another terminology of type of individual who would be eligible to come into the General Assembly system, a master in chancery. Now, Ladies and Gentlemen of the Senate, I submit to you a master in chancery is not an elected official. I don't know of any fund that he really is eligible to participate in. And it would seem that it is almost unconstitutional to provide public monies to pay for pension benefits for someone who was not an elected official. So that as it may, just the very fact that a master in chancery in no way qualifies for credits in the pension system of the State of...of the General Assembly would disqualify this whole Conference Committee report on that item alone.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR BERNING:

Senator Carroll, there's one other thing that I...

PRESIDING OFFICER: (SENATOR BRUCE)

Wait a minute, Gentlemen, may we have some order, please.

Senator Berning.

SENATOR BERNING:

Senator Carroll, you were one of the most vociferous of those speaking in favor of House Bill 2569, I believe it was, yesterday that...no, 1579 that contained House Bill 2510 in it, and you were extolling the values of that particular piece of legislation which removes all restrictions on fiduciaries except the prudent man concept. Therefore, Senator, I was quite interested to see that on Page 4...Page 4, Senator Carroll, it would appear that you are taking a contrary position at this time. Would you care to explain why

yesterday almost unlimited decisions and options were supported and now you are happy to support very restrictive investment policies?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

I assume in that diatribe there were a few questions I will try and answer. Start with the back first, Senator Berning, I never spoke on the other bill, and if you hadn't mentioned what it was, I surely don't memorize them by number, I try and listen to the content, and never stood at any time on that issue, one way or the other, didn't speak for it or agin it. Let me merely say, however, as to your other question, if you missed it, you missed it. I'm not going to accuse anyone of having let it slip by. The law has been the law, this just reextends or reopens the window. The Section B reference you made is not new language, A and C is not new language. The only new language in here is the date. The date was changed from 1980 to September of '82 to March of '83. The rest of it is existing law. The window was there before, they've just now added this window to cover this time frame. In my opinion, the rest of the language is necessary, that's why the bill was introduced. It's the original of the bill. The House sought some add-ons of specific problems they identified and that's what's in the Conference Committee report.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cut-off)...discussion? Senator Berning, had you concluded. I...I'm not keeping a clock on the Chamber, but we are getting a little lengthy. Senator Berning.

SENATOR BERNING:

I just wanted to respond minimally. Perhaps I am in error that Senator Carroll spoke on 1579, but I do have the roll call and I know that he supported that, and I find that

contradictory to the provisions that he's now supporting here, reimposing the restrictive investment policies. But on the other issue, the more important one, of course, which is the...the window, so to speak, and which then does not provide for the Section B which is the critical point. And we established that as a policy and this General Assembly assumed that position, that anyone coming in was to pay not only his portion but the employer's portion and this...this amendment...this Conference Committee report ought to be rejected and another one brought back in at least providing that much so that the system does not suffer that loss.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll, for what purpose do you arise?

SENATOR CARROLL:

Again, at the request of the President, let's pull this from the record.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave? Leave is granted. We'll keep all your comments on this bill on file, and we'll type them up and distribute them on the third time we call the bill. (Machine cut-off)...what purpose does Senator Rock arise?

SENATOR ROCK:

Thank you, Mr. President. We have, I am told, two requests from the House with respect to appropriation bills, and I assume the sponsors, Senators DeAngelis and, I think, Maitland or maybe it's Kent, I assume they will accede to the requests so that those can proceed. Senator Schaffer has one that I'm sure will also go to conference. I am told that the conferees on the Appropriations Conference Committees are due to meet if not immediately, momentarily. I think this might be an opportune time, we have had, I'm told, ten or twelve...ten or twelve Conference Committees filed so we will have a Supplemental Calendar. It might be a good time to take a break.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senator,...we'll...we'll handle these three messages, but Senator Rock, some guidance as to how long we'll recess for. Do you have a suggested time that we might return after our recess?

SENATOR ROCK:

Yeah, I would say about nine fifteen.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright...is there leave to go to the Order of Messages from the House? Messages from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives has refused to recede from their Amendments 1, 4 and 5 to Senate Bill 1359, request a first Committee of Conference, and the Speaker has appointed the members on the part of the House. Senator DeAngelis is the Senate sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis moves to accede to the request of the House. Motion...is there leave? Leave is granted.

SECRETARY:

A like Message on Senate Bill 1427 with amendments...House Amendments 1, 2, 3, 4, 5, 6 and 8. Senator Kent is the Senate sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Kent moves to accede to the request of the House. On the motion, all in favor say Aye. Opposed Nay. The Ayes have it. The motion prevails. Further Messages? On your second Supplemental Calendar on nonconcurrence is House Bill 2196. Senator Schaffer moves that we accede to the request of the House...that we refuse to recede from Senate Amendment No. 1 and ask for a Committee of...Conference. On the motion, all in favor say Aye.

Opposed Nay. The Ayes have it. The Senate refuses to recede from Amendment No. 5. The Secretary shall so inform the House. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President. Between now and nine-thirty...if anybody wants...

PRESIDING OFFICER: (SENATOR BRUCE)

Alright, Senator Vadalabene...

SENATOR VADALABENE:

I've only got thirty-five left, a Fourth of July speech...

PRESIDING OFFICER: (SENATOR BRUCE)

Alright.

SENATOR VADALABENE:

...come to my desk.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland, for what purpose do you...or Senator McMillan.

SENATOR McMILLAN:

Mr. President and members of the Senate, I'd like leave of the Body to have my name stricken as one of the signers of Conference Committee Report No. 1 for Senate Bill 740. It will not make any difference in terms of having the required six signers because it had ten, but I would like to have my name stricken as one of the signers.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave for the Secretary to strike Senator McMillan's name from the Conference Committee report? It will not affect the requisite requirement, he has cleared this with Democratic leadership. Is there leave? Leave is granted. Senator Schuneman, for what purpose do you arise?

SENATOR SCHUNEMAN:

Mr. President, I'm interested in one of Senator Vadalabene's speeches, one of the copies of his speech, but

it's for July 4th, I just have an inquiry of the Chair as to whether or not we'll be out of here by July 4th.

PRESIDING OFFICER: (SENATOR BRUCE)

We are going to recess for the speeches and then return to the Floor. Senator Rock moves that the Senate stand in recess until the hour of nine-fifteen. On the motion to recess, all in favor say Aye. Opposed Nay. The Ayes have it. The Senate stands in recess 'til nine-fifteen.

RECESS

END OF RECESS

PRESIDENT:

The Senate will come to order. 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 acceded to the request of the Senate for a first Committee of Conference to consider the difference between the two Houses in regard to Senate Amendment No. 2 to a bill with the following title, to-wit:

House Bill 2370, and the Speaker has appointed the members on the part of the House.

END OF REEL

REEL #4

PRESIDENT:

Alright. Will those not entitled to the Floor please vacate. The Senate will come to order. The Secretary has distributed Supplemental Calendars 3 and 4. The appropriations conferees are still meeting, they will be joining us shortly as soon as they have fixed their signature to some more bills. Senator Thomas, how about leading off? Supplemental No. 3, Senate Bill 1416.

SENATOR THOMAS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The motion is to concur with the Conference Committee on Senate Bill 1416. This is the ordinary expenses for the law enforcement...Local Law Enforcement Commission, and I move that we accept the Conference Committee report.

PRESIDENT:

Alright. We are Supplemental Calendar No. 3, it's the first Conference Committee report on Senate Bill 1416, the appropriation for the Local Government Law Enforcement Officer's Training Board. Any discussion? If not, the question is, shall the Senate adopt the Conference Committee report on Senate Bill 1416. 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. The Senate does adopt the Conference Committee report on Senate Bill 1416, and the bill having received the required constitutional majority is declared passed. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Let the record show that had I not been to my right in my

seat I would have voted Aye.

PRESIDENT:

The record will so indicate. It's a cross you must bear. Alright, with leave of the Body, we'll move to the Order of Resolutions, 'til everybody gets all their paper in place here. Mr. Secretary.

SECRETARY:

Report was filed.

PRESIDENT:

Wait a minute, wait a minute. What...what is the number? Resolutions.

SECRETARY:

Senate Joint Resolution...

PRESIDENT:

Wait a minute, wait a minute, wait a minute. Alright, if I can have the attention of the membership, pursuant to Senate Joint Resolution 98, the committee appointed by the President of the Senate and the Speaker of the House as a joint committee to write the arguments for and against the bail reform amendment have filed a report. Senator Sangmeister.

SENATOR SANGMEISTER:

Well, thank you, Mr. President and members of the Senate. It's exactly as the President has just indicated to you. We originally passed Senate Joint Resolution Constitutional Amendment No. 36 for the submission to the voters at the November 1982 election, the proposition to amend the Constitution of the State of Illinois to permit the court to deny bail to persons charged with offenses for which a sentence of life imprisonment may be imposed as a consequence of conviction. As you know, that requires a committee, which was appointed under Senate Joint Resolution 98, to draw up the arguments for and against. So, at this time that has been done, and, Mr. President, I would now move for the

proper rule to be suspended for the immediate consideration of...Senate Joint Resolution 108.

PRESIDENT:

Alright. Senator Sangmeister asks leave of the Body for the immediate consideration of Senate Joint Resolution 108. Is leave granted? Leave is granted. Mr. Secretary.

SECRETARY:

Senate Joint Resolution 108 introduced by Senator Sangmeister, Bowers, Netsch and Walsh, and we have Amendment No. 1.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, the amendment is just technical in nature to cleanup some language problems that we had, and I would move for the adoption of that amendment.

PRESIDENT:

Alright. Senator Sangmeister moves the adoption of Amendment No. 1 to Senate Joint Resolution 108. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

Alright. On the main question, the question is, the adoption of Senate Joint Resolution 108. Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, I think it's been distributed to everyone. We've gone over it with anybody that showed any interest in the arguments. Basically, the proponents' arguments were drafted by staff, both Democrat and Republican, and Judge English, who is the Chairman of the Bar Association who first proposed

*DR 108
2nd reading.*

this constitutional amendment had his input into it, we thought the best people to draw the arguments to the contrary would be the ACLU, and they drew the arguments in opposition to the adoption of the amendment. So, I think there's a fair presentation to go on the November ballot to both sides...on both sides of the issue. So, unless there's any further questions to be asked about it, Mr. President, I would, at this time, move for the adoption of Senate Joint Resolution 108.

PRESIDENT:

Alright. The question is, the adoption of Senate Joint Resolution 108. Further discussion? If not, those in favor of Senate Joint Resolution 108 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 59, the Nays are none, none Voting Present. Senate Joint Resolution 108 having received...as amended having received the required constitutional majority vote is declared adopted. Senator Sommer I guess is still convening. Senator Berman, are you ready on Senate Bill 1180? Supplemental Calendar No. 3, the first Conference Committee report on Senate Bill 1180. Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The conference...first Conference Committee report on Senate Bill 1180 includes the original language of that bill which dealt with the permission of the Chicago Board of Education to adopt a supplemental budget. And this bill under the Conference Committee report authorizes the Chicago Board of Education...authorizes the Chicago Board of Education, if it sees fit, to enact a pension contribution liability tax, the purpose of which is to cover...

PRESIDENT:

SB A23
e.e.R.

Pardon me. Senator Joyce. Senator Joyce.

SENATOR JEREMIAH JOYCE:

I want a Democratic caucus.

PRESIDENT:

Senator Berman, will you take this out of the record for a moment? Senator Grotberg, how about 423? Supplemental Calendar No. 3. On the Order of Conference Committee reports, the Conference Committee report on Senate Bill 423. Senator Grotberg.

SENATOR GROTBERG:

Thank you, Mr. President and fellow members. The Conference Committee...first Conference Committee on 423 just does one thing, it adds one year to the extension of the diversion of the Road Fund monies for the cost of the State police of thirty-seven million dollars. I would ask for support for the bill.

PRESIDENT:

The question is, the adoption...well, wait just a minute will you, please. The question is, the adoption of the Conference Committee report on Senate Bill 423. Any discussion? Senator Johns.

SENATOR JOHNS:

Yeah, Mr. President, I really couldn't hear what Senator Grotberg was saying. I just ask that he repeat it, please.

PRESIDENT:

Senator Grotberg.

SENATOR GROTBERG:

Thank you, Mr. President. Senator Johns and all members, this is an extension of one year on the diversion of Road Funds to pay for the State police for thirty-seven million dollars instead of out of General Revenue.

PRESIDENT:

Senator Johns.

SENATOR JOHNS:

Any pay increase in for the State police?

PRESIDENT:

Senator Grotberg.

SENATOR GROTBORG:

This is a substantive bill, has nothing to do with the appropriation.

PRESIDENT:

Senator Johns.

SENATOR JOHNS:

Just costs thirty-seven million diversion from the Motor Fuel Tax Fund, the...right? This is the last time?

PRESIDENT:

Senator Grotberg.

SENATOR GROTBORG:

Whatever you say, Senator.

PRESIDENT:

Further discussion? Further discussion? Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. I rise in opposition to this bill which is going to divert money, thirty-seven million dollars out of the Road Fund. This General Assembly went on record a year ago saying that we are going to be opposed to diversion, and now, with all the other increases we have had in the budget, with all the other problems, part of the deal that has been cut is the Governor gets off the hook on that legislation so that he can continue to divert thirty-seven million dollars out of the Road Fund and continue a program of every chance we get trying to divide and take everything we can out of the Road Fund. When I first came to this General Assembly in 1969 as a staff aid, I had a chance to attend the old commission...Highway Commission meetings, and one of the first meetings that we held over in the building which has Mr. B's Lounge in it, for some reason we were over there, the big hot

topic in 1969 was whether or not we were going to divert road funds, and many people have worked year after year after year after year to try to get the General Assembly from diverting road funds, and when people go up to the tank and hear that tink, tink, tink, tink every time one of those gallons of gas goes in, seven and a half cents would go into the Road Fund. But what we did at one time was we paid the judges, we paid the State police, we paid almost everyone we could figure out that we could pay out of that Road Fund, we...we even diverted the sales tax, and it wasn't until Senator Regner two years ago said that the sales tax derived from the sale of motor fuel ought to even go into the Road Fund that that money finally was captured by the Road Fund. We said that the last final gasp was we would get the State police and put them and treat them like everyone else. And what this legislation will do is continue for one more year a diversion of Road Fund money. Obviously, the General Revenue fund money is tight, but we ought not to continue to divert money that is properly in the Road Fund to non-Road Fund purposes.

PRESIDENT:

Further discussion? Senator McMillan. Is there any further discussion? Any further discussion? Senator Grotberg may close.

SENATOR GROTBORG:

Well, thank you, Mr. President and fellow members. I'm enchanted by the Gentleman from across the aisle who has managed to help that the State go broke with almost his every move. We're down to something that is very important to the people of Illinois. To the people of Illinois is keeping the store open, and this is a one year attempt to do that, for many of the things that you stand for too, Gentlemen, and many of the things we stand for. Senator Shapiro started this. This is a Republican effort from day one, the antidiversion movement. We would like to postpone one more

year, and if...Doc, if you're listening, I'm telling you, Doc, you would understand the crunch that we're in trying to do everything for all people and we need thirty-seven million dollars out of...not out of General Revenue but out of the Road Fund. And that's what this is about. There are some other things in the amendment that we all agree on, but I support and I ask for your favorable roll call to help keep the store open in Illinois, period. Thank you.

PRESIDENT:

Senator Grotberg, now that you've finished, Channel 2 has asked permission to tape. Is leave granted? Leave is granted. The question is, shall the Senate adopt the Conference Committee report on Senate Bill 423. 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 34, the Nays are 20, 2 Voting Present. The Senate does adopt the Conference Committee report on Senate Bill 423, and the bill having received the required constitutional majority is declared passed. Senator Schaffer, how about 1285? Supplemental No. 3. On the Order of Supplemental No....Supplemental Calendar No. 3, the first Conference Committee report on Senate Bill 1285, Senator Schaffer. Alright, let's...let's move on and give Senator Schaffer a chance to find his file. 1386, with leave of the Body, Senator Donnewald will handle that. On the Order of Supplemental Calendar No. 3 is Senate...Conference Committee report on Senate Bill 1386. Senator Donnewald.

SENATOR DONNEWALD:

This appropriates the funds for ordinary and contingent...and distributive expenses for the State Comptroller with Houses Amendment 1, 2 and 3. I would move for the passage of that Senate Bill 1386.

PRESIDENT:

The question is, shall the Senate adopt the Conference Committee report on Senate Bill 1386. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none Voting Present. The Senate does adopt the Conference Committee report on Senate Bill 1386, and the bill having received the required constitutional majority is declared passed. With leave of the Body, one of the appropriations conferees, on Supplemental No. 1, Supplemental No. 1 there was a first Conference Committee report on Senate Bill 1452 and there was a great deal of discussion, as you will recall. 1452 on Supplemental No. 1. Senator Carroll.

SENATOR CARROLL:

Why, thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that we do not accept Conference Committee Report No. 1 and that we ask the House to appoint a second Committee on Conference.

PRESIDENT:

Alright. The question is, shall the Senate adopt the Conference Committee report on Senate Bill 1452. You've been requested to vote No. 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, there are 8 Ayes and 35 Nays, and the Conference Committee report is not adopted, and the Secretary shall so inform the House since Senator Carroll requests the appointment of a second Conference Committee. Senator Bruce, for what purpose do you arise?

SENATOR BRUCE:

Yeah, had I known Senator Carroll was not going to...make a motion to do not adopt I would not have voted green. I thought it was a do not adopt.

PRESIDENT:

Alright. On Supplemental Calendar No. 2, 1 has now been completed, I am reliably informed, so we're on Supplemental No. 2, the first Conference Committee report on Senate Bill 740. Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, 740...Senate Bill 740 and the Conference Committee report deals with the monthly increase for the fire department and police department from three hundred and fifty to four hundred dollars for retired firemen before 1976. Senator Weaver had a question, we resolved that to his satisfaction. I would appreciate your adoption of the first Conference Committee report. It just increases the minimum monthly annuities for policemen and firemen retiring before September 1st, 1976. And I would solicit your adoption of this Conference Committee report.

PRESIDENT:

The question is, the adoption of the Conference Committee report on Senate Bill 740. Discussion? All I'm...attempting to do is pose the question. Senator Berning.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning.

SENATOR BERNING:

Mr. President, I had asked for a response to my inquiry as to whether, on Page 7, reference to public utilities was, in fact, public utilities or if these were private employers, and I have not yet had an answer.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Well, I don't know who Senator Berning requested information from, but as far as I know, that public utilities refers to the old surface lines, or deals with the old surface lines

which was formerly a public entity and I'm...I just got the Conference Committee report now. On Page...what page was that, Senator Berning? Well, that...that deals with the old surface lines and Senator Rhoads brought that question up earlier. That deals with those people that were working for the surface lines before the CTA took them over and the employees that had worked for those surface lines, and some of them went to work for the city, and would like to...that's to bring their time into the city pension.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning.

SENATOR BERNING:

Well, only on the point of...the propriety of allowing employees of a private operation to be brought in under a public employees' system. I don't care whether it's one or one hundred thousand, no private enterprise employee is eligible to participate in a public pension system for which public tax dollars are appropriated. It's wrong, and for that reason, Mr. President, I request that my name be removed as a signer of the Conference Committee report and I will have to vote No. If that had been removed, I had no problem with it because we do have the city's disclaimer.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Weaver, for what purpose do you arise?

SENATOR WEAVER:

Thank you, Mr. President. I think there's only about one person involved in this and I think we should support it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. A question of the sponsor. How much money will this cost?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

It will cost the State no money at all. The firemen are picking this up from their own fund. The...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Newhouse.

SENATOR NEWHOUSE:

Does this also provide for opening up the system to some other annuitants?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Are you referring to paramedics? No, it doesn't. This just deals with the firemen themselves, to increase those for the retired firemen fifty dollar a month benefit as a minimum and the percentage increase in the future.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Newhouse.

SENATOR NEWHOUSE:

No other amendments to this bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Well, it...here, Senator, I'll go through the whole thing for you. It increases the minimum monthly annuity amount for policemen retiring before September '76, increases from one and a half percent monthly annuity for firemen...department retirees born before January 1st, 1930 to three percent, increases the minimum monthly annuity for firemen retiring before September '76 from three fifty to four hundred, and it changes the cutoff date because it was a typographical error from 1967 to 1966, the LRB inadvertently changed the six and the seven in the wrong place, and it...and it takes care of that question that Senator Berning and Rhoads just raised for

that one employee from the surface lines that put his time into the city to bring his time into it, and these provisions will not...will cost approximately 1.5 million to the two pension funds, and since there's no reciprocal multiplier increase in the cost to fund itself and they're supporting it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Grotberg.

SENATOR GROTBORG:

Thank you, Mr. President. I've had a grave concern over the bill in general, but I do want to read into the record a note from Steve Brown of the City of Chicago from the Office of Mayor Byrne to Pat O'Grady, State Mandates Office. The first Conference Committee report to the Senate Bill 740 has been approved by the Office of the Mayor, Legislative Liaison and Intergovernmental Affairs of the City of Chicago, and this Conference Committee report applies only to the pension system funded solely by the City of Chicago. Since the City has requested the passage, no reimbursement is required under the State Mandates Act. That is the letter before me. Now, one of the other problems is we're about, in the next hour and a half, to debate whether the State of Illinois, the City of Chicago and downstate survives, and I don't know how you can survive by upping pension...benefits, and I think everybody should do what their conscience moves them to do, but it will not cost the State under the Mandates Act anything according to this note from Patrick...to Pat O'Grady. I hope it's correct.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Senator Savickas, I see on Page 6 and 7 it talks about its predecessor public utilities, is this...does this amend the Public Utilities Act?

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cutoff)...Savickas.

SENATOR SAVICKAS:

Yes, for the fourth time, this does not...if you're worried about ICC or electric companies, no, it pertains, for the fourth time, to the surface lines that were part of the city at the time before the CTA took them over thirty years ago. I...forty years ago...fifty years ago.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas, have you concluded? Senator...Senator Demuzio. Well, we have others. Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Body. I rise in support of Senate Bill 740. This was originally my bill. Senator Savickas is now the sponsor of it, he's done a commendable job and I ask your support.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Thomas.

SENATOR THOMAS:

Thank you, very much, Mr. President. I would echo the words of Senator Savickas and Senator Joyce. We ought to support this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Savickas may close.

SENATOR SAVICKAS:

I would appreciate a favorable roll call on the adoption of the committee report.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cutoff)...question is, shall the Senate adopt the first Conference Committee report on Senate Bill 740. 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 42, the Nays are 11, none Voting Present. The Senate adopts...the Senate

does adopt the first Conference Committee report to Senate Bill 740, and the bill having received the required constitutional majority is declared passed. On that same order of...on that same Supplemental No. 2 is found House Bill 2266. With the first Conference Committee report, Senator Joyce is recognized for an amendment...for a motion.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I move we adopt the Conference Committee report. This is the flood relief program that Senator Sangmeister has talked about before. It passed the House, this Conference Committee did, 154 to 3. I would hope that we would be able to support it.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt. Is there discussion of the motion?
Senator Schuneman.

SENATOR SCHUNEMAN:

Well, just for a simple explanation, if we may.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, I would defer to Senator Sangmeister.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, Senator Schuneman, this is a bipartisan effort in our district between Representative Davis and myself to attempt to put any flood control project at half the amount of money that would have to be expended if we do not put this particular language into the law. That's all we're doing. It's gone out of here a couple times before and it got screwed up over there, so we're trying to clarify it now.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Grotberg.

SENATOR GROTBORG:

Thank you. A question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he'll yield.

SENATOR GROTBORG:

Senator, I...I signed the report and I'm with you, but after I got to reading it, I still don't know how that something at less than what the cost benefit ratio has to do with a specific project on channelization, is that what we're talking about? If you'd just put a word in the record that it's your river and it's the only river in the bill, because it seems to me it amended a rather two page preamble than one line.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, obviously, in order to reach a cost benefit ratio, you've got to be able to put some benefits in. There's not enough recreational benefits comes from channelization, so, rather than spend twice the amount of money to do the project, we are saying in channelization you don't have to do that which saves the money. It's kind of a reverse concept, if you understand what I'm talking about.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Joyce moves the adoption of committee...Conference Committee Report No. 1 to House Bill 2266. On that question, those in favor vote Aye. Those opposed vote Nay. The voting is open. (Machine cutoff)...voted who wish? Have all voted who wish? Take the record. That...on that question, the Ayes are 56, the Nays are 1, none Voting Present. The Senate does adopt the first Conference Committee report to House Bill 2266, and the bill having received the required constitutional majority is declared passed. If you will go to Supplemental Calendar No. 3. On that Supplemental Calendar, a Conference Commit-

tee report has been filed on Senate Bill 1285. Senator Schaffer, are you ready for a motion on that Conference Committee report?

SENATOR SCHAPPER:

Mr. President and members of the Senate, this is the Judicial Inquiry Board. The Conference Committee really restores the pay plan.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt the first Conference Committee report on Senate Bill 1285. 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 49, the Nays are 6, none Voting Present. The Senate does adopt the first Conference Committee report to Senate Bill 1285, and the bill having received the required constitutional majority is declared passed. If you will turn to your...to the regular printed Calendar, regular Calendar, and turn to Page 3, there is located Senate Bill 1599 and Senator Mahar has a motion.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. I would move that we nonconcur in House Amendments 1, 2 and 3 to Senate Bill 1599.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to nonconcur. Is there discussion of the motion? All in favor say Aye. Opposed Nay. The Ayes have it. The Senate nonconcur with the House Amendments 1, 2 and 3 and the Secretary shall so inform the House. If you will return to Supplemental Senate Calendar No. 3, No. 3. Senator Sommer on Senate Bill 1402. Senator Sommer is recognized for a motion.

SENATOR SOMMER:

Thank you, Mr. President. I move we adopt the Conference Committee report on this bill. This...this is the operations

section, the office of the Capital Development Board. It essentially takes the House position and restores the pay cuts that...that have been made here.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. Consistent with the action we did yesterday on the House bills in the Senate, this restores the pay plan and the retirement to seventy percent. This particular one also has to do...happens to do some breakout on EDP and we support the Conference Committee report.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1402. 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 48, the Nays are 10, none Voting Present. The Senate does adopt the first Conference Committee report to Senate Bill 1402, and the bill having received the required constitutional majority is declared passed. Senate Bill 1416, Senator Thomas. Senate Bill 1445, Senator Sommer. Senator Sommer is recognized for a motion.

SENATOR SOMMER:

Thank you, Mr. President. This is the Capital Development Board project reappropriation bill. Those of us in the Senate had removed certain projects, the House restored them. It's back at the level that the Governor put in, if I remember correctly. Senator Carroll, are you there?

PRESIDING OFFICER: (SENATOR BRUCE)

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

SENATOR LENKE:

What projects were reinstated?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

If I may assist, we restored a fish hatchery. This is the reappropriation, this is not new. This...what we always do is bring it down to the level of funding that it is at at this point and eliminate items that we feel will not be going. In this case, the fish hatchery is, in fact, an ongoing live project and it restores that fish hatchery.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Lenke.

SENATOR LENKE:

Is this fish hatchery being developed with bond money?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LENKE:

What is our current percentage of our budget as to what we pay for interest on bonds? Could you...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

The exact dollar figure I don't know, Senator Lenke. The mix, and I should probably yield back to the sponsor of this motion, but he seems to be sitting down. The mix depends on our new plan of going into ten year repayments which costs us about 1.8 the amount of capital or the longer term which costs us about 2.3 times the amount of the original project.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LENKE:

Well, what...what is the percentage of what we...our total budget? How much interest are we paying on this only bond money?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Somewhere there's a dead impact note. I would hazard a guess that it's about one and a half percent of the State budget.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

Well, it's my thinking that it's somewhere between ten and twelve percent of the State budget. In fact, I had a conversation with one of the chief executives today and he informed me that what it was, 'cause I had heard it was about eighteen percent. You know, for the last ten years I have been in Springfield and every time we come up to these projects like fish hatcheries, we say, well, it's only bond money, it's not General Revenue Funds. Well, we're going to end up like the National Government, pretty soon our interest obligations are going to be greater than our expenses to operate government. We are approaching that. When you start going above ten percent in interest, and the way rates are going now, I don't think we need a fish hatchery and I think we should reject this and send it back to the House and tell them, we can't afford a fish hatchery because it's not only bond money anymore, it is going to be General Revenue a few more years down the line. And I think it should be rejected and we should send it back and say, no more new projects unless they're absolutely emergency situations and we need them for housing criminals or something like that. But I don't think we can afford fish hatcheries. If they want to form fish hatcheries, they should raise the fishing fees. I

mean, it's one or the other, you know, but we can't say this is bond money, only bond money. I hear that all the time, it's only bond money, let's forget about it. Boy, I heard that for ten years and now we're up over ten percent of only bond money out of General Revenue. I...I would urge a...a No vote and send it back to the House and express our views. Let the budget out.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Just merely to comment and not to really be defending the Governor's bonding program, but I think just to clarify. Whoever told you that it was fifteen percent or so has never read a budget or a budget book. That would put you at about a billion nine hundred million and they would only be about a billion five hundred million, a billion six hundred million high. The actual figure is about three hundred and fifty million dollars a year and that's not small, but it is a fraction of the percentage you've been discussing and that's principle and interest, and it's probably about two and a half percent by actual count of the State's budget. Whether or not you believe in bonding is something else, but the actual identifiable numbers are not a billion nine as the figures that you were apparently told but rather in the neighborhood of three hundred and fifty, three hundred and sixty-eight million dollars including principle.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Sommer has moved the adoption of the first Conference Committee report on Senate Bill 1445. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 1, 1 Voting Present. The Senate does adopt the first Conference Committee report to...Senate Bill 1445, and

the bill having received the required constitutional majority is declared passed. Senate Bill 1514, Senator Carroll. Supreme Court. Senator Carroll is recognized on a motion.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that we adopt Conference Committee Report No. 1. This does as consistent with what we were doing last night and restores the pay plan. It does phase-in some of the other people they were trying to hire, produces a retirement figure of seventy percent, takes care of the problem we had discussed before in the third appellate district in a very minor area and does include the monies consistent with the legislation we passed and sent to the Governor's desk to increase the salaries. I would move that we do adopt Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Rhoads.

SENATOR RHOADS:

(Machine cutoff)...question of the sponsor, if he will yield. Senator Carroll, can you tell us where the status of the appeal is on the order to raise the public aid minimum payment to fourteen hundred and sixty-two dollars? Is that before the court right now?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

I have no idea. Honestly, no idea whatsoever.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1514. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 22, none Voting

S.B. 1514
Lab. Conf. com. report

Present. The Senate does adopt the first Conference Committee report to Senate Bill 1514, and the bill having received the required constitutional majority is declared passed. Senate Bill 1374, Senator DeAngelis. It's Auditor General appropriation. We are now on Supplemental No. 4. On Supplemental No. 4 is Senate Bill 1374 and Senator DeAngelis is recognized for a motion on the first Conference Committee report. Senator DeAngelis.

SENATOR DeANGELIS:

I move for the adoption of first...

PRESIDING OFFICER: (SENATOR BRUCE)

First...it's the first Conference...

SENATOR DeANGELIS:

...Conference Committee report on Senate Bill 1374.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. By way of explanation, this restores the pay plan, makes some minor cuts in contractual as agreed and brings retirement to the seventy percent level consistent with all of our other action. And I would join Senator DeAngelis in urging adoption of Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1374. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, 1 Voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 1374, and the bill having received the required constitutional majority is declared passed. The next bill on the Calendar is in error. 1386 was passed on an earlier Supplemental Calendar, so you can mark

through 1386 on Supplemental 4, it was passed on an earlier Calendar. 1397, Senator Davidson is recognized for a motion on the first Conference Committee report. Senator Davidson.

SENATOR DAVIDSON:

I move the Senate concur in the conference...first Conference Committee report on 1397 with House Amendment No. 1. It restores the pension back to seventy percent, restores most of the money as it was introduced. There was some slight reduction which department is agreeable they can handle.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. Again, we join in this...oh, I'm sorry, Senator Buzbee.

PRESIDING OFFICER: (SENATOR BRUCE)

I'm sorry, Senator Buzbee.

SENATOR BUZBEE:

Yes, this is a...the compromise as worked out pursuant to the action we took last night and I would concur with Senator Davidson.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1397. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 2, 1 Voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 1397, and the bill having received the required constitutional majority is declared passed. 1398, Senator Maitland. Alright, we'll get right back to you, Senator. Senate Bill 1399, Senator Weaver. Senator Weaver is recognized on a motion.

SENATOR WEAVER:

AB 1398
1st e.e.R.

Thank you, Mr. President. I would move that we agree with the committee...first Conference Committee report. It restores the bill to the original form except for the reduction in data processing, provides for seven new field examiners and provides for...distribution of the agency...memorandum manuals and provides for the expansion and the remodeling of Springfield office. If there's any questions, I'd be...happy to try and answer them.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Again, we join in urging adoption of this Conference Committee report which is a self-funding agency through fees from the various banks.

PRESIDING OFFICER: (SENATOR BRUCE)

The...further discussion? The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1399. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none Voting Present. Senate bill...the Senate does adopt the first Conference Committee report on Senate Bill 1399, and the bill having received the required constitutional majority is declared...declared passed. Senator Maitland on 1398. Senator Maitland is recognized for a motion.

SENATOR MAITLAND:

Thank you, Mr. President...before I make the motion, it will be noted that, first of all in the passout...the handout, I think there's a mistake on that sheet, on Amendment No. 5 that should be one hundred and eighty-five thousand according to my records, and I believe it's a misprint on...on...on the handout. On the Conference Committee report

that was handed out, passed out, that's what I'm working from. But...anyway, what's been passed out is in error. I did not sign the Conference Committee report nor did...did Senator Sommers. The...the bill is substantially higher than it was when it passed out of the Senate. As a matter of fact, it's nearly two million dollars higher than it passed out of the Senate. There are some things on this bill that in my judgement should not be here. I would...would address Amendment No. 5, the Governor and...we all have agreed some years ago that county fairs will, in fact, carry insurance on buildings. This is a totally unbudgeted appropriation, it should not be on here. The twenty thousand dollars for the construction of the new blacksmith's shop, I believe, should not be on there. This put, obviously, the monkey on the Governor's back and he's going to have to veto these things out of here, but I just call that attention to you, and I would at this point then move that the Senate adopt Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator...alright, wait a minute now, just give me time. Do Senator Carroll or Buzbee wish to comment? Senator Buzbee.

SENATOR BUZBEE:

Well, thank you, Mr. President. This bill never gets by without controversy. At this time in the Session, three minutes 'til eleven on June the 30th, we never get by without controversy. We try to resolve that controversy by reaching agreements that satisfies as many members as possible. We have satisfied Senator Sommer to a certain extent, we have satisfied Senator Carroll to a certain extent, and we have satisfied several people to a certain extent, all within the realm of reasonableness. And I submit to you that the most reasonable thing we could do right now is to go ahead and vote for the ordinary and contingent expenses for the Depart-

ment of Agriculture for FY '83 and get it on its way to the Governor.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. Senator Maitland, you also failed to...or neglected to...to mention five hundred thousand dollars for Chicagofest. I'd like to ask you whether or not the Ag Premium Fund...of course, it comes out of the Ag Premium Fund. Can you tell me whether or not there's a...the Chicagofest currently has a profit or an amount on hand from the previous Chicagofest, and if so, the amount?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

I am reliably informed, Senator Demuzio, that they do. And thank you for stating my closing.

PRESIDING OFFICER: (SENATOR BRUCE)

While you guys are closing, UPI would like leave of the Body to take still photographs. Is there leave? Leave is granted. Senator Demuzio.

SENATOR DEMUZIO:

Well, I don't mean to steal any of your thunder, I mean, you seem to have a lot of bills that you're passing around here that you don't agree with everything that's in them. I hope you're equally able to defend them when you're back home, however, let me ask one final point...question, that is, how much money do they have on hand? How much money does Chicagofest have on hand, and are we still funding that office up there for the promoters out of State money, and they're operating a private business?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Alright, Mr. President. This has really gone far enough. Now, the sponsor has no control over this bill whatsoever. I have been no part of any of these amendments, I object to them, I'm obligated to move that the...the concurrence or the...or the approval of the Conference Committee report. I'm sorry that they're on there but they're there. We fight it every year, you're correct, it's wrong.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

I...I just want to know how much money that they...that they currently have as in terms of money on hand.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

I don't know.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright, let's...there's...Senator Totten.

SENATOR TOTTEN:

Well, thank you, Mr. President and Ladies and Gentlemen of the House. It's unfortunate that we get stuck at the last minute with this Chicagofest appropriation again. We have continually year after year ended up appropriating the money. We have always attached a section to the appropriation bill, at least as long as I can remember, asking them to account for the funds. I am told that they have not done that in prior years, but in the last fiscal year some paper was supplied which really does not provide for the accounting that's asked for under the section of the Statute that we have passed. There have been questions raised as to how this operation is being run. There have been questions raised as to how much money is still in the fund, and yet we are asked not to raise questions and go ahead and appropriate...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten. I'm trying to listen, I wonder if we can take the Conference Committees that are meeting behind Senator Donnewald off the Floor. If we could just limit the Floor to the fifty-nine Senators, plus about three hundred additional people we can get our work done. And so, if you're not entitled to the Floor, if you will leave. If you can find a seat, we would appreciate it, and allow us to conduct our business. Senator Totten.

SENATOR TOTTEN:

Do you want me to start over again?

PRESIDING OFFICER: (SENATOR BRUCE)

I didn't intend to encourage you to do that, Senator Totten. Senator Totten.

SENATOR TOTTEN:

Thank you, Mr. President. Without the accountability that this Legislature has asked for for this appropriation, in the manner in which the city has not complied with the Statute regarding this appropriation, and because of the fact that this is five hundred thousand dollars out of the Ag Premium Fund for...in a case where this monies could be used in other places, the Ag Premium Fund supposedly, if it has a surplus goes into GRF at the end of the year, and there was a lot of places in General Revenue Fund where we could use this money outside to provide circuses for the City of Chicago when we can't provide bread for the people of the State.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. We have this five hundred thousand dollars for the Chicagofest, now I've supported this in the past, but this year we had to, I think, risk share, we called it, to try and save the top soil of the State of Illinois. We were asking for a million dollars that probably

none of it would have been spent, and our Governor was, you know, adamant in his opposition to that, but yet, he goes along with five hundred thousand dollars out of the same fund to be spent for Chicagofest. I think this is ridiculous.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Gitz.

SENATOR GITZ:

Well, Mr. President and members of the Senate, most of the points that I wish to make have been made, but I think it is truly unfortunate that when faced with a regular roll call...

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order, please. Senator Gitz.

SENATOR GITZ:

...once before we had a roll call on this issue, and every single time that the Senate debates the issue by itself it goes down. And just as frequently, every single time, very shortly before midnight we come back with a Conference Committee report and the Department of Agriculture with this money in it. Now, if there was truly a formal accounting of the money spent before I think that would be one thing. Likewise, if the money was truly needed, that would be one thing. Likewise, if we could count on the Governor vetoing this out, moving on to the business, that would be yet another thing. None of those have been the case, and it truly is unfortunate that there is not enough money in risk share, we're alleged that we can't afford that, but we can put this in the bill, and worst of all, do it in a final Conference report on the bet that everybody is so tired and fatigued that they're just going to let it slide by. The last time I voted No on this everybody was wondering in the agriculture community, why. When they found out, they understood that rationale. I think that there comes a point when we are legitimately entitled to say, No, and I believe that

time is now.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

END OF REEL

REEL #5

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. I voted against this provision when it was before this Body earlier, and at that time when we had some debate, I stated that my objections in part were that the Chicagofest was a profitable enterprise, evidenced primarily, in fact, by the thirty-seven thousand dollar contribution that the promoters had made to the campaign coffers of the Mayor of the City of Chicago. After the vote, I talked to Senator Carroll, half in jest, telling him that I might be willing to support a four hundred and sixty-three thousand dollar appropriation, but in all seriousness, I stand to oppose this and I suggest to my colleague, Senator Joyce, that if this Body passes this, that he get a hold of those people from risk share who seek a million dollars and introduce them to J. McMullen. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. I don't have any reason to support Chicagofest, but from this fund many of us downstate support county fairs and maybe we have to make some apologies, but from the people who enjoy Chicagofest, I think maybe it's worthwhile and I would hope that maybe we support this request. There are many of us downstate that really come to you in...in the Chicago area to support what you think are cornball county fairs and maybe they are, but we enjoy them and maybe the people in Chicago enjoy Chicagofest.

So, I would rise in support of this request.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Walsh.

SENATOR WALSH:

Mr. President, I rise on a point of parliamentary inquiry. The Conference Committee report on Senate Bill 1398 contains substantive language and I...my question is, is that in order for us to vote on an appropriation bill that contains substantive language, since we all know it doesn't mean anything anyway?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Walsh, I have two other speakers, if you'll give me a chance, I will answer your inquiry prior to the closing of the debate. Senator Walsh.

SENATOR WALSH:

Will I have an opportunity to speak after your ruling, Mr. President?

PRESIDING OFFICER: (SENATOR BRUCE)

Absolutely, Senator. Further discussion? Senator Johns.

SENATOR JOHNS:

Mr. President, we are talking about appropriations for the Department of Agriculture and for county fairs, and within this appropriation along with...along with the Chicagofest, I have an interest for a little county to the other end of the State called Massac County, and Representative Winchester and I have worked hard to put within this bill thirty thousand dollars for a little county fair. But let me tell you about how I feel about Chicagofest. I, like Senator Weaver, feel like that Chicago is probably the...major tourism attraction in the midwest and this will bring millions of people into that city, and it'll give them a chance to see Illinois as it really is because it will have all kinds of projects and places for that city to show what Illinois really is and what it does and a lot about its people. And everybody always says downstate, how could you ever support Chicago. Well,...Chicago really supports a lot of the State. There's more per capita income there, there's

a great deal of taxation takes place within the confines of that area, and they really pay their way. And I think it's only rightfully that they get a portion of the money back to show that city to the rest of the world. So, Mr. President, I support this Conference Committee report.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Why, thank you, Mr. President and Ladies and Gentlemen of the Senate. Let me answer some questions so that the record can be for once potentially clear, though I'm not sure it matters to those who made the comments. The language that is in this is restrictive language as it was last year, not substantive language in an appropriation bill, but rather a restriction that has been allowed before that says, in fact, there must be an accounting before there can be a payment. There was, in fact, an accounting this year for this year's money which was, in fact, paid. That accounting demonstrated two things. One, that the promoter of the fair who is paid a fee receives nothing from the State subsidy, and that is by contract. He is not entitled to receive any income from any portion of the receipts that is, in fact, a State subsidy. Two, that there was, in fact, an operating loss, an operating loss in the conduct of the fair, just as there is with the State Fair here in Springfield. That loss as identified to the State by accounting worksheet papers is calculated when you take the full costs, hard and soft costs, of the operation of the fair, just as we do with the State Fair here and other similar occurrences. When you take in those costs related that are paid for out of other accounts, just as we do here such as cleaning, such as security, there was, in fact, an operating loss even with the subsidy. That's where this concept comes from. The same restriction applies this year in this language that there be the accounting to the

State, which was not in there I might add the first year, but it was last year and is this year for this fair out of an area of the State that produces the vast majority of the money that fuels the Ag Premium Fund.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Walsh. Yes, Senator Walsh, the Constitution of the State of Illinois, in Article IV, Section 8 states that appropriation bills shall be limited to the subject of appropriations. The Senate rules of the State Senate are silent. The Chair must rely upon the Constitution, and it is the ruling of the Chair that the Supreme Court of the State of Illinois would have to rule on whether or not this bill is constitutional. It's not my...it is not the Chair's prerogative to rule on constitutionality. I can only decide whether it fits within the confines of the Senate rules, and I would make a ruling that it is with...in our...it is within our jurisdiction to consider the bill in its present form. I would also in...in my research, Senator Walsh, I was apprised that this bill passed with this identical language every...a year ago, two years ago. And so, it has been before this Body, I don't know what prior presiding officers ruled. Senator Walsh.

SENATOR WALSH:

Well, Mr....Mr. President, I don't raise points of order like this when...when every alternate President sitting there, I knew I would get a fair ruling, at least I thought so from you, and I...I knew as...as an excellent lawyer, you'd follow the Constitution when our rules are silent on the measure. I didn't know that the Constitution became inoperative, and just because it doesn't happen to fit your...your needs. It's pretty clear that the bill contains substantive language and can I...I doubt if we got thirty-six votes to...to over...overrule your ruling, but I...are you telling me that since the rules are silent that we can have

substantive language in an appropriation bill?

PRESIDING OFFICER: (SENATOR BRUCE)

I suppose, Senator Walsh, what the Chair is saying, if...if it were...if it were more clear to the Chair, we could get a more definitive ruling. I just...in reading the appropriation bill and the...the language within it and given prior procedures of this Body, I find that it is appropriate that we consider the bill at this time. If it is, in fact, violative of the Illinois Constitution, a circuit, appellate or Supreme Court judge can so rule, and that's...that's about all that I can say about it. Senator Walsh.

SENATOR WALSH:

...that's why you're there, Mr. President, to...to interpret the...the rules and the Constitution and not to...not to dodge it and slip it over to a...to a court. Who's going...who's going to contest the...the constitutionality of an appropriation bill?

PRESIDING OFFICER: (SENATOR BRUCE)

I...any taxpayer in the State could...could bring a suit. Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President. Well, as I recall several years ago, we do limit what funding may be spent on by language, but as I recall several years ago, the General Assembly...I believe it was '75, tried to do something substantive and ended up in court. It had to do with the location of an unemployment office, saying, you know, thou shalt not locate an unemployment office, not thou shalt not spend. As I recall, the courts ultimately ruled that this kind of language is a no-no. I had...I had Senator Carroll nodding up and down and when I came to no-no he says he disagrees, but I...that's the way I think I read that case.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Walsh.

SENATOR WALSH:

Well, apparently we're going to vote on this bill, so I would like to make a couple of comments. I would hope that my downstate colleagues not be intimidated or coerced into...into voting to adopt this Conference Committee report. This is not akin to a subsidy for a county fair, all of which are run on a not-for-profit basis, this is a...is a outright gift of five hundred thousand dollars to a profit making enterprise. It...there's absolutely no justification for it whatsoever. Now, it's standard operating procedure for our Democrat colleagues over there to put it on a take it or leave it basis, if you don't give us this five hundred thousand, we're not going to fund the Department of Agriculture. Don't go for it. The Department of Agriculture just as every other agency of State Government is going to be funded before we go home, or if we go home, we'll come back to see that it's done. Don't let them make you swallow this five hundred thousand dollar gift to a profit making enterprise in the City of Chicago. It's just a bad proposal, bad public policy and that...that little bit about they're going to account for it didn't mean anything anyway, and I'm surprised that the President ruled the way he did, but in any event, it's a bad proposal and should be defeated.

PRESIDING OFFICER: (SENATOR BRUCE)

WLS-TV of Chicago has requested permission to film the proceedings. Is there leave? Leave is granted...further discussion? Senator Carroll, did you...Senator Carroll. Senator Maitland, you may close.

SENATOR MAITLAND:

Well, thank you, very much, Mr. President. I think most everything really has been said. I would just indicate to the Body that first of all, the thirty thousand dollars, Senator Johns, although you never bothered to come to me, I did plan to support because the Statutes clearly provide for

that, but when we're sending twenty-five thousand dollars back to the City of Chicago for the office there for the department, the director does not one...want and he's indicated that to the Appropriations Committee, he does not want that, we're going to put it in there anyway, and we're going to spend a hundred and eighty-five thousand dollars to replace a grandstand that three years ago the Governor said, they will now carry insurance on those buildings, no more, never will they get another appropriation from the State. That is wrong and yet we're doing it again. We can't fund education but we can build somebody's grandstand. The twenty thousand dollars to build a blacksmith shop at the State Fair, it's truly needed, but there are other items at the State Fair that are of a much higher priority and yet we're going to do that. I think this bill makes a mockery of the system, and I'm, quite frankly, ashamed to be the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate adopt the first Conference Committee report to Senate Bill 1398. 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 20, the Nays are 35, 4 Voting Present. The first Conference Committee report having failed to receive the required constitutional majority is declared lost. Senator Maitland requests a second Committee of Conference. For what purpose does Senator Newhouse arise?

SENATOR NEWHOUSE:

Mr. President, I request a Democratic caucus.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Well, I...you know, I...ordinarily, I would honor that request. We are thirty minutes, however, before the hour and

there are bills that can, in fact, and should be passed. Can we do it an twelve o'clock?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Newhouse.

SENATOR NEWHOUSE:

I understand all that, Mr. President. I'd like a Democratic caucus immediately.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Let's do it.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senator Johns.

SENATOR JOHNS:

Where, Mr. President? 212, President's Office?

PRESIDING OFFICER: (SENATOR BRUCE)

Alright, in the President's Office. No, Senator...alright...Senator Johns,...may we have some order, please. Let's just...

SENATOR JOHNS:

212.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...alright, motion by Senator Rock that the Senate stand in recess subject to the call of the Chair. On the motion to recess, all in favor say Aye. Opposed Nay. The Ayes have it. The Senate stands in...recess. For what purpose does Senator Ozinga arise?

SENATOR OZINGA:

We...we're having a voluntary caucus, anybody wants to come in, come in. Maybe we'll have something good in there.

PRESIDING OFFICER: (SENATOR BRUCE)

The Senate will stand in recess subject to the call of the Chair.

RECESS

AFTER RECESS

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose does Senator Rock arise?

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The hour is late, the House has just adjourned, and I would move you, Sir, that we stand adjourned until ten o'clock tomorrow morning.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. House...Senate stands adjourned until tomorrow morning 10:00 a.m. Until this morning, the Senate stands in recess until ten o'clock this morning.