

83RD GENERAL ASSEMBLY

REGULAR SESSION

JUNE 30, 1983

PRESIDING OFFICER: (SENATOR BRUCE)

The hour of ten having arrived, the Senate will come to order. Prayer today by the Reverend Charles Kyle of St. Francis Xavier Church of Chicago, Illinois, and Charles has also served here as our intern this year.

REVEREND CHARLES KYLE:

First I'd like to thank everybody for treating me so well, especially Senator Rock and the legislative internship program and the kindness that all of you have shown.

(Prayer given by Reverend Kyle)

PRESIDING OFFICER: (SENATOR BRUCE)

Reading of the Journal.

SECRETARY:

Tuesday, June the 21st, 1983.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Johns.

SENATOR JOHNS:

Mr. President, I move that the Journal just read by the Secretary be approved unless some Senator has additions or corrections to offer.

PRESIDING OFFICER: (SENATOR BRUCE)

You've heard the motion. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. The motion prevails. Senator Johns.

SENATOR JOHNS:

Mr. President, I move that the Journals of Wednesday, June the 22nd; Thursday, June the...23rd; Friday, June the 24th; Saturday, June the 25th; Sunday, June the 26th; Monday, June the 27th; Tuesday, June the 28th and Wednesday, June the 29th, in the year 1983, be postponed pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR BRUCE)

You've heard the motion. Is there discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. The motion

prevails. Resolutions.

SECRETARY:

The following resolutions are congratulatory:

Senate Resolution 287, by Senator Buzbee.

288, by Senator Watson.

289, by Senator Egan.

290, by Senator Kelly and Mahar.

291, by Senator Mahar, Demuzio and all Senators.

292, by Senator Buzbee.

293, by Senator Lemke, Becker and all Senators.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolutions Consent Calendar.

SECRETARY:

Senate Resolution 294, by Senator Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR BRUCE)

Executive Committee. Would...would four Pages come down to the Secretary's Podium? Alright. If I might have the attention of the Body, we're going to start on Secretary's Desk on the Order of Nonconcurrency. We have four bills on the printed Calendar on the Order of Nonconcurrency we would like to handle and either pass them or get them in the process of Conference Committee. Before we begin the business, Channel 11, Chicago has requested leave to shoot film of the Senate. Is there leave? Leave is granted. House Bill 380, Senator Jeremiah Joyce. Is Senator Jeremiah Joyce on the Floor? (Machine cutoff)...Bloom. Senator Bloom was on the Floor. House Bill...1192. House Bill 1704, Senator Davidson. Hold. House Bill 1751, Senator Darrow. Do you wish to...it's sanitary district with a Senate amendment. Hold. (Machine cutoff)...Zito, could you come to the Podium, please. (Machine cutoff)...Order of Secretary's Desk Concurrency, let's go down the Calendar and see if anyone would like to call either a...concurrency or nonconcurrency. Senator Demuzio. Senator Marovitz. Senator Bloom, you have 242.

Senator Bloom on the Floor? 310, Senator Vadalabene. 325, Senator Demuzio. 342, Senator Berman. 359, Senator Kustra. 419, Senator Berman. 520, Senator Lemke. 536, Senator Collins. 582, Senator Geo-Karis... (machine cut-off)...Geo-Karis is recognized for a motion.

SENATOR GEO-KARIS:

I move to concur with this amendment because it's a technical amendment that was...recommended by the House staff attorney, and the Chicago Bar has no opposition to this amendment. Specifically, the amendment adds language regarding the amount of credit allowable against the Federal or State tax. I move for its concurrence.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Discussion? The question is, shall the Senate concur with House Amendment No. 1...Senator Geo-Karis, the Chair has made an error. I skipped the first two names thinking we were working on House bills, and skipped the House sponsors, but those happen to be Senate members, Senator Bloom and Sangmeister. If Senator Bloom were on the Floor, we could proceed. I'd be happy to...to get rolling. You're a joint cosponsor, but we...the Chair has made an error in not calling Senator Bloom. I don't know where he might be. We...your explanation was good enough. When he gets here maybe we can have him accept your explanation. If Senator Bloom would come to the Floor, we can get started. Senator Bloom, on 582, on changes the inheritance tax and transfer tax, did you wish to proceed? Senator Geo-Karis has already explained the bill, but perhaps you should just edify the Body.

SENATOR BLOOM:

Alright. Well, thank you, Mr. President. I'm sorry, I...various highway types called me outside. And I thank Senator Geo-Karis, who I'm sure gave a very entertaining, perhaps even enlightening explanation of 582. Basically, the

bill is the...is...is the cleanup after the inheritance tax. She probably said that. Mechanically, the amendments...the amendments that were put on in the House make it track with the Senate bill that we passed out of here to address cleaning up the Probate and Inheritance Tax Act so that they would both track. Therefore, unless anyone has any question, I...I'd just move to concur. I guess that's the quickest way to do it. Is...oh, I see Senator Netsch is going to make me work this morning. There she goes, she's getting closer to her seat. She's there, she's pressed her button. Her microphone is up.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Netsch.

SENATOR NETSCH:

I'm sorry, Senator Bloom. I did not...I was up on the Podium, I did not realize what bill this was, and I just simply want to ask, this is the cleanup bill, we had absolutely no problems with it as it was going through. I simply do not have...oh, there's my staff, I see, but I don't have any note about what this is. Is it a...if you would just be so kind as to quickly repeat it. Sorry for the delay.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

I'd be more than happy to. Essentially, the amendment, if you look at it, adds language regarding the process on what...how the credit is allowable against the Federal Estate Tax. Now, if you...if you look at...my handler just took my bill file away from me...it's very simple. It...it says, "With respect to deceased residents of this State, the entire amount of the credit allowable against a Federal Estate Tax for State death taxes, reduced by the total amount of State death taxes paid to other states." In other words, where you die, and let's say you have...you...you own...you have assets

outside the State of Illinois, you've got to apportion them around. Okay, that's what it addresses, and it...and it...and it conforms to our...to the House bill that came through here. So, I would move concurrence. Sorry I made the Body work so long. That doesn't seem to...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Thank you. No problem, I just...I simply had not had a chance to catch up and find out what it was. Thank you for the explanation.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 582. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, none voting Present. The Senate does concur with House Amendment No. 1 to Senate Bill 582, and the bill having received the required constitutional majority is declared passed. Senator Lemke, on 726. National Corridor Civic Center. Senator Lemke is recognized.

SENATOR LEMKE:

We want to concur on Amendments No. 1, 3, 4 and 5 and nonconcur on Amendment No. 2.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. The motion is to nonconcur with House Amendment No. 2 and concur with House Amendments 1, 3, 4 and 5. Is that right, Senator Lemke? On the motion to nonconcur on Amendment No. 2, is there discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. The Senate nonconcurs with Amendment No. 2. Are...Senator Lemke now moves that the Senate concur with House Amendments 1, 3, 4 and 5. Discussion? Senator Lemke.

SENATOR LEMKE:

The amendment that we had trouble on yesterday, the Rockford Center, Number 2, we have...agreement from the House sponsor that they will recede and...and it will be eliminated. So, I ask for a concurrence.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Discussion? Discussion? Senator Mahar.

SENATOR MAHAR:

Yes, thank you, Mr. President and members of the Senate. I'm sorry, I wasn't paying attention. What...what was the amendment, Senator Lemke?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

We're...eliminating Amendment No. 2, that's the one that caused all the controversy about no bids and so forth for the Rockford Civic Center, which we have an agreement that the House sponsor will recede from. The other amendments apply to the Illinois-Michigan Canal. The first amendment is a technical amendment. The second amendment is...is a technical and clarification amendment to the Rockford Act...I mean, not the second, I mean, the third. The second amendment is the amendment we nonconcurrent in. The third amendment is just...technical...amendment. Amendments 4 and 5 make it specific that this authority does not have the power of eminent domain.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar. Senator Davidson.

SENATOR DAVIDSON:

Well, Senate amendment...Senator Lemke, Amendment No. 3 is a little more than a technical amendment. According to the information...is that No. 3 allows the Rockford Civic Center to acquire and equip an office building. And since half of the buildings in downtown Rockford are vacant now,

can you explain to me why the Rockford...Center...Civic Center should be...able to acquire and equip an office building?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LEMKE:

...I'll send Representative Giorgi over to explain to him. But let me express to the Body, Senator Davidson is against any new authority as long as the Springfield authority is taken care of. So, I want the Senate to know that.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Take it out of the record. Is there leave to get back to 826? Leave is granted. 834, Senator Degnan, did you wish to consider that or 836? Senator Kelly, on 962. Senator Kelly is recognized for a motion.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. The...I move to concur in the House Amendment No. 1. All it did was move the location of the...of the language under this amendment to a...a different section. It didn't change any of the other substantive legislation. The bill itself prevents delinquent property tax sales when the assessor has made an error other than an error relating to...property value. This bill may have turned out to be used for something...as a vehicle for something else, but it isn't going to be, and I'd appreciate your concurrence.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Discussion? The question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 962. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are none, none voting Present. The Senate does concur with House Amendment No. 1 to Senate Bill 962, and the bill having

received the required constitutional majority is declared passed. Senate Bill 1017, Senator Vadalabene. No. Senate Bill 1067, Senator Schuneman. Is Senator Schuneman on the Floor? Public Aid Code and transfer and assignment of property. Hold. Senate Bill 1119, Senator Etheredge. Senator Etheredge. Senate Bill 1122, Senator Lemke. Highway Code and referendum on town meetings. Alright. Senate Bill 1153, Senator Jones. Senate Bill 1174, Senator Rupp. Senator Luft on the Floor? Senator Luft. Senate Bill... (machine cut-off)...Johns, can you come to the...Frank, you or Senator Johns, I have a bill I'd like to run.

PRESIDING OFFICER: (SENATOR SAVICKAS)

What are we on, concurrences or motions? Concurrences. On page 7, at the bottom, of Secretary's Desk Concurrences, Senate Bill 826, Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. The amendment attached in the House deals with community college chargebacks from high school districts, and since those sometimes are substantial, the amendment says that the...the county clerk shall set out the charge that has been paid by the high school district. We've talked to the community college board, the Education Committee members have taken a look at it, Senator Maitland, I know, is...was interested in it, Senator Berman was. I think that it meets with...it...the problem we have is on community college chargebacks, and this may help solve the problem. I would move that we concur with House Amendment No. 1.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Is there discussion? If not, the question is, shall the Senate...Senator Weaver.

SENATOR WEAVER:

I know Senator Maitland is not on the Floor. He had some concern about it. I just was kind of looking for some guid-

*L. B. 726
concurrent*

ance. Senator Sommer, do you know...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

SENATOR SOMMER:

To the best of my knowledge, this amendment indicates that it will simply be...the chargeback amount will simply be on the tax bill. That's...it doesn't do anything more than that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall the Senate...Senator Bruce.

SENATOR BRUCE:

Well, Senator Weaver, I thought Senator Maitland was on the Floor. I'm sure he's in favor of this. But, frankly, it's the last day, why don't I just take it out of the record and...and...you want...alright. It...it is favorable to his position. Alright, go ahead, Frank, we might as well go on.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Senate concur in House Amendment No. 2...House Amendment No. 1 to Senate Bill 826. 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. The Senate does concur in House Amendment No. 1 to Senate Bill 826, and the bill having received the constitutional majority is declared passed. House Bill...or Senate Bill 834, Senator Degnan.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke, for what purpose do you arise?

SENATOR LEMKE:

I just talked to Senator Davidson and we got everything worked out. Can we go back to Senate Bill 726?

PRESIDING OFFICER: (SENATOR BRUCE)

We're on that order. Alright...Senate Bill 726, on page

7 of your Calendar. Senator Lemke, this bill was in a little earlier, we've taken it out of the record, but the motion is to nonconcur with House Amendment No. 2 and concur with Amendments 1, 3, 4 and 5. On the motion to nonconcur with Amendment No. 2, is there discussion of that motion? Those in favor say Aye. Opposed Nay. The Ayes have it. The Senate nonconcur with Amendment No. 2. Senator Lenke on 1, 3, 4 and 5.

SENATOR LEMKE:

I'd like to concur on 1, 3, 4 and 5...

PRESIDING OFFICER: (SENATOR BRUCE)

Is there...discussion? Discussion? All right, the question is, shall the Senate concur with House Amendments 1, 3, 4 and 5 to Senate Bill 726. 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 1, none voting Present. The Senate does concur with House Amendments 1, 3, 4 and 5, and the Secretary shall so inform the House. (Machine cutoff)...Berman, for what purpose do you arise?

SENATOR BERMAN:

On page 7, Senate Bill 342 concur in House Amendments 1 and 2, if you're looking for business.

PRESIDING OFFICER: (SENATOR BRUCE)

We're open for business, Senator Berman. And Senator Berman makes a good point that if any member wishes to call a bill on the Order of Concurrence or Nonconcurrence, I would hope that you would do so. Just to bring the...the Body up to date, we have one hundred and eighty-one Conference Committees to consider; a hundred and two Senate bills, and seventy-nine House bills. If we do that at about five minutes a crack, that'll take about sixteen to twenty hours of roll calls so...and the Secretary points out to me if there is a second Conference Committee report, we'll do it again.

Senator Berman is recognized on 342.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. On Senate Bill 342 the House put on two amendments. Amendment No. 1, this was...the bill originally allowed Chicago to do what the downstate school districts do and that is base their levy upon their estimated equalized assessed valuation. In the original bill there was language that was omitted in order to effect the purpose of this, that's added in in a technical amendment which is Amendment No. 1. On Amendment No. 2 there's a requirement for institutions of higher education to file annually with the Attorney General the terms of any endowment gift, grant or contract award from any foreign government in excess of one hundred thousand dollars. I've discussed this...both amendments and I see no problem with it. I move to concur.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Is there discussion? The motion is to concur...all right, the question is, shall the Senate concur with House Amendments 1 and 2 to Senate Bill 342. Those in favor vote Aye. Those opposed vote Nay. The voting is open. (Machine cutoff)...voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The Senate does concur with House Amendments 1 and 2 to Senate Bill 342, and the bill having received the required constitutional majority is declared passed. Does any Senator wish to call a bill on the Order of Concurrence? Those would include Senator Demuzio, Marovitz, Bloom, Vadalabene, Demuzio, Kustra, Berman, Lenke, Collins, Degnan, Rock, Vadalabene, Schuneman, Etheredge, Lenke, Jones, Rupp. Senator Marovitz. Senator Marovitz, for what purpose do you arise?

SENATOR MAROVITZ:

Well, yesterday, if you remember correctly, there was an

incorrect motion made on Senate Bill 192 where we had nonconcurred, and I move to reconsider. We waited a day. I would now move to concur with House Amendments No. 1 and 2 to Senate Bill 192. We had already done that with Amendment No. 2. Amendment No. 1 was incorrect and it was corrected by Amendment No. 2, but the House mistakenly failed to Table Amendment No. 1, so the proper motion would be...to put in the proper procedure to...to concur with amendment...House Amendment No. 1 and No. 2.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. If I might have your attention so we save some time. If you will open your Digest. Senate Bill 192 is not on the printed Calendar. (Machine cutoff)...sorry, it is on the printed Calendar, on page 6. We've got it back onto the Calendar. If you will note that we have concurred with House Amendment No. 2 and nonconcurred with House Amendment No. 1, and so we will have to reconsider the vote by which we nonconcurred with 1 so that Senator Marovitz may make the motion that we concur with 1. On the...on the motion to reconsider, those in favor say Aye. Opposed Nay. The Ayes have it. The vote by which we nonconcurred with House Amendment No. 1 is reconsidered. Senator Marovitz now moves to concur with House Amendment No. 1. Is there discussion? Is there discussion? Alright. The question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 192. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Senate Bill 192, Senator. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 37, the Nays are 13, none voting Present. The Senate does concur with House Amendments 1 and 2 to Senate Bill 192, and the bill having received the required constitutional majority is declared passed. Any further business to come before the Senate? (Machine cutoff)...Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes. I'm kind of serious. The leadership behind me is kind of silly this morning. What's the game plan here?

PRESIDING OFFICER: (SENATOR BRUCE)

Well, Senator, I...unless we have some other business, I think that we may Recess until the hour of noon for...to allow you some time to start your Conference Committees.

SENATOR VADALABENE:

When will we get back to concurrences?

PRESIDING OFFICER: (SENATOR BRUCE)

I'm sure that there are some matters on concurrence that we'll get back to this afternoon early.

SENATOR VADALABENE:

Well, we do have a full Body here, I understand, and...could we run through those concurrences once more or can I get a shot at one that I have been waiting for for three days?

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator, if you want to take one, you can.

SENATOR VADALABENE:

Alright. I'm ready.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SENATOR HUDSON:

Question on procedure, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hudson.

SENATOR HUDSON:

Have all the notices relevant to Conference Committees been put out or are there still some to come? Have all committees been appointed, I guess is my...

PRESIDING OFFICER: (SENATOR BRUCE)

I'm informed that about ninety-five percent of the paper work is in process, and it should be on your desk and dis-

tributed momentarily about appointments, and so, there will be more coming. All of them are in process, though. Ninety-five percent of them are in process. Senator Hudson.

SENATOR HUDSON:

Specifically, I was inquiring about Senate Bill 337. I know the House called for a Conference Committee. I'm not aware as to whether the Senate has yet appointed one. 337, Senate Bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hudson, we...we have acceded to that request, and I'm...I'm informed that the appointment has been made. It may not have gotten to you...we have made the appointments on behalf of the Senate. If I might have the attention of the Body, on Conference Committee reports, on Senate bills where we are responsible for scheduling a room, if you will call Bea Wyeth at 2-1920, she is scheduling all our available hearing rooms for Conference Committee reports. So, if you will call 1920, 2-1920, that will get you the person that is involved with arranging space for Senate Conference Committees. (Machine cutoff)...Vadalabene is recognized.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Amendment No. 1 to Senate Bill 310 increases the salaries for the regional of superintendents of schools and assistant regional superintendents, effective August 1, '83. And let me go over the salary increases of the regional superintendents so you know where you are. The current salary and the proposed salary; in counties of less than forty-eight thousand population, the salary will go from thirty-one thousand to thirty-six thousand. In counties of forty-eight thousand to ninety-nine thousand nine hundred and ninety-nine, it would go from thirty-five thousand five hundred to forty thousand. In counties of over one hundred thousand to nine hundred and ninety-nine thousand nine hundred and

ninety-nine, it would go from thirty-nine thousand to forty-four thousand. In counties of over one million and over, from forty-one thousand to forty-six thousand. And my colleagues on both sides of the aisle, the last pay raise for the regional superintendents of schools was in 1979. They will be taking office on their past election on August of this year, and if a pay increase isn't allowed in this General Assembly, or by August of this year, they will be going eight years without a pay raise, and I solicit your favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Well, thank you, very much, Mr. President and members of the Senate. I think this particular bill is...especially with the amendment, is certainly premature not knowing where we're going to be as far as a tax package is concerned. We have no idea where we are on this issue, and I'm not going to debate the pros and the cons, Senator...Senator Sam, but I just think we ought to hold off on this until such time as we know where we are revenue-wise, and I would respectfully request so that you take it out of the record and let's consider it at a later hour.

PRESIDING OFFICER: (SENATOR BRUCE)

Further...Senator...Senator Vadalabene.

SENATOR VADALABENE:

Yes, just let me respond to Senator Maitland. I pondered over the same thing that you have said and I've held it for three days. However, if we don't pass the State Income Tax, then this bill is mute. I...I feel...you know, once we get away from here, sometime late in the morning and we haven't done nothing on the State Income Tax, we haven't done anything for these regional superintendents who will be going eight years without a pay increase. So, you know, I...I know

what you're saying and I know where you're coming from, but I don't know whether we'll be able to pass the State Income Tax or not.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I rise in opposition to this bill. I think this is a poor time for the regional superintendents to ask for a pay raise when this Body is trying to come up with a tax increase to fund existing programs, services and salaries.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Could we break up those conferences. Senator Coffey.

SENATOR COFFEY:

Yeah, I've...I've...I have agreed to help pass some tax measure to deal with the bills of this State and to still...continue to provide for services needed, education that's needed, and if we're...if this Body is about to come here and start talking about pay raises for someone that didn't get one or is not going to get one after they're reelected again, I would suggest maybe they not run for reelection. The Senate was sworn in not too long ago, and many of us were in the same situation they were in. I voted for pay raises before for myself and for other people, but this is not the time to vote for a pay raise for ourselves or for the regional superintendents. And I would say just this before casting my vote, if there was two votes here today, one to give an increase to regional superintendents of schools, and both of the regional superintendents in my area are very good friends and very competent and capable people, but if the other choice I had was to eliminate the position totally, that's the side I would be on, to eliminate the regional superintendents, because I don't think they're needed. But I...I would hope this Body would...would take a

look at this measure before we do this, and if...and if the Body is going to start giving pay raises and all these types of increases, you know, I'm not interested in voting for a tax increase on the citizens of my district.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Johns.

SENATOR JOHNS:

Senator Vadalabene, and I think everybody ought to pay attention to this, my...my Digest says that from July the 1st, '84 until July the 31st, 1986 it also adds fifteen hundred dollars a year increase, is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

That is correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Johns.

SENATOR JOHNS:

So, not only are they going to get five thousand dollars this year, but each succeeding year till 1986, they're going to add fifteen hundred dollars more per year. I think Max Coffey said all that I wanted to say. Thank you, Senator.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, that was the point that I was going to make, that it's not a five thousand increase. I think when we get right down to it, it's about a ninety-five hundred dollar increase, which I think is a little excessive. I remember the...the abuse that we took for voting an eight thousand dollar pay raise for ourselves. Now, as I understand, I believe this is just on concurrence. Obviously, it means if we don't concur, it can go back and we can grind it out in Conference Committee. I think maybe most of us would

be happy to vote for a more reasonable figure.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I think Senator Coffey did put his finger right on it. I served on the Regional Superintendent of Schools Committee when I was on the county board, and that's been some years ago, and the job wasn't too tough then, and I understand we've taken many of the duties away now. I think they're pretty fortunate that we're not eliminating it this year, and...and, Senator, I'd ask you to take it out of the record, too. I know...I don't think anybody wants to go on the hook for this one just to, you know, to...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR SCHUNEMAN:

Senator, I...it's been established that the...Senator Sam, it's been established that the fifteen hundred dollar increases are still in the bill, is that...is that correct? And do they apply to all superintendents? That is, are the superintendents who are in the higher pay classes, are they getting fifteen hundred dollars a year each year?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, it's my understanding that it applies to all the superintendents.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

So, that would create, I would think, some small inequity there. The...the other question that I had was the total cost. What would it cost the State in the first year, and do you know then what the cost would be in the succeeding years?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

I don't have it in front of me, but if my memory serves me right, in the neighborhood of around seven hundred to eight hundred thousand dollars.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Is that the first year...first year only?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

That...that is correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

You know, I'm...I'm caught in somewhat the same circumstance, I think, as a lot of people here. I...I have the highest respect for the superintendents in my district, and I think they're doing an outstanding job, contrary to some of the stories that we're hearing elsewhere. I do have a little problem with this annual increase that's built in here, and I...I...I'm wondering, Senator, what the chances are for taking this thing back and...and maybe toning it down a little bit so that there would be some increase for them but maybe not quite this magnitude. Could you respond to that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, I don't recall the...the original bill, but I do know...you know, this...this bill was amended into my bill, and my bill was taken and put in another bill. But I...what I understand is that...that the pay increase was higher than this one and it was...it failed over in the House and then they worked out this compromise and came in with this one. I don't know what the original figure was, but this is a compromise figure. So, by saying, take it out of the record and work it out, they've already done that over in the House, worked it out to this type of a salary increase. And while I'm on the Floor, I might say that...that in my opinion, and I maybe wrong, that the final order of business in this House and in the other House will be the voting on the...the...the State Income Tax and the gasoline tax. And when we do that, I'm almost sure the Chair will gavel adjourn and we're going to go home. I would like, also, to see the State Income Tax package before we do anything, but being around here a long time and tax problems and tax bills come up, once they're resolved out of their conferences, we vote on it, we all go home. And I'm not being persistent, but I'm just trying to be...you know, I've been around the cape a good horn, and I think that this is the opportune time to do it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Johns, for the second time.

SENATOR JOHNS:

Yes, I...I'd like to point out here to the members, if you'll pay attention, if you're talking about the total package...and listen, these men...some of these men are as dear to me as my seatmates right here. But we're talking about an additional tax increase, really, 'cause that's what it's going to be. It's going to be tax dollars that pay these individuals. It's going to be a ten thousand dollar package

for the sups...up till 1986, that's what it amounts to. Now, get this, look at the superintendents and their assistants who are qualified to draw, with a Bachelor's Degree, sixty-five percent of what the sups. draw. If they got a Bachelor's Degree with a State certificate valid for supervising, they draw seventy percent of what we're proposing of this ten thousand. If they have a Master's Degree, and many of them do because they go to school at night because the assistants...what I have seen of the assistants...now don't take this wrong, it's not derogatory, but I've never seen a hell of a lot done by the assistants except carry around film cartridges and show them in schools and so forth. And the taxpayers are damn tired of watching that kind of maneuvering. Now look, they'll get eighty-five percent of this package. Eighty-five percent of the ten thousand. So, you're not just voting for the superintendents, you're voting for the assistants to those superintendents at eighty-five percent if they've got a Master's Degree. So, you better think about this, because education is scraping for every dollar that it can get, at least that's what they...I had one right here just a minute ago begging me to...to watch for the thirteenth payment, the deferred payment. They're in there every day asking us to help education. This is, to me, an additional burden on the taxpayers, and although I love the guys, I can't in good conscience support it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Buzbee.

SENATOR BUZBEE:

Well, I...well, every one of us on this Floor obviously have a lot of ESR's that are good friends, because we're all politicians and they're politicians. And every one of us have had help from those folks in there...in our campaigns. We've helped them in their campaigns and so forth. I, like Senator Johns, some of my very, very good friends have asked

me to vote for this. I have told them, in no good conscience can I vote for this. At this time we don't even have any idea if we're going to have an income tax increase. The package that has been proposed is telling State employees, we're going to give you a two and a half percent cost of living and cut out your step rate increase. You won't get your step rate, but we'll give you two and a half percent cost of living. We're telling higher education, after getting a one and a half percent pay increase last year, we're going to give you a four and a half this year. We're telling elementary and secondary education that we're going to give you sixty-four million dollars across the State more than was spent in FY '83 and, oh, yeah, we're going to take away the thirteenth payment. Now, I understand...and that's...that's a hundred and ten million. So, you gain sixty-four million, you're going to lose a hundred and ten. Where I come from, as the little...little boy said, that ain't no good deal. And...and there's no elected official in the State this year that's going to get a pay increase. The Governor makes a pitifully low salary, in my opinion, to be the Chief Executive Officer of this State. People that hear traffic tickets now...traffic cases make more money than the Governor does. None of us are going to get a pay raise. I just don't...in...in good conscience, I cannot vote for this at this time. If we get the tax increase, then I might reconsider my position at that time, but I simply cannot vote for it...in its present form at the present time.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. I believe the bill has been debated long enough. I...I think all of us know what we're going to do and some of them are

still debating. However, at this time, I move to concur with House Amendment No. 1 to Senate Bill 310, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 310. 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 25, the Nays are 22, 7 voting Present. The Senate does not concur in House Amendment No. 1 to Senate Bill 310, and the Secretary will so inform the House. Any further requests? If not, the Senate will stand in Recess until noon. Senator...Bruce.

SENATOR BRUCE:

Well, we have fairly well cleaned up our Calendar, and I think it might be wiser, Senator, if we just Recess until twelve-thirty. Give everyone an hour so to...kind of get their office straightened up and ready to go. I would move that we Recess until the hour of twelve-thirty.

PRESIDENT:

If I can have your attention, a number of Conference Committees are currently going on. I've just spoken with Senator Philip. The House Leadership are having some committee reports printed. So, I think in everybody's best interest, we'll stand in Recess until the hour of three o'clock and let the paper flow.

RECESS

AFTER RECESS

PRESIDENT:

The Senate will come to order. Messages from the House, Mr. Secretary.

SECRETARY:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendment No. 1 to a bill with the following title, to-wit:

Senate Bill 98.

I am further directed that the House requests a first Committee of Conference, and the Speaker has appointed the members on the part of the House.

And I have like Messages on the following Senate bills with the House request:

Senate Bill 313 with House Amendment No. 2.

Senate Bill 492 with House Amendments 2 and 3.

Senate Bill 589 with House...or...yes, House Amendments 1 and 2.

Senate Bill 599 with House Amendments 1 and 3.

Senate Bill 991 with House Amendments 1 and 3.

Senate Bill 1001 with House Amendments 1 and 2.

Senate Bill 1026 with House Amendment 2.

Senate Bill 1061 with House Amendments 4, 5, 7 and 8.

And Senate Bill 1070 with House Amendments 1 and 4.

PRESIDENT:

Alright. Senator Demuzio moves that the Senate accede to the request of the House for the appointment of a Conference Committee on the following Senate Bills: 98, 313, 492, 589, 599, 991, 1001, 1026, 1061 and 1070. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries. The Senate does accede to the request of the House. Resolutions.

SECRETARY:

Senate Resolution 295 offered by Senator Sangmeister, it's congratulatory.

Senate Resolution 296 offered by Senators Lemke,

Vadalabene, Becker and others, and it's commendatory.

Senate Resolution 297 offered by Senators Lemke, Smith, Vadalabene and others, and it's commendatory.

Senate Resolution 298 offered by Senator Fawell, and it's congratulatory.

PRESIDENT:

Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, I have a...on two matters...will we be getting to the resolutions that are on the Calendar today?

PRESIDENT:

Yes, indeed we will. Yes, sir.

SENATOR VADALABENE:

And the second is in the form of an announcement. I have on my desk now the...the Fourth of July speeches for anyone who would like to have a speech. As usual, they go like hot cakes, and they're over here on my desk.

PRESIDENT:

Alright. With leave of the Body, we'll go to the Order of Secretary's Desk Resolutions. 166, Senator Lemke. Resolutions, top of page 5. Do you wish to call the resolution, Senator Lemke? Okay. On the Order of Secretary's Desk Resolutions, Senate Resolution 166, Senator Lemke.

SENATOR LEMKE:

This is the resolution that expressed the...the concern of the University of Illinois Chicago Campus about the art exhibit, the Mystery of Babylon. I understand everybody has worked everything out, but I think we have to make an amendment, Senator Rock, on the face.

PRESIDENT:

I...I think you are correct. Mr. Secretary.

SECRETARY:

Senate Resolution 166...Senate amendment...Committee Amendment No. 1.

PRESIDENT:

Alright. Senator Lenke moves the adoption of Committee Amendment No. 1 to Senate Resolution 166. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Senator Lenke, on 166.

SENATOR LEMKE:

I move for the adoption of Senate...Resolution 166.

PRESIDENT:

Alright. Senator Lenke has moved the adoption of Senate Resolution 166. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The resolution is adopted. 242, Senator Vadalabene. On the Order of Senate...Secretary's Desk Resolutions, Senate Resolution 242. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Senate Resolution 242 is a request from the Milmor Manufacturing Company of...Venice, Illinois in regard to a sales tax problem. I have here...and I'll say...state briefly, this is a letter from...from Ronald Ewert, the Executive Director of the Legislative Investigating Committee to Nick D. Vasileff who is the attorney for Mr. Milmor, where he says, "I am enclosing a copy of our Commission Act which reproduces language of our Enabling Act and rules and regulations of the commission. Briefly, there are three...by which we can legally initiate an investigation; a resolution adopted by the House, a resolution adopted by the Senate or a resolution adopted by the commission, and the commission can only adopt a resolution when the General Assembly is not in Session." Therefore, under those conditions...and as this letter of April 8th, I would move for the adoption of Senate Resolution 242 so that the Milmor Manufacturing Company can have a hearing before the Legislative Commission.

PRESIDENT:

Any discussion? Any discussion? If not, the question is the adoption of Senate Resolution 242. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 48 Ayes, no Nays, none voting Present. Senate Resolution 242 declared passed. 250, Senator Dawson. 258, Senator Dawson. 259, Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. Mr. Secretary, is this the, "whereas current...Federal and State regulatory schemes," is that the way it starts? I don't have a number on mine.

SECRETARY:

Yes, "whereas current Federal and State regulatory..."

SENATOR BUZBEE:

Okay. Alright, thank you. Yeah. This is a secondary coal recovery resolution. There are a lot of secondary coal recovery operations in southern Illinois. What this is is old gob piles and...and it's...it's the...the trailings, if you will, from the washhouses as they washed the coal back years ago, and it's the little bits and particles of coal that were pushed out with the water, and they were put in big mounds, and you can see them all through coal country in the southern part of Illinois. And over the last several years there have been several operators that have gone back in there and they performed two services. One is that they recover that...that coal and they contribute to the economics of the area in that they sell it as a good coal product. And then the second thing they do is they...they help clean up the environment as they gradually work these sites out. But they've had problems under Federal law in the...in the land reclamation programs. And so what this resolution is doing is asking the United States Congress and the United States

Department of the Interior to assist and support the efforts of the State of Illinois to arrive at a solution which will repair existing environmental damage, conserve abandoned mine reclamation funds and create additional jobs and revenue, and that a copy of this resolution be sent to all of the normal people; the President of the United States and to the Senate and to the House of Representatives, and I would ask for your favorable consideration.

PRESIDENT:

Alright. Senator Buzbee has moved the adoption of Senate Resolution 259. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The motion carries, and the resolution is adopted. 263, Senator Lenke.

END OF REEL

REEL #2

SENATOR LEMKE:

(Machine cutoff)...adoption of Senate Resolution...Senate Resolution 263. What this is, it directs the Legislative Investigating Commission to investigate the allegations by many employees in the Department of Public Aid that they have been...that there...there's an active participation on the part of some of the supervisors at offices to manipulate and coerce the Public Aid employees into sending letters and contacting legislators.

PRESIDENT:

Senator Lemke has moved the adoption of Senate Resolution 263. Any discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, thank you, Mr. President. A question of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator DeAngelis.

SENATOR DeANGELIS:

Senator Lemke, what is manipulation and coercion?

PRESIDENT:

Senator...

SENATOR DeANGELIS:

Or...or wait...

PRESIDENT:

...Senator DeAngelis.

SENATOR DeANGELIS:

Maybe you can do it with either an example or tell me why you're putting this in. Is there an experience that you had that...

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

I have not just one experience, I had several experiences. What they do is put a letter in front of you and tell you to sign it, and that's manipulating the employee and coercing them. If they don't sign it after several days, they go after them and...and keep after them and check on the time they go for breaks and back and forth and...and they manipulate these people with fear and duress to sign letters.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, since there's a lull on the activities, what are...what are they asking them to sign, something illegal?

PRESIDENT:

Senator Lenke.

SENATOR LEMKE:

Sign...the letters to legislators in their district and also to other...other legislators on particular legislation and other items that concern the Legislature. I don't think anybody should be duressed or manipulated, and I think we should investigate this...and the proper people out of the Legislative Investigating Commission that if it's going on by...not only by personnel from the office but also by union personnel from the union that represents that department.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, why don't we include the Attorney General's Office and the Comptroller's Office or any other place elsewhere? I get more letters from them than I get from Public Aid people.

PRESIDENT:

Senator Lenke.

SENATOR LEMKE:

Senator DeAngelis, if this is going on in any other

department and you wish to file a resolution, I will back you a hundred percent because I do not believe State employees should be...coerced in any manner to contact legislators or manipulated and forced to sign letters.

PRESIDENT:

Alright. Further discussion? Any further discussion? Senator Lenke has moved the adoption of Senate Resolution 263. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 40 Ayes, 5 Nays, 2 voting Present. Senate Resolution 263 is adopted. 268, Senator Joyce.

SENATOR JEREMIAH JOYCE:

There's an amendment, I believe.

PRESIDENT:

I beg your pardon, okay? Senate Resolution 268, Mr. Secretary.

SECRETARY:

Senate Resolution 268, Senator Joyce offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

I move the adoption of Amendment No. 1. It is a notification to the appropriate agency of the content of this resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce moves the adoption of Amendment No. 1 to Senate Resolution 268. Is there any discussion? Any discussion? All those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Now, on the adoption of the resolution, Senator Joyce.

SENATOR JEREMIAH JOYCE:

I...now I move the adoption of Senate...Resolution 268. What Senate Resolution 268 is, it is a reasonable response to a large number of persons who are seeking relief with respect to unscrupulous real estate practices associated with the selection of scattered site housing locations in the City of Chicago. They have gone to a number of agencies and a number of public officials with legitimate complaints and concerns, and they have been unable to receive any relief or, for that matter, any real attention, and I ask that the Illinois Legislative Investigating Commission provide them with an avenue of relief, and I ask the adoption...I ask this Body to adopt Senate Resolution 268.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Mahar.

SENATOR MAHAR:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Mahar.

SENATOR MAHAR:

Senator Joyce, does this apply to Cook County...in addition to Chicago? Anyplace in Cook County?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Yes. To the resolution. Yes, I...I think it's about

time that we did have some investigation. You may recall yesterday, I had a protest vote on a member being appointed to the Illinois Housing Development Authority, and it just seems to me these people, these bureaucrats get locked in and they don't listen to anybody, including agencies such as NIPSY, Cook County Board, elected officials on both sides of the aisle, Congress and everything else. So, it's time that we look into the...to the criteria by which they select these things. Let the people know what the criteria is, and I think it's long overdue to have this type of investigation, and I urge everybody to support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones.

SENATOR JONES:

Thank you, Mr. President. Has this resolution been distributed? I don't have a copy on my desk, I don't know if any other member has a copy.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator, the resolution is on page 5 of your Calendar. If...rules provide that if you request a resolution to be copied, you have to be joined by five members in order for it to be distributed. That is the rule of the Senate. Senator Jones, are you joined by five members? Senator Jones.

SENATOR JONES:

Yes, I am joined by five members that this resolution at least be distributed to the membership so that we will know how...what we will be voting on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Jones...who are the five members that join Senator Jones? Senator Newhouse, Senator Smith, Senator Kelly. Are you joined by any additional members, Senator Jones? Senator Rock. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. We can...we can afford copies,

that's a reasonable request. We'll get back to it, we're not going to leave the building yet. Let's make copies, and with the assurance, we'll get right back to it once everybody has had a chance to read it.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Joyce, with leave of the Body, we'll take it out of the record. Leave is granted. Take it out of the record. Is there leave of the Body to return to...is Senator Dawson on the Floor? Leave of the Body, we'll return, before we go too far down the page, to Senate Resolution 250.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, Senate Resolution 250...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Dawson, just a moment, please...Senate Resolution 250, Senator Dawson.

SENATOR DAWSON:

Senate Resolution 250 states the importance of specialty steel...steel industry in the United States, and it also brings to the fact that subsidized foreign steel has seriously injured the American steel industry according to the International Trade Commission, and urges the President of the United States to impose quarantine restrictions on...on imported allied tool steel and stainless steel and strip bar and rod levels requested by the American Specialty Steel Industry and United States Steel Workers of America for a period of five years.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Is there any discussion? Any discussion? Senator...Senator Dawson moves adoption of Senate Resolution 250. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The resolution is adopted. Senate Resolution 258, Senator Dawson. Mr. Secretary, 258.

SENATOR DAWSON:

(Machine cutoff)...258 proposed importation of raw steel by U.S. Steel Corporation from British steel corporations which caused a loss of approximately three thousand jobs in American steel industry plus at least six thousand jobs in related industries. Resolves that the 83rd General Assembly call on Congress and the President to prohibit U.S. Steel and British steel corporations from effecting the proposed transaction. Seeks assistance from the U.S. Secretary of Commerce in stopping this venture, and resolves that U.S. Steel be called upon to refrain from...including the proposed transaction. And resolves that a copy be sent to the President of the United States, the Secretary of Commerce and the Speaker of the House, President of the Senate and so on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson has moved the adoption of Senate Resolution 258. Is there any discussion? Is there any discussion? Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The Senate...Senate Resolution 258 is adopted. Senator Darrow, 274. Senate Resolution 274, at the bottom of page 5. Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, there's a proposal to close Galesburg Mental Health Facility; and in the event they would do that, Rock Island County's closest mental health facility would be Peoria, which is approximately a hundred miles away. What we're calling for in this resolution is a study to be conducted to determine the feasibility of establishing a facility in Rock Island County to provide services to the mentally impaired and developmental disabled persons. We envision a facility of fifty to a hundred people so that we can provide the care in our own community where with this study if it shows that there is a need, we'll be looking for Federal and State funds and we may be back here later, but I would ask that we adopt

this resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Bloom.

SENATOR BLOOM:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Bloom.

SENATOR BLOOM:

Clarence, I thought as you explained this to me that what you were concerned were...if someone in the Quad Cities area flipped out or became mentally ill, you wanted a place for them. I...in your explanation of this resolution you are saying that you wanted a place in the Quad Cities for not only the mentally ill but developmentally disabled. Those are two different things. Did you misspeak?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARROW:

No, the...the resolution is phased in terms of the mentally impaired and...developmentally disabled persons. But as we discussed, we have a facility there at the mental health center that can handle, oh, I would say seven to fourteen days of psychiatric hospitalization, and then we...we...but we have no facility for the individual who may need three months to six months care, as we discussed, and that's what I would be looking for, a...a facility in the community to...to take care of that type of a person, not necessarily the developmentally disabled but...but more in terms of the psychiatric patient who needs three to six months. I've discussed this with representatives from the developmentally disabled community and their representative is down here and explained that to them. But in the terms of the resolution, yes, that is in there.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senator Darrow, it...it would probably be more appropriate if you would have a member of the Audit Commission themselves file this as a request, then you could have it debated in there...they can find out where they can fit it in and so forth, rather than forcing it through the legislative process, such as this.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Darrow.

SENATOR DARROW:

I've discussed this...this came up from our staff. They...I asked where would be an appropriate independent source. They suggested the Auditor General. I, in turn, discussed this with the Auditor General, he's aware of it, he has no objection to this. We've...we've had at least two or three discussions with him concerning that.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Darrow moves the adoption of Senate...Senate Resolution 274. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Senator Nedza. Have all voted who wish? (Machine cutoff)...all voted who wish? Take the record. On that question, the Ayes are 41, the Nays are 5, 1 voting Present. Senate Resolution 274 is declared adopted. Top of page 6, on the Order of Resolutions, House Joint Resolution 64. Senator Davidson. Senator Davidson on the Floor? House...let's see, Senate Joint Resolution 13, Senator Lenke. Top of page 6, Senate Joint Resolution 13. Senator Buzbee, on Senate Joint Resolution 24? Page 6. (Machine cutoff)...called, Senator? Alright, on the Order of Resolutions, Secretary's Desk, Senate Joint Resolution 24. Senator Buzbee.

SENATOR BUZZBEE:

Thank you. I can't find my file right now, but let me explain what this resolution is. This is a resolution that...that asks the Secretary of Labor to look at what we do when we have an unemployed person who can't find work anywhere and who goes to a community college or whatever to take a course in retraining. Under the current law, that person automatically loses all of their unemployment benefits if they're considered a full-time student. We made that the law a few years ago when we found that, in fact, there were students who went out and worked in the summertime and then came back to college in the fall and drew unemployment compensation while they were going to college. We never had any intention of that happening. We changed the law to...to preclude that happening, but when we did so, we gave the director of the Department of Labor some flexibility, but apparently he's either not been using it or he does not have enough flexibility. I had a constituent who told me that he was a coal miner and he had been...he had tried and tried and tried to find work, couldn't find work, decided that he would go to a local community college and take a course in computer programming. When he went and signed up for the course...as twelve semester hours of credit, he automatically lost all of his unemployment comp., and he said I can't afford that, I've got a family and I can't afford it. So, all this resolution does is to ask the director of the Department of Labor to exercise some discretion and be a little bit flexible in some of those cases that we didn't mean to knock out the well-intentioned job hunter who...in the meantime is wanting to try to better himself and make himself more employable. So, I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DENUZIO)

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

SENATOR DeANGELIS:

Well, I apologize, our spokesman is not on the Floor, so I am the alternate hit man. Senator Buzbee, if I recollect, I think we passed a bill to do identically this in this Session.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Buzbee.

SENATOR BUZBEE:

Well...oh, yeah. As my seatmate said, well, then vote Aye. I...you know...I...I was not aware that we passed a bill to do it, but we're just simply asking the director to look at it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Buzbee has moved the adoption of Senate Joint Resolution 24. All those in favor will signify by saying Aye. Opposed Nay. The Ayes have it. Senate Joint Resolution 24 is adopted. Senate Joint Resolution...34, Senator Buzbee. Alright. Senate Joint Resolution 34, Mr. Secretary. Senator Buzbee.

SENATOR BUZBEE:

Thank you. This is a...a joint resolution which asks the Illinois Energy Resources Commission to conduct a study on the feasibility of marketing Illinois-mined coal overseas and elsewhere in the United States, and it's simply directing that...that commission which is already there, which is already on...already has staff, doesn't need any money to do this and so forth, asks them to do this study, and I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Senator Buzbee moves the adoption of Senate Joint Resolution 34. Those in favor will...will say Aye...those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Senator Johns. Have all voted who wish? Have all voted who wish? Take the record. On that question,

the Ayes are 53, the Nays are none, none voting Present. Senate Joint Resolution 34 is declared adopted. Senate Joint Resolution 54, Senator Bruce. Senate Joint Resolution 54, Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This deals with the operation of the office of circuit clerks. Morgan Finley who is interested and also circuit clerk in my counties who are...one of them is to be the new president of the Circuit Clerks Association, have come to me and indicated that they would like to have a study which would comprise of members of the General Assembly, clerks, judges and two member...and four members of the general public, and additionally, two representatives of the Illinois Office of Illinois Courts; one appointed by the President and one by the Minority Leader, and those basically be one person from the administrative office of the Illinois courts here in Springfield and one gentleman from the administrative office in Chicago. And they would try to figure out exactly what we have done with the clerks in the sense of their relationship with county boards, the funding and operation of their offices.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Senator Bruce moves the adoption of Senate Joint Resolution 54. Those in favor vote...will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are none, none voting Present. Senate Joint Resolution 54 is declared adopted. Senate Joint Resolution 58, Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. Senate Joint Resolution 58 asks the School Problems Commis-

sion to study the issue of merit pay plans and master teacher plans in the State of Illinois. This is due because of the recent Federal study in the area of education, and it just seems to me that we need to know more about our pay structure in Illinois, and there may be a need to...to increase teacher salaries, that many cases they're underpaid, and the School Problems Commission has the expertise to do that. And, hopefully, if there would be any recommendations that need legislative change, they could come back to this Body and recommend those changes. Their...their past record is one that I think would...carry a lot of weight and would be appropriate and...for us to do to follow their guidelines. So, I'd ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Is there any discussion? Senator Mahar moves the adoption of Senate Joint Resolution 58. 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 none, none voting Present. Senate Joint Resolution 58 having received the required vote is declared adopted. Is there leave to return to Senate Resolution 268? Leave is granted. On page 5, the bottom of the page, Senate Resolution 268. We just took it out of the record. The...I'm told that the...copies of the resolution have now been distributed. Senate Resolution 268, Senator Joyce.

SENATOR JEREMIAH JOYCE:

Mr. President, I would like to ask leave of the Body to amend Senate Resolution 268 on its face, striking the word "the" where it first appears on line 29. Striking the word "the" where it first appears on line 29.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Line 14?

SENATOR JEREMIAH JOYCE:

I'm sorry, line 14.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Line 14. Senator Joyce seeks leave to strike the word "the." Senator Joyce, you want to repeat your motion, please.

SENATOR JEREMIAH JOYCE:

I ask leave of the Body to amend on its face Senate Resolution 268 striking the word "the" on line 14 where that word first appears.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Is...is there leave granted? Leave is granted. Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, I have pretty much explained this...this resolution. It arises out of a...set of circumstances wherein a large number of organizations have sought a forum or...or...or a...various public agencies to look into complaints with respect to the unscrupulous real estate practices in the...locations of scattered site housing sites, and the resolution has now been distributed, and I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Joyce has moved the adoption of Senate Resolution 268. Is there any discussion? Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. I...Senator Joyce, you say investigate unscrupulous practice of...practice...of the housing authority in doing what?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, there were a number of things, not the least of...of which included attempts to use scare tactics in

communities. Various alleged agents and employees of realtors have gone through neighborhoods trying to alarm people by telling them that scattered site housing was going to be in their community, had given locations, that type of thing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

To this date, Senator Joyce, has any scattered site housing as directed by the court been implemented in the Chicago metropolitan area?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, whether or not...Senator Jones, whether or not scattered site housing locations have been implemented is not the concern of this resolution. We are concerned here with the activities of people associated or allied with various persons trying to frighten people, trying to intimidate people, trying to scare people, and whether or not specific projects or scattered site housing developments have been built is really, I don't think, germane at this point.

PRESIDING OFFICER: (SENATOR DEMUZIO)

A Bloomington...the Bloomington Pantagraph has asked permission to photograph and take still pictures. Is leave granted? Leave is granted. Senator Jones.

SENATOR JONES:

Yes, Mr. President and...and the members of the Senate, addressing the resolution, I see the sponsor is a little ashamed or bashful or he's trying to hide his true feelings and everything, but I think everyone know what the resolution really says. Number one, Senator Joyce, for your own information, the Judge Austin decision is the one that directed the Chicago Housing Authority to...to implement

scattered housing sites. And the...and the scattered housing sites has not been really implemented in the City of Chicago because of the previous mayors who have refused to see that senior citizen who need housing and the low income people who need housing in the Chicagoland area, they have refused to carry out that directive. There has been no attempts by the Chicago Housing Authority to intimidate citizens in the...in...in the respective communities. I don't think this legislative Body itself is empowered to investigate the Federal Government, and this is what this resolution has really addressed itself to, because the Chicago Housing Authority is under direction...directing from the Federal court to implement scattered housing sites. But you are a little reluctant to say what is really on your mind regarding this resolution because it really is meaningless. It's a joke, it's a farce...foolish for members of this Body to be even considering this...this ridiculous resolution, because there is no way in the world that our Legislative Investigating Commission, which I am a part...a member of, can investigate Judge Austin's decision for scattered housing sites...it's...it's really stupid.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Egan. Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I, too, serve on the Illinois Legislative Investigating Commission, and I think the real crux of this resolution is the sentence which says, where..."Whereas there are indications that unscrupulous real estate agents have manipulated the site selection process," and also the fact that Chicago Housing Authority Commissioner Robinson has publically stated that the Chicago Housing Authority staff has failed to follow the direction and guidance of the board in the implementation of the program of scattered housing. I

think our commission would be a well-qualified commission to...make such investigation, 'cause we have the personnel that is trained to do investigations; and second of all, if there are inequities practiced on people and on minorities, we should be in a position to investigate them and bring forth the truth. I think this is...I don't know what...Senator Joyce's purpose was in initiating this resolution, but I particularly would want to see it go forth on the basis that if there is unscrupulous dealings and manipulations by real estate agents, they certainly should come forward with the truth. We should do that, and, therefore, I speak in favor of the resolution.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Body. While I'm sure that the sponsor is probably responding to the concerns...of the people in his community, as most of us attempt to do, I think a problem that he's trying to resolve, he's going about it in the wrong way. There is no question about blockbusting and manipulation on the part of unscrupulous realtors in any area to interject a fear into that community, and they've done it all the time, but we do have laws on the books. What we may need to do, Senator Joyce,...and I don't think you're listening, is to look at those blockbusting laws and increase the penalties there and investigate some of the unscrupulous realtors who are going about...or whoever they send the people out. Usually they'll send a person out with a card or some kind of publication indicating that this is going to...in other words, the blacks are going to raid your community. Now that's...let's just put it like it is. What we need to do is look...you need to do is to look at that Statute and talk about increasing the penalties, because apparently even if we did, the Investi-

gating Committee, investigate the housing authority, the housing authority has nothing to do with the fears of any community about where they put housing. They are to follow a consistent plan, and it is a Federal plan, and that is their authority to do. Now, the fear in the community in the blockbusting issue should be safeguarded and protected under the...the laws that deals with blockbusting in this State.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, Senator Collins brought out some very important concerns, and they are concerns that we still have to address ourselves to in Chicago. But I think part of the problem is related in the third and fourth paragraph of the...of this resolution, where it calls upon the CHA has failed to recognize the importance of community input into its site selection process and where the staff has failed to follow the direction and guidance of the board in implementation of this program. When this decision was made by Judge Austin and Polycoff, part of the requirements was that there would be community input and that housing sites would be no closer than at least one mile away from fully black neighborhoods. The CHA staff, on their own, under Charles Swibel, had violated these two principals. They went out and purchased buildings in areas that violated both of these principals of being within the one mile limit of Austin's ruling and the community input, of having community notice and input. I think this resolution is proper. It just asks our Legislative Investigating Commission to investigate why the authority violated these edicts, and probably to ensure that these violations do not reoccur. I would support this resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thanks, Mr. President. Wonder if the sponsor would yield to a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Newhouse.

SENATOR NEWHOUSE:

Senator, we...we've both been involved in some legal proceedings, and I understand that if they're not quite narrowly defined, they can turn out to be very difficult. And I agree with you on paragraph 1. I have a tendency to agree with you on paragraph 2. On paragraph 3, I'm concerned when you talk about community input into its site selection process. Would you interpret that to mean veto power?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

No, I would interpret that to mean that the community be advised, be invited in. That the community be made a part of this process. I think that was the spirit in which the court addressed this problem. What...how this came to...to me, Senator Newhouse, is that some of the problems that Senator Savickas has just detailed, they...there were violations of the court guidelines, that when the matter was brought to the attention of...of the responsible officials at the Chicago Housing Authority, that they said that they recognized that staff people were disregarding these guidelines, but there wasn't anything that they were willing to do at this point. You know, we tried to draft...I tried to draft this thing and tried to...to approach this problem in a way that would not be inflammatory. These groups of people...went to several agencies to try to find some relief, to try to get someone to deal with this. They have now come, as a last resort, to us. We, myself, Senator...Jones, we sit on the Legislative Investigating Commission, we are not about to unleash

a...a....a witch hunt type operation. All we are trying to do is, perhaps,...even more symbolic than anything else is to say, hey, you know, there are guidelines there, they were set out, you have to...why not try to approach this problem in a spirit that will help everyone involved and not permit certain unscrupulous people to take unfair advantage of...of...of the situation by frightening people, by...you know, back to the...back to the...to...to many of the various problems that this Legislature dealt with ten years ago.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

Senator, if I could be assured that we could limit this to...to three areas, I would withdraw my objection, but those...three areas, as I see them, are the community input aspect of which is very important to you as I understand it. I understand that. The second area is the failure of staff to follow directions. The third area is the investigation of unscrupulous real estate dealers...can we...can this resolution be narrowly interpreted to include solely those three areas? In that case, I would withdraw my objection. I'm not saying I'm going to vote for it, but I withdraw my objection. I'm tremendously impressed that Senator Savickas says Charlie Swibel was doing something wrong. That...that indicates to me a new spirit of...in the land, and in that spirit, I will withdraw my...my objection to this resolution.

PRESIDING OFFICER: (SENATOR DENUZIO)

Further discussion? Senator Lenke.

SENATOR LENKE:

I move the previous question.

PRESIDING OFFICER: (SENATOR DENUZIO)

Further discussion? Senator Joyce may close.

SENATOR JEREMIAH JOYCE:

I ask for the adoption of this resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce moves the adoption of Senate Resolution 268. 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 44, the Nays...on that question, the Ayes are 43, the Nays are 6, 3 voting Present. Senate Resolution 268 having received the required majority is declared passed. Is there leave to return to House Joint Resolution 64, the top of page 6? Is leave granted? Leave is granted. House Joint Resolution 64, Senator Davidson.

SENATOR DAVIDSON:

Mr. President, first I'd like leave to have Senator Welch shown as a hyphenated cosponsor with me on this resolution 'cause it does affect his area, but since Representative Oblinger was the chief sponsor it was given to me when it came over here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there leave to have Senator Welch added as a hyphenated cosponsor? Leave is granted. Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this petitions the United States Department of Housing and Urban Development to waive the requirements concerning the separate refrigerators and State licensures and extend July 1 deadline from discontinuance of rental assistance to the Barb City Manner Senior Citizen Living Center in DeKalb. This was a...existing an old building or hotel that was taken over, created into a senior citizen. It does an excellent job. The...Federal urban have given extension. We need this petition to have it extended again till they work out to keep the funding to keep those senior...senior citizens living there. I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Senator Davidson moves the adoption of House Joint Resolution 64. All those in favor signify by saying Aye. Opposed Nay. The Ayes have it. House Joint Resolution 64 is declared adopted. On the Order of Resolutions, the...Senator Mahar, for what purpose do you arise?

SENATOR MAHAR:

Thank you, Mr. President. I'd like...ask leave to have Senator Maitland added as a hyphenated cosponsor to Senate Joint Resolution No. 58.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there leave to have Senator Maitland added as a chief cosponsor of Senate Joint Resolution 58? With leave of the Body, leave is granted. Senator Mahar.

SENATOR MAHAR:

It was a hyphenated cosponsor. I'm...I'm a chief sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

A hyphenated cosponsor of House...of...leave of the...leave of the Body to have Senator Maitland added as a...as a hyphenated cosponsor to...Senate Joint Resolution 58. Leave is granted. Senate Joint Resolution 60. Senator Rock, Senate Joint Resolution 60.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Joint Resolution 60 is jointly cosponsored by myself and Senator Philip, and what we are essentially doing is urging, as best we can, both Houses of the Assembly, urging the Federal Savings and Loan Insurance Corporation to grant paramount weight to the public interest of the citizens of this State and award the acquisition of First Federal Savings and Loan Association of Chicago to an Illinois bidder. As you know, First Federal Savings and Loan Associa-

tion, one of the biggest in the country is, in fact, by virtue of...or under the supervision of the Federal Home Loan Bank Board, and it is up for sale. There are, I am reliably told, probably a half a dozen bidders, a couple of whom are Illinois residents. And what we are doing by virtue of Senate Joint Resolution No. 60 is letting, I hope, the Federal...the FSLIC know that; one, we are aware; and two, we would hope they would take into account the residential status of these bidders and hopefully award, as they have the right to do under their discretion, because all of the bidders are financially able, the question is one of discretion with the FSLIC, and we are urging that they exercise their discretion in favor of our Illinois residents. And there are at least two of the bidders who are from Illinois. We are expressing no preference, with the exception that we are asking them to use their discretion in favor of people here in Illinois, and I would urge the adoption of Senate Joint Resolution 60.

PRESIDING OFFICER: (SENATOR DENUZIO)

Any discussion? Senator Lenke.

SENATOR LEMKE:

My understanding that this is a savings and loan where my depositors have quite a bit of money, constituents in my neighborhood, and I see this resolution is hampering them as depositors to have the best person who's qualified to run this savings and loan. Whether that person be from New York or California or Florida or from Illinois, I want the best possible person to protect their funds, and I don't think we, as a Body, should enter into something the Federal Government is doing in regards to the Federal deposit insurance. I do not think we should limit this, because if we pass this resolution, we can limit Illinois companies from going into other states. I do not think this is our prerequisite to tell people, and especially the Federal Government in regards to

financial security, that they should look to the Illinois...any Illinois company over any other company. They should look...we should be telling the Federal Government they should look to the best person, corporation, or whoever it would be that can financially manage the savings and loan and pull it out from bankruptcy and make sure that all the depositors receive their money. So, I ask for a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Friedland.

SENATOR FRIEDLAND:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield...

SENATOR FRIEDLAND:

Who are the two Illinois bidders?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

...yes, I...I've just been corrected, there may be three. My understanding is a Mr. Haytow from the Amalgamated Bank and Mr. Earl Neil from Chicago, and if there's a third, I'm unaware of it. The...the...the...the idea is that there...has also been interest expressed by some national or multinational corporations, and I think, frankly, Senator Lemke is a little misguided. There's no question about the financial ability or integrity. No question about the...the fidelity to the depositors. The only thing we are urging, and that's all we are doing, is urging that the...FSLIC in the exercise of their discretion take into account the fact of residency. That we are a little provincial, perhaps, rightfully so, and we ought to...we're asking them just to consider Illinois folks. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. I stand in support of this resolution. I think that with Illinois ownership we're going to have more money invested in homes and Illinois businesses, and this is basically Illinois resident taxpayers' money, and I would hope that with the attitude of local control and ownership that these investments deposited in any S and L throughout the State of Illinois would be invested in Illinois. For too many years we've had the funds of Illinois S and L's going out to California and other states, and I think that the...the whole emphasis of this resolution is to keep these deposits invested in Illinois; and with Illinois controlled ownership, I think we're...we'll have a much better chance of...of achieving that goal. I would rise in support of the resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. I, too...very briefly, I, too, rise in support of this resolution. Both Mr. Haytow and Mr. Neil are known primarily for their involvement in civic activities and the contributions that they've made to this State, and I think that in itself speaks well for it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock, do you wish to close?

SENATOR ROCK:

No, I think the...I think I've explained it adequately in the discussion. It...it is nothing more nor less than an expression by, I hope, both Houses of this Assembly to urge the PSLIC to grant weight to the public interest of the citizens of this State and select an Illinois bidder. I urge the adoption of Senate Joint Resolution 60.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator...Senator Rock moves the adoption of

Senate Joint Resolution 60. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Senate Joint Resolution 60 is adopted. Senator Newhouse.

SENATOR NEWHOUSE:

May I ask leave of Senator Rock and the Body to be added as a cosponsor on that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Newhouse seeks leave of the Body to be added as a hyphenated...as a...Senator Rock.

SENATOR ROCK:

Yes, I might ask leave of the Body, if any member wishes to join as a cosponsor, they are certainly welcome, just let the Secretary know. I think the resolution is a good one and in our best interest.

PRESIDING OFFICER: (SENATOR DEMUZIO)

With leave of the Body, so...ordered. Senate Joint Resolution 61, Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Joint Resolution 61 is a result of some discussions that I have had with the State Board of Education. There has been widespread publicity, obviously, and even the President of the United States has taken it as something of a cause celebre that there is...appears to be a declining quality of public education across the country. By virtue of Senate Joint Resolution 61 I am attempting to create a commission for the improvement of elementary and secondary education which will study this problem, not unlike the National Commission on Educational Excellence, and see, in fact, what Illinois and its public school system is doing. The commission will be comprised of twenty members; ten of whom will be from the General Assembly, five from the House, five from the Senate, five members of the School Problems Commission appointed by the chairman of that commission and

five members of the general public appointed by the Governor. The expenses will be paid, I am told, and the staff assistants will be provided by the State Board of Education. We understand there may well be Federal money available for this. It's an opportunity I think we should utilize. I know of no objection, and I would urge a favorable roll call on the adoption of Senate Joint Resolution 61.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Senator Weaver.

SENATOR WEAVER:

I would just presume, Mr. President, that of the five members from the Senate, two would come from the minority and three from the majority, is that correct, Senator Rock?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Yes, Senator Weaver, that is correct. And I might point out that of the many commissions to which we have the appointing authority, most of them, and I think this is boilerplate language, most of them call for all the appointments by the President. It is our practice and it will continue to be our practice that the minority representation will be at the direction of the Minority Leader. He sends me a letter telling me who he...who I should appoint and I appoint them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock has moved the adoption of Senate Joint Resolution 61. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Senator Savickas. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, 1 voting Present. Senate Joint Resolution 61 is adopted. Senator Rock.

SENATOR ROCK:

Yes, if I can have the attention of the membership. Under the House rules, as I'm sure you're aware, the Conference Committee report...a Conference Committee report has to sit on the desk of the members...in printed form for at least an hour. I was informed by the Speaker of the House that the Conference Committee report on House Bill 1470, which as everyone knows I'm sure is the proposal to increase the Illinois Income Tax, will be taken up sometime after five-thirty. That hour has now approached. So, I would ask the members to please stick around. We will be here until at least midnight. The House will vote, and then we will, I'm sure, have the opportunity to confer, and then we will take up the matter. In the meantime, I suggest we go down the Calendar, and I would urge the membership, this may be the last time through on this Calendar depending on the time. Now, it appears in all likelihood that we will be here tomorrow, but again, I remind the members that there is an effective date problem...not a problem, which will require an extraordinary vote if it's something that is to be immediately effective and it is passed after midnight. I have been informed that the Office of the Lieutenant Governor down on the second floor has graciously indicated that he, because of his past experience in the Assembly, knows we can't leave the building or shouldn't leave the building. He will be providing a buffet dinner for all the members. It's commencing at seven o'clock if the members would wish to walk down and take...take advantage of his hospitality. In the meantime, Mr. President, I'd suggest we go to the Order of Secretary's Desk Concurrence and afford the members an opportunity to run those bills. The Secretary is in the process of putting together a Supplemental Calendar with the Conference Committee reports that have been filed to date, and we will take them in the order in which they appear on those Supplemental

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Calendars. So, those of you who are on Conference Committees, try to wind them up if you want to get them called before midnight, because they have to be printed and placed on the House desks one hour before they're taken up.

PRESIDING OFFICER: (SENATOR DEMUZIO)

In regards to Senate Joint Resolution...60, the Secretary informs me that he will show all members as cosponsors unless some...member comes down and tells him not to. Is leave granted? Leave is granted. On the Order of Secretary's Desk, Concurrence, Senate Bill 187.

PRESIDING OFFICER: (SENATOR BRUCE)

On the Order of Secretary's Desk, Concurrence is Senate Bill 187 with several House amendments. Senator Demuzio, are you ready to proceed on a motion? Senator Geo-Karis, on this bill? All right. Senator Demuzio is recognized for a motion.

SENATOR DEMUZIO:

Yes, thank you, very much, Mr. President and Ladies and Gentlemen...of the Senate. I'll move to concur in...in House Amendments 1, 3, 4, 5, 6, 7, 8, 9, 10 and 11. This has been a subject of a great deal of discussion during the legislative Session, and I will attempt to go through the amendments one at a time in order to apprise the members of what the contents in Senate Bill 187 are. The Amendment 1 is the House version of the Citizens' Utility Board which would require a twenty-two member board of directors selected from congressional districts; the ICC approval of enclosures of statements which are limited to four per year and provides for a statement enclosure which is limited in...to inform in the utility consumer bill that he may be a member and contribute...money directly to the...to the CUB. Amendment No. 3 would prohibit...certain types of advertising expenses of gas and electric utilities from being included in the utility rates. This amendment is identical to House Bill 368, Sena-

tor Zito and Senator Berman's bill, as it passed the House. Senate Amendment No. 1 added a...a provision placing a moratorium on construction of nuclear...new nuclear power facilities. Senate Amendment 2 provided clarification of...of the certain vague references, and Amendment No. 4 would provide for the construction work in progress to be phased out over a four-year period, eighty-sixty, forty-twenty. Amendment 5 would prohibit the inclusion of...of lobbying and political activities in the utility rates. Amendment 6 prohibits the winter utility heat service termination and codifies the ICC general orders that are concerning winter termination and adds a policy statement that provides that if a customer demonstrates a financial inability to pay, service will be...shall be restored upon paying an amount that he can afford and entering a deferred payment...a deferred payment program. Amendment No. 8 eliminates the coal transportation cost from the automatic fuel adjustment clause, it's the identical to House Bill 99 and Senate Bill 2, both of which passed both Houses. Amendment 9 would provide that the Open Meeting's Act applies to certain ICC deliberations, contain a provision limiting post-employment of ICC personnel and prohibits ICC exparte communication. It's identical to other amendments which have passed this Body. Amendment 11 is a technical amendment to replace two words unintentionally left out by the House Amendment No. 1. And I would move adoption of the amendments to which I have indicated.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? (Machine cutoff)...concur in the House amendments. Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Senator we're...this is another version of CUB, is that what we're about to take up here? The Senate, as I recall, passed...a CUB plan sometime ago, a different plan,

is this...is this another version? I guess my question is, have we passed a CUB bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Yes, we have; it is not this version. This is the House version.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Oh, okay.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I guess I have some...some problems with this. This is not the version, as Senator Schuneman said, that the Senate passed. This version, I might point out to you, the Pages just passed out a...a sheet of paper and on this version this is the extent of the participation that a utility will have. Now, some of you have been saying on the other side of the aisle that we were going to cause all kinds of problems for the utility companies, well, here it is folks. It's...on their card that you get a bill from Commonwealth Edison or whomever you get it from, if they are a Class A utility there will be a strip in the corner that will be five-eighths by three inches and that is the extent of it. And if you look at that card, you will see that you can't put anything in there except, perhaps, as Senator Welch told me, that you might be able to put, "Warning, cigarettes may be harmful to your health." But they do not collect anything for the CUB...they do not, that's just it, they just...that's all they have to do...and it won't work. It just won't work and I don't know if that's the game plan that the House has come up with to have a citi-

zens' utility board that won't work, is that...I'm not sure that that's even what the utilities want. I think that they want something that can take the heat off of them. They want something that...even they say, we need to do something to let people feel they're having some input into their rates. This one is a farce, it's a joke. It has a twenty-two board member. I might ask Senator Demuzio and he asked in committee, when the original CUB bill came up about twenty-two members, one from each congressional district, wouldn't that be weighted for Chicago? It certainly will. What about, also, the Utility Consumers Council that the Attorney General's Office wanted until we got CUB going? That's not in here either. Is this another plan that the House has got? It seems that they're having a little trouble with the Attorney General over there, they're cutting him out of this proposal also. In the CUB...the version that the Senate passed, there could be four inserts in the utility bills that you get telling what the CUB is. It would also be a checkoff that you could pay whatever the interim...board decided that you ought to pay, whether it be twenty cents a month or forty cents a month or what have you, the utility company would collect that and send it to the CUB just as they do taxes that the State of Illinois imposes on them and municipalities, it would be no burden to them. But just on the CUB alone, folks, I think if we adopt this and send it to the Governor's Office we will be guilty of trying to bilk the public one more time into thinking that we have given utility reform, when in actuality we had given them nothing. We could go on to...the construction work in progress, you know, that one doesn't do much either. Four years, they have an optout, there's no accelerated...CWIP in reverse, there's none of that. This version is sadly lacking and I would hope that we would not support it. If we do support it, Mr. Secretary, I'm going to ask that my name be taken off of

this. I don't want to have my name on the Edsel of utility reform. Thank you, very much.

END OF REEL

REEL #3

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. My name is on this legislation also and while I have to agree with both of the sponsors, but I think we are down to the bare reality, do we get something or nothing. And there is, I think, one provision in that bill that will help the people throughout the State, and most...especially those people who are unable to pay the higher cost of utilities and who have to chose during the winter months between eating or staying warm, and that is the utility shut-off provision of which I am the sponsor of and I have sponsored that legislation for about five years. The House did water it down some, but it still is something, it is better than nothing and I will be back again, as I have every year, next year trying to strengthen that section. So for that reason, I have no choice but to concur.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, do you feel that this is the best that we can get out of the House? I mean out, of the other Body?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Yes, I do.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, it's obvious that the leadership in the House doesn't want to do any better; and like Senator Collins said, maybe it isn't the...the very best. I certainly am committed to this project and I have been. I feel that we ought to support it, because at least it's a step and a foot in the door. I am sick and tired of the...public utility companies constantly telling us how...what...what is good for us, what isn't, with a lot of extra advertising that comes out of our pockets, and this bill does address itself to that. And it does...address itself to the shut-off provisions that the rules have been set forth in the...provide for rather, in the Illinois Commerce Commission, it codifies them. I think that...it's got many good facets to it. Perhaps it's not the bill that Senator Joyce and I would have liked to have had, but since it's the only thing we can do, we have taken the responsibility to pass it here. It's too bad that the Democratic leadership in the...the House didn't see fit to do it as we'd wanted it, but I'm willing to support it at this time, the way it is, because it's a start.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Friedland.

SENATOR FRIEDLAND:

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

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield, Senator Friedland.

SENATOR FRIEDLAND:

Senator, I noticed that the residents of Springfield with their recent utility bill they received two enclosures, one was a Condition 90 Alert that provides tips on how you can...conserve running air-conditioners and so forth during

the hot weather and other was, Come Join the Linconfest July 2nd and 3rd in cooperation with the Department of Commerce and Community Affairs, Illinois Office of Tourism. Would this legislation prohibit or prevent that or permit that in future billings?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

I don't...I don't know of any thing in this legislation that would prohibit that, I am told.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Friedland. All right. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Well, I think we ought to remember this day, obviously, for a lot of reasons; we're going to vote on most of them later. But I think we ought to remember this day for this reason, probably next to jobs, utility rate reform and the escalating cost of utility has been an issue that has been more talked about and more...and of more concern to the citizens of Illinois than perhaps any other issue around again except for the economy and...and jobs. And they have looked to this Legislature to do something on this issue. There has been more rhetoric on this issue, more P.R. on this issue than perhaps any other issue that we've taken up thus far in the General Assembly. And a lot of people profess that they were going to be the saviors of the consumers, and they were going to have these great utility reform packages that were going to benefit people across the State. And I can see the press releases flying after this bill passes, saying that we passed a CUB. Well, let me tell you, let's remember June 30th, 1983, for a lot of reasons; but let's remember that when we passed this CUB, this bill will be the death now of all the ideas for CUB in the future, because it

is almost impossible for CUB to work under the structure in this bill. If a...if the check-off system was in the bill so that those who receive their bills could just check off that they wanted to contribute, check off that they wanted to belong, which is certainly no hardship on the utility companies, that would be certainly an incentive; but this way no one is going to even know about it, and then they're going to come back and say, you see, we told you CUE wouldn't work; we told you nobody would join; we told you nobody would contribute. This is exactly what they want and this is exactly what they're going to get. This bill does nothing. It tricks, it tricks the consumers of Illinois into saying, we've helped you; we've solved your problems, look what great people we are as legislators; we passed a CUB bill, B.S.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rigney.

SENATOR RIGNEY:

Question for the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Rigney.

SENATOR RIGNEY:

In your opening remarks, I think you made reference to nuclear moratorium as being a part of this bill. I think that is...was incorrect...is that...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

That is correct, I was attempting to explain the difference in the House and the Senate amendments. That was stricken, that is correct.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rigney.

SENATOR RIGNEY:

Well, I'm not going to belabor this, I...when I think

about all of the various ideas that have been through our House...our Senate Ag. Committee and all of the issues that we have addressed over these last few months, I think probably now we have a decent bill, at least a compromise bill, that all of us should be able to support. It will give us a chance to put into operation the CUB that I think will be workable, one that will not have any entangling alliances with the various utilities throughout the State. We are finally are getting our chance to vote on what I have been referring to as a clean CUB bill. The CWIP procedures in there are not as drastic as many that we had addressed in the committee. The CWIP will be a...a five-year phase-out. And when I think about all of the various alternatives that have been considered, I think we really do now have a workable compromise; and unlike Senator Joyce, I'm going to get on as a sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senator Rigney, you can take my spot, because I would ask the President at this time that I be given leave to remove my name from this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave? Leave is granted.

SENATOR WELCH:

And let me just continue, Mr. President. We've used the label "CUB" as kind of a affectionate designation, designating a small animal to identify this bill. Well, I think that's appropriate but we should change the animal, it should be a turkey, not a CUB. I'm going to vote for this bill because I think this...and let me explain why. I think the Speaker of the House deserves to have his name on this bill. He's asked for this bill and it's not going to work. The amendments to the bill are the reason I'm going to vote for

it. The winter shut-off is a good idea; the advertising bill was mine; the construction work in progress has been watered down, but it's better than nothing. But next year we're going to have to come back and we're going to have to make a loan to this citizen utility board to get it going. And I hope all of you people who, here, say you're for utility reform will be there then to bail this turkey out, because it's going to need help. This bill started out very good. It has come crashing to the ground and now has the House amendments, the House program, the House ideas attached to it. It is over here under the sponsorship of Senator Demuzio, and he is welcome to it if he wants to put his name on this. But I agree with Senator Marovitz, we are fooling the people of this State if they think the CUB portion of this bill is going to work. The rest of it is all right, I would like to have seen a better bill myself, but I think that when this gets out on the street and it comes crashing to the ground, the people who have their names on this bill as sponsors will regret it and they will have to answer to their constituency. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I would move to split the issue on this bill. I would move to...that we, I'm not quite correct on the...or maybe I'm not quite sure on how we do this, but I would move that we divide the question and vote on Amendment No. 1, that is the CUB proposal, separately from the other proposals, and I'll tell you why. Because this CUB is not going to do the job that we intend it to do or the people in the State of Illinois intend it to do. And the House, no matter what you hear, they are political animals too and they can't kill the CUB bill. Even...with all of their new found power, they are not going to be able to kill

a CUB bill 'cause they can't go home if they do that. So let's try and work out a little better compromise than this...than just this little square in the corner of the bill. So with that, Mr. President, I would move that we divide this issue.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, pursuant to Rule 39, Senator Joyce is within his rights to move to divide the question. And he has asked...I think, Senator Joyce, can you inform the Chair which...which amendment has the CUB or someone can...any...all right. It's...Senator Jerome Joyce has asked that the question be divided, that we make the motion on one separately from the other. Senator Savickas, for what purpose do you arise?

SENATOR SAVICKAS:

Well, under Rule 33, couldn't we lay that motion on the Table?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas, it is the Chair's decision that your motion to Table would be in order. It...Senator Jerome Joyce has moved to divide the question, and Senator Savickas has moved to Table that motion. Senator Netsch.

SENATOR NETSCH:

A point of order, please, Mr. President. I'm looking at Rule 39 and I...as I read it, it does not require a formal motion. If that is the case, it seems to me that a motion to Table would not be appropriate. It simply says, "If the question in debate contains several points, any Senator may have the same divided."

PRESIDING OFFICER: (SENATOR BRUCE)

Well, Senator, the...the question is, how does...how does one do that, except to make a motion to...to implement Rule 39. I mean, the Chair...there would have to be some action by a Senator to press his rights under 39. I...I will admit that in the drafting of the same, the authors I don't believe

anticipated we would reach this point, but the Chair is...is unable to consider how we would...would get to Rule 39 unless it is a move. It says to..."On a motion to strike out and insert, it shall not be an order to move for...to move on a division of the question,"which indicates in that...in that language, the...move...the word "move" would indicate a moving party. All right. So, Senator Netsch.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Mr. President, that's precisely my point, that in the next sentence where you have the strike out and insert, it does refer specifically to a motion; in the first sentence it does not. It indicates that any Senator may have the question divided.

PRESIDING OFFICER: (SENATOR BRUCE)

And I guess, Senator, that the ellipsis in that phrase is that if one so moves. I'm at a loss as to how...how we would get to Rule 39 unless some Senator stood up and said, I invoke Rule 39, that's...Senator Rock.

SENATOR ROCK:

Well, I...I think you are quite correct. We have never in the past denied any member the opportunity to have separate roll calls on separate amendments. I think that's why the rule is, frankly, silent. If a member requests it, we have always afforded the member that courtesy, and I don't think we ought to make any exceptions.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas, do you persist in your motion to Table?

SENATOR SAVICKAS:

Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins, the...the motion to Table is not debatable...we'll indulge you.

SENATOR COLLINS:

I want...

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Collins.

SENATOR COLLINS:

...your question before we vote on the motion. If, in fact, that we nonconcur with the CUB amendment, will the bill then have to go back to the House to accede from that amendment? That's all I want to know.

PRESIDING OFFICER: (SENATOR BRUCE)

It will go back to the House and they have the option of either refusing to recede or receding and having the bill go to the Governor without a CUB, or they can refuse to recede and it would go into a Conference Committee, I...I would assume on that matter. All right. Senator Geo-Karis, again, the motion is not debatable; if it's on a matter...Senator Geo-Karis.

SENATOR GEO-KARIS:

I'm not on the motion to Table, I'm on the motion to divide the question.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, that's not...that is not before the Body. Senator Geo-Karis.

SENATOR GEO-KARIS:

I believe Senator Joyce moved to divide the question, take amendment...individual amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Right.

SENATOR GEO-KARIS:

Is that not right?

PRESIDING OFFICER: (SENATOR BRUCE)

He did and Senator Savickas has moved to lay that motion upon the Table. All right. Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Parliamentary inquiry...are we to the point that all of these amendments are on...are on one roll call? How did we get there?

PRESIDING OFFICER: (SENATOR BRUCE)

We...we are not there, Senator. We are...the...the Senator has moved to concur on those amendments and...on one roll call, and you have asked to move out and divide out Amendment No. 1 and we are just on one. Senator Carroll.

SENATOR CARROLL:

Parliamentary inquiry then just for clarification for future reference. These are separate amendments. Had they been dealt with as Senate amendments, they would have each been dealt with separately and roll called separately. Now, does he have to have leave of the Body to have the amendments heard on one roll call? I mean, maybe Senator Jerry Joyces' motion is the cart before the horse. It may be more appropriately is whether or not Senator Demuzio took an extra-ordinary step of one roll call for all amendments...and it doesn't deal with just this bill I mean, this is going to come up again and again. And we should clarify our proceedings and maybe it's Senator Demuzio's motion comes first that he wants them heard in an unusual manner and that's all at once, which I assume would take leave of the Body.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Now, let's get back to the other rules and that is, why don't we flip open the Rule Book to Rule 43, "Concurring in or receding from amendments. If a bill or resolution is received back in the Senate with amendments added by the House, it shall be in order to present a motion to concur or not to...to...to concur and ask the House to recede with aspects to those amendments. Any two members may...may demand a separate roll call on any such amendments." Now, Senator Joyce has asked to divide the question, but I have had no requests...Senator Welch, pursuant to Rule

43, asks...demands a separate roll call. Is he joined by any other Senator? He is joined by Senator Sangmeister. All right. We are at that point then that the...the question is, in fact, divided. And Senator Joyce, your motion is still alive and Senator your motion to Table is still with us; but pursuant to...Rule 43, I...it would be my ruling that now that two Senators have demanded division of the question pursuant to that rule, we are...we will have it divided. Senator Savickas.

SENATOR SAVICKAS:

Well, that's my understanding now. By our Rule 43, two Senators requested to divide the question. Senator Joyces' motion is inappropriate and also then my Tabling motion would be inappropriate.

PRESIDING OFFICER: (SENATOR BRUCE)

Well...

SENATOR SAVICKAS:

So I would...if that is the status, we withdraw them. I would withdraw mine.

PRESIDING OFFICER: (SENATOR BRUCE)

Right. You move your motion and Senator Joyce removes his. Senator Joyces' motion and your motion, I don't think were out of order. It's just that the Chair has to take them as we get them and the question was to divide the question, which takes a different matter than, as Senator Carroll points out, on motion to concur, not to concur. Senator Savickas.

SENATOR SAVICKAS:

But then that is not a motion by the two Senators requesting, is that correct? Is that what you're stating?

PRESIDING OFFICER: (SENATOR BRUCE)

No, we're just invoking the Rule 43 which makes your two motions mute in the ruling of the Chair. We could pursue it but it wouldn't get us anywhere. Senator Carroll.

SENATOR CARROLL:

So, we do understand the procedure, that it is the procedure that to concur is generally a motion to concur on all amendments if the sponsor so wishes, unless any two members get up and ask that any amendment be decided separately. So that as a general rule, it will be to concur in all, subject to the sponsor wanting to throw it into conference. But any two members under Rule 43 have the right to invoke that rule. Okay.

PRESIDING OFFICER: (SENATOR BRUCE)

Right. The...the rule is drafted in such a way as that the sponsor determines the manner in which he will present his own bill, and he has a right to make a motion to concur, not concur, divide them up...any way he wishes; but then the Body, with two members dissenting from that, he doesn't have to seek leave, it's just if two dissent, then they'll have separate roll calls. Why don't we get to the question. Senator DeAngelis.

SENATOR DeANGELIS:

Well, just on parliamentary inquiry. If the motion is not debatable, how can you have a subsequent request?

PRESIDING OFFICER: (SENATOR BRUCE)

Well, the motion to Table has been withdrawn. Senator DeAngelis.

SENATOR DeANGELIS:

No, but you made the ruling before he withdrew...before he withdrew the Tabling motion.

PRESIDING OFFICER: (SENATOR BRUCE)

That is correct.

SENATOR DeANGELIS:

So that motion was still there, and he only withdrew it because you told him that the request superseded his motion to Table.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, I don't want to get into a high school debating...question. You are absolutely correct that Senator Carroll made a parliamentary inquiry and we could have gone through the Robert's procedure of denying that motion and telling Senator Savickas that his motion was going to be muted shortly, but I thought we would save the time of the Body and just do it all at one time. Further discussion now, Senator Demuzio? We are on Amendment 1. Senator Demuzio.

SENATOR DEMUZIO:

Well, I don't wish to present that at the moment, I'd like to start with Amendment 3. We will take them one at a time in...in the manner in which the sponsor wishes to present them. I will begin with Amendment No. 3.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator, do you wish to take three and all others or three on its own?

SENATOR DEMUZIO:

Well, perhaps we should start down through here and see how we get.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. On three.

SENATOR DEMUZIO:

It's three. House Amendment 3 is the amendment that eliminates the...phases out the construction work in progress, and since it has been debated, I would move adoption of House Amendment 3 to Senate Bill 187.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to concur with House Amendment No. 3 to Senate Bill 187. Is there discussion of the motion? Those in...Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, I would just like to point out to the Body that this...this is a...it phases out CWIP, eighty, sixty, forty, twenty. Now, the House...or the Senate version phased CWIP

out seventy-five, fifty, twenty-five and three years. This is a four-year phase-out, one that is not going to have much, if any, effect on any of the utilities. It...there again, it's a...it's an eyewash, it's something that we are trying to trick the public with.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Demuzio may close. The question is, shall the Senate concur with House Amendment No. 3 to Senate Bill 187. 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 36, the Nays are 8, 14 voting Present. The Senate does concur with House Amendment No. 3 and the Secretary shall so inform the House. Senator Demuzio.

SENATOR DEMUZIO:

Let's take 4 and 5. I will move to concur in House Amendments 4 and 5. House Amendment 4 is the amendment that is identical to House Bill 368 as it passed the House. What this, in fact, does, it defines advertising and it stipulates that gas and electric public utility rates shall not reflect cost incurred for political, promotional, goodwill or institutional advertising. And Amendment No. 5 is the amendment that prohibits the Illinois Commerce Commission from considering as an expense of a utility for rate making purposes any amount expended for lobbying or for political activity or for publishing information relating to pending or proposed regulations. And I would move adoption of...concurrence of...of House Amendments 4 and 5 to Senate Bill 187.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, there's some confusion. A lot of us have heard this issue and are willing to accept the House version of CUB. Now, if we want to do that, are we to support your

motions on this as you proceed with these amendments? Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTBERG:

Thank you, Mr. President. A question of the sponsor. Under our analysis, Senator, the word "goodwill" is used, and I don't have the definition but you have the bill. Does that include, for instance, a charitable contribution to the Community Fund of any given town by Illinois Bell or to the...to the YMCA or the Lutheran Charities or Catholic Charities, et cetera?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, my handlers are not sure but they think so.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTBERG:

I thank you, fellow Senators and Mr. President. One of my concerns for years and years and years is the corporate citizenship concept. And under the corporate citizenship concept, the social welfare program in the private sector has been built in Illinois and across this nation. I am not knowledgeable of what other State CUB programs contain about social citizenship for corporations, but this bothers me as an old child of the private sector volunteer private agency Red Cross, Red Feather, et cetera. On this one...and for that reason...the advertising, corporate advertising doesn't bother me; the rest of it doesn't bother me...you've lost my vote when you eliminated for any corporation in the State of Illinois their ability to be good citizens and I'll vote No.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Demuzio

may close.

SENATOR DEMUZZIO:

Well, I...I would move the concurrence of House Amendments 4 and 5 to Senate Bill 187.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate concur with House Amendments 4 and 5 to Senate Bill 187. 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 2, 9 voting Present. The Senate does concur with House Amendment No. 4 and 5 and the Secretary shall so inform the House. Senator Demuzio.

SENATOR DEMUZZIO:

I would move concurrence in House Amendments 7 and...No. 7, let's take that one. This is the so-called negative CWIP. It is called, for the House purposes, rate...moderation plan and it will, in fact, will do...it...it will provide for a four-year phase-out for construction work in progress. And the Illinois Commerce Commission, I am told, has favored this method over the negative CWIP, and I would move adoption of concurrence of House Amendment 7.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Discussion? The question is, shall the Senate concur with House Amendment No. 7 to Senate Bill 187. 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 2, 5 voting Present. The Senate does concur with House Amendment No. 7 to Senate Bill 187 and the Secretary shall so inform the House. Senator Demuzio.

SENATOR DEMUZZIO:

On Number 8, I will move concurrence on House Amendment 8 to Senate Bill 187. This is the amendment that would provide

that the construction...that the transportation cost of coal should not be included in the computation of the cost of fuel rate adjustments. It's identical to Senate Bill 2 and House Bill 99 that passed both Houses. I would move concurrence in House Amendment 8 to Senate Bill 187.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Discussion? The question is, shall the Senate concur with House Amendment No. 8 to...to Senate Bill 187. 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 5, 6 voting Present. The Senate does concur with House Amendment No. 8 to House...Senate Bill 187 and the Secretary shall so inform the House. Senator Demuzio.

SENATOR DEMUZIO:

I skipped House Amendment 6. Let's take House Amendment 6 as the codification of the winter shut-off and prohibits utility heat service termination in the winter time. I would move concurrence to House Amendment 6 to Senate Bill 187.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Discussion? The question is, shall the Senate concur with House Amendment No. 6 to Senate Bill 187. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 46, the Nays are 3, 7 voting Present. The Senate does concur with House Amendment No. 6 to Senate Bill 187. The Secretary shall so inform the House. 9, 10 and 11, Senator Demuzio, are left.

SENATOR DEMUZIO:

All right. On...let's take 9, 10, 11, all in one. I would move to concur in House Amendments 9, 10, and 11. House Amendment 9 is the provision that provides for certain ICC exemption under the Open Meetings Act. Amendment No. 10, the rate making shall not reflect expenditures for lobbying

and...or for political activities, and Amendment No. 11 is simply a technical amendment which restores two words that were unintentionally left out. I would move adoption of those three amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Discussion? The question is, shall the Senate concur with House Amendments 9, 10 and 11 to Senate Bill 187. 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 none, 8 voting Present. The Senate does concur with House Amendments 9, 10, and 11 to Senate Bill 187. The Secretary shall so inform the House. Senator Demuzio.

SENATOR DEMUZIO:

The last amendment is on the concurrence of House Amendment 1 which is, in fact, the House version of the...of the...House version of the Citizens' Utility Board and sets up the twenty-two member board of directors. It's been debated. I would move adoption of House Amendment 1 to Senate Bill 187.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Well, we have had discussion on this. I point again to this sheet of paper, and folks, you know, if you think that's going to work, I'm sorry for you. And also, we passed out of here a hundred thousand dollar start-up fee for CUB that was a loan and it won't fit on this one. It does not work with this Citizens' Utility Board...or with this...it won't work on this bill. I'd ask you to vote No on this, and we can get it into a Conference Committee and we can work out some of these differences some more and...and we can come up with a Citizens' Utility Board that's not going to put anybody out

of business; it's not going to hurt the utility companies; it's just going to be one that they can live with and it'll...believe me, it'll help them in the long-run and I think most of them realize it. I'd ask you to vote No.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Demuzio may close.

SENATOR DEMUZIO:

Yes, I would move adoption of concurrence with House Amendment 2. I am told that the appropriation bill will, in fact, fit.

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Demuzio.

SENATOR DEMUZIO:

I move concurrence in House Amendment 1.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SENATOR MAROVITZ:

Point of parliamentary inquiry. I think it's a very important question. I mean, we are hearing that a...an appropriation which...which will attempt to make the CUB whole, at least be able to start, will not fit because the appropriation reads, "A State-wide citizen utility board," which is not what is in Amendment No. 1, and we are told by the sponsor that it will. I mean, that's perhaps the crux of the entire votes; not the crux, but certainly a important part of the entire vote on this and we're told two completely different things. I think it's important to know whether, in fact, there is an appropriation that will work to give an opportunity for...for this Citizen Utility Board to even begin.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? The sponsor has moved to concur with House Amendment No. 1 to Senate Bill...Senator Lechowicz.

SENATOR LECHOWICZ:

Well, just to respond to Senator Marovitz' concern, we have a number of Conference Committees on appropriations which could rectify that problem.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? The question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 187. 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 35, the Nays are 9, 1 voting Present. The Senate does concur with House Amendment No. 1 to Senate Bill 187, and we have also concurred in 3, 4, 5, 6, 7, 8, 9, 10, and 11, and the bill having received the required constitutional majority is declared passed. All right. Let us proceed to page 7, Senator Bloom on 242. Are you ready? 325...Senator Bloom on 342. Senator Bloom is recognized for a motion.

SENATOR BLOOM:

I'm sorry, I thought it was 1192.

PRESIDING OFFICER: (SENATOR BRUCE)

What...no, you...you do have an 1192, Senator. There's a...on page 7, there's a 242.

SENATOR BLOOM:

Right. Right. Right. And that, you know, no bill will be called until its time. Can we do 1192 instead?

PRESIDING OFFICER: (SENATOR BRUCE)

Why don't we just go down in order. Let's just...do you wish...you don't want 242 in its own time? All right. 325, Senator Demuzio. Senator...okay. Senator Demuzio is recognized on a motion on Senate Bill 325.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Amendments 1 and 2, I'll move to concur. This

bill is a product of the coal operators and the United Mine Workers and it pertains itself to the Public Utility Act which pertains to sulfur dioxide scrubbers. Amendment No. 1 extends the application of this Act to all electrical generation units whose primary fuel source is coal, and House Amendment 2 provides that after considering the cost of pollution control devices for the electrical generating units which use Illinois Coal, it's primary source, the Commerce Commission may, in fact, allow cost in determining any rate or charge that is properly before the Illinois Commerce Commission. There was some question about this bill yesterday which I took out of the record. I do not know of any known opposition at this point. I would move to concur in House Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to concur with House Amendments 1 and 2 to Senate Bill 325. Discussion? Discussion? 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. The Senate does concur with House Amendments 1 and 2 to Senate Bill 325, and the bill having received the required constitutional majority is declared passed. Senate Bill 359, Senator Kustra. Senate Bill...419, Senator Berman. 520, Senator Lenke. Senator Lenke is recognized for a motion on Senate Bill 520. Senator Lenke, you are recognized.

SENATOR LEMKE:

I...I want to concur to House Amendment No. 3 to Senate Bill 520. I'll give you an explanation of the bill and I wish everybody would listen. This is the bill that will make the Illinois abortion law constitutional. On June 15th, 1983, the United States Supreme Court handed down its decision in Akron versus the Akron Center for Reproductive Health

and Simopolous versus Virginia and...Planned Parenthood versus Ashcroft. These decisions have clarified many of the issues...concerning the Illinois Abortion Law which were formally in dispute. According to the following amendments to the present Illinois law are necessary to conform the law to the Supreme Court's latest pronouncements. Several sections of the law which are now apparently unconstitutional have been repealed. Other sections have been amended to meet specific objections raised by the Supreme Court. Still other sections have been consolidated and redrafted to regulate abortion accordance with the specific regulations which were upheld by the court. Several very technical changes have been made to avoid possible...ambiguity in subsequent vagueness challenges. I will give you a section by section analysis of this proposed amendments. First, applicable sections under the 1975 law, Sections 2 (1) and Sections 2 (4), the sections defining "first trimester" and "hospital" have been deleted. The court's decision have done away with the distinctions based on the first trimester. Thus, it is no longer necessary to define these terms. Because the court has held unconstitutional requirements that post-first trimester abortions be done in hospitals, definition of the term "hospital" is no longer necessary. Section 2 (7), the definition of "fertilization" and "conception" has been amended. "Vitelline" has been replaced by "cell" to better reflect the current...biological understandings. Sections 2 (8), and Section 2 (9), the definitions of "human being," "fetus," "unborn child" have been amended to reflect the scientific fact. This will allow truth in labeling and abortifacients and allow Section 11D to be upheld. New section; a definition of "born alive," "live born"...and "live birth" has been added. This is the bill that we passed...by this Body. Section 3-.1A, this provision has been specifically upheld in prior Supreme Court cases, Doe

versus Bolton. It has been amended to take account of the possibility that referring physicians have been...have...may be determined that the abortion is necessary. This appears to be necessary under the court's decision in Akron. Section 3.1(B) (1) (b), this section simply requires that a physician state the basic...the basis for his medical determination. It was formally set forth under Section 3(B) (1) (b) and was upheld by the Seventh Circuit but has...but has amended slightly to allow for a referring physician. Section 3.1(B), this section has been deleted. Seemingly, the Court will not allow a state to require that a woman consult with a physician prior to having an abortion...this is in regards to the Akron case. Section 3.2, the "Informed Consent" provision has been repealed. In Akron, the Supreme Court indicated that no specific information on risks, alternatives or fetal development may be permitted. Section 3.3, the "Parental Consultation" provisions has been repealed. This section does not comply with Supreme Court's most recent pronouncements on the parental notice or parental consent because it does not provide for judicial waiver of notice or consent when a minor objects to parental involvement. Section 3.4, the "Spousal or Consultation" provision has been repealed. Section 3.5, this Printed Information section has been repealed under the Supreme Court decision in Akron. Section 4, the requirement that post trimester abortions be performed in hospitals has been repealed. In the light of the court's recent decision, the states may not require the abortion performed after the first three months of pregnancy be performed in hospitals. The Akron and the Ashcroft case. Section 5(1), this section has been repealed and consolidated into Section 5(2)...Section 5(2), this section regulates the performance of post-viable abortions. It has been amended to take into account the existence of the referring physician and tracks the language of the Supreme Court in Colautti

versus Franklin, which permits the physician to make his medical judgment on the facts of the particular case before him. Section 5(3), this section remains the same except for a minor technical change to track the language of Colautti. Section 6(1), this section requires the physicians who...who has performed the first viable abortion to exercise the same degree of care that he would exercise if the child were intended to be born alive. This is in...confirmation with the Supreme Court case in Ashcoft, which upheld the state's interest in protecting children. Section 6.2...(2), section contains the definition of "born alive," which has passed this Body. Section 3...(3), this section greatly simplifies the former fetal experiment or provisions by prohibiting nontherapeutic experiment...experimentation on live fetuses. Section 6(4), this section sets the standard of care that a physician must take in performing an abortion when there is...possibility that a child is viable. Under this section...a physician could be required to employ the method of abortion which is most likely to preserve the life and health of the unborn child. A similar requirement was upheld in the 8th Circuit of Appeals in Planned Parenthood versus Ashcroft. It was not appealed in the U.S. Supreme Court case. Section 6(5), states that the above requirement shall not apply when this would increase medical risks to the mother. Section 6(6), this section requires that a physician or his agent, or the referring physician or his agent, inform the woman that there are...anesthetics and...available to abolish and alleviate the pain caused to the fetus during the post-viable abortion. This section was amended to...to comply only when the fetus is viable. There is no doubt that the viable unborn child can feel pain (children who are born premature and have their skin pricked from a blood test obviously feel pain). The Court of Appeals struck down this provision because plaintiffs claim that it was medically

"meaningless" to refer to fetal pain. Certainly, it is not meaningless to refer to fetal pain after viability. This section does not apply when there is a medical emergency or when an anesthetic has already been administered to the woman and the physician is reasonably certain that the anesthetic will also abolish organic pain caused to the fetus in the course of the abortion. Section 6(7), this section repeals the present Vitro provision. The new section which prohibits the nontherapeutic experimentation on live fetuses will also protect the human embryo...produced by the vitro fertilization. This section also prohibits abortions solely because a child is deemed to be of the "wrong" sex. It specifically allows for abortions based on sex-linked genetic disorders. Sections 7, 8 and 9, these sections have been repealed. Some of the requirements have been consolidated with other sections. Section 10, this section sets forth the general reporting requirements of the Statute. Except for minor portions which deal with specific provisions of the law that had been struck down, the sections which apply to physicians reporting were upheld as constitutional by a Court of Appeals in Charles versus Carey, 7th Circuit and...those portions which have been deleted correspond to sections which have been deleted. In addition, it has become apparent that the Supreme Court is going to rely heavily and generally on the accepted medical standards in rendering decisions on abortion. Because of this it is necessary to require that accurate reporting of medical data be made in order to provide the statistical basis upon which the medical standards may be set. Such reporting requirements have been upheld by the U.S. Supreme Court in Planned Parenthood...versus Danforth, and again in Ashcroft. Section 11, this...section accomplishes a number of things: it sets forth the penalties for intentional violation of the various sections of this Act, (2) it ensues confidentiality reports filed in accord-

ance with this Act, (3) it repeals two subsections which were incorporated elsewhere in the Act, (4) it requires that a physician who administers abortifacient to a woman inform her of its effects and the objections raised by the Supreme Court, and also complies with the objections raised by the courts have been taken care of. It prohibits the physician from performing an abortion when a woman who is not pregnant when he...he has represented to her that she is pregnant, (6) it...it seeks to ensure that a test for maternal Rh factors be made so that subsequent pregnancies will be...will not result in the death of the child due to an Rh incompatibility. Section 12, this section requires that a pathological report be made after each abortion. The Supreme Court specifically upheld this requirement in Ashcroft. Section 4, this section contains a severability clause in directions to the Department of Public Health to ensure regulations so that the various reporting requirements can go into effect. If there's any questions, I'd be glad to ask them...answer them.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Sponsor yield?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield.

SENATOR JEREMIAH JOYCE:

Senator Lemke, the amendment prohibits abortions as a means of sex selection. Do you have any evidence that abortions, just because the parents want a boy and the fetus is a girl, actually take place?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

Yes, there...there are things to take care of that and we have evidence of that where studies are being made at

Yale...Yale University.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Senator Lemke, what about when the child would be likely to be handicapped if of a particular sex? Would this amendment affect that type of abortion?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

No, it would not.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Does this amendment change the definition of viability?

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator...

SENATOR LEMKE:

No...no, it does not. The definition of viability has already been changed to...to conform the court decision in House Bill 666 which has been on the Governor's Desk. Nothing in this amendment affects that.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Section 6, (3) of the amendment prohibits experimentation upon a live fetus unless experimentation is therapeutic to the fetus. What is the difference between therapeutic experimentation and the type of experimentation that is prohibited?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

That has already been established by the Federal district

court in the the case of Margaret S. versus Edwards. In that case the court specifically interpreted the meaning of therapeutic experimentation on fetuses and...upheld the ban on all other fetal experimentation as constitutional. The court said, and I quote, "The Legislature meant that...that it wished to prohibit only experimentation that is designed to benefit either in short or in long-term the individual upon whom it is conducted. Regardless of whether he can calculate the odds of success, a doctor knows whether an experiment is intended to help a patient...if it is so intended, then it is therapeutic. Since the experimentation itself involves a chance of failure, the Legislature could not have meant that the only successful experimentation would be therapeutic. The court notes that this section will not prescribe important medical...procedures such as tests, tests rather than experimentation." Those are the words of the court and I want to establish legislative history in the terms of Section 6(3) of our Statute are meant to interpret exactly what...as the court did in Margaret S. versus Edwards.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

How does this amendment affect individual fertilization?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lenke.

SENATOR LEMKE:

It repeals the present law on vitro fertilization. Under this amendment, it is clear beyond all possible doubts that vitro fertilization to create embryos to be implanted to infertile women is completely legal. Only when embryos are created purely to serve as guinea pigs for nontherapeutic experimentation without any intention of being given to infertile women to have children would there be any impact

upon this law.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Section 2, (6) defines "human beings" to include all individual organisms of the specie Homosapien from fertilization until death. Is that constitutional?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

...In Row versus Way, the Supreme Court said that...that the State cannot rely on one theory of life as justification for the overriding rights of the...pregnant woman that are at stake. Nothing in the Constitution or in the opinions of the Supreme Court prevents the State from recognizing the unborn as human beings or from...from protecting their lives or well being in any possible way so long as no constitutional...recognized rights of a pregnant woman are there...there being infringed. Once defined, the term "human being" is used only in Section 6(2) where it is modified by the words "born alive" so that it is never applied in a...manner which...which affects, let alone, infringes the rights of the pregnant woman. The definition, in my opinion, is constitutional.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Senator Lemke. Based on your responses, I will support concurrence with the House amendment, and I urge the Senate to support the amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Just briefly. Mr. President and members of the Senate, I

know this is a very comprehensive proposal that Senator Lemke is sponsoring, but it has been recently...a recent decision given by the...U. S. Supreme Court which...and the information that was given out from that decision is incorporated into this concept. Now to my knowledge, in fact, I know it's a fact, the Americans United for Life legal arm of the Right to Life movement had worked with Senator Lemke even before the final decision was given to help prepare this legislation. It's supported and endorsed by the Illinois Pro-Life Coalition, and if you favor the Pro-Life, this would be a good vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

It is not my intention to debate the bill, but since part of what's being established for the court is legislative intent, while we accept the good faith efforts of the sponsor to make Illinois Abortion Laws match the constitutional guidelines, some of us do question whether this works and we are not prejudging the court decision. I, personally, am not at all convinced he's correct, but it is a good faith effort on his part. And I just say for legislative intent, there is open the question whether this does reach the mandates and we personally feel the courts will overturn it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I cannot help but be tremendously impressed with...with the proposal that is being set forth here today. As a matter of fact, it may be historic in its concept and in its presentation on this day. I know that Senator Lemke has put in countless hours on this effort, and it would seem to me that any steps that we can take to bring our abortion laws

closer to what the courts have ruled would be a step in the right direction and a tremendous advance in this area. I would earnestly urge each and every one of you to cast an Aye vote on the...the product of Senator Lemke's work here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

A...a question for the sponsor, Lemke.

PRESIDING OFFICER: (SENATOR DEMUZIO)

He indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Are you saying that your bill, this concurrence, and I'm depending on you, Senator, to tell me the absolute truth about this, does comply with the laws as established by the United States Supreme Court?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

To the best of my legal knowledge as a lawyer and who has been before the Supreme Court, I think it does; and there might be some question, that is why we're making a...a complete effort to explain what is being done and to make a...the legislative aware of what's being done and our reasoning for making it done in case there is a challenge. As we all know, the first time this bill becomes law, there will be a challenge by the ACLU and it'll go take its route as most of the other bills in this State.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, my faith is against abortion and I have utmost confidence in Senator Lemke that what he's said on the Floor in response to Senator Jeremiah Joyce's questions, my question,

is the truth and based on that, I will support the bill. But I think we should take cognizance of the fact that if we keep making bills against abortion that exceed the authority given to the states by the Supreme Court decisions of the United States, we are going to be costing the taxpayers loads and loads of money to defend these suits, and I think we have to keep that in mind foremost considering the economy of today. However, I will support the bill, as I said, based on the statements made by the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Senator Lemke may close.

SENATOR LEMKE:

If you can bear with me for awhile, I asked the Senate to concur in House Amendment 520 that passed by...passed the House with a 72 to 31 vote and the Body strongly backed by the Right-to-Life movement. This amendment was required because of the abortion decision the United States Supreme Court handed down on June 15. Those decisions in Akron-Ashcroft and...meant that unless the Illinois Abortion Law is amended, we will be left with virtually no...effective regulation of abortion in this State. The amendment has been meticulously designed to bring our law into...conformance with those decisions. It is a responsible and careful draft of responsibility to make the law constitutional. It repeals the current provisions of informed consent, parental and spousal consultation, hospitalization requirements for pregnancy after the first trimester and limitations on the saline abortion. It takes care of vagueness problems that the courts have found in various parts of the current Statute. Essentially, it cleans up the law to...ensure that it is constitutional. In three limited areas it builds on statements by the Supreme Court in those three cases in the Akron and Ashcroft cases where the court stressed that medical help

related aspects of abortion. It states that the states could constitutionally regulate abortions to serve important state health objectives so long as these regulations were in accord with acceptable medical practices. First, this amendment ensures that when a woman has an abortion a test will be given for maternal RH blood factor so that the...that subsequent wanted pregnancies will not result in the death of the child due to the RH incompatibility. The need for this test is something upon which responsible physicians are agreed. Most abortion clinics already provide it. The provisions will ensure that the unscrupulous clinics like those exposed in the 1978 Chicago Sun Times series, "The...Abortion Profiteers" will not threaten the health of their parents or their future children by omitting it. Second, the amendment directs the Department of Public Health to set up the effective program for reporting statistics about maternal deaths both from childbirth and from abortion. This is essential to promote development of the...generally accepted medical standards about which the Supreme Court wrote. Finally, this amendment prevents a very frivolous and shocking abuse of abortions. The practice of aborting late-term pregnancies solely because the fetus was one of the wrong sex. The Supreme Court has explicitly held in Dole versus Molten that the states can require the abortions be done only when a physician certifies that they are clinically necessary. In the last week's decision the Supreme Court strongly stressed the medical nature of the abortion decision. Who can say that the mere desire not to have a boy or girl can be a serious reason for late-term abortions truly related to the pregnant woman's health? Such frivolous abortions which can only be done near or after viability can and must be stopped. The changes in this amendment are carefully and responsibly, constitutionally and urgently needed. They are strongly backed by the Right-to-Life people and which considers per-

haps the most important Pro-Life bill of this Session. I ask
for adoption...the concurrence of this amendment.

END OF REEL

AB 536
Concurrence

REEL #4

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senate concur in House Amendment 3 to Senate Bill 520. 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 45, the Nays are 9, 5 voting Present. The Senate does concur in House Amendment 3 to Senate Bill 520 and the bill having received the required constitutional majority is declared passed. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate,...on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR GEO-KARIS:

I have three young people in the President's gallery who are on their way to Texas and they are constituents of mine. I would like you to welcome them. Ray Voocavich, his sister Pat Voocavich and his other sister, Carol Ann Voocavich, who are sitting in the...President's and have been watching our business here for the last three hours.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Would our guests in the galleries please rise and be recognized by the Senate. On the Order of Secretary's Desk Concurrence, Senate Bill 536, Senator Collins. Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 536, I'm sure as you know, creates the Illinois

Public Labor Relations Act. The bill has gone to the House and has been amended, and I feel that the final product of this bill is designed to protect the rights of both public employers and employees and it provides for orderly procedures for implementation and the administration of the Act. This bill is the product of about six months of concentrated effort of various segments of labor, public employees, public employers, mayors, attorneys, Chicago, industry...commerce and industry and many lawyers across this State. And I personally feel that it is a workable product and that we should concur. The House amended this bill; first of all, it expanded the labor relations membership on the board to five members and it created a separate division for those local units of government in excess of one million. It added back the management right sections that we had previously had in the drafting of the bill; it expanded some definitions; it expanded the...the provisions under the unfair labor practices sections as it relates to labor organizations; it eliminated compulsory binding arbitration for the...impasse procedures for all employees with the exception of security employees under the correctional system, and it replaces that section with open...advisory open-ended arbitration; it exclude police, firemen, part-time...and part-time employees of the community college and it clarified several sections of the bill and the statement of purpose. I would be happy to answer any questions. If not, I'd move for concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. I...I rise in opposition to the bill, but I don't intend to debate it. It's the comprehensive public employee collective bargaining bill, and I think everyone knows what they're going to do. The...the sponsor has been courteous enough to extend to us the...the

privilege to ask a couple of questions just to...establish legislative intent to hopefully save some legal fees in the future. So, if you don't mind, I'm just going to ask three questions, and the sponsor has been kind enough to...to give some thought to these answers. Does the management rights clause now included in Section 4 of Senate Bill 536 set forth those matters not subject to bargaining under this Act with the intention of preserving as management rights all areas of discretion or policy affecting the functions of the employer?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes. Amendatory binding Statute is not extended to any of the areas of employment subject to management discretion or policy making...matters affecting hours or wages in condition of employment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Thank you. The second question, House Amendment No. 6 establishes a procedure permitting the labor board to appoint counsel in situations where a petitioner cannot afford legal representation, does not have the union representation. Are such attorneys to be appointed only on a case by case basis to satisfy the proven need of a petitioner for counsel?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes, on the basis of...of clearly determined needs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Thank you. My final question, the House added language to Senate Bill 536 prohibiting the fragmentation of bargain-

ing units. Should the labor board give close attention to this provision in bargaining unit determination?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes, Senator Keat, that is true, but that is not the sole way in which fragmentation is to be determined.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Thank you, I appreciate your answers, and I say I'm in opposition to the bill but I think everyone knows it and there's no point in us debating it. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Senator Collins, when this bill left the Senate I...I thought it was at least the beginning of a reasonable attempt to put a...what I believe is a necessary law on the books to regulate in a fair and equitable manner labor relations. When it reached the House it was fallen upon by a pack of hungry wolves, emasculated, the public interest destroyed. Your right, all the groups you mentioned earlier have been taken care of. The only groups that haven't been taken care of are the taxpayers and the citizens of this State. This bill is a sham and I cannot in good conscience continue to support it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He...she indicates she will.

SENATOR GEO-KARIS:

Under the bill as amended, would personnel in a county nursing home be entitled to the right of strike?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes. However, their...the administrator can, in fact, petition the board to go into the courts to...to determine whether or not that strike imposes a clear and imminent danger to the health and safety of the public; and through injunctive relief of a court, they will be ordered back to work.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Under your bill...and the State insane asylums, if the personnel, the nurses, the aides, decided to go on strike, they would be entitled to go on strike, would they not, under your bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator Collins.

SENATOR COLLINS:

Same conditions I outlined would apply. As a matter of fact, this would apply to all personnel with the exception of security employees, and security employees as defined by the House are those persons who work for correctional institutions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

As you know, this Body passed out House Bill 1530 which gave the teachers the right to strike. Now, I take it the teachers are also covered in your bill. Which bill will take priority, can you tell me, Senator?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

This Act would, in fact, take priority over any other labor collective bargaining bill that we pass this Session.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I...I understand that the police and the fire personnel are not covered in this bill, is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

You are correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I, again, repeat that this is not the way to go in Illinois. We have a bill that has been completely changed, I did not support the first...the first version of it when it left the Senate...and I still cannot support this version of it because the holocaust that can be visited upon the taxpayers of Illinois when your public employees have the right to strike which will curtail the necessary services affecting the health, safety and welfare of the people when the people, the taxpayers of Illinois, do not have the right to stop paying their taxes when all this takes place is really very, very disastrous on a community of Illinois. I was in New York when the garbage people, the...the people who...the public employees struck who were engaged in the garbage collecting of New York's garbage. It was not only a smelly proposition, it was a terrible proposition, it was a very unhealthy proposition. I think we better keep in mind that the working class, at least that I represent, they may have

the right to strike in their plants but then they are not paid by tax money. We pay our public employees with tax money. When we pay our public employees with tax money, they have a different duty and a different obligation. I regret very much that you did not maintain a good strong mandatory arbitration clause in the bill, Madam Sponsor, because I have always supported collective bargaining with mandatory arbitration and right of appeal to the courts. I supported three bills that came to this House; one, the policemen's bill, 375, House Bill 375, and I believe the...the firemen's bill rather, and the policemen's bill, I think, was 767, and the State police bill, and all three of those bills had an expressed prohibition against strikes by public employees. One of those bills made it through. The policemen's bill...failed, rather, the firemen's bill failed. However, the State police bill passed. That's the principle. People don't want strikes, the strikes had a good reason to come into being because of poor management from years ago. I think the intelligent thing is not to let public employees be the prey of finance companies when they decide to go on strike and at the same time attack the health, safety and welfare of the people. I speak against this bill because I think it will create a tremendous burden against all the municipal governments, all other governments and the taxpayer. And if you want to save money for the taxpayers, this is not the vehicle to do it. I oppose this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dawson.

SENATOR DAWSON:

(Machine cutoff)...Senate, on some of the questions brought up, the courts do have the right to enjoin on any legal strike, or any job action, or any strike endangering the public health or safety of the people of this State. Any and all arbitration decisions are to be reviewed and ratified

by either the counsel or other governing body in order to become final and binding. Also, any of the counsel rejected decisions shall be returned for further consideration, then a counsel must review and approve the subsequent decision in order for it to take an effect. So, I feel that we have covered our cities and our towns of any problems with the collective bargaining, and I ask for a favorable roll call, because, as I said before, many months of hard work have gone into this piece of legislation, and I please ask everyone to support it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

It is my understanding...thank you, Mr. President and members of the Senate. It is my understanding that by excluding firefighters and police officers from coverage of this Act, it is not the intent of the General Assembly to preclude them from collective bargaining with public employers concerning wages, hours and conditions of employment, nor is it the intent of the Legislature to interfere with their existing contractual relationships. Any written collective bargaining agreement or written recognition agreement providing for collective bargaining between a public employer and a firefighter or police officer employee organization concerning wages, hours and working conditions entered into prior to the effective date of this Act shall remain in full force and effect during its duration and shall be enforceable in the courts of this State. And with that understanding, I concur in this amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. We're not dealing here today with a benign concept,

we're dealing with a...in my opinion, a virulent one and a cancerous one. I know this measure has been debated, and I am convinced that it probably will fly out of here this afternoon. But I would remind you that the cost of this measure when it finally impacts the public sector is going to be tremendous. If there's one measure that I've heard from from my municipalities, it's about...it is this one. Our...municipalities simply cannot afford this. Let me address myself just briefly here to this matter of strikes which we've discussed this afternoon, which is one aspect of this whole bill. Let me read, with your permission, just a couple of sentences. "Militant tactics have no place in the functions of any organization of government employees. A strike of public employees manifests nothing less than an intent on their part to obstruct the operation of the government until their demands are satisfied. Such action looking toward the paralysis of government by those who have sworn to support it is unthinkable and intolerable." Now, who said that, Barry Goldwater? No. Ronald Reagan? No. Franklin Delano Roosevelt said that. That was his opinion, at least in those days, on strikes in the public sector, and I think he was absolutely right. This measure, Ladies and Gentlemen, is probably the worst one, at least in my opinion, to come before us this Session. I've mentioned its impact, but it's wrong in concept, because what we're doing is turning over to an exclusive bargaining agent...or will in the long-run, turning over to...we're bringing in the...an exclusive bargaining agent i.e. a union and making it, in effect, a coequal partner with government at all levels at the bargaining table. This is wrong because in so doing what we're doing is freezing out all other interested groups that should have a right also to have a say about wages, conditions of employment, et cetera, et cetera. But what we're doing is giving that right to one private organization, a union, and

this is wrong. And let me say this, and I wanted to say it the other day about so-called fair share agreements, which means, if you don't want to belong to the union, no, you don't have to but you have to pay what is called a fair share. Well, that's a misnomer fair share, it ought to be called "for share." Some of the people around here that I've talked to, secretaries and others, can't believe that such a condition might exist someday when whether they want to belong to a union or not, they're going to have to...have to pay. Oh, yes, they will if they want to work. In other words, you pay your so-called fair share. Let's call it a forced share, that's what it is. And if they don't pay that, my understanding is that they don't work. So, I'm going to simply close by saying that this bill ought to be called really what it is. And what it really is, in my opinion, is the union...what should we say, recruitment drive, part of it. We know that unions in the private sector, and I have nothing...I have nothing against unions and the right of workers to organize, but what has happened in our country is that unions in the private sector have lost membership for a variety of reasons, and the public sector now is the one that remains and the one that has to be plowed a little deeper and further. And this, of course, will swell the unions' membership ranks, but I think it's a poor course to proceed upon. It really is poor, it should be...it adds an element of compulsion. We collect...we have collective bargaining already, but it's done at more or less local option, it doesn't have the State seal of approval, it isn't made mandatory State-wide, and that's the way it should remain. Why add this element of compulsion State-wide and put the State seal of approval on this and the so-called fair share, where we give the union the right to do something that we don't give any other private organization in the world the right to come in and say to an employee, I'm going to take your money

whether you want me to or not, or whether you believe in this or not, or whether you want to join or not. And we, as the State of Illinois, are going to come in and say, that's perfectly alright, union, you have the power. And with that, I'm going to close, Mr. President. This bill will probably pass, but I think that we in this State will rue the day. It isn't going to help business in the State of Illinois; it isn't going to do anything to bring our State up to what we'd like it to be in that respect, and this will indeed come back to haunt us.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. I have before me a letter that I requested from the State Mandates Office asking them to review Senate Bill 536 as amended. And there are three things which pertain to the State Mandates Act. First, and I'll read this directly, "Senate Bill 536 states that it is the duty of public employees to engage in collective bargaining with public employees. This provision constitutes a local government organization and structure mandate for which no reimbursement is required." Now, that's on that part. The second part pertains to wages, hours of work and so forth, and according to the State Mandates Office this constitutes a personnel mandate because it pertains to salaries and wages, working conditions and fringe benefits. "Under the State Mandates Act, under the State Mandates Act, all of the increased costs incurred by local governments which are directly attributable to a personnel mandate must, must, be reimbursed by the State. The total annual cost to the State of the reimbursement to local governments, required as a result of Senate Bill 536 as amended by the House could be substantial, but no data is available on which to base a reliable estimate."

Finally, "Senate Bill 536 as amended by the House requires that various expenses involved with fact finding, mediation and arbitration are to be borne by the units of local government. This constitutes a service mandate for which reimbursement of fifty to one hundred percent of the increased cost is required." In closing I want to point out something because I know you've heard this as I heard it when I first brought it up. The bill has been referenced as to exclusion of the State Mandates Act. If you read the Statute, you will find out that you cannot reference yourself out of the State Mandates Act. But not only do they reference themselves out, which is not possible, but they even attempted to reference themselves out incorrectly. And I would like to read to you the closing paragraph of this letter. And by the way, anybody who would like a copy of it, I'll give it to them. "It should be noted that Senate Bill 536 as amended by the House contains legislative findings which seek to apply certain exclusions contained in the Mandates Act whereby the General Assembly is relieved of responsibility for reimbursing local governments for the cost of implementing the bill. In the opinion of the State's Mandates Office, the findings are in error and the office respectfully disagrees with their use in this instance." To the bill, right across the aisle from us right now is debated a tax increase. Hopefully, we will get that opportunity to pass on it as well. But I will tell you that if that passes the House and that passes the Senate, we might very well be raising the tax increase necessary to fund this bill. And I'm not going to tell you how to vote, but I'm going to tell you, it is going to cost the State of Illinois a lot of money. And lastly, Mr. President, I...since this is a service mandate...which requires ratification by the city councils, I would like to know if this is a pre-emption of home rule and...and if a thirty-six vote is required.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Well, Mr. President, I would like to ask the sponsor a few questions, if I may. She said that it was a five-member board and my analysis indicates that there are two boards; one is a State Labor Relations Board and one is the local labor relations board, and the jurisdiction of the State would be with populations of less than one million, and the jurisdiction of the local board...has jurisdiction over all governmental units with populations of more than one million. But I've got it as a three-member board.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

Yes, Senator D'Arco, this...that structure was designed and the language was to...to read that it is a one State board but a two-tier board. That is the intent of the legislation is that it is a State board with two separate divisions with the chairman of the State board serving as chairman of both of those boards. That is the intent of the legislation. And there are five members.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...

SENATOR COLLINS:

Two from...two from the...one from the City of Chicago, one from the County of Cook and three appointed by the Governor outside of those areas.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

This says, "One member of the local board is appointed by the mayor, one member is appointed by the president of Cook County Board and the third member, who will serve as chairman

of both the State and local boards, will be appointed by the Governor. So, you're talking...I don't know, unless this synopsis is incorrect. It would appear that we're talking about two three-member boards.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

There are five members in all. You are correct, there will be two...two three-member boards...well, two two-member boards with one chairman for both boards, so, that makes five. Two and two plus one who will serve as chairman of both of the boards.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

Well, two and two and one is five, but that's not...I mean, there are two three-member boards. I mean, the chairman of the State board is the same person as the chairman of the local board, but the composition of the board is a three-member board. Let's not confuse that because I want to get it into the record what we're doing here.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco, had you concluded? Senator Collins. Was that a question? Alright.

SENATOR D'ARCO:

It just...I would like her to concur that what I just said is correct, that's all.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

I'm sorry, I didn't hear what you said, I was interrupted, but it is five members of...it is a five-member board with two members serving and appointed from the County of Cook and three members appointed by the Governor. The Gover-

nor then will appoint a chairman, a State chairman. That chairman will, in fact, serve as chairman of...or chairperson of both boards.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cutoff)...D'Arco.

SENATOR D'ARCO:

Okay, I...I don't have the bill, I just have the synopsis in front of me which definitely is not what she said. So, I don't know, maybe she's right. As far as security personnel is concerned, it's my understanding they're not excluded under the provisions of the Act, but they can enter into collective bargaining agreements with the unit of local government as well as any other employee. But they are called, under this bill, essential employees, which means they do not have the right to strike but they can enter into collective bargaining agreements, is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

That is correct.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

Also, if...if a bargaining unit is recognized by a public employer on the effective date of this Act...or before the effective date of this Act, the employer will...I...I should say, must recognize that bargaining unit as the legitimate bargaining unit for the employee organization, is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

For the duration of that contract, but after that contract expires, if thirty percent or more of the employees

choose that they do not want that person and request to the board for an election, an election will take place and at that time it would be up to the persons running for the exclusive bargaining representative.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

Also, Mr. Chairman, who determines whether or not an...an employee group is essential or nonessential?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

The circuit court makes the final determination. If the employer determines in his own mind, he then takes it to the board and the board...if the board concur, they take it into the circuit court.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

No, but I...I think there's a procedure whereby the Labor Relations Board makes a decision that a group of employees is essential and, therefore, does not have the right to strike prior to a situation which may arise where a group of employees that has not been determined to be essential go on strike and then the board makes a determination that those group of employees are essential and, therefore, must go back to work.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

Yes, that is correct, and that would help to avoid strikes because they have to...it would be an unfair labor...practice under this law for any group to choose to go out on a strike in any form...wildcat or any form, work stop-

page unless they notify the board through their exclusive bargaining representative that a...that a strike is going to occur at least six days prior to the strike.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

This is...this is not a binding arbitration bill because the decision of the board is not final, is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

This is advisory arbitration and the final decisions have to be approved by the governing body when it...when it deals with wages, hours, other condition of employment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

Well, I think for employees under one million the final decision is made by the State board. The State Labor Board does make the final decision. But for employees over one million, the...the final decision is made by the local municipality and not by the labor...local labor relations board, is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins. Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, on a point of...

PRESIDING OFFICER: (SENATOR BRUCE)

And...and, Gentlemen, I'm going to turn on the...the timer so that we can move along. Senator.

SENATOR HUDSON:

...point of parliamentary inquiry. At the proper time would I be in order to move for a division of the question.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, we...we actually went through that. The proper motion would be under Rule 43 to ask for separate roll calls on each of the motions to concur. And so, if you...if you are joined...if you are joined by one other Senator who wishes to ask for separate roll calls...is Senator Hudson joined by anyone? Okay, Senator Watson joins Senator Schuneman. Alright. But...well,...alright. Further debate? Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, would the Senator yield to a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates she will yield.

SENATOR SAVICKAS:

Senator, could you indicate at what point in the bill...I've been trying to go through it, to answer a question of jurisdictional dispute, I guess. Now, say you have a unit in government that there are two carpenters, a plumber, an electrician and maybe forty other type employees, clerical or whatever, and they chose to use one bargaining group for their representation compared to groups that the others already belong to. What...who would prevail and what would happen in that instance? And where would...do I find that answer in the bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

The board will...in the bill it indicates that the board will establish rules to...to avoid fragmentation and the proliferation of all types of bargaining units.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Alright. Okay, on Page 16, I guess it is, Section B, is

that...is that what we're talking about, Senator Collins?

"The board shall decide in each case in order to assure public employees the fullest freedom in exercising their rights guaranteed by this Act a unit appropriate for the purpose of collective bargaining based upon but not limited to such factors as historical pattern of recognition, community of interest including employee skills and functions, degree of functional...integration, interchangability and contact among employees, fragmentation of employee groups, common supervision, wages, hours, other working conditions of employees involved and the desires of the employees for the purpose of this subsection. Fragmentation shall not be the sole or predominant factor used by the board in determining an appropriate bargaining unit." Now, I think the question here, and I...I think it's an important one, is that the reading of this section says that some other bargaining agent other than what has been traditional or historical, say in the field of carpentry, or in the field of plumbing, or in the field of electrical workers, or sheet metal workers, or whatever the trade profession may be, that in this bill and in this subsection, you would allow maybe a clerical union to be their representative, maybe a maintenance group to be their representative. I think this is a...I don't know how some of the fellows in Chicago are concerned, but I think this could drastically affect the trade unions in Chicago, and I think they better look at this very clearly. Senator, could you answer that concern?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

Yes, on Page 17 of the bill, okay? It says...line...line 12, Section C, "Nothing in this Act shall interfere with or negate the current representation rights of a pattern or practice of labor organizations which has historically repre-

sented public employees for the purpose of collective bargaining, including but not limited to negotiations of hours, working conditions and other condition of employment."

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Well, I think we should go a little further in reading that particular section, and go on to say...you talk about working conditions, discussions of employees' grievances, resolution of jurisdictional disputes or the establishment and maintenance of prevailing wage rates unless...now, unless a majority of employees so represented express a contrary desire. And I would read in this that in a unit of...maybe in a board of...or not in a board of education, but in a...in the City of Chicago, say, in the Board of Health where you have different employees and the majority of those employees...decide to be represented by another unit or another bargaining agent or another union, I think there...there is a question in this and I...I don't think it's been answered properly, because when we go back to Page 16...when we go back to Page 16, it says the board shall decide in each case, and it's based upon but not limited to such factors as historical pattern of recognition. So, you're...you've got open language there that you're talking about based upon but not limited, and the majority of those people can elect to have a new representative. I...I think those two areas are very vague.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

Yes. Senator, the only thing that I can...can...can say to you on this section, that this is boilerplate language, it is recognized nationally in most collective bargaining contracts, and I think there are adequate safeguards in here to

avoid fragmentation. And the board...Section B of Page 16 clearly says that the board will side on a case by case basis whether or not that is an appropriate unit. So, I don't know what other protections that we could put in here.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas, and your time has nearly expired, Senator.

SENATOR SAVICKAS:

Thank you, Senator...Mr. President. Well, you may be right, but I envision this as a great area of litigation, and the problem then arises that the board will be participating, will hire the necessary attorneys, the unions hire the necessary attorneys; and from what I've heard in this discussion, that the board and the unit of government, they will be responsible for paying these huge bills, and...and, you know, jurisdiction will dispute. Could you answer that, or do you have a comment on that? I...I would think that that would be a wrong, wrong procedure.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

The local unit of government currently pays for any resolution to disputes arising out of any labor agreement that they have, and many of the large ones that...that you are mostly concerned about already have collective bargaining agreements for most of these same employees. Employees...I mean, local governments with less than twenty-five employees are, in fact, exempt from this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Hudson was...was considering his motion. (Machine cutoff)...Hudson.

SENATOR HUDSON:

Thank you, very much, Mr. President. I, at this time, am going to move to divide the question.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senator Hudson, did you...you and I had a chance to confer, did you wish just to divide on each...each one, Senator, there are Amendments 6, 12, 29, 38 and 39? Do you wish a separate roll call on each? Senator Hudson.

SENATOR HUDSON:

Separate roll call on each.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Is Senator Hudson...well, you were joined a moment ago by Senator Watson, so that gives you the two you need to ask for a separate roll call on concurrence, pursuant to Rule 43. So, we will have a separate roll call on Amendment No...well, the sponsor can call them in the order she...she wishes. Senator Collins.

SENATOR COLLINS:

Amendment No. 12.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senator...Senator Collins to explain Amendment No. 12.

SENATOR COLLINS:

The Amendment No. 12 changes the effective date of this bill to July 1 of 1984, which also mean that we are not concerned with any appropriations for this Act during this Session.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is...discussion? The question is, shall the Senate concur with House Amendment No. 12 to Senate Bill 536. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 19. The Senate does concur with House Amendment No. 12 to Senate Bill 536 and the Secretary shall so inform the House. Senator Collins.

SENATOR COLLINS:

Senate...House Amendment No. 29, it...roll call. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate concur with House Amendment No. 29...Senator Savickas.

SENATOR SAVICKAS:

It...it did what?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins to explain Amendment No. 29.

SENATOR COLLINS:

House Amendment No. 29 adds the provision from the National Labor...Relation Act section dealing with recognition of picketing by uncertified unions unless such picketing is accompanied by the appropriate filing of an election petition within a reasonable time period.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. I am informed that Amendment No. 6 has to be called first. She cannot adopt this until No. 6 has been taken care of because it won't make sense otherwise.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, Senator,...we have always allowed sponsors...although we allow the Body to divide the question, we've always allowed the sponsor to decide the order in which concurrence motions will be filed. We...we do not control that, and so, we are at the point where Senator Collins decides how to...to call them. We are on Amendment No. 12. Is there discussion...or of...of 29. Discussion? Discussion? The question is, shall the Senate concur with House Amendment No. 29 to Senate Bill 536. 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 33, the Nays are 22, 1 voting Present. The Senate does concur with House Amendment 29 and the Secretary shall so inform the House. Senator Collins.

SENATOR COLLINS:

Senate amendment...House Amendment 38. This amendment extends the exemption and coverage under this Act and clearly excludes supervisory personnel except those of public employees already with them, and also voluntary choosing to bargain...who voluntarily choose to bargain with them.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The motion is that the Senate concur with House Amendment No. 38 to Senate Bill 536. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 21, 1 voting Present. The Senate does concur with House Amendment 38 to Senate Bill 536 and the Secretary shall so inform the House. Senator Collins.

SENATOR COLLINS:

Amendment No. 6 is basically the overall...restructuring of the bill, and it covers the area of...it clarifies the...the purpose. It creates a Public Labor Relation Act instead of Employee Labor Relation Act; it...excludes the community...part-time community colleges; it provides for...general management rights section; it expands the unfair labor practices under the labor organization section; it adds provisions for voluntary mediation fact finding and impasse procedures, and it provides for advisory arbitration. I move for concurrence.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Just a point of clarification from the sponsor. What amendment was she just describing?

PRESIDING OFFICER: (SENATOR BRUCE)

...we are on No. 39, Senator Barkhausen.

SENATOR BARKHAUSEN:

According to my analysis, and I'm afraid that's all I have to go on, it...it indicates that much of what she was describing is contained in 38 and the...or the analysis under the heading of House Amendment 39 is very sketchy and just says that it clarifies the exclusion from coverage for small governmental units and grandfathers in bargaining units in existence at the time of the effective date of this Act. But is all that other...all those other provisions included under 39 rather than 38?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

You are discussing 39, we have not adopted 39 yet, that's Amendment No. 6.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins, the Chair has...

SENATOR COLLINS:

Yeah, I move to adopt Amendment 39.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. We are on 39. We have adopted 12, 29, 38 and we are on 39. Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Collins, are you saying that even though we are on 39 what you just described was 38 or 36 or some other amendment?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

I...I'm sorry, I...I intend to go to 39 and I was explaining No. 6. I inadvertently skipped 39, I wanted to put 39 on before Amendment No. 6.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Barkhausen, it is 39. Alright. Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, I had asked for a ruling on the number of votes required. How do you handle that on these amendments?

PRESIDING OFFICER: (SENATOR BRUCE)

Frankly, Senator, I believe the operative amendment that relates to your question, which I have here, is Amendment No. 6, and the Chair is prepared to answer that before we consider 6. Senator Collins has moved that the Senate concur with House Amendment No. 39 to Senate Bill 536. 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 23, 1 voting Present. The Senate does concur with House Amendment...39 to...House Amendment...House Amendment 39 to Senate Bill 536 and the Secretary shall so inform the House. For what purpose does Senator Hudson arise?

SENATOR HUDSON:

Request a verification, Mr...

PRESIDING OFFICER: (SENATOR BRUCE)

There's been a request for a verification. Will the members please be in their seats. Senator Hudson has requested a verification. Will the...the Secretary will read those who voted in the affirmative, and will you please answer when your name is called. Hold on. Wait a minute. The Secretary...it's been a long day and the Secretary inadvertently punched the...the button that clears the board and opens it again for another vote. We have a printed roll call, it will make it somewhat more difficult, but we will not...nothing funny is happening, it was just an inadvertent error. No. Call those who voted in the affirmative.

SECRETARY:

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

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hudson, do you question the presence of any member?

SENATOR HUDSON:

No.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. On a...

SENATOR HUDSON:

Gene Johns.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Johns. Is Senator Johns here? Senator Johns on the Floor? For what purpose do you arise, Senator Buzbee?

SENATOR BUZBEE:

Senator Johns was on the Floor and answered up on the roll call. Now, Senator Johns just walked off. There he is right there.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senator Johns is on the Floor. On a verified roll call there are, 31 Ayes, 23 Nays and 1 voted Present. House Amendment 39 to Senate Bill 536 is adopted and we concur in that amendment and the Secretary shall so inform the House. Senator Collins on Amendment No. 6.

SENATOR COLLINS:

Yes, thank you, Mr. President. Amendment No. 6 creates a...Local Labor Relation Board for Chicago, the Chicago school system and Cook County and other State labor relation boards for all government units with joint rule making powers

with the State board. It exclude part-time community college employees, police and fire department employees; it provides for general management rights provision in the bill of which we took out is back in; it...it...it...it provide...it changes the binding arbitration...compulsory binding arbitration sections to advisory arbitration; it takes out the general counsel provision that we had in the bill when it left; it includes for voluntary...mediation and fact finding in the event of an impasse in collective bargaining arising in or about security personnel; it sets forth criteria which grants...that must be met before a strike can take place. I move for the...the concurrence of Amendment No. 6.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator DeAngelis asked a question concerning the Mandates Act which is in Chapter 85 of the chapter on local government. And specifically, the personnel mandate of that particular Act, under the personnel mandate there are four qualifications under which State law shall become binding upon the General Assembly under the Mandates Act and the provisions thereof. If the Act changes the salaries and wages, changes the employee qualifications and training, changes their hours, locations of employment and other working conditions or changes the fringe benefits including insurance, health, medical care, retirement and other benefits. It is the ruling of the Chair that under this Act no salaries, wages, qualifications, hours, location of employment or fringe benefits are changed by the Act, although it does give the right to bargain over those matters, there are no mandates to local government concerning those matters. Senator DeAngelis.

SENATOR DeANGELIS:

Well, it takes the control away from the unit of local government. Now, if you choose to say that they have to absolutely accept it, I guess you're okay. But the fact is,

it takes that power away from them that they had unilaterally and now puts it in the position in which it must be bargained and, therefore, it takes something away from them that they had previously. And there...that is a change.

PRESIDING OFFICER: (SENATOR BRUCE)

It...it may be a change but it certainly is not a mandate under the State Mandates Act. Senator DeAngelis.

SENATOR DeANGELIS:

Well, the bill calls for them to...for a mandate to specifically do that, and I would like to protest the ruling of the Chair on that.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Do you wish to...lodge a formal appeal, Senator? It...it is in the record, I...I...I believe that whatever the...whatever the courts decide, you've...you've locked up whatever you want to do. Senator DeAngelis.

SENATOR DeANGELIS:

I...I would like to have it for the record.

PRESIDING OFFICER: (SENATOR BRUCE)

Do you wish to appeal the ruling of the Chair? No. Okay, it's in the record. The ruling of the Chair has been made and Senator DeAngelis has protested that ruling. Alright. Is there further debate? Further debate? The question is...Senator Collins, did you wish to close?

SENATOR COLLINS:

I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate concur with House Amendment No. 6 to Senate Bill 536. 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 33, the Nays are 23, 1 voting Present. The Senate does concur with House Amendment No. 6 to Senate Bill 536; and having previously concurred in House

Amendments 12, 29, 38 and 39 by record vote, the bill having received the required constitutional majority is declared passed. For what purpose does Senator Rock arise?

SENATOR ROCK:

I move to reconsider.

END OF REEL

HB 1470
Conf. Committee Report

REEL #5

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock has moved to reconsider. Senator Buzbee moves to lie that motion upon the Table. On the motion to Table, those in favor say Aye. Opposed Nay. The Ayes have it. The motion to reconsider is Tabled. Senator Rock.

SENATOR ROCK:

I'd like to call a Democratic caucus immediately in my office.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. The motion is in order. For what purpose does Senator Davidson arise?

SENATOR DAVIDSON:

A Republican caucus immediately in Senator Philip's office.

PRESIDING OFFICER: (SENATOR BRUCE)

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

RECESS

AFTER RECESS

PRESIDENT:

The Senate will come to order. I'll ask the sergeant-at-arms and the doorkeepers to please clear the Floor of those unauthorized. If I can have the attention of the membership, we are graced with the presence of the media and they've all asked permission to tape. Is leave granted? Leave is granted. If you'll turn to the Supplemental Calendar No. 1, on the Order of Conference Committee Reports is a Conference Committee report with respect to House Bill 1470, Mr. Secretary.

SECRETARY:

First Conference Committee report on House Bill 1470.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson is recognized.

SENATOR DAVIDSON:

Mr. President and members of the Senate, Conference Committee report on 1470 does several things. You have a big pink report in front of you and I'm sure all of you, same as I, have not had a chance to look through it and you're going to go with what the analysis has been given to you. Quickly, it does three things. As you well know, it strikes everything including the title. There'll be no wild game...nongame checkoff. It does three things, there's a temporary increase in the sales tax on individuals by a half a percent starting January 1, 1983 and sunsets June 30th, 1984, on the income tax...Illinois individual income tax. It increases the Illinois corporate ration...corporate income tax by eight-tenths of a percent from January 1, '83 to June 30th, '84, which means they sunset. The taxpayers may appropriate...appropriation their...their income between the time periods with different tax rates by separate accounting or by direct apportionment. There will be an increase in the sales tax, a permanent increase in the sales tax of one cent beginning January 1, 1984. There will be a repeal of the remaining two cents on food and drug, effective also January 1, 1984. In essence, there will be...January 1, '84, there will no longer be a sales tax on food and drug in the State of Illinois. There will be, most importantly to my belief, the first time since I've been in this Senate, property tax relief for the homeowner. It will provide a permanent property tax relief to homeowners by allowing the deduction of all the residential property tax from the Illinois taxable income beginning with the calendar 1983 taxes. It will allow the homeowners to determine their liability by either subtracting from their Illinois taxable income the entire amount or the property bill for their...place of residence. For

example, at a three percent rate, an individual with a two thousand dollar property tax bill can reduce their taxable income by two thousand dollars, thereby...reducing their Illinois tax sixty dollars. The one-twelfth revenue sharing to local governments will continue for the half and eight-tenths, or in other words, the temporary income tax. There will be a transfer of the sales tax to general revenue of three percent from the Road Fund. As you well know, presently we...the five and a half percent of the gross sales tax has been going to the Road Fund to equal out what the sales tax on gasoline will be. Three cents or three percent of that will go back into the General Revenue Fund. There is no loss of dollars to local government. There will be a new item, there's an expansion...could I have your attention, please, Mr...

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some attention. May we have some order, please. Senator Davidson.

SENATOR DAVIDSON:

There is a new item, there will be an exemption to include replacement parts of the sales tax on manufacturing machinery and equipment. It will now...the sales tax will be removed from replacement parts. This is to assist the Illinois economic recovery. Third...or fifth, there will be a delay of one year of the investment tax credit. As you know, we passed a bill last year, which I was the sponsor, which becomes effective July 1, 1983, where corporations and business could get a reduction on the corporation replacement tax, personal property, tax by an investment credit by either expanding or repairing their plant. This will be delayed one year. The effective date will now be July 1, 1984, and the sunset provision of that bill will be extended to July 1, 1989. Mr. President...members of the Senate, I'm sure, as the old saying goes, anytime you come to a compromise posi-

tion on any piece of legislation, no one is totally happy. I'm not totally happy in some ways with this, but as they say, it's the only game in town to give some increased funding to education; give some increased funding to provide some human services which we must provide, but most importantly, it gives property tax relief to the homeowner in this State, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Lemke.

SENATOR LEMKE:

Thank you, Mr. President and members of the Senate. I came...I was elected to the Senate to speak for the behalf of my people and to represent them and be responsible for them. This tax proposal hits them in the pocketbook, the pocketbook that they have been hit constantly in. They were asked in private industry to take a reduction in their pay in order for those companies that they work for to keep open. We heard last week that many of my constituents who work at Western Electric will be out of work because Western Electric is closing and is not financially...feasible to operate that plant. We look around at Electromonos and Fisherbody and all these people took tax deductions. Yesterday morning I received over two hundred phone calls to my Springfield office and over two thousand from people that are against this tax proposal. This tax proposal does not just hit them on income tax, it hits them on sales tax; the most...oppressive tax in this State, the taxing on people they need necessities to get by in their daily life and to raise their children. It hits them on income tax. And yes, the House just hit them in the pocketbook on the little bit they saved to build a house and to raise their children; the house that they scrubbed floors for, worked in factories so their kids could get an education and go on. This bill hits the poor and the middle class; it doesn't hit the wealthy,

and it's not going to help business in this State because we're going to tax them right out of this State. We in this State should be ashamed of ourself when we have gone out, this Governor, the President of this Senate, the Speaker of the House and the minority leaders all went out and promised the taxpayers tax reform, tax reform, and what are they doing now? They're not reforming taxes, they're raising every tax around. They might as well start putting a tax on burial because they'll tax them then too. This is ridiculous to raise taxes in this ridiculous fashion. Taxes should be paid by those people that can afford. And when a corporation is going bankrupt, it tries to help; and the way it tries to help, it tightens its belt, and when it can't tighten its belt, it goes to its employees and asks them to take pay deductions. That's what went on with Harvester and all over the State, and we had asked them to do that. But yet this State still wants to give pay raises...pay raises to people. Instead of these people that work for this State, they should pay...be...if they want this State to function, they should take pay deductions until this State can get financially on its feet. We cannot keep taxing and taxing working people, people that have worked hard to go where they're at. We talk about educational relief, there's no educational relief in this budget. I think there's a very little amount of money for...new money for education. There's no money for anything in this budget except for some fat cats on the Governor's payroll. And I ask for a No vote for the people in this State.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I guess my remarks will be on a slightly different tenor, and it...it's a comment that will probably be repeated, perhaps even ad nauseam tonight. No

one, least of all someone who is in an elected public office, wants to vote for a tax increase at any level, but I would suggest that there is no one in this Chamber; A, who believes that this is a good tax package, it is not. There is also, I would venture, no one in this Chamber who does not really know that the State needs some additional funds for our State services and for our schools. I would also suggest that there is no one in this Chamber or the other who believes that the Governor's doomsday budget is other than a tragedy. A tragedy for our State, because our major State...services, our universities, among others, will suffer. A tragedy also for our business climate, because if our State services deteriorate too much, our State business climate also deteriorates. It will be a tragedy for our State's image because it will suggest that we are not willing to face up to and measure up to our responsibilities. But most of all, it will be a tragedy for a great many of our citizens, the people whom we represent. Whether it's day care, the public school system, in the mental health institutions or wherever, they are going to suffer. This package is a stopgap. It will pay debts, not all of our debts but some of our debts; it will restore not all but some of our services; it helps the cities a little; it helps the schools a little; it doesn't do very much else; it is not a fiscal plan for the future, and that is a tragedy in itself. It is indeed a stopgap and a makeshift; and along with that, an increase in the State sales tax which is, as has been suggested, a highly regressive tax. It does not solve our problems, it covers some and it covers up some others. But for two reasons I will vote Yes. One is that as little as it does for our schools, it does do something. I am one who has been committed for a long time to the proposition that the schools should be paid for from broader based taxes, not from the property tax. That is why I voted against the increase in

the Chicago property tax. The schools must be funded by the State, that is our responsibility, and again, as little as this does, it does do something. That is why for a long time I have been willing for education to support, if necessary, an increase in a State Income Tax. That is my conviction, that is my commitment and I'm willing to put my mouth and my vote where I...I guess I'm willing to put my money and my vote where my mouth is. Secondly, this is better than nothing, that is all that it is better than, nothing, but it is better than that. We were elected to make tough decisions, this is a tough one. But I am unwilling to walk away from what I perceive to be my responsibility to the State and to the citizens that I serve.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. For the last three or four days I have surveyed my constituents better than I know I ever have before. I've talked to as many of them as I could to try to assess just what I should do at this difficult moment. And I must say that over the last few months I've been on the horns of a dilemma, because I could not support a 1.6 billion dollar tax windfall which I think ignored the wasteful ways of many State agencies; which offered new spending when I don't think my constituents were calling for new spending; which proposed a sixty percent increase in the income tax, which my constituents could not accept. On the other hand, I don't think that I could ignore the cries of those of our helpless citizens and the commitment that we have to provide the basic obligations of this State. I see a drifting away of our higher educational institutions into second-class status. I see mental health institutions which can no longer provide a decent standard of care. My constituents are concerned about their own public

safety because of the overcrowded prisons and the release program sending hardened criminals back into the communities; failure on the part of this State to live up to that constitutional obligation that this State shall provide primary financing of schools; and yes, also a concern for those helpless citizens less fortunate than we who need public assistance of one kind or another. Before us now, I think we have a plan which admittedly provides minimal relief, but I believe that it is an approach which curbs the insatiable appetite of government. I believe that it balances the concerns of those who believe we should sit on our hands and do nothing against those who believe that taxpayers should write a blank check payable to the special interests of this State. This is the only solution my constituents will accept. I do not regard this vote as a tax increase so much as I regard it as a vote against tax excesses that we would have gotten otherwise. To the package itself, let me just say that I'm glad it contains a sales tax because I think that's a balanced approach to taxation. This regressivity business is overstated and it's oversimplified, because no economist worth his salt is going to judge one tax on the basis of regressivity, but he will judge a Federal, State, local tax system on the issue of regressivity; and if you combine a Federal progressive income tax with a proportional State Income Tax with a sales tax which has removed now the sales tax from food and drugs and increases it one cent on all other items, I think it's fair. I think it's important that this income tax proposal be temporary. Some people say there's no such thing as a temporary tax. Well, the sponsors of this legislation have done just about everything they could to make sure that it's temporary, because there was a debate, I understand, over whether or not we would have this tax expire on June 30th of 1984 or November 30th of 1984. And, oh, how easy it would have been for the politicians to

let a tax expire on November 30th after the election of 1984. But instead, this temporary tax comes up a few months before the election of November '84, and I pledge to my constituents that this is a temporary tax, and as far as my vote is concerned...on June 30th of 1984, it will be back to business as usual and back to what I'm sure will be a recovered economy. I think this bill provides property tax relief, which the constituents of my district in suburban Cook County need badly. As a member of the Appropriations Committee, I've sat and listened to the stories that have come by that committee over the last few months. They've been tough stories of people less fortunate than we who feel as though they need our help. I agree with them, and I agree that if we would continue on our present course without taking some action, without doing something, that we will not regain our stature as a strong, urban, industrial, agricultural State. Instead, we will be like a crippled giant; unable to educate our own young people, unable to provide for citizens who truly need our help. I think the time has run out, the time is now. It's with reluctance that I vote for a tax increase, but with a sense of responsibility that I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Chew.

SENATOR CHEW:

Thank you, Mr. President and members of the Senate. I believe this is the time where truth must speak. I have nine thousand reasons as to why I should oppose this tax increase. But I have one reason as to why I should support it, and I believe one person who is right constitutes majority. I don't have time to put my body down on this Floor to try and determine what constituents are saying. If I were lying here on this Floor, I could never stand erect and represent my constituents, I am my constituency. In 1969, I stood right here and supported the first income tax the State has ever

had, and I'm happy to say, Ladies and Gentlemen, I have been returned to this Chamber in every election since that time. This State needs us. In order to have a viable State in this midwest, we have to keep the ship floating. We can ill afford to allow the State of Illinois to go bankrupt. We can ill afford to allow our schools to close next year. This could very well help what we commonly call special interests, but what is a constituency? It needs every component part to make the machine play. I believe within myself that I have been a responsible legislator, and apparently my constituents believe likewise, because in the last election I got the highest vote I'd ever received in my career. As a matter of fact, I was second in the State of Illinois. And if my constituency had felt that my stewardship was not sufficient, I could have very well been defeated. Here's another reason I could not vote for this tax, it is no secret that I'm a candidate for Congress. I could vote against this tax and go home and virtually assure myself of a victory; but, no, I was not sent to this Senate to worry about whether I'm a congressman or whether I win the next Senate race. I was sent here to do a job at the time that I'm here, and I expect to carry that out. I can very well see many of my opponents back in Chicago using this as a campaign issue, that Charlie Chew voted for an income tax. Well, I got news for you, if that will cause me to fail as a candidate for Congress, I didn't need to go anyway. I consider myself representing the people of the State of Illinois, all of them; from Wisconsin to Kentucky to Indiana to Iowa, these are my constituents. If they need it, I should provide it. I'm not concerned about the Governor's fat cats. I'm not concerned about the trivial things that we could make pretty speeches on. I'm concerned about the people that are on general assistance getting a check each month. I'm concerned about the children in Chicago and all over this State getting their fair share

of funds to have their school doors open. I'm concerned about the City of Chicago, as I am every city in this State, being able to pay their bills. This government is by the people and for the people, and every living soul within the boundaries of the State of Illinois, this is their government. And since everybody does not have the privilege...and believe me, Ladies and Gentlemen, it's an honor to serve in this Body, of coming here and serving. They instill their thoughts in us, and we, as responsible men and women, must bite this bullet and go home and not try to justify it but to do what you believe is right. I believe that this State needs us, and it's useless to occupy one of these seats unless you do what you believe is right. I'm not concerned about who votes for this bill or who votes against it, they have to live with it. I am concerned that I will vote for this package right down to the last amendment, and I will go home and I'll be comfortable there because I believe I will have done what is right. I don't need this as a campaign issue now or never. If I cannot sell my program to my constituents, then I'm a poor salesman; and I believe I can because God is in this plan. He will determine what we do and where we go. I will follow His guidance, He is my maker. I have prayed on this issue, Ladies and Gentlemen, and each conclusion has been to properly represent this State as you know how, and I have no other answers, no more. This is right, and right will always win. I stretch my hands to Thee, no other help I know. And all of my life I have never had a burden that I could not shoulder, because the Master never gives you too much. Mr. President and Ladies and Gentlemen of the State of Illinois, I'm going to support it with the greatest pride I could ever have, because I believe it's needed. My future will be the future of the State of Illinois. If the State of Illinois fails, I fail, and no man fails without his own consent, and I will never consent to

fail. I believe in myself and my own capabilities; and for that I stand tall, Mr. President, ready, willing and able to cast an Aye vote on whatever is necessary for the people of the State of Illinois. Thank you, very kindly.

PRESIDING OFFICER: (SENATOR BRUCE)

Thank you, Senator Chew. May I just say welcome to our House colleagues, and we are happy to extend the privileges of the Floor to you, but would you please keep your conversations down during our debate. Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, I represent an eighty-three percent minority district, and they saw fit to send me to Springfield even though they will not allow me in a black caucus...I can join it now, Charlie, thank you. And in the general election I led the State and all State Senators in votes, and I feel the people have shown their faith in me and I do not feel it's a time to let the people down, so I am going to vote Aye. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Mr. President, it's been a long day and I don't want to take a great deal of time, but I would like to address several points about this bill. You know, sometimes we have a number of choices and sometimes it's Hobson's choice, it's this or nothing. Many people in my district, before I came down here, expressed their desire to me that not only should I vote for a tax, but I should vote for a tax that was substantial and that would do the job that needs to be done in this State. They know, for example, that public school funding is at a critical level in many areas. They know, for example, that higher education funding is facing a crisis, a crisis where tuitions have risen, where scholarship monies have been cutoff; where the shift in

higher education is going from the private to the public institutions, because the tuition in...private institutions has simply gotten too burdensome for many, many families. They know that we have a health care crisis. They know that, for example, serving my district are two teaching hospitals, which under this budget, unlike the doomsday budget, will lose more than five million dollars over the course of this year. They know that we have several hospitals that probably will go bankrupt in the absence of some kind of State aid. They understand that the care for the aged and the care for the helpless is at a point where there will be many people who simply won't survive this year for lack of proper nutrition. They know all of these things. They also know that our economic climate is worsening rather than becoming better. One of the previous speakers talked about unemployment in the area which he served. Well, what is being produced in this State now, and I think most of us recognize it, is we're getting a new kind of poor person. We're getting poor people who six months ago were making thirty, thirty-five thousand, forty thousand dollars; who were people who had worked for twenty-five years; who had a small mortgage left on the homestead, a car in the garage and a camper in the driveway; who now are dependant upon the State for survival. It's a new phenomena. And finally, we know that there are political realities to be addressed in this bill. In addition to the problems about which I spoke, I want my downstate friends to have their roads and bridges, and on occasion, certainly I do use them. I want them to share in along with us a mass transportation package that means something to all the citizens of the State of Illinois. All these things cost money. Many people in my district recognize that. The income tax is an alternative which they have encouraged me to vote for, the sales tax is not. The sales tax, however, is part of this package, and if that is what is

required to keep our communities afloat...mind you, I didn't say the State, I said our communities, our mutual communities, if that is what is required to keep our communities...afloat, then I am prepared to vote for this measure. I'm concerned about the rips in the fabric of our Body politic. I am concerned about the pitting of interest against one another for whatever purpose that might be. I would hope that we would vote on this bill. I would solicit an Aye vote, and I would hope that after this bill passes, we can join together and then begin to look at what happens in the State of Illinois. I solicit an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Becker. Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. I will not be long on this issue because many of those who have addressed this issue in the affirmative has said many of the things that I intended to say. But for the few of us who are called upon to vote on this particular issue, never will so few have an...opportunity to do so much for so many. Government is designed to help those who cannot help themselves. The State of Illinois is facing tough times; and you've heard this before, tough times demand tough leaders. The people elected us to do the job. Like each and every one of you, we are elected from districts but our responsibilities are State-wide, be it the mental health institutions in Dixon; be it the University of Illinois in Champaign; be it the local schools throughout this State, we all share this responsibility. The Governor made a tough decision at the beginning of this term. To make that decision to say we need a tax increase requires courage, and that is why the people elected us, to make the tough decisions. We cannot have those hundred and ninety-seven constituents come to Springfield and make that decisions. We are elected by the people and the

people elect us to do what we think is right; not politically right, but what is right for all the people of the State of Illinois. The needs of the people are not Democratic needs, they are not Republican needs, they are people needs. Those who had the courage to introduce this bill did not introduce it as a Republican, they introduced the bill as a bill for the people in the State of Illinois. We can argue both sides of the issue, but we know government is compromise. We can go out and argue against the tax, and we may think that is politically right, but in your hearts you know that you are wrong. We know the ship of State is in trouble. I am one of the individuals that will put my hands on the oars and keep the ship afloat so that the people will get what they are entitled to. It is my duty, it is your duty to grab one of those oars, put it in the water, keep the ship afloat so that the people who depend on government for their needs will have those services to which they are entitled. I will be casting an Aye vote, and I certainly hope most of my colleagues on this Senate Floor will not vote a...will not vote politically but vote what they know is right and cast an Aye vote on this issue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President and members of the Senate. My remarks are going to be very brief. We're...we're discussing the tax bill tonight; but, you know, we...this entire Session has really been a question of deciding, I think, whether or not the State should cut back or if the people of this State should cut back. I come from a district where we're having unemployment rates of twenty-two percent, eighteen percent; and people are cutting back, not because they want to but because they have to. Now, I think you and I were faced with the same kind of decision in the management of State Govern-

ment when we came down here...I...I think we ought to spend just a couple of minutes looking at what our record has been. We listened to the interest groups from our districts that have come to us and presented their problems, and they've got some very real problems, but those folks are employed by government and I think that what they have to say is...is colored a little bit. I don't think we get the same forceful argument on their behalf from the folks who are back home cutting back. I simply suggest to you that our record really isn't very good this year. As you know, I've risen many times to point out what we're doing in the case of...of pensions, and I've...I've cautioned and I've admonished to the point where I'm sure you were tired of listening to me; but that's part of our problem, we're not willing to cut anything; we're not willing to make the cuts, the hard decisions that need to be made, that's why we're in this...why we're in this problem. Today, this Body passed a bill that's going to continue to drive the cost of government. Now, if you voted for that bill, you'd better vote for this tax increase and be prepared to vote for the next one that's going to come as a result of it. I really think the better decision tonight is not to vote for this tax increase; to go back, redo our budget. There's some pain in that budget, and there's pain in it for all of us, but I would simply suggest to you that the folks back in our districts have been enduring this pain and have been coping with it in the way that...that government should cope. They've been cutting back, and they expect you to cut back, and I think that's what we should do. We should not approve this tax increase.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Euzbee.

SENATOR BUZBEE:

Thank you, Mr. President. I...I originally had not intended to speak, but it seemed from my side of the aisle

that the only folks that were speaking in favor of the tax increase were folks from Chicago, and I wanted to express that there is support from the Democratic side of the aisle from downstate Illinois also. As a matter of fact, I think I was probably the first one in the State of Illinois, an elected official, that called for a tax increase long before Governor Thompson did; and, in fact, my Republican predecessor in this office that I now hold admonished me one day in his law office that I ought to be asking for and voting for and calling for a tax increase. And I told him, as he very well remembered, that was fine except that if the Chief Executive did not take such action himself that its chances of passage were absolutely nill. And so I started saying, we've got to see if Governor Thompson has guts enough to ask for a tax increase. When the Governor asked for the tax increase, I said, well, the Governor's got guts enough, now we've got to see if the General Assembly has got guts enough to pass it. The House tonight has semi-proved that they do have, because what we have here in front of us, as everyone on this Floor knows, is inadequate. It will barely let us pay off this year's debts. And if I were a conservative, by the way, and I consider myself to be a moderate, but if I were a...a knee-jerk conservative, I would be horrified at what this proposal is doing, because it is saying roll over, put off paying your debts, roll over the debts, sell more bonds, increase your revenue estimates with its funny money; and, in fact, I spent night before last and...and yesterday morning seriously considering not voting for this because the House has obviously played hardball with us, and they hit the ball further than we did apparently. That's not to take anything away...in fact, I want to publically congratulate right now Senator Rock and Senator Philip for what I consider to be very statesmanlike posture that the both of them took in this negotiations, and I know how hard it was for both of them,

and I think that they have performed in an exemplary manner. This package that we see in front of us increases a regressive tax; it puts a sales tax addition on; and, of course, if we do pass the gasoline tax later on, that means over a period of the next two years we're going to see some seven cents additional tax go onto gasoline because the sales tax addition will generate another penny and a half. Already in the State of Missouri, I think we are about seven and a half cents a gallon higher than they are now. I am worried with this sales tax addition, what it's going to do to the...merchants in my district, which borders the Mississippi River. Are folks going to go across the river to buy new automobiles to avoid our sales tax increase? Are they going to go across the river to buy gasoline, to buy clothing? I think the answer is in some cases, yes. I regret that. That along with the inadequacies and the constant rollover...and by the way, I have been one who has been opposed to this increased bonding all along. I think all of those things added up together made me come very close yesterday to saying, I'm going to vote No on this tax increase because it is simply inadequate and it is something just shy of a sham. And then I talked to a lot of my constituents about what they thought about that decision, I had not made the decision but I was contemplating it, and they indicated, we think that just a little bitty bit is better than nothing at all. And, in fact, as...as you know, and as I'm...sure Senator Rock is going to point out, that had we not passed this tax increase, we still have general assistance as the law of this State, and we still have revenue sharing for local governments as the law of this State, and so the Governor's doomsday budget was not going to go...not going to be just the doomsday budget; but, in fact, by funding those two items that I just mentioned, we would have to cut an additional four hundred plus million dollars, and the only place you could cut that

was in education, elementary and secondary and higher education. And so, given those kinds of alternatives...I've always kind of enjoyed playing hardball politics but I'd like to have a chance at the bat once in awhile. This time I've not had a chance at the bat, so I'll be a pinch runner and go ahead and vote for this lousy tax bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and members of the Senate. I, too, had decided not to speak on this issue, but I feel compelled after listening to some of the speakers here. Many of the speakers indicated that this was a difficult choice and a difficult decision for us to make. This is not, and I want the record to be clear, a difficult decision for me to vote on this tax package nor the fifty-cent levy increase for the City of Chicago schools that I voted on several days ago. When I ran for reelection in November, I campaigned and I reaffirmed my commitment, too, to continue to work for tax relief for the people of the State of Illinois. But when I came here and I took...retook the oath of office, I also took a sworn oath to uphold the Constitution of the...this State and the United States and to work to protect the...the interests and well-being of the citizens of this State. The choice is very simple to decide for me because I learned how to make decisions from a lady down in Mississippi who had a fourth-grade education; and she said to me, "Earlean, when you have a problem and a decision to make that is complicated and that impacts negative and positive on people, you just sit down and you just add them all up, the pluses and the minuses." And there's no one in this room can say that if you add up the choices between this income tax or any other tax increase at this time in the history of this State, that the choice would be anything else except to vote for an

increase. Now, you may make the other choice, politically, it may be expedient for you to vote No. But as one of the other speakers say, you've also lied to your constituency. At least on this instance if you made the commitment in your campaign, you most certainly made a commitment at a time when we had a Governor that indicated in his campaign up to almost the election day that this State was solvent and that he did not see the need for raising taxes. The choice is and the...the promises that most of us made was based on the fact that we felt that this State was solvent, that was not the issue. And so, I look at it as though I had two children; one needing a pair of shoes and another needing a heart transplant. And I say to the child that I had promised the shoes, I'm sorry, because your sister or brother need the money more than you. And I say you weigh this issue against thousands and thousands of your constituencies dying, and the overall welfare and stability of this State, not this year, but for years to come. We are grateful and should be grateful in the State of Illinois that most of our government and most of our local governments have been maintaining solvency and have not had to shut down...and my major cities, like many other...and bankrupt as major cities all over this country. But if we don't act now on this tax, that, too, will be a consequence. And I say to you, how then do you face your constituency at the next election?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. I believe the vote on this bill will most likely set the direction of care for the citizens of the State of Illinois at least in the short-run and may eventually determine that level of care in the long-run. I would like to have in the State of Illinois the best hospital care and health care for

our citizens, particularly those in need, truly in need, for those who are ill, they are still our responsibility, and pay for that care and continue those health care programs and not have to vote for a tax increase. I would like to think that we could have the best mental health program in the State of Illinois, that we could take care of those in need and show them compassion. And so that when I went to Murray Children's Center in Centralia, Illinois, that I would be assured that those young people in that facility would continue to have the very fine care that the State of Illinois has extended to them, including two near and dear friends of mine, and not have to vote for this tax increase. I would like to go back to my district with the best senior citizen programs that this State can have so that the senior citizens...in this State can live in dignity, have adequate housing, good medical care, nutrition programs and transportation. So that when I go back and meet with them, we can continue those programs, and not have to vote for this tax increase. I would like to go to the...the best universities in the State of Illinois, those people that provide us with the research and development necessary for the very economic growth and development of the State of Illinois, turning out those people who will not only be our business and government leaders, but those who will be the future leaders of this nation, and not have to vote for this tax increase. I would like to continue the best community college program in the United States essential for our economic development; essential for job training; essential for...vocational training, and not have to vote for this income tax increase. And finally, I would like to...the State of Illinois to have the best school system, for it is there we develop the young minds of the State of Illinois; it is there that we assure growth in the State; it is there that we move into the twenty-first century. For the children who go on those

yellow buses into kindergarten this fall will graduate from college in 1990, and we set the direction this evening on what those young children are going to have in their schools; what they're going to have in their community colleges; what they're going to have in their universities, and I would like to see them have those schools, those community colleges, those universities, and not have to vote for this tax increase. But I am persuaded by the problems that this nation faces in its economy and the problems this State faces in its economy that we cannot survive as a State; that we cannot continue those programs; that we cannot give care to our citizens in an adequate way unless we pass an increase in the sales and income taxes of the State of Illinois. And for that reason, I will vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Coffey.

END OF REEL

REEL #6

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I think what we're about here tonight and what we've been trying to do in the last few weeks or the last few months will set the stage for Illinois in...what I think is one of the most important decisions we have to make in dealing with the financial issues of this State. I think that some of the speakers that spoke prior to myself in saying that we shouldn't raise taxes are some of the same people that have been in this legislative Body, at least since my nine years of service to this State in the Legislature, has been supporting all programs and services that comes before them to vote on and yet not willing many times to face the financial responsibilities that we have to face and the responsibilities that we have to face here tonight. I'm not rising because I'm excited about increasing taxes on the people of my district and of this State but because of the responsibility, I think, as my...some of my colleagues have already stated, that we were sent here and the business that we are here to take care of. Some of you have said that we ought to do something about cutting. From what I've seen here in the last twenty-four months, we have been cutting. We've been giving tax relief in the last four years and I don't think that's been mentioned. We've gave as much tax relief as we're talking about giving on a tax increase. And we gave that tax...we removed those taxes when we had the finances to do so. When the revenues were available, we tried to cut the taxes in the areas that we thought was necessary, and that our request of our constituency. We removed the inheritance tax. We've knocked half of the sales tax off of food and medicine. We've knocked the sales tax off farm machinery and

equipment. We've knocked some of the sales tax off of replacement equipment for industry. Some of you and some of our constituents maybe have forgot about that, and I think it ought to be considered. And we've been making cuts, we've been making cuts in services, and I think the people in my area have been saying to me, and I early have told my constituency, if I felt it was necessary to support a tax increase, and it was a reasonable one and that we had made the cuts I thought that we could make without cutting into the services that we should provide for our people to the place it would be critical and to take the quality of education away from our children and the higher education that we owe our children, that I would support a tax increase, if and when I felt it was distributed properly and if I thought it was a reasonable increase. I don't totally agree with the way this package was put together, but I guess if we all had to be totally in agreement with the way the package was put together, we would never pass anything out of this General Assembly. I earlier said, in this package we're removing the sales tax on food and medicine, I felt that we should put the other two cents back on instead of removing this two cents that we're about to remove tonight; but I guess I was outnumbered by some of the other...my colleagues that wanted disremoval, and I'm standing here and willing to support that and to remove that tax and add an additional tax on my constituency. I think it's a responsible thing to do. I think that we have to provide those services necessary for our people, and I'm going to place an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator...Senator Vadalabene.

SENATOR VADALABENE:

Yes, I'm going to talk briefly, too, in regard to the State Income Tax measure. Now, I'm starting my seventeenth

year here in the General Assembly and some people say to me that Madison County has sunk about two feet on the projects that I have brought to my district. I can cite just a few, the two million seven hundred and fifty thousand dollars for the warehousing and docking facilities which is fastly becoming one of the greatest ports in the State of Illinois, the Tri-city Port Authority. Right now, a dedication will happen in September. The biggest capital project last year in the State of Illinois, the eleven million dollars for a multipurpose building at SIU Edwardsville. The State of Illinois seen fit to put twenty-eight million dollars in a hundred and seventy-five million dollar plant in East Alton, Illinois, which will be soon dedicated. I've been successful in getting new bridges, new highways, widening and resurfacing, and I could go on and on and on and on. And now the Governor needs me as badly as I needed him. He responded when I asked him for these capital projects, another one was a new building at the Lewis and Clark Community College in Godfrey, and I'm going to give the Governor that vote, because he's been an honest man, he's made his commitments to me, and I'm going to make my commitments to him because Governor Thompson, contrary to some other Governors that I have served under and there was five altogether, has kept his word and he is sinking Madison County to a beautiful level.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of the Conference Committee report on House Bill 1470, which, a I'm sure the membership has noted, has been signed by the leadership in both Houses. Nobody on either side of the aisle in either Chamber can deny or will deny the fiscal difficulty that the State of Illinois

is confronted with. We, like many other states, have high interest, even higher unemployment, this economy is soft, it's terrible, and what happens in a bad economy? Where do people turn? You and I know that, that's why we're here, they turn to the government. And nobody here...because we were all out on the campaign trail trying to get here. Nobody here, either House, either side of the aisle denies the needs, the needs of the unemployed, the needs of the school kids, the needs of the medically indigent, the needs of our wards, the people with whom we have been entrusted, the wards of the State that are cared for by the Department of Mental Health and by the Department of Children and Family Services, our wards. Nobody denies the needs of the poor, the elderly, the handicapped, and the list goes on. And nobody here denies that the equation between the needs and the resources is not equal. The revenue side does not equal the expenditure side. You can't take an 8.6 billion dollar FY '83 expenditure and hope to provide the same level of service on a base revenue of 8.3 billion. You can't get all of those tomatoes in that little bitty can. So, what do we do? What do we do, we who are sworn to meet the needs of the people of this State, because this is the job we sought and swore to take seriously? I suggested in January a tax increase, and many of my friends, political friends and other friends, thought that I was suffering from politically terminal lunacy. In February, the Governor issued his call and he outlined the needs of the eleven million four hundred thousand people in this State, and on the 15th day of April we introduced a bill in the Senate that called for an expanded revenue base of 1.6 billion dollars, and on the 26th day of May, after a lot of agony in this Chamber, that bill was amended downward, and that bill is still sitting on the Calendar because we heard a lot of the same evasions that I'm sure are going through people's minds and have been echoed in

the caucuses lo these many weeks. It's too much, some say it's not enough. It's too long, it's too short. Where are we going to spend it? And we confronted the Governor of this State with those questions, and he said, here's my plan, here's where I'll spend it. And some said it was too much, didn't like where we were spending it, evading what I think is the central issue. So, we went to a summit meeting and the leadership decided that permanent was too much and we'd go temporary to see if, in fact, the economy would recover to the extent that we would not have to impose additional taxes on our people, because as has been pointed out and I'm sure is painfully clear to everybody, this is not a popular thing to do. So, we said this much and no more. And I've got four file folders full of plans; Plan A, Plan B, Plan C, Plan F, Plan F amended, and we wrestled for a couple of weeks because we were trying to at one time...at the same time meet the needs and at the same time secure the votes, and so compromise was and is and will always be in this Body inevitable. And so we compromised to what I think is a halfway reasonable level of allocations; not what everybody wants; certainly it's not what everybody wants, and it's probably more than some people want, but I ask you to seriously consider the alternative. We're up in elementary and secondary education, only sixty-four million dollars over FY '83 and that's not enough many say and I agree, but we're two hundred and ninety-eight million dollars over the alternative. And as Senator Buzbee so rightfully pointed out, this Chamber...this Chamber turned down the substantive change in the law which would have denied a hundred and forty-four thousand people in this State a hundred and forty-four dollars a month. We're not going to change that law, so that's got to be in the next budget and it's not accounted for, it's not in doomsday, that's two hundred and fifty million dollars. And you can't tell me that this Chamber or the House is going to deny the

municipalities and the counties of this State their one-twelfth share of the income tax and that's two hundred and ten million dollars, and that's not in doomsday either. So, when we get to doomsday, you're going to have to find four hundred and sixty million dollars because we will not, I assure you, we will not change those laws, and that's a fact of life. And we're up seventy-five million dollars in higher ed., because whether you know it or not, the institutions of higher learning in our State are getting to the point where we're playing second fiddle and we ought not do that. We are not competitive. We are and have been the best and we ought to remain there, and that like everything else is costly. So, we're only up seventy-five million. We're up a hundred and seventy million over the alternative and that will provide some much needed aid for our institutions of higher learning. We're up forty-four million dollars in mental health, and that's not enough. Look at the alternative. We're only up ninety-two million dollars in public aid under this compromise, and that's unfortunate, it really is. But we're three hundred and eighty-three million dollars up over the alternative. We'll be able to fund general assistance at a hundred and forty-four dollars a month, below subsistence level; we'll be able to give some aid to the medically...indigent; we'll be able to restore some of the provider cuts so that health care in this State needn't be a disgrace. And what do we hear? We hear the same questions. And if nobody denies the needs, then why don't we vote? It's political suicide, some say; perhaps. Some avoiding a vote for gamesmanship, and that's unfortunate. Some are apparently are voting a...a vote because of relationship so it'll lack thereof with some third party somewhere, and that's unfortunate. Some are engaging in a little demagoguery, and that's unfortunate. But balance the revenue side against the expenditure side, and some say it's not enough, so I'm not going to vote for

it. We'll do it later. There won't be any later, because between tomorrow and next January 1, it's going to take an extraordinary majority to do anything effective immediately, and you and I are both realistic enough to know that's not possible, that's not doable. So, consider the alternative, and what is the alternative because it is fast approaching. You take 8.5 billion dollars worth of spending at a bare minimum to stay stable and put it into 8.3 billion dollars worth of revenue. Can't be done. It simply can't be done. And for those of us who represent in whole or in part the City of Chicago, let me point out to you that under the Conference Committee report in House Bill 1470, the citizens of the City of Chicago, the people we represent, across all those lines, education, public aid, mental health, children and family services will receive six hundred million dollars more in services than they will under the alternative, six hundred million. If you want to wear the jacket for denying them that, that's unfortunate. 1470 is not satisfactory. It's not satisfactory, frankly, to any one of us who signed it, but it's all we have. It has received 63 affirmative votes in the House and we're now an hour and a half from Fiscal '84. Tomorrow morning we'll start on the appropriations. We'll either allocate or we will cut dramatically. And when we vote on those appropriations, we will for too many...for too many in this State determine the quality of their life for the coming year. The present and the future needs of this State are undeniable; and I suggest to you, so is our responsibility. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. I rise first to object to characterization of why people are

voting on this, because if you want to characterize people's intentions, I can do a good job on that too, Mr. President. We have been considering this for the last three or four months. We all have agreed that a tax is necessary, but the question before us has been upon whom is that tax to be levied, and we had a lot of sacred cows. We talked about decoupling but we couldn't touch the corporations; a unitary tax, well, that was out of the question, all the problems with the court, et cetera. And yet we, in this Chamber, had hearings and we had people from Chicago United come down and we said, what have you been paying? What has the corporation...what have the corporations been paying in the last four or five years because when this tax first went on, for every four dollars that an individual was paying in this State, the corporation was paying a dollar. In the last five years, we have seen that dramatically change so that corporations now pay a dollar and we, the individual, pay approximately seven dollars. So, we left the corporations and we said, we have an income tax, a sales tax, a real estate tax, and a gas tax. Can we consider them all in the same context? Could we consider gas...gas tax along with transportation? Out of the question. We said, well, what about real estate tax and income tax, because the crying need was for education in the City of Chicago; but Doc will tell you, out of this nine hundred and twenty-five million dollar tax increase, somewhere between sixteen million and twenty-five million will go to the Chicago school system. But we got our answer this evening...I guess we got our answer earlier than this evening on whether or not we would consider real estate tax and income tax in the same question. So that we sent out of here, and the House passed this evening, a fifty cent tax increase on the property owners in the City of Chicago. We said, wait, talk...let's talk about this, you know, is fifty cents necessary? Ninety million dollars, is that necessary?

Can we talk about twenty cents, twenty-five cents, some other number? We got our answer tonight and the answer to that was, no. Well, I suggest this, Ladies and Gentlemen, particularly you from Chicago, let's put another ten cents on the real estate tax. We'll raise all the money that we need for the Board of Education. Vote this thing down and then the alternative, we can let Speaker Madigan, President Rock take a walk down to the second floor; tell the Governor, amend this...amend that real estate tax down to twenty-five cents and let's talk about this again. I urge that we reject Conference Committee Report No. 1 to House Bill 1470.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and...Ladies and Gentlemen of the Senate. I also encourage the rejection of this Conference Committee report, and I'd like to ask the sponsor of the Conference Committee report a question, if I may.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson, a question. He indicates he will yield. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. We had two different Conference Committee...revised conference...package of revenue estimates placed in our hands; one, June the 28th; and one, June the 29th. And I'd like to ask you, Senator, if the increase in revenue of a...by sixty million dollars, is that the change because of the Economic and Fiscal Commission's revenue projection based higher than the BOB projection?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson.

SENATOR DAVIDSON:

Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lechowicz.

SENATOR LECHOWICZ:

Why don't we just leave the mike on? So, this package is the most optimistic revenue projection available in this State, is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson.

SENATOR DAVIDSON:

Based on the best information, the Economic...Illinois Economic Fiscal Commission had to offer.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lechowicz.

SENATOR LECHOWICZ:

Also, the assumptions for allocation on the thirteenth school aid payment, according to the current Statute, is approximately a hundred and ten million, is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson.

SENATOR DAVIDSON:

That's correct.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, according to the figures that President Bock put into the record, this package may be short approximately a hundred million dollars. Do we have your total commitment that that thirteenth school aid payment will be paid?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson.

SENATOR DAVIDSON:

For whatever I have to do with it, yes, it will since I was one of the ones who negotiated the thirteenth payment back in.

SENATOR LECHOWICZ:

Now on the Conference Committee, if I may.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lechowicz.

SENATOR LECHOWICZ:

Ladies and Gentlemen, I just wanted to point out to you that there are certain inadequacies in this Conference Committee. I'm not saying that the revenue picture is as good as projected. I personally believe there will be a shortfall; a shortfall of approximately a hundred and fifty million dollars in this compromise package. Let us talk about the shortfall and how it affects people throughout this State. The shortfall as far as the people that are trying to make things meet and are saying the General Assembly has met, the Governor in October said there was no tax increase for anything; and here, within a period of eight months, we're going to have a billion dollar increase based strictly on an income tax change, based strictly on an increase in the sales tax; and yes, we have some other good items for your approval. Real estate taxes in the City of Chicago will be the highest in this State, higher than suburban Cook County, and I know you're...all happy to hear that, but unfortunately, Chicago has an older and aging population. The people that I represent are older people who are trying a...and having a very difficult time in making things meet. And what did you do to us just recently, you changed our multiplier so the little bit of relief that is contained in this compromise package on real estate is really...insignificant to the change you made in the multiplier. That was done for...strictly for financial reasons for the State. You shifted that burden to us again for...additional real estate, and you're shifting it to us again with the fifty-cent plan, you really shifted it to us. Let us talk about in 1969, when the original income tax was presented. It was presented with the fact that real estate taxes was supposed to go down.

It's in the record, it never transpired. Unfortunately, government spending rises to the revenue. That's exactly what's happening here. And what are you going to do on transportation, part of this wonderful package? You've taken away the hundred percent State bonding for the City of Chicago. You're going to give us seventy-five million dollars in bonds in this program. You're giving us seventy-five million dollars for mass transit...and fifteen million...under House Bill 1305 which will give us the highest gas tax in the nation. This is part of a series which will drive not only industry out of this State but people as well. We just went through a...reapportionment and a census. We noticed that there was a change, we lost two congressional districts in this State. Loss of people. Why do you think we lost these people? Do you think that because...everybody left because of the sun in the sunbelt, or the warmer climate? When you impose a tax of this magnitude, I'm talking about the entire package now, a lot of people are going to be leaving. Do you think you're going to have industry expanding in this State when you have a tax package of this magnitude? Do you think that you've been honest with your constituents in stating that, yes, we..we understand your plight. There's a...I mean, there's eleven million people out of work in this country...in fact, Schuneman was absolutely correct, in the Peoria district or in certain areas in the City of Chicago people are looking for jobs, and do you think this package is going to be entertaining to them? Do you think this package is going to be entertaining to the people in my area that are barely making it, and I'm...and I'm going to come home and say, oh, yes, we only increased your income tax, your real estate tax, your gas tax, and you know what? There's a couple of other hidden taxes that's not even been made to the public record. I strongly encourage that this Body, and this is not the last day, the last time, we've been around here

for a long time. I don't believe the real estate interests as far as the people paying real estate bills have been addressed properly; I don't believe that the amount...dollar amount that is generated in this bill should really signify why should be voting for this thing at all; and in a year and a half, you're going to be putting in the same area of concern. This should be rejected. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson to close.

SENATOR DAVIDSON:

Mr...excuse me, Mr. President and members of the Senate, number of things...number of things have been said, both for and against; but remember the bottom line, and the bottom line is, we're here to furnish service to all the people of Illinois. Remember two things. There is a permanent tax relief by the removal of the two cents on food and drug; and secondly, the income tax is a temporary tax only, eighteen months goes back, then to two and a half, and four, one of the lowest, if not the lowest rate...flat rate income tax in the nation. And the most important thing, there's permanent...permanent tax relief on property tax to the homeowner. The first time in history that we, the State, have done anything for the removal, or relief, or reduction of property tax for the homeowner. We're giving relief where we receive none of it. Every one of you sitting here well know that every penny of real estate property tax goes to local government, not one penny comes to the State of Illinois. Ladies and Gentlemen, may not be the best, may not be the worst, but as I said in the opening statement, when you work at a compromise, that's what it is, try to do the best you can for the most of the people at the least harm to the least number of people. I think this does this. I commend this to you for a Yes vote.

PRESIDING OFFICER: (SENATOR BRUCE)

*Mr. Buzbee
3rd Reading*

The question is, shall the Senate adopt the Conference Committee report on House Bill 1470. 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? Have all voted who wish? Take the record. May we have order, please. May we have order. On that question, the Ayes are 30, the Nays are 9. The Senate...the Nays are 29, none voting Present. The Senate does adopt the Conference Committee report on House Bill 1470 and the bill having received the required constitutional majority is declared passed. For what...for what reason does Senator Buzbee arise?

SENATOR BUZBEE:

Mr. President, having voted on the prevailing side, I move to reconsider the vote by which Conference Committee No. 1...Conference Committee Report No. 1 on House Bill 1470 be reconsidered.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to reconsider. Senator Davidson moves to lie that motion upon the Table. On the motion to Table. Those in favor say Aye. Opposed Nay. The Ayes have it. The motion to reconsider is Tabled. Pursuant to rule...may we have order, please. We are still in Session. Pursuant to written motion, we will now go to the Order of House Bills 3rd Reading, House Bill 1305. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1305.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza, you are recognized. We have read the bill a third time. May we have order, please. We are on House Bills 3rd Reading, page 3 of your Calendar, House Bill 1305.

Senator Nedza is recognized.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1305, as I think every member in this Chamber is aware of the bill, is our gas...increase in our fuel consumption. The...I think I'll just...what the bill does is increase the motor fuel tax...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza, may I just try to get you some order? We are certainly happy to have our guests from the House. I would also call the attention of the Senate members to the bill under consideration. It has some passing interest to many of you. If we might have some order, please. Will the sergeant-at-arms please clear the aisles, and let's see if we can clear the people behind the last row of seats. Those not entitled to the Floor, please leave the Floor. Mr. Sergeant-at-arms, can we clear the aisles? Can we take our conferences off the Floor. May we have order, please. Would four Pages please come to the Secretary's Podium? The Secretary will be distributing to your desks the second Supplemental Calendar. If we can have just a little order, Senator Nedza...Senator Nedza, are you about ready to proceed? All right. All right, Senator Nedza is recognized on House Bill 1305. Ladies and Gentlemen, we are going...it's a quarter till eleven, we need to transact business here. If we can keep our conversations off the Floor. Senator Nedza is recognized...House Bill 1305.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. 1305 is...

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator Grothberg arise?

SENATOR GROTHBERG:

I would ask you, Mr. President, on a parliamentary proce-

dure. In the interest of time, everybody got their speeches in on the previous roll call. Could we use the clock? Could we find some discipline on the process for the next two bills, and I plead with you, Mr. President, to so rule.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The Chair will watch the...clock pretty closely. Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1305 is the three and a half...cent increase effective July 1st, 1983, and the motor fuel tax with an additional one cent to be levied on...July the 1st, 1984, and another on July 1st, 1985. The split of these revenues...of the new Motor Fuel Tax Fund revenues are split by a formula of seventy percent to the State and thirty percent to the local governments of this new money. With this increase in this gas tax, Illinois presently ranks forty-seventh in the nation. With the increase, it will rank twenty-eighth in the nation. The current nationwide average of the gas tax is...is slightly over twelve cents per gallon. House Bill...1305 would inadvertently generate approximately twenty-eight thousand...construction related jobs annually, and would also provide three hundred and ten million dollars annually in State assistance to cities, counties and townships throughout this State. There is each year a 2.9 billion dollar Federal Grant with the matching funds that would be provided by 1305. There is...

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator Coffey arise?

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I rise on a point of personal privilege and would like a ruling from the Chair on a bill that was passed on, before we continue to this, on House Bill 1978, which I am the

chief...Senate sponsor, has been...my name has been removed from the bill, and I want to know if that is possible by our rules in this Body without my authority?

PRESIDING OFFICER: (SENATOR BRUCE)

All right, Senator, is it 1978...Senator Coffey? Yes, the Secretary informs me that on June 30th, 1983, he received a letter from Mr. Jack Davis stating, "Dear Mr. Wright, I would like to inform you that as chief sponsor of House Bill 1978 that I am replacing Senator Coffey as chief Senate sponsor and request that Senator Keats be listed as chief sponsor," and pursuant to our rules...and pursuant to our rule, that...that is our procedure that a House sponsor may, in fact, remove a Senate sponsor. Senator Coffey.

SENATOR COFFEY:

Well, Mr. President, are you saying that...that a House sponsor can remove a Senate sponsor after it's went through 1st, 2nd and 3rd readings, then it can be removed? Is that going to be the process of this Body? That means you can steal bills at anytime?

PRESIDING OFFICER: (SENATOR BRUCE)

No, Senator, the...the Chair only operates by the rules, and under...under Rule 4, the House sponsor of a bill may remove or substitute the...Senate sponsor by notifying the President in writing. Senator Coffey.

SENATOR COFFEY:

Well, I just want to say this one thing, you better find a vehicle for any bills that I've got in this Senate having to do with transportation or anything else because I'll stand up and Table all of those bills unless this is corrected. If...if this Senate is going to allow bills to be changed after I've handled 1st, 2nd and 3rd reading and going allow the House sponsor to come over here and take that, then I will see how many of the Senate's bills I can veto on this side of the aisle and we'll look for vehicles for those. And

I'll also create any problems I can the rest of this Session. If it means me getting up and stalling this bill and others, then I will continue to do that unless I have a different ruling or something from our leadership they're going to change that.

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator, I...I hope you understand that the Chair had nothing to do with originating the letter. We only received the message. Senator Coffey.

SENATOR COFFEY:

Well, then, I would like a ruling from our leadership, Pate Philip on our side of the aisle, what...what he knows about that. I want to hear who is making these decisions.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, perhaps we should get back on 1305. Senator Nedza was in the midst of debate. Senator Nedza proceed. Senator Nedza. Proceed, Senator. Senator Nedza, you're recognized.

SENATOR NEDZA:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza, proceed. State your point, Senator Lemke.

SENATOR LEMKE:

I am stating my point. Are you denying the right...

PRESIDING OFFICER: (SENATOR BRUCE)

State your point or I will rule you out of order. What is your personal...point of personal privilege?

SENATOR LEMKE:

...I'm talking about personal privilege...denying another...

PRESIDING OFFICER: (SENATOR BRUCE)

State your point.

SENATOR LEMKE:

...Senator personal privilege. We have never done that in the history of the Senate and I don't expect the Chair to do it now, unless this is a place where they're going to railroad things through and not give the courtesy and personal privileges to another Senator, whether that Senator be a Republican or a Democrat. I don't think it's fair and I think he has that right, and I think personal privilege comes before any piece of legislation in this Body.

PRESIDING OFFICER: (SENATOR BRUCE)

I recognized Senator Coffey and he made his comments. I...all right, Senator Nedza. For...for what purpose does Senator Degnan arise?

SENATOR DEGNAN:

Thank you, Mr. President. I have the same problem as Senator Coffey with respect to House Bill No. 1805. I have in my hands a letter received from Mr. Jack Davis, Assistant Minority Leader. I'd like to know how I can pick up House Bill 1805 on May 31st of 1983, guide it through a committee, 11 to nothing, pass it on 3rd reading, amend it, have it come back for nonconcurrency, put it in a Conference Committee, have the Conference Committee outlined and assigned, and I'm on the Conference Committee, I want to know by what rule this can be done.

PRESIDING OFFICER: (SENATOR BRUCE)

It is by Rule 4.

SENATOR DEGNAN:

Can you quote me Rule 4?

PRESIDING OFFICER: (SENATOR BRUCE)

Yes, it says, "A House sponsor of a bill originating in the House may remove or substitute the Senate sponsor by notifying the President in writing," and that is exactly what has happened. The Chair does not involve itself in the debate. I'm only telling you what the rule is. Senator Savickas, for what purpose do you arise?

SENATOR SAVICKAS:

Well, Mr. President, I rise under Rule 26 on personal privilege that says, "questions affecting the rights, reputation and conduct of members of the Senate." Well, this is a matter that's affecting the rights of two of our Senators. When we...and I think you were involved and myself and Senator Netsch drawing up these rules and particularly this rule that calls for the House sponsor of a bill originating in the House may remove or substitute the Senate sponsor by notifying the President in writing, and I think we sat back in that little office back there to discuss this, and our feeling at that point was that this rule would only apply until the Senator took action on that bill in either in a committee or handled it in some legislative action. That's why this rule was so open and vague. You were part of the discussion, and I believe Senator Netsch was, and that was the only purpose that we allowed this particular rule to be so vague. There never was any intention that after a Senator guided and used his abilities to handle a bill through the first committee meeting that he could ever be taken off of this...off of any legislation. And I wish you were sitting in the Chair and saying that's right instead of ruling different.

PRESIDENT:

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I received a copy of that letter today in my office, I don't know what time, from Representative Davis taking Senator Coffey off, add the sponsor in writing. I have been in this Body for...going on ten years, that has always been our rule. This is not the first time it's happened. I appointed Senator Coffey as a member of that Conference Committee anyway. Now, it's a Conference Committee report and, as we all know, any member of that Conference Committee

can make a motion to adopt that Conference Committee. So, let's get down about the work of the Senate. The Chair has ruled properly.

PRESIDENT:

Further discussion? Senator Coffey.

SENATOR COFFEY:

Yes, Mr. President and members of the Senate, and our leader, Pate Philip, I've been here nine years, too, and I never recall a sponsor being removed after 3rd reading on a bill; and if you'd...if you got a letter in your officer, and you're our leader, then you should have notified me that that was happening, and that means that you don't care about your membership.

PRESIDENT:

Senator Degnan, for what purpose do you...oh, all right. Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. We'll start all over again. House Bill 1305 is a three and a half...cent increase effective July 1st, 1983, with a further increase of one cent on July 1st, 1984 and another on July 1st, 1985. This will increase from seven and a half cents to thirteen cents after 1985 on a gallon of gasoline. That will be an equivalent of about seventy-five cents per week for each motorist. Illinois presently ranks forty-seventh in the nation, and with this increase, with it's full increments, will rank twenty-eighth. The current nationwide average gas tax is over twelve cents per gallon. House Bill 1305 would generate approximately twenty-eight thousand construction related jobs annually, and it would also provide three and a...three hundred and ten million dollars annually in State assistance to cities, counties and townships throughout this State. There is a 2.9 billion dollar Federal fund match which will be provided with the

passage of this bill. The labor commerce...the labor in its entirety, commerce industry is supportive of the bill. I would...everyone is aware of what the contents of the bill, so I would now...if there's any discussion on the bill, I would have the Floor....any questions, I'd be happy to answer them.

PRESIDENT:

Any discussion? Senator Lemke.

SENATOR LEMKE:

Senator Nedza, how much of this tax increase is going to Cook County?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

The total that will go to the City of Chicago is one hundred and seventy-one million dollars. The total that will go to suburban, the six county area which I believe is District 1, will be four hundred and nine million dollars. The downstate portion of it will be six hundred and fifty-five million for a total of one billion two hundred and thirty-five million dollars.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

Senator Nedza, I asked you a question. I did not want to know what's going to District 1. I want to know what's going to Cook County only, that's the part I represent.

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Roughly twenty-five percent, if you'll...it's 1.235. The City of Chicago itself is one hundred and seventy-one million dollars, and I think that was the question...the answer to your first question.

PRESIDENT:

Further discussion? Senator Lemke.

SENATOR LEMKE:

I know what the City of Chicago is getting, but what is the Cook County part...the suburban Cook County getting?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

One hundred and thirty million dollars, Cook County proper.

PRESIDENT:

Senator...Senator Lemke.

SENATOR LEMKE:

And out of that area, what is the total tax that's being, in money, taking out of that area...raising...what is this tax raising?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Senator Lemke, according to what statistics are being given me now, approximately thirty percent will be generated from the County of Cook...approximately thirty percent.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

Will that thirty percent be generated from the trucking companies that ruin our highways or will that thirty percent be generated from the...the people that drive automobiles that can't use the roads because the trucks are destroying them?

PRESIDENT:

Senator Lemke...I mean, Senator Nedza.

SENATOR NEDZA:

I haven't changed yet.

PRESIDENT:

No...no...no, my mistake, truly.

SENATOR NEDZA:

Senator Lemke, that...that dollar total would be generated from every moving motor vehicle which will be using whatever means of transportation through the highway system in Cook County.

PRESIDENT:

All right, Senator Lemke, bring your...

SENATOR LEMKE:

I understand that, Senator Nedza, but I understand under this bill, with the raising of the gas tax and license plates and all this stuff, that the people that are going to pay for the damage to the highway, the majority of them are going to be private passenger owners and not those heavy trucks like they do in other states who make them pay for the damage. It is true that the railroads have to maintain their rails. The trucking companies don't have rails to maintain, they use our highways, and we are making private citizens that drive to and from work, if they have a job, pay for those roads that are damaged by these heavy trucks. This is a bad, bad bill. This is another tax on the low and...and medium income people. It's another tax. In the City of Chicago it means another twenty-six, twenty-eight dollars a year. This means that in this Senate, and in this Body, we are going to tax and tax the people in my area over two hundred dollars to three hundred dollars a year, and I think this is a bad bill, and I think this bill should be stopped until it's proportionately set up, and that this President would have left the amendment on so we would have had a weight distance and that these trucking companies would have paid and paid for the damage they do to our highways, in our city streets, in our alleys and all over, and I think that this is terrible. It's a disgrace on this Legislature to tax low income people and

medium income people on their vital means of transportation to and from their work because we don't have an effective mass transit system in that area.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I've looked over this 1305 and I can honestly tell you that I'd heartily disagree with the Director of Transportation, Mr. Kramer, who has advocated this package. I think it is a very, very unfair. It's much too much because although we have to have matching funds in order to get our Federal funds, I understand we...have to have a twenty percent matching funds, the way this is allocated it's far more. It returns to my county, for example, approximately thirty percent, is it, and seventy goes to the State? Well, I think that's fine but we have great needs in the...in the third largest county in the State of Lake...which is Lake. I think it's a very unfair tax. I think it should be restructured and there's no question in my mind that the comments of the prior speaker have a lot of merit. I think it's an overblown transportation tax, and I think it's rotten for the middle-class American who carries the freight of the taxes.

PRESIDENT:

Further discussion? Senator Joyce.

SENATOR JEREMIAH JOYCE:

Will the sponsor yield?

PRESIDENT:

Sponsor indicates he'll yield. Senator Joyce.

SENATOR JEREMIAH JOYCE:

Senator Nedza, would you explain the...what the Federal match is on this program?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Senator Joyce, there is a...I'm...I'm told that there is a variable. It runs from fifty percent to ninety percent depending on the type of project which would be in effect. Each...there are projects that are placed in various categories, and in those categories there are certain allocations of...of matching funds for whatever type category project it is. So there would be a wide range between...

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

What is the department's estimates with respect to how much that Federal match is going to be in dollars?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

I'm told a hundred and forty million a year.

PRESIDENT:

...Senator Joyce.

SENATOR JEREMIAH JOYCE:

Then that hundred and forty million, does that reflect a...a median or, you know, running with a fifty percent to ninety percent, how do you arrive at that number?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

I'm sorry, Senator, I was in conversation at the time of your question. If you would kindly repeat it.

PRESIDENT:

...Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, this amount which is fifty percent to ninety percent of...of what, of the...of the total?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Senator Joyce, I'm told it's a hundred and forty million dollars of State funds to match the Federal aid, and that is broken down into various categories into the specific projects.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

And the department has made a guesstimate or estimate as to how many jobs will be generated from the revenue derived from the passage of House Bill 1305, is that correct?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

That is correct, based on their previous job projects and what have you, that's an estimation of how many project that would be starting to generate the jobs that they would...that would...the amount of projects that would be started to generate this type of job.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

And...and what is that number?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Twenty-eight thousand.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

That is twenty-eight thousand new jobs annually or is that twenty-eight...excuse me, twenty-eight thousand new jobs

annually?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Twenty-eight thousand construction related jobs annually.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

And are all of those jobs covered by affirmative action?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Yes, they are. Fifteen percent.

PRESIDENT:

Senator...Senator Joyce.

SENATOR JEREMIAH JOYCE:

...wait...wait...are all of them covered by affirmative action, or are you saying that fifteen...Al, you want to get another microphone there and join in or...you got fifteen percent of them. Are...are...are fifteen percent of the total jobs covered by affirmative action or does affirmative action require that fifteen percent of the total jobs be to minority related...workers?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

You have just made the...the answer, it's fifteen percent related to...to minorities.

PRESIDENT:

Senator Joyce.

SENATOR NEDZA:

That's a guarantee. That's part of the...

SENATOR JEREMIAH JOYCE:

Now under minorities, we are talking about Span-

ish...Hispanic, black and female...women? PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Yes, we are. Whatever is in the...the Statutes...in the Affirmative Action Statutes, Senator, would be covered by it.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

And how do these jobs break down between black, Hispanic and female out of that fifteen percent of that total twenty-eight thousand?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Whatever the category, and I use category minorities, whatever that category being, be it black, be it Hispanic or be it female would fall into that category. Exact numbers, there's no way of determining.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

So, you are saying then that this fifteen percent of twenty-eight thousand which would be, what, forty-two hundred jobs...give or take a few, if I calculate...they could possibly be all female, they could possibly be all Spanish, they could possibly be all black, or they could possibly be all Spanish female, or black female.

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

That is correct, as long as they fit the category or...of...of minority.

PRESIDENT:

All right, Senator Joyce.

SENATOR JEREMIAH JOYCE:

Where is that stated in the...in...in a Federal Statute
or is that stated in the Illinois Revised Statutes?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

That is part of the Federal Affirmative Action Statutes.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

And if I was...if I had some friends of mine who wanted
to get some of these jobs, how would they go about getting
them?

END OF REEL

REEL #7

SENATOR NEDZA:

I haven't the faintest idea other than saying that they would apply for the position of whoever the contractor, if it be the State or if it be an individual, they'd have to...fill in an application and make an application for that position.

PRESIDENT:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and members of the Senate. Question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Maitland.

SENATOR MAITLAND:

Senator Nedza, I have a...a question or two that I...I must ask you. We are all fully cognizant of the fact the State had to go to eighty thousand and that indeed the interstate system and certain designated State highways will be permitted to accommodate the eighty thousand pound weight. It's further my understanding that subsequent to the passage of this bill, it will be possible to make a request and that certain other roads may be designated to accommodate eighty thousand. Is that the purport of the bill?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Yes, Senator Maitland. Under...under this proposal, if this bill was to become law, in five years it would enable four thousand miles of additional...State highways to be brought up to whatever category it has to be, and also nine hundred bridges could be improved. So, that, I think, was the point that you're trying to bring out. It would resolve

both of those problems.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Just very quickly. But in the meantime, it will be possible to extend the authority on certain designated roads as long as they don't interfere with...with bridge restrictions or something like this. In other words, we do...there are a number of problem areas yet in the State that will not accommodate eighty thousand, I think you're aware of that, and there are going to be requests. I want the assurance that except for the bridge weight limitations and those things, those requests will still be in order in all...in all likelihood, the secretary will grant that authority.

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

You are correct.

PRESIDENT:

Further discussion? Senator Savickas. Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I rise in opposition to this bill, and I rise against this...more now than I was going to earlier. I think this bill and what has happened here tonight proves...that we should be taking a real good look at this bill and the kind of deals that has been made in this situation. I regret that I've already voted on the tax package, because if I had it to do over, I would pull back because I'm not sure what's in that bill, and I can't even trust my own leadership on my side of the aisle when they say that we should just take their word for it. But...on this issue, there's a lot of problems with this, and one of them is that...that local government is...being taken by this. They've been taken on

other issues that's been before us, and they're forced to stay quiet and not say anything on the issue, and especially at the municipal level. They're losing a lot of revenue in this...in this program. It's not in the best interest of local government. The bill stinks. It raises the registration fees to forty-eight dollars and it's a fixed cost on the people of this State that can less afford the cost. It has a five cent motor fuel...five and a half cent motor fuel tax cost in it. It's devastating to our area, especially...especially when we have to depend on the Secretary, John Kramer, and I hope he's near, to be the one to manage these dollars. He has slid money out of the bottom end of this while asking for a tax increase and going around this State and...

PRESIDENT:

A little order, please.

SENATOR COFFEY:

...he travels around this State telling the citizens of this State, the...the contractors, the teamsters, that we need additional money for roads, and at the same time he slides money out of the bottom and does something else with it. He should be replaced as Secretary of the Department of Transportation and anyone else that has had anything with the dealings on how this whole program has been put together. And I hope Representative Davis is nearby too, because he better never send a bill over here that I have any opportunity to do anything with. He doesn't deserve to be in the House of Representatives or he doesn't deserve to be in the Legislature. And if I have any bills that I can possibly put back into committee that will slow down the movement of this Chamber, I will certainly do that. I hope that this Body sees that we should turn down this bill and put it into a Conference Committee, and the next bill that will follow in restructuring the mass transit system, I hope we kill that

bill too, and then maybe we can get down to the people that's trying to finagle some of this legislation through this General Assembly. And I'd ask for a No vote.

PRESIDENT:

Further discussion? Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and...Gentlemen of the Senate. Will the sponsor yield to a question or two? On page 1 of the bill, lines 30, "The proceeds of the increase in registration fees and in flat weight taxes and in mileage"...Jerry, please..."mileage weight taxes imposed by this Amendatory Act of 1983 shall be placed in the State Construction Account Fund in the State Treasury. For the purpose of this...paragraph the increase in the flat weight tax imposed on the Section 318 shall be computed as a new Class X and Z, had been subject to a tax rate there applicable to a class 5 or fifteen hundred and two dollars." What are they referring to over there? That's on page 2, basically, it's line 1 through 15. Are these new taxes on new classes of vehicles?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

There are...there are two new classes of heavy vehicles that can only...the funding that is derived from this can only be used for construction.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Mr. President, could we have some order in this Chamber?

PRESIDENT:

Yes, there will be a roll call, as I'm sure you are aware, rather shortly. Can we have some order. If we can expedite the questioning...

SENATOR LECHOWICZ:

Well, I'm trying to, sir, but...

PRESIDENT:

I understand, it was not your fault.

SENATOR LECHOWICZ:

Classes X and Z, is that a new category?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Yes, sir.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

What does that include?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

It...that are two...they are...they are two categories, Senator. The Class X is the category for anything of seventy-three thousand...to seventy-seven thousand, and Z is for anything of seventy-eight thousand to eighty thousand.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, to be very concise, the classes that are contained in lines 1 through 15, are they all new classes, because you just mentioned the two? Now, the other ones that are mentioned as far as TL, MX, MZ, MV, MM, ML, are these all new classes as well?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

No, sir, they are not, they are all existing classes. Those are the only two new classes are X and Z.

PRESIDENT:

Yes, Senator Lechowicz.

SENATOR LECHOWICZ:

Would you be so kind and give us a breakdown as far as in the...two new classes what they're expected to generate in revenue?

PRESIDENT:

(Machine cutoff)...Nedza.

SENATOR NEDZA:

Senator, I've been advised that approximately twelve million dollars in each of those categories.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

So, that's a total of twenty-four million then?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Twelve total.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

On page 3, it says, "Effective October 1st, no vehicle required to pay Federal highway users tax shall be registered unless proof of payment in the form prescribed and approved by Secretary of State is submitted." Now, is that again on all those vehicles that were...that I just listed, or does that also include farm vehicles? What vehicles are included in that form? Because the...Secretary of State also has the authority to refuse registration. Will that mean all truckers then would have to make sure that this form is filed with the Secretary of State, and how often...is it updated?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

I'm advised that this is a new Federal requirement and that is why the language is there.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

On page 6, you have the beginning of 1985 registration year in increases. What type of revenue do you intend on generating on thirty-five horsepower or more, as far as the increase, thirty-five horsepower or less; then, motorcycles and your respective truck classifications?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Senator, I don't have the incremental breakdown on each category that's listing, but the total that would be...we would receive is one hundred and fifty-seven million dollars on large cars, pickups and other trucks which are under the...not...not covered by the...heavy trucks. The heavy trucks would increase twenty-six million.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Does that mean that you don't have a breakdown as far as between the difference between thirty-five horsepower or more, or thirty-five horsepower or less and the...computation on that dollar figure and...and the trucks?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Not at my desk, Senator, but that...information will...could be made available to anyone who requests it. But they didn't break down...I don't have the entire break-

down on the entire bill in each category. I only have the totals that will be encompassed by those categories.

PRESIDENT:

Senator...yes, Senator Grotberg, for what purpose do you arise?

SENATOR GROTBORG:

Thank you, on a point of order, Mr. President.

PRESIDENT:

State your point, sir.

SENATOR GROTBORG:

I object to the dilatory tactics of running out the clock when everybody in this House has had the facts of this bill for more than a week, and I understand the game. I have made an earlier request to watch the clock. We've gone through three clocks with the gentleman who is now...has the Floor, and I object, Mr. President, and would ask that we get along with the business of the House...the Senate and...and...and do some other things.

PRESIDENT:

Your point is well-taken...

SENATOR GROTBORG:

Like move. I move the previous question.

PRESIDENT:

...the point is well-taken. I will ask the gentleman to be courteous to the other members and conclude his remarks. Senator Coffey, for what purpose do you arise?

SENATOR COFFEY:

Point of personal privilege.

PRESIDENT:

State your point, sir.

SENATOR COFFEY:

That maybe was true a few minutes ago, maybe we didn't need to discuss or debate this bill, but I'm thinking more we ought to spend more time to see what else might be going on

in this bill or anything else, Senator Grotberg. We're not sure we know what's in this Chamber from this time on.

PRESIDENT:

Senator Lechowicz, if you would, please.

SENATOR LECHOWICZ:

Thank you, Mr. President. I do really appreciate the indulgence of the Body, but I think...let me very succinct then. Maybe the gentleman has the answers in very broad categories. Could you give us, in broad categories, the dollar amount that's going to be generated in this bill from license tax increases, from gasoline tax increases, and if there's any bonding proposals in this bill, and for what purpose they're going to be used. In conjunction with that...those three items, I would also request that you would make a comparison to the adjoining states and how Illinois will rate with the gas tax imposed in this bill and the respective local and county taxes and make a fair comparison.

PRESIDENT:

If we can have a little order now, we're getting down near the bewitching hour. Senator Nedza.

SENATOR NEDZA:

Senator...Lechowicz...Senator, in the...the motor fuel tax, which is the three and a half cent, that will average...the total average will be two hundred and ten million dollars. The license plate fees for the cars and small trucks will be one hundred and fifty-seven million dollars. The heavy trucks will be twenty-six million dollars, which will be three hundred and ninety-three million dollar total. There is no bonding provisions in this bill at all. The current rank of the State of Illinois is forty-seventh. When this increase is encompassed, if it is, the State will rank twenty-eighth in the United States. And in the surrounding states...Iowa is thirteen cents, which we will be on par with; Wisconsin is thirteen cents, Indiana is eleven cents,

Kentucky is ten cents and Missouri is seven cents. Illinois presently is at that seven and a half, and it will be in concurrence with Iowa and Wisconsin. I think that answers all your questions.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

It does in a...in a portion of it, but I think what I asked was a total tax package on a...gallon of gasoline State-wide. And you made the difference as far as the State tax, the increase, but I don't believe you showed the difference as far as the respective local areas and the type of tax that they impose. My question, very directly is, when a person buys a gallon of gas, how much taxes in total will he be paying in Illinois in comparison to Indiana, Missouri, Wisconsin, Iowa and the surrounding states? I think I missed one, Tennessee.

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

I...I thought I just answered that, Senator. We will...in July 1st, 1983, if this bill was to become law, it would increase it three and a half cents. We are now presently at seven and a half cents, so that would make us eleven cents. Eleven cents in comparison to thirteen cents for Iowa, thirteen cents for Wisconsin, eleven cents for Indiana, ten cents for...Kentucky, seven cents for Missouri, and that's all our surrounding states.

PRESIDENT:

Alright. Further discussion? Further discussion? Senator Nedza may close. Senator Coffey, for what purpose do you arise?

SENATOR COFFEY:

I would like to speak on this bill, and my light is on.

PRESIDENT:

You are entitled. Just keep an eye on the timer.

SENATOR COFFEY:

I have a question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield.

SENATOR COFFEY:

In the House there was a House Amendment No. 8 put on which includes park districts, forest preserve districts, conservation districts and...rechanges the definitions of...of road districts and says that those particular roads, the miles, can be used in computation of the motor fuel tax increase for that given township. How many miles of roads are we talking about in this State that's going to be used in that computation, and how much money is that going to take away from the other roads in those townships?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

The...the amount of roads I don't know, but it only redistributes two hundred thousand dollars in total.

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

Well, how do we know...how do we know it's only going to cost two hundred thousand dollars when the computation is used on road miles? I mean, they...if they know it's going to cost two hundred thousand dollars, they ought to know how many roads is going to be included in the formula.

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

It doesn't cost anything, Senator Coffey, it's just a redistribution of two hundred thousand dollars. There's no

cost, it's in there now.

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

My...that's not my question. How much money is it going to take away from the other township roads? That was my question. And how many miles is that? If you tell what the miles are, we know how to compute the figures so we'll know what the cost is.

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

I don't have the miles, Senator, all I have is a two hundred thousand dollar figure, and the two hundred thousand dollar figure, whatever pro ratio it is throughout the entire State, that's what it is. I don't have the calculator in front of me.

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

Okay, there was another amendment put on, Amendment No. 16 which requires the...Chicago to use twenty-five percent all the...State motor fuel funds for their nonarterial residential streets. Could you explain that and how that will work?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

...Senator, it doesn't require Chicago per se, it requires every municipality over five hundred thousand population to expend twenty-five percent of their allocated...allocation of the State Motor Fuel Tax Fund revenues on the reconstruction and improvement of nonarterial streets. That's part of their allocation.

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

Well, just...just to speak on the bill. According to the staff analysis both that I have from the Senate and the House, that is not the way they analyze that bill. It...they say, specifically, it deals with Chicago streets and that twenty-five percent of that State motor fuel tax is used on those arterial streets in the City of Chicago. This is more reasons why the explanations has not been given to us true. You have a person standing near you that knows these figures and knows those miles, and he also knows how those are computed, and I think he is again holding information from us to make decisions in this Body. Back to the...back to the issue of this bill. You know, we are asked...and at sometimes I thought we...when we talked to lobbyists, we ask and we depend on the ones that are responsible, the ones that gives us...the ones that gives us both sides of the issues. And we're finding it more and more that we can't trust, some of our own departments and the department heads to give us accurate figures. And I hope the Governor is in his office, because I sat down here with the Governor and I gave him my word that I would try to help him with the revenue problem in this State, and I kept my word. I kept my word when my two Reps from my own district voted opposite on that issue. And I think he ought to take a real good look at not only the Secretary of Transportation, but the people that's guiding him in that area. And I hope that he soon calls me and gives me the opportunity to discuss that with him. If it gets to the place that this General Assembly can't depend on those people that we hire to run our departments in this State, we are in sad shape and we...shouldn't give them additional tax money to run this State. I, last night, was in my office and there happens to be a conference room between me and Senator

DeAngelis, and Secretary Kramer and some of his staff and, I think, Senator Nedza, you was in there some, but every time I went to my office, they slammed the door so I couldn't hear what was going on in that office, and I'd only...suggest to him, Secretary Kramer and staff, find another place to make your conferences, we don't need you in that wing. And, Governor, again, I hope within the next twenty-four hours you have the courtesy to have an appointment with me to discuss what's happening in the Department of Transportation and the kind of people that Secretary Kramer is hiring.

PRESIDENT:

Senator Nedza may close.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. There's not much more that can be said on this bill. I think everyone is apprised of it. It's something that has not been thrown on your desk just today or yesterday, it's something that's been before you for over three weeks, and I would at this moment ask for your favorable consideration.

PRESIDENT:

The question is, shall House Bill 1305 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 33, the Nays are 26, none voting Present. House Bill 1305 having received the required constitutional majority is declared passed. Will the members please be in their seats. Senator Lemke has requested a verification. Members please be in their seats. Senator Lemke has requested a verification. Will the members please be in their seats. Secretary, please read the affirmative vote.

SECRETARY:

The following voted in the affirmative: Barkhausen,

Becker, Buzbee, Chew, Collins, D'Arco, Davidson, Dawson, Etheredge, Fawell, Grothberg, Hall, Holmberg, Jones, Jerome Joyce, Keats, Kelly, Kent, Lechowicz, Maitland, Marovitz, Nedza, Netsch, Newhouse, Philip, Rigney, Sangmeister, Schaffer, Smith, Vadalabene, Watson, Weaver, Mr. President.

PRESIDENT:

Here. Senator Lenke, do you question the presence...

SENATOR LEMKE:

Senator Jones.

PRESIDENT:

Senator Jones is in the Well.

SENATOR LEMKE:

Senator Kustra.

PRESIDENT:

Senator Kustra is on the Floor.

SENATOR LEMKE:

I...I didn't see him. They were standing in front there, I just wanted to make sure.

PRESIDENT:

I understand. I understand.

SENATOR LEMKE:

Okay.

PRESIDENT:

Alright. The roll has been verified. On that question, there are 33 Ayes, 26 Nays, none voting Present. House Bill 1305 having received the required constitutional majority is declared passed. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Voted on the prevailing side, I move to reconsider the vote by which 1305 passed.

PRESIDENT:

Senator Davidson having voted on the prevailing side, moves to reconsider the vote. Senator Rigney moves to Table

that. All in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. The motion is Tabled. Senator Keats, for what purpose do you arise?

SENATOR KEATS:

To move concurrence on Conference Committee...report on House Bill...what is the number?

PRESIDENT:

1978...

SENATOR KEATS:

1978.

PRESIDENT:

...if you look on Supplemental Calendar No. 2, the Conference Committee report with respect to House Bill 1978. Supplemental two...report has been distributed...yes it has. Wait just a minute...wait just a minute. The report has been distributed. Well, we are going to make sure you get one. The Secretary informs the Chair that the report was distributed by the Pages. You found it...no, not the big one...alright, wait just a minute...wait just a minute, let's find out where we are here. Alright, we're on the Order of Supplemental Calendar No. 2, the Conference Committee report on 1978. Senator Coffey, for what purpose do you arise?

SENATOR COFFEY:

Yes, Mr. President, I filed a motion on House Bill...to reconsider House Bill 1470, and I'd like leave to go to that order of business.

PRESIDENT:

Well, leave would ordinarily, probably be granted except for the fact that that motion, the Chair is aware, is out of order because the motion to reconsider was placed by Senator Buzbee and it was Tabled and the Message has left the Chamber. Senator Keats.

SENATOR KEATS:

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

Senate. What House Bill 1978 does is repeal the repealer of the CUTD, Chicago Urban Transit District, so it remains in effect as of July 1st, 1983. If there are any questions, I'd be more than happy to answer them. Other than that, I would appreciate an affirmative roll call.

PRESIDENT:

Alright. Senator Netsch.

SENATOR NETSCH:

Thank you. Senator Keats, a question to the sponsor of the Conference Committee report. You and I toiled together for long years to get rid of the Chicago Urban Transportation District. Why, oh, why, after all of the money has gone to pay the lawyer's fees, which we tried to avoid by the way, are you now going to reinstate it?

PRESIDENT:

Senator Keats.

SENATOR KEATS:

My...my dear friend, Senator Netsch, often when toiling in battle you remember that you never know if today's friend will necessarily be tomorrow's friend. The CUTD, it's existence, may help us garner two hundred million dollars worth of transit funds for the metropolitan area. Sometimes we must remember that we occasionally have made mistakes, and I...I have seen the errors of my ways, and now I see the desperate need for it.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

The glaring difference, Senator Keats, is that I live in that area and...and represent that area and you do not. It has the authority to impose a property tax. Are we also reinstating the right of CUTD to impose another property tax, and if so, please tell me, for what possible purpose?

PRESIDENT:

Senator Keats.

SENATOR KEATS:

My dear, Senator, if I might say with all good humor towards my friend, I paid a lot more taxes in that district than you did when it was around, although I know you've done a great deal of work there. It is the same original Act with the same powers, and it is for the good of the area. It helps us garner two hundred million dollars for the benefit of your home of Chicago and our State of Illinois.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

This is a very...Senator Keats, if I might...

PRESIDENT:

Hold it, Senator Netsch.

SENATOR NETSCH:

...this is a very serious question that I'm directing to you. The Chicago Urban Transportation District does not cover the entire City of Chicago. It covers, basically, the central area; north to North Avenue, south to...whatever it was, Kedzie or something. That...are...are we saying that a part of the city is going to have a property tax to finance the entire areas matching funds for mass transit capital funds? Is that what we are saying?

PRESIDENT:

Senator Keats.

SENATOR KEATS:

Thank you. You must remember, the area encompassed by...CUTD benefits more for mass transit in Chicago than any other area in the entire State of Illinois. It also has within it the oldest elevated tracks in the city that we are doing a great deal of work trying to rehabilitate. That, perhaps, is the reasoning.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you. Mr. President, for the record, this tax...this tax was imposed in my district, Senator Keats, and I know how much you care about my district, and we repealed the tax to take it off the backs of the property owners in my district because it wasn't needed. And Senator Netsch is absolutely right. But more importantly, Mr. President, I've been around this Chamber for a little bit, and I got to know Max Coffey a little bit and he was sort of a quiet soul around here, never caused any trouble. But, Max, tonight you endeared me to yourself more than all the times in the past that I've talked to you about bills, because you've showed you've got galunes. You know what that is in Italian? So, Mr. President, I have to rise, unfortunately, to oppose this bad bill.

PRESIDENT:

Further discussion? Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. My...I think that Senator D'Arco took my thunder, but I do hope that everybody in this room remembers that this House Bill 1978 is the one that was taken away from Senator Coffey in a rather improper manner. I think we should show an awful lot of red lights up there just to show...regardless of the content of the bill, I think we should do and say thank you to Senator Coffey.

PRESIDENT:

Further discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. In...in my analysis here under transit debt...well, I'd like to ask the sponsor a question, please.

PRESIDENT:

Alright. Can we have a little order, please. Little

order.

SENATOR WATSON:

In my analysis here under transit debt it makes a remark, it says, "existing public agency debt would be forgiven." What does that statement mean?

PRESIDENT:

Senator Keats.

SENATOR KEATS:

Wrong bill.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDENT:

Indicates he'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

I understand, Senator...I heard rumbles here...Senator, will you yield for a question? That there is a...a tax imposed in this bill. Will you tell us about it?

PRESIDENT:

Senator Keats.

SENATOR KEATS:

It does not repeal an existing one.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Can you tell us what the existing tax is and on what and for what?

PRESIDENT:

Senator Keats.

SENATOR KEATS:

It is an existing authorization that was presently not being levied. The money was originally put into existence over a decade ago to build the Franklin Street Subway, which

I personally, strongly favored, but it was never used. The tax was then left and was used to give Mike Bilandic a million dollars so he wouldn't say some of the things he knew in a legal decision, and that's where the money has gone. Some also has gone to the CTA.

PRESIDENT:

Further discussion? Senator Mahar. Senator Mahar.

SENATOR MAHAR:

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

PRESIDENT:

Indicates he will.

SENATOR MAHAR:

Senator Keats, I just received this sheet, like most everybody did, a couple of hours ago, and one of the first things I see, of course, the...is the appointment of a new board. Now, I was here when we passed the RTA a long time ago and we had the board set up and...

PRESIDENT:

Senator Keats...I think you're on the wrong bill.

SENATOR MAHAR:

Which bill am I on?

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

I would like to ask the Senator to tell me about how much money he anticipates collecting with this bill, that's all.

PRESIDENT:

Senator Keats.

SENATOR KEATS:

The tax rate is about three million a year. That supports about thirty million of...of bonding in that area. That would totally generate about two hundred million for the metropolitan region for transit projects.

PRESIDENT:

Discussion? Senator Degnan.

SENATOR DEGNAN:

Question.

PRESIDENT:

Indicates he'll yield, Senator Degnan.

SENATOR DEGNAN:

Senator Keats, this...you paying attention? Is this an emergency measure?

PRESIDENT:

Senator Keats.

SENATOR KEATS:

Do you consider quality transit in the Chicago metropolitan area an emergency?

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

I posed the question.

PRESIDENT:

Senator Keats.

SENATOR KEATS:

I answered in the same vein.

PRESIDENT:

Further...further discussion? Senator Netsch...oh, I beg your pardon, Senator Degnan.

SENATOR DEGNAN:

I'm not being facetious, Senator Keats, is this an emergency measure?

PRESIDENT:

Senator Keats.

SENATOR KEATS:

I am informed it is.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

...the reason I asked is because we heard nothing about the CUTD from January until today, and now we're asked to vote at eleven-fifty on a bill...on a Conference Committee that does not resemble the bill and on a report that neither side has an analysis on.

PRESIDENT:

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Again, I would urge that some real consideration be given to this. I asked the question and I asked it seriously. The CUTD, which was a useless agency, which we were finally successful in getting rid of, is now being revived. Is this the only way, is that what you're trying to tell me, that we're going to be able to match funds by imposing a property tax on only a part of the City of Chicago? That makes no sense at all to me.

PRESIDENT:

Senator Keats.

SENATOR KEATS:

It was not used at a time when the State could afford to put up a hundred percent to the match. Remember, the area you are discussing is the area that benefits more from quality mass transit than any single area in Illinois. As a matter of fact, it would not exist without it.

PRESIDENT:

Further discussion? Senator Coffey.

SENATOR COFFEY:

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

PRESIDENT:

He indicates he'll yield, Senator Coffey.

SENATOR COFFEY:

I just wonder if the...the Senator sponsoring this bill

could give me the bill number now since he didn't remember it in caucus? Senator, do you remember the bill number? It's on the board in case you don't see it, Senator Keats. But I really appreciate, good friend, that you didn't even remember my bill number so I would know in our own conference. And don't ever, don't ever come near my switch or ask me to take your word on anything. Now, on the issue, I had asked the members of this Body, in respect to me and what happened on this bill...now if that's a tough vote for you, that's fine, but this bill was mine and if we set a precedent in this Body to be able to take a bill at 3rd reading after I had worked that bill all the way through, that sponsor of that bill was not Representative Davis over there before, it was Representative Vinson. And Davis went to Vinson, gets the bill, then he comes over here, and I don't know who he thinks he is, but he is not that much of a man and he needs to stay on the other side. I just ask the members of this Body to give me a No vote on this on the basis...on the basis the way this bill was taken away from me and in the respect that my colleague in my own caucus would not even tell me the truth and tell me the bill number that this bill was going to be and then waiting till after the tax package had passed and then put it on my desk, and I'd ask for a No vote on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of the Conference Committee report on House Bill 1978 and, Senator Coffey, I am truly sorry that you suffered the way you have. I think, frankly, it was unnecessary if the bill had been properly postured. To suggest that no one was aware of it for the last couple of weeks simply isn't quite accurate. It was mentioned at least once in our caucus. The Chicago Urban Transit District is an

entity, a body politic, that this Body saw fit two years ago to repeal, and so it expires as...as of July 1...as of tomorrow, as of midnight, 12:01. It was thought to be and still is thought to be in the best interest of the citizens of Chicago to have this authority remain in existence, because once it's out of existence one day it's...it's legally doubtful whether or not it can be put back into place. It is currently in place, and both the Department of Transportation and the city administration...have been advised that is...it is a perfect in-place vehicle to leverage additional Federal money by use of its bonding authority. That's its only purpose. So, we are...all we are doing is repealing the repealer to keep it in existence, and if you don't like it or you don't like what it does, or you don't like the people involved, we can come back here and repeal it again. The fact of the matter is, with the newly in place Federal money for highway construction and maintenance, this affords the City of Chicago an opportunity it otherwise won't have, and I would urge an Aye vote. And we'll deal with the House later on a different issue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Chew.

SENATOR CHEW:

Thank you, Mr. President. I don't know whether I should ask the President Rock or the sponsor, but I'll pose this question. This repealer repeals the Act where certain property owners were taxed as a special assessment to construct the Franklin Street Subway, is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

That is correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

Now, if that was the purpose of the special assessment, where do we get the bonding authority by repealing the repealer? I...I...I have the Statute books here and I don't find where this agency...and I wish you would direct me to the section where this agency has the bonding authority or the bonding authority will be continued if we repeal the repealer, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

This entity, this governmental unit has the authority to impose a tax. That special assessment case is over and done with, as you are well aware. The money has been distributed back to those from whom it was assessed, and the lawyers, certainly, but the fact is that they have the authority to tax against which they will have the authority to issue bonds like every other governmental agency. And I'm trying to get a roll call before midnight, Senator Chew.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Chew.

SENATOR CHEW:

I'm trying to help you get a roll call. Is this the case that former Mayor Bilandic won in court? The one that I opposed against the will of Senator Netsch at the time that this bill was on the Floor to refund this money back to those that had been involved in paying it? Now, what I'm lost on, Mr. President, what...why is this needed to have the authority to float bonds? That...that's where I'm lost. What...what do we need it for? Why do we want to float bonds? We just got...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Senator Chew, I am trying to explain and I...I appreciate your help, and I would appreciate an Aye vote. The State of Illinois has the authority to issue only so many bonds, and we will deal with that question, I hope, tomorrow. We have to raise the bonding authority for the State, but even once raised, the market can only carry so much. The State simply can't go to the market with three hundred million dollars worth of bonds at a crack 'cause nobody is going to buy them, alright? So the more governmental units that are involved to...lever...leverage this Federal money, the better off we are and the better rate of interest we pay and the more bonds we can sell, and it's a heck of an idea, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Keats may close.

SENATOR KEATS:

Thank you, Mr. President. In closing I would simply say, due to the generous comments...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Coffey, for what purpose do you arise?

SENATOR COFFEY:

A point of personal privilege. My name was used...

PRESIDING OFFICER: (SENATOR DEMUZIO)

State...state your point.

SENATOR COFFEY:

...by the last speaker and I just want to clarify something. Senator Rock, I didn't say that you or your caucus didn't inform me on this bill. My caucus, my leader did not inform me on this bill. My colleague that sits right behind me stalled and did not say the number of this bill and played the ignorant role. I was not...not directly behind me, but it's the redheaded one standing back here. So, my...my charge was not against you, Senator Rock, it's against my leadership and my caucus, the one I'm supposed to trust.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Degnan.

SENATOR DEGNAN:

...briefly...briefly, Mr. President. I just rise to correct the third previous speaker, Senator Rock, who said this CUTD concept was mentioned in caucus. I polled six of our members, including the queen of CUTD, Senator Netsch, CUTD was never mentioned in Democratic Caucus. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. The question is, shall the Senate adopt the Conference Committee...report on...on House Bill 1978. 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 39, the Nays are 10, 4 voting Present. The Senate does adopt the Conference Committee report on House Bill 1978, and the bill having received the required constitutional majority is declared passed. Senator Davidson.

SENATOR DAVIDSON:

Voted on the prevailing side, I move to reconsider the vote by which...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson, voting on the prevailing...

SENATOR DAVIDSON:

...House Bill 1978 passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Davidson, voting on the prevailing side, moves to Table...moves to reconsider. Senator Schaffer moves to Table. All those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The motion will lie on the Table. Senator Netsch, for what purpose do arise?

SENATOR NETSCH:

On a point of personal privilege. The property taxpayers

of the City of Chicago thank you all very much for giving it to us twice today.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom, for what purpose do you arise?

SENATOR BLOOM:

Thank you. Earlier...I...I'd like to put House Bill 1192 into a Conference Committee. It's...I think it's on the Order of...the House nonconcurrred in our amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Where is...Senator Keats, for what purpose do you arise?

SENATOR KEATS:

Thank you, Mr. President. I rise on a point of personal privilege. I was most appreciative of the charitable comments from some of my colleagues. You, gang, learned the game plan when I learned it. Sometimes you got to learn to be a soldier when there's a job that's got to be done, and we may argue the principle of this bill, but you learned the sponsorship about the time I did. And to my colleague, I might mention, the reason I didn't know the number is 'cause I didn't know I was the sponsor of that particular bill. Sometimes the leadership does things that you may disagree with. If you disagree with the leadership, discuss it with them. I have had House bills yanked from my sponsorship. I know it's been done, because it has been done to me. To claim there is a precedent is simply in error, but I appreciate your charitable remarks, and next time you're upset, talk to the leadership who orchestrated it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright, Senator Bloom, on the...this morning's Calendar, on page 9, House Bill 1192. Senator Bloom, you're going to move to nonconcur, is that correct?

SENATOR BLOOM:

No, I'm going to move to refuse to recede and ask that a...Conference Committee be appointed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Bloom has moved to...refuse to recede from House Bill 1192 and that a Conference Committee be appointed. All those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Senator Lemke, for what purpose do you arise?

SENATOR LEMKE:

I have Senate Bill 1122 on the...page 8. I think we had a caucus and we never got back to that order of business. I'd like to move to concur on that bill. I understand everybody has been talked to by the township officials and so forth. I'd like to move to concur on that amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Geo-Karis, you...what's your point?

SENATOR GEO-KARIS:

Mr. President, now that it's twelve o'clock, do we need thirty-six votes to pass the concurrences?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes, we do.

SENATOR GEO-KARIS:

Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR VADALABENE:

Bev, this is Sam, I haven't been able to see you all evening, but I want to thank you for a wonderful night, and I've got two carnations I want to give you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Lenke is recognized on the...on page 8 of your regular Calendar...Senator Egan, for what purpose do you arise?

SENATOR EGAN:

...I think...Mr. President and members of the Senate, I think this is the perfect time to set the record straight. When a bill passes this Chamber after midnight tonight, it passes on thirty votes. It needs thirty-six votes to alter the effective date. Now, if we can get the rules set straight right now, it'll give a lot of people less confusion. Can you and will you do that, Mr. President?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Would you mind if I confer with my three Parliamentarians? Thank you. I have conferred and...and I have laryngitis now, hold on...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan, there are several footnotes to any ruling on this matter, but if the bill is silent as to its effective date and it passes after June the 30th of...of this year, it will not be effective until the first of July of 1984. Alright. If the bill has in it any effective date, immediate or otherwise, and it passes after June 30th, it will require thirty-six votes to be effective. Senator Egan.

SENATOR EGAN:

To be effective immediately or on the date that the bill requires its effect. But as I understand our rules, there is an automatic turnover which will make it effective July 1st of the following year. If that rule is going to be interpreted, that is the way I read it and I would like...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator, there is a rule. That's why I say you have the footnote. That is, if it has an immediate effective date or a date other than...the date set forth in the uniform effective date of Statutes, the sponsor has the option of running it, losing with less than thirty-six votes, then going back, striking the immediate effective date and taking the bill up again for immediate consideration.

SENATOR EGAN:

Well, then do you declare the...the bill having failed if it does not attain thirty-six votes, or do you declare it passed but effective a year from July 1st?

PRESIDING OFFICER: (SENATOR BRUCE)

Alright, Senator, I think we've plowed the ground as much as we're going to be able to. When we reach that issue...let's be like the Judicial system, when we get to that issue we will. The simplest thing for the...keep in mind is if it is silent, we can pass it with thirty votes and it will be effective next year on July the 1st of 1984. If it has an immediate effective date or any other date specified, it will take thirty-six votes. Then if we get a sponsor that wishes to change that rule, we can go into the footnotes and Statutes and the Constitution. Senator Rock.

SENATOR ROCK:

I wonder, just for the clarification of everybody, why don't we just stop. It...it is after midnight. We can adjourn until...I will move to adjourn until ten o'clock tomorrow morning. In the meantime, all the Parliamentarians can get together and we'll figure out how best to handle this...I don't know...you know, no...no one of us knows all the answers, I don't think. Ten o'clock tomorrow morning. I would ask...we have a number...

PRESIDING OFFICER: (SENATOR BRUCE)

...there's a couple of announcements...

SENATOR ROCK:

...of appropriation matters, and if there are announcements or paper work to clear up...but ten o'clock tomorrow morning.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Alright, Senator...Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. With leave of the Body, I would ask that House Bill 380 on nonconcurrency on the top of

page 9, sponsorship read D'Arco hyphenated Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave? Leave is granted. Senator Berman.

SENATOR BERMAN:

I thought we ought to end the night on a little...happier note. I just got a phone call from a fellow that's celebrating his birthday, and those of us who came from the House always remember that on July 1 we always used to sing happy birthday. He called me to share his birthday with all of us and wish us well, Judge Bernard Wolf.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, I would like to make an announcement that the...July 4th Independence Day speeches are go like hotcakes. Would you come over and get one.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senator Lemke.

SENATOR LEMKE:

Like to have leave to show Representative...I mean, Senator...Dick Kelly as the sponsor of House Bill 1399.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave, on 1399 House bill to show Senator...Kelly as the...as the sponsor? Leave is granted. Any...further...Messages from the House.

SECRETARY:f

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

House Bill 2072 with Senate Amendments 1 and 2.

Further instructed to...inform the Senate that the House refused to concur in Senate Amendment No. 3.

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 recede from their Amendment No. 1 to a bill with the following title, to-wit:

Senate Bill 25.

They request the first Committee of Conference, and the Speaker has appointed the members on the part of the House.

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

Senate Bill 26 with House Amendment 2.

Senate Bill 310 with House Amendment 1.

Senate Bill 357 with House Amendments 1, 2 and

3.

Senate Bill 434 with House Amendment 1.

Senate Bill 457 with House Amendment 3.

Senate Bill 728 with House Amendment 1.

Senate Bill 824 with House Amendment 1.

Senate Bill 919 with House Amendment 3.

Senate Bill 949 with House Amendment 1.

Senate Bill 1022 with House Amendment 1.

Senate Bill 1073 with House Amendments 1 and 3.

Senate Bill 1176 with House Amendment 1.

Senate Bill 1263 with House Amendment 2.

Senate Bill 1307 with House Amendments 1, 2 and

3.

Senate Bill 1336 with House Amendment 4.

PRESIDING OFFICER: (SENATOR BRUCE)

Any further business to come before the Senate? Any further messages, announcements? Senator Rock moves that...Senator Rock moves that the Senate accede to the request of the House to the aforementioned Messages just received. We accede to the request and that a...a Committee of Conference be appointed. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. The Senate accedes

to the request of the House. Senator Rock moves that the Senate stand in Recess until the hour of ten. On the motion to Recess, those in favor say Aye. Opposed Nay. The Ayes have it. The Senate stands in Recess until ten o'clock.

RECESS

AFTER RECESS