

83RD GENERAL ASSEMBLY

REGULAR SESSION

JUNE 27, 1983

PRESIDENT:

The hour of nine having arrived, the Senate will please come to order. Will the members be at their desks. Will our guests in the gallery please rise. Prayer this morning by Rabbi Barry A. Marks, Temple Israel, Springfield, Illinois. Rabbi.

RABBI BARRY A. MARKS:

(Prayer given by Rabbi Marks)

PRESIDENT:

Reading of the Journal. Senator Johns.

SENATOR JOHNS:

Mr. President, I move that reading and approval of the Journals of Monday, June the 20th; Tuesday, June the 21st; Wednesday, June the 22nd; Thursday, June the 23rd; Friday, June the 24th; Saturday, June the 25th and Sunday, June the 26th, in the year 1983, be postponed pending arrival of the printed Journals.

PRESIDENT:

You've heard the motion as placed by Senator Johns. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The motion carries and it is so ordered. Messages 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 the following bill, to-wit:

Senate Bill 25 together with House Amendment No. 1.

And I have like Messages on the following Senate bills and House amendments:

Senate Bill 26 with House Amendment 2.

131 with House Amendment 1.

206, House Amendment 2.

- 209, House Amendment 1.
- 255, House Amendment 1.
- 256, House Amendment 1.
- 257, House Amendment 1.
- 258, House Amendment 1.
- 259, House Amendment 1.
- 260, House Amendment 1.
- 262, House Amendment 1 and 2.
- 264, House Amendment 1.
- 278, House Amendments 1, 3, 6 and 7.
- 280, House Amendments 1 and 2.
- 300, House Amendment 1.
- 301, House Amendments 1, 3 and 5.
- 373, House Amendments 1, 2, 4, 5, 6, 7, 8, 9,
10, 11, 12, 14, 15, 16 and 18.
- 374, House Amendments 1 and 2.
- 375, House Amendments 1, 2, 3, 5, 6, 8.
- 376, House Amendments 1 and 3.
- 377, House Amendments 1, 3 and 5.
- 378, House Amendments 1, 2 and 3.
- 379, House Amendments 1 and 3.
- 381, House Amendments 1, 2, 3, 4, 5 and 6.
- 383, House Amendments 1, 2 and 5.
- 384, House Amendment 1.
- 385, House Amendment 1, 2, 3 and 4.
- 386, House Amendment 1, 2, 3, 4, 5.
- 387, House Amendment 1...2 and 3.
- 388, House Amendments 1, 2, 3, 4, 5, 6, 7, 8, 9
and 10.
- 492, House Amendments 2, 3 and 6.
- 521, House Amendments 5 and 6.
- ...557, House Amendment 1.
- 619, House Amendment 1.
- 1073, House Amendment 1 and 3.

And 1159, House Amendment 1 and 2.

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

Mr. President - I am directed to inform the Senate the House of Representatives refused to concur in...with the Senate in the adoption of their amendment to a bill with the following title:

House Bill 465 with Senate Amendment No. 1.

A like Message on House Bill 646 with House Amendment 1.

House Bill 647 with Senate Amendment 1.

House Bill 772 with Senate Amendments 1 and 2.

PRESIDENT:

Resolutions.

SECRETARY:

Senate Resolution 281 offered by Senator Jerome Joyce, and it's congratulatory.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Joint Resolution 58, by Senator Mahar.

PRESIDENT:

Executive. If I can have the attention of the membership, June 27th is the last day to consider House Bills on 3rd reading under the rules. We will begin with House Bills on 3rd reading at top of page 14 with House Bill 1530...however, pursuant to our last Agreed Bill List, was the understanding of all the members that if they had a bill on the Agreed Bill List...Agreed Bill List No. 1, it would be called at the earliest opportunity when we return to 3rd reading. If I can have your attention, there are four bills that were taken off the Agreed Bill List; 609, on page 6, sponsored by Senator Sangmeister; 1156, on page 11, sponsored by Senator Bruce, 1-1-5-6; 1157, on page 11, sponsored by Senator Berman; and 1433, on page 13, sponsored by Senator Jeremiah Joyce. 609, 1156, 1157 and 1433, if the sponsors wish those

called pursuant to the earlier agreement, they are within their rights. Middle of page 6, Senator Sangmeister, do you wish 609...otherwise, they'll just stay in the ordinary rotation. I mean...Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President. We'll take that bill in rotation when it comes. I presume we'll be getting there.

PRESIDENT:

We will be getting there, no question about it. 1156, Senator Bruce. All right. Middle of page 11, this bill having been knocked off the first Agreed Bill List, on the Order of House Bills 3rd Reading is House Bill 1156. Call the...read the bill, Mr. Secretary.

SECRETARY:

House Bill 1156.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Bruce. That's all right. Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. House Bill 1156 has been seen by this Body. It passed out of here, I believe, 58 to 1 last time. It deals with the apportionment of easements that have already been placed in plats. There are some other bills in the series over which people may have more concern but this is platted land, and it has in it the added language that was requested by the members on this side concerning oil and gas pipelines and so that there would not be any digging up of...of any ground because oil and gas pipelines are buried. This just says that easements are apportionable, and I know of little or no controversy concerning 1156.

PRESIDENT:

Any discussion? Senator Bloom.

SENATOR BLOOM:

Yes, will the sponsor yield?

PRESIDENT:

Indicates he yield, Senator Bloom.

SENATOR BLOOM:

This bill, Senator Bruce, basically, as I understand it says that a public utility must provide an easement to a cable T.V. company if the cable company pays the utility's share of whatever the utility paid to the landowner for the easement. Is...is that...is that what I...am I correct in that understanding?

PRESIDENT:

Senator Bruce. Senator Bruce.

SENATOR BRUCE:

You are correct, Senator Bloom.

PRESIDENT:

Further discussion? Senator Welch.

SENATOR WELCH:

Senator Bruce, could I ask you a question?

PRESIDENT:

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Bruce, since we passed out the first bill 58 to 1, hasn't there been a Supreme Court decision regarding cable television?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

I haven't had a chance to read any Supreme Court decisions for a couple of weeks. If you've got one for me, tell me about it.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

It was either a Supreme Court decision or a act of Congress to deregulate cable television. And it seems that there are no binders on cable T.V. at all at this time, is that correct?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Well, the United States...United States Senate did pass legislation last week which affected cable industry, which to a large degree deregulated the entire industry and allowed broad authority to the cable industry. As...as..they do things like we do. I'm...I'm not sure that that is the law of the land, it's passed by the United States Senate.

PRESIDENT:

Further discussion? Any further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Just very, very quickly. Senator Welch, that was Congress' decision, not a Supreme Court decision.

PRESIDENT:

Further discussion? Further discussion? Senator Bruce may close.

SENATOR BRUCE:

Well, I would ask for your favorable vote. This is limited strictly to plats where cities have accepted land into a municipal area and there is a platted easement, they can apportion the costs. That's...that's all. It's very narrowly defined.

PRESIDENT:

Question is, shall House Bill 1156 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 40, the Nays are 10, none voting Present. House

HB 1157
2nd reading

Bill 1156 having received the required constitutional majority is declared passed. Senator Berman on 1157. On the Order of House Bills 3rd Reading is House Bill 1157. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1157.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you. House Bill 1157 is the second of a four-bill series dealing with cable television. This bill addresses the rights of the tenants in multifamily units regarding the accessibility to cable television. The bill provides for notice to the landlords regarding the bringing in of service, provides a period of time in which negotiations may take place regarding reasonable compensation for the bringing in of the lines. It also prohibits any landlord from extracting any additional charge or payment against tenants for utilizing cable T.V. service once that franchise has been granted in that community to the cable T.V. system. It provides for...if negotiations are not reached between the landlord and the television...cable...cable T.V. company regarding compensation, the...it sets forth the provisions regarding litigation that can be instituted by the landlord. This bill in effect provides access by tenants in multifamily units to the cable T.V. It also will allow the municipalities where cable T.V. franchises have been granted to comply in the speed and in the revenue receipts regarding these franchise agreements. I solicit your Aye vote.

PRESIDENT:

Any discussion? Senator Bloom.

SENATOR BLOOM:

Art, is this the same bill you took out of the record several days ago? Okay, you...did. Have you amended it since then? Was it...been on the recall, has it been changed in any manner from the form in which we discussed it several days ago?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

If you recall, I think the major objection came because of a personal experience...by the Minority Leader regarding one of these companies. There have been discussions there. I...I'm not sure what it was. I think the major problem was not so much with the bill but with the...with the company. There's been no changes since that...since that bill was presented.

PRESIDENT:

Further discussion? Senator Bloom, I'm sorry.

SENATOR BLOOM:

Well, no, I don't want to take up a lot of time. As I recall, there is a portion of this bill that says that these franchisees can come on your land and...and install their equipment over it and pay you a dollar and then the burden is on you to try and get some compensation. I think that was what...Senator Philip caught his attention, but I'm not so sure that 1157 is such a good idea.

PRESIDENT:

Further discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senator Berman, you're saying that an owner of an apartment building cannot refuse to have installation made in his building...do you feel that is constitutional, Senator Berman?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Well, I think when you look at the total picture, I think it...it certainly is and here's what we're talking about. You're talking about a municipality that has granted cable T.V. the right to wire that community, which means that everybody in that community, if they are willing...if they are willing to enter into an agreement with the cable T.V. for those programs, should have access to those programs. Now, I live in your apartment building, cable T.V. solicits me and I want to have cable T.V. in my apartment. I think I should have the right to have access to that cable T.V. programs. I don't think that you, as my landlord, should prohibit me from having access to it, and that's exactly the essence of the franchise granted by the municipalities. This bill guarantees that you will be compensated as the landlord for any...damage for any rights that the T.V. people utilize in bringing that cable in, but I certainly think that I should have the right to get that cable without my landlord having a veto power over me.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell. Oh, Senator Keats. Senator Keats, again. Senator Weaver, I'm sorry.

SENATOR WEAVER:

Well, it just seems to me that landlords put a lot of restrictions on what a tenant may do. Some don't allow pets even though the municipality licenses pets. I think you're precluding an individual from controlling his property for whatever reason.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR FAWELL:

Senator, according to our analysis, we are not only talking about condos and...and apartment buildings, we are also talking about easements on any property owners property, multiunit or not, improved or not, to install or maintain equipment, is that true?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

For in other words, a cable company could conceivably come to my property, my home, and decide they want to string their cable over my property and I...for a dollar and...and unless I wanted to sue, I would have no way of preventing them?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

No, if you...as I read this, you're talking about compensation and their rights for cable television facilities in a...in and upon such building or upon, beneath or over such real estate. Now that's...that would be similar to the utilities that presently exist for other types of...of services. If you are a single family resident owner and you don't want cable T.V., this doesn't give them any more rights than would exist for the other utility lines that exist in the community. You've got...they would have to go through the...that pertains to Senator Bruce's bill, 1156, as to the lines and availability through the utility lines and easements that are already provided for other utilities.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

In my area, for instance, we do not have poles. We have everything buried, 'cause that's the way we want it. And if I did not particularly care to have cable T.V. but my next door neighbor did, and the easiest way for the cable company to get to the...her lot would be through my property, what you are saying then is they could conceivably come in and either dig up my yard or put poles up, which I don't want, is that...is that right or not?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

I don't think they could put poles up. I think they could utilize the existing utility easements and they would have to compensate you for that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

For...for a dollar or...or...unless...unless there's an agreement. I've been told it's for a dollar unless there's an agreement. Then I have to take it to court and the burden is on me.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman...Senator Berman.

SENATOR BERMAN:

Let me read that section because that...that apparently is causing some dilemma here. "Any owner of a residential building described in Subparagraph A and any owner of...of improved or unimproved real estate described in Subparagraph B who shall have...who shall have given timely written notice to the cable television franchisee as provided in Paragraph C may assert a claim for reasonable compensation in excess of

one dollar for...permitting the installation of...cable television facilities within and...upon such building or upon, beneath or over such real estate." So, that...that dollar is only to indicate that we're talking about a dollar value of compensation. You can demand whatever you feel is necessary. The other part...the other part of that as to the dollar, that's only to indicate that you are entitled to reasonable compensation. You have a time period in here and the right for recovery of any damages for the use of your property.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Favell.

SENATOR FAWELL:

Not...not to belabor it, but...but I have the bill in front of me now and it says, "In any action brought to enforce such right, it shall be presumed that reasonable compensation therefore shall be a dollar but such presumption may be rebutted and overcome by proof that the owner has a specific alternative use for the space occupied by the cable television facilities and the loss of which will result in a monetary loss to the owner." I mean, it...it sounds to me like I'm going to have to go to court. I'm going to have to bring the action. I'm going have to go to court, and I'm the one that's going to have to prove that digging up my yard is...is...is worth more than a dollar to me.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Let me refer you to...on the bill, page 6...line 23. On any...on any action for damages, you know, the person that has...that is asserting the damages has the burden of proof. There is...there's no change in...in this bill as to that law. Under Paragraph C it says, "In any instance in which the owner of a residential building, et cetera intends to require the payment of a reasonable sum in excess of one

dollar in exchange for permitting the installation of cable T.V. facilities in and upon such building, et cetera, the owner shall serve written notice thereof upon the cable T.V. franchisee. Any such notice shall be served within twenty days of the date on which such owner is notified of their intention to construct or install cable T.V. facilities in and upon such building." So that you have the right to indicate the value as you see fit for bringing...that cable T.V. onto your property.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

But what you are saying is that it still is considered...I mean, it is presumed that a dollar is going to be enough unless, I, as a property owner, say that it isn't enough and...and...and submit written notice that indeed this is not enough. And if the company does not agree, we're going to go to court and I have to bring the action. Is that...is that the way it is?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

That's correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

Well, to the bill, I...I hope my colleagues have been...have been listening to this. What this is saying, in effect, is that a cable company can come into your property, and mine, and...and for a dollar, unless you want to take them to court, they can construct..they can...they can put the...the cable lines over your property or in my case, dig up my lawn and...and place their cables...personally, I think this is a bad bill and...and I can understand some of the

merits to it, but I think this form is...is pretty bad and...and I would suggest you vote No.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senators, we have the following Senators that have sought recognition to speak on this particular bill: Senator Schuneman, Mahar, Keats, Joyce, Hudson, Coffey, Luft and Bruce. So, if...we're going to set our time limit. Our next Senator is Senator...Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Apparently we may be into a situation of overkill on this bill, but I...I think it is a drastic change in the...in the rights of a property owner, in that now, if a cable company wants to string their lines in and through your apartment and condominium building, they have to prove to you that first of all they'll put it in in such a way that satisfies you before you let them do it; and what...apparently they're seeking to do under this bill is to give the cable company the right to go ahead and do it, and then if you don't like what they do, you have to sue them in order to...in order to get it corrected, and I think this is a bad idea and goes too far.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

Yes, thank you, Mr. President and members of the Senate. I think that we still have a question of compensation, a question of individual rights, and while I certainly have no objection to the use of cable companies, and I think they're here to stay, we ran into this problem last year. Now we've had a year and apparently we haven't solved the problem and we...and this...this bill will not solve the problem. So it just seems to me that we ought to hold it up and get this question of compensation worked out. I know that my own personal case I've got a problem with going across my property

which has not been worked out, and I think there needs to be some formula set that can establish the rights of the individual so they know where they stand. They're not forced to go into legal fees and...and incur legal fees that they otherwise wouldn't have to incur, and so I would ask that we hold this legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. I'll be very brief and say there are really two objections here. I mean, one is just plain philosophic being, we are now saying that cable television is no different than Commonwealth Edison or Illinois Bell, and I'm sorry, just philosophically, I think there's a heck of a difference between cable television and Commonwealth Edison or People's Gas. So, I think we have to remember that that is from this moment on we are saying cable T.V. is a necessary public utility. But the second factor is the presumption that someone has a right to your property and if you don't want it, you have to sue. The presumption is, basically, the presumption of guilt upon the homeowner, and I'm stretching the...the legal term there, but you as a homeowner, the presumption is someone else has a right to your property and they're not paying the property taxes, and I just plain don't believe that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator J.J. Joyce. Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. It's all been said. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft. Senator Coffey.

SENATOR COFFEY:

Thank...thank you, Mr. President and members of the Senate. I rise in opposition to this bill also. I think we

went too far, as already been stated here. I don't want to discuss this bill to death because I think we've already had a lot of debate on it, but I can see some real problems. We have problems with cable T.V. already on properties that I own coming in, running wires where they want, destroying property and then we find now that we're the ones that have to go back to have that damage...damage paid for, we have to...to put the suit against the company now. Now all we're doing is giving them legally that authority to do what they want until we go to court and try to prove otherwise, and I'd ask this...this side of the aisle, at least, to vote No on this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft. Senator Bruce.

SENATOR BRUCE:

I would just...I think we ought to read this bill before we criticize it so much. On the amendment on page 5 it states that, "In addition to reasonable sums to be paid by the cable television franchisee, they shall provide further that the cable television franchisee installing such cable television shall agree to indemnify the owner of the building of any damage caused by the installation, operation, removal or maintenance of the facilities in service." It...that is in the requirement that they shall agree to indemnify the owner of the real estate for any damage caused. I...I don't know what the problem will be with this. It seems to me that they've made every reasonable attempt to say that any damage caused they'll pay for, and that is a shall obligation of the franchisee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

A question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR DEGNAN:

Senator Berman, I live in a very condensed single and two-apartment building area. Under the terms of this bill, is it possible that under the easement rights they could place poles and contraptions on the...what we call parkways in Chicago, that part of your property towards the street?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

I think what you will find is that the cable T.V. franchise are locked in with and utilizing the existing easements that are provided to other utilities. What you'll find them is using the...the telephone poles in your alleys and the...the gas lines or the...the lines that are available for the gas company, not utilizing new construction...certainly not...certainly not new poles on your parkway.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

So, the answer to my question is, no. There will be no poles on the parkways.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Luft.

SENATOR LUFT:

Thank...thank you, Mr. President. I reluctantly rise to oppose this bill and, Senator Degnan, I don't think the answer was no, because I think under this bill they can do whatever they want to do. This is my property, they're telling me they can do anything they want. They don't specify anything, and then we can go a little farther where they do come and offer me compensation; but what it says, if you look at it, if the summary is right, they can proceed with all construction while the negotiations for compensation is pur-

sued. So, I...we're...you know, we're not looking at high-rises here, I'm talking about me that owns a simple duplex. That means they can tear up my front yard, offer me a dollar. I...I'm going to come up with my lawyer to go to court against a cablevision company that's got the highest priced lawyers in the country? And I'm sitting in court for how many months while they've not only torn up my yard, they've installed everything, and I'm left out in the cold. I really think it's a bad bill and...and it just lets the cable company have lock, stock and barrel and ownership over my property.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Kelly.

SENATOR KELLY:

Yes, Mr. President and members of the Senate, just briefly. I'm going to come at it from a different direction than everyone so far, and that is I'm not...favorable to these cable people and I will not be until they start putting programs on their television sets that are consistent with family life, and I've...will continue to oppose them and that's why I've been voting No on every one of these issues that involve the cable operators.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR BERMAN:

Thank you. I appreciate the overwhelming support, at least in the debate. I hope that the votes are clearer than the discussion. What we have here is a bill which tries to allow cable television to...proceed in an orderly, legal and equitable manner. Now, I think first of all some people have got two things confused; one is compensation for the use of the property. That's like bringing a line in, it's like the phone company does, that there's a formula here or a proce-

dure here regarding giving notice that the T.V. company is coming on and a....a floor of a dollar of compensation and then a question of what is bringing that line in over your property worth? The other question is one of damage, and in this bill they must indemnify to pay you full payment for any damage. Now, that's different than compensation for bringing in a line, and those two things are separately set out in this bill. Number three, franchises are being awarded to cable T.V. throughout this State. Municipalities and the citizens in those municipalities are expecting some great things out of cable T.V. franchises, and I don't mean only entertainment programs. We're talking about educational programs. We're talking about systems of police and fire alarm systems. We're talking about shopping through cable T.V. We're talking about banking through cable T.V. We're talking about a twentieth...Twenty-first Century technology as a result of cable T.V. We are also talking under this bill that no single landlord can shake down the cable T.V. companies for payments before they'll...he will allow people on his property, his tenants, to get the cable T.V. that they're willing to subscribe to and that is being...that is happening in some of our municipalities. We're also providing in this bill that the orderly progression of construction to people...keep in mind, none of this goes unless people want to subscribe to this. They're not rigging lines just to rig lines. They can only go if the citizens want cable T.V. This is a people's bill because the people want cable T.V., and in some cases, the landlords...the landlords are holding up literally and figuratively the cable T.V. companies from being able to wire their property and provide the services to these tenants. The bill addresses the question of compensation, the question of damages. I think it's an important step forward to provide this important service to our citizens. I would...I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose does Senator Sangmeister arise?

SENATOR SANGMEISTER:

A parliamentary inquiry. There may be a preemption here and I'd like you to look at that. How many votes is this bill going to take to pass?

PRESIDING OFFICER: (SENATOR SAVICKAS)

If you'll...if you'll wait a second, we'll...we'll go into that. Yes, Senator Sangmeister, the Chair has reached the decision that this is not preemptive. It's the permissive authority granted by the municipality and the State does not preempt in anyway. It would take thirty votes. And the question is...the question is, shall House Bill 1157 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 25, the Nays are 25, 4 voting Present. Senator Berman seeks leave of the Body to have House Bill 1157 put on postponed consideration. Is leave granted? Leave is granted. On the Order of House Bills 3rd Reading, House Bill 1433, Senator Joyce. Read the bill, Mr...no...Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, I...I would like to make an inquiry of the Chair. I'm...I'm not going to call this bill, but we are going to go through 3rd readings; when we left off, I think we left off around 1530. I had a bill 1526 that was on 2nd reading and went to 3rd. Is it wrong to assume that that bill will be called first today?

PRESIDING OFFICER: (SENATOR SAVICKAS)

We will start with House Bill 1530. Senator Joyce, for what purpose do you rise?

SENATOR JEREMIAH JOYCE:

...you know, I don't know whether...whether I'm...I'm

HB 1530
3rd reading

wrong in...in...but I'm wondering why if a bill...if the...1526 went from 2nd to 3rd, why is it..why are we going...why are we not going to that number?

PRESIDING OFFICER: (SENATOR SAVICKAS)

It's my understanding that we left off at 1530 and that's where...we're to start. On the Order of House Bills 3rd Reading, House Bill 1530, Senator Bruce. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1530.

(Secretary reads title of bill)

3rd reading of the bill...House Bill 1530.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. House Bill 1530 establishes the Illinois Education Labor Relations Act and governs relations of educational employees with educational employers from the kindergarten all the way through our senior institutions. It will create the Education Labor Relations Board which is a three-member panel with salaries of thirty-eight thousand dollars. It provides for mediation. It provides for arbitration of grievances and mediation and arbitration of contract disputes. It gives the regional superintendents jurisdiction over matters of exclusive jurisdiction. It allows a procedure for recognition of exclusive bargaining...units, representatives and units determination. In addition to that, it sets forth a very elaborate procedure for mediation, and that is that the impasse...if any impasse is occurred, and that is to find that the two parties have not reached agreement by ninety days before the scheduled start of a school year, the parties notify the Educational Labor Board. If that goes until sixty days upon demand of either party, they may submit a demand

to bargain; within forty-five days the board may, by its own motion, initiate mediation, and if there's no agreement within fifteen days and they have not requested mediation, the...the Educational Relations Board shall invoke mediation. The cost of fact finding and mediation will be paid by the Educational Labor Relations Board. It does define strikes; allows them only if five conditions have been met...six conditions, and that is; first of all, there must be an exclusive bargaining representative; mediation must have been used; they must give notice. They cannot have any strike during the contract, no wildcat strikes, and they have submitted...they have not submitted the unresolved issues to arbitration. If a strike should occur in any of those situations that I've outlined, the Act very clearly sets forth the authority of any aggrieved party to go request and initiate in the circuit court of the county a request for an injunction. Sets forth unfair labor practice of both labor and management, and generally sets forth the...the effects of the Act as to procedure for collective bargaining among employers and employees. I would solicit your favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Will the sponsor yield for a few questions?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR SANGMEISTER:

Senator Bruce, when we were on 2nd reading on this bill there was a few things that came to my attention...a few amendments I thought we ought to have looked at, and I have to admit I have not seen the bill in its...its final form now, but is there any...any management's rights language at all in this...in this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

The question of management rights is in that the only things that can be bargained over are issues of wages, hours and terms and conditions of employment. It's very explicitly stated that that is the only matters for negotiation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Where are we on the...I'm not exactly what you call it, but...but I think there are such things as, you know, fight between labor unions on representation strikes and picketing and that kind of stuff. Is there any prohibition? It's my understand that the National Labor Relations Act prohibits those kind of strikes or picketing where there's union fights. Is there anything in this bill to prevent that or go along with the National Labor Relations Board regulation, or law, or rule?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Recognition strikes are becoming a thing of the...the past and certainly is not a big item in the area of...of collective bargaining. This bill, in fact, would...would...would remove any necessity for a recognition strike, because the procedure sets forth an election procedure and it would be an unfair labor practice if the employer did not recognize the bargaining unit. So, I can...I can see no reason why there would ever be a recognition strike, you'd just submit names to the Educational Labor Relations Board and they shall conduct an election. So, it would be never a need for a recognition strike.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, the other thing that concerns me somewhat, Senator Bruce, we've had a bushelbasket of collective bargaining bills going around here and all for, I suppose, very good reasons; however, it's now my understanding that...that Senate Bill 536 is going to cover all public employees; and my question is, why aren't we going with...with that bill which will then at least put employers in a position of dealing with one collective bargaining bill; whereas, if I see if we pass this bill, the janitors, cafeteria workers, secretaries, and all that will probably be under 536 and you're going to have the teachers under this with different rules and that. Why are we not going with one collective bargaining bill, basically Senate Bill 536?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

I've spoken to the sponsor of 536. She plans to call that in the ordinary course of affairs here, my bill happened to come up first. I'm sure that the Governor is not going to sign both bills. If we are fortunate enough, or unfortunate enough to get both bills down there, he will take a look at the various bills that are involved. I was under an obligation from both the House sponsor and the interested parties that I would proceed with this bill. They are certainly not unhappy with 536, and the long negotiations gone on with 1530 seems to answer some of their questions. They would like to take a run at it today.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senators, we...it looks like it's going to be a long day on these bills. I would appreciate your watching the debate status light and keep your remarks within those three minute limits...five minutes, I'm sorry. Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I will be as...as brief as possible. Obviously, I rise in opposition to the bill, but there are legitimate reasons for it; I mean, forget the philosophic objections for a minute, let's just talk practicality. If we are going to bargain, you have to set up a provision where there is some management rights to go along with what are the mandated employee rights, and...under this bill, virtually all...virtually all the mandated employee rights, tenure...and things like that exist, and I'll...I'll come back to some more of those in a minute; but under Senate Bill 536 that Senator Collins had, where she had management rights the same as the National...Labor Relations Act so that you sort of have a balance between the two, these are missing here. What it says is they're going into a ring to sort of argue and one side's got both hands tied behind their back. Now, you reach a point where you have to say, if you're going to have collective bargaining, a bill that is workable, hey, you've got to at least make sure each party has got a chance to discuss it. So, from that angle, I think by...by deleting the management rights, you really make the bill...more practical point of view, unworkable. There's no distinction between mandatory and permissive subjects of bargaining. There's one here, if teachers strike...there's...there's nothing against it. I mean, they get to make all the days up, it's mandated. So, there's no reason not to strike. I mean, there's absolutely no reason not to strike because any possible problems it might cause, from a teacher point of view, are taken care of. Now, from a management point of view, it sure throws the school system into a mess, but that's their problem. No, that's not a big thing, that's just the kids. The employer is...is boxed in in terms of whether they're seeking the union permission to binding arbitration or taking a strike after a mere five-days notice.

To put it mildly, it is very difficult in a situation like that. Fact finding is not mandated in the bill before a strike and anyone who knows much about collective bargaining knows you've got to mandate some kind of fact finding, you've got to have some outsiders in there once in awhile. You're dealing with volunteer school board people and you're dealing with some professional collective bargaining guys on the union side, you need to have some mandatory fact finding. Then, just the definition of what type of evidence the school boards need for court injunctions, I mean, it's just...the bill, if you accept collect bargaining, 536 is a balanced bill you can deal with. In this case, this is simply an excuse for one particularly potent union to do whatever they want, and the kids and the parents have absolutely not protections in this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Grotberg.

SENATOR GROTEBERG:

Thank you, Mr. President, I move the previous question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator Grotberg has moved the previous question. Before we say Aye, we have the following Senators that have sought recognition. The next one will be Senator Welch, Geo-Karis, Mahar, Hudson, Maitland, Kustra and Weaver. Senator Welch.

SENATOR WELCH:

Will the sponsor yield for a couple of questions?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Yes, he indicates he will.

SENATOR WELCH:

Senator Bruce, could you tell me what impact this bill will have on the tenure system?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

I don't believe it will have any impact at all. There is a section in the Act...if I can find it for you on the other laws, it says, "In case of conflict between the provisions of this Act and in the other law, Executive Order of Administrative Regulation, provision of this Act shall prevail and control." Since this Act does not mention tenure in any way, it would not impact, in my belief at all, that tenure would be impacted...tenure law will apply and it does not conflict with it; therefore, tenure would apply.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Does this bill alter any seniority rights?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Again, for the same reason, Senator Welch, I don't...I don't believe it affects...seniority rights at all. There is nothing in this Act that mentions seniority; therefore, the other Act would be controlling.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Finally, Senator Bruce, is any section of Section 2412 of the School Code impacted by this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Well, that section, basically, sets forth the right of dismissal, rifting and other teacher protection rights in the 2412 Section, and for the same reason in...in both in...tenure and seniority, I see no conflict in this Act. All this...all this Act sets forward is...is the right to

organize and collectively bargain with the employer, and so those rights statutorily established by this General Assembly would not be a bargainable issue. Those are still in the Statutes and would be only changed if we took action to change them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I've always considered teachers professionals, but this says lawyers or professionals. I am speaking against this bill because I happen to represent the working class of people who do have the right to strike in their plants, but then they're not subsidized by tax money. And we are talking about public employees, the teachers are doing a public service, they're being paid by tax money. And I'd say that it is bad to encourage a bill that permits the right of strike because you and I know that when the teachers are striking and that children are out of school, we are affecting the health, safety and welfare of the...the children; and not only that, we do not have the right to stop paying taxes when those services are cut. I feel that any strike bill for public employees without mandatory arbitration, and this bill does not have mandatory arbitration and right of appeal to the courts, I feel any such bill is a bad bill and a bad public policy. I am not against collective bargaining, but I certainly feel that we have gone too far. We have other bills here and I speak with high respect for the teachers whom I consider as professionals, and I can also tell you that the working class that I represent may have...want the right, as I say, to have...to strike but then they're not getting paid by tax money, the teachers are, and I speak against the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR MAHAR:

Senator Bruce, I have a sheet that indicates the cost to districts for...in negotiation procedures, and in DuPage County which is part of my district. Do you have any information that indicates that with a State board these costs will be shift or reduced?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Well, Senator, whatever is already being spent will not be increased, and the only cost that I can figure out would be the cost of the State Labor Relations Board.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

What I'm asking is, will some of the negotiations be shifted to that board? They will make the decisions, thereby reducing the potentiality of more negotiations at the local level.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Yes, that is correct because the mediation and fact finding that they are presently paying for will be shifted to the mediation board and that should be a reduction in cost to some of the school districts.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator Hudson.

SENATOR HUDSON:

Thank you Mr. President and Ladies and Gentlemen of the Senate. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He'll...indicates he will.

SENATOR HUDSON:

Senator, a question. Under the provisions of this bill, would the...would it provide for so-called closed shop or union shop as far as teachers are concerned?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

I'm sorry, I...I missed the question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hudson.

SENATOR HUDSON:

Does this bill provide for a union shop...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR HUDSON:

...as far as teachers are concerned?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

No, it does not.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hudson.

SENATOR HUDSON:

Are you telling me that if a teacher...if a teacher does not what to belong to a union...a teacher does not have to belong to a union without paying dues?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

That is correct, he does not have to join. He has to pay

a fair share of the costs of running the collective bargaining unit, but he does not have to join.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hudson.

SENATOR HUDSON:

That's what I'm getting at, Mr. Sponsor. Whether he...whether he likes to or not he has to pay those dues, and that to me is...is an element of compulsion. To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Senator, first of all, they don't have to join the union. Second of all, they don't have to pay dues unless that is negotiated. The language in this bill is directly out of a United States Supreme Court opinion on agency shop...and...and so, unless the bargaining unit bargains that, the employer agrees to it, then there could be a fair share assessment, that's all.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hudson.

SENATOR HUDSON:

One more question. There is a difference between dues, of course, and fair share. Now, I think, to sharpen the question a little bit, under the provisions of this bill, does the bill mandate or protect the teacher in the sense that they're only paying for the exact cost...according to the court decisions, are they only paying for the costs of the collective bargaining procedures and nothing else?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Absolutely. We drew this language right from the Aboud case, you cannot make political contributions. The only

thing that you can ask them to pay is the cost of collective bargaining, contract administration, matters affecting wages, hours and conditions of employment, that is it. The Supreme Court has spoken on agency shop and they have very clearly outlined what you can do and we very wisely put in exactly what those requirements are, no political contributions, no organizing efforts, only for the administration of the collective bargaining process, contract administration and their matters on wages, hours and terms and conditions of employment. Very narrow.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hudson, your time has expired. We'll move on to the other Senators. For what purpose do you arise, Senator Hudson?

SENATOR HUDSON:

Mr. President, I thought I was asking the sponsor questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You...you asked him a question, he responded. Your time has expired. I had indicated that we will be using the timer because of the amount of Senators that seek recognition to speak on this legislation.

SENATOR HUDSON:

All right, fair enough, Mr. President. I did not understand that, I thought my questions were apart from my...

PRESIDING OFFICER: (SENATOR SAVICKAS)

No, it's included in the time.

SENATOR HUDSON:

Need I say, I am opposed to this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

REEL #2

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senator Bruce and...and all the rest of us have the same goal and objective, we simply have different ways of...of getting there. We recognize the need in this State for quality education, and one of the things that go with quality education certainly is adequate pay for teachers; there's no agreement...no disagreement between the sponsor and...and this Senator on that issue. But we have a different idea as to how we should get there. I think the Body should know that presently over fifty percent of the school districts in this State now do bargain collectively. Those school districts have made that decision on their own. They have decided to bargain collectively, and that's fine, I have no problem with that at all. But I do have a problem with the State mandating, forcing a school district to bargain collectively. I think that destroys local control totally. If we're to reach those goals and objectives that we all want to reach toward quality education, one of the things that we have to do is to keep our constituents satisfied with the way we are conducting educational activities. If you want something to turn off your district...and those of you on both sides of the aisle who tend to want to support this issue, let me tell you that in two years, or possibly three, when the impact of this kind of...this kind of legislation impacts your school district, your constituents are going to say, what did you do to me? Why did you take that local control away from me? I'm not just exactly sure what you're going to say, but you're going to have a tough answer to respond to. I guarantee you, each and every one of you in this Body, your constituency does not want this bill. Many

of your teachers do not want this bill. You are forcing something upon them that they do not want. School boards have an awesome responsibility, and we continue to chip away at their responsibility, and to put more, and more, and more, and more of the control of education in Springfield and away from your local school district. There are no school...no two school districts in this State that are alike, that's why you have school boards, that's why you have those people there making those decisions; and without that, the quality of education can only go down and not up. Teachers in this State and in every state are indeed underpaid, we all accept that fact. But in order for them to have adequate salaries, you're going to have to have your constituency on your side, and you, in fact, can put them on their side if you support education through local control, not through a State mandated collective bargaining bill. We all have the same goals and objectives; we have different ways of getting there. I believe the support of a mandatory collective bargaining bill is not the right way.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR WEAVER:

Senator Bruce, with the passage of House Bill 1530, is it the intent to allow an award by binding arbitration to force a tax increase at the local or the State level, yes or no?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

No, it could not contravene any Statute of the State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR BRUCE:

I might add that that is...that is also...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator DeAngelis.

SENATOR BRUCE:

...case law and policy, Senator. It...the arbitrator has no authority to increase the taxes of the taxpayers.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I addressed the bad points of this bill unamended when I offered my amendments. So, I want to make just two quick comments. I have a letter here from the State's Mandates Office pertaining to 536; however, the provisions of 536 are...are some of those that are in this bill, and I'd like to read to the Body what, in fact, this is going to cause for the State of Illinois. I will read 536...through this first, 536 states that it is the duty of public employees to engage in collective bargaining; while in this case, it's educational employees. This provision constitutes a local government organization and structure mandate for which no reimbursement is required. However, this constitutes a personnel...personnel mandate because it pertains to salaries and wages, working conditions and fringe benefits. The State's Mandates Office says that if this passes, and, in fact...in fact, the burden will be borne by the State of Illinois. And...so, I just want to point out for the record that under the State's Mandates Office we're going to pick up the tab for this. I have a question of the Chair.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Since this is preemptive of a unit of government, does this require thirty-six votes?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, continue your speech and we'll look at it.

SENATOR DeANGELIS:

Well, I'm going to be requesting a...an opinion from the State's Mandates Office on this bill, also, for the record. But the parallel provisions clearly indicate we're going to be responsible for all the costs of this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senators, that concludes our list of speakers. While Senator Bruce is closing, we will review the bill and get back on an answer on the needed votes to Senator DeAngelis. Senator Bruce, you may close.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. I would solicit your Aye vote on this bill. It's...this bill severely limits the rights of strikes in the State of Illinois. They have been considered to be illegal for sometime, but they continue to occur. This bill puts in penalties for any kind of strikes. We have worked with many major...municipalities, a major municipality, being that of the City of Chicago; and in conversations last evening, they said that they have a position of neutrality on this bill. We tried to address the question of agency shop brought up by Senator Hudson, and I believe we did so by drafting into this Act the exact language out of the Supreme Court case. I don't believe that we are preempting...any kind of...of local control, because all this bill says, that they shall sit down with their employees and bargain, that's all. We don't say that they have to reach an agreement; we don't...we don't say that they have to give away the store; they don't...we don't say anything as to what they're going to agree to, all it

says is they have to sit down and talk. As to the question of exempt, the bill is exempt from the State Mandates Act because the bill in its body states that this Act shall be exempt from the State Mandates Act. As to the question of preempting home rule units, these are not home rule units. The Constitution is quite clear that school districts and colleges are not home rule units, they do not make Statutes, pass authority, they...they are...they are strictly and wholly and only creatures of this legislative Body. They cannot be home rule units when, in fact, they have no home rule powers. We have ruled these bills to be thirty votes consistently throughout history, and I would hope that the Chair would again rule in that fashion. I believe that this will bring labor peace and labor harmony into the whole question of education in the State of Illinois by developing for the first time in this State rules and regulations and ways in which conflicts may be resolved in the courtrooms and in...in...in hearing rooms before arbitrators rather than in the streets of the State of Illinois. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

I was just asked by Senator Collins to make the point, which I got the note a little too late in my closing, and that is the question of what happens if both these bills passes. And that is, 536 will come after this bill in the passage stage and go down to the Governor later, and so it would have that impact.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The Chair is ruling that House Bill 1530 is not preemptive as it is...as it is not a home rule unit, and would only require thirty votes for passage. The question is, shall House Bill 1530...for what purpose does Senator Joyce

arise?

SENATOR JEREMIAH JOYCE:

Well, I'm confused now. What...what are you saying about 536 and what impact will it have?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

If 536 is signed later, it would supersede this Act, that's...every one of those little citations along the bottom says read the...the case on the Baltimore Railroad. It says, if you amend the same section in a later amended bill it supersedes, that's all. I mean, if 536 is signed after this bill, it will...it will...it will take precedence and that language, in fact, I think, is in 536.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill...Senator DeAngelis.

SENATOR DeANGELIS:

Well, I don't want to sit there and argue with the Chair, but under Chapter 122...and I don't have the book in front of me, Section 35-55, the City Council of Chicago levies the tax for the school district, and the City of Chicago is a home rule unit.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 1530 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. (Machine cutoff)...voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 21, 3 voting Present. House Bill 1530 having received the constitutional majority is declared passed. Senator Buzbee.

SENATOR BUZBEE:

Mr. President, having voted on the prevailing side, I move to reconsider the vote by which House Bill 1530 just passed.

HB 1597
3rd Reading

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee moves to reconsider the vote. Senator Demuzio moves to Table that motion. All those in favor indicate by saying Aye. Opposed. The Ayes have it. The motion is Tabled. House Bill 1577, Senator Grotberg. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1577.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

(Machine cutoff)...Grotberg.

SENATOR GROTBERG:

Thank you, Mr. President. The synopsis is correct, this is an unamended, simple bill. It was probably pulled off the Agreed Bill List to be used as a vehicle somewhere, I didn't pull it off. And it simply says that the...the drainage districts who now use the county treasurers to keep their books, and treasurer function can now negotiate above the six hundred dollar cap that is...has been on it since 1950. So, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 1577 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 57, the Nays are none, none voting Present. House Bill 1577 having received the constitutional majority is declared passed. House Bill 1597, Senator Macdonald. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1597.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1597 is a very simple bill which allows the counties with their animal control funds to use part of their funds for the county nurses or the county health department to purchase rabies vaccine and to supply other minor medical services. It would also mandate that if an animal is adopted other than returned to the owner from the pound, that it will have to be neutered either before adoption or it would have to be neutered by written agreement of the new owner, and if that is not done, then they do have to...they will reclaim the animal and the...the fees will not be returned to the owner. It's a simple bill, and I ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...any discussion? Any discussion? If not, the question is, shall House Bill 1597 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Senator Savickas. Have all voted who wish? (Machine cutoff)...who wish? Take the record. On that question, the Ayes are 41, 14 voted Nay, none voting Present. House Bill 1597 having received the required constitutional majority is declared passed. 1599, Senator Macdonald. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1599.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. This bill is a bill that is

identical to a bill that passed over from the Senate to the House. All this bill does, it is totally permissive and it would allow townships another option rather than running a day-care center to contract with private day-care centers which are, of course, approved by the Children and Family Service Department. These...of course, we feel that this will enable in these times a number of mothers who need work to have work in those townships that do not have day-care centers. I would urge your support for this bill, just as you voted for the bill that went over...the Senate bill that went over to the House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 1599 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Frank. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 1, 1 voting Present. House Bill 1599 having received the required constitutional majority is declared passed. 1602, Senator Bruce...Senator Bruce on the Floor? 1602. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1602.

(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 bills are identical, 1602 and 1603, and that deals with the cable TV in cities and...and counties. City bill is 1602, the county bill is 1603, and that is...frankly, is the fall-back position. That just states that a municipality may

upon written request by the franchisee exercise the right to place the cable TV system along existing right of ways, and the corporate authority would be the ones to exercise the option. It would permit them to use that right to grant the right to use streets and alleys in the State of Illinois. It's discretionary with the city, as 1602 is discretionary with the county.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I'm not against the municipalities granting the right, but you are giving the power of eminent domain to cable TV companies. And goodness knows, I like cable TV, but this is a step in the wrong direction when we're giving the right to...of eminent domain to the city, for example, and just because the cable company wants it, and even though it's a "may" bill, this is a dangerous type of bill because it can be political authority one way or the other that doesn't like someone and then goes ahead and grants that right of eminent domain to a cable company against a taxpayer. I don't think it's a good bill, and I speak against it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. I rise in support of this bill. It was heard in committee, I think this is the right way to go. I think it was amended to narrow down the distance to about eight feet, and I think municipalities ought to have the option if they want cable TV in their communities, they ought to have the option to work with the organizations and work it out, and they know best how to handle these problems, so I would urge your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Nedza.

SENATOR NEDZA:

Thank you...thank you, Mr. President and Ladies and Gentlemen of the Senate. The bill in its original form, I had the same problem that Senator Geo-Karis had with the bill. After the amendment...we prepared the amendment for the bill, the amendment restricts to eight feet of any lot line and it prevents anybody from going through the property at any point. It confines them specifically to eight feet off the lot line on any side of the lot line. It also prevents the...the establishment of any subpower stations. It also prevents the establishment of any discs on your property. It's specifically now designed to run the cable, if they have to, and it allows the companies in the municipalities to do that thing and prevent a specific individual or individuals of stopping an entire thing. So, the bill now I feel is in proper form, and I rise in support of it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bloom.

SENATOR BLOOM:

Yes, thank you. I...I'll try and be brief. Basically, what I understood the sponsor to say and the bill file to reflect, it's been amended and instead of direct right of eminent domain, you now go get a mother-may-I from the municipality and then...then to have them exercise the right of eminent domain or you can exercise the...can the company exercise the right of eminent domain after they've written and got...sought written permission from the municipality or does the municipality actually mechanically do the condemnation for the cable TV franchise?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

Thank you, Senator Bloom, for your question, and I hope Senator Geo-Karis is listening. No, they cannot exercise. The city already has the power to exercise eminent domain. They may request them, and if the city wishes to, they may. As Senator Mahar has indicated, it clarifies their right to exercise this for a cable company, and every city council would appreciate the authority to exercise this right if they wish. And with the amendment placed on by Senator Nedza it very severely restricts to within eight feet of a lot line, no digging, no dishes, no power stations, nothing can be placed on your property except through the air line is what you've basically limited the people to, and this would be exercised by a city who already has the right of eminent domain. The Municipal League and others think this clarifies their authority to help and work with cable companies.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

...sponsor indicates he will yield. Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you. In this one the municipality would have the right to say to me, if I were a property owner, that you must let this go through if, in fact, there is a phone line or something there, is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

That is correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

In the next bill, the county will be able to say to me, a farmer or landowner, that you must let this go through your property if there is a phone line going along the edge of your property?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

If it were within eight feet of the lot line, they...they...the property line, they would...they could, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Then, inside my field, inside my field eight feet they can come along and...and run a cable TV line right with a phone line that has been in there that went through there by right of eminent domain?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

If they had the power of eminent domain there, they could do it. I...I think, Senator Joyce, that as...you have trouble with utility companies, I don't know of a municipality or a county government that has run anything except along their existing right of ways along roadsides, and, I mean, I don't anticipate that this would be used except by a county where there is not a municipality along existing roadways.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

I can speak from experience. I have a phone line inside my fence in...going about three-quarters of a mile.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

That power was exercised through the Illinois Commerce Commission through the utility. The only thing that a county could do would be...I don't know why they would want to put a...a telephone line through your property. I think that knowing county government the way you do, having been on the county board, I don't think they'd exercise that option...they've got all the county roads to use.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Well, certainly they would if it's there and the phone company put that in there by right of eminent domain, why can't the cable TV do the same thing if the county gives them permission to?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

Well, because I don't believe they would have exercised that right in the beginning. In other words, they can only place...well, it's there, but they didn't put it there with their authority. They are limited...to the rights where they have exercised their right of eminent domain, and they have not...on that telephone line on your property, they have not. That was a...that was done by the telephone company through the Illinois Commerce Commission, and the county would...the county board would have to come back and...and make the right of eminent domain for areas where they have.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Well, I don't know what makes you think they wouldn't do that if we're going to give them that authority to. Why are we...doing this? You know, you say, well, they won't do it,

but we are. So, I would ask for a negative vote on this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, just for a comment, Mr. President. We've had some bills about cable TV rights today, and I remember a couple of years ago that cable TV industry was very upset because there were moves by some legislators to make them a...to classify them as a public utility and to require them to submit to the same kind of rules and regulations that other utility companies do in that they would have to be controlled by the Illinois Commerce Commission. Now, they were very upset about those bills, and I supported them in their position of not being controlled by the Commerce Commission. But it seems to me that...that now what we're seeing are a group of bills under which they want the same rights of...of utilities, but they don't want to be controlled like utilities, and I don't really think they can have it both ways. I think Senator Joyce has raised some good points here and we shouldn't give them these rights unless they really want to be a utility company like all the rest.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bruce may close.

SENATOR BRUCE:

Well, 1602, so that we get back on track, only deals with the municipalities and their right to exercise...their right to grant them easements within six feet of the property line, no placement of any facilities, no substations, no anything. I believe that it's reasonable and it clarifies the authority of cities. They think that they need the authority, I do too. I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1602 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 43, the Nays are 13, none voting Present. House Bill 1602 having received the required constitutional majority is declared passed. 1603, Senator Bruce. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1603.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

I think its been debated. I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 1603 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 43, the Nays are 13, 1 voting Present. House Bill 1603 having received the required constitutional majority is declared passed. 1651...Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Well, yesterday when we got the amendment on...yesterday when we got the amendment on 1182, it was asked that a printout be put together for each one of the Senators covering their districts. The Pages are in the middle of handing them out and I want just a quick explanation to you. In the upper right-hand corner, you will see work number four thousand, and the two columns you will see are the left-hand column, first column is...is what your district received this year; the second column is what they would receive under the

amendment which was adopted yesterday based on four point...on four...one billion four hundred and thirty-seven. The second one which will have run work number four thousand and one in the upper right-hand corner, the first column will show your school district if there's no changes in the formula, and then the second column would again show what it would be with the amendment. So, everyone can have a chance to read and understand it before we get to that bill. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On the Order of 3rd Reading, House Bill 1651. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1651.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1651 as amended allows a municipality to voluntarily cede to IBDA the municipality's portion of the State ceiling on mortgage revenue bonds which is set by the Internal Revenue Code. The bill provides that the Authority's Board shall set the interest rate to be paid on bonds and notes which are exempt from taxation. Be more than happy to answer any questions. If not, I solicit your vote for House Bill 1651 as amended.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Senator Welch.

SENATOR WELCH:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Could you explain what the amendment to this bill did?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

That's the bill now, I just did.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? The question is, shall House Bill 1651 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 55, the Nays are none, none voting Present. House Bill 1651 having received the required constitutional majority is declared passed. 1652, Senator Lenke. Senator Lenke on the Floor? Read the bill, Mr. Secretary, please. Whoop, take it out of the record. 1653, Senator Welch. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1653.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill does is amend the Unemployment Insurance Act to provide that an unemployed individual must certify that he was actively seeking work during the period for which he seeks benefits. It was amended on the Floor, and the purpose of the amendment was to clarify that members who don't normally report to the unemployment office but are able to report to the union hall can continue to report to the union hall, and I would urge a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

Question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Keats.

SENATOR KEATS:

What the amendment does, to explain clearly, is that if you're a...a union worker, the Department of Labor now, with no legislative authorization, this would be giving them to do it, you simply call the union hall and say to the...your union steward, oh, by the way, I'm seeking work, and that's the same as actively seeking work. I mean, that's sort of a cynical definition, but is that not true?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, I...I'm not going to agree and impugn motives of individuals who call in and say whether they are working or not. I think that there has to be some more substance to it than just to making a phone call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

If there has to be some more substance, I am unaware of it in the amendment. Your bill does not specify it. It basically is a ten-cent phone call and you are listed as seeking work whether you are seeking work or not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, I don't think that's quite correct, Senator, because what the amendment says is that, "nothing in the sub-section shall limit the director's approval of alternate

methods of demonstrating an active search for work based on regular reporting to a trade union office." So, if the director is so blase that he allows a phone call, then it's on the director's head and not on the union.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

I'm not in some way impugning the integrity of the union business agent, it does happen to be the Department of Labor that is administering it and you are...everything Senator Welch has said to the best of our knowledge is correct. Department of Labor lets you make a phone call and that's counted as affirmative check. Now, if you're a poor lady living on the west side of Chicago, you've got to stop in at all these various offices and fill out all these forms. But if you're in a union, Department of Labor, from any evidence we have, just says call the BA and he'll let us know. So, I am not impugning the union BA when I'm saying, if you're right, it is the Department of Labor and their sloppy method of doing it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Hall.

SENATOR HALL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Hall.

SENATOR HALL:

Now, is the Digest correct in saying that...that you must certify that you are actually seeking work during the period for which he seeks benefit? Is that...is that the real gist of this, Senator?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, yes, it is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Well, now, in other words, that...who's going to...you mean to say, I just have to continually going around from place to place getting statements saying that I've been there looking for employment? You do that right now, I know, but is this an additional thing that you're putting on?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, no. It...it...what it does is it creates a form to be certified that he has sought work and the places which he sought it at, or she sought the work.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Is this a help to a union person, is that the purpose?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, I...I think it's a help to a number of people. It's going to help the department, certainly, by finding out if a person actually did seek work or at least making somebody certify that they did. As far as helping a union person, overall, I would say that they would be helped by, perhaps, eliminating people who aren't seeking work but are yet getting unemployment benefits or seeking to get unemployment benefits.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. A question of the sponsor. Senator, you're now going to allow people who are unemployed to simply certify, they have to sign something that say that...that says that they're actively seeking work. Now, is that going to apply to everybody? Everybody that's unemployed now simply fills out a form and says, I was actively seeking work, and that's how you prove that...that you were, in fact, actively seeking work?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Senator, my understanding is that this would be in addition to any other methods currently used by the department.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.,

SENATOR SCHUNEMAN:

Well, that's precisely my point. I think we've got a double standard now in Illinois. If you are an unemployed worker in one of the trade unions, you simply call up your union hall and find out if they've got any work for you; and if they haven't, then you don't have to do anything else. That is seeking work. But if you happen to be some poor guy that's...that's unemployed from any other employment in this State, you've got to be out pounding the...the pavements, and you have to prove it. I've forgotten how you prove it to the Department of Labor. I think you have to...to report the employers to whom you have applied. And my only point in speaking on this at all is to point out that we've got a real double standard here, that these folks simply call the union business agent and everybody else has to go look for work.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, I am concerned about chicanery in the unemployment

field, but I think you ought to read this amendment because what it simply says is that they can, in fact, with the approval of the director, find an alternate method. Now, most trades people are hired out of the union halls and that's why this is put in there. And having them search other places doesn't do any good because they're hired out of that place to begin with. So, they're actually going back to the place they're hired out of to find out if there's work. I mean, the other thing is...but the director has to approve it also.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch may close.

SENATOR WELCH:

Thank you. It's my understanding this is a codification of existing practice, and I would urge a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1653 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 45, the Nays are 10, none voting Present. House Bill 1653 having received the required constitutional majority is declared passed. 1661, Senator Dawson. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1661.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, House Bill 1661 tries to...attempts to restore all GA medical reductions implemented for Fiscal Year '83 and proposed for

1984. The Emergency Budget Act of 1983 authorized the Department of Public Aid to reduce GA medical services again by a hundred and nine million dollars. This round of cuts which became effective 3-3-83 limits payments for in-patient hospital administration to five hundred dollars and eliminates all dental, laboratory, medical equipment and medical transportation. The '84 Illinois State Budget proposed a spend to reductions of two hundred and thirty-seven million in medical assistance, including 32.5 million dollars for each GA recipient. The Governor proposed the elimination of the entire general assistance program, involving two hundred and seventy-five million dollars in total assistance. I feel that this is needed for the people of our State. I feel that all the other things that we've been talking about of cutting and all that, I do not feel that this is anyplace to start cutting on general assistance to the people who are most needed. Open for any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Newhouse. Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I thought for a moment there would be no discussion, in which case it would make my remarks unneeded. This is a bill with a modest price tag. What it's going to do is going to keep a lot of people out of the hospital among other things, and among the dollars that we're trying to save are some dollars that are presently going to hospitals for services that they don't need to apply; and for that reason, I would recommend this bill to...to this Body. With a price tag of about thirteen million dollars I think it's a bargain.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Fawell.

SENATOR FAWELL:

I was just...just heard that the...one of my colleagues said that this is going to cost thirteen million dollars. According to our analysis, it's going to cost a 157.3 million dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

Senator Fawell, that fiscal note when it came up in the beginning is incorrect. It's 13.4 or 13.6 million dollars the cost of it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

(Machine cutoff)...you have a...a note from Public Aid saying that that's what it's going to cost? Because this is the only thing we have to go by and it says 157.3 million dollars, and...and I have no objection to the program but I plan on...I'm probably going to be voting for the income tax, I just hope you do too.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAPPER:

Well, I...I think Senator Fawell pretty well hit it on the...the nailhead. If you're going to vote for the income tax, I guess you can vote for this bill in a clear conscience. I agree with the...the sponsors, these are services that are needed and we probably should provide. I would again respectfully remind the members that we may be putting the cart before the horse. There's certainly no money here.

Of course, the Governor can always veto it, I know that. But I, for one, frankly, haven't seen the income tax package yet I want to support, and you'll pardon me if I either vote No or Present.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kent.

SENATOR KENT:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Kent.

SENATOR KENT:

What have you changed that would adjust the fiscal note, Senator Dawson?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

The AMI is not included in this piece of legislation, Senator Kent. They included a few things that are not addressed in this piece of legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kent.

SENATOR KENT:

From our analysis and everything, they're saying that the AMI is included, in...in Section 7.2 of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

According to our staff here, Senator Kent, that that is not addressed in this now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Kent.

SENATOR KENT:

One more question. Where does this restore the cuts at what level? Is it the cuts of last year or the cuts as of

March 30th or March?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

The cuts of June 30th, 1982, it restores it to.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kent.

SENATOR KENT:

So, that's all of last year, correct? I think there is some disagreement on how much this is going to cost. I tend to feel that the price is too high. I would hope that we could defeat this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Dawson may close.

SENATOR DAWSON:

Ladies and Gentlemen, everybody is talking about the things on the tax package. Well, I feel that if we are going to have a tax increase, it's going to be before us. At the same time, we should have the proposals where this money could be spent in a very beneficial way for the people of the State of Illinois. And if we do not have the tax increase and the Governor does not see it fit, then I would like to see him veto the bill on the condition that he does not have the money to do it; and under that, I'd ask for a favorable roll call to at least have the thing in place. Thank you, very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1661 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 26, the Nays are 26, 2 voting Present. The sponsor requests postponed consideration. Top of Page 15, 1667. House Bill

1667, Senator...Senator Degnan. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1667.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. House Bill 1667 provides that in all counties one may hold the office of county board member and town...township assessor, township clerk simultaneously. It grandfathers in township highway commissioners. The bill also allows township highway...township supervisors to serve simultaneously on appointed county boards of review.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Philip.

SENATOR PHILIP:

I'd like to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Philip.

SENATOR PHILIP:

Senator Degnan, do you have any of these in your City of Chicago or your county at all?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

I...I guess I have the age-old question, who got you to...to introduce the bill? Where...where's it coming from?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

It came from the House, my friend, Representative Keane.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

If I remember correctly, you had this same lousy bill in the Senate, is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

That's correct, and if I remember correctly, the bill passed out of here 55 to 3.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Unfortunately, I was off the Floor, but I just would like to bring a few things to the membership's attention. You talk about a bad bill that has a...a conflict of interest, that's the understatement of the year. This allows a township assessor to serve on the county board. Now, you have to think a little bit about that. As a member of the county board he is voting on who's going to be the supervisor of assessments for that county, on the salary for the supervisor of assessment and on the budget for the supervisor of assessment. Also, he's voting on who are going to be the members of the Board of Review and what the Board of Review's budget is. Also, and I'm not sure that all counties have it, but our county has a multiplier like the State has, which the supervisor of assessment's office puts on. We also have township multipliers. Once again, you're letting an assessor who is directly involved at assessing property in his own township vote on all those very controversial, conflict of interest matters. We do have in my county a township asses-

sor who serves on the county board, we see those conflicts all the time, continually. Now, we have an Attorney General's opinion which is very clear, which says you cannot serve both because there's a conflict of interest. We also have a circuit court opinion over in Will County, says exactly the same thing. We've got the third appellate court decision opinion that absolutely affirms the circuit court, and now it's before the Supreme Court. Now, everybody including the Attorney General, the circuit court and the appellate court have all said the same thing, unanimously, a conflict of interest. In good conscience we ought to defeat this bill, it's a bad bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR DEGNAN:

Well, thank you, Mr. President. I would suggest that under current law, counties under three hundred thousand in population have this benefit, and I'd ask for its passage.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 1667 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 31, the Nays are 24, 1 voting Present. House Bill 1667 having received the constitutional majority is declared passed. House bill...for what purpose does Senator Philip arise?

SENATOR PHILIP:

I hate to take the time of the Senate, but I'd like a verification, please, of the affirmative roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

A verification has been requested. Will all the members please be in their seats. On the verification of the Aye

votes, Mr. Secretary, will you read the roll call.

SECRETARY:

The following voted in the affirmative: Barkhausen, Becker, Berman, Bruce, Buzbee, Carroll, Chew, D'Arco, Darrow, Dawson, Degnan, Demuzio, Egan, Fawell, Geo-Karis, Hall, Johns, Jeremiah Joyce, Kelly, Lechowicz, Lemke, Luft, Macdonald, Marovitz, Nedza, Netsch, Newhouse, Schaffer, Smith, Vadalabene, Zito.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip, do you question any of the Aye votes?

SENATOR PHILIP:

Senator Collins.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is Senator Collins on the Floor? Senator Collins is not recorded as voting.

SENATOR PHILIP:

Senator Barkhausen.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is Senator Barkhausen on the Floor? Senator Barkhausen. Is Senator Barkhausen on the Floor? Strike his name from the record.

SENATOR PHILIP:

Senator Johns.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is Senator Johns on the Floor? Senator Johns. Senator Johns on the Floor? Strike his name from the record.

SENATOR PHILIP:

Senator Marovitz.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is Senator Marovitz on the Floor? Senator Marovitz is in the back.

SENATOR PHILIP:

Senator Demuzio.

PRESIDING OFFICER: (SENATOR SAVICKAS)

HB 1753
3rd Reading

Is Senator Demuzio on the Floor? Senator Demuzio is in the pit. Johns is...restore Senator Johns' name to the record. On a verified roll call, the Ayes are 30, the Nays are 24, 1 voting Present. For what purpose does Senator Lemke arise?

SENATOR LENKE:

To reconsider.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke moves to reconsider the vote. Senator Carroll moves to Table that motion. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion is Tabled. House bill...on a verified roll call with 30 Ayes,...24 Nays, House Bill 1725 is reported...is...having received the...having received the required constitutional majority is declared passed. House Bill 1725, Senator Pawell. House Bill 1750, Senator Dawson. House Bill 1753, Senator Egan. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1753.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan. For what purpose does Senator Pawell arise?

SENATOR PAWELL:

Is there some reason you skipped 1725?

PRESIDING OFFICER: (SENATOR SAVICKAS)

There...I had...did not skip 1725, Senator, I called...1725, Senator Pawell. No one...no one remarked or paid attention; the same with 1750 for Senator Dawson, no one indicated to call it. We moved on to the next order of business...was 1753, Senator Egan. Now, if we're going to be drifting, that's fine. If we're going to pay attention, that's fine. But I would suggest that if your bills are

coming up and are close to it, that we sit in our seats and pay attention. House Bill 1753, Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. House Bill 1753 amends the Motor Vehicle Franchise Act to define relevant market area. It prohibits with specified exceptions the relocation of an existing motor vehicle dealership within...or into a relevant market area of an existing franchise of the same line make. The current law provides that dealers of the same line make in the area of responsibility agree to the establishment of a new dealer or that the manufacturer establishes a new dealership point based on the criteria already established under current law in the existing Franchise Act. Now, this bill merely defines the primary...primary area of responsibility. There's no prohibition against the manufacturer to open or establish new dealership points, both under current law or in the proposed amendments. Simply stated, the manufacturer bears the burden of proof to show the economic and marketing conditions as well as the public's best interest that will be served by establishing a new dealership point. The amendment only defines the primary area of responsibility of the dealer. It allows the existing dealer the opportunity to object to the opening of a new point within his primary area of responsibility. If the market and economic conditions justify and can support a new dealership point, the manufacturers may open the point as they now can under current law, and as they will be able to under House Bill 1753. I'm sure that there is a...no dearth of controversy, and I would...be happy to answer any of your questions. If there are none, I commend it to your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I think this bill will probably pass because there are far more car dealers than there are car manufacturers. But I ought to point out some of the ramifications of this bill. Namely, two...two things I'd like to quote. One is a letter from the Federal Trade Commission in Washington. It's a very long letter, but let me bottom line it for you. It says here, "By recounting our reasons, we hope to explain why a bill which seeks to protect a certain class of businesses from competition must come at the expense of others; in this case, the car-buying public, the potential new entrants to the new...to new motor vehicle retailing and the automobile manufacturers. We do not wish to take issue with this perception nor do we presume that there are not other reasons to consider such legislation. Our aim is merely to point out the significant anticompetitive ramifications of laws such as the one." The letter further states that if the automobile industry chose to do this on their own, they would probably be hauled into court by the U.S. Department of Justice. My second reason is that in my community of Olympia Fields in which there are approximately six retail establishments, one is a Ford Motor Company dealership which currently is paying close to ninety thousand dollars a year in real estate taxes. It is currently closed. Under this bill, it could never reopen unless they went through a series of court actions and challenges, and I really think that is not a very good idea, Senator Egan.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey.

SENATOR COFFEY:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR COFFEY:

What is the radius for dealers to reestablish a new dealership with...within counties under three hundred thousand?

PRESIDING OFFICER: (SENATOR SAVICKAS)

(Machine cutoff)...Egan.

SENATOR EGAN:

Twelve miles.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell. Senator Coffey.

SENATOR COFFEY:

Well, the information I have before me says fifteen miles radius, was that changed?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Well, when the dealers themselves reestablish the point, I believe it's twelve.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey.

SENATOR COFFEY:

Well, I don't have that clarified here, but as I understand by the information I have before me, and it is from...the Illinois New Car and Truck Dealer's Association, that the...within fifteen mile radius in counties under three hundred thousand. Anyway, the problem I have with the bill is in communities such as my own when we have a dealership in a small community such as Oakland, which is about seven or eight hundred people, has a dealership, and right now our...Ford dealership in Charleston has been closed down, and...and under this legislation, of a community of twenty thousand or over we could not reestablish...we could not reestablish a Ford dealership in Charleston. In other words, we've got to go eleven...nine to eleven miles to a...to a

small community. We can't reestablish in that area...you...is there any provision to allow that to happen?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

I...I believe that it's twelve miles, Senator Coffey, and twelve miles is twelve miles. I...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey.

SENATOR COFFEY:

Well,...if it's twelve miles...if we're saying in this legislation that we cannot reestablish a dealership once it's closed, in this case it was a bankruptcy, if we can't...put a new dealership in a community of the size of twenty thousand, I think this is bad legislation. We should oppose it, and I think the members of this General Assembly should take a look at it. If we're going to be doing these kind of things, it is not going to be in the best interest of our communities and of our citizens to get good responsibility from their dealership, and I think we ought to oppose the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

END OF REEL

REEL #3

SENATOR NETSCH:

Thank you, Mr. President. If Senator Barkhausen were on the Floor, I would remind him that one of the reasons why I spoke briefly, if not passionately, against the bill that he was sponsoring...I think it was House Bill 1208, is exactly this bill. That happened to protect particularly local units of government from their anticompetitive effects. This happens to be the State that is doing it, but it certainly is very dramatic evidence that legislative bodies can engage in anticompetitive activity that, as Senator DeAngelis and the Federal Trade Commission indicated, would be clearly a per se violation of the antitrust laws if engaged in by these individuals without the protective cloak of the State Legislature passing a law allowing them to do it. This does set up protective...protected and protective competitive areas, relevant market areas. In the case of my area, Senator Coffey, it's a ten mile radius, and if you've ever seen a ten mile radius drawn on a map of the City of Chicago, it's quite dramatic in its...impact. The whole point is that there may be some laws that...that should legitimately be passed to balance the power, if you will, between the automobile manufacturers and the dealers. I agree that the...the power tends to be on the side of the big guys, the...the manufacturers in this case. But to write a law that just simply carves up the entire market into protected districts is absolutely unconscionable. It is an abuse of the legislative power, and this bill should not pass.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr...thank you, Mr. President and members of

the Senate. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Yes, he indicates he will.

SENATOR MAHAR:

We have in South Cook County several dealerships that have closed up. Now, let's take a Ford or a Chrysler dealership, what is the difference before and after if this bill were to pass in regard to reestablishing that Ford or Chrysler dealership? What would they...how would they be able to do it now as opposed to this bill passing?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Well, it...it change...it shifts the primary area of responsibility from the manufacturer to the dealer, and if the dealer...if the...if the criteria are met that the dealers have within the bill, there can be...then reestablished a...a dealership in...with the...and the manufacturers also, if the criteria can be met, can reestablish the dealership. What Senator DeAngelis says is not completely correct. And a dealership, if the criteria are met, can be reestablished.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

In...in other words, that Ford dealership in Olympia Fields, which is in my district, could...could be reopened if the criteria were met. Now, what are we talking about in the area of criteria? I don't necessarily want to go into a long dissertation, but basically.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Well, here's a full page of them and I could go on and on and on, but...but it...but the...the primary...area of

responsibility shifts from the manufacturer to the dealer. So, obviously, the dealer is going to have more to say about it than the manufacturer. However, the manufacturer, if it meets the criteria in the bill, can reestablish a dealership.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'm surprised at my good friend, Senator Egan, such a...a business-type person for free trade and enterprise, and I'll tell you, I've had a lot of my dealers call me. I don't know if there hasn't been a dealer in my district that hasn't called me or written me on this bill, to the contrary of my attitude, quite frankly. Now, just think if we extended it. If we're going to do it for automobile dealers, why don't we do it for grocery stores, we could do it for drug stores, barber shops, chiropractors. If you want to do away with competition, this is the greatest way to do it, I'll tell you that. I live in Elmhurst, Illinois, I'm very proud of it. We have a street called Grand Avenue, it's got about six dealers on it and they do a terrific job and they're competitive as the devil, and just think if there was only one...dealership on...on Grand Avenue. You know what they'd be getting? The full list for the car, you know it and I know it. And the other thing is, as you know, I'm...I'm in the food business, we sell a franchise just like the automobile dealers do, so I know something about franchise, not much but something. We are able to say to one of our distributors who is selling his business after maybe being in the business for ten years, who's done a great job for us, done a super job, but he has somebody that wants to give him twice what the franchise is worth but, unfortunately, the guy is not qualified and in our judgement will not do a good job for him; so, we can say, no. To allow the dealer to decide

who he can sell his franchise to, quite frankly, is irresponsible. Because after you've been in the business for twenty years, you don't give a damn, you'll sell it to anybody for any price. And it's a bad policy, it'd be bad for our corporation, it would be bad for General Motors, it would be bad for anybody, and I suggest that this is a bad bill and little red lights up there would be appreciated.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR HALL:

Senator Egan, I was trying to follow this, the question that was just asked of you. In the City of East St. Louis all the dealers have now moved outside the City of East St. Louis, there's none left, they're surrounding that locality right now. If I wanted to open a dealership back in that city, would this prevent me from opening one?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Are you...if you meet the criteria, Senator Hall, you can reopen the dealership if...if...if it meets the standard of the bill, which is within a certain number of miles and if you're a manufacturer you can do it or if you're a dealer you can do it by showing the public's best interest and the economic and marketing conditions in the area. So, the answer, frankly, is, yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Well, that's what I...I want...I'm talking about a new

dealership to come back...okay.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Coffey, for the...second time.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I'm sorry to rise on the second time, but I think it's necessary to do so. We had two bills this Session that we thought would both come before Senator Chew's and my committee dealing with the Franchise Act, one by the manufacturers and one by the automobile association. We had a bill, 1331, it was sponsored by Senator Chew, that came before our committee and we were asked to put that into a committee and study that piece of legislation; and when asking us to do that, we said if we're going to put one bill in the...in committee and study it, we will study both of them and try to come out with a compromise piece of legislation that would both be in the best interest of the manufacturers, the automobile association and our constituency. Well, we did put 1331 into that committee, and then we found out when the House bill, this bill, came over, it bypassed the Transportation Committee and it came to this Floor. Now, we have another bill, 1927, which will be coming up later, is the manufacturer's bill, which is...is...which is not a really a good bill either, and I am sponsoring it, it's in there by amendment. Both of these bills need some work. We need to defeat this bill that's before us now, and then...if that happens, 1927 will be put back into committee and we will study both of them like they should be done and come up with a piece of legislation that's in the best interest of all of us. I'd ask for us to vote No on this bill with a commitment that the other bill will not see the light of day either.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Egan may

close.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. As you are all well aware, the...the Motor Vehicle Franchise Act is...is existing law. It exists today. It regulates the industry today. All we're doing is changing the primary area of responsibility. If you happen to be with the manufacturers, go ahead and vote with them. If you happen to be with the dealers, then vote with the dealers, but don't give me the business about the...anticompetition aspect of the bill. Any regulation is anticompetitive, and the Federal Trade Commission itself has admitted, during its deliberations in Delaware, that they were only offering theory in regard to...these...this kind of legislation and they have not done any studies or research concerning the issue. And if you want to get something out of the Federal Trade Commission, that's about what it's worth. I commend the bill to your favorable consideration. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 1753 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 33, the Nays are 20, 2 voting Present. House Bill 1753 having received the constitutional majority is declared passed. For what purpose does Senator Sangmeister arise?

SENATOR SANGHEISTER:

Well, we're going to be here a long time today, and I...I thought the rule kind of was is if the TV cameras weren't going, that some of the TV lights would be reduced down a little bit. I get an awful lot of glare off all this white paper. I...I don't know if anyone else feels that way, and I'm not trying to be picky, but if we could just lower the

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3rd Reading

lights a little bit and get rid of a little of the glare. When the TV cameras come out, put the lights back on. I don't think they have to be on constantly.

PRESIDING OFFICER: (SENATOR SAVICKAS)

We'll have the Secretary take care of that. With leave of the Body, we'll return to House Bill 1725 and 1750 for Senator Fawell and Senator Dawson. I would suggest that the members of the Legislature realize that their bills are going to be called. We're going to go running through them once. It may be eight, nine, ten o'clock tonight if you miss your turn. So, Senators, beware. On the Order of House Bills 3rd Reading, House Bill 1725, Senator Fawell. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1725.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President. This does exactly what the synopsis says it does. It exempts all municipalities except Chicago from debt limitation incurred for financing the pumping of Lake Michigan water. It's a front door referendum. It is something our county needs in order to get the Lake Michigan water to DuPage, and I ask for your favorable vote. I'm open for any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Rock.

SENATOR ROCK:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she'll yield.

SENATOR ROCK:

Is there currently any agreement between the...the corporate authority of the City of Chicago and the County of DuPage or any of its municipalities with respect to the purchase of water?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

I don't believe so, not yet. There are some negotiations on...in the process between the water commission and the city.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I would just point out, I do not intend to support this bill at this moment for the reason that also sitting on the Calendar is House Bill 557 which was yesterday amended to suggest that the City of Chicago, once entering into an agreement, if they haven't already, then has no...nothing to say about the price of the water. I mean, this is really something. We afford them the opportunity, apparently, by agreement to buy water and now they won't even let us determine how much they're to be charged. I think this one ought to be put back for further study.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she will.

SENATOR ZITO:

Senator Fawell, for the record, how will this affect a municipality that's purchasing water from the City of Chicago and in turn selling it to other communities?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

It doesn't affect it at all. All it allows is the...the bonding power so that the municipalities can float the bonds to get the water to the...to the municipalities. Has nothing to do with rates, and as far as 557 is concerned, that also did not have anything to do with Chicago. What that was was a Lake County bill which allowed the municipality to...the...the subdivision that was outside of a city...and I hope Senator Rock is listening to this...outside of a city so that they can sell the water under the ICC's permission.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock, for what purpose do you arise?

SENATOR ROCK:

...order. The...the lady is, frankly, mistaken. Amendment No. 1 went on House Bill 557 yesterday, admittedly preemptive, suggesting that the city has absolute no control over what they can charge for the water.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Your point is well-taken. Senator Fawell.

SENATOR FAWELL:

I...I apologize, sir, I...I was told that the amendment that I had originally seen was changed. But what this...what this bill does is it allows us to pay this...for the...the plumbing...so that we can get the water out to DuPage. My assumption is, if...the President of the Senate is against 555 or whatever it is, it'll probably go down and we would like to be able to have the ability to get the water out to the...the county.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. As I understand this bill, it just simply takes the ceiling off of

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the debt limit of those municipalities that are thinking of Chicago water, and if they're hooking on to another town, in my area it goes from one town to the other, it will allow them to provide the money to...by front door referendum to get the water. I...seems to me that that...there should be nothing wrong with that. I would ask for your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR FAWELL:

The last speaker was right, that's all it does. It takes the debt limitation off by front door referendum so we can have the...the facilities built to get the water out to the county. And I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 1725 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 26, the Nays are 26, 2 voting Present. House Bill...for what purpose does Senator Fawell arise? Senator Fawell seeks leave of the Body to have 1725 put on the Order of Postponed Consideration. Is leave granted? Leave is granted. On the Order of House Bills 3rd Reading, House Bill 1750, Senator Dawson. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1750.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, House Bill 1750 authorizes the director of labor to sue to

recover such underpayments and unpaid overtime and requires employers to pay the cost thereof of underpayment of minimum wages. Employers shall be liable for the punitive damages in the amount of two percent of the amount of the underpayment for which such underpayments remain unpaid or equal to the amount the underpayments, whichever one is less.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in...in opposition to this bill. The sponsor...I guess I'll say the sponsor is a fine charitable gentlemen with nothing but goodness in his heart, but it's a miserable bill. What it really does is allows for punitive damages in lawsuits when you're arguing about minimum wage...prevailing wage...excuse me there, when you're arguing about the wage rate, you're allowing punitive damages. Do I have to tell you what kind of costs we could start talking about in the long-run? I would merely suggest to all of us that we take a little bit of time to think about what kind of costs this bill would have. It...it did not pass the...the House overwhelmingly, there was opposition in the House. In committee, it was a partisan roll call, and I simply say that if you would like to have these...these suits following you around with punitive damages involved with the Department of Labor actions, we could have some real problems, and I would appreciate a negative vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, if...under this bill, punitive damages are mandated. So, let's say that the worker gets a...a judgement in his favor for fifteen hundred dollars, there's nothing to stop

the court...the court is mandated to give them a double judgement of even more money, maybe six thousand dollars. I don't think that would be very fair. I don't think we should support any bill like this with punitive damages in there. You've heard of judgements of a hundred thousand dollars and then punitive damages are five hundred thousand additional. I think it's a very bad concept, as much as I like the sponsor. But I cannot support a bill with punitive damages in a matter like this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR DAWSON:

Ladies and Gentlemen of the Senate, any employer who is not paying them minimum wage is in violation of the law, and this allows someone to collect their money who has not been paid what the law states, and I feel that two percent of that amount is not that unfair. So, I ask for a favorable roll call, because somebody...anybody here is missing their wages or not getting it, they're going to take any recourse they can to...to receive it. So, I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 1750 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 33, the Nays are 25, none voting Present. House Bill 1750 having received the constitutional majority is declared passed. House Bill 1760, Senator Watson. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1760.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. House Bill 1760 requires the Department of Mental Health to establish rules and standards for determining how much a responsible relative is required to pay for the care of a client of the department. These standards are to take into consideration the buying and consumption patterns of the persons, contingencies having a bearing on self-support or maintenance of family obligations. These standards will be recomputed periodically by...by the department, and I know of no objection. The bill passed out of committee 10 to nothing, and I would be willing to answer any questions anyone would like to have.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Dawson.

SENATOR DAWSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR DAWSON:

I'd like to know why they are trying to give the department so much leeway in their...their schedules here...we passed out Senate Bill 522 which is currently in the House.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Well, I can't speak to Senate Bill 522, but what we have currently in the code is a strict standard...strict regulations, and what this does just give the department more leeway.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Netsch.

SENATOR NETSCH:

I'm not sure I heard the...the answer to that question, there was so much noise over here. But what I was curious about, does this simply put into statutory form the...the authorization for the department to do what it has been doing or does it change any of the standards? That's what I would really like to know.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

It changes the schedule of income for the individuals who would be responsible for a relative. It takes that out and gives the department the authority to establish those figures.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Did we have the schedule actually written out in the Statute before that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Yes, we did.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR WATSON:

Well, I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 1760 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...on that question, the Ayes are 55, the Nays are 1,...none voting Present. House Bill 1760 having received the constitutional majority is declared

passed. House Bill 1778, Senator Schaffer. Read the bill,
Mr. Secretary.

SECRETARY:

House Bill 1778.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, House Bill 1778 is identical, with...with two exceptions, to Senate Bill 1199 which passed here I believe by unanimous vote. The two amendments that have been added, one is a...adding to the definition section the definition of the waterway, so there's no confusion about which lakes and river we're talking about in the area, and the second is a...a definitive boundary description of the...I missed that...of the...of the waterway in which we...

PRESIDING OFFICER: (SENATOR SAVICKAS)

...that burst of enthusiasm was not for you, Senator Schaffer.

SENATOR SCHAFFER:

...I've noticed that on a regular basis. It defines the waterway so that we comply with the one man-one vote concept as we elect three board members from each area. The agency would be created by referendum. I'm unaware of any opposition.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. Very briefly, just to commend Senator Schaffer on the many, many hours he's put in on the bill, and it's really needed, absolutely essential to the...to the life of those lakes, and I commend it to your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall House Bill 1778 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 57, the Nays are none, none voting Present. House Bill 1778 having received the constitutional majority is declared passed. House Bill 1780, Senator Nedza. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1780.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentleman of the Senate. The first portion of the bill is exactly as the synopsis in the Calendar which provides indemnification for the park district. The second portion of the bill is the permission for the park district to issue bonds limited to pay maintenance and operating costs in a project constructed by the Public Building Commission. The purpose of this is to eliminate the six percent override cost which is always added by the Public Building Commission. The Civic Federation had a problem with the open aspect of the bonding. That was, if you recall, amended out the other day...yesterday, as a matter of fact, which puts the cap back into the bonding authority which is in the Statutes and that is at a 2.3 percent of assessed valuation. I would be glad to answer any questions; if not, I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR KEATS:

No, my...my light was on, too. I've spoken to a couple of you about this bill. Let me explain further what's in it and I appreciate the sponsor, who I guess I'm supposed to say is a true gentleman, a wonderful guy and normally doesn't sponsor bills this bad. It has a couple of provisions in it, but the key provisions being the...the open-endedness of the bondings. Now it does have the normal park district limit, which is what, two and a half or about that percent of the total limit of the assessed valuation of the park district, but that is not that much of a cap, number one. Number two, it does open up in terms of both the building fund bonds and the maintenance bonds, both are fairly, to put it mildly, discretionary. So, I would simply say among us, it's strongly opposed by the Civic Federation, and I would say that this is a bill that we probably should give some more consideration to before it leaves the Senate and I'd appreciate a No or Present vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Will the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR LECHOWICZ:

Is this a property tax increase in the City of Chicago?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

No, it is not.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Does it permit a property tax increase in the City of

Chicago?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

No, Senator, it is presently in their corporate tax level. What they're doing is taking...they have the issuance. I have a letter here from Mr. Fratto who is the comptroller for it. What it does is...there is a series of bonds which were allowed to be sold from 1936 to 1972 to 1982 and that which was authorized already and that which has not been sold. Since that date as...as of 1936, the corporate tax levy has been increased in dollars from fifty-seven million to eighty-seven million. These are the results of some...bonds that they still have left which is, I think, approximately forty million dollars. Forty million dollars which would be in working cash bonds that sold at the...the interest cost savings and reduced corporate note issue would be more than offset the annual debt service on the working cash bond. So, therefore, there would be no increase of anything; as a matter of fact, there would be a total savings of eight million one hundred and ninety thousand dollars if this bill was to be adopted.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not,...Senator Lechowicz.

SENATOR LECHOWICZ:

Then, is it a reauthorization of an existing bond issue?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

It's the reauthorization of having the bond issue go into a working cash fund, the existing bonds.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there...Senator Lechowicz.

SENATOR LECHOWICZ:

Is there any other bill then to replenish the bond issue? You're transferring...you're reauthorizing your bonds and transferring the purpose to a working cash fund, is that correct? Okay. And is there any other bill then to pick up the cost...the possible cost out of 1780, to your knowledge?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

No, sir, this is the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Degnan. Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, then Senator Keats is mistaken when he made the statement that this...or led us to believe that this would authorize a tax increase in the City of Chicago?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

I would not speak for Senator Keats. I imagine Senator Keats feels, but the law states the Constitution limits all bond issues at five percent. The bonding authority for the Chicago Park District is limited to 2.3 percent of assessed valuation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, on a sheet that I think we received for Senator Rock...I think this is listed as one of those bills that constitute or authorize tax increases presently before the...the Senate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

Not to my knowledge, Senator. ...there's a...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well...well, then maybe we could have an explanation on all this?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Maybe...Senator Keats indicated that he'd like to rephrase the statement. Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. No, I'm not rephrasing my statement, there's a misunderstanding. Jerry, I have never, at any time, intimated that this demands a tax increase, that has been said, I have not. There are a lot of people who say that that's what it does because you have to pay for the bonds, the maintenance, whatever. That may look that way to you and me but I have never alleged that. Someone else must have said that to you, I've never said that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce. Senator Netsch. Senator Joyce.

SENATOR JEREMIAH JOYCE:

Hey, wait a minute, what are you talking about Keats, you just walked over here ten minutes ago and told me that this is a tax increase.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

Jerry, if...if you might ask, you're standing there, you're wrong. That is not what I said, had you been listening. I specifically told you what the bonds did, what their authorization levels are; and if you say I said there was a says a tax increase, Jerry, one of two things, you are mistaken or perhaps you need to wash your ears.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR GEO-KARIS:

In our analysis it said, if there is no referendum and no debt limit, which means that since there is no debt limit, no referendum, that I guess the amount that the park district could authorize would be unlimited. Can you answer me?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

Senator...Senator Geo-Karis, that probably...your analysis probably was accurate prior to the amendment to the bill which eliminated that...that section of the bill that gave it an unlimited authorization. If I may just read that amendment. The...what was deleted by amendment was, "The taxes authorized by this section are unlimited as to the rate or amount or to the addition of any other taxes authorized by law are not to be included in any tax rate amount set by law." All of this language is eliminated. This now reverts back to the 2.3 cap.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, I understand that there was 2.3 percent of the assessed valuation which is...a substantial amount that the park district...would be authorized to do. And...and I question the size of this type of an allocation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR NEDZA:

Thank you, Mr. President. The 2.3 cap is the present law, the Constitution allows all bonds to go the five percent of assessed valuation. The park district is maintaining it at a 2.3 level, which I think is commendable. I think the bill is...is...is...not...a type that everyone can live with but I think that it's in good proper shape since we've taken that language out to give it unlimited taxing authority. It's capped. It's...it's something that would save the taxpayers money in the long-run and I would urge for your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 1780 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 21, the Nays are 26, 5...5 voting Present. Senator Nedza asks leave of the Body to put House Bill 1780 on the Order of Postponed Consideration. Is leave granted? Leave is granted. House Bill 1789, Senator Bruce. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1789.

(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 a follow-up bill to the bill which we passed several years ago. Senator Egan and I handled a series of early retirement legislation along with Senator D'Arco. The State University Retirement System has had some difficulty in anticipating their share of the lump sum payment required when a person is going to take early retirement. What this bill says, that

there shall be a six-month notice of your intention to file an election for early retirement. I know of no opposition.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 1789 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 1789 having received the constitutional majority is declared passed. House Bill 1796, Senator Bloom. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1796.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. 1796 extends a law we passed two years ago. The law we passed two years ago provides for four year appointments for code department employees that have policy making or supervisory responsibility and receive pay grade twelve, which is twenty-five thousand two hundred and twelve dollars or above, provides for a review. It exempts Federally funded positions because of the threat of losing Federal funds. After the litigation surrounding this law ended, approximately three hundred and sixty-seven employees have been reviewed, twenty-three have been recommended for termination. I think it's good policy, and I think that we will be able to evaluate it in its...in its entirety if we extend the life of this law to October 1, 1986, because a portion of the life of this law was taken up in litigation. Answer any questions; otherwise, seek a favorable roll call.

HB 1805
3rd Reading

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 1796 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. House Bill 1796 having received the constitutional majority is declared passed. House Bill 1805, Senator Degnan. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1805.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. House Bill 1805 does exactly as...as stated in the Calendar. It provides that one meeting of the advisory committee to the RTA Board must be held outside the boundaries of Cook County.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 1805...Senator Fawell.

SENATOR FAWELL:

Could you run by...Mr. President, could I...would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR FAWELL:

Would you run through that one more time?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

Sure. Currently, there is a advisory committee known as

the Metropolitan Area Transportation Council that meets four times a year to give...advice to the RTA. Those meetings now are conducted all within the confines of Cook County. The bill changes that to provide that one such meeting of the four must be held outside those Cook County boundaries.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall House Bill 1805 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, 1 voting Present. House Bill 1805 having received the constitutional majority is declared passed. House Bill 1813, Senator Bruce. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1813.

(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 makes the Illinois Commerce Commission's deliberations open to the public except for, and we put in the exceptions as requested, trade secrets and disclosure that is prohibited by Federal Statute.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Sommer.

SENATOR SOMMER:

Thank you, Mr. President. I remember at the committee hearing that there was some conversation between you and Chairman O'Connor indicating draft hearing officer reports, and that there was some indication that you were going to amend the bill to exempt those things, and I see that amend-

ment has not go...gone on. Would it be possible for you to indicate what happened later?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

I made contact with the director's department through staff and...and they did not get back with any language. I waited and held the bill, and I wished to move it on. I would...I think that there are draft reports that maybe should be excluded. There...I have a House...I have a Senate bill in the House which I hope we can tack that onto.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Well, as it stands now, the Commerce Commission is a quasi-judicial body, and the problem they have, I...I was on Executive too and I heard that, I don't think that they were saying that they'd get you language. But the problem with the bill in its present posture is that the Commerce Commission is a quasi-judicial body and that the hearing officers do conduct hearings, and there are volumes of testimony and then they make recommendations in closed session to the Commerce Commission and, basically, review demeanor of witnesses and so on and so forth. But it...right now, because they're quasi-judicial, I mean, why not include the appellate court's judge's conferences or the Supreme Court's judge's conferences? I...I suggest that in its present form that this...this bill really will severely impair the conduct of business by the Commerce Commission. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I might suggest that the reason that they did not get back to Senator Bruce is they

were too busy putting out this booklet, "Positions on Illinois Commerce Commission on Major Legislation Before the General Assembly." Now, they've got two pages in here about House Bill 1813. Seems to me instead of printing this at taxpayers' expense that they could have been contacting Senator Bruce and trying to work out the problems if they have any with the bill. I would certainly suggest that we support this legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. It's popular today to...anything you can do to the Commerce Commission is...seems to be very popular, but I'm not sure that's smart. The chairman testified in opposition to this bill in committee, and he pointed out that...his concern about the fact that the bill might go too far in that it might force industries to limit some of their testimony before the Commerce Commission, and I don't think any of us have any problem with making the Commerce Commission meetings open to the extent that they should for proper purposes be open, but there is a concern that this bill goes too far, and I think that really the better course would be to hold the bill, not pass it in this condition until it...until those concerns have been cleared up.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to House Bill 1813.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Yeah, I...I see where this is going. The House sponsor

is here with me; he tells me that the bill I passed, Senate Bill 849, is coming back with two amendments. Rather than take the time of the Body, I think we can work out any problems we have, and there are other bills that need a first shot. So, I would ask leave to take it out of the record.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Take it out of the record. House Bill 1835, Senator Sommer. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1835.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

SENATOR SOMMER:

Mr. President and members, this is an extremely simple bill, it simply repeals obsoleted language. It was on the Agreed List, but since it had to be amended for a technical amendment it came off.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 1835 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 50, the Nays are none, none voting Present. House Bill 1835 having received the constitutional majority is declared passed. House Bill 1838, Senator Egan. Read...for what purpose does Senator Egan arise?

SENATOR EGAN:

There...I hope there is in the...in the process of being compiled a recall list, because there's an amendment filed to this and I have to amend it before I attempt to pass it. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

HB 1838
Recalled

Senator Rock.

SENATOR ROCK:

Well, I think we are at the point where the sponsor, as you know, under our rules has absolute control in terms of Tabling, recommitting, recalling, whatever. I think what we ought to do, if I may suggest, is that if, in fact, the sponsor wishes to recall his bill, he can certainly do it at the time at which it comes up on the...on the Calendar. At that point in time, I think in fairness to the other members, the bill goes to the end of the call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the decision, Senator Egan. Senator Egan.

SENATOR EGAN:

That I would very much appreciate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan asks leave of the Body to recall House Bill 1838 from the Order of House Bills 3rd Reading to the Order of House Bills 2nd Reading for the purpose of amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1838. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senator Egan.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. This extends the report time from seven days to thirty days to give what the municipalities thought was a reasonable time, and it...it improves the bill to satisfy those who...the only opponents that I know of. I...I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan moves the adoption of Amendment No...Amendment No. 2 to House Bill 1838. Is there any

discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the...will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Etheredge.

SENATOR ETHEREDGE:

Senator, if I understood you correctly, the only change that this amendment makes is to change the seven day reporting to thirty day reporting, is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Yes, that's absolutely correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

What is the position of the Municipal League on this bill as...as you propose to amend it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Well, I am sure that they favor the amendment. Now, ultimately, whether or not they favor the bill, I can't speak for them, but I'm sure they favor the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...further discussion? Senator Egan moves the adoption of Amendment No. 2 to House Bill 1838. 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...no further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. We will get back to that...it later. On the Order of 3rd Reading, House Bill 1844, Senator Chew.

Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House...House Bill 1844.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

Thank you, Mr. President and members of the Senate. All oppositions to this bill have been eliminated. It's a motorcycle-moped bill...confirms with the Federal Government and its recommendation on the definition for a moped, the little minibicycle. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 1844 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 57, the Nays are none, none voting Present. House Bill 1844 having received the required constitutional majority is declared passed. 1858, Senator Luft. Read the bill, Mr. Secretary, please. (Machine cutoff)...1857.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1857.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Under the prescription drug program, the Department of Public Aid reimburses pharmacists for prescriptions dispensed to recipients under a formula which allows for the actual acquisition cost of the drug to

the pharmacist plus the professional dispensing fee which is presently set at two dollars and seventy-eight cents. This bill does not affect the dispensing fee, it simply requires the department to update on a monthly basis the price that it will allow for the acquisition cost of the...drug products in its formulary.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If...Senator DeAngelis.

SENATOR DeANGELIS:

Senator Luft, does this bill affect anybody besides the Department of Public Aid, notably those companies that have plans with pharmacies on a reimbursement basis?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

To my knowledge, it affects no one other than the Department of Public Aid.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, just to ask the question a little differently, if...if there are companies right now, currently, that...that have agreements with pharmacies to dispense drugs, are they affected by this legislation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Kent.

SENATOR KENT:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Kent.

SENATOR KENT:

Is this really needed? Is not Department of Public Aid doing this at this time?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Yes, they are doing it at this time. The problem is, they could stop doing it tomorrow, and if a pharmacist is buying a drug, let's say, at three dollars right now and the company raises the price to four dollars, if they don't continue doing this, he will be stuck with that additional dollar.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Will the sponsor yield to a question, Mr. President?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Lechowicz.

SENATOR LECHOWICZ:

Do I understand this bill correctly, that it provides that pharmacies shall be reimbursed at a rate which shall be updated every thirty days, and you're saying the department does this now?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

That is correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Is there any change in reference to the professional dispensing fee?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, then, Mr. President and Ladies and Gentlemen of the Senate, I really don't believe that this bill is negative in any way. I believe that it's a...what they're doing is assuring that the costs are...are upgraded. A fairness in equity question is involved in reference to the cost of the drugs. The dispensing fee is not changed in what...in any way. The...all...all they're doing is asking that the...what they're doing voluntarily be make sure that it's done statutorily so there isn't a change by the department. I think it's just and it deserves your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bloom.

SENATOR BLOOM:

Sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Bloom.

SENATOR BLOOM:

Is the summary accurate? Are you taking the rule making out of the Administrative Procedure Act?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

To my knowledge, it's not in there now. To my knowledge and the way this is explained to me, this is the procedures that are set up with Public Aid right now, and we're just codifying what they are doing presently.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Okay. I was informed by our staff that it's been amended out. Wonder if I could make a request, and that is that, at least on 1857 and probably on the appropriations bills, we should have the Calendar summary reflect what's in the bills. I...maybe we don't have time to do this, but for the appropriations bills because we put various agencies in there. Could I make that request, because they will be coming back in Conference Committees and so on and so forth? I think it would be a help to the members.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator, the Secretary informs me that it would be very difficult to keep up with the amendments that are put on the bill from the House. Senator Bloom.

SENATOR BLOOM:

...just...the only point I'm making is, on the appropriations bills we...would like to know what agencies are in which appropriation bills. I think that could be done.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...well, we'll...we'll investigate it and get back to you shortly. Senator Buzbee.

SENATOR BUZBEE:

Well, I concur with Senator Bloom. It's...it's a simple request. All we have to do is just print on the Calendar the names of the agencies that are included in every appropriation bill, because we have combined a whole bunch of them in there, and for the benefit of the...members that they just simply see what the heck it is they're voting on. I don't think it's difficult.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft may close.

SENATOR LUFT:

I would just ask for a favorable roll call, Mr. Presi-

dent.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1857 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 55, the Nays are 2, 1 voting Present. House Bill 1857 having received the required constitutional majority is declared passed. 1864, Senator Savickas. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1864.

(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 1864 adds the provisions to existing licensing limitations. It just provides that any person who has been convicted of illegally selling or possessing unstamped cigarettes is ineligible to receive a license. I would appreciate your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 1864...Senator Netsch.

SENATOR NETSCH:

I...just a question. Has this bill been amended, Senator Savickas?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, the amendment changed the conviction of...the effective date to make the conviction...if he's convicted after

the effective date of this Amendatory Act, not...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Netsch.

SENATOR NETSCH:

Alright. There is nothing currently on the bill that deals with McCormick Place?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

No, it's in its pure, pristine form, that's all it is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

But is it on its way to a Conference Committee?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

I would assume that if the House sponsor disagrees with the amendment, he would probably call for a Conference Committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall House Bill 1864 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 40, the...41, the Nays are 10, 2 voting Present. House Bill 1864 having received the required constitutional majority is declared passed. 1870, Senator Weaver. Read the bill, Mr. Secretary, please.

REEL #4

SECRETARY:

House...House Bill 1870.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. House Bill 1870 does just as the Calendar states. It allows the Department of Agriculture to establish...establish fees for laboratory services. If there are any questions, I'd be happy to answer them; otherwise, appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 1870 pass. Those in favor vote Aye. Those opposed vote No. 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 1870 having received the required constitutional majority is declared passed. 1886, Senator Schaffer. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1886.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, House Bill 1886 reestablishes the power of the Department of Public Health to make payments to providers

of some of the program...services for some of the programs from any fiscal year's appropriation for which the services are provided. The problem we have is that we have some of the services for certain things such as, chronic renal disease and rape victims, premature infants, some of the nutrition programs. The paper work flow is so long that by the time we get the paper work approved, the fiscal year has run out and they aren't sure which year to pay it on. Requires the annual report to the Comptroller and to the General Assembly so that we can keep an eye on them and make sure that the...they aren't abusing this power. We have in the past seen a lot of these small claims...small dollar amounts ending up in the court of claims. I believe we've got the necessary safeguards in the bill. Appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to this legislation. When we passed a similar provision in 1980 we were...it was reported reliably to us the Department of Public Health, among other things, was in complete disarray in terms of their fiscal and accounting procedures. What we are doing by virtue of House Bill 1886 is now making permanent what was to be a temporary solution to a temporary problem. Additionally, we are adding other things so that this department now will have the authority to pay...any time they want, with or without appropriation, just continue it out, just take them out of the process. I think it's a bad idea.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer may close.

SENATOR SCHAPPER:

Well, that was, President Rock, not my understanding. My

understanding was that we were going to allow them to try this procedure because the real problem was there and the problem continues to be there because of the nature of the types of diseases and services we're dealing with. I have not heard any negative comments on the Department of Public Health's administering of this authority. I am as jealous as anyone on this Floor of the appropriations process, but we will be clogging the...court of claims with some fairly nominal amounts simply because of the way the system works. I know of no way to clean the system up. Our bureaucracy moves at a certain pace, and that seems to be that. I guess followed logically through, one of two things happen; one, we clog the court of claims or; two, we deny services to clients in some pretty critical areas, some life's safety areas. Again, if I had heard one negative word about how the Department of Public Health had been doing this, had they been doing anything sneaky or underhanded, I would not be in support of the bill. I believe it is a good accounting procedure; I believe we have the safeguards in it to monitor, and would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1886 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 46, the Nays are 10, none voting Present. House Bill 1886 having received the required constitutional majority is declared passed. 1889, Senator Hudson. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1889.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1889...does just what the Digest says it does. It amends the Code of Criminal Procedure with respect to the reporting of criminal history information to the Department of Law Enforcement. It identifies and streamlines the information to be reported and clearly establishes which level of law enforcement is responsible for reporting what. It came out of the House on the Consent Calendar, 108 to zip. I know of no opposition and would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President. If I may ask a question of the sponsor. Is there any additional requirement for reporting in the bill? I...I take it there is none, but I would like to establish that for the record.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson.

SENATOR HUDSON:

If a person is convicted and wasn't arrested, it would require him to be fingerprinted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Convicted without being arrested?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson.

SENATOR HUDSON:

Indictment and notice to appear and summons.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

...that isn't really my question. My question is, does this legislation impose any further responsibility on these agencies, the state's attorneys, the courts, the policing bodies, whatever they are and the Department of Corrections? Does this require them to additionally...report more than they have to report today?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson.

SENATOR HUDSON:

My understanding, Senator Egan, that it does not. It simply clarifies the procedures.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Then I would agree that there would be no opposition, and I'm sorry to delay your process.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? The question is, shall House Bill 1889 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, 3 voting Present. House Bill 1889 having received the required constitutional majority is declared passed. House Bill 1890, Senator Grotberg. House Bill...Senator Mahar. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1890.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

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

HB 1941
3rd Reading

House Bill 1890 as amended now allows for two members of the county board to serve on the county board of health. Previously, one member was allowed, this expands it to two. It applies only to DuPage County. I would ask for your favorable consideration. I know of no opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Jerome Joyce...whoop, Senator Bruce.

SENATOR BRUCE:

Senator Mahar, we...we from downstate have had a thousand calls, I think, from all of our public health departments on this bill. Does the amendment...you said only DuPage County, but I want to make sure we don't make a misvote. This thing now, as amended, will not require downstate county boards of health to put on another county board member, is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Yes, sir, that is correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? The question is, shall House Bill 1890 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, 3 voting Present. House Bill 1890 having received the required constitutional majority is declared passed. 1924, Senator Barkhausen. Read...take it out of the record. House Bill 1927, Senator Coffey. Senator Coffey on the Floor? House Bill 1941, Senator Schuneman. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1941.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President and members of the Senate. This bill in its original form simply would allow the State of Illinois to become a self-insurer for the State Employees' Group Insurance Program. The reason for that being that it was felt that this option would allow the State Employees' Group Insurance Commission and the administration another option to look at when we're looking at the cost of the group insurance program. So, that's the bill in its original form. The amendment that has been attached to the bill does a variety of things. First of all, it would allow beneficiary recipients of the Judges' Retirement System to waive their State group insurance on themselves and substitute their spouses. Another section would limit the out-patient...psychiatric coverage to twenty covered visits per year. Another section would require that the Toll Highway Authority and the Housing Development Authority must reimburse the State for the group insurance costs now incurred by the General Revenue Fund for ex-employees of those units. I'd be happy to try to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Is there any discussion? Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. In its amended form, I believe this bill deserves our support. There is only one question I had was what to do with the reserves created. I am assured by the department they do not plan to transfer those out of the Group Insurance Fund if they want to self-insure. I'm sure that any surpluses they

create will go back into the fund. I would solicit a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? If not, the question is, House Bill...shall House Bill 1941 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 57, the Nays are none, none voting Present. House Bill 1941 having received the required constitutional majority is declared passed. 1983, Senator Kustra. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1983.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. This is the first in a series of bills proposed by Representative Daniels in the House, passed out of the House and sent over to us. It's a series of election reform bills labelled the Voting Rights Act of 1983. These measures stem from some problems which resulted from the elections last November, both in the City of Chicago and areas around the State. There's no question that our privilege to vote is one of our most precious freedoms; we ought to do what we can to make sure that we ensure voting is done legally and according to the manner specified by law. What these bills try to do is address some of the irregularities which occurred last year. House Bill 1983 is a simple bill that amends the Election Code to make voting more than once a Class 3 Felony instead of a Class 4 Felony. There really isn't much else I could

add to that other than to say that it changes the...the penalties from one to three years imprisonment and up to ten thousand dollar fine, which is now the requirements of Class 4 to Class 3 which is penalties of two to five years imprisonment and a fine up to ten thousand dollars; the fine stays the same. I'd ask for its favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any...is there any discussion? Senator Egan.

SENATOR EGAN:

Yes, thank...thank you, Mr. President and members of the Senate. Just two points, Senator Kustra. The...this is...I think, the only...first of all, the Digest says that it reduces a Class 3 Felony from a Class 4. That really should say it increases, lest there be any confusion in the minds of the press. And secondly, this is the only...the increased penalty bill that I've seen. As we are well aware, the State of Illinois is facing a crisis with its overcrowded prisons, and in...in that vein we have held in Judiciary II every increased penalty bill pending the outcome of the decision on what to do about the overcrowded prisons. Now, here's a bill that comes out, in light of the fact that I've got one and several House members have them, Senator Sangmeister has one, there's a lump of them in Judiciary II, and I don't want to delay the enactment of this bill, but just so that all those sponsors know, I don't think this bill went through Judiciary II, but...that it's the only increased penalty bill that we're going to pass. And, Senator Kustra, you can get those accolades.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is one in a series that I refer to as "puff-n-stuff" bills, with the exception of 1984 which is the

next one, which this Body has wisely defeated on two previous occasions. I, frankly, don't think the bills do much at all and really don't deserve our consideration. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Well, Mr. President and Ladies and Gentlemen of the Senate, I disagree. I personally believe that this bill is a step in the right direction. Now, you're saying a person can't vote more than once. And if you're going to sit here and condone anyone voting more than once and receiving a very light penalty, you're diluting the honest person's vote. And I personally believe we should do everything to ensure an honest election, honest counts and making sure and encourage everybody to vote at least once. I think this is a good bill and it should deserve the support of every member in this Body.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Well, I'd be willing to accept an amendment for those who don't vote that they're at least guilty of a Class 4 Felony.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Well, I think this is a serious subject, Mr. President and Ladies and Gentlemen of the Senate. I think this does address itself to election fraud in the State of Illinois, and in light of the last election, I think that it is an important bill, and I hardly think that honest elections can be called "puff-n-stuff." I...I think it goes to the heart of the integrity of this State, and honest elections not only in this State but in this nation are an American heritage

that I don't take lightly. I think this is an important bill, and I think it deserves your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussions? Further discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Well, has been...as has been indicated by other speakers, again, we are trying to be consistent in this Body, and I think so far we have been able to maintain it. This is, despite I guess the way the Calendar reads, and this bill did not come through Judiciary II, it came through Elections, which is understandable, I'm not saying that was not the place for the bill; but again, I think if we're going to be consistent, whether it's in elections or any other area, we ought not to be enhancing penalties until we get our prison situation straightened out. Simple as that, and I recommend a Present or No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bruce.

SENATOR BRUCE:

Well, I just rise in opposition to this bill, because if we think that we are going to stop vote fraud by increasing from one to three to two to five years, it just isn't going to work. You are going to say to people that you wish to encourage to have the right to vote and exercise that right to vote, a more severe penalty than some of the large crimes in the State of Illinois. I agree with Senator Rock, these things puffed out of the House and they're bumping up against the ceiling here. We are not going to stop vote fraud until we get down to serious business about how to register people in the State of Illinois to allow them to exercise their right to vote. To say to people now that this is some sort of felony to go vote, vote twice, and then you increase the felony penalty two to ten years, ten thousand dollar fine.

If you think that anybody in the State of Illinois who has voted or plans vote fraud is going to be deterred from facing a one to three versus a two to ten, I just think that we've got everything screwed up. The Election Code is bad enough, let's leave it alone and let's not increase the penalties.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lenke.

SENATOR LENKE:

I think this is good legislation. I'm tired of hearing that in our area that we have vote fraud in the City of Chicago. I think that anybody that commits the grave act of voting twice should be put away. But, Senator Sangmeister, I want to tell you, we've been had by Director Lane, because if he followed this policy, he would have went up to Representative Daniels and told him to hold this bill, 'cause the Governor...and it's always been my policy, it's...it's our decision to pass legislation and not to decide who...to listen to one man how prisoners are released on a early release. That's the Governor's job, and our job is to do what the people want, and that's to increase sentences for people that commit certain crimes. And our...this is supposed to be our job, and we shouldn't be doing Director Lane's or the Governor's job. If we do not have room in the prisons, then the Governor should veto the bills and explain to the people why we don't have room. And I'm voting Aye for this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Buzbee.

SENATOR BUZBEE:

Well, this seems to be a...a motherhood and apple pie bill except that presently, under the present law...you know, it's not exactly as though we're going easy right now on...on somebody who wants to vote more than once. I mean, that's been the perception that the...that the...that the other side

has tried to sell. But the fact of the matter is that under the present law if you vote more than once, the penalty is one to three years in the slammer and ten grand fine. Now, that's not exactly an easy slap you on the back of the hand sort of...of penalty. But now let me tell you what you're going to do. If you pass this bill, you're going to raise it to a Class 3 Felony...and I love the Calendar, by the way, the way the Calendar describes it, it says it reduces to a Class 3 Felony from a Class 4, the offense of voting more than once. I would consider that an...increasing it. What you're going to do if you pass this bill, instead of going to the slammer for one to three and get ten thousand dollar fine, you're going to go to the slammer from two to five and get ten thousand dollar fine. Possibility of one more year on the bottom, possibility of two more years on the top. Now, you know what else is included in a Class 3? Aggravated battery, involuntary manslaughter. It's not exactly as though we're...so, we're going to be putting people in the prison. Do you know that right today we've got twelve thousand nine hundred bed spaces in the Illinois Department of Corrections. Do you know how many new cons Mike Lane is bringing in this year? Twelve thousand. We're going to be able to retain nine hundred of the present population in order to take in everybody that's going to be sent to him this year. And now you get some poor mope that votes twice, he's been paid to vote twice, and instead of giving him one to three we're going to give him two to five, and we're going to let out murderers and rapists and armed robbers and aggravated battery, we're going to let all those folks out so we can put this guy in. This is ludicrous.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

(Machine cutoff)...President and Ladies and Gentlemen of

the Senate, I do believe that there is some merit in calling it ludicrous; however, I think it's more ludicrous to me to allow people to go and vote twice and deprive other people the right of decent government. I think if they know that the penalties are higher, they'll be less prone to be...they'll go and vote twice, and I certainly feel we should ensure the citizens' right to vote and protect it and not have it flagrantly raped. I support the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Body. I would like to make two points. Number one, it was my thought that this was partially symbolic because of the massive vote fraud that we've had in the last couple of elections. So, I thought this was...serves in part as a statement of how we think people who get involved in vote fraud should be treated. Secondly, the fact that...that Senator Buzbee refers to some poor mope that we're going to slap with two years on the bottom for this, we're not just talking about some poor mope, because those of you who know our Statutes know about conspiracy and solicitation and attempt, and know about accountability under 52 in our code. So that we know that those who cause people to vote twice also will be subjected to more severe penalties. And I ask for your favorable consideration of this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Senator Kustra may close.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. Just to reiterate what Senator Joyce said, I think he put his finger on it. I think the change in the penalty is just that; it is a change that really is partially symbolic.

It's...I think we should realize the realities of the...judicial process. The fact is that we're not going to throw...the judges are not going to throw all of these people away. There's probation, there are fines, there are periodic imprisonment, and if any of you have been in the circuit courts you know that someone brought into court on a...on a...a felony like this probably will not be thrown away for two to five, but there should be that option. It ought to be there...for the flagrant violations. That's what this bill would provide, and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1983 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 45, the Nays are 6, 5 voting Present. House Bill 1983 having received the required constitutional majority is declared passed. 1984, Senator Kustra. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1984.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. When Senator Rock made his remarks on the previous bill, he was right, we have considered this bill before. He was wrong, we did not wisely defeat it three times. We passed it out of here, this very bill that you're looking at right now, on a roll call of 48 to 3 with 1 voting Present. It's a bill, again, that allows for in-person absentee balloting in the partisan years, in the even numbered years. This is what we

already have in the Election Code and is allowed and is in practice in the odd numbered years. It has worked well, there hasn't been one complaint in any committee testimony that there's a problem with this system. All we're doing now is saying that in the village and township halls across this State, we will allow...people to go to their local village and township hall to vote in-person absentee rather than have to go downtown or wherever it is to the county seat. No question about it, the reason that Senator Zito and I originally introduced this legislation was because of our concerns about our Cook County suburbanites, Democrats and Republicans alike, who find it very difficult if they don't want to send their absentee ballot by mail, to go all the way downtown from the suburbs and vote in-person absentee. So, instead, they can stay in their own jurisdiction, township or village hall, and vote in-person absentee. Again, I think it's a good bill. It simply extends a voter service which we now have, and I ask again for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Is there any discussion? Senator Lemke.

SENATOR LEMKE:

If this bill passes by the same number of votes as the previous bill, then I would like to be recognized for a motion that we have short debate on this series of bills until the...1996.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Ladies and Gentlemen. Mr. President, again, we are apparently under the cloud of, we are against vote fraud, and I stand here also against vote fraud, I please have you know. But if you're going to open up the possibility, this will sure do it. This would allow people to vote in village and township halls right up until the day of elec-

tion. Just seems to me it...we have deliberately attempted to consolidate the elections, particularly in the County of Cook. This will just open it wide open. And for those of you who are unfamiliar, if you are unfamiliar, please be assured that most village and township halls in Cook County are, in fact, manned by the Republican Party. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kustra may close.

SENATOR KUSTRA:

They're doing it right now, Ladies and Gentlemen. In the odd numbered years they are voting at their village and township halls, if the clerk wants to do it. There is even a provision that the clerk can waive out of this. As a matter of fact, the law now provides and it will still provide that the clerk can't even provide this service unless there are full-time hours. So, all we're simply doing, once again, is extending this voter service to the even numbered years. I'd ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1984 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 18, 3 voting Present. House Bill 1984 having failed to receive the...required constitutional majority is declared lost. Senator Lemke, do you want to renew...on the Order of 3rd Reading, House Bill 1988, Senator Kustra. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1988.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I hear someone in the back saying that Patty Baller must still be right, we...Chicago ain't ready for reform, but we'll try another one here. The...this bill amends the Election Code by providing...this bill amends the Election Code by providing that the unlawful procurement of an absentee ballot is a Class 3 Felony. Looks like there is someone ready for reform and she would like to be recognized.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Netsch, for the traditional response.

SENATOR NETSCH:

No, I...this was a point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR NETSCH:

Senator Kustra, you're speaking about my ward committee-man when you talk about Mr. Baller, and I resent it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Well, Mr. President, I resented that remark in total because there's an awful lot of people in Chicago that work very hard and ask the people to come out and support and vote their conscience, and I really don't appreciate that mark at all. And...in reference to the last bill, it deserved to get beat, it was the second time we addressed the issue, and I would hope the gentleman would just address his remarks to the bills on hand.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Well, I would just point out, as I rise in opposition to this bill also, although it's, frankly, kind of meaningless, that that remark is indicative of the tenor of this whole series of bills. And for those on this side who don't understand that, I wish they'd wake up. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kustra may close.

SENATOR KUSTRA:

In the debate a bill or two ago, there was some concern that we were somehow, by changing from a Class 4 to a Class 3 Felony, including...this problem of vote fraud in with some more serious crimes. I would just call to your attention that Class 3 Felonys also includes retail theft, forgery and purgery. I don't really think it's asking too much that we move this particular offense to Class 3, and I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1988 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 28, the Nays are 13, 11 voting Present. House Bill 1988 having...failed to receive the required constitutional majority is declared lost. 1989, Senator Kustra. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1989.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. This bill deals with the absentee ballot procedures. And, again,

for those of us that are concerned about the fraud that surrounds the absentee ballot procedure, this bill will address those concerns by doing four things. First of all, absentee ballots must contain the reason for being absent from the county and where such voter is expected to be. Secondly, making a false statement on an absentee ballot is...punishable by a Class 3 Felony. Third, a physically incapacitated applicant and his or her physician must state the nature of that handicap on...on the absentee...ballot, and the physician's statement. And fourth, the absentee ballot application shall be available for public inspection from the time received to thirty days after the election. I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any...Senator Rock.

SENATOR ROCK:

Well, here we go again. I stand in opposition to House Bill 1989, although I stand in opposition to vote fraud. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Berman.

SENATOR BERMAN:

Our analysis indicates that this adds the requirement in that when you're voting absentee that you must indicate the location and purpose of where...why you're out of town. Now, is that...does that apply only when the application is mailed or when you go in to vote...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...

SENATOR BERMAN:

...downtown when I'm not going to be in town?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

I would assume that that would apply both when you mail and when you go in-person absentee downtown, as you say.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Well, I think there's a defect in...in this bill on...on that issue. We've got...I have travelling salesmen in my precincts that don't know where they're going to be on election day necessarily, but they're going to be out of town. And I think that you're opening that...that's right, if they don't...if they're in the wrong town, under this bill, and they're supposed to be in Peoria and they wind up to be in Springfield, they'll be subject to being sent to jail for a felony. I think it's silly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Buzbee.

SENATOR BUZBEE:

Well, Senator Berman partially made the point I was going to make. I have a lot of constituents who go in and vote by absentee on the Friday before election because they're not sure if they're going to be out of town on election day or not. I have one friend of mine who's voted that way for years. Sometimes he's out of town, sometimes he's not, but he doesn't know and he doesn't want to lose his right to vote. So, now my friend is going to be subject to going to the slammer for two to five and a ten thousand dollar fine. I understand that...that any kind of a false statement you make on this application will be...will be subject to a Class 3 Felony. I wonder if we could extend that same penalty, Senator Kustra, to members of the General Assembly in debate

so that any time a false statement is made on this Floor we could be subject to a Class 3 Felony and we can go to the slammer for...for two to five and a ten thousand dollar fine.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kustra may close.

SENATOR KUSTRA:

Well, thank you, Mr. President. I think Senator Buzbee has put his finger on part of the problem here. We do have a lot of people in the State of Illinois who abuse the absentee ballot procedure. Maybe they're not so sure they're going to be out of town, maybe they know they're going to be in town. But I've talked to people who from time to time will cast an absentee ballot even knowing that. That's what this bill is trying to deal with. It's trying to deal with those people who simply cast absentee ballots knowing full well that they're probably going to be around on election day. Well, that's not the purpose of the absentee ballot procedure, and we ought to toughen it up, and that's exactly what this bill does, and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1989 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 25, the Nays are 19, 8 voting Present. House Bill 1989 having failed to receive the required constitutional majority is declared lost. 1990, Senator Kustra. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1990.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. House Bill 1990 does two things. First of all, it amends the Election Code by requiring the Election Authority to post a notice in the voting booth advising the voter to examine their ballot for the election judge's initials in the proper place on such ballot. A lot of voters forget to check and some judges legitimately just forget to initial it. So, rather than have that ballot thrown out, this would simply put some kind of a notice up there so there would be a reminder for the voter. There is also an amendment to this bill, and the amendment would require that voting booths which use an electronic voting system face a wall, which would ensure privacy to the voter. Voting booths for paper ballots have three sides enclosed and a curtain on the front. In Cook and DuPage Counties they're using very narrow booths with no curtain. When a voter uses a sample newspaper ballot to read from while voting, many judges, precinct committeemen, poll watchers and others can see them. If the booth is placed to the wall where other persons present could not see, privacy would be better ensured, and that's the purpose of this particular bill. I ask for its favorable consideration.

PRESIDING OFFICER: (SENATOR DENUZIO)

Is there any discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to vote fraud and in favor of privacy, and I rise in opposition to House Bill 1990. If this isn't "puff-n-stuff," I surely don't know what is. It is the current law that in order to be properly validated the initials of the election judge have to be affixed on the ballot. Now we're going to post a sign to tell the voter, and now we're going to ask that the election judges who are the sole authority in the precincts in both DuPage and Cook, as

far as I know, how to place the booths. Please keep them against the wall so nobody can get in and out and the line will stretch all the way around and it will be really super. This is really silly. We're wasting our time. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

...Mr. President and Ladies and Gentlemen of the Senate, as silly as it may sound, it happened in my county. The county clerk had given instructions about how to initial and not to initial ballots, and later other instructions came through and we had the recount there and we had a big donnybrook. I think this is a step in the right direction because...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Rock, for what purpose do you arise? Senator Rock.

SENATOR ROCK:

Point of order. The...the lady is speaking on the next bill, which we will get to in due time, I'm sure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I'm speaking about 1990, because my analysis says that it would amend the Election Code by requiring the Election Authority to post a notice in the voting booth advising the voters to examine their ballot for the election judge's initials in the proper place on such ballot, that's what I'm speaking on. I think it's a good bill, and I urge its support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, you know,...Mr. President, I'll tell you, I won't speak for your area or my area, but I...I'd be willing to walk up and down the streets of any city or village in this State and give you...five bucks for every person we found that knew his ballot was supposed to have the judge's initials in the corner, if you'll give me a dollar for everyone who didn't. I don't think the average citizen really realizes those ballots have to be initialed to be legitimate. And, clearly, one of the time...honored scams in the Election Code to...to knock a couple ballots out in every precinct is to quietly hand a ballot that isn't initialed to some voter who you know isn't with you, and when their vote is cast, that voter thinks he's done his job, he's...doesn't know that supposed to be initialed, and when they count it, lo and behold, two straight party votes for the opposition go down the chute. I don't think it's a widespread problem, but I think it's a problem that exists in just about every county in this State, and it's not limited to either party. I'm hard pressed to see any legitimate reason for opposing this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I think that we have come into the Twenty-first Century with the innovation of the punch card voting, but the one complaint that we do hear over and over and over again from voters is that they feel that there is a lack of privacy. I think that this bill attempts to address that complaint by making it more private for the...at least to have the booths facing against the wall so that people cannot observe the privacy in how an individual is voting. I see nothing wrong with that requirement, and I think that it is in defense of those people who feel that the privacy of their vote is being violated by the voting booths

being place where others can observe how they're voting.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I really wasn't going to speak on this issue because I think that if anyone worked a precinct, worked a precinct an entire election day and you seen the type of work that the judges do, they are totally underpaid, both in compensation and in really appreciation for the fine job that many public men and women who serve as election judges, the abuse that they take, they are totally unrecognized. Now, what we're saying in House Bill 1990, that we have established a system that you are going to have to place your voting booths according to this pattern or be held in violation of the law. Maybe I think what we should do is make it mandatory that each and every one of us spend a day in a voting booth...or voting...polling place on election day, and maybe the day before when they're trying to set the polling place up so that the voters when they arrive at six o'clock it's open and functioning. This bill is totally unrealistic. I would...I would...really recommend that anyone who has spent any time in a polling place or does precinct work realize the fact that these people do a good job and now we're trying to place a terrible burden upon them, and I strongly encourage a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Buzbee.

SENATOR BUZBEE:

I don't think in my eleven years here I've ever engaged in debate before on bills that dealt with elections. However, I have a question on...on this bill. Senator, since I don't have access to your amendment, apparently, the amendment is the one that...that put in the language that dealt

with the placement of the...ballot...of the...of the booths. Does that amendment pertain also to the little computer punch card type voting systems?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

No, it does not. It...it applies only to the electronic voting system.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce...or Senator Buzbee.

SENATOR BUZBEE:

Et tu, Brute! Well, it...it seems to me that with...where I vote, it's a...it's a little township fire station, and as you walk into the door, it's...it's kind of the...oh, I guess, the...the common room where the volunteer firemen gather and so forth. There's one polling place, one precinct that votes there. You get into the door and you turn left and you go into the...to the portion where the fire trucks are. Now, it so happens they have firefighting equipment lined up all along the walls and they have the fire trucks out in the middle, and then in between those two there is a small space there where there are about five or six voting booths set up with the judges behind you. Now, if we should ever go to electronic voting in my county, it would be physically impossible to place those voting booths against a wall. But I don't have any problem with my vote. The two Republican judges and the three Democratic, or vice versa I think it is right now, are all sitting behind me when I vote, but I pull the curtain and not one of them can see how I vote. Now, with this bill, if we should go to electronic voting, you won't be able to vote where I vote, and I suggest to you you'd lose an awful lot of Republican votes if that happened in my precinct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kustra may close.

SENATOR KUSTRA:

Mr. President, I'd ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1990 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 31, the Nays are 22, 3 voting Present. House Bill 1990 having received the required constitutional majority is declared passed. There's been a request for a verification. Who makes the request? Senator Lechowicz makes the request. Senator Lechowicz has requested a verification. Will all Senators be in their seats. The Secretary will read the affirmative roll call. Mr. Secretary.

SECRETARY:

The following voted in the affirmative: Barkhausen, Becker, Bloom, Coffey, Davidson, DeAngelis, Degnan, Fawell, Friedland...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Whoop, Senator Lechowicz, for what purpose do you arise?

SENATOR LECHOWICZ:

Could you turn up the lights a little bit, I...I have a difficult time just looking on the other side of the room?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Mr. Secretary, please continue.

SECRETARY:

...Geo-Karis,...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Turn up the lights.

SECRETARY:

...Grotberg, Holmberg, Hudson, Keats, Kent, Kustra, Lenke, Luft, Macdonald, Mahar, Maitland, Philip, Rigney, Rupp, Savickas, Schaffer, Schuneman, Sommer, Watson, Weaver

and Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz, do you question the presence of any member of the Senate?

SENATOR LECHOWICZ:

Senator Rigney.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR LECHOWICZ:

Hudson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson on the Floor? Senator Hudson is on the Floor.

SENATOR LECHOWICZ:

Senator...Degnan.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR LECHOWICZ:

That's all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On that question, the Ayes are 29, the Nays are 22, 3...3 voting Present. House Bill 1990 having failed to receive the required constitutional majority is declared lost on a verified roll call. Senator Kustra, for what purpose do you arise?

SENATOR KUSTRA:

Mr. President, I'd just like to make a statement before doing what I'm going to do with these bills. To Senator Lechowicz, I...and those members who voted on that first bill in support of this package, I...I thank you for the support, recognize that there are people on the other side of the aisle, some at least, who are interested in election reform.

I would simply remind you, however, that it was Senator Rock, when we were on the bill which dealt with in-person absentee ballot, which reminded this Body that Republicans live in the suburbs, and that's who this bill would benefit. At that point, the gauntlet was dropped. At that point, this particular debate on all these bills became politicized and it became very clear as far as I'm concerned that it's that side of the aisle, and it's the Democratic Party of this State at this point in time that simply isn't interested in election reform. And with that, Mr. President, you can hold these bills...you can...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Welch, for what purpose do you arise?
Senator Welch. Senator Welch.

SENATOR WELCH:

A point of personal privilege. Senator Kustra, we didn't all vote just because we're Democrats. Some of these bills we liked, some of them we didn't. So, don't lump us all together. Senator Luft and I certainly have been voting for some of your bills more than the first one, and I resent being told that the Democratic Party is not ready for reform. Certainly some of us over here...are, and some of us have been supporting some good bills. Some of your bills are good, some are bad, it's not our fault. We vote for the good ones and vote against the bad ones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco, for what purpose do you arise?

SENATOR D'ARCO:

Point of personal privilege. Maybe...

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR D'ARCO:

...maybe Senator Kustra still thinks he's in the House, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright, Senator Kustra, you...do you wish to proceed with the bills?

SENATOR KUSTRA:

Read the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito, your light is on, for what purpose do you arise? Alright. Further discussion? Okay, on the Order of 3rd Reading, House Bill 1991, Senator Kustra. Do you wish the bill read? Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1991.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. This bill does not...apply to my county of Cook, but it is my understanding that during the discovery proceedings in the Thompson-Stevenson race, ballots from Lake and DuPage Counties were not initialed or were partially initialed. They apparently have a system which provides for judge's initials above and below the perforation. This particular bill would require an election judge to initial the ballot both above and below the perforated line on such perforated ballots. I would ask for its favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Rock.

SENATOR ROCK:

I rise in opposition to vote fraud and I rise in support of House Bill 1991. We ought to eliminate vote fraud in DuPage County. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Senator Kustra may close.

SENATOR KUSTRA:

I wholeheartedly concur with Senator Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1991 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 57, the Nays are 1, none voting Present. House Bill 1991 having received the required constitutional majority is declared passed. The top of page 18, House Bill 1992, Senator Kustra. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1992.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. I guess it's obvious that my bills aren't written narrowly enough. This is another one that provides for some kind of a penalty for voter fraud. It...it's a requirement that the ballot packages, containers and boxes which contain the votes be sealed with filament tape. It deals with ballot security, and I would ask for its favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Rock.

SENATOR ROCK:

I suppose we ought to specify what roll or what type of tape so that the county clerks can...we can really tell them what to do. This is a mandate, of course. If the poor county clerks have to buy filament tape, they're in real

trouble. This is a beauty.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Berman.

SENATOR BERMAN:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR BERMAN:

If it's not bound lengthwise and crosswise, who's guilty of a crime and what is the penalty?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

There is not one attached to this particular bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Well, I thought there...isn't there a catch-all penalty for the Election Code violations?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

It may be in the Election Code now, but it...it doesn't deal with this particular bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Well, my recollection is that there is a catch-all prohibition...I mean...and a penalty clause, and if you're...who would this apply to? Who's supposed to seal these crosswise and lengthwise? Who...who are we...because they don't put the right tape or do it the right way, who is going to be subject to some crime?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

The election judge.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

I've just got to go back to, I think it was Senator Lechowicz that talks about these election judges who in...they try to do a good job, 99.9 percent of them earnestly try to carry out all the duties. Now, you're imposing upon them, under threat of criminal prosecution, if they don't use the right kind of tape and if they don't seal it the right way. That's, I think, again, Bob, it's...you're getting to a point that some overrambunctious state's attorney to show election fraud is going to indict a election judge because they've did it crosswise and not lengthwise. Now, let's get serious. I urge a No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and...Gentlemen of the Senate, this bill as amended says that if a ballot box is not one that may be securely locked, then it must be sealed with a filament tape. They don't have to do with filament tape if the box is the kind that can be securely locked. So,...I...I think it's a good bill. I speak in favor of it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR BUZBEE:

Well, like...like Senator Rock, I also...I'm opposed to vote fraud. But now let me ask you something, Senator. I have...Senator Kustra, I have been voting since I was twenty-one years old. I don't think I have ever missed an election. I have been very proud of the fact that I get to cast my bal-

lot in this free country. Now, if I cast my ballot and it goes into that ballot box and, as Senator Berman said, those five hardworking individuals who make, I think it's what, thirty dollars a day or thirty-five dollars a day now, whatever it is, it's not a very magnificent sum for getting to work at five-thirty in the morning and a lot of times leaving at ten or eleven or twelve o'clock at night, if they don't have that tape placed exactly according to the way that you have written this bill, does that mean that I have been disenfranchised, that that whole ballot box will be thrown out?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

No.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR BUZBEE:

What does it mean?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Senator Buzbee, what we're doing by this bill is changing the language of the existing law and inserting filament tape instead of transparent adhesive tape, and also adding at least twice each way. So, whatever you've just described is going to happen anyway under existing law. We're simply making sure that the kind of tape used isn't the kind of tape that you can just simply peel off. Filament tape doesn't work that easily. That's the purpose of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR BUZBEE:

Well, does the...the current law apparently does not say

anything about having it sealed both ways, as Senator Berman pointed out. What if they do seal it crossways instead of around the...as you describe it in your...in your bill? Does that mean I'm disenfranchised?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

First of all, the bill...the...the existing law does say that they must seal the package lengthwise and crosswise. So, you'd have to ask the State Board of Elections what happens if they don't do it that way, but that is existing law. We're simply changing the kind of tape they use and tell them to go around twice with it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee, would you bring your remarks to a close?

SENATOR BUZBEE:

Yes, I will, Mr. President. Okay, let me ask you one final question. Thirty-five dollar a day election judges, five of them, been there fifteen hours, they discover at eleven-thirty at night they don't have any filament tape. The only kind of tape is the tape they've always used, and they wrap it in that tape. Does that mean I've been disenfranchised?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

It means they have an election authority who hasn't done his or her job, because they will have read the law and they will see to it that that filament tape is provided.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Macdonald.

SENATOR MACDONALD:

Well, I rise in support of this bill, also, and I would like to say that for any of us who watched the televised

election returns on election night and in the succeeding days, we saw that boxes were returned unopened...or are opened, or with string, or in any kind of condition possible in the trunks of automobiles. Whatever the reason was, and there were lots of reasons given, I think that this filament tape requirement certainly is a reasonable one and, again, tightens the security and the sanctity of the ballot, and I urge your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

(Machine cutoff)...Egan.

END OF REEL

REEL #5

SENATOR EGAN:

Thank you, Mr. President and members...well, Senator Kustra, a question, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR EGAN:

Alright, now, if...if you're going to charge someone with a crime for not using filament tape, do you define filament tape?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

No, it is not defined in the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Okay, then you're asking someone to use something that you're unwilling to define, and if they don't use what they don't know what it is, they're guilty of a crime. That...that's...just part of the problem with these bills.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

Question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR LUFT:

Not being an expert on tape, can filament tape be removed?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

You really have to cut filament tape to remove it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

It can be removed?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose does Senator Egan arise?

SENATOR EGAN:

I think before you go any further, nobody knows what filament tape is. You... you refuse to define it. Your bill is...is tragically deficient. We don't know what filament tape is. You might know what it is, but...

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator, you've...you've made that point earlier. Not as emphatically, but you made it. Senator Luft.

SENATOR LUFT:

What I would like to prove, Senator Egan, is that the bill has problems. If the tape can remove...be removed in any way, then someone who wants to have and create voter fraud can do it. I don't care whether it's Scotch tape, filament tape or what, if they want to do it, they can do it, and the bottom line is, you have not stopped voter fraud by putting in filament tape rather than Scotch tape.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, you certainly have made it more difficult to...to commit vote fraud by using this tape. You know, we can establish what filament tape is through a simple statement

HB
1994
3rd reading

for those who don't know, and that would become part of this in terms of...of...if the language is not clear and plain, so that a court could look to see what this is. This is a serious problem, and this goes...this goes at least some way to help remedy it, and I rise in support of this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR KUSTRA:

Thank you, Mr. President. I would just add that the amendment which was offered to this bill was offered by the Chicago Board of Election Commissioners in committee. They did not oppose this bill, they were trying to improve it, and the vote was 7-0 out of the Elections Committee. I would ask for its favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 1992 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted...up, Senator Hall. Have all voted who wish? Take the record. On that question, the Ayes are 39, the Nays are 14, 4 voting Present. House Bill 1992 having received the constitutional majority is declared passed. House Bill 1994, Senator Kustra. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1994.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. If you liked my other bills, you'll love this one. This is a bill that amends the Election Code by providing that a person who tampers with elec-

tion material shall be ineligible for public employment for five years. The fact...the fact of the matter is, in all seriousness, that some of the voter fraud which was discovered last year was committed by people on public payrolls, and I have no reason to doubt that when those people go to work right before an election, they might be intimidated by a supervisor; and perhaps what we need is a law which would send a message back to the city halls and government offices around this State to let both employer and employee know that we, in the General Assembly, simply will not tolerate voter fraud, especially from those people who are on the public payroll. This particular bill is designed to deal with that very serious abuse. I ask for its favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Collins.

SENATOR COLLINS:

Yes, question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR COLLINS:

If you really wanted to accomplish that goal, and I'm not...I...I agree with you to some extent, why didn't you just prohibit it anyone who is working for a government from doing anything in connection in the polls on election day with exception of casting their vote, and then maybe you wouldn't even have to have this kind of penalty?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

I could only speak for the original sponsor of this bill and assume that he was concerned with a penalty which met the crime, and I believe in this particular case this is a proper penalty which meets the crime.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Question of the sponsor if he'll yield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR ROCK:

Is a convicted felon, under current law, eligible for public employment?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

I'm not sure, but I don't...I don't...I don't believe so.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, then tell me what we are doing. We are now making a convicted felon eligible for public employment after five years? That seems to me to be contrary to your intent.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra. Senator Kustra.

SENATOR KUSTRA:

I'm afraid I don't know the answer to that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Philip.

SENATOR PHILIP:

Well, I'll tell you, Senator Kustra, this is a very, very serious bill...as you're probably aware, probably ninety percent of the election judges in the City of Chicago are employees, whether they're school teachers, city workers, county workers, and when you tell them they get convicted for fraudulent...something fraudulent in that precinct and they can't be reemployed somewhere, you've got your...you put the fear in them, and they ought to have a little fear. Can you

remember the last time that we had an honest, fair election in the City of Chicago? Can anybody in this room? Happens every election. You can't...win county-wide elections, you can't win State-wide elections unless you steal them in the city, everybody knows it. They're indicted, convicted, it doesn't do any good, you do it every time. Let's have a little reform.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen...maybe...will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR HALL:

Senator, I was in the booth, I didn't understand. Would you tell me when you say, public employment, just what are you talking about, or have you already defined that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Includes any position with the State of Illinois, unit of local government or school district.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

What was the last, or what? Or...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

...well, that...and now for this you're going to give somebody a five year...a five-year sentence, is that right?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

No, we're not going to give them a five-year sentence, Senator, we just say that they're...they're barred from public...employment for five years.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

Well, just...just to note, I think that Senator Rock asked a question in regards about does any government official hire felons convicted or on a parole, and I think the Secretary of State has a program which works in...in...works in hire...and takes felons and tries to put them back to the system, and I think we're party to this under some bill we passed about it in the last ten years. But just...so Senator Philip knows, as long as I've been in politics in the City of Chicago, which is from the age of about seven to now, election judges have never been public employees. It's always been the policy of the city and of the county and of the Democratic Party that if you take your day off from work as a public employee, as you rightfully do under the...the provisions that are set up in union contracts for voting for election days, you can't work on that day, and...but if you work as an election judge, you're paid and you're in violation of that. So, public employees, contrary to your opinion, shouldn't be working in the polls, and I don't think there's any...any committeeman that's here that has them working. And when you talk about fraud, sure there's fraud. But I don't think you should attack the whole respect of judges, because what the problem is, is even in your county, Senator Philip, or any other county, there are people that get overly zealous and commit fraud, but not all of them do, but there are a few. And I'm telling you right now, the problem we have in Cook County, which you don't have yet, Senator Philip, we have watchdogs within our own party. Senator

Netsch watches what happens in our area and we watch what happens in her area. So, we have watchdogs. We have LEEP and IVI and IPO which are all Democrats, you don't have that yet in DuPage County, it's coming and maybe they'll start watching DuPage County elections. You know, one Republican will start watching another Republican, and...and we'll find out if there's fraud or not, 'cause we don't control all the judges and everything else like other counties.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, I rise in support of this bill. I would caution Senator Philip, if you're sincere in trying to pass this legislation, if you want to try to turn this into a City of Chicago versus everyone else or Democrat versus Republican, you are not going to do Senator Kustra's bill any good. The fact of the matter is, what goes on in this area goes on not only in the City of Chicago, goes on in other places, and I think it's a reasonable response to this, and I ask for your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Medza. Senator DeAngelis.

SENATOR DeANGELIS:

Just a point of personal privilege, Mr. President. I would admonish the Press Corp that in selecting the winner for the pickle award next year they now launch him on a theatrical career.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Very well. Senator Netsch.

SENATOR NETSCH:

Just...just to counteract my friend from Chicago, I agree that...that turning this into a partisan brouhaha does not help those bills that do have merit. But, Senator Kustra, I would have to tell you, I think this one does not. Quite

apart from the...the problem that...that Senator Rock raised, and I don't know the answer to that one either, I think that the idea of...of imposing the five-year ban on public employment is not a sensible way to try to...to address this problem, and I would point out...I'm glad someone mentioned it, that...I agree, you wouldn't want to put these people right back in a position where they were watching the polls or something of that sort, but the idea that we are going to cut off more and more and more opportunities for someone who has been imprisoned, even though it's a violation of public trust kind of thing, you have a lot of these people get caught up in something they probably don't know any better than to do, but...but to cut them off from everything I think is just not sensible. They're cut off from enough things once they come out of a conviction anyway. I think this is just a nonsensical way to...to deal with this problem.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. Senator Kustra, I...I, as a matter of fact, intend to vote for your bill this time, but I feel compelled to...to make somewhat of a response. The first time I ever ran for election in...I lost by nine hundred votes when I ran for the House of Representatives, and that's, of course, when we had the cumulative voting, and I had one county in my district where the county clerk happened to be a Republican. There were three different precincts in that county where during the middle of the day the ballot boxes were filled and they went to the county clerk and said, what should we do? He got...he said, unlock your ballot box and dump them in this cardboard box and he took them into his office and said, now your ballot boxes aren't filled anymore, and the ballots...the paper ballots were in his office the remainder of the day; and then at the end of the day, he took

them back to the election judges, and when I tried to call for results that night, nobody answered at the county clerk's office. I finally called Republican Headquarters and was told, we never take election results in the county clerk's office, we always take them at Republican Headquarters. So, what may happen, Senator Philip, in Chicago, on a little bit larger scale on the Democratic side if it does, and I don't know, I've never voted there, I have no intention of ever voting there, let me assure you, it happens on a much smaller scale in downstate counties and...and...where there's some Republican county clerks, and by that I don't mean to imply by any means that every Republican county clerk is...is a party to vote fraud, but at least that one was.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, we have...Channel 20 requests permission to shoot. I don't know if they meant Senator Buzbee or...Senator J.J. Joyce. Is leave granted? Leave is granted.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I plan to vote for this bill too, and I'm going to vote for it for good old Kankakee County. Now, we had a...this last election one black precinct, the...turned in sixty absentee ballots. Now, in all of the rest of that precinct Roland Burris got about ninety percent, but there was sixty absentee ballots and every one of them were straight Republican, no vote on there for Roland Burris. I find that a very great coincidence.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR KUSTRA:

Thank you, Mr. President. In answer to the question which Senator Rock raised, we've had staff check and, apparently, there isn't any prohibition in the law against someone simply holding a government office who was a convicted felon.

It's against the practice of law in holding public office but not serving as an employee. So, this bill would not conflict with any other law or would not make this particular bill unnecessary. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 1994 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 46, the Nays are 11, 1 voting Present. House Bill 1994 having received the constitutional majority is declared passed. House Bill 995, Senator Kustra.

SENATOR KUSTRA:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1995.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. This bill provides the same penalty that one couldn't hold public employment for five years. It applies to that section of the Election Code which prohibits perjury. I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 1995 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 44, the Nays are 10, 3 voting Present.

House Bill 1995 having received the constitutional majority is declared passed. House Bill 1996, Senator Kustra. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1996.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. There is in the Election Code right now a provision which says that owners, managers, administrators or operators of hotels, lodging houses, furnished apartments or nursing homes which house four or more people must file with the Board of Election commissioners a report of the name and description of all residents. Last November, the Chicago Board of Election Commissioners did have some situations where there was a failure to file that report, those affidavits. What this bill does is require that those...not only require that those affidavits be filed, but provide that failure to file is a Class 4 Felony. I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Rock.

SENATOR ROCK:

Question...thank you, Mr. President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR ROCK:

Does this apply to a hundred and two counties in the State?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

...it...it applies to cities and counties with board of election commissioners, so it applies to the Cities of Aurora, Bloomington, Chicago, Danville, East St. Louis, Galesburg, Peoria, Rockford, Springfield, all of which have a board of election commissioners.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Grotberg.

SENATOR GROTEBERG:

Thank you. Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR GROTEBERG:

Is it within the Statute, and I don't have the bill, Bob, as to notification process for the industry, or just have to read about it in the newspapers or what? If this were to become law, how do we inform this massive group of people, I speak of one who's very closely connected to nursing home, hotel industry?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Senator, it is in the law now. What this does is add the penalty, so the election authority would have to apprise the local jurisdictions of the penalty but they are already doing this or they are supposed to be doing it anyway.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Hall.

SENATOR HALL:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR HALL:

Senator Kustra, why is it just for places that have boards of election, what about the rest of the State?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

...that's the way the original law is...is...is written. It...it applies under...for some reason it's under the Nursing Home Care Reform Act of 1979. That's the way they...they judge who applies here.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Well, are you telling me that there are no nursing homes except in these areas that you just called off, that places have boards of election? What happens to those?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

We're simply amending the existing law, and it...it just wouldn't apply to those areas were there are not board of election commissioners because there is no requirement that in jurisdictions outside of those areas that have board of election commissioners there...there be such a process.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I apologize for rising a second time. I forgot to suggest that I'm opposed to House Bill 1996. And, Senator Grothberg, your point was very well-taken, we are now shifting the burden. When this Body passed the Nursing Home Reform Act, or whatever that Act was that was sponsored by Representative Bowman back in those days, we thought we were again obviating any fraud or oper-

ating in the for-good government, we put at least the duty on the election authorities in these instances where one of these owners, operators, managers, administrators failed to file the proper report, the election authority, either on its own motion or on the complaint of a citizen, had a right to cite the person in and say, hey, hold it, you didn't tell us that you had these twenty-five elderly people in this nursing home who wanted to vote. Now we're saying to this administrator, ah ha, you didn't file a proper piece of paper so you're now guilty of a Class 4 Felony. That's real reform.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

I would simply point out, Mr. President, that there is no intent requirement in this bill. So, if the...if he didn't file it inadvertently or he just was negligent in not filing it, he would still be guilty of a Class 4 Felony even though he did not intentionally desire not to file it. So, you're really putting it to this guy.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further...discussion? Senator Grotberg.

SENATOR GROTEBERG:

Yeah, I apologize to rise for the second time, but I...I guess I'm going to speak against the thing. I...I guess I got a concern when the little nun that runs the...the Catholic Retirement Home up in my neighborhood or the...the Lutherans. I work for the Lutherans, I've got Billy Vegee runs the operation. She's about as interested in elections as nothing and she's the one that's going to have to go to jail under this. And it just bothers me, folks, and...and if it were more carefully drafted, I guess I'd jump up and down to vote for it. But at this point in time, I think it's a terribly cruel way to do something to a lot of good people that don't know that it's coming to them, and I'm going to

vote No myself.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, to Senator Grotberg, you have to assume that there is...even though that might be difficult sometimes, that there is some common sense in the whole process. We're not going to be talking about nuns running nursing homes; we're talking about situations in the uptown area of Chicago, other sections of...of Cook County where we have massive vote fraud in nursing homes and no way to get a handle on that. And I rise in support of this legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I am concerned about the fact that this does not have an intent in it, and it can be done innocently by someone having a...a rooming house or a lodging house, and this time, I'm afraid I cannot support this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

I apologize for rising a second time, Mr. President, but it...according to Senator Joyce we're talking about selective prosecution. We're only going to prosecute those guys that we want to prosecute, and even though the other guys are guilty under this law, we're not going to prosecute those guys. I wonder who's talking here, the state's attorney or the Senator.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, we...we're talking about discretion, I suppose,

Senator D'Arco, but the fact of the matter is, this type of vote fraud occurs primarily in Cook County, and this legislation is aimed at where this vote fraud is occurring. You know where it's occurring, I know where it's occurring, everyone from Cook County knows where it's occurring.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...if there's further discussion? If not, Senator Kustra may close.

SENATOR KUSTRA:

Thank you, Mr. President. I think the point has been made that we're really not trying to get at nor do I think the problem will come from a small nursing home who is doing a good job of not only caring for its patients but also following the law. In the City of Chicago there are places where large numbers of people reside and nursing home operators are...are owners or managers of...of small hotels, for whatever reason, choose not to comply with this law. All this does is attach a penalty to the existing law. I would ask for its favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 1996 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 28, the Nays are 18, 9 voting Present. House Bill 996 having failed to receive a constitutional majority is declared lost. Alright, 997, hold. On House Bill 2012, Senator Netsch. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2012.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, how would you like to have the major election reform bill of the Session up right after we went through...for the last forty-five minutes that little partisan brouhaha? This is the campaign public financing of gubernatorial campaign bill. It is in substance exactly what the Senate passed out as Senate Bill 939 earlier in this Session. The amendment...and it was an extensive amendment, that was put on the bill reflected recommendations made by the State Board of Elections to make it more administratively and in other...in other respects a reasonable proposal. They think that the bill is in good form now although, of course, they take no position on the merits of it. It is in its major provisions exactly the same as Senate Bill 939...938 which, as I indicated, we passed earlier, and I would say, Gentlemen on the other side of the aisle, I did have a respectable amount of support from you at that time, I hope it will still be there.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Philip.

SENATOR PHILIP:

I'd like to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she'll yield.

SENATOR PHILIP:

Yeah, what's the approximate cost to this, Senator Netsch?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR PHILIP:

And exactly what...what State-wide officers does it involve?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

It involves only two State-wide officers, Governor and Lieutenant Governor. The feeling was that we...we get it in place with respect to these officers, see what problems might need to be worked out in the future and then decide whether we want to go beyond that. So, it applies only to...Governor and Lieutenant Governor. According to the fiscal note which was provided for us by the State Board of Elections, their estimate is that when they get to the point of having to do the data processing and the mailing and so forth, they do not require anymore employees, they can use their existing staff. They will ultimately have approximately fifty thousand dollars in mailing costs, administrative costs.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Yeah, I didn't still understand the mechanism in regards to finance...actually financing the campaign. Aren't you doing that out of the State monies? That's what I mean.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

The money that becomes available for matching funds, which I...I assume now is the part that you're talking about, is done through the device of checkoff similar to what is done at the Presidential level and similar, I might say, to what is done in approximately thirteen other states, it is done by checkoff. It's a voluntary thing, you either say yes you are willing to have a dollar used or you are not.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Yeah...what's the maximum amount of money you're going to

give to a candidate for Governor and Lieutenant Governor?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

The maximum amount of public matching funds that can be given to a gubernatorial or Lieutenant Governor candidate in the General Election is one million dollars. That matches dollar for dollar the amount that can be spent. There is also, of course, in the context of public financing, as there can be, a limitation on expenditure in the race. In the primary, the matching amount is seven hundred and fifty thousand dollars.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Well, it's interesting to me, why haven't you included any of the other constitutional officers? If it's good enough for the Governor and Lieutenant Governor, which I don't agree, incidentally, why isn't it good for the rest of the constitutional...why are you discriminating against the other State-wide elected officials?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Well, I'm tempted to say I'm not discriminating against them if you don't think it's a good idea to begin with. The reason is fairly simple, the...obviously, the Office of Governor and Lieutenant Governor, but basically Governor, is the most important office in the State of Illinois, and our feeling was that we needed to start with that office, get the procedure in place and, hopefully, as I expect will be the case, it will be well-received and then it is my hope, incidentally, that we would expand it beyond that office. But I think we've got to get used to the idea and get the problems

worked out. And I might say...and Senator Berman perhaps is intending to mention this, that there is a provision in the bill which says...just a minute. There is a provision in the bill that...that indicates that if once we get it in place, everyone likes, it that it will be expanded beyond that office.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Yeah, I...I would just...of course, as you know, I'm not in favor of this. I don't really think it's a good idea to take public funds, no matter if it's a checkoff or not, and spend them in public election campaigns. In the other states where they have done it, it has done one thing, that's for sure, incurs a lot more people running for public office. You know, now we normally have two parties, maybe three parties, major parties, two of them anyway, and what you do is encourage people to raise that money or borrow that money, make the match and then, of course, get the same thing that the other party gets. It's a bad idea. I'm not happy with the Presidential either, quite frankly. I think what we've got, public aid, mental health, schools are all lacking in money and we're going to give money towards political candidates to run for political offices. It's a bad idea.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Macdonald.

SENATOR MACDONALD:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she'll yield.

SENATOR MACDONALD:

Senator Netsch, you and I have talked about this both in committee and privately, but is it not true that if we run

out of money from the checkoff system, that we would then go into the General Revenue Fund? I think Senator Philip brought that up, is that not true?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Yes, that is true. It is also true that if we take in more on the checkoff than is required for matching funds, it will go back into the General Revenue Fund so that it could work either way, but it is more likely to work the latter way, and...and I will, if I might, just briefly give you the figures to explain why. By the time this bill becomes effective in the sense that we will want to be using the matching funds, which would be the election of 1986, on a conservative estimate we will have accumulated in excess of six million dollars, which is more than enough to take care of almost any needs that are likely to arise in the 1986 election from the matching component. If that is correct, then when it was over, we would return some money to the General Revenue Fund.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Macdonald.

SENATOR MACDONALD:

Well, Senator, I'm sure that the past will be prologue and that this bill will again pass the General Assembly. But I would caution my colleagues that this indeed will generate additional interest for running for public office, and not that that's bad, I think that that's good. I do not object to limitation of campaign funding. I think that there should be a mechanism and a way to limit campaign spending, but I can envision without any newly generated interest in Governor and Lieutenant Governor a condition where we would have the two major parties running. We usually have a socialist party running. We have a communist candidate and many times an independent candidate. That's five candidates and the Lieu-

tenant Governor that we're talking about at that point. I...I really feel that if this is to be a voluntary checkoff system, my greatest objection to this bill is that if we do run out of money that we are going into the general fund, and whether one wants to checkoff for this purpose or not, they are forced to because their general tax dollars are going into the General Revenue Fund, and if we run out of this checkoff fund, we will go into the general fund thereby, basically, whether you want to contribute or checkoff or not you will be forced to do so. I feel that this is undemocratic, and I...it is my basic reason for...opposing this particular piece of legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I share Senator Macdonald's concerns one hundred percent. The thought that sometime down the line the taxpayer's money may be entering the pipeline...the election pipeline, whether or not they see fit to have their money so entered is repugnant to me. I think it flies in the face of what we think of as...or could push to its ultimate conclusion, fly in the face of what we think of as free elections, and there's another point here that maybe hasn't been brought up and that is to say this, that if we run out of checkoff funds and we indeed have to then resort to the taxpayer's dollars, then must come some kind of legislative control over this entire process, it would seem to me, because taxpayer's money is involved and those taxpayers have every right to say how that money is spent if they can. And then we will begin to exercise a degree, I think, of legislative control possibly down the line somewhere over our electoral process that we do not now employ and should not employ in the future. And for these reasons, I think we better think carefully

about this bill and its implications in the future. And for those reasons, my colleagues and friends here in the Senate, I would urge your cautious consideration and your vigorous No vote on this measure.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. I've generally been in opposition to this type of legislation, but this bill came through the Elections Committee, I had an opportunity to listen to the testimony, and there was a considerable amount of testimony given as to how the bill operated in some other states; and after observing what's been going on recently as far as campaign funds, ten million dollars to run for Mayor of Chicago and things like that, it just seems to me there ought to be some attempts to curtail that kind of money, put some limits on campaign contributions so that in the future the people who are elected under this system will have more freedom to act. I think that the Senator is going in the right direction by starting out with the Governor and Lieutenant Governor. If...if the bill works properly as we...as she says it will work, then we can go on to other offices. If it proves not to be successful, it then could be repealed or stopped. So, I would...I...I'm rising in support of the legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. I rise in support of 2012, and I...I...I would say to those of you who stand in opposition to the...to the concept, that is your right to be opposed to this bill; however,...but the arguments that I've heard so far has absolutely no merit at all in terms of the impact of this legislation. I think one

of the...speakers indicated that this bill would allow all types of frivolous organizations and individuals to be participant in this matching fund. It is not true. That is not true, because a person have to be a...a serious candidate in order to be able to meet the threshold by which they can participate in the matching money. So, if the person is not a serious candidate, they are not going to raise that minimum amount of money in the first place. Secondly, the...the practical application of this legislation will not take place until the next gubernatorial election. I think Senator Netsch mentioned in her opening remarks that the checkoff system would, in fact,...fund would have accumulated enough...more than enough money to take care of...of the match without having to resort to the General Revenue Fund. So, that is not a valid argument. I think this is a time...a bill whose concept and time is...if far overdue. We must, we must look at and accept the reality of politics, that this State and this country is ran on politics and we must, in fact, have political leaders, governors, mayors, presidents and so on. This is a beginning for this State, and I think it should be isolated just to the Governor and to the Lieutenant Governor and let us see how it work, but it would most certainly open the door to get more qualified, sincere, committed, untainted, unpressured people into the decision making so that hopefully, hopefully, it would lead to better government and most certainly it would lead to a better process, an open process, by which the majority of the people can participate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

I move the previous question at the appropriate time.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito has moved the previous question. We only

have one other speaker, Senator, so if you'll hold that motion, it's Senator Rock. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I thank Senator Zito for withholding the motion for a moment. I rise in support of House Bill 2012 as amended. In 1973, I sponsored a Public Financing Act along with some who are still sitting in this Chamber. We fell some votes short. The idea then was a good one, it...it is even better today for a number of reasons. The campaign season is much, much too long. We have made an attempt to shorten up the Primary and General Election season, and it's obviously much, much too expensive. And when you're talking about the amount of money that's now necessary to run for high public office, we...we are quickly, quickly moving toward absolute insanity. I had the opportunity to visit with the Speaker of the Texas House, and he related to me that the new...newly elected Democratic Governor of Texas has on record expenditures in excess of thirteen million dollars, and his Republican opponent who lost has on record expenditures in excess of fifteen million dollars, and then they got to the U.S. Senate race and Senator Benson who won spent in excess of seven million dollars, and the fellow he beat spent in excess of five million dollars. An extraordinary, inordinate amount of money spent on two major offices. We have to restore some sanity to this business, and it is a business, it's a profession, it's an art, it's a business. Let's restore some sanity. I urge an Aye vote to House Bill 2012.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch may close.

SENATOR NETSCH:

Thank you, Mr. President. One or two points in closing, first of all, Senator Macdonald, one of the difficulties is that you cannot limit the amount spent on a campaign except

in the context of public financing. The United States Supreme Court decision, Buckley versus Fallayo, makes that absolutely clear, nor can you limit the amount of money that a candidate spends on his or her own campaign except in the context of public financing. That is one of the reasons why this is one of the few alternatives that we do have to try to put some overall controls on the amount spent on political campaigns. Secondly, I would just quickly underscore a point that Senator Collins also made. You are not going to get a lot of frivolous candidates, and one reason why is, we deliberately made the threshold high. You've got to raise a hundred thousand dollars in contributions of five hundred dollars or less before you can even begin to qualify for the public matching funds and then, you match only up to a hundred and fifty dollars. It is not for those who are playing games with the process. One of the results of this is, as evidenced in New Jersey, perhaps the state with the most comparable set of circumstances, in their...their gubernatorial election immediately preceding public financing, one hundred contributors loaned or contributed over one-half of all of the dollars spent; ten thousand, twenty thousand dollar contributions were common. After public financing there were thirty-three thousand contributors. The average contribution was only a hundred and eighty-two dollars. It seems to me that that is precisely the kind of result that we want. Both for the sake of the candidates and for the sake of the public, we should not put our major public officials or any of us who run for public office in the position of having to spend most of our time raising money, of having to get most of it from the special interests. That is not fair to us who run for public office; it is not fair to the public. I urge an Aye vote on House Bill 2012.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 2012 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 36, the Nays are 23, none voting Present. House Bill 2012 having received the constitutional majority is declared passed. House Bill 2013, Senator Lechowicz. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2013.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The present law requires rotation of the State Board of Elections chairmanship by political party every two years. House Bill 2013 as amended would also require rotation of the chairmanship among all board members of the same political party affiliation. In other words, each Democrat and Republican board member would have an equal opportunity to be chosen as board chairman instead of the same two board members rotating as chairman and vice-chairman merely by reason of a previous service as chairman. The board members are not appointed on a bipartisan basis, but also on a geographical basis. Because the board supervises the administration of elections throughout the State, members from Cook County, northern, southern and central Illinois should be entitled to represent their regions as board chairman. However, since...since the board was established in 1974, the previous Democrat and Republican chairman always had the inside track to succeed himself each time there is a party rotation of the chairmanship. In short, this bill would preclude a chairman from succeeding himself when his party is entitled to assume the chairmanship unless his colleagues decline to run for

chairman. This is the same interparty rotation system mandated by the Federal Election Commission in several other...several other state election boards and commissions. It is an equitable distribution of representation for both political parties and for all areas of the State. I'd be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 2013 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 42, the Nays are 15, none voting Present. House Bill 2013 having received the constitutional majority is declared passed. House Bill 2014, Senator Rock. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2014.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. At the request of the House sponsor, the bill as amended now provides only one substantive change in the law. It says, "No person serving as a judge of election may be a poll watcher." I urge your favorable support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Bloom.

SENATOR BLOOM:

Yes, thank you, Mr. President. Okay, I'm looking at the bill in chief and then looking at the amendment, and maybe I'm just having trouble having it track. I thought that originally the bill changed part B...or alternative B, but

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now it's gone back...the...has been taken out, is that what you're saying?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Yeah, the provision relating to delegate selection as it came from the House appertained only to the Democratic section. That was deleted, because we have, as you know, already passed a bill to address that situation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall House Bill 2014 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 3, none voting Present. House Bill 2014 having received the constitutional majority is declared passed. House Bill 2023, Senator Sangmeister. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2023.

(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. This is the living will piece of legislation that I'm sure by now someone has talked to you for...either for or against. It is also known as the death with dignity bill, and I have passed around an editorial, one of several that have been issued by newspapers throughout the State, supporting this concept. Basically what this bill says, is it gives you the right, you, and you only, no one else in your family, just yourself, the right to sign a declaration that says, in part anyway,"If

at anytime I should have an incurable injury, disease, or illness judged to be a terminal condition by my attending physician who has personally examined me and is determined that my death is imminent except for life sustaining procedures, I direct that such procedures be withheld or withdrawn and that I be permitted to die naturally with only the administration of medication, sustenance or the performance of any medical procedure deemed necessary to provide me with comfort care." We are putting into this legislation what I think is absolutely essential and what spells out what this is all about and that is the legislative intent. The legislative intent of this legislation is that in order that the rights of patients may be respected, even after they are no longer able to participate actively in decisions about themselves, the Legislature hereby declares that the laws of this State shall recognize the right of a person to make a written declaration instructing his or her physician to withhold or withdraw life sustaining procedures in the event of a terminal condition. We have worked on this bill, we have worked with the medical society, and we have defined this thing now as the attending physician is the only physician and it means the physician who is selected by or assigned to by the patient who has the primary responsibility for the treatment or care of the patient. Life sustaining procedures means any medical procedure or intervention which when applied to a qualified patient in the judgment of the attending physician would serve only to postpone the moment of death when death is imminent. We have described terminal condition in this bill to mean an incurable condition which is such that death is imminent, and in the application of life sustaining procedures serves only to postpone the moment of death. I would say to you that regardless of what your position or others have told you your position ought to be, this is a simple piece of legislation that let's you do what you want to do.

Practically every piece of legislation that we pass out of this General Assembly we are telling other people what they ought to do. This is a piece of legislation that let's you do what you want to do. It doesn't mandate it on anyone else. If you don't want to do it, that's fine. There are people, particularly the elderly citizens in the State of Illinois, who would like to do this for their family and take the responsibility off of the family's back and put it on the attending physician where they want it to be. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Pawell.

SENATOR PAWELL:

Thank you, very much, Mr. President and members of the Assembly. I have been a volunteer at our nursing home for a number of years and have talked to senior citizens who have been sustained for years with various life supporting systems and...any number of them have said to me that they just wish that people would leave them alone and in peace. They don't like what they're doing to their family, they don't like the cost, they know they are putting intolerable...burdens on their family, financially and otherwise. They really are not that frightened of death, a lot of them have a lot of faith in what's going to happen to them next. I think this is a decision that should be allowed by the person that's involved. Personally, I know I would never want to exist, and that's all it is existing, in...in the manner some of these people have had to for years. I think we do an injustice to our...our...our families, our friends and our own mothers and fathers when we insist that they continue a life that is not acceptable to them anymore. I think this is a good bill, I think it's long overdue. I think, certainly, the sponsor has put more than enough safeguards into it, and I think we should vote yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. I'd like to read a quote which I hope everybody will listen to, and I quote, "When inevitable death is imminent in spite of the means used, it is permitted in conscience to take the decision to refuse forms of treatment that would only secure a precarious and burdensome prolongation of life so long as the normal care, due to the sick person in similar cases, is not interrupted. In such circumstances the doctor has no reason to reproach himself with failing to help the person in danger." A statement in favor of this concept made by Pope John Paul II. Not only does Pope John Paul II support this concept, but it was supported by Pope Pius XII and Pope Paul VI. This is...this is a concept that I think we should all be support of whether we are Pro-choice, Right to Life or whatever. This is really a bill about dignity.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

The sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he will.

SENATOR GEO-KARIS:

My understanding...of the bill is that...the present bill the way it was amended, that only the attending physician makes a decision predicated on a living will providing the cessation of services to stay alive. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

My apology, Senator Geo-Karis, I did not hear the question. Have...turn her mike up just a hair, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Could we have a little...Senator Geo-Karis.

SENATOR GEO-KARIS:

My...my understanding of the bill as it was amended is that the...the...only the attending physician, only his opinion is necessary to state that...the verification of the patient's terminal condition. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

END OF REEL

REEL #6

SENATOR SANGMEISTER:

Well, to make it perfectly clear, the first person that makes any determination at all, Senator Geo-Karis, is yourself; you say this is what you want done. Then there's...the question of terminal illness has to be decided, and it is decided by the attending physician or your family doctor, that is correct.

PRESIDING OFFICER: (SENATOR SANGMEISTER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Now, under the original bill, there was a requirement that the...this living will, so to speak, which I understand is attested the same way the regular will is, is to be kept in the records of the medical facility where the patient is being maintained. Now that was taken out of the bill, was it not? And if so, why?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

No, that was not taken out of the bill. What was taken out of the bill is, we had in there originally that in addition to the attending physician, that the terminal illness would have to be certified by another physician. The medical society objected to that and that's the reason we took out the additional physician, but there still has to be a record of this declaration being filed and it would be with the attending physician.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

My analysis indicates that the requirement that the

living will be kept in the records of the medical facility where the patient is being maintained has been deleted by the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Then your analysis is not correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I think the bill, the way it has been now constructed, is probably a fairly safe bill to go into, considering the fact that if, as Senator Sangmeister says, the patient has the living will with them and gives them to the medical facility to hold. My concern was that it would not be so. And basing on Senator Sangmeister's word that this is still in the bill, I think it is a good bill and I think it's worth trying. I speak in support of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to this and it's a difficult thing for me in many ways to do, because I understand the motivation, I think, of the sponsor and I have the greatest respect for...for him. But my concern revolves around something that the sponsor himself said in advocating this measure and that was that it lets you do what you want to do, and this on the surface has certainly a good ring to it. But the other side of the coin is that it may be putting your signature on something that you think you want to do that you may decide later you don't want to do. I can see the possibility of somebody signing a living will who, at the time

they did so, thought they understood everything there was to know about their condition and what they wanted done when they reached what might be considered a terminal or at least critical time of their life. I also can envision a situation where somebody could sign such a will and then be in a situation where they really couldn't do much about it. They could be comatose, they could be otherwise in such a state but that they couldn't do anything about it even though they wanted to. They might have reason, if they knew all the facts, to decide they didn't want certain medical procedures withheld, that they wanted to try to tough it out. I feel that we better be cautious here. I feel, too, that the legislation may be unnecessary since, to my knowledge, no law now forces a doctor to use all possible means, that is heroic means, to prolong life. Indeed, my understanding is that it's common medical practice to withdraw useless life sustaining equipment right now. Yes, you have a few sensation headline grabbing cases where this has not happened, but I think the general practice is that well-motivated physicians with every degree of concern for the patient are doing what this bill calls for right now, without putting something into our Statutes that may start us down a road that we may someday decide we don't really want to be on. I think the bill, frankly, is fraught with some potential danger. I'm also concerned about the fact that many individuals who could have been allowed to die under the provisions of a living will are now...alive and well...alive and doing well that might have been simply allowed to die. Medical changes are taking place, we all know, every day. Medical techniques and therapeutic procedures and sometimes these are taking place even while the patient is in what some doctor, some doctor, might describe as a terminal condition, these changes are taking place, and it would seem to me that the safest course of procedure here would be not to start down this road. I think it has a

danger to it. I think we should be cautious, it probably will pass but, nonetheless, I shall, with just as much concern for those terminally ill as does have the sponsor, cast a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President and fellow members. I believe we finally have a bill whose time has come...for passage. I can remember the first one fifteen years ago when Bernie Epton brought such a concept into the House of Representatives and I believe got one vote in committee in the Human Resources Committee at that time, and it's taken a decade of dialogue to manifestly state that...probably the most personal right that one would have ever, the ultimate act of privacy, is embedded in this bill. In do deference to the previous speaker, this is not a mandate, this is not a mandate, this is a willing victim of life's circumstances, a creature of God, making some arrangement for his dignity at the end of the trail with himself, his friends, his relatives, his family and his Maker, in the full access of his faculties with still an option to opt out should he change his or her mind. Now what more could one ask for in this strata of life whose technologies at every day are pushing us toward the capability of being living vegetables and a renewed, if you will, Senator Hudson, a renewed look at God's purpose on this earth for each and every one of us and the ultimate creature that we are in His hands. I submit that any of you who found heart to vote for the hospice movement bill are bordering upon voting Aye for this bill. And just like that concept, I submit to you, there are no lobbys for this bill, there are no groups for or against it. This is a very personable...or personal decision with each and every one of us. And I think, knowing many of you for many years

and in intimate conversations that we have in life, each and every one of us have said, when you pick up that headline, oh, good Lord, if someone had just granted the power to make that decision to, "pull the plug," or whatever the inane statements are made on this subject. Deep in our hearts, each and every one of us would like to have the option at a point in life or a point in death to execute such a document. This is not a mandate, you don't have to do it; but for God's sake, for man's sake, there is nothing wrong at this time of life for such an option.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I was not going to speak on this bill, but...Senator Hudson, the reason that I support this bill is the very reason that you oppose it. It is being done today but it's not being done by the person who should make the ultimate decision. Anybody who has been asked to participate in this kind of decision with a member of their own family knows how extremely difficult that decision is and how, perhaps, perhaps, it might have been wiser to have been able to have discussed this decision with the party whose life is about to expire. Anybody who has spent any time, any prolonged time, in an intensive care unit watching people on a respirator day after day after day; and without getting morbid, anybody who had an opportunity to watch an autopsy on someone who has spent ten days on a respirator, I don't think you would have much choice about how you would vote on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Senator Sangmeister may close.

SENATOR SANGMEISTER:

Well, thank you, and I certainly personally thank all

those that rose in support of this bill. Senator Hudson, I wish to advise you that there are plenty of conditions in the bill for revocation at anytime, you can do it orally, you can do it in writing, you can tear up the declaration, so there's plenty of safeguards there. And I, of course, would say to you that if you are comatose, that's hardly the time that you'd want to change your mind after you've thought this thing out years ago and made a declaration. I suppose all of us for one reason or another handle legislation in this General Assembly because of something back in the district or something that happens in your life and that's exactly what's happened with this piece of legislation for me. I, unfortunately, too, as I think some others...who have rose in support of this bill have had happen in their family, see the greatest guy that ever walked on this earth, my father, lie for weeks in a hospital, comatose, the doctor coming to me as the only child in the family and saying, "You know, George, if we don't give him anything, he's going to die; he's going to die anyway but, you know, if you're looking for a miracle, you better give him that blood." So he gave him blood and he lived for another five days and then he was just about ready to go and again you got to give him more blood, he's not going to live, but if you don't do it, he's certainly going to die. How can any member of the family, whether an only child or brothers and sisters or a surviving spouse or going to be a surviving spouse, can make that decision. All that we're asking here is, let's shift that responsibility where it rightfully belongs, to the attending physician, to the family physician. That's who can make an impartial decision here. And another thing you've got to remember is, we're not...those of you that don't like this, are opposed to it, we're not asking you to...to force or mandate anything on anyone else, let some people have some free choice here; if they want to die with dignity, that's fine, I don't see why

you should try to prevent that. And I get the feeling with Senator Hudson speaking, that of course there's some Right to Life underlining this particular bill. Let me say to those people, they take a look at my record on Right to Life, I...I...there's probably one bill a Session that I may deviate from those people. I've been with them all the time, but there are exceptions to the rule. This has nothing to do with the principles that we believe in in that area. This is a freedom of choice, if you have a right to live, you got a right to die. And I'd like to have the right to say to my family that they don't have to watch me lie like my father did. For that reason, I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 2023 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Leroy. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 38, the Nays are 18, 1 voting Present. House Bill 2023 having received the required constitutional majority is declared passed. Our electronic marvel did not record the vote on 2014, the bill just prior to this one. The roll call was 55 to 3 with none voting Present. It was Senator Bock's bill and we need to take another roll call on House Bill 2014. So, Mr. Secretary, if you'll put 2014 on the board. The question is, shall House Bill 2014 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 4, none voting Present. House Bill 2014 having received the required constitutional majority is declared passed. 2031, Senator Dawson. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 2031.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2031 establishes a grant program...provides the Department of Public Health, so it provides the formula for the distribution of grants to eligible organizations. The such grants shall be used to combat infant mortality immediately. Over the...the period we've amended this and added language that funding for the grants in 1984 is solely from supplemental programs and specifically to not take anything away from the previous awarded grants. It also indicates that competing requests for grants for the same area is that the funding preference be given to those organizations that receive the grant funding in Department Fiscal Year '83. In different parts of this State, particularly in my area, they have a rate in a...in one particular area of fifty-five deaths for every thousand. In another part it's forty-nine deaths out of every thousand in...in the area. I'm open for any questions.

PRESIDENT:

Any discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I think I should report as I suspect might be mentioned, the Department of Public Health is all in a tether about this bill. They've been an attempt to amend it to solve problems but I get the impression that the department is not convinced the amendment has solved the problem. There's some question about the implications for the Crippled Children Fund at the University of Illinois. They contend it

would lock the department into giving grants to current agencies whether or not they do a good job. They point out that they have an ongoing grant process with well over a hundred grants being processed at this point. It goes back to square one, should this bill pass and be signed into law...they fail to mention they of course have the veto pen there, but clearly the Department of Public Health is very seriously against the bill and I suspect that at least part of their objections are well-founded and...frankly, if it ain't broke, why fix it?

PRESIDENT:

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

...I...I, too, rise in opposition to this bill. I have some questions of the sponsor that are a of concern of mine.

PRESIDENT:

Sponsor indicates he'll yield. Senator Holmberg.

SENATOR HOLMBERG:

Is seems as if some of the language in the bill at this point is still very poorly drafted. Not enough study has gone into the language. For instance, the area of the bill which calls for grants to be given to those counties who have the median infant fatality rate would rather skew up the statics for some of the larger counties. For instance, if a county only had...a small county only had eight births in a given year and four of those infants should die, that county would be eligible for the majority of the funds. Things like that, I think, could interfere with they way the money could be given out. Would that be true?

PRESIDENT:

Senator Dawson.

SENATOR DAWSON:

Senator Holmberg, in the amendments it states any existing funding, or whatever, would not be touched, and it's men-

tioned to me on the other side of the aisle about the agency worrying about people not doing their job. Well, if they're not doing their job not matter what, they should be able to revoke their funding....they're...should not be using this as an excuse not to try to take something away from somebody. So, if the department feels that any agency or any organization is being funded, no matter who they are or what they are in the State of Illinois, they should have the fortitude to come forward and say they're doing a bad job and take their contracts away from them.

PRESIDENT:

Further discussion? Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and members of the...Senate. I rise in support of this legislation. In the City of Chicago, the infant...infant mortality rate is pretty high and State-wide we are far above the national average. I know in my area alone, in the Rosen area we do have a very, very serious problem with infant...mortality rate. So, I think Senator Dawson has a very, very good piece of legislation, and if the Department of...of Public Health say they do not have the funds at this time, I'm quite certain that...we do have a very tough Governor on the second...second floor, we will be supporting his tax package to make sure necessary funds are there.

PRESIDENT:

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of this legislation. We have been in contact with the Department of Health. I shared quite a bit of concern about this and I went over and talked to the House...sponsor, Representative Bullock, and I've been working with Senator Dawson. We've come up with an amendment and

it may not be the cure of all the ailments, but if you stop and think is that children are not responsible for being here. The thing is that we should make every effort that every child has a right to life and I had...I come from one of the areas where it has the highest infant mortality rate in the nation. They have worked...I know it's the thing that...of what we're saying is this, if this bill does not pass, and I realize it's not the best, I want to thank Senator...for accepting this amendment, I want to thank Representative Bullock, the thing is that we're talking about infant mortality. I plead with you, I beg you to please support this bill.

PRESIDENT:

All right, further discussion? Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank...thank you, very much, Mr. President. Recently...in the last year there were about sixteen women legislators that went down to the Cook County Hospital and saw the conditions that are prevalent down there. I don't know if most of you realize it, but the average birth...or the average mother's age of a...of a child in Chicago and in the State of Illinois, that is what is considered illegitimate, the mother's average age is fourteen. It's the babies of these women that we are talking basically about. These are the babies that are in jeopardy. These are the ones that they are having so many problems with. I personally think this is a good bill. I realize there may be some members of my party that may not be thrilled with me saying so, but I would suggest my colleagues take a good look at this bill and vote Yes.

PRESIDENT:

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

HB 2035
3rd Reading

I have nothing against the concept of the bill, in fact, I am entirely for it. My concern is that we haven't carefully looked at the distribution factor and that some of the programs that we now have that are doing an excellent job, eligible for that Federal job training money, might not get the full amounts of...of the money that...that they ought to get and that the bill deserves a little further study and a little better language before it's put into effect.

PRESIDENT:

Further discussion? Senator Dawson may close.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, this amendment that I put on here added the language as solely the grants for Fiscal Year '84 is solely from supplemental Federal Maternal and Child Health Block Grant Funds recently awarded Illinois. The language also in there indicates that, if...if a competing request for grants for the same areas that the funding preference to be given to those organizations that received the grant funding in the Fiscal Year '83. I've tried to work everything out with the department. They've come in, they've asked...they've said this was their problems, I've worked these out. Now, they've come back with another set of problems. We cannot keep jumping all over the ballpark, and I ask for a favorable roll call.

PRESIDENT:

Question is, shall House Bill 2031 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 28, the Nays are 27, none voting Present. Sponsor requests that further consideration of House Bill 2031 be postponed. Leave is granted. 2035, Senator Dawson. On the Order of House Bills 3rd Reading is House Bill 2035. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2035.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, 2035 is known as the employees access to records. We have had a couple amendments to this here which deletes the section concerning medical records inspection and replaces evaluations with external peer review documents and deletes tenure from the section. The medical records section was a source of considerable controversy and was therefore that we deleted that. The reference to evaluation of tenure made by the Amendment No. 1 was deleted with the amendment also. The amendment also made technical changes and reletters several different sections. I'm open for any questions.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 2035 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 32, the Nays are 20, 3 voting Present. House Bill 2035 having received the required constitutional majority is declared passed. Senator Schaffer on 2058. On the Order of House Bills 3rd Reading, the bottom of page 18, is House Bill 2058. Read the bill, Mr. Secretary.

SECRETARY:

...House Bill...

PRESIDENT:

Senator Johns, for what purpose do you arise?

SENATOR JOHNS:

Sorry, sir, I was trying to catch your attention.

PRESIDENT:

You...you have it.

SENATOR JOHNS:

Well, that's once in a lifetime, I guess. I'd like to make a motion to reconsider 2035.

PRESIDENT:

Having voted on the prevailing side, Senator Johns moves to reconsider the vote by which House Bill 2035 was passed. Senator Carroll moves to Table. All in favor say Aye. It's Tabled. On the Order of House Bills 3rd Reading, House Bill 2058. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2058.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAPFER:

Mr. President, House Bill 2058 amends Public Aid Code. It deletes references to...some obsolete references in the GA section and the AFDC section. I...I picked it up. It's an administration bill. I think it's a vehicle that we forgot to amend here so when we pass it it goes and it's done.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 2058 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 2058 having received the required constitutional majority is declared passed. 2085. On the Order of House Bills 3rd Reading, top of page 19, is House Bill 2085. Read the bill,

Mr. Secretary.

SECRETARY:

House Bill 2085.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, it does just exactly what it says on the Calendar it does. It creates a dangerous drug abuse commission for elderly. Also would make grants to one of three colleges, colleges of medicine, college of...college of chiropractic...in the...the eyes of the department would merit a grant to study geriatric medicine or care for the elderly. Appreciate a favorable roll call.

PRESIDENT:

Any discussion? Is there any discussion? If not, the questions is, shall House Bill 2085 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 5, none voting Present. House Bill 2085 having recieved the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 2171. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2171.

(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 bill,...House Bill 2171, was

drafted by the Attorney General's Office. The bill establishes a clear definition for the offense of calculated criminal disposal of hazardous waste. It sets up several other penalties for the unauthorized use of hazardous materials. There was some question about a similar bill that was in the Senate here in relationship to intervention into various...various counties. I think that has been resolved and the State Chamber of Commerce...I am told, supports this bill. Surprises me, but I move for the favorable consideration.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 2171 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 2171 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 2176. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2176.

(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. This is identical to Senate Bill 1336 which eliminated the thirty-day wait period before issuing a withdraw from service refund to an unemployed civil service employee and it raises from six to eight percent the amount of interest due on the refund. An amendment was put to the bill, and the amendment being that effective January 1st, 1984 there

would be an increase in the widow's benefit to the sanitary district employees. There's a cap of eight hundred dollars on. If there's no questions, I'd move for...favorable consideration.

PRESIDENT:

Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Yes, thank you, Mr. President. Question of the sponsor.

PRESIDENT:

Indicates he yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, you added the amendment to this bill...your Floor amendment, and I wasn't aware of it at the time and I think most of the members weren't that apparently has an actuarial increase...or an increase in the actuarial liability of some sixteen million dollars, an annual cost, according to our figures, of two million dollars. Now this cost normally would fall on the sanitary district, but I have a concern that there seems to be no exemption under the State Mandates Act. Is this exempted under the State Mandates Act? That is, is there an exemption on the bill?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Yes, there is, Senator. I'm sorry, I should have mentioned it. Amendment No. 2 exempted...that exemption was filed which was Amendment No. 2.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Okay, so then we're left in the posture that this would mandate...whatever the additional costs are will be mandated on the sanitary district itself and those taxpayers who support that district. Thank you.

HB 2202
3rd Reading

PRESIDENT:

Senator...further discussion? Any further discussion?
Senator Nedza may close.

SENATOR NEDZA:

Move for your favorable consideration.

PRESIDENT:

Question is, shall House Bill 2176 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 9, 1 voting Present. House Bill 2176 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading, House Bill 2202. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2202.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, House Bill 2202 permits workers receiving less than the prevailing wage while employed by a contractor or subcontractor on a public works project to request the Department of Labor to take an assignment of a wage claim in trust for an assigning worker and to bring any legal action necessary to collect such claim. As you all know, it is often difficult for a construction worker to find a private attorney willing to prosecute a wage claim because of the small sums often involved. Under this bill the department is permitted to take assignment of the wage claims and should insure that the wage requirements of the Act will be more effectively enforced. I would appreciate your support on House Bill 2202.

PRESIDENT:

Any discussion? Senator Keats.

SENATOR KEATS:

Be with you in a second, my handlers haven't got me trained yet.

PRESIDENT:

Senator Geo-Karis.

SENATOR KEATS:

Forget...forget it, we know what's going to happen anyway.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, under this type of bill there will additional costs to the Department of Labor. Right now anyone can sue for collection up to twenty-five hundred dollars in their own name without an attorney, and I think that this bill would create a big financial hardship on the Department of Labor and the State of Illinois.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I simply want to point out that the prevailing wage is determined, in...in most cases, by the Department of Labor. Now, we're also going to make them the prosecutors. So, in effect, we have the judge and the prosecutor being the same...same agency. I think there could be some real conflicts there.

PRESIDENT:

Further discussion? Any further discussion? Senator Savickas may close.

SENATOR SAVICKAS:

Thank you, Mr. President. Obviously, there is no

conflict. It's just an accommodation to those workers that are denied the prevailing wage rate by some contactors, and it...it enables them to get their full pay without cost of an attorney. I would solicit your favorable support.

PRESIDENT:

Question is, shall House Bill 2202 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 37, the Nays are 22, none voting Present. House Bill 2202 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 2203. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2203.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill will provide that a manufacturer, distributor or other importing distributor may furnish free advertising, signs or other promotional materials to any unit of government owning or operating...in auditorium, exhibition hall, recreation facility or other similar facility holding a retailers license. Also an amendment added to the bill provides that in the City of Mendota at the Mendota Lake Park a restaurant that's existed there for a long period of time will be able to obtain a liquor license.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 2203 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 46, the Nays are 6, 2 voting Present. House Bill 2203 having received the required constitutional majority is declared passed. On the Order of...Senator Zito. On the Order of House Bills 3rd Reading, House Bill 2218. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2218.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. House Bill 2218 is very similar to Prairie State Two Thousand legislation that we passed out of here, with the Senate bills. It creates a high technology innovation grant program and establishes a high technology innovation grant review committee, and I would appreciate its adoption.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 2218 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 2218 having received the required constitutional majority is declared passed. Senator Macdonald, for what purpose do you arise?

SENATOR MACDONALD:

Mr. President, I pushed the No button when I wanted to push Yes in my rush to get to my switch. On 2203, I would like to be recorded as Yes on that.

PRESIDENT:

The electronic record will so reflect. Senator Demuzio.

SENATOR DEMUZIO:

Well, yes, on a similar request. On 2035, I pushed the Present button when I meant to push the Aye button.

PRESIDENT:

The record will so reflect. On the Order of House Bills 3rd Reading is House Bill 2219. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2219.

(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. 2219 is the bill that we had discussed previously. This is the park district bill and the aquarium and museum bill. This bill is...is in order to allow legislative authority to comply with a consent decree approved by the court in a suit with the Chicago Park District and the museums. They have worked out all of their problems, and all they're doing is requesting legislative authority to have that conform with the consent decree. If there's no questions, I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. I would rise in support of this bill. Most of you will remember that I had a mildly controversial amendment on this bill that I was asked to withdraw and reluctantly did. I thought the amendment made a decent bill an excellent bill, but even without the amend-

ment, the bill does legitimately solve a problem in terms of...use of aquarium and museum bond fund revenues, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce...or Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

To refresh my memory for...for...for a moment, Senator Nedza. This is the situation where the funds were collected by the park district...the interest on the...take me through this for a minute....well, just here, answer this question, does this...any increase in taxes because of this legislation?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

No.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of House Bill 2219 and I might, for the members who have forgotten, this legislation was introduced under a court order. Judge Bouha, who entered a court order in the Federal court as a result of an antidiscrimination suit brought against the park district, entered this order outlining, and this is as a result of the agreement of the parties, it...it does not in anyway effect a tax increase, and I urge your favorable support.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Nedza may close.

SENATOR NEDZA:

Move for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall House Bill 2219 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 2219 having received the required constitutional majority is declared passed. House Bill 2228, Senator Kustra. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 2228.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. This bill is the last bill in that election package which we were dealing with awhile ago. This particular bill is half right as far as the analysis...the brief analysis in the...on the Calendar is concerned, it does require the election authority to remain open at least twelve hours after the polls close or until all election material is accounted for from election judges; but more importantly, it deals with the problem of ballots which get lost. It...it attempts to deal with creating a...a paper trail by requiring that after ballots are returned properly signed and sealed, the election authority shall issue a receipt stamped with the time and date of return. As you may remember, there were some problems in the last gubernatorial election where some ballots were not only missing but they were in paper bags, they were in basements, they were half wet, it was difficult to keep track of those and find out what had gone wrong. With a receipt system, I think we can deal with this particular problem. It's an accounting system which I think will work, and I ask for your

favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? Senator Rock.

SENATOR ROCK:

Question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Rock.

SENATOR ROCK:

What...what is the current law with respect to the election authority and/or the receiving station?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Kustra.

SENATOR KUSTRA:

Under the...under the current practice, the election authority will remain open until the...the...the ballot...the last ballots have arrived; however, there is no procedure for the receipt of these ballots and the issuance of a receipt stamped with the time and date of return, that's the significant part of this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Well, the other significant part, if there is any significant part that to this puff 'n stuff package, is that we are suggesting that receiving stations, in fact, stay open, apparently the call of the election authority notwithstanding, until every material has been delivered. Now, I heard on the radio last election night, the...the Election Authority from DuPage County indicating that Wheaton was a long way from the outer precincts of DuPage County and, gee, fellows, we just haven't gotten the results here yet, but they're...they're coming..they're coming at some point. All this seems to me to be doing is again affording some shelter for those who are dilatory. When the polls close, you're

supposed to take the election material and deliver it to the proper authority, period. Twelve hours, twenty-four hours, thirty-six hours, seventy-two hours, doesn't say that. It says do it in twelve hours or until the judges...I think that's a mistake and I...you know, I can see probably what...what was attempted to...to be done with this, but again, this is puff 'n stuff. I think it ought to be rejected.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Kustra may close.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I do think it's important that there be some provision in the law which will get at the problem of ballots which wind up in somebody's basement or what...wherever, and the only way we're going to do that is, first of all, by requiring an issuance of a receipt and that is done in this particular case. As far as the other provision of the law is concerned, I think where there are extenuating circumstances there ought to be some opportunity for those particular election authorities to remain open until all those materials are accounted for, that's the purpose of this bill. Ask for your favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

...the question is, shall House Bill 228...2228 pass. Those in favor vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 41, the...43, the Nays are 10, 5 voting Present. House Bill 2228 having received the required constitutional majority is declared passed. House Bill 2282, Senator Darrow. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 2282.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Darrow.

SENATOR DARROW:

House Bill 2282 authorizes a deferral of the tax on certain kinds of long-term...capital gains reinvested in a new Illinois business. I'll be glad to answer any questions. I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President, will the sponsor yield?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Etheredge.

SENATOR ETHEREDGE:

Senator, I understand that this is a deferral of tax liability rather than an...an exemption. Do we have...there will be a reduction in State revenues though for Fiscal '84. Do we have any idea what that reduction would be?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Darrow.

SENATOR DARROW:

We were unable to obtain that figure because we are unsure of how many people take advantage of this, how many businesses will reinvest in Illinois businesses and it's difficult to say.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge.

SENATOR ETHEREDGE:

Senator, there was a...a similar bill, Senate Bill 1023, I believe, that we passed out of here earlier and I'm...how does this bill compare with that one? Are they...similar or

are they identical, and how does...the tax liabilities compare?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Darrow.

SENATOR DARROW:

I'm not familiar with the Senate legislation. I didn't handle that, so I can't compare the two.

PRESIDING OFFICER: (SENATOR BRUCE)

...further discussion? Further discussion? Question is, shall House Bill 2282 pass. Those in favor vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 2282 having received the required constitutional majority is declared passed. House Bill 2290, and before they read that bill, there's been a question of about where we are going. After 2290, we will return to the beginning of House Bills 3rd and pick it up with House Bill 12 on page 3 of your Calendar. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 2290.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2290 is the work product of six months of work by the Democratic leadership of the House, by members of the business and labor community. It...it creates three new entities and provides for, we hope, a substantial infusion of money for economic development in the State of Illinois. It creates the Illinois Development Finance Authority; it creates the Illinois Venture Investment Fund, and it creates

the Illinois Land Bank Fund. Initial capitalization for the insurance fund comes from the money that would otherwise be allocated on top of what is due and owing to the pension funds under the annual appropriation process. The bill has been amended to include all of the State-supported pension systems, and further been amended to suggest that the special appropriation will be in...in addition to whatever amount the General Assembly or whatever level the General Assembly appropriates. I think the proper safeguards have been built in. The Amendment No. 1 contains some clean-up language at the request of the House sponsor. I know of no objection and I would urge all members to lend House Bill 2290 your affirmative support.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall House Bill 2290 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, 1 voting Present. House Bill 2290 having received the required constitutional majority is declared passed. We will now return to House Bills 3rd reading. On page 3 of your Calendar is House Bill 12...for what purpose does Senator Newhouse arise?

SENATOR NEWHOUSE:

Thank you, Mr. President. I was waiting until you got to the end of the roll. On House Bill 2035, I was called to the telephone just before that was called. I would like the record to show that I would have voted Aye had I been on the Floor on that bill.

PRESIDING OFFICER: (SENATOR BRUCE)

The transcripts will so indicate.

SENATOR NEWHOUSE:

Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 12, Senator Lemke. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill...House Bill 12.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

What this bill...does is makes the sanitaries that...districts that remove obstructions of Des Plaines River as anybody...other sanitary district in the State in regards to the dumping of sludge. Amendments have been put on to take out that this bill has any effect whatsoever on sewers or sewers for drainage systems and it...this bill strictly deals with sludge. As the Act reads now, the...the...any sanitary district that...that removes obstructions of Des Plaines River can dump anywhere in the State without local...subject to...reasonable local zoning ordinances. This makes some subject...reasonable local zoning ordinance. I ask for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in strong opposition to House Bill 12 as amended. When Senate Bill 172 with respect to siting...landfill siting was passed out of this Body it was never intended to apply to the metropolitan sanitary district, and why wasn't it? It was treated differently, should be treated differently because it's different. It is unique in our State and ought to be recognized as such. It is not a private landfill operation, it's a governmental agency serving more than one hundred and twenty...twenty

municipalities and forty unincorporated communities all of which are within Cook County. It has a board consisting of nine members elected by the total community of five and a half million people, and it doesn't seem to me to make much sense to subjugate that elected governmental unity...unit to the whim really of a village having a population of less than a few thousand. The major problem with this bill, as was found with the Senate bill over in the House is that it designed to prevent the Metropolitan Sanitary District of Chicago from using its own property within the county of Cook along the main channel, which, I might add, was constructed almost essentially...a century ago for the specific purpose of treating sewerage. If the district can't operate there in Cook County, my friends, it's going to have look elsewhere at some enormous cost to the users, but it's going to go elsewhere. All the amendment that Senator Lenke put on the bill in the last couple of days does is allow the district to build sewers without meeting siting requirements, but the effect of the amendment when he says it in no way deals with sewers, that's not quite accurate, because it will require in each and every village zoning variances from every municipality along the route of a sewer. There's a proposed interceptor sewer that they are now waiting to go out to contract on depending on...on the outcome of this bill and the Senate bill which will run through, I'm told, Worth, Bridgeview, Hickory Hills, Chicago Ridge, Palos Hills, Chicago, Des Plaines, Rosemont, Norridge, Chicago Harwood Heights, Western Springs, Northlake, Stone Park, Melrose Park, Deliden Township District, Berkeley, Hillside, Bellwood and Westchester; and if this bill as amended is somehow approved, that sewer contract can't be awarded until a zoning variance, under Amendment No. 1, I guess, is obtained from those villages. There are additionally seven contracts about to be awarded which will benefit twenty municipalities, and those sewers

will extend through fourteen municipalities, I have a list here someplace, I'm sure Senator Kelly is well-aware because this is Federal money that the metropolitan sanitary district is going to be using, and under this amendment or this bill as amended, the contracts have to be held up until all the necessary zoning variances for building a sewer are obtained. The amendment made a bad bill worse because what we are doing is we are suggesting that this unique governmental enterprise, because of the complaints of one village that was situated there long after the sanitary district was there, somehow complains. You simply cannot, we ought not, subject the metropolitan sanitary district operation to the whim and the whimsy of a local village or municipality. The passage of this bill will increase the cost of building sewer treatment and flood control facilities and it's going to force the sanitary district to go outside of Cook County for disposal sites. I don't think we want to do that. I'm sure I don't. I urge an No vote to House Bill 12.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator, could you handle that on closing? All right, Senator...Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Well, you know, I don't know how I'm going to vote on this, but I will tell you this; number one, just one village, just one town, just one municipality is one too many, especially if it's in your district, but what I object to, Senator Rock, is the approach that the sanitary district has taken with respect to this problem. All of these projects that you have just listed and indicated you were willing to enumerate where...where they were located will be delayed, postponed, cancelled because zoning variations or zoning variances or zoning ordinances will have to be enacted before they can go...forward. Well, that could be done in a matter of a week or two or three, and you know that and I know that.

I don't know whether this is good legislation. I'm going to wait to hear from Senator Lemke on close. I've looked at it but I don't like the attitude of the sanitary district. I don't like someone trying to stampede me, or blackmail me, or pressure me, or threaten me into voting against what is right on the basis that if you don't, we're not going to put these projects in areas that you represent.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, we heard this legislation in the Senate Ag. Committee and let it out of there with a rather substantial vote. I would just merely point out that if someone living in your home county downstate wants to establish one of these regional landfills, they most certainly are subject to county siting. That's the way the game is played. However, if the MSD wants to establish something in your home county, they are not subject to that siting procedure. I don't think that's quite fair and I think that's why this legislation passed rather handily in the...in the Senate Ag. Committee.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. You know, I rise in support of this bill for a number of reasons. In all of the years that I have been down here, I...we've been fighting the battle of the MSD, and they're big, and they're tough, and they're strong, and they're probably going to win this one; but all the years that we're talking about landfill siting, the MSD was there in opposition to it. Well, finally, in Senate Bill 172 a couple of years ago people came to their senses and we now have local control and local option, local input in the siting of landfills. You know,

Worth happens to be in my district, Senator Rock mentioned Worth. The people in Worth are in support of this piece of legislation. Now, why are the people of Worth in support of legislation? Because it directly affects them. Now, they know, of course, they...they have the services of the MSD, they're going to continue to have the service of the MSD. The MSD is important. It must...it must serve Cook County, but there also has to be some input on the part of local government and local...it's about time the local government has some input because what the MSD has been doing directly affects many subdivisions in my...in my district and also in Senator Lenke's district. It's time that we put some...put the MSD on notice that they've got to work with local government. Now, I'm not an expert in drafting...these bills, but I...I was under the impression that the amendment that was put on this bill regarding sewers did not apply; in other words, the MDS did not have to have zoning variances for extending their sewer lines and their interceptor lines which they are now doing all the way down to the Village of Madison...they'd...but when you come to a...come to a...the sludge pits and that sort of thing that there had to be some local input. I would ask for your support.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Worth...the Village of Worth case versus Carlson was one of the most horrible examples of bad decisions. In a divided opinion of the Supreme Court of Illinois of 4 to 3, with three dissenting...opinions. I might tell you that we have to have local input. The people of the local area know best what is good for their area. We cannot depend on big organizations of political entities to control local areas, and I think this bill is a good step in the right direction. I

support it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Lemke may close.

SENATOR LEMKE:

I think this is a good piece of legislation. Just to tell you this, this does not just affect one particular community of four thousand people. We have about eight mayors who came on the line, there would be other mayors came...would be on the line except that the sanitary district threatened to take away their little league field that they lease for a dollar or they threatened not to put their retention basin in; and I'm telling you something, I don't think the mayors in the southwest part of Cook County would have passed a resolution endorsing this piece of legislation in those villages of Tinley Park and all over if they didn't want this piece of legislation, because they are facing the same problem in the future. The sanitary district owns land across the cul-de-sac, they own a pit and they're talking about garbage dumping and hazardous waste. All these villages are asking is that they can have reasonable zoning, and I think this is a good piece of legislation, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall House Bill 12 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. (Machine cutoff)...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 16, 4 voting Present. House Bill 12 having failed to receive the required constitutional majority is declared lost. If I might have the attention of the Body, we have had several bills stricken from the Agreed Bill List. We will pick those up in order. I will give you the first three. Senator Netsch, on page 3 is House Bill 43, it will be added to your Calendar. We will take that up just

before House Bill 60. On the next page, on page 4, Senator Rigney, we will handle your 351 in order. House Bill 351 was removed. On the next page, Senator Marovitz, is House Bill 485 and that will be handled in order, and the Chair will try to keep you apprised of the bills that we will add. Since they were knocked off we will take them in order and that way no one was disadvantaged. House Bill 18, Senator Egan. Read the bill, Mr. Secretary, please.

END OF REEL

REEL #7

SECRETARY:

House Bill 18.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. This bill is well-known to everyone here. It's an increase in the homestead improvement exemption which passed in 1975 at the level of fifteen thousand. We then increased it in...1979 to the level that it is presently at twenty-five thousand and, hopefully, this will pass, it then will raise the level to thirty thousand. As you know, it's an attempt to stabilize our communities so that people will improve their homes, get a relief for four years and stay there instead of moving on somewhere else for a move improvement and...and not a construction improvement. It is for improvements only. It does not...it will not be...it does not cover roof repairs or new paint jobs, it is strictly a home improvement bill. It applies State-wide. We've taken out the indexing provision, and I don't think there are any bugs left, and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield.

SENATOR ETHEREDGE:

Senator Egan, what is the fiscal impact of the passage of

this bill on units of local government?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan.

SENATOR EGAN:

Well, the...the Fiscal Commission has indicated in a memo to me that it is inestimable, and I would further...I would add to that that in time, Senator Etheredge, I don't think it has any fiscal impact at all because the assessed value of these homes will ultimately increase. In the meantime, it will not have increased and if there's anything, there'll be a positive impact.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge.

SENATOR ETHEREDGE:

Well, I would just point out, Mr. President and Ladies and Gentlemen of the Senate, that...that this does reduce the equalized assessed...evaluation below the level which it might otherwise have been. In other words, it does...it will retard the...the growth of the evaluation...of the property, and I would also point out that we have already passed a general homestead exemption bill which does increase that exemption from three thousand to thirty-five hundred dollars. That bill is passed out of the Senate, it's passed the House, it's on the Governor's Desk. That bill, too, will...further erode the property tax base on which our units of local government, including our schools, are dependent for their financial support. I would point out that this bill did pass out of the Senate Revenue Committee but it was on a strictly partisan vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Egan.

SENATOR EGAN:

Well, it's my understanding, Senator Etheredge, that there's nothing partisan about this bill, quite to the con-

trary. I have certain assurances that the Governor favors it and, incidentally, the impact, the fiscal impact is a myth in my opinion, and I'm serious when I say this bill will cause a positive fiscal impact. It will improve the condition of locals, because if you don't pass the bill and you don't have an incentive, you're not going to improve your home, and if the home isn't improved, it will not rise in value. If you do improve it, it will rise so you get a break for four years, that's all it does.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, you know, here we go again but, Senator Egan, I don't think anybody is against anybody improving their home. But, you know, the fact is that all this does is shift the taxes over to somebody else, because you're not lowering the amount of taxes that are being levied by these units, you're simply saying, go ahead and levy the same dollars, somebody else will pay for it that somebody else isn't going to pay for it, and that's my only objection to this and I think it's Senator Etheredge's also. If we were, in fact, saying, we aren't going to reduce these taxes by this amount, it's one thing, but somebody else is going to pick up the tab.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Egan may close.

SENATOR EGAN:

Well, again, let me just say that with...with...this is a...an exemption for a limited period of time on a desire either to improve or not. Now, if you do improve, you get a break for four years, then the value of that home goes up. So, there is...there is no estimable way to foresee what kind of impact there will be fiscally, and I...I'm going to say it again, I think the fiscal impact is positive, not negative.

I...I would ask for the homeowners in each of your districts that you want to keep, to ask them to improve their homes, give them a break for a few years, and I...I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 18 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 37, the Nays are 20, 2 voting Present. House Bill 18 having received the required constitutional majority is declared passed. House Bill 21, Senator Zito. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 21.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. House Bill 21 amends the Dramshop Act. It provides that the governing body of a municipality of two hundred thousand or less population may by ordinance direct the clerk of the municipality to place on the ballot the question whether retail sale of alcoholic liquors shall be prohibited in such municipalities. The reason for this legislation is quite simple in theory. We have a number of municipalities that do not want to go totally wet; however, residents in those municipalities, I think, would if they had permission, or at least had a vote on it, would have the choice of whether restaurants could serve a cocktail with dinner or have packaged goods. We're allowing for eight percent of the total registered voters to sign a petition and present that to the clerk and have that done on a referendum. It's an open referendum, and I

would...be happy to answer any questions if there are any, and if not, I'd appreciate a Yes vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. A few minutes ago we had the MSD, now we've got the liquor industry. The...only problem I have with this bill is it seems to be a deviation from the norm, and that is, it takes twenty-five percent of the signatures of registered voters to go from wet to dry and only five percent from dry to wet. And I guess I understand the idea is to get a lesser number of people so that a shopping center or whatever can become wet. Would the sponsor like to comment on the inequity there in regard from wet to dry and dry to wet?

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Becker.

SENATOR BECKER:

Thank you, Mr. President and members of the Senate. I rise to speak in favor of House Bill 21. Looking at the staff analysis, I see that the Illinois Retail Merchants Association is in favor, the Illinois Municipal League is in favor, the Hotel and Restaurant Association is in favor. I have several small communities in the 22nd District who have small restaurants and are not allowed to serve wine, beer or anything with their meals. Also, we have chain stores in these small communities who are asking for your support on this bill. We are still going to give the voters of every district the right on a referendum to vote in favor or against, and I ask the support of this entire Senate Body. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Senator Mahar asked a question, and I'd be interested in the answer. As I understood the question, the law currently requires that if you want to change from wet to dry, you've got to have twenty-five percent of the...of the citizens sign a petition, and that this bill would provide that if you go from dry to wet, you only need five percent, and it seems to be...some...there's no consistency there, and the sponsor was trying to respond to the question and I think was unable to do so. I'd like to ask him for a response.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Zito.

SENATOR ZITO:

Yes, Senator Schuneman and Senator Mahar, that's been the biggest objection to the bill. Let me try to explain this in the best...best...

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order, please, so that we can all hear Senator Zito's explanation.

SENATOR ZITO:

...I don't want this bill to have the same fate as the drug bill the other day by misinterpretation or misunderstanding. Let me try to explain to you why we're only asking for five percent. It's my personal feeling that regardless of the percentage of people you have sign a petition, this referendum would still have to go before the entire electorate at the next election. The reason we asked for five percent...unlike the twenty-five percent to go totally wet is that we are not going totally wet, we are going, if you would like to use the terminology partially wet, we're providing only for packaged goods and only for food service operations to serve alcohol. We're not talking about taverns, we're not talking about discos, we're not talking about bars; we're talking about...food service establishments and packaged

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goods. Whether you have five percent, Senator, or you have twenty-five percent of people that sign a petition to go to referendum, the key here is that you still go to a referendum, you still put the question before the voters on election day, and I think that's where the real proof in the pudding lies. If a community or municipality does not want totally wet or partially wet, whether they have five percent or twenty-five percent of the people on a petition is not going to matter too much if they vote Yes or No. So, that's the reason for the five percent; I hope I cleared up that question.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Zito may close.

SENATOR ZITO:

Well, Mr. President and members, I think this in...in this day and age we're doing everything possible to revitalize Illinois' economy and we're trying to make small communities and local governments strong, feasible and economical. I think that this is one of ways that we can provide the small businessmen with a chance to compete, a chance to survive and a chance to be a vital part of the community. I would respectfully request a Yes vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 21 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 43, the Nays are 15, none voting Present. House Bill 21 having received the required constitutional majority is declared passed. House Bill 22, Senator Marovitz. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 22.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. House Bill 22 establishes the Violent Crime Victim Compensation Act. It creates the Violent Crime Commission to study and develop programs and legislation aimed at the victims of violent crimes, including the establishment of victim assistance centers. It requires the courts to impose additional graduated fines on defendants convicted of felonies, misdemeanors and DWI's, and the receipts to be deposited in the new Violent Crime Victim Assistance Fund. For too long victims of violent crimes have been overlooked by our society. Programs to aid crime victims have been diminished, as has funding. House Bill 22 provides a mechanism for funding programs to assist the victims of violent crimes without using any tax dollars. I repeat that, without using any tax dollars. The program is not funded by GRF funds but is funded by additional fines on certain convicted law breakers. I would ask for your favorable consideration of this bill. The Support Service Assistant Unit would receive their monies directly from users fees levied on convicted felons and those...convicted of misdemeanors for the purpose of...aiding and assisting the victims of violent crimes. I'd ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield.

SENATOR BARKHAUSEN:

Just one question, Senator Marovitz, I...I like the idea but I...I want to ask you why you feel that it's necessary to create a commission or advisory council along with this Act in the fund?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

There's...there's no funding for the commission. It's a commission to take a look and see how this is aiding the...the crime victims, whether...whether it's doing their job, whether it's helping to decrease the incident of reported crimes, whether it's assisting the criminal justice agencies to give more attention to...to crime victims and assuring that crime victims are...are...are apprised of...of how their cases are...are faring in court and when their cases are up.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

You say there's no funding for the commission and yet wouldn't the commission have to have an executive director and a staff, pay the expenses of the members of the commission?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

...this will be only the expenses will be paid. There is no individual funding for the commission.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, just to the bill. I...I like the idea of the bill, as I say, but I would think the responsibilities of the commission could be handled by the division in the Attorney

General's Office presently responsible for administering the Crime Victims Compensation Act. So, I feel that it's necessary to oppose the bill in its present form.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Further discussion? Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

I would just ask for an affirmative roll call for this bill to assist crime victims in the State of Illinois.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 22 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 32, the Nays are 24, 1 voting Present. House Bill 22 having received the required constitutional majority is declared passed. House Bill 43, Senator Netsch. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 43.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr...thank you, Mr...am I on? Okay. The bill in its amended form does two things. It does require that the published notice with respect to properties that are going to be the subject of tax delinquency in downstate areas, not Cook County which already does this, include the street address and fire number, if the street address is not available, of the parcels which are being subjected to the delinquency notice, and the reason as I understand it is that...that there are occasionally taxes that are not paid by

mistake or by oversight. The taxpayers often don't really understand what might be happening, because if any notice comes to their attention at all, it is by index number with no identification of the particular piece of property. This is done...this was Representative Hastert's proposal...or, no, I'm sorry, it started out as Cullerton's proposal, so that there would be an understanding and an opportunity on the part of the taxpayers to know. That does not involve any additional notice, it is simply an add-on to that information which is kept and made available. Now, the second part of the bill that I think caused some consternation for awhile did require that where there was to be township equalization that...that obviously could result in an increase in...in property taxes, and that equalization factor was to be rolled over to the next year and, in effect, built into that base that a separate notice be sent out. The...we heard from a number of...or from some downstate officials that this was going to be costly because it had to be sent by first class mail. That was changed so that there is no additional notice that has to be mailed out. There will be a...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR NETSCH:

...let me just finish my sentence, if I might.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright.

SENATOR NETSCH:

There will be some information that will be made available to the taxpayer, but it will be only in the regular notice that they get from the assessor, no additional mailing. That cuts out that extra expense from that part of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President. Was there an amendment added in the...in the House or in the Senate, Senator, or is this the House bill unamended?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

No. It was amended in the House. Representative Hastert, and I, and some assessment officials, and others sat down and had long discussions about it, and this is the amendment that Representative Hastert worked out with them. It was added in the Senate.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Okay, so it's not been amended in the Senate. I have a letter from one of my...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator, I...I believe your answer was that...Senator...Senator Netsch.

SENATOR SCHUNEMAN:

Oh, it was amended in the Senate? I'm sorry, I misunderstood that. Now, I'll...I'll ask you my concern. I have a letter from Sharon Thompson who is the Democrat County Treasurer in Lee County, who indicates that the county treasurers are opposed to this bill and brings up the point that in her county and other small counties throughout the State, that in order to comply with this bill which requires that the counties publish street addresses on residential property and the fire numbers on rural property in the advertisements giving notice of application for judgements of sale for taxes which are delinquent, that in order for many small counties to comply with this would be a terribly costly thing. First of all, some of that information, such as the rural fire number,

isn't even in the county courthouse. Secondly, they point out that...that in a county such as Lee, which is...which has a population of about thirty-eight thousand, that they would have to make over twenty-seven thousand changes on their computer just to add the information in order to get the kind of printout that they need in order to have the information required by this bill. She further points out that they should of opposed the bill, the county treasurers that is, more forcefully in the House and that they simply goofed. Now, all the members of the Senate have this bill...have...this letter, I'm sure, but like all of you, we're all very busy and many of us haven't seen the letter. But I think those of us who represent small counties ought to be aware that this could very likely cause a great deal of work for those counties and expense.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates she will yield. Senator DeAngelis.

SENATOR DeANGELIS:

Senator Netsch, does this replace the index number or are we going to have to advertise the index number and the street address and so forth? And if so, they're going to have to be done in separate situations.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

I am looking back to see...I think it is in addition to. Let me read you the full text of the sentence that was the original bill. "In counties with less than one million inhabitants, the list of delinquent residential lands and lots shall include the street addresses and fire numbers of

those lands and lots to the extent such addresses and numbers exist." That is the sum total of the language that was in the original bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, in addition to the additional work that Senator...Schuneman is talking about, we're now going to have an additional cost because the publication is going to have to include this additional information. Now, if your concern is that the person with the delinquent property might fail to know that their property is going to be sold and you're going to rely on a newspaper, are they not, in fact, notified by certified mail prior to it? And you're going to tell me they're going to disregard a certified mail letter and be able to catch it in a newspaper advertisement?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

I'm sorry, was that a question or a statement, Senator DeAngelis? A question. The...the...your question was, are they notified by certified mail. Well, I believe one part of the problem, and I'm at a slight disadvantage here, you understand, because this deals primarily with non-Cook County counties and the procedures are not always precisely the same. But I think one of the circumstances where it can become a problem is if something goes wrong, whether it's on the computer or negligence or...or an oversight or whatever when the taxes are being paid by the mortgagee, and I'm not sure that the mortgagor is going...partly because the street address is not there is...is necessarily going to get the...the proper notice. And it is my understanding that that is one of the kinds of circumstances that gave rise to the initial request for this bill. I...I should add, and

I...I...if this is partly responsive of your question, whatever is being done here, it is...it is an addition to a notice that already has to be published. Admittedly, it is an addition. It is either the street address or the fire code identification of the particular parcel, but you are not having...you are not requiring a notice where none existed before.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Netsch may close.

SENATOR NETSCH:

Well, I think it's...what the attempt to be done here is to simply to make sure that people do have adequate notice of what might be happening to their property and the fact that it is being suggested to be tax delinquent. It seems to me that that is absolutely reasonable.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 43 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 40, the Nays are 18, 1 voting Present. House Bill 43 having received the required constitutional majority is declared passed. House Bill 60, Senator Vadalabene. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 60.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, first of all, I want to thank my colleagues on both sides of the House...to get House Bill 60 revived. I think

we've heard quite a bit about the bingo bill. It affects Madison and St. Clair County. However,...I do want to make this observation, the...the...the House...or Senate Bill 60, which is now on the Governor's Desk, which is a Watson-Vadalabene bill, is similar now to the bill that I'm attempting to pass here. In Senate Bill 60 Monroe Flinn gave...Senator Watson and myself the courtesy of passing that bill in the House without any amendments. As you recall, we amended...we...we amended Monroe...or our bill...or Monroe Flinn's bill here...House Bill 60, I'm sorry, and I think that we owe the courtesy to...to Representative Flinn to get this bill down to the Governor. Now, if I was the Governor, you know, I wouldn't have any problems, if he's going to sign any bill at all, of whose bill he ought to sign. I'm on both of them. Senator Watson is a Republican, the Governor is a Republican, and I'm on his bill. I think we ought to afford our colleague, Representative Flinn, the same treatment that Representative Flinn gave Senator Watson and myself, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I'd just like to concur with what Senator Vadalabene and would urge a Yes vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Buzbee.

SENATOR BUZBEE:

Well, I know this is an exercise in futility because I know this bill is greased, 'cause what we're doing here...and I represent a small portion of St. Clair County. What we're doing here is we're giving an extra perk to St. Clair and Madison Counties to the detriment of other counties around them. I supported Senator Vadalabene and Senator Watson in their initial efforts on this bill...these series of bills,

and then I got a call from one of the counties that I represent which is right south of St. Clair County, Monroe County. The American Legion called me there and they gave me the example of somebody coming off of the J.B. Bridge from St. Louis, or they have the opportunity of taking the J.B. Bridge to St. Louis, or they can go straight north to St. Clair County and get a higher bingo pot. So, this...so, therefore, they're not going to play bingo in Monroe County. Now, it so happens that there are some very active veterans' organizations in Monroe County, as there are in St. Clair and Madison, and there are other civic and charitable type organizations that hold these bingo games as fund raising efforts. And so what we're going to do here now is we're going to put Monroe County at a distinct disadvantage, and I guess the only way I can overcome that is that I have to put a bill in next year for Monroe County, and then one for Randolph, and then one for Perry, and then one for Jackson as we go right on down the river, because we are doing harm to counties in my district with this bill. And I regret that, because St. Clair, as I said earlier, a little portion of St. Clair is in my district and I want to help them, but I also want to help the other counties in my district, so I'll be in next year with a bill that expands this concept...if this one passes, that expands this concept to the other counties in my district.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Vadalabene may close.

SENATOR VADALABENE:

Yes, all I want to say to my colleague on my left, there already is a bill on the Governor's Desk, this...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lechowicz, did you wish to speak on this bill? I'm sorry, Senator Vadalabene, I...before you close.

SENATOR LECHOWICZ:

Very briefly, Mr. President, I think in the matter of fairness this bill should pass. I...it was pointed out to the membership that a similar bill passed out of the House unamended, it applies to two counties, it's limited in its scope, and I also concur in the...voting Aye on House Bill 60.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene, I'm sorry, but I had not seen Senator Lechowicz arise.

SENATOR VADALABENE:

That's alright, I didn't have much more to say anyway. I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 60 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 48, the Nays are 6,...49, the Nays are 6, 2 voting Present. House Bill 60 having received the required constitutional majority is declared passed. House Bill 64, Senator Marovitz. Read the bill, Mr. Secretary, please. For what purpose does Senator Rock arise?

SENATOR ROCK:

I wonder...I beg your pardon, Senator Marovitz. For the purpose of an announcement, Mr. President and Ladies and Gentlemen. If I can have the attention of the membership, there have been some questions about the schedule. After conference with the Minority Leader, the procedure we're going to suggest is that about five-fifteen, an hour and fifteen minutes or so from now...as you know under the memo we passed out, members have until five o'clock to address themselves to the Agreed Bill List in terms of their vote or...or knocking bills off. So, about five-fifteen we'll go to the

HB 64
3rd Reading

Order of the Agreed Bill List. The Secretary reliably informs me that it shouldn't take more than ten minutes or so to read that list, at which time we will vote and then with leave of the Body, Recess to give...afford everybody a chance to walk around until seven o'clock, get some dinner, make some phone calls, whatever. If that's agreeable with the Body, I think that's in everybody's best interest because it appears, just at a quick count on the Calendar, we have something like a hundred and ten bills remaining on the Calendar. We will be here then from seven until...as long as it takes.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 64. Mr. Secretary, read the bill, please.

SECRETARY:

House Bill 64.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. House Bill 64 creates the New Car Buyer Protection Act, better known as the lemon law. The Act would provide that where a buyer of a new car has mechanical or other problems with the car, he must first attempt to use whatever informal settlement procedure has been set up by the auto manufacturer in question which complies with the applicable Federal law. All these auto manufacturers have them and it complies with the Magnusson-Moss Act. The manufacturer must notify customers as to the existence of such an informal settlement scheme. The manufacturer shall be given a reasonable number of attempts to conform the car to its expressed warranties. If they cannot, they must provide the buyer with a replacement car or take the car back and refund the purchase price to the buyer with a reasonable allowance for use of the

car. As far as the time limit goes, a presumption that a reasonable number of attempts have been undertaken to conform a new car to its expressed warranties shall arise where within the statutory warranty period; one, the same...the same nonconformity has been subject to repair by the seller four or more times and such nonconformity continues to exist; or, two, the car has been out of service by reason of repair or nonconformance for a total of thirty or more days during the statutory warranty period. We have worked with the lobbyist from the car industry. I must give them a lot of credit for spending a lot of time on this bill. I know of no opposition to the bill. It has become an agreed bill to my knowledge. It has passed in many other states and worked very well in other...in many other states. There are probably more consumer complaints about defective cars and car repairs than...than any other consumer complaint in our State. I think this will go a long way toward remedying that, provides a lot of...of equity for the buyer of the car as well as a fair...procedure for the dealer and the manufacturer, and I think it's a...it's an excellent piece of legislation now in its amended form, and I would ask your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Any discussion? The question is, shall House Bill 64 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? (Machine cutoff)...voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, 1 voting Present. House Bill 64 having received the required constitutional majority is declared passed. 104, Senator Zito. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 104.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. The Calendar is in error, it said that it creates a commission. What it does is it makes permanent the Commission of Health...Health Assistance Programs which was originally created in September of 1979. The commission was established to conduct a study of the coverage of Illinois' population under plans and programs of...public or private health insurance or medical assistance to help meet medical expenses and various other...other programs. I'd be happy to answer any questions. If not, I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Kent.

SENATOR KENT:

Yes, question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Kent.

SENATOR KENT:

Does this...in this provision...in this bill, does it have a repealer date, future repealer date?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Senator Kent, as I look through this, I know that the commission was on and off in a temporary manner for a number of...of years. I do not see a...I do not see a repealer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kent.

SENATOR KENT:

It does not have one in it, to my...the way I read it.

Has this commission, when it was in existence, given any reports or anything of that nature to the General Assembly?

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Zito.

SENATOR ZITO:

Was interval reports and they expired, and the report filing system was on March the 1st of each year in addition to the interval reports. So, there was a reporting...a system in programs.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Kent.

SENATOR KENT:

I know that there's a requirement, but what I'm asking is,...were there any reports given to the General Assembly for their purview?

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Zito.

SENATOR ZITO:

Yes, there were. The...the commission resulted and reported in four month...four-month intervals.

PRESIDING OFFICER: (SENATOR DENUZIO)

...Senator Kent.

SENATOR KENT:

What...what type of provision is in the bill for the minority appointees to the commission?

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Zito.

SENATOR ZITO:

Senator Kent, if you remember Amendment No. 1, because we were very concerned about including everybody and really dealing with these problems, we added Amendment No. 1 which states that the Department of Public...the director of the Department of Public Aid plus six public members be appointed to the commission.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kent.

SENATOR KENT:

Just the minority; I mean, how do the legislators get appointed to the commission?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Membership will be included as follows: the directors of Insurance and Public Health, six public members serving four-year terms appointed by the Governor, eight legislative members, two each appointed by the Speaker and Minority Leader in the House and the President and Minority Leader in the Senate. The chairman is elected from among the members.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, I serve on this commission, and...and while I think I'd be the first to admit that it has kind of a incomplete track record, it really never has gotten thoroughly off the ground. The last meeting that I recall, then Director of Insurance O'Connor was chairman. There's no staff involved. We've worked through the Department of Insurance, and we're in an area that I'm personally pretty nervous about, that's group medical and medical care. I don't know about you, but I'm starting on a regular basis to get more and more complaints and frustrations and concerns from my constituency about that part of the check that goes out every month for group medical. And I will say, I don't pretend to know much about it...that subject, but what little I did learn, I did learn at a couple of these commission meetings, which is enough, frankly, to turn what little hair I have left white. When you hear about some of the problems that are looming out...pardon me, Sena-

tor DeAngelis, no offense meant, I'd settle for hair of any color. Yeah, we don't need a commission on it though. But I do think that group medical payments and...and group insurance in this State, medical insurance, is going to be one of the big issues of this decade and probably the next, and I don't know that this commission is going to come up with any answers, but I don't know that commissions in general come up with answers to my satisfaction. But let me tell you, the problem is real, and as long as we continue using the Department of Insurance staff and working very closely with them, the expenditure is minimal. I can't promise you a solution but I can promise you there's a problem out there that we ought to be looking for a solution for.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor. Is this a new commission?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Senator Schuneman, this commission has been back and forth since its inception, on a temporary basis, since September the 14th, 1979. It's come back to the Legislature since that time on temporary provisions, and we'd like to establish it permanently.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, then, apparently, it's out now. It...it's not in existence now then, is that my...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

I believe it just expired.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Mr. President and members, I happen to serve as...and have ever since I've been in the Legislature, on the Insurance Law Study Commission which was formerly chaired by Representative Bernie Epton and is now chaired by Representative Dick Mautino. That commission studies a variety of needs and insurance contracts that are available to people. It seems to me that this commission is duplicative of that effort; at the same time we have public assistance...public aid commissions, I really don't think we need another commission. We...we've got them coming out of our ears now, let's not create another one.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Well, Senator Schuneman, if I can respond, I got an answer to your question...it...the commission terminated...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Whoop...Senator Zito, are you closing? Why don't you handle that in your closing remarks. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of House Bill 104, and I'm particularly impressed by virtue of Amendment No. 1 that was added by Senator Zito. Seems to me that in this day and age, particularly when we are...faced with the opportunity or unfortunate opportunity to put into place a budget for the Department of Public Aid that will not under anybody's standard provide the kind of medical coverage to the medically indigent all across the board, that we ought to have some group taking a look at it. We were confronted this morning with a plan for an income tax that was a hundred and fifty million

dollars less than what the Governor allocated, and I'm not sure where that's coming from yet. But it seems to me this is a problem that's worth addressing, and by virtue of Amendment No. 1 we will have the director of the Department of Public Health and we'll have the director of the Department of Public Aid, and perhaps we can make a legitimate bipartisan effort to get this solved. I don't have any quarrel with the Insurance Laws Study Commission. As a matter of fact, the Speaker and I and the Minority Leaders are in receipt of a rather lengthy request from the Chicago Bar Association to request either a new commission or an existing commission, and my suggestion back to them will be the Insurance Laws Study Commission to embark on a rather lengthy study, not so much aimed at medical insurance but just at the whole area of insurance. I've received a request from another group to study the whole question of the Scaffold Act and how it relates to insurance. I think there's enough to go around, but I think this one is important. We are confronted with a dwindling supply of revenue in terms of how we treat the medically indigent, and if we're unable at the conclusion of the study that we've mandated Senators Bloom, and Carroll, and Dawson and Smith to make with respect to hospital cost containment, we had better have some further information about the cost of insurance and what kind of medical coverage can and should be provided to the people of this State, particularly those who can't otherwise afford it. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Zito may close.

SENATOR ZITO:

Thank you, Mr. President and members. Just to follow up on President Rock's comments, this commission does not only limit its studies to insurance problems, it talks about Medicare, Medicaid, and with all the changing...all the

changes that have been implemented both in the Federal and the State governmental...level, the...I think it's going to do great things to just study the problems and see where we're going in this State. Now, there's some of you and some members here that are going to stand and rise in opposition to commissions time after time, you continue to do that. I don't think we can lump, however, commissions all in the same...basket. There's good commissions and bad commissions. There's commissions that can help and certainly have a track record of helping the people in the State of Illinois, and there's commissions certainly that in some instances are detrimental. I feel very strongly that this is a commission that's going to help. It's proved in its small existence that it's dealt with these problems, and in the constant changing of Medicare and Medicaid and all the things that go along with health assistance, I feel very, very strongly about this commission and would respectfully solicit a Yes vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. The question is, shall House Bill 104 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 48, the Nays are 11, none voting Present. House Bill 104 having received the required constitutional majority is declared passed. Top of page 4, 107, Senator Lemke. Read the bill, Mr. Secretary, please. Whoop, Senator Schuneman, for what purpose do you arise?

SENATOR SCHUNEMAN:

An inquiry of the Chair, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your inquiry.

SENATOR SCHUNEMAN:

Senator Rock earlier indicated that we were going to

Recess for dinner and we'd come back at seven o'clock, and as I remember the...the rules of the Senate provide that House bills die at twelve o'clock this day,...am I correct in that? If they've not been acted upon by midnight tonight?

PRESIDING OFFICER: (SENATOR DEMUZIO)

The President is shaking in the...his head in the affirmative. That is correct.

SENATOR SCHUNEMAN:

Okay...okay, and it's the intention of the Chair then, I assume, to go straight through the Calendar? Okay, thank you, very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

It is. Top of page 4, the Order of 3rd Reading, House Bill 107. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 107.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lenke.

SENATOR LEMKE:

What this bill does is provides for the busing of all children in...in school districts, both public and private. I think it's a good bill, I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Maitland.

SENATOR MAITLAND:

Well, thank you, very much, Mr. President. Members of the Senate, I rise in strong opposition to House Bill 107 in its amended form. We debated this issue on this Floor on a number of occasions, as you all might recall, and I guess one might ask the question initially, where does the money come from? This now has become a State responsibility, I believe, as...as the amendment so provides, and the effective date is

January 1, of '84, and I would assume...Senator Lenke, if you're listening, I'd like to have some information, please. I would assume, and this is...Mr...Mr. President, is a question directed to the sponsor, is it, in fact, your intention to put this bill into effect on January 1, and cause then those school districts to begin to provide transportation to nonpublic school students at that time?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lenke.

SENATOR LENKE:

It's my intention to pass this bill so all children in the State of Illinois have safety in public, and that I am sure will happen in January 1st. These people that have children going to private schools are interested in having their kids have safe bus transportation. They are taxpayers like everybody else, so I think it's a...I think it's a good idea. The Governor, last time, vetoed it, he said we couldn't afford it, but I think conditions have changed and...or will change and there...at that time, I think we can afford it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Well, yes, the way the bill was written before, it was a reimbursement formula and they would be...they would be paid based on...on the formula, and...and you and I both know that that formula is not funded at a hundred percent. Could you tell me the procedure that we are now establishing for a school district to submit their claim to the State Board? How's this going to be handled?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lenke.

SENATOR LENKE:

I'm looking here at my notes, I'll tell you in a minute.

Okay, in...in the first year...or part of the school year to which this Amendatory Act applies, such reimbursements shall be paid by the State Board of Education on a current basis in two...appropriate equal installments with the first installment due not later than February 1st, and the...and the second installment, including any adjustment necessary because of overpayment or underpayment of the first installment, due not later than June 30th.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Well, yes, I...I can read that and I can understand that, but what I'm asking you is...is, who's the check and balance on...when a school district submits a bill to the State Board, what's the check and balance? What...what criterion are we using to establish a cost for transporting...transporting those nonpublic school students? We are crossing district lines, we are using possibly two systems; for example, in downstate Illinois we have some rather large districts geographically, and it would seem to me that when we're crossing district lines we are going to bring those students to the district line, then the receiving district is going to pickup those students at that line. Who's going to...who's going to submit the bill if we are using two different systems? Where's the criterion? Where's the rules and regulations? How are we going to do it? We have no idea what the cost of this is going to be until we know those answers.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion?...Senator Lemke.

SENATOR LEMKE:

I think we do have, and we have the State Board of Education which our Constitution has set up and they are...they will...they will advise the districts as to what they will

receive and how it's going to operate. And I think it's a good bill, I mean, I can't see any problem. We're...we've got some expensive people on the State Board that know how to do this, they reimburse regular districts now, I think they could...they will come up with the formula...and reimburse these districts for this additional busing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Well, thank you...Mr. President. I...I believe, my colleagues in the Senate, I...you can tell the difficulty in administering this kind of a bill. I guess it's one thing to transport nonpublic school students within a district, but we are...and, in fact, in this bill going to adjacent districts, some of them very large geographically. We are creating some very serious problems, and I think it's almost an unworkable...an unworkable situation. In addition to that, we have no idea, have no idea what the cost of this bill is going to be. The best estimates we have are between eleven and forty-three million dollars. Now, I submit to you that that's a rather substantial cost in a time when once again we are trying to fund public elementary and secondary education and other necessary State agencies, and this is just an area that we should not get into, and I believe the bill should be defeated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Watson.

SENATOR WATSON:

I believe it was in my first term that we passed legis-

lation which would allow transportation for private schools from...from the public schools. Whatever happened to that, and...and is this a part of that or is this a...same...same type of legislation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LENKE:

That was a bill we passed by Senator Geo-Karis. It was a...I think it was 1812, and that bill was vetoed by the Governor as...at that time 'cause it was unaffordable. But this bill now, with the influx of all the new revenue that's supposed to be coming and the new burden we're putting on these taxpayers, it's up to the Governor to say whether it's affordable or not, but I think it's affordable and I think it's necessary for us for the safety of the children.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Well, I supported 1812, and I believe you're correct about the number because it was a pretty controversial issue at the time. I supported that particular piece of legislation, but I...I don't believe I can do it now. I...I don't agree that this is a good time to be passing such legislation and asking more and more mandates and more and more cost to...to local units of school. I just think this is a wrong way to go at this particular time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis. Senator DeAngelis, we have several Senators who have sought recognition. DeAngelis, Berman, Holmberg, Buzbee, Collins and Schaffer. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I rise in strong support for the parochial school busing bill, and that's what this is. I

get a little irritated with the State Board of Education, 'cause I can remember several years ago when their first estimate on that cost was a hundred and twenty million dollars. When the dust finally sifted, it came down to three and a half million. Now, I don't know how any agency can make an estimate of between eleven million to forty-three million. They may as...might as well not even make an estimate when they do it that way. Now, this bill is not going to cost any school district any money. It's going to cost the State of Illinois the money, and I would wish, I would wish...this thing just surfaced a couple days ago...I would wish, and I want all the members of the great school associations to hear this, I would wish that I'd received as many calls from my school board members and my school administrators on collective bargaining as I've heard on this. I don't know why the terror strikes the hearts of public school people when we're going to do something in the limited constitutional way that we can do for private schools. I don't know why that. If they really think that we're taking funds away from them, probably so. But I've got to tell you, we take a lot of money away from them in a lot of different ways and I don't hear anything from them on that at all. The parochial and private school system is complementary to the public school system. And I have to tell you, one of the biggest costs they're undergoing right now is the cost of transportation, and we ought...we ought to at least afford them a little bit of help for all the good they're doing for this country.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to this for several reasons. First, not to use a pun but to be parochial, my district

includes Chicago and includes Evanston as well as part of Wilmette. I have private school, parochial school children in both the Chicago part of my district and in the suburban part of my district. Chicago is excluded under this amendment, which means that the...the Evanston kids cannot be bused into St. Margaret Mary's, that's in Chicago, and the children that live in Chicago can't be bused into the parochial schools that are in the suburbs. So that my children that would like perhaps to take advantage of this bill are being discriminated against. On the other issue as to the cost, I recognize Senator DeAngelis' comment, and some of these estimates are quite broad, and it always bothers me that they can't pin this down to something better than somewhere between fourteen and forty-three million dollars. I don't know how valid those estimates are, but we know...and I think there isn't anybody here that's not going to acknowledge that the cost could be substantial, and we're talking about some millions of dollars. I don't know how much, the sponsor doesn't know, I don't think anybody knows. In this year where we are...where without the Governor's tax increase, we're going to be cutting back on the commitments that we've already made to all the public schools, I think the Governor's comments when he vetoed a...House Bill 1812 were...or Senate Bill 1812, are more apropos today than they were then, and that is that he would consider this bill when it was affordable. This certainly is not the year when this bill is affordable.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Holmberg.

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SENATOR HOLMBERG:

I, too, rise in opposition to this amendment. Coming from an area of Illinois where our school districts are particularly impacted, the unit school districts, we find that one of my school districts is...will be in debt five and a half million dollars and considers this bill to have the most negative impact of any of the bills now going through the General Assembly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. I...I have a rather unusual request 'cause I want to ask Senator Berman a question on this bill. He's not the sponsor, in fact, he just spoke in opposition, but I wonder if I could have leave to ask Senator Berman a question on this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there leave to have Senator Berman answer the question? Leave is granted.

SENATOR BUZBEE:

Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Buzbee.

SENATOR BUZBEE:

Well the question that I have is, Senator Berman, is this the additional aid to the Chicago schools that you've been talking about for so long?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I don't think so.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Buzbee.

SENATOR BUZBEE:

Well, I...I perceive it as such. Chicago...Chicago is not in this bill at all? Chicago...Chicago parochial school children would not...would not...or...or suburban school...school children would not be eligible for...is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Buzbee, are you directing your question now to Senator Lemke?

SENATOR BUZBEE:

Yes, I'm directing this question to Senator Lemke, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

Right now in the City of Chicago, we treat public and private students the same, they all get half fare on the CTA. We are fair and equitable in the City of Chicago. This bill in the suburbs would make...in our suburbs make it fair and equitable and make it fair and equitable throughout the State. And I disagree with Senator Berman, because if you go to school in Chicago, you get a bus pass if you live in Evanston, but you don't get a bus pass if you live in Evanston and go to Chicago.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins. Senator Schaffer. Senator Schaffer on the Floor? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, we must remember that the private schools are not supported by taxes and yet they serve a great purpose in our State of Illinois, and I do believe in the two systems of education,

public and private education, being available. Private schools have taken a lot of tax burdens off the taxpayers and it isn't that expensive, I remember because I sponsored Senate Bill 1812, and the cost was far, far less than...that projected by the Board of Education, and I speak in favor of the bill. We should help the school children as much as we can and we should help the private schools too, because if they close up then we have more of a financial tax burden on the people.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lemke may close.

SENATOR LEMKE:

All I do is ask that all taxpayers that have children going to school at least be treated fair and equitable when it comes to the bussing of their children so they're safe, there's a safe means of transportation. And, Senator Buzbee, I have eighteen private schools in my district which go into the suburbs and they will...some of them schools will benefit because they have schools and they have programs, and they save the State of Illinois a considerable amount of money because they pay the full cost of educating those children. And we save a lot of money with having private schools, because if those students would go to public schools, it would cost us with the astronomical rates the way the...public schools operate more to educate than there are now at the private schools. It's a known fact that at private schools children are educated for less because they operate efficiently and they're not top-heavy like the Chicago Board or anybody else. We're not asking for anything, we're just asking for maybe a little, about three million dollars back, and if ours is not being affordable, that's true. If...if for some reason funding is not found for the...for...for schools in this State, then this bill will be vetoed; but if funding is found, then I think it's

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affordable that we try to do something a little for the private school, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 107 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On...on that question, the Ayes are 29, the Nays are 24, 2 voting Present. 107 having...failed to receive the required constitutional majority is declared lost. House Bill 234, Senator Bruce. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 234.

Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right...Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Well, on a point of personal privilege in a way.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR VADALABENE:

You know, we're coming down to some crucial votes and we're coming down to some bills that mean a lot to my colleagues on both sides of the aisle. And if you remember, I made a talk about people playing with their switches, thinking that there's thirty votes or thirty-one or thirty-two and others who want to get on, but seeing that vote don't get on. And I would appreciate all of my colleagues, vote your switch and vote your conscience, but quit playing with them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right...Senator...Senator Lemke, for what purpose do

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you arise?

SENATOR LEMKE:

This isn't the first time people switched on a bill and switched off. And one time on the raise of the gas tax somebody forgot to switch and the amendment passed from this...through this Body. And when I make a motion to reconsider and Art Berman went to Table it, the President in that Chair refused it. And let it know now we're not playing games, we're here to vote. If you're either going to vote for a issue, you vote for it, you don't play games with the switches. If that's the game you want to play, it could be played both ways, remember that. You win or lose on a bill whether you like it or not, and when you lost you lost and when you win you win.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Top of page 4 on the Order of 3rd Reading, House Bill 234. The bill has been read a third time. Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This is a merely bill which merely says that records of the State of Illinois that are open...that are public records shall be open. We have worked long and hard, Representative Barbara Flynn Currie in the House has worked with many individuals. We have put on amendments in the Senate. The first amendment established an effective date of January the 1st of '84. It made a comprehensive section on investigating commissions of this General Assembly. It exempted records of criminal arrest. It provided for a...a court procedure. It deleted a reference to private not-for-profit corporations. It included information relating to grants and contracts made between a public body and a private organization. It clarified the fee waiver for indigents; there was some discussion about whether an indigent could make a request even though he

was not the person truly making the request. It protected the...identity of persons who filed complaints with administrative, investigative, law enforcement or penal agency. It included the exemptions except for police blotters, identifying information such as name, fingerprints and photographs. And it also exempted preliminary drafts, notes of a public body. The...it also exempted marketing transaction and portfolio investment transactions and strategies; exempted records of permanent legislative commission; made a court order available so that there could be a finding. It gave the person who was found to be in error thirty days to respond subject to...pursuant to the Civil Administrative Code. It deleted at the request of the Illinois Municipal League the maximum rate of fifty cents a page. We then allowed public bodies, mainly the Illinois Historical Library Association, to promulgate rules and regulations pertaining to the availability of records. We defined criminal history records which are exempt. We also stipulated that regulations adopted pursuant to such laws shall have the force...shall not have the force of nondisclosure. We exempted disclosure of personal information on professional or occupational registration or licensure at the request of the Department of Registration and Education. We work with the Criminal History Record Information Commission on the exemption of their information concerning criminal history. We exempted...administrative or technical information which would jeopardize the security of any system. We also exempted any contemplated financial transaction. I think that we have worked long and hard to particularly meet the requests of the Chicago Police Department. Captain Rodriguez was at the committee, he met with the Attorney General. Meetings were...occurred for more than four or five hours. They now have, I think, met all their problems. We now have the support of the Illinois Criminal Investigating Commission

of this Body. The Law Enforcement Crime Justice Information, their amendment has been placed on. The State Historical Society's Amendment is on. The Department of Registration and Education, the Illinois Library...Association has been satisfied. The Municipal League supports the legislation. I know that there is a lot in this bill that is of concern, but at the present time, I think we have met all objections and I believe the bill is in the form that should be passed and sent to the Governor's Desk.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you. I suppose there can be a number of questions, but I presume the sponsor will yield. Yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Sangmeister.

SENATOR SANGMEISTER:

What...what, if anything, can an inmate in a penal institution now receive in the way of a public record upon request, if anything?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

Well, he would be able to, if he wished, get material from public bodies as any other citizen. He would not be able to get, under any exemptions, any investigatory records compiled for criminal, State, local or administrative law enforcement purposes, that's...that's in the Act.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Supposing a person is arrested for...DWI, drunk driving, and obviously he could get a copy of that police report by going through the court and asking for discovery of it; but

supposing he doesn't do that, he just goes down to the local police station and says, I want a copy of the arrest report that that police officer wrote up on me. Do they have to deliver that to him?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

I believe that he could get his own; he could get...not get the arrest record of any other individual because it would be an invasion of personal privacy.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

No, but I mean without court order, he could go down and ask for a copy of the offense report that was written the night before by the arresting officer and they would have to give it to him.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

Well, there are two exceptions, Senator, if you know there is a statutory exception you...you could practice in this area a great deal more than I do. If there's a statutory prohibition against it, he could not because the law says if there's a statutory prohibition he cannot. The other thing is, the department can develop rules and regulations concerning the release of that information.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister. Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Senator Bruce, if memory serves me correctly, a number of years ago, the California Legislature had a...one of these freedom of information type laws on the books and somebody

went...somebody working obviously for the mob went in and got some phone records from some state's attorneys' offices or police offices or something and started checking phone numbers and identified several...informants whose bodies started showing up in San Francisco Bay rather quickly thereafter. Have we got anything in here that's going to come back to haunt us of that nature of these financial records that have implications of that sort? I think we ought to be a trifle careful.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Senator Bruce may close.

SENATOR BRUCE:

Well, in answer to that question, confidential information is absolutely not available. In addition to that, criminal history record information we added by amendment, I think it's number four or five, whichever the last amendment, meant information collected by criminal justice agencies which would include those people...anything that would consist of identifiable description, notations, arrest, detentions, indictments, information or other charges or any disposition arising, sentencing, correctional supervision and release. And so I believe that they would not be able to get a hold of those telephone bills and try to find out who they...to whom they had been speaking.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall House Bill 234 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 56, the Nays are 2, none voting Present. House Bill 234...oops, on that question, the Ayes are 57, the Nays are 2, none voting Present. House Bill 234 having received the required constitutional majority is declared passed.

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235, Senator Welch. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 235.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill will amend the Illinois Human Rights Act to include as a civil rights violation sexual harassment on the job. The issue of sex harassment has been well-addressed by studies, some conducted here at Sangamon State University, some by Redbook and other groups, the list is lengthy that sex harassment on the job is bad business. It has been made clear by decisions such as that of the Governor to establish by an Executive Order, his first order of 1980, that barred sex discrimination in the code departments of Illinois. The Federal Government under the equal opportunity...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, Senator Welch. If we could have some order and if the lobbyists in the lobby row would be quiet, we would like to conduct the business of the Senate. Pardon me, Senator Welch, you may continue.

SENATOR WELCH:

Thank you, Mr. President. The Federal Government through the Equal Employment Opportunities Commission has established guidelines and regulations about sex harassment for those businesses that respond at the Federal level. House Bill 235 was made clear...will make clear in our State Statutes that in public and in private employment sex harassment on the job is prohibited and would apply appropriate penalties through the Department of Human Rights and through the Commission on Human Rights. Presently, the Illinois Department of Human

Rights...understands that it may interpret its authority to deal with this problem through its interpretation of sex discrimination. The Department of Human Rights supports this bill on the grounds that there is some...ambiguity in that decision. This bill follows the Federal Statute and I would urge its support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall House Bill 235 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none Voting Present. House Bill 235 having received the required constitutional majority is declared passed. House Bill 257, Senator Berman. Read the bill...take it out of the record. House Bill 261, Senator Lemke. Senator Lemke on the Floor? Read the bill, Mr. Secretary. House Bill 261.

SECRETARY:

House Bill 261.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEHKE:

What this is, is amendment to the legal insurance bill that we passed sometime ago. What this does, in effect, is...is allow...meet some of the objections the insurers have. The amendment provides an insurer under a legal expense insurance plan can go to...to any attorney of his choice for initial consultation or advice and doesn't have to use a law firm selected by the insurance company. So his freedom of choice is completely preserved and both from the initial consultation and from...and for later and more sub-

stantial services. I think its a good bill; I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, simply to point out, Mr. President, that one of the big issues when this...this concept was first approved by the Legislature was that a person who was covered under this group legal insurance would have absolute freedom in choosing an attorney in the event he needed one. And simply to point out that an amendment attached to the bill and the bill itself, I guess, begins to chip away a little bit at that in that the insurance company would be required to...do some screening of claims through their own attorneys rather than the individual insured being able to go to whatever attorney that they might want and...and I suggest that the lawyers might want to take a look at this one.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I'm pleased to stand up and support my friend Senator Lemke on this good bill. We have passed a bill that authorizes group legal insurance several years ago. The trouble is nobody writes it in Illinois because the wording that's in this amendment is absent from the existing law. In order to make this program feasible there has to be some system for initial consultation and screening by a panel of lawyers that will assist the insurers to determine whether they have or do not have a legitimate claim that is covered by the legal...group legal insurance. This will make the program workable, will bring legal insurance into the State of Illinois. It's really a...a consumer bill, it certainly isn't a lawyer's bill, and I'm pleased to support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lenke may close.

SENATOR LEMKE:

I think, Senator Schuneman, we tried to work this out and we have an amendment which I talked to Senator Rupp about, and what's important in the amendment is the words that's specifically in there, "Nothing herein shall prevent an insured after plant coverage has been verified from choosing to go directly to his or her own attorney of choice for initial...advice and consultation subject to the applicable policy provision." I think this is a good bill. I think this will allow us to have some legal insurance written in the State and its...the bar associations have gone over this and they agree with this, and I think it's...at that point, there has to be some give and take and I think with this amendment and everything else, everybody is protected, I think it's a good bill and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 261 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 56, the Nays are 3, none voting Present. House Bill 261 having received the required constitutional majority is declared passed. 320, Senator Bruce. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 320.

(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. This

bill deals with two matters. The first of one is...which has become minor and that is dealing with duplication of records in your file of a school teacher, and I believe that bill has gone out of here without controversy once already. The second part of it however deals with the...the rate for reimbursement for adult education within the State of Illinois. In 1979 we were paying at the rate of two dollars and seventy-five cents; we reduced that to two dollars in the '80 year; in '81 we...raised it to three dollars and fifty cents. That stayed at three dollars and fifty cents, but under a proposal worked out by the School Problems Commission, the adult educators in the State of Illinois, the Community College, the Board of Higher Education, the rate would go to one dollar ninety-six cents unless this bill passes. The feeling is that we should increase that rate. It is at three dollars and fifty cents. Proposed in this amendment is a three dollar rate which is significantly less than what they think they need but they have...they have made the proposal that we go to that rate. It does, in fact, I think allow high school districts...or school districts the opportunity to continue to offer adult education. They are very vitally involved with Title 20 people in adult basic education and...and GED's, and I think the bill ought to pass in its present form.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Davidson.

SENATOR DAVIDSON:

...Mr. President and members of the Senate, I rise in support of this. I've been one of those who was involved in negotiations earlier and when we came to one agreement that if the figures did not balance out we would make a recommendation to change. They did not hold true, that the recommendation this change. It is a vital necessity that this bill pass so that those unit school districts or high school

districts who have a program will be able to continue their program. I have a list of...for those of you who have an interest, how your districts would involve that...if this doesn't pass how much money we'd lose and the programs that would be closed down. This is a good, equitable solution to keep giving opportunity for adults who didn't finish high school an opportunity to get a diploma or GED, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield.

SENATOR ETHEREDGE:

Senator Bruce, how does the...how does this bill as it has been amended change the...or redistribute the money that has...that we supply to support these programs?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

Quite honestly, Senator Etheredge, we are in constant debate over the effect of this bill. The...I think the net effect in my own mind, however, is to shift money into the school districts of the State of Illinois that would normally or...or would go into the community colleges if this amendment were not made, if you assume that there is not some preapproval program. There is a preapproval program and so the shift of money is...is slight, I hope.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Well, I had information earlier that the total amount of money shifted would be on the order of 3.3 million dollars.

I've also had people tell me that that's not true. But to the best of my knowledge, the best figure we have, the most accurate figure we have is that we will be shifting 3.3 millions of dollars away from the community college...colleges to other school districts.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

Well, we're into the School Aid Formula problem and that is, how much money do you have? How much are you going to get if you don't change the formula? How much will you get if you do change the formula? The...the shift is...is not much if we make this change and go back to three dollars from three dollars and fifty cents, a downward movement for the school districts. If you leave it at a dollar ninety-six, I believe that you have then, by policy of this...this Body meant that school districts are not going to have adult basic education programs. If we put in the three dollars, it shifts money but not as much as it would have had we stayed at a dollar ninety-six. We are trying to do equity under this amendment and in this proposal. It is true if we didn't do anything though, Senator Etheredge, community colleges would receive more money, and I don't think there's any bigger champion than...than me for community colleges, and my stock is down in that area right now. If I were marketing my stock among community colleges, I don't think I would get a very high bid, but I hope that we can resurrect and make some changes, quite honestly, in the House to try to strike a more equitable division of these dollars between community colleges and school districts.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Well, I am, as you know, very much concerned about the

question of equity. I do not like to...and will not, in fact, vote for a bill that would transfer 3.3 million dollars away from the community college to...to other school districts. I would...I had been in hope that there would be negotiations take place over the last several days which would have enabled us to reach some sort of equitable resolution to this problem. And, Senator, if I understood your remarks, you are...you are providing some assurance that those negotiations will continue and that there will be further efforts made to resolve the...the problem as it...it...as it now exists in this bill. Is that...is that true?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

I have spoken with Representative Stuffel, I have spoken with the people from adult ed.; I have told them, I think, that...that to do equity in this matter, the discussions ought to continue on and see if we can get some resolution that meets with everyone's approval rather than being at one another's throats right now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Berman.

SENATOR BERMAN:

Senator Bruce, for the record, has Senate...has Representative Stuffel indicated to you that he will move to nonconcur?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

I am going to ask him to nonconcur. Representative Stuffel is convinced that this amendment as it is is the proper way to proceed. But I am working with him to tell him that I think that we ought to take a second look at this to see whether there are other grounds. Senator Berman, no one knows better than you that we may not get to better ground. The parties in this debate lock down fairly quickly and...and freeze into their positions, but I do believe that there is still sufficient time to work out additional formula changes to meet everyone's...really, desires.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Well, for those people that are...not only the people on the floor, but I think the...the educators, junior college and adult educators that are involved, I would strongly urge that if this bill passes that it...that this amendment not be concurred in. Their...the amendment increases the reimbursement rate from twenty-eight dollars and seventy-four cents to forty-four dollars and eighty-five cents. That's a substantial change, that's a fifty...fifty-six percent increase in the reimbursement rate. Senator Etheredge is correct, this...this will involve either a 3.3 million dollar...additional appropriation or cutting back on the enrollments at the junior college level. I just want to remind you this isn't a...this bill changes an agreement that the junior college people and adult ed. people agreed upon a year ago, and my information is that it's only a couple...or a few, I think is a better word, a few districts that are making all the noise. They happen to be districts that Senator Bruce is responsive to and...and Representative Stuffel is responsive to. I don't fault that but I just want you to know that a lot of people are...may be hurt if this bill moves out of here because of some vocal...a...a few

vocal districts and they're trying to change an agreement. I think that...the...they have...the adult ed. people have refused to compromise is my indication. And without a clear indication from Representative Stuffle, at this point, I'm...well, wait a second we may have a late flash. Will you...will you concur? Okay. For the record, he says whatever I want, I would like nonconcurrency so they can continue to talk. I'll support the bill at this point based upon that representation. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats. Further discussion? Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President, very briefly. I rise in favor of this bill and in agreement with Senator Bruce. I think myself as a big supporter of our junior college system but I think adult ed. and...especially adult ed. that I know about in...in my area has done an excellent job, and I think they deserve the funding; I think they deserve this bill, and I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lenke.

SENATOR LENKE:

What's the cost of this bill? Additional cost?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield.

SENATOR LENKE:

3.3 million? Well this is for...this is for adult people going to community college but we couldn't afford 3.5 million for elementary and secondary children going on busing. Now what are we doing? Do we deny safety to kids and take care of the adults? That's what this bill is doing. I think this bill should...I...I'm going to vote Present because we can't afford the additional cost.

HB 321
2nd Reading

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Bruce may close.

SENATOR BRUCE:

Well, Senator Lemke, no money is increased in this bill. What we are talking about is how much of the fifteen million dollars, three and a half million State, remainder of Federal Government money, should...how that should be distributed. Not one additional dime is being spent by this bill. The question is, who is going to spend it, not how much is to be spent. Some want to spend it in the school districts, like me; others would like to spend it in community colleges. But these are adult basic education programs in both of those systems. The question is, where it should continue. I believe that we ought to continue to have ABE programs in our high school districts. They've done a very good job, would allow them to continue, this bill allows that to happen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 320 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 45, the Nays are 10, 1 voting Present. House Bill 320 having received the required constitutional majority is declared passed. 321, Senator Netsch. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 321.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This is a major bill sponsored by the Dangerous Drugs Commission, cosponsored in the Senate

by Senator Etheredge and myself who are both members of the commission. It does a couple of things; one, it significantly restructures the entire fine schedule for the drug related crimes and increases the amounts that can be fined for violations of those acts. I might say that it does not affect the jail sentences which is one reason why it was not put into a subcommittee and held. But this is extremely significant, it's something we became aware of during the look-alike drug...legislative, not battle, but whatever of last Session and we realize that our fines were way out of kilter. That is the first thing that it does. The second thing is that it makes...it provides for the triplicate...triplicate drug...prescription procedure to be transferred to the Dangerous Drugs Commission from the Department of Registration and Education. That will not actually become effective until a year from July 1. In the meantime, the commission is authorized to begin to set up a program on the computer. The third thing that it did was a compromise really with some of the law enforcement agencies. It restored the...it restored the mandatory fine provision and that mandatory fine provision, incidentally, which is written in the amount of street value so that those who want to use the mandated fine provision will still have an opportunity to do so. Those are the main things that the bill does. I think it is agreed to by virtually everyone. I should make one other point, by the way. The fines that are collected will now be distributed in part to...for the first time, a Juvenile Drug Abuse Fund which is going to be available for prevention and education. Twelve and a half percent of the fines will go into that fund, eighty-seven and a half percent will continue to go to the law enforcement agencies basically. We think it is a very good bill. I would solicit your support and defer to Senator Etheredge.

PRESIDENT:

HB 349
3rd Reading

Any discussion? Any discussion? If not, the question is, shall House Bill 321 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 321 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 349. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 349.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. This bill received a lot of debate on 2nd reading when many amendments were offered to it. Basically what the bill does is it allows corporations to practice law in small claims court under certain circumstances. If you want any further elaboration of that, I'll give it to you, otherwise, I appreciate a favorable roll call.

PRESIDENT:

Is there any discussion? Any discussion? If not, the question is, shall House Bill 349 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 3, none voting Present. House Bill 349 having received the required constitutional majority is declared passed. 351, Senator Rigney, I understand was bumped. If you'll take a look...the caption is listed on page 21 on the Calendar. On the Order of House Bill 3rd

Reading is House Bill 351. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 351.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President...House Bill 351 simply points out that anyone licensed under the Medical Practice Act would be able to issue an excuse from a...a high school or...or elementary school gym class. In addition to that it also clarifies the right of the parent to also issue a temporary excuse for that child. Up until this time we didn't think there was any particular problem in this area. Due to an unfortunate interpretation from the Illinois Office of Education, it became apparent to us that we are going to have to clarify this part of the law.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 351 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 351 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 360. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 360.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. House Bill 460 changes the way in which a river conservancy district in my particular district will be...House Bill 360...will be selected. At the present time, they are appointed by the mayors and city councils. This bill proposes that they be elected. The Rend Lake Conservancy District is a unique project, I think, in the State of Illinois in that they have developed what is known as the intercity water system, and they are presently providing water to some forty-six systems throughout most of Southern Illinois...much of Southern Illinois and much of my district. The thought is that we would like to have a process of election. I've been a legislator for a few years down there and I think it's fair to say when we were making these appointments we kept getting into difficulty. I think the board would be more responsive. The city councils, the forty-six of them, think that they would be more responsive. The county boards in which they have service think they would be more responsive. I don't think the board has any serious objections, although I think it's fair to say that the...the board presently is not unanimous in wishing to go to an election. There are hard feelings one way, there are hard feelings the other. The three legislators from that area...the four of us are not unanimous. Representative Ray thinks they ought to be elected. Representative Hicks thinks they ought to be elected. I think they ought to be elected, and I think you're going to hear from the other person that represents that area in opposition to this bill, but I believe it is a fair way of selecting and electing one of the largest governmental bodies down in our area, and I would solicit your favorable vote.

PRESIDENT:

Any discussion? Any discussion? Senator Johns.

SENATOR JOHNS:

Well, you could have just identified me if you'd wish, Senator Bruce. This legislation should be defeated. It is sought by an individual who seeks to control this board. His efforts have been thwarted by other members of the board. The board is now comprised of fine, hard working, honest, upright individuals; it is so because of recent election which removed the man from office seeking this legislation. This has a special purpose by an individual who seeks to thwart the efforts of the guidance of the board now. None of the trustees were notified of this; if so, only one, and Senator Bruce was supposed to hear from him and I haven't heard from Senator Bruce about it or him. The...representation now is in good, solid condition. This conservancy district is largely in my district, not Senator Bruce's. This district...conservancy district had its origin in my district. It is loaded for our few select people who seek to return to power and to whom the past problems with the Federal Government could be laid at their feet. We've had problems and you want to return it to that bunch, you go ahead and vote this way. It will cost the taxpayers nothing to leave it like it is. My mayors of both parties don't want it, as far as I'm concerned. The county board chairman of both parties don't want it, as far as I'm concerned. In addition, out of fourteen river conservancy districts in the State, ask yourself this question, why has this one...why has this one been singled out to be changed? It's exactly like I told you. It's special interest and the two right over there are playing the part of it. It's a sour grapes package. One designed to hurt the men who succeeded in a recent election who will change the course of direction of this district, who will make it successful, who will eliminate the problems that have been inherent with the past administration and they will guide us successfully along. The intent supposedly now is to

put it back in the hands of the public, it never was. It was in ours and it was now trying to be into the public's hands. Leave something to local government, Gentlemen, don't put it all back to just a few people. Thank you.

PRESIDENT:

Further discussion? Further discussion? Senator Bruce may close.

SENATOR BRUCE:

Well, Senator Johns has brought up the problem and that is I have the largest county, and the largest city, and most of the population in my district. It is true that he has the largest geographical area, but we have a good deal of problems with the conservancy district and the quality of the water. The present mayor and city council has an appointment. We would like to have the chance to take a...a look at these guys, an electoral process. All the city councils, I think, support this legislation. The county boards, I know to a...to a board support the legislation. It just says they are to be elected. We have very serious problems that we would like to resolve. We think we can do it by getting the board, perhaps, a little more responsive and also putting them out for election. I...I don't know what the problem is. Whoever wants to be chairman or not be chairman can run for this post and be elected. It makes good sense to me. We've tried to work with everybody. I've held this bill on...on 3rd reading for a week asking for any amendments, none were offered, I believe. We're just down to the point where we're going to elect these guys or we're not, and I, frankly, think that in my area, in my district, we ought to elect them. And the other three...there are three of us that think so, Representative Hicks who represents Jefferson County, as I do and, Representative Ray who represents the southern part or the part south of me who is standing here, who is the principal sponsor, also agree that we ought to do that. They...they

run in this area. They're responsive to their city councils and...and county boards just like I am, and I would ask for your favorable vote.

PRESIDENT:

Senator Johns, for purpose do you arise?

SENATOR JOHNS:

Well, I'll just tell you this, if you want to put it back into the hands of some people who were shoddy, who the Federal Government was looking at all the time, there was possibly an investigation in the offing on...on a result of some of those people and the representative who put this in playing right into the hands of those people.

PRESIDENT:

Question is, shall House Bill 360 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 31, the Nays are 9, 10 voting Present. House Bill 360 having received the required constitutional majority is declared passed. Senator Johns, for what purpose do you arise?

SENATOR JOHNS:

Verify that roll call, please.

PRESIDENT:

All right, Senator Johns has requested a verification. Will the Senators...please be in their seats. Mr. Secretary, please read the affirmative roll.

SECRETARY:

Following voted in the affirmative: Barkhausen, Becker, Bruce, Buzbee, Coffey, Collins, Egan, Etheredge, Fawell, Friedland, Grotberg, Holmberg, Jones, Kent, Lechowicz, Luft, Macdonald, Mahar, Maitland, Marovitz, Nedza, Netsch, Philip, Rigney, Savickas, Vadalabene, Watson, Weaver, Welch.

PRESIDENT:

Senator Johns, do you question the presence of any member?

SENATOR JOHNS:

Barkhausen here?

PRESIDENT:

Senator Barkhausen on the Floor? He's on the Floor in the phone booth.

SENATOR JOHNS:

Is Lechowicz here?

PRESIDENT:

Senator Lechowicz on the Floor?

SENATOR JOHNS:

Nedza, is he here?

PRESIDENT:

Senator Nedza on the Floor? All right, Senator Lechowicz...is Senator Lechowicz on the Floor? Strike his name, Mr. Secretary.

SENATOR JOHNS:

Senator Nedza.

PRESIDENT:

Senator Nedza on the Floor? Strike his name, Mr. Secretary.

SENATOR JOHNS:

Mr. Chairman...Mr. President, that's sufficient. I move to reconsider the vote by which that bill lost. Wait a minute, no.

PRESIDENT:

All right, the roll has been verified. On that question, there are 29 Ayes, 9 Nays, 10 voting Present. Senator Bruce.

SENATOR BRUCE:

I'd like to place this bill on the Order of Postponed Consideration, we'll be back in the fall.

PRESIDENT:

The Senator has asked leave to place it on the Order of

Postponed Consideration. Leave is granted. On the Order of House Bills 3rd Reading is House Bill 366. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 366.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What this bill was...was introduced at the request of the trustee of the Illinois State Board of...of Investments to alter certain fiduciary standards added to Article I of the Pension Code last year by Public Act 82-0960. The primary purpose of the bill is to specifically provide that the indemnification provisions contained in Article I, Section 107 and 108 apply to the trustees, consultants and staff of the ISBI. This bill add...adds to...to the adoption of Section 10 and...and 108 was necessitated by the...by the Attorney General's Opinion issued on December 30th, 1982 which stated that the indemnification provision contained in Article I were not applicable to the ISBI. I think it's a good bill, I ask for its...adoption.

PRESIDENT:

Further discussion? Any discussion? Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate, just to remind everyone how important this is. The members of the Board of Investments unanimously support the legislation, it...it really is absolutely necessary. I ask you for your Aye vote. Thank you.

PRESIDENT:

The question is, shall House Bill 366 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 1, none voting Present. House Bill 366 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading, the bottom of Page 4, is House Bill 375. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 375.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, House Bill 375 creates the Firefighters' Collective Bargaining Act. We've been through this bill before, it passed many years in our Session and it authorizes the collective bargaining between firefighters and their public employers. It established arbitration procedures to be followed when negotiations have reached an impasse and lists factors upon which the panel shall base its findings, opinion and order. It prohibits strikes by firefighters and it's effective immediately. It's in the same context that we passed earlier for the teachers. I think your consideration for this bill for the firefighters should be at least on the same vote and I would appreciate your support at this time.

PRESIDENT:

Any discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. I rise in strong opposition to this bill. It was my understanding that 536 was going to be the bill that contained collective bargaining for all of the employees, public employees, in the State of Illinois. This

bill will hurt every municipality in the State of Illinois. It applies to every municipality, including the City of Chicago. There is a clause in this bill that says that once the arbitrator makes a decision, that decision must be approved by the municipality. They have no option to ask the arbitrator to rethink his position concerning salary increases that he decides to grant to the firefighters. Let's assume that the city requests that the arbitrator grant the firefighters a five percent increase, the firefighters naturally want more so they request a twenty percent increase in salary. If the arbitrator decides that he's going to grant the twenty percent increase, the city is mandated to give those firefighters a twenty percent increase in salary, they have no option, Ladies and Gentlemen. Now that means, they're either going to have to cut services or they're going to have to raise taxes. Those are the only two options they're going to have, because they cannot go back and ask the...the arbitrator to rethink and not approve the position and cut down the increase to maybe ten percent or eight percent. Now that provision is in 536 in the House, and that's why the firefighters and the policemen opted out of it because they don't want...have anything to do with allowing the city the discretion to ask the arbitrator to rethink his position. This is going to cost every municipality in the State of Illinois a lot of money and it's going to hurt everybody.

PRESIDENT:

Further discussion? Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, the firefighters are in negotiations with the City of Chicago people and so far have not come up with any agreements, and I ask for a No vote on this piece of legislation.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and members of the Senate. I guess my first remarks will have to be, because we're on a timer, on a point of personal privilege. Because I want the record to show here what has actually taken place. It was my intention, and I started back in December of last year, to put together a comprehensive collective bargaining bill that would satisfy to the extent possible the needs of the bargaining units and the local units of government. Unfortunately, there has been a lot of demagoguery involved in this process and a lot of people shuffling for power and recognition and they have distorted and destroyed that attempt. When this bill came over from the House, as is...and I agree with Senator D'Arco's analysis of this bill, but I also know that if we do not include firemen and policemen in the collective bargaining bill, 536, that the cost to Chicago would probably be far greater than if this bill do not pass or if we do not take 536 back to Conference Committee and include them in there. That would be the best possible alternative. But if I, as sponsor of 536, at this time attempt to even do that, the same people who approved and passed this bill over here will pit Harold Washington and I against each other and that is a sad tragedy. I say that I would hold these bills, first of all, in committee and everyone agree; then they disagree; then they agreed again and they disagreed, and we finally...they agreed that we would put these bills on 2nd reading and if issues were resolved in 536 that these bills would, in fact, be Tabled. And before the House decided to not to negotiate in good faith and allow some of the wishes of these groups to be recognized and negotiated in 536, and they did that without my approval, they should have thought about the consequences. They should have also recognized that Earlean Collins is a Senator who keeps

her word, and I promised them if we did not work out the problems with 536 for them, not just this group but all of the groups, that I would support their bills. And it is unfortunate that at this time I am forced in a position to support their bills. And, quite frankly, I don't give a damn what the City of Chicago thinks.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a couple of questions?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, is it the legislative intent of this bill that there be absolutely no strikes, but binding arbitration for the firemen?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Yes, this bill prohibits strikes by the firemen.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

And work stoppages and et cetera, is that right?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Savickas.

SENATOR SAVICKAS:

I didn't hear what she said.

PRESIDING OFFICER: (SENATOR BRUCE)

Would you repeat, Senator Geo-Karis?

SENATOR GEO-KARIS:

And work stoppages?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

I don't think it...says...addresses that particular issue of work stoppage, it...it prohibits strikes. Senator...to...to...on...I am informed now, it's Section 18. If you'll look on...in the engrossed copy of the bill, Section 18, page 15, line 10, "Strikes, work stoppages or slowdowns by firefighters or their designated organizations within the meaning of this Act are expressly prohibited."

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Under Section 14, on page 13, it says, "The majority decision of the panel shall constitute a mandate to the head of the political subdivision, which is the employer, with respect to matters which can be remedied by administrative action and to the lawmaking body of such political subdivision or of the State with respect to matters which require legislative action." Do I understand then, according to this section, supposing the panel comes out with the decision in arbitration and it directs it to the head of the political subdivision, let's say to a city, for example. In the event the city does not like it, this does not preclude the city from going to court to set aside the mandate or to amend it, does it?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

END OF REEL

REEL #9

SENATOR SAVICKAS:

Senator, they can always do that, it does not prohibit them.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate. I have consistently said that I would support a collective bargaining bill with no right of strike for any public employee but with binding arbitration which is subject to the review of the court if the event so be. In that case, I think this bill probably satisfies...those requirements and...because I do not believe public employees, such like the firemen, should be allowed to strike because they do affect the health, safety and welfare of the people and we don't have the right to stop paying taxes, but at least they do have their collective bargaining and they do have a means of...of binding arbitration. And since there's no strikes in this bill, I support this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Question.

PRESIDING OFFICER: (SENATOR BRUCE)

He indicates he will yield. Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Now, the city has to, according to Senator D'Arco, accept the decision of the arbitrator. Do the firefighters also have to accept the decision of the arbitrator?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Yes. I would like to...I'd like to just expand on that just for a second. The concern of one of the previous Senators was that the arbitration panel when it would base its decision the city would have no recourse but to either meet that financial obligation or cut services. In the bill itself, on Page 12, if you will read, it says, "The...arbitration panel shall base its findings, opinions and decisions on the following; one, the lawful authority of the employer; two, any stipulations of the parties; three," and this is the important part, "the interest and welfare of the public and the financial ability," and I stress that, "the financial ability of the unit of government to pay." So, obviously, if the government...governmental unit is unable to meet financial requests, they would have to take this into consideration by the panel.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Senator Savickas. So, it could very well be that the firefighters ask for twenty cents or dollars and the city offers five cents or five dollars, and it goes to arbitration, the arbitrator could come back with two cents or two dollars, as I understand...the legislation.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Yes, and I would imagine it depends on the economy and in some instances we've seen in private industry where unions have taken cuts, I imagine that when the cities are in financial trouble that this may occur with our...our public employees' contract.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Very briefly. You know, we have been winglanging these people all over this Chamber, all over this Capitol for the last month and a half. We sat in this Chamber, I was clearly under the impression that Mayor Harold Washington, then Senator Washington, supported public employee collective bargaining. They have been going back and forth, I don't know who speaks for Chicago. Does Lee Schwartz speak for Chicago? Is Lee Schwartz conveying what Harold Washington is telling us? I don't know what the city's position is, but we have three days left here and if we don't come up with something, we have wasted and deceived and just put these people through the ringer...needlessly. I ask for your support on this legislation. The city can live with it, the firefighters deserve it and if there are problems the Governor has the ability to work out those problems with his pen.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I don't know and have no way of knowing, nor am I privy to what is happening on the other side of the aisle and things that are happening to this particular bill. I can only be guided by the light of what I consider to be principle. I think the principle involved here is wrong, I think that this bill is cancerous in nature as was the last...or the one we passed earlier today. The cost, I would say, to the State of Illinois and municipalities is going to be astronomical. If I have heard from the people in my district on any one subject, it happens to be this one; that is to say, the municipalities at least. They look forward to costs that they cannot conceivably meet, so I think it's wrong on the basis of what we can do. I think it's wrong to make...it's wrong on the basis of compulsion because as these

agreements are entered into, you and I know that the element of compulsion will be there and these men and women and these units, firefighters, police, et cetera will be compelled to join as a condition of employment. So, I feel it's wrong on that basis, public employees are not like private employees. They are hired in essence by units of government represented by people who have been elected by the people to see to it that these provisions are provided for the safety and the health and the welfare of the people, and that is their job and not the job of some exclusive bargaining agent. That to me is principle, it isn't going to probably make any difference in the votes here by...I utter it sincerely and I think it needs to be repeated time and time again. For those reasons, Mr. President and Ladies and Gentlemen of the House, those reasons and others, I oppose this concept and will cast my vote No and urge others to do so.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Inquiry of the Secretary. Is this bill amended?

PRESIDING OFFICER: (SENATOR BRUCE)

The Secretary indicates that no amendments have been placed on this bill.

SENATOR BLOOM:

No. Well, you know that's unfortunate. There have...there have been...there have been games going back and forth between the two Houses and certain representations were made or unmade, and I'm not going to echo some of the prior speakers. But we really do ourselves no good when we play these games. I'm unaware, after listening closely to Senator Collins' speech as to whether she's going to concur in those House amendments to the 536 which...which was supposed to take care of all employees. Is she going to nonconcur and ask for a Conference Committee? I mean, that has a bearing

on it. Point is, in...in talking with...with our firefighters who are sincere people and who, to a degree, have been described as taking themselves out of the process, the 536 process, to a degree they could make the argument they were frozen out of the 536 process. So this leaves a lot of loose ends. I'd like to know and make an inquiry of Senator Collins. Are you going to put 536 in a Conference Committee? I think that has a bearing. Once the pieces...go ahead.

PRESIDING OFFICER: (SENATOR BRUCE)

...right. If you'll keep your answer real...quick we can...

SENATOR BLOOM:

Yes or no.

PRESIDING OFFICER: (SENATOR BRUCE)

...move along because we're now eating into the time we had set aside to take a break. Senator Collins.

SENATOR COLLINS:

If it is the will of the joint sponsor, Senator Rock and myself, with the consent of...of the House and it is their pleasure to concur with 536, that is what I'm going to do. Now, if that change and they want to nonconcur, that is what I'm going to do.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Gee, that's great, that's like answer me, yes or no, yes or no. I'm inferring from that that you will move the Senate at the appropriate time to accept the House amendments to Senate Bill 536. I think that's unfortunate because I think that many of the remarks that Senator Joyce made were...were very accurate, and I think it's unfortunate insofar as the police of Illinois and the firefighters are concerned. There's no way that now we can amend it and there's no way that perhaps we could get some of the Draconian measures out.

So, not only...you know, not only do we not do ourselves any good, but we take some groups by calling this legislation, we...we take some groups and unrealistically...unrealistically raise their expectations and I think that that is reprehensible. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. I would just like to answer Senator Geo-Karis' argument that...well, there's no problem because the city has the right to appeal to the circuit court. Their grounds for appeal are limited to three categories, Senator Geo-Karis, and they are; the board exceeded its authority; the order of the board is not supported by competent evidence, and the order was procured by...by fraud or collusion. Those are very limited areas for grounds of appeal. The judge, if he doesn't find that one of these three areas were violated, he can't reverse that decision. The other point that Senator Savickas made about the ability to pay, what does it...that mean? Does it mean if the city allocates five percent in their budget for an increase in salaries and the firefighters get ten percent, does that mean that the city exceeded its ability to pay? That's up to the arbitrator to decide what that provision means. You're really hurting all the municipalities in the State of Illinois by passing this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President and Senators, I'll be brief. It's already been said that the city is opposed to this bill. This isn't the last bill for the firemen on the Calendar tonight, there are several others. I'm, as a matter of fact, a sponsor of one. I would call for a No vote on this and at

a later point we have some bills that I think would be adequate and the city can support. Thank you, very much.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Savickas may close.

SENATOR SAVICKAS:

Well, Mr. President and members of the Senate, we know what this has been about, we know how many years we've discussed legislation on collective bargaining. There's four points I would like to make: seventeen states have this; there is a no strike clause; arbitration affects both sides equally; and the fourth point, that the financial ability of the local governmental unit to pay is taken into consideration. There's not much more we can say about it. Many of us have, at times, strongly opposed or strongly supported different forms of collective bargaining. This is a comprehensive bill for the firefighters in Illinois, a bill that deals, I would say, substantially with downstate concerns because Chicago has their own collective bargaining bill even though firefighters are included in this bill. And I'm sure the one in Chicago is just as good if not a little stronger than this. I would say that this issue will not go away, we have to address it and we will be continuing to address it in each and every assembly. I suggest that at this time that we would pass this bill, give an Aye vote, get this particular area of legislation away from us, and we will settle down with the other matters that will be coming before the Legislature. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 375 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 25, the Nays are 28, 3 voting Present. Senator Savickas asks leave to place the bill on the Order of Postponed Con-

Agreed Bill List
 3rd Reading
 HB 741
 HB 1007
 HB 1002
 HB 2081
 HB 2182
 HB 2081
 HB 690
 HB 752
 HB 2244
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 HB 1055
 HB 1812
 HB 2417
 HB 67

sideration. The bill will be placed on the Order of Post-
 poned Consideration. The Chair had indicated that at
 five-fifteen we'd go to the Agreed Bill List, it's now
 five-thirty. With leave of the Body, we will now proceed to
 the Order of consideration of the Agreed Bill List. Is there
 leave? Leave is granted. Mr. Secretary, pursuant to our
 procedure relative to the Agreed Bill List, would you please
 advise the Body of those bills which have been stricken from
 the bill...or from the list, based on the objection of six
 members or by the member's own removal.

SECRETARY:

The...the following bills were removed by the chief
 sponsor: House Bill 257, 1562 and 1924. And the remaining
 bills except...well...okay...the...the following bills were
 removed by five members: 43, 351, 390, 485, 530, 1653, 1750
 and 1927. House Bill 1838 was removed by recall and amend-
 ment.

PRESIDING OFFICER: (SENATOR BRUCE)

Thank you, Mr. Secretary. The question now is whether
 those bills remaining on the Agreed Bill List shall pass. If
 any Senator wishes to be recorded in the negative or Present
 on fewer than all the bills, please...you should have indi-
 cated that vote to the Secretary. Mr. Secretary, please read
 the bills on the Agreed Bill List for a third time.

ACTING SECRETARY: (MR. FERNANDES)

- House Bill 8.
 (Secretary reads title of bill)
- 26.
 (Secretary reads title of bill)
- House Bill 62.
 (Secretary reads title of bill)
- House Bill 67.
 (Secretary reads title of bill)

7 HB 331
HB 690
HB 524
HB 247

- (Secretary reads title of bill)
- 205.
- (Secretary reads title of bill)
- 247.
- (Secretary reads title of bill)
- 264.
- (Secretary reads title of bill)
- ...270.
- (Secretary reads title of bill)
- 331.
- (Secretary reads title of bill)
- 332.
- (Secretary reads title of bill)
- 333
- (Secretary reads title of bill)
- 446.
- (Secretary reads title of bill)
- 470.
- (Secretary reads title of bill)
- 475.
- (Secretary reads title of bill)
- 511.
- (Secretary reads title of bill)
- 524.
- (Secretary reads title of bill)
- 538.
- (Secretary reads title of bill)
- 577.
- (Secretary reads title of bill)
- 628.
- (Secretary reads title of bill)
- 690.
- (Secretary reads title of bill)
- 716.

HB 741
3rd Reading
HB 1002
2nd Reading
HB 1055

(Secretary reads title of bill)

741.

(Secretary reads title of bill)

757.

(Secretary reads title of bill)

814.

(Secretary reads title of bill)

881.

(Secretary reads title of bill)

1002.

(Secretary reads title of bill)

1055.

(Secretary reads title of bill)

1114.

(Secretary reads title of bill)

1371.

(Secretary reads title of bill)

1549.

(Secretary reads title of bill)

1584.

(Secretary reads title of bill)

1590.

(Secretary reads title of bill)

1593.

(Secretary reads title of bill)

1610.

(Secretary reads title of bill)

1614.

(Secretary reads title of bill)

1649.

(Secretary reads title of bill)

1650.

(Secretary reads title of bill)

1666.

*Approved
Bill
Miss. 11:07
2nd Reading
HB 1812
2nd Reading*

- (Secretary reads title of bill)
- 1683.
- (Secretary reads title of bill)
- 1696.
- (Secretary reads title of bill)
- 1704.
- (Secretary reads title of bill)
- 1707.
- (Secretary reads title of bill)
- 1751.
- (Secretary reads title of bill)
- 1777.
- (Secretary reads title of bill)
- 1812.
- (Secretary reads title of bill)
- 1814.
- (Secretary reads title of bill)
- 1829.
- (Secretary reads title of bill)
- 1831.
- (Secretary reads title of bill)
- 1847.
- (Secretary reads title of bill)
- 1873.
- (Secretary reads title of bill)
- 1877.
- (Secretary reads title of bill)
- 1880.
- (Secretary reads title of bill)
- 1885.
- (Secretary reads title of bill)
- 1888.
- (Secretary reads title of bill)
- 1898.

Agreed Bill
List. HB 2081
NO 2081
NO 2244
3rd Reading

(Secretary reads title of bill)

1944.

(Secretary reads title of bill)

1972.

(Secretary reads title of bill)

1978.

(Secretary reads title of bill)

2000.

(Secretary reads title of bill)

2003.

(Secretary reads title of bill)

2019.

(Secretary reads title of bill)

2046.

(Secretary reads title of bill)

2071.

(Secretary reads title of bill)

2081.

(Secretary reads title of bill)

2182.

(Secretary reads title of bill)

...2212.

(Secretary reads title of bill)

2221.

(Secretary reads title of bill)

2244.

(Secretary reads title of bill)

2283.

(Secretary reads title of bill)

3rd reading of the bills.

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator DeAngelis arise?

SENATOR DeANGELIS:

Thank you, Mr. President. I'd like to request leave of

*Removed Bill
List - 2nd Reading
7/13/2/17*

the Body to remove House Bill 716 from the Agreed Bill List for the purpose of referring it to committee.

PRESIDING OFFICER: (SENATOR BRUCE)

The House Bill 716 is on the Agreed Bill List and the motion is by the sponsor to recommit that to committee. Which committee, Senator?

SENATOR DeANGELIS:

If I have my choice, Agriculture.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The motion is to recommit the bill to the Committee on Agriculture. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it and the bill is recommit-
ted and removed from the Agreed Bill List. The Secretary has read the bills on the Agreed Bill List and the question is, shall Senate...shall the following House Bills pass: House Bill 8, House Bill...26, 62, 67, 112, 205, 247, 264, 270, 331, 332, 333, 351, 446,...351 has been removed, 446, 470, 475, 511, 524, 528, 577, 628, 690, 741, 757, 814, 881, 1002, 1055, 1114, 1371, 1549, 1584, 1590, 1593, 1610, 1614, 1649, 1650, 1666, 1683, 1696, 1704, 1707, 1751, 1777, 1812, 1814, 1829, 1831, 1847, 1873, 1877, 1880, 1885, 1888, 1898, 1944, 1972, 1978, 2000, 2003, 2019, 2046, 2071, 2081,...2182, 2212, 2221, 2244, 2283 pass. And it is House Bill 538, the Chair may have said 528, it's 538. The question is, shall those bills pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. (Machine cutoff)...voted who wish? Have all voted who wish? (Machine cutoff)...all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. The foregoing House bills having received the required constitu-
tional majority is declared passed, and such other votes as been presented to the Secretary consistent with our proce-
dure. Senator Holmberg moves that the Senate stand in Recess until the hour of seven. I would indicate to the Body that

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we are going to start precisely at seven on House Bill 377. So the motion is to stand in Recess until the hour of seven. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. The Senate stands in Recess until the hour of 7:00 P. M.

RECESS

AFTER RECESS

PRESIDING OFFICER: (SENATOR BRUCE)

The hour of seven having arrived, the Senate will come to order. Messages 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 refused to concur with the Senate in the adoption of their amendments to the following bill:

House Bill 345, Senate Amendments 1 and 2.

A like Message on House Bill 921 with Senate Amendment No. 1.

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 a bill with the following title:

Senate Bill 391 together with House Amendments 1, 2 and 3.

And I have like Messages on the following Senate Bills with House Amendments:

392 with House Amendments 1, 2, 4, 5 and 6.

393 with...House Amendments 1, 2, 3, 4 and 5.

394 with House Amendments 1, 2, 3, 4, 8, 9, 10 and

11.

395 with House Amendments 1, 2, 3 and 4.

398 with House Amendments 1, 2, 3, 4, 5, 6, 7, 8 and
9.

399 with House Amendments 1, 2, 3 and 4.

401 with House Amendment 1.

407 with House Amendments 1, 2, 3 and 4.

A Message from the House, 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 bills with the...bill with the following
title:

Senate Bill 70 together with House Amendments 1 and
2.

And I have like Messages on the following Senate
Bills with House Amendments:

310 with House Amendment 1.

389 with House Amendments 1, 2, 3, 4, 7 through 28.

390, House Amendments 1, 2, 3 and 4.

437, House Amendment 2.

459, House Amendment 1.

481, House Amendment 1.

496, House Amendment 1, 2 and 3.

498, House Amendments 1 and 3.

526, House Amendment 2.

613, House Amendment 3.

680, House Amendments 1, 2, 3, 4, 5 and 6.

714, House Amendments 1 through 10, 12 through 20,
22, 23, 24, 26, 27 and 28.

715 with House Amendments 1, 3, 5, 6 and 7.

726 with House Amendments 1, 2, 3, 4 and 5.

766 with House Amendments 1, 2, 3 and 4.

879 with House Amendments 1, 2, 5 and 7.

919 with House Amendments 1 and 3.

1000 with House Amendment 1.

1002 with House Amendments 1, 2, 3 and 4.

1004 with House Amendment 1.
1006 with House Amendment 1.
1011 with House Amendment 1.
1017 with House Amendment 1.
1022 with House Amendment 1.
And 1026 with House Amendment 2.
1027 with House Amendment 2.
1035 with House Amendment 2.
1040 with House Amendment 2.
1054 with House Amendment 3.
1119 with House Amendments 1 and 3.
1122 with House Amendment 2.
1144 with House Amendment 1.
1153 with House Amendments 8, 9 and 10.
1199 with House Amendment 1.
1211 with House Amendments 1 and 3.
1222 with House Amendment 1.
1226 with House Amendment 1.
1264 with House Amendments 1 and 2.
1313 with House Amendment 1.
1349 with House Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to go to the Order of Resolutions? Leave is granted.

SECRETARY:

(Machine cutoff)...Joint Resolution 281, it's congratulatory, offered by Senator Newhouse.

And...Senate Joint Resolution 58 by Senator Rock and all Senators and it's congratulatory.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolution Consent Calendar. House Bill 377, Mr. Secretary. Is there leave for Senator Degnan to handle that? Leave is granted. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 377.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. House Bill 377 is a bill that amends the Pension Code; applies to Chicago only, and it includes cancer as an occupational disease for firemen in Chicago. This bill is exactly the same as House Bill 1077, which was for downstate firemen, passed out of here on Agreed Bill List No. 1. I would ask the membership to afford the Chicago Firefighters the disability benefit coverage equal to what we just afforded the downstaters. I'd also answer any questions.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, I rise in support of this bill. I was the sponsor of the downstate bill and I think this should be a good bill also for the City of Chicago.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sommer.

SENATOR SOMMER:

Mr. President, all seven of us are over here and...I...I'd...myself just came in, and would it be possible for you to ring the bell again so those folks in the...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Well, thank you, Mr. President. Just very...very briefly, I...I would ask you to note that the Pension Laws...Commission was very strongly in opposition to this bill. Certainly the...argument could be made that...that

this disability probably should be covered by...by health insurance not a pension plan. I think this is...is far beyond the scope of what we're attempting to do and...and clearly the bill should be opposed.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Jones.

SENATOR JONES:

Senator Degnan, what's the fiscal impact of this...of this legislation?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

To my...my information is there are four firefighters in Chicago that will qualify this. The fiscal impact is something less than one hundred thousand dollars.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jones.

SENATOR JONES:

...the...cancer would have to be job related, am I correct? Are...are there any statistics or data that says that cancer is...can be caused by a person working as a fireman due to smoke...inhalation and so forth?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

Yes, there are. There are many studies, the most recently completed one was in Los Angeles where the Institute for Cancer and Blood Research of Beverly Hills, California reviewed fifteen hundred death certificates of active and retired firefighters who died between 1950 and 1980. They

found that a thirty-year veteran of firefighting faces about a one in three chance of dying from cancer, while the general population faces a one in five chance.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jones, had you concluded your questioning?
Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Mr. President, the fact is that nobody knows what causes cancer, and what this bill seeks to do is say that if a firefighter has cancer that that is job related, and that's kind of silly on the face of it. This is...this is very similar to a bill we discussed a day or so ago which maintained that...and I'm not sure whether that was the police or the firemen, frankly, but maintained that anybody that had a heart attack, that that, too, would stem from the job, and I...I think it's kind of...kind of foolish assumption on the face of it. If it's something that the Chicago people want to pay for, why, I guess they have the right to do that; but I hope this isn't one of those measures that will be expanded to the rest of the State, because it'll get to be pretty expensive.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

This...this bill is what you see. There are only four to six people a year that will be affected by this. It's not a vehicle. It's nothing. It...it...it does not do anything other than what we are saying it does.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce, had you concluded? Further discussion? Senator Degnan.

SENATOR DEGNAN:

Well, in answer to Senator Schuneman, I can assure you that this is nothing but what you see. It will return here

never. This is the bill as amended I would like to pass. In answer to your statement on, you would not like to see this for downstaters, we already passed that about four days ago for downstaters. All I'm asking for is the same...the same disability benefit coverage to be afforded to Chicago.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman, did you have...

SENATOR SCHUNEMAN:

...sure, I would comment upon that. I...that's not any tribute to this being right; it's a tribute to the way this place is run, I guess. I suppose I wound up voting for that terrible idea then, but I don't think that necessarily makes it right; and it simply points out once again that if you...if you give something to one pension plan around here, you better be prepared to give it to everybody no matter how foolish it is.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, Senator Degnan.

SENATOR DEGNAN:

Well, Senator Schuneman, the Pension Laws Commission has approved this bill. If there are no further questions, I'd...any further questions?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

Thank you. The...I know, is this the widow's benefit for the...

PRESIDING OFFICER: (SENATOR BRUCE)

We're talking about the firemen benefit for cancer as an occupational disease, Senator D'Arco.

SENATOR D'ARCO:

Oh, okay...

PRESIDING OFFICER: (SENATOR BRUCE)

377, on top of page 5.

SENATOR D'ARCO:

The...the city's representative...the city's representative has signed off on this, and they do include that as a disability benefit under the Pension Code.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Dawson.

SENATOR DAWSON:

Senator Degnan, is this just covering cancer now?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

It...simply adds cancer to those diseases that would be covered under the occupational disease...disability benefit.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Dawson.

SENATOR DAWSON:

What did you say the cost of that was, Senator Degnan?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

The cost according to my information...the bill would include now four firefighters in Chicago, the cost is something less than one hundred thousand dollars.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Dawson.

SENATOR DAWSON:

How can they determine if someone that comes on is a candidate or that...if they've had this condition before that? Is that covered?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

No, it's not.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

What other...what other diseases are covered presently under the Act, Senator?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

Diseases include tuberculosis, heart disease, disease of the lungs or respiratory tract, and now cancer, if we pass this.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Is there a particular reason that we're just applying this to Chicago and not State-wide?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

We did it for all other firefighters in...in Illinois under House...under House Bill 1077 which was passed out of on the Agreed Bill List four days ago.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

You...you mean we did it for all firefighters in the State of Illinois except Chicago?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

That's correct.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Well, maybe you can explain to me what...what was the

rationale for passing what seems to be a very good idea and excluding Chicago in the first place?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

Well, the downstate firemen are in a separate part of the Pension Code. This must be done to affect the Chicago firemen.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Does this include all forms of cancer, et al, I mean, skin cancer, prostate cancer, all forms?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

No, as I read the bill, it...it applies only to carcinogenic...cancer that is as a result of poisonous, toxic or chemical gases from fires.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Would there have to be a doctor's statement that goes along with this verifying that it was caused, in fact, by the occupation in question?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

Yes, there would.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Berman.

SENATOR BERMAN:

What...what category of firemen does this bill cover?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

Covers...all Chicago firefighters.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Does that include paramedics?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

The bill as written says, "Any active fireman who has completed ten or more yers of service." I'm not sure if that, by definition...I doubt if it includes paramedics right now.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey, for what purpose do you arise?

PRESIDING OFFICER: (SENATOR BRUCE)

I move to the previous question.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan, do you wish to close?

SENATOR DEGNAN:

Well, now that we're all here, I'd...I'd appreciate a...a Yes vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco, for what purpose do you arise?

SENATOR D'ARCO:

A point of order, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Yes, state your point.

SENATOR D'ARCO:

My point is, Mr. President, that starting the proceedings the way you did, some of us weren't able to arrive on time. We've...we've, you know, were out having dinner someplace, and I just...and now that we're back, I guess you can call it now. Okay.

PRESIDING OFFICER: (SENATOR BRUCE)

Perhaps, Senator Degnan...perhaps, Senator Degnan, you ought to explain the bill just for those who arrived late.

SENATOR DEGNAN:

Sure.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan, did you wish to close?

SENATOR DEGNAN:

Sure. House Bill 377 now includes cancer as an occupational disease for the Chicago firefighters only, and entitles them to occupational disease disability benefits. This is exactly the same bill for the Chicago firefighters as we passed for the downstate firefighters on Agreed Bill List No. 1. The Mandates Act is in here. You have our word this is not a vehicle for anything that might be bouncing back and forth. I'd appreciate your vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall House Bill 377 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 48, the Nays are 8, none voting Present. House Bill 377 having received the required constitutional majority is declared passed. House Bill 379, Senator Egan. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 379.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate, I'll take the same roll call. This...this bill, albeit a little more expensive, is one which I think you should attend to a little more carefully. The widows of firemen who have gained the status of having an annuity presently, in Chicago, which is not the case with State employees or at least in addition to the downstate firefighters, are many and oftentimes relegated to taking the minimum two hundred and fifty dollar a month annuity for their deceased husband. This bill allows an option better than that to be accepted by a widow of a fireman, who is currently serving, of thirty percent of his salary, or of a widow of a fireman on an annuity of fifty percent of his...his annuity; and understandably, there is a cost increase and, understandably, the Pension Laws Commission, which is overburdened by the total number of bills that come through the General Assembly, and their position is negative because of the cost. This is one plea that I have of the membership to consider the fact that the Chicago Firefighters' Union has allocated a percentage of the participant's contribution to survivor's benefits. That allocation has never been spent, and you can argue, as I have many times, that the unfunded liability increases because of the cost. This in mitigation of that argument, Ladies and Gentlemen, may dissuade you from that view. There is a...an allocation within the Chicago firefighters contribution for survivor's benefits because it so abysmally low that they have done that within their system. It has never been spent. I'm asking you to allow them to spend what they allocate their contribution for for the widows, and it will then come to the level of the downstate firefighters and the downstate State employees, approximately; and I'm just asking you to take a close consideration of that, and I commend it to your

favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall House Bill 379 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 39, the Nays are 15, 2 voting Present. House Bill...379 having received the required constitutional majority is declared passed. For what purpose does Senator Geo-Karis arise?

SENATOR GEO-KARIS:

Mr. President, a point of personal privilege. I regret that dining took a little longer for us to get our food, and I understand that you already passed out the bill, House Bill 377. I want to be recorded that if I were here, I would have voted Aye on 377.

PRESIDING OFFICER: (SENATOR BRUCE)

The...transcript will so indicate. House Bill 390...the Calendar is in error, that should read Senator Marovitz as the principal sponsor. Senator...Senator Marovitz. Is there leave to make that correction? Leave is granted. Senator Marovitz on 390. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 390.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

...thank you, very much, Mr. President and members of the Senate. This bill allows banks to establish automatic teller machines at community service facilities. It allows the branch office or facility to be connected with a transmission facility or similar facility operated by a financial

institution's main office. It also permits a bank to invest three percent of its capital in surplus and certain investments not otherwise permitted under certain conditions as long as part of these investments are in housing development corporations. It also increases the bank's lending limit to any one person to twenty percent of the bank's capital in surplus to put it...to put...State banks in parity with National banks as a result of recent Federal legislation. I'd ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Hudson.

SENATOR HUDSON:

Yes, thank you, Mr. President, Ladies and Gentlemen of the Senate. I was instrumental in having this bill removed from the Agreed Bill List and I talked it over with the sponsor and he knows...so that he would know where I am coming from. My concern was Amendment No. 2. He has very clearly, and I think fairly, outlined the provisions of the bill and the amendments. My concern was with Amendment No. 2 which, as he says, adds a new section to the Illinois Banking Act which authorizes banks to invest up to three percent of their capital in surplus and any investment not otherwise permitted by Illinois law provided that not less than one-third of such investments are invested in the capital stock of one or more housing development corporations. Now the definition of those corporations is not entirely clear, to me at least. There is some question as to whether the FDIC will allow participation by banks under this proposal, and while attempting to encourage investment in housing development corporations, this proposal will also encourage less financially sound banks to make, possibly to make anyway, risky investments to try to get greater return. Three percent of capital in surplus would represent a significant portion of the bank's investment portfolio over which the State and the

commissioner would have no regulatory authority. Those were my concerns and those were my reasons for having the bill removed from the Agreed Bill List, and I just thought that...it best that I share this information with the other members here so that they would have at least these questions in mind as they consider passage of this bill. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

I...I just want the record to be clear that I have been removed as a hyphenated cosponsor. Is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

You have been removed as a hyphenated...is there leave to remove him as a hyphenated cosponsor? Leave is granted.

SENATOR DEMUZIO:

I've also been removed as a cosponsor, too? Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

All right...further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. This bill is supported by the Illinois Bankers Association; it is supported by the Illinois Savings and Loan League. It only grants authority, each bank still controls their own destiny and their own portfolio. It puts us in parity with Federal legislation, and I would ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose do you arise, Senator Demuzio?

SENATOR DEMUZIO:

Well, I...I've been asked to explain how I got on here by some of my members over here. The second part of this House Bill 390 was...

PRESIDING OFFICER: (SENATOR BRUCE)

He...he was closing, Senator...I mean...

SENATOR DEMUZIO:

Oh, he was? Well, perhaps it's better I don't explain my position. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The question is on the passage of House Bill 390. 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 48, the Nays are 9, 1 voting Present. House Bill 390 having received the required constitutional majority is declared passed. House Bill 415, Senator Vadalabene. Read the bill, Mr. Secretary, please.

REEL #10

SECRETARY:

House Bill 415.

(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 415 amends the Credit Union Act to apply the exact provisions of the Banking Act and Savings and Loan Act with respect to the disclosure of the financial records to third parties such as law enforcement agencies. It allows credit unions to invest surplus funds in Federal and banking acceptances subject to rules of the Department of Financial Institutions. This was redrafted in Senate Committee pursuant to an...amendment suggested by Senator Berman. Because of plant closings which would affect a credit union at that factory, the law needs to be changed so as to allow members of the absorbed credit union to approve such merger by an affirmative vote in person or by proxy. The present law requires an affirmative vote of both credit unions involved in a merger. The vote can be either in person or by proxy. The Department of Financial Institutions supports the bill, as does the Illinois Credit Union League, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the...question is, shall House Bill 415 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

56, the Nays are none, 1 voting Present. House Bill 415 having received the required constitutional majority is declared passed. 477, Senator Bruce. Read the bill, Mr. Secretary...Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, I want to thank my colleagues on both sides of the aisle. This completes my...my legislation on 3rd reading. I'll be seeing you on concurrence and nonconcurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On the Order of 3rd Reading, House Bill 477, Mr. Secretary.

SECRETARY:

House Bill 477.

(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. As amended, and this bill has been significantly amended since it came from the House, this will allow school boards in the State of Illinois who are facing severe financial difficulties, many of whom have sought referenda unsuccessfully, to petition the State Board of Education by a vote of four members to have a four-day school week. They can only have a four-day school week for one year. Once the petition is presented to the State Board of Education, they have thirty days to resolve the problem and decide whether or not they are going to let the school district out. The State Board of Education must be satisfied that the school district has exhausted every other financial resource before they will grant this. They are to report to us and the Governor the number of petitions that have been filed and those that have been granted, and no one can be granted a petition to go to a

four-day week unless all the joint agreement parties are also in agreement they should go to a four-day week. No one advocates this as a way to improve education in the State of Illinois, but I think the School Problems Commission has looked at this problem, they have worked on the amendment, Senator Berman's committee took a long look at this, we did not pass the Senate bill which I introduced. We took a look at the House bill, we worked out an amendment. This is not the way we ought to be going, but it is the way that many districts, particularly in my district, Vermilion County, others, have been forced to go. And a one year experimental basis, I see no reason why we should not allow as a voluntary concept. No school board can do this, it is a...a power that they have to petition to the State Board of Education. I'd ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Just one question of the sponsor, if I may.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

I understand that by the amendment that is on the bill, if I'm correct, says that before a school board can petition to have a four-day week, and that the State Board of Education would be the one to decide whether or not there are sufficient financial reasons for adopting such a week, is that right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

That is correct, that's the language we've added to protect us and the...all the State boards across the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I think this is a very fair bill. The way it's...amended it's...gives an option to the school boards. If there is a need for such a situation to be corrected, it can be done, so I speak in favor of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Buzbee.

SENATOR BUZBEE:

Well, I rise in strong opposition to the bill. This is exactly the opposite direction we should be headed. We've been talking an awful lot in this country about the problems we have in the educational system. And there's been an awful lot said in economic development conversations about the Japanese model, and about the Russian model, and about the German model. Well, every one of those require a lot more school for a child today than the United States requires. In Japan they go to school five and a half, six days a week. They're in school some two hundred ten, two hundred and twenty, two hundred and thirty days a year. I have a bill coming up later on this evening, if we ever get to it, that's going to mandate certain kinds of course requirements for students in high school; certain amount of science, certain amount of mathematics, certain amount of English, certain amount of history. But now, this bill is going to take us in exactly the opposite direction. It's going to say, it's alright, you've got some money problems, what we'll do is we'll just cut down on the number of school days required, and what we'll do is, we'll tell those little kids, you stay in school ten hours a day. I don't know how many of you have children that are youngsters, I do. Can you imagine your kids in a school classroom ten hours a day? And they're

going to be there four days a week. Now besides that, it offers, not only offers but it mandates for those school districts that decide to this, some tremendous inconveniences to the parents because a lot of parents work, and in a lot of cases in today's economy, both parents work. Or if it's a single parent, that single parent certainly works. The parent usually works a five-day week. What's going to happen to the child on the fifth day while the parent is working? Well, I'm not quite sure, but that's not really the important topic here. That's one of the bad parts this bill offers. But what's really important is what's going to happen to the kid. The kid is going to be in school ten hours a day, four days a week, and they're going to have a total of a hundred and fifty-four days, as I understand it, as opposed to a hundred and eighty-five days. This is a crazy idea. We shouldn't be going in this direction. We should be going in the other direction. We should be requiring more school days. We ought to be paying the teachers more and tell them you're going to be there longer and you're going to teach the kids more. Now, I had some research done a few weeks ago for a speech that I gave to an educational group and found out that in countries such as Russia, which we seem to be so severely concerned about right now, and rightfully so. In Russia, they require six years of science to get out of high school. They require five years of mathematics to get out of high school. They require foreign languages. And now, we're going to say it's alright, close your schools down early, only go four days a week. I can't believe, first of all, that this...that this...that this bill ever got this far. Secondly, I have strong difficulty understanding why Senator Bruce is the sponsor of the bill. Sure, it might be a way of saving some money for a few...for a few days, a few weeks, a few months perhaps, in some school districts. But those kids are going to suffer, they're going to suffer in later life.

They're going to suffer because they simply didn't get the kind of educational opportunity that they ought to have received. So, I would submit to you that before you cast your vote, you ought to think secondarily about the parent, the two-parent family who are both working or the one-parent family who is working, that they work a five-day week, and what's going to happen to their child on the fifth day when the child is not in school. But primarily, you ought to be thinking about what's going to happen to the child. That child is going to be required to be in school ten hours a day, four days a week, a hundred and fifty-four days out of the year. Now, if you're severe critics of the educational system in the State of Illinois and you think it's bad now, wait till this passes, and you're going to see it be a lot worse because kids are not going to be able to...not...not going to learn how to read, they're not going to learn how to do their mathematics, and learn literature, and learn science, and learn history, much less anything about foreign language. I submit that this is a terrible bill and ought to be killed right away before it has little bitty ones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Mahar. We have turned the clock on.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. I rise in support of this bill for a number of reasons. A year or so ago there was a great deal of interest in my district for...to look into the four-day school week, and we had several meetings and put out a questionnaire. I had about two thousand returns on the questionnaire that I put out in my area, and it was well over fifty percent, something like close to sixty percent of the people favored the four-day school week, and this was among the parent-teachers groups, among the school boards, among the teachers and among the

various parents. And they did it for various reasons. I think it's something that has to be optional, and I understand this is optional. It's another method by which we can approach some of the problems of cost in schooling, and I would admit that the four-day school week is more appropriate in certain areas than others. I would not think it would be too well-received in the City of Chicago, for example. But you get in downstate areas and it could very well be an appropriate thing to do. I've found that in several other states, several states throughout the country, Colorado, for one, I think Maine, I think another state in the west, already has a four-day school week. I think it's worthy of our consideration and I would ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I share the concerns which Senator Buzbee articulated a few moments ago, and when this bill was first introduced, I knew from the beginning that it wasn't a bill for my district, it wasn't a bill for that area of the State which I represent. I think at one point Senator Buzbee asked, how did the bill get this far? I think it got as far as it is right now because it is no longer the bill that it was originally. Senator Bruce stated that this bill now contains some important limitations. It's more than optional, as Senator Bruce says, it now requires the districts to petition the State Board, they must have exhausted all their financial resources. I really don't like this bill for my district, but then it seems to me that those of us who are always screaming about local control ought to live up to that every now and then. If you believe in local control, then let school boards, let parents, let taxpayers deal with this in their own jurisdiction based on their own needs and require-

ments. It seems to me that what we're doing here is...embarking on an experiment. We can just as well come back here next year or the year after and conclude that it was an experiment that failed. But I think under these very difficult circumstances, testimony I heard in committee from some of these downstate districts, it really does appear to be their only option, and I recommend a green light.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Well, thank you, Mr. President. Very briefly, I...I think, Senator Kustra, the point that you made just now about coming back and undoing this possibly in a year or so is...is...is a point that really scares me. I think we're setting a very dangerous precedence here, and if you recall Senator Bruce's opening remarks, he also doesn't like the bill, doesn't like the concept, because we've all got the same objective in mind, and that's the quality education for this State's young people. And let me just merely make one other point that hasn't been made, because so many good points have been made against this bill. What we're going to be doing is to be crowding more instructional hours, more instructional hours into a shorter period of time, and it concerns me that children who really need that free time to have a counseling period with a teacher is just not going to be there. And I guess this gets back to the old problem that we continue to have with education, it's always funding. And again, that point was articulated by Senator Bruce. Funding is...is the...is...is the problem with education all the time, and we're going to...we are going to deny some kids in some isolated districts access to quality education. It can't be any other way. This bill in itself is probably not all that bad as an initiative, but it's what this initiative might become in the subsequent sessions, and I rise in

opposition to House Bill 477.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

I, too, had misgivings about this bill in its original form. I do like the safeguards that have been built into it presently so that it only applies for one year and on an emergency basis. We tried this in the Rockford area in the Harlem School District when energy costs prohibited us from keeping one school district open five days a week. We went to a four-day week on a temporary basis, we found it very successful. We did not keep it because we did not need to, we had the funds the next year to go ahead. I think it is a safeguard during very trying times, and on that basis, I plan to vote for it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, Mr. President and members of the Senate, I don't want to impune the motivation of the proponents of this bill, and I will take them at face value, but let me suggest the one thing that hasn't been said is exactly what this bill will be used for. We are handing the school districts of this State a loaded pistol to point at the taxpayer's head and to tell them, either you vote for this property tax...increase or we're going to cut out football, we're going to cut out band and we're going to a four...we're going to petition to go to a four-day week, and little Johnny is going to be on your doorstep all day on Friday when you're both working and you're going to have to go out and hire a babysitter and spend twenty-six dollars a week for the babysitter, and it will be cheaper to get the property tax increase. I don't know whether anybody will ever go to a four-day week, but let me tell you, this will be on every

pamphlet for every referendum, and that's what this bill in my opinion is all about. It's a loaded pistol to point at the taxpayers when you want to pass a tax referendum, and you know something, it's going to be very effective.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The Chair would like to point out that we are on our...we have ninety-eight bills to go. Further discussion? Senator Dawson. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Body. I think, Senator Schaffer, we're handing them a pistol to shoot themselves with. How short our memory is. This morning we passed a bill called 1530, which says in it the items for collective bargaining are going to be hours of work. Now, the proponents of this bill tell us it's an experiment, it's...it's not mandatory and so forth. So...but yet we have a bill that says the hours of work are subject to collective bargaining. Now, if I were interested in pushing this bill, what I would do is I would raid the treasury of the school district through the collective bargaining agreement, make them so poor that they've got to petition for a four-day week and then force that into the collective bargaining agreement. I'll tell you, this bill is not as optional as you think it is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, I'd...Mr. President and members of the Senate, if the sponsor would yield to a question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Savickas.

SENATOR SAVICKAS:

It's my understanding that our laws call for a certain amount of days to be used in school attendance. I don't know

if it's a hundred and eighty-six or a hundred and ninety days a year or whatever...one ninety-five...one eighty-five I'm told. Would this then extend the school year...are we talking about the same amount of days of education only spread out over more months or are we talking about reducing the days of education?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

Well, although we talk about this as a four-day school week bill, technically, if you read it, it is a matter of changing the one hundred and eighty-five days to a different schedule of days and that will be full attendance for the year. So, we are not, in fact, reducing the school year in a sense that they will only go a month less. They will go one day per week less, but they will have the full school year.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

We're reducing it then from one hundred and eighty-five days, so probably down...knocking it down another...one fifty-four whatever...whatever it may be? A hundred and seventy-six or one day a month...one day a week? Well, whatever the figure may be. It's...I think it's a concern to many of us that have thought that the sole system of keeping the schools open nine months of the year so that the children can go out and help in the fields with their work and on the farms and...the whole concept has changed that now we should use these facilities...these buildings that are permanent buildings and use them the full year. So, instead of working towards that goal, here we're trying to eliminate that and reduce the number of days the children are in school and still have them home all summer. I...I don't know, I...I

think it's...lies in the total idea of what we think education should be. I would oppose this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Bruce may close.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This bill is permissive, and for all of those of you who spoke in opposition to this bill, particularly Senator Buzbee, I have absolutely nothing but agreement with what you have said. The last thing we need to do is to say to the school children in Illinois, we need to reduce the quality of what we teach you and we need to reduce the year. If that was the only option, I would not be sponsoring this bill. But within my district, within Representative Mulcahey's district, within Representative Stuffle's district and throughout the State of Illinois we have districts that just aren't going to make it. Mount Carmel in my district is going to go belly-up, and so although I would like to hire all Ph.D's in Mount Carmel, have them go to school seven days a week, three hundred and sixty-five days a year and pay the teachers fifty-six thousand dollars apiece, we don't have the money. They have gone through seven referenda. We've gone to half-day school days, and that doesn't save us any money because we still have to transport the...the kindergarten children twice a day, we still have to heat the buildings five days a week. We don't save enough money. And they came to me with this bill, independent of Representative Mulcahey, independent of Representative Stuffle and said, let us go with a four-day school week and see if we can get out of our financial crisis. That's all this bill does. It's not the way to have education in Illinois; it's an option to having no education in your school district, that's where it is. And, Senator Maitland, we may come back and unwind this whole thing, I don't know, but I know in my district that in September when

it...when schools open across the State of Illinois, if all that Mount Carmel can do is have a four-day week and longer days, that's what I want for them. I don't want the kids in Mount Carmel staying home five days a week through September and October until we have a crisis and we have another referenda and we try to get it passed. I don't like this bill, it's crazy for me to be sponsoring this bill, but we've got to do something to give school boards the option, that's all it says. If they wish, they have the option of petitioning, and if they prove in that petition they have exhausted every other financial resource, they get the privilege of doing this for one year, that's it, one year. And they all run for election, they all have problems, they all have referenda. This isn't a loaded gun. I don't know of a school board member that wants to do this, but I hope that you allow my school districts and some of the others the option of trying it, that's all. Give us the...the...the means to help our own kids stay in school and have an education, and that's what this bill is about.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 477 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 24, 1 voting Present. House Bill...sponsor requests postponed consideration. The next bill is on page 21, it's House Bill 485, it was knocked off the Agreed Bill List this morning under a procedure that had been adopted previous by the...Senate. If you will turn to page 21, page...page 21, on the Order of 3rd Reading, House Bill 485. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 485.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, thank you, Mr. President and members of the Senate. This is a bill I sponsored for my seatmates. This bill increases the penalties for conducting animal fights for sport or entertainment or carrying on various other prohibited activities where the only animals involved are dogs. Prohibits the ownership or possession of any device designed for the use in animal fights, such as spurs. Let me give you some background on this. The Humane Care for Animals Act passed in 1973 was established for the purpose of prohibiting dog, chicken or other animal fighting for entertainment. Under the Act, it's illegal to use, own or breed, train any animal intended for use in any activity involving a fight between animals. It's an excellent bill. If any of you have ever seen a dogfight, and I haven't, you...you certainly would support this fine legislation. The Department of Agriculture and the Illinois Humane Society both support the bill. The only ones that could be opposed to it are people who really are very interested in dogfighting and cockfighting and that kind of stuff, and I'm sure nobody in this Chamber is interested in that. I'd solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Egan.

SENATOR EGAN:

Thank you, members...thank you, Mr. President and members of the Senate. All day long we've been talking about bills that increase the penalty. This is the only one that increases the fine, and so, I commend it to your favorable consideration. These are the kind of guys that you ought to

get at the pocket. Forget about the jail sentence, get them at the pocket. If you get them at the pocket, they're not going to dogfight. I...I commend your bill, I vote Aye.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR MAROVITZ:

Well, the House sponsor...the House sponsor of this bill is the only Chicago Republican in the House, a Chicago policeman, Representative McAuliffe. He knows that unless we pass this kind of bill we're not going to be able to stop dogfighting. And a lot of you will say, geeze, where...where...where is there dogfighting? It goes on. If any of you would like to see pictures or slides, I have them in my office. It's a terrible sight, it's a terrible idea, and I think this bill will put an end to it, and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 485 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 57, the Nays are none, none voting Present. House Bill 485 having received the constitutional majority is declared passed. House Bill 506, Senator Demuzio. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 506.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

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

Senate. House Bill 506 is an Audit Commission bill. It started out as a great bill and, currently, it doesn't do very much. It...it started out to address itself to a case to the extent that the Auditor General for the last six years has been attempting to apply his constitutional granted auditing power to the agency of the Supreme Court. Unfortunately, has not met with a great deal of success. When this bill came over from the House, there was great expectations that perhaps this might be accomplished in this Session; however, the Senate has chosen to amend the bill to exempt several of the other State agencies under the entity...concept out of the bill and, of course, an amendment was also placed on the bill to exempt the University of Illinois Athletic Fund and other various accounts. It is our hope that we could perhaps pass this bill out of the Senate this evening and send it over to the House, and perhaps during the interim we might be able to reconcile the differences between this Chamber and the other Chamber and perhaps convince our members of the errors of their ways in an attempt to give the Auditor General the power that he needs to bring about proper accounting of those funds that have been designated as public funds in Illinois. With that, I will yield to my principal cosponsor, Senator Netsch.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR NETSCH:

Well, as long as my microphone is turned on, I would just say that I rise in support of the bill, too. It is not in exactly the form that we would have liked it, but it still accomplishes an extremely important purpose, and not frivolous purpose at all, which is to define public funds and public entities. That is quite essential for a number of purposes beyond that just of the Auditor General's authority

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to audit, although that alone would justify the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 506 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 4, none voting Present. House Bill 506 having received the constitutional majority is declared passed. House Bill 519, Senator Bruce. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 519.

(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 deals with the granting to the Illinois Municipal Retirement Fund annuitants a three percent automatic increase in their benefits. They are one of the few benefit structures presently that has only a two percent. Let me tell you the people that get an automatic increase for retirement other than the State employees at three percent: the judges get three; teachers, three; State universities, three; State employees, three; General Assembly, three; Cook County employees, three; Cook County Forest Preserve, three; Chicago Sanitary District, three; Chicago Park employees, three; Chicago teachers, three; downstate police, three; and downstate firemen, three, and we get to the bottom of the list, the Illinois Municipal Fund, they get two percent. The...well, there's a request for four...that...that certainly is not out of order. But I think that if you take a look at the cost of this benefit, it is not such that we cannot afford it. The average payment per annuitant right

now is two hundred and twelve dollars per month. The cost increase employed...per employee then would be approximately two dollars and twelve cents a month or twenty-five dollars a year. The total cost of this is well within the confines of the...the...the Municipal Retirement Fund. They are funded at sixty-five percent, one of the healthiest funds in the State. The average of the other State pension funds is fifty percent. The judges are at thirty-three and they have much higher benefits, they have a market value of over a billion seven. I think the cost of this is well within their purview and we should give them what we have given to all the other systems, and they did that without an increase in their contribution rate, the three percent on their retirement. The cost is going to be about twenty-five dollars per employee per year.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. Frankly, sometimes I think it's a little fruitless to talk on these pension bills because no one seems to pay much attention. But this one is a little different in that there is an increase in the unfunded liability. Now, I wish you'd listen to this number of a hundred and sixty-two million dollars, a hundred and sixty-two million dollars is the unfunded accrue liability that would be created by the passage of this bill. It will raise the cost to units of local government by about twelve million dollars a year. Now, those are the same units of local government that we have been promising that we would not mandate anymore costs on them. But what we've done in this bill is, first of all, to make sure the State doesn't have to pay for it, and we passed that cost onto those units of local government. Now, there's one...one other point I think should be made here. You heard Senator Bruce tick off

the names of all those pension funds that have a three percent annual increase, and that's true; but there's one thing he didn't tell you, and that is that the people who are covered under those systems only have one pension. They only have one. They rely on their state pension system. Most of the folks that are covered by IMRF have two. They have, first of all, social security, which State employees don't have, teachers don't have. So, in addition to that, the IMRF people have social security and IMRF. Now, the increases for retired persons under social security has been running something like eight or nine percent a year. They have been getting some substantial increases under social security. I submit to you that this...the passage of this bill would further improve the pensions of those people that are...are on IMRF, but they already, for the most part, have a pretty darned good pension program. Now, the Pension Laws Commission has submitted to me some information that would indicate that a person who was employed under IMRF for thirty-five years, and that's about the working life of a lot of people, that the pension payable is sixty-five percent of the average salary. In addition to that, social security normally pays about forty percent of the average salary. So, when you add those two together, some folks may be retiring at more than a hundred percent of their salary. I think maybe this is a step too far and that the cost is too much and that we shouldn't pass this bill at this time.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR FAWELL:

Senator Bruce, I was talking to Sam Magroo the other day about this bill and he was telling me how this would only increase the average pension around two and a half to three dollars a month. And when I told him that according to the Digest that it said that it would cost a hundred and eighteen dollars per year and that I had written back to my people, and I do have a number of them on this pension plan, and said to them, you know, I will be perfectly happy to vote for this as long as you realize this is what is happening. And, frankly, I...I got one guy who I know is going to retire in...in three months and said, you know, go ahead and do it anyway. The rest of them I never heard from again. Am I wrong in my figures? He said he was going to get back to me and he...and he never did.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

The figures I have gotten from the Municipal Retirement Fund indicate that the average cost per employee...the average increased benefit per employee is approximately two dollars and twelve cents a month or twenty-five forty-four per year. And to give you some idea, there are a hundred and seven thousand active members, only twenty-eight thousand are retired, seven thousand have surviving widows, for a total of a hundred and forty-two thousand. Of course, only thirty-five thousand of those are presently drawing benefits and the widows are only drawing at a percentage of the retired employee. They tell me that this benefit cost is approximately twenty-five dollars and forty-four cents per year per employee, or about two dollars and twelve cents a month.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

If you will look in your Digest, you will see that it

says...and let me...let me quote from it. It says, "Increase in total annual cost per active member, a hundred and eighteen dollars." Now, you know, what I said to Sam was, "If you guys are going to pay this hundred and eighteen dollars for somebody to get twenty-five dollars, that's terribly generous of you, but are you sure you know what you're doing?" And he said he would get back to me, never did, and I...you know, I really am somewhat in the air where to go with this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Well, we're trying to figure out who would be paying that since there's no increase in the rate of contribution, and I...I don't see this...this bill has no increase in the contribution rate. So, a present annuitant is not going to pay it...any increased cost, neither is any present employee. I don't...I don't know where that figure of a hundred and eighteen dollars comes from. There is no increase in the rate of contribution, so the hundred and eighteen dollar figure cannot be correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR BRUCE:

I...I think the hundred and eighteen dollars we're talking about is probably the...the cost to the municipality per employee over...over...over the year. The average cost per each unit of local government on this, on a survey that was conducted by IMRF, is approximately five thousand four hundred and thirty-four dollars. The...the cost of this benefit is only going to enure to the benefit of the annuitants to about twenty-five dollars a year. They are the only system...you go down the long sheet and...tick off all the

ones, all the retirement systems in the State of Illinois, every one of them have this benefit. They all have three percent, all the State-wide have three percent. The only ones that do not are a few in the Chicago area and the Municipal Retirement Fund. They are the only State large fund that does not have it. I would think that we ought to do justice by them. Last year, their...their benefits and market value of their book was a billion seven. They made sixty-four million dollars in return on investments through January of this year. I would think that they can afford this minor increase in the benefits for annuitants, that's all.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 519 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 45, the Nays are 13, none voting Present. House Bill 519 having received the constitutional majority is declared passed. For what purpose does Senator Fawell arise? Senator Fawell.

SENATOR FAWELL:

I'm sorry, I...I would have voted Yes. I just got the note from...from Sam telling me what it's all about.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, the record will so indicate that Senator Fawell and Sam have agreed to vote Yes. House Bill 530, Senator Coffey. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 530.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

(Machine cutoff)...Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. House Bill 530 does not do what the Calendar says in the explanation on the Calendar. So, if you'll disregard that and listen just for a minute and I'll...it...it's very simple. It's been brought to our...the Motor Vehicle Laws' attention a problem that the Illinois State Police has been having in regards to motorcycle drivers. What we're doing here is doing something very simply by amending the Illinois Vehicle Code which requires the operator of a motorcycle to have at least one hand on the handlebars when a motorcycle is in motion. I guess they've had a problem with motorcycle drivers going down the road with no hands, and I guess they want to have the right to be able to stop those people on a moving violation, and that's what this will do. Part two is an amendment that was added to this bill which addresses the implied consent law, and it does not do what the Calendar says, again. This amendment adds one sentence to the drunk driving law of this State, which says, "No person drawing blood or urine from the subject at the request of a police officer made under this section shall be...shall be civilly or criminally liable for...for such actions on the theory of lack of consent of the subject." The problem seems to be at the hospital when someone is unconscious or not able to give consent in writing, and when that blood has to be taken, it's created problems for the doctors and nurses which withdraws this blood or urine. We're trying to clarify that just saying, if they're not able to sign the consent form, that they are not liable for those conditions. I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Berman.

SENATOR BERMAN:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. I have no problem with the first part of this

bill talking about motorcyclists having one hand on the handlebars. The part that disturbs me is the part that excuses the person that takes urine or blood under implied consent from liability when they do that at the direction of the police officer. Now, the explanation that Senator Coffey gives might make sense if this was limited to a hospital and to an unconscious driver who was arrested, but that's not what the amendment says. Let me read it to you. "No person"...it doesn't say a nurse or a doctor, it says, "No person drawing blood or...urine from a subject at the request of a police officer made under this section shall be civilly or criminally liable for such action on a theory of lack of consent of the subject." What that means is that the police officer can designate any person, the bum walking down the highway to...withdraw blood or urine and you, without giving your consent, would have no basis to sue them if you got hepatitis or something else. Now, all I'm suggesting, Senator Coffey, is that it is not fairly drawn. Now, if I recall, and you can correct me if I'm wrong, we passed a bill out of the Senate that addressed this, it's over in the House. I don't know what happened to it, but I think it...it just goes far too far to ask us to give our consent to this kind of language. It's a blank check to anyone under any circumstances to withdraw blood or urine from us regardless of whether we can or cannot give our consent. In fact, this doesn't say that you have to be in a...condition that you couldn't give consent. I think it's poorly worded. I'd urge a No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I voted for Senate Bill 543, but I had concerns about that very provision. And that provision, when a...a police

officer can order someone to go ahead and draw blood or take a urine sample and not be liable, what about they use a dirty needle or something and they say, well, I'm immune? I...I think this is a very dangerous type of amendment to put to this bill, and I cannot support the bill with this horrible amendment which I feel can...can really hurt someone. I certainly don't object to someone taking a test if they're drunk or what have you, they should, but I think we're putting ourselves on a limb. The State itself could be sued if someone files a lawsuit against the State if this becomes law, because this is bad, bad judgement the way this is drawn.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR COFFEY:

Well, thank you, Mr. President and members of the Senate. And if the amendment...and if the members would just listen just a minute and let me clarify something, and the two speakers that has a question or a problem about this bill...ought to know the law better than any of us. There's already a provision under Section 11-501-2, section...subsection A2 it says, "Only a physician, a registered nurse or other qualified persons approved by the Department of Public Health may withdraw blood." It doesn't say the person on the street can do that, they'd be breaking the law. So, it...it...it's already clarified in the law who can...who can draw blood. We're not saying that the bum in the alley, or whatever has been stated here earlier. You're going to have problems with...when...when these people are taken to the hospital unconscious or otherwise when they...the police officer asks a doctor or nurse to take this blood. As you know, now there's provisions that says when they do anything in a hospital that they have to have consent, and there's no one there to give consent, who's going

to do this? That's all they're asking is to...is...under those conditions, not under a dirty needle or anything else, or they're saying that they're not liable. You know that they're liable, that's what they carry...that's what they have their...the expensive insurance for if they're liable or...or use a...a...a needle that is not sanitary. This is a good bill, it clarifies only two things. Says that a person driving a motorcycle down the road has to have one hand on the...on the handlebars, and the other one just clarifies the part under the implied consent law, and I'd ask for a favorable roll call. This is a provision that was requested by the Medical Association. I think it's a good amendment, and I'd ask for your vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 530 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 27, the Nays are 30, 1 voting Present. House Bill 530 having failed to receive a constitutional majority is declared lost. For what purpose does Senator Bloom arise?

SENATOR BLOOM:

Yes, thank you, Ladies and Gentlemen of the Senate. We have coming up on the Calendar House Bill 606. We have distributed some material about it. I think it's pretty important legislation, so I...I'd like the membership to take a look at it because it's one of the more important bills you're going to be dealing with this evening. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

On the Order of House Bills 3rd Reading, House Bill 531, Senator Carroll. House Bill 537, Senator Kustra. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 537.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. As members of the Legislative Investigating Commission, Senator Jones and I offer this bill as the cornerstone of an exhaustive four-year long investigation by the Legislative Investigating Commission of one of the most perplexing and difficult problems facing our society today, child abuse. It affects, of course, those members of our society who are least able to defend themselves and protect themselves. It takes innovative language and tough laws, quite frankly, to deal with the problem. The bill before you authorizes the Department of Children and Family Services to administer child abuse prevention shelters and service programs for abused and neglected children. DCFS is also authorized under the terms of this bill to contract with not-for-profit corporations and local governments for the administrations of...of such programs. To fund these shelters and these service programs and the five multidisciplinary teams which are authorized under House Bill 538, DCFS is also authorized...or I should say the Department of Revenue is authorized to establish an income tax checkoff system. That is, a taxpayer can voluntarily designate that two dollars of his or her refund be withheld and placed into the Child Abuse Prevention Fund. Funds like this have been created in at least seven states which we have studied. This system has worked in other states. Both the Department of Children and Family Services and the Department of Revenue are in favor of this bill. Some of your analyses may not be up-to-date. There was a problem with it at one time, those problems have been resolved. As far as I know, there is no opposition to this

bill. Those groups in favor of it include Parents Anonymous of Illinois, Springfield Parents Anonymous and the Illinois Association of Family Service Agencies. I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 537 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 55, the Nays are none, none voting Present. House Bill 537 having received the constitutional majority is declared passed. House Bill 541, Senator Maitland. House...Senator...read the bill, Mr. Secretary.

SECRETARY:

House Bill 541.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Well, thank you, very much, Mr. President. House Bill 541 appropriates a total of three billion forty-six million one hundred and fifty-two thousand eight hundred and thirty-six dollars for the Fiscal Year 1984 ordinary and...contingent expenses for the following agencies: Conservation, Energy and Natural Resources; Corrections; Prisoner Review Board and the State Board of Education.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 541 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 54, the Nays are 4, none voting Present. House Bill 541 having received the constitutional

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majority is declared passed. House Bill 542, Senator Sommer.
Read the bill, Mr. Secretary.

SECRETARY:

House Bill 542.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

SENATOR SOMMER:

Mr. President and members, this bill now includes all the elected officials in the court system. It's two million dollars below the introduced level, which I think is something of a victory, and I would recommend it being adopted.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 542 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, none voting Present. House Bill 542 having received the constitutional majority is declared passed. House Bill 543, Senator Kent. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 543.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kent.

SENATOR KENT:

Thank you, Mr. President and members of the Chamber. House Bill 543 appropriates a total of one billion one hundred and sixty-three million nine hundred and ninety-five thousand nine hundred and twelve dollars to various agencies for their 1984 Fiscal Year ordinary and contingent expenses.

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(Machine cutoff)...for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall 543 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 4, none voting Present. House Bill 543 having received the constitutional majority is declared passed. House Bill 557, Senator Philip. For what purpose does Senator Barkhausen rise?

SENATOR BARKHAUSEN:

Mr. President, to request leave of the Body to present Senate Bill 557 in Senator Philip's absence since he's solving all of our problems...

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is leave granted? Leave is granted. Senator Barkhausen on House Bill 557. Read the bill, Mr. Secretary.

SECRETARY:

House Bill...excuse me...557.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members of the Senate, Senate Bill 557 in general relates to the subject of water and does really three different things. I will not pretend to you that all of the problems in this bill are on this general subject of water about which there are several pieces of legislation still alive in this Session. Is...is...answers all of the questions that some people might have, but let...let me say in advance that it's our intention to ask the House to nonconcur in at least one of the amendments that have been

adopted in order that these problems might be worked out in Conference Committee. Saying that, however, I feel that the passage of this bill is important in that it does, as I say, three different things. For one thing, it would permit a water commission to...issue general obligation bonds rather...rather than only revenue bonds for the construction of water mains. This is a subject that DuPage County is particular...particularly interested in and hence Senator Philip's sponsorship of this bill. It also...provides for rates by which a municipality may sell water to an area outside it and would put under the Commerce Commission this...the question of rates set by a municipality other than those which get their water directly from Lake Michigan and in turn sell water to individual consumers outside of such municipality.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Sponsor yield to a question, please?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he will.

SENATOR NEWHOUSE:

Senator, is this the...is there a provision in this bill that requires the City of Chicago to set a rate for municipalities outside that city at a rate equal to the rates in Chicago, so there'd be no increase in the rates of water sold outside?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes, there is, Senator Newhouse, and that's why I represented to you in advance that I said the bill wasn't without controversy and was something that would have to be settled in a Conference Committee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

Then the city does oppose this legislation, and I would recommend a No vote on it. I'm not sure what the Conference Committee provisions would be, but there is no agreement at this stage, and I am instructed to vote No and ask for a No vote from all those legislators who believe that there ought to be that differential.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

END OF REEL

REEL #11

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. There are several reasons that I stand in opposition to this bill, one of which is the preemption of home rule powers over the distribution of water from a municipality among others, wherein there has been a great deal of attention made to the...the situation, principally in Chicago, and this...this amendment that has been placed on...on 2nd reading, at the insistence of Senator Philip, is...I strongly object to for many, many reasons, and I...I would urge the members on my side of the aisle to respect my request and vote against the bill with this amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Senator Barkhausen, are you limiting the amount of money that the City of Chicago can charge to a municipality outside the corporate limits of the City of Chicago?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes, Senator D'Arco. As I said to Senator Newhouse, it does...it does limit the rate to the amount that's charged within the city and that's why I say it's something that I think needs to be worked out in a Conference Committee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Well, then you're telling us that this bill will go to a

Conference Committee?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

The President is nodding to me, no. I think he kind of feels maybe it won't go to a Conference Committee, and...and maybe it shouldn't go to a Conference Committee. Maybe we should just kill it, Senator.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, I can't understand how anybody would want to lock in any municipality that's going to be selling water. Senator Barkhausen, how would they be able to control that, say, the City of Chicago has to add money to their facilities for the purification of waters, how is that going to affect us?

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose does Senator Collins arise?

SENATOR COLLINS:

A point of procedure. Did...did the sponsor of this bill said that this bill will go into a Conference Committee? Now, are we on 3rd readings or are we on concurrence or nonconcurrence?

PRESIDING OFFICER: (SENATOR SAVICKAS)

We're on 3rd reading, Senator.

SENATOR COLLINS:

Well, then I don't understand how this bill can go to Conference Committee one way...or another.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You're correct, Senator. That's an assumption on his part. Senator Dawson.

SENATOR DAWSON:

Senator Collins, that is his last hope. If we don't kill it, it might end up there. Let your conscience be your guide. Just ask for a vote against this, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Lemke.

SENATOR LENKE:

I think this is a good bill. Speaking on behalf of nineteen suburban communities that are...to take the crap from the City of Chicago, at least we won't have to pay extra money to flush our toilets. I think we have an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator D'Arco, for the second time.

SENATOR D'ARCO:

Yeah, I would ask for a ruling on the preemptive nature of this bill. How many votes would it take?

PRESIDING OFFICER: (SENATOR SAVICKAS)

We're looking at it now, Senator. We will check on it. Senator D'Arco, the Chair will rule that the bill is preemptive and will require thirty-six votes and...and...and in the amendment, in Section 5-1, line 18 it specifically says that, "this section prohibits home rule units from imposing a price or charge for water in excess...of that which is permitted by this section. This section is a denial of and a limitation on the powers of the home rule units pursuant to Subsection G of Section 6 of Article VII of the Constitution." It so states in the bill and the Chair will so rule, it will need thirty-six votes. Is there further discussion? If not, Senator Barkhausen may close.

SENATOR BARKHAUSEN:

In answer to Senator Collins, Mr. President and members,

my reason for assuming that...that this will go to a Conference Committee is because of the limitation on the rates that might be charged by the City of Chicago in another municipality, and...and obviously you folks on the other side, in the House as well as in the Senate, are troubled by that provision. I don't blame you, and that's my reason for intending and...and assuming that this bill will go to a Conference Committee. I would urge the passage of the bill. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 557 pass. Those in favor vote will 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 30, the Nays are 24, 1 voting Present. House Bill 557 having received the constitutional...having failed to receive the constitutional majority is...the three-fifths majority is declared lost. For what purpose does Senator Barkhausen arise?

SENATOR BARKHAUSEN:

To request postponed consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen asks leave to place House Bill 557 on the Order of Postponed Consideration. Is leave granted? Leave is granted. On the Order of House Bills...Senate...House Bills 3rd reading, House Bill 563, Senator Demuzio. For what purpose does Senator Demuzio arise?

SENATOR DEMUZIO:

Yes, I move to recommit House Bill 563 to the Committee on Elementary and Secondary Education.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion by Senator Demuzio to recommit House Bill 563 to the Senate...Elementary Education Committee. Is leave granted? Leave is granted. On the Order of

HB 606
3rd Reading

House Bills 3rd Reading, House Bill 564, Senator Demuzio.
Read the bill, Mr. Secretary.

SECRETARY:

House Bill 564.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President. House Bill 564 deletes a provision from the original bill that requires accumulated sick leave from all employers to be used for service credit in lieu of the present language. We have stricken that and make it from the last employer only and increases the maximum year of service credit to one year from one-half year, and I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 564 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 3, none voting Present. House Bill 564 having received the constitutional majority is declared passed. House Bill 606, Senator Netsch. Read the bill, Mr. Secretary.

SECRETARY

House Bill 606.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Before I begin, Senator Chew

asked leave to be added as a hyphenated cosponsor...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is leave granted? Leave is granted.

SENATOR NETSCH:

...to Senators Bruce and Keats who are already. Senate...House Bill 606 is an important bill. It is a rewriting of all of the Criminal Statutes...or eight of the Criminal Statutes that deal with sex offenses. It has...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Can we have some order, please. Senator Netsch.

SENATOR NETSCH:

Thank you. It has a very important purpose which is to take a hodgepodge of preexisting Statutes and fit them into a consistent coherent whole which is a spectrum of sex offenses. It is intended to recognize that there is more in the category of sex offense than just the crime of rape alone which has always had its traditional elements and which conjures up a particular set of circumstances, sex offenses go much beyond that. What we have done in repealing those preexisting Statutes is to create a structure which is on...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Buzbee, for what purpose do you arise?

SENATOR BUZBEE:

Mr. President, I wonder if you would instruct the sergeant-at-arms to clear the aisle out here where the lobbyists are making all this racket. Maybe we'll be able to hear the debate on this very important bill. It's been going on for several days, it seems to have become lobbyist laboratory out here and...and we'd like to be able to hear what's going on on the Floor of the Senate where we've got to vote on the bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The sergeant-at-arms has been so instructed. He's standing at the door. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Let me just repeat in case it was not heard. The...the purpose of the bill, really, is to increase convictions of sex offenses and offenders by creating uniform statutory elements and by providing flexibility in sentencing. And it also defines sexual assault in terms of the defendant's behavior rather than the state of mind of the victim, something which has been an element of rape from time immemorial. What we have done is to create basically two major categories of crimes, each with a subcategory that...happens when the crime is committed with aggravating circumstances: criminal sexual assault, criminal sexual assault with aggravating circumstances, criminal sexual abuse and criminal sexual abuse with aggravating circumstances. They range from a Class X Felony, which is the criminal sexual assault with aggravating circumstances, down to a Class A Misdemeanor. The...in trying to just briefly summarize...I might say, incidentally, to all of you that we had passed out previously several items, one of which is the general structure of the bill which shows these categories of...of crimes, the four of them, and the component parts thereof. There...the objectives of House Bill 606 are, as I indicated, to create one comprehensive law that reflects the fact that rape encompasses all types of sexual assault committed by both sexes against victims of both sexes and all ages. A second purpose, as I indicated, is to increase convictions of sex offenders by creating the uniform statutory elements and by providing the flexibility in sentencing which depends on the seriousness of the sexual assault, the dangerousness of the offender and the vulnerability of the victim, the very components that ought to be relevant in the severity of the crime. I might say also that for the first time we have done what virtually every other state has done...and what most prosecutors have asked us to do, and

that is to...create several levels or gradations, if you will, of what has traditionally been called rape. The point is not, and I emphasize, is not to make the conviction of sex offenders less easy. It is to increase it and to make it more likely. The component parts of each of the four categories, again, are set out on the fact sheet which I had previously made available to you. One of the things that I think is extremely important, and I've also just recently passed out...something on this, is that while...that there has been in the past a major gap in our existing sex Statutes, and particularly with respect to sexual assault of children. There are...for example, under House Bill 606, "Sexual penetration with no force with a child under thirteen is a Class X Felony," which is what I think most of us think it should be. Under current law, you've got all of these possibilities: sexual intercourse or...deviate sexual conduct with a child under nine is a Class X, as an aggravated indecent liberties; sexual intercourse or deviate sexual conduct where the person inflicts great bodily harm, notice great bodily harm, or permanent disfigurement with a child nine to twelve is Class X. That, incidentally, is very important because it requires permanent disfigurement or great bodily harm in order for that crime on a child nine to twelve to be Class X; sexual intercourse or deviate sexual conduct or lewd fondling with no force for a child under sixteen, Class 1, it's indecent liberties; a child under eighteen, Class A, contributing to sexual delinquency, and so on. I urge you to...to look at...and I'm sure some of these will come out again. There are major inconsistencies in our existing laws. One of the major purposes of this bill is to attempt to provide this continuum of sex offenses. We do...let me just tell you something about what has happened over here in this House and then respond to questions. The bill came out of the House with a significant vote, but it

was clear that there were problems in the bill and it was clear that there were a number of people who felt that there were problems in the bill. The subcommittee, which Senator Sangmeister appointed and on which he sat, in which he chaired, must have had, what, seven or eight hours of...of hearings and work and negotiating sessions on the bill. When we came back to the full committee with the amended bill, one of the representatives of the Illinois State Bar Association which had opposed the bill said, I had twenty serious concerns...or concerns at least when we started this process, seventeen of them have been fully satisfied; and since then, I might add, parenthetically, we have satisfied at least one other of his concerns. The bill has had a great deal of work. I think it is...with one exception, which I'm sure Senator Bloom will point out and which can take care of, incidentally, very easily, it is in good shape. It is an extremely important piece of legislation. I will be happy to answer questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bloom.

SENATOR BLOOM:

Well, thank you, Mr. President and fellow Senators. First, I got a question for all the lawyers in this Chamber. How many of you have tried sex crime cases? Raise you hands high. Good. And how many of you...okay, one, two, three, four. And how many of you, on a regular basis, have tried felonies? One, two, three. I want to say that a lot of time and effort has gone into this, and I was on that subcommittee, 'cause what came over from the House was a bill that was just simply awful, it would have been a field day for the criminal defense bar. Worked very hard to try and make it...try and make it better, and when I got the enrolled copy with all the final amendments that Senator Netsch said would take care of our concerns, I shipped that off to our local

prosecutors, and I'll get to that in a minute. The problem as testimony developed from the witness for...Julie Hamos was that there aren't enough sex crime convictions in Chicago, and the testimony developed as well that in other parts of the State, perhaps, the track record was better. Notwithstanding that, last Wednesday's paper says, man gets fifty years for rape, in the Chicago-Tribune, but what this bill does is removes the word "rape" entirely from the Criminal Code and substitutes, therefore, the word...the phrase, "criminal sexual assault." Now, what I'm going to say here probably is a very unpopular opinion and that any given moment there's an orthodoxy, a body of ideas, in which it is assumed that all right people...right thinking people except without question certain thing. It's not exactly forbidden for me to say this, that or the other but it's not done, and anyone who challenges this orthodoxy finds himself silenced with surprising effectiveness. A genuinely, unfashionable opinion and I'll...I'll grant that this opinion was unfashionable among the proponents is almost never giving a fair hearing either in the popular press or the highbrow periodicals, that's a little quote from George Orwell, 'cause I'm going to say something that's probably unfashionable, there's an unvoiced assumption behind this bill. The unvoiced assumption with feminist groups is that they want the word rape removed and this bill has great symbolic value, the chairman of the House Judiciary Committee has already cranked out his requisite press releases as the savior of...of these groups. It's kind of like this might be perceived in some quarters in both Chambers as kind of a consolation prize 'cause the Equal Rights Amendment wasn't ratified, and...and the female Senators in this Chamber, you're...you're under tremendous pressure and the other...there's an unvoiced assumption that...that ought to give everyone here, whether you're an attorney, whether

you've handled felony cases or sex crime cases or not is that there are...are several classes of rape and that you can have rape without great bodily harm. And the policy is with the enhancement of penalty factors. They said, well, you know, there is a...a more vulnerable area of the population so the penalties will be greater over sixty and under twelve, but the great body of women inbetween, your housewives, your teachers, your secretaries, those women of child-bearing years, they're saying that perhaps...perhaps our penalty structure is such that your hurt, your trauma isn't that great. House Bill 606 abolishes rape, deviate sexual assault, indecent liberties with a child, aggravated indecent liberties with a child, contributing to the sexual delinquency of a child, aggravated incest, sexual abuse of a child by a family member; and as Senator Netsch says, substitutes basically two class of offenses, criminal sexual assault, aggravated criminal sexual assault and criminal sexual abuse and aggravated criminal sexual abuse, and then uses certain age groupings and certain behavior to raise and lower the status of the crime. The result of this wholesale shake-up of sex crimes is that the sponsors have inadvertently created loopholes in our criminal law, loopholes that are probably going to reach back and bite the proponents and this is of concern. Right now, after the sponsors have added their very last amendment, my state's attorney comes back to me and there's a...there's a sexual intercourse loophole situation with no force used. Right now, a boy sixteen can have sexual intercourse with a girl nine through twelve and there's no crime, 'cause it's not criminal sexual assault with aggravating circumstances because the defendant's under seventeen and the girl's between nine and thirteen, no force is used; it's not criminal sexual assault because it's not described in the elements of the crime. It's not criminal sexual abuse by sexual intercourse because the victim is

under thirteen. There's another loophole and that is the reasonable belief in age. A man thirty-five, sexual intercourse with a girl twelve but she looks eighteen or she could arguably be believed as thirteen, no crime for the same reasons. The same problems...the same problems would go with the lewd fondling sections, same thing. Now, the elderly woman, a man rapes a woman, let's say she's over sixty. Arguably, this woman appears and a man could reasonably believe that she's under sixty when he raped her. Under House Bill 606 his crime would be reduced to a Class 1 Felony because the reasonable belief as to age is applicable to all situations. Under the present law, that behavior would be a Class X Felony. House Bill 606 does not require the fifteen year old rapist to be charged automatically as an adult unless the rape was...accompanied by enumerating aggravating circumstances; that is a fifteen year old boy charged with this bill's Class 1 rape would be entitled to be tried in juvenile court. Under the law that's presently on the books that the sponsors are trying to change, he would have to be tried as an adult. This is...these are important things to consider. This is after the eight hours of this subcommittee meeting, trying to get this bill into shape there are still these serious flaws and loopholes in it. There's an effective date problem. A defendant whose crime has been committed before the effective date which is one March, now mind you...mind you, you're doing a wholesale shake-up of sex crimes and everybody, your prosecutors, are going to have to be on-line and going by the first of March, but anyone whose crime is before that date but has not been sentenced as of March 1st, can be elected...can elect to be sentenced under the provisions of this...606 or under the existing law. What it is, and we've looked at the language, my state's attorney looked at the language, and it's kind of a cannibalization of Class X language. However, as you may recall when this Body

changed to the Class X structure that involved only sentencing...only sentencing. It involved mathematical formulae, ineligibility tables. 606 changes the elements of the crime and so what you're going to have is that the elements of a crime, after the first of March but have been proved before the first of March, you're going to create different classifications. This creates a Code of Corrections problem, a constitutional problems. Now, under judicial interpretations, I know this is a little bit dry for you nonlawyers but it must be in the record, in the double jeopardy area, you can't pyramid sentences for crimes. All right. Now, if you read some of the existing Statutes, House Bill 606 makes rape...oh, I'm sorry, criminal sexual assault of a woman sixty years or older a Class X Felony. In other words, it enhances a simple rape; under 606 there's simple rape from Class 1 to a Class X. Now under the Unified Code of Corrections, you have to take that into consideration. So you can have a triple pyramiding; one, because of the age of the victim; one, because of her age the...the crime allows the judge to consider an extended term under an area they didn't pick up; because of her age the court is empowered to impose a sixty-year prison term, but for her age the crime would have been a Class 1 Felony. Consequently, this sets up a pyramiding...a pyramiding scheme or structure. Now what I'm trying to tell you is that first, when you get them going in, you have really thrown out, I think, the baby with the bath water, 'cause the bedrock...the bedrock thing that went along when we went into the subcommittee, the proponents said, we will not accept the word rape anywhere in the criminal Statutes in our Criminal Code. We want it out. It's archaic. Well, the result has been that I'm sure that, you know, the sponsor will say, well, we'll take care of it in a Conference Committee. Believe me, this thing is like a giant marshmallow, you push here and it kind of comes out there

because it hasn't been thought through. We do not have, either as a Body or your individual members of the Senate Judiciary Committee, enough time to get this thing into the kind of shape it ought to be. And here's a final thing I'll leave with you...a final thing I'll leave with you, where you have whole new classifications of crimes created, there's a principle of lenity in judicial construction; and, essentially, it says that if there are any ambiguities, and I can promise you even if they take care of some of the ambiguities that my state's attorney has caught, there are going to be others, they're going to be resolved in favor of the defendant. I would seek and ask the sponsor and ask this Body to ask the sponsor to send it back to the committee for further study, 'cause this is in no shape to continue through the legislative process. No shape to continue with the legislative process.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Well, thank you, Mr. President and members of the Senate. Without question, when House Bill 606 came over to the Senate and was assigned to my committee, it was, to say the least...to say it needed work is...is an understatement, it needed an awful lot of work and we gave it an awful lot of work. Sometimes when you get involved with a piece of legislation maybe you're better off to vote it up or down rather than to work with it. We decided to work with this. I think the original concept, I have no fault with. Senator Bloom has indicated one of the big things, of course, in this piece of legislation is we are eliminating any reference to rape, which means you got to go through all the Illinois Statutes to make absolutely certain that that's all correlated, we've felt we've done that. I have not spent any more time on a criminal law bill since I've been down here, except for pos-

sibly House Bill 1500 when we went to determine in sentencing, than we have with this piece of legislation. I originally, before these things have hit the Floor, was fully intending to vote for this thing and may still fully intend to vote for it. I am concerned about with what...what Senator Bloom has raised. I think some of the things he has raised are...are a little bit of nit-picking but there's also some substantial things in there that have be be corrected. So, that finds ourselves in the old position of, do we vote the bill out of here and hope that everything is going to work well in the Conference Committee or do we do as he suggested recommitting it? It's...it's a difficult decision to make. I think all the time and effort that a lot of people have put into this, I do not care to see it go down. However, a piece of legislation like this is...is...is a...a major change in the Criminal Code, as there...as both Senator Netsch and Senator Bloom have indicated to you. We're going to have to do some work on it. Perhaps the good medium would be...would be to approve the bill, put it into a...well, I guess we've got assurances that it'll go into a Conference Committee; it has to, there are things that have to be corrected. And I had one experience not too long ago, if you recall, when that machine gun bill got through and nobody found the crack in that. I've been very concerned about this legislation that there are cracks around, and apparently a few have developed, not as serious as maybe some would make them out. What I think we ought to do is vote the bill out; get assurances that it'll come into a Conference Committee; work with it in that Conference Committee, and then possibly hold that bill as a Conference Committee on the...on the Calendar as a Conference Committee bill for a concurrence by both Houses and perhaps then have the summer to look at it...and I've just talked with one of the members of leadership on this side with some assurances that we'll have a

chance to vote on it this fall. I think that's probably the program we ought to take.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

I...I rise to echo, I think, what Senator Sangmeister said. Dawn, the things that worry me, I...they gave me this printout and...and I didn't know there were all these problems in the bill. Well, you know what I'm worried about, you know, Representative Jaffe, if he was goofy enough to pass this bill out of the House in the form that he passed it out of, I'm worried when it goes back, he's goofy enough to concur in it. Now there are...there are some glaringly...are you agreeing with me or...or not? I didn't ask a question. I want to ask some questions. Now the problem is...the...the problem is in criminal sexual assault, the inconsistencies and...and the differences between the ages as far as the crime is concerned. You know, I...I think you have here a boy sixteen commits intercourse with a girl eight years old, that's a Class X. If he commits intercourse with a girl nine through twelve, it's no crime. I mean, that's, you know, insane. If he commits intercourse with a girl fifteen, it's a Class A Misdemeanor. If he commits intercourse with a girl twelve, it's a Class X. A girl thirteen...a man thirty-five commits intercourse with a girl twelve, it's a Class X; same man commits intercourse with a girl thirteen, it's a Class A Misdemeanor. If he...reasonably believes she was thirteen and she was twelve, it's no crime. So, it seems to me that there are some glaring inconsistencies here that, obviously, have to be worked out in a Conference Committee.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Egan.

SENATOR EGAN:

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

I...I echo what Senator Sangmeister has said concerning the...I think fantastic work that Senator Bloom has done on this bill. I, myself, have not had an opportunity; I've had the bill, I just have not had an opportunity to dig into it. Now, Senator Bloom, you've done a masterful job to indicate to this Body that we're not ready to pass this legislation. Now that...don't take that as any interpretation that I'm for or against the bill. When we worked on Class X Felony on House Bill 1500, we worked two years on it with committees and testimony; and after that, we worked on the...after the two years, we...we worked an entire one-year Session on the disposition of the ultimate passage of that important legislation. If you consider this, Senator Netsch, to be that important, give us an opportunity to know what we're doing. I'm going to vote Present on the bill because I don't really know enough about what it does. Now we've been busy and there's all kinds of reasons that I can tell you that we have not attended to the details, but that's the fact, we just have not attended to the details. Senator Bloom has and he's given us an indication that the details indicate to us that we ought to take it easy. And before we pass another machine gun bill, as Senator Sangmeister says, let's just know what we're doing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, when the bill first came to the Judiciary Committee it was in bad, bad shape, as Senator Sangmeister said; and some of us voiced objections, I told them I would let them get it out of committee 'cause I felt it was important enough to be worked on and debated by the full Senate. I might tell you that as far as I'm concerned, rape is like pregnancy, there's no such thing as a little rape or a little pregnancy, it's a serious

crime. However, they have divided it into four sections here making it four...sex neutral crimes entitled...criminal sexual assault with aggravating circumstances is a Class X; criminal sexual assault nonprobational, Class 1; criminal sexual abuse with aggravating circumstances, Class 2 Felony; and criminal sex abuse, first offense, Class A Misdemeanor; subsequent offense is Class 2 Felony. My colleague on the Republican side made a...a very fine written dissertation and I cannot disagree with him in great part, but one of the main features that is in this bill is the...the fact that a crime committed...crime of a sexual penetration with an instrument, we've had a lot of cases like that and yet we have no law on the books to protect a woman and call it a form of rape. The other thing that I think you should know, the Keats' amendment did make a definition of rape on page 28, in Section 1-A, which will come under the...Rape Victims Emergency Treatment Act. I feel the same way as Senator Sangmeister, I think it's an important bill. I have sitting next to me Representative Jane Barnes who is a cosponsor of the bill in the House, and she has given me her word that if this bill is passed out of the Senate, because so much work has been done, so many women's group feel they should see it passed, that they will put...the bill...in Conference Committee. I might also tell you that we minimize rape for too long. We have to clean up our act, and this bill, at least, is the vehicle; and I think, as Senator Sangmeister said, let this bill go to Conference Committee and let them work further on it to make more improvements, but I'll tell you right now, it's a far more improved version than the original one and I think we should give the courtesy to the people who worked so hard on it and the many women's groups who are in favor of it to look into it a little further. I might say this, the best way to try a rape case is, of course, is by good police investigation, a good complaining witness and a good prose-

cuter. We have had a very fine record in my county, but I'm willing to go along because I've talked to the people from Chicago, and they tell me they've had a lot of problems and they want to see something in the books that will help make more convictions. So I feel that I will support the bill here and concur with Senator Sangmeister and Representative Barnes' word that the bill will go to Conference Committee. So, I will support the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Kent.

SENATOR KENT:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I normally don't speak on things like this, but I have a great amount of concern regarding this bill. I have not been party to the great amount of work that has gone into that and I apologize for that, but I share Senator Sangmeister's concern. It looks to me from this printout that we are sending out another bill, and I would hope that at midnight on June 30th that we don't come back with a Conference Committee report that doesn't do what we want it to do. We want these guys behind bars, these women, whatever, but these people that are committing these crimes behind bars and I don't understand why we can't write one that gives all these loopholes. I would certainly hope that when this goes to Conference Committee, that we have a chance to study it before we have to vote on it on June 30th.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? We have several Senators who have requested...Senator Weaver, Buzbee, Lemke, Bruce, Macdonald. Senator...Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. You know there...a great many of us here are not attorneys and we depend on you who are practicing attorneys to look over these legal bills and flag

the discrepancies, and I think it's asking an awful lot of...of us to vote this bill out and put it in a Conference Committee when, in fact, it can be rereferred to Judiciary Committee, worked on over the summer, brought back out this fall if you find...if you find the solutions to all these problems and we can cast an intelligent vote on it, but at this point in time, I'm certainly reluctant to support it. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Buzbee.

SENATOR BUZBEE:

Thank you. Like Senator Weaver said, those of us who are not lawyers and have been following this particular bill, it is probably the most important bill before us this Session outside of the tax increase and so forth. Now, you know, when the amateurs start lobbying us, they only tell us their side of the story, and that's why I have said all along I was making no commitment on this bill until I heard Floor debate. The professional lobbyists tell you both sides of the story, but the amateur don't do that, they tell you their side of the story and I'm an amateurs at this business and so I wasn't willing to be persuaded until I heard debate on both sides. Senator Netsch explained the bill very well, I thought, and I listened very intently. Senator Bloom, I thought, raised...and by the way, Senator Bloom, I had...I had read your whole handout prior to your explanation and I listened and followed very closely to what you had to say there. I listened to...Senator Sangmeister very closely. Now, quite frankly, the most impressive lobbying I got was a phone call from one of my constituents, who happens to be a friend of mine and my wife, her nineteen year old daughter was raped three weeks ago by a guy who happened to be arrested because of that rape and they have now charged him with eighteen over the past three years. The police chief in

Carbondale has been quoted as saying that he anticipates taking some two years in the prosecution of this case because they're building, hopefully, an airtight case. And when it happens to a friend of yours, to somebody that you know, I don't know the daughter but I know the mother...when it happens to somebody you know, it presents a whole new picture. The mother called me today and asked that I vote for this bill. Unfortunately, the mother doesn't know what's in the bill. She only knows that somebody said, we're going to tighten up the rape law. I have a ten year...nine year old daughter. My daughter, if she happened to be the victim of a boy sixteen or over there would be no crime. I find that unacceptable. I probably would go much further than the law would allow if something were to happen to my nine year old daughter, but that's alright, I'll face the law at that time if that happens to me. But I am going to take Senator Sangmeister and Senator Netsch's word for it, and I'm going to vote Yes on this bill to get it into a Conference Committee. If you don't close all these loopholes and if the Floor debate doesn't convince me, I will not vote for the bill on the Conference Committee stage, and I don't care how many lobbyists from now or whoever else it is that talked to me in the meantime, I'm not going to commit until I hear the Floor debate. I'm like Senator Sangmeister, I don't want to see another machine gun bill come out of here and find out that we have messed things up so badly at the end of the Session that we have done away with the protection of...of victims of these kinds of crimes. So, I'm going to vote now with the understanding that it goes to a Conference Committee and then I will not commit to one soul prior to then, in fact, I just as soon they not even talk to me. I'm going to listen to Floor debate and I'm going to listen to my colleagues who have a lot of knowledge in this area and whose opinion I respect, and then I'll make up my mind at that time on the

Conference Committee report. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. Without getting into the substance of the debate, Senator Weaver and I have spoken with Senator Bloom and... Representative Jaffe is here, the Senate sponsor has agreed, there was a commitment that someone wanted that this was going into a Conference Committee. Representative Jaffe has made that commitment to the Republican leadership, to me, the sponsor, to Senator Sangmeister. We've taken I think nearly an hour already, it's now nine-twenty. I think the more reasonable approach may be, since no one is going to know that this is the final vote for which you could ever be criticized, is to vote this bill out into a Conference Committee, let the people work, see if they can work out things; some people think they can work it out in three days, others have very strong opinions that this may take a summer. Obviously, if those who think it's going to take the summer prevail and hold that position, we will get to this next fall. If they can be persuaded that the bill can be read, revised, rewritten, we can handle this in the next two or three days. That is a...another debate that the leadership, I'm sure, is going to take up in the next two or three days, but our commitment is that the bill will go into a Conference Committee and I'm sure there are a lot of gentlemen and ladies who have bills on the Calendar that we need to get to before midnight that, frankly, we should be about our business and vote this into a Conference Committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. I first want to stand and thank the sponsors from the House and

those here in the Senate who have toiled to these many days to bring us this piece of legislation. And anything that is as important as dealing with the lives of our women, I don't see any way that we can just run over that in three days. It's too much importance that's been placed and brought to us this afternoon, first in the Senate sponsor's interpretation about gaps and inconsistencies under the current sex crime; and then we had our colleague from the other side, Senator Bloom, who brought to us some truths, things that are really to be looked at and things that are really true. And I would like to suggest to this Body and to those who are going to do the work on this bill, let us not consider three days because this is too important. We have other important bills that are going to come before this Senate and this Body, and also I'm sure in the House, in the next three days. I'd like to suggest to the committee and to the sponsors that if you'd be kind enough to recommit this legislation to Judiciary II and let them do a thorough job and bring this back to us in the fall so that it can be voted on in its proper perspective and passed out of the Senate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I was on the subcommittee that studied this bill and I would like go through the scenario and tell you that as I first came in, and when I first heard the bill, and we began discussing the bill on the first night I was unalterably opposed to this piece of legislation. To the great credit of the fine minds of the members of that committee who were attorneys on both sides, and for the attorneys, and the judges, and the proponents of this bill who came to that committee and worked through many, many, many hours deliberating and exchanging with reason their reasons for support

and their objections, I have come almost a hundred and eighty degrees the other way. If nothing more were done and this bill did pass and went to a Conference Committee and some changes were made and it came out of that Conference Committee, I think that we have done yeomen's service on behalf of women of the State of Illinois with House Bill 606 as it has been amended and is presented to you tonight. I feel that there, indeed, are changes that will be made, and as any new and revolutionary concept, particularly in the area of law, I think that we will be changing this concept probably for many years. My basic concern is that in society today, we are not convicting rapists, even with the word rape and I object to removing the word rape completely from the bill, but we are not getting the convictions that we should be getting in society today, and I think that this bill is a vehicle and is a means for the protection of women of the State of Illinois. This is not a total new concept, there are other states that have accepted versions...of this particular law that we are trying to pass in Illinois, and while I certainly agree and respect and...and have even higher respect that I have always had before for Senator Sangmeister, who is the chairman of that committee, and I agree with him and Senator Bloom that more work needs to be done, but I want to, as a layman, commend all of the people who were on that committee, both the proponents, the public members, the judges, and all of the people that were there, for coming such a long way in such a short time with all of the other pressing matters and stressful matters that we have had before this General Assembly. I do hope, indeed, that we go further with this bill, but I think we should proceed with this bill and I think that we should see a good law developed from the seed that has been planted with 606 for the sake of the women and of all of the people, of the children and, yes, the men of the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President. I rise in support of this bill going to a Conference Committee, and for that...for that reason, I wanted the record to show that I am not voting for this bill in its current form, but I do think it should stay alive and give those people an opportunity who have worked so hard to put this bill in a workable form.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bloom.

SENATOR BLOOM:

Okay, I don't usually speak twice on a bill but this is of some magnitude. I have conferred with Senator Bruce, one of the Senator...Senate sponsors, and Representative Jaffe. They have given me their commitment that this goes to a Conference Committee. I don't believe that a Conference Committee can get this bill in the kind of form it ought to be in by the 30th of June. I know that when I got my enrolled copy Friday, I shipped it off to my local prosecutor and did not get the information that I shared with you earlier until today. I think that we all have to be very careful in this area and check with our local prosecutors to see how it can be...how 606 will affect us. So, I see then that we can, all of us, vote to get this bill over to the House and into a Conference Committee. Representative Jaffe is on the record as indicating that he is committed to put this bill in a Conference Committee, and then it is alive and there will be opportunities to deal with it at a later date.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch may close.

SENATOR NETSCH:

...thank you, Mr. President. I had tried to get attention sometime ago to indicate that, indeed, Representative

Jaffe had given me his commitment that he would see that it went to a Conference Committee. With all due respect, I think there is one gap that...that we had, ourselves, discovered this morning. We already have an amendment prepared that deals with that issue, and I think perhaps there are some others that can be easily corrected if they are there. I am not sure that all of them are really there; but in any event, it certainly will go to a Conference Committee and we all have Representative Jaffe's commitment on that. It is much too important a piece of legislation to just let go by the board. I think we can correct the one or two things that are a genuine problem and get back to it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House...shall House Bill 606 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 56, the Nays none, none voting Present. House Bill 606 having received the required constitutional majority is declared passed. 609, Senator Sangmeister. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 609.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you. I'm getting organized here. I forgot this bill was coming up after we were discussing the last one. Simply what this bill does is eliminates the thirty-five percent limitation on an annual increase in the State aid entitlement for a school district over the prior year's entitlement. We have school districts in the State of Illi-

nois who in a particular year may have had a drop in enrollment or a drop in assessed valuation and as a result cannot recoup what they should and then get the finances out of the State Aid Formula that they're really entitled to it at this thirty-five percent limitation. The cost of this bill is approximately 2.8 million dollars. It was originally on the Agreed Bill List. Senator Berman took it off, and I...I think it's only giving those school districts really what they're entitled to. This is not a bonus for them. They've got this coming out of the formula and they certainly should get it, and would request a favorable roll. Will try to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not...Senator Berman.
SENATOR BERMAN:

The only reason I took it off the Agreed Bill List is that I just...I think it is necessary to understand we're changing the formula for a cost of...2.8 million dollars and everybody is chipping in to make up that difference. I think it's something that we ought to recognize. Your...every district is...is...is putting some money in to help these districts that have either had a dramatic decrease in assessed valuation...well, that's, I think, the case in most of them. I'm...you're not going to get more money on the formula, so everybody is chipping in for it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Senator Bruce.
SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This bill has a great deal of merit. There are school districts in the State of Illinois when we first started the School Aid Formula, there was a thought, frankly, that I...as I recall, that perhaps Chicago would take a good deal more money than we had anticipated and we put a thirty-five percent cap on.

The formula has been in effect for many years. At the present time, we find it working to the detriment of a few districts in the State of Illinois who have either had a tremendous increase in their equalized assessed valuation or a tremendous increase in the number of students without the formula reflecting that immediately, and when they have had...a large growth, this thirty-five percent cap hits them. Senator Berman, I think has mentioned, and Senator Sangmeister, the cost is about four million dollars...it is...it...2.8. We have gotten better figures. The 2.8 million dollars spread over the eleven hundred school districts is not very much money, but to each individual district involved, it is a significant amount of money. For example, in my district where we have a...one district where we've located a major new industry, they've had substantial influx of new students without any available money, and they are up against the thirty-five percent cap. They would like to get out from underneath that. To this school district, I think it's a grand sum of about sixty thousand dollars. It's a very small school district, but they need the increases greater than thirty-five percent. I see nothing wrong with passing this and, frankly, we're all in the midst of school aid renegotiations and this ought to be part of the package.

PRESIDING OFFICER: (SENATOR SAVICKAS)

All right. Further discussion? I would like to point out that we have two and a half hours and eighty some bills. I will go as fast as you want me to. Senator Maitland.

SENATOR MAITLAND:

Well, thank you, very briefly, Senator Bruce said it very well. This was done originally...when the new formula was put in we had no idea what the impact that new formula was going to be, so that's why the thirty-five percent limit was put on. The two million dollars is a variable figure...upon what the foundation level is going to be. We've got an equity for-

mula, that's what we call it, this makes that formula equitable, and I urge this side of the aisle to support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 609 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 56, the Nays are none, none voting Present. House Bill 609 having received the required constitutional majority is declared passed. 610, Senator Kelly. Read the bill, Mr. Secretary, please.

END OF REEL

REEL #12

ACTING SECRETARY: (MR. FERNANDES)

House Bill 610.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. This bill is the same as Senate Bill 517 that passed this Chamber by a vote of 41 to 16 and has been lost over in the House in the shuffle with the...busy schedule. The bill requires school boards to allow teachers to accumulate one hundred and eighty days of sick leave instead of the present law which permits...which requires ninety days of accumulated sick leave. The present law requires school boards to grant a minimum each year of ten sick days to teachers and other school employees; therefore, it would take eighteen years of full-time service to reach this level. The fact is many school districts are already providing much more than ninety days. I'll be glad to answer any questions, but I'd appreciate your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Question is, shall House Bill 610 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 44, the Nays are 12, none voting Present. House Bill 610 having received the required constitutional majority is declared passed. 619, Senator Buzbee. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 619.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Buzbee.

SENATOR BUZBEE:

Thank you. Both of these bills, 619 and 620, are designed to insure that the Legislature and ultimately the public has the opportunity to carefully scrutinize the impact of major changes affecting State facilities before rather than after changes are made. The need for this legislation became clear last year when the Governor closed the Adler, Bowen and Dixon facilities. Both bills apply to the Departments of Mental Health, Children and Family Services, Corrections and Rehabilitative Services. 619 requires the department to provide the Legislature with at least two hundred and forty days notice prior to closing a facility. Two hundred and forty days notice would prevent the Governor from suddenly closing a facility when the Legislature is not in Session. Legislators and the public could have early input into the Governor's proposed budget rather than simply having to react to it. The department's notice would include a detailed description of the impact of its decision on patients, employees and communities. 619 is only a notification bill, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DENUZIO)

Is there any discussion? Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of Senate Bill 619 and it's...the following bill, 620. About...approximately two weeks ago, I and other area legislators were advised that it was the...the possibility existed that over the next two years the Elgin

Mental Health Center would be phased out. Now this mental health center employs about a thousand people, and as we're sitting here tonight, takes care of approximately six hundred and fifty patients. It's been in the community for...over a hundred years, and I feel these two bills would be a step in the right direction to prevent legislators from districts who house these types of facilities from being blindsighted by the whims of any administration or director. As we all know, as administrations change, oftentimes the philosophy and the directions that the department goes changes also. I just remind you that in...other areas where facilities have closed, such as Peoria State Hospital, I think that closure has left a lot to be desired; and additionally, in Kane County, the Geneva Girls School was closed, and I understand today that's just vacant land. So, I think these are a step in the right direction and would prevent you...and provide input from you and the constituents in your area.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I think the main responsibility for this should rest in the Governor and his staff, because I think if we go ahead and pass these bills, we're delaying time, we're spending money and possibly not getting...enough input the way we should. The fact that we are going to let the Legislature go into it for another six months and another...another time period, will that do the job or will it be more efficient if the Governor and his staff work as expeditiously as possible to see what alternatives there can be had and also we do the same? I think I have to speak against these bills because I do think that we're prolonging the agony...like in Dixon, it was built for about eight thousand people, it was housing only about eight hundred people in there. So, I...I

have...God knows, I've always supported mental health, but I think that this is one time we have to use a little more common sense, and I speak against the two bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lenke.

SENATOR LENKE:

I move the previous question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

There's two additional Senators who have sought recognition, if you'll hold your motion. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. A question of the sponsor first and then a comment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yeild. Senator DeAngelis.

SENATOR DeANGELIS:

Senator Buzbee...Senator Buzbee, what happens if the Governor's Office doesn't notify?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Buzbee.

SENATOR BUZBEE:

Well, this is strictly a notification...and there is no penalty. The Governor is an honorable man and I'm sure he would abide by the law.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, if there is no penalty, there's no law, Senator Buzbee. But let me point out to you, the decisions that have to be made have to be made within a budgetary year. You're asking for a two hundred and forty day notification. That means that decision for the announcement has to be made between June 30th and September 1st, okay? way in advance of the opportunity to know what the fiscal resource is and

whether you're capable of, in fact, doing something worse, and what you're going to do is force some prenotification just simply to cover yourself in the event you have to do it. And Senator Friedland, in regard to your comment, this bill, in fact...you said it...they're going to do it in two to three years, this bill would require a lot..a lot less notice than what you're getting right now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAPPER:

Well, frankly, I think Senator DeAngelis hit on a little bit of it, but the simple fact of the matter is if you live in the real world you realize that we have a surplus number of mental health institutions; and thank the Lord because of a lot of things, better community mental health, better treatment, better prevention, we don't have the population that we used to have, and it's my sincere hope that ten or twenty years from now whoever is here will have an even smaller number of people because through prevention and...and better treatment we'll be able to cut that population down even more. It's one of the real success stories in this State and this country. Practically speaking, this bill and the bill that follows will make closure of an institution next to impossible, which I suspect is the subagenda. We have a lot of institutions. We...if you drive through any one of them, you see huge buildings. You go through Elgin State Hospital, there's a building in there that's almost in square footage bigger than this Capital building sitting empty. We have to close some of these institutions. We have to try to do it in an orderly path. I have no problems with requirements for...that would provide for a reasonable, orderly closure of these institutions, but clearly, the way these two bills in tandem work, we will have trouble not only closing institutions but even modifying them to respond to the ebb

and flow of the needs of the State. This is not a good idea, this and the bill that follows, obviously, it's veto material. I understand where it's coming from, but it's not responsible and in not...in the final analysis doing a service to the mental health clients or to the taxpayers.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Chew.

SENATOR CHEW:

I would suggest to the sponsor, let the Governor be the Governor of the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Buzbee may close.

SENATOR BUZBEE:

Thank you, Senator Chew, I had every intention of doing that, but I intend to be Senator Buzbee, the Senator from the 58th Legislative District of Illinois, and I would...I would point out that Senator Geo-Karis, obviously, did not read the bills and misunderstands them completely because what she said doesn't address the...the bills at all. What the bill says is, 619, that if the department plans to...any department that is described in this bill plans to close a bill...close an institution, rather, that they will give eight-month notice to the Speaker of the House, to the Minority Leader of the House, to the President of the Senate and to the Minority Leader of the Senate; and I don't know where Senator DeAngelis got his information because to meet the requirements of this law, should it become law, as an example, on August the 1st, the department would have to inform those four individuals that they plan to close so-and-so institution on March the 31st, that would meet the eight-month requirement, or if they decided that at the end of a particular fiscal year they wanted to close an institution at the end of that fiscal year, then they simply have to give notice on November the 1st, which then makes it June

30th that that institution could be closed, and on and on and on. You could pick any particular date that you want to and go on till eight months from now. It doesn't have to inform the Legislature while the Legislature is in Session. It has to inform those four individuals that I just named, the four leaders in both Houses. I think this is fair and equitable legislation. I am responsible enough to know and sensible enough to know that probably there are going to be other institutions closed in this State in future years. This simply gives those of us who are going to be impacted and those of you and those of us who are voting on the budgets of particular agencies the opportunity to know in advance, eight months in advance, as a matter of fact, that that's what their intention is and then we can plan accordingly, our communities can plan accordingly, and we can take the proper action legislatively if we want to try to stop it. I think it's very sensible legislation. I think it's rather mundane legislation, as a matter of fact. It's not revolutionary, and I would solicit an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 619 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Senator Buzbee. 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 28, the Nays are 23, none voting Present. House Bill 619 having failed to receive the required constitutional majority is declared lost. 620, Senator Buzbee. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 620.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Buzbee.

SENATOR BUZBEE:

Well, if you didn't like this one, I think you're going to love this...if you didn't like that one, you're going to love this one because this is only sixty days as opposed to...to a hundred and...two hundred and forty days, rather. It provides for a procedure under which the Legislature could disapprove departmental plans for closing or making major reductions at facilities. Notification to the Legislature would have to be made between February the 1st and May the 1st. The Legislature would have sixty days from the date of notification during which to disapprove the department's plan by joint resolution. If no such action is taken by the Legislature, the department is free to follow through with the changes, and I would...submit to you that this a sixty-day plan as opposed to two hundred and forty and this tells the department if they want to close a...a...if they want to close a facility that they've got to give us sixty-days notice and then we have chance to react to that. If we don't..if we don't react to it, then the department is free to follow through with their plan to close the facility. I would submit to you it's good legislation and I would...solicit a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Grothberg.

SENATOR GROTHBERG:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Grothberg.

SENATOR GROTHBERG:

My record shows this is the bill that we put the Visit and Examine Commission on to fulfill the hearing function, if there is a hearing function. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Buzbee.

SENATOR BUZZBEE:

No, Senator Grothberg, I think it was on the other one. The other one...620, does not require that hearing, and it was 619 that we put that amendment on...your amendment.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Grothberg.

SENATOR GROTHBERG:

I agree with you. I had the wrong...or I had 619 analysis. My question then is, is there a hearing process within this one or is it just that the...the Governor announces that he's going to close such-and-such an institution, then we are notified and we are free to wheel and deal or is there a formal format for us to go back...or who...somebody have the hearings? The Governor?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Buzbee.

SENATOR BUZZBEE:

It just simply says if the General Assembly does not disapprove the proposed change by joint resolution within sixty days after receipt of same, the proposed change may be made by the department. There is no mandatory hearing process in this one.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Grothberg.

SENATOR GROTHBERG:

Well, then, to the bill, Mr. President. The same concept of sixty days where we're going to leave here tomorrow or the next day and we come back in October, that's a hundred and twenty days. I don't know how this Legislative Body can really respond to anything in sixty days when we're not here and some of those things bother me. Maybe between these two bills we had a good idea going but I'm not so sure now, Mr.

President, that we've got anything going at all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Buzbee may close.

SENATOR BUZBEE:

Thank you. Senator Grothberg...Senator Grothberg...Senator Grothberg, to your...to your point, it specifically..there are date certians established in this bill. Dates certain, I should say, that the director of the department making such changes submits...such proposed change in writing to the General Assembly by delivering a copy thereof between February the 1st and May the 1st to the Secretary of the Senate and the Clerk of the House. And again, I would say that this bill is...it is different than the other one. It gives us sixty days to react and...or gives the...it gives the...department sixty days to notify us and then if we don't react, the department can go ahead with their proposed change. Again, I think in trying to bring some balance between the executive and the legislative process in the determination of what programs are going to continue, what programs are going to be cut, how dollars are going to be spent that the taxpayers pay into the State coffers, that this makes good sense and is sensible legislation, and I would solicit an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 620 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 24, none voting Present. House Bill 620 having received the required constitutional majority is declared passed. House Bill 621, Senator Lenke. Read the bill, Mr. Secretary, please. (Machine cutoff)...for what purpose do you arise?

SENATOR BUZBEE:

Having voted on the prevailing side on House Bill 620, I

would move to reconsider the vote by which that bill passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Buzbee moves to...Senator Buzbee moves to reconsider. Senator Savickas moves to Table. All in favor signify by saying Aye. Opposed Nay. The Ayes have it. The motions lie on the Table. 621, read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 621.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lenke.

SENATOR LENKE:

This bill does not deal any...anymore with the subject of abortion. What it does is creates the Disability Children's Right to Treatment Act, talking about live born children, a bill which we passed out as Senate Bill 563, 46 to nothing. The people in concern have been working on this constantly in the House and have come up with amendments, and I think that if we pass this bill out it will...I talked to the House sponsor, we'll put this in a Conference Committee and the Medical Society, the nurses and all the parties concerned are heartily working at a solution to this terrible problem that occurred in Illinois, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 621 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 55, the Nays are 1, 3 voting Present. House Bill 621 having received the required constitutional majority is declared passed. 622, Senator Barkhausen. Read the bill, Mr. Secre-

tary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 622.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members of the Senate, House Bill 622 would authorize a nickle levy for downstate only school districts for the purpose of leasing school district facilities. It benefits...or potentially benefits only a small handful of school districts in the State which are growing and provides an incentive to these school districts to lease facilities from neighboring school districts that are losing population and oftentimes closing schools to lease those facilities rather than...rather than levying to...to construct facilities at a far greater cost. The bill is unanimously supported by the education community, the School Problems Commission, and the Association of School Boards, IEA, IFT and ED-RED. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, I heard your presentation of the bill. I'm curious whether or not this might be available to a school district which is consolidated. For example, one school district is abolished, another school district is created, would there be any way that...that this levy could be used in a

situation like that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I don't believe there's any provision in the bill which would prohibit that subject to the...the backdoor referendum requirements with the further requirement that there be a...a publication of a notice as to how to proceed with a backdoor referendum.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Question is, shall House Bill 622 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Senator Savickas. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 36, the Nays are 18, 3 voting Present. House Bill 622 having received the required constitutional majority is declared passed. 626, Senator Berman. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 626.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. As the bill was voted out of the House and came over here, it revised payment schedules for the Common School Fund as they relate to regional superintendents' salaries and supervisory expense funds. It deleted outdated, unnecessary language. It was amended on 2nd reading by amendment offered by Senators Maitland and myself to provide for a local real estate tax levy for eleven school districts which are listed; essentially, they are Evanston and then ten

school districts that are in Senator Maitland's district to provide a levy to cover the charge-backs that are involved in these school districts for the expenses charged to these high schools to cover the costs when their children go to the junior colleges. They are...these districts are not in a junior college district. The provision is applicable to...to all eleven districts; namely, that they've attempted referendums. The...referendums have failed. The Senators representing this district...these districts have indicated their willingness to authorize a levy to cover these charge-backs. In the situation of Evanston, we're talking about eight hundred and ten thousand dollars which is five percent of our Evanston Township High School total budget. It's a...the levy is subject to a backdoor referendum. It does not affect any school districts other than the eleven school districts that I've mentioned, ten in Maitland's district and one in mine. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President and Ladies and Gentlemen of the Senate, I rise in opposition to his bill as amended. Senator Berman has directed most of his remarks toward the amendment, as I do as well. I want to point out that the amendment constitutes a new policy direction for the State of Illinois. This Body, the...and the House, the General Assembly, has determined that it is in the best interest of the citizens of Illinois that all school districts be served by community college district, and in order to encourage the implementation of that policy it...the law now says that if there is...after a certain...there was a number of years given during which the school districts could form themselves into community college districts and a tax could be levied during that period of time to...to pay the charge-back. That period

ran out several years ago and now these charge-backs must be taken out of the...out of the regular levies of...of the school district. So we...by enacting this...this bill, we are permitting the implementation of a...a new levy and, as I say, it represents a new policy direction for the...for the State of Illinois because we are removing the incentive for the formation of community college districts; and we're not talking about a question of whether the...whether the taxpayers will pay or not, because whether they...because this bill would...would cause a levy...a new levy to be applied, that is a tax increase to be applied, although there is a...the backdoor...referendum, but there would be an increase in the levy in order to...to pay for...for these charge-backs. It's also true that if they would organize themselves into a community college district...approximately a...a comparable rate would have to be levied, but these people would not have the benefit of having a community college district which would be expressly organized to...to meet their...their particular needs. As...has also been pointed out, there are eleven districts that would be affected by this bill. All together, however, there are...forty-two, I understand, school districts that...that now pay charge-backs. So, what's going to happen if this bill passes, the other thirty-one school districts will be in with legislation in succeeding years asking for the same right to levy an additional tax, and I would suppose that...I'm quite sure that the equity argument would be used to provide them the same opportunity to do so. As I say, the implementation of this bill represents a new policy direction...a change in the policy direction for the State of Illinois. I think it is a...a...the wrong direction for us to go, and I would urge a No vote on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Sommer.

SENATOR SOMMER:

Mr. President and members, I'd like to correct Senator Berman on one point. One of these school districts is in my district, and of course the taxpayers haven't talked to me about this but they did speak on the referendum on the issue of joining the junior college district four or five years ago and they beat it 20 to 1. Now, you're going to go through the back door and raise their taxes; therefore, I would stand opposed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and members of the Senate. I rise in support of House Bill 626 as amended. I would say to Senator Etheredge that this doesn't necessarily generate a new policy direction. This, of course, was done back in the years of 1976 and 1977, so it's not unprecedented what we're doing here tonight. I want you to understand that these school districts have, in fact, attempted a referendum and those referendums have failed. And I think the overriding feature that you have to understand, members of the Senate, is the fact that since there is no community college district, or they are not a part of a community college district, the charge-back comes out of the educational fund of the high school, and this denies high school students who are now in school...now in high school, it denies them the number of dollars that are now being used for charge-back for the community college students. Now these community college students are students that took advantage of that educational fund when they were in high school, and now they are taking it away from those high school students when they're in a community college, and that's really through no fault of their own, through no fault of our own. I have the same concerns that are mentioned by...by Senator Sommer and Senator

Etheredge, but this is the best we can offer these people tonight and there is the...the proviso for a backdoor referendum. I urge you to consider the problem that we have in these eleven school districts and vote for House Bill 626.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman may close.

SENATOR BERMAN:

Thank you. We many times see bills here that are trying to get more State money to solve local problems. Senator Maitland and I come to you with this bill. We are not asking for State money. We are willing to bite the bullet and pose a local real estate tax to pay for a situation which is not the making of the school children...in these districts. The voters have turned down the referendum to join the junior college. We have failed to pass legislation to mandate them in, and the school children in the high school are caught between a rock and a hard place, because in Evanston, for example, eight hundred thousand dollars is used for junior college students that really should be going for the high school education. I would ask your Aye vote to allow us to address our needs of these school children in these districts, and I want to again stress, this is subject to a backdoor referendum of the voters.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 626 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 22, the Nays are 29, 3 voting Present. House Bill 626 having failed to receive the required constitutional majority is declared lost. 631, Senator Berman. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 630.

(Secretary reads title of bill)

3rd reading of the bill. That was 631.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a new nonreferendum tax for the City of Chicago to provide a five-cent increase for the purpose of fire prevention safety and energy conservation. It is a tax similar to what is provided in downstate school districts, what we usually call our life safety tax. This tax would provide an additional ten million dollars to the City of Chicago in these very tight times. Be glad to respond to any questions and ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Question is, shall House Bill 631 pass. Those on favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Senator Johns. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 16, the Nays are 36, 4 voting Present. House Bill 631 having failed to receive the required constitutional majority is declared lost. 632, Senator Berman. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 632.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

House Bill 632, Mr. President and Ladies and Gentlemen of the Senate, is a...tax levy for special education purposes

for the City of Chicago. An eight cents increase in the levy which would bring to them sixteen million dollars. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Maitland.

SENATOR MAITLAND:

Very...very quickly, Mr. President. This particular bill doubles the rate that...that was originally in the bill to eight cents, as Senator Berman has mentioned, but it goes, I believe, one step further and I...and I believe this the departure from what we had in the past. It also allows for the first year, the eight cents to be used for...for...in the Educational Fund not just for special education purposes. I would just suggest to the Body that this is a departure from what was in the bill when it was introduced, and for that reason, I'm going to oppose it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any other discussion? Any further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Berman, I...I can't tell from my analysis in the amendment, I wonder what...what the effect of this might be on...on child-care facilities. I know that I was approached by representatives of the Illinois Child Care Association earlier in this Session...I don't know whether it was this bill or another bill authorizing a levy for special education building purposes 'cause they were...in many case, are concerned that the existing facilities, private facilities, are not being used and were concerned about money being spent to construct public facilities that might be in competition with them. Have you had any discussion with a representative of any of those child care groups in connection with this legislation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I know which bill you're referring to, I don't remember the number, it was a Senate bill. This has nothing to do with...with that. This is strictly a levy to allow Chicago to carry out its obligations in the treatment of its own special ed. children. The bill that you referred to is over in the House and I'm not sure...it has nothing to do with this. Senator Kustra had...had the other bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR BERMAN:

Thank you, this is a...an eight-cents levy for special education purposes. It would be in...included in the operational fund levy for the first year as explained by the board attorneys in order to accelerate and capture it for fiscal...their Fiscal Year '84. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 632 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 14, the Nays are 30, 5 voting Present. House Bill 632 having failed to receive the constitutional majority is declared lost. House Bill 633, Senator...Senator Berman. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 633.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

I hope to break my streak. House Bill 633 is a bill that would authorize the Chicago board to utilize in their education fund the difference between fifty cents that was authorized to be used by the School Finance Authority and any amount that the Finance Authority fails to use. This year it's anticipated that the Finance Authority is only going to use thirty-eight cents of the fifty-cent levy. This bill would allow Chicago, in their education fund, to utilize that twelve cents difference. This puts into effect what we, I think, intended to do when we passed the Finance Authority Act there was a total cap of two dollars and eleven cents, fifty cents was given to the Finance Authority. This bill says if the Finance Authority doesn't use part of that fifty cents, the balance can still be used by the schools for their education fund. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

...thank you, very much, Mr. President. Senator Berman, I hope I can help you break your string. I rise in support of House Bill 633. This money that should into the educational fund. It's a part of the fifty cents that was taken away from the educational fund. This will help the system and it truly belongs there and I rise in support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll.

SENATOR CARROLL:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he'll yield.

SENATOR CARROLL:

Senator Berman, are they now, in fact, levying the fifty cents and is it unused or would they without this bill would they be levying, in your example, only thirty-eight cents and

then this would be a twelve-cent increase?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

If they don't...if this bill doesn't pass and they don't use the thirty...if they...if this bill does not pass and they use only thirty-eight cents, then the total levy would fall twelve cents.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grothberg.

SENATOR GROTHBERG:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR GROTHBERG:

Senator Berman, how does this relate to the famous Jone's program that is a fifty cent...we're talking about the same fifty-cent reduction that we took off in '79, and you're restoring part of it and he's restoring all of it, or what is the answer?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator Berman.

SENATOR BERMAN:

Okay, that's a...that's an excellent question 'cause a lot of times there is confusion. Let me take...let me...Senator Grothberg, okay. In 1979, when we created the Finance Authority, the Chicago Board of Education had two dollars and eleven cents levy authority in their education fund. We took fifty cents of that and gave it to the School Finance Authority leaving a dollar sixty-one in their education fund. So the education fund plus the Finance Authority totalled two eleven. This bill, 633, still keeps it within the two dollars and eleven cents. It says, any part of the fifty cents that we gave to the Finance Authority that's not

used by the Finance Authority can be used by the school. The Jone's fifty cents, if it was passed, would bump up the old dollar sixty-one, the Finance Authority fifty and another fifty. Do you understand my explanation? Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Well, thank you, Mr. President. I would also like to help Senator Berman break his streak. There is nothing wrong with this particular idea. When we passed the School Finance Authority, we took off fifty cents to retire the bonds. That was the best guess we had of how much they would need, what they would be utilizing. They now find that that cannot be utilized. It seems only fair that we allow them to utilize the full fifty cents that we had...they had already used, implemented and spent, and let them use it to operate their schools with.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, I...I don't have any argument with that, but where I have a...a disagreement is I don't think we should be doing this when we have a fifty-cent piece of legislation still before us. I mean, are we talking sixty-two cents here or...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Well, let me...if we don't approve this, I'm not sure, you know, this is...this is our...our last shot at what I think is a fair treatment of Chicago's problems still within that total two dollars and eleven cents. If...and I don't want to predict but, you know, 632 and 631 were similar to ten...to the fifty-cent bill, it didn't fly out of here. I think this is a fair treatment. There's an amendment on here

the...that has to be concurred in...in the House. I am sure there will be communication if between now and midnight something unexpected occurs with the full fifty cents, and I'm just basing it on the eight-cent and five-cent bills that just went down the tubes. So, I think that this is a fair treatment of Chicago. I don't think it should be locked in or tied to the fifty-cent proposal, we'll address that on its own merits.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, again, that's where you and I differ. It just doesn't make any sense, you know, you are for the fifty cents. We are going to vote for this in the blind. If you could tell us...if we knew where we we going on the other fifty cents, then we knew what we could do with this. You know, there's a lot of us who support this. We don't have any problem with this. My Rep is the House is...is the House sponsor on here, but I can...I don't see where it makes any sense to be voting these things in the blind and not knowing how we're going to deal with the money that the Chicago school system needs.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. For just that very reason, I think that this is a defensible one. There are some of us who do not feel it is right to impose an additional full fifty cents on the taxpayers of Chicago and who feel that more of the funding for not just our school district but all should be coming from State resources and State revenues, but recognizing that we did take away fifty cents from the corporate fund, that this simply restores the full use of that fifty cents that was set aside for the School Finance Author-

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3rd reading*

ity. It seems to me that this one is appropriate no matter what happens to the other fifty cents.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR BERMAN:

I...I solicit your Aye vote for a fair approach to some of the problems of Chicago. It stands alone. We cross each bridge as we get to it, and I would suggest to you that this is a fair and...and evenhanded approach. We took away fifty cents. If the fifty cents isn't being used, they ought to use it for the education of the children. I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 633 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 26, the Nays are 21, 5 voting Present. House Bill 633 having failed to receive the constitutional majority is declared lost. House Bill 643, Senator D'Arco. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 643.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This is the recodification of the Detective Act pursuant to the Sunset review pending the repealer provision in the Act. There is a problem with an amendment we adopted yesterday, Mr. President. The amendment gave the law...the Department of Law Enforcement authority to

do criminal checks on people employed by corporations and local units of government and there was some hoopla about that in the House and rightly so. So we would ask that the bill pass and be sent to a Conference Committee and...and amend the amendment to conform to the way the bill should be, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well, I...I rise...and I'm going to support the bill, but I just want to put into the record one area of the bill and I respect the word of the sponsors. This is a good bill and it's a necessary bill, but...but there is a section of the bill that calls for the Department of Law Enforcement to furnish records to businesses and commercial establishments of nolo contendere and probation, et cetera, et cetera. So business and commercial establishments will be getting records from the Department of Law Enforcement, but in another section of the bill, it says that the department or its employees or agency of the State, none of them shall be responsible for the accuracy of the information or have any liability for defamation, invasion of privacy, negligence or any other claim in connection with any dissemination of the information. So, we're going to be disseminating information to...to business and industry but we're...we're exempting all the personnel and law enforcement from any negligence, and I think, hopefully, that is one of the areas of the bill that the sponsors are going to address and take out by amendment. Other than that, I think the bill is an excellent bill and I'm going to support it and...and know that it's going to be amended in conference.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall House Bill 643 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 48...the Noes are 8, and none voting Present. House Bill 643 having received the constitutional majority is declared passed. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. After some lengthy...lengthy discussion with Senator Philip, I'd like to point out to the membership that tonight is the deadline for House bills in the Senate. We have some eighty bills remaining on the Calendar not including those on consideration postponed. In fairness to everyone, for both their physical and political health, we will attempt to afford everyone the opportunity to have their bill called. I would just urge the membership that the hour is growing late and we ought to be, if we can, as brief as possible. The T.V. cameras will not be allowed in, so all your speeches will go unrecorded. I would ask the membership, just please, with a little deference to members who have bills that are on the Calendar behind you, let's move as rapidly as possible.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, with that admonition, we have House Bill 663, Senator Barkhausen. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill...

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose does Senator Vadalabene arise?

SENATOR VADALABENE:

Yes, while President Rock was making an announcement, I may as well make one now while we're all awake that the Appointment Executive Committee is at ten o'clock tomorrow rather than nine o'clock. Ten o'clock tomorrow rather than nine.

HB 663
3rd Reading

PRESIDENT:

On the Order of House Bills 3rd Reading is House Bill 663. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 663.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, House Bill 663 is the securities bill about which there has been much discussion, mostly in committee but also on the Floor, where we adopted an amendment that most all of the parties were basically agreed to. It is a bill, Mr. President, about which there could be considerable discussion, but trying to follow your admonition to...to keep things brief, let me try to do that. Essentially the bill changes or increases the...the exemptions on the securities bill in a number of areas which I'd be happy to go into. Most significantly it...it deletes the requirement that the Secretary of State review securities offerings to determine that they are "equitable" and...and screen those that are...deemed to be inequitable. It is felt that this requirement prevents many offerings from being made in Illinois that would otherwise help Illinois businesses and other businesses raise capital...in Illinois and...and bring businesses here. A recent story reported in the Chicago papers told how the high technology business Am-Gen, which the State is attempting to bring into its high technology park at the University of Illinois was discouraged from an offering here because of the provisions in our securities laws. Let me...in addition, let me simply emphasize that this bill maintains the power of the securities division of the Secretary of State's Office to...to screen those offerings which

are...which have a tendency to create a fraud or deceit. In other words, this bill in no way takes from the Secretary of State the...the responsibility for keeping out offerings which are in...in anyway or appear to be fraudulent and, in fact, by...by doing away with the...with the requirement to...to screen offerings that are inequitable, more personnel and resources will be devoted to...to the other important functions of this securities division. Be happy to answer any questions.

PRESIDENT:

Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. This is the special, special, special interest bill for the Session, House Bill 663. What happens to this bill, if this bill passes, I think that in the elimination of the merit review, we're going to open up Illinois to a lot of unscrupulous...unscrupulous securities offerings. I think we're going to have a lot of fly-by-nighters into this State. We're going to have some blatant rip-offs of the public as it pertains to the...the stock issuances, and I can say an awful lot of other things about this bill. I suggest to you that we defeat this bill because if there's ever a bill in this Session that needs to be defeated, it certainly is this one.

PRESIDENT:

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'd like to speak in favor of this bill. I think for three reasons; first of all, I think that stock can be offered in Illinois finally for new Illinois issues of Illinois companies. Secondly, the bill doesn't eliminate the possibility of losing money in the stock market. Certainly not. The only way we can do that is to

eliminate the...the sale of all stocks in the State of Illinois. The risk involved in purchasing these stocks is what makes them valuable. That's why you make money on stocks is because you take risks, and finally I'd just like to say that I think Illinois should be able to compete in the money markets with New York and other states, and I think that the time has come to enact a law just like this. Thank you.

PRESIDENT:

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. Ladies and Gentlemen of the House, I sat on the subcommittee, Finance and Credit Regulations, that heard this. I listened to the testimony. The more I listened, the more I became convinced that the judicious thing for us to do, contrary to what Senator Demuzio maintains, is to go to a disclosure system of providing securities. This is a delicate balance admittedly between giving people opportunities to buy securities in the State of Illinois and thus promoting the accumulation of capital...capital formation which many of us feel will aid business and the business climate in the State of Illinois as opposed to ultrasuper protection in the assumption that the investor really has to be protected against himself. This bill simply proceeds on the assumption that the investors are adults, that they read their prospectus, they know what securities are being offered, they take the time to look into them to invest wisely and are willing to assume some risk. There's no way, indeed, Ladies and Gentlemen, that any system can protect against fraudulent practices entirely, including the system we now have. So, I think this is a good bill. I think its time has come. Let's aid capital formation in the State of Illinois and help this State to get on its feet as it should in a business way.

PRESIDENT:

Further discussion? Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. I rise in support of this bill and, Senator Demuzio, I don't know what private interest you represent; I don't represent any, and incidentally, I do support the bill, and...

PRESIDENT:

Further discussion? Senator Joyce.

SENATOR EGAN:

If you'll pardon the expression...

PRESIDENT:

Senator Egan.

SENATOR EGAN:

...Mr. President, I...I hadn't finished.

PRESIDENT:

Oh, Senator Demuzio is not in his chair. I don't know to whom you were addressing your remarks.

SENATOR EGAN:

I was addressing my remarks to the Body.

PRESIDENT:

Thank you.

SENATOR EGAN:

One of whom is which yourself too, Mr. President, and you might listen. I'm...rise in support of the bill because we now have a situation in Illinois which is becoming archaic. There are many, many states in this union that do...provide the opportunity for the..the same result of the passage of this legislation, and I commend it to your favorable consideration.

PRESIDENT:

Further discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Mr. President and members of the Body, since Demuzio...had to be so cute and get up and say, "special,

special, special interest," let me tell you what the special interest is. I couldn't care less whether you vote for this bill, vote against this bill. We got to run around all over the committee and all...in a subcommittee and all the other...Demuzio is trying to...special interest to Secretary of State for whatever hell interest he had, and I couldn't care less about...there's no special interest in the bill. Vote it on its merits.

PRESIDENT:

Further discussion? Senator Berman.

SENATOR BERMAN:

I rise in support of the bill. The proponents entered into substantial negotiations. There are substantial amendments to provide protection in delays in some of the more important implementations of this bill. I urge an Aye vote.

PRESIDENT:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, just rather quickly, Mr. President. If you want to know what the special interest is in Illinois, it's the consumer public. In my over-enthusiastic endeavor to clear off my desk, I just wiped out two stock offers made last week which were eligible to the buyers of the State of Illinois but they were not eligible to be bought in Illinois by underwriters, so the initial offering price of both stocks was eighteen dollars, but if you want to buy it in Illinois, it was going to cost you twenty-two and twenty-six dollars. This reform of this particular Act is absolutely needed. Illinois, time after time, has been the only State that has not allowed stocks to be offered when we have some of the largest underwriting firms in the country in this State. And let me tell you what's even worse, they were not withheld because the stocks were fraudulent; they were withheld because the person who was supposed make this opinion didn't offer opin-

ion, and when you don't offer opinion, the stock has to be withheld. I urge the support of this bill.

PRESIDENT:

Further discussion? Senator Barkhausen may close.

SENATOR BARKHAUSEN:

Mr. President, I feel the bill has been...explained as well as time permits. I'd ask for a favorable roll call.

PRESIDENT:

Question is, shall House Bill 663 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 3, none voting Present. House Bill 663 having received the required constitutional majority is declared passed. 669, Senator Bruce. On the Order of House Bills 3rd Reading is House Bill 669. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 669.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Presently under the law, in the question of recognition of exclusive bargaining agents you must file a petition. This bill says that in addition to the petitions you file a authorization cards. Also it allows representatives to meet with school teachers during the duty free times of those school teachers. Ask for your favorable vote.

PRESIDENT:

Discussion? Senator Keats.

SENATOR KEATS:

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

Senate. I'd like to make this fairly brief. The original bill as it passed out of committee was fine; in fact, I voted for it in committee, it came out 7 to nothing. The amendment, which is a Floor amendment, is a significant one. We just passed 1530, what, yesterday or today...I lose track of time, I forgot which day we did it, but it now will mandate State-wide teacher collective bargaining which we've chosen to do or not to. What this thing does is a step that goes a heck of a lot farther. It says the union agent can now go in and meet with people on their off-duty time. It doesn't say just bargaining unit employees. Suppose the union is already represented in there and you've got employees who aren't; you're a teacher, you're trying to teach and you got union organizers in there beating you over the head, saying, hey, you got to join the union. Anyone who's every been involved in a union organizing campaign has got some idea of something called peer pressure. How would you like to be at school and in your off-duty time you aren't even given the opportunity to get away from the union organizers? So from that angle, I think it really just plain goes too far. I mean, how much access to the employees do you need? You can't even get away; the minute you walk out of the classroom, they can grab you. The collective bargaining, if we chose to do it, fine, but give the teacher some area where he doesn't have to be pushed on this issue. I would appreciate a No vote or at least a Present just to give a little personal protection to the individual teachers.

PRESIDENT:

Further discussion? Further discussion? Senator Bruce may close.

SENATOR BRUCE:

Well, I think..first of all, I would like to have a transcript of what Senator Keats said, that...I don't think, Senator Keats, that anyone can speak as fast as you can and

you got it all in because Rock said to hurry up. The other thing of it is, I think you should have read the first paragraph that says, before you can come into the building, any building, you have to identify yourself, tell the purpose of your entry. Any person who refuses to do that is guilty of...of a petty offense and it's a fine of a hundred dollars. I mean, there...there is not an abuse in this bill. It just says that the...the...the authorization card shall be filed with the petitions, and if you come into the school building, you do it...talk to people on their free time if you tell as...as...as in current law, you must tell them the purpose of your visit and if you fail to do that, it's a petty offense. I'd ask for your favorable vote.

PRESIDENT:

Question is, shall House Bill 669 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 36, the Nays are 23, none voting Present. House Bill 669 having received the...required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 674. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 674.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I'd like to have leave to put House Bill 674 in the Motor Vehicle Laws Study Commission.

PRESIDENT:

We'll certainly give you leave to put it anywhere but here. The Senator asks leave to recommit it to the Committee

on Transportation. The Chairman will make sure it gets there.
Commit to Transportation. On the Order of House Bills 3rd
Reading is House Bill 691, Senator Macdonald. Read the bill,
Mr. Secretary.

SECRETARY:

House Bill 691.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Macdonald.

END OF REEL

REEL #13

SENATOR MACDONALD:

Thank you, Mr. President and members of the Senate. House Bill 691 creates the Illinois Wildlife Habitat Commission, authorizes the Department of Conservation to issue wildlife conservation stamps, creates a wildlife conservation fund. This bill sunsets December 31st of 1984. The commission is to consist of seven members, one chosen by each of the following: the Environmental Council, the Wildlife Federation, the Department of Conservation Advisory Board, the Natural History Survey, Endangered Species Protection Board, Chapter of the Wildlife Society and Chapter of Society of American Foresters. The commission is to study the development, preservation and retention of Illinois wildlife habitats and is to be...repealed, as I said, on December 31st, 1984. If this bill passes, it will become effective December...the stamp program which is to be...the stamps are to be sold for five dollars, and the...that will become effective on December 31st of 1984.

PRESIDENT:

Discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, I'd just comment what a difference a day makes. The other day...Senator was against all new commissions, that they were unneeded, it took too much money, and here today her own personal one. Here we go.

PRESIDENT:

Further discussion? Senator Egan.

SENATOR EGAN:

Yes, a question, please.

PRESIDENT:

Sponsor indicates she'll yield, Senator Egan.

SENATOR EGAN:

Senator, is there a definition of wildlife?

PRESIDENT:

Senator Macdonald.

SENATOR MACDONALD:

Not in the bill, no, sir.

PRESIDENT:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

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

PRESIDENT:

Indicates she'll yield, Senator Lechowicz.

SENATOR LECHOWICZ:

What's the appropriation for this commission and out of what fund?

PRESIDENT:

Senator Macdonald.

SENATOR MACDONALD:

They serve without compensation. The director of Conservation is to be the chairman of the commission.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, there is an Advisory Committee already in the Department of Conservation, and there are public appointees...or I'm sorry, there are appointees by the Governor who are public members, and the compensation that they receive is the...strictly on expenses. Now, is this going to be a duplication of that? There's John Case on there, there's Art Janura from the Forest Preserve, there's a gentleman by the name of...Mr. Tony Skowronek. Are you familiar with that Advisory Committee?

PRESIDENT:

Senator Macdonald.

SENATOR MACDONALD:

Yes, Senator Lechowicz, I...I am familiar with that commission, and I think they do a very good job. This is a special commission for one year, and I believe that the purpose for the commission is really to see...we have two bills, you know, we passed 220 which was my nongame wildlife check-off bill, this is a stamp to generate funds, and I believe it is to just investigate how that system will be used in...in comparison to the check-off system.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

The bill...to the bill, Mr. President. I personally believe that with the existing appointed public members in the Department of Conservation, with the recourse that any member of this General Assembly has as far as going to the Legislative Council and asking them to come up with a report...determining the dollar amount that is raised by those two respective stamps, I don't believe this bill is needed, it should be defeated.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further...Senator Vadalabene.

SENATOR VADALABENE:

Yes, I...I think I ought to say something. This is a good piece of legislation and I would ask my colleagues to support this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Macdonald may close.

SENATOR MACDONALD:

Well, the hour is late and I'm not going to spend a lot of time. Senator Vadalabene and I are chief cosponsors of this legislation. It passed out 95 to 15 to 2 in the House.

HB 695
2nd Reading

I believe it is a good bill. It sunsets, it's not going to go on and on and on as many of our commissions do, and I ask for your support.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 691 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 42, the Nays are 12, 1 voting Present. House Bill 691 having received the required constitutional majority is declared passed. House Bill 695, Senator Darrow. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 695.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, this is the same piece of legislation we discussed at some length two or three days ago pertaining to downstate mass transit. The changes that I spoke to Senator Rock and Senator Nedza and made a commitment to them that if this bill were to pass, we would hold it over in the House of Representatives and put it in Conference Committee and hold it and work it out until we had all the problems with it and became part of the package. We don't want it to die over here tonight, and I'd ask for a favorable vote so that we could get it over there into Conference Committee.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. We talked about this bill when

the Senator was kind enough to hold it. This is an improvement for the funding for the downstate public transportation system. We have worked, as a matter of fact, at some length today and this evening on a subsidy for mass transportation in the northern part of the State. The Senator and the House sponsor were kind enough to assure me that it would be held on the House Calendar until this is worked out. I'm confident it will be worked out, and I would urge our members to support this and send it over to the House. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Lechowicz.

SENATOR LECHOWICZ:

Is this out of General Revenue Funds?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Darrow.

SENATOR DARROW:

This is...this is funded the same way the RTA used to be funded, out of the one thirty-seconds of the sales tax generated in the downstate mass transportation districts. However, as was said, we're going to nonconcur with the amendment over in the House and hold it there until all the programs are out on the table and we know where we're going with it. I assure you that we do not plan to pass it out in this form and it would be coming back to this Body.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Lechowicz. Further discussion? The question is, shall House Bill 695 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 37, the Nays are 16, 5 voting Present. House Bill 695 having received the required constitutional majority is declared passed. House Bill 700, Senator Schaffer. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 700.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this bill was debated at some length earlier. I don't wish to impose upon the time of the Senate. Let me suggest to you that the people who didn't like it still don't like it. Those of us that like it still like it. Senator Rock is still with me. The amendment Senator Rock put on the bill will...I can guarantee you and the House sponsor guarantees you we'll put it in a Conference Committee. This is not final passage. The House sponsors, Representative Ebbesen and Representative Capparelli, very much would like to see us pass it and get it back to the House. I would like to see that happen. I would like to keep the debate short, but if the opponents want to, Senator Joyce and I are prepared to give orations about the sunsetting on the campus and end up by singing in the Northern fight song, if that's absolutely necessary; if not, I'd just like a roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Buzbee.

SENATOR BUZBEE:

Well, I'm...I...the Senator is absolutely correct, it was a bad idea the other day, it's a bad idea today. I...I suggest we save all those Conference Committees and all that

electricity we have to burn in those Conference Committee rooms and just kill the damn thing right now.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Well, you're right, let's save wear and tear on our bodies and save our health and kill this bill as it should be, and...so it...before it lays any more eggs or any more turkeys, and appreciate a No vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Schaffer may close.

SENATOR SCHAPPER:

Well, we've discussed. I honestly believe there's merit for the proposal. The bill in its present form needs work. We sent a whole bunch of stuff over to the House in Conference Committees. I know the House sponsors have worked hard on this and they would appreciate that courtesy. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 700 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 34, the Nays are 23, 1 voting Present. House Bill 700 having received the required constitutional majority is declared passed. House Bill...Senator Buzbee.

SENATOR BUZBEE:

Mr. President, I'm sorry, I hate to be obstreperous at this time of night, but I might as well be and ask for a verification of the affirmative...roll, and I'd like to have the Secretary turn the lights on in the Chamber so I can see.

PRESIDING OFFICER: (SENATOR BRUCE)

There's been a request for a verification. Will the mem-

bers be in their seats. The Secretary will read the affirmative votes.

SECRETARY:

The following voted in the affirmative: Barkhausen, Becker, Berman, Chew, D'Arco, Dawson, Degnan, Egan, Etheredge, Fawell, Friedland, Geo-Karis, Grotberg, Hudson, Johns, Jeremiah Joyce, Keats, Kelly, Kustra, Lechowicz, Lemke, Macdonald, Mahar, Marovitz, Nedza, Philip, Rigney, Rupp, Schaffer, Vadalabene, Watson, Welch, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee, do you question the presence of any member?

SENATOR BUZBEE:

Yes, Senator Barkhausen.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Barkhausen is in his seat.

SENATOR BUZBEE:

Senator Dawson.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Dawson on...Senator Dawson is here.

SENATOR BUZBEE:

Senator Philip.

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Philip is standing behind Senator Friedland.

SENATOR BUZBEE:

Senator Becker.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SENATOR BUZBEE:

Senator Watson.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Watson on the Floor? Senator Watson. Senator

Buzbee, he's in the phone booth...the Chair sees him, I'm not sure you can.

SENATOR BUZBEE:

Senator DeAngelis.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis on the Floor? Senator DeAngelis is on the Floor and he's recorded in the negative.

SENATOR BUZBEE:

Sure am glad to see all the friends of our education at work tonight.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. On a....on a verified roll call, there are...33 Ayes, 23 Nays, 1 voting Present, and House Bill 700 having received the required constitutional majority is declared passed. Senator Johns moves to reconsider the vote by which the bill passed. Senator Schaffer moves to Table that motion. On the motion to Table, all those in favor say Aye. Opposed Nay. The Ayes have it. The motion to reconsider is Tabled.

PRESIDENT:

Senator Newhouse, for what purpose do you arise?

SENATOR NEWHOUSE:

On a point of personal privilege, Mr. Chairman...Mr. President.

PRESIDENT:

State...state your point, sir.

SENATOR NEWHOUSE:

In the interest of brevity, I didn't speak on the last bill because I thought that turkey would surely be buried, but apparently I had the wrong signals. I want the record to show that I would have spoken in opposition to it had I any idea that it would fly.

PRESIDENT:

The record will so reflect. On the Order of House Bills

3rd Reading is House Bill 708. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 708.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. House Bill 708 amends the Park District Code for organizing and maintaining a police force. It's two and a half cents per hundred dollar valuation, and what this bill and the next bill do, this one removes the organizational date, 1973, which from there back had a front door referendum, from there up there was no referendum at all, and puts a backdoor referendum on that was agreed to by the Taxpayers' Federation.

PRESIDENT:

Any discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Yes, Mr. President. One question to the sponsor.

PRESIDENT:

Indicates he'll yield.

SENATOR LECHOWICZ:

Is the City of Chicago included in this bill?

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

No.

PRESIDENT:

Any further discussion? Further discussion? If not, the question is, ...shall House Bill 708 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. (Machine cutoff)...voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that

question, the Ayes are 44, the Nays are 12, 1 voting Present. House Bill 708 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 709. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 709.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This bill does exactly the same thing with parks and...with lighting streets within parks and playgrounds of a district, and the organizational date there was 1963.

PRESIDENT:

Discussion? Discussion? If not, the question is, shall House Bill 709 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 18, none voting Present. House Bill 709 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 721, Senator Bruce. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 721.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This addresses a problem that I'm sure many of us have had, and

that is the solicitation of some of our constituents by people who profess to be representing police or police organizations. The Fraternal Order of Police along with the Attorney General of the State of Illinois have enacted legislation...or propose to enact this legislation which says before you can solicit advertisements for a magazine which you say is a police officer's magazine, they would get a certificate of qualification from the Illinois Attorney General. I believe it really, in fact, will solve a lot of problems. I don't know how your constituents are; mine, I get a call every once in awhile from someone that's been harrassed by people that say that they are a bonafied police organization when they are not. This makes sure that these people are, in fact, bonafied police organizations operated by police, and I ask for your favorable vote.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall House Bill 721 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 721 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 731. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 731.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. House Bill 731 amends the Election Code. It provides that when the difference between

the top two candidates running for Governor is less than one-half of one percent of the total votes cast for the office, the State Board of Elections shall conduct a recount of all the votes cast for the Office of Governor. Recounts shall be conducted at State expense, the board shall canvass the recounted votes. Any declarations made pursuant to existing law should be based on the board's canvass. This is obviously legislation offered in...in reaction to the most recently completed gubernatorial race. Be happy to answer questions.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall House Bill 731 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 731 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 744. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 744.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Kent.

SENATOR KENT:

Thank you, Mr. President and members of the Senate. This bill was brought to me by the Joint Committee on Administrative Rules. I will inform you that the Calendar is in error. House Bill 744 allows the Nature Preserves Commission to receive and review and approve in writing rules promulgated by the Department of Conservation. It also clarifies the responsibility of the Nature Preserves Commission. I would

move for its passage.

PRESIDENT:

Any discussion? If not, the question is, shall House Bill 744...Senator Buzbee.

SENATOR BUZBEE:

Question of the sponsor.

PRESIDENT:

Indicates she will yield, Senator Buzbee.

SENATOR BUZBEE:

Now, Senator, where are we on this at this point? Is this the director's...compromise with the commission, or is the director in favor of this or opposed to it or...or where are we?

PRESIDENT:

Senator Kent.

SENATOR KENT:

I have a letter here from the Department of Conservation stating their support. It is unamended. So, this is final passage.

PRESIDENT:

Further discussion? Senator Bruce.

SENATOR BRUCE:

I know...I know the department, where is the commission? Have we worked out the difference between them and the commission?

PRESIDENT:

Senator Kent.

SENATOR KENT:

I think that the commission itself would prefer a little different language, but they had approved this prior to all the confusion in committee.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Well, the confusion in the committee is, I think, the commission had voted 3 to 3. Are you telling me they've taken another vote? All right, so...well,...how have we cleared up the commission's problems with this particular piece of legislation?

PRESIDENT:

Senator Kent.

SENATOR KENT:

Well, they would...their position in regard to this has not changed since it has not been amended at all. We were trying to keep it from going back to the House which...to have other things happen.

PRESIDENT:

Further discussion? Senator Bloom.

SENATOR BLOOM:

Well, briefly, I rise in support of this. This is one of these things where when you have advisory commissions and agencies, they sometimes get in turf wars over who initiates rule making; and where you have them doing it jointly, I can promise you, you have all kinds of administrative problems. Look at the problems we had when we had Public Health and the State Board of Education jointly addressing immunization and other. This says one of them starts it, but the other one has to okay it in writing, and now there seems to be a disagreement as to who should start it. This, I think, is the...the best decision because it clarifies that one of them starts it with the other one's ratification before it goes through the rule making process. I see nothing wrong with this and see that we should probably support this 59 to nothing.

PRESIDENT:

Further discussion? Senator Kelly.

SENATOR KELLY:

Senator Kent, I just want to ask you one question.

H. B. 747
3rd Reading

PRESIDENT:

Indicates she'll yield, Senator Kelly.

SENATOR KELLY:

I'd like to ask you, is there an amendment or something on this bill to do with that trail that we've been looking at for awhile?

PRESIDENT:

Senator Kent.

SENATOR KENT:

No.

PRESIDENT:

Further discussion? If not, the question is, shall House Bill 744 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 5, 4 voting Present. House Bill 744 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 747. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 747.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. House Bill 747 recodifies the existing law as it were in relationship to county jails to upgrade the law to meet the Federal standards that have been set down in the Federal court decisions. It abolishes the Act to revise law in relation to jails and jailors in an Act relating to the medical expenses of prisoners in county jails. This is the...this is

the...the Sheriffs' Association bill so that we'll have a code where with...whereby they can exist, and it's been amended to resolve a problem with misdemeanants. There...there may be a problem with the Department of Mental Health that we are trying to work out. It has to go back to the House for concurrence, and I'm told that they will attempt to do that in the House, and I ask for your favorable consideration.

PRESIDENT:

Any discussion? Senator Kelly.

SENATOR KELLY:

Yeah, briefly, Mr. Speaker. There's just one thing that concerns me in this bill, and that's on the warden being able to assign convicts to institutions. Now, I know that Cook County Jail is overcrowded and I've got a couple of mental institutions out in my south suburban area, and I...I know the...the word is, we'd rather have them, you know, in those types of institutions than letting them walk...walking the streets. But there is a little problem, at least on my part, with that one concept of getting into a problem where we get a whole load of...of convicts.

PRESIDENT:

Further discussion? Senator Kent.

SENATOR KENT:

Excuse me, very quickly, you are taking this back to conference to clarify some of the Department of Mental Health's problems, am I right there?

PRESIDENT:

Senator Egan.

SENATOR EGAN:

That's correct.

PRESIDENT:

Further discussion? Senator Bruce. Senator Johns.

SENATOR JOHNS:

...I just want to hear Senator Egan tell me one more time, the Sheriffs' Association is behind this bill?

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Yes, it's their bill.

PRESIDENT:

The question is, shall House Bill 747 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 747 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 751, Mr. Secretary.

SECRETARY:

House Bill 751.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Mr. President, this is a bill that can be used in high schools where principals or designees may accept registration for eighteen year old students or older. I would ask for its approval.

PRESIDENT:

Discussion? Discussion? If not, the question is, shall House Bill 751 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 2, none voting Present. House Bill 751 having received the required constitutional majority is declared passed.

Senator Lemke on 755. On the Order of House Bills 3rd Reading is House Bill 755. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 755.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What this does is increase the death benefit for...on...in a firemen's pension case. I understand that it's a good bill, it's an agreeance, and I ask for its adoption.

PRESIDENT:

Discussion? Senator Luft.

SENATOR LUFT:

Is the Calendar correct, Mr. President?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

The Calendar mandates firemen to vote by mail at trustees elections and makes other changes relating to the death benefits. I would assume it's correct.

PRESIDENT:

Senator Luft. Senator Luft.

SENATOR LUFT:

Just for clarification, we are mandating that people vote?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

According to the staff, they took that part of the bill out, and all it does is raise the death benefit.

PRESIDENT:

HB 767
3rd Reading

The question is, shall House Bill 755 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 4, none voting Present. House Bill 755 having received the required constitutional majority is declared passed. Senator Newhouse, on the Order of House Bills 3rd Reading is House Bill 758. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 758.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President and Senators. As a result of Amendment 2, what this bill does...and it's an...it's an agreed bill between the firemen and the City of Chicago. They've worked on it at...at length. And what it does is conform the formula in the City of Chicago to the same formula as downstate. It raises the widow's benefits. It's a good bill and I would ask your favorable roll call on it.

PRESIDENT:

Discussion? Discussion? If not, the question is, shall House Bill 758 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 758 having received the required constitutional majority is declared passed. Bottom of Page 8, on the Order of House Bills 3rd Reading is House Bill 767. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 767.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This is the peace officers' collective bargaining bill. They have worked long and hard to get this through. It gives policemen the right to organize and bargain collectively; states that they can negotiate fair share agreements with employers; it sets forth a grievance procedure; it puts a limit on their fair share, I think Senator Hudson talked about in an earlier bill this morning; it requires a...sets forth an election procedure, also a revocation of their certificate in the same manner; it also states that any agreement reached must be approved by the governing body. Where the State of Illinois is the employer, the agreement shall not be deemed approved until approved by the General Assembly; and if it's not the State of Illinois, then any other agreement shall not be approved until approved by the appropriate lawmaking body where they are presently employed. Disputes are resolved by arbitration, a three member arbitration panel is...is composed. The cost is paid by both the employer and equal shares by the employees. If there is no agreement, they can have an arbitration panel, they must consider the lawful authority of the employer, stipulations of the parties, interest and welfare of the public and the financial ability of the unit of government to meet the cost. They compare wages and hours and other areas, the decision of the arbitration panel is...is specifically reviewable by the circuit court and the costs of the operation of the supervising body will be shared by the employer and the employees. Strikes are specifically prohibited in Section 20, and if there is a

strike, employers may apply to the circuit court for injunctive relief. The bill also in its final section, Section 26, states that this is not preemptive and does not preempt the concurrent exercise of home rule units of...powers consistent with this Act. I'd be happy to answer any questions.

PRESIDENT:

Discussion? Senator D'Arco.

SENATOR D'ARCO:

Again, Mr. President, this is the identical bill to the firemen's collective bargaining bill. It mandates that the municipality must abide by the arbitrator's decision. We debated this bill on the firemen's issue, it's the identical bill and I would ask for a No vote.

PRESIDENT:

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I speak in favor of this bill. This bill absolutely prohibits strikes; it does provide for mandatory arbitration; there is a right of appeal to the courts and it gives the reasons, and I think it's a good bill and it's a true collective bargaining bill without any right of strikes.

PRESIDENT:

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. The city...

PRESIDENT:

...pardon me, Senator Newhouse. Beth, will you...Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. The City of Chicago opposes this bill. There is no agreement there. We would hope that this get a...a No vote by all this side.

PRESIDENT:

Further discussion? Senator Lemke.

SENATOR LEMKE:

It's my understanding that in the House Judiciary Committee, the mayor's spokesman, Carol Brahn, brought in a letter from the mayor of the City of Chicago, before the April election, endorsing collective bargaining for policemen. I think we should go along with that agreement, and I ask for an Aye vote.

PRESIDENT:

Further discussion? Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, that letter that Senator Lemke is speaking about was when Mayor Washington was a candidate, and since becoming a mayor has changed his issue. So, Senator Lemke ought to get an updated version of the letter.

PRESIDENT:

Further discussion? Further discussion? Senator Chew.

SENATOR CHEW:

Yes, Mr. President. I have just heard Senator Newhouse said the City of Chicago is opposed to it. Senator Newhouse has not told me that the City of Chicago was opposed to it, and I want to know where it...where...I don't know what to do on it. I...I haven't had no direct...I'm not thinking about the letter you talk about, you can twist that around like you want it. Second time I heard the Senator say the City of Chicago was opposed to it. I would like to help the City of Chicago the best that I can.

PRESIDENT:

Senator Newhouse.

SENATOR CHEW:

But the City of Chicago or whoever is around here representing it ought to come up and tell me. The last time I had a conference with the mayor, no one in the Senate had been

selected, that I know of, that was representing Chicago. So, I feel that certainly my desire is to help the city save money or whatever they want to save, but you get one signal one place and you get one from the other place and you don't know what signal to obey. I like to think that...that I represent a district down here, that I ought to have the authority to vote as I want to vote until someone has convinced me that the vote should be otherwise. Just to say that someone is opposed to it is not good enough for me.

PRESIDENT:

Further discussion? Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Mr. President, I'd just like to clarify one thing. To say that the mayor of the City of Chicago is in favor of collective bargaining is absolutely accurate. The mayor of the City of Chicago is opposed to this specific bill. Now, if the Senator or anyone else has a problem with that, that's their problem. I'm simply reiterating what position has been taken and passing on that information.

PRESIDENT:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Mr. President and Ladies and Gentlemen of the Senate, the people that are covered by this bill put their lives on the line on a daily basis, and I personally believe that a commitment was made to them a long time ago. In the City of Chicago and in many other municipalities in this State, there are collective bargaining agreements with the police officers that are there to protect and to serve all of us. To come in at the last minute, the last day, and say that there's some problem with a bill that they've been negotiating in good faith for some time is totally unacceptable to me, and it should be unacceptable to each and every one of you. On

behalf of the people that put their lives on the line for us, I encourage an Aye vote.

PRESIDENT:

Further discussion? Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, just for a point of information, I thought that Senator Savickas was the City of Chicago representative within the Democratic Senate delegation from Chicago. I don't know, isn't that...am I wrong, Senator Rock?

PRESIDENT:

That...that is not a proper parliamentary inquiry. Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and members of the Senate. I sure wish someone would tell me who that spokesman is, it would save me a lot of grief and pain over the last six months on collective bargaining. And, therefore, I have to rise in support of this bill for the same reason that I stood in support of the other bill. It should have been negotiated in 536, I attempted to do that, and I wasn't there so I can't say that they...it was a shutout or not, but I did promise them a fair shot at their bill; and for that reason,...I haven't got any word from the City of Chicago and I assume, and let me correct that, because I most certainly would not like my remarks to be misconstrued when I say that I don't care about the City of Chicago. Oh, I care about the City of Chicago, but I don't care about what an individual of the City of Chicago says. I will vote for the bill.

PRESIDENT:

Further discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Question of the sponsor.

PRESIDENT:

He indicates he'll yield, Senator Weaver.

SENATOR WEAVER:

Senator Bruce, how does 767 differ from 1530 that we passed this morning?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Are you asking that as a representative from the City of Chicago or...no, Senator...Senator Weaver, 1530 was just education. This bill is solely police. And so, I mean that, you know, we are talking apples and oranges. The strikes are absolutely prohibited; arbitration is in here; arbitration decisions are binding on both parties, and there are a series of differentiations. The...the election procedure and decertification are about the same, but generally, we're talking about two different areas and they don't...they don't mesh entirely.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Well, Senator Bruce, aren't the substantive provisions about identical in the two bills?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

I think that's accurate. If...if you make the one proviso about the strikes, they are...they are substantially the same.

PRESIDENT:

Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, just briefly. Again, everybody is saying the City of Chicago, the City of Chicago. This bill is for the entire State of Illinois and us downstaters, I'm one of them who's going to support this bill.

PRESIDENT:

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. The policemen and the firemen in the City of Chicago were given parity when we passed identical pension provisions for fifty and twenty...for fifty and twenty,...and those provisions are so generous and the City of Chicago is granting them provisions even though it's going to cost the pension funds a lot of money, but that's not enough, they want more than that but nobody's talking about the people of the City of Chicago, everybody is talking about politics, but what about the people in the municipalities that this bill is going to affect? They're going to have to pay the taxes to pay for these increases. Nobody cares about those people though, right?

PRESIDENT:

Further discussion? Senator Lenke.

SENATOR LENKE:

Well, Senator D'Arco, on behalf of twenty-three hundred policemen that reside in my ward in the City of Chicago, I'm voting Aye, and I think there's a lot of other wards in Senator Egan's and other places have a lot of policemen that live there and they all want this and they all pay taxes, and everyday they...lay their lives on the...on the line, and they were told by the mayor of the City of Chicago before he was elected, on this bill, that letter was brought into committee to get this bill out of committee, and this is exactly the bill that he endorsed and I think this is exactly the bill we should pass, and I ask for an Aye vote.

PRESIDENT:

Senator Bruce may close.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. House Bill 767 has been well worked over in the House of

Representatives. I believe that we have answered and they have worked to get the answers of almost every question raised. And I would want to reiterate one point, that any negotiations and any agreement that is reached between the policemen and their employer will go before either the General Assembly if they're working for the State of Illinois or before the appropriate lawmaking body after the settlement is reached. This city council is going to have to approve these agreements if, in fact, an agreement is reached. No right of strike, binding arbitration, everything that we have said that we would want to give to the police if we were going to give them collective bargaining is within this bill. I believe that we ought to give them the right to organize and bargain collectively, recognize their rights and pass this bill.

PRESIDENT:

The question is, shall House Bill 767 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 25, 6 voting Present. House Bill 767...Senator Bruce requests that further consideration of House Bill 767 be postponed. So ordered. On the Order of House Bills 3rd Reading is House Bill 787, Senator Newhouse. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 787.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Thanks, Mr. President. I'm on a...a roll today...787, in effect, is a...is a statement of principle. What it attempts

to do is to make certain that medical emergency treatment is provided for all patients...for all persons who apply for it. There were some questions raised about it earlier. There are no penalty provisions, and as such, it simply amounts to a statement of policy on the part of the State of Illinois, and I would ask for a favorable roll call on it.

PRESIDENT:

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

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'd like to ask the sponsor a question.

PRESIDENT:

Indicates he'll yield, Senator Philip.

SENATOR PHILIP:

Yeah, in...hypothetically, a...a person comes into a drugstore which has a pharmacist and the drugstore closes at nine o'clock, the pharmacist closed at six o'clock, I have a lot of those in my district, and that person is in the dire need of some kind of drugs and obviously there's not a pharmacist there, it's closed but they're in the drugstore and they're needing help and, of course, unfortunately, can't provide it. What happens to the owner of that pharmacy or that drugstore?

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

The answer under this bill, Senator, is, nothing. There are no penalty provisions. It's nothing more than a statement of policy.

PRESIDENT:

Senator Philip.

SENATOR PHILIP:

Well, then why have the bill?

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

My opening remarks were, Senator, is that this...what this turns out to be is simply a statement of policy on the part of the State.

PRESIDENT:

Further discussion? Senator Sommer.

SENATOR SOMMER:

Thank you, Mr. President. Just briefly, Senator Newhouse, if this establishes a policy, what happens if someone goes...goes into the civil courts and creates...does this create a cause of action allowing for a recovery in the civil courts?

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

I don't think so, Senator, I hadn't thought about that, but I don't think so since there is no...no punitive provision here nor any sanctions whatsoever in this piece of legislation.

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall House Bill 787 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 31, the Nays are 16, 2 voting Present. House Bill 787 having received the required constitutional majority is declared passed. 799, Senator Collins. On the Order of House Bills 3rd Reading is House Bill 799. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 799.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. The...this bill is...authorizes collective bargaining for State police under the Department of Law Enforcement. It has the same provisions in it that Senator Bruce explained in the other police bill. It does not affect the City of Chicago or no other city. It deals alone with the Department of Law Enforcement, and I would move for your favorable consideration. It is a fact the product of the House, as all of the other bills that we've been dealing with, they are the product of the wisdom of the House.

PRESIDENT:

Any discussion? Is there any discussion? Senator Netsch.

SENATOR NETSCH:

...one question to the sponsor.

PRESIDENT:

Sponsor indicates she'll yield, Senator Netsch.

SENATOR NETSCH:

Are they not...are they not covered by the Executive Order that has been on the books since about 1975?

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

I...I...I think they are, I am not sure, just as APSCME, but they would prefer a bill to codify that.

PRESIDENT:

Further discussion? Further discussion? If not, the question is, shall House Bill 799 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 32, the Nays are 20, 3 voting Present. House Bill 799 having received the required constitutional majority is declared passed. Senator Schaffer, 813. On the Order of House Bills 3rd Reading is House Bill 813. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 813.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, this is the bill that would allow a township that is a receiving unit for public aid that has...has a referendum to reduce the general assistance ten mill down to seven-five to continue to be a...a receiving unit. As amended, it would not infringe on the taxpayer's right to hold the referendum, and it is no way any form of tax increase without a referendum. The last time this gem was visited upon us, Senator Lemke correctly pointed out that we had not deleted some of the language that needed to be deleted to accomplish what we wished to do. We brought the bill back, Tabled the first amendment and put the second amendment on which deleted everything after the enacting clause and put the appropriate language on. I believe it's a reasonable bill. I don't know of any problems. If anyone has a problem, let me know and I'll Table the blasted thing.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 813 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 1, none voting...1 voting Present. House Bill 813 having received the required constitutional majority is declared passed. 826. On the Order of House Bills 3rd Reading is House Bill 826. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 826.

(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 826 permits the State Department of Central Management Services to negotiate a fair share or modified agency shopper agreements to the labor organization that is an exclusive representative of State employee and appropriate bargaining unit. A fair share agreement would preserve an individual's right not to join a union but require nonmembers to pay a service fee to compensate for the union only for the cost incurred in procuring matters affecting wages, hours or other conditions of employment. House Bill 826 would clarify the current law by assuring State employees who are under the Personnel Code, their bargaining representatives and the Department of Central Management Services that fair share agreements are permissible under the law. While there are many public sector labors...agreements that already contain fair share agreements, the State has refused to even negotiate concerning this subject in the absence of a law expressly permitting such provisions.

PRESIDENT:

Discussion? Senator Keats.

SENATOR KEATS:

I thank you, Mr. President and Ladies and Gentlemen of

the Senate. I rise in opposition to the bill. I just want to raise a point, and for Senator Bruce's behalf I will speak much slower and get my points out. AFSCME is the main proponent. We're getting in the middle of...of a union fight. You got ISEA who represents some State employees, AFSCME representing another. Well, AFSCME is going to get the whole pie. They'll get six million additional dollars for doing nothing other than what they're doing today. It's a six million dollar giveaway to AFSCME, they aren't expected to do anything for it, and ISEA, who's certainly the more hussling, more aggressive union gets tossed out in the cold. Now, if you feel we should get in the middle of an AFSCME-ISEA fight, hang one union, basically, you destroy the existence of ISEA which is what this union...I mean, this bill does, then fine. But I think when you look at the employees who are represented by...ISEA they probably would not appreciate it. Do as you see fit. We've tried to help you guys a few times, maybe you could help the Gov, but then again, he doesn't help himself very often so, you know, do what you...I'd...appreciate a No vote.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator Collins.

SENATOR COLLINS:

Senator, are these groups covered under the 536?

PRESIDENT:

Senator Dawson.

SENATOR DAWSON:

They would be if it's passed and signed into law.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

They are currently now bargaining with two separate bargaining...groups?

PRESIDENT:

Senator Dawson.

SENATOR DAWSON:

The Executive Order doesn't provide for a fair share in this, Senator Collins.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

...does it prohibit them from negotiating it in their contract?

PRESIDENT:

Senator Dawson. Senator Collins.

SENATOR COLLINS:

Then why do we have to pass a law in order for that to occur?

PRESIDENT:

Senator Dawson.

SENATOR DAWSON:

If 536 does not pass, then they will still have the fair share agreement. This brings it in compliance with the U.S. Supreme Court setting of the percentage of what they may charge.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

You have in this bill a percentage for fair share, and if so, what is that percentage?

PRESIDENT:

Senator Dawson.

SENATOR DAWSON:

No percentage.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

I just think it's unnecessary.

PRESIDENT:

Further discussion? Further discussion? Senator Dawson may close.

SENATOR DAWSON:

All I can say is, I ask for a favorable roll call on this piece of legislation.

PRESIDENT:

The question is, shall House Bill 826 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 28, the Nays are 26, 1 voting Present. House Bill 826 having failed to receive the required constitutional majority is declared lost. Senator...Senator Johns, for what purpose do you arise?

SENATOR JOHNS:

Thank you, Mr. President. Having voted on the prevailing side on House Bill 799, I move to reconsider that vote.

PRESIDENT:

Alright. Senator Johns moves to reconsider the vote by which House Bill 799 was passed. Senator Lechowicz moves to Table. All in favor of the motion to Table indicate by saying Aye. It's Tabled. 826...848, Senator Schuneman. Senator Lechowicz, I thought you were making a motion to Table, I beg your pardon.

SENATOR LECHOWICZ:

That is correct, Mr. President, but I would also like to introduce to this Body a member who has served here many, many years on the leadership team and now the fine State Treasurer, Senator Donnewald. It's good to have you with us,

Jimmy.

PRESIDENT:

Who? Senator Schuneman on 848. On the Order of House Bills 3rd Reading is House Bill 848. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 848.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. House Bill 848 is a very simple bill. It simply removes from the Statutes the tax exemption for Blue Cross-Blue Shield. Now that that non-profit health care organization has become a mutual insurance company, this tax exemption no longer applies. I know of no opposition to the bill. Ask for a favorable roll call.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall House Bill 848 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. House Bill 848 having received the required constitutional majority is declared passed. Senator Welch, on the Order of House Bills 3rd Reading is House Bill 849. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 849.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill does is adds a new section to the School Code by requiring school boards to provide mailing lists to subscribers and to mail them copies of their agenda, minutes, budgets and audits. Allows the school board to charge a subscription fee therefore approximating the cost of reproduction.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall House Bill 849...Senator Buzbee.

SENATOR BUZBEE:

Question of the sponsor.

PRESIDENT:

He indicates he'll yield.

SENATOR BUZBEE:

The subscription list that you're talking about, does that include the names of pupils and the names of teachers, are those saleable to private subscribers, private mailing lists?

PRESIDENT:

Senator Welch.

SENATOR WELCH:

I believe it does not. It's...limited to the school board agenda, school budgets and their audits.

PRESIDENT:

Senator Buzbee.

SENATOR BUZBEE:

What are the...what are the mailing lists that they are providing?

PRESIDENT:

Senator Welch.

SENATOR WELCH:

The...the bill reads, "To establish and maintain a mail-

ing list of the names and addresses of persons." Perhaps the Digest was...worded it, but the words were not in the correct order. It is...it maintains a mailing list of the names and addresses of persons who request inclusions thereon to mail to those persons on that list this information. People do not receive a list, they are on the list of...receiving items.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Just to clarify. All it says is that they shall maintain a list of people who...who have requested a subscription to their agenda. It's...that's exactly what Senator Welch said...just to clarify it. Thank you.

PRESIDENT:

The question is, shall House Bill 849 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 38, the Nays are 18, none voting Present. House Bill 849 having received the required constitutional majority is declared passed. 854, Senator D'Arco. On the Order of House Bills 3rd Reading is House Bill 854. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 854.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This is the funeral directors and embalmers bill without any amendments, and I would ask for a favorable vote.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall House Bill 854 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 3, none voting Present. House Bill 854 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 862. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 862.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This bill provides that the Criminal Sentencing Commission will prepare...a prison population impact note to determine the fiscal impact of increasing criminal penalties. I don't know of any opposition, and I would ask for a favorable vote.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall House Bill 862 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 2, none voting Present. House Bill 862 having received the required constitutional majority is declared passed. 869, Senator Lenke. On the Order of House Bills 3rd Reading is House Bill 869. Read the bill, Mr. Secretary.

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END OF REEL

REEL #14

SECRETARY:

House Bill 869.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lenke.

SENATOR LENKE:

What this does is amends the Wage Payment and Collection Act in regards to wages. Requirement that general contractor pay wages to the...wages of the subcontractor employees. We have an amendment put on by the contractors that says that employees must inform the contractor in writing of the wages due, and also that if the contractor pays the subcontractor, that he's not liable...if the subcontractor pays the...the contractor pays the subcontractor before the employee notifies, he's not liable. I ask for its adoption.

PRESIDENT:

Any discussion? Senator Fawell.

SENATOR FAWELL:

Are...are you saying, in effect, that...that if a subcontractor has ten employees and the contractor owes him a thousand dollars, then this...the employees of the subcontractor can go to the contractor and collect a hundred dollars apiece from them and they're taken care of and the...and the...and the contractor, in effect, is screwed?

PRESIDENT:

Senator Lenke.

SENATOR LENKE:

This is an occasion where a subcontractor goes out of...is...and gets in financial trouble and doesn't pay his...employees, and if there's money due that subcontractor,

those employees can notify the...the general contractor and he will pay them their wages. This is similar to how we worked the mechanics lien for subcontractors who aren't paid by the general contractor. I think it's a good bill.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Okay, but what you're saying though is, say that the contractor has not paid the subcontractor because he does not feel that the subcontractor has met the...the requirements...or met the specifications, that there is a legitimate reason why he is not paid. Couldn't the subcontractor then just sort of walk away from a job and, in effect, tell the employees, hey, you want to get paid, go to the contractor, I am through?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

This is only is a case where there's money due, and this would only create a lien for those employees. If the...if the general contractor felt that he didn't owe the...the money to the subcontractor, I would assume that would go into litigation. But if the court determined that the subcontractor didn't do any fault and there was money due, then these employees would have a lien on that subcontractor's money. That's all we're asking is that these employees get paid. Most of the time the general contractor goes out and gets the employees and has them do the...finish up the work because he doesn't...I mean, this is generally what happens. This just protects the...the...you know, the money so the employees are paid.

PRESIDENT:

Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, Bev, this is Sam, I got your note.

PRESIDENT:

...further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President. This is the...bewitching hour, I assume, but whether or not Senator Lemke is communicating, this is really a serious problem, and specifically for small and minority contractors who cannot meet the bid specification on the...the major...prime...as a prime contractor, and most often, they subcontract. They then have their employers working and the...the general contractor...primary contractor in many instances submits a...a...voucher to the State and collects that money and put it in the bank, draw interest on it, hold the subcontractor's money so that he's unable to pay his employees on time, and often he lose good employees for that reason. I had...met...the opportunity to meet with a group of contractors just three weeks ago, and that was their major concern when it came to highway construction. And this is a serious problem. I don't know whether or not this bill will cure all of the problems, but it is a good step in the right direction and, therefore, I would ask for your favorable vote.

PRESIDENT:

Further discussion? Senator Bruce.

SENATOR BRUCE:

...Senator Lemke and...and the members of the Body, I hope that you all take a look at what you're about to do to every contractor in the State of Illinois. You are going to terminate subcontracting in Illinois. This bill says that once you hire a subcontractor, he becomes not a subcontractor but your employee. As an employee, he becomes your agent. If he commits a tortious act, you're liable for it. The whole idea of contractor-subcontractor liability is that once I have a job and I subcontract it, that person is not my

agent, and if he commits a tortious act, I'm not liable. But this bill says, "for all contracts in the State of Illinois the contractors shall be deemed as employer and shall become civilly liable." Now, I don't know if you want to turn the law of contracts and subcontracts upside down, but every subcontractor that you do business with, that I do business with becomes my employee. I don't want to have that liability. That's why you subcontract work. There may be some problems with wages, but you're turning upside down the whole law of agency in the State of Illinois.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

I...no discussion. Please turn some lights on so I can see everyone.

PRESIDENT:

Further discussion? Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and...members of the Senate. I rise in opposition to this bill, also, and I agree with Senator Bruce. What we're doing here is we're asking a contractor to never let a...a...subcontractor take any part of a job. They are going to be responsible. If that subcontractor decides not to pay his bills even after the contractor has...has paid the subcontractor, he's going to end up on the short end of the deal. And I think it's a bad bill, and I think we ought to kill it.

PRESIDENT:

Further discussion? Further discussion? Senator Lemke may close.

SENATOR LEMKE:

If you would read this bill very closely, it amends the Illinois Wage Payment and Collection Act. It has nothing to do whether the contractor is liable for the torts of the...of

the subcontractors, employees or any...don't even get into that. All it says is, creates the payment of employees wages where the general contractor owes the subcontractor money. That's all it says. He...the employees notify that...that general contractor that they have not been paid, and the general contractor...it's to his benefit to know the employees are not paid so he doesn't get too far down the load...road with this subcontractor who might be going bottoms up. This protects the general contractor and the employees. It just covers wages and only amends the Illinois Wage Payment Act. And I think Terry Bruce is too good of a lawyer to know that just by paying wages does not create an employee...agency relationship. There's other...prerequisite, you understand, there's other prerequisite. And under the Workmens' Compensation Act, we already have that clause in there where the general contractor is liable, that's in there. This is only where he is notified by the employee that wages are due, and there is money there, he just holds that money until they can settle the dispute with the Department of Labor. I think it's a good bill, and I ask for its adoption.

PRESIDENT:

The question is, shall House Bill 869 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 35, 2 voting Present. House Bill 869 having failed to receive the required constitutional majority is declared lost. Senator Maitland, on 883. On the Order of House Bills 3rd Reading, the bottom of page 9, is House Bill 883. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 883.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and members of the Senate. As amended, House Bill 883 would allow air pilots who are covered under social security to become eligible for the alternate...alternative retirement formula. Most of the State employees who are under social security are on this formula. There are some twenty-six pilots, as I am told, that...that would fall under this provision. There is a...a increased annual cost of about forty-eight thousand dollars.

PRESIDENT:

Any discussion? Any discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, would the sponsor yield to a question?

PRESIDENT:

Indicates he'll yield, Senator Savickas.

SENATOR SAVICKAS:

I may be mistaken, I just want to clarify. There was an amendment to reduce years of service and the age, was that Tabled? I think to bring it down to fifty with twenty-five years of service.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Senator Savickas, the only amendment that I'm aware of is one that...that was Tabled off of that bill by me the other day. It was a somewhat controversial amendment and we took that amendment off. I...

PRESIDENT:

The Secretary indicates the amendment was Tabled, Senator. Senator Savickas.

SENATOR SAVICKAS:

Well, then this bill would allow our pilots at age fifty

with twenty-five years of service to retire at the same pension benefits, is that correct?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

That is correct.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Well, I would just apprise the Body that there were a few other groups that had appeared before the committee that sought the same luxury; the police, I think, the fire, and they were all denied this benefit. I think it would be nice if we all were able to retire at fifty with twenty-five years of service.

PRESIDENT:

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Question of the sponsor, please.

PRESIDENT:

Indicates he'll yield.

SENATOR MACDONALD:

One quick question, Senator Maitland. Are these pilots full-time State employees or...or are they contracted?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Senator Macdonald, it's my understanding that they are full-time pilots.

PRESIDENT:

Further discussion? Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Well, to clarify, Senator Savickas, the...the police and fire did get pension benefits at age fifty with twenty years

of service. We just did that; so, we're, you know, doing it for the pilots as well.

PRESIDENT:

The question is, shall House Bill 883 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 1, 1 voting Present. House Bill 883 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 884. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 884.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. This provides for the Department of Energy and Natural Resources to designate pilot communities for energy conservation programs. These pilot projects are intended to provide low interest loans to a large number of households in a community in order to demonstrate that home weatherization can contribute a great deal to energy conservation. A survey has shown that...that this residential energy could be reduced by thirty-seven percent if these weatherization methods were used, resulting in a savings of 2.6 billion dollars, or the equivalent of five hundred dollars per household per year. This is a very creative idea that came out of the House. The sponsor amended it to include rural communities or counties as well as municipalities. It does not have any accompanying money authorization. That particular part of the bill died in the House, but it's an idea that's being kept alive for a time

when we might be able to fund such a pilot program.

PRESIDENT:

Discussion? Senator Rigney.

SENATOR RIGNEY:

Well, I hope everyone was listening to what the sponsor had to say about her bill, because really I think she did a good job of describing it. What we're doing here is setting up a system of loans and grants and demonstration projects and energy audits for one purpose, to show that it's a good idea to weatherize our homes. Now, talk about reinventing the wheel, I think this is a good example of it. I think something like this deserves the Golden Fleece Award.

PRESIDENT:

Further discussion? Further discussion? Senator Holmberg, do you wish to close?

SENATOR HOLMBERG:

I...ask for a favorable roll call.

PRESIDENT:

The question is, shall House Bill 884 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 32, the Nays are 25, 1 voting Present. House Bill 884 having received the required constitutional majority is declared passed. Top of page 10 is House Bill 888. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 888.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this bill

doesn't do any of those things that were just mentioned. It is now...it became a vehicle bill and it now has the budget in for the Department of Mental Health and Developmental Disabilities, the Department of Public Health, the Dangerous Drugs Commission and a...a small appropriation for the...Auditor General, for a total of seven hundred million eight hundred and seventy-two thousand dollars, and I'm sure it will see a Conference Committee.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Yes, will the sponsor yield to a question, Mr. President?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield, Senator Lechowicz.

SENATOR LECHOWICZ:

In the...in the budget at three hundred and fifty-nine thousand you've got a transfer from central offices to regional offices for additional staff and support costs. Could you tell me exactly where that money is being transferred to and for what purpose?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

Well, I think there's a realization that the regional staffs have been decimated by the series of cuts to a degree that is not prudent, and there's an attempt being made to, I hope, selectively and intelligently reinstate that staff assuming we have some money. I might add that this is above the Governor's...well, it's certainly...above the Governor's doomsday budget. So, obviously, that it's...that type of transfer is highly optimistic without additional revenue.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lechowicz.

SENATOR LECHOWICZ:

Could the gentleman kindly respond to the question though, as far as exactly where this money is going and for what purpose and how much?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Schaffer.

SENATOR SCHAFFER:

I believe it's primarily going to Region 2, and for the dollar amount, quite frankly, I...I do not have that at my disposal at this moment. Be happy to get back to you on it. For some reason our staffs are busy working on some other project that somebody else wanted them to work on. I don't know, some little project they've been working on.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lechowicz. Further discussion? Oh,...I'm sorry.

SENATOR LECHOWICZ:

Yes. In fact, there's going to be a little discussion on this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

...may we have some order, please. Senator Lechowicz.

SENATOR LECHOWICZ:

Area 2...Senator Schaffer, you pointed out that this money is going to be transferred to Area 2. Is that three hundred and fifty-nine thousand dollars worth of this money being transferred to Area 2?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

Defer to Senator Buzbee.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee, can you enlighten us?

SENATOR BUZBEE:

I've been trying all evening. What happened was we took three hundred and fifty-nine thousand dollars from central...office operations to the regional offices for addi-

tional staff and support costs. Now, I don't have the exact dollar change as to how much went into Region 2, but I can tell you that most of it did, because it was reallocated on a...on a...on a proportional basis, and those regions that had the biggest proportion, which is obviously Region 2, got the biggest portion of that three hundred and fifty-nine thousand. I don't have the exact dollar figure right handy, but most of it did go to Region 2.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lechowicz.

SENATOR LECHOWICZ:

Is there any money in this budget for...for the Edgewater Center?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee or Senator Schaffer, who...

SENATOR BUZBEE:

Yes. The answer to that is, yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lechowicz.

SENATOR LECHOWICZ:

How much?

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Buzbee.

SENATOR BUZBEE:

It adds six hundred...or pardon me, sixty-six thousand seven hundred dollars from Alcohol, Drug Abuse and Mental Block Grant Funds for a grant to Edgewater Uptown Community Mental Health Center, the same level of funding as FY '83. The department did not include funds in its FY '84 budget for the center, and with the amendment that we added on, we did.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lechowicz.

SENATOR LECHOWICZ:

Yeah, why don't you just leave the mike on, it's a lot

easier. Is there any money for Elgin State Hospital in here?

SENATOR BUZBEE:

The answer to that is that...yes, Elgin Mental Health Center is funded. The department has indicated that they may very well be closing Elgin Mental Health Center, but for the present time anyhow, it's included in their budget request and it's funded.

SENATOR LECHOWICZ:

At the same level as last year, or at what level?

SENATOR BUZBEE:

It is slightly below, as it is in line with every other mental health institution in this State.

SENATOR LECHOWICZ:

Can I also ask you, as far as the...Dangerous Drugs Commission, is that funded at last year's level?

SENATOR BUZBEE:

The Dangerous Drugs Commission is slightly above the FY '83 spending levels, which as you know is below the FY '83 appropriation levels, as it is with every agency.

SENATOR LECHOWICZ:

I have no further questions. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further questions? Further discussion? Senator Schaffer may close.

SENATOR SCHAFFER:

Roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 888 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 4, 2 voting Present. House Bill 888 having received the required constitutional majority is declared passed. For what purpose does Senator Lenke arise?

SENATOR LEMKE:

Just a point of personal privilege and information. The House, in their infinite wisdom, has adjourned, and every bill that's on the House Calendar has died and not been called in the House; therefore, I think at twelve o'clock we should make the appropriate motion, and any Senate bill that lies on the Calendar should be treated the same way. We should adjourn at twelve o'clock, because that's what we agreed to as deadline, and I...I think...at the right time, I'm going to make that motion whether my bills are called or not. I think we should treat...we should treat the House bills as the House treats the Senate bills. And I think we set a guideline for twelve o'clock, we should adjourn.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Well, I...I am prepared to file a motion...as a matter of fact, it should be filed or will be filed very shortly, to afford more courtesy to the members of the Senate than the House affords to its own members, and I think we ought to do that. We can continue on as long as we wish, and I am prepared to suspend the rules for that purpose to afford all the members the opportunity to have their bill heard...it...it is a common courtesy. Unfortunately, we probably let too many bills out of committee for a whole host of reasons, not the least of which is that we have a lot of new House members who have not yet become accustomed to the Senate. I think next year will be different. But I think in order to afford a courtesy that the House didn't see fit to afford its own membership, we ought to just keep right on going, and I'm prepared to make that motion.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock, your motion is now in...in file. Do you wish to proceed with the motion now?

SENATOR ROCK:

I would very much like to. It's a motion to suspend the rules to afford us the opportunity to work beyond midnight for a period...as long as we can get through the Calendar, and I would so move.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to suspend the rules so that we might continue to act on House bills. On that motion, Senator Jeremiah Joyce. Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. Well, you know, this is...we're back to the same old charade stuff, Mr. President. Why don't we just adjourn till tomorrow morning? Make your motion, adjourn till tomorrow morning. You got all these people stuck here, you got all the staff people, we go through this...why have to go through this harangue? You know, screw around, run around for meetings, all this other stuff. Why don't we just adjourn? Make your motion, adjourn until ten or eleven o'clock tomorrow. You know we're going to be sitting around here all day tomorrow running around with all this other games we play. Why go through this whole thing? I mean, what's the difference?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

I would ask the Secretary to read the motion.

SECRETARY:

Motion in writing. I move to suspend Senate Rule 5C concerning the final date for 3rd reading and passage of House bills in the Senate and that those bills be heard on Tuesday, June the 28th, 1983. Signed, Senator Rock.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senator Rock.

SENATOR ROCK:

I move we stand adjourned till nine o'clock tomorrow morning.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock, the motion is pending. Do you wish to act on the motion?

SENATOR ROCK:

...absolutely. I would very much like to get a...a motion to suspend so that we're all on the same wavelength. Everybody is tired, I want to go home, too. I have had the opportunity to talk to Senator Philip for five and a half hours.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. The motion is that the rules be suspended so that the bills...House bills might be considered on the Order of 3rd Reading tomorrow. On the motion to suspend, those in favor say Aye. Opposed Nay. Well, then we'll ask for a roll call. Those in favor of suspension of the rules will vote Aye. Those opposed will vote Nay. It will require thirty affirmative votes to suspend the rules. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 43, the Nays are...42, the Nays are 11, and the motion to suspend the rules prevails. Senator Rock now moves that the Senate stands adjourned until the hour of nine tomorrow morning. On the motion, discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. The Senate stands adjourned until nine tomorrow morning. Senator Vadalabene.

SENATOR VADALABENE:

What happens to Executive Appointments?

PRESIDING OFFICER: (SENATOR BRUCE)

Sam, we'll get back to you.

SENATOR VADALABENE:

Bev, this is Sam, good...