

83RD GENERAL ASSEMBLY

REGULAR SESSION

MAY 17, 1984

PRESIDENT:

The Senate will come to order. Will the members be at their desks and will our guests in the gallery please rise. Prayer this morning by the Reverend W. P. Witkop, Faith Lutheran Church, Springfield, Illinois. Reverend.

REVEREND WITKOP:

(Prayer given by Reverend Witkop)

PRESIDENT:

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

SENATOR JOHNS:

Thank you, Mr. President. I move that reading and approval of the Journals of Tuesday, May the 8th; Wednesday, May the 9th; Thursday, May the 10th; Tuesday, May the 15th; Wednesday, May the 16th, in the year 1984, be postponed pending arrival of the printed Journals.

PRESIDENT:

You've heard the motion as placed by Senator Johns. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries. It is so ordered. Messages from the House.

SECRETARY:

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

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

House Bill 243, 1563, 2296, 2307, 2347, 2400, 2409, 2419, 2430, 2434, 2440, 2441, 2444,...2455, 2473, 2496, 2499, 2500, 2511, 2512, 2516, 2580, 2592, 2597, 2598, 2622, 2629, 2630, 2681, 2699, 2715, 2716, 2736, 2784, 2800, 2813, 2896, 2913, 2917, 2936, 3061, 3087, 3089, 3090, 3094, 3120 and 3263.

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

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

House Joint Resolution 123.

PRESIDENT:

Executive. Resolutions.

SECRETARY:

The following resolutions are all congratulatory:

Senate Resolution 620, by Senator Nedza and all Senators.

Senate Resolution 622, Senator Lemke.

623, Senator Becker.

624, Senator Becker.

625, Senator Becker.

626, Senators Grothberg, Friedland and Etheredge.

PRESIDENT:

Consent Calendar. Senator Schuneman, for what purpose do you arise, sir?

SENATOR SCHUNEMAN:

A point of personal privilege, Mr. President.

PRESIDENT:

State your point.

SENATOR SCHUNEMAN:

Mr. President and members of the Senate, today I have several hundred people visiting Springfield from my district and from Northern Illinois in general. They're here to indicate their support for increased funding for education. A few of them are in the gallery, Mr. President, and I would ask that they be introduced to the Senate and...and welcomed to...to Springfield. I'm asking that you introduce my constituents, Mr. President, who are here to support increased funding for education today. Some of them are in the gallery behind you.

PRESIDENT:

Will our guests in the gallery please rise and be recognized. Welcome to Springfield. Senator Bloom, for what purpose do you arise?

SENATOR BLOOM:

Yes, thank you, Mr. President, to seek leave of the Body to extend the purview of Senate Resolution 455 which addresses the reporting date of the Select Committee on Hospital Cost Containment to the 24th of May. At the hearings this morning we developed substantial progress and found a lot of areas of agreement, and we think we can get an amendment to you by next Tuesday or Wednesday.

PRESIDENT:

All right, the gentleman asks leave to extend the reporting date for the hospital cost containment until next Wednesday. Is leave granted? Leave is granted. Senator Coffey, for what purpose do you arise?

SENATOR COFFEY:

A point of personal privilege.

PRESIDENT:

State your point, sir.

SENATOR COFFEY:

Today, we have a special occasion that I would like to announce to my colleagues here on the Floor. We have one of our good friends that has a birthday today, and I would like to have Senator Jim Rupp to stand up and he's having his thirty-ninth birthday today.

PRESIDENT:

He's almost too old to stand. Happy birthday, Senator Rupp.

SENATOR COFFEY:

I think he has a...I think he has a gift here too he might want to open up and see what he's got, and maybe the members would like to see what he has with him today.

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

Mr. President and...and members of the Senate, Senator Rupp, if he feeds that pig real good maybe he can...for his next birthday, we can have a barbecue.

PRESIDENT:

Senator Hudson, for what purpose do you arise, sir?

SENATOR HUDSON:

Thank you, Mr. President. I rise on a point of personal privilege, I guess it would be.

PRESIDENT:

State your point.

SENATOR HUDSON:

I'm wondering if I could have permission of the Senate...would like permission of the Senate to be added as a hyphenated cosponsor of Senate Bill 1623. I have talked this over with the sponsor and he says, okay.

PRESIDENT:

All right, the gentleman has asked leave to be shown as a cosponsor of Senate Bill 1-6-2-3? 1623. Is leave granted? Leave is granted. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I just wanted the Senate to note that probably for the first time in Guinness records a little piglet was given as a birthday gift right here on the Floor of the Senate to a very distinguished...gentleman, and I think he's a good sport.

PRESIDENT:

Senator Holmberg, for what purpose do you arise?

SENATOR HOLMEERG:

Thank you, Mr. President. If I may, I would like to be added as a hyphenated joint sponsor of two Senate bills, Senate Bill 1602 and Senate Bill 1607, and I've talked to the

sponsors.

PRESIDENT:

All right, 1602 and 1607, the lady requests leave to be shown as a hyphenated cosponsor. Is leave granted? Leave is granted. If you'll turn to page 24 on the Calendar...page 25, I beg your pardon. On the Order of Ecuse Bills 1st Reading, Mr. Secretary. With leave of the Body, we'll go to the Order of House Bills 1st. On the Order of House Bills 1st Reading, Mr. Secretary.

SECRETARY:

House Bill 2425, Senator Demuzio and Lemke are the Senate sponsors.

(Secretary reads title of bill)

House Bill 2451, Senator Watson.

(Secretary reads title of bill)

House Bill 2554, Senator Vadalabene.

(Secretary reads title of bill)

House Bill 2576, Senator Lemke.

(Secretary reads title of bill)

House Bill 2609, Senator Vadalabene.

(Secretary reads title of bill)

2678, Senator Savickas.

(Secretary reads title of bill)

House Bill 2714, Senator Smith and Jones.

(Secretary reads title of bill)

House Bill 2721, Senator Vadalabene.

(Secretary reads title of bill)

House Bill 2732, Senators Lemke and Carroll

(Secretary reads title of bill)

House Bill 2787, Senator Vadalabene.

(Secretary reads title of bill)

House Bill 2792, Senator Luft.

(Secretary reads title of bill)

House Bill 2815, Senator Demuzio.

SB 1179  
2nd Reading

(Secretary reads title of bill)

House Bill 2864, Senators Jones...and Vadalabene.

(Secretary reads title of bill)

House Bill 2894, Senator D'Arco.

(Secretary reads title of bill)

House Bill 2898, Senator Watson.

(Secretary reads title of bill)

House Bill 2919, Senator Watson.

(Secretary reads title of bill)

House Bill 2946, Senator Nedza.

(Secretary reads title of bill)

House Bill 2953, Senator Barrow.

(Secretary reads title of bill)

House Bill 3059, Senator Darrow.

(Secretary reads title of bill)

House Bill 3093, Senator Davidson.

(Secretary reads title of bill)

House Bill 3125, Senator Kustra.

(Secretary reads title of bill)

House Bill 3126, Senators DeAngelis and Eock.

(Secretary reads title of bill)

House Bill 3219, Senator Berman.

(Secretary reads title of bill)

1st reading of the bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Rules Committee. All right, with leave of the Body, we will go to the top of page 2, Senate Bills 2nd reading. Is leave granted? Leave is granted. Page 2, Senate Bills 2nd reading. Senate Bill 720, Senator Sangmeister. Senate Bill 1179, Senator Lemke. Read the bill, Mr. Secretary, please. 1179.

SECRETARY:

Senate Bill 1179.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DEMUZIĆ)

Senator Lenke.

SENATOR LENKE:

We want to Table that amendment. Just move the bill so it's read a third time, and I will bring the bill back for anybody who wants amendments for 2nd reading, and I will assure the Body that the bill is not going to go out in this form until the Department of Public Aid and the Women's Bar Association...everybody gets together to resolve the problems. I just want to move it along so it's in position if we...if they should agree.

PRESIDING OFFICER: (SENATOR DEMUZIĆ)

All right, Senator Lenke moves to Table Committee Amendment No. 1 to Senate Bill 1179. Is there any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The amendment is Tabled. Further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIĆ)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIĆ)

3rd reading. With leave of the Body, we've had a request to record. Mary Ann Lutes from Videotape Productions of Pekin has asked leave to record the proceedings. Is leave granted? Leave is granted. Senate Bill 1367, Senator Rock. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill...Senate Bill 1367.

(Secretary reads title of bill)

SB 1382  
2nd Reading

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 1 was suggested by the Reference Bureau. A...a part of the proposed legislation was inadvertently omitted. It is a technical correction. It deletes the...under the bill as proposed, maintenance work had been excluded. We are now removing the exclusion as was the original intent. The Reference Bureau made a mistake. This is to correct that, and I would move the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Rock has moved the adoption of Amendment No. 1 to Senate Bill 1367. Is there any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1382, Senator Rock. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1382.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Agriculture, Conservation and Energy offers one amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)



Senator Rock.

SENATOR ROCK:

Committee Amendment No. 1, Mr. President and Ladies and Gentlemen of the Senate, I will move to Table. I have filed two Floor amendments, the first of which deletes everything after the enacting clause and...and does many of...many if not all of the things that the committee suggested. So, I'd move to Table Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Rock moves to Table Committee Amendment No. 1 to Senate Bill 1382. Is there any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Committee Amendment No. 1 is Tabled. Any further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 2 offered by Senator Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 2 is a substantial rewrite of Senate Bill 1382 as introduced. The intent of this legislation as was explained in committee is to provide some element of safety with respect to the transportation of nuclear waste. We are calling for the Illinois Commerce Commission to institute a system of permit so that one who wishes to ship nuclear waste into our State will be subject to a...the receipt of a permit by the Commerce Commission, and the Commerce Commission is authorized to hold hearings to examine, for instance, the safety of the railbed, the route that the

shipper will...transverse. This was subject to quite a bit of discussion in the committee and this amendment, I think, substantially reflects some of the concerns that were explained in...that were expressed in the committee. As introduced, the bill called for, for instance, de novo review of...of the Commerce Committee action. That has been deleted at the request of...at the...pursuant to the discussion that I had with Senator Rigney. This whole process will now be subject to the Illinois Administrative Review Act. I think the bill is a...represents an attempt of...as a matter of public policy on our part to recognize the fact that, yes, indeed, there are contractual obligations between the GE facility near Morris, Illinois, where we will be receiving in our State quite a bit of nuclear waste. At the same time, we have our responsibility to ensure that the public safety is protected, and this bill is an attempt to do that, and I would move the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, is there any discussion? Senator Rock moves the adoption of Amendment No. 2 to Senate Bill 1382. Those in favor will signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

Amendment No. 3 offered by Senator Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Amendment No. 3 was an oversight on my part. When Senator Rigney and I had a discussion in committee there was some concern, legitimate concern I might add, with respect to the time frame, and we had originally called for the issuance after...within sixty days that the commission was required to issue its final order. That

AB 1420  
2nd Reading

time frame, frankly, was a little unwieldy as was pointed out by Senator Rigney. So I have deleted sixty days and inserted in lieu thereof thirty-five days pursuant to our agreement, and I would move the adoption of Amendment No. 3.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any discussion? Senator Rock moves the adoption of Amendment No. 3 to Senate Bill 1382. Those in favor will signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Bottom of page 2, Senate Bill 1420, Senator Rock. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1420.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Rock on the Committee Amendment No. 1.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 1 to Senate Bill 1420 which is the proposal calling for a tax amnesty program. It is that amendment that was discussed at great length in the Revenue Committee and was put on, frankly, as a result of discussions between the Department of Revenue, Senator DeAngelis and Senator Netsch. What it does is it excludes from the program those individuals or corporations who are under civil or criminal litigation or those who have received a prior notice of a tax delinquency. If, in fact, they're...they're in civil or criminal litigation, they are not eligible to par-

ticipate in the program. The amendment further includes some technical changes as requested by the Illinois Department of Revenue, and while I can say that they are not wholeheartedly in support of the program, they have worked very diligently with us in an attempt to at least make the proposal workable from their standpoint. I know of no objection. I would move the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Any discussion? Senator Rock moves the adoption of Committee Amendment No. 1 to Senate Bill 1420. Those in favor will signify by saying Aye. Opposed Nay. The Ayes have it. Amendment...Committee Amendment No. 1 is adopted. Any further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 2 offered by Senator Rock.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 2 is an amendment that was suggested by the...Illinois Department of Revenue and one with which I wholeheartedly agree. It modifies the penalties as proposed. It modifies the interest provisions of the original bill. It was the feeling of the department, pursuant to the Governor's stepped up enforcement program, that an across-the-board doubling of the tax penalties as was called for under Senate 1420 as introduced was simply too high. So this sets the penalties and interest according to the wishes of the Illinois Department of Revenue. I know of no objection. I'd move the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Rock moves the adoption of Amendment No. 2 to Senate Bill 1420. Those in favor will signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. All right, any further amendments?

SECRETARY:

Amendment No. 3 offered by Senator Holmberg.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Amendment No. 3 amends Senate Bill 1420 to place the revenues acquired pursuant to the tax amnesty program in the Common School Fund, except for those revenues emanating from unpaid State taxes which are distributed to local governments, like local sales tax and replacement income tax. It's the purpose of this amendment to show the local school districts back home that we are supportive of increased monies to elementary and...and secondary education. As we know, Illinois falls far short of the fifty percent of support that other states are giving to their elementary and secondary education system. This would show a commitment on our part for this one-time collection of taxes under the amnesty program until we get into some major revisions in the school formula and other kinds of taxes, perhaps one or two years down the road. I move the adoption of this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, is there any discussion? If not, Senator Holmberg has moved the adoption of Amendment No. 3 to Senate Bill 1420. Those in favor will signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1424, Senator Netsch. Senator Netsch.

SENATOR NETSCH:

Thank you, we're still awaiting the amendment from the Reference...Bureau on Senate Bill 1424. I assume we will have an opportunity to come back. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Why don't you discuss that with the gentleman behind you. Page 3. Top of page 3, 1478, Senator Philip. Senator Philip on the Floor? Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1478.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator D'Arco.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco on the Floor? Senator D'Arco. Top of page 3, 1478. Senator D'Arco on Amendment No. 1.

SENATOR D'ARCO:

Thank you, Mr. President. Amendment No. 1...this is my amendment, huh? I don't know, but it's a good amendment, and I move to adopt Amendment No. 1...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I have not talked to Senator D'Arco. I was not aware of this amendment. I have no idea what it does. What I'd like to do is move this bill to 3rd reading with the agreement that I will move it back. There are some problems.

SB 1521  
2nd Reading

We're trying to work out something with Cook County and the City of Chicago. Hopefully, we'll have a compromise amendment; and with that, I'll leave it in your able hands.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator D'Arco wishes to, with leave of the Body, withdraw Amendment No. 1. Is leave granted? Leave is granted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

3rd reading. Senate Bill 1521, Senator Netsch. Mr. Secretary, 1521.

SECRETARY:

Senate Bill 1521.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Netsch.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This bill is the bill that is designed to offer some help to those who have been foreclosed on their home mortgages, largely as a result of the recent recession. A number of points or objections or questions were raised during the course of the hearing and this amendment, which I prepared, is an attempt to respond to a number of those concerns. I would not represent that the financial lobbyists will capitulate as a result of these amendments, but it certainly does meet a number of the points that they were raising. Let me just mention a few of those; one, there was a concern that the bill as initially drafted provided for

an automatic stay of foreclosure proceedings or any other legal proceedings on the passage of the bill. That, obviously, did not make sense because it might be a while before the funding is available and the program is ready to begin. We have removed that provision, and along with it, we have considerably reduced the allotted period of time for the entire procedure to take place; that is the...the amount of time for foreclosure, the amount of time for the mandatory credit counseling, the amount of time for DCCA to determine whether someone is available for assistance. That has been considerably reduced from a previous approximately six months to about seventy-five days, and that also responds to one of the objections. It was suggested by some of the members of the committee that as drafted the program appeared to be, perhaps, too open-ended even though I represented that it was largely designed for those who ran into financial difficulties, have lost their jobs basically as a result of the severe recession that hit the country and particularly the State of Illinois. We have now limited the availability or the eligibility by writing that kind of a standard into the bill so that it now provides that the financial hardship is to be combined with the law...or a change in employment either by loss of job or by underemployment that in turn lead to financial hardships. So, basically, we are limiting it to those who are...indeed were hurt by the recent recession. In addition, we have provided, and this should be really very important to some of those who thought the...the eligibility was too open-ended, we have required a fifteen percent equity in the home through a combination of down payment and payments already made. What that means is that it will be available only to those who clearly have a stake in the home which they are in the process of purchasing and there is no way that the program could be used by someone who just kind of comes in, makes a few down payments and then attempts to get



in on this program, that simply will not work. The...one other point that we responded to was the...the lottery superintendent and his staff did not like our provision of a special lottery game. They do not want that to be imposed upon them for any purposes for a whole lot of administrative as well as marketing reasons. We have eliminated that and adopted a provision which is really almost word for word the provision that was used with respect to the Chrysler loan, when we in effect borrowed money from the lottery fund, and this language then is substituted and I think at least as far as...that aspect is concerned, it takes care of the problem that the lottery people were raising. I'm not suggesting they are supporting this idea, I'm just saying that it is no longer an administrative problem for them. There are several other provisions which, again, I think are designed to reflect the concerns that were raised during the course of the hearing. We believe that the amendment tightens the bill up quite a bit. It focuses it on those for whom it clearly was designed and we think makes it a marvelous piece of legislation which we will further discuss on 3rd reading. I would move the adoption of Amendment No. 1 to Senate Bill 1521.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, is there any discussion? Senator Netsch has moved the adoption of Amendment No. 1 to Senate Bill 1521. If not, those in favor will signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Whoops, Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I would ask leave of the Body

to have my name removed as cosponsor of 1521.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

...Senator Rock seeks leave to have his name removed as a cosponsor of 1521. Is leave granted? Leave is granted. 1522, Senator Netsch. Middle of page 3, Senate Bill 1522, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 1522.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator Netsch.

SENATOR NETSCH:

There are no...there are no amendments, I believe.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right...

SECRETARY:

No...no committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator Jones, for what purpose do you arise?

SENATOR JONES:

Thank you, Mr...President. I'd like leave to be added as a cosponsor of House...I mean, Senate Bill 1521. Take...I'll take Senator Rock's place.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Well, you've heard the request, is leave granted? Leave is granted. It's so ordered. All right, is there...are there any amendments from the floor?

SECRETARY:

Amendment No. 1 offered by Senator Netsch.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator Netsch. Amendment No. 1 to Senate Bill 1522.

SENATOR NETSCH:

Oh, I'll...I will temporarily withdraw that amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Netsch seeks leave of the Body to withdraw...Amendment No. 1. Is leave granted? Leave is granted. Amendment is withdrawn. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1524, Senator Coffey. Senator Coffey on the Floor? Senate...all right, on page 7, we're skipping all the appropriation bills, page 7, at the top, Senate Bill 1596, Senator Bruce. Senate Bill 1598, Senator Etheredge. Senate...all right, Senator Etheredge, for what purpose do you arise? You wish the bill called? All right, top of page 7, Senate Bill 1598. Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 1598.

(Secretary reads title of bill)

2nd reading of the bill. Committee on Appropriations II offers one amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Yes, Mr. President and Ladies and Gentlemen of the Senate, the...the amendment reduces the maximum award to the Governor's level.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Etheredge has moved the adoption of Committee Amendment No. 1 to Senate Bill 1590. Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Committee Amendment No. 1 is adopted. Any further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1612, Senator Philip. 1612?  
Middle of page 7, Senate...Senate Bill 1612. Mr. Secretary,  
read the bill, please.

SECRETARY:

Senate Bill 1612.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the  
Senate. I...I'd like to have permission to move it to 3rd  
and then probably next week move it back to 2nd. I have some  
fellow members who...who want some additions in regards to  
civic centers, so I have no problem with that, hopefully, we  
would work them out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator, we have two committee amendments that are  
filed. Do you...is it...Senator Philip.

SENATOR PHILIP:

Yeah, I...I don't see any reason why we couldn't put  
those committee amendments on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Philip moves the adoption of Committee  
Amendment No. 1 to Senate Bill 1612. Is there any discus-  
sion? If not, those in favor will signify by saying Aye.  
Opposed Nay. The Ayes have it. Committee Amendment No. 1 is

adopted. Senator Philip now moves the adoption of Senate...Committee Amendment No. 2 to Senate Bill 1612. Is there any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Committee Amendment No. 2 is adopted. Any further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 3 offered by Senator Philip.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President. I'd like to...to...to withdraw this amendment, and when we recall it next week we'll try to put it on and try to explain it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Philip seeks leave of the Body to withdraw Amendment No. 3. Is leave granted? Leave is granted. The amendment is withdrawn. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Page 8, Senate Bill 1625, Senator Maitland. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1625.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

SB 1692  
2nd Reading

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. First of all an explanation on 1625. Our commitment in committee with...was to...to leave the bill on...on 2nd reading, similar to the one that Senator Philip had. This bill addresses also the same issue with regard to...to that decision in DuPage County that prohibits counties from retaining the interest accrued on...on money collected in taxes. I've talked with the...the chairman and the minority spokesman and they have agreed to move...if we could move the bill to 3rd reading and bring it back for any amendment once the agreement is made. The committee amendment that was placed on simply removes Cook County because they are a home rule power and already leveraging at...at their own rate...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Maitland has...

SENATOR MAITLAND:

...I move for the adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Maitland has moved the adoption of Committee Amendment No. 1 to Senate Bill 1625. Is there any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Committee Amendment No. 1 is adopted. Any further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1664, Senator D'Arco. Middle of page 8. Senate Bill 1692, bottom of page 8, Senator Rock.

SB 1707  
2nd Reading

Bottom of page 8. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1692.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Can I take this out of the record for a moment? I've got three different amendments in front of me. I'll...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Rock seeks leave to take it out of the record. Is leave granted? Leave is granted. Take it out of the record. All right, Senate Bill 1706, Senator D'Arco. Page 9. 1707, Senator D'Arco. All right. Top of page 9, 1707. Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 1707.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator D'Arco.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This amendment is the result of the Commissioner of Banks requesting that we make some changes in the bill, mostly technical changes. The words

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"held in trust" were changed to "in fiduciary capacity" in order to include more types of trusts than would be included with the present language. The other changes are clarifications. Instead of said funds, we identify the funds as principle and income awaiting investment and distribution. We return back to market value for collateralization purposes instead of face value, as it was amended in the committee, the commissioner requested we return to market value instead of face value; and the other is a repealer which is an outmoded section and to put in the prudent man rule instead of the present section which is outmoded and antiquated. I would ask to adopt Amendment No. 1 to Senate Bill 1707.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? If not, Senator D'Arco has moved the adoption of Amendment No. 1 to Senate Bill 1707. Those in favor will signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. All right, with leave of the Body, we'll...we will return...Senator Rock indicates he is ready. We'll return to the bottom of page 8. With leave of the Body, we'll return to 1692. Is leave granted? Leave is granted. Mr. Secretary, 1692. Read the bill, please.

SECRETARY:

Senate Bill 1692.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Rock.



PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I apologize for the moment of confusion a little earlier. I...I understand Senator Mahar has a...an amendment filed that I was unaware of, and that's where the confusion arose. Amendment No. 1, I think Senator Mahar will address and...and, hopefully, make unnecessary your amendment, because by Amendment No. 1 this is...this relates, obviously, to the Cook County Board of Tax Appeals. As you know, in March there was a third seat created by county ordinance. An election was held and two candidates are now vying for that post in November. Subsequent to the election, the court ruled that the County of Cook, although a home rule county, had...because of this State Statute, had exceeded its authority. What this amendment will do, essentially, will validate that election. It will provide for a third member of the Cook County Board of Tax Appeals and it will permit...allow the county board to decide by themselves the following: the use of districts, whether or not...how these three are to be elected; the manner of filling vacancies, the organization of the board and the use of staggered terms. Literally what we are doing is attempting to validate that election, to validate that ordinance but affording the county board the opportunity to review the question and to provide for the filling of a vacancy. I would move the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, is there any discussion? Any discussion? If not, Senator Rock will...move the adoption of Amendment No. 1 to Senate Bill 1692. Those...Senator Keats. Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. I did not at this moment want

to make a big point about the amendment 'cause the sponsor has some right to have the bill in his own format, but I want to stress to my...my colleagues, you know, this is not...I notice a lot of guys were not paying attention. Hey, this is no small amendment, man, this redoes the entire Board of Tax Appeals in Cook County or anyone who lives in Cook County or does business in Cook County, this is a very heavy amendment, and I just want to make sure everybody is awake to what's going on with that.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Rock, you wish to close? All right, do you want...

SENATOR ROCK:

No, I...the amendment...the amendment is actually pretty light, it's only a couple of pages. All it does is provide for a third member, and I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator Rock has moved the adoption of Amendment No. 1 to Senate Bill 1692. Those in favor signify by saying Aye. Opposed Nay. Senator Keats has...has requested a roll call. Are you joined by two additional members? The amendment is adopted. Any further amendments?

SECRETARY:

Amendment No. 2 offered by Senators Mahar and Kustra.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Mahar.

SENATOR MAHAR:

Yes, thank you, Mr. President and members of the...of the Senate. My amendment just further clarifies what President Rock has...has stated in his amendment, and it just simply says that one commissioner shall be elected from the City of Chicago, one from the territory outside of the City of Chicago and one from the county at large. So I think that will make a already good amendment and a good bill better,

because there's a precedent has been set for this type of procedure along the one man, one vote principle, and I would ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, frankly, did not have the opportunity to speak with Senator Mahar, I wish I had. I would ask him to withdraw this amendment, and if he does not wish to withdraw it, I would ask that it be defeated. This amendment substantially changes Senate Bill 1692 as amended. The amendment deletes everything after the enacting clause and literally rewrites the bill, but it does so making it effective in 1986 and that, frankly, does not solve our problem. We had a primary in March of 1984, and what I am attempting to do is validate...ratify that county ordinance and provide for the election of that third member in November of 1984. This amendment substantially changes the intent of my legislation, and I would urge opposition to Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Mahar may close.

SENATOR MAHAR:

Yes, thank you, Mr. President. I was unaware of President Rock's amendment that he offered; of course, it's his bill and he certainly does have the right to put it in the...in the form that he wants, at least certainly to try. I introduced this amendment at least three or four weeks ago. As a matter of fact, the amendment was proposed during our hearing in Local Government and was...the chairman refused to accept the amendment at that time and I immediately filed the amendment with...with the Secretary. So the...the amendment has been there for some considerable period of time for an opportunity for everyone to look at and to...to have a chance

to study it, so I would ask...and since I think the principle of one man, one vote is important, we go ahead on this basis, and I would ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Mahar has moved the adoption of Amendment No. 2 to Senate Bill 1695. Those in favor signify by saying Aye. Opposed Nay. The Nays...Senator Mahar. Are...are you joined by two additional...all right, we will have a roll call. Those in favor of the adoption of Senate Amendment No. 2 to Senate Bill 1692 will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 26, the Nays are 31, none voting Present. The amendment having failed to receive the required majority vote is declared lost. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Okay, page 9, 1733, Senator Philip. All right, in the middle of page 9, Senate Bill 1733. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1733.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the floor?

SECRETARY:

No floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President. I've talked to Senator Rock

and I have agreed to move it back next week for the purpose of an amendment. Quite frankly, the amendment isn't ready yet. There's more lawyers involved than Carter's got liver pills and, hopefully, we'll have something ready next week.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...3rd reading. Senate Bill 1743, Senator Hall. Senate Bill 1749, Senator Hall. Senate Bill 1755, Senator Welch. Page 10, top of page 10, Senate Bill 1787, Senator Philip. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1787.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Are there any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. (Machine cutoff)...page 10, 1797, Senator Newhouse. Senator Newhouse on the Floor? Top of page 10, 1797. Top of page 10, Senate Bill 1797, do you wish the bill read? Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1797.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Public Health, Welfare and Corrections offers one amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

The...the...the department had an objection to this bill. What they wanted to do was to make this bill permissive rather than mandatory. This...this amendment does that and on that condition the department has no objection to the bill. I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Newhouse has moved the adoption of Committee Amendment No. 1 to Senate Bill 1797. Is there any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Committee Amendment No. 1 is adopted. Any further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1803, Senator Bloom. Senate Bill 1811, Senator Luft. Middle of page 10, Senate Bill 1811. Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 1811.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom. All right, Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Floor Amendment No. 1 eliminates a condition that is specified in the bill by which a school district can use its adjusted equalized assessed valuation in determining its 1984-85 school funding.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Bloom.

SENATOR BLOOM:

Senator Luft, will you yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Bloom.

SENATOR BLOOM:

What is the effect on Illinois Valley...IVC No. 321 School District?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Twofold, the effect is that if the case pending is settled prior to determining the funding for next year, it will be under this bill. If it is not, it won't.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Okay, so what you're saying is if the...the tax appeal could be settled before this summer that IVC would be able to qualify. This is important. One third of its assessed valuation is the Mossville plant at Caterpillar, and we know that your party's county chairman, who was one of the few who supported Senator Rock, is very interested in this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...

SENATOR BLOOM:

Enough said?

PRESIDING OFFICER: (SENATOR DEMUZIO)

...further discussion? Senator Luft may close.

SENATOR LUFT:

The first thing I need to do is to Table Committee Amendment No. 1. So I would move to Table Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Luft has moved to Table Committee Amendment No. 1 to Senate Bill 1811. Is there any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Committee Amendment...Amendment No. 1 is Tabled. Any further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 2 offered by Senator Luft.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Now I move, Mr. President, to adopt Floor Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, is there any discussion? Senator Luft has moved the adoption of Amendment No. 2 to Senate Bill 1811. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1850, Senator Rock. Middle of page 10. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1850.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the floor?

SECRETARY:



No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIĆ)

3rd reading. Senate Bill 1863, Senator Coffey. Senate Bill 1869, Senator Etheredge. 1873, Senator Davidson. Senator Davidson on the Floor? Senator Davidson on the Floor? Senate Bill 1881, Senator Weaver. Okay, at the bottom of page 10, Order of 2nd Reading, Senate Bill 1881. Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 1881.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DEMUZIĆ)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This amendment reduces from two hundred thousand to one hundred thousand. It's an amendment that I agreed to in committee, and I'd move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIĆ)

All right, is there any discussion? If not, Senator Weaver has moved the adoption of Committee Amendment No. 1 to Senate Bill 1881. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Committee Amendment No....well, Senator Weaver, I am told that you explained the Floor amendment, not the committee amendment. Senator Weaver.

SENATOR WEAVER:

Excuse me. The Floor amendment was that allowing natural gas, wasn't it? I would move...

SECRETARY:

No, that...that was the committee amendment, Senator Weaver.

SENATOR WEAVER:

Yes, that's right. That's...I'm sorry, I explained the wrong amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right.

SENATOR WEAVER:

I would move adoption of...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, is there any...

SENATOR WEAVER:

...committee amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...any further discussion? Senator Weaver moves the adoption of Committee Amendment No. 1 to Senate Bill 1881. Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Committee Amendment No. 1 is adopted. Any further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 2, by Senator Weaver.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Amendment No. 2 is the one that I previously explained reducing from two hundred thousand to one hundred thousand. I'd move adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, is there any discussion? If not, Senator Weaver moves the adoption of Amendment No. 2 to Senate Bill 1881. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Any further

amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1906, Senator Bruce. Senate Bill...top of page 11, Senate Bill 1912, Senator Luft. Senate Bill 1918, Senator Nedza. Top of page 11, Senate Bill 1918. Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 1918.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1925, Senator Bloom. Senator Bloom. Senator...Senate Bill 1932, Senator Geo-Karis. Mr. Secretary, read the bill. 1932.

SECRETARY:

Senate Bill 1932.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the amendment has been screened by both the Minority Spokesman, Senator Bloom, and the Senate Chairman of Judiciary II, Sena-

tor Sangmeister, and it does basically three things; it removes...one, it removes the section of the original bill whose constitutionality was in doubt; two, it substitutes language which is more clearly defines the type of individual who could benefit from inpatient care; and three, makes numerous technical changes and clarifies certain provisions, and I move the adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Geo-Karis has moved the adoption. Is there any discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, in consulting with the minority spokesman of my committee, Senator Bloom, we've decided we're going to put this amendment on. That doesn't mean at this point that we are entire agreement with everything, but we'll put the amendment on so that it moves ahead and...because it is a very important piece of legislation and it will bear a...a good look at by everybody.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion?...if not Senator Geo-Karis has moved the adoption of...of Amendment No. 1 to Senate Bill 1932. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1933, Senator Lechowicz. Senator Lechowicz on the Floor? Senate Bill 1935, Senator Marovitz. Senator Marovitz on the Floor? Senator Marovitz is on the Floor but he wishes his bill not to be called. Senate Bill 1938, Senator Joyce. Okay, middle of page 11, Senate Bill 1938. Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 1938.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Jerome Joyce.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator Joyce.

SENATOR JEROME JOYCE:

There was a committee amendment.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Amendment No. 1, Senator Joyce.

SENATOR JEROME JOYCE:

Yes, 1938, I was on the wrong bill. This amendment was agreed to by the committee. It...what this does, it is..provides that testing of wells by the owner and user will include both hazard land disposal sites and sanitary landfills. It permits the splitting of samples by the industry and provides the cooperation...for cooperation with the Department of Public Health and local health departments.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator Joyce has moved the adoption of Amendment No. 1. Is there any discussion? Senator Rigney.

SENATOR RIGNEY:

Mr. President, I want to make, first of all, a general inquiry of the Chair. We asked for a series of fiscal notes beginning with this bill 1938 and going through 1955. This is the package that's dealing with the subject of hazardous waste. Can you tell me, sir, have those fiscal notes been filed?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Mr. Secretary, has there been a request made for a fiscal note on 1938?

SECRETARY:

On 1938 there was and it had...the answer has been filed...a matter of fact, Mr. President, on that series of bills, all requests have been answered with the exception of 1942 and 1944.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bigney.

SENATOR RIGNEY:

What's being...I might point out here, for the benefit of the Floor, what's being called for here, of course, is some rather extensive water testing requirements mandated for the State of Illinois in a year when budgets are rather short. I was wondering if the sponsor could tell us what the fiscal note showed. Obviously, to be able to calculate that, we have to make some kind of an estimate as to how many samples we might be subjecting ourselves to.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, the sponsor indicates he will yield. Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, they...they tell us it would be four hundred dollars a test. The original estimate was six hundred thousand dollars but then we changed the...the method of doing this saying that it would be at the request of the owner of the well, so that should substantially decrease that figure amount.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bigney.

SENATOR RIGNEY:

Well, then, I guess just one further question. You will recall, Chairman Joyce, that at the time that this was heard in your committee, I think we were bandied about a figure anywhere from nine hundred to fifteen hundred dollars per sample. Why are we now getting this work done for four hun-

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dred dollars?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Well, that's what the EPA told us it was going to cost.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney. All right, further discussion? Senator Joyce...if not, Senator Joyce has moved the adoption of Amendment No. 1 to Senate Bill 1938. Those in favor will signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1939, Senator Joyce. Mr. Secretary, read the bill, please. Middle of page 11, 1939.

SECRETARY:

Senate Bill 1939.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Agriculture, Conservation and Energy offers one amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Joyce to explain Amendment No. 1.

SENATOR JEROME JOYCE:

Thank you, Mr. President. It...it's a technical change in one part where it adds...where it changes birth defects and miscarriages to adverse pregnancy outcomes, and then it also adds information on nuclear materials to the list of data to be collected by the registry.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Joyce moves the adoption of Amendment No. 1. Discussion of the motion? Those in favor say Aye. Opposed Nay. The Ayes have it. Discussion? Senator Rigney.

SENATOR RIGNEY:

Yeah, again, what I wanted to do was see what was the impact of the fiscal note; and also, I was wondering...there is a little concern over here on our side of the aisle about some of the things that are being asked for. Would you be amenable, perhaps, if this thing advances on to 3rd reading, if we can reach some kind of an agreement on a possible substitute amendment, would you be willing to...to take it back for that?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Well, certainly. Any...any time you can, you know, help the bill, I would be glad to bring it back. I...I don't know what...just what you're talking about, though. Would you give me an idea of what kind of an amendment you're...you're thinking of, Senator?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rigney.

SENATOR RIGNEY:

Well, we've been attempting to make a little study of what is required in other states and, frankly, we're not exactly sure of what's being called for as far as the overall filing requirements and whatnot under your bill, trying to determine that as compared to what's being done, for instance, in places like Connecticut and California and Maryland and some of those other states that perhaps have been into this program for a number of years; we're kind of wondering how they're going to track together. First of all, we'll admit we just raised some concern about this probably within the last twenty-four hours, haven't had a chance to talk to you about the program of other states, and perhaps some improvements can be made based upon what's going on in some of these other areas.

PRESIDING OFFICER: (SENATOR BRUCE)



Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Well, of course, if you...if you can find something that's going to improve this bill, Senator, I'd be happy to bring it back.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 1. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

SECRETARY:

Amendment No. 2, by Senator Jerome Joyce.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce. Senator...Joyce, we've adopted a committee amendment and you have a...an amendment down here from the Floor. All right, Senator Jerome Joyce on Amendment No. 2 which is the first Floor amendment.

SENATOR JEROME JOYCE:

All right. This one includes...it...it...strengthens the enforcement of confidentiality and restructures the two registries into one system to reduce cost and adds public education provisions. This is something we talked about in committee and...and was agreed to.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce has moved the adoption of Amendment No. 2. On that motion, is there discussion? Senator Rigney.

SENATOR RIGNEY:

Well, yes, I think one of the things, Senate Joyce, that was agreed to, we were going to perhaps have an amendment for this that there would be no publishing requirements and so...until such time as the violation were actually proved.

I think the way that you have it written now, wouldn't that be on the basis of everything that's...that's filed?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

There are all kinds of confidentially...confidentiality requirements in this bill, Senator.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rigney, further questions? Motion to adopt...on the motion, those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1940, Senator Demuzio. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1940, like the others, had a request for a fiscal note which has been answered.

Senate Bill 1940.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the floor?

SECRETARY:

No floor amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1941, Senator Holmberg. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1941 had a request for fiscal note which has been answered.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Agriculture,

Conservation and Energy offers one amendment.

PRESIDING OFFICER: (SENATOR ERUCE)

Senator Holmberg on Amendment No. 1.

SENATOR HOLMBERG:

I wish to Table the committee amendment.

PRESIDING OFFICER: (SENATOR ERUCE)

The motion is to Table Amendment No. 1. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is Tabled. Are there any further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR ERUCE)

Are there amendments from the floor?

SECRETARY:

Amendment No. 2, by Senator Holmberg.

PRESIDING OFFICER: (SENATOR ERUCE)

Senator Holmberg is recognized.

SENATOR HOLMBERG:

The Floor amendment in the bill, as it stands, deals with the siting of hazardous waste facilities incorporates the original committee amendment and adds all of the changes suggested in committee and as a result of the study of the hazardous waste task force as well. It addresses the issue of the siting hazardous waste facilities which store, treat or dispose of hazardous waste in land and it does several things. One of the things that local governments were concerned about that they will now be able to do is to assess a fee to enable them to defray the costs of hiring independent consultants. There is a cap on that so that it cannot be unreasonably high. All documents and decisions submitted to the EPA are required to be available to the local government. We've lengthened the entire siting procedure, brought it back to one hearing, and all in all, these technical and

definitional issues that were discussed in committee have now been incorporated into the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion to adopt Amendment No. 2. Discussion? Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President and Ladies and Gentlemen of the Senate, I think probably the amendment that's been proposed, if we want to judge it just on the basis of the amendment itself, is an improvement over the bill the way that it was introduced. I think, however, I should point out to the members of the Senate that there are still some potential problems with this bill and alert them that when 3rd reading comes along, you'll want to be very much aware of...of what you're going to be doing here. You are establishing a seventh criteria to be used by...

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order, please.

END OF REEL

REEL #2

SENATOR RIGNEY:

...a seventh criteria to be used by local units of government as they make their siting decisions; and namely, that's...of course, going to deal with ground water which will, I think, necessitate hydrological studies be made in order that those people at the local level are going to be able to make any kind of a defensible decision either one way or the other concerning siting of these facilities. So that is actually what you're are doing, in fact, making a hundred and two mini-EPA's out of our various counties as they have to take all of this criteria into account. So, I think that when that time comes along, you know, before we commit ourselves whole-hog to voting for a package dealing with hazardous waste, we're going to have to distinguish that there are some bills here that are probably good in nature, really do not change the law to a great extent and are very livable for everybody, for the public, for industry, but this is probably one of those...type of bills where there is going to be a little problem remaining. Furthermore, I might point out that there is a...apparently there are two court cases pending on this very subject about the general powers of counties concerning the siting of landfills, and the feeling is that maybe we will only add further to the confusion by adopting still a seventh criteria that our counties are going to have to deal with on that subject. I don't think we are doing a favor for county government with this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Holmberg may close.

SENATOR HOLMBERG:

I...I would like to point out to the Body that, contrary to what Senator Rigney has said, this has been one of the

problems is that county boards have not had the wherewithal to deal with this. And when they have appeared before the Pollution Control Board, the counties of Tazewell, Will, La Salle and Lake, for those of you who...who are from there, have tried to use impact on ground water as a criteria; however, up until now they have had no authority at this time to include this...criteria. An important amendment and I move the adoption of the amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is on the motion...on the motion to adopt Amendment No. 2. Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1942, Senator Marovitz. Senate Bill 1943, Senator Welch. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1943.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Agriculture, Conservation and Energy offers one amendment. There was a request for a fiscal note and that has been answered.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch on Committee Amendment No. 1.

SENATOR WELCH:

Thank you, Mr. President. I would ask that that amendment be Tabled because it is included in the Floor amendment I'm about to offer.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to Table Amendment No. 1. On the motion, discussion? Those in favor say Aye. Opposed Nay. The Ayes

have it. Amendment No. 1 is Tabled. Further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

SECRETARY:

Amendment No. 2 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. The purpose of this amendment is to ensure that any bonds which are issued for facilities are allowed to be issued without reference to the land disposal of hazardous waste. What we are trying to do with this bill is eliminate the spending of all this bond money on land disposal of waste. And this amendment to this bill says that the major portion of the landfill which has to do with the land disposal of hazardous waste will be excluded. It's an attempt to allow facilities which treat...recycle waste to be eligible to obtain bonding and excluding the portion thereof that deals with land disposal. So I would ask for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 2. On that motion, discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1944, Senator Rock. There's...that has not been...the fiscal note has not been complied with. I'm sorry, the Secretary informs me we have now received it. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1944.

(Secretary reads title of bill)

2nd reading of the bill. There was a request for a fiscal note which has been answered. The Committee on Agriculture, Conservation and Energy offers one amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock on Amendment No. 1.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 1 is a technical amendment but it does have some substance in that it reinserts onto membership on the Hazardous Materials Advisory Board the directors of the Department of Public Health and the director of the Department of Agriculture. There was never any intent to remove those directors from this board, and this amendment merely puts them back on and with the expanded board reflects a different number for the quorum necessary to do business and I would move adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 1. On the motion, discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the floor?

SECRETARY:

Amendment No. 2 offered by Senator Rock.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock on Amendment No. 2.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This amendment will have, I suspect, an impact on



the fiscal note that was filed. As I understand it, the Department of Transportation pursuant to Senator Rigney's request indicated that...in their fiscal note that probably the cost of this would be somewhere in the neighborhood of four million dollars. Fact is that under Amendment No. 2 we are deleting the provision that calls for the use of 704 Placarding System for transportation of hazardous waste because it has come to our attention that it would be in conflict with the current National and International Placarding System. This amendment was agreed to in the committee and I offer it...knowing of no objection, I move the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 2. Discussion of that motion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1945, Senator Luft. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1945. Had...a request for a fiscal note which has been answered.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Agriculture, Conservation and Energy offers one amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Luft on Amendment No. 1.

SENATOR LUFT:

Thank you, Mr. President. The bill as...as it is written now restricts the...program to small quantity generators. What the amendment does is delete that language and I would move for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 1. On the motion, is there discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1946, Senator Luft. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1946. Had a request for a fiscal note which has been answered.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Agriculture, Conservation and Energy offers one amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Luft to explain Committee Amendment No. 1.

SENATOR LUFT:

Thank you, Mr. President. The amendment is a technical amendment which requires reporting to the EPA instead of to the Pollution Control Board, and I would move for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Committee Amendment No. 1. Discussion? Senator Rigney.

SENATOR RIGNEY:

A question on this for the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Rigney.

SENATOR RIGNEY:

Is there a requirement on the part of the receiver for quarterly reporting? And if so, would you be amenable to changing that to an annual report?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Luft.

SENATOR LUFT:

Yes, and I don't know.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rigney.

SENATOR RIGNEY:

A little difficult to debate against that, I guess. Well, I guess maybe next question is, if we have something drafted to slightly change it in that fashion, you would be perhaps willing to discuss bringing it back for consideration?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Luft.

SENATOR LUFT:

Absolutely.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the floor?

SECRETARY:

No floor amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1947, Senator Welch. Senate Bill 1948, Senator Demuzio. Read the bill, Mr. Secretary,

please.

SECRETARY:

Senate Bill 1948.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate...for what purpose does Senator Demuzio arise?

SENATOR DEMUZIO:

Yes, with leave of the Body, I'd like to have Senator Welch added as a hyphenated cosponsor of Senate Bill 1948.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave? Leave is granted. Senate Bill 1949, Senator Holmberg. Senator Holmberg...read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1949.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Holmberg, and this bill also had a request for a fiscal note which has been answered.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Holmberg on Amendment No. 1.

SENATOR HOLMBERG:

This amendment makes various technical changes asked for by the University of Illinois. It removes the program from

the College of Engineering and changes the membership and roll of the advisory board, half of which will come from the faculty and half of which will come from industry.

PRESIDING OFFICER: (SENATOR ERUCE)

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

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR ERUCE)

3rd reading. Senate Bill 1950, Senator Welch. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1950 had a request for a fiscal note which has been answered.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Agriculture, Conservation and Energy offers one amendment.

PRESIDING OFFICER: (SENATOR ERUCE)

Senator Welch is recognized on Committee Amendment No. 1.

SENATOR WELCH:

Thank you, Mr. President. I would ask that that amendment be Tabled because it's going to be included in the Floor amendment I'm offering.

PRESIDING OFFICER: (SENATOR ERUCE)

The motion is to Table Amendment No. 1. On the motion, discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is Tabled. Further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR ERUCE)

Are there amendments from the Floor?

SECRETARY:

Amendment No. 2 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch is recognized.

SENATOR WELCH:

Thank you, Mr. President. The purpose of this amendment is twofold...number one, it includes the committee amendment which requires that any funds collected under the subsection which...which refers to attorneys' fees and costs be deposited in the Hazardous Waste Fund as opposed to going to either the State's Attorney or the Attorney General. The second portion of the amendment deals with the inclusion in awarding of attorneys fees and costs, the costs and reasonable expenses of expert witnesses and consultants that may be awarded to the State's Attorney or Attorney General where they win a case. I would ask for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 2. Discussion of that motion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further Floor amendments?

SECRETARY:

Amendment No. 3, by Senator Rigney.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rigney is recognized on Amendment No. 3.

SENATOR RIGNEY:

I think Senator Welch made a good case not only for his amendment but I think probably he's also made an equally good case for my amendment. He has pointed out it's rather costly to litigate these cases be they before the Pollution Control Board or before the court system of this State. His argument is that there should be compensation for the expenses of the Attorney General, compensation for state's attorneys who might bring this kind of action. I think we would have to

agree that when a guilty party is found in one of these cases, fine, perhaps that's the way the game should be played. I think it's also equally important that, at times, frivolous suits have been brought where defendants have had to spend a lot of money for attorneys' fees and expert witnesses and whatnot. All we're doing with this amendment is a little trade-off; we're saying, okay, if we're going to start paying attorneys' fees on one side of a court case, we're going to pay them on both sides.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 3. On that motion, is there discussion? Senator Welch.

SENATOR WELCH:

Yes, Mr. President. I would rise in opposition to this amendment. What this amendment is going to do is to, number one, put a damper on any attempt to enforce cases dealing with pollution. What we're going to have is any time a state's attorney tries to represent the people locally, they're going to be faced with the possibility of doubling their cost and paying the cost of expert witnesses on behalf of these large companies who may be polluting. As we know, lawyers' fees are not cheap. State's attorneys are paid a base salary in each county, sometimes under twenty-five thousand dollars, in my county in particular. Attorneys' fees for these companies in our county in one case have already come to two hundred and eighty-three thousand dollars and the case is going on. Senator Rigney's amendment would allow those attorneys' fees on the other side of the case to also be paid by the county or the Attorney General. So not only would a locality have to pay their own state's attorney plus their own state's attorney's expert witnesses and expert outside counsel, they'll also have to pay the expert witnesses and expert outside counsel of the defendant where the state's attorney brought a case. What's that...what that's going to

do is make the cost of bringing these lawsuits so expensive you are going to effectively eliminate any lawsuits to prevent pollution in the State of Illinois, and I don't think that's the way we want to move in this case. The idea of having the Attorney General receive attorney fees and costs is because we are forced to bring these lawsuits to take care of problems brought about by defendants, defendants who are found guilty. I think that in many other lawsuits there are very, very few cases in which the defendant can receive attorneys' fees. In every case that I can think of, the attorneys' fees are borne by each party; only when there's a Statutory right to fees is there an allowance on the part of the defendant. And I don't think that we should include these types of cases in that area where defendants can obtain attorneys' fees. There will be no limit on the kinds of fees that can be raised. We're not talking about a defendant hiring one lawyer at fifty dollars an hour to fight these, we're talking about the largest firms in the State going around representing these and hundreds of thousands of dollars, some being paid by small counties. A lot of the pollution problems that we have are in downstate counties where we have maybe a state's attorney and three or four assistants at most. To have to pay defendant's attorneys' fees would probably bankrupt some of these counties or bring them to the brink of...of a new taxation. So I would urge opposition to this amendment. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Further discussion? Senator Rigney may close.

SENATOR RIGNEY:

Well, first of all, I think one thing Senator Welch neglected to mention is that no defendant is going to get paid unless they win. And furthermore, if you will read lines 10 and 11 of the amendment, it must be demonstrated that



the suit was brought in bad faith with no substantial justification. Now that makes things very tight as far as I'm concerned and I think certainly does protect the...the State of Illinois. And I think to turn it around and say, you know, we can bring bad faith types of actions with no substantial justification and defend that kind of practice kind of boggles the mind. Let me give you just one little example from my own home district, if I might. Senator Welch said, well, this might put a damper on the activities of the EPA and the Attorney General. I'll agree with you, perhaps at times a little damper ought to be put on some of their activities, and I would also hasten to point out that, contrary to what he said, it's not just large companies that are sometimes involved in these things. Let me cite to you the example of one farmer in Ogle County who filled a...a pit silo with sweet corn refuse and the allegation was made that the...the draining from this silo had gotten into a field tile line and it ran down through his farm and the neighboring farm for about two miles, hit a stream, and then about two miles further down the stream a fish kill occurred. Well, now, that's pretty hard to connect up a case like that and I think it's doubly difficult to connect up a case of this kind when we realize that the fish kill occurred about three or four days prior to the time that the man filled the silo. Now I had a little conversation with the young lady that was representing the EPA in that particular case and tried to point out why I thought were some obvious flaws in her case, and I thought she understood what I was telling her; but low and behold, the case was brought anyhow. Well, when it went before the Pollution Control Board it was kind of laughed out of court, so to speak. This is the sort of thing I'm talking about, when suits of this kind...and it's no indictment against the present Attorney General, let me hasten to point out, it was brought out at a time that

another Attorney General of the other faith was serving. So, I guess we have a...a right to criticize when we feel that action maybe has occurred on our side too. So, I think if we believe in fairness and the principle that folks are entitled to be reimbursed when wrongful actions occur, I think that poor old fellow out there that gets dinged along the way by the Environmental Protection Agency and by the Attorney General's Office, he's entitled to the same type of consideration for the bringing of these frivolous suits. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 3. Those in favor say Aye. Opposed Nay. The opinion of the Chair the Negatives prevailed but...but...but I would allow a roll call. Is there...Senator Rigney requests a roll call and he is joined by two others. The question is on the adoption of Amendment No. 3 to Senate Bill 1950. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 26, the Nays are 31. The motion to adopt is lost. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1952, Senator Rock. Senate Bill 1953, Senator Grotherg. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1953.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Grotherg.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotherg on Amendment No. 1.

SENATOR GROTERG:

Thank you, Mr. President and fellow Senators...

PRESIDING OFFICER: (SENATOR BRUCE)

Can we take the conference away, gentlemen.

SENATOR GROTERG:

...Amendment No. 1 simply states that the ICC inspectors cannot go beyond the docks and the...transporting area of a plant to check the shipments and is recommended by all and I...I know of no opposition. I...ask for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SECRETARY:

No further amendments, and this bill also had a request for a fiscal note which has been answered.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. 3rd reading. Senate Bill 1954, Senator Rock. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1954.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Rock.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock is recognized.

SENATOR ROCK:

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

SB 1957  
2nd reading

Senate. Amendment No. 1 is as a result of discussions with the Department of Energy and...Natural Resources. We have attempted to require that department to study the board regulations and agency practices. We deleted that at their request. It makes the study more appropriate to that department's function as the research arm of these three environmental agencies. It clarifies the fact that permits are banned only for new facilities which was the original intent of the bill, but during discussion in committee it apparently was not clear, and the exemption would allow compliance with the agency enforcement actions. There is a ban on new permits for underground injection for a year and a half to afford the agency the time it requested to do the study as...as mandated by this Act. I know of no opposition. I would move the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1955, Senator Egan. Senate Bill 1957. Is there leave for Senator Earkhausen to handle that? Leave is granted. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1957.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Are there amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

3rd reading. Any other member have a bill on 2nd reading that we might have overlooked? All right. With leave of the Body, we'll move to the Order of Senate Bills 3rd Reading. We moved yesterday two bills...two supplemental appropriations of an emergency nature. I would direct your attention to page 15 on the Calendar. Middle of page 15, on the Order of Senate Bills 3rd Reading is Senate Bill 1441. Senator Berman, you wish to proceed? Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1441.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Senate Bill 1441 is the appropriation for the Department of Revenue to establish the revolving fund for the payment under the Senior Citizens' Real Estate Deferred Tax Program that we passed last year. I'm holding a memorandum from the director of the Department of Revenue who has indicated that it is necessary that we appropriate these funds as quickly as possible in order to reimburse the counties that have participated on behalf of senior citizens for the deferral program. The...the appropriation to a revolving fund is three hundred and thirty thousand dollars. I'll be glad to respond to any question. I ask for a favorable vote.

PRESIDENT:

There any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1441 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question,

there are 57 Ayes, no Nays, none voting Present. Senate Bill 1441 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, the top of page 16, Senate Bill 1474. Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 1474.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This bill is a supplemental appropriation for the Legislative Reference Bureau. There's ten thousand in here for purchase of Statute books from other states. We found that over the...this entire year the printing costs in other states have gone up. We do purchase all of the Statutes in the other states. We need an...additional ten thousand dollars. In addition to that, there's a thirty-five thousand dollar increase for the printing of the legislative synopsis and Digest. We have found that we are printing more issues of that and more...more separate issues than we had planned in...in prior years. In addition to that, we have printed and given you additional material that we had not included in prior years, particularly bills that had passed. And so you'll notice in your most current Digest, if you flipped a page now, it will say Public Act, and that way you don't have to look through two or three Digests. That has slightly increased our cost and this if for another...additional thirty-five thousand for this year.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1474 pass. Those in favor

will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 1474 having received the required constitutional majority is declared passed. Resolutions.

SECRETARY:

Senate...Senate Joint Resolution 114 offered by Senator Rock.

(Secretary reads SJR 114)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Joint Resolution 114 is the adjournment resolution. We will be in Session tomorrow at the hour of nine-thirty, and then we will then adjourn until one o'clock on Monday. And we are scheduled to be in, as you know, all next week. That is the deadline week, Friday the 25th is the deadline to get Senate Bills out of the Senate. My hope is on Monday, if we can have a full and prompt attendance, we can run through all the appropriation bills, handle the bills that have to be recalled for amendment, and be in a position on Tuesday and Wednesday to address the Calendar, and hopefully, it will not be necessary for us to be here next Friday, if we can get our work done. In addition, I'd like to point out the Rules Committee will meet on Monday at the hour of eleven o'clock. We come into Session at one, the Rules Committee will be meeting at eleven o'clock. Effectively, we have concluded our business for this week. Tomorrow we will be in Session only briefly and will handle house-keeping matters as Messages from the House and so forth. So, I would move to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 114.

PRESIDING OFFICER: (SENATOR DEMUZIO)

You've heard...you've heard the request. Senator Rock has moved to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 114. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The rules are suspended. Senator Rock now moves to adopt Senate Joint Resolution 114. Those in favor will signify by saying Aye. Opposed Nay. The Ayes have it. The resolution is adopted. Further resolutions?

SECRETARY:

Senate Joint Resolution 115 offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Executive.

SECRETARY:

Senate Resolution 627 offered by Senators Egan, Rock and all Senators, congratulatory.

Senate Resolution 628, by Senator Kelly, congratulatory.

Senate Resolution 629, by Senator Newhouse and all Senators, congratulatory.

Senate Resolution 630, by Senators Lemke, Rock and Savickas and all Senators and it's congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. All right. Mr. Secretary, have there been...any objections filed on the Resolutions Consent Calendar?

SECRETARY:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. With leave of the Body, we will add Senate Resolution 627 through 630 which were congratulatory resolutions which are not on the printed copy of the Resolutions Consent Calendar that has been passed out. With leave of the Body, we will add those. Is leave granted? Leave is granted. So ordered. Senator Rock now moves to adopt



the...Senator Rock now moves to adopt the Resolutions Consent Calendar. Is there any discussion? Senator...those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The Resolutions Consent Calendar is adopted...Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Call...attention to all the Republican Senate members. There will be a caucus in Senator Philip's Office immediately upon adjournment. If you'll come right in immediately, we'll be out of here in just a few minutes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any further announcements? Any further business to come before the Senate? Senator Marovitz, for what purpose do you arise?

SENATOR MAROVITZ:

I would ask leave to have Senator Holmberg added as a hyphenated sponsor to Senate Bill 1725 and also House Bill 2345 which I am the sponsor of.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the request. Is leave granted? Leave is granted. So ordered. Senator Holmberg, for what purpose do you arise?

SENATOR HOLMBERG:

I would ask leave to be added as a hyphenated cosponsor to House Bill 1734. I have talked to the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the request. Senator Holmberg seeks leave of the Body to be added as a hyphenated cosponsor of House Bill 1734. Is leave granted? Leave is granted. So ordered. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I'd like to be added, if I may, as a hyphenated cosponsor to Senate Bills 1938 and 1939.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Geo-Karis seeks leave of the Body to be added as a hyphenated cosponsor of Senate Bills 1938 and 1939. Is leave granted? Leave is granted. So ordered. Any further business to come before the Senate? All right. All right, Senator Rock...Senator Rock.

SENATOR ROCK:

Yes, I would move that the Senate stand adjourned until Friday, May 18th, at the hour of nine-thirty, and we will be in Session very briefly tomorrow.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right.

SENATOR ROCK:

I wish everyone a good weekend, we'll see you Monday.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The Senate will stand adjourned till nine-thirty tomorrow morning.