

83RD GENERAL ASSEMBLY

REGULAR SESSION

MAY 25, 1984

PRESIDENT:

The Senate will please come to order. Will the members be at their desks. Will our guests in the gallery please rise. Prayer this morning by the Reverend Paul Habbing, Blessed Sacrament Church, Springfield, Illinois. Father.

REVEREND HABBING:

(Prayer given by Reverend Habbing)

PRESIDENT:

Thank you, Father. 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 15th; Wednesday, May the 16th; Thursday, May the 17th; Friday, May the 18th; Monday, May the 21st; Tuesday, May the 22nd; Wednesday, May the 23rd and Thursday, May the 24th, in the year 1984, be postponed pending arrival of the printed Journals.

PRESIDENT:

You've heard the motion as placed by Senator Johns. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. Motion carries and 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 Bills 704, 809, 1004, 1186, 1190, 1210, 1216, 1726, 1839, 2211, 2278, 2364, 2373, 2384, 2470, 2574, 2726, 2740, 2753, 2781, 2835, 2853, 2884, 2892, ...3083, 3092, 3099, 3108, 3127, 3134, 3165, 3181, 3183, 3212 and 3218.

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 152 and it's congratulatory.

PRESIDENT:

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

SENATOR RUPP:

Thank you, Mr. President. I would like to request that my name be removed as a sponsor from Senator bill...Senate Bill 1236.

PRESIDENT:

All right, Senator Bupp has asked that his name be removed as a cosponsor of Senate Bill 1236. Leave granted? Leave is granted. Senator Friedland, for what purpose do you arise?

SENATOR FRIEDLAND:

Thank you, Mr. President. I'd ask that my name be removed as a cosponsor of Senate Bill 1236.

PRESIDENT:

All right, Senator Friedland seeks leave of the Body to remove his name as a cosponsor from Senate Bill 1236. Leave granted? Leave is granted. Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President. I would ask leave to add Senator Davidson's name as a chief hyphenated sponsor of House Bill 3072.

PRESIDENT:

3-0-7-2. House Bill 3072. The gentleman requests leave to have Senate...Senator Davidson shown as the hyphenated co-sponsor. Leave granted? Leave is granted. With leave of the Body, we'll move to the Order of House Bills 1st Reading. Page 14 on the Calendar. Mr. Secretary, House bills 1st.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1474...by Senator Sangmeister.

(Secretary reads title of bill)

House Bill 1546, Senator Berman.

(Secretary reads title of bill)

House Bill 1591...by Senators D'Arco and Vadalabene.

(Secretary reads title of bill)

House Bill 1859, Senator D'Arco.

(Secretary reads title of bill)

2332, Senator Newhouse and Kustra.

(Secretary reads title of bill)

House Bill 2376, Senators Rock and DeAngelis.

(Secretary reads title of bill)

House Bill 2423, Senator Euzbee.

(Secretary reads title of bill)

House Bill 2496, by Senator Lemke.

(Secretary reads title of bill)

House Bill 2545, Senator Marovitz and D'Arco.

(Secretary reads title of bill)

House Bill 2582, Senator Lemke.

(Secretary reads title of bill)

2606, Senator Luft.

(Secretary reads title of bill)

House Bill 2710, by Senator Savickas.

(Secretary reads title of bill)

House Bill 2736, by Senators Rock and Philip.

(Secretary reads title of bill)

House Bill 2832, Senators Etheredge and Netsch.

(Secretary reads title of bill)

2836, Senator Collins.

(Secretary reads title of bill)

2916, Senator Lemke.

(Secretary reads title of bill)

House Bill 2921, Senator Egan.

(Secretary reads title of bill)

2939, Senators Eloom and Luft.

(Secretary reads title of bill)

House Bill 2987, Senator Eruce.

(Secretary reads title of bill)

House Bill 3001,...by Senator Degnan.

(Secretary reads title of bill)

House Bill 3057, Senator Hall.

(Secretary reads title of bill)

House Bill 3069, Senator Etheredge.

(Secretary reads title of bill)

House Bill 3119, Senator Lenke.

(Secretary reads title of bill)

House Bill...3136...by Senator Kelly.

(Secretary reads title of bill)

House Bill 3221, by Senator Kustra.

(Secretary reads title of bill)

House Bill 3026, by Senators Maitland and Schuneman.

(Secretary reads title of bill)

1st reading of the Bills.

PRESIDENT:

We have forty-two matters on the Calendar. With...on the Order of Senate Bills 3rd Reading, Senate Bill 495, Senator Bloom. Senator Eloom.

SENATOR BLOOM:

I...in order to speed the process along, I know Senator D'Arco had an amendment on file. Could we cut back to this and...

PRESIDENT:

With leave of the Body, we'll get back to all of these that are currently being skipped.

SENATOR BLOOM:

Okay.

PRESIDENT:

SB 1179
2nd Reading

720, Senator Hall. Senator Hall.

SENATOR HALL:

Could we bypass that and come back to it a little later, please?

PRESIDENT:

All right, with leave of the Body, we'll get back to that one. 1179, Senator Lemke. On the Order of Senate Bills 3rd Reading, top of page 5, is Senate Bill 1179. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1179.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What this...what this bill does is it creates a new Paternity Act in the State Illinois setting up a Statute of Limitations which is two years after the minor reaches eighteen...in compliance with the recent court decision. It also sets up rules and procedures in regards to blood testing, decriminalizes the admission of being the father and does things to speed up the corrections with the...for the Department of Public Aid in regards to illegitimate children. I think it's a good bill and I ask for its adoption.

PRESIDENT:

Is there any discussion? Any discussion? If not, the question is,...I beg your pardon. Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President. Will the Speaker...or will the sponsor yield?

PRESIDENT:

Sponsor indicates he'll yield, Senator Darrow.

SENATOR DARROW:

Under this legislation, can a father bring a paternity suit against the mother?

PRESIDENT:

Senator Lenke.

SENATOR LENKE:

Can the father bring a paternity suit against the mother? I doubt that since...they're not the...he doesn't usually have the child. It's usually the mother that has the child.

PRESIDENT:

Senator Darrow.

SENATOR DARROW:

Well, under previous law, if you have a situation where a illegitimate child is born and the father wishes to establish his rights to that child for visitation or for other reasons, there was no provision in the Statute to allow that. Only a mother could bring a paternity action, so we were locking out all the fathers who wished to acknowledge paternity, support the child and establish visitation and establish their paternity. That is why I raised that issue. Thank you.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I rise in favor of this bill. This has been worked on for quite awhile by both sides, and as minority spokesman, I support it and I think that we have done something worthwhile by the final composition of this bill which has been long in coming and I speak for it.

PRESIDENT:

Any discussion? Further discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Senator, I'm sorry, I just got on the Floor here, is...is this the...will the...will the sponsor yield?

PRESIDENT:

Sponsor indicates he'll yield, Senator Sangmeister.

SENATOR SANGMEISTER:

Yeah, Senator Lemke, what...is this the bill with the...with the Statute of Limitations extended in it?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

Yeah, this extends it. The...the bill we had in committee was three years, this extends it two years from the date the minor reaches age. We went through the...majority...we went through the...question in regards to limiting that and we were afraid there might be a constitutional question in regards to the provision of limiting minors that have children out of wedlock.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, so we don't get into a lot of further discussion, I...as you know, I raised the question before on this bill and...and things have not changed. In other words, you still got the extended, as I call it, the extended Statute of Limitations two years after the minor reaches majority he can bring a paternity action...in that...in that case, I'd like to briefly speak to the bill, Mr. President.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Once again, I understand the importance of this kind of legislation, but I think you ought to take into consideration here, once again, the fact that you may have a...a young man who becomes involved with a girl at a...at an age when he's eighteen or nineteen years old, and long after that experience is over and he's happily married and got two or three children of his own, out of his past of ten or fifteen years

ago, some sheriff is going to knock at the door and serve him with paternity papers and could possibly disrupt now what has been a...a good marriage. It's a...it's a risk that I just wonder whether it's worth taking. The...the bill has good merits and it's...its idea is sound, but it still leaves open that one point where you're trying to do one thing on one side and you may be destroying a very happy marriage. I think you better take a careful look at this.

PRESIDENT:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, Mr. President. As much as I appreciate the comments of my colleague on the other side, and...and I think I vote with him probably ninety-nine percent of the time, I happen to disagree with what he is saying on this particular issue. What we are talking about are the rights of the child which we seem to have always forgotten in the past. I have three sons. I...I don't know what they did in their younger days and, frankly, I'm not sure that I would want to; but if the time ever came when somebody came to them and said, I am your child and you are responsible for me, I would certainly hope that my children would be man enough to admit their mistake and take the responsibility and that they would be married to women who would realize that these things do happen and that if there is a child involved, it is the responsibility of that man to take that responsibility to support them, to nurture them and to take care of them. I don't see that this is any kind of a...a situation that we should even...ourselves of.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President. I rise in support of this legislation. It is unusual that Senator Lenke, I think, put

forth the piece of legislation in relationship to parenting that is as good and I think as fair as this legislation. This...legislation has been worked on by a lot of different people, they've had input, and I'm a little surprised at my colleague who feels that we should not pass this legislation simply because it may at some point make a young man, in later life, who has made a mistake and who has caused a lot of hardship to a young lady at a early age of life, but yet he has grown up and now has a family and doing well and that we should not bother to embarrass him by allowing his own son to come and say that you are my father, and I think it is a good piece of legislation, and I would ask for your support.

PRESIDENT:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well, I...thank you, very much, Mr. President and members of the Senate. I do think people ought to listen up. This is a very important piece of legislation. This legislation extends the Statute of Limitation for these paternity actions effectively eighteen years...eighteen years. Right now the Statute of Limitation is three years. This extends it eighteen more years. Now if that isn't a major, major, drastic change in the law which could have unbelievable far-reaching limitations, then I don't know what is, and I know that the sponsor of this legislation talked about his fear of constitutional problems in limiting that. Well, the sponsor hasn't been afraid of constitutional problems in the right to life legislation, so I really wouldn't...I wouldn't worry about the constitutional problems. This language can be changed and could be limited, and to make a change like this, I just think that everybody in this Body ought to know what you're doing, and Senator Sangmeister brought up a very good point about eighteen years later in life someone's going to have a...be happily married and have two or three or four

kids, and all of a sudden he's going to get a knock on the door. Now we have a three year Statute of Limitations now and that's been working fine, and if we want to make some changes, that may be okay too; but making a change of eighteen years, and that's what this bill does, you'd better take a hard look at it and take a look at what the ramifications are.

PRESIDENT:

Further discussion? Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

I apologize, Mr. President and Ladies and Gentlemen of the Senate, for speaking a second time, but I would like to remind my colleague on the other side that in an accident case a minor has until he obtains majority and at eighteen years of age and I think a year or two after to file suit. Now this is no different. We're thinking about the young man who causes the damage, but what...what about thinking about the child who didn't even ask to come into the world. Someone has to protect that child and that's what this bill does, and I still speak in favor of it.

PRESIDENT:

Further discussion? Senator Lemke, you wish to...Senator Lemke, you wish to close?

SENATOR LEMKE:

There's a lot of questions in regards to putting together a new Parentage Act, but right now the brilliancy of some appellate court justices ruled the Statute of Limitation in Illinois unconstitutional. Therefore, under...since the Act was passed prior to...in 1970 and there was no joint inseverable clause in there, right now, technically, the State of Illinois has no Paternity Act. We can thank the Women's Bar Association and the appellate court judge for this great work going beyond the case fact and trying to make

law which...they couldn't wait for the Legislature. Right now we're trying to...to do something to at least establish a Parentage Act, and we have tried to look into the problems of the situation of minors. Aldo says, boys will be boys; but let me tell you something, Earlean, girls are more instrumental in getting young boys in trouble than...boys. It's a proven fact that...it's a proven fact that boys are less mature until they become older, so let's not talk silly and talk in a biasedness. This is a problem we have and we're trying to work it out. I'm sure that the bill now is in fairly good shape and I think there may need to be some amendments, but as it is now, we have no question except to pass it in the Senate, and I'm...I will assure you that we have been constantly working with the parties to put things together and to put together a good bill; and as long as we have this bill alive and keep plugging them and putting the forces of good and evil together, I'm sure that we will have a good Paternity Act in the State of Illinois, and right now I think it's in good shape. If you question the Statute of Limitations, that isn't my decision to extend it, that was the decision of the Appellate Court Justices in Illinois. So, I would assure you that we should pass this Act so at least we have some kind of Paternity Act in the State of Illinois. I ask for a favorable roll call.

PRESIDENT:

Question is, shall Senate Bill 1179 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 40 Ayes, 1 Nay, 8 voting Present. Senate Bill 1179 having received the required constitutional majority is declared passed. Senator Euzbee on 1217. Senator Schaffer on...Senator DeAngelis, for what purpose do you arise?

AB 1381
3rd Reading

SENATOR DeANGELIS:

Point of personal privilege, Mr. President.

PRESIDENT:

State your point, sir.

SENATOR DeANGELIS:

In the gallery, on the right side of the Chamber, from Beecher, Illinois, we have the Zion Lutheran School grades seven and eight being shepherded by Mr. Art Elcom. I'd like to have them stand and be recognized.

PRESIDENT:

Will our guests please stand and be recognized. Welcome to Springfield. On the Order of Senate Bills 3rd Reading, Senate Bill 1381, Senator Schaffer. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1381.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFER:

Mr. President and members of the Senate, Senate Bill 1381 undoes the problem that we created last year when we passed the Chain-of-Lakes-Fox River Water Management Agency. We provided for a March referendum in a bill that did not legally take effect until July 1 of this year. What 1381 does is shift that referendum to the November election and then provide for the first set of officers, if the people vote to create the agency, to be elected in the following April. There are also some cleanup language and...and the...I should point out in the last amendment any reference to the Chain-of-Lakes Commission has been stricken. The bill no longer addresses that in any way, shape or form. It simply would allow us to hold that referendum in November. I

SB 1382
3rd reading

know of no opposition, and would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1381 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are...the Ayes are 53, the Nays are none, none voting Present. Senate Bill 1381 having received the required constitutional majority is declared passed. WCIA-TV requests permission to videotape today's Senate proceedings. Is leave granted? Leave is granted. Order of 3rd Reading, Senate Bill 1382, Senator Rock. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1382.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank...thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1382 creates the Illinois Nuclear Materials Railroad Transportation Act of 1984, and as amended what it says essentially is that there shall not be any shipments into the State of Illinois of spent nuclear fuel unless a permit is first gotten from the Illinois Commerce Commission. As I'm sure you're aware, last August the Senate Committee on Agriculture, Conservation and Energy having learned that a court in New York and a company in Nebraska were prepared and...to ship spent nuclear fuel back to a plant in Morris, Illinois, there was some legitimate concern as to the proper safety precautions and, in fact, the members

of this Senate examined the rail bed, examined some of the trestles over which the train was suppose to go, talked about the transportation by truck and what highways were to be utilized and there was some real concern expressed, and it became pretty obvious to those of us who sat in that hearing and were involved in subsequent discussions about this issue that, in fact, our safety precautions in the interest of the public safety of the people of this State, frankly, left something to be desired. We are no longer in a position constitutionally to ban these kinds of importations, to ban these shipments because the court has found that that is not in the best interest of interstate commerce; so we're going to have to live with the fact that over the next probably ten years and beyond, more than two hundred tons of this spent nuclear waste are coming back to Illinois, and it seems to me at the very least in the interest of public safety, we ought to provide a mechanism whereby we can ensure on behalf of this State Government that this stuff will be transported by rail or by truck in the safest possible manner. That's all this bill does. It is not an attempt to ban shipments because we are not in a position to ban shipments, but it provides an orderly, reasonable mechanism, a permitting process under the care and control of the Illinois Commerce Commission. The bill has been substantially amended to answer some of the objections about a time frame, but I think...it's as reasonable as can be if, in fact, we want to ensure, and since the hearing started, and since we were in committee, it's been pointed out that there are more nuclear waste shipments coming to this State in the future. The testimony about the shipments from Nebraska indicate that five or six times a year for the next five or six years more than two hundred tons of spent nuclear fuel will be returned to Illinois; and all this bill says is, we recognize that, we understand the contractual agreement, just do it in a safe manner.

I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Bigney.

SENATOR BIGNEY:

Well, Mr. President and Ladies and Gentlemen of the Senate, I think Senator Bock is certainly right when he says that the legislation as it now stands has been significantly altered from the way that was introduced. There was a lot of concern on our side of the aisle with the original legislation that we not only would have regulated this shipment but the net effect, I guess, probably would have been almost to prohibit any type of movement of...of fuel rods into the State of Illinois. We felt that this was rather unreasonable in the way it was proposed but now it has been amended substantially. About the only thing I guess I would say by way of comment other than this is to point out that we have had at least one case on this subject in which Judge Polsner stated near the end of the opinion the following, that that analysis of the structure and legislative history of the Atomic Energy Act compels the conclusion that the Atomic Energy Act equally preempts State regulation of the storage and shipment for storage, interstate and intrastate alike, of spent nuclear fuel. So, I guess maybe we're still not a hundred percent sure just what the court might say about legislation of this kind. Perhaps we still are on somewhat shaky ground constitutionally with this type of a...of a bill, but as far as we're concerned on our side, I think basically the legislation is now much more reasonable and I think it's probably worthy of our support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Gec-Karis.

SENATOR GEC-KARIS:

Would the sponsor yield for a question, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

The Amendment 2, is that the only amendment that's on now?

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Rock.

SENATOR ROCK:

No, there was a third amendment but it was...really of a technical nature. Amendment 2 is...is...

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right, Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I rise in support of this bill. I think its time has come and I've had many queries on it from back home.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right, further discussion? Senator Joyce...Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I rise in support of this legislation and I...I think I agree with Senator Rock that it's a...this legislation is...is pared down as...as much as it can be pared down. I...I hope that it does the job. I hope that the permits required in this legislation are...are adhered to by the Commerce Commission. Senator Rock mentioned that several...some members of this General Assembly have ridden over the rail lines that this is...where this comes into. I...I think the one...one thing that should be noted here is the bridge that this...where this rail line goes over the Illinois River was built in 1895. It would scare you to look at it, let alone traverse it. Just...in the not to distant past, a barge...tug pulling...pushing barges down the Illinois River ran into the bridge. It was...they gave the signal for them to raise the...the bridge

and it didn't raise and they were...that tug was awarded ten thousand dollars. So, it...it is just, you know, it's...it's a risky business to say the least, and I think this is the...the best we can do with...with what we've got. So, I would certainly urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right,...further discussion? Senator Hudson.

SENATOR HUDSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Hudson.

SENATOR HUDSON:

Senator Rock, the analysis that I have here, and I...I'm inclined to think it's in error in light of what you've said, but it indicates that the clear intention of the bill is to stop completely the transportation of spent fuel rods through the State. Now I think you've said that that is not the intention, taken care of by amendments I suppose that have been mentioned, but I would like your reaffirmation that what we're attempting to do here is...is what you say it is and I have no reason to believe otherwise, but would you respond to that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Yes, that is not the intention and although that allegation has been proffered by some who are in opposition to this bill, the fact of the matter is, as you'll recall, Senator Joyce and I passed a bill which banned these shipments unless there was a reciprocal agreement from the shipping state and the court held that to be unconstitutional, the ban. This is not a ban, this is a recognition of the fact that the folks at GE have, in fact, contractual relationships with companies

AB 1424
3rd reading

that are going to ship this stuff back. All we're saying is, we recognize that. We just want to make sure it's done safely.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Lechowicz. Senator Lechowicz.

SENATOR LECHOWICZ:

Move the previous question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz has moved the...the previous question and there are no further speakers. Senator Rock may close.

SENATOR ROCK:

Thank you. I would urge an affirmative roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1382 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, none voting Present. Senate Bill 1382 having received the required constitutional majority is declared passed. 1424, Senator Netsch. On the Order of 3rd Reading, bottom of page 5, is Senate Bill 1424. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1424.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 1424 is the so-called clean-up bill that we promised everyone we would enact before the new rewrite of the sex offenses becomes effective on July 1 of this year. As you recall when we passed House

Bill 606 last year, we gave it an effective date of July 1, so that if there were any corrections or revisions to be made, we would have time to do it before the effective date. This bill is that response. The original bill was sent out to every state's attorney in the State of Illinois, to numerous judges and a variety of others. It was looked over by bar associations, everyone else under the sun, and to be perfectly honest, we did not get very many responses back. Those that we did have been carefully reviewed and there were several good suggestions, some of them simply clarifying; in one or two cases, substantive, and they are all incorporated in Senate Bill 1424. I have circulated not only a copy of the amendment but also a summary of the amendments. I will not go through every single one of them but to point out only a couple of things. Number one, we did change somewhat the offenses with respect to sexual relationships within a family. That...we had left out...not actually deliberately, we had left out one part of it involving adults in a...what we use to call an incestuous relationship. There were several of the state's attorneys who thought that that ought to be reincluded and so we have recast those provisions to make sure that that is included. In the definition of force or threat of force, we removed the word "physical," again, at the suggestion of some of the state's attorneys. That became necessary because the Governor's amendatory veto had eliminated the word "coercion" which otherwise would have taken care of that problem. Again, at the request of several, we changed a knowing...or "effective consent" to "knowing consent." We did plug the hole that had been created by the Governor's amendatory veto. We had made clear that the thirty-day reporting requirement applied only in the case of spousal rape, not other offenses in the Act, and we did find the one thing that apparently is going to make the state's attorney particularly happy; we made it clear that the use of

the word "rape" or any derivative thereof is not going to...be inadmissable in the course of a...of a lawsuit. So, I think with those relatively few changes, we have cleaned up House Bill 606. It is in great shape and I see Prescott Bloom waving the white flag. I trust there are no questions and I commend it to your attention.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Is there any discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Well, if you'll wave the flag, I'll sit down. I just briefly wanted to say that...if you agree with what we did last year or not, you have to agree with this, this is the clean up. So, let's put it on and move it.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Further discussion? Senator Bloom.

SENATOR BLOOM:

Well, Senator Sangmeister,...Lawn, I surrender, but the word "rape" is in there, so I don't want to tell you, I told you so, but I told you so. Let's move this out.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right, further discussion? Senator Netsch, do you...don't wish to close, do you? The question is, shall Senate Bill 1424 pass. Those in favor vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 1424 having received the required constitutional majority is declared passed. Page 6, Senate Bill 1456, Senator Egan. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1456.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. This is a request from the State Treasurer Donnewald to streamline the operation of his office. Currently, the Comptroller and the Treasurer both compute the interest and principal on bonds, something that is...duplicative, and so we are trying to streamline the operation. The request that this bill presents is that the Treasurer no longer has to do that, and with the amendment, the Comptroller would certify that computation to the Treasurer for his records, and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 1456 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 1456 having received the required constitutional majority is declared passed. 1457, Senator Egan. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1457.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. Likewise, this is a streamlining bill for the State Treasurer's Office. Currently, the law requires that he notify the...lending institutions of the...the bidding proc-

SB 1470
2nd Reading

ess on the request for deposits, but as you all know, the cash flow situation for the past few years has been such that the procedure is really fruitless. So that this will allow the Treasurer to post his bidding notices when there is sufficient money in the treasury; and, again, it was at the request of the Auditor General that he do this, so that I'm asking the same thing of you for favorable consideration for the Treasurer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 1457 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1457 having received the required constitutional majority is declared passed. 1470, Senator Egan. On the Order of 3rd Reading, Senate Bill 1470. Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 1470.

(Secretary reads title of bill)

3rd reading of the Bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. Senate Bill 1470 is a restoration of the Statute that required that institutions of higher learning be limited in their retail sales outlets to some degree. That law passed in the...the late '60's was held unconstitutional in a court test because of a technical error in its passage through the General Assembly. At one point there was an error made by the Enrolling and Engrossing. The technical mistake found its way to the Supreme Court who said that because of that

technical mistake, the law should be held unconstitutional. This restores that the four corners on the...on the retail sales ability of...of higher...higher institutions...higher learning institutions. We've debated the matter. I think everyone is familiar with it. Be happy to answer any questions; if not, why, Mr. President and members of the Senate, I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Maitland.

SENATOR MAITLAND:

Well, thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. The merits of Senate Bill 1470 have been discussed for several weeks around...around this Chamber and there are a number of us that have some...some concerns about what the intent of the legislation happens to be. I believe that Senator Egan has truly represented correctly the chronological events of the 1967 Act, but I want to explain to the Body that things are simply not the same as they were back in...in 1967, first of all. As you may or may not know, the student unions in this State can no longer be paid for...or the operation of those student unions can no longer be paid for by appropriated funds. That was not the case in 1967. As a matter of fact, the Legislative Audit Commission has said that...that the operating costs are...are to be paid for by student fees, not appropriated funds. So those student unions have to stand on their own or the revenue generated by that union. It's a fact of life. As a consequence of that, all of the universities has set about the task of generating revenue either through student fees or through some other source to pay the operating costs of those unions. If one were to look at the University of Illinois, for example, it's a minimal and they have numerous stores operated by the university within the union, and there has been some objection to that concept. The university that

happens to reside in my district, Illinois State University, has chosen to go in a bit different direction and have leased out space to entrepreneurs from the community on a competitive bid basis and have awarded to the highest bidder space for them to sell various and sundry items to people who attend the university. Now, this is providing an environment where items are sold to students in close proximity to where they live. It has provided an environment where along with student fees the expenses can be met for that union building. I'm told by the sponsor and others that Senate Bill 1470 does not attempt to negate those kinds of contracts. My concern is, as I discussed with Senator DeAngelis the other day and, in fact, tried to amend the bill, to take out the language that says,...refers to the date of January 1, 1980. I believe clearly the Supreme Court ruled correctly and there was, in fact, no prohibition. It would seem to me that the bill would be much better received if the date, January 1, 1980, was take out and that date, in fact, became the same as the date of the enactment of the law, but the sponsors chose not to do that and that's...that's their...that's their right. We do have concern then with regard to how this affects Illinois State University and, Senator Egan, I...I want to ask of you a couple of questions that were discussed in...in the committee hearing and I understand are...are...of concern to us and I'd like to...to get your response to...to the two questions. Number one, will the legislation as amended prohibit the universities, meaning all of the universities, from continuing a lease arrangement with private businesses entered into prior to the...enactment of this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator...sponsor indicates he will yield. Senator Maitland, your time has expired. Senator Egan.

SENATOR EGAN:

If...now here's what it says, Senator, and I'm not the

Supreme Court, but it's my opinion that those can continue if they meet the...the four corners of the bill. This Act does not prohibit the sale by such an institution or on such property of...property of items commonly sold by such institutions, including but not limited to books, food, beverage and items connected with research studies or courses offered. That's the original bill. It was, in my opinion, improved upon by adding the words, "significant level of general competition with private retail merchants." So, you've got to be more specific. You've got to ask me specifically what they're going to sell differently than what they're selling now. If what they're selling now is what they sell under you question, the answer that I would give you is, yes, they can do that, and we're not trying to limit that sale.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

The answer is, yes, those contracts that are now enforced, they can continue to operate assuming that they sell the items that are...that were...that were sold prior to January 1, 1980. Okay. I appreciate that. The second question, will the legislation as amended prohibit Illinois State University or any of the universities from entering into lease arrangements with private businesses if those leases are granted on a competitive bid basis?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Well, is that any different than what they're doing now?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

That is exactly what they're doing now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...Senator Egan.

SENATOR EGAN:

As I read the bill, Senator, then they can continue to do that. That is the intention.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

All right. The legislation now...now states that a...a substantial...as soon as I find it, the copy of the bill...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Maitland, perhaps we could...

SENATOR MAITLAND:

...as I understand the legislation, the words "a substantial level of competition," which addresses the issues that...that...that you discussed, if it can be...if it can be found that a substantial...that they are more than a substantial level of competition, then they would be outlawed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Well, it's...the language is, "a significant level of general competition," and that was the agreed upon language that we amended the bill to its present form. Property held or leased for the use of the institution, when such an operation can reasonably be expected to be in a significant level of general competition with.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Maitland.

SENATOR MAITLAND:

Okay, but...but...as I read the bill, that part of it would permit the lease arrangements or the sale of...of virtually any product, because later on in the bill, then, it says, "This does not prohibit the sale by such an institution or on such property of items commonly sold by such insti-

tutions including but not limited to books, food, beverages, items connected with the operation of the institution or items sold before January 1, 1980." Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator Egan.

SENATOR EGAN:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Maitland.

SENATOR MAITLAND:

Then...then you are agreeing with me that we are...there are two different parts. The first part means that...that items can be sold as long as they don't create more than a substantial level of competition with the private sector on the outside.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Egan.

SENATOR EGAN:

Well, that's what it says, a significant level.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator Maitland. Senator...Senator Maitland.

SENATOR MAITLAND:

Okay and I agree. As long as they are not creating more than a substantial level of competition, any items can be sold under those lease arrangements within the student union.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Egan.

SENATOR EGAN:

Well...as long as they don't constitute a significant level of general competition.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator Maitland, your time has expired three times, but we've been very...Senator Maitland.

SENATOR MAITLAND:

Well...well, thank you, Mr. President. I apologize for the length, but those are the...the...the bill is a bit confusing and I wanted to get those...those answers into the record because it's extremely important to a number of the universities around this State.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further...further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I rise in support as the hyphenated sponsor of Senate Bill 1570. This bill has attracted more heat than a sidewinder missile, and I don't know for what reason. It was determined as a public policy of the State of Illinois back in 1967 that the boards of higher learning were primarily engaged in education, and along with that they were permitted, in fact, to engage in that commerce which was essential to carrying out some of the things on campuses and provide some services to those groups. Nowhere was it ever intended that the universities engage in competitive activity that drove merchants from their own community who, in fact, provided a certain amount of the funding for those institutions out of business; and, Senator Maitland, the reason that the language is so specifically ambiguous is not to drive them out of business, because if it were put in so tightly, you are correct, many of those universities would not be allowed to do that, but the real test of this bill is whether they're putting somebody out of business. Now if they happen to be an institution sitting out in the prairie and there are no services, they can do anything they want to, and I don't think restricting this bill is going to help the people you're trying to help; in fact, it's going to hurt them, and the real test is that they have to be...and the burden of proof rests upon the merchant not upon them. You also go to the Board of Higher Ed. They determine first, the governing board, whether they want to do it or

not, and I have to tell you, I'm a little distressed at some of the demagoguery by...on part of the universities because they led students to believe that this bill would shut down their student unions which is absolutely incorrect; that it would shut down their bookstores, which is absolutely incorrect, and they hyped up a bunch of students to get them down here to tell us that we were hurting them, and I have to tell you, there was no intention to do that. So the bill was written for the reason to allow the universities as much leeway, but also don't put the merchants out of business in your own community.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Further discussion? Further discussion? Senator Egan may close.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. Just one added comment, Senator Maitland, to alleviate any anxieties that you might have. In addition to those exemptions which are carved out in general language, specifically books, food, beverages, items connected with the operation of the institution are specifically exempt. Now that covers just about everything but that isn't all that is exempt. In addition to that...there are other matters that pertain to the first clause in the bill so that...I think that what we're trying to do is establish the status quo to the satisfaction of everyone. I think we've done that and I'm hoping to do that with you, Senator, and I commend this bill to your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Question is, shall Senate Bill 1470 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Senator Vadalabene. Senator Sam. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On

*SB 1521
3rd Reading*

that question, the Ayes are 51, the Nays are 1, 1...none voting Present. Senate Bill 1470 having received the required constitutional majority is declared passed. Senate Bill 1478, Senator Philip. Senate Bill 1521, Senator Netsch. Read the bill, Mr. Secretary, please. Middle of page 6, Senate Bill 1521, Order of 3rd Reading.

SECRETARY:

Senate Bill 1521.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right, could we break up the conferences, please. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 1521 is the bill that your financial lobbyists have been bugging you about for the last few weeks, so you might be interested in paying attention to it. Some of what they have been telling you about the bill is...is not really an accurate reflection of what is now in it. So, let me briefly tell you what the bill, in fact, does. It is designed to help those people, basically, who lost their jobs or got underemployed as a result of the recent recession and to have a chance of getting back on their feet to retain their homes even though they are not able fully to meet their mortgage payments at this moment. As some of you know, Illinois has the highest default record in the State of Illinois on home mortgages, and I believe it's currently running at the second highest foreclosure rate. It is a major, major problem for this State and for all of our communities. I think as many of you know when people begin to lose their homes because they've lost their jobs due to a recession, which was certainly beyond their control, that it not only substantially affects the stability of that particular family and adds an added

burden which they certainly don't need at that moment, but that it also affects the stability of a community, and all of us have heard that from our own communities. What we are saying is that in the case of a number of those people, not a huge number but a fairly significant number, the fact that their mortgages are going into default is totally beyond their control. It relates to the change in their employment condition that for the sake of their families and their communities we ought to give them a chance to hang onto those homes until they can get themselves back on their feet, and so what we have provided is a program that says that...that when a...a mortgagee is preparing to declare foreclosure on a residential mortgage that a notice will be sent to the mortgagor. The notice will tell the mortgagor of his various rights under the Act. The...one of those is that he may consult with a credit counselling agency, and they exist, incidentally, already throughout the State of Illinois, and the credit counselling agency can convene a meeting of the mortgagor, the mortgagee and the counselling agency itself and attempt to work out a payment schedule. If that happens, and our guess is that it will happen in a fair number of cases based on the experience that HUD has had in a comparable program, fine, then that...that program will proceed, that repayment program. If they cannot work it out because there isn't quite enough family income at that moment, then the mortgagor may apply to DCCA, the Department of Community Affairs, for financial assistance and basically what the assistance consists of is the difference between thirty-five percent of that family's household income and the monthly mortgage payment requirement. That is the amount that will be made up by DCCA, but only if that person qualifies under the fairly stringent eligibility qualifications that are set out in the Act. If they...if they do qualify, if they are entitled to participate in the financial assistance program,

it exists for a maximum of three years and the money that is...made up by the State has to be repaid pursuant to a financial plan that continues obviously beyond the three years and until the amount that is in effect borrowed from the State is repaid. It is what I call our modern counterpart to the mortgage relief that was passed back during what we lovingly call the great depression. At that time when lots of people were going into default, many states passed moratorium legislation; that is, they actually postponed payment obligations and foreclosure rights in residential mortgages. We think it probably is not a good idea to do that, that we ought to make sure that the financial institutions do, in fact, get the money to which they were entitled under the mortgage instruments. It is for that reason that we provide the financial assistance rather...than attempting to have a...a moratorium piece of legislation. I would like to make one point very clear. One of the things that you have been told is that this would hold up the process for months and months and months. That is absolutely untrue. As the bill is amended, there is no stay at all in the bill until the moment that the mortgagee meets with the credit counselling agent. There is then a maximum of thirty days during which they have a chance to work out that financial arrangement, a maximum of thirty additional days if they do apply to DCCA. All of this takes place within a period of time where there already is a statutory ninety-day cure period, so that there is not going to be any delay in legal action unless the mortgagee chooses to do that. For that reason, there will be, in my judgment, absolutely no affect on the secondary market. We are dealing with only a handful of mortgages, and if...if that is enough to destroy the secondary market for Illinois...mortgages, then we are all in bad shape to begin with. It is a simple bill. It is directed toward a very serious problem for all of our commun-

ities.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Ladies and Gentlemen, I wish to announce that the timer is on. Further discussion? Senator Weaver.

SENATOR WEAVER:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Weaver.

SENATOR WEAVER:

Senator Netsch, does this bill apply to FHA mortgages?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

No, it does not. There are two reasons why we did not apply it. For one thing, FHA mortgages are on an average only ten percent or less of the entire mortgage...portfolio in any given area; and secondly, there already is in...in place and has been since 1976 a program of relief for people who have FHA guaranteed mortgages which are going into default. It's...it's...takes a different form from our program but HUD, the Federal Department of Housing, has provided mortgage relief for defaulters on FHA mortgages since 1976, and my understanding is about thirty thousand families in the country have been helped by that program. So, we felt because of that program and because of the fact that FHA mortgages are a smaller proportion of the total portfolio that it was not necessary to cover them in this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Weaver, half of your time has expired. Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. We'll expire the other half very quickly. I just want to make this statement, Senator Netsch, that the greatest area of default are in the...or the

FHA mortgages, so I'm...I'm not sure that we're really helping the people we're trying to help.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. This measure when it came before our committee probably received...the Committee on Finance and Credit Regulation received, I think the sponsor will admit, a...a really fair hearing. We probably spent more time on it that morning than any other bill. Albeit, there have been amendments made to the...to the bill that may have helped it. I still believe that, in general, this is a questionable policy for the State of Illinois. We are, I think, breaking new ground here in that we are introducing the State of Illinois into the mortgage lending business. Now, I have a great deal of respect for the sponsor of this bill, but she indicates the affect on the secondary mortgage market would be minimal...would be miniscule. I still believe that the affect on the secondary market would tend to flatten out in that we have the intermediation of...of DCCA, we're introducing the State of Illinois into the whole process. I think the net result will be to tend to flatten out the attractiveness of the secondary market to these money lenders; therefore, I think we will depress that market, and I don't think that that's in the best interest of making mortgage money available to the greatest number of people. I think what we're going to see is this money tend to diminish, interest rates go up and we will be doing the opposite of what perhaps we are intending to do here. I would suggest, too, that we talk about start-up costs. There is a cost to this program and I think the sponsor indicates five to six million dollars. Now they've tried this in Pennsylvania. They started off saying it would only cost five to six million dollars...billion...million dollars...five million

dollars, and in Pennsylvania the experience has been that the costs are way above that, forty to...as a matter of fact, forty to fifty million. The costs have gone up so much that they have not even been able to fully implement the program, so we don't know what the record of success in Pennsylvania is, and here in Illinois we're going to tap into the lottery, by the way. The good old lottery will once again come riding to the rescue, and we're going to borrow five million dollars from the Illinois lottery, if they will loan it to us. I don't know whether they will or not, but that's the financing behind this proposed bill. I think it's questionable, and I would urge, Ladies and Gentlemen and my colleagues of the Senate, to consider seriously a No vote on this measure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Etheredge.

SENATOR ETHEREDGE:

Senator Netsch, does not this bill raise the potential for extending the period of time required for foreclosure action by an additional thirty days or sixty days?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

No, I think it does not. We have not in any way affected the right to begin foreclosure except for a maximum of sixty days. There is already in the Illinois Statutes a requirement that for ninety days after foreclosure is commenced, the mortgagor has what is usually referred to as a cure period. That is, they have the right to come back and...and redo it at that point in...in any event. So that we are actually within that time frame. We are also within the time frame, in

fact, considerably less, that every financial institution says even in, you know, the pink sheet that they've been passing out to you is their own voluntary period. They say...they say nine payments they will allow to go by the board before they will start doing anything. We are way within that period of time. I think you should also understand that one of the things that the bill does is it says that anyone who does go into the...the assistance program, totally waives their statutory right of redemption for the three-year period that the assistance would presumably be available. So, if you add all of those things together, I think I can honestly say that we not only have not prolonged the period but in many respects...respects we've probably contracted it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Well, I...I appreciate that clarification, and nevertheless, I continue to share the same concern expressed by Senator Hudson in...in...in that this enactment could very well have the impact...have a negative impact on the sellability of our mortgages...saleability of our mortgages on the secondary market. Now that's important for two reasons. If we do negatively affect our...the secondary...market, what we're going to end up doing is increasing the interest rates that all mortgagors, all homeowners, all of those that have mortgages have to pay in order to get a mortgage, and I don't think that we want to do that. The other thing that we're going to be doing is to make those lending institutions take a...a very hard look at all of those people that might be close to the...close to the edge in terms of whether they will be lent money or not. So, what we're going to be doing is for some of those...some of the people, we're going to be making it impossible for...for them to...to get a mortgage.

I...I would recommend a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members of the Senate, many of the comments I was going to make have already been made by the members on my side of the aisle. I would simply echo those and as well suggest that...that the Department of Commerce and Community Affairs...or neither the Department of Commerce and Community Affairs nor any State agency is equipped to make the kind of financial judgments that lenders...home lenders are traditionally called upon to make, and I think it would be inappropriate for us to impose that kind of responsibility on a government agency. I would also say that in their traditional scheme of things in a foreclosure proceeding, the lenders are not eager to foreclose. It's a very...under Illinois Statutes and in other states, it's a very complicated process and it's expensive for the...for the lender and very rarely do lenders recoup their full costs and expenses in bringing about foreclosure proceedings. Wherever possible, wherever a borrower shows the...the prospect of...of bringing themselves current in their mortgage payments, the lenders are traditionally very accommodating and there's no interest in it for them to foreclose as quickly as possible. Granted there have been victims of the economic downturn. Granted even though the recovery is...is already coming about, there are still people, as there are...always have been, who have been the victims of...of unemployment as this bill is...is now targeted towards, but I...I do think it would...it is not the place of the government to get into the business of being a...a judgment of one's creditworthiness, and I would urge opposition to this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Gec-Karis.

Page 38 - MAY 25, 1984

END OF REEL

REEL #2

SENATOR GEO-KARIS:

Will the sponsor yield for some questions?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

I understand under your bill that this will help a homeowner who is out of a job or is underemployed...by underemployed, do you mean if that homeowner is on a strike?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

No...no.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...

SENATOR NETSCH:

The...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator...Senator Netsch.

SENATOR NETSCH:

...well, just to clarify underemployed. In some cases during the recent recession workers were not totally laid off but they were put on short weeks or short hours. That is what it refers to.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

The second question I have, I understand that...they would have to...the homeowner would have to have at least fifteen percent net equity of the purchase price. So if we say that he paid sixty thousand dollars for his house, fifteen percent would be nine thousand dollars. When I...when

you say fifteen percent of the purchase price, are you saying then that equity...supposing if he has a second mortgage and let's say there's a ten thousand dollar mortgage...second mortgage, and he's already paid nine thousand dollars in equity, but he has a second mortgage of ten thousand, would you be deducting the second mortgage along with the amount due on the first mortgage in order to arrive at his fifteen percent?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

There is no question that that would be taken into account, right.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

And the third question that I have is, if after thirty days notice by the lender of his intention to foreclose, if the mortgagor, the...the defaulting homeowner does not meet with the consumer credit counselling agency approved by the DCCA, then the foreclosure can go ahead. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

That is absolutely correct. There is no stay except measured briefly from the moment that the actual meeting to resolve the nonpayment takes place. So without it, the foreclosure may proceed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I understand then that this program expires in 1987 and the money will be five million dollars which would...should be available from the lottery fund...approved and asked for

by the Department of Economic...what is it, ECCA. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Yes. I think there were a couple of questions there. DCCA would administer the program, that is because they have the...the most comparable types of programs to administer already. There have an energy assistance programs...and I...program, and I think a couple of others so they...that was why it was given to DCCA. The provision for borrowing the fund is in exactly the same language as the Chrysler Loan which also was borrowed from lottery funds. And ultimately, over a period of time, admittedly but ultimately would be repaid.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...Senator Geo-Karis, your time has expired. Senator Geo-Karis.

SENATOR GEO-KARIS:

Just one last comment, if I may. I understand also that the credit history and the assets and the employment record, all of these things can be taken into consideration by the lending institution and by DCCA before any such help is approved. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Not only can be taken into account but must be taken into account. That is correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I've gone over this quite thoroughly and I can tell you, I was the

one who voted to help Chrysler and I'm glad...to see that they did make the mark, and I support this bill under the circumstances. I think we owe it to a homeowner who is trying and has been unemployed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

I rise in support of this legislation. In Rockford in the past few years during the recession, some four thousand five hundred people have fallen off the unemployment rolls. They have had unemployment compensation for awhile, they have used up their savings, they have entered job...retraining programs, and the one thing that they have left is the investment in their home. This bill allows them, if they have monies paid in up to fifteen percent, to hold on a little bit longer. It is basically a middle class bill; a bill for people who have really cared enough to buy, to pay on a home. One boarded-up house in any one of your neighborhoods would so affect the valuation of your own home and the homes around you that your cities, your State would be losing money on property tax values and the kinds of things that would come into the coffers of the State and municipalities if that one home were still on the rolls with people living in it rather than boarded-up windows and grass growing in the yards. It is a temporary measure. In the spirit of the Chrysler loan, in the spirit of the famous GI Bill after the Second World War, it meets the needs of the times for very special people who from...for no fault of their own have become victims of a recession. I am very much in support of this piece of legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch may close.

SENATOR NETSCH:

Thank you, Mr. President. I would like to respond

briefly to a couple of points again. Senator Weaver, there is a very precise reason why FHA loans are excluded. They are, in the first place, a miniscule part of the total mortgage portfolio; as I said, less than ten percent and that is by the Federal Government's own figures. Sure, a lot of them have been in default but they already have a program of relief that is available from HUD, so there was no reason, really, to include them in this program. Secondly, yes, there...there is a cost to this, obviously. It is not over the long-run going to be a net loss; that is, the money is going to be repaid by the mortgagor to the State, and that is a part of the bill and, as a matter of fact, repaid with interest. But there is an up-front cost, obviously; there is not point in saying that there is not. Secondly...or thirdly, on the secondary market, what we are talking about is, first of all, less than two percent of the mortgages ever in...the...the general Statewide portfolio ever go into default. Of those the...the ones that will be affected by this program is an even smaller percentage. We are talking about a relative handful of mortgages. That is not going to affect the secondary market, particularly now that we have removed all of the stay periods except the sixty days which are well within the voluntary period of forbearance that all of the financial institutions tell us they already observe. Finally, let me suggest to you, what we are talking about here is a problem that is very real to all of your communities because almost every one of you has told me that. There are people out of work, they are losing their homes. That is the beginning of...of a destructive influence in a community when people start having their homes foreclosed from under them. No one else has suggested any other approach to this. The savings and loans lobbyists, the banking lobbyists have been scurrying around telling you that this is a horrible idea, nobody should do anything about it.

They have not suggested how we are going to help those people retain their homes. This is not a poor peoples' bill even, this is a middle class bill. What we are talking about are working people, people who worked most of their lives and lost their jobs because of an economic recession beyond their control. What we are saying to them is, we are not going to contribute to your problem, we are going to give you a chance to hang onto your homes until you can get back on your feet. We are helping not just them as individuals, we are helping the stability of their families, we are helping the stability of their communities. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 1521 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 24, the Nays are 29, 1 voting Present. Senate Bill 1521 having failed to receive the required constitutional majority is declared lost. Senate Bill 1524, Senator Coffey. On the Order of 3rd Reading, Senate Bill 1524. Mr. Secretary, read the Bill.

SECRETARY:

Senate Bill 1524.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. Senate Bill 1524 deals with the Motor Vehicle Code in which it would mandate each commercial motor vehicle operated in Illinois display an external motor fuel tax identification device. Presently or currently, commercial motor vehicles must have motor fuel tax identification cards which must be

carried in the truck or in the cab. We have found since passing the motor fuel tax increase last year that we are losing many dollars in revenue, and we're not sure what the projections are but it could be as much as twenty million dollars in revenue lost because many of our interstate truckers are traveling from state to state and filling up either in Wisconsin or Indiana or Missouri. And in Missouri, for instance, there is between ten and twelve cents less on motor fuel tax...between ten and twelve cents motor fuel tax or tax on diesel fuel in Missouri; therefore, they are filling in those states and not filling up in the State of Illinois creating both revenue loss to the Department of Revenue and causing also problems for those gas stations that are at either side of the State and the entrance coming into Illinois. This decal...we have had some controversy with the trucking industry and the Illinois Petroleum Dealers and we'd tried to come to some compromise, and yesterday there was an amendment offered that would move...instead of seven dollars and fifty-cents for this decal, it would be five dollars and that it would be a two-year proposal and it would sunset at the end of two years starting January 1st, 1985, and going till July 1st, 1987. At that time in hopes...presently, the...we...trying to catch these tax cheats, we have a rather difficult problem because we have three people involved in this process. One is the Department of Revenue, the Secretary of State's Office and of course the law enforcement officer. We're hoping in two years that we will be able to...and have asked the Secretary of State in working conjunction with the Department of Revenue been able to put on their computers where they can monitor what now Revenue monitors so they could tell if the motor fuel tax is being paid on those trucks traveling through the State of Illinois. And hopefully in that two years the...presently, the computers will not handle that extra responsibility and within

two years, hopefully, that could be put in line. So...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? The question is, shall Senate Bill 1524 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Senator Vacalabene. Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are none, none voting Present. Senate Bill 1524 having received the required constitutional majority is declared passed. We will now go to page 10...page10, middle of page 10. Senate Bill 1612, Senator Philip. Call the bill...read the Bill, Mr. Secretary.

SECRETARY:

Senate Bill 1612.

(Secretary reads title of Bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1612 as amended creates a civic center...creates some new civic centers by front door referendum. It would...create DuPage County, Sterling. It...in Aurora, it just extends the territory. Would create Collinsville, Niles Township, Schaumburg, Quad Cities, Pekin and Orland Park. If we left anybody out, I don't know who it is. I have tried to accommodate...I'm sorry about that, Mr. President, I didn't know you were interested...I have tried to accommodate just about anybody who had some kind of an interest in his district in a civic center. As you know, the final say-so is left with the Department...DCCA, and of course their funds at this point I think are all used up. I'll be happy to answer any questions. I'd ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1612 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 45, the Nays are 4, 1 voting Present. Senate Bill 1612 having received the required constitutional majority is declared passed. 1645, Senator Berman. Bottom of page 10, Senate Bill 1645. Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 1645.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Senate Bill 1645 adds the volunteers and participants under the Attorney General's Office into the indemnification section of the existing Statute. The existing Statute already covers Department of Corrections and Department of Mental Health and Developmental Disabilities. The amendment that was placed on it...provides that any of these claims for indemnification shall be submitted to the court of claims and they shall make their recommendation to the General Assembly regarding indemnification awards. I'll be glad to respond to any questions. Ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is,...shall 1645 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Senator Sam. Have all voted who wish? Have all

voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1645 having received the required constitutional majority is declared passed. With leave of the Body, the Chair inadvertently skipped 1625. Senate Bill 1625, Senator Maitland wishes that called. Is there leave to return to that...to 1625? Leave is granted. Mr. Secretary, 1625, read the bill.

SECRETARY:

Senate Bill 1625.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1625 addresses the problem that has been created by the court decision in the county of DuPage with regard to the...the right of the counties to retain the interest that accrues on funds prior to the time that they are distributed to the taxing bodies. The challenge to that decision was not...did not in any way affect the...the decision with regard to the prospective nature. Therefore, it is going to be necessary for counties to generate money through some other source to...to...to pay for the cost of collection. Residing now in the Statute is a...is a...is permissive legislation that allows them to levy up to two and a half cents. Senate Bill 1625 will allow the counties to...to levy up to a nickel with a front door referendum. That amendment was placed on the bill yesterday. In addition, it also...it also creates a mechanism by which that money can be...can be distributed back to the...to the taxing bodies. Again, it addresses only the prospective part of the bill; there is other legislation that...that addresses another part of that, but I think it's...it's necessary

legislation and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1625 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are none, none voting Present. Senate Bill 1625 having received the required constitutional majority is declared passed. Senate bill 1655, Senator Rock. The bottom of page 10, Senate Bill 1655. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1655.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1655 is the proposed Intergovernmental Missing Child Recovery Act. Happily, the 25th day of May, today, by Presidential Declaration is the third annual Missing Children's Day. So that the whole nation is on alert that this is a problem, and this bill attempts to put Illinois once again in the forefront of the recovery of missing children. The Department of Law Enforcement indicates that we have some thirteen...last year had some thirteen thousand missing youngsters in our State. But this bill will do two things essentially; it sets up intergovernmental eye search units to immediately respond to reports that are to be reported immediately of missing or abducted children; and secondly, at the request of the...Illinois Department of Law Enforcement we have provided the mechanism to allow these

local police agencies and governmental units access to the law enforcement data service, the lead system, which in turn is connected with the FBI national computer. And so, hopefully, we will be in a position to share Statewide information from even the national source to help in the immediate recovery of these youngsters. The Governor and the Department of Law Enforcement are now squarely behind this bill, and I would urge a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 1655 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1655 having received the required constitutional majority is declared passed. Top of page 11, Senate Bill 1659, Senator Lechowicz. Senator Lechowicz, at the top of page 11, Senate Bill 1659. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1659.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1659 would allow cities, towns or counties to appropriate funds to charitable organizations to assist runaway youths and have the ability to reunite them with their families. This legislation is important because it will encourage those most devoted and dedicated to handling the problems of runaway youths or local public service organizations giving them a vehicle for local financial sup-

port. I encourage your support for Senate Bill 1659.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall Senate Bill 1659 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill...1659 having received the required constitutional majority is declared passed. Senator Marovitz on 1725. On the Order of Senate Bills 3rd Reading is Senate Bill 1725. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1725.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 1725 is the Crime Victims Bill of Rights, and the purpose of the bill is really embodied in Section 2 of the bill itself. The purpose of the Act is to ensure the fair and compassionate treatment of victims and witnesses of violent crime and to increase the effectiveness of the criminal justice system by affording certain basic rights and consideration to the victims and witnesses of violent crimes who are essential to prosecution. Via this legislation the victims and family members of violent crimes have the right to be notified of the filing of information or the return of an indictment when bail has been granted and the conditions of such bail, the day, time and place of a guilty plea or a sentencing hearing; the...the disposition terminating proceedings with respect to the defendant's

guilt, the sentencing of defendant to probation, conditional discharge; defendant's final discharge from incarceration, if the defendant was committed to a mental institution and...and subsequent discharge, any disposition terminating proceedings and the right to have stolen personal property returned as promptly as possible, employer intercession services to ensure that the victims will be able to cooperate with the criminal justice system, victims or witnesses have a right to,...and this is a very important part of the legislation...a victim or witness has a right to present a victim impact statement on the impact which the defendant's criminal conduct has had upon the victim or the family of the victim. Such statements of fact shall be entered on the record and the court shall consider such statement in imposing the sentence. These...these statements, impact statements, are given to the court prior to sentencing and are done in conjunction with the state's attorney's office of the county in which the trial is being held, and that amendment was put on the legislation and was drafted in conjunction with the State's Attorneys Association so that that victim impact system would be done in conjunction with the state's attorney of the county. It also establishes the Senior Citizen Abuse and Neglect Act so that we would have reporting of suspected cases of abuses and neglect of senior citizens and help to get them the kind of services that they need throughout the State of Illinois. I solicit your Aye vote on this important legislation.

PRESIDENT:

Discussion? Any discussion? Senator Farkhausen.

SENATOR FARKHAUSEN:

Question of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator Farkhausen.

SENATOR FARKHAUSEN:

Senator Marovitz, I'm all for the bill. As you may recall, in the committee I raised a question with you and Attorney General Hartigan as to the meaning which I thought was somewhat potentially vague of appropriate employer intercession services. And I...I don't really expect you to be able to...to answer right here what that means, but I...I wondered whether you would give or maybe the House sponsor would give any further thought to clarifying what...what are the duties that ought to be imposed on an employer in guaranteeing the rights of a victim?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

I would be happy to do that. We did add an amendment...that you and several members of the committee had several other questions about whose duty was to do what in the legislation to inform the victims of certain things. And we added amendment, I believe it's Amendment 3, which did clarify who specifically was to do all the things in the bill where the victims would be notified and the family members would be notified. We did clarify all of those things. I think you're right about that, we do need to tighten up the fact as to what kind of employment intercession services are available, and I pledge to hold the bill and work with you just to do that.

PRESIDENT:

Senator Earkhausen.

SENATOR EARKHAUSEN:

I...I also suggested that some thought might be given to...to requiring employers to give time off, certainly to victims, and...and also I think potentially to witnesses called upon to...to testify in criminal proceedings. After all, we require employees to...employers to give this kind of time for people exercising their franchise and this is some-

thing that's equally or more important, I would think.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, I introduced a bill sometime ago that...sort of in line with what you're seeking to do and I'm just curious to know whether you may have incorporated this idea. The idea was to have sort of a reverse Miranda protection for victims. When...when a perpetrator of a crime is arrested, you remember that because of the Miranda Decision the police officer has to read off the rights to the person being arrested, they have to tell them they have the right to remain silent, they have the right to counsel and all that sort of thing before they can put the handcuffs on. And yet, victims can be contacted by attorneys for...representing the other side, that is, representing the perpetrator of the crime and no such...no such niceties are afforded them. And my idea was simply to require that anyone representing the suspect in a case be required to tell the victim that they also have the right to be silent and that they also have the right to be represented by counsel before they talk to those people representing the perpetrators of the crime. Is there any...any protection of that kind in this victim's bill?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

My analysis does indicate that the legislation is similar to Senate Bill 540 which you and Senator Joyce introduced. That specific provision that you're talking about is not in this legislation. I do think that a victim or a witness

does have a right and should be informed of what his rights are and what he does not have to do, and I think that is important.

PRESIDENT:

Further discussion? Senator Davidson. I beg your pardon, Senator Schuneman.

SENATOR SCHUNEMAN:

Well, you mentioned that your bill is similar to mine, actually that's all my bill did was make that one specific provision. Would you consider asking the House sponsor to...to add that provision in the House? I'd appreciate that.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

I certainly will. I think that is important to have the victim and witnesses to have those rights and that knowledge.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator Davidson.

SENATOR DAVIDSON:

Is the provision still in that the Department of Corrections would have to notify the victims that...when a prisoner was going to be released? Is that still in the bill?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Yes, it is still in the bill and I discussed it with the Department of Corrections yesterday, and we agreed yesterday to sit down when the bill was in the House and talk about alternative...alternative methods. They...we...I think

everybody agrees that the victim has a right to be notified when the defendant is discharged from prison. Everybody agrees to that, the Department of Correction agrees, how we go about doing that in the best possible way with the least possible bureaucratic problems, the Department of Corrections and I have...have agreed to sit down and talk about it.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Then, for the record, there's a clear-cut understanding that you and the department are going to work out your objections to how they're going to be notified so that the victim or any persons dealing with their record would not be available to some inmate clerk who could get that information for the part of revenge by some prisoner. Is that correct?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

That is absolutely correct and we don't want that to happen under any circumstances. We want to prevent that...that revenge motive...under all possible circumstances.

PRESIDENT:

Further discussion? Senator Grotherg. I beg your pardon, Senator Davidson.

SENATOR DAVIDSON:

Well, just one other question. Does this bill still have in it...then I have no problem with the Senior Citizen Abuse and Neglect Act. But the fact it was Senate Bill 1700 it was held in Rules and amended onto this bill in the committee. Does this bill still have that bill that was held in committee amended into it?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Yes.

PRESIDENT:

Further discussion? Senator Grotberg.

SENATOR GROTEBERG:

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

PRESIDENT:

Indicates he'll yield, Senator Grotberg.

SENATOR GROTEBERG:

On the corrections problem, Senator. The Corrections Department doesn't have the victims' names...what...you know, they're not in their possession, they don't want them. So the simplistic way of doing it is to pctify the state's attorney which they do now, I don't know what you've accomplished. The...the bill isn't quite ready to leave the Senate until you get some of those things up that you're going to fix up in the House.

PRESIDENT:

Further discussion? Senator Gec-Karis.

SENATOR GEC-KARIS:

Very briefly, Mr. President, Ladies and Gentlemen of the Senate. I think it's high time the Department of Correction did notify the victims because there have been a lot of complaints of people's children been murdered and the defendants are about ready to...be released, they know nothing about it. There's nothing wrong with this bill that can't be corrected in the...in the House. I think it's a good bill, the time of it has come and it's high time we regarded the rights of the victims more than the rights of the defendants.

PRESIDENT:

Further discussion? If not, Senator Marcovitz may close.

SENATOR MAROVITZ:

Well, I think for a long time in here...or I and probably as a liberal have been very concerned about the rights

of...of everyone to due process. But I think we have to take a look at our priorities and make sure that the rights of the victim, the innocent victim, and the witnesses who help the criminal justice system are protected, certainly, at least equally as well and this bill does just that. It guarantees the rights of victims and witnesses, it provides them a bill of rights. And my gosh, how can we stand here and provide all the rights for criminals if we're not willing to stand up and say that the victim and the witnesses have those rights too. That's what this bill does and I solicit your Aye vote.

PRESIDENT:

The question is, shall Senate Bill 1725 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are none, none voting Present. Senate Bill 1725 having received the required constitutional majority is declared passed. Senator Philip on 1732. Yes, sir. On the Order of Senate Bills 3rd Reading, Senate Bill 1732. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1732.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate...Senate Bill 1732 is the same as Senate Bill 879 of last Session, and what it would do would be allow the DuPage County Water Commission to issue General Obligation Bonds by front door referendum and member municipalities to also do the same. As you are probably aware, our water table has been going down drastically in DuPage County in the last ten

JB1733
3rd reading

years. We are, as you know, entitled to Lake Michigan water. There has been an accommodation between the City of Chicago and the DuPage County Water Commission in regards to building a pipeline and pumping stations to get it cut to our community, so...I'd be happy to answer any questions. It's a very serious issue in our area. Just to give you an idea, we'll probably be using the first year about ninety thousand gallons of water per day. We will end up being the biggest customer the City of Chicago will have for water. Be happy to answer any questions. I'd certainly ask for your favorable consideration.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 1732 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 49 Ayes, no Nays, none voting Present. Senate Bill 1732 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 1733. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1733.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1733 would in effect create FAP 431 which would in effect be a tollway through the center of DuPage County. As you're probably aware, some ten years ago the Department of Transportation came up with a freeway plan for the western suburbs, and of course they did not have the

money to complete that plan. So that FAF 431 has been dead-ended at Army Trail Road for some ten years. This would be the completion of that. I'd like to sit here and...stand here and tell you that we don't want to build another toll highway in DuPage County or another highway in DuPage County or another road in DuPage County. Unfortunately, we are the fastest growing county in the middle west. We're enjoying large population's explosion, along with that, of course, a lot of automobiles. And I would certainly wish that it didn't have to be a tollway. As you know, we worked this out with the Governor's Office, the Department of Transportation, the Tollway, it seems to be the most feasible way to do it if you want to do it in the next two or three years. Unfortunately, it would probably end up being two tolls on that tollway; instead of being the normal forty-cents it would probably end up being about fifty-cents. Let me tell you this too, we've had some disagreement with Morton's Arboretum. I think we have bent over backwards to accommodate some of their...their problem. If you would look at the proposed tollway, you would notice that it is going to the east and around and then under the east-west tollway. We're also providing some berms, some drainage. One of their problem was Puffer Lake and, quite frankly, we've tentatively agreed to dig it out, make it deeper and bigger and...and, quite frankly, I think that...the tollway has...has gone over backwards to try to accommodate one of the greatest natural resources we have in DuPage County, Morton's Arboretum. I'll be happy to answer any questions, and I certainly would consider a favorable vote.

PRESIDENT:

Discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President. Senator Philip, there's no question here, but I wish to make you aware of, if you are

not already, this is a burning issue in Will County because they're not extending that road from I-55 down to I-80. I'm not a traffic engineer and I presume you are not either, but it does make an awful, awful lot of sense to link those two interstates together. And I'm going to support your bill at this point. It's my understanding that we will be back here with some kind of a joint resolution to put this whole thing together, and I want you to know at this point we're going to be working awfully hard to add that on and I just want to get that up-front right now.

PRESIDENT:

Discussion? Any further discussion? Senator Philip you wish to close?

SENATOR PHILIP:

...thank you, Mr. President, I...I certainly would address that. I, myself, am also committed to extending it all the way down through Will County, I think it's necessary. The so-called consultants and experts say at this point there...there's not enough...traffic or would not be enough traffic. Heck, I don't know if that's true. If I'm still here at that point, I'm going to be on your side and I think it certainly ought to go down; because, quite honestly, a lot of us go down to the University of Illinois on the weekends and we have a lot of...I probably have in my district and county more...more graduates from the University of Illinois than most people. That would be great for the football weekends and the basketball weekends, and I'm going to be there.

PRESIDENT:

Question is, shall Senate Bill 1733 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 45 Ayes, 5 Nays, 3 voting Present. Senate Bill

SB 1743
2nd Reading

1733 having received the required constitutional majority is declared passed. 1743, Senator Hall. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1743.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Hall.

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate, this is your office allowance. In...in...seven years ago it was the last raise that the office allowance was given. It's been seven years and this time that we're...we're raising it and we're making a differential, and the reason is is that the House is one-half as large as the Senate. Also we have increased your per diem. I think everybody understands now what the cost is to remain here in Springfield with hotels and food and everything up much higher. So, this is what the bill does and I'd ask your most favorable support.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall Senate Bill 1743 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 35 Ayes, 16 Nays, 1 voting Present. Senate Bill 1743 having received the required constitutional majority is declared passed. 49, Senator Hall. 1754, Senator Welch. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1754.

(Secretary reads title of bill)

3rd reading of the bill.

PREESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill amends the Physical Fitness Services Act to include...this bill amends the Physical Fitness Services Act to include additional services such as weight reducing...judo, karate, self-defense training. And it requires that individuals be allowed to cancel contracts within thirty days from signing them. This bill has been extensively amended and discussed on the Floor. I'd be glad to answer any questions.

PREESIDENT:

Any discussion? Any discussion? If not, the question is, shall Senate Bill 1754 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? All voted who wish? Take the record. On that question, there are 48 Ayes, 2 Nays, none voting Present. Senate Bill 1754 having received the required constitutional majority is declared passed. 1787, Senator Philip. On the Order of House Bills 3rd Reading is House Bill...Senate Bills 3rd Reading is Senate Bill 1787. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1787.

(Secretary reads title of bill)

3rd reading of the bill.

PREESIDENT:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1787 as amended, the amendment is actually the bill, that is Senator Nedza's and Senator Zito's amendment. What it does, it provides for the Illinois Arts

Council to notify us by district where they spend the money. I certainly think it's a good idea. I'll be happy to answer any questions and I'd ask for your favorable consideration.

PRESIDENT

Any discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. I rise in support of the bill, but I...I really want to make a point that is sort of to the side of the bill. As all of you know, I've been here eight years and I've never voted for the Arts Council appropriation before and I don't intend to make that silly mistake any time in the near future. But I want to say to...to some of the...my friends in the press, too often they link bills like this...too often they link the motives of sponsors of amendments to greater things involved. And too often people say, gee, we all know who the director of the Arts Council is and some people are saying they want to get at a friend of hers, someone she lives with. And our attitude is one of...and I think it's a serious mistake to say this type of a limitation on the Arts Council is somehow related to the Speaker of the House or the fact that some people feel that they don't like the way these grants are given. Last year the Arts Council got a ninety plus percent appropriation increase, almost a hundred percent, this year another twenty plus percent. Can you think of some other State agency that last year could get a hundred percent increase, do it in as sneaky and unhand...underhanded and disreputable way as they did? You all remember, it was stuck into the middle of a bill and on the rest of the bill were, you know, pensions for widows and orphans, I mean, you know, the...the...several major appropriations that had to be passed, none of which were even related to the Arts Council, stuck in the middle, snuck in in a House Conference Committee in an underhanded, deceitful manner was the Arts Council appropriation. And they doubled

the appropriation. If some other group had done that my friends in the press would have eaten them alive. This amendment at least allows us to find out where that hundred percent increase last year and the twenty some percent increase this year goes so at least when the taxpayers' money is being wasted, we have some idea where it's being wasted and perhaps some of you could cover that in the future.

PRESIDENT:

Further discussion? Senator Bloom.

SENATOR BLOOM:

Well, thank you, Mr. President and fellow Senators. I rise in opposition to this on the merits of the bill. I think that perhaps sometimes both Chambers need a kind of a...a burp to get things out of their system. But do we really want to do this? I mean, what it's saying is, do we really want to inflict this on ourselves? If you stop and think about it, every artiste who has applied for a grant is going to end up probably banging on us to then go bang on the Arts Council. I want you to think through that. I don't think that that really is good public policy. We say we're doing one thing and we end up shooting ourselves in the foot. I...I don't think this is the right way to go.

PRESIDENT:

Further discussion? Senator Grothberg.

SENATOR GROTHEBERG:

Thank you, Mr. President, fellow members. In light of the conversation yesterday, I just want to reiterate what my colleague just mentioned. I won't be here to deal with the fallout of this, but to save you all a lot of problems, if one vote will make a difference, I'm going to vote against it because of putting out...putting us between the art world and whatever that council is. I'm not saying everything is all well and that it's not too much money, but be careful, sports fans.

PRESIDENT:

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

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, I...I guess that...that the two Senators who spoke before me might be living in a vacuum. I've already got people calling me from various groups wanting money from the Arts Council. I haven't been very successful, quite frankly, but I'd certainly think that I'm entitled to know where they're wasting the money, whether it's poems over the phone or painting in viaducts or films on Vietnam War deserters and I could on...excuse me, poetry in buses, and I could go on and on and on and on and on. And I think that we...as long as we are authorizing them to waste this money, at least we ought to know where it's going in our district and I ask your favorable consideration.

PRESIDENT:

The question is, shall Senate Bill 1787 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 27 Ayes, 18 Nays, 4 voting Present. Senate Bill 1787 having failed to receive the required constitutional majority is declared lost. 1790, Senator Darrow. On the Order of Senate Bills 3rd Reading, Senate Bill 1790. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1790.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President. Article VI, Section 2 of the Illinois Constitution requires that judicial districts be of substantial equal population. The judicial districts are the appellate districts throughout the State of Illinois. At the present time, the downstate appellate districts have a deviance in population. For example, the 2nd Judicial District which encompasses the collar counties has a population of two million ninety-one thousand people; whereas, the 4th Judicial District has a population of one thousand two hundred and seventy. The appellate districts have not been reapportioned since 1964, and in that twenty year period, as we all know, the population in the suburbs has increased drastically. This bill attempts to reduce the deviation from one district to another. The statistics that we are using...the Census Bureau figures we are using are the February 9th, 1984 corrections of the 1980 census count. In this, the circuits in each judicial district are not split, they are contained within the appellate districts and we have not split counties. I'd ask for a favorable vote.

PRESIDENT:

Discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Both...sides of the aisle of the Senate here have had staff try to work out the most equitable, possible solution to the problems of the reapportionment of the court. It's going over to the other side of the Rotunda, and I would imagine that there may be some adjustments that are going to want to be made there. But as far as I am concerned at least as Minority Spokesman of the Elections Committee, I think that we do have the fairest map that we possible could have drawn. Reapportionment of these districts has not been made in many years, as Senator Darrow alluded to. And I urge your support of this reapportionment plan.

SB 1803
3rd Reading

PRESIDENT:

Further discussion? Any further discussion? If not, the question...shall Senate Bill 1790 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 47 Ayes, 7 Nays, none voting Present. Senate Bill 1790 having received the required constitutional majority is declared passed. 1803, Senator Bloom. On the Order of Senate Bills 3rd Reading, Senate Bill 1803. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1803.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. I caused to be handed out yesterday a fact sheet on 1803. Basically this makes minor changes in the Public Utilities Act to allow the Commerce Commission to deal with pending applications in the long-distance field. As it was amended and with the amendment given to me by the Telephone Association, it is long-distance neutral. And, therefore, I'll answer any questions; otherwise, seek a favorable roll call.

PRESIDENT:

Discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President, a couple questions of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator Weaver.

SENATOR WEAVER:

Senator Bloom, I had some concern with some of the small telephone companies in my area as to how they're going to be affected by this; whether or not after the change is made in the market service areas take place or the possibility of that taking place and competition going on past the small communities, what...how's it going to affect the telephone rates in...in these small communities of three or four hundred people? That...that's a concern that the small companies in my area are asking.

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

Yeah, thank you, Senator Weaver, I should have touched on that. It does not affect, it does not go into what they call LATA, Local Area Transportation Area, it does not affect it at all. It does not break any new ground. What it does is allows the commission some flexibility to allow inter-long...long-distance...between market service areas. It doesn't give them any power to rearrange your market service areas or your local exchanges. This was pretty thoroughly discussed in committee and the amendment that was given to me by Mr. Kozeliski I understood makes it very clear that this is just tied to pending applications that don't go into the local exchanges...nor does it touch the subsidies that these local exchanges get to which is really the clear concern that we all have, I got rural areas too.

PRESIDENT:

Further discussion? Senator Weaver.

SENATOR WEAVER:

Well, my concern is, if you have competitive lines going from these local market area service areas, the smaller companies depend a great deal on long-lines revenue to support their operations. And if they're going to be splitting that off to other companies, they are going to be

other...agreements that are going to have to be necessary or there are going to be isolated communities that are not going to be served or lose revenue from the long-line service generated from their districts. That...that's my concern.

PRESIDENT:

Senator Eloom.

SENATOR ELOOM:

Right. And as I said, we had the chairman of the Commerce Commission come in and these people...or these MCI's or Sprint's or things like that are going to have to pay the local exchanges just like the...you know, the AT & T and...and Ma Bell folks have been doing, they got to buy in too.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Well, I would just hope that...you know, we don't have much communications with the Commerce Commission in the General Assembly and many of us have a great deal of concerns as to how these rules and regulations implement on...or affect the smaller areas, rural districts downstate. And so it's a real concern to me that we keep these small telephone companies healthy and...and are able to serve the small communities as we in the larger communities are served. So, that...that's a concern that I'd just like to register with the commission.

PRESIDENT:

Further discussion? Senator Etheredge. Senator Maitland.

SENATOR MAITLAND:

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

PRESIDENT:

Sponsor indicates he'll yield, Senator Maitland.

SENATOR MAITLAND:

Senator Bloom, I just want to make sure I understand the dialogue that persisted between you and...and Senator Weaver. We don't want to leave here without misleading the public. I think probably what happens with this bill...the passage of this bill will not affect perhaps local service rates, but the fact of the matter is, given the whole scheme of things the breakup...the breakup of AT & T, as that funnels down to local services, the more sparsely populated areas who are serviced by small companies, in fact, will have their rates go up; because, obviously, they don't have the...the subsidy of long-distance any longer. Is that a true statement?

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

Ultimately, twenty-four, thirty-six months down the road beyond the life of this bill, I think that the testimony was that there would be...there...there would be some affect on our local exchanges. This bill, you understand, is only for one year and only for...the MCI and the Sprint's. The...the amendment that was put on says that this, you know, the...the life of this authority...this basically is just special permission to the Commerce Commission to deal with some pending applications in an expeditious manner that dies in January of '85. Ultimately, twenty-four, thirty, thirty-six months the testimony in committee said that as a result of that Federal court decision, that will have an impact on our local exchanges, ultimately. See what I'm saying?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Final question. Does...does this legislation permit more than one microwave company...I don't know whether that's the...the correct title, but one microwave long-distance company into a particular MSA?

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

As I understand it, that could happen and when they...more than one comes in, then our long-distance rates go down, and that's, I'm told, is good. That's called competition.

PRESIDENT:

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Yes. Mr. President, Ladies and Gentlemen of the Senate, I hadn't heard anything about this bill until we had a piece circulated on all of our desks yesterday and another...another one this morning. But one of the other things that I've heard just a little while ago which concerns me greatly is the issue raised by...by Senator Weaver, and in regard to the impact that the passage of this bill would have on local telephone rates downstate. I guess...my...my question is, to the sponsor, if he will yield, is why...if this bill does not have any impact on rates, why do we need it?

PRESIDENT:

Sponsor indicates he'll yield. Senator Bloom.

SENATOR BLOOM:

Okay, I...I guess I didn't make it clear when I explained it. There are right now...oh, AT & T, MCI, Sprint, Telesave, about four applications pending for long-distance service within the State of Illinois. This allows the commission to deal flexibly and expeditiously with it as opposed to...see the way the Act is written now, it assumes that all communications are on end-to-end monopolies, strung...you know, wired monopolies. This allows them to deal expeditiously with what they have on the table in front of them. The amendment offer by the Telephone Association protects, that's the thing that says this authority we're giving to the commission dies

in January of '85, let's then deal with what's pending in front of them, doesn't touch the local exchange rates. Yes, that is a concern but it's a concern that we're going to have to deal with beyond the life of this very special permission for this year. And as a practical matter, I have the misfortune of serving on the telecommunications working group that this Body has put together through the Sunset Commission where we're probably going to have to come back in January with a real Telecommunications Act to address all of the issues. But I...you know, I...I can't answer it, I bet...more thoroughly than that, Forest, and it should...

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREGGE:

Senator, I would appreciate additional clarification as to...as what deal flexibly means. Does that mean that the ICC will have different standards for...for the various bidders? Are we going to have one set of specifications for people who are going to be providing this service?

PRESIDENT:

Senator Eloom.

SENATOR ELOOM:

You're making me work, Forest. The bill itself, yeah...I...it's set out clearly in the bill itself, it amends Section 36 of the Act. And basically it says, "The commission may issue certificates of public convenience and necessity to several carriers for the provision of competitive telephone or other telecommunications services between market areas." They're not even going into the market areas or the local exchanges. And the idea is to promote this competition and to get these long-distance things in place between market service areas so we can lower our long-distance rates, that's the whole purpose of it.

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

...want me to set it out...if you want me to set it out, it says that the commission cannot, specifically it's tied down to this, it cannot modify or affect the rights of any public utility, they can't mess around with the local exchanges. Okay.

PRESIDENT:

Further discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I would...when this bill was being explained in committee I think probably the best explanation we got was from Phil O'Connor when he said, "Trust me," and I trusted him then and now I see my name is on a letter. Well, you folks can trust Phil O'Connor if you want to or you can trust me, but I'm not asking you to do it on this one. This is...you're on your own, I don't understand it.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

A question of the sponsor.

PRESIDENT:

He indicates he'll yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Some of the comments of the other speakers...have raised a concern...in me for some of the telephone...local telephone companies that I have in my district, and I...as I understand what you just told Senator Etheredge this would not affect the authority of a local telephone company to continue their current monopoly for local service. Is that true or false?

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

It's absolutely true, this is dealing with long distance. Once you start messing around with local exchanges, which, by the way, this Body is going to have to do in about eighteen months, you get into all of the concerns that have been addressed. But these concerns really have nothing to do with this bill.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Okay. To what...how does it affect the local...locally owned telephone companies, through their current revenues from, for example AT & T and that there would now be some competition in that area, is that how it affects local companies? Or does it affect them?

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

I'll say it once more. It does not affect them. This is for what Senator Weaver and Senator Etheredge describe as intermarket service areas, long distance. It does not affect the local exchanges, it leaves it alone. We had a full hearing in committee, tightly drew the bill so that the commission can deal with pending applications from MCI, Sprint and those folks now, and the thing dies by its own terms in January of '85.

PRESIDENT:

Further discussion? Further discussion? Senator Weaver.

SENATOR WEAVER:

Excuse me for rising a second time, but just one question. Senator Bloom, doesn't the ICC now have the authority under Statute to deal with Sprint, MCI and other long-lines providers without any change in the Statutes?

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

Their authority is to treat MCI and Sprint like Ma Bell and AT & T. And so you go into long hearings and, you know, an eleventh month process and they've got these applications pending. The Statute...the Statute presumes monopoly, you understand, with public utilities. Okay, now we got about two or three applications pending for competition. Okay, so we have to amend it to give the commission some flexibility so they can get these...make their decisions on your MCI's and Sprint's and that's the whole purpose of 1803. I will say again, it does not touch local exchanges.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Well, is it your judgment that the Commerce Commission wants to treat those other providers differently than they are now treating AT & T?

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

Under the Federal court order that is set out on page 10, they have to. Judge Green has said, you're breaking up Ma Bell...or AT & T; and they're saying, now go out and compete for long distance first, and so there are four applications pending. The Public Utilities Act as presently written presumes that all telecommunications are by definition a monopoly, so you go and...go through a long process to treat it as...treat the...each application as a monopoly application. Here you got four of them saying, hey, we want to compete, for long-distance and the commission is saying, alright, give us a little flexibility so we can let them in and your long-distance rates will go down. And at the committee hearing and through the amendment process, we've tied them down to this so they don't mess around with our

local exchanges and our small phone companies. That's it.

PRESIDENT:

Any further discussion? Senator Elcom, you wish to close?

SENATOR ELCOM:

Appreciate a favorable roll call.

PRESIDENT:

The question is, shall Senate Bill 1803 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? All voted who wish? All voted who wish? Take the record. On that question, there are 41 Ayes, 3 Nays, 8 voting Present. Senate Bill 1803 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 1821. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1821.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President, members of the Senate. The bill does what it says, it's not the most important piece but it could be. I commend it to your favorable consideration.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Just in case that message missed everyone, this is a vehicle bill, and if Senator Egan wants to carry any major tax increases that are going to be proposed before this Legislative Session is over, be my guest.

PRESIDENT:

The question is, shall Senate Bill 1821 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Have all voted who wish? Have all voted who wish? Have everyone reconsidered? Have all voted who wish? Have all voted who wish? Take the record. On that question the Ayes are 10, the Nays are 35, 6 voting Present. Senate Bill 1821 having failed to receive the required constitutional...majority is declared failed. Senate Bill 1850, Senator Bock.

SENATOR BOCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Yesterday, in presenting the amendment, I indicated that if it was mechanically possible I would like to...the opportunity to address the concerns expressed by Senator Jones, I have an amendment. I'd therefore ask leave to call it back...call 1850 back to the Order of 2nd for purposes of an amendment, and then I'll ask leave to get back to it after intervening business.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator...Senator Bock seeks leave of the Body to return Senate Bill 1850 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of 2nd Reading, Senate Bill 1850, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Bock.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Bock.

SENATOR BOCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the amendment we discussed yesterday with Senator Jones when we set up the Legislative Support Group, the four leaders who will, in fact, establish uniform hiring

and personnel guidelines. I have added language which says, "Including affirmative action to assure equality of employment opportunity and including affirmative action to assure equality in the awarding of contracts." It is a duty that is the current State law and all we are doing is taking the current State Statute and putting it in this Legislative Commission reorganization. I would ask for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any discussion? Senator Lemke.

SENATOR LEMKE:

I want to know if this has the language...this language is going to protect us in regards to a bill that we passed sometime ago about national origin and reverse discrimination? You know we are very concerned with it because we look at the list of the employees and I see very few ski's and other names like that on...as in the employees of the Senate or in the House. And, you know, we are very interested in that, we have people unemployed too, Emil and we're losing jobs left and right and we're interested in this. We do not want to be discriminated against which we're being discriminated by this bill against. We...don't want to be discriminated as far as our jobs which we have in the past. The only difference between us and the other people is that we obey the law and get...try to do things that work around the law and accomplish things without that, going and protesting. We go through and set up our own institutions and do things. So we want to make sure our kids who go to college and our kids who work also get those jobs as an equal opportunity and are not reversely discriminated against.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Further discussion? Senator Rock moves the adoption of Senate...Senator Rock.

SENATOR ROCK:

The answer to the gentleman's question is, yes.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Bock moves the adoption of...Amendment No. 2 to Senate Bill 1850. 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 DEMUZIC)

3rd reading. Senate Bill 1864, Senator Schuneman. On the Order of 3rd Reading, bottom of page 11, Senate Bill 1864. Read the bill Mr. Secretary, please.

SECRETARY:

Senate Bill 1864.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Ladies and Gentlemen of the House, this bill came up yesterday, and because of some of the debate on the bill, I took it out of the record. There were some questions raised. First of all, the bill is a revision of the General Obligation Bond Act and there were some concerns raised by Senator Lechowicz, Senator Eruce and Senator Netsch, and I'd like to recount those and tell you what's happened. First of all, Senator Eruce raised the question of whether or not this bill would permit refunding of State bonds for the first time. I was unable to answer that question. The answer is, no, it does not permit refunding for the first time, that provision is currently in the law. Senator Lechowicz asked the question about the two hundred million dollar limit that is in this bill, and actually what this change amounts to is that we are saying for the

first time that the amount of refunding is limited to two hundred million dollars. There is no limit in the current provision. The reason that limit was put in there is that the bill does provide for a change in a percentage having to do with the amount of refunding which is possible. And as I understand this, there...the law currently provides for a percentage of one hundred and three percent, and this bill would change...would remove that limit and therefore it was felt that they should restrict the amount of bonds which the State could issue. I think that those points have both been cleared up to the satisfaction of Senator Lechowicz and Senator Bruce. The other question was raised by Senator Netsch, and...the question was whether or not the bill would for the first time allow the State to issue discounted bonds. And the answer to that question is, yes, it will for the first time allow that and perhaps we should have some discussion of that issue. So with...with that, I would...I would ask your support for the bill. I think it's a reasonable proposition and we have people here from the Bureau of the Budget who will be able to...assist and answer any of the questions that you might have.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. I...Senator Schuneman, I appreciate your clarifying that point because we had spent some time with staff members of the Illinois Economic and Fiscal Commission, oh, at least a month ago, reviewing the provisions of this bill to see what our reaction was to it because we do have a long-term debt subcommittee of IEFC. And one of the points that they had noted and that we had discussed was the fact that it would for the first time authorize the discounting of bonds. I...it's a fairly important change of pattern, and to be perfectly honest, I think there are both good things and

bad things about it. I...the good thing, I suspect, is that the financial advisors probably suggested that we might get a better interest rate on some of our bond sales if we did permit the discounting. I think probably a drawback, maybe the major drawback, is that it becomes very difficult to compare interest rates; and I suspect there may also be some problems in knowing exactly whether you're going to be able to have the right amount if you are using your bonds as matching bonds. I...think at least for the record that there ought to be a response to those two points, if you would address them, on the negative side. I assume that you would fully concur with the...the positive side which is that it might enable better interest rates.

END CF BEEI

REEL #3

PRESIDING OFFICER: (SENATOR LEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Senator, the fact is that I did not necessarily concur when I found out that...that we were removing the...the...the prohibition against discounted bonds. I did not necessarily agree that...that's what the Legislature should do. I was, though, later convinced that...that we should do it, primarily for this reason. The people from the Bureau of the Budget tell me that when the State wants to sell bonds, many of the big purchasers of bonds are trusts and institutions, some of whom have a restriction on the bonds that they can buy. Some of the restrictions for trusts in particular indicate that the trustee can buy no bond that sells...they can only buy par value bonds, in other words; and consequently, what happens is...is that...as I understand it, that since we sell the bonds to the...to the brokerage houses at par, then when they resell them, they have to sell them for something over par, and as I understand it, that prices us of the market for those bonds. That seems to me to be the...the best argument in favor of...of doing what they are asking. On the downside, I suppose that we could have an administration who would sell bonds at...at severe discounts which might be contrary to the judgment of the General Assembly, in which case we would have no recourse or no way that we could stop the sale of those bonds. I...I think history has proven that we have not in the past had such administrations and probably this Legislature could...could pull the rug pretty quickly if we found that we had an administration that was doing that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

With respect to the latter point, Senator Schuneman, I believe the bill does restrict the discount sale to ninety-seven percent of proceeds. Isn't that correct? So that there's already a...a rug under what can be done.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

...yes, you are correct. So the discounting does have a limit on the downside of three percent below par.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Netsch.

SENATOR NETSCH:

Then if you might, one additional point that is somewhat troublesome, and that is the difficulty of comparing interest rates when you've sold at below par at a discount rate. I...I suppose what you really need to do to know exactly how well the sale went and exactly what we're paying in a sense is to compute it in terms of...of proceeds...net proceeds rather than the...the actual amount that...that shows on the bond, and I wonder if...I don't believe it's written in the bill that that be done, but it seems to me that just so that we, in the General Assembly, know what is happening that either in the bill or at least as a matter of commitment right now, we ought to make sure that we are going to be given that...that information so that we know exactly where we are going.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, the Bureau of the Budget thinks that we should do it this way. They are not...that is not cast in stone. They are willing, for example, in the House to consider the

kind of reasonable changes that you or others may suggest, and I certainly have no problem with that. I...I would give you my commitment that I would certainly work with the House sponsor to put in any such safeguards that you think are necessary, and I'd be willing to pass it on that basis.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Netsch.

SENATOR NETSCH:

I appreciate that, Senator Schuneman. I think I will hold you to that and ask if you would make sure that the House sponsor consults with the long-term debt members of Economic and Fiscal so that we can build in anything else that we feel is necessary to make this work. I'm not going to object to it as a matter of principle. I think the idea of having a single State of Illinois bond has considerable merit to it, but I...if you would assure us that you will do that, it's fine with me.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I...first of all, I appreciate the fact that Senator Schuneman withdrew this bill the other day so we had an opportunity to not only discuss it with Senator Schuneman but with the Bureau of the Budget, Economic and Fiscal Commission staff, and basically what Senate Bill 1864 creates a General Obligation Bond Act. It was drafted by the Bureau of the Budget in conjunction with Bob Sharp of Chapman and Cutler, the State's bond counsel. The purpose of the Act is to reduce the cost of issuance and improve marketability and reduce debt service costs...for the Illinois general obligation bonds. By allowing the issuance of a single type of general obligation bond, it would simplify the paper work and reducing the printing and storage costs and other fees this

action...in this portion should save approximately ten thousand dollars. By making the registration procedures less complicated and allowing depository trust companies to process them, the action reduced the cost of registration by an estimated thirty or forty percent and save annually approximately sixty to eighty thousand dollars. This figure may grow over time as the bonds are transferred in the secondary market. By allowing the advance refunding of debts sold in 1981 and 1982 when interest rates were at the...historic highs, the Act would reduce interest costs and debt service payments by fifty-five to sixty million dollars over the life of the bond issued. Such savings will vary with the prevailing interest rates at the time of the refunding. In addition, by improving the marketability of the State's bond issues would...such things as increased security, a single bond retirement interest fund and discount sales, the Act should lower the bids received and thus its debt service payments. This matter has been discussed thoroughly with the Economic and Fiscal staff, and would also bring to your attention the memo dated April the 12th, 1984, by the Economic and Fiscal staff strongly recommending the passage of this bill. Thank you, Senator Schupeman. I strongly encourage the support of the membership. I think this is the step in the right direction. I believe that it was thoroughly reviewed and encourage an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Grctberg.

SENATOR GEOTEBERG:

Thank you, Mr. President and fellow members. I note with interest and probably the Body should know it if you all don't have it in you analyses, but implicit in this is an ongoing authority by somebody to pay bond interest and principal without appropriation, and I think maybe the sponsor should probably indicate who has that authority and where

does the money come from if Illinois goes broke again.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Schuneman.

SENATOR SCHUNEMAN:

That language, Senator, is...is exactly the same as the language in our current Bond Act. The...the reason that we need this is that in order for the security of the bonds to be guaranteed by Chapman and Cutler and such houses, and...and the opinion...the opinion of the security be valid that the handlers of this money must be able to make these transfers without any appropriation process. So the fact that this provides for that transfer of money without appropriation does not represent a change in law.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Further discussion? Senator Schuneman may close.

SENATOR SCHUNEMAN:

Well, I...I think practically everything has been said on this now, Mr. President. I...I do want to thank Representative...or Senator Bruce and Senator Lechowicz and...and Netsch and others who have worked on this. I think that...that the bill is better understood now, and I would urge its passage.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right, in the opinion of the Chair, that pursuant to Article IX of the State Constitution, Senate Bill 1864 will require thirty-six votes. All right, those in favor of Senate Bill...1864 will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 3, none voting Present. Senate Bill 1864 having received the...the required constitutional majority is declared passed. 1889, Senator Berman. On the bottom of page 11, Senate Bill 1889. Mr. Secretary, read the bill.

*SB 1889
3rd Reading*

SECRETARY:

Senate Bill 1889.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator EERMAN.

SENATOR EERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1889 creates the Compensation Review Board. This board will consist of twelve members, three each appointed by each of the legislative leaders, the President and Minority Leader in the Senate, the Speaker and Minority Leader in the House. They will be appointed upon the immediate effective date passage of this bill, and they are to make a...hold public hearings and make a report back to the General Assembly within ninety days of the passage of this bill. Their jurisdiction regards the evaluation and recommendation of...salary levels for the Executive Branch, Legislative Branch and the...Judicial Branch of State Government. The way the bill is structured that within thirty days following their report, the General Assembly has the opportunity to either veto or reduce any of their recommended salary levels. If there is no action to veto them or if there is action to reduce them, that action or the recommendations will take effect after that thirty-day period allowing our input. Be glad to respond to any questions. Starting...let me just add, the members that would be appointed immediately, their terms would last only until February 1 of next year. February 1 of next year there would be a board reappointed, twelve members again, but with staggered terms and following this initial reporting date by May 1 of each even numbered year. They are, again, given the responsibility of reporting regarding salary levels for State Government. Be glad to respond to any questions. Solicit

your Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question? You say that this board, if...with its recommendations for compensation would submit its report on or before September 30, 1984. Is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Ferman.

SENATOR FERMAN:

No, ma'am. We...in evaluating the time frame for the...for the appointments, the organization and the public hearings, we felt that putting in a specific date was really impractical. The...there was an amendment that was put on yesterday that gives them ninety days in which to report.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the General Assembly have an opportunity to meet after that report is filed to approve or disapprove or cut down any recommendation made by this Compensation Review Board?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Ferman.

SENATOR FERMAN:

Yes, ma'am. We've looked at that time frame so that we certainly will have that opportunity.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

In other words, there won't be an automatic approval in the event if we're not in Session. We still have to come to Session and act on it. Is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Within the time frame that we expect to be in Session, we will be here and we will have the opportunity to review their recommendations.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

One more question. Then...if this compensation board acts upon it as you said, will there be public hearings, 'cause I have wondered about that?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

A public hearing is mandated in the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, there was a commission bill once before that came through this House and I did support it on the basis that there would public hearings 'cause I do feel the public has a right to have input whether they agree with the raise in salary, reduction or whatever they wish to do, and if...if I have Senator...Berman's assurance that there will be public hearings if...in the event of this bill passes, and the Compensation Review Board will hold such public hearings and will endeavor to have one at least in my county in Lake, I'll support the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Berman may close.

SENATOR BERMAN:

Thank you, I think this is an important step to get the question of salaries for State Government officials out of the political arena and into a blue ribbon commission that can take a more objective evaluation. I urge your Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 1889 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 16, 2 voting Present. Senate Bill 1889 having received the required constitutional majority is declared passed. Senator Rock amended...before we turn the page, Senate Bill 1850. Is there leave to return to that bill now so we might clear up that page? Leave is granted. Senate Bill 1850. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1850.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1850 is, as I'm sure all are aware after yesterday's rather lengthy discussion, the commission reorganization proposal that Senator Philip and I have worked on in response to the call from the House Minority Leader in his report that something had to be done. This, I think, is a reasonable, rational, responsible approach. We will effect a savings this fiscal year of some four million dollars, part of which I will say at the moment will be put back into the General Assembly budget for the use by the standing committees. In the meantime, we recognize the fact that the public ought to have, it does currently, access to the legislative

process by virtue of these commissions. We encourage that kind of continued participation, and so we have effectively structured the commission system into three groups recognizing that the service agencies that serve the members and our constituents ought to abide. Another group is...is abolished effective September 30, their termination to be overseen by the Auditor General, and another group will be sunset...will be subject to review by this Assembly before next June 30. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. I commend Senator Rock and Senator Philip on a reform, but it's interesting to look back and see the vote that was taken on Senate Bill 1787. I guess we're still talking about, Ladies and Gentlemen, reform of convenience. What's good for some isn't necessarily good for others. I'll support this piece of legislation because I think it's an honest attempt by Senator Rock and Senator Philip to bring about reform laterally across the board. It was just an interesting vote, Senate Bill 1787 got 27 votes. I'm sure that this piece of legislation will get more, but let's keep in mind, if we're going to have reform in the State of Illinois, then it's got to be across the board. I don't think that's being done now, and it's going to be interesting to see what comes back across from the House.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? Question is, shall Senate Bill 1850 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 2, 1 voting Present. Senate Bill 1850 having received the required constitutional

majority is declared passed. Senate Bill 1892, Senator Rock. Are we going to hold 92, 93 and 94? All right. 1897, Senator Sangmeister. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1897.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. As you're all well aware of 1897 is our effort this year to do something in the area of workmen's compensation. We spent considerable time on this bill yesterday where I went over point by point everything that was major in that piece of legislation. I'm reluctant to take the time of the Body to go through that all over again. I think each side has received a breakdown as to exactly what's in the bill and we obviously are looking for your support for it. I would like to say that I know my friends, I guess they're still my friends, I'm not sure anymore, from labor are concerned about I don't think so much as what's in the bill, although they seem to be concerned about portions of that too, is the matter in which this was brought about. It is absolutely true that we did not consult with labor before putting this together and that was with design, and I want that on the record. The problem has been in the past, as you know, between negotiations between management and labor, that it's very difficult to do anything because nobody wants to give any ground. Our thought here was, let's put something out on the table. As I indicated on...on 2nd reading, there's nothing in concrete here. This bill will be going over to the House and I'm sure will be worked over very much over there, but this is a starting point. I would ask those whose pride

is so hurt that they weren't consulted to realize that there is some needed changes in the Workmen's Comp. Act. I do not back down for one minute on any single thing that is in this piece of legislation. I think it is all very, very fair and very, very equitable, obviously, some of it controversial because this is a very controversial subject in its own nature. So, unless anybody has any specific questions about this, on the bipartisan basis in which we attempted to do this, I would turn the discussion over to Senator DeAngelis; and again I, you know, in talking to labor, they say, well, you know, I...I said, you know, we didn't discuss this with management either, and of course, their answer to me was, well, Senator DeAngelis is management and you're not labor. So, I'm willing to admit that I do not stand on this Floor and attempt to speak for labor, and Senator DeAngelis can make his own statement in that regard, but what I do want to say is everything that I have put into this piece of legislation I have done so with the best of good faith, and I think it is a fine piece of legislation and I think we ought to get the negotiations going.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Discussion? I have Senators Berman, Lemke, DeAngelis and Collins have sought recognition. Senator Berman.

SENATOR EEBMAN:

Thank you, Mr. President. I don't question the sincerity of the sponsor. I do find substantial question with the process that was involved here. I think that part of our system requires public participation, and it's...I've been informed that that is absent...has been absent in the process that evolved and resulted in the amendments that were placed on yesterday. That causes me a substantial concern. I don't think that anyone has all the answers. I think the entire legislative processes want to give and take in negotiation,

and I am advised that that was substantially absent from this process. I think...let me...that's a...a general objection. More specifically in the area of...of the process of the workmen's compensation and two of the proposals here. Those people who handled this have...and have a wide experience in this have advised me that the...that the section dealing with the preexisting conditions is just going to invite endless, endless litigation. I don't think that will serve anybody's interest and particular will not serve the injured person's interests. On the expedited procedure under 19-B hearings, it is a...a good step but I don't think it means anything because once a 19-B hearing is completed, there is nothing in here, I am told, that addresses the appeals on the 19-B hearings. So, although you've expedited the hearings at the arbitrator stage, the person who gets the adverse ruling is going to appeal it and without some provision to push those appeals to the top of the list on the reviews, they're going to sit there just like they...do now. So, I think that that is a very, very serious flaw in addressing these 19-Bs which are the...the need to address the temporary disability and the payment of medicals...in...in the interim while the healing process is taking place. That, I think, is a very glaring defect. With those things and more generally the...the lack of input by labor and the openness...the absence of openness, I am restrained to vote No today.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Lenke.

SENATOR LENKE:

I...I think you're trying to do something here, but I...I see some fallacies in what you're trying to do. Number one, in...in the thing about benefits and paid improperly to an employee. Okay? A man walks into the personnel department, he's lucky if...maybe he might have...a college education as a laborer and maybe he might not have, but he goes in and the

personnel manager gives him the benefits. They put the bill through. Most employers, as we know now, they always put things through group and...well, now group rates are high, so they put them through workmen's comp. So this makes...makes the employee suffer because this agent of the employer made a mistake. So now they're going to go back against this poor guy who's out of work and comes back to work and get the money back from them, which is wrong. That's a decision of the company and once that decision is made, they should be stuck with it. If there is group insurance, then let the group carrier pay back the comp. carrier or vice versa. That's their obligation. The employee should not be involved in this situation, and as far as subsequent injuries, I know you're attempting to take care of...the disabled to come back, but to help a small group of people, you're going to injure a...a majority of people, and I don't see anything in this proposal to get after the two big...two big people that have raised rates in workmen's comp., the insurance industry and the medical society. It's a fact if you go over and over the losses at the Industrial Commission, those awards have not gone up but three to four percent, but the medical costs for a doctor's visit in the last years has gone up from ten dollars at a visit to thirty-five dollars a visit, that's the culprit, and the...the rates have gone up and the only way you're going to get insurance companies to refund is to put a control of the rates in this bill, because when we...every time we take benefits away from the working man, that premium does not decrease. That premium stays the same and the insurance company makes a big profit, and I speak from experience because I used to be a house counsel for one of the biggest insurance companies, and we operated on a seventy-five percent loss ratio. Seventy-five percent of the premium that we recovered was paid out of losses and they made a profit. They are now operating on a seventy...twenty-five

percent loss ratio and then making a seventy-five percent profit, and that refund is not going back to the employers on his premium and it's not going to the employee because the benefits remain the same; and I'm telling you this right now, unless you really want to get into the problem and that's the monopolistic control of the insurance industry that sets the rates, when a former director of this State can go work for the people that set the rate, something is wrong, and they got no recourse under the antitrust laws, no recourse, they just keep doing what they want to do, and when an insurance industry goes into a lawsuit, it admits that they had a eleven and twelve percent overcharge; that means you can three times it, they made that much money on the overcharge, and I'm telling you this, maybe you don't feel for that working man and maybe that working man has been blamed for driving business out of this State, but I want to tell you something, the only people that...drove small businessmen out of business are large corporations that have stock in other corporations and that's the insurance industry. When they invested hard and lost investments, they start raising the premiums all over the board, and that's why insurance premiums are up, and the only way they're doing is they're forcing small people out of work and small people out of business, and I'm telling you this right now, this isn't the remedy. The remedy is controlling insurance costs. That's the remedy. You can sit there all you want, but when you sit in Olympia Fields and you don't have no passion for the man that works every day and puts his hands into the machinery, and you have no passion for the widows of these people that have no benefits when they're hurt, and when a guy works forty and fifty years for a company and he develops a heart condition, it's too bad, buddy; it's too bad you're out, miss, we'll give you a turkey on Thanksgiving. That's the mentality of the rich. That's the mentality. They don't want

you to work, they want you to be slaves of their thing, and they will give you the pittance and the crumbs that they want to, and they'll make sure you get the turkey at Thanksgivingtime. I ask for a No vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

I rise in support of the bill. The process was conducted a little differently but to say that the process was not open, a parallel process was taking place across the hall. We were notified Thursday afternoon, and I ought to point out to you the manner in which we were notified and that was that the House couldn't possibly draft an amendment in less than two weeks. So to say that there wasn't discourse going on, I think is just a little untrue. Now we learned back in '79 and '80 that there's so much affected interest involved in this process, on both sides, that quite honestly it's probably difficult to reach any kind of agreement by inviting all the affected interests to agree. In fact, anyone who's been in law knows an agreement to agree is not an agreement, and I don't think you could get people to agree in that diverse of a group and that's why we took this process. In regard to a statement made on the Floor regarding somebody who...resided in Olympia Fields, and I think I'm the only one who does, I would like to point out that my grandfather lost his arm in a steel mill the year I was conceived, and he lost his job with it because there were two people...a lot of people that had two arms that were willing to work. There is nothing in this bill, sir, that takes anything away from an injured worker. In fact, it's almost hypocritical some of the comments I hear that people have compassion for a working person when we have driven out four hundred thousand of those jobs out of this State. Maybe you ought to go talk to rather than the injured worker the unemployed worker, the steel worker in my district

who is fifty years old and fifty-five years old or the unemployed auto worker who can't find work and has lost his dignity in the same manner that my grandfather lost it when he lost his arm. I urge approval for this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr...Mr. President and members of the Senate. I did not intend to rise and speak on this bill except one of the statements made in the...by one of the other members. To be honest, there has not been any input in this legislation from anyone to my knowledge with the exception of the two sponsors. This kind of action impugns the integrity of the Labor and Commerce Commission...Committee, and I...and if this is the way this Body is going to function in reference to labor bills, bills that is supposed to be heard through that committee and bills that we agree and give our word and let out of that committee as a shell bill to put specific language dealing with specific...a...a specific problem and then at the last minute it turned into a major revision of the workmen's compensation laws without adequate time for public input, that is unfair. As chairman of that committee, I feel insulted because you have most certainly had me to violate my word; and I can assure you, Senator Sangmeister, and anybody else in here, that as long as I'm chairman of that committee, you will never get another shell bill through, and I ask all of you to vote No.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Sangmeister may close.

SENATOR SANGMEISTER:

...as usual on this subject, the more we talk I guess the more problems will arise. So just very briefly I would like to respond to Senator Berman. If you check that bill over, Senator Berman, you will find that the...the....the time

requirements in there are very close. It's a whole total of a hundred and eighty days in which to get the process done and I think that's reasonable. Senator Lenke, as I indicated on 2nd reading, all we're saying is that the employee has been improperly overpaid. You know, there should be no wind-fall for that. That should be returned to the proper people. In your statement that what we ought to be doing here is helping hire a few individuals and hurting a lot of employed workers, that's not true. This...the...the preexisting injury aspect of this bill, as I made absolutely clear on 2nd reading, has nothing to do with people who are employed today. This will be an effort...this is not a management thing, this is a labor thing. This is an incentive to say to people who got...as I indicated on 2nd reading and I'm repeating myself, if you got a heart condition or a back condition, maybe your employer now will consider putting you on, because he's going to have some protection on a workmen's comp. claim. I really don't think that's all that bad. And, Senator Collins, if I owe an apology to you because you are the chairman of the committee, I give you that, but I might also say to you, what efforts did you make to bring labor and management together in this area and come forth with a bill? We've seen nothing here and we've seen nothing over in the House. This is our effort. I hope it's not futile.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 1897 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 20, none voting Present. Senate Bill 1897 having failed to receive the required constitutional majority is declared lost. Senate Bill 1918, Senator Nedza. Senate Bill 1924, Senator DeAngelis. Senator DeAngelis, do you wish to amend this at this time? All right, Senator DeAngelis is recog-

nized.

SENATOR DeANGELIS:

Yes, Mr. President, I would like to have leave of the Body to bring...return the bill back to 2nd reading for the purposes of an amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave? Leave is granted. For what purpose do you arise, Senator Lemke?

SENATOR LEMKE:

What bill is this now?

PRESIDING OFFICER: (SENATOR BRUCE)

...1924, Senator.

SENATOR LEMKE:

It's not the bill that lost, is it?

PRESIDING OFFICER: (SENATOR BRUCE)

No, no. This is unemployment. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 2 offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis is recognized.

SENATOR DeANGELIS:

Yes, Mr. President, before put on Amendment No. 2, having voted on the prevailing side, I wish to reconsider the motion upon which Amendment No. 1 was passed.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion to reconsider the vote by which Amendment No. 1 was passed. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. The vote is reconsidered. Senator DeAngelis now moves to Table Amendment No. 1. On...on the amendment, those in favor say Aye. Opposed Nay. The Ayes have it...the amendment is tabled...No. 1. Are there further amendments?

SECRETARY:

Amendment No. 2 offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis is recognized on Amendment No. 2.

SENATOR DeANGELIS:

Amendment No. 2 simply guts the bill and all it leaves on there is a technical change of "to" to "through" in the existing Act. As you know, this bill has created a tremendous amount of controversy, and there are some people who feel that we do not have to take this action at this time and that is to raise the rates as the program manager person raising the rate on small employers on the unemployment, but in the event that we have calculated incorrectly, because the downside risk of that incalculation...miscalculation is so great that we at least perhaps have something available in the fall in either a Conference Committee report or a bill in the House so that we can take action and prevent a disaster in the event that the...the Federal Government indicates otherwise. As it stands with this amendment, the bill is simply nothing more than a technical change of "through" to "to." I urge the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 1. Discussion? 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 1931, Senator Becker. Hold. Senate Bill 1932, Senator Geo-Karis. Hold. Senate Bill 1942, Senator Marovitz. Hold. WANE is seeking leave to film the proceedings. Is there leave? Leave is granted. All right, earlier in the day, if you can go back to page 4 of your Calendar, there was leave sought and received to come back to Senate Bill 495. We'll go back through the Calendar

SB 495
Rescinded

at this point and there was also...Senator Ball, I think, received leave on 720. So, we'll go back. Senator Carroll, are you ready on 495 and your amendments? You wish to...Senator Carroll asks leave of the Senate to return that bill to the Order of 2nd Reading for the purpose of an amendment. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 7 offered by Senators Carroll, Bloom, Smith and Donahue...Senator Carroll, Smith...Elcck, Smith and Donahue.

PRESIDING OFFICER: (SENATOR BRUCE)

No, Senator, it's the larger of the...all right. Senator Bloom, for what purpose do you arise?

SENATOR BLOOM:

Yeah, either me or Mr. Carroll...Senator Carroll. We can perhaps speed it up. We would seek to withdraw the amendment that we have filed...the large amendment we have filed. Senator D'Arco's amendment...I am now informed Senator D'Arco is not here today. At some point we ought to deal with that.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator, the...the matter before is...is your amendment which is the one-page amendment. Senator DeAngelis, for what purpose are you seeking recognition?

SENATOR DeANGELIS:

Mr. President, it's been called to my attention that the roll call was not announced on 1897. If that so be, I would like to have it put on consideration postponed.

PRESIDING OFFICER: (SENATOR BRUCE)

No, in fact, the roll call was announced 29 to 20 the bill having failed to receive the required majority was declared lost by the Chair but whatever. All right, Senator Carroll to explain Amendment No. 7. Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Let me first try and eliminate some confusion that may be in the Chamber. We had earlier had passed out by the Pages a long version of a...an amendment we had intended to propose and have now withdrawn. That amendment, just to explain, would have delayed the effect of any cap for two years. Based on comments of members on the floor that they thought that maybe if we held off for a couple of years but had the cap setting out there, that that made more sense. Unfortunately, when we did a head count of the comments versus the votes, we weren't quite so sure that even that would have been adopted, though it did that which many commented on. So rather than put everybody through that exercise again, we have withdrawn that and in lieu thereof have suggested this amendment which I believe meets the...at least does not have the disapproval of most of the players who opposed the cap. I cannot say all because I have not spoken to all, but I have spoken to the medical society and proprietary hospitals and they have no opposition to this. This would provide for a filing with the Auditor General of a financial statement of any hospital who receives more than ten percent of its total gross revenue from the State of Illinois and who...the Auditor General will then review those financial statements to determine if those payments are in accordance with the terms and conditions applicable to the way in which they received the money. If the Auditor General finds they are not, he will conduct a full audit and then they...that hospital, should they not be in compliance with the terms and conditions in which the money was sent to them, they would be ineligible from further receiving State funds. There is a provision in here that allows them a hearing thereon and that the period may in fact be extended. The purpose of this is to say that if, in fact, you are spending our money correctly, fine, but if you are not, we should know

about it and we should stop doing business with you. This would be a financial audit conducted by our auditor, the Auditor General of the State, and it's at least an attempt to say we are making sure payments are being made and spent wisely and thereby, hopefully, doing something to contain costs. I would ask for a favorable roll call or voice vote whichever is necessary.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator...I have Senators Geo-Karis, Fawell, Maitland and Bock. Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Is the amendment to which you refer, because I see there are two of them that you have circulated, a one-page amendment?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis. Okay. Senator Fawell.

SENATOR FAWELL:

Are the caps still off?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Fawell. Further discussion? Senator Maitland.

SENATOR MAITLAND:

Well, thank you, Mr. President and Ladies and Gentlemen

of the Senate. I...this...this amendment seems to go along with the total scheme of things with...with Senate Bill 495. We had...we had the amended version sprung on us yesterday and were asked to vote on it, and I...I've discussed with...with the sponsor of the bill...at least the sponsor from this side of the aisle, a couple of times today, a number of things and...and this one wasn't even discussed with...with us; and I...Senator Carroll, you said you had talked with...with the opponents, I think, yesterday or the people who had some concerns and I...I wasn't aware of it and...and the amendment may well in fact be all right, but again, I don't know why we have to do things on such short notice. Why we can't we have a little advanced notice of these things?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

It's the last day to attempt to move the bill out of the Senate. Senator Bloom and I at least felt that the version that was in last night did nothing to contain cost. We were asked to try and work with certain provider groups to see if we could come up with something that would still be in effect a containment in order to move the process along. This is what we came up with that we think can get votes to pass.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland, had you concluded? Senator Egan. Senator Egan, did you wish...all right, Senator Bloom.

SENATOR BLOOM:

Yeah, very briefly. Part of our discussion, Senator Maitland, this morning was to see what sentiment there was to...postpone any capping on charges for two years and we felt there wasn't that...we learned that sentiment was not there. This is relatively innocuous and the...as I say, at least the...the med. society and...and some of the hospitals

have no real objection to that. I know that maybe Senator Davidson has an amendment that covers the other part of what we talked about, but I see no reason why we can't adopt this and then address Senator Davidson's amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Bock.

SENATOR BOCK:

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

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he'll yield. Senator Bock.

SENATOR BOCK:

Senator Carroll, the way I read this that it says, "In addition...in addition any hospital located in the State receiving payments or grants from the State that exceed ten percent of total gross revenue." I assume you mean ten percent of the hospital's total gross revenue, not the State's gross revenue.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

In some cases, I'm not sure it's not the same...dollar amount; but, yes, it means the hospital's gross revenue and it applies to that section, Senator Bock.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bock.

SENATOR BOCK:

Then my next question then, as things currently exist, how many hospitals would fall under this provision? How many have revenue from the State exceeding ten percent of their total gross revenue?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Senator Rock, I can't give you an exact number but it is the vast majority of them. This would eliminate those smaller ones who do not do any significant business with the State at all but it would cover the vast majority of them.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

So what we are saying, in effect, is that the vast majority of the hospitals in our State are now...shall file with the Auditor General, in the manner prescribed by him, an audited financial statement. The hospital whose board I sit upon has, in fact, an audited financial statement available but I don't know if that's the one that the Auditor General is going to prescribe. I...I just wonder if we're...wonder why...why we are doing this. There ought to be some other way to approach this, it seems to me, than...than mandate every hospital in the State to submit to the Auditor General an audited financial report. The Auditor General is going to need a...an army of young interns, I suppose, to read all these things.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

I don't know if that was rhetorical or a question, but it's my understanding that the Auditor General feels he can handle the workload. The idea of the audited financial is to, in effect, make it easier for them because, as you point out, even the one that you are associated with, they have audited financials. The purpose is to allow the State to know whether or not the money the State is sending is being used according to the purposes to which the State has sent the money there.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll...or Rock.

SENATOR ROCK:

Well, on...on that basis then, I'm sorry, I'm going to have to oppose this. It just seems to me that this is...this is a...if...if the State of Illinois or the Department of Public Aid wants an audited financial statement from Loretto Hospital, all they have to do is send them a letter and ask for it, but to impose this and say that if you get more than ten percent of your revenue from the State of Illinois, for goodness sake, we could mandate that kind of statement, I suppose, from every municipality and county. It just seems to me this is not in our best interest.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, on that same point, the bill...the purpose of the bill is to help control hospital costs and I'm concerned about small hospitals. I...I don't know how many of them, if all of them, have audited financial statements. I presume most of them do have, but I wonder if they're in the form prescribed by the Auditor General, so I raise the same. Do you know, Senator Carroll, whether or not, or either of the sponsors, all of the hospitals in Illinois have audited financial statements now?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Senator Schuneman, it is my understanding...the answer to my knowledge is, yes. They also have to because of Federal compliance as well. Those who are getting...okay, Medicare are required to have audited financials, and again, all we're...that's why we've eliminated the small ones who really don't probably have either.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I...I guess I'm reaching a point where I no longer understand this incredible sensitivity about perhaps hurting the feelings of the hospitals in this State the slightest little bit. Like many other members here, I have perhaps fifteen or twenty of the outstanding hospitals in the State of Illinois in my district and I...am delighted to have them there. I have enormous respect for them, but I...I also have a lot of respect for my constituents and for everyone else who's got to pay the costs of health care in this country. We have diddled and dawdled and fussed around for years and we have not even begun to come to grips with the fact that most people...including those of use who pay the insurance premiums can no longer afford health care in this country. We have got to start somewhere to do something. I happen to think that the idea of caps was worth a try yesterday. Obviously, the majority of the Senate is not quite ready for that yet, but if we don't at least know what these costs are going for and have some chance to begin to understand them, we haven't even got a basis from which to start. I would remind some members here that for those of us who go back a ways that the first step in nursing home reform in the State of Illinois General Assembly were bills that were passed back in probably '74, I would guess, 1974, that at least required some audited financial information. That was the first thing we had to have in hand in order to begin to understand the nursing home industry which was a major growing factor at that time. We have got to have the same kind of information if we're ever going to at least begin to pretend that we're going to meet the question of hospital costs, and I...I just do not understand why this is such a sensitive issue. It is almost nothing compared to what we ought to be doing to control hospital care costs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further...further discussion? Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. I...I see...really, I don't see any objection at all to this concept, Senator Bloom and Senator Carroll, that with...with some sophistication in your control, I think it'd be fine. The problem that I see and I...I want to support this, because I think the concept is good and if it helps contain costs, then it's moving in the right direction as does the rest of the bill, but to give the Auditor General the power to stop payment just because he wants to or doesn't like your financial report, I think goes a little too far. So, if you can clean that up later,...I can support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you. I...is that to close, Mr. President or to answer, either way? Either way...oh, all right. Let me just say that if you'll read the rest, Senator Egan, any substantial noncompliance will require them to file within sixty days a plan to bring the hospital into compliance, that allows them the ability to come in and show how they will, in fact, comply, and they have to comply within a hundred and eighty days, both of those times may be waived or extended by the State where the necessity arises, and I don't see what's wrong with letting us know how we're spending eight hundred million dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Egan.

SENATOR EGAN:

Yes, well, I...I agree and I...I just question when you state here that the State may extend or waive, who is that? That...that's my...the purpose of my objection to the

sophistication in your amendment is only that it really doesn't say anything and...when you're talking about the State, who? the Auditor General? the Attorney General? somebody...Department of Health? somebody has to have that authority and that responsibility, and I'm just suggesting that you clean this up later and I can support it. If...if you'll do that, I...I can support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Elcom.

SENATOR ELCOM:

Let's do it. No, I...I think Senator Carroll wants to close. I would add that there are twenty...they're called 2552s, these forms. So, it's...it's not untoward. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Carroll may close.

SENATOR CARROLL:

Ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Carroll has moved the adoption of Amendment No. 7 to Senate Bill 495. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The amendment is...all right, there's been requested a roll call. All right, Senator Carroll has moved the adoption of Amendment No. 7 to Senate Bill 495. Those in favor will...will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 22, 1 voting Present. Amendment No. 7 to Senate Bill 495 is...having received the required vote is adopted. Any further amendments?

SECRETARY:

Amendment No. 8 offered by Senator D'Arco.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco. (Machine cutoff)...Carroll, Senator D'Arco has filed an amendment to...Amendment No. 8 to your...Senator Carroll.

SENATOR CARROLL:

He did ask me to handle it for him. I will explain it and offer it, with leave of the Senate.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right, is there leave for Senator Carroll to handle Senator D'Arco's amendment? Senator Keats.

SENATOR KEATS:

Is he in town?

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Carroll.

SENATOR CARROLL:

No. He called and asked if I would handle it...he called me this morning.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Keats.

SENATOR KEATS:

The Senate is in Session. If he feels strongly about an amendment, he could show up for Session.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Carroll.

SENATOR CARROLL:

All I can say is, he told me he was ill. I told him to stay out of the hospital till we pass this, and said that I would handle it.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right, the question is, shall the Senate have leave of the Body to have Senator Carroll handle Senator D'Arco's amendment. Is leave granted? Leave is granted. Senator Carroll.

SENATOR CARROLL:

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

Senate. Amendment No. 8 is...deals with the area within the Department of Public Aid of HMO's, Health Maintenance Organizations. There appears now to be a limit of how many can be signed up in any given month. This would, in fact, eliminate that limit so that more could sign up into the HMO's. The department has found that the usage of the HCM's has been cost effective and Senator D'Arco's approach to therefore allow the people to get in there...into the HCM's more quickly so that, in fact, our cost can go down. That is the content of Amendment No. 8, and on behalf of Senator D'Arco, I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Carroll moves the adoption of Amendment No. 8 to Senate Bill 495. Is there any discussion? If not, those signify by saying Aye. Opposed Nay. The Ayes have it. Hearing no requests for a roll call, the amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

3rd reading. Senate Bill 667, Senator Egan. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

There should have been another amendment up there on file. If not, I got extra copies.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Well, Senator, the...

SENATOR DAVIDSON:

...been distributed.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

...the Secretary indicates there is no amendment on file. All right, the...Senator Carroll, the...Senator Carroll, we have moved Senate Bill 495 to 3rd reading. Senator Carrll.

SENATOR CARROLL:

Yes, we had told Doc Davidson yesterday...Senator Davidson yesterday that we would give him a chance to offer his amendment, so with leave of the Senate, I would ask that the bill be brought back to 2nd reading.

PRESIDING OFFICER: (SENATOR DEMOZIC)

Well, first of all, with leave of the Senate, we'll take 667 out of the record. Is leave granted? Leave is granted. With leave of the Senate, we'll return to Senate Bill 495. Senator Carroll seeks leave of the Body to return Senate Bill 495 back to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of 2nd Reading, 495, Mr. Secretary.

SECRETARY:

Amendment No. 9 offered by Senator Davidson.

PRESIDING OFFICER: (SENATOR DEMOZIC)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this amendment is a very simple thing to try to put some cap so you'll quit getting banged by all the people saying, how come they keep building when there's...new buildings when there's empty beds setting around? I met with the hospital people yesterday afternoon. This amendment is very tightly drawn where it would apply to a hundred million dollar cap for the next three years, a hundred million per year. It has bricks and mortars only, and the reason why it's drawn very narrowly was the way the first bill came out it included nursing homes and State hospitals and et cetera which I didn't think belonged there and also hospital equipment. They asked the question, if we would want to remodel to change the use of beds, like maternity areas gone down to make it more useful for another care. I said, fine. This is a hundred million cap that has to do with bricks and mortar only. It applies only to those hospitals...it...it excludes by language State hospitals, yet

it also excludes any emergency or life safety which would call for any kind of new construction. If you look at their record, their amount of cost or amount they expended on bricks and mortar in the last five years, from '79 through '84, has gone down from almost four hundred million down to this...in the year '84, they have spent a million and twenty-four and they estimate it might be a hundred and fifty. This seemed like a reasonable approach to try to put some kind of a cap so people can say, how come they keep building more new bricks and mortar when there's empty beds here, there and yonder, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR LEMUZIC)

All right, Senator Davidson has moved the adoption of Amendment No. 9. Is there any discussion? Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. Senator Davidson, I...I don't know what hospital people you were talking to but they're not the same I've been talking to. They...they are not in favor of this. I...I didn't think you did, but you might of implied it and I just wanted to clear the air. This is the same thing that we were doing all day yesterday. So, I...I wish you'd oppose it.

PRESIDING OFFICER: (SENATOR LEMUZIC)

Further...further discussion? Senator Elcom.

SENATOR ELOCM:

Thank you, Mr. President and fellow Senators. Well, I...I'll clear the air a little further for you, Senator Egan. Senator Davidson is offering what appears to be a reasonable compromise that tightening the front end of the capital system, the certificate of need process, the mother-may-I commission, whatever you want to call it at the front end; and yesterday, after we went off the Floor, one lobbyist from the Hospital Association said, that's unobjectionable because I don't think we're going to be

reaching a hundred million of new construction. This morning the same lobbyist said they have consulted with on high, and on high says, philosophically, we oppose this. So, that's how we got to where we got. Part of the discussions this morning, including Senator Maitland, were...is Senator Davidson's approach to a kind of a reasonable compromise between some of the so-called extremes, and it appeared that some of those that were against capital caps felt that it was a reasonable compromise, and I see no reason why every member of this Body could not support this, notwithstanding the change of heart of representatives of the Illinois Hospital Association.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yes, thank you...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...pardon me, Senator DeAngelis. Senator Egan, you had not concluded? Senator Egan.

SENATOR EGAN:

Well, I just...in answer, if I may, Mr. President and members, this is the first time I've seen this amendment. I don't have time to read it. I don't...I don't know what to do with the amendment to be factual and to be frank. You...you come here at twenty-five minutes after one on 3rd reading, remove back to 2nd reading with an amendment that we don't have time to read. I...I may or may not disagree with you, Senator Bloom, but you can't do that to your...your colleagues and ask them to intelligently deliberate on the subject. No, I...I don't think you've cleared the air at all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah. Thank you, Mr. President. I rise in opposition to this amendment. It's...I hear things likes, well, this is a

very reasonable number. Well, you know, if it's reasonable, it's not really a cap, you know. What we want to put a cap on is to make sure that it's a squeeze on rather than doing the things that everybody wants to do, but the thing that disturbs me the most about it is that we are asking the medical and the hospital groups to, in fact, reduce their costs. The manner in which it's done is to radically change the manner in which medicine and hospital care is administered. There's been a tremendous swing in that manner going to free-standing surgery care centers, emergency free-standing centers and so forth, and you know, it's almost like asking the automobile industry to turn around and build a car cheaply but don't modify the production line. The fact is if capital construction will reduce medical costs, it ought to be, in fact, done. If it's only going to increase the number of beds that are already vacant, then the problem isn't with the cap, the problem is with the group that's doing the work; and if that's the case, go after the mother-may-I's, but don't do it this way.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Further discussion? Senator Davidson may close.

SENATOR DAVIDSON:

Two or three answers. Senator Egan, that amendment has been laying on your desk since before eleven-thirty, 'cause I put it out early so people would have an opportunity to read it. Secondly, I didn't say the Hospital Association supported it, that was not in my intention and I did not say that. I said I met with them yesterday evening to find out what their objections were. I drew it as tight as I could. They didn't want equipment, they didn't want remodeling and all the other things in. Last night there was some indication they might be able to live with it, but after they got the amendment on which removed the cap...this morning, they don't want any kind of a cap, and maybe if I had been where they were and

won yesterday, I'd say the same thing. A reasonable reduction on capital expenditure seems to be in order. They have spent one...a hundred and twenty-four million or obligated that they know. They may go to a hundred and fifty, but they know they're going to do a hundred and twenty-four million, a reduction of twenty-five percent is reasonable, it's livable, it's a good amendment, it's an opportunity...it's a good opportunity for all of you to give some encouragement to the people or the senior citizens, the employers whose bill on employees' insurance keeps going up, you individuals who pay your own insurance and all the other people who are saying, do something. This is your opportunity to do something. I appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is on the adoption of Amendment No. 9 to Senate Bill 495. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 24, the Nays are 26. Amendment No. 9 is lost. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. The next bill that can be called is Senate Bill 720, Senator Hall is recognized...read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 720.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

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

Senate...Senate Bill 720 amends the Act relating to state's attorneys' salaries. As you know that they're county and they cannot be put into the commission bill. So, therefore, that I am going to pursue this bill, and in it also is the sheriffs...set the salary of the sheriffs to two-thirds of the salary of the respective state's attorneys; and with that, currently only state's attorneys in counties under thirty thousand can have private law practices, and SB720 allows such state's attorneys to continue their practice if the county crosses the thirty thousand threshold. It allows state's attorneys in counties of ten thousand to twenty thousand, even up until Cook County and the others around the counties. So, I would ask your most favorable support for Senate Bill 720.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? Senator Coffey.

SENATOR COFFEY:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Coffey.

SENATOR COFFEY:

Who will be obligated to pay this increase? Will this come from the...from the county board, and if so, with us mandating this salary are we going to, under recent legislation, have to pay for this?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

I'll refer to my cosponsor, Senator Sangmeister.

PRESIDING OFFICER: (SENATOR BRUCE)

The question, Senator Sangmeister, is who's paying for the increase, county or State? Senator Hall.

SENATOR HALL:

...two-thirds of the annual compensation of the state's

attorneys is paid by the State Treasury to the counties; one-third is paid by the counties.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

How about the sheriff?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

The state's...the sheriffs are all county.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

The Mandate's Act that we passed is not...is not affected?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

My understanding is that we're obligated by law to set their salary, so I'm not sure...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

Well, you know, again, I think, you know, we're about to if...if you wanted to raise...there has always been a minimum and a maximum salary that we've allowed counties to make a decision...that county board to make that decision and it looks to me like under the Mandate's Act we're about to say that the county board has no choice but to increase the sheriff at two-thirds of whatever the state's attorney makes; and the counties are having financial struggles now, we are, by passing this legislation, creating another financial problem for them. I think that's not fair, and if the State of Illinois under the Mandate's Act wants to pay for it, then we

ought to put appropriation in and pay for it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Iechowicz.

SENATOR IECZOWICZ:

Thank you, Mr. President. Will the sponsor yield to a question? And maybe the question has already been asked, I was called to the phone. What's the fiscal impact on this bill to the county government?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

I'm going to defer, again, to Senator Sangmeister.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...

SENATOR SANGMEISTER:

Well, the...suddenly all the...the authority on it. The answer to that is, I did not see a fiscal note filed on 2nd reading, so I...I guess there's been...we really don't know. It's not in my analysis of the total impact, Senator.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee, for what purpose do you arise?

SENATOR BUZZEE:

Well, on...on that point, since it was my amendment that included the sheriffs in. In the case of Cook County, the state's attorney's salary would go from fifty thousand five hundred dollars a year to sixty-five thousand dollars a year. Under present law, two-thirds of the state's attorney's salary is reimbursed by the State. So, one-third of that increase from fifty thousand up to sixty-five. In other words, in...in...in other words, five thousand dollars more would...come from the Cook County Treasury for the sheriff's salary...pardon me, for the state's attorney's salary. In the case of the sheriff's salary, it's my understanding at the present time, the Cook County Sheriff is paid twenty-five

thousand dollars a year. Well, that's what the Statute says.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lechowicz:

SENATOR BUZBEE:

...it's what the Statute says.

SENATOR LECHOWICZ:

Well, I don't know what Statute you're looking at, but I guarantee you that, Dick Elrod makes a...a lot more than twenty-five thousand. In fact, he makes more than the county state's attorney. I think it's closer to sixty; fifty-eight to be exact.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, Senator Buzbee, you interceded in a question that was put...well...all right, Senator Buzbee, would you answer the question. The question was...

SENATOR BUZBEE:

I'm just...

PRESIDING OFFICER: (SENATOR BRUCE)

....what is the total cost of this Statewide? Senator Buzbee.

END OF FEEL

REEL #4

SENATOR EUZEBE:

I am telling you, Senator Lechowicz, what the Statute says. I don't know what the Sheriff of Cook County makes, but the Statute says that his salary shall be twenty-five thousand dollars a year. Now, he may have some additional emoluments but the Statute says his that salary is twenty-five thousand dollars a year; and he would go according to this, he would be paid fifty thousand dollars annually, and I misspoke earlier his...the State's Attorney's salary would go to seventy-five and the Sheriff's salary would go to fifty in Cook County.

PRESIDING OFFICER: (SENATOR EUZEBE)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. Could I ask Senator Euzbee a question?

PRESIDING OFFICER: (SENATOR EUZEBE)

...Well...

SENATOR RUPP:

What would it cost Statewide? I think that's what the question was. What is the cost of this...

PRESIDING OFFICER: (SENATOR EUZEBE)

Wait a minute...hold on, hold on. Senator Lechowicz, you had not concluded? Senator...Lechowicz.

SENATOR LECHOWICZ:

First of all, I believe that the Statute says it's no less than twenty-five thousand and there isn't a maximum limit in reference to the Sheriff of Cook County. The Sheriff of Cook County presently receives a salary of fifty-eight thousand, and I believe that the State's Attorney of Cook County is at fifty thousand. Now,...they're both the same, I've been corrected. My question was, what is the total fiscal impact Statewide on this bill? I did not ask for Cook

County alone, I asked for the entire State. I think it has been raised three times now, I'd like to have an answer. Maybe nobody wants to admit the fiscal impact of this bill Statewide, I don't know.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

Well, I don't have that answer right now, that...it's...to be exact, I don't really have it. All I have is what is the current...and you're asking what this is Statewide...I just don't have that answer to be honest with you, Senator.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Further discussion? Senator Grotberg.

SENATOR GROTBERG:

...thank you, Mr. President, if I may ask Senator Sangmeister, you seem to be the hit man on this, if you would yield. I'm looking at the state's attorney's amendment and I'm kind of for the bill, but I want to make sure about something; for instance,...do you have the bill in front of you, Senator? On line 15, page 1, you have stricken out the existing salary and put in thirty-one five, for instance on the small counties, until the 1st day of December '84. Now, does that...does that mean that the first thing they get is a pay raise for the rest of '84, until December, and then they get sworn in at yet at another level? I know they get sworn in then...they still cannot have an increase during their term of office can they? But, why you've...I can't...I'm just trying to understand why you changed the base rate...

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order please.

SENATOR GROTBERG:

...it's...it's an overdone amendment, I think, and it goes on through all the different size counties, where you've

struck the existing...the existing amount for the current year upped it and then moved on. If you're going to explain it, I would appreciate it.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

Yeah, I was a former state's attorney, I guess that's why I'm getting nailed with all this. I'm looking at the bill...if I understand your question correctly, the old amount has been stricken and the new amount has been put in. What's the confusion over that?

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Grotherg.

SENATOR GROTHERG:

Well, you...you...you...it indicates a...a raise for the current year and the new raise; it's duplicative is all I'm saying. It's difficult to understand...it's probably meaningless. I ask the question anyway.

PRESIDING OFFICER: (SENATOR EBUCE)

Further discussion? Senator Bock.

SENATOR BOCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of Senate Bill 720 as amended and would like the Body to reflect upon the fact that the state's attorneys in the hundred and two counties are standing for election or reelection this November and they will have a four-year term. If we are to afford them a pay raise, this bill is it and I would ask you to vote accordingly.

PRESIDING OFFICER: (SENATOR EBUCE)

Further discussion? Senator Bigney.

SENATOR BIGNEY:

The only thing I would comment on, Mr. President, is I note that in a lot of your downstate counties are in that range of thirty thousand people up to a hundred thousand

people, they are currently at a minimum of fifteen thousand on their sheriffs. That fifteen thousand will be raised to forty-two thousand nine hundred as a minimum salary. I think that's going to be a little hard to explain to our county boards.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Earkhausen.

SENATOR EARKHAUSEN:

Mr. President and members, I would just make the comment insofar as the state's attorneys' salaries are concerned that I think that they deserve some raise and I think it should...has...as Senator Bock pointed out, has to come this Session. I think it might make some sense at least in the...in the counties where state's attorneys are prohibited from practicing to gear their salary levels to the level of associate judges. I think if you look at career patterns throughout the State, you will see that most of the state's attorneys are...are younger professionals, they don't see being a state's attorney as...their career, perhaps, they should but they don't. Oftentimes they go on to become judges, they go on to make greater successes of themselves in private practice. In...in some...some cases, such as the distinguished Senator from Will, they achieve full glory and become State Senators, but in any case, I think we ought to...to recognize where these people are coming from and where they're going and we ought to recognize that in order to have the incentive to be state's attorneys, they don't need, in my opinion, sixty-five thousand dollars a year.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall may close.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think that it's been explained that these people are going to be in a four-year term. They cannot be put in

the commission field because they are county, and for that, I release it to your tender mercy asking for a favorable vote for Senate Bill 720.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 720 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 21, 1 voting Present. Senate Bill 720 having failed to receive the required constitutional majority is declared lost. Senate Bill 1217, Senator Euzbee. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1217.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Euzbee.

SENATOR EUZBEE:

Thank you, Mr. President. This changes the Election Code with respect to poll watchers. It provides that candidates' poll watchers, and only candidates' poll watchers, in both General and Primary Elections shall be registered to vote from a residence within the district or political subdivision in which the candidate is seeking office. It removes the current law requiring that candidates' poll watchers must be registered to vote from a residence in the county, precinct or ward in which they are poll watching. It clarifies that poll watchers are required to have credentials that are issued by the election authority in the jurisdiction where the poll watcher is registered; and again, as I pointed out, it affects only candidates' poll watchers, it means now that you can take a poll watcher from anywhere within your legislative district and send them to anywhere else in your legis-

lative district to be a poll watcher. I found to my horror in the last Primary Election that the current law said that the poll watcher had to come from within the county, and in fact if you had a second poll watcher in the precinct, that second poll watcher had to come from within the precinct. As a result, it makes it very tough sometimes to find...find folks to be pollwatchers in some unfriendly territories. So, this would straighten that out. Then Senator Luft put an amendment on which also said that in those municipalities and villages which have a population of five thousand or less, in their city Primary Elections that they can have an election if they so choose. Under current law they are required to have a caucus, I believe, and this would simply give those small cities and villages the opportunity to have a Primary Election if they choose to instead of a caucus. And I would submit that's it good legislation; I would ask for your support.

PRESIDING OFFICER: (SENATOR EEUCE)

Is there discussion? Discussion? The question is, shall Senate Bill...whoop. Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR EEUCE)

Indicates he will yield. Senator Fawell.

SENATOR FAWELL:

This...this still allows DuPage people to come into Cook or Cook people to come into DuPage on election day?

PRESIDING OFFICER: (SENATOR EEUCE)

Senator Euzbee.

SENATOR EUZEEE:

If the legislative district line crosses those county lines, the answer is, yes. If...if it does not cross those county lines, then the answer is, no. This would not allow

county organizational poll watchers to go from one county to the other. It's only candidates' poll watchers that can go within their legislative district.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? The question is, shall Senate Bill 1217 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 46, the Nays are 3, 1 voting Present. Senate Bill 1217 having received the required constitutional majority is declared passed. Senate Bill 1381, Senator Schaffer. I have...1478, on page 6 of your Calendar is the next bill under consideration. Senator Philip, 1478, interest, counties...read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1478.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1478 as amended is trying to answer a problem that arises in DuPage County. As you're probably...aware, we had the Wooddale library district that filed suit in court suggesting they were entitled to the interest made on monies that our county treasurer had kept and had...had wisely invested. It got into court and the court ruled that they were entitled to those monies and made it retroactive for seven years. In my little county of DuPage, that's some eighteen million dollars we would have to pay back. In Cook County it's like sixty-eight million dollars. What this does is says that you cannot...make it retroactive, you have to pay them on the interest for that money starting

as of November 18th, when the court rendered that very foolish decision. So, I'll be happy to ask...answer any questions. If not, I would certainly would concur that you ought to vote Aye on this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Very briefly, Mr. President, it is a very important piece of legislation to the county government. Basically what it does it...it...this makes illegal what they have been doing in the past as far as...investing money and drawing the interest and then putting that money into the corporate fund of the county, but it also...it does also require that a reasonable amount of time that the money is then transferred to the respective taxing bodies that the money is entitled to. All you're doing is letting the county gain the interest and use that money with...for...for corporate purposes. I think this is an excellent piece of legislation, and strongly encourage its passage.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? The question is, shall Senate Bill 1478 pass. Those in favor vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 1, none voting Present. Senate Bill 1478 having received the required constitutional majority is declared passed. Now we have two more bills on the regular Calendar. Senator DeAngelis, we did not call your 1924, is that correct? Alright, and that would be on page 12 of your Calendar is Senate Bill 1924. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1924.

(Secretary reads title of bill)

SB 495
3rd Reading

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BUUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 1924, as emasculated makes a small technical change to keep alive a bill that perhaps we may need next fall in the Veto Session to deal with the problem that I hope will never occur. I urge support for Senate Bill 1924.

PRESIDING OFFICER: (SENATOR BUUCE)

Discussion? Discussion? The question is, shall Senate Bill 1924 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 42, the Nays are none, 9 voting Present. Senate Bill 1924 having received the required constitutional majority is declared passed. Senate Bill 495 is on page 4 of your Calendar. Is there leave to go to that order of business? Leave is granted. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 495.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BUUCE)

Senator Bloom is recognized.

SENATOR BLOOM:

Well, thank you, Mr. President and fellow Senators. I guess you saved the best for last. In its form without caps, 495 creates the Health Care Cost Containment Council that is to consider health care delivery system, reduce cost...suggest ways to reduce cost shifting, look at our community hospitals and their mission, the press...present effectiveness of the State health planning process, to make

interim reports to us. It provides for a procurement board for Medicaid contracting. The limits are out, it does say that contracts must have within them utilization review, provides for certain auditing functions; and basically, there's no buzz saw a half an inch above the hospital's head, I think we've gone back to kind of a pillow. I would see no reason why this Chamber could not put fifty-nine votes on it. The provider groups have won, at least on the issue of capping, and so be it, let's keep the process going.

PRESIDING OFFICER: (SENATOR BUCE)

Discussion? Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President, members of the Senate. Senator Bloom, I'm happy to tell you that in its present form, I think there's not anyone in the Body that can't support it and I recommend it to everybody, vote Aye.

PRESIDING OFFICER: (SENATOR BUCE)

Is there further discussion? Alright. The question is, shall Senate Bill 495 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 2, none voting Present. Senate Bill 495 having received the required constitutional majority is declared passed. We have...Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Yes, thank you, very much, Mr. President. I have a...with leave of the Body, I'd like to go to postponed consideration for the expressed interest of...of picking up Senate Bill 1948.

PRESIDING OFFICER: (SENATOR BUCE)

Alright. Is there leave to go to the Order of Consideration Postponed for...1948? Leave is granted, and I understand, Senator DeAngelis, that you're also on 1660. Senator

DeAngelis.

SENATOR DeANGELIS:

Shall we run them in order?

PRESIDING OFFICER: (SENATOR RUUCE)

Well, I recognized Senator Demuzio first, if it's all right, we'll just go with him. Senate Bill 1948, Mr. Secretary. Oh, it has been read. Senator Demuzio, an explanation.

SENATOR DEMUZIO:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. This is part of Attorney General Hartigan's package. It would provide for the forty million dollars in the General Obligation Bonds for the cleanup of hazardous waste sites. We passed the funding mechanism bill in Senator Welch's proposal yesterday. This bill failed...I think some individuals really didn't understand it, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR RUUCE)

Is there discussion? Discussion? Senator Eigney.

SENATOR EIGNEY:

Well, really, I don't think this bill has improved a whole lot over night, because I don't think anything was done to amend it or anything of the sort. We're talking about forty million dollars of additional bonding by the State. Now, the statement was made that while we passed the funding mechanism here yesterday in the form of that additional generator's tax which we also unwisely adopted. I might just point out to you, however, that that thing was also scaled down to the point where it probably...by the sponsor's own figures will not bring in any more than about four million dollars a year which would barely pay the interest on the bonds let alone pay in anything on the principal. Furthermore, if our experience in the State of Illinois is similar to those in New York and some of our sister states and the earnings from that generator tax produce about a third of its

original projection, we're going to be terribly short of having the money to pay off the obligation on these bonds. So, I think it would be very unwise at this time to be going into any such highly expensive forty million dollar bonding program.

PRESIDING OFFICER: (SENATOR BUICE)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As I remarked the other day when the bill failed by just a couple of votes, this, in fact, now has behind it a revenue stream because we, in fact, have the generator tax. This is the easiest one of the two. And the fact is that we have to make some provision for a cleanup. I would urge an Aye vote. I don't frankly see anything wrong with this one at all.

PRESIDING OFFICER: (SENATOR BUICE)

Further discussion? Senator DeBuzio may close. The question is, shall Senate Bill 1948 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 21, 1 voting Present (Machine cutoff)...bill 1948 having failed to receive the required constitutional majority is declared lost. Senate Bill 1660, Senator DeAngelis. It's been read a third time.

SENATOR DeANGELIS:

Yes, thank you, Mr. President. Senate Bill 1660 is the one that requires that juveniles be separated from adults. The bill failed by one vote on a verified roll call. I have talked to some people regarding their positions and they have indicated they will vote favorably. I don't think I will go through the whole bill again, be happy to answer any questions, though.

PRESIDING OFFICER: (SENATOR BUZZEE)

Is there discussion? Senator Euzbee, Marcwitz and Kelly seek recognition. Senator Buzzee.

SENATOR BUZZEE:

Well, Senator, I certainly applaud the...the philosophy of what you're trying to get to here, but we just defeated a pay raise bill a few minutes ago for state's attorneys and sheriffs on the basis of what it was going to cost the counties to be able to pay those folks that additional money. I can tell you that there are a lot of little county jails in my area that cannot comply at the present time with statutory requirements that this General Assembly passed as to the physical facilities of their jails. Now if we're going to make this a requirement, they're probably going to have to go in, as I understand it, and build additional facilities. Let me tell you, to the extent...at least one county in my district that...that passed or rather put a referendum on for...for an increased tax to build a new jail and it was defeated overwhelmingly. I don't know what's going to happen to a lot of those little county jails but probably a lot of them are going to be closed at some point if...if the Statutes are not changed and if the Department of Corrections keeps enforcing them the way they have been up to this point. Now you're putting another requirement on to spend more taxpayer dollars and let me ask you this, is the State Mandate's Act going to be operative here? Will the State be required to go in and now build these facilities for...these separate juvenile facilities for...for juvenile offenders? That's a question.

PRESIDING OFFICER: (SENATOR BUZZEE)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, let me answer your question this way, Senator Buzzee. If I had a county jail that was not in compliance,

and you would be out of compliance under current law without this bill, that I would vote for this bill, 'cause this bill does two things that you can't do right now. One is it provides some alternatives for detention. Secondly, there is reimbursement for putting them in a different place that does in fact comply. So I would think that's a reason for voting for the bill not voting against it.

PRESIDING OFFICER: (SENATOR BUZZE)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well, I just want to reiterate to everybody...

PRESIDING OFFICER: (SENATOR BUZZE)

I'm sorry, Senator Buzzee, there's a lot of activity up here. We're trying to get home. Senator Buzzee.

SENATOR BUZZEE:

I understand, Mr. President, try paying attention and you won't have so much problems then. I don't think you answered my question, Senator DeAngelis. My question was, does the Mandate's Act hold sway here? Will the State be required to pay for the building of these separate facilities?

PRESIDING OFFICER: (SENATOR BUZZE)

Senator DeAngelis.

SENATOR DeANGELIS:

The answer is, no, because the requirement exists already. This does not put any additional requirement that doesn't currently exist under law.

PRESIDING OFFICER: (SENATOR BUZZE)

Senator Buzzee.

SENATOR BUZZEE:

Well, I'm still not sure what your answer is. You say no, but. I...I think that what's going to happen is that the...that the counties are going to say, okay, now you're going to tell us to build these separate facilities, so give us the money to build them.

PRESIDING OFFICER: (SENATOR BRUCE)

Further...Senator DeAngelis.

SENATOR DeANGELIS:

Well, I believe I answered the question. I said, no, it doesn't, because they're required to do so already. This puts no additional requirement. It just reenforces that requirement.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

...first of all, this does not require the building of any additional facilities, this legislation. And this is consistent with some legislation that we passed recently which involves getting tough on crime. I sponsored a bill two years ago, in conjunction with the State's Attorneys Association and State's Attorney Daley to transfer fifteen and sixteen year olds, juveniles, who were charged with murder and rape and aggravated battery, transfer them to adult court and have them tried as adults; and these young people, juveniles, who will be tried as adults will not be sent home, but they will be placed in secure juvenile detention centers. And I've talked with the Department of Children and Family Services, this is consistent with their intent. If we need to...to put that specific language in the bill that it is consistent with their intent, then we will do so in the House. This is consistent with getting tough on crime but making sure that we treat juveniles that are in fact juveniles in the proper manner and not house them with adults and not have them in the same facility where there are adults. There are alternative facilities in every county and there...this requires no building of additional...of additional facilities in any county in the State of Illinois.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Kelly.

SENATOR KELLY;

Thank you, Mr. President and members of the Senate. I feel that it is a humane thing to do to separate the adults from the juveniles. This is the same body, our Senate and the House of Representatives, that just a short time ago approved the double-celling of prisoners, and if we're going to believe in a concept of double-celling, and especially when the senior adult inmates have an opportunity in most instances to choose who will be housed with them, I think that in...in all decency, we should have a separate facility, separate...separation of the...both of these groups. So, I'm going to support the motion.

PRESIDING OFFICER: (SENATOR BEUCE)

Further discussion? Senator DeAngelis may close.

SENATOR DeANGELIS:

Roll call, please.

PRESIDING OFFICER: (SENATOR BEUCE)

Question is, shall Senate Bill 1660 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have...have all voted who wish? Take the record. On that question, the Ayes are 24, the Nays are 21, none voting Present. Senate Bill 1660 having failed to received the required constitutional majority is declared lost. If you'd just stand at ease a minute, the machine has had a headache. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

While we're on a lull, I'd like to introduce one of our old colleagues who is on the Democratic side of the aisle, I don't know if that means he has seen the light, but Senator Frank Ozinga is visiting with us today.

PRESIDING OFFICER: (SENATOR BEUCE)

Senator Ozinga, it's happy to have you back. We're very happy. Senator Rock, did you have an announcement while we're

waiting for the machine? Senator Rock.

SENATOR ROCK:

Yes, thank you, Mr. President. We will shortly be dealing with the adjournment resolution. We have the Resolutions Consent Calendar and the adjournment resolution, that essentially will shut us down for this week. We are asked to return to Springfield at one o'clock on Tuesday. I hope everybody has a...safe and happy Memorial Day weekend. The Rules Committee will meet at noon on Tuesday, and for those who are members of the Senate, who are...indicated they wish to fly home, I have arranged for air transportation at three-thirty three-thirty.

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator Weaver arise?

SENATOR WEAVER:

...thank you, Mr. President. I'd just like to announce that tomorrow is the Minority Leader Philip's birthday. He's nearing retirement age but I don't know whether that means sixty-five.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Is the old fellow here on the floor?...probably was not able to make it out, alright. Alright. Is there leave to go to the Order of Resolutions? Leave is granted. Resolutions, Mr...

SECRETARY:

Senate...Senate Joint Resolution 117 offered by Senator Rock.

(Secretary reads SJB 117)

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock moves for the suspension of the rules immediate consideration and adoption of the resolution. On...on the motion, those in favor say Aye. Opposed Nay. The Ayes have it. On the motion to...to adopt the resolution, those in favor say Aye. Opposed Nay. The Ayes have it. The

resolution is adopted. We have a few other matters to take care of...it's one o'clock Tuesday but we have not yet adjourned. We just adopted the resolution. Resolutions, Mr. Secretary.

SECRETARY:

The following resolutions are all congratulatory:

Senate Resolution 651 offered by Senator Savickas and all Senators.

Senate Resolution 652, by Senators Geo-Karis,...Barkhausen, Schaffer and Keats.

Senate Resolution 653, by Senator Philip.

Senate Resolution 654, by Senator Demuzic and all Senators.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to add those resolutions to the Resolution Consent Calendar? Leave is granted. Mr. Secretary, have any Senators filed objection to any of the resolutions filed on the Resolution Consent Calendar?

SECRETARY:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

With no objection, Senator Vadalabene moves the adoption of the resolutions on the Resolution Consent Calendar. On that motion, those in favor say Aye. Opposed Nay. The Ayes have it. The resolutions are adopted. Committee reports.

SECRETARY:

Pursuant to Amended Rule 5, the Rules Committee met at 9:00 a.m., Friday, May the 25th, 1984, and makes the following report. By unanimous vote, the committee ruled that the following bills can be considered this Session of the Senate.

Senate Bill 1236. House Bills 876, 1528, 1563, 2325, 2388, 2389, 2466, 2473, 2475, 2525, 2569, 2570, 2576, 2598, 2615, 2616, 2619, 2622, 2666, 2692, 2714, 2735, 2797, 2800, 2803, 2856. 2873, 2898, 2913, 2926, 2927, 2934, 2936, 2937,

3027, 3050, 3063, 3065, 3066, 3067, 3068, 3086, 3087, 3089,
3090, 3096, 3098, 3101, 3102, 3204, 3205, 3208, 3209.
The...foregoing bills were ordered sent to the Committee on
Assignment of Bills. Signed Philip J. Hock, Chairman.

PRESIDING OFFICER: (SENATOR BRUCE)

Assignment of Bills. Any further business to come before
the Senate? Alright. Senator Hall moves that the Senate
stand adjourned until next Tuesday at the hour of one
o'clock. Rules Committee at noon, rules at noon, but Session
one o'clock next Tuesday. Have a happy weekend.