

83RD GENERAL ASSEMBLY

REGULAR SESSION

NOVEMBER 2, 1983

PRESIDENT:

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

REVEREND EUGENE WEITZEL:

(Prayer given by Reverend Weitzel)

PRESIDENT:

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

SENATOR JOHNS:

Thank you, Mr. President. I move that the Journals of Thursday, October the 20th; Tuesday, November the 1st, in the year 1983, be postponed pending arrival of the printed Journal.

PRESIDENT:

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

ACTING SECRETARY: (MR. FERNANDES)

Senate Resolution 368, it's congratulatory...by...by Senators Lemke and all members, congratulatory.

Senate Resolution 369, by Senators Friedland, Schaffer and all members, congratulatory.

Senate Resolution 370, by Senator Mahar, congratulatory.

Senate Resolution 371, by Senators DeAngelis, Mahar and Kelly, congratulatory.

Senate Resolution 372, by Senator Egan, congratulatory.

Senate Resolution 373, by Senators Geo-Karis and Barkhausen, congratulatory.

Senate Resolution 374, by Senator Jeremiah Joyce, congratulatory.

And Senate Resolution 375 offered by Senators Egan, Rock and all members, and is a death memorial.

PRESIDENT:

Consent Calendar. Introduction of bills.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill...1367 offered by Senators Rock and Luft.

(Secretary reads title of bill)

1st reading of the bill.

Senate Bill 1368 offered by Senator Jeremiah Joyce.

(Secretary reads title of bill)

1st reading of the bill.

PRESIDENT:

Rules committee. We'll begin on page 20 with the motions in writing to accept the Governor's specific recommendations for change. Middle of page 20. I'd ask the sponsors of the filed motions to get ready so we can move, hopefully, with some dispatch. That's Senators Welch, Maitland, D'Arco, Hall, Bruce, Demuzio, Jerome Joyce and Marovitz. Middle of page 20, on the Order of Motions in Writing to Accept the Governor's Specific Recommendations for Change, the motion in writing on House Bill 41, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendation of the Governor as to House Bill 41 in manner and form as follows. Signed, Senator Welch.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. House Bill 41 started out as a bill concerning the free trade zones. The Governor vetoed that portion of the bill and put that in another bill sponsored by Senator Bloom. The portion remaining in this bill was an amendment which I attached over here in the Senate in June, and the amendment does this, it reduces the number of

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votes required for a quorum of the Illinois Valley Port District from four out five members to three out of five members, and that is the only thing remaining in this bill, and I would move to accept the special...recommendation for change of the Governor.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 41 in the manner and form just stated by Senator Welch. 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 55 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 41 having received the required constitutional majority vote are declared accepted. On the Order of Motions in Writing to Accept Specific Recommendations, there's a motion filed on House Bill 67, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 67 in manner and form as follows. Signed by Senator Maitland.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. The change that the Governor has suggested we concur with really technical in nature, only in one instance it changes the refunding authority from the probation office to the court, and that's a bookkeeping matter, that was the first change. The second one was the...deletion of the word "the" and doesn't change the...the rest of the bill at all, and I would...would move that we

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concur with the Governor's specific recommendations for change.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 67 in the manner and form just stated by Senator Maitland. 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 53 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 67 having received the required constitutional majority vote are declared accepted. House Bill 84, Senator D'Arco. On the Order of Motions in Writing, there's a motion filed on House Bill 84, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 84 in manner and form as follows. Signed, Senator D'Arco.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. The Governor's amendatory veto excluded those areas where the common areas of a...condominium development is owned by the association. The double taxation would apply only in those areas where the common area is owned by the condominium owners themselves and not by the association, and we would move to accept the Governor's amendatory veto.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific...recommendations of the Governor as to House Bill 84

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Change*

in the manner and form just stated by Senator D'Arco. 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 52 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 84 having received the required constitutional vote are declared accepted. 186, Senator Hall. 234, Senator Bruce. On the Order of Motions in Writing to Accept Specific Recommendations for Change is a motion filed on House Bill 234, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendation of the Governor as to House Bill 234 in manner and form as follows. Signed by Senator Bruce.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. This is the Freedom of Information Act that we have debated on this Floor in two prior occasions. We passed it out. The Governor has made, I believe, forty changes of some import to this particular bill. Although I do not wish to go through each one of them, the ones that have been controversial, at least, have been the removal of any criminal penalties. He changed the definition of public records under the reference to universities to educational institutions, deleted the requirement of certified copies, allowed a seven-day extension if another body was involved, deletes the term "strongly" in relation to whether or not a burdensome request outweighs a public interest, adds the clause that repeated requests for the same public records by the same person shall be deemed unduly burdensome, allows for the approximate rather than total number of full-and part-time employees to be listed in a bro-

chure, on records stored by electronic data processing requires a public body to furnish upon request the means by which a comprehensive record may be obtained, deletes the indigency as a factor for driver's license, abstracts; it deletes a reference to other statutory fee requirements and retains the current statutory reference, exempts certain records, tax assessments and collection records, adds a clause that they are exempt unless required by law, allows the identity of informants to be exempted, exempts...investigatory reports, exemption of reports which endangers the life of a person, criminal history records are changed...by judicial latitude, criminal history records also allows the individual identified to retrieve the records only if no other person's life or physical safety is in danger. It goes on and on. I believe that the changes...the forty changes that the Governor made are, in fact, meaningful. We have adopted them in the House, it ought to be adopted...the other last and most significant one, I suppose, is the effective date of this Act which changed from January the 1st to July the 1st to give everyone a chance to take a look at it, read the impact of the Act on their specific area of interest and get back to the General Assembly next year with any changes they think might be required. With that, Mr. President, I would move that this Body accept the specific recommendations of the Governor as to House Bill 234 and that it be adopted by this Body.

PRESIDENT:

Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

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

PRESIDENT:

Sponsor indicate he'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

I believe you had a like bill...a Senate bill, are the

changes in the amendatory veto...House Bill 234 identical to the changes made in your...the Senate bill that you sponsored of a like origin?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

The...the Senate bill exists no more. The Governor decided to work on 234. I met with him. The decision was that we would work on 234 and veto the Senate bill, so these forty changes are only contained in the House bill.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Oh, in view of the fact, then I rise in support of the amendatory veto.

PRESIDENT:

Further discussion? Further discussion? If I can have the attention of the membership, particularly Senators Bloom and Luft, two Peoria television stations have requested permission to film, so the only objection comes from Senator Bloom. How do you like that? Okay. Yeah, leave is granted. Further discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 234 in the manner and form just stated by Senator Bruce. 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 55 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 234 having received the required constitutional majority vote are declared accepted. 292, Senator Denuzio. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the

Governor as to House Bill 292 in manner and form as follows.
Signed, Senator Demuzio.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. House Bill 292 was a bill that started out to allow the corporate officers of small businesses to withdraw as individuals under coverage of the Workmen's Compensation Act. The Governor's amendatory language here defines what a corporate officer is; it's a bonafide president, or vice president, secretary, or a treasurer of a corporation who have voluntary elects to withdraw. This provision was established in order to prevent corporations from...classified other employees as officers to evade...the provisions of this Act. And secondly, it deletes a reference to a paragraph that...under the Workmen's Compensation Act, it has not been used in the...in the...in the past. I know of no opposition.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 292 in the manner and form just stated by Senator Demuzio. 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 55 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 292 having received the required majority...constitutional majority vote are declared accepted. 333, Senator Joyce. On the Order of Motions in Writing, a motion filed on House Bill 333, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 333 in manner and form as follows. Signed, Senator Jerome Joyce.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

...thank you, Mr. President. This is the Department of Conservation's snitch bill, we call it, it's the...authorizes the money to be used to purchase flora and fauna as evidence of violations...Acts...administered by the DOC, and the Governor...what he did was delete authorization for monies extended for the Act to be taken from the Department of...Conservation's...contractual services appropriation because that fund was not...didn't appropriate any money for that fund this year. So that's the only change and I would agree with the Governor.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 333 in the manner and form just stated by Senator Joyce. 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 55 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 333 having received the required constitutional majority vote are declared accepted. Senator Hall, are you ready on 186? 406, Senator Marovitz. Motion in writing to accept filed on House Bill 406, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendation of the Governor as to House Bill 406 in manner and form as follows. Signed, Senator Marovitz.

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PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. I would move that the Senate do accept the Governor's specific...recommendations for change, House Bill 406. This bill deals with employers who are delinquent in their premium payments of group accident and health insurance and the possible ramifications of this on the employees. Insurance companies have to notify the Department of Insurance regarding such delinquents and the Department of Insurance would notify the employers of the obligation. There was a portion of the bill which provided that the...that the employer must post a notice for the employees, and the Governor believed that the provision might absolve the employer of its responsibility unless the department could prove that we don't want to absolve the employer of any responsibility. We agree with his specific recommendation for change, and I would move that we do accept that in House Bill 406.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor...as to House Bill 406 in the manner and form just stated by Senator Marovitz. 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 54 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 406 having received the required constitutional majority are declared accepted. Top of page 21, on the Order of Motions in Writing to Accept, there's a motion filed on House Bill 564, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the

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Governor as to House Bill 564 in manner and form as follows.

Signed, Senator Demuzio.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 564 was a bill that related to the legislation to allow the accumulation of sick leave from the last employer. However, when we passed the bill, there was a technical error in the amendment that provided that the sick leave would be allowed to be accumulated from all employers. The Governor corrected that simply to limit that to the last employer only. That is the only change that he made. I don't know of any opposition, and I would move that we accept the Governor's amendatory veto.

PRESIDENT:

Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 564 in the manner and form just stated by Senator Demuzio. 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 55 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 564 having received the required constitutional majority vote are declared accepted. 606. Motion in writing on House Bill 606, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 606...I move to accept the specific recommendation of the Governor as to House Bill 606 in manner and form as follows. Signed, Senator Bruce.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Thank you. With leave of the Body, I would like to have that motion shown as Senator Netsch-Bruce. Senator Netsch had wished to file that motion and then I inadvertently filed it before her, and I would like to have her handle the motion and show her as the principal sponsor thereof.

PRESIDENT:

All right, with leave of the Body, Senator Netsch will be shown as the sponsor of the motion and Senator Bruce kindly yields to Senator Netsch. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 606, as many of you may recall, is the comprehensive rewriting of the sex offense Statutes. It basically repealed eight previously existing Statutes and consolidated all types of sexual offenses into four gender neutral categories of crimes. I would like to mention briefly before I refer to the points that were amended that the classification is fairly important, and instead of the current confusing array of Statutes, this bill, as I indicated, creates a coherent classification system of sex related crimes. The two most serious of the crimes, which are Class X and Class 1 Felony crimes, exclusively pertain to sexual penetration as it is defined in the bill. The other two crimes are Class A Misdemeanor and Class 2 Felony, and they pertain to sexual conduct which involves only what has come to be known as touching and fondling, not sexual penetration or attempted sexual penetration. This is important because the sex conduct crimes are not lesser included crimes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch, pardon me just a moment. If the Senate could come to order, please. WTHI has requested leave to film the...the proceedings. Is leave granted? Leave is granted. Senator Netsch.

SENATOR NETSCH:

Thank you, I would like to repeat one point because this is important, I think, in terms of understanding the structure of the Act. The...the sexual conduct crimes are not lesser included crimes in the sexual penetration...crimes. These are four distinct categories. I would also like to...briefly to address a point that come up a good deal frequently. Although the term "rape" is no longer in this bill as a legal term of art, rape will remain a part of our language, and it seems appropriate that we keep it in the noncriminal Statutes which are also amended in the course of House Bill 606 because it is a generic term which does include all of the victims of sex crimes, and those two bills are basically designed to help those victims. I would also like to make it clear that the elimination of the word "rape" as a legal term of art, that is as a specific offense, in House Bill 606 is not intended to eliminate the word from the face of the map. If it is used by a party or a witness or a court official in a trial, that is not in the judgment and intent of this Legislature intended to be error, let alone reversible error. Now, with respect to the changes that the Governor made, a number of them were matters of form and some technical corrections. He renamed the two aggravated forms of crime; instead of sexual assault with aggravating circumstances, he called it aggravated criminal sexual assault. That is perfectly all right, it doesn't any way change the intent of the bill. He...he eliminated the word "coercion." I don't perhaps agree with that decision, but at least it was...we understand why it was done, and clarified the exclusion of medical personnel and...then they are acting in the normal course of their business from any possible liability under the Act. I think those...and he did make some adjustments in the spousal rape section, basically restricting it only to the more serious category of criminal sexual assault. I...I think those are the...the essence of

the changes that were made. As all of you know, this bill still has a delayed effective date and any further thoughts that need to be addressed will be addressed in legislation in the Spring Session...Session next year before the bill becomes fully effective. With that explanation, I would move that we accept the specific recommendations for change made by the Governor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is,...Senator Bloom. Senator Bloom.

SENATOR BLOOM:

Well, thank you, very much, Mr. President and fellow Senators. What I'm going to articulate is probably not particularly fashionable. I'd like to thank, on the Floor of the Senate, Judge Steigmann from Champaign County who made many of the suggestions that Governor Thompson embodied in his amendatory veto, but I think this goes to show what happens when you try and amend the Criminal Code...a portion of the Criminal Code, the sex offenses, as if other portions of the Criminal Code did not exist. There's still some problems, and in trying to clear up the glaring problems, and I believe there are land mines in this yet, the second floor opened up another problem. What we're going to vote on and what our prosecutors have to prosecute sex offenders under is a bill now that says, if a young man is seventeen or under and he has sexual intercourse with a girl between the ages of nine through twelve, with no force, there's no crime. If a boy seventeen or older has sexual intercourse without force with a girl under twelve it's Class X; with a girl over twelve it's Class A Misdemeanor. There'll probably be legislation to clear that up. But what this bill now says is, if your wife is dragged into an alley by someone with an empty gun and he takes her purse and there's only two cents, it's Class X Felony, but if he drags your wife into an alley and

rapes her without a gun, it's a Class 1 Felony. There's a big difference. That rapist will be out on the streets. I question this as good public policy. I'm...I'm sure that this will get lost in the barrage of press releases by the various interest groups that want this, but what we've done is taken a fairly clear and concise sex offenses section of the Criminal Code and made it very complicated, all in the name of saying we're going to increase rape convictions in the County of Cook and elsewhere in the State, and we really are doing a disservice...we're really doing a disservice to the prosecutors, and we're doing a disservice to the very people that we say we're supposed to protect. I don't think anyone in this Chamber, outside of perhaps the sponsors and myself and maybe the chairman of the subject matter committee, truly know what's in this bill, and I think it's one of those animals that's going to come back and bite us; and as I said, right now, if your wife is dragged into an alley by someone with an empty gun and her purse with two cents in it is stolen, it's Class X. It's a far stiffer penalty than if she's dragged into that alley and raped, and...and I don't think that serves any one ill...you make...serves any one well. You make your own choice. I feel that we're really not creating good public policy. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Senator Netsch may close.

SENATOR NETSCH:

Thank you, Mr. President. Very briefly, the objections that Senator Bloom raised are the same ones that he had last June when the bill was overwhelmingly supported and passed by the...both Houses of the Illinois General Assembly. It is true that the Governor's amendatory veto created one problem, we already have a bill prepared to address that. I...I wasn't going to mention it, Senator Bloom, until you did; but

beyond that, I would simply point out that there is a consistent coherent spectrum of penalties covering all possible sex offenses that are now reflected in this bill. If you look back to the materials that we passed out last June, there were major gapping holes in the coverage of our law then. That will no longer be true. The objections that Senator Bloom has raised are his own policy objections to what is in the bill, and they do not in any way reflect anything different from his position then and they...are not consistent with the way this...Senate and House have voted on several occasions now on House Bill 606. Any problems that may still exist will be further addressed before the bill becomes fully effective, and it will be shared as Senator Sangmeister has committed with state's attorneys and others during the course of this next year. I would strongly urge that we accept the Governor's proposed changes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question...Senator Bloom, she...Senator Netsch was closing. Senator Bloom, for what purpose do you arise?

SENATOR BLOOM:

My name was mentioned in debate, and I...I'd just say we pleaded all along through this process not to put this on the books until these problems are ironed out and I...they are not just my objections. I am getting these from prosecutors in my district. I would be like the rest of you to say fine, we can pass a bill and tell the various interest groups who want this, we've saved you; but as a practical matter, I truly believe that we are doing them no service and, if anything, we are doing them a disservice and making it harder for our prosecutors to get the kinds of convictions they ought to get. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 606 in the

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manner and form just stated by Senator Netsch. 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 49, the Nays are 5, 2 voting Present. The specific recommendations of the Governor as to House Bill 606 having received the required constitutional majority vote of Senators elected are declared accepted. 643, Senator D'Arco. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 643 in manner and form as follows. Signed, Senator D'Arco.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This bill involved the licensure provisions for private detective agencies and alarm contractors. What the Governor did in his amendatory veto was deal with one of the exemptions to the Firearm Owners Act and put in investigators of the State's Attorneys Appellate Service Commission as people who are allowed to carry a gun under the exemption. I want to read into the record some language in the definitional section of the bill, it's very important, I think, for the record, to indicate that the language of the definition's section excludes insurance adjusters who are full-time or part-time employees of an insurance company and also excludes independent insurance adjusters employed by an insurance company on a case-by-case basis. We want that understood that they are not included within the purview of the this legislation, and I move to accept the Governor's amendatory veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question

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is, shall the Senate accept the specific recommendations of the Governor as to House Bill 643 in the manner and form just stated by Senator D'Arco. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, 1 voting Present. The specific recommendations of the Governor as to House Bill 643 having received the required constitutional majority vote of Senators elected are declared accepted. 760...wait a minute. House Bill 657, Senator Egan. All right, Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House...as to House Bill 657 in manner and form as follows. Signed by Senator Egan.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. This bill when it originally passed contained a uniform language referring to residence as it was the establishment of a new offense of criminal trespass to a residence. In one...in the penalty clause the word had been inadvertently...the word "building" inadvertently used in place of residence. The Governor corrected it. It's a technical correction. I move for its adoption, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Is there any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 657 in the manner and form just stated by Senator Egan. Those in...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?

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of the House

Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 657 having received the required constitutional majority vote of Senators elected are declared accepted. House Bill 768, Senator Vadalabene. Mr. Secretary, read the bill...the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 768 in manner and form as follows. Signed by Senator Vadalabene.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. The bill is intended to cover local law enforcement officers; however, the current...form of the bill may include employees of the Department of Corrections, Central Management Services, Conservation, Mental Health, the Commerce Commission and the State Fire Marshal. To include law enforcement officers of these agencies is neither workable or desirable. The Governor's action clarifies that the bill will only affect local law enforcement officers and not State employees, and I move to accept the specific recommendation of the Governor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 768 in the manner and form just stated by Senator Vadalabene. 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 specific recommendations of the Governor as to House Bill 768 having received the

required constitutional majority vote of Senators elected are declared accepted. 798, Senator Vadalabene. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendation of the Governor as to House Bill 798 in manner and form as follows. Signed by Senator Vadalabene.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and...members of the Senate. The Governor cites a U.S. Supreme Court ruling of the Employment Opportunity Commission which decrees that any mandatory retirement age less than seventy years for police and firemen was not valid unless a bonafide occupational...qualification was considered. The section vetoed is contrary to the court's decision and would create a personnel management problem for the department, and I move to accept the specific recommendation of the Governor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 798 in the manner and form just stated by Senator Vadalabene. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 798 having received the required constitutional majority vote of Senators elected are declared accepted. 814, Senator Maitland. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the

Governor as to House Bill 814 in manner and form as follows.
Signed by Senator Maitland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I concur with the Governor's recommended changes in House Bill 814, and it really becomes a technical issue. This, incidentally, is a part of the package that we passed last spring to encourage a consolidation wherever feasible, and the Governor has suggested that the comparison of State aid...entitlements be made only in the new district's first year of existence, and if the claim of the previously existing districts is greater, a supplementary payment equal to the difference shall be made for the first three years, and formerly, it was for each one of the three years; and this is brought about because after the consolidation takes place, then for those remaining years there wouldn't be this chance for comparison. So, I do move that we accept the Governor's specific recommendation for change.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 814 in the manner and form just stated by Senator Maitland. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 814 having received the required constitutional majority vote of Senators elected are declared accepted. UPI has requested permission to take still photos. Is leave granted? Leave is granted. 833, Senator Etheredge. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 833 in manner and form as follows. Signed by Senator Etheredge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill requires the Department of Revenue to make quarterly reports to cities and counties...explaining to them...or reporting to them the sales tax receipts...within the quarterly reporting period. The Governor's amendments do two things. Number one, the first recommendation for change protects the confidentiality of individual taxpayers. The second change changes the period in which the report is due from ninety days after the end of the quarter to ninety days after the deadline for making the reports. I recommend that we accept the Governor's specific recommendations for change.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 833 in the form...in the manner and form just stated by Senator Etheredge. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The...the specific recommendations of the Governor as to House Bill 833 having received the required constitutional majority vote of Senators elected are declared accepted. House Bill 929, Senator Davidson. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 929 in manner and form as follows.

Signed by Senator Davidson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of this Senate, the Governor made a technical change which I agree with saying that...would be paid the difference in relation to the same salary on the higher to the lower paying school district if they merge. This prevents the State from having to pick up the cost of living. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 929 in the manner and form just stated by Senator Davidson. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 929 having received the required constitutional majority vote of Senators elected are declared accepted. 1024, Senator Jones. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 1024 in manner and form as follows and signed by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and members of the Senate. Senate...House Bill 1024...as it left the House allow the person who is a licensed broker to place their license on an inactive status if they were an employee of local unit of

government. The Governor in his recommend change said persons who also work for Federal or State Government should have this same privilege. So, this is what the amendment did. The Governor recommend we take out local and give the same privilege to all governmental employees, and I move that we do accept the...Governor's recommend change on House Bill 1024.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House...as...as to House Bill 1024 in the manner and form just stated by Senator Jones. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 1024 having received the required constitutional majority vote of Senators elected are declared accepted. 1054, Senator Kelly. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 1054 in manner and form as follows. Signed by Senator Kelly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. House Bill 1054 which passed the General Assembly created a statutory prohibition against the land disposal of liquid hazardous waste. It also created similar prohibitions against liquid solvents, authorized the siting of future regional pollution control facilities and it provided a financial mechanism for the purpose of developing hazardous waste

treatment facilities. The Governor used his amendatory veto to preserve the statutory provisions of Senate Bill 171 which was passed and became law in 1981. The statutory law prohibited the land disposal of hazardous waste subject only to the exception where a real hardship can be proved. In addition, the Governor also defined the word "landfill," and he deleted the provisions of Section 22.6 because he pointed out that there was very little liquid solvent waste being landfilled at this time. I don't know of any opposition to the Governor's action. This bill was passed earlier as an agreed bill, and I, therefore, move to concur in the Governor's specific recommendations to House Bill 1054 and solicit your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Is there any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1054 in the manner and form just stated by Senator Kelly. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Senator Johns. Have all...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...the specific recommendations of the Governor as to House Bill 1054 having received the required constitutional majority vote of Senators elected are declared accepted. House Bill 1108, Senator Welch. Mr. Secretary, read the motion, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

I move to accept the specific recommendations of the Governor as to House Bill 1108 in manner and form as follows. Signed by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. The Governor made three basic changes in House Bill 1108. The...the original bill set up was...we called the Hazardous Waste Advisory Council. The Governor has deleted that with the note that the Hazardous Waste Task Force appointed by Senator Rock and Attorney General Hartigan is going to take the place of the advisory council. The remainder of 1108 would concern protection for employees who institute or testify in proceedings under the EPA. The bill prohibits employers from discriminating against those employees. Another change the Governor made was to return to the EPA as opposed to the Pollution Control Board the right to set fees. In addition, the Governor expanded the bill to cover not just disposal facilities but all hazardous waste facilities since those are all going to be permanent and covered.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Is there any discussion? Any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1108 in the manner and form just stated by Senator Welch. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 1108 having received the required constitutional majority vote of Senators...elected are declared accepted. 1133, Senator Bruce. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 1170 in manner and form as follows.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. This will just take a moment. Yesterday, we passed this bill out of here I believe without objection. This deals with the sales tax collection on gasoline motor fuel sales. There was a mistake in the computer. The bill we passed did not match with the...identically with the Governor's amendatory veto. We've got to do it again. I would ask for your favorable support. It passed out of here yesterday already once, we need to do it again.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1133 in the manner and form just stated by Senator Bruce. 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, 1 voting Present. The specific recommendations of the Governor as to House Bill 1133 having received the required constitutional majority vote of Senators elected are declared accepted. 1170, Senator Donahue. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 1170 in manner and form as follows. Signed by Senator Donahue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. In House Bill 1170, the Governor has simply made a technical change, changed two and's to or's. I would move that we accept his...his specific recommendations for change.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question

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of the Gov.

is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1170 in the manner and form just stated by Senator Donahue. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bil 1170 having received the required constitutional majority vote of Senators elected are declared accepted. 1179, Senator Buzbee. Mr...Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 1179 in manner and form as follows. Signed by Senator Buzbee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. This is the bill which established the minimum requirements of courses for high school graduation. We had established that a student will have to have, by law now, a minimum of three years of English, two years of math, one year of science, two years of social studies and one year of either art, music or foreign language. The Governor added the word "or vocational education." So now that the student would have to choose or could choose rather between one year of either art, music, foreign language or vocational education. I have no problem whatsoever with the addition of the language "or vocational education." I do have a philosophical problem with the Governor being a super legislator and rewriting legislation, but I fought that battle two weeks ago and I lost. I still think the Governor is exceeding his constitutional authority but that's beside the point at this point. I would like to

accept the Governor's amendatory veto onto this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. A question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Luft.

SENATOR LUFT:

Senator Buzbee, I understand then...or I hear that the State Board of Education is already making rules and regulations on this bill before its passage. Is that true?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Buzbee.

SENATOR BUZBEE:

That is correct, Senator Luft.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Are they narrowly defining courses and providing what we're supposed to do before the bill even reaches them?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Buzbee.

SENATOR BUZBEE:

I understand that that is also correct, that they are...there is apparently some confusion in the Office of Education, and apparently there was some confusion in the Office of Education as to legislative intent, and so it is...I thank you and welcome the opportunity to establish in the debate record today the legislative intent. Let me reiterate for the State Board of Education that this...legislation has always been debated by all the sponsors of this bill, and Senate Bill 669, to allow school districts flexibility so that all students are served well by it. This bill is not...not a means to eliminate vocational

education. In testimony before both committees and debate on each Floor, flexibility has been a basic concern for this legislation. The intent of the legislation is to require all students to have the courses that we have already discussed. If a student is in a vocational education program and they are taking business math, accounting, computer science, industrial arts math; such as drafting, this bill allows the flexibility that these courses fall under the math requirement if the basic core of these courses are math oriented.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Buzbee, there's been a request for leave to...by Channel 7 to record the proceedings. Is leave granted? Leave is granted. Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. I wonder if we could have some leave for a little bit of order while we're at it also. Is...is that request in order?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes, that request is always in order. Will the Senate come to order. Senator Buzbee.

SENATOR BUZBEE:

When I'm having trouble hearing myself read the prepared script here, why, I know that it's getting a little noisy. Science courses could also be taught in the vocational education areas; such as nutritional science, auto mechanics, agricultural biology, et cetera. The math and science courses need to be taught in the area that will benefit students the most. That requires flexibility in the rules and regulations, and we certainly want our students to achieve and enjoy education not fail. And again, Senator Luft, I thank you for the opportunity of putting that into the legislative debate record.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to the motion as I rose in opposition to the bill last spring. I am concerned that perhaps we are overreacting. As you know, a number of reports have come down from the Federal level that chastise in one way or another the public elementary and secondary system of education that we have in this nation. Some of the criticism is justified, some is not. But as a consequence of that, it seems to me we are overreacting to those reports. This Body, last spring, in Senate Resolution 61, I believe, sponsored by Senator Philip and Senator Rock, created the Commission on the Improvement of Elementary and Secondary Education in this State, and that commission is meeting now and will be meeting and reporting to this General Assembly in about fourteen months. We are studying in detail the problems of the systems in this State. Perhaps some kind of mandatory curriculum is necessary, perhaps not, but my concern now is that what we are going to do with some students is force them out of school because there is no flexibility in this specific area, as Senator Buzbee has indicated. Why not let the student and the counselor, the administration determine what courses they take? Let the school board have vigorous standards but give them the opportunity to be flexible. What we're going to do here, I fear, is force those marginal students out of school at age sixteen because they simply won't want to track this kind of aggressive curriculum. Many...many schools already have even stricter requirements but they have the flexibility to allow those students who can't track that curriculum to take a lesser vigorous curriculum. It's a well-intended piece of legislation, but my concern is it's going to backfire and therefore we should...we should defeat the motion.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR BUZBEE:

Thank you, Mr. President. My good friend, Senator Maitland, gave his typical knee-jerk reaction speech to any bill that has anything to do with education that might in any way...might in any way...impose on the so-called right of local control. I also am an advocate of local control. Senator Maitland, I...I think that your...your argument was contradictory, as a matter of fact. You stood there on the Floor and you said that there are many school systems who have...that there are many school systems who have much stronger and much more stringent requirements than this bill calls for. You're absolutely correct. We have never labeled this bill as a panacea. We have never said that this bill was anything more than a basic let's learn something in school sort of bill. This bill will not even guarantee that they will learn something in school. It simply is a statement of the intent of this...of the...of the Legislature and the Governor and the...and the Statutes of this State...could I have some order, Mr. President, please. I can't hear.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Could we break up those conferences in the back, Senator Bruce, Senator Lenke, Representative O'Connell. Senator Keats, would you leave Senator Chew alone.

SENATOR BUZBEE:

It...it is nothing more than our saying that to be able to call yourself a high school graduate from the State of Illinois, you will have to take three years of a course called English. My goodness, how revolutionary. You will have to take two years of a...of a course called math; that is certainly an imposition on local control. You will have to take one year of a course called science, radicalism. You will have to take two years of a course called social

studies, stepping on the toes of the local school board. You will have to take one year of a course called either art, or music, or foreign language, or vocational education. Now, I submit to you that this doesn't even begin to get...go near as far as the President of the United States went in his call for an ungrading of the quality of education offered by our educational system. It is a beginning. It is not a panacea. It is not an end. It was interesting to hear that the State Superintendent of Public Instruction in this State testified in front of the Appropriations Committee that he was opposed to this bill, and now, just here within the last few weeks, why, he's come out with some statements that...that perhaps we ought to make some kind of course requirements before a kid can graduate from high school. This is just a very beginning. It is backed by those folks who have been taking the brunt of the...of the criticism of the educational system and that is the teachers. It is backed by the Illinois Education Association and the AFT; and I would say to you that it is in line with the Ronald Reagan approach, Senator Maitland, it is in line with the Ronald Reagan approach to what we ought to be doing as a start in our educational system. I would tell you that I think it's a good bill, and I would ask for your acceptance of the Governor's amendatory veto.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR D'ARCO:

No, I just want to point out that this bill doesn't go far enough, Senator Buzbee. You should really teach the kids Marxism, and Leninism, and Maoism, and all kinds of communist political theory so we know they're...you know, we know what our enemy is all about and what they do as well.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee was on closing remarks, Senator D'Arco.

The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1179 in the manner and form just stated by Senator Buzbee. 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 Yeas are 43, the Nays are 12, none voting Present. The specific recommendations of the Governor as to House Bill 1179 having received the required constitutional majority vote of the Senators elected are declared accepted. House Bill...1239, Senator Lenke. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 1239 in manner and form as follows. Signed by Senator Lenke.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lenke.

SENATOR LENKE:

What this bill does is gives the Attorney General a jurisdiction over matters relating to the Mobile Home and Landlord and Tenant Act. The Governor deleted the provision which was put in the Act that gave the park owners substantial and unlimited control over the sales transaction of mobile homes within the park. The reason for doing it, and I agree with it, there's a constitutional question in regards to that, and I think it's a...a good amendment and I ask for an acceptance.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1239...those in favor...in the manner and form just stated by Senator Lenke. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish?

Take the record. On that question, the Ayes are 56, the Nays are none, none voting...none voting Present. The specific recommendations of the Governor as to House Bill 1239 having received the required constitutional vote...majority vote of Senators elected are declared accepted. House Bill 1262, Senator Maitland. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 1262 in manner and form as follows. Signed by Senator Maitland.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. Once again, the Governor has made a change in...in a piece of the...of the reorganization legislation that...that makes good sense. As the bill passed the Body last spring, it called for a grant from the...State during the first year of formation of a new district, the difference between the debts of those two school districts; and the Governor's...fear here was that it might encourage those school districts to incur a larger debt in anticipation of consolidation, and that, of course, would cost the State more money. So he has limited or narrowed the scope of this legislation to the three funds, the educational fund, the OBM fund and transportation funds for the year ending June 30th, prior to the consolidation. Obviously, this will save money, encourages...good business and accounting matters, and I would move that the Senate accept the specific recommendation for change.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1262 in the manner and form just stated by Senator Maitland. 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 Yeas are 56, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 1262 having received the required constitutional majority vote of Senators elected are declared accepted. House Bill 1342, Senator Darrow. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 1342 in manner and form as follows. Signed by Senator Darrow.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President. Ladies and Gentlemen of the House, House Bill 1342 permits the disclosure to a peace officer identifying information about a person transported to or from a mental health facility. In the Governor's amendatory veto, he merely clarifies the purpose of the bill and does not alter the intent or scope of it. He indicates that the person transported...or that the facility director must disclose to a peace officer the name, address and age of the person transported to a mental health center. I would move that we concur with the Governor's amendatory veto.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1342 in the manner and form just stated by Senator Darrow. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The specific recommendations of the Governor

as to House Bill 1342 having received the required constitutional majority vote of Senators elected are declared accepted. House Bill 1386, Senator Kustra. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 1386 in manner and form as follows. Signed by Senator Kustra.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. The Governor's amendatory veto on House Bill 1386 does not apply to the original bill which made technical changes concerning school board member residency requirements and also provided for extended board member terms under the consolidated election law. What the amendatory veto does is strike an amendment which was added to that bill. That amendment attempted to clarify that a superintendent who accepts a multi-year contract waives his or her tenure rights. The Governor felt that the amendment further confused the issue and that it should be dropped from the law, and I would ask that we accept the specific recommendations for change.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Any discussion? If not, the question is, shall the Senate...accept the specific recommendations of the Governor as to House Bill 1386 in the manner and form just stated by Senator Kustra. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 1386 having received the required constitutional majority of...vote of

HB 1530

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of the ...*

Senators elected are declared accepted. House Bill 1388, Senator Hall. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the...Governor as to House Bill 1388 in manner and form as follows. Signed by Senator Hall.

PRESIDENT:

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate...House Bill 1388 authorizes the property to the City of Centerville which is a pond which was to be used for park purposes. The pond was created by the Department of Transportation upon excavation of a road building purposes. What it does, it changes and inserts two words. It amends House Bill 1388, on page 2, by deleting line 4 and inserting in lieu thereof, "thence westerly." I move for the adoption...acceptation of the specific recommendation of the Governor.

PRESIDENT:

Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1388 in the manner and form just stated by Senator Hall. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 1388 having received the required constitutional majority are declared accepted. On the Order of Motions in Writing, top of page 22, there's a motion in writing on House Bill 1530. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 1530 in manner and form as follows. Signed by Senator Bruce.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

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

PRESIDENT:

Will the members please be in their seats and we'll take the conferences off the Floor. Senator Bruce on 1530.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. Senate...House Bill 1530 is the collective bargaining bill for the educational employees of the State of Illinois. It has come back to the Senate in a different form that we voted on it in June. The Governor has made several recommendations for change in his amendatory veto. Most of these changes I've had a chance to discuss with him and his staff, and we have reached agreement, I believe, on the changes and their effect, and generally I would say that I am pleased with what has occurred by the amendatory veto. I might wish to cover with you the key provisions that have been altered since our last debate on this bill. The bill begins with a revised policy statement in which the Governor makes clear, and which I certainly concur, that educational employees should be and will be governed by separate labor relations board. Let me direct you to the changes made in the policy statement of the bill and note that the Governor used such words as the uniqueness in the work calendar, the work duties and...as well as historical and traditional patterns of bargaining. All these citations, I believe, by the Governor in his introduction indicate and demonstrate the different needs in the educational community and their need for an entirely different board. Now, let me cover with you some of the specific

changes that the Governor made and the major ones made in House Bill 1530. In Section 4, the Governor revised the scope of bargaining stating that employers shall be required to bargain collectively with regard to policy matters directly affecting wages, hours and terms and conditions of employment as well as the impact thereon upon request by employee representatives. He add and changed the definition of supervisor by stating, that any individual...that supervisor means any individual having the authority and the interest of the employer to hire, transfer, suspend, layoff, recall, promote, discharge, reward or disipline other employees within the appropriate bargaining unit and adjust their grievances or to effectively recommend such action if the exercise of such authority is not of a routine...is not of a merely routine or clerical nature but requires the use of independent judgement. The term supervisor includes only those individuals who devote a preponderance of their employment time to such exercising authority. The Governor also changed the definition of managerial employee stating that that will mean an individual who is engaged predominately in an executive and management functions and is charged with the responsibilities of directing the effectuation of such management policies and practices. In addition, and this is a change that we agreed to before the bill left here, at least in committee, as it relates to confidential employees, and the Governor stated that, "A confidential employee means an employee who; A, in the regular course of his or her duties assists and acts in a confidential capacity to persons who formulate, determine and effectuate management policies with regard to labor relations or who; B, in the regular course of his or her duties has access to information relating to the effectuation or review of the employer's collective bargaining rights." In addition, he added in Section 8 language concerning exclusive representatives stating that any labor

organization that is the exclusive bargaining representative in an appropriate unit on the effective date of this Act shall continue as such until a new one is selected. It continues in Section 7 to state, "Nothing in this Act shall interfere with or negate the current representation rights or patterns and practices of employee organizations...which have historically represented employees for the purposes of collectively bargaining." In addition, he added language concerning fair share provisions stating that fair share can be bargained by the parties. In addition, in Section 11 he states that the exclusive representatives shall certify to the employer an amount not to exceed the dues uniformly required of members which shall constitute each non-member employee's fair share fee. In addition, it gives the board...the Educational Labor Board the power to adopt, promulgate, amend or rescind rules and regulations in accordance with the Illinois Administrative Procedure Act as now or hereafter amended as it deems necessary and feasible to carry out this Act. In addition, the words "on strike" are added...if, however, in the opinion of an employer a strike is or has become a clear and present danger to the health or safety of the public, it may initiate in the circuit court of the county in which such danger exists an action for release which...relief which may include but is not limited to injunctive relief or related to injunction. I believe that the...the matter as before us, the Governor has acted on amendatory veto and answered many of the questions and problems that we had in this bill when it went out of here. I believe that we ought to accept the specific recommendation of the Governor as to House Bill 1530.

PRESIDENT:

All right, the Chair will observe there are nine members so far...thus far who wish to be heard. Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I consider teachers professionals just like lawyers. This bill is not just a collective bargaining bill; this bill is a strike bill for teachers. The teachers in my area are for collective bargaining with mandatory arbitration and right of appeal to the courts, but the majority...the overwhelming majority of my teachers would rather have that and not a strike bill. What this bill is doing is legalizing strikes for public employees and increasing the costs of...to the taxpayer by the very setup in the way this bill is organized. In all due respect to the Governor, I think he has tried to make it a better bill, but this bill initially was a bad bill. It's a very costly bill to the taxpayers, and I feel that when you legalize strikes for public employees, such as teachers, and the children are out running around on the streets because the teachers are out on strikes and their parents are working, I think we're creating a bad precedent. They are not second-class citizens. I have been a teacher myself, they are first-class citizens but they are professional people, and I think they should be treated professionally and not with a...so-called collective bargaining bill which is really a strike bill, and I speak against it.

PRESIDENT:

Further discussion? Senator Fawell.

SENATOR FAWELL:

...thank you, Mr. President. Would the sponsor yield for a couple of questions?

PRESIDENT:

Sponsor indicates he'll yield. Senator Fawell.

SENATOR FAWELL:

Senator, basically, I...I like the changes that the Governor has put into the bill, but I have got a couple of questions that have been presented to me. Number one, if we

pass this amendatory veto, and I'm asking this because I'm a little new to the game, when is the effective date?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

The...the effective date when it left here and as it remains in the amendatory veto is January the 1st, 1984.

END OF REEL

REEL #2

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

One of the questions that I have been asked is how in the world are the boards supposed to be able to be ready by January 1st, which is only a couple of months away? You know, it has been suggested to me that by overriding the veto it would be delayed until July 1st, which will at least give them enough time to...to get set on this thing. Has any consideration been suggested on this?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Well, we went through the whole question of effective dates and passed it out of both Bodies January the 1st, and the Governor did not change that January 1st effective date in his amendatory veto, and the...the reasoning is this, there was a...a large feeling that in the educational community, January is sort of a neutral time where people are there. Eighty-five percent of the teachers presently are under some sort of collective bargaining agreement. We can, in fact, continue those, and most of them would be expiring in the summer or in July or August or September. It made a great deal more sense to be involved in negotiations and...and representation elections if they weren't already represented, because if they are represented they are automatically pulled over. Eighty-five percent of the cases, we'll just roll these people right on over into the system, gives us six months to handle those that are not in. So, we...we thought it would cause less problems in January than

in July and August and September when school boards, school members and teachers are scattered throughout the State of Illinois, be they in university or K through twelve.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Yeah, just...just one other question that was brought to my attention. I understand under the amendatory veto that the State no longer is going to pick up the tab for the arbitration. Is...is this true and what is going to be the cost to the...to the average school district on something like this? Do you have any...any figures at all?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Under the amendatory veto, each side will pay their own cost.

PRESIDENT:

All right, Senator Demuzio. Oh, well, I'm going to have a little...there's about twelve lights that are lit here. I'm going to have trouble trying to accommodate everybody. We'll do the best we can. Senator Luft.

SENATOR LUFT:

Question, please, Mr. President.

PRESIDENT:

Indicates...the sponsor indicates he'll yield. Senator Luft.

SENATOR LUFT:

Managerial employee, the definition, is it determined by his title or by the role of the individual?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

On...on managerial employees, Senator Luft, I believe the

Governor in...in his definition made it very clear that it is...it is not the title. It is the question of the preponderance of time that the employee will spend in the question of management, and those people who would be excluded from management are only those people who would be limited to what is known as the central management team. So, I would believe that the...it is not the title.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Okay. As a managerial employee, is that normally the central management team?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

That...when we are...I believe that we will develop and using NLRA decisions, the National Labor Relations Act, that they have...they have very narrowly defined managerial employees, and I believe that that will be the case here...that that function of management would be limited to and kept within a central management team. We're not talking about excluding everyone, just those very limited people that are central management, at the very highest level.

PRESIDENT:

Further discussion? Senator Welch.

SENATOR WELCH:

Question of the sponsor, Mr. President.

PRESIDENT:

Indicate he'll yield, Senator Welch.

SENATOR WELCH:

...Senator Bruce, I have a question concerning your section on confidential employees. Could you tell me whether or not that section refers to only those persons who work with collective bargaining materials?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Thank you. Both...both this question and the earlier one bring to mind the National Labor Relations Act, and when we start talking about confidential employees, professional employees, managerial employees, I believe that...that all of us should be aware that under National Labor Relations Act, we have had more than thirty years of decisions. Other states, when they have enacted collective bargaining bills, have looked to the prior decisions under the National Labor Relations Act, and I believe that the State of Illinois should also do that. We don't have to reinvent the wheel when it comes to deciding what is a confidential employee. The purpose of that exclusion as it exists in the section is...is to ensure that people are not put in any sort of position of being compromised. The definition within the Statute says that they must have access to the confidential labor relations material of the employer, and so that would probably mean the secretary to the head of the labor relations section would be a confidential employee. It would not and should not include people who have access to the budgets, planning documents and other general material of a...a...an educational institution.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Then your specific intent is to exclude any person who would be an otherwise confidential employee if they don't deal with...collective bargaining.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

That is correct. Again, we should look to the private

sector where we have a...a good case history. The matter has been well debated and decided. The definition, for example, is not even within the National Labor Relations Act at all. This has been done on a case-by-case basis, and I believe Illinois, in interpreting this law, their courts and the agencies of the State of Illinois should not be bound by the private sector; but where those prior decisions under the National Labor Relations Act can be used to give appropriate guidance to the courts and agencies of the State of Illinois on how a matter should be...decided as to whether or not an individual is a confidential employee, those private sector cases should be utilized.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

So, your intent is to include other case decisions in NLRB references in interpreting the...the provision of the Statute dealing with confidential employees, is that correct?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

I would assume that the courts of the State of Illinois and the Educational Labor Board would certainly want to look at the National Labor Relations Act and develop from that, where they can, a definition of confidential employee. We do not need to reinvent the wheel, it's thirty years of case decisions.

PRESIDENT:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr...thank you, Mr. President and members of the Senate. I have a parliamentary inquiry of the Chair and then a question of the sponsor.

PRESIDENT:

State your inquiry, sir.

SENATOR DeANGELIS:

Mr. President, what are the requisite votes required to pass this with an effective date of January 1st, 1984?

PRESIDENT:

The Chair will rule that thirty affirmative votes are necessary to accept the Governor's specific recommendations for change. Senator DeAngelis.

SENATOR DeANGELIS:

Well, first, I would like to read to you Article IV, Section 10 of the Illinois Constitution. "A bill passed after June 30th shall not become effective prior to July 1st of the next Calendar year unless the General Assembly by the vote of three-fifths of the members elected to each House provides by an earlier effective date." Now, I would also like to read to you an annotative form, a decision rendered in Klinger versus Howlett that says, "If a bill is initially passed before June 30th and is amendatorily vetoed, it's date of passage is when the General Assembly accepts the Governor's recommendations. Assuming that occurs after June 30th," which is in this case, "the new law cannot take effect until July 1st of the next year unless it contains an earlier effect date and is passed by three-fifths of the members elected to the House." I would like to then ask the Chair to amplify why it is that ruling in direct contradiction to both the Constitution and a ruling of the Illinois Supreme Court in Klinger versus Howlett?

PRESIDENT:

Well, the Chair is not prepared to discuss a ruling of the Illinois Supreme Court or any other court for that matter, and while you're on your feet we'll give you a chance...is there leave for Channel 5 to film Senator DeAngelis' parliamentary inquiry? Leave is granted. Pursuant, however, to Chapter 1 of the Illinois Revised Stat-

utes, Sections 1201, in specifically, and 1203, House Bill 1530 and its specific recommendations for change will, in the opinion of the Chair, require a majority vote of the Senators elected in order to accept the specific recommendations of the Governor in accordance with Section 9 of Article IV...Paragraph A of Section 9, which I can read to you if you wish, of the Constitution of Illinois, because it says, "Every bill passed by the General Assembly shall be presented to the Governor within thirty calendar days." And then you look back at the Statute and, "Passed...a bill is passed," the Statute said, "at the time of its final legislative action prior to presentation to the Governor." The final legislative action, in fact, took place prior to June 30. Senator DeAngelis.

SENATOR DeANGELIS:

Well, I don't have the reference in front of me, but I do believe that subsequent to the passages of those two Statutes,...and I think the Chair was, in fact, the author, if I'm not mistaken, of those two Statutes. Is that correct?

PRESIDENT:

I at least voted affirmatively, yes.

SENATOR DeANGELIS:

That in 1975, the Attorney General ruled that the court decision was, in fact, the law...the court decision that interpreted the Constitution was the law and that the Statute was not, in fact, operable. However, I do understand that those rulings have never been challenged, so, therefore, we could have a...an argument about that, but I do want to go on record that I disagree with the Chair and I feel a challenge would be in order because of the ruling of the Chair. Now, can I ask my question of the sponsor?

PRESIDENT:

Yes, certainly, and just in response, let me just say that I...we...we have so ruled in the past. This...this is

not a deviation from prior rulings, I'm...I'm sure you're aware. Senator DeAngelis.

SENATOR DeANGELIS:

Yes, I understand you passed out something at the beginning of the Session...

PRESIDENT:

That is correct.

SENATOR DeANGELIS:

...that said you made a similar ruling in 1979; however, that ruling was not challenged either, correct?

PRESIDENT:

Oh, yeah, that is correct.

SENATOR DeANGELIS:

Okay.

PRESIDENT:

That is correct. With leave of the Body, Channel 2 also would like permission to film. Senator DeAngelis is on a roll here. Senator DeAngelis.

SENATOR DeANGELIS:

A question of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, hi, Mom. Senator Bruce, I'm glad to see that after all your determination to keep the bill in its pristine form that you did agree that perhaps it wasn't as good as you thought as it was when it left here and are willing to accept the amendatorily veto. I only have one question, is there anything in the amendatory veto that will exempt...that will exempt this Act from the State Mandates Act?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

There is nothing in the amendatory veto. There...there is

language within the body of the bill itself.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Bruce, I know there is in the bill, but you know better than I, being the astute legal mind that you are, that you cannot exempt...that you cannot exempt under the State's Mandates Act by reference. In fact, I think if you looked at the reference in that Act, I'm not so sure the reference is even correct, but you cannot, under the State Mandates Act, exempt by reference, and that was why I had the question as to was any action taken that by its action would exempt it? Because you can't do it by reference.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Senator, within the Mandates Act there is provision for waiving. Within this Act, it is waived. So, I mean, in Section 21 of this Act it states, "inapplicability of the State Mandates Act."

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

...I'm taking far too much time, but...also in the Act it indicates that you cannot waive by reference, particularly, if the Act itself involves a personnel mandate. You can't do it by reference. So, it is my feeling, as the letter that I received regarding this bill back in June, that whatever the cost of this Act is, and I think members of this Body ought to hear it, is going to be borne fully by the State of Illinois which then means...which then means the very people you're trying to protect are in essence going to suffer because the greatest dollar we give is to education, and if we have to fund Mandates Acts under this law and 536, edu-

cation is the one that's going to come out on the short end of the stick.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Well, so that we're clear, the statement within this legislation is that the State Mandates Act does not apply, and that is a specific exception granted within the State Mandates Act, and this Act finds that the increased additional annual net cost resulting from the enactment...of this Act would be less than fifty thousand dollars in the aggregate for all local educational employers affected by this Act. Now, that's the exclusion under which we have said this bill is...is, in fact, not under the State Mandates Act.

PRESIDENT:

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. If I might direct a question to the sponsor. I think he referred earlier to the rule making power that is provided for in House Bill 1530, and I know that the scope of that rule making power has been a subject of some concern and in...some...certainly some interest. I wonder, Senator Bruce, if you would try to give us some idea of what is encompassed within the rule making power that is...authorized to the board, how comprehensive it is, the extent to which it can or should take into consideration earlier NLRA rulings as part of its own rule making capacity, and so forth. I think it would be very helpful in understanding the bill if you could shed some light on that.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Senator Netsch, that was one of the matters that the Governor was concerned about, and that is within the Act

itself now,...as passed by this General Assembly, will give the board broad powers to adopt, promulgate, amend or rescind rules and regulations. They would be, I believe, comprehensive in scope. We have a large educational community within the State of Illinois. They have many matters that will have to be resolved. As I mentioned with the confidential employees and with managerial employees, I'm sure that those rules, however, will be patterned where applicable along the National Labor Relations Act. They have developed a long, long history of decisions in this particular area in the private sector; and where they can be utilized, we ought to, and should, and I'm sure will, utilize those. In addition to that, I believe that Illinois, although we do not have a collective bargaining bill, has established a...a long history of collective bargaining. As I mentioned earlier, more than eighty-five percent of our public school teachers are presently under collective bargaining agreements. Many of those have been challenged in court. I'm sure that the rules and regs will take a look at those as they are developed by the Educational Labor Board.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Just simply, thank you, I think that's a very helpful explanation, and it seems to me that it ought to quiet a good many of the concerns about the kind of history that will be incorporated into the bill.

PRESIDENT:

Senator Darrow.

SENATOR DARROW:

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

PRESIDENT:

Sponsor indicates he'll, Senator Darrow.

SENATOR DARROW:

Senator Bruce, Senator Geo-Karis spoke about the strike provisions in this legislation. Are there any circumstances under which an injunction or injunctive relief would be allowed?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Within the body of the Act, the power of injunction is granted, as I mentioned in my opening comments, to allow courts to issue injunctions. I believe, however, that as we issue those injunctions and take a look at the long labor history established in the United States in both the private and public sector, that we ought to take a look at what has happened in other states. Two states have already given the right to strike in the educational employee sector, Hawaii and Pennsylvania. They have developed a long history of what to do within when...when labor disputes occur and...and strikes occur and what they ought to do with injunctions. In Hawaii, they allowed enjoining, as Illinois does, to protect the health and safety of individuals within the State. In Pennsylvania, they put in health, safety and welfare; and I believe within our Illinois Statute, we have acted very wisely in our definition by deleting any reference to welfare and staying only with health and safety. That leaves, Senator Darrow, the matter within our court. Judges too often independently decide what is welfare, and we have decided that problem for them by deleting that question. Decisions in Pennsylvania and Hawaii, where a good deal of disputes have occurred, judges have consistently...ruled on the question of health and safety hazards, and they have enjoined each and every time in which they have found the health and safety to be in danger. Illinois, I believe, rightfully puts the decision process in the Legislature by saying health and safety and removes from the courts any discussion of welfare.

PRESIDENT:

Senator Darrow.

SENATOR DARROW:

Are there any other...causes other than health and safety for which an injunction can be sought?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

No, we've...we've...we've said a...a health and safety, that any individual district employer who finds the health and safety may petition a court and they will decide on that basis of health and safety, and those questions alone.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAPFER:

If the sponsor would yield.

PRESIDENT:

Indicates he will yield, Senator Schaffer.

SENATOR SCHAPFER:

In the bill, and I'm not sure how it's affected by the amendatory veto, there is a so-called fair share provision. It's my understanding that that is not an automatic right but, in fact, is an issue that's to be negotiated unit of government by unit of government. Am I correct in that assumption and does that type of...verbage meet a constitutional challenge in the courts?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Thank you, Senator Schaffer. Fair share funding is a matter covered within the Governor's amendatory veto, and it is clear that fair share is a permissible, negotiable issue within the confines of collective bargaining. The amendment as it is before this Body was drafted to make constitutional

the provisions on fair share according to Supreme Court decisions, including the Aboud decision. Thousands of teachers are already presently negotiating and covered under fair share, and that fair share provision allows exclusive representatives to collect from fair share payers an amount up to the amount of dues paid by members. House Bill 1530 establishes a procedure that meets the constitutional test of the United States Supreme Court in Aboud and follows the decision and proceedings of the Supreme Court in Ellis versus the Brotherhood of Railway, Airline and Steamship Clerks in which briefs were filed stating, "Whereby employees can constitutionally may be required to contribute to the cost of any activity undertaken by an exclusive representative in an effort to bring about improved working conditions, although such...improvements often are secured through collective bargaining and contract administration. An exclusive representative, particularly in the public sector, may engage in other activities in order to achieve them. The Constitution does not require that objecting...employees be exempted from contributing to the cost of these latter activities." Because the court has drawn a line between what is properly chargeable under fair share, and what is...what is nonchargeable expenditures for share...fair share provisions, a procedure is necessary to assure that the exclusive representative is able to charge objectors only for the former and not the latter, and I believe within the confines of 1530 that is set forth, because the court in the Aboud decision affirmed that it would be highly desirable for unions to adopt a voluntary plan by which the dissenters would be afforded...an internal union remedy. So, it is negotiable. It is an item that is presently utilized in the State of Illinois. I believe it meets the...the test in Aboud, the questions in the third circuit in the Antonacci case and the matter which was just filed on Thursday...Monday of this week in

the Ellis case.

PRESIDENT:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

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

PRESIDENT:

Indicates he will yield, Senator Demuzio.

SENATOR DEMUZIO:

You mentioned the fair share provision. Who determines what amount the fair share payer must pay to the exclusive representative?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Under the Act as outlined and as the court opinions have decided in both Antonacci, the case has come up under Ellis and other cases before the United States Supreme Court, the procedure that the Supreme Court has outlined is they would like to have a voluntary plan which would be decided under an internal union manner, and that would be the exclusive right of the union to determine the refund procedure.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

On your explanation, you referred to a procedure whereby the fair share payers who object and receive a partial refund of the fair share fee for those amount of dues that do not go toward the activities related to improving working conditions. Since there's no specific reference to such a refund procedure in the bill, am I correct in assuming that you envision the Educational Labor Relations Board promulgating rules calling for school employ unions to establish procedures?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

I...I certainly think that the Educational Labor Board in drafting their rules and regulations would take a close look at the Supreme Court and what they've handled. The Supreme Court gave a...a...a very good signal in Aboud in which they stated that they wanted to...to develop a voluntary plan. The Ellis case presently before the Supreme Court, a procedure was outlined and perhaps it would be good just to review what is presently before the United States Supreme Court. After the Aboud decision came down, every AF of L...CIO Union in the United States and including the National Education Association and the AFT, set up and have implemented a voluntary program to refund money to objectors. Under most of those plans, an exclusive representative promptly at the end of its fiscal year selects an impartial third party to determine the appropriate fair share amount of funding. "If a fair share payer objects to paying for activities unrelated to collective bargaining," and those are the words of the United States Supreme Court, "and improving working conditions," again, the words of the United States Supreme Court, "the exclusive representative shall promptly establish an interest bearing escrow account and place the amount established by the impartial third party not properly a part of the fair share payment therein and put that in escrow; thereafter, a dissenting employee would receive payment for the amount determined to have been expended for unrelated activities." He would get that back plus accrued interest. I...you should note two things that complies with the...with the decision in Ellis and Antonacci. First of all, that an objector will get back his money for unrelated activities; that is unrelated to collective bargaining and working conditions. That comes back quickly and automatically. Secondly,

the money withheld is not used by any...exclusive bargaining agent. It is immediately put up in...in escrow, and the amount due back is determined and refunded with interest.

PRESIDENT:

All right, the Chair will just reflect that we have one, two, three, four, five, six additional members who have sought recognition and will be recognized, obviously. If I can have the attention of the membership. With leave of the Body...obviously, there is a matter of great interest that has kept the people in the gallery and the press corps in their seat. With leave of the Body, we will pick a time certain to go to that order of business so that there is no mistake and all the members will know. That matter is, obviously, is on consideration postponed, it is House Bill 1805. I should...at the hour of four o'clock...at four o'clock we will go to that order of business. So that everybody understands, at 4:00 p.m. today, we will move to...from wherever we are, we will move to the Order of Consideration Postponed for the purpose of 1805. Hopefully, in the meantime, we can do something else. Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDENT:

Indicates he will yield, Senator Davidson.

SENATOR DAVIDSON:

Senator Bruce, when you were asked earlier about supervisor, and you said it would depend on the...preponderance of employment time. The question I have, would that include a department chairperson in that title?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Bruce.

SENATOR BRUCE:

Senator Davidson, it would be my feeling since that we were talking about determination by actual function and not

title, and since we're talking about whether a person has the right to hire, fire and effectively recommend a...an individual, that under NLRA rules, regulations and prior court decisions, I don't believe that department chairs in either K through twelve or community colleges would...would be considered supervisors; they rarely could be, and I think that if they were to have spent a preponderance of their employment time, as it was defined by the Governor in his amendatory veto, they could be, but I don't believe that they...that they do. The Yeshiva decision which dealt with New York seemed to say that they would be, but it is clear under Illinois law and the proceedings here that that is entire different situation. They do not have the input in its administrative or managerial decisions which the Supreme Court found determinative in that case.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, try to make this as brief as I can. There's nothing, in my opinion, that the Governor can do to make this bad bill a good bill. The only excuse, it seems to me, for legislation of this kind would be if it assured the orderly flow and provision of governmental services to the public; in this case, education to the public, but it won't. I am convinced that under the provisions of the measure and the amendments, that we will see strikes in the State of Illinois, and the kids, the school children, are going to be lost somewhere in the cracks just as they were in the City of Chicago. Much has been made of the fair share provision as cited in these amendments. I have said on this Floor before that the fair share provisions really ought to be called forced share because nobody can convince me that a teacher who may not want to belong to a union should be forced to pay into the

union even on the basis as outlined in these fair share agreements for services, perhaps, that that teacher did not want. So, let's call fair share by its rightful name and let's call it forced share, at least, so it seems to me any way. Finally, it is my humble opinion that this measure merely broadens the grip of organized labor on the public sector; in this case, the educational sector, organized labor which has fallen upon hard times, membership wise, in other areas now seeking to plow deeper and wider...furrows in a new field on a State-wide basis, with a State seal of approval, new furrows in new fields. And it seems to me, finally, that like a boa constrictor, this type of legislation and its logical developments will continue to squeeze the educational process in this State until it renders that process helpless to serve the very public that it is intended to serve and that is the school children of the State of Illinois who, by the way, are not mentioned a great deal in all of these debates. I would merely ask you, my friends and colleagues in the Senate, to think seriously and deeply about this whole business and would urge that you not accept the Governor's suggestions, his amendatory vetoes, in this case, in the hopes that maybe the entire bill might in some way still be defeated as it rightfully should be.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and members of the Senate. I will be very brief. I think most of the questions have been answered by Senator Bruce. I must admit that I'm a little surprised that we are rehashing and discussing the same issues and points made when the educational employees were also included in 536. The major provisions in this bill did not change, they are the same. Most of the key definitions are still the same. I agree with the Governor that because

of some of the...the characteristics of the problems that faces the education community that it is necessary that they have a separate board and a separate law for governing collective bargaining. I think for those of you who feel that by passing this law that we're going to see an increase in strikes, that you're wrong. I think we are experiencing right now an increase in strikes because there are no uniform laws in the State governing collective bargaining and protecting the rights of public employees. This bill will afford a orderly transition, an orderly negotiations, and it would most certainly minimize the chances for strikes. I think that the Governor in his amendatorily veto of this bill set forth some very clear definitions and intent for this legislation. These issues, again, has been discussed and I can't understand why most of you are acting if though you've never heard of these provisions before. They were in 536. Those of you who voted for that bill voted for the same provisions. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. If the Attorney General doesn't raise up here and hit me under the chin as he's...

PRESIDING OFFICER: (SENATOR DEMUZIO)

I'm glad you brought it up. Senator Buzbee.

SENATOR BUZBEE:

Welcome to the Floor, General. I have a couple of questions, for the record, of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Buzbee.

SENATOR BUZBEE:

In Illinois there is a long history of bargaining without a comprehensive law. Is it true that almost everything is currently being bargained? Can teachers bargain class size,

textbooks selection, evaluation and so forth?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

Senator Buzbee, we do have a long history in the State of Illinois, and historically the scope of bargaining has been very broad and this bill will not change that. In fact, within Section 4 of the Act, it states that "employers shall be required to bargain collectively with regard to any matter concerning wages, hours or conditions of employment about which they have bargained for and agreed to in a collective bargaining agreement prior to the effective date of this Act." In addition to that, the preceding paragraph puts that language in that they shall, in fact, if they have not already bargained, bargain over wages, hours, terms and conditions of employment as well as the impact thereon upon request by employee representatives. So, in fact, it will give the bargaining rights over wages, hours, terms and conditions, other things mentioned in the bill which would include, already, class size, textbook...selection, evaluation procedures and like...like things presently in collective bargaining agreements and presently being bargained.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Kelly.

SENATOR KELLY:

Senator Bruce, even in the absence of a collective bargaining law in Illinois, hundreds of exclusive employee representatives have determined either through voluntary recognition by school employers or through recognition elections under Public Act 82107. I'd like to know, does House

Bill 1530 affect in any way the status of these currently recognized bargaining agents?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

No, it does not...the last paragraph of Section 8, "Provides that any labor organization that is exclusive bargaining representative in an appropriate unit on the effective date of this Act shall continue as such until a new one is selected." And so those people that have been bargaining either through voluntary recognition or through recognition elections under Public Act 82107 will continue to be those exclusive bargaining representatives.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Does any other member desire recognition for a first time? Senator DeAngelis, for a second time.

SENATOR DeANGELIS:

Yeah, thank you, Mr. President. I apologize for rising the second time, but, Senator Bruce...Senator Bruce, I...either I asked you the question improperly or you answered it improperly. I have the bill before me now, and I point out to the reference you made regarding the State Mandates Act, and you say that it is not covered by the State's Mandates Act by reason of the exclusions specified in clauses 2 and 5 of...Subsection 8 of Section 8. Now, I would point out to you, sir, that you cannot exclude those by reference, because if in the aggregate they exceed fifty thousand dollars, it makes that reference nonoperable; but the reference that I am talking about is the Section 8 which is the personnel mandate, and that was not exempted in this bill, and I would like to read to you, under the State's Mandates Act and also a letter that I received from the State Mandates Office that says...that says we are, in fact, responsible for any reimbursement or any additional costs

incurred because of this agreement. And under the personal...Personnel Act, these are the things covered by the State's Mandates Act, which you don't exempt in this bill, but you couldn't anyhow by reference..."a personnel mandate means a State mandate concerning or affecting local governments, salaries and wages," one, which in response to Senator Buzbee's question, you acknowledged is, in fact, the thrust and mandate of this particular bill. Item two is debatable, employee qualifications, and there might be some, in fact, mandate on that based on the way you answered Buzbee's question. Item three, hours, location of employment and other working conditions specifically mentioned in the bill. And I would submit to you, sir, that you are, in fact, invoking the State Mandates Act by the passage of 1530.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bruce may close.

SENATOR BRUCE:

Well, let me just answer Senator DeAngelis and tell you why you're wrong on both points. First of all, it is this Legislative Body who makes the determination that whether or not the State Mandates Act shall apply. We make that statement within the section in this bill that it does not apply. That is certainly within our legislative authority. Secondly, your reference to the State Mandates Act is completely in error. If this bill stated a minimum wage for teachers which was increased, that is a personnel mandate. Nothing in this Act changes wages, hours, terms and conditions or salary pursuant to the State Mandates Act and the personnel provision thereunder. We don't set any salaries, and all this bill does, and in answer to Senator Buzbee's question, is it allows the negotiation over those items earlier denominated. Those salaries could go up, they could go down, hours could change, we could have half-days, all of those things could occur, none of which...none of which would

require any additional personnel, and so I believe that in both instances your...your citation of the State Mandates Act is in error. As to the bill in closing, Mr. President, I believe that we have thoroughly debated 1530. I would like to say that the...the bill has been through the process here for the last twelve or fifteen years. The first collective bargaining bill was introduced in this General Assembly in 1921, and I believe that we've worked on it long enough. Perhaps it is time to pass a collective bargaining bill that will cover educational employees within the State of Illinois. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1530 in the manner and form just stated by Senator Bruce. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 38, the Nays are 19, none voting Present. The specific recommendations of the Governor as to House Bill 1530 having received the required constitutional majority vote of Senators elected are declared accepted. May we have some order, please. Have some order. House Bill 1549, Senator Chew. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 1549 in manner and form as follows. Signed by Senator Chew.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew. Can we have...will the Senate please come to order. Senator Chew.

SENATOR CHEW:

Mr. President, the Governor put this bill in the shape

that he thought it should be in, and I have no opposition from those parties that were concerned about the bill in the first place and those that came down and testified. I've had complete communication with all parties involved and everybody is satisfied. I would ask that we sustain the Governor's amendatory veto, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1549 in the manner and form just stated by Senator Chew. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 1549 having received the required...constitutional majority vote of Senators elected are declared accepted. House Bill 1599, Senator Macdonald. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 1599 in manner and form as follows. Signed by Senator Macdonald.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Yes, thank you, Mr. President. I move to accept the specific...or recommendations of the Governor on House Bill 1599 simply because the provisions that he took out which were the day-care provisions by the Children and Family Service and by townships are found in another bill that he signed, identical provisions in Senate Bill 1232, so I would recommend that we accept his recommendation of change.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1599 in the manner and form just stated by Senator Macdonald. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 1599 having received the required constitutional majority vote of Senators elected are declared accepted. 1674, Senator Lenke. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 1674 in manner and form as follows. Signed by Senator Lenke.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lenke.

SENATOR LENKE:

I...what the Governor did here was add a provision to allow automatic license renewal upon payment of...of required fee as long as the licensee maintains the required bond in force in effect. This provision was inadvertently left out when they rewrote this Act, and I ask for a favorable consideration of this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1674 in the manner and form just stated by Senator Lenke. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The specific recommendations of

*HB 1703
Specific Recommendations
of the House*

the Governor as to House Bill 1674 having received the required constitutional majority vote of Senators elected are declared accepted. 1683, Senator Lemke. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I...I move to accept the specific recommendations of the Governor as to House Bill 1683 in manner and form as follows. Signed by Senator Lemke.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LENKE:

What this does is amends the certain Acts in relation to ride sharing. What the Governor did was...the minimum number of passengers should be lowered to nine and expenses for repair should be included in commuter vans as well as passenger cars. This conforms the Illinois Act with the Federal law, and I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1683 in the manner and form just stated by Senator Lemke. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. House Bill 1683 having...received the required...the specific recommendations of the Governor as to House Bill 1683 having received the required constitutional majority vote of Senators elected are declared accepted. 1703, Senator Holmberg. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I...I move to accept the specific recommendation of the Governor as to House Bill 1703 in manner and form as follows.

HB 1707
Gov. Amend. 1/20

Signed by Senator Holmberg.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

House Bill 1703 amends the Unemployment Insurance Act. It requires the board of review to consider any additional evidence if it is submitted in a timely manner and required that the board make a determination or finding within sixty days. Under the Governor's recommendations, it deletes the language requiring the board to consider additional information and makes that permissive instead and increases the time allowance from sixty days to a hundred and twenty days, and I recommend that we accept those changes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1703 in the manner and form just stated by Senator Holmberg. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 1703 having received the required constitutional majority vote of Senators elected are declared accepted. 1707, Senator Schuneman. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 1707 in manner and form as follows. Signed by Senator Schuneman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

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

House Bill 1707 as originally passed did two principal things; it established minimum limits of capital and surplus required of insurance companies who wish to engage in the business of reinsurance; and secondly, it required that auto insurance policies including uninsured motorist coverage be broadened to include uninsured property damage coverage in the amount of five thousand dollars. The Governor's amendatory veto provides that the uninsured property damage coverage need not be written in those instances where the automobile is also covered by collision. His veto will avoid any duplication of coverage that might have existed under the bill as it was passed out of here and would tend to help control the costs, so I would move that we accept the Governor's specific recommendations for change.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1707 in the manner and form just stated by Senator Schuneman. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 1707 having received the required constitutional majority vote of Senators elected are declared accepted. House Bill 1881, Senator Fawell. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 1881 in manner and form as follows. Signed by Senator Fawell.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President. All this bill did was allow the membership of a county-wide housing authority to be...increased from five to seven, and the amendatory veto merely limited this to DuPage County, and...and I would...I would hope that...for a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1881 in the manner and form just stated by Senator Fawell. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, 1 voting...none voting Present. The specific recommendations of the Governor as to House Bill 1881 having received the required constitutional majority vote of Senators elected are declared accepted. House Bill 1925, Senator Donahue. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 1925 in manner and form as follows. Signed by Senator...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The Governor in his amendatory veto simply put in technical changes in the proper land description. This bill deals with quitclaim deeds between the Department of Transportation and landowners in counties of Adams and Marshall. I would hope that we would accept his recommendation for change.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question

is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1925 in the manner and form just stated by Senator Donahue. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 1925 having received the required constitutional majority vote of Senators elected are declared accepted. 1995, Senator Kustra. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 1995 in manner and form as follows. Signed by Senator Kustra.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. House Bill 1995 provides that a person who commits perjury under Section 29-10 of the Election Code shall not be able to hold public employment for five years after his or her sentence. The changes which the Governor made were technical changes assuring that the definition of public...employment appeared both in this bill and in a companion bill. I would move that we accept the recommendations of the Governor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The...the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1995 in the manner and form just stated by Senator Kustra. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53,

*H. B. 2035
Specific Recommendation
of the Governor?
AB 186 Reconn.
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to*

the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 1995 having received the required constitutional majority vote of Senators elected are declared accepted. 2035, Senator Dawson. Mr. Secretary, read the bill...the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 2035 in manner and form as follows. Signed by Senator Dawson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, 2035 creates a new Act requiring employers to permit employees to review the personnel records and provides penalties for the violations. We agree with the amendatory changes by the Governor and it's supported by AFSCME and the AFL-CIO and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2035 in the manner and form just stated by Senator Dawson. 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 31, the Nays are 25, 1 voting Present. The specific recommendations of the Governor in regards to House Bill 2035...having received the required constitutional majority vote of Senators elected are declared accepted. Is there leave to return to House Bill 186? All right, leave is granted. Page 20, near the bottom of the page, House Bill 186. Senator Hall, are you ready to proceed? Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 186 in manner and form as follows. Signed by Senator Hall.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This creates the self-insurers insolvency fund. Now the Governor made several technical changes. Number one, he deleted language which requires the director of the Department of Insurance to authorize payments from the fund and requires the Industrial Commission to notify the director of the Department of Insurance of the proper rates and payments. He also added insert provisions that only the commissioner may audit payments only after the penal sum of the...surety bond and/or securities and assessments against the individual members of the group self-insurers in default have been exhausted. Three, he stipulates that claims filed be filed against the group self-insurer. Deletes reference to DOI making the determination of default. Fourth, he adds language which stimulates that any excess insurance carrier be liable for payments under the terms of the policy covering the group self-insurer or...such carriers shall make appropriate payments, and payments from the fund shall cease to resume only when the excess carrier's liability is exhausted. Fifth, it requires that the penal sum of the surety bond and/or securities of the self-insurer must be exhausted prior to the fund being utilized. Sixth, require payments into the fund when the commission determines that the surety bond or the securities will not be sufficient to pay all claims. Seventh, he deletes reference to the...to the director authorizing payments; directs that the commission shall order payments only after the penal sum of the surety bonds or securities and

after the assessment against the individual members of the group self-insurer in default have been exhausted. Eighth, it stipulates that if a carrier has sufficient funds to make payments, then payments from the fund shall cease. The...the change would have the commission authorizing payments from the fund, not the Department of Insurance. The department with the changes is responsible for maintaining an adequate balance in the fund. These changes are of administrative in nature. I ask and recommend for a vote for the specific recommendation...of the Governor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 186 in the manner and form just stated by Senator Hall. 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...the specific recommendations of the Governor as to House Bill 186 having received the required constitutional majority vote of Senators elected are declared accepted. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Just as a little break in the action, I would like...it's not on the Calendar, but tomorrow morning at nine o'clock there's a meeting on Executive and Appointments at nine o'clock in 212. I'll make the announcement again later.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, page 22, motions in writing to override the specific recommendations, House Bill 622, Senator Barkhausen. The bottom of page 22, House Bill 622. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 622 do pass, the specific recommendation of the Governor to the contrary notwithstanding. Signed, Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members of the Senate, on House Bill 622, as you may recall, gives downstate school districts and only downstate school districts authorization to impose a five-cent levy for the purpose of leasing under-utilized school facilities in...in neighboring school districts. The reason for the bill is to encourage the...the very few growing school districts that we have in the State of Illinois to adopt a policy which makes sense for the taxpayers which is to lease school facilities that may be available in adjacent districts rather than building new ones. The Governor changed the provisions of the bill which require for a very stringent backdoor referendum so as to require a front door referendum. My...my feeling and the feeling of the House, which already overwhelmingly overrode the Governor's veto, is that in this instance the Governor is...is being very selective in what he feels is...is looking out for taxpayers' interest, because at the same time that he overrode this bill providing for an extremely stringent backdoor referendum, he signed two bills for park districts that provided for less stringent backdoor referenda, House Bill 708 and 709. Also it should be pointed out that there are a number of educational levies that either require only a backdoor referenda, less stringent than the one that would be required here or that will require no referendum at all. At the insistence of Representative Pullen over in the House, the backdoor referendum provisions were changed to require a more prominent publication of notice, to increase to thirty days the time that taxpayers would have to begin to circulate petitions, to require school

districts to provide the petitions themselves rather than have the taxpayers have to...to draw up and print the petitions, and all of which go to protect the taxpayers' rights and to...and to encourage school districts to do the most economic and sensible thing...where they are in the unusual situation of being a growing school district. I...the...the district...this bill passed last spring with the...with just 36 votes. All of you, I think, have received a letter from me, and I've had a chance to...to talk to many or most of you, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall House Bill 622 pass, the...the specific recommendations of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 7, 2 voting Present. House Bill 622 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding. Top of page 23, House Bill 754, Senator Maitland. Senator Maitland on the Floor? House Bill 946, Senator Holmberg. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 946 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Signed, Senator Holmberg.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

House Bill 946, sponsored by Representative Klemm in the House and supported by the State Board of Education, regards the...the transportation reimbursement formula. It redefines

*Ms 960
Aye. Demuzio.*

the indirect costs that may be included in the reimbursement formula. A school district's indirect pupil cost cannot exceed five percent of the total allowable direct cost. The Governor states in his message that he is supportive of increasing in the indirect cost rate from 2.5 percent to five percent for districts which own and operate their own school buses; however, he deletes the new language regarding the definition of the indirect cost and substitutes the old language related to the Federal indirect cost computation which is not an effective...move forward kind of plan for school districts. Presently, as background, the school districts which contract for transportation services from a private carrier can pass on to the State such indirect costs as administration, cost of buildings connected with buses fleet, operations, et cetera; however, schools which operate their own buses cannot pass on these costs, and to argue that passing on such costs will not promote efficiency does not make sense. The Governor, if he believes that assertion, should not allow the private carriers to add on these costs in their school district contracts; therefore, I would ask you to concur with your original vote which was 49 to 9 and to override the Governor's recommendations.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall House Bill 946 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 2, none voting Present. House Bill 946 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding. House Bill 960, Senator Kustra. Is Senator Kustra on the Floor? Mr. Secretary, read the

motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 960 do pass, the specific recommendation of the Governor to the contrary notwithstanding. Signed, Senator Kustra.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. The original bill increased from twenty-five to thirty-five thousand dollars the annual salary threshold for filing statements of economic interest. The Governor's amendatory veto reduces the filing level to thirty thousand dollars. The House decided to go back to the original amount, and they overrode the Governor's veto bringing it back up to thirty-five thousand dollars. All I can say at this point is that the business of...of keeping and filing these economic interest statements is considerable, and apparently the House felt that by eliminating the...by taking it back to the original thirty-five thousand dollars would eliminate a lot of paper work, and I would ask for an override of the Governor's veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Netsch.

SENATOR NETSCH:

Are you asking us to vote yes, Senator Kustra? I'm not quite clear from your comments. Is it a good idea? And I'm serious about the question. The...I...I don't see any point in having these reports filed by so many people that it is...is just make-work which I think in part was...the case originally, but I don't know whether this a sensible dividing line and I guess I'm really asking, do you think it is a sensible dividing...division line?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Yes, Senator Netsch, both the House and the Senate thought in the Spring Session that thirty-five thousand dollars was a reasonable sum to cut it off at, and I...I think we should go back to that rather than settle on the thirty thousand dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall House Bill 960 pass, the specific recommendations of the Governor to the contrary notwithstanding. 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...on that question, the Ayes are 51, the Nays are 5, none voting Present. House Bill 960 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding. House Bill 1323, Senator Geo-Karis. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 1323 do pass, the specific recommendation of Governor to the contrary notwithstanding. Signed by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I move to override the Governor's veto on this because I believe that the Governor now is in favor of this bill. The way it was presented and staff of the...staff near the Governor is here. I think the staff aide who had reviewed the bill had not quite understood it, and he does now understand it and...the objection has been removed, and I move for its override of the veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Any discussion? The question is, shall House Bill 1323 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, 1 voting Present. House Bill 1323 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding. House Bill 1371, Senator Carroll. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 1371 do pass, the specific recommendation of the Governor to the contrary notwithstanding. Signed by Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This was a bill dealing with the Legislative Information System and its dealings with Central Management on rule making and payment of bills. The Governor initially vetoed the legislation and subsequent to his veto, transmitted to me a letter indicating that the...he was in error in that veto and has suggested that he will not oppose an override, that Central Management had made a mistake and is now in agreement with the bill as it had reached his desk. So, I would therefore move that 1371 do pass, the...the veto of the Governor to the contrary notwithstanding, especially since he agrees.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall the...shall House Bill 1371 pass, the specific recommendations of the Governor to the contrary notwithstand-

ing. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. House Bill 1371 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding. House Bill 1495, Senator Geo-Karis. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 1495 do pass, the specific recommendation of the Governor for change notwithstanding. Signed, Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this is the bill that...restore...would restore the stature or distribution of proceeds, monies and assets forfeited and seized under the Narcotics Profit Forfeitures Act and fifty...fifty percent would go to local law enforcement agencies, twenty-five percent to drug traffic prevention and for MEG funding, and twenty-five percent for prosecutions and appeals to narcotic cases. The appropriations for this...this bill has already been passed, and I move...the favorable consideration of the motion to override the Governor's veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of the motion to override the Governor's specific recommendations for change. The operation of the MEG units as this Chamber tested two weeks ago when it

voted to restore the money is absolutely essential, and unless we can get this Drug Forfeiture Act straightened out and get the money into the pipeline,...the program simply won't get off the ground. This is a...a good motion. I think the Governor again has made a mistake and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis may close.

SENATOR GEG-KARIS:

Ask a favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1495 pass, the specific recommendations of the Governor to the contrary notwithstanding. 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 56, the Nays are none, none voting Present. House Bill 1495 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding. House Bill...all right, House Bill 1667, Senator Degnan. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 1667 do pass, the specific recommendation of the Governor to the contrary notwithstanding. Signed by Senator Degnan.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. House Bill 1667 dealt with the simultaneous tenure in public office. The Governor has removed that portion allowing simultaneous holding of the office of county board member and township assessor or town clerk or township highway commissioner. Currently, under

legislation passed in 1982, that is allowed in counties with population under three hundred thousand. This bill would provide that opportunity in all counties of the State. Absent any questions, I would ask your Aye vote to override the specific recommendations of the Governor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? Senator Davidson.

SENATOR DAVIDSON:

Question to the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Davidson.

SENATOR DAVIDSON:

Are you saying a township assessor should be able to serve simultaneously on a county board?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Degnan.

SENATOR DEGNAN:

That is correct, and that is the law now in those counties with populations under three hundred thousand.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Well, being a past chairman of a county board where the county board does make the board of review, does appoint the supervisor of assessments and those...particularly those four individuals who are going to set in judgement of what that township assessor did in his job, I don't think is a good idea. I would urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Philip.

SENATOR PHILIP:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Philip.

SENATOR PHILIP:

Yes, Senator Degnan, do you have a township assessor in your legislative district?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

I would like to know who the township assessor is and what township.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

I think there's one in Cicero. I don't know him personally.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

I...I...I just might suggest this, there happens to be an Attorney General's Opinion on whether a assessor can...a township assessor can serve on a county board. The Attorney General of the State of Illinois said there is a conflict of interest. To sustain the Attorney General, we had a Will County Circuit Court case on the same point. The Will County Circuit Court said there is a conflict of interest, they should not. That went up to the Third Appellate Court District. The Third Appellate Court District Court ruled it is a conflict of interest, they shouldn't be serving on county boards. Now, it...the greatest conflict of interest I can think in...in county government would be an assessor who sits on the county board, who votes to confirm the appointment of the president of the county board, on the board of review,

the supervisors of assessment and then turns around and votes on their budget completely. The greatest conflict that we have is this. The courts have sustained that position and so has the Attorney General, and I suggest we vote No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Permitting a township assessor to hold both offices could certainly be a conflict of interest. Such a person would vote on a tax levy and then assess the...property based on that levy. It is definitely a conflict of interest. The Governor did leave in the provision which allows the township supervisor to serve simultaneously on the board of review, and I think that's going just about as far as we ought to go with this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Degnan may close.

SENATOR DEGNAN:

Thank you, Mr. President. I think the question here is, are the voters entitled to their choice of public officials, and if any of you are on...of the same opinion I am, I would appreciate your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The...the question is, shall House Bill 1667 pass, the specific recommendations of the...of the Governor to the...to the contrary notwithstanding. 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 21, the Nays are 25, none voting Present. House Bill 1667 having failed...the motion having failed to receive the required three-fifths vote is declared lost.

PRESIDING OFFICER: (SENATOR BRUCE)

With leave of the Body, we will go to page 18, motions in

writing to override total vetoes. Leave? Leave is granted. The Senators that will be involved will be Senators Marovitz, Davidson, Lemke, Senator Demuzio and Senator Etheredge. Senator Marovitz on the Floor? Mr. Secretary, will you read the motion as it relates to House Bill 22.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 22 do pass, the veto of the Governor to the contrary notwithstanding. Signed, Senator Marovitz.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz is recognized. May we have some order, please. Senator Marovitz is recognized.

END OF REEL

REEL #3

SENATOR MAROVITZ:

Thank you, very much, Mr. President, Ladies and Gentlemen of the Senate. House Bill 22 creates the Violent Crime Victims' Assistance Act for the purpose of providing funding to direct service groups and organizations which give needed and in many cases vital support services to the victims of violent crime. The funding for the Act would come directly from surcharges imposed upon those people who are convicted, convicted, of misdemeanors and felonies including serious traffic offenses. Although there are currently such fines imposed upon traffic offenses for funding police training and driver's education, this...this bill would in no way diminish funding for those programs. In sixty percent of the thirty-nine states...

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order, please. If we can take our conferences off the Floor, we can clear the aisles. We can...Senator Marovitz, we'll try to get some order here. If we can just take our conferences off the Floor, Ladies and Gentlemen. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. In sixty percent of the thirty-nine states which have compensation or victim assistance programs, this is the method successfully used to fund wholly or in part direct services to those crime victims. Thirty-nine other states have this and use this method. Unfortunately, the State of Illinois does not have adequate resources and programs for the victims of violent crimes, and shouldn't that be a priority? Two programs which deal with victims are located in the Illinois Department of Public Health and the Illinois Attorney General's Office.

These programs are for rape victim treatment and crime victim compensation respectively. Both of these programs deal solely with the...reimbursement of expenses incurred by victims as a result of their being a crime victim, reimbursement for out-of-pocket expenses, only. Neither program provides emotional support, counseling, guidance through the court system or other services needed by these crime victims. Other programs such as victim witness programs run through the state's attorneys' offices and police departments. They are suffering from a lack of proper funding and resources since the demise of the Federal Law Enforcement Assistance Administration. Although a few are well funded, most of these programs are not. In addition, in a recent survey conducted by the Peoria State's Attorney, twenty-eight states's attorneys said they would like to have a victim witness program but could not begin such an effort without funding assistance. This provides services to those people who don't have funding assistance. It's been proven in Illinois and throughout the country that victim witness programs encourage prosecutions and provide support to victims and witnesses without which the entire criminal justice system would fail. In addition to the victim witness services, there exists a great need for funding and resources in the area of...domestic violence, rape, child physical and sexual abuse and elderly and disabled victims, as well as for families of homicide victims. These are the programs, these are the programs that are suffering tremendously in cutbacks in both funding and staff which House Bill 22 would provide. This bill will provide the direct services for these victims of crime which exist in no other program in the State of Illinois. Let me tell you a list of some of the people, some of the organizations throughout the State of Illinois that support House Bill 22 and are on board for an override of this legislation: The Fraternal Order of Police, the Illinois

Crime Prevention Officers' Association, the Illinois Coalition Against Domestic Violence, the Illinois Nurses' Association, the Illinois Coalition of Women Against Rape, Victim Witness Youth Outreach, the Evanston Police Department, the Parents of Murdered Children, the Illinois Sheriffs' Association, the Peoria Witness Information Service, the Junior League of Evanston, the Midwest Women's Center, the Quincy Area Network Against Domestic Abuse, Victim's Family Committee, the child...the National Committee for Prevention of Child Abuse and Neglect, St. Mary's Square Living Center, the Illinois...the Child Sexual Abuse Treatment and Training Center of Illinois, the Wheaton Victim Witness Program, the Moline Rape Center, the Fox Valley Men and Women Against Rape, the Rape Task Force in Decatur, Rape Victim Advocates, the Mary Bottleway Homes, the Uptown Hull House, the...the Family Support Center of Aurora, the Rape Crisis Center of Carbondale, the Southwest Women's Working Center, the DeKalb Victim Witness Center, the Dixon Victim Witness Center, the Lake County Victim Witness Programs, Crisis Homes, Youth Guidance Homes, the Barrington Youth Services, Mile Square Health Center, people throughout the State of Illinois are in favor of an override of this legislation to provide centers throughout the State and direct services to the victims and witnesses of violent crimes. I think it's about time that we, in this legislator, get...in this Legislature, get our priorities in order. And after all, what's more important, worrying about driver's education or worrying about helping the victims of violent crime? The most important thing, Ladies and Gentlemen, is that there is not one nickel of...of State dollars, not one nickel of GRF money that goes for these programs. The only funds that will go for these programs are as a result of a surcharge on misdemeanors and felony convictions, that's it; not one nickel of GRF, no tax dollars. There's no downside risk in these programs, all

we're doing is helping people in need, the victims of violent crime. Please vote Aye for an override of House Bill 22.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I speak in favor of this override because we did hear this bill in committee, and I can tell you that we do not have a provision to help the witnesses of violent crimes. I understand also that the amount charge...the additions to the fines would be twenty-five dollars for crimes of violence, twenty dollars for other felonies or misdemeanors, ten dollars for offenses require revocation of driver's license and so forth and three dollars for vehicle moving violations other than speeding. I think it's time we did have a fund set up to protect...protect the victims and witnesses of violent crimes because it is our duty to stop victimizing the victims and helping the victims instead of glamorizing the people who cause all these rotten crimes. And I speak in favor of overriding the veto in this...bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. Senator Marovitz, when you appeared before the Executive Committee with Attorney General Hartigan, I asked you if traffic violations were included in this; you said, no. After we looked through the bill again, we discovered it was. You also indicated that you were going to amend that out of the bill. Now you did not amend it out of the bill, the bill passed with it in it, and I would like to know why you choose...chose not to amend out traffic violations under a Victims' Assistance Act.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

I originally thought that that was amended out of the bill. I found out that...that it was not. I went to the House sponsor and he...and those members of the coalition supporting this legislation felt that a three dollar surcharge should remain in the bill, and it does remain in the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Marovitz, the...the...the committee's vote, at least mine and several other people's vote was conditional on what we thought was at least a quasi-commitment that that would be taken out, and I don't think that the...it is...I don't think that you ought to go back to the House sponsor and use that...if you couldn't make the commitment, then you ought not to make it and you ought to indicate it. I really don't feel that traffic offenders should have to be paying for...for a Violent Crime Assistance Act.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR DeANGELIS:

So, I urge the defeat of this override.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of the motion to override the Governor's veto on House Bill 22. House Bill 22 as introduced and passed by this Body and passed overwhelmingly in the House with more than a hundred votes, for the first time, I think, addresses the problem of what to do with the victims of violent crime. We are setting up an unpaid advisory

board; we are using a surcharge imposed on those who are guilty of felonies and misdemeanors to pay for it. It is just frankly a good idea and one that is long overdue. There is no commitment from general revenue. This is something that this State ought to do as a matter of public policy. I urge every member on this side of the aisle and hopefully enough on the other side to support the override. I think the Governor made a mistake, and if you take the time to read the message, it sounds to me, frankly, like his heart is not in the veto. Because he says, "I have always acted to protect victims of violent crimes and would do so again if other funding sources and other administrative procedures are found." I suggest to you that after a thorough hearing in both Houses, majority approval in both Houses, that the funding sources and the administrative procedures have been found and we ought to override the Governor.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Well, just in addressing one of those points. Speeding has been taken out of the bill, so there is no...no additional three dollar fine for speeding. And the...the...the....the bulk of the money...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz, excuse me...excuse me. Senator Lechowicz, did you wish to comment on this bill? I did not see your light...the Chair apologizes. Senator Lechowicz.

SENATOR LECHOWICZ:

If the gentleman will yield.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield.

SENATOR LECHOWICZ:

I, too, would like to support the override motion and ask that the Senate reject the Governor's veto and really supply

a vote for the constituency that we all have. No one wants to be a victim of crime. This General Assembly in the past has voted quite specifically that we support the notion and the concept that, yes, people who are victims of violent crimes should be compensated, not to the degree that they are entitled to but a small amount of money in comparison to the grief and aggravation that they have exposed themselves and their families too. House Bill 22 is a reasonable, logical approach to a serious problem facing many people in this State. Many people are affected by this bill. Each and every one of us know of a family or a person in our respective districts that have been victims of crime. What we're asking is that a advisory committee be established and that a funding source irrespective of the General Revenue Fund of this State be established so that, yes, we can receive the input of the victims; and yes, we can have the compensation that is necessary in order to achieve a worthwhile purpose. That is the purpose of House Bill 22. That is the purpose that we're hoping that you concur with the sponsor and the people that have worked in putting this legislation together in voting Aye and overturning the Governor's ill-conceived veto. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Marovitz to close.

SENATOR MAROVITZ:

Well, just in answering Senator DeAngelis. The minor nonmoving traffic violations, Senator, have all been removed, speeding has been removed. And let me just say this, we're talking about twenty-five dollars for the conviction of the crime of violence such as murder, voluntary manslaughter, kidnapping, rape, aggravated kidnapping, aggravated assault, arson, aggravated battery, et cetera, et cetera. The bulk of the money will come from those crimes; twenty dollars for conviction of other felonies and ten dollars for

serious...serious motor...vehicle violations such as conviction of manslaughter and wreckless homicide. This is where the funding will come to help the victims of violent crimes, and I think the Legislature ought to go on record as saying, our priority is to help the victims of violent crimes. And if it's not going to come from State dollars, from tax dollars, from GRF, my gosh, shouldn't we all make that statement. Thank you, very much. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 22 pass, the veto of the Governor to the contrary notwithstanding. 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 49, the Nays are 6, 1 voting Present. And House Bill 22 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. House Bill 307, Senator Davidson. House Bill 412, Senator Lemke. Mr. Secretary, if you'd read the motion on House Bill 412.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 412 do pass, the veto of the Governor to the contrary notwithstanding. Signed, Senator Lemke.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

What this bill does is amends the Juvenile Court Act. This is what we...in commonly in street gangs to get rid of the shooter who is usually fifteen years or above and goes out and commits a...a attempted murder and usually misses his target and might wound the person and commit an aggravated battery. What this does is...makes those people tried as adults in adult court. I think it's a good bill and I ask

for an override of the Governor's veto.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, it's with some reluctance that I rise on this bill. If you recall, last Session we went into this area of automatic transfers for juveniles for four distinct crimes. I can sympathize with gang activity, but I also think we should call to your attention that we have not given the Act a chance to really have an experience ratio at this time. We've obviously been faced with a prison overcrowding situation. Moving all of these type of cases into an automatic transfer, I don't think will help that particular situation. And again, I reiterate, I am sympathetic with the type of crime that's involved and what Senator Lemke is trying to do. I leave it to your discretion and good judgment as to what you want to do, obviously; but...at this time, until we have a better experience factor on the bill that we originally passed and...until we have the prison overcrowding situation under control, I would suggest that a No vote on the override is a proper vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President. It...I, too, share the reluctance of Senator Sangmeister to rise in sustaining the override; however, we have already required fifteen year old minors who are charged with rape and deviate sexual assault and armed robbery and so on to be tried with... as adults. We don't have the experience factor there. I'd note that the firearm doesn't even have to be loaded. I believe that probably what would be the wisest policy for us would be for us to let the veto stand, take a look at our experience with the other...the other crimes that involve automatic transfer,

and then come back in the spring and address the issue at that time. I, once again, say there's some reluctance there because I have no...no...I think...I have no question of the sponsors, both House and Senate, their motivations and the problem they're trying to address. But I would suggest to the Body that the wisest course would be to let the veto stand and then take up the matter in the spring. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave for Channel 3 to film the proceedings? Leave is granted. Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This is another example of eating away at the juvenile system. We did change the law regarding murder, rape, deviate sexual conduct, and this is just one more example of how we're going to eat away at the system until we won't even need a juvenile court anymore. We might as well try all the juveniles in the adult courts and forget about juvenile court. We all know that there's a tremendous prison overcrowding situation. A couple of years ago we passed a bill down here that said that people who are convicted of burglary in the first instance have to go to jail. They cannot get probation by the judge anymore. Director Lane testified that he had eight hundred people in jail as a result of that bill that we passed, eight hundred. Doc Davidson, I don't know what you're reading, but you should listen to this debate, because you're the guy that passed the bill. Now this is another example of where we're going to put more kids in jail and we all know that rehabilitation is not a factor in the prison systems anymore, so we're not going to rehabilitate this fifteen year old kid. We're going to get him...he's going to go through the mill and he's going to come out angrier than ever. But be that as it may, we don't have the facilities to house this kid anymore. This would be a travesty to vote to override this bill,

Ladies and Gentlemen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Senator, because I'm not a lawyer I'm asking this question. Does this...is there anything in the law at present that prohibits a...a juvenile judge if he feels that the crime is serious enough to transfer it to an adult court, if he feels that it warrants a...that type of trial?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

I don't think there's anything in the Act but I'll give you the experience in Cook County. Last year, there was two hundred and seventeen cases like this and all the shooters walked. That's the case as case discretion by the judges. All the shooters walked. We aren't talking about killer...we aren't talking about kids that commit their first crime, we're talking about professional hit men. Even though their age is...they are shooters. And when they talk about aggravated battery, aggravated battery to me is when the bullet hits somebody and they...the aggravated battery is penetrated, they commit it with a gun, where they hit somebody with that gun, that's aggravated battery, and that's what we're talking about here. So the...the judges...I know there's two hundred and seventeen cases last year in Cook County and all two hundred and seventeen took a walk. That's the judge's discretion. And they went out the next day and shot some more, and I know incidences that happened in my

district, incidents that happened in Cicero where a hit man went to assassinate a kid...street gang...went to assassinate another one and the next week he did the same thing to...that witness to testify against an adult murderer. They use these people and there's no mercy...no crime when you leave these people out because they're kids. And I cannot see the State in...in this State we have not yet put juveniles in...in a penitentiary like Statesville or Pontiac, we haven't put somebody fifteen years old. But this does not give the discretion of that judge to let this person walk. This gives them...they have to try them as an adult and take that...the consequences and then the correction system will process and put them where they're going to be, because eventually they're going to end up there, either as a murderer or as an...we're actually saving this kid's life, maybe we can convert him before he becomes a killer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell, your time is almost up. Senator Fawell.

SENATOR FAWELL:

My...for...for the record, would you...would you define aggravated battery or aggravated assault so that we are not talking about the kid that comes in with a...with the antiquated pistol and just...and holds it up. But you're actually talking about somebody really shooting someone...in other words.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

We are talking about a professional hit man who is under the age of eighteen and is about fifteen years old, that's what we're talking about. A guy that's usually used by an adult, usually has drugs or something else, just like we had in my district where they...where a fifteen, sixteen year old kid just knocked off a labor union man in a...in a...and he

just walked in the house and loaded six shots in him and killed him, and he'll take a walk because he won't be tried as an adult.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, there have been so many cases left out and allowed to walk in the streets who were tried as juveniles. I'm not a harsh person but I think the sponsor of the bill is absolutely right, when they're fifteen years of age and they take a gun and shoot someone just...as we had recently in my community of Waukegan, this young lad decided he would shoot someone coming out of the YMCA and just went ahead and did it, I think that we're going far enough. I do think that...they should be prosecuted as an adult and the court can always use its discretion to give them probation if the facts warrant it, instead of having them walk out again and do it again and again and again.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

...discussion on the bill, but since my name was mentioned in the debate, yes, Senator, I did pass the mandatory sentence on home burglary on first time conviction with the help of a good many other people in this Senate and in the House. Yes, there is eight hundred and forty-seven people in prison; the only thing you haven't talked about is the dramatic decrease in home burglaries, and the people out on the street know what the penalties are better than you and I. And the decrease in home burglary since that bill became mandatory has been dramatic, and I think it's a great bill and I'll fight like a tiger to keep it from being removed from the books.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Grothberg.

SENATOR GROTHBERG:

Well, thank you, Mr. President. To recap some of the dialogue that I have heard, there isn't a person here that wouldn't like to vote for your bill. The next bill's coming up, we're going to be on 3rd reading and try to get over to the House and get them concurred in so that we can get at the prison situation. If we...move this bill first, we are going to inundate the current prison system with a whole new criteria of where prisoners are going to be housed, juvenile, adult or otherwise. I think the timing is untimely and just...if you would take it out of the record and leave it on the Calendar till we solve the prison problem, I think we could address intelligently this matter that has already come over from the House, all it needs is a roll call. But until we can address the prison situation, this bill is untimely because it will just ruin whatever it is we come up with if we have to shave points on the prison package that is headed our way. I ask you for a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator D'Arco for a second time.

SENATOR D'ARCO:

Well, just to clarify what aggravated battery with a firearm means, I mean, this guy is talking about hit men and...and people getting killed as a result of some action. The fact is that aggravated battery with a firearm includes a situation where a guy has a gun in his hand and hits somebody with the gun. I mean, that is aggravated battery with a firearm. We're not talking about situations where people are shooting other people. We're talking about situations where a guy takes a gun and actually hits another person with a gun. You know, this guy is exaggerating what he is talking about.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR BLOOM:

Yeah, thank you, I'm sorry for rising a second time. I think in the emotion that has been generated by this debate that something is...is lost and it was a point that one of the prior speakers made, and before we vote we should keep this in mind, and that is; one, the integrity of the juvenile court system, because if there are circumstances a judge may now under the present law, in his discretion, transfer a kid to adult division and that happens all the time. And...and the kind of kids, Senator Geo-Karis, that you described in our county do get transferred to adult, as well they should be, those kind. But what we're doing is we're piecemeal eviscerating the juvenile court system and without having any kind of analysis of the results, and I think that that is probably the wrong kind of public policy to have. Thank you, sorry to speak a second time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. I rise in opposition to the override because I think the Governor made a very rational decision when he vetoed this particular piece of legislation. Quite often we get carried away down here and we think that we going to solve all of the...the problems of crime back in our district by attempting to lock up everyone, and we are finally on our way down to, I guess, the five year olds and then we'll probably start locking up some of them at birth. And maybe by then we will begin to look at the real problems that faces our criminal justice system. I think Senator Bloom and Senator D'Arco, however, if...capsuled the reality of the circumstances that we are faced with in this State. We cannot continue to lower

the age of our juvenile court system; if we are, we might as well get rid of it. We cannot continue to find ways of adding to the prison population without adequate provisions for those people to be there, and we can no longer continue to hide behind the excuse of solving crime by putting everybody in jail. Now I think this bill...we should...sustain the Governor's veto on this bill or at least until such time that you can come back here and the prison problem has been solved. And when we lock these young people up that we...have the money and the facilities to provide a adequate rehabilitation program so that they will not end up being hardened criminals. That's what we have to do. We don't have the time to do it nor the money to do it now. So I think the most rational vote would be to sustain the Governor's veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lenke may close.

SENATOR LENKE:

Well, it's very surprising to hear certain Senators talk about juvenile shooters because they represent areas where there's juvenile shooters but they don't live in those areas; they live in Oak Park, they live in Dearborn Park, they don't live in the areas that these victims are. It isn't their kids that get shot at. It's a lot of friends of mines kids that get shot and a lot of friends of everybody whether they be in a minority...or any place.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right.

SENATOR LENKE:

You got to represent the people, and if we use...if we use the criteria money for life, it's wrong. We're talking about victims, we're trying to protect them and when we have two hundred and seventeen cases in Cook County and everyone takes a walk and they're back on the street to shot again,

I'm telling you this bill is important. And I have always supported the Department of Corrections. I have always worked with them to build bigger prisons and put them away, and I don't agree with what we're doing because what we did here is we tax the hell out of the citizenry in my district for an income tax and every other tax...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Our visitors in the gallery...

SENATOR LENKE:

...but now we can't put two hundred and seventeen...two hundred and seventeen hard criminals in jail with their tax money. They want them in jail. They don't want them on the streets to shoot again. I ask for a favorable vote to override the Governor's veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 412 pass, the veto of the Governor to the contrary...ladies and gentlemen of the...the gallery will please refrain. The question is, shall House Bill 412 pass, the veto of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 22, the Nays are 24, 4 voting Present. House Bill 412 having failed to receive the...the motion having failed to receive the required three-fifths vote is declared lost. House Bill 488, Senator Bruce. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 488 do pass, the veto of the Governor to the contrary notwithstanding. Signed by Senator Bruce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This is a bill which created the Herrin, Mt. Vernon, Quincy Metropolitan Exposition Authorities in the State of Illinois. None of these authorities would be granted any property tax levy authority. They would only have the...the three proposed authorities only have revenue bond authority. The process to be eligible for a civic center funding requires that the director of the Department of Commerce and Community Affairs certify the projects, that's based upon economic feasibility, master building plan and financial capability. At the present time, there is approximately seventy-five million dollars in the fund to help metropolitan expositions be established. Most of that money has presently been allocated, some 73.7 million. So, at the present time, there is not State funding available for these authorities, but they have asked us to go ahead. The Governor has vetoed it on the basis that he's taking a look at all of the exposition authorities. We feel in the Mt. Vernon and Herrin and Quincy that we ought to proceed with the idea of establishing these three metropolitan exposition authorities and allow them to make that decision. They still will have to come back before the Department of Commerce and Community Affairs for certification. I believe the Governor's report will be back up in, he says the 1st day February, he's asked for a study. Certainly when they come back if they have not been able to comply with the new criteria and they will not, in fact, get any State funding. So all we're doing is creating them. They will...they will only be able to issue Revenue Bonds, no property tax involved, and I believe the Governor's veto should be overridden for that reason.

PRESIDENT:

Any discussion? Discussion? If not, the question is, shall House Bill 488 pass, the veto of the Governor to the

contrary notwithstanding. 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 42 Ayes, 11 Nays, none voting Present. House Bill 488 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. If I can have the attention of the membership. Will the members be in their seats and will the guests please clear the Floor. Pursuant to leave of this Body earlier granted, the hour of four having arrived, we will move to the Order of Consideration Postponed to consider the Conference Committee report on House Bill 1805. Turn to page 10 on the Calendar. On the Order of Consideration Postponed is the first Conference Committee report on House Bill 1805, Senator Keats. Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think everyone knows what the bill is so I will be quite brief in my remarks and then answer any questions anyone may have from information that you may have forgotten from the last time we discussed the bill. The most important thing to remind you is this may be the last chance for the mass transit system in the Chicago metropolitan area to receive any State assistance. This is probably the last chance we have anytime within this future, this immediate future, of doing anything to improve our transit system in the metropolitan region. This bill is not perfect; it is a compromise bill worked out by Republican and Democrat House and Senate conferees. I can guarantee you that no one got everything they wanted. I can guarantee you I probably got less than anyone else in terms of the specific things I wanted. No one got everything of what they wanted but we tried to, as much as possible, put together a transit system

that would actually function. Now, last...during the last Session, we went out of our way to solve the State's road transit system, and many of us actively worked and put our vote behind an effort to solve our road transit system. This now is the second form of major transit in this State, and I think we are now under an obligation since we solved the one form of transit problems to solve the other. Many Republicans said if we would get some reform, some restructuring, some system-wide cost containment, we would be perfectly willing to give some form of subsidy. Many Democrats said they'd be willing to give a little bit of reform, a little bit of cost containment, et cetera, if they would get the subsidy. This is it. This has some reasonable reform and it has a reasonable subsidy. There have been State-wide editorials from even the southern Illinois newspapers, and the Chicago area and suburban papers have editorialized in favor. I believe this bill is just plain honestly the best effort we can put forth and I solicit your support and would be more than happy to answer any questions you have. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Grotberg.

SENATOR GROTBERG:

Thank you, Mr. President and fellow members. House Bill 1805, Conference Committee report was the fruit of a lot of midnight oil in the months of May and June. It is an agreed concept that it is not perfect and that the bill that follows would make it more agreeable. I only rise to urge the passage of 1805 because it is, to me, the last train out of town. Those of us in the suburbs do have a concern for mass transit. It is incorporated in House Bill 1805 to the best of our ability and would be cleaned up even further in the amendment that follows. We want train fares to come down a little bit. The surcharge factor is an unfair tax on the

people that ride from the collar counties in suburban Cook. The suburban busses are having their problems. Everything that is involved in all of these bills is directed towards some fare adjustment downward, not upward. To my colleagues in the collar counties who have a "surplus" in the case of Kane, supposedly some nine millions of dollars, let the record show that that is not the sales tax money. The sales tax money has been spent to keep faith with the Skinner-Schaffer bill that the county of origin is where that should be spent. That is long gone, the RTA used that first. The funds that are surplus are surplused by resolution of the board and they are Federal and other income funds; they are not the tax funds from the quarter-cent of one cent sales tax. If, in fact, we do not pass these bills, the supposed forty million dollars, if we don't pass them, they will be immediately gobbled up in keeping the system alive because of the cash flow problems of this agency. If we do pass this, they will be rolled into the funding that will ultimately bring down fares, that's what it's all about, and clean up those trains and busses and get them operated properly. We cannot do this, Ladies and Gentlemen, unless you pass this vehicle and the one that follows and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President, members of the Senate. Some of us have been around here for a long time talking about the RTA, going back to 1973, 1974. Last July 1st or 2nd we had this bill before us and a lot of us had labored long as to whether we're going to support it or we're going to oppose it. I was one who voted for it, not that it was a perfect bill by any means, but a bill that would provide some progress, I thought, to a system of transportation that needed to be changed. After the bill failed to pass, I found

that what I thought what I was voting for wasn't exactly correct. And this has been the history, I think, of legislation dealing with the RTA. We've been told so many times over the last few years that this is going to solve our problems, this bill has the language that will do the job for us, and then we find that it isn't exactly what we thought it was. Now we have 1805 back before us again, and we have also with it Senate Bill 1118, which I am told now is supposed to be the bill to correct the inequities that are not in 1805. And I have some concerns about the labor provisions whether we can actually enforce them or not. I'm not sure about the fare box recovery ratios, and when I look at a sheet that was given to me today which tells me the fare box recovery ratios for commuter railroads, and I have four of them in my district, we're talking about fifty-one percent, fifty-two percent, and the ratio in the bill is fifty percent, I don't see a lot of relief for the people in the suburbs where I come from. I'm not too sure what they're going to say to me down the road and how they're going to feel about this. And I've come to the conclusion that maybe we can't write a bill that will solve our transportation problems in Cook County and the collar counties. Maybe we don't want to write a bill that will solve our problems in Cook County. Maybe we want to come awfully close but just not close enough. Well, Ladies and Gentlemen, it just seems to me that as Senator Grothberg said, this is probably the last train out; and while I'm one of those who are very, very, skeptical about some of these provisions, I see no other choice at this point than to vote Aye.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, I suppose I should probably ask Senator Rock to sit down before I make

this statement, but...thank you, Mr. President. I rise in support of this bill which contains a seventy-five million dollar subsidy for the RTA, and coming from McHenry County, that's probably enough to amaze...Oh, my, that got Senator Netsch even up out of her chair. Quite frankly, I...I'm a cynic on the RTA. I happen to believe in mass transit, although it's become very difficult to believe in mass transit in my area over the last few years with the treatment we've received. But I believe that the reform package, and I'm not totally convinced it'll solve all the problems, at least gives us a chance to...to develop a mass transit system in the six-county area that can stand on its own two feet and be well-managed and survive. And without that reform, I think for this State Assembly to pass a subsidy is sheer folly, we're just pumping money down a rather large rat hole. I think we all know what the game plan is here, it will be interesting to see if it prevails. For a lot of reasons, none of which are particularly noble, the forces are...against this bill want to kill this bill and they want to stonewall us till next year till right after the primary when all that money from the collar counties is spent. And by the way, it may not be the sales tax money but it was a moral commitment made by the RTA Board, I admit one of the few decent things they ever did. Once that money is gone and they've borrowed all the money they can from anyone foolish enough to lend it to them, they're going to shut the whole system down right after the primary; April, May, the busses will stop, the trains will stop and we'll have a full-scale crisis. That's the game plan, Ladies and Gentlemen. I would suggest to you that the better part of judgment is to pass the reform bill now with the subsidy and avoid that, but if we can't, let me assure you, I don't care whether you shut down the commuter rail to my district, I don't care if you kill the dollar ride, I don't care if you kill the busses;

not because I want to see those services ended but because I refuse to be intimidated by those tactics one more time. To Mr. Hill and others, this is it, this is the subsidy and if you expect to see me to vote for a subsidy bill without the reforms, I can only tell you, it will be a cold day in the lower reaches.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I was in the House when the original RTA bill, which if I will recall was Senate Bill 27, was propounded to us. They gave us a very short notice to read fifty-seven pages which was structured strictly to give control to the City of Chicago and take the mass Federal funding from the six counties and filter it right through there. Now we're in a position where we don't have the money to operate the RTA all the way. My county was denied the right of having the option to come...to be out of it. This bill, 1805, does give such an option which my people would like to have, because if we don't get the services, we don't want to be in it. I think...and we can do it by referendum. I think we better look at the bottom line. If my people are willing for me to vote for a subsidy of seventy-five million dollars, they want reform, reform and reform because the RTA is the biggest political pork barrel of any bill that's ever been passed by the House and the Senate; and if you don't believe me, check the payroll. Most of the costs go for labor. The bottom line also is, do we want jobs for those drivers or not? Do we want the RTA, the CTA to...to just close up? Well, I think we better get some conscience and...and real thinking about this. If we want to do some good work, we have to have some reforms and I suggest that we support 1805. It may not be the best bill, but I'll tell you one thing, it's a step in the right

direction and we should give it a try. We certainly put up with that RTA for many years and you can see the big empty busses in Lake County carrying one or two people, and what's it doing? What is it really doing? It's not giving the service, it's not giving the value of the dollar to the taxpayers and the taxpayers are sick and tired of it in my county without being considered what their needs are. So I suggest that we do the right thing and support the reform, and the reform is in 1805 and I suggest that we support this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Chew.

SENATOR CHEW:

Thank you, Mr. President and members of the Senate. I was assigned by the President of this Senate to represent the Democratic Party on 1805. I believe we spent thirty-one days coming in here around 7:00 a. m. and some nights. 1805 contained some provisions that were not satisfactory to labor. I immediately backed off of 1805 with the firm hope that the labor provisions could be reintroduced to the satisfaction of those involved. I was called in the month of July by the Senate President and there we had several meetings, ongoing meetings, pertaining to the contracts in 1805 where labor was concerned. Let me say here that Phil Rock has gone beyond that mile to eliminate these offensive labor contracts that are still with this. I was asked last week, why did the Mayor of Chicago walk away from the labor provisions and not support the unions? I fluffed off the statement, but let me...refer to that statement here now. The Mayor of Chicago did not, and let me emphasize, did not walk away from the unions on this bill. The mayor's back was against the walls, Phil Rock's back was against the walls, and each time I sat in these meetings, my back was against the wall. It's a matter of subsidy as it is or no subsidy if it changes, that's

the question. I'm not going to say how good or how bad the RT is, has been, or will be, that's not the issue. I will share the origin of the RTA for the purpose in which I believe it has served. It was new and all new organizations have to have time to become perfect. I cannot criticize the RTA. I have people on the RTA that I would swear on the Bible by. Those of us that like to criticize what one has not done has never said they could do it better. The question is whether there will be a subsidy for mass transit in northern Illinois with the provisions that labor disagrees with...and let me hastenly add, I disagree with them, violently disagree with them. We got no support for labor...we got no support for labor, and if this bill passes, I want all of you to know, those that did not support it and those that did, the question is, is seventy-five million dollars worth what we say it is, or is labor being completely shut out? To me, labor is being completely shut out.

PRESIDING OFFICER: (SENATOR BRUCE)

Excuse me, Senator. Ladies and Gentlemen, we're certainly happy to have you here as our guests and to watch the proceedings, but we would hope that you would not participate in the proceedings. Senator Chew. And would you bring your comments to a close, Senator Chew, your time has expired.

SENATOR CHEW:

Yes, I will. I want labor to know that Senator Nedza, Senator Rock, Senator Chew, the Mayor of the City of Chicago did not shut you out.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and to members of the Senate and Ladies and Gentlemen assembled here this afternoon. I have great admiration for our Governor, for our mayor, for our President Rock and to all of my colleagues. But I stand this

afternoon on point of personal privilege because I believe in principle. And I don't believe that you can gain the whole world and seek to lose your soul. I stand here this afternoon because embodied in this legislation and conference report is the denial of a certain promise made at the time negotiations were requested and made and they were supposed to be binding. And concessions were made by the transit union to insure the solvency of our transit system. Thus, in 1978, a contract extension agreement was...reached between our local unions and the CTA. That agreement for...provided for; number one, suspension and forgiveness of all CTA pension contributions for all of 1982 and partially for 1983 and '84, a concession that was worth seventy-two million dollars in 1982 alone. Number two, a loan to the CTA secured by a note in the amount of thirty-three million dollars, additional dollars in unpaid pension contributions. This money was...belongs to these unions, these ladies and gentlemen who serve in...us by riding the busses and providing us with our transportation. These people are paying their monies into the pension fund just like we are doing and we have people who have retired that were not of our ethnic group but are now retired, and they're expecting their pension every month. They've moved out of the suburbs and in different places across this State and they're depending upon their pension money. And the people who are working now are working every day that they might be able to have a pension fund, and what's going to happen to them? We have already seen on the Floor of this Legislature where we have been delving into pension funds and people are not going to have anything when they get ready to retire. So I stand this afternoon not to criticize anyone but I think that there should be first things first, and if people are entitled to their right or their monies, start out right and repay this money to these people and then go forth. The door will stand

wide open when people know that you mean right from your heart. Why take advantage of people who are seeking to raise their children and to maintain their homes and then have them to come down here like puppets and says you are...you're just, you know, from hand-to-mouth. I know we need this money in Chicago, we need it for our transportation, but let us do the thing that is right. If this bill is not sufficient, Senator Keats, let us put a bill up that is right whereby we can treat all people right. There is a saying that, "I have to live with myself and soul, I want to be fit for myself to know. I don't want to come to the setting sun and hate myself for things I have done." I gave my word to them that I would stand with them and whether I win or lose, I'm going to keep my word because that's all I have. And if I change my word now, then you can never depend upon me. I received a call and asked me to change my vote, but I had made my promise and I had given my word, and I want you to know, I stand by my word. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and members of the Senate. Back last June when we were considering the all important mass transportation legislation, the road program, I told my colleagues on the Transportation Committee then that you do not let the ship leave the...harbor without all its cargo. The ship sailed without its cargo, the road program passed. Those individuals who represent areas downstate, who depend upon roads, got their bite of the apple. And now, on this early day in November, that agreement that we mutually agreed to back in June, individuals are jumping off the train. My main reason why I didn't want the ship to sail because I didn't want to get caught in this posture that we are in today. All those labor bills, collective bargaining, 536,

1530, you name them, I had suggested then that...each and every bill should sail together so they wouldn't get torpedoed. But lo and behold, the people who depend upon mass transportation got left sitting at the port. There was a conspiracy, more or less, by certain individuals who were determined not only to shut down mass transportation, to close the schools in the City of Chicago, they did everything within their power to see that the Mayor of the City of Chicago be embarrassed. I didn't vote for this legislation in...in June because I didn't like the labor provisions in there. You wiped out the...the cost of living for these employees. The bill also messed with the bargaining agreement, whereby the BTA board can reopen and negotiate a contract at anytime they so desire. And for the first time, this bill will permit part-time employees to take the job of men and women who need full-time employment. This is the reason why I wanted each and every piece of legislation dealing with labor to sail on the ship together. But some people today running around this Chamber, running around this Capitol talking about how we are with you guys, but they were not there in June. And now we have reached the crossroads, the crossroads of the rock and the hard place. It's going to be one of the most difficult decisions one must make. But let's look at the alternatives. If we vote for this bill, we're hurting some people in my area, in my legislative district, who have been great supporters, not only to the mayor but myself and many other persons. They need their jobs. But what happens if we don't vote for it? What about the hundreds of thousands of people who depend upon mass transportation in the City of Chicago every day? What happens when the fares rise to a dollar fifty cents? What happens after the March primary of next year? The seventy-five million dollars won't be there, because of our friends from downstate who already had that bite of the apple on the roads

going to come back for a second bite, and you can't blame them. So what do we do today? I know President Rock, I know Senator Chew, I know the Mayor of the City of Chicago worked diligently for the labor provisions in this bill, they wanted to make sure that the union rights were protected. You got members on this Floor who'll fight for collective bargaining for everyone else and turn around and screw this union. This is what's happening, but we are caught in a dilemma. The last train out of town, there are those who say, wait. I've been in this Body eleven years and if we wait until January, the seventy-five million dollars will dwindle down to maybe fifteen to twenty, and come after March, there will be no subsidy. Service going to be cut in Chicago; people in your district, Senator Margaret Smith, won't be able to get busses; the fare is going to be a dollar fifty cents. These are the things we must consider. We're caught between a rock and a hard place and I don't like it. I don't like it. I resent members of my own party, my own political party, on the phone calling legislators down here telling them to kill the bill, not for the sake of my black brothers and sisters in the...in this gallery, but for the sake of shutting down the transportation system to embarrass the mayor. That's what is happening. And to use my brothers and sisters saying that we are with you; well, where in the hell were you in June? You were nowhere in sight. So don't do this to them. Don't play these sort of games. That's what's happening, and any legislator worth his salt knows that if you don't get it now, you are not going to get it next year and this is a permanent subsidy. I don't like being caught in this position but I must do what I feel is right. I have talked to John Witherspoon, my high school classmate, my friend. He's asked me several times and up until this moment I hadn't told no one how I was voting. I said, I'm going to try and work and work to solve that problem. We are at the crossroads,

what do you do now? I think I'll do what is right for the people of the City of Chicago, for the metropolitan area, I intend to do what is right and my...whatever I do is right would not be anti-union.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Johns.

SENATOR JOHNS:

I address this Senate today and specifically Senator Jones, Senator Chew, Senator Netsch and Senator Nedza, he's absent. I fought you hard on the gas tax increase but you pushed it through and you fought well and you won. I didn't want that huge tax increase for all of my people of Illinois, but I'm going to take it well and I'm going to take the loss, because I tell you, we are getting our roads improved downstate, a hundred and ten million dollars worth already, moving. Now, I lost and I'm sorry that I voted against it, I really am, because I tell you why, I see improvements taking place already. I fought hard and I lost and I...I thought that John Kramer was the poorest Secretary of Transportation I've ever met, and its rumored that Kramer will take the place of Lou Hill. You know, I don't doubt that, that's possible. But I stand here today and I could laugh at Chicago, as a downstater; I'm the furthest downstater that there is in this General Assembly. I could laugh at you, Chicago, for this fix you're in, but I'm not going to because I know that most of the taxable income that comes into this State comes from the northern regions of the State. My people would like to secede, they really would like to secede, and they hate Chicago with a passion. It...well, Lechowicz said that's not true, he comes down there and hunts geese all the time and he does pretty well. But basically, you know what I'm talking about, there's not a bond of friendship between my district and Chicago and I'm working to bridge that. I'm trying to tell my people that it's time we

came together because what happens to Chicago really affects southern Illinois. And today I'm going to vote for this bill because I feel like it's not a bit different than pumping millions and billions of dollars into DCFS, to public aid all the other things where I've seen rat holes develop, and you're not going to cure it all overnight. But I think this is a step in the right direction. I'm going to go along with my leader, Phil Rock, and vote for this bill today.

PRESIDING OFFICER: (SENATOR BRUCE)

The Chair has the following Senators so you know when you will be called on to speak: Senators Newhouse, Collins, Kustra, J. E. Joyce and Luft. Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President and I shan't be long. I shan't be long because I agree with much of what has been said. I agree specifically with my seatmate when he says that the fate of southern Illinois is inextricably bound up with the fate of Chicago. I agree with my friend Emil Jones in almost everything that he said. The only problem that I have with what he said is that by this time my colleague should realize that we're sitting under the card game and there's six decks of cards out, so that we don't know from one moment to the next who is going in which direction. You are absolutely correct, all these bills should have been bound together. They were not bound together. The ugly word hasn't been mentioned yet and that ugly word is race and you know it and I know it. And now we are in the position of having Dick Newhouse from the 13th District make this kind of decision. The decision is whether, under some circumstance, I shut down a transportation system so that a poor mother in the midst of the evening cannot get a sick child to the hospital. Right now it's almost impossible from the far south side of the City of Chicago by public transportation to get people in to the hospitals. So we have people dying, that's how serious

it gets. We're not simply talking about someone going to the movies; we're not simply talking about people going to work, although we do need the transportation system for that purpose, and one of the reasons for the high...unemployment rate in our districts is that the transportation isn't there to provide the means by which people can begin to earn a living, and all these things come together. They came together, as a matter of fact, in June, Senator Jones, when we talked about the roads. They came together in June when we talked about the gas tax and we talked and we fought and we said they all ought to be considered together. Well, somehow they weren't, but now I'm being told that organized labor is behind this. Well, where the hell were they in June? If you take that, then you don't understand the position that we're in. The facts of life are that this is a tough decision for many of us. I don't like it at all, not at all. How am I to go home and explain to two hundred thousand of my constituents that I shut down a transportation system? You got to be kidding, there isn't any way. How do I explain to my friends, on the other hand, that they don't get what they deserve in terms of negotiations and contractual relationships which we ought to honor? Now what kind of Body are we that we would overrule some honest negotiations between people who have come to an agreement? That isn't our job, isn't our job at all. Our job is to, in some way, make certain that every individual in this State has access to the basic necessities, and among those basic necessities are; transportation in order to get to work, in order to get to hospitals, in order to get elsewhere. You know we passed a bill out of here with...not too long ago that said, we don't allow airplanes to land on roads that have less than two hundred cars a day. It's all right with me. If that's what it takes in certain districts in order for transportation to work, it ought to be done. But what ought to be done in Chicago is that we ought to have a

funded transportation system that is manned by employees whose morale is high enough so that that system works efficiently and well. We haven't done it. I would hope somehow between now and January when we sit back and look at what we have had to do today that we come up with a bill that does just these things. In the absence of that, we have been remiss in our duty. I am going to vote for this bill with the greatest amount of reluctance, but that is the hard decision that I have made on behalf of my constituents. I would hope that my friends who have come down to lobby me and with whom I have talked throughout the day understand what I am talking about. And I would hope tomorrow morning you'll all be in my office so that we can begin to talk then about what we really ought to be doing every day to ensure that you don't have to come back down here in two years, at one time at the last moment to talk about a very, very serious situation. Mr. President, I do apologize for taking more time than I intended to. I wanted to explain as fully as possible the rationale of my vote. I wanted to share with all my fellow legislators what is involved in the vote that we're about to cast. Thank you, very much.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and members of the Senate. I share the sentiment of most of what has been said of the previous speakers on this Floor. And there is only one reason why I will cast an affirmative vote for this bill today, and that is because it opens the door once again to shift some of the responsibilities for mass transit in this State and in the Chicago area to the State of Illinois where it should have been a long time ago. I am not satisfied nor do I feel good over the fact that labor was shafted in this whole deal, nor could I stand here and say that the negotiations that

took place was fair or any attempt to be fair because any effective fair negotiations would include representation from all interested parties. It is my understanding that labor had no role in the decisions...final decision that led to the final product of 1805. There is nothing that anyone can say in this Chamber that can make that right today. However, there is something that we can do to make it right and I intend to do just that; and specifically the issue that deals with the pension problem. That is...that money belonged to the employees and it is our responsibility to ensure that that money is either reimbursed with interest or that the RTA put forth the employee's contribution and given them their rightful credit to that pension system. We can do that. This Body can do anything; oh, it's amazing what can be done here. And I don't want the people sitting in that gallery to think that because we pass this bill today that we have to live with the provisions in this bill. That is not true. We can come back here in January and we can make it right. And that's what I am committed to do. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I'm a CTA rider. I ride the CTA every day down through the loop and over to the Circle Campus. I sit next to those people that Senator Newhouse and Senator Jones were talking about, people who don't use the CTA or for that matter even suburban trains for just the luxury. They use it to get back and forth to work, get back and forth to the doctor's office and all of the necessities of life. I see people who are totally dependent on that transportation system, and yet, for the last few months I have probably been one of the most vocal critics of this bill. Matter of fact, I voted against it the last time around. I've done everything I possibly

could to convince myself that the disadvantages in this bill outweigh the advantages. I rise because I feel I owe especially my colleagues on this side of the aisle some explanation of what goes through my mind in these last moments when we have to make a decision, a decision that might well affect whether that system continues to run or whether it fails. There really aren't many times when I change my mind and at the last minute reconsider a position which I have taken for so long and, in some cases, so hard, but this may be one of them. One of the things that concerned me about the package was that the interim board which was expanded just a few weeks or months ago did not include any institutional suburban representation. As a matter of fact, it was Mayor Washington who said that without specific institutional representation for his constituents in the City of Chicago, he could not support the bill. So the mayor and the Governor worked out a deal and increased the size of the interim board by four people. It is my understanding, after raising this question in our Republican caucus, that the Governor has committed to including on that interim board suburban Cook County members so that my suburbanites, the people I represent, will have representation on that board. It's also my understanding there is a good chance, nothing is for certain I suppose, that fares may come down and that surcharge may be lifted on my suburban residents. I think that's important because there seems to be some feeling, and I heard it a little bit from the gallery a little earlier, that those of us from suburbia represent a lot of fat cats who drive downtown in three-piece suits. The fact is, I represent a community with thirteen percent unemployment right now, and when I get out there and work that train station in the morning, I can tell you what..who those people are, they're clerical employees, they're not making a lot of money and they have been forced to pay exorbitant fares to get downtown and back

to keep their jobs. In too many cases they've been forced to quit their jobs because it just isn't worth it anymore to travel downtown. That, of course, has created another economic problem for the loop. I don't think that the seventy-five million dollar subsidy, which we would pass up if we don't pass this bill today, can be taken lightly. Whether that's to reduce the fares, whether that might eventually, the lack of that money, shut down the system is apparently part of this argument today. All I guess I have to say is that recognizing the political realities of where people are on this and what we're sent down here to do, I can't pass up the chance to do something to perhaps solve the long-range problems of mass transit in the greater Chicago area. I sense from the reports I've read in newspapers, especially the latest accounts in the Chicago Sun Times over the weekend, that...that Mr. Hill has been playing a game of Russian roulette with mass transit riders in northeastern Illinois and just about everybody on this Floor probably knows that. Somebody said that this is the last train out of town, I think Mr. Hill ought to be on it. The only way that's going to happen, I guess, is for me to vote for this bill. I would urge your Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

That's...that's about what I feel like too, you know. It would be funny if it wasn't so sad. We can all count; the Governor is on the Floor so there's probably thirty-six in the box. Senator Jones gets up and says, if you don't...if you don't support this bill, you're out to embarrass the Mayor of the City of Chicago. Speaker after speaker stand up and say they feel so terrible about this situation, and yet this is just a repeat of everything that we've had through the last three Sessions, the abuse of this whole process. A

half a dozen people get together in a room, they cut this thing up, they say this is what it's going to be.

END OF REEL

REEL #4

SENATOR JEREMIAH JOYCE: (CONT.)

They trot this little package over at midnight and they say jump on it, it's the best thing, it's the only thing. It's really sad. These people come down here from Chicago, they've been sold out. If this was Pike's local or if this was the electricians 134, they would have been called in, they would have said, hey, you know, what can we draft here that you people can live with? That just never happened and it's not going to happen and we all know why. There's a game plan...if there's a game plan, Senator Keats, then tell me who I can go and talk to and find out what the game plan is. I have the Rock Island Railroad which serves my district, Senator Mahar's district, serves the districts of some of the other Senators. I have two lines in my district. I have been told that one of those lines will close if we pass this legislation, so I want to find out, is that true? Tell me who is going to be on this board who will give me the answers. I know this, the present members of the RTA Board have committed to me that there will be no cutback in the Rock Island Railroad if the present system continues. So you tell me who I can go to to find out what the game plan is because I've been trying to find that out for five years.

PRESIDING OFFICER: (SENATOR BRUCE)

I've added Senators Luft, Netsch, Coffey and Senator Chew for a second time. Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Ladies and Gentlemen, I usually don't get up and talk very much about too many bills, and I wasn't going to get up to talk about this bill except there's one portion of it other than the unions being stabbed in the back the way it seems, but also if I remember cor-

rectly, there was thirty some million dollar loan to the State of Illinois forgiven. Am I correct, Senator Keats?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Keats.

SENATOR LUFT:

...he shook his head yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Okay.

SENATOR LUFT:

Thought it was right. You add the seventy-five million dollars that we're going to give the RTA, take into consideration the thirty some million dollars and it gets to be a lot more than we're just talking about the seventy-five million dollars. And then I'm sitting here thinking, my gosh, the Federal Government said we owed them billions of dollars, and just last year we passed almost nine hundred million dollars in taxes and concessions to pay the Federal Government off on what we owe them. The State Government is sitting here saying, hey, we'll forgive you; but yet, I can go back to Peoria or Pekin and I got people on public aid who have to sign over their house to eat. What's the matter, why don't we take care of them? And the only thing that I'd like to suggest, and I just think if you're talking about conscience and nobility, the one thing that I learned more than anything in life and one of the things was, for God's sake, you pay your bills, and I cannot understand why there cannot be some way that we can pay our bills. If I owed the State of Illinois, fifty, a hundred dollars or whatever for income tax or sales tax, whatever, I would be the first guy in line to find myself a legislator to introduce a bill to forgive me, and the only thing that I could suggest to you, and I've heard this so far fifteen times I think, it's the last train out of town. Well, if it is, I would suggest to you that the engineer in Jesse James.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

And my name is Frank. If you live in Chicago or in the Chicago metropolitan area widely defined, the decision how to vote on this bill is not tough, which has been said over and over again. It is not tough; it is unpleasant. It is unpleasant because it requires a lot of people to vote against the interests of friends, constituents, supporters, some of whom are represented in the galleries here today. It's tough because it probably is not enough money to solve the problems over a long, long period of time for this mass transit system. It is tough for...it is unpleasant for a lot of other reasons. But it is not a tough decision. If you live in Chicago or in the Chicago metropolitan area, if you do not vote for this bill, you will have betrayed the people you represent.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Coffey. Senator Keats...Senator Coffey.

SENATOR COFFEY:

Senator Keats, as...as I...as I understood, at least before and I'd just like to...to be assured one way or the other, is the diversions that we talked about in June, are those diversions still here from the Road Fund?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Keats.

SENATOR KEATS:

No...there are no diversions from the Road Fund.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

The five and a half percent of the sales tax that goes into the Road Fund will still continue to go into the Road Fund?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Keats.

SENATOR KEATS:

Hang on just a moment, please... (Machine cutoff)...the five and a half was reduced to three and a half by the gas tax bill, not by this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

But the actions of this bill will put that three and a half cents, which is the State's portion of that money, in effect, is that right?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Keats.

SENATOR KEATS:

No, these funds are from the General Fund. I understand what you're saying, it's just not this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

Well, without the authority...without this bill, the other portion of the bill is not in force. Right now the five and a half percent sales tax goes in...into the Road Fund is still there. If this bill is implemented, at that time then the money will be removed, not just with this bill but with the combination of this bill and the bill that we passed in June.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Keats.

SENATOR KEATS:

No, I...I appreciate what you're saying but it's all the gas tax bill, it is not this bill. I mean, I understand what you're saying, it's just that it's not this bill that does that.

Senator Coffey.

SENATOR COFFEY:

Well, it might not be this bill specifically that does that but the combination...when this bill passes, you're going to see the diversions that we, I thought in this Body, so diligently worked with Senator Shapiro, which is no longer with us, trying to end diversions which I thought the citizens of this State wanted to see stopped. And what we're going to see here, we're going to see the diversions stopped, that money is going to no longer go into the Road Fund, it's going to be...it's going to go back into the General Revenue Fund, and then that money is going to be used for the allocation of the monies that we're going to give to the mass transit system. Now I'm not totally in objections to helping mass transit and I know they have some serious problems, but I have a lot of questions on how we arrive at how we solve the problem. Now, it was said that House Bill...by some of my colleagues, that House Bill 1305 passed last Session was the downstater's bill, and as I recall that was sponsored by my good friend, Senator Nedza, which was from Chicago, which rather amazes me that a downstate bill that's the interest of downstate and that, as far as I know, no downstaters were involved directly, at least down from the area that I represent, was involved in making the decision how that bill would come out. Then when we have 1805 which is a bill that we were told that well, basically it affects the six collar county area and doesn't affect us. I'm a little lost on where it affects us except that we're going to be taxed the

same as everyone else, but we did not have the opportunity to be involved in the decisions made in either bill and I object to that. And I'd just like to point out, the seventy-five million, a loan again, even that amount of money subsidy doesn't bother me a lot, but as was mentioned by one of my colleagues on the other side of the aisle just a few minutes ago, the thirty-five million dollar forgiveness. Now, you know, we had some problems in our school districts in my area, we have in School District 118 we have some problems now, and they were told the way you solve that problem is you cut back and they've already cut services in that one school district...they've already cut services in that one school district even with the tax increase that we just implemented, they had...decreased about six hundred thousand dollars in expenditures that cut services in that school district about half a million and they're still in the red by another six hundred thousand dollars. And the answer to that has been told time and time again that you have to go back over your books and make the cuts and live within your means or go to another referendum locally to fund that. So they have two choices, either cut or have a local referendum to address a financial problem that they have. I would suggest, instead of each time we come before this General Assembly and in good faith when this Body takes the opportunity to loan money to the City of Chicago and then we come back two, three, four years later and we're asked to forgive that amount of money...this isn't the first time this happened, it probably won't be the last time. But I think that...I think that is very, very wrong and I think we ought to object that, at least us downstate. Another thing, as I understand, and maybe somebody can clarify this or if...if it's not true, but that...there's about a forty-one...forty-one million dollars in the RTA...Fund. And...as I understand, you know, that money is there and...but at the same time they owe the City

of Chicago or the CTA twenty million dollars so they're asking the city to forgive twenty million dollars. And as I understand from some other financial problems, the city really can't afford, or the CTA, to forgive anybody of anything because they can't address their own financial needs. I think that is wrong. I don't understand what we're trying to do. The city is going...or the CTA is going to forgive the RTA, the State's going to forgive everyone and then give them seventy-five million dollars, and from where I come from that don't look like a real good deal, and I'm going to be voting No on this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, last June, the end of June, I was one of the few that supported House Bill 1805. And over the summer and over our meetings, not our meetings, I wasn't included in any of the discussions, changes were made, but only two that I think of any significance to change to include two more members on the board or on the advisory board and a change in the formula so that they would not lose the seventy-five million dollars. That's all that's happened to this bill. All of this time, I am sure, that those people that have been interested in preserving the bargaining rights of the union could have made some provision, a little word to just extend their contracts until the new negotiations...session could be completed. I sat and talked with Mr. Witherspoon this afternoon, and I thought that my vote would be an important one, an effective one, but seeing the mood and seeing what's happened here today, it may just be a symbolic No vote. I would hope that that No vote would at least provide a little time so that Mr. Witherspoon and the members of his union can effectuate a small concession to their position that the union cannot just be aban-

done in this deal. So although I'll be voting No on the passage of this and hoping that it will not pass at this time, I can see that the vote that has stood up, the people that have indicated their support of this bill, that my vote may just be symbolic and I am sorry about that.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, I...thank you, Mr. President. I would not have liked to have spoken on this bill, but...you know, it's customary in the City of Chicago and the suburbs to be accustomed to win ugly, and unfortunately, this bill is either going to lose ugly or win ugly. There have been far too many metaphors out here, last train out, Jesse James, between a Rock and a Philip, and...and maybe it's posturing oneself to play to the gallery, most unfortunate. The part that bothers me, however, is the anti-labor dialogue that's being discussed. Is it anti-labor to lose jobs or is it pro-labor? Because if this bill goes down, that's what is going to happen. Is it anti-labor or pro-labor to have a thirty percent dropoff in ridership like there is in my area where the fine little young ladies that work in the City of Chicago calculating your telephone bill, your credit card charges, who make six hundred dollars a month that have to pay a hundred and twelve dollars and fifty cents to get to work when it's not worth it anymore. Is that anti-labor? Is that pro-labor? What I'm saying is, that is not the issue here. And also I don't like the racial overtones in it, because I have to tell you, if you come out to my district and see who rides that train in Park Forest South and in Park Forest and in Chicago Heights, you will realize that it is not a racial issue. What in fact it is, it's an economic issue. I talked to some fine members of the ATU; I read some of the litera-

ture they handed out that was somewhat erroneous. But you know I can recall, and I have steel workers in my plant, when about a year and a half ago, the President of the AFL-CIO, Mr. McBride, asked six hundred and eighty-five presidents of those locals if they were willing to talk about concessions. He was voted down resoundingly because he did it in a democratic way. Four months later that very same group, by acclamation, chose to do the same thing except by that time over a hundred thousand jobs had been lost already. And for those of you who claim that this deal was cut in a closet, my God, where in the hell have you been? We've been discussing this deal or any deal for three years. I've been involved in more meetings and spent more time and I'm not even on the committee that drew this thing up on mass transit. If you think this is a phantom issue, where have you been? This is an issue that has been with us, and yes, I heard somebody from the ATU say today, oh, it won't shut down because it hasn't shut down before. Well, let me tell you what's happened before; fares have doubled, surcharges have been put on, service has been cut, administrative costs have gone up, and if you don't think that is passage to failure, then I'd like to know where you've been also. Let's cut out all the quibbling on this thing. Let's look at it for what it is, it's an economic....dilemma with serious economic consequences. And for those people in the gallery who think that we're doing something to them, and I would not like to see this happen, but I would hate like heck to think what's going to happen four months from now...or five months from now if this does not pass. The consequences to that union would be far more severe than they would ever be in this bill. I urge your voting for House Bill 1805.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Any Senator wish to address this issue a first time? I have two Senators, Senator Chew, Sena-

tor Jeremiah Joyce. Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. On a Saturday in July, it was July 2nd as a matter of fact, I stood in this very spot and suggested that all of us who have been elected to this Body enjoy nothing more, I suppose, than voting with our friends. On this issue, however, some of our friends are opposed, some of our friends are in favor, and a good number of our friends would wish the whole thing would go away. Unfortunately, it's not going to go away. And we have been told in no uncertain terms by our friends on the Republican side through many, many hours of negotiation, as a matter of fact, in excess of two years, I might say, that there will not be any State subsidy unless there is significant reform. The board members...current board members on the RTA are numbered among my friends and they're opposed for obvious reasons. The suburban mayors, some are opposed, most are in favor of, because they too, with the Chicago Area Transportation Study Group have worked in excess of two years to try to come up with a fashion, a compromise reform package, as have the Cook County Board members and the collar county board chairmen. And the Illinois Chamber of Commerce has issued report after report, as has the Chicago Chamber of Commerce and Industry and, obviously, our many friends in organized labor. Transit reform as presented was supposed to be kind of a joint effort, a joint effort that would show a little give and take on the part of at least three major entities, one of which is the government, and I think that's been demonstrated; one of which is the employee group, and one of which obviously is the rider. And in 1805 we have, I think, covered virtually every subject that was talked about by all the various friendly groups. We called for a new board that will reflect both in the appointing power and the ultimate composition the shift in popu-

lation. We've created two new service boards so that there will be direct input by both the suburban mayors and the collar county boards with respect to commuter rail service and with respect to suburban bus service. We've called for balanced budgets and audits, access to Federal funds, established for the first time a real fare box recovery ratio so that the rider, the user, will have to pay what's been termed a fair share of the cost of operation. We've provided an opt-out provision. For those counties who somehow feel that they're getting less than their fair share out of the authority, they can, in fact, opt out. We've called for a forgiveness of the public debt. Yes, major concession. And finally, and what the conversation seems to dwell upon is that it was insisted upon by some who worked on the task force that there be some labor cost controls imposed, particularly with respect...respect to the cost of living adjustment is measured by the consumer price index, the availability of part-time help, part-time drivers and with the ultimate pricing of the contractual agreement and the possibility, and I emphasize possibility, of perhaps reopening a contract that was felt by the board to be too costly or out of balance. In June, among other things, as Senator Jones rightly pointed out and Senator Joyce pointed out, we were debating at some length and meeting at some length on an increase in the motor fuel tax, an increase in the income tax, all painful decisions, but made, I think, responsibly to meet the commitments that had been made by all of us when we campaigned for public office. And I was told and reminded more than once, privately and publicly, don't let the ship sail, it's going to get away from us. What we did then was right. And we lived up to our responsibility and I had faith then as I do now in the agreements that were made then and this was part of that agreement, and I had faith in those who made the agreement and I expect those who agreed will live up

to the agreement. Mass transportation deserves and it was agreed would be afforded an operating subsidy in this fiscal year in the amount of seventy-five million dollars. I have received, as I'm sure most have, letters from the Executive Board of the Chicago Federation of Labor. I received letters and visits from my friends and leaders of the Amalgamated Transit Union, and I think I can say that nobody has worked harder than I with respect to the labor provisions, attempting at least to make them eminently reasonable, but I was not, I will admit, entirely successful. I think, Senator Chew, as the Chairman of the Transportation Committee, once this bill is enacted, we can begin...if it indeed works a hardship, we can begin to attempt to remedy some of those. But the fact is we were not entirely successful because everybody had to give a little. This is a compromise, admittedly. But I suggest to you that the interests of the few...and if you take all those individual components, all those groups of friends, individually they are few. In the interest of the few in this instance are outweighed by the interest of the many, the nine hundred thousand people a day who ride this system, those are the many. And they deserve affordable transportation, because even the few will not be served by a collapse, a cutback, a fare increase, or a total shutdown. The nine hundred thousand people in northern Illinois deserve our help. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Keats may close.

SENATOR KEATS:

I thank you. The reforms are here, the subsidy is here, I honestly believe this is the best we can do, and I ask you for your support. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate adopt the first Confer-

*SB 1118
Concurrence*

ence Committee report on House Bill 1805. 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 37, the Nays are 19, none voting Present. The Senate does adopt the first Conference Committee report to House Bill 1805, and the bill having received the required constitutional majority is declared passed and having received the vote of three-fifths members...three-fifths of the members elected is declared effective immediately upon its becoming a law. Senator Keats.

SENATOR KEATS:

Having voted on the prevailing side, I move we reconsider.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to reconsider the vote. Senator Davidson moves to lie that motion upon the Table. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. The motion to reconsider is Tabled. We will now go...if I might have your attention...to the Order of...with leave of the Body, to the Order of Secretary's Desk, Concurrence on page 8 of your Calendar. Is there leave? Leave is granted. Page 8 of your Calendar is Senate Bill 1118 under the sponsorship of Senator Etheredge with House Amendment No. 1. Senator Etheredge, did you wish to make a motion relative to that concurrence message?

SENATOR ETHEREDGE:

Yes. I move to concur.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The motion is to concur. Do you wish to explain the content of the amendment, Senator?

SENATOR ETHEREDGE:

Yes. Mr. President, Ladies and Gentlemen...

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order, please. Senator Etheredge.

SENATOR ETHEREDGE:

...Mr. President, Ladies and Gentlemen of the Senate, this bill contains technical corrections to the bill which we have just approved. In addition, it increases the size of the transition board from five to nine members. It adjusts the subsidy formula allocation so that the RTA will receive the full seventy-five million dollars during Fiscal '84. I will be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Etheredge has moved that the Senate concur with House Amendment No. 1 to Senate Bill 1118. Discussion of the motion? Senator Rock. May we have some order please.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would just urge the membership, the thirty-seven valiant ones who voted, to please adopt and vote for the motion to concur in Amendment No. 1. There are a number of technical changes suggested by the Department of Transportation. This...Senate Bill 1118, as amended with House amendment, reflects the agreement that was, in fact, recently adopted. It is absolutely essential for the total working of 1805 and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Etheredge, did you wish to close? Senator Etheredge.

SENATOR ETHEREDGE:

I would just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1118. 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 43, the Nays are 11, 1 voting Present. The Senate does adopt...the Senate does concur in House Amendment No. 1 to Senate Bill 1118, and the bill having received the required constitutional majority is declared passed. Senator Rock, for what purpose do you arise?

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. If I can have the attention of the membership.

PRESIDING OFFICER: (SENATOR BRUCE)

May...Ladies and Gentlemen, we might have your attention, please. Senator Rock.

SENATOR ROCK:

We have, in fact, put in quite a lengthy day. It is still the intent, our intent, Senator Philip and myself, to attempt to conclude our business tomorrow, Thursday. I don't know yet, we don't know yet...whether or not that will be possible but we're going to make every attempt. In order to further that effort, let me suggest, Mr. President, that we move to the Order of House Bills 2nd Reading. There are a number of bills on page 4, 5 and 6 that must be dealt with, must be concurred...the House must concur, so that we can move those bills to the Order of 3rd Reading with the understanding that each and every one will be subject to recall by any member, tomorrow, for any amendments. In the meantime, I would ask those members who do have amendments to make sure that they are circulated and available for the membership the first thing in the morning. And we will, in fact, reconvene tomorrow morning at 10:00 a. m. and attempt to finish. So we'll work a full day tomorrow and hopefully get finished. But in that, I would ask that the House bills on 2nd be read a second time and moved to the Order of 3rd reading with the understanding that they will all be called back.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave for that procedure? Leave is granted. Okay. All right. If I might have the attention of the Body, for what purpose does Senator Vadalabene arise?

SENATOR VADALABENE:

Yes, first I'd like to have some quiet. Quiet...

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order, please. Senator Vadalabene is trying to get the attention of the Body. May we have some order. Senator Vadalabene, that's about as good as they're going to do.

SENATOR VADALABENE:

All right. It's not on the Calendar, but there is a meeting tomorrow morning in 212 on the appointments of the Executive Committee. 212, at nine o'clock tomorrow morning.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. With leave of the Body, we'll go to House bills 2nd reading on page 4, take the bills on page 4 and 5 and 6 through the end of the 2nd reading. We will not read either committee amendments or amendments filed, and with leave of the Body, all those bills will be subject to being recalled and amended tomorrow. Is there leave for that procedure? Leave is granted. The Secretary will now read the bills a second time. Senate Bill 1613, Mr. Secretary, please. Senator Carroll, for what purpose do you arise while we're starting down here?

SENATOR CARROLL:

Thank you, Mr. President. Also by way of announcement to those departments and to those members of Appropriations I, we did not get a chance to complete hearing those departments, agencies, boards or commissions who sought supplementals this Session. We will be meeting by agreement of the Minority Spokesman and myself and leadership immediately after adjournment again in Room 212 to hear any requests by those departments who may still want to come and

make their case. We will be meeting again in Room 212 immediately after adjournment to finish those requests for additional funding, if any departments still wish to make their case.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. With leave, the Secretary will read House...House Bill 1613, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1613.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Amendments from the Floor? 3rd reading. House Bill 1982.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1982.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2100. For what purpose does Senator Lechowicz arise?

SENATOR LECHOWICZ:

I'd like to ask for a fiscal note on 1982 as...introduced and amended.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, Senator Lechowicz, if...if you would file that with the Secretary today. The bill is on 2nd reading, under the rules we have to file it while on 2nd reading. Senator Lechowicz.

SENATOR LECHOWICZ:

When the amendment was distributed at four forty-five this afternoon and it's approximately...it's a number of pages. I tried to read it while in the process of debate, thirty-eight pages. I walked over to the Secretary and I

confirmed the procedure, and he told me to get up on the Floor and ask for a fiscal note, that's exactly what I did.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The...the Secretary at that time assumed that it was going to be amended today and in fact that's what we had planned. Senator Savickas, you might wish to involve yourself in this debate. Senator Lechowicz is asking for a fiscal note on...on 1982 and his...his note relates to, in fact, an amendment which has been circulated but not yet considered. Will you be able to comply with a fiscal note request? Senator Savickas.

SENATOR SAVICKAS:

Well, a fiscal note request, as far as I understand, resolves around the expenditure of State money, am I wrong? There is no expenditure or requirement of State indebtedness in this...

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Well, rather than the Chair and...and...get involved in the debate, which I do not wish to do, perhaps I could get...if you two could talk...Senator Savickas.

SENATOR SAVICKAS:

Well, I will definitely comply whatever the rules are, there's no question, I...I just...that's opening it up.

PRESIDING OFFICER: (SENATOR BRUCE)

That's all the Chair wished, and...and...if...if, in fact...if you can comply with the request, the Chair will note that a fiscal note was requested from the Floor and...and Senator Savickas will comply with the Fiscal Note Act. All right. House Bill 2100, under the...sponsorship of Senator Philip.

ACTING SECRETARY: (MR. FERNANDES)

House...House Bill 2100, Philip.

(Secretary reads title of bill)

2nd reading of the bill.

HB 2281
2nd Reading

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2281, Senator Rock. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2281.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senate...House Bill 2300. Oh, wait a minute, excuse me. For what purpose does Senator Geo-Karis arise?

SENATOR GEO-KARIS:

I filed an amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, Senator, if you...

SENATOR GEO-KARIS:

With...with Senator Rock's permission.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, we're not handling any amendments today. The procedure...

SENATOR GEO-KARIS:

But they want to pass the bill tomorrow, that's why...

PRESIDING OFFICER: (SENATOR BRUCE)

That's right. We're going to bring all these bills back. We sought leave and received leave from the Body to move all the bills today. All the bills will be brought back for consideration of amendments tomorrow.

SENATOR GEO-KARIS

Will they be able to be passed tomorrow too?

PRESIDING OFFICER: (SENATOR BRUCE)

Yes, ma'am.

SENATOR GEO-KARIS:

All right, thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. House Bill 2300.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2300.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading of the bill. House Bill 2302.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2302.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2305.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2305.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2306.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2306.

(Secretary reads title of bill.)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2308.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2308.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator Becker arise?

SENATOR BECKER:

Thank you, Mr. President. Could you tell me who the sponsor of House Bill 2305 is?

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Kelly.

SENATOR BECKER:

Senator Kelly.

PRESIDING OFFICER: (SENATOR BRUCE)

Yes.

SENATOR BECKER:

Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

All right...2306, 3rd reading. 2308...3rd reading.

House Bill 2309.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2309.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2310.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2310.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2312.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2312.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2313.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2313.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

...3rd reading. 2314.

*HB 2316
2nd reading
HB 2317
2nd reading*

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2314.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE) /

3rd reading. House Bill 2315.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2315.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2316.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2316.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2317.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2317.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2318.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2318.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2319.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2319.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 2320.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2320.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading...all right. Senator Welch, for what purpose do you arise?

SENATOR WELCH:

Thank you, Mr. President. Having spoken with the sponsor of the bill, I would ask leave to be named chief sponsor of House Bill 1830.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave? Leave is granted? Leave to go to the Order of Messages from the Governor? Leave is granted. Messages from the Governor.

ACTING SECRETARY: (MR. FERNANDES)

A Message from the Governor by John Washburn, Director, Legislative Affairs.

Mr. President - The Governor directs me to lay before the Senate the following message.

To the Honorable members of the Senate, 83rd General Assembly, I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments by your Honorable Body.

PRESIDING OFFICER: (SENATOR BRUCE)

Executive Appointments. Messages from the House.

ACTING SECRETARY: (MR. FERNANDES)

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, 2, 3 and 4 to a bill with the follow-

ing title:

Senate Bill 1002.

(Secretary reads title of bill)

Action taken by the House November 2, 1983, John F. O'Brien, Clerk of the House.

PRESIDING OFFICER: (SENATOR BRUCE)

...and Senator Zito accedes to the request of the House.

Introduction of bills.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1369, by Senator Rock.

(Secretary reads title of bill)

1st reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Rules Committee. For what purpose does Senator Philip arise?

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'd like the record to show that Senator Weaver is in Japan on a trade mission.

PRESIDING OFFICER: (SENATOR BRUCE)

The Journal will so indicate. Senator Berman, did you wish to make any announcements concerning Senator Nedza?

SENATOR BERMAN:

With leave of Senator Savickas, let the record be shown that Senator Nedza is absent because of illness.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. And we have three motions of Senator Welch, D'Arco and Berman we're going to get to. The Journal will so indicate the absence of Senator Nedza due to illness. All right. Resolutions.

ACTING SECRETARY: (MR. FERNANDES)

Senate Resolution 376, by Senator Degnan, congratulatory.

Senate Resolution 377, Senator Carroll...congratulatory.

Senate Resolution 378, Senator Mahar, congratulatory.

Senate Resolution 379, Senator Kelly, congratulatory.

Senate Resolution 380, Senator Watson, congratulatory.

Senate Resolution 381 offered by Senators Watson and Vadalabene, congratulatory.

Senate Resolution 382 offered by Senator Marovitz and its a death memorial.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolutions Consent Calendar.

ACTING SECRETARY: (MR. FERNANDES)

Senate Resolution 383 offered by Senators Rock, Dawson, DeAngelis, Vadalabene and all members.

PRESIDING OFFICER: (SENATOR BRUCE)

Executive Committee.

ACTING SECRETARY: (MR. FERNANDES)

Senate Joint Resolution 72 offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar, this extends the reporting date, did you wish to do something or shall we put that in Executive? Senator Mahar.

SENATOR MAHAR:

Yes, thank you, Mr. President. I am told by Representative Hoffman in the House that to conform with what they want to do, we need to change the reporting date to January 9...9th, 1985. And I would so like to move that we consider...consider it on that basis.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Mahar moves to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 72. On the motion to suspend, any discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. The rules are suspended. On the motion to adopt, those in favor say Aye. Opposed Nay. The Ayes have it. The Senate does adopt Senate Joint Resolution 72.

ACTING SECRETARY: (MR. FERNANDES)

Senate Resolution 384 offered by Senator Johns.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Executive Committee. Oh, for what purpose does Senator Johns arise?

SENATOR JOHNS:

Mr. President, I have a resolution there that I'd like to move to suspend the rules for the immediate consideration of the resolution. What it is...do I have a moment to tell you what it is?

PRESIDING OFFICER: (SENATOR BRUCE)

Well, Senator Johns, the Chair will just make the suggestion...

SENATOR JOHNS:

Tomorrow?

PRESIDING OFFICER: (SENATOR BRUCE)

...that, yes.

SENATOR JOHNS:

Okay. It's okay, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

...it would be best. We're going to put it in Executive but it won't change anything. All you have to do is move to discharge, same problem on the suspension. I'm sure the Body will consider it when we are in...in fuller strength.

SENATOR JOHNS:

Sure. Thank you for your courtesy.

PRESIDING OFFICER: (SENATOR BRUCE)

Executive Committee. Is there leave to go the Order of Motions in Writing? Leave is...leave is granted. Motions in writing. Senator Welch, D'Arco and Berman have a motions that they have filed. I believe that they have sought the...and discussed with the Republican leadership. Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would move that the Agricul-

ture, Conservation and Energy Committee be discharged of further consideration of House Bill 1830 and that it be moved to 2nd reading.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The motion is to discharge the Committee on Agriculture from further consideration of House Bill 1830, and that it be placed on the Order of 2nd Reading and read a second time today. All right. Senator Schuneman, for what purpose do you arise?

SENATOR SCHUNEMAN:

Well, Mr. President, this is a rather unusual motion at this late hour without the membership here. Apparently, this is the bill that Senator Welch just took sponsorship of a few minutes ago. Could he explain why it needs to...why we need to take this kind of an unusual action without the membership here?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch.

SENATOR WELCH:

Yes, this...the amendment that I intend to put on this bill is the amendatorily vetoed House Bill 1257. When the Governor vetoed the bill there was a problem in transcribing his message and the House attached the wrong message to the bill, 1257, so that the bill now makes no sense, and House Bill 1257 is dead even though it passed the Senate and is now over here...even though it passed the House and is now over here in the Senate. So what I'm hoping to do is to put this amendment on. This amendment embodies the Governor's wishes and the changes the Governor made in his amendatory veto.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, was this cleared with the Minority Spokesman on

that committee, Senator?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch.

SENATOR WELCH:

I spoke to Mr. Rigney...Senator Rigney, and he...he did not get back to me, but he did not voice any objection. I told him what the problem was and heard nothing further from him, Senator.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I'm sorry to do this but I don't think we should be taking this kind of action. What...what do we require here, Mr. President, unanimous consent or...

PRESIDING OFFICER: (SENATOR BRUCE)

Well, the...the gentleman...the gentleman has sought leave. If there's objection, then there will not be leave and the...it will require thirty affirmative votes. Senator Schuneman.

SENATOR SCHUNEMAN:

Well, perhaps a better way to hold...to handle this would be to request of Senator Welch the promise that if there are any objections from our Minority Spokesman that the bill would be held. I...I would have no objection to doing it that way, but I really think that without clearing it with both sides of the aisle, this is a very unusual action.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch.

SENATOR WELCH:

Well, I don't know if I can give veto authority to the Minority Spokesman when the very name embodies the idea that he's in the minority. I...I...my understanding is that this, you know, this is the Governor's amendatory veto. This is actually the Governor's bill, and what we're trying to do is

get a bill on the books that would get some fees for our superfund and clean up hazardous waste, so that is the purpose of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch, how did you wish to proceed?

SENATOR WELCH:

Well, Mr. President, I would ask that the bill be read a second time today so that it would move to 3rd, and then perhaps tomorrow, just like every other bill, I can pull it back to 2nd and...and put on my amendment. And at that time, if everybody is here we can have a full debate, and if the...if the amendment is not supported...you know, I have no interest in the original bill...the bill...1830 has no interest to me.

PRESIDING OFFICER: (SENATOR BRUCE)

All right.

SENATOR WELCH:

In...in fact, it's already adopted in another bill.

PRESIDING OFFICER: (SENATOR BRUCE)

And...and you are saying that you will bring the bill back for any amendments tomorrow?

SENATOR WELCH:

Yes, I will.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Schuneman, does that meet with your approval? Senator Donahue.

SENATOR DONAHUE:

What are...thank you, Mr. President. What are included in your amendments? I mean, you're taking...you're asking us to discharge a bill but what are the amendments? I mean, that's got to be the question.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch.

SENATOR WELCH:

There's one amendment and one...amendment, only, Senator

Donahue. And it is the Governor's amendatory veto of 1257 which got fouled up. So all this is is...is what the Governor...tried to do by his amendatory veto but the House, through a technical snafu, adopted the wrong message. The Governor sent out two messages, one correct, one incorrect, the wrong one was attached. So, I...I'll pull it back from 3rd tomorrow to attach this amendment, which is the new 1257 and...and we can debate it fully then.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Under those conditions,...I want to withdraw our objections.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Welch has sought leave of the Senate to...to discharge House Bill 1830 from the Committee on Agriculture and have the bill placed...have the bill read a second time and placed on the Order of 3rd Reading. Is there leave? Leave is granted. The bill is discharged from the Committee on Agriculture and the Secretary will read the bill a second time.

ACTING SECRETARY: (MR. FERNANDES)

House Bill...House Bill 1830.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senator D'Arco has a motion he has filed. Would you read the motion, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to discharge the Committee on Executive from further consideration of House Bill 1130 and that the bill be placed on the Order of 2nd Reading. Signed, Senator D'Arco.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco to explain the motion.

SENATOR D'ARCO:

Thank you, Mr. President. The motion...what is involved here is that the Secretary of State no longer desires to be on the Liquor Control Commission of the City of Chicago. Why he was there in the first place, we don't know. It's his desire not to be on that commission and to replace himself with a liquor control commissioner from the State of Illinois, which makes a lot more sense and everybody is in agreement and that's what it does.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The motion is to discharge the Committee on Executive from further consideration of House Bill 1130. And, Senator D'Arco, you also wish to have it read a second time today, is that correct? Is there leave? Leave is granted. The bill is discharged from Committee on Executive, and would the Secretary please read the bill a second time.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1130.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senator Berman has a motion. Senator, are you ready?...Secretary will read the motion.

ACTING SECRETARY: (MR. FERNANDES)

I move to discharge the Committee on Higher Education from further consideration of House Bill 1319 and that the bill be placed on the Order of 2nd Reading. Signed, Senator Berman.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman is recognized.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate...House Bill 1319, of which I'm the Senate sponsor, resides in the Committee on Higher Education. The

intent is to discharge that committee, place it on 2nd reading, have it read a second time today. Tomorrow, I'll bring it back for purpose of an amendment. The amendment requested by the Legislative Audit Commission, Representative Dwight Friedrich is the chairman, is to address the problem of the language...addressing the State Community College of East St. Louis and its requirements to comply with the mandates and requirements of the Public Community College Act. I've checked this with the Minority Spokesman, the leadership on both sides and I would move the...the motion and ask that it be read a second time today.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The motion is to discharge the Committee on Higher Education from further consideration of House Bill 1319 and that the bill be read a second time today and...and move the Order of 3rd reading, with the understanding that it will be brought back for amendments. Is there leave for that procedure? Leave is granted. The Secretary will read the bill a second time.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1319.

(Secretary reads title of bill)

2nd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Any further business to come before the Senate? Any announcements? Senator Becker moves that the Senate stand in adjournment until ten o'clock tomorrow morning. Is there discussion of the motion to adjourn? Those in favor say Aye. Opposed Nay. The Ayes have it. The Senate stands adjourned until 10:00 a. m. tomorrow. Ten o'clock.