

83RD GENERAL ASSEMBLY

REGULAR SESSION

JUNE 21, 1983

PRESIDENT:

The hour of nine having arrived, the Senate will please come to order. Will the members be at their desks and will our guests in the gallery please rise. Our prayer this morning by the Reverend Eugene Weitzel, Director of Chaplains at St. John's Hospital, Springfield, Illinois. Father.

REVEREND EUGENE WEITZEL:

(Prayer given by Reverend Weitzel)

PRESIDENT:

Thank you, Father. Reading of the Journal. Senator Joyce.

SENATOR JEREMIAH JOYCE:

We're all here?

PRESIDENT:

Yes.

SENATOR JEREMIAH JOYCE:

No kidding. I have to put my glasses on to read this to you, Mr. President.

PRESIDENT:

Okay.

SENATOR JEREMIAH JOYCE:

...used to read it. Mr. President, I move that reading and approval of the Journals of Tuesday, June 14th; Wednesday, June 15th; Thursday, June 16th and Monday, June 20th, in the year 1983...be postponed pending arrival of the printed Journals.

PRESIDENT:

You've heard the motion as placed by Senator Joyce. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The motion carries and it is so ordered. Message from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate

the House of Representatives has concurred with the Senate in the passage of Senate Bill 3, with House...together with House Amendment No. 1.

A like Message on Senate Bill 286, with House Amendment No. 1.

And a like Message on Senate Bill 434, with House Amendment No. 1.

PRESIDENT:

The Senate will stand at ease until nine-thirty. We'll afford the members an opportunity to come over from their offices. Nine-thirty. (Machine cutoff)...Mahar, for what purpose do you arise?

SENATOR MAHAR:

Thank you, Mr. President. A point of personal privilege.

PRESIDENT:

Yes, sir, state your point.

SENATOR MAHAR:

Mr. President, I would like to move to suspend the rules for immediate consideration of Senate Resolution 256. It's congratulatory, and I'd like to have it moved. Miss Teenage...Miss National Teenager.

PRESIDENT:

Alright. Senator Mahar has moved to...that the Senate go to the Order of Resolutions for the purpose of the consideration of Senate Resolution 256. Is leave granted? Leave is granted. On the Order of Resolutions, Senate Resolution 256, Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. I'd move for the...the immediate consideration of Senate rule...Senate Resolution 256.

PRESIDENT:

Alright. Senator Mahar has moved the adoption of Senate Resolution 256. It's a congratulatory for Miss...

SENATOR MAHAR:

HB 186  
Recalled

For Miss Tara who is National Teenager for 1983.

PRESIDENT:

...alright. Senator Mahar has moved the adoption of Senate Resolution 256. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Alright, with leave of the Body, we'll move to the Order of House Bills 3rd Reading for the purpose of recalls. There are a number of members who have indicated they have amendments. House Bill 12, Senator Lemke. 64, Senator Marovitz. 186, Senator Hall. If you turn to Page 4 on the Calendar, on the Order of House Bills 3rd Reading is House Bill 186. Senator Hall seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 186. Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Hall.

PRESIDENT:

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment 1 is an amendment that was promised to the committee when they passed out House Bill 186. This amends the Workmen's Compensation Act and it's on...put on by the Municipal League, and it is as follows: that amends House Bill 186 in the Senate on page 2 by deleting lines 27 and 28 and inserting in lieu thereof the following: "The State of Illinois, a unit of local government, or school districts, or associations, or instrumentalities thereof, or intergovernment risk management associations, or self-insurance pool, or self-administered health and accident cooperative or pool shall not be deemed as an employer for the purpose of this section." And I would move for the adoption of this amendment.

PRESIDENT:

Senator Hall has moved the adoption of Amendment No. 1 to House Bill 186. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. On the Order of House Bills 3rd Reading is House Bill 205. Senator DeAngelis seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 205, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator DeAngelis.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. What this does is it changed the fee schedule for the recording of the assignment of mortgages, and it's five dollars for the first two pages plus a dollar for each additional page. Currently, a lot of mortgages are being filed that are real large, and what this does is rearrange the fee schedule for that. It does not do anything for the recording of deeds.

PRESIDENT:

Alright. Senator DeAngelis has moved the adoption of Amendment No. 2 to House Bill 205. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 247, Senator Netsch. 261, Senator Lemke. Senator Lemke seeks leave of the Body...on the Order of House Bills 3rd Reading, the bottom of Page 4, Senator Lemke seeks leave of the Body to return House Bill 261 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 261, Mr. Secretary.

SECRETARY:

The first amendment is one word. Amendment No. 1 offered by Senator Lemke.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What this amendment does, I checked with Senator Eupp, is to clear up the problem as to the persons freedom of choice in regards to selecting an attorney under the legal program. I think it's a good amendment and I ask for its adoption.

PRESIDENT:

Senator Lemke has moved the adoption of Amendment No. 1 to House Bill 261. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 264, Senator Kelly. On the Order of House Bills 3rd Reading, top of page 5, is House Bill 264. Senator Kelly seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 264, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Kelly.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. This amendment deletes everything after the enacting clause, and what it does is, it is still under the...it...it amends the School Code. Under the qualifications for the State Board of Education, it deletes the provisions which says you cannot be employed by...by a school district, "No member of the State Board Education shall be gainfully employed or administratively connected with any school system or institution of higher learning, public or private, within Illinois; nor shall they be members of a school board or a board of school trustees of a public or a nonpublic school, college, university or technical institution within Illinois." It deletes all that language and I would ask for your favorable support in the adoption of the amendment.

PRESIDENT:

All right, Senator Kelly has moved the adoption of Amendment No. 1 to House Bill 264. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 349, Senator Sangmeister. Middle of page 5, George, House Bill 349. 390, Senator Denuzio. 415, Senator Vadalabene. Bottom of page 7. On the Order of House Bills 3rd Reading is House Bill 415. Senator Vadalabene seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 415, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Vadalabene.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, Floor Amendment...No. 1 to House Bill 415 allows credit unions to invest in Federal funds in bankers acceptances; changes the voting requirements for approval of a credit union merger from a majority of the entire membership of a merging credit union being absorbed to a majority of the members present at a meeting voting on the merger proposal. And I move for its adoption.

PRESIDENT:

Senator Vadalabene has moved the adoption of Amendment No. 1 to House Bill 415. Any discussion? If not, all in favor...indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 470, Senator Bruce. On the Order of House Bills 3rd Reading is House Bill 470. Top of Page 9, House Bill 470. Senator Bruce seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 470, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Nedza.

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President. It's the...for the...Bend Lake, it's just a mining exclusion attached to the bill so that there's no mining operations to the bill. Move its adoption.

PRESIDENT:

Senator Nedza moves the adoption of Amendment No. 1 to House Bill 470. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 633, top of page 14, Senator Berman. On the Order of House Bills 3rd Reading. Senator Berman seeks leave of the Body to return House Bill 633 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 633. Senator Berman.

SENATOR BERMAN:

Thank you. Mr. President and Ladies and Gentlemen of the Senate, we adopted Amendment No. 1 on the Floor last week; there was an explanation that I gave regarding the amendment. After...the amendment was adopted, I read it, the amendment was not as represented and I now wish to reconsider the vote by which Amendment No. 1 was adopted for purposes of Tabling Amendment No. 1.

PRESIDENT:

All right. Senator Berman has moved to reconsider the vote, having voted on the prevailing side, to reconsider the vote by which Amendment No. 1 to House Bill 633 was adopted. All in favor of the motion to reconsider indicate by saying Aye. All opposed. The Ayes have it. The vote is reconsidered. Senator Berman now moves to Table Amendment No. 1 to House Bill 633. Any discussion? If not, all in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 1 is Tabled. Further amendments?

SECRETARY:



No...no further amendments.

PRESIDENT:

3rd reading. The bottom of page 15, Senator Bruce on 669, Senator Bruce. On the Order of House Bills 3rd Reading is House Bill 669. Senator Bruce seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 669. Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Bruce.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. This adds a new section, 24-25, which only allows agents to meet with school personnel during duty-free times of such employees.

PRESIDENT:

Senator Bruce has moved the adoption of Amendment No. 1 to House Bill 669. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Demuzio. On the Order of House Bills 3rd Reading is House Bill 687, top of Page 16. Senator Demuzio seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 687. Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Demuzio.

PRESIDENT:

7/13/69  
Rec. 11/1/69

Senator Demuzio.

SENATOR DEMUZIO:

Yes, thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 3 would...is in regards to school board elections in downstate districts. It would permit a school board to continue in existence for three additional months until a new board takes office in the case of a consolidation or an annexation. There is a problem in...in my district. It was at the request of...actually, three downstate districts, Kincaid, Southfork High School and Tovey, all in Christian County, and all it would do would be to allow school board members to...to continue for three additional months under consolidation before it phases out. And I know of no...no opposition and move for the adoption.

PRESIDENT:

Senator Demuzio has moved the adoption of Amendment No. 3 to House Bill 687. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Coffey on the Floor? 768, Senator Vadalabene. 772, Senator Barkhausen. Top of Page 20, on the Order of House Bills 3rd Reading is House Bill 772. Senator Barkhausen seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 772, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Bloom.

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

HB 775  
Recalled

Thank you, Mr. President and fellow Senators. Basically, this amendment makes some changes in, of all things, the Taxidermist Act. It turns out there is a Taxidermist Association. The president thereof resides in my district. I did not find that out until a week ago when a letter came saying that they and the Department of Conservation had worked out some language amending their Act. Senator Barkhausen was kind enough to let us offer this amendment, and I'll answer any questions; otherwise, I'd ask for the adoption of the amendment.

PRESIDENT:

...Senator Bloom has moved the adoption of Amendment No. 2 to House Bill 772. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 775, Senator Bruce. On the Order of House Bills 3rd Reading is House Bill 775. Senator Bruce seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 775, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Bruce.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. This bill has been seen before and we passed it out of here, and that is relating to the receiving of service credit for accumulated vacation, sickness or personal leave days. I would move its adoption.

PRESIDENT:

Senator Bruce has moved the adoption of Amendment No. 1 to House Bill 775. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Top of Page 24, 921, Senator Netsch. On the Order of House Bills 3rd Reading, at the top of Page 21, is House Bill 921. Senator Netsch seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 921, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Netsch.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you. The amendment is an LRB amendment. It simply changes an incorrect reference number to a section. I move its adoption.

PRESIDENT:

Senator Netsch has moved the adoption of Amendment No. 1 to House Bill 921. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1057, Senator Schaffer. Middle of Page 28 is House...on the Order of House Bills 3rd Reading is House Bill 1057. Senator Schaffer seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of

an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1057, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Schaffer.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this amendment is at the request of the Department of Mental Health and has to do with the handling of funds received for the sales of article in the...articles in the habitation workshops at the various institutions. Allows them to handle the...those funds in the standard safeguards that you would expect for that type of program. Clears up some problems that they had with some of the institutions where they have workshops and gift shops.

PRESIDENT:

Senator Schaffer moves the adoption of Amendment No. 1 to House Bill 1057. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1065, Senator Lechowicz. On the Order of House Bills 3rd Reading, the middle of Page 28. Senator Lechowicz seeks leave of the Body to return House Bill 1065 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1065, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Lechowicz.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and members of the Senate. Amendment No. 1 to House Bill 1065 makes changes in professional licensure requirements to improve nursing home care. The Illinois Department of Registration-Education drafted the language of the amendment. It is consistent with the continuing education requirements of IDRE...administrators for physicians, optometrists and podiatrists, and I move for its adoption.

PRESIDENT:

Senator Lechowicz has moved the adoption of Amendment No. 1 to House Bill 1065. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1156, Senator Bruce. Top of Page 31, on the Order of House Bills 3rd Reading is House Bill 1156. Senator Bruce seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 1156, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Bruce.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

1156.

PRESIDENT:

Top of Page 31.

SENATOR BRUCE:

Alright. This is the language that was suggested in

AB 1249  
Revised

committee which clarifies the community antenna system ease-  
ments that we talked about in committee.

PRESIDENT:

Senator Bruce has moved the adoption of Amendment No. 1  
to House Bill 1156. Any discussion? If not, all in favor  
signify by saying Aye. All opposed. The Ayes have it. The  
amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1249, Senator DeAngelis. On the Order...on  
the Order of House Bills 3rd Reading, at the top of Page 34,  
is House Bill 1249. Senator DeAngelis seeks leave of the  
Body to return that bill to the Order of 2nd Reading for pur-  
poses of an amendment. Is leave granted? Leave is granted.  
On the Order of House Bills 2nd Reading, House Bill 1249, Mr.  
Secretary.

SECRETARY:

Amendment No. 1 offered by Senator DeAngelis.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate.  
Amendment No. 1 simply changes the effective date to immedi-  
ate.

PRESIDENT:

Senator DeAngelis moves the adoption of Amendment No. 1  
to House Bill 1249. Any discussion? If not, all in favor  
signify by saying Aye. All opposed. The Ayes have it. The  
amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1280, Senator Netsch. Bottom of Page 34,

on the Order of House Bills 3rd Reading is House Bill 1280. Senator Netsch seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1280, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Netsch.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. The bill deals basically with double taxation of certain public utility dividends...stock dividends which are purchased through reinvestment plans. The idea was to get rid of the double taxation. The bill did it in one way; the amendment switches the elimination of a double taxation to the front end of the process and more narrowly tracks the Federal provisions, and we...and for the same reason will expire when the Federal break also expires. We think it is a better way of achieving the same end. I would move the adoption of Amendment No. 1.

PRESIDENT:

Senator Netsch has moved the adoption of Amendment No. 1 to House Bill 1280. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Top of Page 36, Senator Lemke, on 1336. On the Order of House Bills 3rd Reading is House Bill 1336. Senator Lemke seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1336, Mr. Secretary.



SECRETARY:

Amendment No. 1 offered by Senator Lemke.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

Is this the one...wait, wait, wait...

SECRETARY:

It's the large one.

SENATOR LEMKE:

What Amendment No. 1 does is amends House Bill 1336 to add provisions to eliminate the collection of sales tax on using textbooks bought by school systems or sold to...students in the same school. This is to clarify a problem that's been taking place and to make it specifically declare that there's no sales tax on the book exchange. I think it's a good amendment. My understanding is the Department has...Revenue has been consulted and they have no objection to the...opposition and no objection to the amendment.

PRESIDENT:

Alright. Senator Lemke has moved the adoption of Amendment No. 1 to House Bill 1336. Any discussion? Senator Etheredge.

SENATOR ETHEREDGE:

(Machine cutoff)...President, will the sponsor yield?

PRESIDENT:

Indicates he will yield, Senator Etheredge.

SENATOR ETHEREDGE:

Senator Lemke, what is the fiscal impact of this amendment?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

They...according to my staff, it's going to be a limited number of school, and it's going to mean about three or four

hundred dollars.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

My information suggests that the cost might be more on the order of a hundred thousand dollars, because this is identical to a piece of legislation that was dealt with in the last General Assembly, and at that time the fiscal impact was estimated at one hundred thousand dollars.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

According to the inquiry to the department, they said it was going to be insignificant and it wasn't...they couldn't make a estimate and they didn't think it was going to be more than the hundreds of dollars, and not a hundred thousand. I...by what the department says.

PRESIDENT:

Alright. Senator Lemke has moved the adoption of Amendment No. 1 to House Bill 1336. Further discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 2 by Senator Lemke.

PRESIDENT:

Senator Lemke.

SECRETARY:

No, I'm sorry, that's Senator Rock.

PRESIDENT:

Alright. With leave of the Body, Senator Lemke can handle...will handle that for me. Senator Lemke.

SENATOR LEMKE:

What this amendment does is clarifies the...what constitutes a tax educational institute. This amendment is

intended to clarify and not broaden the existing exemption. The language was provided by the Department of Revenue's legal division. I think it's a good amendment, I ask for its adoption.

PRESIDENT:

Senator Lenke has moved the adoption of Amendment No. 2 to House Bill 1336. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Bruce, on 1339. On the Order of House Bills 3rd Reading, the middle of Page 36, is House Bill 1339. Senator Bruce seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1339, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Bruce.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

This amendment clarifies the appealability of interim rate orders before the Illinois Commerce Commission and is at the suggestion of the Illinois Attorney General, and I would ask for its adoption.

PRESIDENT:

Senator Bruce has moved the adoption of Amendment No. 1 to House Bill 1339. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1386, Senator Kustra. On the Order of House Bills 3rd Reading, top of Page 38, is House Bill 1386. Senator Kustra seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1386, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Kustra.

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. This particular amendment deals with a problem that has arisen from that part of the Statute which allows superintendents of schools to enter into multi-year, three-year contracts. It is...it was intended and generally understood that a superintendent would waive tenure rights as a teacher in exchange for a multi-year contract. Now, there are some attorneys representing superintendents who upon finishing their contract are now arguing that they still have tenure rights. This particular amendment would clarify the fact that there is a trade-off for a multi-year contract, and that is the giving up of tenure rights as a teacher. I would ask for the amendments favorable adoption.

PRESIDENT:

Alright. Senator Kustra has moved the adoption of Amendment No. 1 to House Bill 1386. Any discussion? Senator Welch.

SENATOR WELCH:

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

PRESIDENT:

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Does this affect...does this bill affect superintendents in the local schools?

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Yes, it does.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

And does this amendment delete several rights currently guaranteed to superintendents by the Statute, is that what this bill does?

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

No, it doesn't delete any...any rights of the superintendent,...it deletes just a phrase in the law which has allowed attorneys to interpret that superintendents have tenure rights, and that I don't think was ever intended to be the case under the law.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Well, there has currently passed through both the Senate and the House a bill, Senator, that would give superintendents the right to have a transcript made of a hearing on their dismissal. Now, will this bill affect that right?

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

No, this...this amendment will not affect that bill at all.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Will this bill affect a particular lawsuit that has determined that superintendents have tenure rights then? I'm not sure of the necessity of the bill.

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

No, it will not. I would just add that I believe Senator Bruce would like to be recognized at this point, too.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

I'll yield to hear what Senator Bruce has to say on the matter.

PRESIDENT:

Alright. Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. I...I see no problem with this amendment. Senator Welch, we have run into a difficulty with...under the Statute, superintendents may waive tenure, and most of their contracts say that they waive tenure during the term...during the period of their contract with that district. Some superintendents have said that when they are then relieved of their superintendency that they automatically...revert back to the right of their tenure. That is not the understanding of the school boards. This amendment is offered by the Illinois Association of School Boards. I believe it makes infinite good sense. It does not affect your legislation which allows them the full hearing. It just clarifies that when they waive their tenure, their tenure...is waived as to that district and not just during the...the pendency of their contract; and the language has caused some difficulty, and all it is doing is removing that

language in the Statute that has caused some confusion in the minds of some boards and some superintendents.

PRESIDENT:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I don't have that amendment in front of me, but does this...does this amendment destroy the multi-year contracts? Okay, alright, just checking.

PRESIDENT:

Further discussion? If not, Senator Kustra has moved the adoption of Amendment No. 1 to House Bill 1386. If there's no further discussion, all in favor of the amendment indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Fawell, on 1437. On the Order of House Bills 3rd Reading, the middle of Page 39, is House Bill 1437. Senator Fawell seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1437, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Fawell.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Thank you, Mr. President. First, I would like to reconsider the vote for Amendment No. 1 for purposes of Tabling it. This amendment is being placed on another bill by Senator...Lechowicz.

PRESIDENT:

Senator Fawell has moved the adoption of Amendment No. 1

to House Bill 1437. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Fawell.

SENATOR FAWELL:

I'm...I'm sorry, sir, I...I asked if I could Table Amendment No. 1 because Senator Lechowicz is placing that on another bill. And then I...and then I would like to add Amendment No. 2.

PRESIDENT:

Alright. Senator Fawell seeks leave of the Body to return 1437 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1437. Amendment No. 1, Senator Fawell.

SENATOR FAWELL:

I would like to Table...bring in for reconsideration the vote for Amendment No. 1.

PRESIDENT:

Alright. Senator Fawell has moved, having voted on the prevailing side, to reconsider the vote by which Amendment No. 1 to House Bill 1437 was adopted. Any discussion on the motion to reconsider? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. Senator Fawell, if we could have an explanation of the amendment that you're seeking to Table. Yesterday, there was an amendment Tabled off of a bill that was purported to be and represented to be technical; in fact, it was not. And if you could just give us a brief explanation of what this amendment is that you seek to Table, perhaps it would help us in making the decision as to



whether or not we ought to vote with you or against you.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Yes, I will. The...what the amendment does is it allows the nursing home administrators to...it makes them go to school is what it boils down to. I have nothing against the amendment. The amendment is going to be placed on a bill by Senator Lechowicz, the identical amendment. I was asked to Table it by the department so that Senator Lechowicz could put it on his bill, don't ask me why.

PRESIDENT:

Alright. Senator Fawell has moved to reconsider the vote by which Amendment No. 1 to House Bill 1437 was adopted. All in favor of the motion to reconsider indicate by saying Aye. All opposed. The Ayes have it. The vote is reconsidered. Senator Fawell now moves to Table Amendment No. 1 to House Bill 1437. Any discussion? If not, all in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 1 is Tabled. Further amendments?

SECRETARY:

Amendment No. 2, by Senator Fawell.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Thank you. All this amendment does is it amends the Beauty Culture Act by adding to the definition of the practice of beauty culture the practice of cutting hair. And this amendment has been agreed to by the barbers.

PRESIDENT:

Senator Fawell moves the adoption of Amendment No. 2 to House Bill 1437. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The

amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1864, Senator Savickas. On the Order of House Bills 3rd Reading, the top of Page 48, is House Bill 1864. Senator Savickas seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1864, Mr. Secretary.

SECRETARY:

Amendment...Amendment No. 1 offered by Senator Savickas.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, Amendment No. 1 just changes the words from "has been convicted" to "is convicted after the effective date of this amendatory Act of 1983." That's all it does.

PRESIDENT:

Senator Savickas has moved the adoption of Amendment No. 1 to House Bill 1864. Any discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDENT:

Indicates he'll yield, Senator Etheredge.

SENATOR ETHEREDGE:

Senator Savickas, this is...this bill amends the Revenue Code, and that sounds like Criminal Code or...or something. What...what does...what does the amendment do?

PRESIDENT:

Mr...yeah, please. Senator Savickas.

SENATOR SAVICKAS:

What it...what happens, it says...if you read the bill, on page 2, it says..."A person who has been convicted of illegally selling, offering for sale or possession with intent to sell or offer for sale an original package...this is in regards to cigarettes...not tax stamped or tax imprinted underneath the sealed transparent wrapper of the original package pursuant to this Act." All the amendment does is say that...instead of "has been convicted" to "is convicted after the effective date of this amendatory Act."

PRESIDENT:

Senator Savickas has moved the adoption of Amendment No. 1 to House Bill 1864. Further discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Davidson, on 1934. On the Order of House Bills 3rd Reading, the top of Page 50, is House Bill 1934. Senator Davidson seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1934, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Davidson.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this amendment actually is Senate Bill 637 which we sent out of here 57 to nothing. It is a bill that would allow the Department of Transportation and those people in the mobile home manufacturing to, by their request, it's permissive only, for a

permit four inches wider due to the new two-by-six walls and the studs in mobile homes and ten feet longer due to the third bedroom. The Senate Bill 637 got caught up in a fight over in the House, and this is necessary so that the department can, by permission and by certain routes and certain time of the day when it's safe and a charge of fee, give the mobile home manufacturer an opportunity to move this extra wide, extra long mobile home. I move the adoption of the amendment.

PRESIDENT:

Senator Davidson has moved the adoption of Amendment No. 1 to House Bill 1934. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1944, Senator Schuneman, middle of Page 50. 1972, Senator Grotberg. On the Order of House Bills 3rd Reading, bottom of Page 50, is House Bill 1972. Senator Grotherg seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1972, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Schuneman.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This is the amendment that was discussed briefly in committee, but we didn't attach any of these amendments in committee. This is the one that allows for the quitclaim deed for the eighteen acres at Kewanee, Illinois to the Kewanee Park District. Move adoption of the

amendment.

PRESIDENT:

Senator Schuneman has moved the adoption of Amendment No. 3 to House Bill 1972. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading...Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President. I believe on 1972 Senator Sangmeister has Amendment No. something.

PRESIDENT:

Alright. My mistake. It was just filed; it was not in the pile of amendments. Senator Grothberg seeks leave of the Body to return 1972 to the Order of 2nd Reading for purposes of another amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1972, Mr. Secretary.

SECRETARY:

Amendment No. 4 offered by Senator Sangmeister.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate, and thank you, Senator Grothberg, for allowing your bill to be used for this purpose. The Will County Forest Preserve District has very...various parcels which they wish to resell, need State authorization to do that and that's what this amendment does, and I move for its adoption.

PRESIDENT:

Senator Sangmeister has moved the adoption of Amendment No. 4 to House Bill 1972. Any discussion? If not, all in

favor signify by saying Aye. All opposed. The Ayes have it.  
The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Grothberg.

SENATOR GROTHEBERG:

Just a reminder to the membership, 1972 seems to be the Christmas tree land transfer bill for DOT or whatever State authorization, and it...we'll still not call it when it comes to 3rd if anybody has further amendments, we'd be glad to offer it as a vehicle.

PRESIDENT:

1978, Senator Coffey. On the Order of House Bills 3rd Reading, top of Page 51, is House Bill 1978. Senator Coffey seeks leave of the Body to return that bill to the Order of 2nd Reading of purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1978, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Kelly.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate, and especially Senator Coffey for allowing me to propose this amendment. This amendment incorporates all the provisions that were in Senate Bill 589 which passed this Body by a vote of 55 to 0, and what it does is it prevents private...public bus carriers from competing with the private bus carriers in the State of Illinois. It's already a law; however, this...this legislation would reinforce and strengthen the existing law. And I would ask for your favorable support in adopting this amendment.

PRESIDENT:

Senator Kelly has moved the adoption of Amendment No. 1 to House Bill 1978. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. WICS-TV has requested permission to shoot some film. Is leave granted? Leave is granted. Are you ready, Sam? Okay. 1990. Senator Kustra, on 1990. On the...middle of Page 51, on the Order of House Bills 3rd Reading is House Bill 1990. Senator Kustra seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1990, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Kustra.

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I have agreed to accept an amendment to House Bill 1997. So as not to jeopardize the original intention of House Bill 1997, I am asking that this amendment be adopted in 1990, which is, in essence, the substance of 1997. This has already passed committee, and it simply amends the Election Code by requiring voting booths which use an electronic voting system to face a wall which would ensure privacy to the voter. I move for its adoption.

PRESIDENT:

Senator Kustra has moved the adoption of Amendment No. 1 to House Bill 1990. Any discussion? If not, all in favor

H.B. 2055  
3rd reading

signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1997, top of Page 52. On the Order of House Bill 3rd Reading, House Bill 1997. Senator Kustra seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1997, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Philip.

PRESIDENT:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. What this does is affect the way you possibly could pick delegates and...the delegates to the National Nominating Convention. It provides that the Republican Party only would have an alternative if the majority of the State Central Committee would vote and do so. Would provide...you could do it either by...possibly by county convention or possibly by State convention.

PRESIDENT:

Alright. Senator Philip has moved the adoption of Amendment No. 1 to House Bill 1997. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 2055, Senator Grothberg. On the Order of



House Bills 3rd Reading, top of Page 53, is House Bill 2055. Senator Grothberg seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2055, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Macdonald.

PRESIDENT:

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This amendment merely says that a candidate whom a nomination paper has been filed as a partisan candidate at a primary election, who is defeated for his or her nomination at the primary election is ineligible for nomination as a candidate of a new political party for election in that general election. The...Illinois has a strong primary system and the whole idea behind a primary is to eliminate those in a primary so as to make way for the winner in that primary. I urge your support for this amendment.

PRESIDENT:

Senator Macdonald has moved the adoption of Amendment No. 1 to House Bill 2055. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 2072, Senator Schuneman. On the Order of House Bills 3rd Reading is House Bill 2072. Senator Schuneman seeks leave of the Body to return that bill to the Order of 2nd Reading for the purpose of Tabling an amendment. Is leave granted? On the Order of House Bills 2nd Reading, on House Bill 2072. Mr. Secretary.

SECRETARY:

I...I have...there's four amendments.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Amendment No. 4 was adopted in committee and subsequently approved on the Floor, and that amendment affected abandoned railroad tracks in the State. Since the adoption of the amendment, there has been an agreement worked out...between the Illinois Commerce Commission and the railroads so that both parties agree that this amendment should not be adopted. Therefore, having voted on the prevailing side, I move to reconsider the vote by which Amendment No. 4 was adopted.

PRESIDENT:

Alright. Senator Schuneman having voted on the prevailing side moves to reconsider the vote by which Amendment No. 4 to House Bill 2072 was adopted. Any discussion? If not, all in favor of the motion indicate by saying Aye. All opposed. The Ayes have it. The motion prevails. Senator Schuneman now moves to Table Amendment No. 4. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 4 is Tabled. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 2085, Senator Davidson. On the Order of House Bills 3rd Reading, top of Page 54, is House Bill 2085. Senator Davidson seeks leave of the Body to return that Bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2085, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Davidson.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, what this amendment does, it puts in the words "doctor of osteopathy, doctor of chiropractic or registered"...the present treat...colleges...colleges of medicine, college of...college of chiropractic all have geriatric departments. When we have opportunity for osteopaths and chiropractor colleges to have same opportunity if there is any grants going to be made, and has the make-up of the board change two positions licensed to practice under the Medical Practice Act. Move the adoption of the amendment.

PRESIDENT:

Alright. Senator Davidson has moved the adoption of Amendment No. 1 to House Bill 2085. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 2135, Senator Davidson. On the top of Page 55, on the Order of House Bills 3rd Reading is House Bill 2135. Senator Davidson seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2135, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Davidson.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this amendment does two things. It corrects the misspelled word, the word was "violation," it should have said "violence," and insert the words, "Priority shall be given in all cases to frail, abused or disabled, elderly adults." That replaces the words "basis of his level of impairment" which is in conflict with other Statutes...move the adoption of the amendment.

PRESIDENT:

Alright. Senator Davidson has moved the adoption of Amendment No. 1 to House Bill 2135. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 2176, Senator Nedza seeks leave of the Body to take House Bill 2176 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? On the Order of House Bills 2nd Reading, House Bill 2176, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Nedza.

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Inadvertently, when we applied Amendment No. 1 to the bill, we did not know that the State Mandates Act applied. This amendment holds the State harmless, and I move its adoption.

PRESIDENT:

Senator Nedza moves the adoption of Amendment No. 2 to House Bill 2176. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 2201, Senator Berman. On the Order of House Bills 3rd Reading, middle of Page 55, is House Bill 2201. Senator Berman seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2201, Mr. Secretary.

SECRETARY:

Amendment No. 1, by Senator Berman.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Amendment No. 1 is an effective date, July 1, of 1984. I move the adoption.

PRESIDENT:

Senator Berman moves the adoption of Amendment No. 1 to House Bill 2201. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Savickas, 2242. On the Order of House Bills 3rd Reading, the middle of Page 56, is House Bill 2242. Senator Savickas seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2242, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Marcovitz.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Amendment No. 1 changes the title of the Advisory Council to the Illinois Anticrime Advisory Council and also strikes all references to crime stoppers programs and inserts local anticrime programs. It makes no substantive changes. I would ask for the adoption of Amendment No. 1 to...House Bill 2242.

PRESIDENT:

Senator Marovitz has moved the adoption of Amendment No. 1 to House Bill 2242. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 2284, Senator Chew. Bottom of Page 56, on the Order of House Bills 3rd Reading is House Bill 2284. Senator Chew seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? On the Order of House Bills 2nd Reading, House Bill 2284, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Chew.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Just clarifies the penalty clause in it on the felony from a four to a three and a three to a two. I would ask its adoption.

PRESIDENT:

Senator Chew moves the adoption of Amendment No. 2 to House Bill 2284. Any discussion? If not, all in favor sig-

nify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Mr. Secretary, if you can turn your basket around, we'll go through these once more and see if anybody is...if I can have your attention, we'll go through the list of recalls one more time today. There will be other recalls, I'm sure, during the course of the week, but the more we can get done, the better we are. Page 3 on the Calendar, on the Order of House Bills 3rd Reading is House Bill 12. Senator Lemke seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 12, Mr. Secretary.

END OF REEL

HB 64  
Recalled

REEL #2

SECRETARY:

Amendment No. 2 offered by Senator Lemke.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

This is an amendment to clear up any problem we have in regards to the local control over this Metropolitan Sanitary District going through villages and putting sewers. This specifically makes the bill so it doesn't affect the sanitary's districts...putting in of sewer lines or sewer pipes into various villages. I think it's a good amendment. I ask for its adoption.

PRESIDENT:

Senator Lemke moves the adoption of Amendment No. 2 to House Bill 12. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further...no further amendments.

PRESIDENT:

3rd reading. 64, Senator Marovitz. On the Order of House Bills 3rd reading, is House Bill 64. Senator Marovitz seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 64, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Marovitz.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:



HB 247  
Recalled

Thank you, very much, Mr. President, members of the Senate. Amendment No. 1 just clarifies that we are exempting from this bill motor homes and van campers. It also says that the seller of a new car must provide the consumer with his...a written statement of his rights regarding a settlement procedure. And I would ask for the adoption of Amendment No. 1 to House Bill 64.

PRESIDENT:

Senator Marovitz has moved the adoption of Amendment No. 1 to House Bill 64. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 247, Senator Netsch. On the Order of House Bills 3rd Reading, on page 4, is House Bill 247. Senator Netsch seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 247, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Netsch.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. The amendment actually was...considered and adopted by the committee as a committee amendment, and I think our paper work broke down at some point. This is the green sheet bill. The bill now reflects the unanimous recommendations of the joint study committee. This amendment, which was recommended by the Illinois State Bar Association, just simply tightens up some of the language of our original amendment and...reaffirms what we all had

HB 349  
Re called

agreed to. I would move the adoption of Amendment No. 1 to House Bill 247.

PRESIDENT:

Senator Netsch has moved the adoption of Amendment No. 1 to House Bill 247. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 349, Senator Sangmeister. On the Order of House Bills 3rd Reading is House Bill 349, the middle of page 5. Senator Sangmeister seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 349, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Berman.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Mr. Secretary, is that the two-page amendment?

SECRETARY:

Yes, sir.

SENATOR BERMAN:

All right. Thank you, Mr. President and Ladies and Gentlemen of the Senate. This amendment deals with the bill allowing corporations to represent themselves in court, and what this amendment does is to comply with what most of the advocates were talking about in addressing the ma and pa corporation, it's really a definition of what corporations come under this...particular privilege and take...it's taken from the Department of Revenue's...explanation of what are small

businesses. It is, "Corporations independently owned and operated not dominate in its field and which employ...fewer than fifty full-time employees and gross annual sales of less than four million dollars." I move the adoption of...of Amendment No. 3.

PRESIDENT:

All right. Senator Berman has moved the adoption of Amendment No. 3 to House Bill 349. Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I think four million dollars is too small a cap, that's a gross amount. I...I speak against the...the amendment because it does affect some of the companies in my area, and if they barely make six million cap, for example, they just wouldn't qualify. I...I think it's too much of a limitation and I speak against the amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Yes, thank you, Mr...Mr. President and fellow Senators...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom, wait...would you wait...may we have some order, please.

SENATOR BLOOM:

No, it's not necessary.

PRESIDING OFFICER: (SENATOR BRUCE)

Maybe...maybe someone would like to hear what you're going to say, Senator Bloom. Senator Bloom is recognized.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. I understand the genesis of this amendment, but I...I think I'm going to expand a little bit on Senator Geo-Karis' remarks. Where House Bill 349 came from, oddly enough, was a depart-

ment store in the Waukegan area, Globe Department Store, and it involved litigation over a eighty dollar formal or something. And basically, this limitation draws it too tight, it is taken from the definition of small business in the Regulatory Flexibility Act. And what you're trying to do, Senator Berman, I...I understand and if it could be done on a more reasonable basis, fine. But you get a department store that was the genesis of this bill, one hundred people work for it, it does gross sales of about fifteen million dollars, maybe twenty dollars; okay, it's still a...a smaller operation and it's still in the retailing industry. It's a qualitative difference...a qualitative difference between what you're about and when you're dealing with regulatory, you know, administrative procedure in law. If, Senator Berman,...hello...if, Senator Berman, you had a limitation...if you had a limitation that would be under a hundred and around twenty million, then I think that this would probably be acceptable, because you know and I know and I believe everybody in this Body knows that gross sales in the retailing business is...is a volume operation. And I...I would suggest that we reject this amendment and that perhaps if Senator Berman would come up with an amendment that would be more realistic in the context of...of retailing that we could probably all agree on it and send this bill out of here. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I want to second the motion of Senator Bloom and would ask Senator Berman to consider that throughout...downstate Illinois there are countless grain dealers, for example, who do ten and fifteen million dollars worth of sales with very minimal profits, but the sales figure would exempt them under this bill; and I understand

that somehow you want to exempt the Montgomery Wards and I guess most of us don't have a problem with that, but let's not exempt ordinary small family corporation businesses. And I think Senator Bloom's suggestion of twenty million dollars and perhaps less than a hundred employees would be a good solution, and I ask you to consider that because I think this amendment should be rejected.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Berman may close.

SENATOR BERMAN:

Well, if this one goes down, we'll come back with one hundred and...and employees and twenty million on a basis of an agreed amendment. But I think that this amendment ought to be adopted as a contested amendment. What we are...when we talk about companies that are going to make...that have gross sales of twenty million dollars, Ladies and Gentlemen, we're talking about whether a corporation can afford to have a lawyer, that's what we're talking about in this bill. And I think that a corporation that has four million dollars in sales can afford a lawyer to represent them on a small claim in court, and that's really what the issue is here. Instead of opening up this bill without an amendment to any size corporation being able to go in with their employees who are not lawyers to sue your constituents for any kind of a matter involving up to twenty-five hundred dollars in dispute, I would suggest to you that this amendment is a good amendment to safeguard you and your constituents against harassment by employees who are not lawyers. And I suggest that if a corporation has fifty employees and four million dollars in sales, they can certainly afford to employ a lawyer. I urge an Aye vote on this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 3. Those in favor

will say...all right, there's been a request for a roll call. The question is on the adoption of Amendment No. 3 to House Bill 349. Those in favor vote Aye. Those opposed vote Nay. The voting is open. (Machine cutoff)...voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 18, the...the Nays are 35, the motion to adopt is lost. Further amendments?

SECRETARY:

Amendment No. 4 offered by Senator Darrow.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Darrow is recognized.

SENATOR DARROW:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, what this amendment does is prohibit corporations from coming into small claims court as a subrogee or an assignee. Basically what that means is that a corporation cannot acquire small claims from other individuals or corporations and in a representative capacity then appear in small claims court on their behalf. I don't believe that the sponsors of this bill are strongly opposed to it, and I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Bloom.

SENATOR BLOOM:

As one of the sponsors, I concur in the amendment. I think it's a good idea and it will prevent people from manipulating small claims court.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt. Those in favor say Aye. Opposed Nay. The Ayes have it and Amendment No. 4 is adopted. Further amendments?

SECRETARY:

Amendment No. 5 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch is recognized.

SENATOR WELCH:

Thank you, Mr. President. The purpose of this amendment is to clarify for the judges just who can appear before them in court. As the bill now stands there's about six or seven people who can appear on behalf of a corporation. As you can imagine, if somebody shows up before a judge, the judge is going to first wonder who that fellow is; he's going to have to have some identification; there's going to be...some way he will have to use to determine whether that person can be in court practicing law. So the...the only way that we could figure to amend this bill to do that is to use the Secretary of State's Corporation Index. Every corporation, both foreign and domestic, has to register with the Secretary of State. He compiles a list of all those corporations and their officers. So what this bill does is limits the people who can appear in court to those people who appear in that book. If the judge has that book before him, he can eliminate any doubt of whether or not that person can appear in court. What this is going to do is cut down on delay; it's going to speed up the judicial process, and hopefully, it will result in a less bureaucratic method within the judicial system and I would urge its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator...Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. We went through previously on this bill...serious consideration as to who ought to be able to come from the corporation and represent that corporation in small claims court, and we have in the bill presently established that to be the president, vice-president, registered agent or other person with the responsibility of managing the affairs of the corporation. And now that we've clarified this...as I recall, Sena-

tor Welch has restricted it to, is it president and treasurer, I believe are the two...it takes away the other people that we feel should have the right to appear in court. And I think the law is very clear, the judge will have no problem understanding who's to appear there. And I rise in opposition to the amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Welch may close. Senator Favell, did you wish to comment on this? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. My final point is only this. When these people come into court to try their lawsuits, how is anybody going to know who they are and who they represent? This is one method that we can have the judge be able to decide who these people are. These fellows are going to have to come in with either name tags or badges or some type of identification system; the courts are going to have to adopt local rules that pertain to nonlawyers, which are going to be very difficult; they are going to have to mail them to all the corporations, both small and large throughout the district, and unless you have some method to restrict who shows up and the...the current bill is so broad as to enable anybody to be the...the managing officer for the day for purposes of showing up in court. So, I would urge you to adopt this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is on the adoption of Amendment No. 5. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. Is there a request for a roll call. Amendment No. 5 is adopted. All right. There is a request for a roll call, who makes the request? Senator Weaver joined by Senator Bloom. On that question...the question is the adoption of Amendment No. 5 to House Bill 349. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open.



Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are...the Ayes are 20, the Nays are 32. The motion to adopt is lost. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 390, Senator Demuzio. Senator Demuzio asks leave of the Senate to return the bill to the Order of 2nd Reading. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 2 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Yes, first of all, we'll have to Table Amendment 1, and then everything that Senator Marovitz has is incorporated into Amendment 2. So I move to Table Amendment 1, and then the explanation for the Tabling will be given by Senator Marovitz on the adoption of the amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to reconsider the vote by which Amendment No. 1 was adopted. On the motion to reconsider, all those in favor say Aye. Opposed Nay. The Ayes have it and the vote is reconsidered. Senator Demuzio now moves to Table Amendment No. 1. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is Tabled. Further amendments, Mr. Secretary?

SECRETARY:

Amendment No. 2 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz is recognized on Amendment No. 2.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Amendment No. 2 enables banks to invest up to three percent of their capital and surplus directly in certain development projects and business ventures. This would allow banks to display their commitments to the communities that they serve and directly participate in the development process. And I would ask for the amendment...adoption of Amendment No. 2 to House Bill 390.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 446, Senator Maitland. Senator Maitland asks leave of the Senate to return that bill to the Order of 2nd Reading. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 1 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland is recognized.

SENATOR MAITLAND:

Thank you, very much, Mr. President. Amendment No. 1 to House Bill 446 changes the manner in which the U. of I. trustees are rotated on the ballot. As you know, we have gone from twenty-four congressional districts to twenty-one...I'm sorry, twenty-two congressional districts, and this amendment provides that the 1st Congressional District is drawn by lot and the next twenty congressional districts are then rotated. Also under the amendment, the ballot, the placement of the 22nd Congressional District would also be

determined by lot. It merely creates a new mechanism for the ballot location of the University of Illinois trustees.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

...thank you, very much, Mr. President. As I understand it, this deals with the trustees elections to the University of Illinois; and frankly, Senator, I didn't really understand or hear all of your explanation. If you would go through it again perhaps we will all understand it a little better.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The motion is to adopt Amendment No. 1...Senator Hall, for what purpose do you arise?

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield.

SENATOR HALL:

Senator Maitland, the eternal question is, who wants this?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

I do, Senator Hall. It's an amendment that I have that...that clears up a mechanical problem that we have because we went from twenty-four congressional districts to twenty-two. And it just simply sets up the rotating factor for the election of the...of the University of Illinois trustees. Before when we had twenty-four congressional districts, when each of the three ran, they were first on...in...in eight congressional districts. We now have an uneven number of congressional districts and...and, therefore, this sets up that mechanism to assure a proper rotation. It's something that, as I understand it, has to be

done.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

Well, are they going to still be first? Is that what you said before...now that the...because the congressional district has changed and that's what's necessitated that, but you...I remember that they're always on the ballot there. Will they still be in the same positions? Did I read you clearly?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

It...again, the first district will be drawn by lot and we will then rotate the next twenty. Three is divisible equally into twenty-one, so each individual will be first seven times; and then in the 22nd Congressional District, which obviously is the...would be the odd one then, the last one, would be drawn by lots.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. This...this certainly...I think, Senator Maitland, you have misstated the present practice under the University of Illinois Board of Trustee selection. I do not believe that they presently rotate, at all. Senator Weaver, you're shaking your head, but I...as I recall, we got into this discussion four years ago, and that is the question that one of the members had felt like he had...one of the trustees had felt he would have been elected had there been rotation. And he pushed this bill two years ago to make the change and I do not believe that bill passed. And I...I would...would ask that...I would like to make a couple of telephone calls to see about this particular amend-

ment. There have been some strong feelings about rotation, and I...at this late in the day on University of Illinois Board of Trustee selection, I would prefer not to put this on until I can talk to a couple of people.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Senator Maitland.

SENATOR MAITLAND:

Well, thank you, very much, Mr. President. Senator Bruce, it is not my intention to misrepresent this to anyone. It is my understanding that...that we have rotated. If there is some question about that, I would be happy to take it out of the record for now, see where we are and get back to it.

(PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Take it out of the record. All right. On the...on the Order of Recalls, House Bill 714, Senator Coffey. Senator Coffey seeks leave of the Senate to return House Bill 714 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted.

SECRETARY:

Amendment No. 1 offered by Senator Bruce.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Bruce.

SENATOR BRUCE:

Oh, yes, this is an amendment that has been worked out over a three-or four-year period relating to community colleges in school districts in which school districts were out of a community college...were in a community college district at one time, then consolidates with a school district that is outside the community college district, and there is no mechanism for the constituents in the attaching school district to disattach the tax that they pay the community college once they join with a school district that is not attached to a community college district. As far as Senator Coffey and I know, there are two districts in the State of

Illinois to which this bill applies, Paris and St. Francisville; Paris in his district, St. Francisville in mine. It just says they will not pay double taxation. They will not pay both the school chargeback...school district chargeback and the tax levy for the community college district. It is unfair. We've worked a long time to get the language to say what we want it to and I believe this amendment does that very thing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Further discussion? If not, those...those in favor will say Aye. Opposed Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Well, Ladies and Gentlemen that completes the bills on the Order of Recall. Senator Schuneman, for what purpose do you arise?

SENATOR SCHUNEMAN:

I had one on that list, Mr. President, that was missed, 1944. I'd like to take that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On the Order of Recalls we have one final bill remaining, House Bill 1944. Senator Schuneman seeks leave of the Senate to return that bill to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted.

SECRETARY:

Amendment No. 2 offered by Senator Schuneman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This is the bill that adopts

the new investment article for the insurance industry. This particular amendment amends that article to make numerous technical changes, and two minor substantive sections are inserted which were inadvertently admitted in the first draft of this rather lengthy article. So I would move adoption of this amendment which puts the bill in correct form.

(PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Schuneman moves the adoption of Amendment No. 2 to House Bill 1944. Is there any discussion? If not, all those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Well, Ladies and Gentlemen, if we could have your attention. Senator Mahar has a special guest with us today that he would like to introduce, and at this time I would give you Senator Bob Mahar.

SENATOR MAHAR:

It's Bill Mahar. It's my pleasure to introduce to the...to the Senate today, Miss National Teenager for 1983. She comes from the 19th Senatorial District in Palos Park. She is accompanied by her father and mother. Her name is Miss Natalie Cetera, her father and mother, Mr. and Mrs. Walter Cetera and her brother Kevin. We also have Miss National Teenager, Diana Mergenthal from 1977, I don't know whether I got that name right or not. Miss National Teenager was elected from a hundred and fifteen people, very strict competition. Miss National Teenager.

MISS NATIONAL TEENAGER:

(Remarks given by Miss National Teenager.)

SENATOR MAHAR:

Thank you, very much, Natalie. Now on behalf of the

Senate, I'd like to present to you Resolution No. 256 which acknowledges your accomplishments and your achievements. Here. Congratulations.

PRESIDING OFFICER: (SENATOR BRUCE)

On the Order of Recalls is House Bill 1369...Senator Davidson asks leave of the Body to return House Bill 1369 to the Order of 2nd reading. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 1 offered by Senator Davidson.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson is recognized.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this amendment allow...grants full-time teachers and other employees sick leave not less than the amount of ten days at full pay for each school year and that they can accumulate the leaves to a maximum of a hundred and eighty days. This...no...every community college in the district in the State allows ten days sick time; part of them allow accumulation, part don't. We passed out of here K-12 and the university system already have the allowance or the accumulation, and this amendment will help prevent the abuse of sick leave 'cause they can accumulate up to a hundred and eighty days and then use a year of it on their pension. I move the adoption of the amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 1 to House Bill 1369. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)



3rd reading. I believe that...that completes the recall list for today and we will now go to House Bills on 2nd reading. On page 57 of your Calendar...House Bill 26, Senator Egan. Did you wish to...read the bill, Mr. Secretary, please. Senator Egan, for what purpose do you arise?

SENATOR EGAN:

I have a technical amendment but it's not on my desk. As soon as I can find it...it's a simple...is it there? Okay, then if you would call it, I'd appreciate it.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 26.

Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Egan.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan is recognized.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. The amendment is...it changes the effective date from immediate to October 1st of '83. I move its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 43, Senator Netsch. Read the

MB 234  
2nd reading

bill, Mr. Secretary, please. Senator Netsch, for what purpose do you arise?

SENATOR NETSCH:

Thank you. I just wanted to indicate that there is still a possibility of...of an amendment to this bill being worked on later in which case I would put it on the recall list, but nothing has been resolved at the moment and so I would like to get it moved.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 43.

(Secretary reads title of bill)

3rd reading of the bill...or 2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the floor?

SECRETARY:

No floor amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 207, Senator Smith. Senator Smith. Public Aid...Code on allowable assets. Read the bill, Mr. Secretary, please. No...hold. All right. Is there leave to return to 234? Senator Savickas...can you handle...all right. House Bill 234, read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 234.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. Amendment No. 1 was the long amendment which made several changes. Changed the effective date to January 1st of 1984; changes a...makes a comprehensive change in the sections relating to investigating commissions of the General Assembly; added exemptions requested by the police chiefs on criminal arrest records, police blotters and records in which personal identification was available; changed the court procedure; changed the definition of a public body by deleting a reference to a private not-for-profit corporation; included information relating to grant or contracts made by a public body in another public body...changed...relating to copying fees, fee waivers for indigents, there was a question about whether or not indigents could use the indigent waiver and get material for other people and we've limited that to their own personal use and made several other changes relating to criminal records. I would ask for your favorable consideration of this amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Bruce moves the adoption of Amendment No. 1 to House Bill 234. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

Committee Amendment No. 2.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you. This relates to the Illinois Municipal League's request and requirements concerning the maximum rate of fifty cents per page. They felt like that may have locked them in to a rate that was too low, and what we said is reverted back to the original language and that is that they may make reasonable charges.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Eruce moves the adoption of Committee Amendment No. 2 to House Bill...234. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

Committee Amendment No. 3.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Eruce.

SENATOR BRUCE:

Thank you. At the request I think of Senator Weaver, this amendment was offered relating to course material taught in class. There was an exclusion for faculty notes and memoranda and research materials but we wanted to add the word, "in class" so that there was no confusion as to what was excluded from being discovered.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Eruce moves the adoption of Amendment No. 3 to House Bill 234. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 3 is adopted. Any further amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the floor?

SECRETARY:

Amendment No. 4 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland. Senator Mahar. Well, why don't we call the one from Senator Mahar first since Senator Maitland...oh, here's Senator Maitland. Senator Maitland on Amendment No. 4.

SENATOR MAITLAND:

...thank you...thank you, very much, Mr. President. I apologize for being off the Floor. Senator Bruce, this is the amendment that we have...have agreed to...is this...is this correct...on 234? I believe your amendment was to come first and if...if yours went on mine wasn't going to go on. This was the one that dealt with the business offense. Mine simply addressed the five hundred dollar fine. Adopt the amendment. Okay.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland moves the adoption of Amendment No. 4 to House Bill 234. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 4 is adopted. Any further amendments?

SECRETARY:

Amendment No. 5 by Senator Mahar.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President, members of the Senate. Amendment No. 5 deletes paragraph 1 on page 10. What that says is that documents or materials relating to collective bargaining negotiation matters between public bodies and their employers or representatives except in the final contract the agreement shall be subject to inspection. As we all know this is a document...this is a bill which provides public...access to records held by public bodies, and I'm all for it, I think it's a good idea. It just seems to me though that where a lot of money is spent is in collective bargaining negotiations, and I think the...the taxpayers ought to be privileged to what those negotiations are. So I think that Amendment No. 5 will make a good bill a better bill, and I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Mahar moves

the...Senator Eruce.

SENATOR ERUCE:

Thank you, Mr. President. I rise in opposition to this well-intentioned amendment. But I don't believe that there's anyone in the State of Illinois that wants it, except for perhaps Senator Mahar and...and maybe...a few people here. Collective bargaining among public sector employees is an issue that we will face, I guess, before the end of this Session goes out. What Senator Mahar proposes to say is that anything that either of the bodies uses in the area of collective bargaining becomes a public document during those collective bargaining negotiations. I don't know of a school district that wants this. I don't know of a...a city council that wants to say that every time they make an offer or a counteroffer that the newspapers can troop in and get this. I don't think the City of Chicago wants it, the...the park board, the...sanitary district. I don't believe that there's a public body that wants to do their negotiations in the public sector in the newspapers. Now I've done a small amount of negotiating and I can tell you the first thing that I get involved with is not telling the newspapers every little change. And what this bill would...this amendment would do to the Open Records Act is say that for collective bargaining, everything is available the minute it's said or done, and I don't believe that's the intent. I prefer to leave my bill in its present form without getting involved in this, it's already covered. Every agreement made and signed to has to be made public. What Senator Mahar is asking is even in the minor negotiations and all those have to be made public, and I don't believe that would be in the best interests of the...of the public sector employers or the public sector employees.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Mahar...may close.

SENATOR MAHAR:

Thank you, Mr. President. Well, I don't think there's probably a public body that really is very happy about the bill to begin with. And I happen to disagree with some of my colleagues in local government that there is a necessity for some type of legislation along these lines. It seems to me that is this particular day and age with collective bargaining becoming a reality, if you look at any level of government, any local body, you will find a vast majority of their expenditures are for salaries and all those various amenities. It just seems to me that the public ought to be privy to those negotiations. Right now we are negotiation...negotiating on the State level for an income tax and a liquor tax and a gas tax and all those things. All of the negotiations are public, every day we read the papers about what's going on. I think the public likes to follow those things. I think the public has a right to follow those things, and even though local government may not want to have their negotiations public, and I can understand that, I think the fact that they are going to be public will make for probably better and faster negotiations in...in the long-run will save the taxpayers some money. So I really think that this would...would help the bill and I would ask for your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, Senator Mahar moves the adoption of Amendment No. 5 to House Bill 234. Those in favor vote Aye...or those in favor signify by saying Aye. Those opposed. The Ayes have it. Amendment No...Senator Mahar seeks a roll call. Roll call has been requested. On that question, those in favor of adopting Amendment No. 5 to House Bill 234 will vote Aye. Those opposed vote Nay. The voting is open. Senator Hall, would you vote me Aye. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 27, 1 voting

Present. Amendment No. 5 to House Bill 234 has been adopted.

Are there any further amendments?

SECRETARY:

Amendment No. 6 offered by Senator Bruce.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. I'd appreciate...now we have 29 Aye votes, all I've got to do is add mine and we've got thirty. And I will keep that roll call for those of you who have made a Bartulis of this bill. If you're going to Bartulize this bill at least be honest enough now to stand up and vote for it. And I will take the roll call, Senator Mahar, and take a very close look to make sure that everyone's on board. Now, I have one more amendment which I hope to have clarified this bill and I've worked a long time to...I don't think this is...as a joking matter, and the amendment I have I hoped would have improved and answered some legitimate problems that have been raised by legitimate entities in the State of Illinois concerning open records. This amendment deals with rules and regulations. Senator Davidson and the Illinois Historical Library had brought a problem to me concerning the closing of certain documents that were historically significant and they should not be open and be handled by everyone. It allows public bodies to adopt reasonable rules and regulations. The Department of Registration and Education said that they had problems with revealing more than they wished to about registrants and licensees; this would allow them to give the names, addresses and whether or not they have a current license. The Criminal Investigating Commission came with problems along with the police chief, in addition to Amendment No. 1 which we have already adopted, relating to the criminal history record information and the material that they have



been gathering for the last two years on criminal histories, and it defines criminal history information and tells what cannot and can be used by different people who make requests. It also makes security of systems and security materials exempt from this...this Act. It also, at the request of some of the bond counsel, indicated that drafts, notes and recommendations pertaining to the financing and marketing transactions of public bodies would not be available if they would, in fact, give financial advantage to a private party. And it exempts from the Act notes and memoranda and records of the Illinois Legislative Investigating Commission if it would interfere with a pending or actually reasonably contemplated legislative investigation or disclose the identity of a confidential source. And so, with that, I would move the adoption of Amendment No. 6 to House Bill 234.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Eruce moves the adoption of Amendment No. 6 to House Bill 234. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 6 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 321, Senator Netsch. House Bill 333, Senator Joyce. House Bill 375...is there leave for Senator Collins to handle 375? Leave is granted. For what purpose does Senator Jones arise? For what purpose does Senator Jones arise?

SENATOR JONES:

Yeah, Mr. President, before you move the bill, I was trying to get a recognition on 234, because my switch was pushed while I wasn't here and I want to make a motion.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, is...you've heard this motion...or you've heard the

request for Senator Jones to make a motion. Is there leave to go to that order of business? Leave is granted. Senator Jones, what is your motion?

SENATOR JONES:

Mr. President. I...I was trying to get your attention before you moved House Bill 234 to 3rd reading. And I see you've made that move. I will request that you move the bill back to 2nd reading.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, Senator, probably the easiest thing is for the sponsor to ask leave to bring it back to the Order of 2nd Reading. That's...before we get to that order, let me ask leave of the Body to take Senate...House Bill 375 out of the record temporarily. Is leave granted? Leave is granted. Senator Bruce.

SENATOR BRUCE:

Yes, I would ask leave of the Body to return 234 back to the Order of 2nd Reading for the purpose of Tabling an amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard...

SENATOR BRUCE:

Or reconsidering the adoption of an amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...you've heard the motion. Is leave granted? Leave is granted. Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President. Having voted on the prevailing side on Amendment No. 5, I move to reconsider the vote by which the amendment was adopted.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones moves to reconsider the vote on which Amendment No. 5 was adopted. Those in favor indicate by saying Aye. For what...for what purpose does Senator

DeAngelis arise?

SENATOR DeANGELIS:

Well, the Senate has been up to now, a rather orderly Body. I think when sponsors get a little mad that...that amendment went on and they solicit somebody who voted in opposition to their position, we ought not to be doing this. There is a time for doing this and I...I think we're going to turn around and end up in a real hassle if this keeps going on.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee, for what purpose do you arise?

SENATOR EUZBEE:

Senator Jones' motion is perfectly legal, it's within our rules, we do this all the time. He has requested that his...that the amendment be reconsidered. I think if you'll check the rule book, Senator, you'll see that we are doing something that is perfectly within our rules, and I would suggest that we get on with it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

I'd just like to point out that we have leave of the Senate to go to this order of business and, you know, that leave was granted, so, you know, we are on this order of business.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

At no time during my statement did I indicate this was not within the rules. I just suggested that for the sake of orderliness, which the Senate has been doing real well, that we ought not to be doing this, that's all, Senator Buzbee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Favell.

SENATOR FAWELL:

Point of information. This amendment is the amendment we just put on that Senator Mahar...

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Amendment No. 5 was Senator Mahar's amendment that dealt with open records and collective bargaining issues. Senator Jones moves to reconsider the vote by which Amendment No. 5 was adopted. On that motion, a roll call has been requested. The clerk will...or Secretary please...those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? The motion is to reconsider the vote by which the amendment was adopted. There was a call for...roll call on that motion, on the motion to reconsider. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 24. The motion to reconsider prevails. Now, on the...now, on the motion to Table the amendment, Senator Jones.

SENATOR JONES:

Thank you, Mr. President. I move to Table Amendment No. 5.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Those...Senator DeAngelis.

SENATOR DeANGELIS:

I...I don't think that's a proper motion. I...I don't think that's what he wants to do...I mean, that's what he wants to do but that's not the way he can do it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

That's...he reconsidered...he moved to reconsider; we voted to reconsider the vote by which the amendment was adopted. Now he moves to Table that amendment. Those in favor will indicate by saying Aye. Those opposed. The Ayes have it. A roll call has been requested. Those in favor of

Tabling Amendment No. 5 will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 25, none voting Present. The Amendment No. 5 is Tabled. Senator Mahar, for what purpose do you arise?

SENATOR MAHAR:

Verify the affirmative roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

A verification has been requested. Will the Secretary please call the affirmative vote.

SECRETARY:

The following voted in the affirmative: Eerman, Bruce, Buzbee, Carroll, Chew, Collins, D'Arco, Darrow, Davidson, Dawson, Degnan, Demuzio, Egan, Hall, Holmberg, Johns, Jones, Jeremiah Joyce, Jerome Joyce, Kelly, Lechowicz, Lemke, Luft, Marovitz, Nedza, Netsch, Newhouse, Sangmeister, Savickas, Smith, Vadalabene, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar, do you question any of the affirmative votes?

SENATOR MAHAR:

Yes, thank you. Senator Carroll.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll is in his seat.

SENATOR MAHAR:

Senator Chew.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR MAHAR:

Senator Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jeremiah Joyce on the Floor? Senator Joyce.  
Senator Jeremiah Joyce on the Floor? Strike his name.

SENATOR MAHAR:

Senator Lechowicz.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz on the Floor? He's right in front of the Podium.

SENATOR MAHAR:

Senator Lemke.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is Senator Lemke on the Floor? Senator Lemke. Strike his...Senator Jeremiah Joyce is on the Floor. Is Senator Lemke on the Floor? Strike his name from the record.

SENATOR MAHAR:

Senator Sangmeister.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister on the Floor? Senator Sangmeister. Senator Sangmeister on...Senator Sangmeister is...

SENATOR MAHAR:

Senator Netsch.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch is rounding up the troops.

SENATOR MAHAR:

No further questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

On that question, on the motion to Table, it's 32 Ayes, 25 Nays. The motion prevails. Amendment No. 5 is Tabled. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 375. Is there leave for Senator Collins to handle that bill? Leave is granted. Senator Collins. Read the bill, Mr. Secretary.

Page 71 - JUNE 21, 1983

END OF REEL

REEL #3

SECRETARY:

House Bill 375.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 477, Senator Bruce. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 477.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. All right, I believe this amendment was adopted in committee and I would move its adoption. There's a larger amendment that we discussed in committee. That's...I just wanted to know how this fit and it...it the larger amendment which is...which is a Floor amendment...the...the Amendment No. 1 should be adopted.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Bruce moves the adoption of Amendment No. 1 to House Bill 477. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:



No further committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

SECRETARY:

Amendment No. 2 offered by Senator Bruce.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. This relates to the four-day school week and it...it has the six requirements requested by the committee and various committee members, and that is that a majority...before you could have a four-day school week there would have to be a petition to the State Board of Education that that would...first requirement is that be a majority of the board...elected board, four members; that the SB determine that the board had made every other attempt to have full school weeks rather than a four-day school week; that the SB respond within three days to the petition to either deny or approve; that no approval could be longer than one school year; that all joint agreements and members and member boards of joint agreements must agree to the four-day week, and the State Board of Education will...report annually to the Governor and to the General Assembly all schools that adopted a four-day school week and the reasons therefore. I would move the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Bruce moves the adoption of Amendment No. 2 to House Bill 477. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 485, Senator Marovitz. Read the

bill, Mr. Secretary.

SECRETARY:

House Bill 485.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 495, Senator Marovitz. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 495.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 506, Senator Demuzio. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 506.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz...Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Committee Amendment No. 1 would exempt from the definition "entity of the State" various

independent bond authorities of the State. It would exempt the...the...Industrial Development Authority, the Housing Development Authority, the Health Facilities Authority, the Industrial Pollution Control Financing Authority, the Toll Highway Authority, Educational Facilities Authority, the State Scholarship Commission, Educational Loan Purchase Program, and I would move adoption of the amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Netsch.

SENATOR NETSCH:

Yes, thank you, Mr. President. I'm a cosponsor...joint sponsor of the bill and I accept the fact that we are going to have to accept this amendment, but I would just, for the record, like to say that I think these agencies are absolutely incorrect in their judgment about what it would do to have them subject to this bill. Because there are bonds involved, in a sense, they have us over a barrel and we can't really afford to take many chances, but I do think they are incorrect and I hope someday we can persuade them to that effect.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If, not Senator Demuzio moves the adoption of Amendment No. 1 to House Bill 506. Those in favor indicate by saying Aye. Those opposed. The Ayes have it Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No...Amendment No. 2 offered by Senator Weaver.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This would exclude from the bill organizations who are...adjunct to State colleges and universities such as athletic associations, alumni associa-

tions and foundations. I'd move adoption of the amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise in respectful but strong opposition to the amendment, Senator Weaver. It is absolutely unnecessary to take care of one aspect that, perhaps, you are concerned about, the matter of dues, for example, which are paid by members of athletic associations or otherwise; and in the process, it simply goes much too far and...removes totally from any kind of university and/or public controlled rather substantial sums of money which really are public funds. One of the problems is that it is only at the University of Illinois Urbana campus that such things as ticket revenues from football games and other athletic events and matters of that sort are handled under a contract by the athletic association rather than being part of the direct funds of the university. As I understand it, at every other State university and at the Chicago circle campus of the University of Illinois, ticket revenues and other revenues of that sort go into the university's funds, they are treated as public funds and they are part of the university's treasury, it's only at the Urbana campus that this other happens. What you are doing, by this amendment, is, in affect, totally removing any public control over those funds. For example, if this amendment were adopted, and if funds of that sort were really the athletic association's funds and not the universities' funds, what would happen then if the athletic association decided to use the money and these funds for, let's say instead of promoting football, they decided to...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Can we have a little order and take our conferences off the Floor here. Would our House members take...

SENATOR NETSCH:

Thank you, let me just go back...thank you, Mr. President. The...the problem is that the university would then, basically, use...lose control also. For example, what if the athletic association decided that it wanted to promote tiddlywinks instead of football with the money? It could then do so, because the money would no longer be public money. It would belong solely to the athletic association which is basically a private agency. So, that...it seems to me, that what you are doing in this amendment is...is much more even than you and probably the university would really like to achieve. I would strongly urge that this amendment not be adopted.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Euzbee.

SENATOR EUZBEE:

Well, I would strongly urge that the amendment do be adopted. In the first place, you're taking funds, in a lot of cases, which came from not a public entity at all but from private contributors to...to the foundation of the various universities...to the alumni association, to the athletic events and so forth. In a lot of these cases, these are contributions that are made by individuals, probably most the people in this Body contribute to their alma mater's alumni fund or to their foundation one way or the other. Those foundations were purposefully set up with the intention of private contributors being able to say what it is that they want their monies to be used for by their university, not by the General Assembly to decide how those private contributions are going to be used by their university. As the chairman of the Appropriations Committee, I am the first one to stand up and defend the General Assembly's right, and not only right but...but constitution...constitutionally mandated duty to appropriate public funds, these are not public funds.

These are funds that belong to the university, that have been given to them by individuals or by corporations or by sporting event spectators and these are funds that...that should...should not be subject to appropriation by the General Assembly. If it were...if there were public dollars in it, I would be in opposition to the amendment. I applaud Senator Weaver and I think we ought to vote for his amendment.

PRESIDING OFFICER: (SENATOR HALL)

Senator Weaver.

SENATOR WEAVER:

Well, if there is any other questions, but I'd just would like to make the point that these are not taxpayers' dollars. All of these organizations have boards of trustees who supervise and approve the expenditures of any of these private funds, and I just don't think that we should be involved in this bill.

PRESIDING OFFICER: (SENATOR HALL)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you...thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I, too, rise in opposition to this amendment. House Bill 506 in its current form will have no affect on this existing relationship at the university. The athletic association can continue to operate in its present fashion, holding ticket income and other revenues for as long as the University of Illinois wishes to continue to that arrangement. There is no need for an amendment to accomplish this purpose or to provide for clarification. However, this amendment goes beyond this particular circumstance. In effect, it states that the universities' monies lose their character as university funds and, therefore, public funds, simply because they are held or received by a foundation or an association. Frankly, this is bad public

policy and also makes questionable the existing agreements at public universities across the State concerning management of student aid and other university funds. Several universities have agreed to have foundations, in particular, perform custodial, banking or administrative functions on their behalf. It's simply wrong to attempt to change these university or State funds into nonpublic funds, and thereby remove them from the purview of State laws covering purchasing, property control, audit, deposit and use of monies, travel restrictions, criminal sanctions against misuse or misappropriation of funds, and other Statutes that are designed to protect the integrity of the State and university resources. I also rise in opposition to this amendment.

PRESIDING OFFICER: (SENATOR HALL)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Let me just reemphasize one point. The kinds of donations, contributions, for example, to which Senator Buzbee referred, are already exempted from this bill. They are protected, nothing at all will happen to them. In fact, the last section of the bill explicitly says, "This section shall not apply to assets donated to organizations related to State colleges and universities." That language and all the rest of the language is consistent with the university guidelines that were adopted in 1982 and accepted by all of the State universities, including Southern Illinois University, subject to one qualification, the U of I does not like it with respect to its athletic association. But let me just illustrate why this could be a real problem. I believe it was...what, Senator Weaver, a year or two ago, the athletic association of...at the Urbana campus got a direct appropriation of some State lottery proceeds. The State lottery money is public money. It is raised pursuant to a program that we have in effect. That money would not have been

subject to any kind of State control. We're not talking about the appropriation process, we're talking about audit and a whole lot of other things of that sort. I don't think anyone would want us to, in effect, create entities that are totally outside of any control by this General Assembly or any of the agencies to which it has given responsibility for control of public funds. The...the particular problem, the payment of dues, the giving of gifts, all of that is perfectly safe from this bill. It is only that which goes beyond and really is public funds that we are attempting to retain as public funds.

PRESIDING OFFICER: (SENATOR HALL)

On...on the adoption of Senate Amendment No. 2, Senator Weaver moves for the adoption. All those in favor...did you want to close, Senator? All right.

SENATOR WEAVER:

I think there's a difference of opinion amongst attorneys. I have a letter here from Don Henss, the associate counsel for the university and a former House member, that feels that this is going to really present a problem. And to clarify one thing, the lottery money went to the university not to the athletic association, Senator Netsch, and was accounted for. So, this...this could become a real problem for the athletic association, the alumni association, all of which are audited annually by outside auditors, and the idea of calling these funds public funds is wrong. They're not taxpayers' money, they're donations made by individuals for a certain purpose, and if these trustees of these various adjuncts of the various colleges and universities don't perform properly, they'll be replaced. I would hope that you would support this amendment.

PRESIDING OFFICER: (SENATOR HALL)

On the adoption of Amendment No. 2, all in favor say Aye. Those opposed Nay. The ear of the Chair sounds like the Nays



HB 524  
2nd Reading

have it. Roll call has been requested. Everybody be at their seats. The roll call on the adoption of Amendment No. 2. All those in favor vote Aye. Those opposed will vote Nay. The voting is open. On the adoption of Amendment No. 2, the Ayes are 38...have all who voted who wish? Have all who voted who wish? Have all who voted who wish? On the adoption of Amendment No. 2...take the record. The vote is 40 Yeas, and 15 Nays, with 1 voting Present. The amendment is adopted. Senator Demuzio, for what purpose do you arise? Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR HALL)

3rd reading. Senator Netsch on 511. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 511.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR HALL)

Senator Netsch.

SECRETARY:

No committee amendments.

PRESIDING OFFICER: (SENATOR HALL)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR HALL)

3rd reading. 519, Senator Welch. 524, Senator Netsch. 524. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 524.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR HALL)

Are there any amendments from the Floor?

SECRETARY:

No amendments.

PRESIDING OFFICER: (SENATOR HALL)

3rd reading. 530, Senator Coffey. 531, Senator Carroll.  
537, Senator Kustra. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 537.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR HALL)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Kustra.

PRESIDING OFFICER: (SENATOR HALL)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate.  
Amendment No. 1 does two things. It makes the effective date  
of this immediately, and it also takes out a provision of the  
bill which the Comptroller's Office deemed unworkable. I'd  
moved for its adoption.

PRESIDING OFFICER: (SENATOR HALL)

Senator Kustra moves for the adoption of Amendment No. 1.  
Any discussion? All those in favor vote Aye. All those  
opposed No. The amendment is adopted. Are there any further  
amendments, Mr. Secretary?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR HALL)

3rd reading. 538, Senator Kustra. Read the bill, Mr.  
Secretary.

SECRETARY:

House Bill 538.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR HALL)

Are there any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR HALL)

3rd reading. 541, Senator Maitland. 542, Senator Sommer. 543, Senator Kent. 557, Senator Philip. 563, Senator Demuzio. Read the bill, Mr. Secretary. It's...563, Senator Demuzio. Hold it, Mr. Secretary, he wants it. Senator Demuzio, are you going with 563? All right. Take it out of the record. 564, Senator Demuzio. 577, Senator Marovitz. 606...read the bill, Mr. Secretary. 577.

SECRETARY:

House Bill 577.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR HALL)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Lenke.

PRESIDING OFFICER: (SENATOR HALL)

Senator Lenke. Senator Lenke.

SENATOR LENKE:

What Senate amendment...what this amendment does is readjusts the fees, lower some and increases some fees in regards to court ease. I think it's a good amendment. I ask for its adoption.

PRESIDING OFFICER: (SENATOR HALL)

Senator Lenke moves for the adoption of Amendment No. 1 to Senate Bill...House Bill 577. Any discussion? All in favor Aye. Opposed. The amendment is adopted. Are...is

there any other further amendments, Mr. Secretary?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR HALL)

Any amendments from the Floor?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR HALL)

3rd reading. 606, Senator Netsch... 619, Senator... Senator Buzbee. Read the bill.

SECRETARY:

House Bill 619.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR HALL)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Buzbee.

PRESIDING OFFICER: (SENATOR HALL)

Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. I...I thought Amendment No. 1 was being offered by Senator Grothberg.

PRESIDING OFFICER: (SENATOR HALL)

Senator Grothberg is not on the Floor.

SENATOR BUZBEE:

Well...well, no, it's my bill. I'm not going to take it out of the record, it's...well, I have a...I have Amendment No. 1 then which...Mr. Secretary, is this the one that has the...the last three lines say on page 1 and line 21, on page 3 and line 17, on page 5 and line 3, and then on page 6, line 21, by changing "within" to "over"?

SECRETARY:

Yes, sir.

SENATOR BUZBEE:

This is an amendment that was worked out as a compromise with...with the Department of Mental Health, and it changes the language to say, "or which reduces the occupancy level by ten percent or twenty-five percent whichever is greater," after greater and then it adds, "nothing in this section shall be interpreted so as to prevent an immediate temporary reduction in occupancy where an emergency situation exists and where such immediate reduction is necessary to protect the facility's occupants or employees." For the purpose of this section, emergency situation means a situation that represents a clear and present danger to the occupants or employees of the facility, and I would move the adoption of the amendment.

PRESIDING OFFICER: (SENATOR HALL)

Senator Buzbee has moved for the...for the adoption of Amendment No. 1 to Senate...House Bill 619. Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor. Senator, I was a little confused about what was happening here. Is this the amendment that Senator Grothberg offered? This is a different amendment. You explained that there was some kind of...

PRESIDING OFFICER: (SENATOR HALL)

Senator Buzbee.

SENATOR BUZBEE:

This is my amendment. This is the amendment that was...that was worked out in cooperation or as a...as a...as a peace pipe, as a sop, if you will, to the Department of...of Mental Health where they had some problems with the language on the closure...notice of closure of a facility and this language now says, "or which reduces the occupancy level by ten percent or twenty-five, whichever is greater." And...and it addresses an entirely different topic than the

one that Senator Grotberg's amendment did.

PRESIDING OFFICER: (SENATOR HALL)

Senator Schuneman.

SENATOR SCHUNEMAN:

Okay, does...does this remove the department's objection to the bill, Senator, or just that particular section?

PRESIDING OFFICER: (SENATOR HALL)

Senator Buzbee.

SENATOR EUZBEE:

Senator Schuneman, I cannot honestly say that. I don't know that to be a fact. I think it...it does address some of the problems they expressed in committee, but I don't know if they've withdrawn their objections.

PRESIDING OFFICER: (SENATOR HALL)

Amendment No. 1 has been moved by Senator Buzbee to be adopted on House Bill 619. Any other discussion? Those in favor say Aye. Opposed. Are any further amendments, Mr. Secretary? All right. Amendment No. 1 to Senate Bill 619 is adopted. Any further amendments?

SECRETARY:

Amendment No. 2 offered by Senator Grotberg.

PRESIDING OFFICER: (SENATOR HALL)

...Senator Grotberg. Senator Schuneman. Is there leave for Senator Schuneman to handle it for Senator Grotberg? Leave is granted. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. The amendment simply states that the...the...pursuant to the Administration Procedure Act should be stricken from the bill, and that the group making this decision should be the committee to visit and examine State institutions. This was the point made by Senator Grotberg in committee, and...and I think that this Legislature already has a committee established for the purpose of visiting and examining State institutions and it would simply

be logical to give that responsibility to that committee rather than to...as I understand, JCAB would be involved in this.

PRESIDING OFFICER: (SENATOR HALL)

Senator Schuneman moves for the adoption of Amendment No. 2 to House Bill 619. Any discussion? Senator Buzbee.

SENATOR EUZBEE:

I have no objection to this amendment.

PRESIDING OFFICER: (SENATOR HALL)

Senator Schuneman moves that Amendment No. 2 be adopted for House Bill 619. All those in favor say Aye. Opposed. The amendment is adopted. Any amendments from the Floor, Mr. Secretary?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR HALL)

3rd reading. There's been leave granted...asked by Senator Netsch that we return to...she was off the Floor at the time. 620, Senator Buzbee. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 620.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR HALL)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Buzbee.

PRESIDING OFFICER: (SENATOR HALL)

Senator Buzbee.

SENATOR EUZBEE:

Thank you, Mr. President. This is the amendment which says, "or would...or which would reduce the occupancy level by ten percent or twenty-five whichever is greater," bringing it in line with what we just did with 619, and I would move

its adoption.

PRESIDING OFFICER: (SENATOR HALL)

Senator Buzbee moves for the adoption of Amendment No. 1 to House Bill 620. Any discussion? All in favor say Aye. Opposed. The amendment is adopted. Further amendments, Mr. Secretary?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR HALL)

3rd reading. 643, Senator D'Arco...or Zito. 663, Senator Barkhausen. Senator,...667, Senator Demuzio. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 667.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR HALL)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Demuzio.

PRESIDING OFFICER: (SENATOR HALL)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This amendment references the interest...interest ceilings applicable to bonds issued by the drainage districts to the...to that fund found...that's in the Public Corporation Interest Act. It addresses a point that raised...was raised in committee. It does not substantially change the bill since the language of the bill...track the language found in the Public Corporation Interest Rate Act, and I would move adoption.

PRESIDING OFFICER: (SENATOR HALL)

Senator Demuzio moves for the adoption of Amendment No. 1



to House Bill 667. Any discussion? All in favor vote Aye. Opposed Nay. The amendment is adopted. Any amendments from the Floor, Mr. Secretary? Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR HALL)

3rd reading. 684, Senator Demuzio. Read the bill.

SECRETARY:

House Bill 684.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR HALL)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Demuzio.

PRESIDING OFFICER: (SENATOR HALL)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 1 will...redefines agribusiness to conform with the definition of Senate Bill 1035 which we passed out of here. It rewrites the section that allows the authority to loan funds to qualifying agribusiness to conform with the language of Senate Bill 1035. It increases the real estate loan limit to a hundred and fifty thousand dollars, it was a hundred thousand per borrower...or rather per transaction. It adjusts the limits for qualifying agribusiness eligibility for a loan from the...from the authority of qualifying agribusinesses, one of those that has less than a hundred employees and a net income not...or less than two million dollars. Actually what it, in fact, does is it puts it in the same form that the...the bill was when it left the Senate. I would move adoption.

PRESIDING OFFICER: (SENATOR HALL)

HB 695  
2nd Reading

Senator Demuzio moves for the adoption of House Bill 684, Amendment No. 1. All in favor...any discussion? All in favor say Aye. Opposed Nay. The amendment is adopted. Any further amendments, Mr. Secretary?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR HALL)

3rd reading. House Bill 695, Senator Darrow. Read the bill.

SECRETARY:

House Bill 695.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President and Ladies and Gentlemen of the House. I explained this amendment yesterday. What this does is increase the downstate...public transportation funds from one-third to two-thirds, and I believe it increases it also the dollar amount. That fund is made up of a number of taxes generated in the downstate transportation districts. I'd ask for favorable vote on the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow moves the adoption of Amendment No. 1 to House Bill 695. Is there any discussion? If not, all those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the floor?

SECRETARY:

HB 726  
2nd Reading

Amendment No. 2 offered by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Leave to withdraw the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones asks leave to withdraw Amendment No. 2. Is leave granted? Leave is granted. The amendment was withdrawn. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Okay, on the Order of 2nd Reading...House Bill 716, Senator Rigney. 717, Senator Rigney. 726, Senator Bruce. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 726.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. House Bill 744, Senator Kent. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 744.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

#B 747  
2nd reading

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. House Bill 747, Senator Egan. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 744.

(Secretary reads title of bill)

747. 2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Egan.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. In the committee this amendment was discussed but had not yet been prepared, and I agreed to offer it on the Floor. In effect, House Bill 747 repeals two major Acts; and because of those repeals, certain language was necessary in addition to the language that was in the original bill, and so I've included that language in this amendment, and I offer its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan moves the adoption of Amendment No. 1 to House Bill 747. Is there any discussion? Any discussion? If not, all those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. House Bill 767, Senator Bruce. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 767.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. House Bill 799, Senator Collins. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 799.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. House Bill 814, Senator Maitland. 854, Senator D'Arco. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 854.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. The amendment is the Sunset revision schedule that was...that is... was agreed upon at the Sunset Committee hearing. This changed some of the review of the occupations and the utilities in the State of Illinois. It was the agreed position of the Sunset Committee

by a majority vote, and I would ask to adopt Amendment No. 1 to House Bill 854.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco has moved the adoption of Amendment No. 1 to House Bill 854. Is there any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Is this a Floor amendment, Senator?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR SCHUNEMAN:

...this was adopted in committee?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

No, it's the committee amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator D'Arco has moved the adoption of Amendment No. 1 to House Bill 854. Is there any other further discussion? All those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. House Bill 888, Senator Sommer. 932, Senator Newhouse. Top of page 61, 1029, Senator Euzbee. 1045, Senator Marovitz. 1054, Senator Kelly. All right. Senator...Marovitz is on the Floor. Is there leave to return to 1045? Leave is granted. On the Order of 2nd Reading, top of

HB 1045  
2nd Reading

page 61, House Bill 1045. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1045.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Amendment No. 1 is a amendment for a very select group of people who detassel corn and it exempts those people who exclusively detassel corn, they are usually students. And I would ask for the adoption of Amendment No. 1 to House Bill 1045.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz moves the adoption of Amendment No. 1 to House Bill 1045. Is there any discussion? Any discussion? If not...Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Is this bill, this amendment of yours, Senator Marovitz, say full-time students in it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

As agreed with...with you, it does not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Does the bill refer to people engaged in agriculture full-time? It being excluded from detasseling?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Would you...would you repeat...the question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Does your bill...if I could see a copy, I think I might be able to clear it up, but does your bill, Senator Marovitz, talk about full-time employment in anything other than agricultural work?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

I believe...I believe the...Senator Welch has a copy of the amendment now and that will be self-explanatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch. Senator Welch.

SENATOR WELCH:

And I...I...I have my own amendment which I prefer, I'd rather...I'd rather go with that one.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, we're on...we're on this amendment right now; and I suppose when we get to Senator Welch's amendment, we'll discuss Senator Welch's amendment. But this talks about individuals whose principal occupation is not agriculture employment, who are detassellers, and we're taking the detassellers out of the bill, which is what was requested and what we



agreed to do, and we showed the amendment to people and they agreed with this amendment. The farmworkers agreed to it, the canners agreed, everybody agreed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any further discussion? I guess. Senator Maitland.

SENATOR MAITLAND:

Well, thank you, Mr. President. I think, Senator Marovitz, you...you answered my question. I was a bit concerned about that dialogue that persisted there. This is the amendment that was agreed to with the Seed Association. Is that correct? Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator...Senator Marovitz moves the adoption of Amendment No. 1 to House Bill 1045. Is there any further discussion? All those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY:

Amendment No. 2 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. This also is an agreed amendment, agreed to by the canners and the farmers. It lowers the penalties and removes the Attorney General from the prosecutorial role; it eases requirements for facilities and it leaves them up to rules and regulations of the department; it exempts crews and units or groups of fewer than ten workers from distance requirements for facilities, and it deletes certain penalty provisions and I would ask for the adoption of this agreed amendment, agreed Amendment No. 2, to House Bill 1045.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. WBBM-TV has requested permission to tape the

proceedings. Is leave granted? Leave is granted. Senator Marovitz moves the adoption of Amendment No. 2 to House Bill 1045. Is there any discussion? Any discussion? If not, all those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

Amendment No. 3 by Senators Welch and Kelly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, thank you, Mr. President. We were advised, Senator Kelly and I, that this was the amendment the seed growers wanted to adopt, not Senator Marovitz' amendment and that's why we brought this one up. We've already adopted one amendment concerning this subject.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any further discussion? Senator Hall.

SENATOR HALL:

Well, I'm...I'm happy to hear that he has withdrawn his amendment because we accepted the amendment that was agreed on and..

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator, he has not withdrawn his amendment.

SENATOR HALL:

Oh...he hasn't withdrawn his amendment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

This is correct. We are on amendment No. 3.

SENATOR HALL:

Well...well...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

...well, I'm going to wait and see what his action is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch.

SENATOR WELCH:

I would withdraw the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch requests the amendment be withdrawn. Is leave granted? Leave is granted. The amendment is withdrawn. Any further amendments?

SECRETARY:

No further...no...Amendment No. 3, by Senator Keats. No, I'm sorry, that's...that's not the...yes, it is. Amendment No. 3, by Senator Keats.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats, Amendment No. 3.

SENATOR KEATS:

I think there's a mistake, what's this amendment? I...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well...Senator Marovitz, for what purpose do you arise?

SENATOR MAROVITZ:

I...I think I can clarify this thing. I presume that that is also a detasseling amendment which has just been taken care of. I think you probably want to withdraw that amendment and we can move on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats. Senator Keats wishes to withdraw Amendment No. 3. Is leave granted? Leave is granted. The amendment is withdrawn. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Ladies and Gentlemen, we have a very special guest with us today, and I will turn the Podium over to Senator Leroy Lemke for the introduction.

SENATOR LEMKE:

AB 1055  
2nd Reading

Thank you, very much, Senator Demuzio. I'd...I'd like to introduce to the Senate, Tom Greenwood, whose real name is White Buffalo, who is the founder in...one of the founders of the Illinois-Michigan Canal Association and also the man that been working on the project for a...for a long time, so I'd like to introduce to you Mr. Tom Greenwood, better known as White Buffalo in the area of Illinois and throughout the United States, one of the leaders in the Indian Nations. Thank you, very much. Can we have the resolution that we adopted read?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke requests the resolution be...be read. Is leave granted? Leave is granted. Mr. Secretary, would you please read the resolution.

SECRETARY:

Senate Resolution 253 offered by Senator Lemke.

(Secretary reads the resolution)

SENATOR LEMKE:

...would like to...at this time I would like to introduce to you Thomas Greenwood, better known as White Buffalo, to give..few words.

MR. THOMAS GREENWOOD:

(Remarks made by Mr. Greenwood)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Thank you, very much. On the Order of 2nd Reading, top of page 61, is there leave to return to 1054, Senator Kelly's bill, I have an amendment for that? Leave is granted. House Bill 1055, Senator Jerome Joyce. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1055.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. House Bill 1079, Senator Egan. Read the bill, Mr. Secretary, please. Senator Egan.

SENATOR EGAN:

Has there been an amendment filed? There should have been and I don't find it on my desk.

PRESIDING OFFICER: (SENATOR DEMUZIO)

There is an amendment filed, Senator. You wish it read?

SENATOR EGAN:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, read the bill, Mr. Secretary. On the Order of 2nd Reading, House Bill 1079.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1079.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator Egan.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. This amendment answers some of the concerns which have been expressed by the Department of Registration and Education. As originally written, the bill required a recommendation from the Board of Pharmacy for all actions to be taken by the director. Rather than tighten it that much, this loosens up the...the overseeing of the Department of Registration and

Education. I move its...I move its adoption, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan moves the adoption of Amendment No. 1 to House Bill 1079. Is there any discussion? Senator Watson.

SENATOR WATSON:

I'm sorry but I didn't get to hear the presentation. As a pharmacist, I'm concerned about the Illincis Pharmacists' Association's position on this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Egan.

SENATOR EGAN:

Yes, thank you, Senator Watson. What this amendment does it...instead of requiring that the recommendation from the Board of Pharmacy for all actions to be taken by the director, it loosens it up because the Department of B and E was...was opposed to the concept of just having to review each and every and all of those actions taken by the board. In an attempt to get the department's cooperation, we are loosening up and it is through the pharmacy...that...the pharmacists that I'm offering the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any further discussion? Senator Egan moves the adoption of Committee Amendment No...Amendment No. 1 to House Bill 1079. All those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The amendment is adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. House Bill 1081, Senator Egan. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1081.

(Secretary reads title of bill)

NB 1108  
2nd reading

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. House Bill 1100, Senator Marovitz. Senator Marovitz on the Floor? House Bill 1100. 1101, Senator Bloom. 1108, Senator Welch. Read the bill, Mr. Secretary.

END OF REEL

REEL #4

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1108.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

A point of information. Is there another amendment with my name on it to this bill?

ACTING SECRETARY: (MR. FERNANDES)

Yes, sir.

SENATOR WELCH:

Okay, I would move to withdraw Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch moves to withdraw Amendment No. 1. Is leave granted? Leave is granted. The amendment is withdrawn.

ACTING SECRETARY: (MR. FERNANDES)

Okay, Amendment No. 1, Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Amendment No. 1, Senator Welch.

SENATOR WELCH:

That's the one I just withdrew. Now, amendment...this now becomes Amendment No. 1. Okay. The purpose of this amendment is to create what it will be known as in the State Treasury a special fund known as the Environmental Protection Permit and Inspection Fund. All permit and inspection fees



HB 1143  
2nd Reading

collected by the agency pursuant to Subsections F and G of Section 5 of this Act shall be deposited into the fund. In addition, any monies appropriated from the General Revenue Fund, monies in the fund shall be appropriated by the General Assembly to the agencies in amounts deemed necessary for permit and inspection activities. There are other changes within the bill to conform the rest of the bill to the new fund created, and I would move the adoption of this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 1 to House Bill 1108. On the motion, discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 1138, Senator Bloom. Senator Bloom on the Floor? Yes, but No. House Bill 1143, Senator Maitland. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1143.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Maitland. Senator Maitland to explain Amendment No. 1. Senator Maitland, they tell me the...amendment is two lines, it's a committee amendment.

SECRETARY:

(Secretary starts to read the amendment)

SENATOR MAITLAND:

Okay. Okay, I apologize, Mr. President. It limits...it says that, "No transfers of interest on bond procedure shall

HB 1179  
2nd Reading

occur except as otherwise designated in this Act." Simply...I believe a noncontroversial...committee amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SECRETARY:

No further amendments...no further committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 1179, Senator Collins. Course requirements, language arts, math. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1179.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Kustra.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Kustra. Senator Kustra on the Floor? All right. Well, it's...we have an amendment that's being offered by Senator Kustra. He's not on the Floor. Is there leave to withdraw the amendment of Senator Kustra until we can get this on recall? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

HB 1260  
2nd Reading

3rd reading. House Bill 1182, Senator Davidson. House Bill 1187, Senator Bernan. House Bill 1205, Senator Degnan. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1205.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the floor?

SECRETARY:

Amendment No. 1 offered by Senator Degnan.

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Degnan is recognized.

SENATOR DEGNAN:

Thank you, Mr. President. Amendment No. 1 has the title of assistant executive director to the State Board of Election. I move its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SECRETARY:

No...no further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 1253, Senator Savickas. House Bill 1260, Senator Bloom. Senator Bloom, did you wish to call 1260? Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1260.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the floor?

SECRETARY:

Amendment No. 1 offered by Senator Rock.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom to handle the amendment for Senator Rock.  
Senator Bloom.

SENATOR BLOOM.

Thank you, Mr. President and fellow Senators. Senator Rock's amendment changes the appointing power of the appointing authority for the authority, the Export Development Authority, and vests it in the Office of the Governor. This is to overcome the problems that surrounded the State Fair Authority litigation. I'd urge its adoption; otherwise, ...answer any questions.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SECRETARY:

Amendment No. 2 offered by Senator Bloom.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

After we filed Amendment No. 1, we saw a typo and where it reads "export" it should read "exporter," otherwise, the bill makes no sense. I'd urge its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 2. 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. House Bill... 1305, Senator Nedza. Senator Nedza on the Floor? 1328, Senator Degnan. Read the bill, Mr. Secretary, please. Senator Nedza, the Secretary informs me

he has several amendments on 1305. Are you aware of all of those? All right. All right, that's why we're taking a little time, we have to turn all those over, so we'll...we'll get back to that later on.

SECRETARY:

House Bill 1328.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Degnan.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan is recognized on Amendment No. 1.

SENATOR DEGNAN:

Thank you, Mr. President. Amendment No. 1 to House Bill 1328 is clarifying in nature. It...it amends the Transfer Tax Act. The amendment itself exempts the VA from filing the transfer declaration. I move its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 1337, Senator Degnan. House Bill 1338, Senator Bloom. Senator Bloom on the Floor? House Bill 1359, Senator Egan. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1359.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the floor?

SECRETARY:

No floor amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 1402, Senator Egan. House Bill 1405, Senator D'Arco. Chicago police tax multiplier. House Bill 1412, Senator D'Arco. House Bill 1414. House Bill 1442, Senator Savickas. House Bill 1489, Senator Lemke. House Bill 1504, Senator Egan. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1504.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the floor?

SECRETARY:

Amendment No. 1 offered by Senator Schuneman.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman is recognized on Amendment No. 1.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This simply would exempt the bill from the State Mandates Act out of the concern that there might be some involvement on the part of the State of Illinois if this bill were to pass.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House 1505, Senator Friedland. The Chair's

HB 1530  
2nd Reading

informed on House Bill 1442 that Senator Savickas had informed Senator Collins that she could move that bill to 2nd...from 2nd to 3rd as a hyphenated cosponsor. Is there leave to return two bills back to 1442? Leave is granted. House Bill 1442, Mr. Secretary.

SECRETARY:

House Bill 1442.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 1526, Senator Jeremiah Joyce. House Bill 1530. Is there leave for Senator Collins to handle that? Leave is granted. 1530, Mr. Secretary.

SECRETARY:

House Bill 1530.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Keats.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Keats.

SENATOR KEATS:

...we would withdraw all these amendments at this time.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 1, by Senator Kustra.

PRESIDING OFFICER: (SENATOR BRUCE)

He withdraws the amendment.

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 1653, Senator Welch. House Bill 1751, Senator Darrow. Sanitary districts agreements. Read the bill, Mr. Secretary, please. 1751, Mr. Secretary, please.

SECRETARY:

House Bill 1751.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Nedza...successor sanitary districts.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza on Amendment No. 1.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a committee amendment. There is some language that the...the committee had a problem with. It's only deleting two sentences, and I move its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 1778, Senator Schaffer. House Bill 1814, Senator Holmberg. Senator Holmberg on the Floor? House Bill 2012, Senator Netsch. House Bill 2014. House



Bill 2251, Senator Netsch. And I...with leave of the Body, Senator Savickas was called off the Floor, we would return to House Bill 1253 on page 62 of our Calendar. Is there leave? Leave is granted.

SECRETARY:

House Bill 1253.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. With leave of the Body we will now go to House Bills 3rd reading. We had concluded business yesterday just before House Bill 356, on page 5 of your Calendar...page 5 of your Calendar. For what purpose does Senator Egan arise? Senator Vadalabene, you'll be the first bill called, Senator.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. I...I...I think this is a convenient time; otherwise, I wouldn't bother you, but I have a House joint resolution for a congratulatory resolution for a party that begins late...or early this afternoon...late this afternoon, and if I could go out of the ordinary business here and...and adopt the resolution, I'd appreciate it. Mr. President, it's on the Consent Calendar, but because of the party, it would be convenient. It is a congratulatory...

PRESIDING OFFICER: (SENATOR BRUCE)

What...what is the number? HJR...

SENATOR EGAN:

Resolution HJR 60.

PRESIDING OFFICER: (SENATOR BRUCE)

HJR 60.

SENATOR EGAN:

Representative McAuliffe in the House and Egan in the Senate.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to go to the Order of Resolutions? Leave is granted. Senator Egan moves to suspend the rules for the immediate consideration and adoption of HJR 60. On the motion to suspend, those in favor say Aye. Opposed Nay. The Ayes have it. The rules are suspended. On the motion to adopt, those in favor say Aye. Opposed Nay. The Ayes have it and HJR 60 is adopted. Is there leave to return to the Order of House Bills 3rd Reading? Leave is granted. House Bill 356, Senator Vadalabene. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 356.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Under current law, the Department of Conservation may set the fees for admission in camping and parks under their control. However, no fees may be charged to any blind or disabled Illinois resident. Further, current law provides that senior citizens are also entitled to either no fees or reduced fees at such parks. This bill, House Bill 356, will exempt disabled veterans who are Illinois residents from the camping and admission fees charged by the department. The Department of Veterans' Affairs will be responsible for furnishing free use permits to those eligible veterans. The Department of Veterans' Affairs supports this legislation, and I would

appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 356 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 356 having received the constitutional majority is declared...passed. We have a request from Pat Dude of WMAQ-TV in Chicago asking leave to shoot from the Senate gallery. Is leave granted? Leave is granted. House Bill 360, Senator Bruce. Read the bill, Mr. Secretary. I'm sorry, 366, Senator Lemke. House Bill 367, Senator Bruce. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 367.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This is the...one of the package of bills passed over by the House and considered by the Senate dealing with the utility package and construction work in progress which is CWIP. The bill as amended by Senator Jerome Joyce includes a concept which is somewhat new of negative CWIP. As you may...recall beginning in 1977, the Illinois Commerce Commission allowed a provision in the rate base for construction work in progress which is basically an interest free loan from the ratepayers to the company, and what we propose to do in House Bill 367 is to change and adopt new rules that deals not only with CWIP but also can deal with the allowance for funds used during construction to make sure that the ratepayers are treated

fairly. Basically, it states in this bill that where the ratio of CWIP to the entire rate base is less than fifteen percent, the commission can, between now and 1984, December 31st, allow up to seventy-five percent of CWIP; in 1984, calendar year, fifty percent; in 1986, twenty-five percent. If a utility's ratio of CWIP to the entire rate base is greater than fifteen percent, then they can still use the CWIP in...in effect on the effective date of this Act, plus fifty percent of allowed construction expenses incurred from the latest rate increase. The bill also is not an expansion of CWIP and so states and that CWIP would end on December the 31st of 1988. It adds that you can include CWIP if the service will be added within twelve months of the rate increase proposed. We were approached by some utility companies, mainly the telephone utilities that use CWIP, saying that most of their service is in fact started and the CWIP used is...actually that equipment is on service within twelve months and is an aid to current customers. You may include all construction work in progress if it is involved with a...a pollution control facility. In addition, Senator Joyce added by an amendment the concept of negative CWIP that within two hundred and seventy days of the effective date of this Act the commission shall establish by rule a ratepayer pay-back method. A negative CWIP is just basically the idea that for whatever CWIP was allowed once this facility goes on line, an equivalent...amount of money for an equivalent amount of time would be...deducted from the rate base. It is somewhat similar to allowance for funds used during construction which, in fact, are those funds which are not included in CWIP but are allowed; and then when they are paid back, they're paid back at the...the utilities allowed the interest that they actually paid plus a return on the investment to the stockholders, and so I think the...the concept is...is good, the...the CWIP proposal that's before this Body. We

have worked out many of the problems between the House and the Senate in different proposals. The addition of the negative CWIP, I think, will also help the ratepayers, and I would ask for your favorable consideration of House Bill 367.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR SCHUNEMAN:

Senator, is there any kind of a Sunset provision in this...in this proposal?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Eruce.

SENATOR EBUCE:

I take it you're talking about CWIP or the negative CWIP? The CWIP goes out of existence in 1988, December 31. The Commerce Commission could no longer make allowance in rate base for construction work in progress.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, my concern stems from...from this set of circumstances; it seems to me that legislation of this kind is probably too late to do much of anything, because as I understand it there are...that by 1988, which is I think one of the dates that you mentioned, that there probably will at that time be no utility plants under construction in the State of Illinois, and it seems to me that...that there's no great harm in voting for your bill, but I don't think there's any great gain in voting for it either...the only...my only concern, I think, is that if we pass this bill, it will be on

the books to perhaps cause some problems at a time that you and I can't predict. We've been going through a period of tremendous inflation which has partly contributed to the fact that the Commerce Commission ever adopted CWIP in the first place, but as I read what you're...you're saying here is that there is no Sunset provision as far as this...as this new law or new proposal is concerned. What you're...what you're Sunsetting is...is the present procedure of the Commerce Commission to allow CWIP, am I correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Well, I don't think we're holding out a warm hand of friendship to the utility companies in this bill, but we are, in fact, saying...we are putting some guidelines on the allowance of CWIP. Senator Schuneman, I think you're absolutely correct when you say that it's difficult to change this problem. We have one company in particular that's got a tremendous amount of money involved in CWIP. If we just cut it off, they...they have told us that it would be devastating financially so we have to phase it out. They tell us that by 1986, they will probably be out of the business of...of...of construction, and I think everyone is saying why not handle the problem now rather than wait until 1986 and then someone else is on-line, let's...as I think Senator Grotberg has one time said, kill this thing before it has babies. Let's...let's get rid of CWIP. The bill, you are right in saying that it does not really stop construction work in progress to the extent that many members would like, but it does put everybody on notice that by 1988 we're going to get out of the business eleven years after we began.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President and members of the Senate, we heard this legislation before our Senate Ag. Committee. I think one of the things that we ought to keep in mind is the purpose of CWIP. The theory here is that the...this gives some flexibility to the Commerce Commission to say that we're going to pay some of these costs up front, and by doing so we're going to save some rather substantial interest charges at a few years on down the line. Now, the bill that came over from the House I think is probably preferable to the one that was alive here in the Senate at one time, in that we did not immediately end CWIP, and the bill as it stands right now does not immediately end CWIP. There's a phasein portion of it. The interesting part is that we went ahead then and developed some little hokum along the way here to suggest that within two hundred and seventy days after the bill is passed that it's going to be necessary for the commission, by their own rules, to develop this so-called pay-back period so that we will somehow crank some rate relief back in there for the ratepayers and, in effect, give them all of that money back. I think it's significant to note that the chairman of...of the commission appeared before the Agriculture Committee and suggested that this was not a good concept, that it really was not in the long-term interest of the ratepayers, that we're kind of kidding ourselves if we're going to adopt this legislation, and so I'll merely close my remarks by saying it's probably better than what we had considered here earlier; it's still not a good bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Senator Rigney, I wish you'd propose one of these bills that would be a good bill. I seem to hear coming from that side of the aisle the...you know, gee, I wish I could vote for this bill. You know, it's just

got one little flaw in it and...but boy, if...if we just hadn't changed it, you know, we...we could all vote for it. Sure, we could put a rate increase in it too, and then we could all vote for it. But the Commerce Commission...in the past has been overfriendly. They have allowed, through construction work in progress, up in Northern Illinois the construction of three plants at one time, Braidwood, Byron and Brookfield, and I contend if we didn't have CWIP those three...one of them would have been mothballed and...and the ratepayers up in that area would have had a much better deal, the rates would have been much lower. There was no need for them but we went on building them because of the overfriendly Commerce Commission allowing construction work in progress. Now this is not a...a big thing we're doing here. It's not eliminating it. It's letting most of these utilities get off the hook with what they have started, but it will tell future Commerce Commissions that we don't want this to happen again. We want the...the burden to be on the stockholders; the stockholders in this company that...that is...were...was building three...three nuclear facilities at the same time at a forty-eight percent increase in their...in their stocks. This last year when the rest of the people in the State of Illinois are tightening their belt, the utility companies aren't having to because of construction work in progress; that's one of the things. So, I think that what we are doing is...is mighty small, but it is going to inform the Commerce Commission that in future years, be a little more prudent with the ratepayers' money in the State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

(Machine cutoff)...DeAngelis.

SENATOR DeANGELIS:

Question of the spncsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.



SENATOR DeANGELIS:

Senator Bruce, who is going to pay for construction work in progress if it's not going to be in the rate base?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Stockholders will pay for it and...and the ratepayers will pay for it through the...the company will go out and borrow funds, and they will pay not only the...the ratepayers will pay that as is included in the base, plus the cost of the interest.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

How are you going to track shareholders if you're not going to give them a return, and how are you going to borrow capital if there's no guarantee that it's going to be paid back? We have right now...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR DeANGELIS:

...let me just comment. We have probably the biggest default in American history looming right now in the State of Washington over a two billion dollar default, and I'm going to tell you who's going to pay for that, not the State of Washington, not the consumers, everybody in this General Assembly who happens to have stock in any bank that bought those bonds. And I'm going to tell you what ramifications are beyond that loss, you aren't going to be able to sell those bonds. So, one of the remedies that you talked about isn't going to be available, and the first one's not going to be available 'cause the shareholders aren't going to buy the stock because there will be no return. And let's just point out who these shareholders are, because everybody seems to

think Commonwealth Edison and the rest of these utilities are nothing more than a little blob of people that sit up in a board room, and I have my problems with them, I had my problems with them and Senator Joyce when they went ahead and broke the carpenters strike down in Braidwood and gave that big pay raise...the biggest pay raise in the State of Illinois, because they said we can't stand to see our plant idle 'cause we have all this money borrowed. Okay? That was wrong on their part, absolutely wrong. But I'm going to tell you, you're not solving any problems with this and the demagoguery that surrounds this issue is absolutely frightening. You know, we, in the general Assembly, constantly get accused of creating false expectations and, brother, we are doing it; and, Senator Joyce, I am most pleased to vote No on this bill 'cause I do think it's a lousy bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President and members of the Senate. I was the sponsor of the original CWIP bill in the Senate and was proud to involve myself in the...in the whole process of...of passage of the Senate bill, and we have compromised very substantially from that original Senate bill which totally eliminated CWIP down to this bill. I think this is probably the...the allowance of construction work in progress is probably the most inequitable part of all the utility inclusions in the rate base. The utility companies will tell you that...that the people are...are compensated by increase in services, and yet they won't tell you that...that they are compensated, the utility companies, by continual rate increases. People are suppose to be paid back over the life of the plant. Unfortunately, for many, many people out there, particularly senior citizens, they don't live as long as the life of the plant and they are never paid back whatso-

ever. It's about time that we, who represent constituencies, stop worrying so damned much about the utility companies and start worrying about the people who put us here and who really want some meaningful utility relief. Nobody should stand up here and tell you that this bill is a panacea and that this bill is going to provide all the...all the relief that...that consumers out there deserve, but it's certainly a beginning and it certainly will send a message; and if nothing better, that deserves your green vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Bruce may close. Senator DeAngelis, for what purpose do you rise?

SENATOR DeANGELIS:

I...I omitted something from my original comments, and that is, Senator Bruce, I'd like to have you check to see how much of the downstate teacher's fund is invested in utility bonds.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR BRUCE:

Well, thank you. And, Senator DeAngelis, I will check; and, you know, we've talked about demagoguery, I...I don't see any demagoguery in saying to the ratepayers, you know, we...we get using terms around here and we forget that those are our constituents and just normal, everyday people. I...I guess I got my ire a little bit, Senator, when you said, who's going to buy all of this? Who's going to make all of this construction? Well, the people that did it before 1977. Where did they all go to? You know, in 1977 and before, when all these people were making tons of money, doing well in the bond market, doing well in the stock market, they didn't come to the little ratepayers. They said, look, we...we're going to snark up all the money. That's fine, we'll take the prof-

its. Then when Braidwood and all these other things started to come under, they got back in 1977 and they said, let's run to the commission and have all the grandmothers and parents start paying for our construction, and they'll be able to sell just as many shares and sell just as many bonds when they show a profit, that's what the whole game is. We walk around here all the time about the American free enterprise system; these guys are suppose to be turning a profit for the shareholders, and if they can't do it, they're not going to be around and maybe we'll have a terrible thing called citizen controlled utilities. That doesn't scare me. I think we'll do all right. We can do with them; we can do without them. But what this bill on CWIP does is all it says is, let's get out of the business by 1988. It's a statement to this Body that the steps taken in 1977 by the Illinois Commerce Commission created by this Body was an improper step. We don't want to hurt any of the utility companies. They relied on that. They said let's use CWIP, they did. They've made mistakes. They've made profits. They've made good decisions using ratepayers' and people's money but we would like to stop that practice, that's all the bill does. It says by 1988, let's get out of the business of going to the ratepayers and taking their money to build your plants; go to the shareholders, the bond buyers...and I'm not worried about the bond buyers...you know, down on my block in...in Olney, Illinois, I don't think that many of the people there have paid out bonds and bought bonds. I have an idea that most of the large banks in the City of Chicago and Peoria, those are the guys that are sitting on the bonds. They got full-time bond counsel taking a look at the things. If they get into any trouble, I'm sure they'll bail out and stick us with the ticket anyway. So, I'm not going to worry about the banks and the bonds they hold, and neither am I going to worry too much about the Trustees Association and the...and the pen-

sions for the teachers. I think it's a good bill. I think that we ought to get out of the business of having CSIP. We ought to say to the ratepayers, we can change things and we change it in this Body.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 367 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 41, the Nays are 10, 3 voting Present. House Bill 367 having received the constitutional majority is declared passed. House Bill...for what purpose does Senator Geo-Karis arise?

SENATOR GEO-KARIS:

Mr. President, a point of personal privilege. In the gallery to the right of me is Attorney Michael Danian with his three children, Katherine, Michelle and John and their family friend, Paula Budspeth, from Waukegan, Illinois. And Mr. Danian is an attorney who used to practice with Senator Barkhausen when Barkhausen was in the district, and I'd like you to welcome them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would they please rise and be recognized. House Bill 368, Senator Zito. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 368.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. House Bill 368 defines various categories of advertising that may or may not be used by the Illinois Commerce Commission in determining

any general rate increase requested by any gas or electric utility company and stipulates what materials must be made available to the commission in any general rate increase proceeding, and it also prohibits construction of new...new nuclear power plants. We have discussed this idea and this concept in this Chamber before, and certainly in the House before, and I'd be happy to answer any questions. If not, I'd appreciate a green vote on this important legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Bloom.

SENATOR BLOOM:

Yes. Thank you, Mr. President and fellow Senators. Senator Zito, I'm going to tell you a little story and then ask you a question. Okay?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR BLOOM:

No, no. The story leads up to the question. Back in '77 when we were...when his tallness took office, the Governor, and we were all young and trying to change the world. It carried an administration bill that basically said that the utilities had to eat their advertising except for advertising that would inform the ratepayers on how to more efficiently use their operations. I...I was assisted by a member of his staff named Vincent and we shepherded the bill out of the Senate. It was violently opposed by Commonwealth Edison and People's Gas for reasons best known to his silverness, Mr. Traverse, and that, Senator Joyce, was the beginning of a long and frustrating relationship. It was killed in the House, and then the next year, on our own, we did it again; and this time Central Illinois Light Company came down and testified against it and said you don't need it, the Commerce Commission already does it by rule. Then we got it out of the Senate again, it was killed in the House again, thanks to

Central Illinois Light Company. They had a rate case going and then immediately sued the Commerce Commission saying they didn't have the authority to make them eat their advertising. I think these trips down memory lane are...are kind of beneficial. My question, sir, is, may I join you as a cosponsor of this?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

Yes. Thanks for the story.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Is there further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'd like to point out that the chief bill here, as well as the amendment, have both passed this...this Senate previously. Both went over to the House and met their untimely death, and in the committee the moratorium bill received...five votes and needed six and lost 5 to 5. I would ask that this Senate adopt the advertising bill which we previously passed and added onto a package bill, 187, and also the moratorium. The moratorium is something that we need. We often talk about Sunset legislation having commissions and other ideas stopped at some point in the future, this is a reverse of that principle. The construction will be stopped until the time that we're able to have more construction when they find a feasible and cost productive method of disposing of the nuclear waste. So, I move the adoption...passage of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Euzbee.

SENATOR EUZBEE:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR EUZEBEE:

The Calendar says that those which may not be used by the Illinois Commerce Commission in determining any general rate increase requested by any gas or electric utility company and stimulates what materials must be made available to the commission. I wonder how you stimulate the materials that are made available to the commission?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

I think the good Senator would realize that that's a...typographical error and should read "stipulate."

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Euzabee.

SENATOR EUZEBEE:

Oh, thank you. That clears it up.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR ZITO:

Well, in closing, I would ask for a green vote, but I would also like to add the storyteller on as a cosponsor, if that wasn't officially done. I think this is long...long overdue, as Senator Bloom had indicated. We need this legislation. I would appreciate your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 368 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 45, the Nays are 7, 4 voting Present. House Bill 368 having received the constitutional majority is declared passed. House Bill 373, Senator Demuzio. Read the bill, Mr. Secretary.



ACTING SECRETARY: (MR. FERNANDES)

House Bill 373.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you...thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. House Bill 373 attempts to resolve an issue that stem from the Sondra Sue Troxell incident, the kidnapping that occurred here in Springfield and received widespread media attention. This...Sondra Sue, age two, was kidnapped from a day-care center by a woman who was posing as a maid. The child was driven to St. Louis and left in a suitcase on the grounds of the hospital. The bill, House Bill 373, would prohibit a...a child from being released by a day-care program to anyone other than his or her parents or legal guardian or an authorized individual. Amendment No. 1 designated and demanded, actually, and requires a facility to keep the names of both the a primary list and a...a contingency list of those...individuals who may have the child released to at the end of each day. The day-care homes and the centers should maintain a file, a list provided by the legal guardian of each child under its care and designate the following: the persons to whom the child may be released, the manner in which the child may leave the facility at the end of the day, provides that no day-care, home or center shall release custody under its care to...in any fashion not authorized by the child's guardian or any person who is not known to the operators of the facility; requires each facility to keep a daily departure record which indicates the time that the child leaves the facility, the manner of departure and any persons to whom the child leaves. I know of...no opposition to the bill and would ask for your

favorable support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, we heard this bill in the Health, Welfare and Corrections Committee. It's a good bill. It's a necessary bill to save young lives, 'cause we've got some instances in Lake County where people called and said they were there to pick up the children and that they were their aunts and uncles; and fortunately, the school was able to call the house and find out from the mother that no aunt and uncle was there to pick up the child. So, I think it's a good safety factor for young children and I certainly, heartily support the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 373 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish?...have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 373 having received the constitutional majority is declared passed. House Bill 376, Senator Vadalabene. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 376.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. House Bill 376 amends the Downstate Firemen's Pension Fund Article to clarify what is and has been the practice of the funds that no credit can be granted for a time spent as a

volunteer fireman. The Firemen's Pension Fund was created to provide for those persons whose full-time profession is fighting fires and wholeheartedly support this concept, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 376 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, 1 voting Present. House Bill 376 having received the constitutional majority is declared pass. House Bill 377, Senator Joyce...or Senator Degnan. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 377.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

Would you take it out of the record, Mr. President?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Take it out of the record. House Bill 379, Senator Egan. House Bill 380, Senator Joyce. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 380.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JERENIAH JOYCE:

Thank you, Mr. President and members of the Senate. House Bill 380 seeks to create uniformity among these...all the firefighter pension funds throughout the State of Illinois.

It puts the Chicago Firefighters Fund in line with downstate. The...there were some concerns raised in committee, those particularly dealing with the last four years versus the last day for the basis of the computation on retirement benefit. Senator Nedza, on 2nd reading, has placed an amendment...which is on the bill which dealt with that. If there are any questions, I'd be happy to answer them; otherwise, I ask for your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

The bill as it came over from the House apparently had a pension impact note which would indicate that this has or would cause an increase in the actuarial liability of some ninety-seven million dollars. Now, I think the amendment had some affect on that, but do you know what the...what this would increase the actuarial liability in its present form, Senator?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

The impact now...the yearly cost is about three million dollars. I think Senator Nedza has some other figures with respect to your question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Oh, okay. Senator Schuneman. Senator Schuneman.

SENATOR SCHUNEMAN:

Well, my question, Mr. President, is...are...there are two questions, really. What does it increase the annual cost and what does it increase the...the accrued unfunded liability? Those are the two key questions whenever you change a pension plan and that's what I'd like to have answered.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

The answer to your second question is...about three and a half to four million dollars as amended. I think Senator Nedza has an answer to your first question. Before yielding to Senator Nedza, I would point out, Senator Schuneman, that, you know, this fund is a very, very sound fund. This is their money. There is no, you know, no debate on that question. I think in committee it was shown that this fund is...is extremely sound fund.

PRESIDING OFFICER: (SENATOR HALL)

Senator Joyce yields to Senator Nedza. Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. When the bill first came up in committee the annual...the...the annual cost of the bill as it was presented to us in committee was fourteen million dollars. My amendment brought it down to 3.2, the...the...the occurred liability. The annual cost is miniscule. I think it's...about a hundred thousand dollars, something along that line. But I...I...when the bill first...Johnny, you're getting me confused. Let me make my presentation, if you please. At the time that we had the bill, the bill...the form it was in we...we had a consensus in the committee that I could not support the bill unless we amended it down because of the...the annual cost was too great. I now, after the amendment was adopted, I could support the bill and I would ask those to support it also.

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose does Senator Collins seek recognition?

SENATOR COLLINS:

Yes, to plead with the sponsor of this bill to take it out of the record. Would...would you mind, please, taking it out of the record until we can...

PRESIDING OFFICER: (SENATOR SAVICKAS)

He...he indicates he will not. Senator Schuneman.

SENATOR SCHUNEMAN:

With all due respect, I think, Senator Nedza, you...you may have been speaking to a different bill because this particular bill as it came to us had a...originally had an increase in the actuarial liability of...of ninety-seven million dollars and an annual cost of something like seven or eight million dollars. Now, I know the bill...the cost of the bill has been reduced, but I don't think it's been reduced to the level that you just mentioned. One other question...and then I'll get off this, but one other question is, is there a...an exemption from the State Mandates Act attached to this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

I believe there is, yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President. Sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR JONES:

Okay. Senator Joyce, what's the fiscal impact of this legislation on the City of Chicago?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

None.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Well, doesn't the local unit of government pay the

employee pay into the pension fund to the City of Chicago?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

This doesn't...this does not change the contribution. This fund is actuarially sound. Right now, this fund from income is able pay out on their liabilities.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

According to the synopsis of the legislation, aren't you changing the retirement age from fifty-three years to twenty years and fifty years of age?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

This bill lowers the age to fifty and reduces the numbers of service to twenty. That is what I said when I explained the bill, Senator Jones. The basis for this is very simple. The supporting rationale is that empirical data shows that firefighters...firefighters, for want of a better term, no pun intended, burn out early. So, you have people who have twenty years in, they are forty-eight, forty-nine years old, they hang in there for the next four years and what happens? They die when they're fifty-six or fifty-seven. Now, there is the...the...our experience...our belief is based on experience that we are talking about maybe a hundred or a hundred and fifty firefighters who will go out early on this because there is a reduced benefit, but it is their money, Senator Jones. It is their money. This is their fund and it puts them in line with the rest of the State.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Well, Senator, I...I believe you are perhaps incorrect in your statement when you refer to it as their money. I...I...each member of this Body knows that the local units of government pays into the retirement system, and when you mentioned the fact, with no pun intended, that the firemen burn out at an early age, that all depends on what firehouse they're working, 'cause usually they work with on twenty-four and off forty-eight. They may burn out for working two jobs, but not burned out for...for fighting fires in the City of Chicago. So,...but this legislation does carry a fiscal impact on the City of Chicago. And as you indicated, you are opposed to raising any taxes, but yet, still this is a huge tax increase on the residences of the City of Chicago for a special interest group. Senator Collins asked that you take this bill out of the...out of the record and you refused to do so, but the local unit of government does pay into the retirement system, we all know that, and this will have a...a devastating effect on the City of Chicago. So, if you will not take it out of the record, I urge members to either vote Present or vote No on this legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Well, thank you, Mr. President. I just want to clear the record as far as the fiscal impact of this bill is concerned. The original impact was fourteen million annual cost; with Nedza's amendment it was reduced from fourteen million to three million dollars. The accrued liability originally was ninety-seven million; with Nedza's amendment it was reduced to thirty million dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Jerry...Jeremiah Joyce may close.

SENATOR JEREMIAH JOYCE:



Well, most of what I wanted to say I said in responding to Senator Jones. I would take the bill out of the record if I thought that the mayor of the City of Chicago, and Senator Jones, and those people would be amenable...in any way to coming to some agreement on it, they're not going to do that. The fact of the matter is that studies show that firemen do have a different longevity rate, that they do die early, that they do not live to enjoy their pension benefits, that a lot of them are hanging in there in bad health are forty-eight, forty-nine, fifty years of age, they should be off the job. They're hanging in there to get the...the retirement benefits. This bill..this fund is sound. This bill is going to be out of the fund, it's not going to increase the contribution from the City of Chicago. There's been no testimony, there's no data to indicate that, and I ask for your favorable support.

PRESIDING OFFICER: (SENATOR DEMOZIO)

Well, Senator Newhouse, he was...Senator Joyce was closing. Senator Newhouse.

END OF REEL

REEL #5

SENATOR NEWHOUSE:

Well, I...I had my light on but I suppose in the confusion it wasn't seen, and since there has been a closing, I won't take the opportunity to say what I...what I would like to have said. I do oppose the bill and I will so vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Question is, shall House Bill 380 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? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 18, 4 voting Present. House Bill 380 having received the required constitutional majority is declared passed. Senator Jones, for what purpose do you arise?

SENATOR JONES:

Verification.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones has asked for verification. Will all members please be in their seats. The Secretary will read the affirmative votes. Mr. Secretary.

SECRETARY:

The following voted in the affirmative: Barkhausen, Becker, Carroll, Coffey, Darrow, Dawson, DeAngelis, Degnan, Demuzio, Egan, Fawell, Friedland, Geo-Karis, Holmberg, Johns, Jeremiah Joyce, Jerome Joyce, Kelly, Kent, Lechowicz, Lenke, Luft, Macdonald, Mahar, Marovitz, Medza, Rupp, Sangmeister, Vadalabene, Weaver, Welch, Zito.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jones, do you...question any members?

SENATOR JONES:

Senator Coffey.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey on the Floor? Senator Coffey is on the Floor back at the rear of the Chamber.

SENATOR JONES:

Marovitz. Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz. Senator Marovitz on the Floor? Senator Marovitz is on the Floor.

SENATOR JONES:

Senator Lechowicz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz. Is Senator Lechowicz on the Floor? Strike his name.

SENATOR JONES:

Senator DeAngelis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis is sitting in his seat.

SENATOR JONES:

Senator Dawson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson. Senator Dawson on the Floor? Strike his name.

SENATOR JONES:

Senator Weaver.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver is sitting in his seat. Do you question any other members?

SENATOR JONES:

Wait a minute, I have one more there, Mr. President. Senator Becker.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Becker is in his seat. All right, Mr. Secretary. On that question, the Ayes are 30, the Nays are 18 and 4

voting Present. House Bill 380 having received the required constitutional majority is declared passed. Senator Lenke moves to reconsider the vote by which House Bill 380 passed. Senator Johns moves to Table. All in favor signify by saying Aye. Opposed Nay. The Ayes have it. Motion is Tabled. House Bill 381, Senator Keats. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 381.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Thank...thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a permissive bill that cleans up the capital accumulation problem for mosquito abatement districts. It ain't a heavy, but what it says is that they can set aside money for capital over one year. That's right now, the problem...they can do it over one year. It's passed almost unanimously everywhere; usually a Consent Calendar bill, we just haven't got a Consent Calendar. I'd appreciate your affirmative roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 381 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 1, none voting Present. House Bill 381 having received the required constitutional majority is declared passed. 381, Senator Keats. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 384.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

This is a Compensation Review Board. For any of you who've been here in the past, you remember all the garbage we go through because people are never willing to be straight up on what should be compensation for Governor, Attorney General, Secretary of State, judges, Legislature, everybody else. This sets up a specific process. This is virtually identical to a bill that passed in the past but what it does is it mandates the legislature must do something. There's no backdoor that the commission recommends and we don't do anything, therefore, it passes. This specifically states the Legislature must act. It does set up time tables, reporting dates and gives us some outside review of compensation from Governor on down. Some of you have talked to me about it and if there are any questions, I'd be more than happy to answer them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? Senator Mahar.

SENATOR MAHAR:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Mahar.

SENATOR MAHAR:

Senator Keats, what does this do in regard to salary increase from the time you're elected to the time you take office?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

This technically does not deal with that, but this is a process that would mandate reporting dates, gives you a date of September which forces something to be done. The..this commission has to report back by December 31st. It does not deal specifically with post-election ones because there's no real way to do that. This is straight up. Has to be done. Can't have public hearings. We have to vote, there's no backdoor...provisions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Well, then in other words, you could have a review...a review board who...which makes recommendations. They could then be held in abeyance until after the election, and the General Assembly could act upon them at that point in time. We still have same problem we have now, is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Technically that's correct, but that's why we're doing this so that that won't happen anymore. That's a problem and...and I stress that that's a leadership issue that I'm afraid you and I, as rank and file members, have no control over. I no more approve of it than you do, and that's what I'm saying, but there's no technical way you and I can do it 'cause you and I can't control the Calendar.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any further discussion? Further discussion? Question is, shall House...House Bill 384 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 35, the Nays are 20, none voting Present. House

Bill 384 having received the required constitutional majority is declared passed. Senator Savickas, for what purpose do you arise?

SENATOR SAVICKAS:

I would just like the record to show had I been on the Floor, regarding House Bill 380, I would have voted Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The record will so indicate. House Bill 385, Senator Vadalabene. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 385.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. House Bill 385 would require that municipalities and townships levying taxes for libraries distribute to the libraries their proportionate share of their personal property tax replacement funds which such towns receive. These libraries levied personal property taxes prior to the abolition of the tax by the 1970 Constitution which mandated replacement revenues. They don't receive replacement tax revenues, however, and while the Department of Revenue has determined that the wording in the Statute does not apply to these libraries, the Attorney General has insisted that these libraries are entitled to their fair share. The libraries will bring court suit but would prefer that the General Assembly correct the mistake and save the taxpayers expensive court costs. In addition, this legislation takes effect upon passage, whereas any court suit would probably have to be retroactive to the time of the passage of the original replacement law and thus cost the State a great deal of money. There are currently a

*A.B. 385  
Savickas*

hundred and eighty-nine public libraries not receiving these revenues, and I would urge a favorable vote to remedy this problem.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussions? Senator Netsch.

SENATOR NETSCH:

One question, Senator Vadalabene. If you covered this I did not hear it. Was an amendment offered on the Floor to exclude Chicago?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicate he will yield. Senator Vadalabene.

SENATOR VADALABENE:

Yes, the City of Chicago has been excluded from this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Netsch.

SENATOR NETSCH:

Thank you. In many respects, I think that's too bad. I didn't think it was really that harmful to the city's finances because so much money is spent, and should be rightfully so, on the library anyway. On the merits of the bill though, I think it is absolutely correct. The Attorney General's Opinion does indicate that the libraries should have shared in the replacement tax revenue. I think most of us would agree that they should have shared. It is true the municipal league officially opposed this bill in committee. One can understand why, although the sense was that it was not the top priority on their opposition list. It is...it does in a sense interfere with discretion to some extent, but that really is beside the point. The fact is that the libraries were a local unit of government. They did get direct money from the property tax. They should get money directly from the replacement tax. In principal, the bill is absolutely correct.



PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Question is, shall House Bill 385 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 56, the Nays are none, none voting Present. House Bill 385 having received the required constitutional majority is declared passed. Top of page 7, 386, Senator Vadalabene. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 386.

(Secretary reads title of bill)

3rd reading of the bill.

SECRETARY:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the...of the Senate. House Bill 386 simply amends the Credit Union Act and the Funeral or Burial Funds Act to provide that credit unions...shares may be issued in trust under the Illinois Funeral or Burial Funds Act, and then prepaid burial funds may be deposited in Federal or Illinois credit unions in the same manner as they are deposited in banks and savings and loans, provided, of course, they are properly insured institutions. Remember, in House Bill 386, that this bill only permits credit unions to offer funeral trust accounts and only to their members, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall House Bill 386 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? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 4, 1 voting Present. House Bill 386 having received the required constitutional majority is declared passed. 390 was on the recall list this morning. House Bill 400, Senator Luft. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 400.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President and Ladies and Gentlemen. House Bill 400 is a carbon copy of a bill that we sent to the House quite some time ago, and it provides that no withholding is required on interest and dividends for Illinois Income Tax purposes. As we know in our reading, hopefully, Congress will repeal that Act; but just in case they decide not to or the President decides to veto that bill, I think it's important we pass this, and I would move for the passage of this bill right now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? Senator Hudson.

SENATOR HUDSON:

Well, thank you, Mr. President and members of the Senate. I simply rise in support of this excellent bill. If there was one thing a few weeks ago that I heard back in my district and that was worries and complaints from distressed people that, at the time Congress was considering this seriously, that this in fact might become Federal law. Now, Congress, we know, has taken action against it and Senator Luft, I think, is bringing the intention of the State of Illinois and it's legislative process in line with what Congress in

its wisdom finally decided to do, and I simply would urge an Aye vote for this excellent piece of legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Question is, shall House Bill 400 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Senator Savickas. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 400 having received the required constitutional majority is declared passed. House Bill 401, Senator Luft. 404, Senator Welch. Read the bill, Mr. Secretary, please. 404.

SECRETARY:

House Bill 404.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is the companion bill to a bill we passed out on May 27th on an Agreed Bill List, and what it does is allows for the Department of Transportation to lease property so that we can get into hydropower development along the Illinois River between LaSalle-Peru and Joliet. I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Question is, shall House Bill 404 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Senator Savickas. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 404 having received the required constitutional majority is declared passed. 406, Senator Marovitz. Read

the bill, Mr...Senator Keats, for what purpose do you arise?

SENATOR KEATS:

Mr. President, I rise on a point of personal privilege. I voted in favor of the last bill based on its merits, but I do want to mention that since my brother's firm does more of this than any other firm in the United States, I should mention I technically have a conflict but it has no affect on my vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On the Order of 2nd Reading, House Bill 406, Senator Marovitz. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 406.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On the Order of 3rd...3rd reading, 406, Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. House Bill 406 as amended was an agreement between the sponsor of the bill in the House and the insurance companies, and said that involving health insurance, if...if an employer fails to pay his premiums so that the employees may be cancelled, he must give the employees notice by posting in a conspicuous place that there may be a termination and...in order to given them a chance to...to get other coverage, and the insurance company must send a intent to terminate...not only must notify the employer but...but must also notify the...the Department of Insurance so that the Department of Insurance will be able to see whether the employer, in fact, complied with the notice requirement to give the employees a chance to get other health benefit insurance. This is agreed to by the...not only the Department of Insurance but by the insurance companies who helped to draft the amendment, and I

would ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 406 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 54, the Nays are none, 1 voting Present. House Bill 406 having received the required constitutional majority is declared passed. House Bill 411, Senator Nedza. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 411.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 411 provides that the Secretary of State shall suspend a drivers license of any person who has used a motor vehicle in violating sections of the Criminal Code in 1961 relating to unlawful use of weapons. The unlawful use of those weapons being carried on or about his person in any vehicle, a tear gas gun projector, a pistol, revolver, stun gun, shotgun, sawed-off shotgun, bomb, black powder bombs, Molotov cocktails, et cetera. This is part of a package that the Chicago Police Department is advocating. I know of no opposition to the bill, and I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Question is, shall House Bill 411 pass. All those...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 57, the Nays are none, none voting Present. House Bill 411 having received the required constitutional majority is declared passed. 412, Senator Lemke. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 412.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

This is part of the same as House Bill 411. It requires a minor who is at least fifteen years of age at the time he commits an aggravated battery with a firearm to be tried as an adult. This is to get after the gangs in the City of Chicago that harass our youngsters in school and are adults, and I ask for its favorable adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. It's the first that I've seen this bill, Senator Lemke. I'm...I don't know how that got into Judiciary I rather than Judiciary II, but then bills do get moved around in the Senate. This...this particular piece of legislation I was involved in two years ago when we took a giant step forward and we had the automatic transfers on...from a juvenile to the adult court if he was fifteen years old and committed the crimes of murder, rape, deviate sexual assault or armed robbery. We wanted to give that program a chance to work to see, because there was a lot of opposition to it, as to whether or not the program was really going to work and how

many automatic transfers we're going to have, how much of a workload that was going to put on the court. I am reluctant at this time to see that expanded at all, and I think we ought to give the original program a chance to work. In addition to that, as you all know, we've had a problem with prison overcrowding; and again, this is an enhancement type of...of legislation which could possibly increase our problems there. So, although I think there's...there's some merit behind what the Senator wants to do, I don't think we ought to toy around with that program at this point and give it a chance to see if it is really working or not. In that respect, I rise in opposition to the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of this legislation. This is part of a package that the Chicago Police Department has been trying to put together in order to alleviate the problems that we have been having in various sections of the city. It's...it's a tool that they need. I...I can...Senator Sangmeister talking about the overcrowding of some of our penal institutions...I...I can be in sympathy with him as...as far as that is concerned, but the problem being is not the overcrowding in penal institutions but the safety of the streets of the City of Chicago and various other communities in this State, and I think that's the problem that we should address ourselves to, and I'd ask for your favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Bloom.

SENATOR BLOOM:

It's with some reluctance, Mr. President, that I do rise and join Senator Sangmeister in opposition 'cause I under-

stand what you're about. However, one of the bad habits that we as...as elected officials...all politicians at whatever level of government have is that when something works...start a program that works, then we figure, well, more of the same will make it work better; and as a consequence, we never have the opportunity to evaluate what we started in the first place. And the other point, I think is very well taken, the Senate had adopted a policy of not enhancing criminal penalties because of not only the prison overcrowding situation but, further, that we have to evaluate what the effect of what we've already done has. Therefore, for those reasons, I would recommend that we not pass this...bill at this time. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Collins.

SENATOR COLLINS:

Yes, I am reminded of the legislation that Senator Sangmeister indicated in his remarks, and I...what I would like to know from the sponsor, in what way does it differ from the provisions of that Act and would not these crimes come under that Act where they would be transferred under the current law, the new law that was passed, I think, last year or the year before last?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

Presently under the Act, you have murder, rape, deviate sexual assault and armed robbery committed with a firearm. This would add aggravated battery with a firearm. In other words, what happens now is if it's not robbery, which is



sometimes hard to prove with a minor, but it is aggravated battery when he goes up to a guy and they catch him in the act and they allege it is not a robbery. This would also say it's aggravated battery 'cause he's...he's held him up but he's actually has not robbed the money. This just adds into it. In other words, we have this where they go around threatening witnesses with guns, you understand, to testify in trials they go around and threaten people, the gangs. This is to get after that and to get...get rid of these gangs that are spreading throughout Chicago and the suburbs and even the counties.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Collins.

SENATOR COLLINS:

Yes, Senator Lenke, my...my concern is that we really haven't had time to study the impact of the...of the new laws just passed in this area, and I have to agree with Senator Sangmeister. Why should we add to that law until such time we have accurate data that can give us some indication of how this is impacting on the overall courts then...correctional systems, and for that reason, I have to oppose the legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. Senator Lenke, if I could...address a question to you first that is sort of a comment also. Isn't it true that under the existing law; that is, without this bill, that a fifteen year old, for example, who committed aggravated battery with a firearm, which is the particular crime that you're covering here, could be transferred to adult court and that the only difference between the current law and your bill is that it would be an automatic nondiscretionary transfer to adult court for anyone charged

with that crime. Is...is that a correct statement?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

I believe that's correct. This codifies what the judge has discretion to do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Yeah, I think that's important because the...it is very probable, Senator Nedza, that the kind of person that you are talking about, that is a fifteen year old who is really involved in a lot of violent gang activity and who gets charged with this particular crime, is going to be transferred to adult court in any event because it is within the discretion of the judge. I think the difference is the...is between automatic and discretionary, and that, of course, raises the very issue that Senator Sangmeister and Senator Bloom have addressed, but it certainly does not close the door on the possibility of that particular young person being tried as an adult and often that young person should be tried as an adult.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Grotberg.

SENATOR GROTBORG:

Thank you, Mr. President and fellow members. As the...as the debate has continued, I've been concerned about two things. Our analysis shows...I do not have the bill in front of me, Senator Netsch, that this...it is now optional for the judge. This removes the option and it is now mandatory that that particular kid with a firearm go to an adult court. Then my other concern then is at the rate of a hundred every Monday morning that Director Lane is turning out in the street, that I would presume he'd turn the youngsters out

first because they will be sentenced as adults if they're tried as adults, and that they would be...it's a Catch-22 situation. I know exactly what Senator Nedza and...Lenke are trying to do. In ordinary days, in ordinary times, I would vote to support it and ask to be a cosponsor. These are not ordinary days nor ordinary times in the lock-up situation for criminals of all description, and I would ask the Body to really carefully consider that and probably reject it out of hand because of the need of the day in the Department of Corrections and what is happening there and the fiscal restraints that have been placed upon society thereby. Thank you.

PRESIDING OFFICER: (SENATOR LEMUOZIC)

Any further discussion? Senator Lenke may close.

SENATOR LEMKE:

Now we can talk about the prison overcrowding. We can talk about what's being done but we can also talk about society and the harassment by these gang individuals not only in the City of Chicago and not only in any ethnic group but all over the city and the county and it's spreading out through metropolitan Chicago and also in Illinois. Now whether we are here to put people away that commit crimes, that's one thing; but I think the law is a deterrent and whether this discretion on the part of the Department of Corrections to leave people loose, that's another thing, but this law should be there. It's important that they know that if they...commit aggravated battery with a gun and threaten somebody's life, we are not only putting a criminal away but we're also saving a minor from pulling the trigger, because he'll think twice before he uses a gun, and that's what this bill does, and I ask for an Aye vote for those people that believe in law enforcement. Let the Department of Corrections use their discretion; if they want to turn minors loose, then let them turn them loose, but let's try them and

convict them and let...let us know the law is there. It's not our job to talk about not convicting people, and I disagree with having one man in this State release hardened criminals and leaving them back on the street. This should be done by the parole board and we should do steps to do this, and if we have to keep people in jail, then we should provide the funds to keep them there so the normal people can live their daily life in fear...not in fear; so little old ladies can walk the streets and enjoy the parks; so our kids can go to school and not be harassed with guns and sold dope by gangs, and that's what this bill does. It deters gangs from spreading out, not only in Chicagoland but as anybody can tell you, it is spread out to every suburb in Cook County and even out into the areas of DuPage, Will and all over. These gangs are getting bigger and bigger and this is the way to stop them. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right. Senator Jones, he was closing. Senator Jones.

SENATOR JONES:

He just spoke my mind.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Oh. Question is, shall House Bill 412 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? Have all voted who wish? Take the record. On that question, the Ayes are 40, the Nays are 13, 1 voting Present. House Bill 412 having received...received the...required constitutional majority is declared passed. 415 was on the recall list. 416, Senator Bruce. Read the bill, Mr. Secretary, please. On the Order of 2nd Reading, House Bill 416.

SECRETARY:

House Bill 416.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Eruce.

SENATOR BRUCE:

The Secretary has just read the contents of the bill. It adds "her" where it says "his."

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? Question is, shall House Bill 416 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 54, the Nays are none, none voting Present. House Bill 416 having received the required constitutional majority is declared passed. 417, Senator Sangmeister. Read the Bill, Mr. Secretary, please.

SECRETARY:

House Bill 417.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. Senate Bill 417 does two things. The original bill raises from twenty thousand to fifty thousand dollars the death benefit for policemen, Department of Correction employees, paramedics and firemen killed in the line of duty. There has been no increase in that lump sum for ten years. It also extends to...to Department of Correction employees who are in daily contact with inmates this same policy coverage. We felt the need for this particularly in light of in Pontiac where a...a food supervisor was killed in the riots there and

an agricultural worker at Menard, so they are covered. The second thing that the bill does is it had an amendment added to it which was requested by Attorney General Neil Hartigan that states that any unremarried surviving spouse of a law enforcement officer or fireman who is killed in the line of duty shall be entitled to employment with the State of Illinois, and that amendment has been added at the request of Attorney General Hartigan. Be happy to answer any questions, if not, a favorable roll.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR FAWELL:

Senator, recently I was asked to join the One Hundred Club, which I presume you know about, that when a person is killed in the line of duty...okay. I was also told at the time that our firemen and policemen, et cetera are already covered by a...a pretty good insurance policy. Do you know anything about that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

I really don't know what other coverage they have, but this State benefit that is paid by the State of Illinois is presently at twenty, you increase it to fifty. Now, if they have any additional insurance over and above, that may be; but the death benefit has always been there, and all we're doing is increasing it by thirty thousand...from twenty to thirty. I can't specifically answer your question, there may be other coverage.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

But at the time I believe I was told that the...they were automatically covered, like a hundred thousand dollars. Is there anyone that can answer that for me?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Not to my knowledge is there any other coverage. This is the...the State benefit payment which it...the law presently requires. There's no question about that, it's at twenty thousand, we're raising it to fifty. Now, if there is some other additional coverage that some municipality or somebody else or somebody's got a private club that gives them some coverage, that may be but that...that does not relate to this legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. Senator Sangmeister, does this apply to volunteer firemen?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

No, it does not.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

Why doesn't it? They die like anybody else.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, I never drafted the original Act and I'm quite sure

I'm correct when I tell you that they are not. I've never had that question raised before, but it states in here civil defense...person or fireman killed in the...I don't know what the construction has been placed on here. I'm saying to you that it is...I don't interpret it to be that way, but it does talk about a fireman and I don't see any further definition in here if it covers voluntary firemen or not. So, maybe ought to back off on my answer, maybe it does, I'm not positive, but firemen certainly are but I'm not sure voluntary are or not. If you would...like to somewhere along the line introduce a bill to do that, I...you know, that's another thing, but I'm not saying it is or isn't. I, frankly, don't know.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

Well, I certainly support the principle, no question about it, but just seems to me that if you probably total up the number of firemen operation in the State of Illinois that there are more volunteers than there are full-paid firemen and, of course, I think they ought to be...certainly ought to be covered under the same provisions; and while I support this, I would hope that somewhere along the line we could expand it if it's not really there.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

SENATOR SOMMER:

Mr....Mr. President and members, just briefly, it would be true that these individuals would be covered by workmen's compensation...or worker's compensation, sorry. What is the average death benefit paid now under worker's compensation?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:



I...you know, I'm not an expert in the workmen's comp. area, so I don't know that the average death payment that's paid. I have no way of knowing. If anyone on the Floor has that answer for you, Senator, I would yield to them, but I don't know the answer.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

SENATOR SOMMER:

Well, then let's get to the...my assistant here, Senator DeAngelis, suggests that they may not be covered, but I suspect they are. Having been an Assistant Attorney General, we had these cases when State police officers were killed. Do you know whether they are covered or not covered, presently, under the current law?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

I suppose I should know and I apologize for not but, frankly, I don't know. All we are doing here in this piece of legislation, and I think you're bringing in an extraneous thing, is we're increasing it from twenty to fifty. Now, if you're indicating because they get other compensation we shouldn't do that, I presume they always got other compensation even when the...the fee was twenty thousand. We're raising it to fifty because of inflation not because of other...lack of other insurance policies or lack of unemployment compensation, we're raising it strictly because of the matter of inflation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

SENATOR SOMMER:

Mr...Mr. President and members, it seems to me there are potentially three pots that survivors of a person killed could recover from then. This particular legislation,

workmen's comp....worker's compensation and private insurance to the extent that municipalities or what not maintain it, not all of them do. So, depending on the circumstances, people are going to recover varying amounts, is that not true?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

...to close?

PRESIDING OFFICER: (SENATOR SAVICKAS)

No, that was a question.

SENATOR SANGMEISTER:

I...I didn't...that was a statement, wasn't it? Yes, that's what I thought.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Statement. All right, Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR ETHEREDGE:

Senator Sangmeister, there is an amendment on this bill, I believe, that creates an entitlement, is...is that not true?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

...I explained the amendment in opening debate. I don't know what you mean by an entitlement. The amendment that was added will give...additional compensation is to be provided by this Act to an unremarried surviving spouse of a law enforcement officer or a fireman who is killed in the line of duty. That was the amendment was added, and as I indicated that was at Attorney General Bartigan's request, for what

that's worth, yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

There is nothing in the amendment that says that the surviving spouse is entitled to a job?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, yes. The additional compensation comes from...from...from being employed by the State of Illinois at a salary no greater than what her husband was making or vice versa that her...his wife was making.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

So there is an entitlement to a job then for the surviving spouse?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, now that I understand what you mean by entitlement, the...the answer to your question is, yes, and it applies only to law enforcement officer or a fireman.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...is there any further discussion? If not, Senator Sangmeister may close.

SENATOR SANGMEISTER:

Well, I think the bill has been fairly well debated. For legislative intent, I want to make it perfectly clear that an answer to, I believe it was, Senator Mahar's statement about a voluntary fireman, it just does state in the Act firemen and it could very well cover volunteer as well as full-time firemen, I am not sure and I don't want any mistake in legis-

lative debate here that we are confining it to that. The Act stays exactly the way it was. If it was all firemen, then it will apply to all firemen; if it was just full-time, then full-time. Ask for a favorable roll.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 417 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 2, 1 voting Present. House Bill 417 having received the constitutional majority is declared passed. House Bill 422, Senator Kustra. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 422.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTEA:

Thank you, Mr. President and members of the Senate. House Bill 422 addresses a serious problem of sexual harassment on our college campuses in Illinois. The bill specifically adds a new article to the Human Rights Act which specifies that there shall be no sexual harassment in institutions of higher education. It makes it a civil rights violation for any representative of higher education to commit or engage in sexual harassment in higher education, or for any institution of higher education to fail to take remedial action against any employee when it is aware that such harassment was occurring. This bill was recommended by the Commission on the Status of Women. To the best of my knowledge, it has no opposition, and I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 422 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. House Bill 422 having received the constitutional majority is declared passed. That's 54 Ayes. House Bill 426, Senator Bruce. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 426.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This bill...this bill will deal with those people known as transient merchants in the State of Illinois, and we have run into a great deal of problem, particularly with downtown merchants, when these transient merchants come into a town and set up furniture, plants, other miscellaneous items on parking lots of shopping centers, and not only do they not have the property tax, the overhead and staff to pay but they sometimes conveniently forget to charge or...or pay into the State of Illinois their retail occupation tax. All this bill says is that they shall have to pay daily and submit daily, along with filing with the county treasurer, a bond sufficient to cover that day's sales in case they forget to show up. It's supported by the Illinois Retail Merchants Association and the Department of Revenue, and I'd ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Grothberg.

SENATOR GROTBERG:

A question of the...thank you, Mr. President. A question of the sponsor, if he will yield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He'll yield.

SENATOR GROTBERG:

Senator, does this effectively get the flea market people into a daily reporting exercise?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Senator, flea markets are already covered in this same section. Flea markets are already a part of the daily collection, daily payment system.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg.

SENATOR GROTBERG:

Well, my concern is that the flea market situation is totally out-of-hand and just having it in the section doesn't seem to have cured the problem. I am in support of this bill. I wondered what's different about it that will enhance collections. These are weekend activities. There isn't a courthouse in the State of Illinois that's open on a weekend, and is there anything...I do not have the Statute before me, with my apologies, Senator Bruce, but is there anything that will strengthen the experience we're having now which is a bad experience. Even the Department of Revenue's special collectors detest working on weekends and that's a problem within the department. Any answer you can give me I'd appreciate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce, you want to give him an answer at all?

SENATOR BRUCE:

Well, in working with the Department of Revenue and

Retail Merchants on this particular bill, that problem has come up. We have tried to include those people known as transient merchants as opposed to flea market and auction people who are already covered. The Department of Revenue indicates to me they do not have sufficient agents to cover all of those sales, but what we are trying to do with this bill at least is a transient merchant who does not pay on Monday or Tuesday might be able to pick up by Wednesday or Thursday in another community; and right now they have a month to file, and by that time they're already back into Arkansas, and this bill may help but we probably...the answer, Senator, is more agents.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

...Mr. President and Ladies and Gentlemen of the Senate, I certainly speak in favor of the bill. We've had occasions in our county where these fly-by-night operators go and rent a hotel room and have display and advertise for jewelery or clothing, what have you. We don't know who they are. They take business away from our merchants. They don't pay the tax and I...I think it's hight time they be stopped. I think this is the bill is the step in the right direction and I speak for it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

SENATOR SOMMER:

Mr. President and members, question for the sponsor. Does this bill take away the casual sale exemption now in the...the Sales Tax Act? The...your definition of transient merchants includes any person selling anything, anywhere, and currently if I...if I want to hold a garage sale, and I'd only do it once every year, I'm exempt, but what you're doing apparently by this is placing a sales tax burden on everyone

as I read your definition. Could you point something in the bill which would indicate that is not the intent?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Yes, I can point to line 20 on page 10, which says, "This Act only applies when the department so requires," and so the word that you're looking for is "may." The department may require a daily...and...and the problem is the guy who does not pay at all, they can then put him on a daily schedule. It does not affect anyone unless the department wishes to enforce it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

SENATOR SOMMER:

Senator Bruce, there's been a lot of debate about the sale of automobiles in the State as to whether we're going to tax casual sales and some people actually...proposed that in this Session. Your bill will tax the casual sales of automobiles along...yes, it will. You say the department may do this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

The reason it does not, Senator, because the Illinois Revenue Act already determines how we are going to collect sales on automobiles. In the 1979 compromise we made here on transportation, we determined that casual sales of automobiles would be determined by a formula which is in effect, and if you sell more than two cars in a year, you're under the Dealers Act and, therefore, you have remit and place a bond. And so, if you are more than two, you have to get a dealers license; if you have less than that, you are under the statutory provision which sets forth a scale that you



must submit to the...to the department, that's only since '79.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

SENATOR SOMMER:

Under your definition, however, of a transient merchant, that's everybody. And this is a later Act and could be held to...to amend the Act that...that you talk about in 1979. Is that not true?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

No, it is not because I'm not changing the definition...of the word transient merchant which is already defined in another Statute and we are not changing that definition at all. We are only making reference to it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR BRUCE:

Well, I...I think that there have been many problems in downstate communities and...and throughout the State of Illinois with transient merchants who have not collected a sales tax. The downtown merchants, through the Retail Merchants Association and the Department of Revenue, has indicated that these transient merchants who do not pay real estate tax, who oftentimes do not collect withholdings, do not carry the burdens of supporting their local communities, come in, set up on a parking lot, collect sales tax and either don't remit it or don't collect it, and then undercut their merchants downtown. Seems to be a reasonable approach. They may require these guys to pay on a daily basis and...and submit it on a daily basis to the Department of Revenue, and for that reason, I'd ask for your favorable consideration and

vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 426 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all vote...have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, 2 voting Present. House Bill 426 having received the constitutional majority is declared passed. House Bill 427, Senator Holmberg. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 427.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Holmberg.

SENATOR HOLMBERG:

Present law right now does not permit a tenured teacher to resign once school has commenced or for a period of sixty days prior to the beginning of the school term. This gives a very narrow time of only thirty days when a resignation may be submitted. This bill would allow a teacher having given a written notice to the board to resign within thirty days.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to House Bill 427. It must be clearly understood that a teacher now can go to the board and request that she be...be given a...let out of her contract and in most cases this is agreed to and done. However, it must be understood that in some places there is a shortage of teachers, and this particular piece of legislation, I believe, can create a...a burden for some local

school districts. What do you do if a...if a teacher is under contract in a particular school and there's a shortage of that particular kind of a teacher, be it math or science, and she can then go to...to some other job, Senator Holmberg has amended this bill so that she will not go to another teacher profession and I appreciate that, but if she gets a better offer someplace else in private industry, then that school is without that teacher; and if one can't be found and this could very well happen, what do you do with those children who thought they were going to have a teacher for a year and all of a sudden they don't have one and can't get one? That concerns me. I think that once a board is understanding of why a teacher needs to leave, those...those accommodations are almost always made; but if it does create a problem, then I believe the local school district should have a right to require that teacher to stay on the job at least until a teacher is found to replace that position.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. This bill, if by itself, in Article XXIV would not be that bad, but we have heaped on rifting procedures, tenure procedures; and if this vacancy should occur, you would have a complete domino effect throughout the whole school because of the current laws that are on the book. So, it's not a question of just filling a vacancy; it's a question of then having to shift people around by the law, and what you have is almost an insolvable situation so that almost everybody is going to have a different teacher because one teacher leaves, and I think we ought not to tolerate this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Body. When this bill first came before the committee, I had some very strong concerns about the same issues raised by Senator DeAngelis and Senator Maitland. However, I think the amendment, it is my understanding, took care of most of my concerns and that was allowing a district or a school to be without a specific teacher in a...in an area where there was the scarcity of teachers...of qualified teachers with the same skills. It is my understanding that the amendment would mandate that the teacher remain until such time they find a replacement. In addition to that, that she could not leave for the sole purpose of taking another job. This is a real problem for some teachers, as a matter of fact, I had one in my own family from just plain burnout, just I just can't take it anymore. She had been banged over the head by one of the students who slammed the door in her...in her face and ended up in the hospital, and then coming back to work, having more difficulty and she just couldn't take anymore. So, I do think that we have to provide some type of...of means by which that type of person can, in fact, get out of that contract within the school year. I think the way the bill has been amended, it satisfies their problems and it offers adequate protection to the school districts where there may be a scarcity of teacher in the particular...teaching that particular subject matter, and I support the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Would the sponsor yield?

END OF REEL

REEL #6

SENATOR EERMAN:

(Machine cutoff)...will the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she will.

SENATOR EERMAN:

As I read the bill and as amended, the only change that has been made is that the teacher cannot resign to take another teaching job. Is that the posture the bill is in now? PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Holmberg.

SENATOR HOLMBERG:

You are correct, Senator Eerman. That's the way it has been amended that no teacher may resign during the school year without the concurrence of the board in order to accept another teaching assignment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Eerman.

SENATOR BERMAN:

Could you share with me...in the committee we talked about trying to delineate a tighter guide so that frivolous resignations would be avoided. That...the main reason, as I understood the testimony in the committee, was that a board apparently arbitrarily refused a teacher to resign when there was a death in their family and there was a dramatic change in the family business and they had to either leave their teaching job or the family business would go down the drain. I thought that we had talked about and some language had been given to you that would address that kind of situation. I'm a little concerned that this, outside of somebody who wants to...that...that doesn't want to take a job can leave in the middle of a term, and...and I...I...I'm just not sure...you

know, they can leave, but if they leave, they're going to forfeit something, and I'm not sure that forfeiting something shouldn't remain in order for everybody to fulfill their contractual obligations...would you just expand upon that question. I...I'm not sure where I'm at on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Senator Berman, we did try to list a number of reasons that would be emergency...reasons for a teacher resigning, and we came to the conclusion that this would each time just throw it into the courts, that the terminology would not cover all things; and the amendment that we have added is a compromise, and I think it takes care of one of the main objections which would be rating science and math teachers or coaches in physical education and things like that and would allow other kinds of resignations.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I'm a little surprised at this debate. Frankly, it's been my impression that, a few years ago in particular, that when...when a teacher wanted to leave, they simply left regardless of any contract they may have signed. And...and I can cite many, many instances of that happening. So, now, apparently, Senator, you're seeking to put into the Statutes some procedures...and I applaud you for that, but I...my question is, if a teacher fails to comply with the Statute, what penalty is there for the teacher who leaves in violation of the law either now or after your bill passes?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Holmberg.

SENATOR HOLMBERG:

Then penalty remains the same. You lose your teaching certificate, it's one year's suspension, and it would remain the same.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

When did that ever happen?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

I think, generally, the board does concur with...with good reasons. There have been exceptions when teachers needed to leave. In one case, to take over a family business and that teacher was not able to collect wages because...as well as losing the certificate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...any further discussion? Senator Grotberg.

SENATOR GROTBERG:

Thank you, Mr. President and fellow members. I'm just trying to sit here and figure out under what conditions I would want my kids to be going to school to some teacher that doesn't want to work. And I think a lot of this conversation is rather frivolous. I think the amendment is just fine. In private enterprise...I realize there's a contractual obligation, but if the penalty is still in there, if they want out, the sooner the better, goodbye, Charlie. I don't want my kids going or my grandchildren going to school anybody that doesn't want to teach them. Let's get them out of the system at their volition.

PRESIDING OFFICER: (SENATOR HALL)

Senator Hudson.

SENATOR HUDSON:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. I was a little concerned, more than a little,

when this bill came up in committee, sitting on that committee. And it seems to me what we're doing here is adding some additional embroidery into the scholastic tablecloth...onto the scholastic tablecloth here that may not be necessary. It would seem to me that the provisions are already extant for a teacher who has a...a condition serious enough to warrant quitting during the course of the school year to take her case to the board and the board will listen to her argument, certainly, at least, hopefully, they...it would and give her the consideration necessary. And it would seem to me to take any step in the direction of removing the contractual responsibility that she has when she started to teach and removing the school board's authority would be a step in the direction of taking away a little more of what we would call local control, and again coming in with a State mandate. And I would argue against the passage of this bill in...in hopes that we would leave the choices to the school board, the reasonable action of the school board, a responsible action of the teacher in question. So, I would urge a No vote on this particular piece of legislation. Thank you.

PRESIDING OFFICER: (SENATOR HALL)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. I...I rise in support of the bill, and perhaps we should just review what Senator Holmberg's bill is proposing to do. And that is now it requires a sixty-day window, and this...all this says is a teacher can give a thirty-day notice during the year. She put on what I considered very important amendment that says this cannot be used for job shopping. I hope you heard that, it doesn't deal with job shopping. She cannot...or he or she cannot leave a position to take another teaching position. This is in a situation in which the teacher has felt necessary during the teaching year to take



off and change what they are doing for a living. The bill arose because of an incident in which a death occurred in the family operated business and the school board, as opposed to going to the State Certification Board, withheld the teacher's salary and went to court. There was a lot of discussion about whether or not they could or could not leave. When they went to the State Teacher's Certification Board they said one thing you could not do is withhold salary, which is what the school board did, they just quit paying the guy altogether the money that was due him. So, the bill arose under difficult circumstances and we are trying to meet difficult circumstances. However, any board that feels wrong...I hope Senator Hudson is listening. Senator Hudson, any board that feels wronged by the incident, and that...this is excluding going to another teaching job, if there's any feeling by that board that the teacher has acted improperly, they can go to the State Teacher's Certification Board and...and have their certificate revoked or suspended. That is in the law, it will remain in the law. So, I don't think that we're going to have maybe five, six instances in the State of Illinois in which a teacher will utilize this. And I am confident that the board will act responsibly. And, frankly, if they do not, I would be one to support legislation to give the Certification Board more authority. It's just in those emergency situations where teachers need to leave and leave quickly. And I agree with Senator Grothberg, if someone in your family has died and you have a family operated business, the last thing you want a guy doing is teaching world literature when he's worrying about his whole family and his business collapsing. You ought to let him out of the contract. And I...I think it's reasonable. With the amendments there's a lot of protections for the board, and it's a half-way approach and everyone has moved off of their original position, and I think it ought to be supported.

PRESIDING OFFICER: (SENATOR HALL)

Senator Fawell. Senator Maitland.

SENATOR MAITLAND:

Mr. President, I apologize for rising a second time on this bill. I don't normally do that, but I think a couple of things need to be mentioned here that seem to have been overlooked. Teachers are professionals and ninety-nine percent of the teachers do an outstanding job, and ninety-nine percent of those teachers who are forced to stay on the job, in the event a spot can't be found, are going to do an admirable job. They're going to continue to do a good job because they're professionals and they believe in education. What bothers me...and, again, Senator Fawell...I'm sorry, Senator Holmberg has addressed the issue of...of job shopping as it relates to another teaching job. But if, in fact, if, in fact, a teacher has offered to her a very lucrative job in the business arena and if the school board decides not to grant her that leave because they can't find a teacher, they can deny her that right. And again, with this particular piece of legislation, with thirty-days notice she will then be able to leave that job and take that job in private industry. And again, he or she is under contract, she has an obligation to that school district for that given year, and I think that contract should be honored if a teacher can't be found and the board doesn't give her approval.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Holmberg may close.

SENATOR HOLMEERG:

Right now a teacher may leave at any time to go into private industry. The risk is that he or she will lose that teaching certificate. But if they are leaving to go into private industry, that is not a risk. That punishment still remains. The amendment protects the fact that we cannot raid from one district to another. This law came out of need

years ago when there were very few teachers and we needed to keep...keep them for a contract year. Now, we have many teachers, except in a few certain areas, in surplus. I think it's helpful if a teacher who wishes to leave can give thirty-days written notice, be on her way and be replaced with a teacher who will do a good job for children and wants to be there. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 427 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 49, the Nays are 8, none voting Present. House Bill 427 having received the required constitutional majority is declared passed. 428, Senator Bruce. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 428.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. This deals with a Statute of Limitations on suits against nurses. At the present time, there are...there's a different Statute of Limitations for physicians, dentists, hospitals and nurses. What this will do will require and...and require that claims against registered nurses be treated in the same way as claims against physicians for malpractice. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Is there any discussion? If not, the question is, shall House Bill 428 pass. Those in favor will

vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 2, none voting Present. House Bill 428 having received the required constitutional majority is declared passed. 438, Senator Chew. Read the bill, Mr. Secretary, please.

SECRETARY:

(Machine cutoff)...Bill 438.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

Yes, Mr. President, this bill was amended to satisfy the State Police and other law enforcing agents. There's no opposition to it. I ask for a roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall House Bill 438 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 54, the Nays are...is none, none voting Present. House Bill 438 having received the required constitutional majority is declared passed. 439, Senator Sangmeister. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 439.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. This is not the greatest piece of legislation to come down the pike but it, I think, is...is needed. It creates an office of product research and development within the Department of Commerce and Community Affairs, and it just directs that that office will develop and establish a program of grants to colleges, universities and other qualified applicants with the purpose of fostering research and development of consumer products that can be made and marketed by Illinois businesses. I think it's something the department ought to be doing. And we're just establishing an office within their department. Any questions, I'll be happy to respond. If not, ask for a favorable roll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Our staff analysis indicates that the fiscal impact of this bill might be a hundred thousand dollars the first year and two million dollars thereafter. I'd simply suggest to you that, although this may be a great idea, that perhaps it would be a better idea to allow the department to develop this program on their own rather than mandating it in a year when we're not quite sure what the tax revenues will be. It's for that reason that I intend to vote against the bill, and I'd ask you to oppose it also.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any further discussion? Senator Sangmeister may close.

SENATOR SANGMEISTER:

Well, Senator Schuneman is correct on the standpoint...I don't know where the two million comes from, that's way out of line, that there is a hundred thousand dollars that is transferred to the...to the department to put this program together. It's still completely under the department's control and exercise as to how they want to do it, and I still

HB 440  
3rd Reading

think it makes sense that we tell the department they ought to be promoting this kind of a program in the department. And I ask for a favorable roll.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

The question is, shall House Bill 439 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 39, the Nays are 15, 2 voting Present. House Bill 439 having received the required constitutional majority is declared passed. 440, Senator Macdonald. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 440.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 440 transfers the authority for county animal control from State law to county ordinance. Such ordinance may require an individual animal and litter registration fee. Removes the current fee structure from...registration and replaces it with a county ordinance provision. The reason for the change in this law was that the counties because of the increase in rabies incidents do not have the sufficient funds, particularly the counties lying outside of Cook County, to pay for their animal control programs. So, this bill addresses itself to that. It was on short debate in the House. The proponents are the Farm Bureau, the Department of Agriculture and the Urban Counties Council. I urge your support of this bill. We did add one amendment that took out the liability clause, and I would

ask...I...I know of no opposition and I would ask your support for this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, thanks, Mr. President. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates she...she will yield. Senator Joyce.

SENATOR JEROME JOYCE:

Yes...this does not set a limit now. The...the counties could charge a hundred dollars for dog...a dog tag now?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Senator Joyce, that is correct. They have taken out the four dollar fee and they may set the field...fee by county ordinance...the board may set the fees...the cost.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...further discussion? Senator Grotberg.

SENATOR GROTBBERG:

Thank you. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates she will yield. Senator Grotberg.

SENATOR GROTBBERG:

Senator, as you and I were freshman in the House together we worked long and hard on the Animal Control Act, way back in the early 1970's. State-wide hearings, every kind of involvement of all of the people of Illinois that I can recall of, of the County Problems Commission which I served on, and the counties all wanted this after years of confusion. Now, is it true that you are literally repealing the State Animal Control Act and giving it to the counties?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

I think we are basically transferring the...not...not totally repealing it, but we are transferring it to...to county control. And it is because the system...and I think we passed that in 1973, and...and the system is not producing the needed dollars to...to...that are needed in the counties that are being impacted by the responsibilities that they are facing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Grotberg. Senator Grotberg...oh, you're done. Alright. Any further discussion? Further discussion? Senator Macdonald may close.

SENATOR MACDONALD:

I...I think that we have discussed and answered the questions that have been addressed to this bill. I...I...there is a newspaper article that I could read to you that...that does refer to the increase of rabies, but I think it is not necessary to take the time of this Body. It is indeed a problem, and Representative Klemm was addressing himself to the problem particularly in Kane County; but after investigation with the counties and townships, it would seem that this is a prevalent in many other counties as well, and I urge your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. The question is, shall House Bill 440 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 53, the Nays are 3, none voting Present. House Bill 440 having received the required constitutional majority is declared passed. 441, Senator Watson. Read the bill, Mr. Secretary, please.

SECRETARY:



House Bill 441.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This amends the Storing and Personal Property Act for hire to revise certain application operation procedures. This clarifies the application requirements. It mandates...which is now optional...it mandates the department to...Department of Agriculture to inspect applicants' warehouses. It clarifies bond provisions to allow the filing of a...a surety bond or legal liability insurance policy or a certificate of deposit. It requires adherence to due process to suspend or revoke a license. It specifies forms for...forms for negotiable receipt forms and requires stored property to be designated by lot product code, hatch or other control. It categorizes administrative action regarding violations, and the penalties for violation will be a Class B Misdemeanor. They're now a petty offense. The bill is requested by the personal property warehouse industry in cooperation with the Department of Agriculture. An amendment was added which took out the word "knowingly" which allows the department to prosecute violators. It passed out of committee 7 to nothing and then out of the House committee 13 to nothing. I know of no opposition and would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Is there any discussion? Senator Grotberg.

SENATOR GROTBERG:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

HB 443  
3rd reading

Sponsor indicates he will yield. Senator Grothberg.

SENATOR GROTHBERG:

For those of us who don't know what you're talking about, would you tell us what Personal Property Act for hires...is that miniwarehouses, all warehouses, grain elevators, what is the definition of the type of...of storage under this Act that it should all fall under the Department of Agriculture?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

The term warehouse means any room, house, structure, building, place, yard or protected enclosure. The term personal property means all goods, wares, household goods, furniture, merchandise or any other tangible personal property except that of grain as defined in the Public Grain Warehouse and Warehouse Receipts Act.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? The question is, shall House Bill 441 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. House Bill 441 having received the required constitutional majority is declared passed. Ladies and Gentlemen, we've only handled twenty-four bills today on 3rd reading. We're going to have to pick up the pace. House Bill 443, Senator Holmberg. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 443.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

This law grew out of a problem in our county when there was not enough money to finish the year. There...it is now...not now in the Statute that you can amend your budget down. It's legal to amend it up but not down. We were forced to go to a ten-month year in order to accomplish this. This would change the Statutes and allow a county board to amend their budget down.

PRESIDING OFFICER: (SENATOR HALL)

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

SENATOR SMITH:

Mr...Speaker and Ladies...I want to make known that on House Bill 441 I was called to the back here and I missed voting. Would you please record me as voting Aye on 441. And while I'm standing, if I may stand on a...a point of personal privilege. We have visitors in the gallery here that are officials of the Cook County School Board that are in our gallery, and I'd like for us to recognize their presence.

PRESIDING OFFICER: (SENATOR HALL)

Will our guests please rise and be recognized by the Senate. Senator Holmberg, will you go ahead with your explanation.

SENATOR HOLMBERG:

I think that's the extent...of it, that we would just like to be able to amend the budget down at the county level by a two-thirds vote.

PRESIDING OFFICER: (SENATOR HALL)

Any discussion? You were closing weren't you, Senator? Roll call. The question is, shall...House Bill 443 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none. House Bill 443 having received the required constitutional majority is declared

passed. 450, Senator Lenke. 455. Senator Holmberg, do you wish to call your other bill? 446 was on recall, so we'll go to...450, Senator Holmberg. Senator Maitland, will you come up? It is on recall so, therefore, we'll go to 450, Senator Holmberg. Mr. Secretary, will you please read the bill.

SECRETARY:

House Bill 450.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Holmberg.

SENATOR HOLMBERG:

This is a very simple bill, it just permits transit districts to have boards of...and it's permissive, either three or five members.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Any discussion? Senator Mahar.

SENATOR MAHAR:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates she will yield. Senator Mahar.

SENATOR MAHAR:

This bill was amended in committee and I've forgotten exactly what the change was, I think by allowing three to five members by ordinance, is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Yes. Previously, it was three and we made it permissive, three or five.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Mahar.

SENATOR MAHAR:

This was only for Bockford, is that correct? Or was this...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

No, this would apply to other districts, but...but permissively they could make a decision.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Mahar.

SENATOR MAHAR:

Briefly, on the provision of allowing, for example, in an ordinance, would that be appointed by the mayor and then confirmed by the city council, that procedure follows through on this, is that...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Whatever the corporate authority is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Mahar.

SENATOR MAHAR:

With staggered terms and all that sort of thing it follows through?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Yes, as before.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall House...House Bill 450...Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

HB 455  
3rd reading

Indicates she will yield. Senator Fawell.

SENATOR FAWELL:

Just...just one question we're asking over here. This has nothing to do with the RTA, right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

No, it does not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bloom.

SENATOR BLOOM:

Yeah, thank you. I...I want to move as swiftly as you do, Mr. President. This does not...change the employment...excuse me. This does not change the appointment mechanism, does it not?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates she will yield. Senator Holmberg.

SENATOR HOLMBERG:

No, it does not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

It merely just says you can have three or five or so on and so forth. Thank you, very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall House Bill 450 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 450 having received the required constitutional majority is declared passed. 455, Senator Lenke. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 455.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

What this bill does is stipulates the procedures for interrogation of firemen accused of misconduct and creates the Firemen's Bill of Right. This is similar to the Policemen's Bill of Rights except...it meets the same criteria that the Illinois Municipal League recommended except in the case of the firemen have seventy-two hours instead of twenty-four hours because of their working habits. I think it's a good bill. I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, when this bill was in committee, I remember the Municipal League opposing the bill, and I understand that you've amended the bill. Do you know the position of the Municipal League now on the bill as amended?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leake.

SENATOR LEMKE:

Well, I understand that with the amendment making it similar to the Illinois...the Policemen's Bill...due...Bill of Rights that they had, they were...they removed their opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Further discussion?

HB 459  
3rd Reading

Question is, shall House Bill 455 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. House Bill 455 having received the required constitutional majority is declared passed. 459, Senator Netsch. Read the bill, Mr. Secretary, please. The Order of 2nd Reading, the bottom of page 8, House Bill 459.

SECRETARY:

House Bill 459.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Before I briefly explain the bill, if I have not already done so, I know Senator Groberg wants to be added as a hyphenated cosponsor as he was on the same or similar bill last Session. He had indicated that earlier in committee. This...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there leave to have Senator Groberg added as a principle cosponsor? Leave is granted. Senator Netsch.

SENATOR NETSCH:

...this is essentially the same as House Bill 1302 which the Senate passed by a vote of 56 to nothing last Session. It deals with the problem of the numerous reports that come flowing into our office and go flowing out just as rapidly. It attempts to address that by creating a State Government Report Distribution Center, which is basically the State Library. Requires that whenever reports are indicated to be submitted to members of the General Assembly that the requirement is fulfilled by submitting a copy only to certain



designated members of leadership, to this government distribution center and the State Library and to the Legislative Council. The council then is required to abstract or summarize the reports, and when it regularly sends out reports to us listing commission meetings and other things that it include a summary of those reports. If any member wants a copy, that copy can be requested from the Government Distribution Center which again is the State Library. It will save an enormous amount of paper and an enormous amount of unnecessary work. I think everyone in the Senate was strongly in support of this bill last Session, and I hope will be again.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Alright. Any discussion? Any discussion? The question is, shall House Bill 459 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 54, the Nays are none, none voting Present. House Bill 459 having received the required constitutional majority is declared passed. 461, Senator Luft. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 461.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Ladies and Gentlemen, the responsibility for the preparation of economic impact studies on environmental rules is with the Department of Energy and Natural Resources with, and I want to underline, "with", the guidance and counsel of the Economic Technical Advisory Committee. Because the words "guidance" and "counsel" are

vague, House Bill 461 sets out the specific ways in which the Economic and Technical Advisory Committee shall counsel the Department of Energy and Natural Resources. The duties of ETAC will be to approve final scope of work documents required for the conduct of economic impact studies, to review and comment on the selection of contractors and department staff proposed to conduct the studies, and to comment on the adequacy and accuracy of draft studies prior to their publication and to issue written opinions that must be published with each study. This bill is...comprises language agreed to by the Department of Energy and Natural Resources, the Chamber of Commerce, the Municipal League and the Illinois Environmental Council.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright...

SENATOR LUFT:

And I would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...is there any discussion? Is there any discussion? The question is, shall House Bill 461 pass. All those...those in favor vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. House Bill 461 having received the required constitutional majority is declared passed. 465, Senator Johns. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 465.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Johns.

SENATOR JOHNS:

This is simply a bill that provides that on the effective date of this Act the Massac County Fair Association located in Metropolis, Illinois is recognized as a new county fair for the purposes of participating in all the rights and privileges of a county fair. It was also amended to add into the bill the Ridgway, Illinois Popcorn Festival area. They want to have a new fairgrounds there and they have tens of thousands of people there each year and they want to try to build a new fairgrounds there, and it will not affect the budget at all this year, maybe in the future.

PRESIDING OFFICER: (SENATOR DEMOZIO)

Is there any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. I rise in support of House Bill 465. This only extends to those counties the same privilege that has been given to all the other counties in this State. We attempted to do this last year for Senator Johns, and for whatever reason that...that was taken off the bill and...and it went down the tube. This will allow them to participate in the...in the Ag Premium Fund. Believe it's a good bill, it's one they deserve and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMOZIO)

Alright. Any further discussion? The question is, shall House Bill 465 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 56, the Nays are none, none voting Present. House Bill 465 having received the required constitutional majority is declared passed. 470 was on the recall list. 475, Senator Darrow. 482, Senator Lemke. Read the bill, Mr. Secretary, please. On the Order of 2nd Reading, 482.

SECRETARY:

House Bill 482.

HB 483  
3rd Reading

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

What this does is changes the method of determining the available family income for the hemophilia program. This is encouraged by the Hemophilia Foundation of Illinois, and I ask...I think it's a good bill and I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Senator Kent.

SENATOR KENT:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think that there is a point that ought to be brought out. That if the appropriation stays the same, we will be helping less people. The appropriation has to go up in order to help more people. Five hundred and fifty thousand dollars is the appropriation this year and it will help twelve less people if that appropriation goes through.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall House Bill 482 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 39, the Nays are 18, none voting Present. House Bill 482 having received the required constitutional majority is declared passed. 483, Senator Savickas. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 483.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, House Bill 483 prevents those people serving out of rank, serving in temporary positions, temporary appointments, from getting pensions based on their temporary salaries. It's a bill that's been requested by the Firefighter's Union so that their fund isn't used up through these exempt positions. I would...I would expect that a cost savings would be in force with the passage of this bill. I would request your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Keats.

SENATOR KEATS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Keats.

SENATOR KEATS:

Yeah, Frank, the bill's fine except for one question. At what level is this individual paying into the pension fund? Is this individual paying at the temporary rank or at his full-time position?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

I...would you repeat that question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Okay, the...the payment into the pension fund is based on a percentage of salary...wait, he's looking for a staff guy to get that information. The payment in is based on a percentage of salary. In the temporary rank, if there's a temporarily hired salary, that individual is paying more into

the pension fund. So, I understand what you're doing, all I'm saying is that if the person's paying for it they ought to get it; if they're not paying for it they shouldn't. Could somebody on...on the staff over there run over and get that stuff for Frank so we can find out whether...whether we're ripping a guy off by accident?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Collins.

SENATOR COLLINS:

Yeah, question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Collins.

SENATOR COLLINS:

Senator, reading from the Calendar...I...I'm...I'm confused about what you mean about "a position held at the will of the appointing authorities shall be deemed a temporary position." What do you mean about "held at the will of the appointing authority"?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Well, if Senator Keats had taken the time to read the bill instead of just popping up like a yo-yo as he usually does, he would see that in the bill...on page 1, line...well, lines 18 through 25, says, "All contributions, annuities and benefits shall be related to the salary which attaches to the permanent position of the fireman." Their permanent position is that of...fireman or captain or lieutenant or whatever it may be and not the exempt position as a director or whatever it may be. So, the present law says that they pay in at their permanent rank and they will not be able to retire at the higher salary paying in at their permanent rank position.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Collins.

HB 487  
3rd reading

SENATOR COLLINS:

I...I'm still confused, I think I was more clear before you answered Senator Keats' question than I was before, so.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Further discussion? The question is, shall House Bill 483 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 52, the Nays are none, 1 voting Present. House Bill 483 having received the required constitutional majority is declared passed. 487, Senator Vadalabene. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 487.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene, pardon me for interrupting. Senator Smith, for what purpose do you arise?

SENATOR SMITH:

Mr. President, my...one...was evidently talking to me and played with my key. When the voting was on for this past bill, my Yes would not come on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright.

SENATOR SMITH:

Would you please register me as voting Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the record will so...will so indicate. Senator

HB 488  
3rd reading

Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. House Bill 487, amended, establishes a veteran's preference in layoffs and...and reemployments. Amendment No. 1 to the bill provided that no credit for seniority in service be given under this Act unless a veteran has served in the U.S. Armed Forces or while now being a U.S. citizen served in the armed forces or our allies during World War I, World War II, the Korean Conflict or the Vietnamese Conflict. However, there was another amendment requested, Amendment No. 2, which would give preference to a widow with any minor children dependent upon her support for retraining or reemployment in preference to veterans. And I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Any discussion? Any discussion? The question is, shall House Bill 487 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...have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 487 having received the required constitutional majority is declared passed. 488, Senator Bruce. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 488.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. These...and there is one additional community in addition to



the ones that are in the title, besides Herrin, Mt. Vernon and Quincy, by amendment the City of Elgin was added by Senator Friedland, and they would like to get into the municipal and metropolitan exposition and auditorium business. This will not require the expenditure of any State money, these are projects that will be Revenue Bond Authority only. It will give these cities the ability to issue Revenue Bonds. They will not levy a property tax of the...of present bonds available. From the State there is seventy-five million dollars we authorized, they spent 73.7. The Act does not allow any operating costs of these authorities. All it does is really allow the various cities involved to issue Revenue Bonds to build exposition auditoriums. I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Any discussion? Senator Johns.

SENATOR JOHNS:

Yeah, I'm...I'm a little bit disturbed here at this bill, because I think it holds out hope for some of these cities to build civic centers when there's no real way for them to do so. One of them is a town by the name of Herrin, just a few miles from me. That city is financially in trouble and admittedly so. This holds out hope that maybe they could build a civic center. But now, as I understand it, they would have to issue Revenue Bonds, and then most of the civic centers even...I hear this one in Springfield, are having trouble surviving financially. And what I...I am disturbed about in this particular piece of legislation is that those people in that town of Herrin which is so dear to me might think that the State is going to participate and might underwrite it some sense. It...it involves a lot of money and it involves the ability to repay that money, and I'm just wondering if this is the kind of thing that...that we ought to be doing. I wish that Herrin wasn't in it. I don't mind

Mt. Vernon and the Senator's district and Quincy and who else, but I hate to lead a town to believe that such a beautiful thing as a civic center is in the offing when the battle is like uphill in a mountain to do so for the City of Herrin. So, I just...I want to mention that so that somehow the message might be sent that this legislation, although it has the best of intentions, is by no means an open door to Revenue Bond financing. There's millions obligated, or would have to be. They would have to issue Revenue Bonds, they don't...they cannot have the power to levy property taxes in order to repay these, so it disturbs me that this kind of legislation is in the offing, and I only hope that if the legislation passes that the little City of Herrin, which like I said, means a great deal to me and I have a lot of friends there, do not come rushing to the State of Illinois and say, hey, where's our money. Because that's the...that's like an olive branch to people, and it disturbs me a great deal. I...I...I just don't see how they could ever pay it back and operate. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Couple...couple of questions of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

First of all, Senator, what's the population of Herrin and Mt. Vernon?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

Well, at the last count, Herrin had a population of approximately ten thousand, Mt. Vernon sixteen thousand six

hundred, and anticipating, Quincy has a population of forty-five thousand.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Our staff analysis indicates that the three new authorities and all future authorities would be eligible for State Grant Aid under a program administered by the Department of Commerce and Community Affairs. The maximum grant is 3.1 percent of the assessed valuation. Does that...is there some kind of...of grants, or a grant that is available to these authorities if we establish them?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

They would be eligible. As you know, there's a transfer of money from the Horse Racing Wagers Fund of three and a half percent. They would be eligible, but at the present time, as I understand it, the fund requests are exceeded by the...the fund is exceeded by the requests. So, it's unlikely that they would participate unless the General Assembly increased the amount of money, and I would assume, in addition to that, the bonding requirements. All the bond money has already been used, and I don't see that we're going to increase the...the bond levy. So, although they'd be technically eligible, I don't see any way that they're going to receive State funds.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Just one more point, Mr. President. If, in fact, there is one pot of money that is available to fund all of these authorities, it seems to me that if we're adding new authorities that would have to share in that pot that that would

tend to reduce the support for the other authorities that are already in existence. And I'm not sure, Senator, whether that's true or not, but I'd be interested in your response to that, please. And also the fact that, I guess, we've not approved any more...any of these authorities for quite a number of years. Apparently, the last one that was attempted was in 1981 when the Governor vetoed the Belleville authority. But I'm particularly concerned about the question of...of splitting the pot that's available among all the authorities.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Eruce.

SENATOR ERUCE:

Well, I'm...I'm not sure that we're going to be involved in splitting the pot. The...no money is available for operating, all we're talking about is the initial construction costs as these...the ones...Springfield, Peoria, Rockford, Aurora, Decatur, Danville and Joliet are on and...on board. The three and a half percent of the...the money in the Horse Racing Act continues to be transferred. So, the fund is replenished automatically, and so there isn't...Senator Schuneman, there isn't a question of dividing the pie, you get a one-time grant and then you're not...you're out of the pie. And so there's no operating funds; no operating funds in this bill and we've never paid any operating money. So, as soon as these are constructed, they are out of...they are, in fact, out of business. And these...none of these people have GO bond authorization, they're all Revenue Bonds, they should, in fact, be paying for themselves. I mean, the...the revenue from the facilities should be paying off the bonds. You're not going to be able to sell the bonds anyway if you don't have that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bloom.

SENATOR BLOOM:

Yes, thank you, Mr. President and fellow Senators. Perhaps I can help clear things up. I may muddy things, who knows. But at no time can these authorities exceed the seventy-five million dollar limit. In other words, at no time can more than seventy-five million be obligated, and that might be some of the concerns but that's not...not to worry about it because, basically, these various communities are saying, all we want from you, State of Illinois, is seed money. And the premise and the philosophy bottoming all of these various civic centers has been, all they want is the seed money and they will make their effort on a local basis. And this Body has rejected on at least one occasion operating subsidies because that is entirely counter to the philosophy under which the original civic centers were built. And if indeed a community has enough faith in itself that they want to start a multipurpose center, and if indeed there is enough unobligated money in the pot, I see nothing wrong with giving them a crack at it; insofar as we remember that we will not...we will not at some future date, whether it's those communities involved in this bill or those communities in prior bills, will not respond if they should ever come and ask for operating subsidies, because that was not the philosophy and that is not the intent. So, therefore, if these communities desire some seed money, I see nothing wrong with that. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bruce may close.

SENATOR BRUCE:

I think that Senator Bloom did clarify a good deal of...of points. These are Revenue Bonds only and...and let me...I think Senator Johns had a very good point. I...I appreciate his support and concern. These small communities are going to get involved, Quincy is going to be involved,

Herrin. There's a hundred and twenty-five thousand people within a short distance of Herrin, and perhaps they can support as this...as Senator Johns knows, a regional facility. But I believe that all we're saying is that these...it gives an authority...if they can't convince bond buyers that the revenue from these facilities are going to support them, they won't go ahead. And I think that's the protection from creating too many authorities. These four communities have come to us, they would appreciate the confidence that they know what they're doing in their own communities. I think that they do and we ought to support them.

PRESIDENT:

The question is, shall House Bill 488 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 49, the Nays are 5, none voting Present. House Bill 488 having received the required constitutional majority is declared passed. 498, Senator DeAngelis. On the Order of House Bills 3rd Reading is House Bill 498. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 498.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. This bill and I think the next seven bills all came out of the Legislative Audit Commission. House Bill 498 simply allows the Comptroller to make any special audits that are necessary to certify that the State of Illinois' statement is in accordance with generally accepted accounting principles. If

you recall, several years ago we did pass a bill that requires Illinois to be in compliance with that and this simply gives the Auditor General to do whatever audits are necessary to verify that compliance. I urge its passage.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 498 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 53, the Nays are none, none voting Present. House Bill 498 having received the required constitutional majority is declared passed. 499. On the Order of House Bills 3rd Reading is House Bill 499. Read the bill, Mr. Secretary.

END OF REEL

REEL #7

SECRETARY:

House Bill 499.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. This is an Audit Commission bill. It eliminates the mandatory State audit of mass transportation carriers receiving grants, subsidies or purchase of service agreements from the RTA. It permits the Auditor General to perform such audits if directed by resolution of the Legislative Audit Commission. The RTA is in favor of this legislation. I would move for a favorable passage.

PRESIDENT:

Any discussion? Senator Schaffer.

SENATOR SCHAFFER:

Who doesn't want to be audited? I always get nervous when organizations don't want to be audited. Who are we not going to audit now? It wouldn't be the CTA would it? We certainly wouldn't want to audit them would we?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President. This is indeed a...an Audit Commission bill. It does not alleviate anyone of an audit. It simply saves the State of Illinois a great deal of money. The Audit Commission could audit any entity of the...of...of the RTA upon resolution and adoption of a...of a resolution by the Legislative Audit Commission.



Right now, the Auditor General is required to audit the RTA and it's sort of a duplicate type of function. And I would yield to Senator DeAngelis on your side of the aisle for a further explanation.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Demuzio is correct. This bill does not eliminate the requirement on the CTA. What we're talking about is there's a whole smear of small carriers that...some of them that have two buses, and it costs about four hundred and twenty-eight thousand dollars to do those audits. And it would be far better for the RTA who's paying those people for those services to do that audit rather than us.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Does or does not this bill repeal the requirement for the State Auditor General to audit the CTA?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Well, the bill restates the existing language that pertain to the audits of the RTA and the CTA. There's really no substantive change.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

The answer is no, and let me read from you on the bill, if you have it there, Senator Schaffer. On page 1, "In addition to the foregoing, the Auditor General shall perform a financial in...compliance audit of the Regional Transportation Authority and the Chicago Transit Authority once each fiscal year."

PRESIDENT:

Further discussion? If not, the question is, shall House Bill 499 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 3, none voting Present. House Bill 499 having received the required constitutional majority is declared passed. Senator Hudson, for what purpose do you arise?

SENATOR HUDSON:

Thank you, Mr. President, point of personal privilege, please.

PRESIDENT:

Yes, sir.

SENATOR HUDSON:

Two bills ago, going back to House Bill 487, Senator Sam was so swift in getting that passed. I was off the Floor momentarily, could the records show that I would have voted Yes on Senate Bill 487?

PRESIDENT:

The record will so reflect. House Bill 500, Senator Sam. On the Order of House Bills 3rd Reading, the bottom of Page 9, is House Bill 500. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 500.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. House Bill 500 also is a product of the Legislative Audit Commission which provides that the Public Utilities Act...utilities are eligible for credit memos if tax collec-

tions exceed the allowable expenditures from the Public Utilities Fund. This system has worked well for a number of years and we do not propose to change it. However, recent audits by the Illinois Commerce Commission have disclosed instances of firms which have ceased operations without being able to use their credit memos. This bill would authorize cash refunds in those instances in which the firm would be unable to redeem a credit memo, and the twenty-four month period referenced in the amendment corresponds to the statutory life of a credit memo. And I would appreciate a favorable vote.

PRESIDENT:

Any discussion? If not, the question is, shall House Bill 500 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 58, the Nays are none, none voting Present. House Bill 500 having received the required constitutional majority is declared passed. Top of Page 10, House Bill 501. On the Order of House Bills 3rd Reading, House Bill 501. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 501.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. House Bill 501 raises the maximum allowable pay for the Deputy Auditor General from forty-two thousand five hundred dollars to forty-six thousand dollars. The...the pay raise still has to be approved by the Auditor General and the Legislative Audit Commission. I'll answer any questions, or

if not, urge its passage.

PRESIDENT:

Discussion? Senator Darrow.

SENATOR DARROW:

Will the sponsor yield?

PRESIDENT:

Indicates he'll yield, Senator Darrow.

SENATOR DARROW:

Senator DeAngelis, are you supporting pay increases for other State employees or just in this case?

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I consider the question irrelevant, but I voted for the judges' pay increase and I also voted for the increase for the Commissioner of Banks.

PRESIDENT:

Senator Darrow.

SENATOR DARROW:

This is not a pay increase then, this is just the authorization?

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Yeah. Well, let me make it clear that it does allow a pay increase. It is not...it is not done without permission of the Legislative Audit...Commission and without request. It's not automatic, it's not mandatory.

PRESIDENT:

Senator Darrow.

SENATOR DARROW:

But you would be supporting the appropriation to go along with this once it's authorized?

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

You mean the Audit Commission appropriation bill? Yeah, I think I'm sponsoring it.

PRESIDENT:

Further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDENT:

He indicates he'll yield, Senator Hall.

SENATOR HALL:

Senator, you know I brought this up in our committee. This is another thing that the Audit Commission is doing. I...I think we're going to have to put some curve on the Audit Commission. I tell you, now, the thing that happens with the State in the fiscal shape it's in today...now, I've been known around here as "Pay Raise Hall" for years, and I'm still that way. But for you to come up at a time like this...if a person is making forty-two thousand five hundred dollars and we're talking about debating whether we're going to be able to give people a hundred and forty-four dollars a month to live off of. Whether it's a pay raise or not, it does give the authorization for a pay raise. I think it's a bad move to go in that direction this time. Now, I'm not against pay raise, but there's a time for pay raises. And I've supported every pay raise it is, but for us to come up at a time like this with the State in the fiscal condition it's in, to say that we're authorizing the chance to give someone who's making forty-two thousand five hundred dollars to forty-six thousand is a bad precedent. It's...we should not go in that direction.

PRESIDENT:

Further discussion? Any further discussion? Senator Johns.

SENATOR JOHNS:

Question of the staff here, just nod your head. Isn't there a similar bill in here for a board of elections personnel? Does anybody know about that one? Is it in here? Have we passed it yet? We will? Well, that's a positive statement, Senator Grotberg. But anyway, there's no...there's no assurance that this raise won't be granted once we give this authority is there? No. I think it's in a wrong time and a wrong place, and I suggest that we vote No because it indicates to all those rank and file, AFSCME members, mental health workers all up and down the State, university workers that we are opening the door for a big raise on big salaries, and yet the Governor has got releases sent out now for personnel to lay them off in case he doesn't get his income tax. And here we are threatening people in the lower, lower echelons with layoffs and we got a guy looking at forty-two five to forty-six thousand dollars a year. I think it's wrong, I think the intent is maybe good, but I think it's a wrong move to cast over this General Assembly.

PRESIDENT:

Further discussion? Any further discussion? Senator DeAngelis may close.

SENATOR DeANGELIS:

Thank you, Mr. President. I think most of the stuff has been said in debate. It is permissive. It does require the approval. Your fellow Senators will, in fact, be ruling on this. I do not look for it to be moved up to forty-six thousand dollars. I urge your support.

PRESIDENT:

The question is, shall House Bill 501 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 27, the Nays are 28, 1 voting Present.

House Bill 501 having failed to received the required constitutional majority is declared lost. 502, Senator Demuzio. On the Order of House Bills 3rd Reading is House Bill 502. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 502.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

(Machine cutoff)...very much, Mr. President and Ladies and Gentlemen of the Senate. This, too, is an Audit Commission bill. The...it requires the director of the Department of Central Management Services in consultation with the executive director of the Capitol Development Board to certify the leases in excess of ten thousand square feet are in the best interest of the State. There is apparently little coordination between the CDB and the Department of Central Management Services with regard to planning for State space needs. CDB is responsible for new construction and the Department for Central Management Services is in charge of leasing. Several management and compliance audits have urged greater coordination, others have suggested merging the two agencies. This bill requires a cooperative effort between the two departments, and requires certification that leases are in the best interest of the State, and requires...consideration of programmatic considerations available for vacant State owned space, the cost benefits of purchasing or constructing new State owned space and permits the director of the Department of Central Management Services to determine additional criteria for certification. I would move for favorable consideration.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 502 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 2, none voting Present. House Bill 502 having received the required constitutional majority is declared passed. 503. On the Order of House Bills 3rd Reading is House Bill 503. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 503.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. This is not a pay raise bill, it's a cleanup through Central Management Services offered by the Legislative Audit Commission. It allows joint purchasing arrangements, changes the requirement on the advertising for the bids, changes the days necessary to put out the bids and so forth. It's a good cleanup bill for purchasing. I urge its adoption.

PRESIDENT:

Discussion? Senator Sommer.

SENATOR SOMMER:

Question of Senator DeAngelis if he'll yield.

PRESIDENT:

Indicates he'll yield.

SENATOR SOMMER:

In here you require that the State newspaper...and there is such a thing as a State newspaper, be a paper of...what...twenty thousand circulation. Traditionally, the State newspapers have been small newspapers that bid on this



and it...it must be part of their livelihood. They get this and it's sent to interested contractors. It's my understanding that Dixon or Kewanee or somebody now is the State newspaper. This would devest them of this contract and place it with larger newspapers. What is the purpose of that insomuch as a large newspaper, whether it's in Decatur or Feoria or Springfield, would no more reach the entire State than would the Kewanee newspaper or the Dixon newspaper or whatever else? What...why are you foreclosing the medium-sized newspapers of participating in this?

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, first of all, we changed the frequency also of the ads. It does, in fact, alter that the circulation be at least a minimum of twenty thousand. I can't honestly tell you, Senator Sommer, why that requirement was put in there, except, you know, that people know who that paper is because that's the one paper it goes in, and it's a different one each year, that's designated.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, on that same point, Mr. President. And to the members of the Senate, I hope that if you're...if you're from someplace other than Chicago, Springfield, Rockford or Decatur you ought to pay a little attention to this because they're changing the circulation requirements of the State newspaper. And I happen to have had two communities in my district, one was Dixon with a population of about sixteen thousand and the other was Sterling and Rock Falls with a population of about thirty thousand, where...those two newspapers would no longer be eligible to bid on this contract. And...so, if you're interested in protecting some of the

business for your community, you should be aware that if you're from a community smaller than those that I mentioned, chances are you're not going to get a chance to bid on this business anymore. So, I think it's a change that should not be made. As Senator Sommer pointed out, the fact that the ad appears in...in the Chicago Tribune does not guarantee that everybody in the State of Illinois is going to see it anymore than it would if it were in some other paper of lesser circulation. I think it's a bad idea and should be defeated.

PRESIDENT:

Further discussion? Senator Eloom.

SENATOR BLOOM:

I don't believe the question has been answered as to why we're making this circulation change. If someone could answer that, then I'd have a few comments. Perhaps...I see Senator DeAngelis is...is hopping at the bit.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

I...recall is now coming. We changed the requirements that it...the advertisement be published five days prior to the established date for the opening of the bids. A lot of those smaller newspapers are only published once a week and...and, therefore, would not, in fact, qualify. But let me point out, there was nothing in the bill to begin with that ever guaranteed that those newspapers would ever get it anyhow. I mean, it doesn't say they had to be under twenty thousand before.

PRESIDENT:

Senator Bloom.

SENATOR ELOOM:

Well, that may be the effect, and I don't want to prolong this, but, you know, that...that may be the intent, but the effect is to preclude many newspapers around the State from

the opportunity to bid. Now, I personally don't think it's fair either even though, obviously, my community would benefit.

PRESIDENT:

Any further discussion? Further discussion? Senator DeAngelis may close.

SENATOR DeANGELIS:

Yeah, thank you, Mr. President. I think we've discussed this bill. If...if they so choose, there was a committee amendment put on in the Senate that included school districts. We can make some effort in Conference Committee to clear up that point on twenty thousand circulation. I have no favorite newspapers.

PRESIDENT:

The question is, shall House Bill 503 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 19, the Nays are 33, 1 voting Present. House Bill 503 having failed to receive the required constitutional majority is declared lost. 504, Senator DeAngelis. On the Order of House Bills 3rd Reading is House Bill 504. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 504.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Why don't I just hold 504 and 505.

PRESIDENT:

Okay. 507, Senator Joyce. On the Order of House Bills 3rd Reading is House Bill 507. Read the bill, Mr. Secretary.

Yes, I'm sorry, take 504 out of the record, Mr. Secretary, at the request of the sponsor. On the Order of House Bills 3rd Reading, House Bill 507. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 507.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. What this bill does is...is put labor organizations in the Bingo License and Tax Act, because two years ago this General Assembly changed that and says that it is an organization of members. Well, what happened, there are a couple of labor temples in the State of Illinois, one is in Kankakee and one is in Granite City, and I guess they are the only ones that had bingo and then were prohibited from doing it because this isn't...says in the bill it's an organization of members, and they want it changed back to organization of organizations so that these labor temples can have bingo. There are only two.

PRESIDENT:

Any discussion? Senator Becker.

SENATOR BECKER:

Thank you, Mr. President and members of the Senate. I rise in opposition to this bill. Bingo was originally set up to help the needy not the greedy. If we look at the International Brotherhood of Electrical Workers today, of which I was part of for twenty-five years, they have millions upon millions of dollars in the treasury. If we look at the teamsters, there is no difference; the carpenters, the bricklayers, all the way on down the line. Bingo was originally set up to help the Catholic schools to keep the schools open in the State of Illinois. If we're going to let

other organizations in this State to start taking over bingo and the organizations that really need it, I think we're doing an injustice to the needy organizations in this State of Illinois. I rise in opposition to this bill. Let's give it to the people who need it, not the ones who have it.

PRESIDENT:

Further discussion? Any further discussion? Senator Joyce may close.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. The labor unions already have bingo. This is just for...the only change is would...would let them hold it in a labor temple...and that is an organization of the organizations of the different labor unions, that's the only thing we're changing. So, there would only be two of them, one in Granite City and...and one in Kankakee. When we changed the law, I don't...no one knew that these...these two were...temples were going to get caught up in this. So, I would ask for a favorable vote.

PRESIDENT:

The question is, shall House Bill 507 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 48, the Nays are 7, none voting Present. Senate Bill 507 having received the required constitutional majority is declared passed. 512, Senator Jones. On the Order of House Bills 3rd Reading, the middle of Page 10, is House Bill 512. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 512.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and members of the Senate. House Bill 512 makes grants and aid to community clinics and agencies for mental health, retardation, mental developmental disabilities. The grant and aid covers persons of all ages including children and...adolescents. And I ask for a favorable vote.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 512 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 512 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 514. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 514.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 514 in its original form broadened the investment authority of the board of trustees of the pension funds to invest up to ten percent of the fund into not currently enumerated listings, provided that such investments comply with the prudent person rule. Amendment No. 1 to the bill, which was an amendment by Cook County, allowed pension coverage to start on the employment date, and a thirty-day provision for pension withdrawal payment, and an increase of

ten percent to widows which was capped at...not to exceed five hundred dollars a month. Amendment No. 2 was the amendment to allow the same pension benefits to the deputy sheriffs as to other pension systems, and at the time that the amendment was being adopted Senator Keats pointed out through our discussion that it did not include the holiday court bailiffs, this was just for the bailiffs that had their time. I know of no opposition to the bills, if not, I would ask for your...favorable consideration.

PRESIDENT:

Any discussion? Senator Eruce.

SENATOR BRUCE:

Yes. Are any of the State-funded pension plans, namely, the downstate teachers or State employees included in this legislation?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

No, they are not.

PRESIDENT:

The question is, shall House Bill 514 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 56, the Nays are 1, none voting Present. House Bill 514 having received the required constitutional majority is declared passed. 516, Senator Marovitz. On the Order of House Bills 3rd Reading is House Bill 516. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 516.

(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. House Bill 516 was recommended by the Committee on Adoption of the Chicago Bar Association, and it is in a response to a July 1980 case ruling the current adoption law, a section of it, is in violation of the Fourteenth Amendment of the United States Constitution. One of those section provides that a person who has been adjudicated mentally retarded or in need of mental treatment is automatically presumed unfit to consent to the adoption of a child and that a guardian ad litem may be appointed to execute any consent. And the Appellate Court in the Fifth District held that the right of a retarded parent to raise a family is a constitutional protected right. Although an adjudication that a parent is mentally retarded may not in and of itself render that parent unfit to permit adoption of that parent's child, evidence of such adjudication may be considered along with all other pertinent evidence bearing upon the parent's fitness to...to...to have a child and to...to care for a child. This bill includes the inability to discharge parental responsibilities due to mental illness within the definition of grounds for finding a person unfit to have a child and requires a determination of inability to...charge parental responsibilities be supported by a psychiatrist. I would ask for the adoption of this bill.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 516 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 52, the Nays are 2, none voting Present. House Bill 516 having received the required constitutional majority is



declared passed. On the Order of House Bills 3rd Reading is  
House Bill 520. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 520.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate.  
House Bill 520 provides, as was pointed out, the school  
boards to allow a time for parents and teachers to present  
their arguments and to ask questions at the regular and spe-  
cial school board meetings. And if any of you have attended  
any of these meetings, you'll find out that there's a great  
deal of flustration on the part of the parents and the part  
of teachers, and certainly even the board members themself  
that they don't have this prerogative. This bill passed the  
House by a 104 to 0 votes, and I would ask for your support.

PRESIDENT:

Any discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT:

Indicates he will yield, Senator Fawell.

SENATOR FAWELL:

I have no objection to your bill, but I'm just wondering  
how come the Chicago School Board was excluded again?

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Yes, Senator Berman pointed out to me that they're...that  
they're in there now.

HB 520  
3rd Reading

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall House Bill 520 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 59, the Nays are none, none voting Present. House Bill 520 having received the required constitutional majority is declared passed. 522, Senator Bloom. 522, bottom of Page 10. On the Order of House Bills 3rd Reading is House Bill 522. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 522.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. What House Bill 522 does, it's a property transfer bill, and it's the culmination of some litigation between the City of Galesburg and the Department of Mental Health involving fire protection. This is part of the court agreed settlement...the stipulation and settlement whereby the city would provide fire protection services and in turn the State would convey the land in question to the city and lease to the city a swimming pool facility for ninety-nine years. Basically, this bill provides that the pool facility will be conveyed to rather than lease the city. And it's been approved by the court, and I'll answer any questions; otherwise, I ask for a favorable roll call.

PRESIDENT:

Any discussion? Senator Bigney.

SENATOR BIGNEY:

Question of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator Rigney.

SENATOR RIGNEY:

I want to know a little more about this transfer because on down the Calendar a short distance I have some legislation somewhat similar to yours. First of all, do I understand that this is...you...you are actually giving it over in...in fee simple title, is that it, there's no lease arrangement?

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

Yep.

PRESIDENT:

Senator Rigney.

SENATOR RIGNEY:

Is there any monetary consideration?

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

The...you mean is there an actual transfer of dollars? No, this is to settle a lawsuit. Might I add, a very acrimonious lawsuit. The conditions surrounding the transfer of the acreage are that the City of Galesburg shall continue to furnish fire protection to Galesburg Mental Health Center. I imagine that costs them some money. That the land transferred will be used for general governmental purposes, and that a specified section of the land shall be improved by the city, and it will be called Carl Sandburg Drive, and that the swimming pool facility that is on the land will be maintained by the city and open to the public for not less than twenty hours a week during swimming season. Basically, this is in compromise of litigation. Is there actual dollars changing...changing hands? No, I think not. But in terms of

money's worth, it's pretty obvious that the city is...is going to be expending money for the use of the land.

PRESIDENT:

Senator Rigney.

SENATOR RIGNEY:

In the event that the city would not use it for that purpose is there any type of reverter clause?

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

Yes. I...when I...you said fee simply, absolute, there is indeed a reverter clause. If the conditions that I've outlined are not met, the State has a right to take possession. I suppose the right of reverter or...

PRESIDENT:

Senator Rigney.

SENATOR RIGNEY:

Okay. One closing comment. I'm going to support your legislation. Apparently, there has been a little problem as...not only in the case that I'm involved with but the one you're involved with and perhaps some others in the State as to how the Department of Mental Health goes about transferring some of these properties to various cities, municipal governments and other special interest groups. The only thing I'd say, it's...it's apparent that their...something...policy, perhaps, needs to be developed, but it seems like as far as this year is concerned we're going to have to address these on a one-by-one basis.

PRESIDENT:

Further discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Will the sponsor yield for a question?

PRESIDENT:

Indicates he will yield, Senator Sangmeister.

SENATOR SANGMEISTER:

Did you have anything to do with the...the negotiation of this court order?

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

Absolutely not.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

The question that occurs to me is, how does the court order the State of Illinois to do something? I mean, how is this...this order put together that we...is the...the court ordering us to make this conveyance?

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

No, George. The City of Galesburg was made a defendant in a lawsuit filed by the Department of Mental Health on behalf of Galesburg Mental Health Center. It was the...the climax, if you will, of a difference of...between the city and the Department of Mental Health about fire protection, okay? No, you asked; I'm giving you the answer. No, they're not ordering it to. So, extensive discovery...it's easy for you to laugh, George...extensive discovery and all that, and finally, they agreed to...they...they entered into a settlement stipulation. The end result of all litigation, hopefully, is to end it soon. Then it's presented to the court, the stipulation and agreement by the parties, and the court enters an order saying, et cetera, et cetera. That's how this transpired, and it was completed, I gather, in the fall of '82 long before I actually undertook the duties of representing the City of Galesburg, which is a thrill.

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Sangmeister. I called on him. I...I...I announced you.

SENATOR SANGMEISTER:

Okay, I didn't hear you. Well, then what you're saying before God and all the Senators here altogether that you really think it's a fair deal, that for a few possible ambulance calls or a few possible fire calls we should turn over a swimming pool and twenty-eight acres, is that what you consider to be a fair deal, Senator?

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Bloom.

SENATOR BLOOM:

A fair exchange is no robbery. I...I would...you know, this is not...this is not unprecedented. I...I think if you...you can discuss a land transfer with your seatmate.

PRESIDING OFFICER: (SENATOR JOHNS)

(Machine cutoff)...Egan, you wish to be recognized.

SENATOR EGAN:

Yes, I do, that's why I put my light on, Mr. President. Thank you, and...

PRESIDING OFFICER: (SENATOR JOHNS)

Well, I...I don't know, you were so...

SENATOR EGAN:

...but I share with Senator Rigney's question, Senator Bloom, and...and in support of the bill, I would further say that there is some confusion. Both Senator Rigney and myself are confused as to why the Department of Mental Health conveys land in fee simply one time and ninety-nine year lease in another. I still don't have the answer and until I get the answer I'm going to...I'm going to keep asking. In your case, Senator Bloom, I agree that there was some stimulus other than the internal workings of the department to come to this conclusion, that's why I supported it in committee and that's why I support it today. But, Senator Rigney, if we

HB 539  
2nd Reading

could get Senator Bloom and Senator Sangmeister to keep asking our question of the department, I'd appreciate it.

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Bloom, you wish to close?

SENATOR BLOOM:

Roll call, please.

PRESIDING OFFICER: (SENATOR JOHNS)

On that question is, shall House Bill 522 pass. All those in favor vote Aye. All those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, those voting Present 0. Having received the required constitutional majority the...House Bill 522 is declared passed. House Bill 539, Senator Rock. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 539.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 539 is an amendment to the Criminal Code, and it creates a revised crime of child pornography. As I'm sure we have all received a report to the General Assembly that was delivered in April from the Legislative Investigating Commission. As I'm sure you're aware, having read this report, there was a recent Supreme Court case that said essentially that child pornography is not entitled to first amendment protections in terms of obscenities. So, what we are doing is revising the law to reflect that lowered standard of proof with respect to the crime of child pornography. One need not prove that it's obscene, per se. That...that

HB 539A  
3rd Reading

is...the Supreme Court has said we needn't do that. It is all contained here in this report. There is no other substantial change. I know of no opposition, and I urge a favorable vote on House Bill 539.

PRESIDING OFFICER: (SENATOR JOHNS)

Thank you. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill arose from the Illinois Legislative Investigating Commission. The case of the Supreme Court was the New York versus Ferbert case. It was settled in 1982, which stated very emphatically that it is child abuse to allow the Miller standards to apply...to the children who are abused so badly. So, I...certainly speak in favor of the bill and urge its support.

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Rock, do you wish to close, sir? Roll call?

SENATOR ROCK:

Roll call, yes.

PRESIDING OFFICER: (SENATOR JOHNS)

The question is, shall House Bill 539 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, no Nays. The vote...the bill having received the...required constitutional majority is declared passed. House Bill 544, Senator Berman...read the bill, Mr...

SECRETARY:

House...excuse me. House Bill 544.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR JOHNS)

...Senator Berman.

SENATOR BERMAN:



Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 544 addresses a inequity that has...revolved in the Marriage and Dissolution Act regarding the nature of marital and nonmarital property. The problem that is addressed in this bill is what has been termed in the courts as transmutation, when you have nonmarital property which belongs to one of the spouses and there is a contribution by the other spouse, either in the form of services or financial contribution, and the question is whether that nonmarital property then becomes marital property. This bill determines that the nonmarital status of the property will remain as nonmarital but provides for a process of reimbursement for the contributions by the other spouse. Be glad to respond to any questions, and ask your favorable vote.

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Bloom is recognized.

SENATOR BLOOM:

Sponsor yield?

PRESIDING OFFICER: (SENATOR JOHNS)

Sponsor indicates he will yield.

SENATOR BLOOM:

What affect would this have on pending litigation?

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Berman.

SENATOR BLOOM:

In other words, the lawsuit is filed...will be filed before the effective date of this Act, but the property settlement will not be effected until after the effective date?

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Berman.

SENATOR BERMAN:

Section 2 of the bill says as follows: "This Act takes effect upon its becoming a law and applies to any actions for dissolution of marriage filed prior to and pending on the

effective date of this Amendatory Act, and to...and to actions filed on or after its effective date."

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Bloom.

SENATOR BLOOM:

There have been some appellate decisions that indicate that if any nonmarital property is used in...in some fashion that can be connected, howsoever tenuously, to the marriage that it will be deemed comingled. For the record, could you state how this changes that? I know you explained the bill, but will that give those spouses that have...nonmarital property a fighting chance? That was two questions, really. Sorry, Art.

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Bloom. Senator Berman.

SENATOR BERMAN:

Thank you. The...the bill sets up a system of reimbursement. When one spouse contributes marital or employment income that was gathered or gained during the marriage to nonmarital property, and that can be a contribution of either financial or services, personal efforts, the contributing estate or spouse is to be reimbursed from the receiving estate, notwithstanding the determination as to whether there is transmutation or no transmutation. What the bill further provides is that there is no right of reimbursement when the contribution is not traceable by clear and convincing evidence or the contribution was a gift; or thirdly, in the case of a contribution of personal efforts unless the effort was significant and results in substantial appreciation of the marital property. The purpose is not to allow a nominal or minor contribution of marital effort to create...to transfer a nonmarital asset into a marital asset.

PRESIDING OFFICER: (SENATOR JOHNS)

Concluded? Senator Bloom.

SENATOR BLOOM:

In other...so, in other words, if you reimburse your spouse with those funds that might arguably have been maritable...marital that had been expended on nonmarital property, you may keep the nonmarital property. In...in...in other words, that is what you're saying, is that correct?

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Bloom...I mean, Senator Eerman.

SENATOR BERMAN:

That's correct. Of course, all of this would be done not so much by the parties but under the court decree, the court would condone what you've just explained.

PRESIDING OFFICER: (SENATOR JOHNS)

Seem to be concluded. Senator Eerman, do you wish to close, please? Oh, Senator Bloom's bill...no, it's your bill, Senator Eerman. Alright. Senator Schuneman.

SENATOR SCHUNEMAN:

Yeah, can a nonlawyer ask a question on this?

PRESIDING OFFICER: (SENATOR JOHNS)

The lawyer indicates he'll yield.

SENATOR SCHUNEMAN:

Oh, I'm sorry, I apologize.

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Schuneman.

SENATOR SCHUNEMAN:

In looking at the synopsis, Senator Eerman, I'm curious what affect this bill might have, if any, on the situation where one or the other spouse receives property by bequest and there is later...for example, an inheritance, and there is a later divorce. What affect, if any, does this have on the distribution of that marital property?

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Eerman.

SENATOR BERMAN:

That's a good question for a nonlawyer. The...that's what the purpose of this bill is, and I appreciate the question. What we're saying is that if...if...if you inherit a parcel of property and during the time that you are married that parcel of property is improved by your spouse by, for example, she out of a joint account pays ten percent of the mortgage payments. At the time of your divorce, you add up what those ten percent contributions could be, and out of that marital property or in the divorce decree you would have to pay her back her contribution towards it, but the bequest, which was to you, would still be your nonmarital property.

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Schuneman.

SENATOR SCHUNEMAN:

That's a good answer for a lawyer. Thank you.

PRESIDING OFFICER: (SENATOR JOHNS)

Thank you. Senator Berman...wait a minute. Senator Geo-Karis.

SENATOR GEO-KARIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR JOHNS)

He'll yield.

SENATOR GEO-KARIS:

Supposing a fellow has a rooming house before he gets married, and then he marries a girl and then she ends up cleaning up the rooming house regularly but it's still non-marital property; and supposing there's a divorce, will she be able to...get a contribution back for her efforts in doing all the cleaning up and maintaining that property?

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Berman.

SENATOR BERMAN:

The answer is, yes. And that is addressed in the...in what we...what the bill calls the personal effort. Personal

HB 546  
3rd Reading

effort by either spouse is considered marital. That would be considered in the reimbursement provisions.

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I speak in favor of the bill because this has been a very touchy situation. There have been cases going back and forth on it at the various courts. I do think it's the responsibility of the Legislature to straighten it out once and for all. If it's nonmarital property, it's nonmarital property, but if there is contributions and certainly the contributions should be reimbursed to the other party if there is a divorce. I think it's a good bill.

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Berman, will you wish to close, sir?

SENATOR BERMAN:

Roll call.

PRESIDING OFFICER: (SENATOR JOHNS)

Roll call. On that question, the Ayes...on that question...is, shall House Bill 544 pass. All those in favor vote Aye. All those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the...the Nays are none. The vote...the bill having received the constitutional majority is declared passed. House Bill 546, Senator Egan. He wishes the bill read, Mr. Secretary.

SECRETARY:

House Bill 546.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. The...the Calendar is absolutely correct in its explanation of the bill. It's really nothing more than that. There are in the Police Training Board budget two million nine hundred and seventy thousand dollars from the Traffic and Criminal Conviction Surcharge Fund in Fiscal Year 1984 to pay for the in-service training programs desired here so that they can augment the Intergovernmental Law Enforcement Officers In-service Training Program. And I know of no opposition. This is a result of a mix-up in bills in the last Session that they can't spend the money. So, this is the request for that authority, and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR JOHNS)

No further discussion? Roll call. The question is, shall House Bill 546 pass. All those in favor vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays none. The bill having received the constitutional majority is declared passed. Senator Lemke, 548. Move it. Mr. Secretary, read the bill, please.

SECRETARY:

House Bill 548.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Lemke.

SENATOR LEMKE:

What this bill does is amends the Torrens Act to establish a procedure for withdrawing of lands from the Torrens system and also the adding of land to the Torrens system. Last time we passed the bill to allow people not to put their property in...I mean, prohibiting them to and...which caused a conflict. The Bar Association, the Register of Titles, the

various condominium associations and the realtors and the title companies have agreed and came up with this bill as a system of putting land in and taking land out of the Torrens system to make it easier for an average citizen. The system is only in Cook County at the present time. I ask for its adoption.

PRESIDING OFFICER: (SENATOR JOHNS)

Any further discussion? Senator Lemke moves the...the...the...the question is, shall House Bill 548 pass. All those in favor vote Aye. All those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, the Ayes are 57, the Nays none. House Bill 548 having received the constitutional majority is declared passed. Senator Vadalabene, 552. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 552.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. House Bill 552 amends the Liquor Control Act. Under the current law licensees must furnish books and records upon request by the Liquor Control Commission. Many times such records are not maintained on the premises. If the commission makes a surprise inspection and the books are not on the premises, the owner is in violation of the Act. House Bill 552 rectified this situation requiring the commission to give reasonable notice prior to examining the books, specifying that the books must be maintained within the State. The Liquor Control Commission supports this legislation.

PRESIDING OFFICER: (SENATOR JOHNS)

Any further discussion? Otherwise, Senator Vadalabene moves the...I mean, the question is, shall...House Bill 552 pass. All those in favor vote Aye. All those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, the Ayes are 57, the Nays none. House Bill 552 is declared passed having received the constitutional majority. Senator Vadalabene, 555. Yes, Mr. Secretary, read the...

SECRETARY:

House Bill 555.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. This bill provides that the State Fire Marshal may assign any organized fire department of any unit of local government to provide fire protection coverage to an unprotected area. Any person requesting fire protection service shall pay the unit of local government an amount equal to the tax levied by a local government for fire protection. And I would move for a favorable vote.

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, I don't...as I remember this bill, it does not quite do what I understood you to say...it seems to me that, as this bill was considered in committee, what it does is require that the Fire Marshal investigate the possibility of assigning and arranging fire protection coverage for those people who are in unprotected areas now. And...I'm particularly concerned about the State Fire Marshal mandating something. I don't believe that that's permitted is it in your



bill?

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Vadalabene, did you get the question? I'm not sure he did, Senator Schuneman, be prepared to ask him one more time.

SENATOR VADALABENE:

Senator Schuneman, would you repeat the question...

PRESIDING OFFICER: (SENATOR JOHNS)

Repeat the question, please.

SENATOR VADALABENE:

...and maybe make it a little more specific.

SENATOR SCHUNEMAN:

Yes. Does the bill mandate that a fire protection district arrange fire protection coverage if the State Fire Marshal says they have to do it?

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Vadalabene.

SENATOR VADALABENE:

That is correct.

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, that isn't the way I understood the bill in committee. And I...I would simply suggest that...that perhaps there are areas of the State where the citizens who are unprotected now may be in that situation because of some choice they've made in the past where they've refused to come into districts where they didn't want to pay the taxes. And I suggest that it probably isn't a good idea to allow the Fire Marshal to simply move in and settle those...local arguments by...by some kind of mandate, and I really question whether the bill does that or not, Senator, but that was your description and that's why I asked the question.

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Vadalabene, is your mike working? Yeah, okay.

SENATOR VADALABENE:

Yes...yes, I also said that for them to receive those services they have to pay for it.

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Schuneman, do you have any further questions? Any further discussion? On that the question is, shall House Bill 555 pass. All those in favor vote Aye. All those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On that question...take the record, Mr. Secretary. On that question, the Ayes are 57, the Nays none. House Bill 555 having received the constitutional majority is declared passed. 556, Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill...or, House Bill 556.

(Secretary reads title of bill)

3rd reading of the Bill.

PRESIDING OFFICER: (SENATOR JOHNS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. House Bill 556 amends the State Finance Act. It redefines travel to include the travel expenses of commission members and also adds legal services as a...as a new line item. The Comptroller had ruled that the travel expenses of commissions' public members must be paid from the Contractual Services line item. This bill will allow those expenses to be paid from the Travel item...Travel line, also.

PRESIDING OFFICER: (SENATOR JOHNS)

You've heard Senator Maitland's explanation. Is there any further discussion? Then the question is, shall House Bill 556 pass. All those in favor vote Aye. All those opposed vote Nay. The...voting is open. Have all voted who

wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays none. House Bill 556 having received the constitutional majority is declared passed. Senator Maitland, 558. Yes. Read the bill, Mr. Secretary.

END OF REEL

REEL #8

SECRETARY:

House Bill 558.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. House Bill 558 amends the Vehicle Code and the Mobile Home Local Services Tax Act to provide that for those mobile homes subject to the local service tax an application for transfer of title must be accompanied by certification from the county treasurer that all tax owing on that vehicle or trailer have been paid. It further additionally provides that if privilege taxes on a mobile home remain unpaid within a six-month period after a lien has been filed, civil action may be instituted by the collector for the amount of the tax plus interest, penalties and cost. We also placed an amendment on in the Senate to provide proof to the transferee of payment of all taxes pursuant to the Mobile Home Local Services...Tax Act. As you might recall, that was a...that was an amendment that was suggested by the Secretary of State's Office.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall House Bill 558 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 56, the Nays are none, none voting Present. House Bill 558 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House

HB 561  
3rd Reading

Bill 561. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 561.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, House Bill 561 requires the State and all units of local government to purchase and lease products manufactured or produced in the United States unless the price differential between foreign and domestic products is greater than fifteen percent, products made in the United States which are not available in sufficient quantities or the purchase is less than five hundred dollars. And it was also...the amendment requires that construction contracts should be the duty of the architect and engineer to...identify the products which may be used in accordance with this Act. Ladies and Gentlemen, this is basically a buy American bill and we're asking for your support. Open for any questions.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 561 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 52, the Nays are 1, none voting Present. House Bill 561 having received the required constitutional majority is declared passed. Senator Rupp, on 562. On the Order of House Bills 3rd Reading is House Bill 562. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 562.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. This amends the Fireworks Regulation Act and an Act in relation to fireworks. It removes from the definition of fireworks and permits the sale and use of smoke pellets, smoke devices, certain little trick noise makers and permits the sale and use of sparklers. I ask for a favorable roll call.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 562 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 3, none voting Present. House Bill 562 having received the required constitutional majority is declared passed. Senator Vadalabene, on 571. On the Order of House Bills 3rd Reading, the bottom of Page 11, is House Bill 571. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 571.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. House Bill 571 is a product of the Transportation and Motor Vehicle Laws Commission. This bill will authorize two-section, articulated vehicles up to sixty feet in length of operating for local, public transportation service or if

operated by a public body authorized to provide such service.

And I ask for a favorable vote.

PRESIDENT:

Any...any discussion? If not, the question is, shall House Bill...I beg your pardon, Senator Netsch.

SENATOR NETSCH:

Could I just have some clarification, Senator Vadalabene? Did you say this authorizes this length only for publically operated vehicles?

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

The...this...does this mean then that it relates to such things as the so-called articulated buses, but it does not authorize trucks or private vehicles or anything else of that sort?

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

You're absolutely right.

PRESIDENT:

The question is, shall House Bill 571 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 59, the Nays are none, none voting Present. House Bill 571 having received the required constitutional majority is declared passed. Senator Schuneman, for what purpose do you arise?

SENATOR SCHUNEMAN:

7/10/573  
2nd Reading

Point of personal privilege.

PRESIDENT:

Yes, sir, state your point.

SENATOR SCHUNEMAN:

I was temporarily called away from my desk, Mr. President, and had I been at my desk, I would have voted Yes on House Bill 561 and House Bill 562, and I'd like the record to reflect that.

PRESIDENT:

The record will so reflect. On the top of Page 12, House Bill 573. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 573.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and members of the Senate. This is the bill that would allow the use of lasix in the State of Illinois on horses that have been identified as bleeders. We amended the bill on 2nd reading to meet those objections registered by the Racing Board in committee. That was the...detention barns...the bleeders must be assigned to a...a detention barn at least four hours prior to the post time. They'll be under the supervision of the State Veterinarian. And the dosages required at a dose level of 250cc, or such other additional dose...dosage as might be permitted by the Racing Board, thus giving them the permission to set that dosage. I don't know of any objections other than some members of the Racing Board who don't want us meddling into their turf, so to speak; but if anyone has any questions, I'll try to answer them for you.

PRESIDENT:



Any discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. The thoroughbred horsemen are merely asking for the controlled use of lasix for established bleeders as it is permitted in thirteen other states. And as you well know, this year for the first time Churchill Downs Race Track in Louisville, Kentucky was granted summer racing dates in direct competition with racing in our State. The controlled use of lasix is extremely essential to an established bleeder, and any further foot-dragging on the matter could serve...no good purpose, so I urge you to support House Bill 573.

PRESIDENT:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Well, thank you, Mr. President...members of the Senate. I just want to bring to this Body's attention that there has been some comments in reference to use of lasix not only by Channel 5 which is opposed to this bill, WGN Editorial opposed to this bill, Walter Jacobsen in perspective opposed to this bill, WBBM News Radio 78. Now, many of you are probably in the same position as I am as far as exactly what does lasix do for the animals and whether it's a protection for the racing thoroughbreds in this State or in this country, or whether it can be possibly used as a drug which will mask other drugs in the use...on the use of an animal. And I believe that possibly the best article that I read appeared in the Chicago Tribune by the author, John Hussar, and this is, if lasix gets okayed, racing faces a 'Rayo. Each and every one of us received the same packet of information from the Racing Board, and I'm sure you probably read it as I did. And many...maybe you are more familiar with lasix than I am. But my family physician asked me about this bill. And I really told him I didn't have a predetermined approval or

disapproval on the bill; I was going to listen to the facts, because I really didn't have that much knowledge about lasix nor about thoroughbred racing. But based upon the information that I've received and that I've read, I believe that there's some serious questions upon the use of lasix in...on thoroughbreds, especially from the masking standpoint. And I specifically brought this to the attention of the sponsor, and he assured me there was a gentleman within the board who has studied this for two years and said that is not a problem. But I just want to point out to you, in the editorial on Channel 5 it says, "Two years ago after a lengthy study, our Illinois Racing Board voted unanimously to ban lasix for one big reason, it can mask or hide the presence of other illegal drugs in the horse's bloodstream." And that's something which we simply can't tolerate or be allowable, and for that reason I'm standing in opposition to this bill. I wanted to bring it to your attention as well. Thank you.

PRESIDENT:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, Mr. President. I, too, did not know anything about this drug, and I made some inquiries of a veterinarian who I completely trust, Doctor Paul Arndt who is known by a number of you, who then called up what he considered the best horse doctor in the State. This is the gentleman who takes care of all Paul Butler's polo ponies, he is renowned throughout the world for making a sling so that horses will not have to be shot if they broke their legs, et cetera. This veterinarian said there is absolutely nothing wrong with this drug. It is a diuretic...excuse me...that what it does is it pulls off the fluid from the lungs, that it is a good drug, it will prevent injuries to the horse and, therefore, I would suggest that we vote Yes.

PRESIDENT:

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I had someone approach me this morning to say that there had been an agreement on this bill. However, on checking I found that the agreement which was presumed to be between the board and the proponents of the bill that there was not...no such agreement, that the board has voted 6-1 in opposition to introduction of this...of this drug. I think the thing that many of us have to keep in mind is that we're talking about an industry that operates sort of on the razor's edge, and all it takes is a minor scandal to ruin the entire...industry for the State. I'm not one who attends horse races regularly, I do like them from time to time. It's a wonderful sport, it's very aesthetic. But we have had some problems in this industry within the last two or three years in this State and we don't need any additional problems. It seems to me that the proper thing to be done in this instance is to send this bill back into some kind of an interim period so there can be some clear-cut regulations, some clear-cut understanding within this body and within the general public as to just what this does and does not do; and until such time, I would just be opposed to the bill and would hope that it would be withdrawn.

PRESIDENT:

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

...you...thank you, Mr. President. This bill came before the Senate Insurance Committee and there were two witnesses that appeared in opposition to the bill; one was Joe Kelman who's on the Racing Board, and the other was Charles Schmidt who is the chairman of the Racing Board. Joe Kelman was diametrically opposed to the bill. But I read an article in the newspaper that Charles Schmidt was on Channel 2, and in the interview he indicated that masking of latex was no

longer a problem, that they have discovered a method so they can determine if...if there are any other drugs that have been given to the horse as well as latex...lasix, I'm sorry, lasix. And I asked...I asked the chairman if, in fact, that was true, and he indicated to me that, yes, it was. That we have solved the masking problem, and masking is no longer a problem in Illinois. And the chairman sat before me in opposition and said, "If you amend the bill to do three things, I will withdraw my opposition to the bill. One, have a detention center where the horse would be given the drug. Two, have the drug administered four hours before the race. Three, have the dosage regulated and administered by the State, by a State Veterinarian." And I said, "Will you agree to do that?" And the sponsor, Senator Weaver, said "I agree to do that." And we put that in an amendment to this bill, and that's the bill you have before you. So, the chairman of the Racing Board is no longer in opposition to this bill, and I don't think anybody else should be because masking is no longer a problem.

PRESIDENT:

Further discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I don't know what the fuss is about lasix. Lasix is a very common pharmaceutical available in all drug stores by prescription. It's a diuretic, as was mentioned before. There's really no problem with it. It's a very popular diuretic, many individuals take it. I see no problem with this legislation, and I...thirteen other states have it. I see no problem for Illinois and I would...urge a Yes vote.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Thank you, Mr. President. Let me go on record as being

the one that went to Senator Newhouse and explained to him that I had been told that the opposition had been withdrawn on this bill simply because the amendments that the board had required in our committee hearing had been attached to this bill. We did it exactly as the two board members indicated they wanted, Mr. Kelman and Mr. Schmidt. Now, some people can oppose things simply because they oppose them. But I made the statement on...in the committee hearing and got an agreement from the sponsor that until these amendments that they had requested were, in fact, a part of this bill, that I would oppose it on the Floor of the Senate. I have been shown the amendments, they are exactly as the two board members offered. There should not be any opposition from the Board of Racing Commissioners. They aren't as holy as they pretend to be no way. I recall a few years ago when the board unanimously agreed to prevent the Clover Leaf Racing Track Organization from additional days, and all of us, all of the black legislators met with the board, and until today, the board has not acquiesced in good faith. So, I'm not down here to protect the God damned board because the board, the Racing Board, is not a friend "to racing." Now, I saw that program on television, on Channel 2, Newsmaker. Mr. Kelman said the three things that he wanted on this bill, and if those things were incorporated in the bill, then he would not oppose it. They are incorporated, Mr. President, and I heard it from his mouth. We have in this bill a State Veterinarian that will administer this drug. We've heard the good parts about what lasix does to a horse, and we've heard it from some experts, and certainly they have indicated that it is not harmful, it's just a medication to prevent the bleeding of a racehorse. And for us to set around here attempting to protect the board when the board was in on the hearing, they had the input on the amendment; we have lived up to our agreement, and let me emphasize, those amendments are a part

of this bill, and anybody who believe they aren't may look at the bill. Now, we can't play patsy for somebody who meets once in awhile and discuss things not significant to this bill. We are about trying to do what industry wants and what the government agency wants and to try to meet a happy medium. Now, they had that opportunity, they agreed to these amendments, the amendments are on the bill, and I think we should support it.

PRESIDENT:

Further discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I checked into this a little bit too, and what...what happens to a horse that needs to take lasix is that fluid builds up in some horses in their lungs and breaks the blood vessels, and this lasix is a diuretic. Now, it is true, they can detect whether or not this horse is taking other drugs, but it is a very expensive process. I believe it's Michigan has a machine that will do this, test the urine, and they can tell. But, as I said before, it is very expensive, and I'm not just sure who is going to...to pay that cost. Another thing that...that is a little disconcerting about this is that it is inherited. You know, if a horse...they think it's a genetic thing. If a horse is a...a bleeder, then their offspring tend to be bleeders. I'm not sure that we want to promote horses that have to take a drug to be able to race in this State. That is the thing that disturbs me the most about this. So, I think that it can be detected, but it is very expensive and it is a process that I'm not sure we want to get into. And also the inherited problem is one that I think our breeders in Illinois should try and...and do without. So, for that reason, I am going to vote No on this bill.

PRESIDENT:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President and members of the Senate. I'm not rising in...in support or opposition to the bill; I just want to clarify something, because I know one of the members on the Racing Board, Joe Kelman and I saw that Newsmaker show too and I just want to clarify one thing. If you check the tape of that show, you will find that Mr. Kelman at no time said that if three things were on that bill he would not oppose legalizing lasix in Illinois. I know that Mr. Schmidt said that, that is true, but Mr. Kelman did not. I want to correct the record, and I'm not here to speak for or against the bill.

PRESIDENT:

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

I'd like to ask the sponsor a question, please.

PRESIDENT:

Indicates he'll yield, Senator Macdonald.

SENATOR MACDONALD:

In the testimony of the Racing Board and Racing Board members before your committee, did they discuss the bills...or the systems that are used in other states, and did they not tell you that there is a limitation as to how often a thoroughbred racing horse can be given lasix in some states that there are some restrictions?

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Well, Senator, this bill is modelled after the California bill. I don't know whether...they did not make any claim as to how often this might be given. I'm not even sure how often they race the horses. But thirty to forty percent of the horses are bleeders, known bleeders. Now, to suggest that we go out and shoot thirty or forty percent of the race

horses in the State...in the country is ridiculous. We've left it open to the Racing Board to make certain restrictions as to the use or the...the amount of lasix given and to control those things. I just don't know how to answer your question for sure.

PRESIDENT:

Senator Macdonald.

SENATOR MACDONALD:

It is my understanding, and I am no expert, although Arlington Park is within the corporate limits of Arlington Heights, and I am very disturbed that Arlington Park has lost a million dollars in the last year; and I...I am interested in seeing racing legal and viable and improved in Illinois, but I in no way want to vote on any bill where there is even any question that either it will be very damaging and dangerous to the horses or that we will in some way, as Senator Newhouse says, be on the razor's edge of at least making it possible to inject into Illinois racing an even more dangerous kind of influence, and, therefore, I am confused, and I had hoped that maybe members of the Racing Board would have clarified thoroughly what is done in those thirteen other states. And it is my understanding that there...in some of those states, and I do not know which ones, that there are some...there are limitations.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Briefly, Mr. President and Ladies and Gentlemen of the Senate, I think we've got to keep in mind that since we've heard all the safeguards, and certainly Senator Watson, who's a druggist told us about lasix. I have mixed emotions, I don't even care to go to horse races, but I do feel it does mean jobs here and I don't want them leaving Illinois. I speak in favor of the bill.



PRESIDENT:

Any further discussion? Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I...I arise to speak twice only because I think that the record ought to be clear on...several things. Number one, the...the sequence of these was...was this: there was a meeting held on this matter, there were amendments proposed to this bill; and as I understand it from two members of the board, that in spite of the amendments that there was a 6 to 1 vote by the board in opposition to the bill. Now, I don't...you know, if we...if we decided we don't need a board, I think we ought to abolish it. But on the other hand, if the board says something, it seems to me that some credence ought to be placed in it. And I simply want to set the record straight on that score. Now, you know, what the time sequences were, I think, is important. And from the time sequence as I understand it from conversations held today with two members of the Racing Board, the board was...was...was not split, the vote was 6 to 1. The one vote was the chairman of the board, Mr. Schmidt. So, if you want to say Mr. Schmidt's for it, that's absolutely accurate. But Mr. Schmidt voted...voted in opposition to six members of the board. So, I think for the record to be straight that's...that...that...that is...that is my information as to what happened. Thank you.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Mr. President, I did say Commissioner Kelman, that is inaccurate. It was the chairman of the board, Mr. Schmidt. And one other thing, I mentioned that I had discussed with Senator Newhouse. I am not sitting in this Senate to determine what the Racing Board votes on or what they do not vote

on. I think the legislation ought to stand on its merits. Now, the chairman of the board, if he voted for it, so be it. But he certainly made public statements and we lived up to his agreement, and I think it's time for the board to get in order.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Mr. President, since we are getting all the facts out, there's one more fact that I would like to indicate. Joe Kelman, the man who is most opposed to this bill, is a horse owner of racehorses that run in other states in this country, and in those states where his horses run he is using lasix on those horses. So, that's a fact that should also be brought forth in this discussion.

PRESIDENT:

Any further discussion? Further discussion? Senator Weaver may close.

SENATOR WEAVER:

Well, thank you, Mr. President. There's been a lot of conversation, but I think probably the masking issue is one that concerns me the most. And to accurately reflect what Mr. Schmidt said on the 28th of May on Channel 2 TV, he said, "Masking is a problem of the past, not the future, and I think that this medication is proper." I see no reason why we shouldn't allow this, and I would solicit your favorable roll...vote.

PRESIDENT:

The question is, shall House Bill 573 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 41, the Nays are 9, 3 voting Present. House Bill 573 having received the required constitutional

majority is declared passed. Senator Keats, on 574. On the Order of House Bills 3rd Reading is House Bill 574. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 574.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a bill that would probably be a Consent Calendar bill if we had one. It passed the Senate one other time 54 to nothing a couple years ago, and I think was held up in the House to be a vehicle bill because of what it amended. The bill basically does away with the authority of the Department of Transportation and one of its subsidiary...whatever you call them, underneath DOT to do coastal zone management. It sounds different than what they in reality do, and groups like the Farm Bureau have been very concerned that should they ever exercise this they would have very adverse affects upon the existing soil erosion control...programs which the Illinois EPA and the Department of Agriculture are doing...are doing. At this point, they have not tried to enforce the rules, but it is only because we killed legislation for about four or five years running that they wanted to use. So, rather than worry about this fight sometime down the road, we said why don't we just do away with this authority. As I say, it passed 54 to nothing one other time. It's supported by the Municipal League, Farm Bureau, State Chamber, realtor, Chicago Association of Commerce and Industry, Railroad Association, whatever. I'll be glad to answer any questions.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall House Bill 574 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 50, the Nays are 2, 1 voting Present. House Bill 574 having received the required constitutional majority is declared passed. Senator Lenke, for what purpose do you arise?

SENATOR LEMKE:

I was called out of the Chamber when House Bill 561 was up for a vote. Had I been here, I would have voted Aye.

PRESIDENT:

The record will so reflect. 576, Senator Sangmeister. On the Order of House Bills 3rd Reading is House Bill 576. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 576.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. Under the present law, snowmobiles can be operated under township...on township roads with the township road commissioner's permission in townships of under five thousand. This eliminates the...the five thousand limitation, but we...but we maintain in there the right of the township highway commissioner to set up signs and to regulate it in his own township, but eliminates the five thousand population requirement. Be happy to answer any questions. If not, request a favorable roll.

PRESIDENT:

Any discussion? Any discussion? If not, the question

is, shall House Bill 576 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, none voting Present. House Bill 576 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 579. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 579.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Darrow.

SENATOR DARROW:

Thank you...thank you, Mr. President. Ladies and Gentlemen of the Senate, Senate...House Bill 579 pertains to noncertified personnel in the school districts. It requires that they be given thirty days notice of a change in assignment prior to the opening of the school year. I'd ask for a favorable vote.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 579 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 52, the Nays are 4, 1 voting Present. House Bill 579 having received the required constitutional majority is declared passed. 582, Senator Luft. On the Order of House Bills 3rd Reading is House Bill 582. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 582.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, House Bill 582 clarifies an Attorney General's Opinion by extending the application of the prevailing wage law to private construction projects financed in whole or in part by Revenue Bonds issued under the Industrial Project Revenue Bond Act of the Illinois Municipal Code or the Industrial Building Revenue Bond Act.

PRESIDENT:

Any discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. I rise in opposition to the bill, and I would like to make a few points.

PRESIDENT:

We have only about fifteen minutes remaining. If we can have your attention to these few minutes. Senator Keats.

SENATOR KEATS:

Okay. This bill is about as broad an extension of the Prevailing Wage Act as any bill could be. It extends the Prevailing Wage Act, a State Act, into all bond construction whether the building is a public or private building, and it's...regardless of what type of bills...of building is being constructed. The definition of public works projects is just plain so broad that, I mean, everything is going to be under prevailing wage. We are going to be at the point where there will be no reasonably cost...reasonably priced construction left. You have to really think in terms of what this is doing to the various building agencies throughout the State, anyone who might be building. Certainly there is some argument about the use of bond funds, but I think if we are

ever to say that the State is going to allow somebody any discretion whatsoever, you know, these bonds, perhaps, are one area that should be allowed. Remember, these are Revenue Bonds, and the project doesn't even have to be financed in whole under Revenue Bonds, just partially financed under Revenue Bonds. So, basically it's one of those, if you walked across this lawn sometime in the last six months, you are now responsible for mowing it, replanting it and taking care of it forever. You reach a point when you just have to say how far can you expand the prevailing wage without making new construction in Illinois so expensive that you just aren't going to get new construction? All I say is, let's at least try and be reasonable once in awhile.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I rise in opposition to this bill. I...I wish the members would pay attention to what we're doing here. We are...we are being asked to extend the Prevailing Wage Act to apply to projects which in many cases are constructed by private companies; private companies with money, true, that is supplied partially through the sale of local Revenue Bonds. But one of the...one of the best ways that we have expanded our economic activity in Illinois in the last few years has been through the issuance of Revenue Bonds by local communities. We've had business organizations that want to build new plants. They go out and get the contracts, they build the plants. The money is simply funded through a borrowing mechanism that works through the Revenue Bonds. Now, what we're seeking...what the sponsors are seeking to do here is say that all of those projects are public projects and therefore must be subject to the Prevailing Wage Act. I wouldn't even quarrel with it so much if the Prevailing Wage Act were really prevailing wage, but what it

is, in effect, is price fixing...price fixing for labor on monies that come from the...from the sale of Revenue Bonds. This is a bad mistake, we should not do this, and I urge you to vote against the bill.

PRESIDENT:

Further discussion? Is there any further discussion? Senator Luft may close.

SENATOR LUFT:

Thank you, Mr. President. I think I can close very quickly. It just appears that the arguments are against the...Prevailing Wage Law Act in this State, and I would hope that those people in this Body would think that we need such a law and would vote accordingly.

PRESIDENT:

The question is, shall House Bill 582 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 30, the Nays are 24, 2 voting Present. House Bill 582 having received the required constitutional majority is declared passed. Alright. Senator Keats, for what purpose do you arise?

SENATOR KEATS:

Thank you, Mr. President. I rise to seek a verification.

PRESIDENT:

Alright. Senator Keats has requested a verification. Will the Senators please be in their seats. Mr. Secretary, will you please read the affirmative roll call.

SECRETARY:

The following voted in the affirmative: Berman, Bruce, Buzbee, Carroll, Chew, Coffey, D'Arco, Earrow, Dawson, Degnan, Demuzio, Egan, Hall, Holmberg, Johns, Jones, Jeremiah Joyce, Kelly, Lechowicz, Lemke, Luft, Marovitz, Metsch, Rupp, Savickas, Smith, Vadalabene, Welch, Zito, Mr. President.



PRESIDENT:

Senator Keats.

SENATOR KEATS:

Buzbee.

PRESIDENT:

Senator Buzbee on the Floor? Senator Euzbee on the Floor? He's on...Senator Buzbee is in the back of the Chamber.

SENATOR KEATS:

Senator Chew.

PRESIDENT:

Senator Chew is to my left as usual.

SENATOR KEATS:

Excuse me, I...I lost in the reflection coming out there.

Senator Degnan.

PRESIDENT:

Senator Degnan is in his seat.

SENATOR KEATS:

Senator Demuzio.

PRESIDENT:

Senator Demuzio is right in front of his seat.

SENATOR KEATS:

Senator...Senator Savickas.

PRESIDENT:

Senator Savickas on the Floor? Senator Savickas on the Floor?...strike his name, Mr. Secretary.

SENATOR KEATS:

Senator Dawson.

PRESIDENT:

Senator Dawson on the Floor? Senator Dawson is in the rear of the Chamber.

SENATOR KEATS:

Okay, that's enough. Thanks.

PRESIDENT:

HB 584  
3rd Reading

Alright. The roll has been verified. The Ayes are 29, the Nays are 24. The Senator requests that further consideration be postponed. 584, Senator D'Arco. On the Order of House Bills 3rd Reading is House Bill 584. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 584.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. What Senate Bill 584 does is provide that...an insurance company cannot terminate an agent's contract unless the company gives the agent a hundred and eighty days prior written notice. The bill also provides that during the hundred and eighty-day period the agent cannot write any new business, and it also provides for a rehabilitation period during which the company and the agent can take necessary steps in order to rehabilitate the agent so that his contract is not terminated. I would ask for a favorable vote.

PRESIDENT:

Further discussion? Senator Rupp.

SENATOR RUPP:

...thank you, Mr. President. I rise in opposition to this bill. This same group...this is the same group that came in here last year and asked us to leave them alone. Don't touch us, we don't want any government interference, let us handle our open workmen's comp. rating without any interference. Now, the same group...and I must...or acknowledge that I'm a member of this group and I've been so for thirty-five years. This bill does not cover all agents who have contracts, and believe me, I worry when a bill gets so

narrow in its scope that it reaches in to those who do have contracts and just singles out one group in there and makes this rule apply to them. I ask that there is a No vote on this bill. I think that this group should realize that they are going to have to get in one...one position or another. They want the government in, fine. If they don't want us, then I think they should also tell us that. I ask for a No vote.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I rise in support of the bill. The point has been made that this might constitute government interference. Well, I'd suggest to you that...that the problem that we're trying to solve here is partly caused by government interference by means of bills that were passed a few years ago. A number of years ago, this Legislature passed a bill that said, in effect, that an insurance company would be required to renew a policy of insurance if the company and the agent were parting company. And that bill was passed to protect the consumer, and I think it was a good idea and it was right. The problem is that many of the companies when they send out notices that the agent is no longer representing that company do it on a wholesale basis and create all kinds of problems that do not need to be created. The...the agents have tried to deal with those companies to try to get them to be more considerate on the way they handle it. They've refused to do that. I think that Senator D'Arco and the other sponsors of the bill have worked out a reasonable approach. This has nothing to do with worker's compensation open rating; that applies to companies. This applies to the agents. And, in fact, I think that this...the passage of this bill could very well protect some of your policyholders from having problems about

renewing their insurance, particularly in those cases where the insurance company and the agent have decided...decided that they're going to part company. I think it's a good bill, it ought to be passed.

PRESIDENT:

Further discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I rise also in support of the legislation. Some eighteen states have similar laws, and I'd like to reiterate what Senator Schuneman just mentioned. I think this is a good bill for the people, because it is actually a protection for the policyholders. It...there was an amendment that was put onto it to provide that the law shall apply to those contracts which have been in existence for one year. I just think it's good legislation for the people of our area and our districts, and urge your support.

PRESIDENT:

Further discussion? Further discussion? Senator D'Arco may close.

SENATOR D'ARCO:

Thank you, Mr. President. What the bill really does is protects the policyholder, because it's the policyholder that gets confused when a notice of termination is sent to an agent. By law, the insurer must send a notice of renewal to the policyholder, and he doesn't understand why he is receiving this notice and then the agent has to forthwith tell him that he's...his contract has been terminated with the insurer and that he has to try to find a place his insurance with another insurer. And, therefore, this would give notice to the company that the agent...the agent's contract cannot be terminated and that the policyholder will be protected for at least a year after the termination notice up to a hundred and eighty days. And I would ask for a favorable vote.

PRESIDENT:

The question is, shall House Bill 584 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 50, the Nays are 7, none voting Present. House Bill 584 having received the required constitutional majority is declared passed. It has been requested of the Chair, similar to what the House is about, that we will adjourn for the day at five o'clock. We will return tomorrow morning at nine-thirty. We tried nine o'clock, that didn't work so we'll try nine-thirty. Please, nine-thirty tomorrow morning. And we're going to try to break for lunch if that's any encouragement, just so we can get up and walk around. We'll try it, if that doesn't work, then we'll cut that out, too. Mr. Secretary, Messages.

SECRETARY:

To the Honorable members of the Senate, the 83rd General Assembly:

I have...I have nominated and appointed the following named person to the office enumerated below, respectfully ask concurrence in and confirmation of this appointment by your Honorable Body. Signed...James Edgar, Secretary of State.

PRESIDENT:

Committee on Executive Appointments. Resolutions.

SECRETARY:

Senate Resolution 258 offered by Senator Dawson.

And Senate Resolution 259 offered by Senator Buzbee.

PRESIDENT:

Executive. Senator Grotberg, for what purpose do you arise?

SENATOR GROTEBERG:

An inquiry of the Chair.

PRESIDENT:

Yes, sir.

SENATOR GROTBERG:

Before everybody leaves the proceedings this afternoon, what is your first order of business tomorrow, for those of us who have like the next bill?

PRESIDENT:

House Bill on 3rd Reading. We will begin at House Bill 603, 604, 605 and 609 will be the first four out of the chute if the sponsor so desires. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Yes, Mr. President. Yesterday I filed a motion in writing. I did not see it appear on the Calendar. It's a...I would like to proceed with it if I could.

PRESIDENT:

Alright. I think that was in error. It will show on the Calendar tomorrow. We will...we'll get to it. You want to...what do you want to do?

SENATOR DEMUZIO:

I...if we could, to save the paper work on the Calendar, why don't we just go ahead with it now.

PRESIDENT:

Alright. With leave of the Body, we'll go to the Order of Motions. Read the motion, Mr. Secretary.

SECRETARY:

A motion in writing: Having voted on the prevailing side, I move to reconsider the vote by which House Bill 60 lost. Signed, Senator Demuzio. Dated, June 20th, 1983.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Yes, on House Bill 60 there was some confusion on that bill and it was put on...it was...it failed. So, I...moving on the prevailing side, move to reconsider the vote by which

the House Bill 60 lost.

PRESIDENT:

Alright. Senator Demuzio has moved to reconsider the vote by which House Bill 60 was declared lost. Any discussion? Senator Grotberg.

SENATOR GROTBERG:

Well, thank you, Mr. President. That motion although as the Chair has ruled we are on that order of business, deserves a lot better hearing than the first twenty-five people that have left this room at this point in time, and I kind of object to the sponsor of the...the maker of the motion taking an untimely presentation of it as we prepare to adjourn. The President said we could all get out of here, go home. I would just seek his cooperation and ask him to hold the motion until we have a full house, and...and not proceed until it's on the Calendar and done properly.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZZIO:

Well, I think that's fair, and I'll accede to Senator Grotberg's request.

PRESIDENT:

We...we are, above all, fair, Senator Grotberg. It will be so ordered. Mr. Secretary, please make sure it's on the Calendar so that we can deal with it at the appropriate time when we've got thirty smiling faces in front of me. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, on a point of personal privilege. Senator...former Senator Nash and myself are hosting the Greek night at the Mansion Sunday. It's at 6:30 p.m. and it's by invitation only, and each invitation entitles the bearer to one person. But...so, I thought you'd like to know and keep it on your calendars.

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

Yes. Is Senator Joyce providing the sheep this year?

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

As Senator Joyce's wife is going to be in town, so he's not going.

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr...thank you, Mr. President. First of all, I'd like to thank the Chair for allowing this Body to adjourn early because of the fact that this evening the House-Senate annual baseball game will be in progress, and we invite all to attend, and we will come back to the President of the Senate to ask for combat pay because we watched the House practice yesterday. Six o'clock at Isles Park.

PRESIDENT:

Further discussion? Further business? Any further announcements? If not, Senator Vadalabene moves that the Senate stand adjourned until Wednesday, June 22nd, 9:30 a.m. Nine-thirty. Particularly those first four, let's be here at nine-thirty, we'll get going. The Senate stands adjourned.