

83RD GENERAL ASSEMBLY

REGULAR SESSION

NOVEMBER 3, 1983

PRESIDENT:

The Senate will come to order. Will the members please be at their desks, and will our guests in the gallery please rise. Prayer this morning by the Reverend W. P. Witcup, Faith Lutheran Church, Springfield, Illinois. Reverend.

REVEREND W.P. WITCUP:

(Prayer given by Reverend Witcup)

PRESIDENT:

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

SENATOR JOHNS:

Good morning, and thank you, Mr. President. I move that reading and approval of the Journals of Thursday, October the 20th; Tuesday, November the 1st; Wednesday, November the 2nd, 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. It's so ordered. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I have cleared it with Senator Savickas, and I'm to be joint cosponsor on House Bill 2320. He's the lead sponsor.

PRESIDENT:

House Bill 23...

SENATOR GEO-KARIS:

20.

PRESIDENT:

...20. Senator Geo-Karis seeks leave of the Body to be added as cosponsor. Is leave granted? Leave is granted. It's so ordered.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cutoff)...Vadalabene. 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 the House of Representatives has concurred with the Senate in the passage of bills with the following titles:

Senate Bill 44 with House Amendments 1 and 2.

And Senate Bill 143 with House Amendments...with House Amendment No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

Secretary's Desk.

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 adopted the following joint resolutions, in the adoption of which I am instructed to ask concurrence of the Senate, to-wit:

House Joint Resolution 98, 99, 100, 101, 102, 103 and 104, all congratulatory resolutions.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolutions Consent Calendar. Resolutions.

ACTING SECRETARY: (MR. FERNANDES)

Senate Resolution 386, by Senator Geo-Karis, congratulatory.

Senate Resolution 387 offered by Senators Geo-Karis and Barkhausen, congratulatory.

Senate Resolution 388, by Senator Chew, congratulatory.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolutions Consent Calendar. Alright. If I might have the attention of the Body, we are going to begin, with leave of the Body, on page 16, on the Order of Motions in Writing to Restore Item Reductions. Is there leave to go to that order of business? Leave is granted. We are going to take up motions in writing to restore item reductions and then

following right down page 16 of your Calendar, motions in writing to accept the specific recommendations, motions in writing to override specific recommendations. So, I...if you will be alert, we'll go right on down, then we will go back to the beginning of the Calendar to override total vetoes, and that's on page 14 of your Calendar. For those of you who have amendments to House bills that you wish to handle today, we are in business today, and the amendments are going to be considered and adopted later on this morning...or this afternoon, rather. Alright, on page 16 of your Calendar is House Bill 543 under the sponsorship of Senator Rock. Mr. Secretary, will you read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that the item on page 15, line 20 of House Bill 543 be restored, the item reduction to the contrary...by the Governor to the contrary notwithstanding.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock is recognized on the motion.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I thought that we...if we have to start somewhere, this is as good a place as any before we break for lunch, and we'll be here on Saturday at the rate we're going. The motion to restore the item on page 15, line 20 of House Bill 543, the Governor vetoed a hundred and forty-five thousand dollars, reduced an appropriation that we made in the amount of four hundred and twenty-five thousand dollars. He reduced that by the amount of a hundred and forty-five thousand dollars. This...

PRESIDING OFFICER: (SENATOR BRUCE)

May...Senator Rock, excuse me just a moment.

SENATOR ROCK:

Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order, please. I'm having trouble hearing Senator Rock. Can we please clear the aisles. If we can take our conversations off the Floor. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. This is the grant program which provides additional compensation to assessors and deputy assessors across the State or members of a board of review for the completion of a course of study certified by the International Association of Assessing Officers. The fact is that this is an ongoing program. The...we have encouraged legislatively and...every other way the participation of assessors and deputy assessors and...members of boards of review to attend this continuing education seminar, and we provide them with a grant. The fact is, there are people out there who wish to upgrade their skills. If we don't enact the entire amount of money that's necessary, we'll be back here in the spring doing it anyway. I know of no serious opposition. It is a restoration of one hundred and forty-five thousand dollars, calculated by the department as the amount of money necessary for this fiscal year. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. Obviously, in support of this. This is a program that I think the General Assembly has virtually unanimously approved and continued to approve over the past several years. I think one of the concerns about the reduction of the amount available is it could almost be a first to the trough would get the money, and that would make absolutely no sense at all. If we are serious about property tax and good assessment, this is an absolutely essential part of it, and we should live up to the obligation we made in passing the original authorization.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? The question is, shall the item on page 15, line 20 of House Bill 543 be restored, the item reduction 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? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The item on page 15, line 20 of House Bill 543 having received the required majority vote of Senators elected is declared restored, the item reduction of the Governor to the contrary notwithstanding. Senator Watson, are you ready on 441? Read the motion, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 441 in manner and form as follows. Signed by Senator Watson.

PRESIDING OFFICER: (SENATOR BRUCE)

Yes, if I might have the attention, we are on page 16 of your Calendar, motions in writing to accept specific recommendations for change. Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. House Bill 441 was a noncontroversial piece of legislation that was introduced on behalf of the Department of Agriculture which amend the Storing of Personal Property Act. In the House they put an amendment on that added the word "knowingly," and the department and the Governor felt that that made the Act pretty much...they couldn't prosecute for a violation of the Act,...because of that word "knowingly." So, the Governor struck that word out and got the bill back in its original form, and I know of no opposition and move to concur with his action.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall the Senate accept the specific recommendation of the Governor as to House Bill 441 in the manner and form just explained by Senator Watson. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. The Senate does accept the specific recommendations of the Governor as to House Bill 441, and the bill having received the required constitutional majority is declared passed. House Bill 537. Senator Kustra on the Floor? Senator Kustra. House Bill 744, Senator Barkhausen is ready to proceed. Read the motion, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to House Bill 744 in manner and form as follows. Signed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members of the Senate, House Bill 744 is a bill that clarifies the rule making authority for the Illinois Nature Preserves Commission. In the original bill, it...it provided that the Department of Conservation, which is the place where the Nature Preserves Commission is located, would have the first crack at making the rules and that they would have to be approved by the Nature Preserves Commission after being promulgated by the department. The Governor's amendatory veto changes this around so that now the Nature Preserves Commission will in the first instance propose the rules and...and they will be approved by the department. Because these are the rules that affect the commission, it probably makes more sense to have the commission take the lead in making the rules, and that's the reason

for the amendatory veto, and that's the reason why I suggest we accept the Governor's amendatory changes.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Discussion? Senator Euzbee.

SENATOR EUZBEE:

I'm sorry, Senator Barkhausen. Explain to me what the Governor's amendatory veto does now. Who makes the rules and who does what? Who's on first?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Euzbee, this is a...a bill that you may recall in the...in that late stages of our spring Session, I discussed with you when I was a little bit troubled at the time because...this bill which affects the Nature Preserves Commission provided that in the first instance the department would be making the rules and the...and the commission was taking a back seat, but it...but it seemed to make more sense, I thought, then and...and the Governor's Office on their own made these changes which now provide that the commission will propose the rules and that they will have to be approved by the department. The reason for the bill in the first place was that the...was that JCAR thought that...that rule making authority needed to be clarified as between the commission and the department so there was only the question of which body the department or the commission would take the lead role, and the amendatory veto provides that the commission will take the lead role but that the department will still have to sign off on any rules and regulations.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Euzbee, further discussion? Further discussion? The question is, shall the Senate accept the specific recommendation of the Governor as to House Bill 744 in the manner

and form just explained by Senator Earkhausen. 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 Senate does accept the specific recommendation of the Governor as to House Bill 744, and the bill having received the required constitutional majority is declared passed. Senator Kustra, you were off the Floor. Yes. Read the motion on House Bill 537, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendation of the Governor as to House Bill 537 in manner and form as follows. Signed, Senator Kustra.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Kustra is recognized.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. House Bill 537 created a Child Abuse Prevention Fund which allows taxpayers to donate...the original bill would have allowed taxpayers to...donate two dollars of their refund into the Child Abuse Prevention Fund. There was another bill which passed out of bill...here that Senator Macdonald sponsored which dealt with a checkoff for nongame wildlife that provided a checkoff of ten dollars. What the Governor did with his amendatory veto is up the two dollar checkoff to ten dollars to make this bill consistent with that one. It also clarified the language so that taxpayer and spouse can designate a contribution if a joint return is followed. I would ask that we accept the specific recommendations for change suggested by the Governor.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall the Senate accept the specific recommendations of the Gover-

nor as to House Bill 537 in the manner and form just explained by Senator Kustra. 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 53, the Nays are none, none voting Present. The Senate does adopt the specific recommendation of the Governor as to House Bill 537, and the bill having received the required constitutional majority is declared passed. If I might have the attention of the Body, before we go to the next order of business, there is one bill on page 8 of your Calendar on the Order of Concurrence, page 8, Senate Bill 1206. Senator Watson has sought and received approval by the joint leadership to go to that order. Is there leave to go to the Order of Secretary's Desk Concurrence? Leave is granted. On that order of business is Senate Bill 1206, Mr. Secretary. Senator Watson, a motion on Senate Bill 1206.

SENATOR WATSON:

Thank you, Mr. President. My motion is to nonconcur with the amendment that was placed on this particular piece of legislation by the House, and...I want to explain that. Originally, Senate Bill...and the intent of Senate Bill 1206 is to identify and try to help in an area of public aid recipient fraud. It's to...hopefully instill an incentive in the local state's attorneys to prosecute those individuals who are actually committing public aid fraud. The bill passed the Senate 55 to 1, went over to the House, went into the House committee and, inadvertently, the amendment that was placed on Senate Bill 1206 had some language which was when error, and it...the amendment actually addressed both recipient and vendor fraud. We did not want to identify vendor fraud. The prosecution at the local level is doing an excellent job in...in prosecuting vendor fraud. We're primarily concerned with recipient fraud. So, we have worked out an agreement with the House sponsor. I'm going to nonconcur

and then the House sponsor will recede and the bill will be put in the proper fashion. I move now to nonconcur with House Amendment No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. The motion is to nonconcur. Is there discussion of that motion? We'll only take an oral roll call. Discussion? Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. The Senate nonconcur. The Secretary shall so inform the House. We will now return, with leave of the Senate, back to page 16, motions in writing to override specific recommendations. Is there leave? Leave is granted. Page 16 of the Calendar. Senator Maitland is on House Bill 754. Read the message...read the motion, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 754 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Signed, Senator Maitland.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland is recognized. May we have some order, please. We are back on overriding specific recommendations.

SENATOR MAITLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 754 was the bill that passed out of here in June, 58 to nothing, and it was the...was the alternative school funding bill that's run by the regional superintendents. It generated a lot of support in this Body and went to the Governor's Desk. He, however, chose to amendatorily veto it by separating out as a separate line item the funding for alternative schools, and then went one step further and separated out as a separate line item the appropriation for the funding of...of the lab schools. It's my understanding that the Governor's staff got some advice from a particular individual on the State Board staff, and the State Board of Edu-

cation in no way supported that. As a matter of fact, they are supporting this motion to override. Therefore, I would...would request and appreciate very much your support for this override motion.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Demuzio. May we have some order, please. May we have some order.

SENATOR DEMUZIO:

If the gentleman would yield for a question.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Demuzio.

SENATOR DEMUZIO:

Senator Maitland, what's the...what's the total cost involved in this override?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

There...Senator Demuzio, there's no...there's no change in cost whatsoever. It isn't a cost item at all.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Alright. Well, I'm sorry, I didn't follow the gentleman's explanation, there was a lot of noise. If he could just briefly go through it again, please.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Alright, this...the bill, House Bill 754, is the alternative schools legislation that we passed last...last spring. It's run by...I'm sorry, it's a House bill and not a Senate bill. The...the...yes. And...and this simply pays for that system out of normal State aid. That was approved by the General Assembly last spring. The objection we have is that

HB 1208
Specific Recommendation

it is a...the Governor has chosen to...in his amendatory veto message to make it a separate appropriated line item.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? The question...Senator Maitland, did you wish to close? Alright. The question is, shall House Bill 754 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Further...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 Senate does...and House bill 754 having received the required three-fifths vote is declared passed, the...the specific recommendations of the Governor to the contrary notwithstanding. Alright. House Bill 1208, Senator Barkhausen. Read the message, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 1208 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Signed, Senator Barkhausen.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Barkhausen. May we have some order, please...we are...we are exceptionally noisy today. If we can have some order. Senator Rock, before we go with Senator Barkhausen, there's been...you made a comment about breaking for lunch. Would you like to clarify that. Several people have inquired whether that was a whimsical comment. Senator Rock.

SENATOR ROCK:

We will break for lunch if everybody agrees to stay here till Saturday.

PRESIDING OFFICER: (SENATOR BRUCE)

No...no lunch break today. Senator Barkhausen. Senator Grotberg, for what purpose do you arise?

SENATOR GROTEBERG:

Thank you, Mr. Speaker, on a point of personal privilege. I would ask the Body to acknowledge the presence of the Schaumburg Christian School students and teachers in the rear gallery to my left, who are visiting us for the day, and that is one of the outstanding Christian schools in our legislative district, and we would ask everybody to be on their...good behavior today.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Would our guests please rise and be recognized by the Senate. Welcome to the State Capitol. Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members of the Senate, this is a motion to override the Governor's specific recommendations for change on House Bill 1208 which was a bill that we passed to grant...immunity under the antitrust laws, or to attempt to grant immunity to local governmental units which are engaging in various types of...of traditional local governmental activity which might...one might allege as...violates the antitrust laws. The Governor amendatorily vetoed this bill and...in doing so, I am somewhat embarrassed to say, took the recommendations of...of the bill's sponsors in the House as...as well as me in the Senate, and he took our...our suggestions for an amendatory veto really on blind fate, and we were grateful that he did that. Unfortunately, the bill's original advocates, the Illinois Municipal League, did not particularly care for the amendatory veto that...that we had the Governor put on the bill, and so we have worked out with the Municipal League the...the changes which will essentially put the bill back in its original form. As I say, the bill would attempt to grant antitrust immunity in the wake of the U.S. Supreme Court decision, the...the so-called, Bolder Decision, which potentially subjects local governmental units to antitrust liability where they have not...not been liable

before. And so, by this...by this bill and...and by moving for the override, we would give local governmental units the protection where they are engaged in activities that are either authorized by the Constitution or are traditional activities of local governmental units. I'd be happy to answer any questions, otherwise, would move for the override.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Netsch.

SENATOR NETSCH:

Senator Barkhausen, I listened but I am still not clear. If your motion passes, what will be the scope of the immunity available to local governments?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

If this passes, the scope of immunity would be those activities which are either authorized by the...the Illinois Constitution or are areas of traditional local governmental activity. So,...I should say, authorized by...by law or...or by the Constitution. The...the...the concern of the Municipal League was that the amendatory veto had...had taken out the second part of that protection which...which said that activities would be protected which were traditional activities of local governmental units. The...the...the Municipal League felt that that would potentially subject nonhome rule units to liability where they would otherwise be protected with the inclusion of this language.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Let's say that a municipality is then engaged in what, at least in some years past, would not have been a traditional activity of municipal government. That is, the operation of a utility, a so-called proprietary as opposed to a govern-

mental activity. If your motion passes, will it have the effect of blanketing anything they do in the conduct of that generally private business with antitrust immunity?

PRESIDING OFFICER: (SENATOR ERUCE)

Senator Parkhausen.

SENATOR PARKHAUSEN:

No, not necessarily. It would...it would be up for a...up to the court to determine, if the issue was raised, whether the activity was authorized, as I have said, either by the Constitution or by Statute, or was a traditional activity. If it was not a traditional activity, was not authorized under the Constitution or by Statute, then it would seemingly subject the local governmental unit to potential antitrust liability.

PRESIDING OFFICER: (SENATOR ERUCE)

Senator Netsch.

SENATOR NETSCH:

But no unit of local government, at least no...well, actually, no unit of local government including municipalities can engage in any activity unless it's either authorized by the Constitution; i.e., a home rule unit or authorized by Statute; for example, a nonhome rule municipality or any other unit. So, if...if you interpret that in its broadest sense, obviously, if a...if a municipality engages in the utility business, it is authorized either by the Constitution or by Statute. What I'm trying to get at is, I have often thought that the hysteria over the Eolder Decision was...was a little misplaced in that there are certain activities that governments engage in in which they should...should be subject to antitrust liability because they can be as overreaching as private businesses at times, and what I'm trying to find out is whether we have just simply blanketed everything that they might do no matter how basically anti-competitive it might be.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, that's...that's not the intention here to...to provide a blanket protection no matter what the circumstances or no matter what the activity.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

I'm not sure what that means. I guess I'm...I have the same concern I had when the bill went through initially, which is I...I tend to think it goes a little too far. I recognize that there obviously are activities that should be not treated as if they were done by private parties, but I...I don't think governments ought to be totally immune from some standard of responsibility with respect to antitrust principles, and I...I suspect this goes too far in that respect.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Barkhausen may close.

SENATOR BARKHAUSEN:

Mr. President and members, the...the intention of this bill which...in some senses we're...we're redebating here rather than the amendatory veto and the override, the intent of the bill is not to provide a blanket protection to local governmental units. It is to ensure that where they are engaging in authorized activities or traditional activities that they not be suddenly ambushed by terribly expensive lawsuits which are going to be a real drain on...on coffers of these local governmental units to defend their actions in...in areas that they've traditionally been involved in. This legislation, as I say, is endorsed by the Municipal League. There is also a movement afoot at the Federal level

to amend the Federal antitrust laws to provide the same kind of activity. The...the Reagan administration has...has endorsed this proposal and it's being heard in the...in the Senate Judiciary Committee right now. So, I think Illinois should...should be in the forefront of this attempt to provide...needed protection to local governmental units, and I would ask your support for this override motion.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 1208 pass, the specific recommendation of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. (Machine cutoff)...voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 1, 4 voting Present. House Bill 1208 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding. House Bill 2085, Senator Davidson. Read the motion, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 2085 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Signed by Senator Davidson.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, the Governor made amendatory...excuse me, a specific change in this. He took out what would have been appropriation language and we agree. We will not try to restore any kind of money. They overrode this in the House 115 to 0 two weeks ago, but what we do need to override the Governor's specific recommendation veto is that we do need the substantive language available because we have a very good opportunity of getting into the Federal Title IV-A training money, and we can use it in this

category, and I would appreciate a Yes vote to override this specific recommendation that the Governor made.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Alright. Any discussion? Any discussion? The question is, shall House Bill 2085 pass, the...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? Leroy. Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. House Bill 2085 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding. Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

State your point.

SENATOR DeANGELIS:

In the gallery on the left there, although they're more on the right than they are on the left, we have some people visiting with us from Lansing, Illinois; the Beyoungs, the Gruens, and I'd like to have them stand up and be recognized.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Would our guests in the gallery please rise and be recognized by the Senate. Welcome to Springfield. Page 14. Is there leave to go to motions in writing...override total vetoes? Leave is granted. House Bill 307, Senator Davidson. House Bill 412, Senator Lemke. Senator Lemke, for what purpose do you arise?

SENATOR LEMKE:

I'm holding 412 until we work on the prison reform package, and then when we pass the prison reform package, I would like to get to that order of business.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, we'll get back to it, maybe. House Bill 682, Senator Bruce. Is there...is there leave to return to that? House Bill 743, is there leave to return to that one in a minute? 801, Senator Vadalabene. Bottom of page 14. Top of page 15, House Bill 835. Alright, top of page 15, House Bill 835. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 835 do pass, the veto of the Governor to the contrary notwithstanding. Signed, Senator Vadalabene.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, on House Bill 835, the...the money has already been appropriated and it was signed by the Governor in July of '83. It doesn't go into law until January 1 of 1984, thus the cost of this year...when Senator..."Fate" asked me, I told him it was a half a million dollars, and it was two hundred and fifty thousand dollars. The bill got overwhelming votes in...when we voted on it the last time and in the House also, and I would appreciate now that we get this bill out.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Any discussion? If not, the question is, shall House Bill 835 pass, the veto 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 Yeas are 47, the Nays are 3, 2 voting Present. House Bill 835 having received the required three-fifths votes is declared passed, the veto of the Governor to the contrary notwithstanding. House Bill 842, Senator Etheredge. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 842 do pass, the veto of the Governor to the contrary notwithstanding. Signed by Senator Etheredge.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a bill which would require the Department of Commerce and Community Affairs to make a report annually to counties, municipalities and townships describing the laws that we've passed in the...during the preceding year that...that impact on their operations. In the Governor's veto message, he indicated that there are associations which already provide this service. I would like to point out that this bill was introduced as a consequence of the work of the local accounting task force. It was introduced specifically at the request of the local officials because it will meet one of their needs. I would also want to underscore the fact that their...fully twenty-five percent of the governmental units that would be impacted by this legislation do not belong to any associations. Most of these elected officials are part-time people who are employed in other occupations who try to serve their...their communities, their districts on a part-time basis. They need to know what actions we are taking down here that impact on them. I suggest that...that this legislation is needed. It serves a very important...a request submitted to us by these local officials. I would urge you to override the Governor's veto of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. I rise reluctantly to oppose the Senator's motion. It just

seems to me that we're getting into an area that...people are already being informed by various associations. For example, the Municipal League has a...a frequent communication with all the municipalities, the Association of Townships. Many of us attended a dinner the other night in which there was seven or eight hundred township people in Springfield, and we can see the kind of an organization they have in getting the information out to their people. The same thing is true also where for park districts and the library associations. So, it just seems to me that not only is March not a very good day but the...the principle of this bill is really not needed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR ETHEREDGE:

Thank you, very...thank you, very much. With all due respect to my colleague, I would want to reiterate that fully twenty-five percent of the governmental units that would be impacted by this legislation do not belong to such associations. The legislation was introduced in...in response to their request submitted to the local accounting task force. I would also point out that...that the DCCA's predecessor used to supply this information but no longer does so. I'm also told that...that DCCA is now prepared to provide the service that this law would require. So, I would urge a Yes vote on this motion to override.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 842 pass, the veto 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 Yeas are 42, the Nays are 8, 2 voting Present. House Bill 842

having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. House Bill 932, Senator Newhouse. House Bill 1023, Senator Demuzio. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 1023 do pass, the veto of the Governor to the contrary notwithstanding. Signed by Senator Demuzio.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Mr. President, could we have leave to come back to this bill in a minute? Take it out of the record and...leave to come back.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio asks leave to come back to House Bill 1023. Is leave granted? Leave is granted. Also, Senator Demuzio had received leave to come back to House Bill 743. Senator Demuzio, are you ready with that? Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 743 do pass, the veto of the Governor to the contrary notwithstanding. Signed, Senator Demuzio.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. House Bill 743 is the school nurses' legislation that the Governor vetoed. In vetoing this legislation, the Governor had indicated that he felt that the provisions of this bill fell within the State Mandates Act. We have, for our own record, specifically indicated that...in the bill that the Mandate Act not apply,

in Section 2. He also has indicated that the estimated cost of this bill for two hundred and ten nurses in Illinois to be an exorbitant amount over a several year period of time, and the State Board of Education has estimated that the maximum that it would cost would be approximately three hundred and sixty-six thousand dollars per year. It applies to two hundred and ten certificated nurses in the school system that would be impacted in Illinois, and I would ask for your support to...to override the Governor's veto.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Maitland.

SENATOR MAITLAND:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR MAITLAND:

Senator Demuzio, how many total school nurses in the State are we...are we talking about?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

I...I am told by the State Board of Education that seventy-one percent of the...well...hold on a minute. I'm not...I'm not exactly sure how many total school nurses there are in Illinois. I am told that it affects two hundred and ten certified school nurses in the State, because...because seventy-one percent of the certified school nurses and they, too, were paid on the established teachers' salary schedule.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

I'm wondering, Senator, could you...could you tell the...the Body how much underpaid then these two hundred and

ten nurses are. In other words, how much below the teachers' salary schedule in those respective school districts would be effected?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I...I don't have that number available. I assume that it...that it would be available from the State Board of Education, but I...I can't tell you the two hundred...those two hundred and ten what their ranges are in terms of them being paid less than those that are on the approved salary schedule now. I'm not sure.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Well, I...I'm wondering, are you sure they are paid less than the teachers?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

I am told they are. Now, that's the information that's available to me. I can't personally attest to that because I do not know.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Okay...you know, I've heard figures all over the range, and I don't really know, and...and I...know whether it's two thousand, four thousand, five thousand under what the teachers are paid in...in those individual districts. I guess my concern is...is this, and it has been as we've debated this bill year in and year out. The Illincis Nurses' Association is very strongly in...in favor of...of this bill, and I understand that; and without question, nurses are underpaid,

and I think everybody understands that. The thing that bothers me is that...that we're dealing here with...with apples and oranges, really. There's really no connection between the teachers and the nurses, and it would seem to me that the INA should go to school districts and lobby them to get the salaries up for the nurses if, in fact, they're underpaid. But to put them on the teachers' salary schedule...and by your own admission, seventy-one percent of them are already taken care of, let the school districts then make that decision. That's what those school districts who now have them on the salary schedule have elected to do. I think the bottom line is, they're being represented by the Illinois Nurses' Association, a fine organization, and their nurses are underpaid, and they should direct their...their activities to the school board and urge them to pay the...the nurses a competent and adequate salary. I urge opposition to the motion.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I'd like to raise just one additional point. I...I read in some of my local papers before coming down here about a couple of school districts that were going to discontinue having a school nurse. It seems to me that there may be other nurses in schools throughout the State whose jobs now are somewhat in jeopardy, because school districts are being required to cut back. It also seems to me that if this Legislature passes a bill of this kind that automatically increases the cost to the school district for every one of those nurses, the bill may, in fact, cause the loss of jobs to nurses. And I think that perhaps this is the wrong time to adopt this kind of a bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR EERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of Senator Demuzic's motion. I think that this is a bill that calls for fairness and...for many of our school districts. I've checked with several of mine, they already do this. What this bill really addresses is those school districts that have discriminated against the nurses by not putting them on the same level of salary schedule as their teachers, and I think that that has been a discriminatory practice. This bill addresses that type of discrimination. I think for most of the districts throughout the State they've recognized this a long time ago. This is pointed at the relatively few districts, I believe, that have not done fairly by the school nurses. I think this is an important bill and urge your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Channel 20 is requesting permission to tape. Is leave granted? Leave is granted. Senator Grotberg.

SENATOR GROTEBERG:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR GROTEBERG:

Senator, it seems we've spent eight years and finally succeeded in the mandatory collective bargaining process, signed and into law beginning tomorrow. Are not school nurses included among school employees and the...free market place is going to do this anyway?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR GROTEBERG:

Senator Bruce may answer, if I could request.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Oh, Senator Bruce.

Handwritten:
R/S 4-0-83
11/3/83

SENATOR BRUCE:

They could be, yes. As school employees, they could be, yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Groteberg.

SENATOR GROTEBERG:

Well, thank you for that answer, because I think that is really the thrust that deserves our attention, not any specific bill anymore, ever coming to the General Assembly need deal with what people get paid because we solved that problem.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR DEMUZIO:

Well, yes, I am told that it affects two hundred and ten nurses in...in Illinois. I agree with the remarks of Senator Berman that it simply provides equity to these individuals to put them in the same category as those of their...of similar qualifications on the salary schedule, and I would urge your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 743 pass, the veto 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 44, the Nays are 9, none voting Present. House Bill 743 having received the required three-fifths votes is declared passed, the veto of the Governor to the contrary notwithstanding. We had leave to go back to House Bill 682 for Senator Bruce. Mr. Secretary, would you read the motion.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 682 do pass, the veto of the

Governor to the contrary notwithstanding. Signed, Senator Bruce.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This is a bill for the downstate firemen and their pension systems. We have worked very hard to handle their unfunded accrude liability which existed...which presently exists, and I think there are more than two hundred and eight downstate firemen pension funds. This bill had the approval of the Pension Laws Commission. We amended it to meet with their approval. The Governor vetoed it because of some problems they had with the Department of Insurance. What this bill does is allow non-DOI actuaries to take a look at the funds and make recommendations as to the funding level. I, frankly, know of no opposition. I'm...I've read his veto message. I don't think that he read it very closely. It only allows actuaries...qualified actuaries, and that was language the Department of Insurance asked to put in, that...that the Pension Laws Commission asked to have put in, and that this will finally get us on the process of paying off some of the unfunded accrude liability over a forty-year period. I'd ask for your favorable consideration. It passed out of the House with nearly no opposition. I would think that it ought to do the same here.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Okay, we have four members already that sought recognition. Senator Sommer.

SENATOR SOMMER:

Mr. President, just to point out one thing. What this does is it requires the Department of Insurance to require municipalities to make certain payments, and presumably, if they did not make those payments, they would be sued by the

State of Illinois. In other words, we're going to require municipalities to levy taxes by this measure. Mandatory levy of taxes under this one.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. A couple of questions of the sponsor. Senator Bruce, in general, I'm in support of the...of the thrust of what's being...tried to...be accomplished here, and as you mentioned, the...the Pension Laws Commission supports that concept too. I do have a problem now, however, with the point just raised by Senator Sommer...and the point in the Governor's veto message, in that, when the...when an agency of State Government issues an actuarial valuation and sends it to our units of local government, the extent to which that unit of local government will have to raise taxes to comply with that actuarial valuation. I...my question to you is, what kind of mandates will this place on units of local government? Are they going to have to bring up this funding within one year, two years, forty years? What...what kind of mandates are we placing on units of local government?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

I don't believe it puts any mandate. It allows these funds to use qualified actuaries to make the...to...to determine the amount that ought to be collected. All it says is, that after having determined that, that's what the municipality has to levy. There was some discussion about the...the difficulties with underlevies, and that's where we have an unfunded accrued liability in all these downstate firemen's funds.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Senator, I...I respectfully disagree that it...that it doesn't...that...that it...that it does not place some kind of mandate on the unit of local government. The State of Illinois is already providing this actuarial service to the units of local government. This bill, I think, puts some teeth in that requirement that the...unit of local government has to pay some attention to that actuarial valuation. And my question to you is...is, to what extent will our units of local government have to levy according to the recommendations of the Department of Insurance? It sounds to me like you're telling me on one hand there's no mandate, and on the other hand that the unit of local government has to levy whatever the Department of Insurance says must be levied in order to comply with the actuarial valuation. If that's the case, then we are imposing significant mandates on units of local government.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Eruce.

SENATOR ERUCE:

So that we're clear, this bill mandates the board to levy...the local board to levy whatever amount the enrolled actuary or State actuary determines is necessary. We have had a great deal of problems with the downstate firemen's pension funds, and we have underlevied. And this bill says, once that determination is made, that is what the municipality ought to levy. Now, remember that we are talking about pension systems and...and the cities are doing exactly what the State of Illinois is doing by underlevying, and somebody, I hope I'm not here, but somebody is going to have to pay for all that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, you're absolutely right, and I...and I agree with the concept of what you're trying to accomplish. My only problem, and I think the problem of...of other people here, may be the extent to which our...our municipalities are able to do what this bill may mandate them to do. And...and I want to get on with this job too, but, you know, is this the right way to do it? I'm...I'm not certain of that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. I'd just like to add a few words to what already has been said, and I think emphasize the fact that we're going to erode local control again. It seems to me, over the number of years that I've been down here, there have been many attempts to take over the pension funds of local government, and this is another erosion of that taking over of the funding and taking over the authority and taking away from the local municipalities. Now, I know that most of the municipalities in my district have considered pension systems very seriously and they are very, very well funded, and they resist any attempts being made to...for somebody else to tell them how to operate. And while this certainly is well-meaning in many...in some respects to get certain pension funds back on track and keep them on track, I don't think that in the overall it...it should be done. I think we ought to take another look at it and we ought to sustain the Governor on this veto.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? If not, Senator Eruce may close.

SENATOR ERUCE:

Thank you. I think that what we ought to...and I don't think that either Senator Mahar or Senator Schuneman or Senator Sommer are much in opposition to the...to the concept

contained within this bill. It says that to the downstate pension systems, the two hundred and eight of them existing in the State of Illinois regulated by the Department of Insurance, that once their actuary or a qualified actuary makes their assessment, that's what the city shall levy. We have put into this bill after much work with the Municipal League and all the other groups, the Department of Insurance, a forty-year payback. Now, that seems to be reasonable to take it past the year 2020 to say, make these systems up-to-date. That's all it does. I think it's reasonable to the downstate firemen that we say that, that we get about the business of doing away with some of the unfunded accrued liability. I would appreciate your vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 682 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 38, the Nays are 16, none voting Present. House Bill 682 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. For what purpose does Senator Etheredge arise?

SENATOR ETHEREDGE:

I would...Mr. President, I would request a verification of the affirmative votes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senators, a verification of the affirmative vote has been requested by Senator Etheredge. Will all the Senators please be in their seats. Mr. Secretary, will you call the affirmative roll.

ACTING SECRETARY: (MR. FERNANDES)

The following voted in the affirmative: Becker, Berman, Bruce, Euzbee, Carroll, Chew, Coffey, Collins, D'Arco,

Darrow, Davidson, Dawson, Degnan, Demuzic, Friedland, Hall, Holmberg, Johns, Jones, Jeremiah Joyce, Jerome Joyce, Kelly, Lechowicz, Lemke, Luft, Macdonald, Marovitz, Newhouse, Rupp, Sangmeister, Savickas, Schuneman, Smith, Vadalahene, Watson, Welch, Zite, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there a question of any of the affirmative vote, Senator Etheredge? Senator Grotherg.

SENATOR GROTHEERG:

Senator Hall.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is Senator Hall...he's in his seat.

SENATOR GROTHEERG:

Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jeremiah Joyce is in his seat. Senator Etheredge. Is there any further question of any of the affirmative vote? Mr. Secretary, what is the total? The total remains at 38 to 16, none voting Present. The bill is...the bill has received the three-fifths vote and is declared passed. House Bill 1079, Senator Egan. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 1079 do pass, the veto of the Governor to the contrary notwithstanding. Signed by Senator Egan.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. House Bill 1079 amended the Pharmacy Practice Act in relation to the powers and duties of the State Board of Pharmacy. I think there's been a misconception about not only the intent of this bill but...as to its actual impact in the Governor's

veto message. I think that he has overstated the effect and the impact of House Bill 1079 on the powers and duties of the board. Currently, the...the Board of Pharmacy has the same general...or the...the...the same authority in kind as it will have if the Governor's veto is overridden and House Bill 1079 will become law. The...this...this bill simply expands those areas in which the board recommendation is required for action. It does not, as the Governor's...veto message says, it does not create a free-standing licensing board, because it merely expands the areas of the current board, and I can enumerate those if questioned. The...I think the department has overreacted. I don't think that this is an anti-department bill. It...it...really the department is somewhat hamstrung in its deliberations, and this is a better, more streamlined and better effective way to police this pharmacy industry. The...I think the department is probably the only antagonist in the...in the issue. And I would then move to override the Governor's veto, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

WEEK-IV from Peoria is requesting permission to tape the proceedings. Is leave granted? Leave is granted. Senator Luft. Is there further discussion? Senator Demuzio.

SENATOR DEMUZIC:

Thank you, very much, Mr. President. Senator Egan, I'm currently the chairman of the subcommittee of the Audit Commission that...that has this problem under review. As a matter of fact, we anticipate that we would have some recommendations in the next Session of the...of the General Assembly. This seems to me that there is an extraordinary amount of power that would be granted to the Pharmacy Board if they are allowed, for example, to hire their own counsel. It would take out the day-to-day activities of the responsibility away from the director of education and registration and

make this board, at least in the judgement of many, totally independent and, therefore, in its...in itself, an all-powerful board. I don't know how you expand the duties of this board without making them more independent, and it just appears to me that perhaps we're rushing this and perhaps we ought to take a look at it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Elcom.

SENATOR ELCOM:

Thank you, Mr. President. I spoke with the director of the department yesterday while visiting with the lobbyist for the Pharmacy Association, and I can understand where this bill is coming from and I don't...I think that probably we ought to know that. As a practical matter in this instance, the relationship and the dialogue that should have been ongoing between the department and the pharmacists has not been ongoing, and the director admitted that there was not the kind of dialogue that there should be. And, quite frankly, Mr. Sherman who represents the pharmacists is a very good and effective guy, and he indicated that they are trying to get the department's attention in trying to establish a...dialogue. The department has been remiss in its responsibilities. Part of regulating also involves communication, not just transferring information, and the department has not sat down on a formal basis with the people, the chairman, the president of the association or representatives of the association on a formal basis for eighteen months. That's absolutely, I think, ludicrous. Thank you, Senator DeAngelis. But having said all that and having punished the department, 1079 is not the way to go, for the reasons outlined by one of the prior speaker. What...speakers. What happens is, it's not good public policy. You set up and you have the trade board running the entire program. Now, I think that the department has gotten the message, but I think

in terms of public policy, 1079 is not the way to go. So, I would have to reluctantly but strongly rise in opposition against 1079. Yes, the department has been remiss. Yes, the pharmacists have a legitimate beef; but, no, this bill is not the way to remedy it, otherwise, you will have the other thirty some occupations and professions that are licensed under the Department of Registration and Education coming in and saying, we want our boards to be running that, and that defeats the whole purpose of licensure. I would suggest that we uphold the veto.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Further discussion? Further discussion? Senator Egan may close.

SENATOR EGAN:

Thank you, Mr. President. Well, as I say...stated in...in describing what has, in fact, been done with this bill and the misinterpretation that I believe the Governor, through the department, is giving us, it does not create anything new. It merely expands on what exists today. I do believe that the...it's not an anti-department bill. It is designed to improve the relationship, if...if anything; but the...the expanding of the authority is only a building on what exists today, they police their own industry, and I would suggest that the power to hire hearing officers is subject to the same review as all of the other decisions. And so, it...it is not a free-standing board, and I solicit your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIC)

The question is, shall House Bill 1079 pass, the veto of...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 29, the Nays are 20, none voting Present. House

HB 1260
Overrule

Bill 1079, the motion having failed to receive the required three-fifths vote is declared lost. House Bill 1141, Senator Kelly. 1259, Senator Bruce. 1259. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 1259 do pass, the veto of the Governor to the contrary notwithstanding. Signed by Senator Bruce.

PRESIDING OFFICER: (SENATOR DEMUZIG)

Senator Bruce.

SENATOR BRUCE:

Yes, thank you, Mr. President and members of the Senate. Is Senator Bloom on the Floor? Yes. Senate Bill 1259 and 1260 are companion bills. 1259 creates the Illinois Export Council Act, and we have been discussing with the Department of Commerce and Community Affairs for the last several days possible compromises on the matter. This morning they indicated by telephone that they had withdrawn their opposition and they would think that these two bills ought to pass with the understanding that we will come back in the springtime and rework some problems they've had. It's probably wiser to get started on import-export councils than it is to wait until March or April or May and, therefore, I believe...I think Senator Bloom may wish to comment on that same problem...or on 1259 and 1260 is certainly the companion bill to this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bloom.

SENATOR BLOOM:

Yes, thank you, Mr. President. 1259 and 60 are companion bills. I spoke with the Governor yesterday and he had instructed the Department of Commerce and Community Affairs to withdraw their opposition. We went over some...there are some minor problems with 1259 from their point of view and

some problems with 1260 from their point of view. I talked with Senator Rock yesterday and he agreed to join in cosponsoring cleanup language, and 1259 and 60 should be in place for the reasons Senator Bruce stated. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Further discussion? Further discussicn? The question is, shall House Bill 1259 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 vcted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 1259 having received the required three-fifths vote is declared passed, the veto of...of the Governor to the contrary notwithstanding. House Bill 1260, Senator Bloom. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 1260 do pass, the veto of the Governor to the contrary notwithstanding. Signed by Senator Bloom.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Bloom.

SENATOR BLOOM:

Yes, thank you, Mr. President. 1260 is the fund...funding mechanism. I'd appreciate a favorable roll call on the motion.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Is there any discussion? Any discussion? The question is, shall House Bill 1260 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? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 1260 having received the required

three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. House Bill 1339, Senator Bruce. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 1339 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 part of the utility package which we passed out last year. The Governor has vetoed it. I do not understand why. This only deals with interim rate orders and it permits appeals from orders granting interim relief. I...frankly, it passed...the veto was passed out of the House. I...it came out of this Body 57 to nothing. It came out of the House 109 to nothing when it went through here the first time. It just allows a consumer the right to appeal on interim rate orders. I'd ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Sommer.

SENATOR SOMMER:

Mr. President and members, it seems to me the Governor's veto does make some sense. The...the idea of helping the consumer obtain another form is quite laudable, but you've also put the utility companies in that same forum. They have a great deal of fire power, legal fire power, and I suppose, what is to prevent the utility companies from simply filing pro forma in all of these matters, ending up in the courts, churning around, issuing injunctions, doing whatever they're going to be doing and pinning down the consumer groups fighting them in those courts? Secondly, what's to prevent the courts from ruling on behalf of the utilities in a very quick

fashion? Realizing that interim orders only last for a short period of time, nonetheless a court could substitute itself for the Commerce Commission and give the utility company its entire request. A utility company seldom, if ever, gets their entire request, but the court could do it. So, when you vote for this, you could be voting something that can work both ways; it can aid the consumer but also could aid the...the utility companies, and be viewed as an anti-consumer thing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bruce may close.

SENATOR BRUCE:

Senator Sommer, the problem with your argument is that fifteen years ago the courts have already ruled that utility companies through the use of injunction can, in fact, have this right. They're already in court. I don't...I don't despair of...of the companies. They're already...you're right, they've got all the fire power in the world. All this says...and I don't know many rate reduction cases. All the rate reduction cases in the world, you put them in here and I don't think they'd fill a tea cup, and I don't think many utility companies are going to try to appeal interim rate reductions. We are talking about appealing interim orders, ninety-nine percent of which are involved with rate increases. Now, this bill has gone through here, it's gone through the House. The veto was overridden in the House. It says that the consumer has the right to appeal an interim rate increase of the Illinois Commerce Commission. The consumer groups would like to have this. I see no problem. And, Senator Sommer, if we find mischief being done with this, by companies, we'll come back and redo it. But I just don't see that companies that already have this right are going to come in on a rate reduction case and tell the Commerce Commission, oh, my goodness, don't...don't do anything,

we...we...we want to reduce our rates. All these are rate increases right now. I think we ought to give the consumers...this was part of the package that went out of here. We ought to keep it as a package and say to the consumers, when they increase your rates, you have a right to appeal that interim order, it is a short-term basis, and find out whether or not it is really justified. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1339 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? Have all voted who wish? Take the record. On that question, the Ayes are 36, the Nays are 19, none voting Present. House Bill 1339 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. House Bill 1557, Senator Geo-Karis. Mr. Secretary, read the motion, please.

END OF REEL

REEL #2

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 1557 do pass, the veto of the Governor to the contrary notwithstanding. Signed by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR LEMUZIO)

Senator Geo-Karis.

SENATOR GEG-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I certainly move to...do pass of...of the Governor's veto notwithstanding. This bill simply requires that security held by the Department of Revenue be returned to the taxpayer within thirty days after it ceases to be required, and it also provides that a final determination of the taxpayer's remaining tax liability be made as quickly as possible; and that if the determination cannot be made within forty-five days after filing the taxpayer's final tax return, the department must notify the taxpayer the...the reason for the delay. There's been a lot of delay in returning these deposits when they're no longer required, and...when this return fails to be prompt, the small business taxpayer suffers an awful lot, and the...and the residents do to, so the small...the small business people...the big companies don't have to worry, and I think this is a good measure to help the small business people, and I urge your consideration.

PRESIDING OFFICER: (SENATOR LEMUZIO)

All right, the...the board was wrong, we are on House Bill 1557. Senator Geo-Karis' explanation was in regards to House Bill 1557. Is there any discussion? The question is, shall House Bill 1557 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 39, the Nays are 6, 1 voting Present. House Bill 1557 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. House Bill 1753, Senator Egan. Mr. Secretary, read the motion, please.
ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 1753 do pass, the veto of the Governor to the contrary notwithstanding. Signed by Senator Egan.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. We have in the past, in June, deliberated quite extensively on...House Bill 1753. As you'll remember, it defines the relevant market area for automobile dealers, prohibits with specific exemptions...the relocation of an...an existing motor vehicle dealership within or into relevant market area of an existing franchise of the same line make. Specific conditions for establishment of a successor franchiser is part of the...the bill and further conditions franchiser powers to terminate, refuse or to renew or restrict transfer of a franchiser are contained herein. There are...there are numerous examples of situations wherein the competitor factor is of absolute no consequence in the existing situation today. It costs a dealer about two million dollars today. In the past, up to about a half a million dollars to establish a decent dealership, and for the manufacturer to come in arbitrarily and allow a dealer within his area of marketability is quite unfair. This allows for that but it will allow also that the dealership and the manufacturer can battle it out either by arbitration or in court. So, it really doesn't

negate what the manufacturer will be able to do and, in fact, empowers the dealer to come in and object if the manufacturer wants to establish a franchise within a marketability area. I think that...that we're all quite familiar with the...with the request in the bill and the antagonisms contained in the...in the Body, but I would move then, Mr. President, to override the...the Governor's veto and ask that you all support this motion and I would appreciate it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Johns.

SENATOR JOHNS:

I rise in support of the motion by Senator Egan, based on personal experience. My brother invested close to a quarter of a million dollars in the building of a new car dealership in an area that needed it and the major company demanded that he do this. They demanded that he go for first-class facilities. He built this, and it took a lot of time, took a lot of money, took a lot of his energies and he got underway. Within a very short time, less than a year, this same major automotive company granted another dealership only four miles away to share fifty percent, if...if you want to look at it that way, of the market that he had and was told that he had. His fault was, so they said was, you didn't get it in writing from us protecting your area. He didn't feel that he needed to. He felt that that kind of an investment under their demands would meet all the requirements of this major automotive industry, one of the giants...one of the three giants. So, I tell you that that's the reason I support this. You've got to have a check and balance. You've got to have the dealerships having at least some stratagem to offset the huge financial resources of one of the three major...companies or any of the major automotive companies, and that's why I rise in support of this bill, to protect the guy that's got a huge investment from being pushed against the wall, so to speak,

and told, you can't do anything about it, we can put these wherever we want to. They could of added two more if they wanted to, and his investment was about to go down the drain. What did they do when he sold out? He sold out to a friend of the company, the major company, who was a relative in the firm of the major company, and that's the only way he could sell out, but he did sell out in time and avoided bankruptcy and all the harsh proceedings that go from diverting part of his market to another dealership, and the other dealer is not strong at all, he never will be. So, I just say that this is a good bill, and I support it and I ask that you do also.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Gec-Karis.

SENATOR GEC-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I rise in favor of overriding the veto of the Governor because just to quote a letter to me from one of our dealers and he says, "The Illinois franchised auto...truck dealers sorely need the protection offered by this...legislation from oftentimes abusive, unfair tactics employed by our factories. Thirty-three other States have already enacted similar legislation and competition has not been restricted nor car prices risen as the Governor feared." And I can...I can tell you that what this bill does, it...gives the franchise...the franchised Illinois dealer the right to protest, and I think he should have the right to protest. My dealers have...have been hurting long enough in our area and I support the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. There is not...I do not believe a single car dealer in my district that has not called me at least once on this particular bill. In fact, recently I purchased a new car and even

that dealer said, you know, we've got a bill down there. I said, yes, I am aware of it. You know we're really missing the point here. People are angry with car manufacturers. In fact, I have to tell you why I bought that new car 'cause I got stuck with one of those dud diesels that they're talking about in Chicago. But, you know, this bill isn't going to help that because this bill isn't aimed at the...at the manufacturers; this bill is aimed at the consumer. We're going to turn around and eliminate competition and we're going to get better service for the consumer. How are we going to do that, fellow Americans? Just tell me how. Let me point out to you something else, and that very same dealer who sold me that dud, that gave me a six thousand dollar trade-in on a car that was two years old, that cost fifteen thousand seven hundred dollars and he asked me, first all, to try to sell it on my own, and I couldn't do that to anybody; he also sells Hondas. Let me tell you what he does with those Hondas, and Jack Brown is a very good friend of mine. He has a retail...suggested retail price and in ink writes a thousand dollars more than that window price, and he can't sell that Honda quick enough because as they roll off the truck they roll right into somebody's door. Now, we're going to turn around and give Jack Brown, who is a good friend of mine, an exclusive territory so if he chooses not to sell a Buick, he can sell his Hondas and, boy, we are really encouraging commerce in this country. You know, we're really...and I know 'cause I have good friends that are dealers and they all call, but I want to tell you, this is a terrible bill; and I'm sitting here eating a hamburger, and I want to tell you, the next thing that's going to happen is to the hamburgers. We're going to have selected areas of competition and maybe we won't be able to eat a hamburger on this Capitol because the laws says you can't have one that close. So, watch yourself on this vote.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

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

SENATOR FAWELL:

Thank you, very much. I, too, agree in...in competition, Senator, but I have talked to some of my car dealers and what I don't believe in is unfair competition. The stories that I have been getting is that the car manufacturers are coming in, for instance, into my county where we already have nine Ford dealers in a...in a fairly small county as far as size is concerned, and deciding they want to put another one in because they got a building they want to rent out. Two men invested their life savings in this dealership and both went down the tube which is exactly what the Ford dealers in my county told them was going to happen. In retaliation, I got a phone call from a...from a manufacturer from Detroit who told me that they have some buildings sitting in Chicago and they want to rent them out and they want to rent them out as car dealerships, and I said, you know, if the car dealerships went down, why in world do you want to try and stick another car dealership in there? And they said, because we have these buildings and we want to rent them out. I personally feel that's...that's highly unfair when Detroit tries to go against their own dealership, and I think this is a good bill and we ought to vote for it.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Marovitz. All right, further discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Oh, I would just like the record to show that I have a possible conflict of interest on this question.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Egan may close. Senator Egan may close.

SENATOR EGAN:

7/13/54
D. J. ...

Thank you, very much, Mr. President and members of the Senate. I...just to clarify the point of competition, the reality of the relationship between a manufacturer and a franchisee is in itself noncompetitive. To...and...and to say that this will harm the consumer is, in fact, false. The...the existing Statute...the existing situation is...is very little different in the overwhelming number of cases than it will be when this bill becomes law because it does not absolutely...prohibit the manufacturer from opening another franchisee. It, in fact, allows for that if there is a...a demonstrated need for it. If there is no demonstrated need for it, then it's not necessary. It's a good thing for the consumer, and I solicit your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1753 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 45, the Nays are 7, none voting Present. House Bill 1753 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. Bottom of page 15, motions in writing, override item vetoes, House Bill 542, Senator DeAngelis. Bottom of page 15. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that the item on page 18, line 11 of House Bill 542 do pass, the item veto of the Governor to the contrary notwithstanding. Signed by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Last year on Senator Bloom's bill 1191, we created a committee of nurse examiners to

survey nurse needs. This came out of a willingness on the part of the nurses to accept a doubling of their fee and...requesting that a dollar of that fee be set aside to do the survey which is run through the Department of Registration and Education. The Governor approved the setting up the committee but he vetoed the appropriation, and so what that does, it makes that inoperable; and what we need to do with this appropriation is to do that survey so that we can determine such things as salary levels, employment settings, educational qualifications, where, if any, shortages exist in Illinois. I would urge an override of the item reduction of House Bill 542.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? Any discussion? The...the question is, shall the item on page 18, lines 11 of House Bill 542 pass, the veto...the item veto 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 54, the Nays are 1, none voting Present. The item on page 18, line 11 of House Bill 542 having received the required three-fifths vote is declared passed, the item veto of the Governor to the contrary notwithstanding. House Bill 543, Senator Zito. Mr. Secretary, read the action, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that the item on page 96, lines 26 through 31 of House Bill 543 do pass, the item veto of the Governor to the contrary notwithstanding. Signed by Senator Zito.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. With permission from the Chair and the membership, I'll explain both the

motions a once and then we can take them accordingly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there leave to have the...both...House Bill 543, the...the motion to which Senator Zito is just mentioning plus the...on page 96, line 32 to 35 to discuss them both? Leave is granted. Senator Zito.

SENATOR ZITO:

Thank you, Mr. President. House Bill 543 contain the funding mechanisms for the Des Plaines River basin project. There are only three detention basins remaining to be excavated; namely, 86102 and 104. This will complete the entire project which included the...Des Plaines flood control area in Cook County and the flood control reservoir on Spring Brook in DuPage County. The money has been budgeted for...by this General Assembly for the last five years; however, it was not used because this excavation was the final phase of the project; and secondly, we needed Federal legislation appropriating thirty-five million dollars to provide the pumping and maintenance stations. I'm pleased to report that Congress has now passed the appropriations for the thirty-five million. For that thirty-five million dollars of Federal money, we will receive...the State of Illinois must provide these dollars for the excavation of the three final sites. This will not only finalize the State's obligation to the unfinished project, it will complete the top priority project of the Division of Water Resources. Finally, it will once and for all alleviate the constant flooding problems that have plagued the residents of these areas for years. I sincerely appreciate your support of this motion. I've been informed by Senator Philip this morning that the Governor has indeed signed off on...on both of my motions and appreciate a Yes vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? We'll need to

take a roll call on each one on a...on separate. The question is, shall the item on page 96, lines 26 through 31 of House Bill 543 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? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The item on page 96, lines 26 through 31 of House Bill 543 having received the required three-fifths vote is declared passed, the item veto of the Governor to the contrary notwithstanding. All right. House Bill 543, the question is, shall the item on page 96,...all right, the motion...the question is, shall the item on page 96, lines 32 through 35 and page 97, lines 1 and 2 of House Bill 543 pass, the item 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 53, the Nays are 3, none voting Present. The item on page 96, lines 32 through 35 and page 97, lines 1 and 2 of House Bill 543 having received the required three-fifths vote is declared passed, the item veto of the Governor to the contrary notwithstanding. Top of page 16, House Bill 543, Senator Keats. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that the item on page 85, lines 3 through 7 of House Bill 543 do pass, the item veto of the Governor to the contrary notwithstanding. Signed by Senator Keats.

PRESIDING OFFICER: (SENATOR LEMUZIO)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This has to do with the Clavey Road overpass in Highland Park. For many of the Democrats this is the one

that Representative Matijevich or Representative... Representative Pierce has spoken to you about. This is one of the most dangerous intersections in Illinois. They had wanted seven million dollars to build an overpass. I'll be frank, I never was a hundred percent sold that the seven million spent on the overpass might be the best way to go, but with this, DOT has said they will continue to look at it. There is no guarantee we will build the overpass but the money is designated should that be the route they wish to take. As you know, I've been here seven years and I've never asked for a pork barrel project before, I'm not asking for one now. If it turns out that this overpass isn't the right way to go, well, then fine. I will turn around and say, don't do it, but in...on behalf of Representative Matijevich and Representative Pierce and myself, we would appreciate the support for, as I say, what has been at times the most dangerous intersection in Illinois and it's consistently rated as one of the most dangerous.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Is there any discussion? Senator Bloom.

SENATOR BLOOM:

A question of the maker.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Sponsor indicates he will yield. Senator Bloom.

SENATOR BLOOM:

If you override,...doesn't the department have to spend the money?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Keats.

SENATOR KEATS:

If I might say, tongue in cheek, for any of you who have ever had a project promised to you that never got built, the answer is, no, the department does not necessarily have to spend the money. It does tie the money up specifically for

that project. Some projects that the monies allocated do not end up being spent, and we have done that numerous times, in fact, the biggest one was the Crosstown.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Davidson. Indicates he will yield. Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Davidson.

SENATOR DAVIDSON:

I was under the understanding the Supreme Court made a ruling that when we overrode a veto, that's the way the money had to be spent and had to be spent during that fiscal year. Can you address yourself to that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

I understand what you're saying, but that is not our understanding, no. The money is designated for that project. The money, seven million dollars, is set in a pool for that project. If the project is never built, then the seven million would be done something else with. That's...our understanding of what happens with the funds.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats may close.

SENATOR KEATS:

I thank you. The correction was made and what I was saying is accurate. The money does not have to be spent but this does set seven million for this project should they decide that the best way to handle what may be the most dangerous intersection in...in Illinois by doing it this way.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the item on page 85, lines 3

through 7 of House Bill 543 pass, the item 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, the Ayes are 37, the Nays are 5, 2 voting Present. The item on page 85, lines...3 through 7 of House Bill 543 having received the required three-fifths vote is declared passed, the item veto of the Governor to the contrary notwithstanding. House Bill 888, Senator Coffey. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that the item on page 14, line 29 through 32 of House Bill 888 do pass, the item veto of the Governor to the contrary notwithstanding. Signed by Senator Coffey.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. This is a very...very small amount of money but a very necessary amount of money that I think should be overridden. It is for a blacksmith shop at the State Fairgrounds in the amount of twenty thousand dollars from the Ag. Premium Fund. I think it's something that is badly need, and if any of you have had the opportunity to visit the...the horseshoe barn there now, you will see that it's...that the shape of the one there now needs to be replaced. The door is...lacks about a foot and half of being high enough, it's dangerous for a lot of the horses that come in and out of there during the State Fair and a lot of people won't even use the horseshoe barns. So, I'd appreciate an override vote for this small amount of twenty thousand dollars, and it does come from the Ag. Premium Fund.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Any discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, Mr. President. After sitting in the House for two years and listening to Representative Eupp talk about this stupid horseshoe barn, I think we ought to pass it just to quit having him bring the bill up all the time. It's probably cost us this much in legislative time and...and paper.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Coffey may...may close. All right, the question is, shall the item on page 14, lines 29 through 32 of House Bill 888 pass, the item veto of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 38, the Nays are 11, none voting Present. The item on page 14, lines 29 through 32 of House Bill 888 having received the required three-fifths vote is declared passed, the item veto of the Governor to the contrary notwithstanding. With leave of the Body, we'll go to concurrences on page 7, Secretary's Desk...concurrence. Bottom of page 7. Is leave granted? Leave is granted. On page 7, Senate Bill 189, Senator Marovitz. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Marovitz, just hold on a minute.

ACTING SECRETARY: (MR. FERNANDES)

Amendments No. 1 and 2 to Senate Bill 189.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and Ladies and

11/89
CONCURRENCES

Gentlemen of the Senate. This is the no-fault divorce bill, Senate Bill 189. And I would move that the Senate do concur with House Amendments No. 1 and No. 2 to this legislation. First of all, in explaining the amendments...in the original legislation we offered the most conservative approach to this bill that is possible. A couple has to be living separate and apart for at least two continuous years, and the judge has to determine that in his opinion after hearing all the evidence there have already been attempts at reconciliation and future attempts at reconciliation would be useless...the answer is no, to your question...future attempts at reconciliation would be useless. It...both parties could waive that two-year period and now, as result of an amendment that was put in the House and offered by some individuals who had some religious objections to the bill, we did put that amendment on the legislation. That two-year period having been waived, they would still have to be living separate and apart for six months prior to the entry of the judgement, that is what the amendment says, that is...where the legislation is. So, just to reiterate, couples have to have be living separate and apart for two years continuously and there have to already been attempts at reconciliation, and the judge has to determine that future attempts, in his opinion, would...would not be fruitful. But if they both agree to waive that two-year period, they still have to wait six months prior to the entry of the judgement. Ladies and Gentlemen, forty-eight other states in this country have some form of no-fault divorce. Even those states with no-fault divorce in the Midwest and in the northern industrial part of the country, such as New York and New Jersey, have lower divorce rates than Illinois already having no-fault provisions. There are not going to be any quicky divorces in Illinois as a result of this legislation. We have a two-year waiting period and even if both parties agree, a six-month waiting period. We are

not going to be injuring any existing family units because the family unit would already have to be broken up for two years before they could even have a ground, such as irreconcilable differences which is what this ground is. Ladies and Gentlemen of the Senate, if two people today agree that they want a divorce, that they cannot live together any longer, that it's in the best interest of them and their families and their children that they split, that they separate, they can go in tomorrow and get a divorce, not wait two years, not wait six months, get a divorce tomorrow under existing Illinois law. They file under the grounds of mental cruelty. They go in, they testify, often perjured, and they get a divorce in one day. Under this law, that would not be possible. They'd have to wait two years or six months if both agree. There couldn't be a more conservative approach to this legislation. We're preventing perjury by this legislation. We're bringing Illinois to the twentieth century by this legislation. Today, if two people want a divorce and they file under the existing eleven fault grounds for divorce in Illinois, immediately the parties are in an adversarial position. You must file a document citing specific allegations. You must testify to those specific allegations in open court before a court reporter. There is name calling. There is mud slinging. The families, the children see that name calling. One party must say, I have done nothing wrong. I am totally faultless. I am totally blameless. I have never given my spouse any reason at all to do what he did to me. He is or she is one hundred percent at fault, one hundred percent to blame for the breakdown of this marriage. And those grounds are put in writing and testified to in open court. What do you think this does to the children of that marriage? How do you think this affects the ability of that...of those children to...and their relationship with that other spouse that is being blamed for the total fault,

for the total breakdown of that marriage? It makes it impossible for those kids to have a good relationship with both parents after the breakdown of the marriage, because they see that one party is being blamed...they see that one party is being blamed totally for all the fault in the marriage and the total breakdown of the marriage, and so it makes it nearly impossible to maintain a good relationship with that faulted parent...the realistic situation is...the realism is that in most marriages there is some fault on both parties...some fault on both parties. Why should we have to put in writing and say, you are totally to blame, if you agree that you cannot live together any longer, that it's in the best interest to...to separate. We've tried everything. We've tried to reconcile. We've tried to work it out. We just can't work it out. Why not allow the divorce to be the parting...the parting to be as amicable as possible and that's what this is about. This bill in no way...in no way affects property distribution, child support, child custody, what used to be alimony, it affects in no way that. It only affects the grounds for divorce, and this would add one more ground to divorce to the existing eleven fault grounds in Illinois and that would be the ground of irreconcilable differences. It's time that Illinois get into the twentieth century and pass this legislation.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, I rise in opposition to this motion, and I rise in opposition to this motion...for many reasons. First of all, I resent the fact that lawyers are committing perjury when they take their clients in for mental cruelty. I've been in the practice for forty years, you don't have to lie about the grounds, it depends on the petitioner. Second of all, I'd like to know why the sponsor hasn't mentioned that

in nineteen states where they have no-fault divorce, they do consider fault when it comes to awarding property. Third of all, there is such a thing as a family unity. The fact that we do have mental cruelty on the books now covers a multitude of grounds. For example, I can give you a recent case I've had, we're using mental cruelty because he is abusive to her children from a prior marriage, has been very obstructive, those are things that count, it's still mental cruelty. I think we have a duty to try and protect family life as much as we can. Now, I can give you the other example, an example where a woman has been married forty-seven years. Her husband moves out and wants a divorce on no grounds. He waits two years and he can go ahead and have it. What about the fact that that poor woman will lose insurance benefits, inheritance rights and may lose a home that she dearly loves? Those are the things we have to consider. This bill does not help...does not help the spouse who has made the...done his or her respective best to maintain the spousal relationship. What it does is give a quick out, and I don't believe in quick outs unless there's great justification; and if there is great justification, you have the law of mental cruelty on the books and that can be used, but we don't have to lie about our divorces. We can tell the truth and you will find courts who will listen to the truth. So, I say to you that if you want to give a chance to couples to reconcile, don't be fooled by this quick band-aid approach. Remember, the nineteen states that do have the no-fault, that my colleague on the other side has never mentioned, do consider fault in awarding property rights and so forth.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lemke.

SENATOR LEMKE:

I rise in opposition to this bill, but I...I think there's some points that should be cleared up because it

might pass. Senator Marovitz, can you answer a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Lemke.

SENATOR LEMKE:

What do you mean by living separate and apart for six months?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

That is up to the judge as to what living separate and apart is. If the judge determines that living separate and apart they have to be living in separate households, so be it. If the judge determines that living...apart...they can be living under the same roof but there is no conjugal visits, they...they are living in separate bedrooms, they are doing their own separate...their own laundry, their...their own meals, whatever, that's up to the judge and that's...that's what the case law is today.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Lemke.

SENATOR LEMKE:

In other words, two people can get together and say we want to get a divorce and we can live in the same house but we can't get along with each other. That's what you're saying, right, in this bill? You're saying they can live in the same house and live separate and apart, but we can't get along with each other 'cause they're abusive and everything else, but we don't want to get married...we don't want...we want to get divorced, is that...that's what you're saying, right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Marovitz.

SENATOR MAROVITZ:

That is not what I'm saying. The bill says living sep-

arate and apart. That is what the bill says. Doesn't say anything about living in the same household, doesn't say anything like that. The bill says living separate and apart. That's up to the judge to determine. What we have done, Senator Lemke, is added an amendment to this legislation which was given to us and asked to be put on by those religious organizations that previously has opposed the legislation, and as a result of putting their amendment on the legislation, they've withdrawn their opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

Well, we're going to get back in, we're trying to do this so people will have to perjure themselves. Well, they're going to perjure themselves because they're going to say they're living separate and apart even though...they're in the same house. I think the intent when we had separate maintenance was they actually separated and lived in different houses, separate and apart, that's what separate...and apart was the intent in the State of Illinois until some judge got some idea and got more liberal. Now, if you want to live...leave status up to judges, fine, but I don't trust them. They go where they...the weight of the evidence is in some case, sometimes the weight is weight in gold. I'm telling you this right now, this bill is too soon, it should be held for a while till we can put the language we mean in this bill, and that means that we do not need no-fault divorce to affect people when it comes to property settlements. We do not want an adulteress to get off the hook for no-fault divorce because...and the innocent party suffer in regards to property settlements because this is the main determination for the little lady that has the four and five children to get after the guy that runs around and plays the game to get their fair share for those kids and...and for herself. You know, in

certain divorce matters you offset things, but I'm telling you right now, to liberalize the law as far as no-fault divorce, it's a misnomer. I would say that if we're going to have...no-fault divorce, then we should do it just like we do it...getting married. You go to the county clerk. You file a petition...you just file an application, we want a certificate of divorce. Why hire a divorce lawyer? That's who's pushing this, divorce lawyers. You know why? They want to make big, fat fees and these same people don't care about the woman, they don't care about the kids, they don't care about anything, and you know who gets the kids later? Department of Public Aid, Children and Family Services, that's who gets the aids, and who pays for it? We, the taxpayers. We end up paying the money because the...the wife gets a five thousand dollar settlement and then she leaves the kids and the...the father don't want them, we're going to end up with these kids. We're going to end up paying them, and the only way we can get at the problem...you know, if we are going to allow people to separate for a not fault, then why even waste the time in court? Just have them, like in Russia, go in and file a certificate, the marriage is dissolved, and let's argue about the property in court then. But why do you need a divorce lawyer if you have no-fault divorce? Let's say...let's amend the bill and say, okay, go into the county clerk, file your certificate, your affidavit that you live separate and apart for six months, and then you eliminate the necessary of these big, fat legal fees which take away from the kids and the...and the wife and the...and the innocent person. That's what we're talking about this...this bill is pushed, and pushed by the big divorce lawyers who milk their clients...

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator, could you bring your remarks to a close, please?

SENATOR LEMKE:

...this, I think, is a travesty on this State; and if we are going to go into this system, let's come up with a system where we can save some fees and we can give equitable consideration to those people that mostly need it and that's the children. So, I ask a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Channel 2 has requested permission...leave of the Body to...to tape. Is leave granted? Leave is granted. Senator Collins.

SENATOR COLLINS:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Collins. Senator Marovitz.

SENATOR COLLINS:

Where is he?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Senator Marovitz, I support no-fault divorce but I do have a question in relation to separate domicile, and I want to know from you, why did you take that definition out of the bill? I thought originally at some point there was a definition in the bill that indicated what separate...separate domicile meant.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Nothing whatsoever was taken out of the bill. At no point was there ever...ever any...definition of...living separate and apart in the legislation. When it passed this Body with 45 votes in the Spring, never was a definition, nothing

was ever taken out of this bill. The only thing that was put into this bill was an amendment that the church asked us to put on...in order to withdraw their opposition. The amendment was put on the bill so that there would have to be a six-month waiting period even if both parties agree. The definition of separate...living separate and apart was never in the bill and it has never been taken out.

PRESIDING OFFICER: (SENATOR DEMUZIG)

Senator Collins.

SENATOR COLLINS:

Well, I rise in support of the bill because I support the concept, and I'm sure that if we find that is a problem, we can come back and clarify that section of the bill later, and I'm sure there will be some problems with that section of the bill because you will have the situation arising that Senator Lemke alluded to, in many cases, where unnecessary petitions are filed in the courts to determine whether or not one is qualified as living under separate domicile in order to get a divorce under the no-fault grounds. I support the bill because...I don't know how many of you have gone through a divorce where you found that you had to stand before a judge and tell a lie, because I was a victim of that myself when, most of you recall, before I was remarried. I had been living apart from my husband four years. There was no animosity. We had a very good relationship, but we could not agree to go into court and get a divorce unless we...had to stipulate some of the grounds of mental cruelty or some other type of lie; and believe it or not, before that divorce was resolved, there was bitterness between my husband and I, because that sounds okay to some when you put that on paper when the law you say, well, this is the only way that you can get it, and both say, well, we do agree to the divorce, so we have to do it, but when you hear it in court, it takes on a new meaning, and it does create problems. Now, even though

this bill does not address the issue of custody and property settlement, it does have an impact on custody and property settlement, and it is a positive impact. I think Senator Marovitz explained it very well, because if the two parties can go into the...property settlement and the child custody portion of the divorce without animosity, the probabilities of coming out of...that section of the divorce and make rational decisions will be greater than if they go in both antagonistic towards each other, and for that reason, I support 189.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Euzbee.

SENATOR EUZBEE:

Thank you. A question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Euzbee.

SENATOR EUZBEE:

Senator Marovitz, do I understand that for a mutually agreeable divorce, in this bill, that there will have to be no grounds specified in the filing other than the fact that they both have agreed that they want a divorce. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

The ground is that there is...has been a...irretrievable breakdown of the marriage and there are irreconcilable differences. It...it is called irreconcilable differences and there has been an irretrievable breakdown in the marriage. That is the ground for divorce. There has to be a ground for divorce specified, and also the judge must determine that there have been attempts already at reconciliation and after hearing the evidence, future attempts at reconciliation, in his opinion, would be useless, and there must

be a six-month waiting period, which under the present law, there doesn't have to be.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Euzbee.

SENATOR EUZBEE:

Okay, so I understand that now...that...that this bill...when it...if and when it becomes law, will require six months of...of...of waiting prior to the issuance of a divorce decree.

PRESIDING OFFICER: (SENATOR ERUCE)

Senator Marovitz.

SENATOR MAROVITZ:

That is correct. A six-month waiting period prior to the entry of the decree.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Euzbee.

SENATOR EUZBEE:

And explain to me again what is the two-year waiting period that's specified?

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Marovitz.

SENATOR MAROVITZ:

The...the...there is a two-year waiting period for all divorces under this bill, unless both parties agree to waive the two-year period. If both parties agree to waive the two-year period, where they've been living separate and apart, then they can waive that two-year period, but there is still a six-month waiting period where both parties agree. I must...I must add this, when we passed this bill in the Spring, there was not that six-month waiting period. Forty-five people in this Chamber voted for that bill and it was less conservative than it is now. There was no six-month waiting period. The religious opponents to the bill, at that time, asked us to hold the bill, which we did, and put a

six-month waiting period on it, which we did. That's why the bill is up now, six months later, and that's why the amendment is on there because we agreed to do that.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Euzbee.

SENATOR EUZBEE:

...as an attorney, Senator Marovitz, would it be fair to assume that you have handled some divorce cases in the past?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

That is correct.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Euzbee.

SENATOR EUZBEE:

Let me ask you this question then, as a practicing attorney, have you handled divorce cases where you felt or that you knew for a fact that your client or the...opponent was, in fact, perjuring themselves in order to get a divorce and that those irreconcilable differences were there? I...I'm not trying to put you on the spot, but were you...but were you felt personally that...that your client or somebody else was...was not really telling the truth but they had decided they were...there were irreconcilable differences and they were going to end the marriage one way or the other, and if...if it was necessary to lie, they would...they would lie to...to do so. Is that...would you...would that be a safe assumption?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

I can...I can't tell you of any cases where I know any of my clients perjured themselves, and also I can't tell you what happens behind marital doors. All I can say is

from...from discussions with one or both parties, it...it became obvious to me that there was probably some contribution of fault by both parties to the marriage and, unfortunately, with our present law, the party who gets the divorce must say that they have never done anything wrong or given that individual any cause to commit the grounds, whichever those are, for the divorce.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Euzbee.

SENATOR EUZBEE:

Yes, as...as an...your being an officer of the court, I...I was not trying to...to put you in a...in a spot there, I was trying to simply make the case that it seems to me from what little I know of it that, in fact, there are a lot of people who decide that they simply...they have to get a divorce, and that under the current State law, they have to perhaps tell something other than the truth to be able to get that divorce and that this bill attempts to address that problem.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

I...I have had during the last...well, at least since I introduced the bill, dozens and dozens of calls from people who were not my clients but who heard about this legislation and have said that they have been trying for years, they've been living separate and apart for five years, six years, ten years and have been trying to get a divorce unsuccessfully...not been able to get a divorce because of the grounds. The children as a result of this bickering and fighting have gone into psychiatric care, have had serious problems in school, they have their...each party has their own complete separate life style, it's been years and years and years since they've ever lived together but they haven't

been able to get divorced and the...the...the traumatic ramifications on the family have been devastating, and there...there are examples like that that are rampant throughout the State of Illinois and I do know of...of them personally.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Fawell. Oh, I'm sorry, Senator Hudson was next. All right, Senator Fawell. Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Senator, under this law, if a woman decides that she is tired of her marriage and moves into a home of another man and lives with him for two years, but her husband, for various and a sundry reasons, does not want a divorce. Under this bill, can that woman then file and get a divorce and have him divide his property up? Could you answer the question, please?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Well, I have to answer it in two ways. Number one, this bill has absolutely nothing whatsoever to do with dividing up anyone's property, nothing whatsoever to do with that. The...the division of property under the existing law and the existing eleven fault grounds is exactly the same as it is under this bill, and I challenge anybody...anybody to make any allegations differently. Now, as to your question, if a woman leaves home, doesn't any longer want to live in that marital home, leaves home and takes up and lives with another man, and two years pass, she can file under the grounds of

irreconcilable differences and go to the court and ask for a divorce. The judge then has to determine if there have been sufficient attempts at reconciliation between those parties. If, in his opinion, there have been sufficient attempts at reconciliation between those parties, he can then grant the divorce on the grounds of irreconcilable differences, but after all, how are we ever going to force this woman who wants to live outside the marital home with this other man, under what law would you force that woman to go back to her marital home?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Fawell.

SENATOR FAWELL:

Senator, having been in the situation myself, I know what the Chicago courts...Cook County courts require as far as reconciliation; that is approximately one hour of counseling time where you may or may not listen. So, as far as...as counseling is concerned, as far as I'm concerned in my experience, that is a joke. Second of all, there is no fault ever taken into consideration as far as division of property; therefore, under this circumstance, the woman could come in after the divorce was granted, or...or before if there was a property settlement, and give...and get her "fair share" of the marital property. Am I right?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Could you repeat the question?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Fawell.

SENATOR FAWELL:

Under the present law, because we have no fault as far as division of property is concerned, after this divorce was granted or probably before, depending on the settlement, this

woman could in effect come in and force a division of the marital property because judges cannot, under our present law, consider whether that woman has left her husband and moved in with another man or not, am I correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Under present law, and whether this bill passes or not, a judge cannot determine fault in the...in the distribution of property or the awarding of child support, whether this bill passes or not.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Fawell.

SENATOR FAWELL:

However, if we do not have this law, then the man would not have to give her anything until...until he decides he wants a divorce or until they agree on the grounds or until they agree on a property settlement. Am I...am I correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Unless there's going to be a divorce, there's obviously no distribution of property.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Fawell, had you concluded?

SENATOR FAWELL:

I just think that you better take a strong look at this bill. It seems to me if we already have got eleven grounds for divorce in this State, there are more than enough reasons to get a divorce...mental cruelty for all intents and purposes is our no-fault divorce in this State. I...I think it's about time that we, as an Assembly, started taking the position that there is a validity in...in the...in structure of a family in a...in the home. Children are hurt by a

divorce, and I don't care what age they are and I don't care what the...grounds of the divorce are, children are hurt. When in the world are we ever going to stand up and say that divorce is not a good thing for society, in general, and it's about time we started protecting both the home and the families?

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Hudson, did you wish to comment? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I can only echo in part what has been said by previous speakers against this bill; namely, Senator Geo-Karis and Senator Fawell, but it seems to me that we must recognize that in this country today there is a breakup of the American family. I think sociologists will agree with us. It's going on at a pace that is astounding, and it would seem to me that anything that we can do, or may do, or will do that will accelerate the pace of the breakup of the American family is bad and is counterproductive to what is good for our society and the cohesion of it; and it would seem to me that this will be a clear signal, particularly to our young people, if we get into this no-fault concept that if things don't work out in your marriage, go ahead and move into the no-fault area, live apart for awhile, and everything will be okay, you can separate. It also seems to me that the fact that there may be grounds required, there may be fault assigned is a deterrent to divorce. At least it should be, and I believe it is because I happen to feel that if a young couple or a couple...an older couple, it doesn't matter the age, are faced with the fact that they may have to come into court...I'm not an attorney but it seems to me if they have to come into court and there may be fault assigned, and I think in...in most cases, many, many, many divorce cases

there is fault if the husband takes a walk or he neglects his family, neglects his wife, or vice a versa. I think this is a sobering thought to a couple before they move into this area of divorce which is destructive, I think, to our society. So, I think there's a place for the law as it now stands, and I would add my voice and my feelings to those opinions that have already been rendered here in that direction and would urge a defeat of this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Collins. Oh, all right, you had your light on, Senator, did you wish...

SENATOR COLLINS:

...I...I hate to, you know, rise for the second time,...but I've listened to all of the speakers talking about how this bill is going to add to the breakdown of the family and the impact upon this type of legislation on the...children...divorces on children, but I don't know how many of you have observed families who are having serious problems, child abuse, wife abuse, simply because they cannot under the present law get a divorce, and I think that is far more traumatic on the children and the wife than protecting the so-called sanctity of the marriage because of one's moral convictions or principles, and that's all you're really talking about. There should be no need to attempt to put a shotgun to anyone's head and make them live with someone who makes their lives miserable or their children's lives miserable, and that is all this bill is attempting to do. Even though it has problems, it is better than what we have.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Macdonald.

SENATOR MACDONALD:

May I ask a question of the sponsor?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Macdonald.

SENATOR MACDONALD:

Yes, thank you. In...if this bill should pass, in the courts, in property settlements...after the initial property settlement, would the law change in any way, and if the financial situation of the spouse who has to pay support...child support or wife support, will this allow them to come into court and the judges, as they do now, can they come back for readjustments when...when the income increases for either party that is responsible?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Yes, the answer is, yes. Under this law, just as under present law, a spouse has the right to come back into court and ask for additional income as a result of changed circumstances in regards to...to maintenance, what used to be alimony, child support, whatever. The same rights...financial rights, rights to additional maintenance or support exist under this law as under present law. There is absolutely no change in the...in the financial rights of either spouse or the financial obligations of either spouse under this law, as under present law, not one iota of difference. They do have the right to come back in and ask for additional support and maintenance.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Macdonald.

SENATOR MACDONALD:

Well, I...I would say that I think it's unfortunate that the bill is called no-fault; maybe there is no other description of the bill. I have never voted for this kind of legislation before, and we talk about the destruction of the American family and the rate of divorce, which is now one is...is

fifty percent and I don't know how much further we can go unless we go to a hundred percent; and with the safeguards that have been assured to me by the sponsor of this bill, I don't see that resisting this bill in the past...for the past ten years has really made any difference in society in Illinois, and as far as I'm concerned, I think that this bill is the best one that we have had in the years that I've been down here and I intend to vote for it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Is there leave for Channel 5 to film the proceedings? Leave is granted. Further...Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. This bill passed with about, I think, roughly...42 to 45 votes last June. We then sent it over to the House and we were asked by the church to hold the legislation until the fall so that an amendment could be prepared and they could take a look at the bill. We agreed to do that. Then, during that period, they came forth with an amendment and said that if we'd put this amendment on the bill mandating a six-month waiting period even where both parties agree, which is unlike present law, that the opposition to the bill would be withdrawn. That amendment has been put on. That is what this concurrence motion is all about. When some people say we ought to wait and take a look at this, this bill, no-fault divorce, and that's a terrible misnomer, has been around about fifteen years in the State of Illinois...fifteen years. Forty-eight other states have it, and I agree that doesn't make it right just because forty-eight other states have it, but if we take a look at those forty-eight other states, many of those other states that have it and are right around us and are northern industrial states, have even lower divorce rates than Illinois'; such

as, Illinois...such as, New Jersey, and New York, and Wisconsin, and Indiana, Nebraska, and Iowa, they have no-fault divorce, a provision, and they have even lower divorce rates than Illinois. I want to make something very clear, somebody got up and said that nineteen other states with no-fault provision allow fault in the...determination of property rights. This bill has absolutely nothing whatsoever to do with that and I really object to anybody insinuating that. Our law in Illinois, whether this bill passes or it doesn't, says, and you may be...you may feel one way about it or another, says that you cannot consider fault in determining property, child support, maintenance, those kinds of things. That's what our law is today. This bill has nothing to do with that. Whether we pass this bill or not, it's not going to change our law. This bill only has to do with the grounds for divorce in Illinois. There are two separate parts of a divorce; one is the grounds, of which we have eleven fault grounds, and the second is the distribution of that marital pie, the property, the child support, the maintenance, the custody, property rights. This has nothing to do with number two, it only has to do with the grounds for divorce. It's not too soon for us to take this up, let's get into reality. I mean, nobody wants divorce, nobody likes divorce, but divorce is a fact of life, and what we should be doing is trying to...trying to find...first of all, find ways to make marriage more difficult, I think that's important to look at, but this bill tries to make a parting more realistic and more amicable. It tries to say that, let's take a look at those kids, those family members and try and not make them choose sides and see their parents fighting and kicking all the time and having to blame one or the other for everything. Let's try and make those kids be able to have a...a good relationship with both parents when the marriage is over, if indeed it has to be over. People have to be living separate

and apart for two years. That family unit that's been living separate and apart for two years has already broken down, it's not existing, they're not living together, they're living their own lives separate and apart. This just says, okay, if you're not living together and you don't want to live together anymore and you can't work it out anymore, let's find a decent and an amicable way for that parting to...to occur, and that's what this bill is all about, not destroying the family unit. As I mentioned before, under today's law, somebody wants a divorce, they get it tomorrow. Two people want to get divorced, they go in and they make up these grounds and they get it tomorrow, but under this...additional ground, you can't do that. We're saying, we want you to step back and take another look at it. You've got to wait at least six months, only under this ground, but under the...eleven other fault grounds, you don't have to wait one day. You make up the grounds and you get divorced, and that's what our law is today, and if you don't pass this bill with thirty-six votes, and that's what this needs, if you don't pass this bill, we're still going to have eleven fault grounds and people are still going to be able to get divorced in one day if they agree to it; in one day, if they agree to it, by filing under mental cruelty. Ladies and Gentlemen, this is something that's time has come. It's been around for years, and years, and years, and the church has withdrawn its opposition to this legislation because of an amendment that they prepared after we held the bill and after we put it on. That's what this concurrence motion is all about, concurring with the church amendment on this legislation. Please, Ladies and Gentlemen, it's time for this legislation. Let's make the parting as amicable as possible and end the bickering that goes on in today's divorce law. I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 189. 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 31, the Nays are 23. The Senate does not concur with House Amendments 1 and 2. Senator Marovitz.

SENATOR MAROVITZ:

Is postponed consideration a...under a concurrence motion okay?

PRESIDING OFFICER: (SENATOR BRUCE)

It...it is appropriate.

SENATOR MAROVITZ:

Okay.

PRESIDING OFFICER: (SENATOR BRUCE)

The sponsor asks that further consideration of his motion to concur be placed on the Order of Postponed Consideration. It will be placed on the Order of Postponed Consideration. Senator DeAngelis on the Floor? Is Senator DeAngelis on the Floor? Okay. Senator Grothberg.

SENATOR GROTHBERG:

A point of order, Mr...Mr. President, on the motion just passed. Why was not thirty votes sufficient...under what ruling are we...this is just for my own clarification, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

The Chair read the House amendment and the House amendment itself carried with it an immediate effective date. Had the immediate effective date been within the body of the legislation, we might have reached another...result, but the...the amendment itself carried the immediate effective date and it would require thirty-six votes. If I might have the attention of the Body, we will now go...with leave of the Body...if I might have your attention, on page 8 of your

Calendar are Conference Committee reports, page 8. We have several Conference Committees that have...have returned. Senator Demuzio, would you come...you or Senator Savickas come up, I have the first one, I believe. Senator Egan, did you plan to call a Conference Committee report on 26? It's an old one. All right.

PRESIDING OFFICER: (SENATOR SAVICKAS)

On the Order of Conference Committee Reports, we have a Conference Committee report on House Bill 320. Senator...Senator, is that an old Conference Committee report? Senator Bruce on our Conference Committee report on House Bill 320.

SENATOR BRUCE:

Thank you, and if I might have the attention of the Body, we're going to...several of these Conference Committees have been around for awhile and some of them have just come back. I know that Senator...Senator Schuneman on House Bill 2072 is going to want to call that, I believe Senator Grotherg on 1205; and 668, I plan to call, and I think Senator Lemke plans to call 702. Is that right, Senator Lemke? And so we are going to go some of the...through the Conference Committee reports that have been more recently filed. House Bill 320 and the Conference Committee attached thereto is a matter that has been before this Body before. Senators Berman, Maitland, Holmberg, Bruce have...have involved themselves for sometime with the funding for adult education. When we left here last year, the agreement was that we would change the formula if we could reach an agreement. We have met. The State Board of Higher Education, the State Board of Education, the Illinois Community College Board have all signed off on an agreement which is on your desk basically stating that beginning July the 1st, 1983, which has already passed, and we will go back to pick up the reimbursement rates, that for adult basic education we will now use a general State aid

pupil foundation level divided by sixty and increased by forty percent with a declining scale through 1989 going down from forty, thirty, twenty, fifteen, ten and then five percent. For vocational skills, we will again use the general State aid per pupil foundation level multiplied by a factor of 1.4 for this school year and declining at....03 each year until 1988-89 in which it will rest at 1.25 as a increase factor. For adult secondary education, again using the foundation level, we would...we will reduce that by .90 for each...for 1983 and for their...every year thereafter. For community college districts, there shall...their amount after we've made the computations of one...paragraphs 1, 2 and 3, they shall...those rates shall reduce by the AEF-GED, English as a second language credit hour grants that we are presently reimbursing at whatever year that this formula is. So, I believe having divided into...adult basic, vocational and adult secondary and in the community college reimbursement rate, I believe that the Community College Board is happy, the Board of Higher Education is happy and the State Board of Education is happy. I'd ask for your favorable vote. I believe it came out of the House 115 to nothing either yesterday or today.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Ferman.

END OF REEL

REEL #3

SENATOR FEEBMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of Senator Eruce's...motion to accept the Conference Committee report. I have before me a statement that has been subscribed to by Lave Fierce of the Junior College Board, Dick Wagner of the Board of Higher Education and Don Gill of the Board...State Board of Education, and I wanted to read it into the record because I think that this is very important just as the details of the legislation that Senator Eruce has just explained. The agreements beyond the language of the Statute and the bill are important and that statement that has been subscribed to by these three gentlemen is as follows, "That the funding of adult education programs has been a matter of lingering concern, misunderstanding and disagreement between people in higher education and elementary-secondary education for too long. We are currently in agreement on a funding proposal which is now before the Legislature in House Bill 320." They urge its adoption. "In the process of reaching this agreement we also agreed upon the necessity to thoroughly review the process of allocating the dollars to the programs where they are spent. We will mutually and cooperatively examine this process and make any needed changes so that the following may be accomplished. Number one, the application process will be fair and equitable to all institutions which are involved; two, the staff of the community college board will effectively be involved in the allocation process; three, a consistent data base for future decisions will be established which will describe adult education programs offered by both the community colleges as well as the public schools. Our intent is to assure that public policy established by State Government is effec-

tively carried out." I wanted that statement by these three gentlemen to be in the record and I applaud them for reaching this agreement. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I rise in support of this Conference Committee report. Have been a integral part of the negotiations which worked out this compromise between all three concerned that the State Board of Education concerning adult education for those unit school districts which do an excellent job, the Board of Higher Education and the Community College Board. This probably leaves all of them a little bit dissatisfied, but all three of them agree that adult education both at the unit school level and at the community college level needed additional funding and must be done. This in the most equitable way to do it. I urge all of us to vote Aye.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR BRUCE:

Well, I believe that Senator Berman, Senator Davidson and...and I and Senator Maitland, Senator Holmberg, the education committee has worked a long time, it's gone over a year now, trying to put together this formula. Everybody seems to be signed on, so I think we ought to pass it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Senate adopt the Conference Committee report on House Bill 320. 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 Senate does

HB 963
e.e.r.

adopt the Conference Committee report on House Bill 320, and the bill having received the required constitutional majority is declared passed.

PRESIDING OFFICER: (SENATOR BRUCE)

The next current Conference Committee report is on House Bill 963 under the sponsorship of Senator Savickas. Senator Savickas is recognized for a motion.

SENATOR SAVICKAS:

Yes, Mr. President, I would move for the adoption of our Conference Committee report on House Bill 963, but before I do, I would ask that Senator Etheredge and Senator Netsch, in that order, speak on behalf of this Conference Committee report.

PRESIDING OFFICER: (SENATOR BRUCE)

In which order, Senator?

SENATOR SAVICKAS:

Senator Etheredge and then Senator Netsch.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge is recognized.

SENATOR ETHEREDGE:

Mr. President, Ladies and Gentlemen of the Senate, the people working in the fields of alcoholism and drug abuse services have been discussing among themselves for three years and more how they might best join together to provide comprehensive services for their constituents. And I want to emphasize at the outset, the reason these discussions have started and the reason they have gone forth and reached the...the fruition that we're...that's before you today is because they're constituents, these two constituent populations have come together. Increasingly, the person who has a problem with alcohol has a...a problem with drugs as well. So there is...we're talking essentially about the same two populations. Last spring we organized a joint committee on consolidation for alcoholism and drug abuse services and the

work has...began in earnest at that time. We've held hearings late in the summer, in the fall, receiving testimony from the field, and what we have before you, the Conference Committee report on House Bill 963, is the result of those hearings and that work. And what you have is a thorough and I believe a responsive and responsible piece of legislation. With the enactment of House Bill 670 last spring, the consolidated department has already been created. But what we need to do now is to ensure that a smooth transition takes place. A budget needs to be prepared, submitted and accepted, and without the new structure which is contained within this legislation, that cannot be done. Systems and procedures must be developed to ensure the smooth delivery of services and without the new...new structure, that cannot be done. Administrative and housekeeping duties must be performed over the next eight months, and without the new structure, they cannot be carried out. This bill is necessary to continue the momentum and growth achieved by many, many people doing years of hard work. On behalf of the joint committee, I ask you to accept and to ratify our work, and my pledge to you is that...you...that it does represent work in which all of us can take pride. It is our expectation and that of the vast majority of persons concerned with prevention and treatment of alcoholism and drug abuse that this new department in conjunction with the professionals working in the field will work as they have in the past to resolve those few remaining areas of disagreement and move toward further improvement of services. I would ask that you join me in an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. As a member, along with Senator Etheredge, of the joint committee which continued to work

on the question of consolidation, I also urge support of the Conference Committee report which is the major first implementing step in the achievement of the actual consolidation. I would simply add a couple of points to the very excellent summary that Senator Etheredge has already given you. One, if you will recall, we have already mandated the consolidation. The Legislature dealt with that issue and resolved it before we left here in the end of June during the Regular Session. So the...the fact of consolidation of alcoholism and drug abuse services is a decision we have already made but we must carry it out. This bill is the first critical step in that. The consolidation does not become effective until July 1 of next year, but we must have an agency with enough structure in place that it can, in fact, make the kinds of decisions to which Senator Etheredge referred. I would point out also that we did have extensive hearings. There has been enormous opportunity for input, public input and input from all of the interested providers in this area. The joint committee itself held six public hearings and, in addition, meetings at which the details were discussed. There is already in place a task force appointed by the Governor and made up of representatives of not only the State agencies involved but a large array of the groups who do provide these services and who do have a major interest. They also are hard at work on the implementation but they must have this bill in order to be able to continue effectively their work. I would point out finally that the list of supporters of the consolidation and of this bill in particular is very extensive, and it includes everything from the Illinois Alcoholism and Drug Dependents Association which is really the umbrella group including a great many of the...the subgroups that are interested in do provide services in this area to Gateway Foundation, Task, Sojourn House, the Northern Illinois Council on Alcoholism and so on and so on. It is...it is widely sup-

ported. It is a critical part of the process and we do urge your support.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Savickas, did you wish to close? Or Senator...no...Senator Hudson, a question.

SENATOR HUDSON:

Thank you, Mr. President. Would the sponsor, Senator Etheredge or Senator Netsch respond to a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Yes, he will...

SENATOR HUDSON:

She will...

PRESIDING OFFICER: (SENATOR BRUCE)

...she will respond, I'm sorry. Senator Hudson.

SENATOR HUDSON:

...okay. Senator Netsch, in fairness to a concern that was brought to my attention, this is a question. I do not plan to make a speech on the subject. In fairness to the concern that was brought...to a concern that was brought to my attention yesterday and the concern was this, that under the provisions of the Conference Committee report on this subject that there might be some...have been some language added that, in effect, creates some mandates on the Department of Mental Health and Developmental Disabilities wherein everybody has to be screened for alcoholism. That is to say, a child, for example, with some disability of some kind would...would perforce have to go through a screening process for alcoholism, whereas it clearly would be not really indicated that that is necessary. Is this a concern that you have addressed yourself to? Would you respond to that; in other words, the possibility of new mandates here being introduced that the department is not prepared at this time to cope with?

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator...Senator Netsch.

SENATOR NETSCH:

Thank you. I...I'm sure I know the provision to which you're referring. I...the Department of Mental Health will be, as it is now, required to screen all of the people who come to it for possible admission. And the only thing that is...and this is not really different from what they ought to be doing right now, is that they...they will have to indicate whatever diagnosis they find. If it's a psychiatric diagnosis, if it is an alcoholism problem as well, if it is a drug abuse problem as well, those things would have to be noted. Now, in my judgment, that is precisely what the department ought to do. Obviously, if someone comes through for screening and they are clearly an alcoholic or...or have a...other substance abuse addiction, the department should not simply ignore that right now, and I think they would suggest to you that they do not. Our understanding is that they have been consulted within the past twenty-four hours again and they have no objection to that provision at all. It is...for all practical purposes, it is not a new mandate or a new responsibility for them.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hudson, had you concluded your questioning? Senator Schaffer...Senator Schaffer. Then I have Senator Keats. Senator Schaffer.

SENATOR SCHAFFER:

Well, I think we're all sitting here mentally working on our Christmas card lists and planning on leaving. Ladies and Gentlemen of the Senate, have any of you looked at this? This is the size of this thing. Take a look at this, I have in my hand, if you haven't seen a copy of it, if you've seen a copy of it raise your hand. I see three, four hands up. This is a hundred and...pardon me, I see two more. This is a hundred and forty-four page bill with one of the most major

rewrites of several departments that this legislature has ever considered. Now I don't mean to belittle the efforts of the small number of people that have worked for long number of hours on this project, and I don't happen to oppose the concept of the consolidation of drug and alcohol treatment. It is a logical thing to do. I'm not sure that we need another brand new agency with all the concurrent expenses and administrative overhead, but I'm at least prepared to consider that. My concern is that we are in the eleventh hour, at eleven thirty-five of the eleventh hour, in the Fall Session and we are voting on a humongous bill that will affect service to thousands of clients that which we have not had a chance to really look at; our staffs got the final copy, I believe, Monday afternoon. Their analysis, obviously, for that short time period aren't that thorough. The...this is a very important point, this new agency does not go into effect until next July. Why can we not...sit on this document until we come back in early January? All of the things that have been enumerated, the budget drawing and the administrative structural work can continue with or without the bill, and in that two-month period, we can have our staffs and the outside interest groups take a thorough look at this final document; and if there are some changes that need to be made, we can do it then. I'm not going to oppose the bill. I don't oppose the concept. All I'm saying is that I don't think that this Body has had a chance to take a look at it. I think there are potentially some zingers in the bill. Frankly, it's been a kind of a busy week and I've only been able to get up to about page 20 in reading it, but on page 13 I find an interesting little paragraph, and I'm not sure if this is existing law or something new, and it simply says that alcoholic and drug abusers who are suffering from medical conditions shall not be discriminated in admission or treatment solely because of their alcohol or drug

dependency by any hospital which receives support in any form from any program supported in whole or in part by funds appropriated by any State department or agency. That's almost every hospital in the State. And some of my hospitals aren't interested in being involved in...alcohol and drug treatment. And this...that paragraph says if they aren't...they don't get a dime from the State. They have to accept these people. I talked to the hospital lobbyist yesterday; he hadn't even had a chance to read the bill at that point. I suspect he's reading it now though. I just don't know whether an Act that takes effect next July, what the hurry is, why we can't sit on this thing for a couple of months. This is the first, and I might add, the thickest, of a bunch of Conference Committees coming our way, and I'm a little concerned we may live to regret it if we act in haste. I do not understand why we cannot wait until January and when we come back here and act on this...and until I get a chance to get it reviewed and...get a chance to go over it myself, I intend to vote Present.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator...further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. I would like to respond to some of the issues that have been raised by the...by the prior speaker. First of all, the...the reference to the paragraph on page 20 and require...in regard to nondiscrimination. I want to emphasize the fact that that requirement already exists in Federal Law. This is not something that has been sprung out of the blue. This is...this is something which Federal...law requires. I want to emphasize the fact too that...that we're not...we're not voting on consolidation now, we voted on that...that issue last spring. There is a new department...what...and at the same time we enacted 670

last spring, we identified a deadline date by which this joint committee was to complete its work in return with its recommendations. That deadline is this Veto Session. In other words, the joint committee has proceeded to follow the mandate which was given to it last spring. I would suggest to you that there...that the job has...has been done well. I would ask for an Aye vote on this bill. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Let...I know Senator Etheredge was closing, but...Senator Newhouse, since we have actually three closures we can...Senator Newhouse, did you wish to comment?
SENATOR NEWHOUSE:

Thank you, Mr. President, the Senators, yes I did wish to make a comment and I am sorry that I reached it after closing. I...I do agree with...with the problems that we have with bills that come through with amendments that are of some considerable length. But I wish to speak in favor of this bill, because what happens with this Conference Committee report is that it speaks directly to the needs of a lot of the minorities and the first of these is the key elements of the bill. It creates a department that...a department, rather, that's going to really ease the whole question of substance abuse, and we very badly need that. I can't remain silent on a bill which goes so directly to take on this grave responsibility. I heartily endorse the creation of this new department. This department willingly and realistically sets out to address the problems of substance abuse which indeed requires our attention in virtually every community in this State. But House Bill 963 does more than that for me. The incidents of alcoholism and drug abuse among minorities requires a special concern and a special commitment, and this bill provides for those special needs. Communities, families, children, all of whom live with poverty and unemployment are at higher risk of developing drug and alcohol

dependency than are others. And the necessary prevention and treatment resources simply do not exist for those who need them so desperately but do not have the means to secure help without the intervention of this Body. Could I get somebody's attention, please? I am proud to support this legislation. This...legislation comes out rightly and clearly and pledges that hope and attention to those special needs will be attended...to those who are a greater risk than others. House Bill 963 gives me reason for hope. And I ask that those of you who are concerned about hope for those who are in alcohol and drug abuse programs will join me in an Aye vote on this report.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch, did you wish to close or Senator...Savickas, who's going to...Senator Netsch to close.

SENATOR NETSCH:

Thank you, Mr. President. My closing will be brief. The report...the Conference Committee report in the bill were prepared by our staffs; it is not something that has been newly foisted upon us by outsiders. It was done according to our directions. The joint committee did precisely what the Legislature directed it to do, it reported back to this Session with a proposal for the consolidation, the carrying out of the policy that we had already adopted. And finally, the vast majority of both agencies and individuals in the State of Illinois who are concerned with alcoholism and drug abuse urgently request your support of the Conference Committee report on House Bill 963.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate adopt the first Conference Committee report on House Bill 963. 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 47, the Nays are 4, 4 voting Present. The Senate does adopt the first Conference Committee report to House Bill 963, and the bill having received the required constitutional majority is declared passed. The Chair has been apprised that the following Conference Committee reports will be called. You might want to mark your Calendar. House Bill 2072, Senator Schuneman; Senate Bill 25, Senator Lemke; Senate Bill 668, Senator Bruce; Senate Bill 702, Senator Lemke and Senate Bill 1153, Senator Jones. And then at...after this conclusion of business, we will probably go to House Bills 3rd reading. We may run through one time there...there were four motions not acted upon and that we may go back and pick up those final motions but...the next Conference Committee is on...is on House Bill 2072, on page 9 of your Calendar and Senator Schuneman is recognized for a motion.

SENATOR SCHUNEMAN:

Thank you, Mr. President, members of the Senate. House Bill 2072 was introduced at the request of the Illinois Commerce Commission and was intended to make it easier for bus operators, especially small operators, to enter the transportation business. Basically the bill shifts the burden of proof from new entrants to the incumbent carriers. Last spring there was an objection from the City of Chicago because of the lack of control over buses that service O'Hare Airport but that problem has now been resolved in the conference, and I would, therefore, move adoption of the Conference Committee report.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Question of the sponsor, please. How has that...how has that problem been resolved, Senator?

PRESIDING OFFICER: (SENATOR BRUCE)

1025
Let C.C.R.

Senator Schuneman.

SENATOR SCHUNEMAN:

It's been resolved by inserting language which says that the provisions of paragraph so-and-so shall not apply to any application for authority to provide transportation on any route where an airport is a point to be served on said route. So it simply takes out any routes that service airports.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce was that...did it answer your questions? Further discussion? Further discussion? Senator Schuneman may close.

SENATOR SCHUNEMAN:

Just ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate adopt...the...the first Conference Committee report on House Bill 2072. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. The Senate does adopt the first Conference Committee report to House Bill 2072, and the bill having received the required constitutional majority is declared passed. Senate Bill 25, Senator Lemke, did you wish to call that? All right. Senator Lemke is recognized for a motion on the first Conference Committee report on Senate Bill 25. Senator Lemke, you're recognized.

SENATOR LEMKE:

What Senate Bill 25 does, it sets up the work-share program in the State of Illinois. In other words, under this program, the simple way to explain it is the fact that if it...it allows employers to keep quality employees on their work-share agreement that they mutually agreed to. In other words, if you have five employees and you have work for four, you're able to give each four days work and keep all five on

so you can keep your skilled help. This program has been very effective in California, Arizona, and we have worked out the difficulties and the kinks in this legislation to where now we have reduced the cost implementation from three hundred thousand dollars to eighteen thousand dollars by going manually. This bill is...is...is supported by labor, by business and by all parties concerned. I think it's a good piece of legislation, and I think it's a long time coming and this will also be of the first multiple and complex industrial state to adopt this kind of program. I think it will stimulate...business in the State of Illinois and keep what we have. I ask for a favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Grothberg.

SENATOR GROTHBERG:

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

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Grothberg.

SENATOR GROTHBERG:

Senator, to refresh all of our memories, why in the world do we need a law to divide up work...and...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke

SENATOR LEMKE:

Well...you got to understand, you have to set up a fund where...where each of these manufacturers...this is not out of the unemployment fund, this is a separate fund which is established by those people that elect to go into this system, you understand? So they can...have a fund which all people that want to go into work-sharing can use in case of layoffs. I think it's a good program, Senator Grothberg, and I think its...my understanding the law is necessary because of the unemployment...the Federal unemployment law requirements. And this law now complies with the Federal law

requirements.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Grothberg, had you concluded? Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President. I was trying to elicit from the sponsor some more details. I don't know how many people have the Conference Committee analysis, but it does, in fact, amend the Unemployment Insurance Act to create a work-sharing option for employers and employees and provides for limited unemployment benefits for participants in DGI, Department of Labor, approved programs, strictly voluntary. Therefore, it does take law because of the unemployment comp. involvement, and I wanted to make sure that the Body was alert; and if you have an analysis, any of you, you probably should read it before you vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I...I have a number of questions about this and I've just gotten some answers from our staff to some of it. I have not had an opportunity to read any analysis. As I understand it, Senator, you can correct me, this sets up a separate unemployment insurance fund and the...the employers who want to participate...I assume that's voluntary for the employers to participate, those employers then pay into this separate unemployment insurance fund. Is...is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

That is correct, that's what the Conference Committee does, sets up a...the original bill we were talking about was dealing with the existing unemployment fund and some of the

problems that can get involved in that. To qualify this, this sets up a separate voluntary fund for those employers that choose to go into it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Do you know what the position of...the various labor and commerce prime movers in this State are on this bill; for example, the positions of the business groups and the labor groups?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LENKE:

Yes, both labor, the IMA, the Illinois Retail Merchants, and all are in agreement to this bill because it does not tap the existing unemployment fund and they...in fact business wants this and...and labor has gone along with it because it...they think it's a good way to keep skilled trained employees in the State of Illinois.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. Hopefully in clarification, as Minority Spokesman on Labor and Commerce, Senator Lemke and I have been working on this particular concept more years than either one of us would...really like to remind each other of. The bill, you have to remember, it's voluntary and it's entirely paid for by the participants; i.e., the employers, and so they are voluntarily contributing to this program. Anyone who doesn't want to do it does not have to do it. We're just simply setting up a separate fund so that they can voluntarily do something they'd like to do, contribute to their own fund, and if they don't want to do it, they don't have to do it. I personally intend to vote for this Confer-

ence Committee.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SENATOR LEMKE:

I just think this is a good bill to improve business in the State of Illinois and to maintain our present existing skilled labor in the State of Illinois. I ask for a favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The question is, shall the Senate adopt the first Conference Committee report to Senate Bill 25. 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 Senate does adopt the first Conference Committee report to Senate Bill 25, and the bill having received the required constitutional majority is declared passed. Is there leave to...to get back to Senate Bill 668? Leave is granted. Senate Bill 702, Senator Lemke. Wait a minute, Senator Lewuzio, you want to...all right. Senator Lemke, you want to break or you want to go right on? All right. Senate Bill 702, Senator Lemke is recognized for a motion.

SENATOR LEMKE:

I ask for an adoption of Conference...second Conference Committee bill on 702. What this does is, under actions under Federal law when an act of Congress creates a cause of action and confers concurrent jurisdiction upon Federal and State courts, an action brought thereupon a court having venue under this article whether arising in this or another state or whether instituted by residents or nonresidents shall not be subject to this...transfer injunction on the grounds that there is a more appropriate or convenient form

in another state unless the action imposes substantial burden on such courts. I ask for adoption of the second Conference Committee report.

PRESIDING OFFICER: (SENATOR EBUCE)

Is there discussion? Senator Parkhausen.

SENATOR PARKHAUSEN:

Mr. President and members of the Senate, it's been several months now since we discussed this bill. It came up two or three times in the waning hours of our Spring Session, and this Body at that time had the good sense not to give the bill the requisite thirty votes. It's in some sense a...a technical bill but it's...it's also, I think, fairly easy to understand. What the bill attempts to do is...is to contradict and override one of the longest standing rules of civil procedure; that being that a...that a lawsuit ought to be tried in the court in the forum which is most convenient for the parties and for the witnesses. The doctrine is...is known in...in Latin and in legalese as...as forum known convenience, meaning that the court should not allow an...a lawsuit or an action to proceed in a court where it's...where it's inconvenient for the parties and for witnesses and where there is another more convenient court available. Accordingly, when any action is filed including one which would be encompassed by this legislation, such as one under the Federal Employer's Liability Act or under the Jones Act, the court would normally have within its power the discretion to order the transfer of the case from the court in which the case is filed to another court where, in the judgment of the court in which the case is filed, greater convenience would be afforded to the parties to the lawsuit and to potential witnesses. As it stands right now, there are a number of forums or courts throughout the country that have for one reason or another gained a reputation of awarding extremely generous verdicts to plaintiffs and we have at least one per-

haps more of those here is our own State. Madison County for some reason is notorious; so is St. Clair, Cook County to a degree, but as it turns out, many or most of the cases at...at one point I was told that eighty percent of the...of the FELA cases filed against the Illinois Central Railroad which operates, I...I think perhaps in...in eight states, but of course it's north-south line travels the...the length of the country, eighty percent of those cases for some reason are filed in Madison County, and that is the situation even though most of the...obviously the vast majority of the plaintiffs in these cases don't live in Madison County nor do the accidents occur there. But where you have, say a...plaintiff living in the State of Louisiana, an accident occurring in Louisiana, it obviously makes no sense for a suit to be filed in Madison County or in any other court which is remote from where the plaintiff resides, where the action occurred, where the...or where the defendant's chief place of business is. So it is clear that this...that this bill in...in attempting to prevent a court from transferring a case to a more convenient forum is...is attempting to...to allow trial lawyers the discretion to file a case in the court or the forum which is not necessarily most convenient to anybody but which has a reputation of awarding the most generous awards. We are...we are fortunate that the press has picked up on what's going on here, and I think Jim Broadway of the St. Louis Globe Democrat should...

PRESIDING OFFICER: (SENATOR DEMUZIG)

Senator, can you bring your remarks to a close.

SENATOR BARKHAUSEN:

...should be...should be singled out for the perception with which he's...followed the course of this...legislation, and I direct your attention to an article I've circulated entitled, "Political Clout Could Change Rules on Venue," and if during the course of this debate you have a chance to take

a look at this newspaper...article, you'll see the whys and the wherefores of this legislation and I think you will come to the unavoidable conclusion that this legislation should be defeated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Chew.

SENATOR CHEW:

A point of personal privilege to break the monotony.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point, Senator Chew.

SENATOR CHEW:

We have some students and instructors from Chicago State University facing the President's Gallery. I'd like for them to stand and be recognized.

PRESIDING OFFICER: (SENATOR DEMUZIO)

If our guests in the gallery would please stand and be recognized by the Senate. Welcome to Springfield.

SENATOR CHEW:

Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

We have another distinguished visitor from Chicago who is the first assistant to the Sheriff of Cook County, Patricia Seibert. Pat, would you stand so we'd know that you're here. There she is in the back of the room.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Welcome to Springfield. Senator Chew, did you wish to speak on this issue? All right. Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. I'd like to be recorded...I was called to the telephone and therefore I missed to vote my Yes vote on House Bill 963 and

House Bill 2072. I'd like to be recorded as having voted Yes on those two pieces of legislation.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Our electronic marvel will so indicate. Further discussion? Senator Keats.

SENATOR KEATS:

Thank...thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a bill I've spoken to many of you about. To put it in just very briefly, what this will allow is that...that the case can be handled somewhat near the accident. The biggest problem right now is with this venue shopping, you may have the case handled in the court that could be a thousand miles from the witnesses, from the original action, the whole works, that's what this allows. We've defeated this bill three times I can think of, it might be four times. So I'd say we've shown eminent wisdom three to four times in killing this bill before, I would hope we would show eminent wisdom one more time. But the key provision is, this says you can have the case an awful lot closer to where the actual accident happened rather than just this venue shopping where you might have the case held a thousand miles away.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Further discussion? Further discussion? Senator Lemke may close.

SENATOR LEMKE:

I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIC)

The question is, shall the Senate adopt the Conference Committee report on Senate Bill 702. Those...second Conference Committee report on Senate Bill 702. 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 21, the Nays are 30, none voting Present. The Senate does not...Senator Lemke. Senator Lemke requests postponed consideration. Is leave granted? Leave is granted. Is there leave to return to Senate Bill 668, the bottom of page 9, Senator Bruce was presiding? Leave is granted. Senator Bruce, are you ready to proceed? Mr. Secretary. All right. Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This is a conference...the second Conference Committee report on Senate Bill 668. This Body has seen this, I think, on four prior occasions, got involved with some amendments relating to reductions in assessments either through court action or by operation of the board of review. What the bill now does in its simple form is to do what we have done in every other year and that is assist those districts that have, in fact, made errors in computation of their operating tax rate and levies and make sure that they get full access under the School Aid Formula. The schools involved are Madison District No. 12, Edwards County No. 1, Mulberry Grove 1, Galva District 224, Virginia District No. 64 and Taft District No. 90. It's a total of nine hundred and ninety-nine thousand nine hundred and ninety-nine dollars, and there is a penalty for each one of these under the Eberman Act of several years ago. We give them almost the amount they would have received, but there is a penalty for failing to properly calculate their equalized assessed value. I believe that the bill in this form...we've passed it out in every form, the House is the one that's had the trouble. The districts need the money in this...in this school year. I'd ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall the Senate adopt the Conference...the second

Conference Committee on Senate Bill 668. 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...the Ayes are 56, the Nays are none, none voting Present. The Senate does adopt the Conference Committee...the second Conference Committee report on Senate Bill 668, and the bill having received the required constitutional majority is declared passed. Page 10, Conference Committee report, Senate Bill 1153. Senator Jones. Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. This is the first corrected Conference Committee report and I want to make it absolutely clear because the gentleman was incorrect. The first Conference Committee report provides for one additional law clerk...clerk for the Supreme Court Justices. It set a max on the salary for court reporters beginning in FY '85 at...from twenty-nine five to thirty-one thousand two hundred and fifty dollars annually beginning in FY '85, and also for FY '86, it will go to thirty-three thousand two hundred and fifty dollars annually. This is the court reporters bill plus the Supreme Court Justice bill and it doesn't take effect until FY '85 as far as the court reporters are concerned, and I move the adoption of the first corrected Conference Committee report on Senate Bill 1153.

PRESIDING OFFICER: (SENATOR DEMUZIG)

Is there any discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIG)

Indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Could you tell me, does this come under the State Mandates Act? Are we going to be required to pay this addi-

tional salary to these court clerks throughout the State...I mean these court reporters?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

I couldn't tell you whether it comes under the State Mandates Act or not. All this does is set a max salary to be paid. It doesn't mean that they will be paid that amount.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just am really trying to slow things down long enough to get a few of the members to take a look at the analysis that's being passed out. You know, we fought about this one a couple of times too. And right now it's not just the new clerks, there's a pay increase, it's the whole works. I would have to recommend to some of my colleagues that we perhaps vote this down cause; number one,...the sponsor wants to say something, I'm willing to let him answer and then I'll...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats...Keats indicates he will yield. Senator Jones.

SENATOR KEATS:

Yeah, I'll yield to the...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes, I...I'm quite certain your analysis probably referred to the first Conference Committee report that was passed. That's why I indicated...I said the first corrected Conference Committee report. All the other things that you are...you have in your analysis are not in the bill. The

only thing that's in the bill is the one law...additional law clerk for the Supreme Court Justices as well as the max salary for court reporters. So this is the first corrected Conference Committee report. It's the one you should have.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

Yeah, that's the one I've got, I don't like this one either. That's the one I've got. So I would mention, colleagues, take a look at your report. I just wanted to slow things down enough to let everyone get a look at it, 'cause I...I really think that we would have a hard time justifying additional clerks and additional pay increases all at one time, and I would recommend a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Grothberg.

SENATOR GROTHBERG:

Well, thank you, Mr. President and fellow members. This is indeed a watered down version of what the court came to us with in the first instance. There is general agreement that they do need an added law clerk under that load. So those positions have not been...really a matter of too much discussion. The pay increase that was asked for was substantial...I helped kill the thing in committee and was a spokesman against it. I am now a signer of the Conference Committee report, in fact, that...there is no salary increase in calendar '83 with is almost over, Fiscal '83. Fiscal '84, the maximum goes up seven hundred and fifty...seventeen hundred and fifty dollars, which is approximately five percent and about five percent more in 1985. Reasonable raises in the caps, about one-third of what they came in for in the beginning. I think it's a fair compromise. I think the court needs the help, they need the clerks, the clerks work hard and this is fair and equitable and it has indeed been

worked down, Senator...the previous Senator from the North Shore, to where it's quite manageable. I ask you to vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones may close.

SENATOR JONES:

Yeah, thank you, Mr. President. I just ask for a favorable vote on this Conference Committee report.

PRESIDING OFFICER: (SENATOR DEMUZIC)

The question is, shall the Senate adopt the first corrected Conference Committee report on Senate Bill 1153. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 38, the Nays are 14, 4 voting Present. The Senate does adopt the Conference Committee...the first corrected Conference Committee report on Senate Bill 1153, and the bill having received the required constitutional majority is declared passed. Oh, Senator Keats, for what purpose do you arise?

SENATOR KEATS:

Verification.

PRESIDING OFFICER: (SENATOR DEMUZIC):

Senator Keats has requested a verification. Senator Keats, of the affirmative?

SENATOR KEATS:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All members will be in their seats. Senator Keats has requested a verification. The Secretary will read the affirmative votes. Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

The following voted in the affirmative: Barkhausen, Berman, Bruce, Buzbee, Carroll, Chew, Coffey, Collins,

D'Arco, Darrow, Davidson, Dawson, DeAngelis, Degnan, Egan, Etheredge, Fawell, Geo-Karis, Grothberg, Hall, Holmberg, Jones, Kelly, Kustra, Lechowicz, Lemke, Macdonald, Marovitz, Netsch, Newhouse, Philip, Rigney, Sangmeister, Savickas, Smith, Vadalabene, Zitic, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Keats, do you...you question the presence of any member?

SENATOR KEATS:

Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Barkhausen. Senator Barkhausen is...back of the Chamber.

SENATOR KEATS:

No, he's back...Senator...oops, no...back. I'm running down my list. Senator Darrow, nope, I see him now. Senator Holmberg.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Is Senator Holmberg on the Floor? She is in the aisle.

SENATOR KEATS:

Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Marovitz is in the...in the Well.

SENATOR KEATS:

Man, are you guys cleaning out the closets or what? Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Welch. Is Senator Welch here? He's not voting, Senator. As a matter of fact, the Secretary informs me he voted Present.

SENATOR KEATS:

Okay, let me finish then. Senator Netsch. Didn't I hear her voice...didn't I hear that screech there. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Netsch is here.

SENATOR KEATS:

No, no, I saw Senator Berman come back.

PRESIDING OFFICER: (SENATOR DEMUZZIO):

You...you...you question any...all right. The roll call has been verified. No change.

PRESIDING OFFICER: (SENATOR BRUCE)

If I might have the attention of the Body, we are now going to change the order of business. We are going to go, with leave of the Body, back to Order of Motions in Writing to Override Total Vetoes. And we have five that were not called this morning. They may not be called, but we're going to afford the sponsors another chance if they wish. Senator Davidson on House Bill 307. All right. Senator Lemke, House Bill 412, did you wish to call that? And in my...just say, Senator Vadalabene, you have 801 which will be the next one to be called, if you wish. Senator Newhouse, 932 will be next and then Senator Demuzio on 1023. And as far as the Chair knows, that's the total of the motions that were not called this morning. Senator Kelly, I guess, has 1141. All right. You do not wish to call that. All right. Senator Lemke, do you wish to call House Bill 412? Senator Lemke is recognized.

SENATOR LENKE:

It was my understanding that this bill would be called if...we passed the new prison reform bill. I don't know if we're going to pass one or not. I don't know if that bill has been...come, I'd like to have this follow that.

PRESIDING OFFICER: (SENATOR BRUCE)

All right.

SENATOR LENKE:

If we do give additional bids, then we have space.

PRESIDING OFFICER: (SENATOR BRUCE)

Well...okay. We may get back to it, Senator Lemke.

There is objection to giving you leave to get back to it, but we may try later on. House Bill 801, Senator Vadalabene, did you wish to call that? Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. In regard to 801, I...I just want to make this statement, that I'm grateful for what you did in House Bill 835 in relation to the policemen's...longevity salary increments; and for that reason, I think we took care of the State troopers and I'm not going to call House Bill 801.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, the motion will not be called. House Bill 932, Senator Newhouse. Would the Secretary please read the motion on House Bill 932.

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 932 do pass, the veto of the Governor to the contrary notwithstanding. Signed, Senator Newhouse.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Newhouse is recognized.

SENATOR NEWHOUSE:

Thank you, Mr. President and Senators. What House Bill 932 does is permit us to use all the resources of communities in order to provide young people and those who are being retrained with the opportunity to get back into the job market, it's as simple as that. It means that all the facilities can be used for these purposes, that there can be coordination by the community colleges. It's a desirable bill and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The motion is to override the total veto. Discussion? The question is, shall House Bill 932 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 29, the Nays are 23, 3 voting Present. The motion to override the veto is lost. House Bill 1023, Senator Demuzio. Read the motion, Mr. Secretary, please.

ACTING SECRETARY: (MR. PERNANDES)

I move that House Bill 1023 do pass, the veto of the Governor to the contrary notwithstanding. Signed, Senator Demuzio.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio is recognized. Senator, your microphone is worn out. Would you use Senator Johns' microphone. Is that all right, Senator Johns?

SENATOR DEMUZIO:

Thank you, very much, Mr. President, Ladies and Gentlemen of the Senate. This bill allows elected officials of county boards and school districts to be mandated to be given time off from employment without compensation in order to attend an official meeting of the public body to which they were elected. The bill was put in to encourage citizens to become more involved in the workings of government. I cannot understand why the Governor vetoed this bill, and I would ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Johns.

SENATOR JOHNS:

Thank you, Mr. President. What I think this does, there are situations, for example in the mining industry, where unless you have excused absences you can't have two days off unless you have an official purpose that you must be in attendance to or for. And I think that this would give that person the right, under this legislation, to be absent from his employment; and he's not asking compensation from his

employer, that is not the problem, he just wants to have a legal excuse for being absent from the job to perform a public service 'cause that's what he's elected to do. This would permit him to be in attendance at daytime meetings whereas many of the meetings are called in the daytime and it only affords certain people the opportunity to perform. I think this is a good bill and I suggest that we vote for it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Contrary to the comments made by the previous speaker, I don't think this bill has anything to do with private employers, and I would hope that the sponsor would respond to that later, but I...I believe that's correct that...that this applies to elected members of a county board or school district, and I think this is another approach to the problem that we talked about some time ago in...in that it would affect people who are employed by local government who also want to serve on a county board or a school board. And, I...I guess my problem...with this whole thing...first of all the...the bill only passed the Senate in the first place by thirty-one votes, so it didn't have a whole lot of support or extra support then. My problem with this is that we are beginning to see an increasing number of employees of units of local government running for other boards and then demanding that they get time off to serve on those boards, and in some instances requiring or asking that the times of those other boards...the regular meetings be changed to accommodate them, having known in the first place when those meetings would be held when they ran for election. And I...I think is a...a step in the wrong direction and would urge that we vote against the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Demuzic may close. No,

Senator Johns...I'm sorry, Senator Johns.

SENATOR JOHNS:

I'm sorry, Senator Schuneman, I...I...I kind of disagree with you, it says...because these are elected officials who want to attend meetings and...not of their own...not...and I think they need to be excused from private employment because they have to attend these meetings in the daytime and they're not asking for compensation. That's...you see, that's where I...maybe I'm wrong but that's the way I read the bill, and then it goes on to say that teachers, of course, are excluded and people who work for schools and school districts, they will...will continue to get their pay, they're excused, but we're...we're excluding this particular person from pay. I...I just kind of disagree with you just a little bit, I think it's...for elected officials to attend meetings and not get a compensation from their employers.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Demuzio may close.

SENATOR DEMUZIO:

Thank you, very much Mr. President. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR EBUCE)

All right. The question is, shall House Bill 1023 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 32, the Nays are 23, and the motion to override is lost. Senator Kelly indicated he did not wish to call 1141. For what purpose does Senator Jeremiah Joyce seek recognition? Okay. Channel 10, Terre Haute seeks permission to film the proceedings. Is there leave? Leave is granted. Senator Philip, did you wish to make any announcement concerning Senator Weaver's absence, I

had a note.

SENATOR PHILIP:

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

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The Journal will so indicate. Senator Savickas.

SENATOR SAVICKAS:

Yes, I would like the record to show that Senator Nedza is absent due to illness.

PRESIDING OFFICER: (SENATOR BRUCE)

The Journal will so indicate. With leave of the Body, there are three bills on consideration postponed that sponsors have indicated they would like to take up at this time. Is there leave to go to the Order of Consideration Postponed? Leave is granted. There are three bills that the Chair has been apprised...of by members. On page 10 of your Calendar, page 10, House Bill 1780, House Bill 1924 under the sponsorship of Senator Donahue and Senate Bill 1336 under the sponsorship of Senator D'Arco. And, Senator, we have already placed House Bill 187 on the Order of Consideration Postponed...189, it is not on the printed Calendar. It was considered earlier today. All right. On page 10, at the bottom of the Calendar, is House Bill 1780. Senator Savickas is recognized.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, House Bill 1780 is almost identical in form to Senate Bill 1313 which was the working cash bond fund for the Chicago Park District. The Governor vetoed the bill because of the unlimited bonding authority of the Public Building Commission and this was eliminated. It was one of the chief objections of the Civic Federation also. The working cash bond fund for the park

district is needed to provide a savings for the taxpayers over the long-run of between seven and ten million dollars. It's a twenty-year program. The initial...the initial increase and the tax levy would be approximately fifteen dollars per sixty thousand dollar home and each year after it would be diminishing. Without the working cash fund it would be necessary to sell about seventy-five million dollars of tax anticipation notes, and these notes are short-term twenty month notes which are a constant expense to the district. I believe that by passage of this bill in the form that the Governor indicated would be proper, we can save the citizens of Chicago and the park district a great expense of money over the twenty years. Two other portions...one other portion in the bill is the amendment for the Park District Act to provide for the acquisition from the State by lease in order that the park district can acquire Federal funds to remodel and...and improve the Broadway Armory on behalf of the State. One-half of the armory would be used for recreation and the other half would be for militia purposes. I would appreciate your support on Senate...House Bill 1780.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Could I direct a question to the sponsor? This is fairly important for those of us who have opposed previous versions of this bill. Could you just quickly review again the property tax impact that the bill will have; and secondly, do the groups like the Civic Federation now support the bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Senator Netsch, the initial...the initial increase would be about fifteen dollars on a sixty thousand dollar

house and this would be...diminish as abatements are made. As far as the Civic Federation, their major concern was the elimination of the unlimited bonding authority that we had in the original bill for the Public Building Commission. They recognize the need of this type of process for all units of government. They support this concept. They would rather have seen probably a incremental increase of ten million the first year, twenty the second, thirty and so on. This is something they have discussed. This is not a major concern or issue at this point. As far as I know, they...they do support this concept and are not opposed to the bill as it is.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

But to...to review, this deals only with providing a working cash fund and nothing else. Is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Only with a working cash fund and nothing else.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

And to be further clear, if the working cash fund is not provided at least it is the contention of the park district that it requires them to go to market for tax anticipation or other short-term borrowing. Is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Well, I...I'm still not sure what I'm going to do except that it obviously eliminates a...a very considerable number of the problems that many of us had before. I have no desire to punish the park district for what I consider its past, present, and hopefully not future misbehavior, because the...the park system is critical to the city and I do not want to put them in a position where it costs them more just simply to run the...the normal operations. I think what bothered us was to give them in any way, shape or form a...a blank check or even a high dollar amount check in order to conduct a system that we did not think many of us was being conducted properly. This is obviously of a considerably more limited order.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I think Senator Netsch covered most of the problems...questions, rather, that were on my mind although I'm not as...as the Senator is about the conduct of the department. I am very much concerned about a department that has a full support facility, including a natatorium, in the district where the park district executive director lives, and in my district where we have a full size olympic swimming pool which had fallen into disrepair and was practically out of usage altogether, we got a coat of paint this summer. I walked by a golf course this summer and saw little patches of something, they've planted trees, and I guess this was our lead-in to us passing this...these...this piece of legislation which will permit them to do as lousy a job as they've done in the past in certain neighborhoods and as good a job as they've done in the past, on the other. I'm not satisfied with it at all. I'm happier to hear that they're not going to have it to fool around like they've done

in the past, but I'm not so satisfied that maybe perhaps it ought not be...little...more difficult for them to do the damage that they've done in the past in the future.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Savickas may close.

SENATOR SAVICKAS:

Well, Mr. President and members of the Senate, we all know the financial binds that our local governmental units are in. I solicit your support in, hopefully, an operation that can be a more cost effective measure in operating our local governments. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator Philip arise?

SENATOR PHILIP:

I'm sorry, Mr. President, I wasn't paying attention, and I just had a...a short comment to make, if I might. And we have worked out this amendment with the Governor and the Governor's Office, and I think it's in order and I think we ought to support it.

PRESIDING OFFICER: (SENATOR BRUCE)

I don't think Senator Savickas will object to your interruption. Senator Savickas.

SENATOR SAVICKAS:

Thank you for the closing statement,...Senator Philip.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 1780 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 40, the Nays are 13, 1 voting Present. House Bill 1780 having received the required constitutional majority is declared passed, and having passed by three-fifths majority of the members elected is declared effective immediately upon

its becoming a law. House Bill 1924, Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, members of the Senate. I understand we must take this back to 2nd reading for the purposes of amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

I believe, Senator, you wish to take off the effective date. Is that correct?

SENATOR DONAHUE:

That is all I wish to do.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Donahue asks leave of the Senate to return House Bill 1924 to the Order of 2nd Reading for the purpose of removing an amendment. Is there leave? Leave is granted. Are there amendments, Mr. Secretary? Are there amendments, Mr. Secretary?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2, by Senator Donahue.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Donahue to explain Amendment No. 2.

SENATOR DONAHUE:

Thank you. Mr. President, Amendment No. 2 simply puts in the effective date of July 1st, 1984.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The motion is to adopt Amendment No. 2 to House Bill 1924. Is there discussion of the motion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The bill will...be returned to consideration postponed and we will take this up right after 1336. So, we have to have intervening business. The question has been

asked...we are on page 11 of the Calendar, page 11, we've just taken action on House Bill 1924. We're just...paper work is starting to overwhelm us down here, so bear with us just a second. Senator Donahue, did you leave an amendment with the Secretary? Okay...what purpose does Senator Friedland arise?

SENATOR FRIEDLAND:

Trying to find out what's going on here, did you...

PRESIDING OFFICER: (SENATOR BRUCE)

I...I believe the gray coats are coming. All right. Senator D'Arco, we are now ready to proceed.

END OF REEL

SB 1336
e.e.R.

BEEL #4

PRESIDING OFFICER: (SENATOR BRUCE)

May I have your attention, please. We are on the Order of Consideration Postponed, on page 11 of...of your Calendar. We are ready to consider Senate Bill 1336. Senator D'Arco is recognized for a motion.

SENATOR D'ARCO:

Thank you, Mr. President. This is the alternative retirement annuity for Cook County elected officials which allows them to retire after twenty years of service at eighty percent of their salary. There is an increase in the contribution rate from eight and a half percent to eleven percent. I think our differences have been resolved in this matter, and there really is no added cost to Cook County because of the increase in the contribution rate, and I would ask that we adopt this Conference Committee report.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Some questions of the sponsor, Mr. President. Senator, our...our staff has given me an indication of some things that cause me to question whether what we're doing here is really good for the system. For example, as I understand it, what we're hoping to do or what you're proposing to do is to provide for the elected officials in this system, management, in effect, a pension of eighty percent maximum that they could attain in twenty years. Now, my question...or problem with this goes to the fact that employees are not given the same benefits. In the...as...as we understand it, in the case of employees, they only reach a maximum of seventy-five percent, and it takes them thirty-eight years to do it. Now, we all...all of us who participate in pension plans are able

to do so with benefit largely because of income tax laws that allow some of those benefits to increase tax free over the period of the pension, but the IES will not grant that special income tax treatment if they find that the plans are discriminatory. And one of the discriminatory features is that you must treat everybody alike. You got to give employees the same kind of percentage increase as you give employers. You got...you got to give management the same treatment that you give labor, and it appears to us that what you're doing here is...is treating two different classes in one pension plan differently, that that, in fact, would represent discrimination, and that you may be putting into jeopardy the tax treatment of this entire system. And I'd be interested in what your reaction would be to that criticism.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

Thank you. Mr. President, there's no question that...I think when we talk about discrimination we mean discrimination among classes of...of people as opposed to...categories that may be delineated within a pension system. If you...the fact of the matter is that there are alternative retirement annuity plans within the same pension system for certain persons within that system because they may be performing a hazardous duty or some other criteria that is used in order to give people alternative retirement pension system formulas. So, within the same systems we do have in place alternative retirement pension system formulas for people within the same class within the system. So, that I don't think is a legitimate issue. The fact is that these people are Cook County elected public officials, and they are entitled to some pension rights under that system that would not be discriminatory under this alternative retirement annuity.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman. And Channel...Senator Schuneman, just one moment. Channel 3 has sought leave to film the proceedings. Is there leave? Leave is granted. Senator Schuneman is recognized.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I really don't think that the response was to the point that the tax exempt status of a pension fund does require that the employee class and the management class be treated exactly alike. This carries over into...into the private sector where it's well-known that if you're going to establish, for example, a pension system under which ten percent of salary is contributed to a pension plan, it's got to be ten percent for management and ten percent for employees. You can't...you can't discriminate in the same pension plan. And I think that...that...it appears to us that that's what's being done here and that, in fact, you may be putting the tax exempt status of the system in jeopardy by doing this. There may be other ways of doing it, but it appears to us that...that this is not the right way to do it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator D'Arco may close.

SENATOR D'ARCO:

Thank you, Mr. President. There is a big difference between private pension systems and public pension systems, and the facts of the matter are that we do make distinctions in public pension systems that for Federal Income Tax purposes would not be allowable in private pension systems. So, that argument really doesn't hold water. There's nothing wrong with this alternative retirement annuity. It's a good bill. We've worked out our differences, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate...shall Senate Bill 1336 pass. Those in favor vote Aye. Those opposed vote Nay. I'm sorry, this is a Conference Committee report that was on the Order of Consideration postponed. So, the question is, shall the Senate adopt the second Conference Committee report to Senate Bill 1336. 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...have all voted who wish? Have all voted who wish? Alright. Take the record. On that question, the Ayes are 37, the Nays are 17, none voting Present. The Senate does adopt the second Conference Committee report to Senate Bill 1336, and the bill having received the required constitutional majority is declared passed. Now, we will return to House Bill 1924. Senator Donahue, we have adopted the amendment. The bill has been amended and is before the Body in an amended form. Senator Donahue to explain the bill.

SENATOR DONAHUE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. 1924 is a special piece of legislation that affects Quincy only. We have a...a problem with two of our banks expanding in the area in which Quincy is growing. We are limited in which way we can grow by the Mississippi on the west, a quarry on the south, and our industry is...is to the north. The only way we are moving is to the east. Our two downtown banks are locked in because of our geography. To say that this bank...or this bill is opening and being special and that it...this has not happened before is simply not true. I'm not real crazy about changing the law for special things or special areas either, but we have tried in other ways to correct our problem, and you are our only hope. I think that the argument that this opens up things to happen in the future is simply not true. I think we can take each

one on their merit alone, and we have done that in the past, and I hope we will take each one in their...in...in the future. I will be...answer any questions, but if not, I hope you can support this piece of legislation.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall...is there discussion? Senator Bloom.

SENATOR BLOOM:

Yes, I rise in support of this, and I'd like to remind the members that in the past when we've had banks in our communities with problems, whether they're demographic or whether somehow they ended up a hundred feet out of line with the Act or things like that, that we have accommodated each other. And so, I think for the purpose of House Bill 1924 that this does no danger to the purity of the appropriate section of the Banking Act, and...and what it does, it allows...allows this particular community to meet the demographic changes. It...it does no harm. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President. I...I also want to rise in support of House Bill 1924, and I think that Senator Donahue has hit the nail on the head, and I think that Quincy is certainly a...a unique situation. It's a small city, about forty-one thousand population, it has six banks, several facilities, and the one-mile home office protection is not really practical for such an area that is encumbered by the river in such a small, compacted area. I don't think any other...Illinois city has a similar experience or even a similar situation. And what we are doing here is not unique. There is already a precedent for the action that we are about to take in terms of the exemption of the home office protection. Chicago is exempted, as was another...specific

singular community when it borders Cook County in one of the suburban counties. And what we're doing is...is simply on...for Quincy's interest. It has no impact whatsoever to the other communities, and, frankly, I think that it's a good bill and we ought to pass it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lechowicz.

SENATOR LECHOWICZ:

Very briefly, Mr. President and Ladies and Gentlemen of the Senate, I also stand in support of the lady's motion. I believe that the previous speaker pointed out the fact that maybe there are some circumstances that should be considered in this matter, and I'm sure everyone was contacted by the lady and the Representatives from that area and former Representatives, and in their behalf, I strongly recommend an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Donahue may close.

SENATOR DONAHUE:

Just ask for your favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 1924 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 40, the Nays are 11, none voting Present. House Bill 1924 having received the required constitutional majority is declared passed. Also, on the Order of Consideration Postponed is Senate Bill 189. It was in the Order of Concurrence with House Amendments 1 and 2. That was on page 7 of your Calendar. Page 7 of your Calendar is where it originally occurred...appeared on the...and Senator Marcovitz is recognized for a motion.

SENATOR MARCVITZ:

Thank you, very much, Mr. President. I would...I would ask that we divide the question so that we have...first, I would move that the Senate do concur with House Amendment No. 1 to Senate Bill 189, which, as we discussed a few minutes ago, is the amendment that would make the waiting period six months instead of no time at all where there is agreement by both parties for a divorce. We've had a lot of discussion on this bill. This...that's the six-month amendment that was requested by the religious organizations. I would move that the Senate do concur with House Amendment No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

And, Senator, what...do you want to explain before we get into it what you plan to do with No. 2?

SENATOR MAROVITZ:

Well, I think we ought to take...take them in order and we'll see what happens with No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. The motion is to concur with House Amendment No. 1 to Senate Bill 189. Is there discussion of the motion? Alright. The question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 189. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 16, 1 voting Present. The Senate does adopt the first...does adopt House Amendment No. 1 to Senate Bill 189. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much. I would move now that the House refuse to concur...do not concur with Amendment No. 2 to...amendment...House Amendment No. 2 to Senate Bill 189.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Alright. Senator Schuneman.

SENATOR SCHUNEMAN:

An inquiry of the Chair, Mr. President. The...on the last vote, the board showed concurrence.

PRESIDING OFFICER: (SENATOR BRUCE)

That's correct.

SENATOR SCHUNEMAN:

We were voting on the motion to concur...

PRESIDING OFFICER: (SENATOR BRUCE)

Yes.

SENATOR SCHUNEMAN:

...with House Amendment No. 1, was that the motion?

PRESIDING OFFICER: (SENATOR BRUCE)

That's correct.

SENATOR SCHUNEMAN:

Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Fawell, on the motion to concur with House Amendment No. 2.

SENATOR FAWELL:

Just a Parliamentary inquiry. I was told I was supposed to be on this Conference Committee, and I wonder if there has been a Conference Committee that I was not notified on?

PRESIDING OFFICER: (SENATOR BRUCE)

No, Senator, this is on a...on the motion of concurrence. There has not been a Conference Committee appointed. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, I had a Parliamentary inquiry also as to whether he could divide the question when he had already lost the motion to concur, and then he divided the question and took...the...each amendment separately. That's what my inquiry...about.

PRESIDING OFFICER: (SENATOR BRUCE)

Right. Under the Senate rules, a question may be

divided. It's...I can't cite you the rule, it's entitled, "Division of the Question." Alright. The question is...this will not require a roll call. The question is on the nonconcurrence with House Amendment No. 2. On the motion to...Senator Lechowicz.

SENATOR LECHOWICZ:

I believe you didn't respond to the lady's question, because the matter is not only a division question but it was actually voted upon by this Chamber and it's on postponed consideration, and I don't believe that is governed by the rules; and if that is, I'd like to know where it's governed in the rules.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, if you'll read Rule 39, Question...Division of the Question. If the question in debate concerns several point, and the question before the Body was concurrence in two House amendments, House Amendment No. 1, House Amendment No. 2, any Senator may have the same divided. On motion to strike out or insert, it shall not be in order to move...on a division of the question. That's the only time it could not be questioned on a motion to strike out.

SENATOR LECHOWICZ:

So, you're saying that even though it's on postponed consideration that rule applies?

PRESIDING OFFICER: (SENATOR BRUCE)

Well, when you postpone the question, you postpone all of it. So, I mean, the question was the concurrence on House Amendments 1 and 2. Had...had the Senator gotten back to the question, that was...the Chair would have put it as 1 and 2. He asked to divide it. So, that was the question before. Under Rule 39, any Senator may, and I think Senator Marovitz was within his right to divide the question.

SENATOR LECHOWICZ:

Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright...we have not yet nonconcurrred. On the motion to nonconcur, discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. The Senate nonconcurrs with House Amendment No. 2, and the Secretary shall so inform the House. Alright...there's been a request for a roll call. There has been a request for a roll call, on the...on the motion to nonconcur. Senator Marcovitz. Alright.

SENATOR MARCOVITZ:

Well, I'm opposed to this amendment. I'd like a nonconcurrency on it, and I'd like everyone to join me in nonconcurring and send it back to the House.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. The question is on the nonconcurrency with House Amendment No. 2...the requirement will be a majority of those voting on the issue. Those in favor of nonconcurrency will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 17, 2 voting Present. The...the Senate does nonconcur with House Amendment No. 2. The Secretary shall so inform the House. That...that concludes our business on the Order of Consideration Postponed. With leave of the Body, we can go to House bills 3rd. Alright. If I might have your attention. If we will go to page 3 of your Calendar, I will indicate the bills that sponsors have indicate on the Order of House Bills 3rd Reading that they would like to consider today. On page 3, House Bill 553 under the sponsorship of Senator Grotherg. On page 4, House Bill 1330...with Senator Luft as the sponsor, House Bill 1613 under the sponsorship of Senator Rock, and then starting with House Bill 1927 on page 4, all the bills, 1927, 1939 and all the bills on page 5, 6 and 7, that's where we would start, and...oh, I'm sorry,

that...to the bottom of page 6 is when we would stop, and...and on page 4, if you would add House Bill 1830, that bill just came out of committee. Senator Gec-Karis, for what purpose do you arise?

SENATOR GEC-KARIS:

Tell me those bills we're going to be recalled back to 2nd reading, if you'll recall the other day.

PRESIDING OFFICER: (SENATOR BRUCE)

Oh, everything is subject to being recalled. Those are just the bills we're going to consider, and I'm not apprised of all the sponsors actions. Some of them will recall, some of them will not. Senator D'Arco the...the top of page 4 is...is 1130. Do you plan...there's an amendment down there, do you plan to act on that today, too? Alright. Then we should add House Bill 1130 at the top of page 4 and...in order. We'll get to it when we...and if anyone wishes to consider any of the...bills on House bills 3rd, you should contact the Presiding Officer and we'll get to it. The first bill...Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

Just a question, Mr. President. Are you going to do the recalls first or are you going to bring it...do the recalls when they come up on 3rd reading?

PRESIDING OFFICER: (SENATOR BRUCE)

I think we'll just take them in...in order. As they come up recall them and...and...and go back with them.

SENATOR DeANGELIS:

If you do that then, will we then put the amendment on and do one other bill and then come back to that bill, or do they go back to the...

PRESIDING OFFICER: (SENATOR BRUCE)

...no, I think that will probably put too much pressure on the Secretary. I think we'll move them all, get them in shape. If they have to be amended, then we'll go back

through it again. Maybe...we may have some intervening business. We have Executive appointments and some other things. I think some of the amendments may...people may want to take a look at. We'll try to give you a little time on those. Senator Euzbee, for what purpose do you arise?

SENATOR EUZBEE:

Well, a suggestion...the appropriation bills that we...we hold those. We may even have to be in the position...for a few minutes...we may even have to be in a position, perhaps, of calling some of those back for addition of amendments, but probably it's going to be a Conference Committee report on these supplemental appropriations, but at least request that you hold those.

PRESIDING OFFICER: (SENATOR BRUCE)

Fine. We can take it up first thing Saturday morning. Okay. House Bill 553. Senator Grotherg, did you wish to call that bill? Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 553.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotherg.

SENATOR GROTHERG:

Thank you, Mr. President and fellow members. In Kane and western DuPage County we have three villages, St. Charles, Geneva and Batavia. Probably not unlike in your own neighborhoods, the funeral homes used to have the ambulance services, and then the hospitals took over the ambulance services about ten years ago; two different hospitals, Community and Dellnor in our case, and later on formed an ambulance...a tri-city ambulance service about two years...as the interest waned...from hospitals providing it. The municipal...the ambulances are housed in the municipal fire sta-

tions in each of the three towns. To bridge that gap, the Kane County Board then did levy with a ten-cent cap, and I believe the last levy was 8.3 or 5, and passed the money through to the services and paid for them in that way, and only the people that lived within the ambulance service district were taxed by the Kane County Board. The Kane County Board now asks that the municipalities take that over, and when we get three municipalities, three different townships, two counties including Kane and DuPage, we had, with some difficulty then, drafted the appropriate legislation to allow them by intergovernmental agreement to take over this responsibility. The dollars are the same, the tax levy will be the same either way, but to transfer from the Kane County Board to an intergovernmental agreement group and now...would then be the tri-city ambulance district to levy this tax. The villages all want it, the medical and emergency services people all want it, and the emergency nature of it is that it has to be done before the end of the year. And I would ask that you would all vote for it, it's straightforward. Whatever...there are no things in it even though the bill is drafted, not unlike what we just did with Senator Donahue, to carefully describe the three villages, about five townships and two counties, and that's all it affects anywhere in the State of Illinois. I would be glad to answer questions, but I think we can save a lot of time if we just took a roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

...is there discussion? Discussion? The question is, shall House Bill 553 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 44, the Nays are 7, 5 voting Present. House Bill 553 having received the required constitutional majority is declared passed. House

Bill 1130. Senator Newhouse on the Floor? Senator Newhouse. Senator D'Arco discharged this bill, and I believe...is Senator D'Arco on the Floor? He has an amendment. I'm sure he's spoken with you about it. I...but I don't see Senator D'Arco. Perhaps we can...with leave, we'll skip that and get back to it in just a moment. Senator Berman. On page 4 of your Calendar, on House bills 3rd reading is House Bill 1319. Read the bill, Mr. Secretary, please. Senator Berman, did you wish to recall that? Senator Berman asks leave of the Senate to return House Bill 1319 to the Order of 2nd Reading for the purpose of an amendment. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator Berman.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman is recognized.

SENATOR BERMAN:

Thank you. As I indicated yesterday when we discharged committee on this House bill, the amendment strikes everything that was in the bill, and the amendment does only one thing at the request of the Legislative Audit Commission, and it...the purpose of the amendment and...which will now be the bill, is to require that the State Community College of East St. Louis comply with the Public Community College Act the same as all the other public community colleges throughout the State. There was previously some language in there that gave them...that particular college certain veto power over the rules and regulations promulgated by the community college board...by the public community college board in the State. Representative Friedrich and Representative Kane on behalf of the Legislative Audit Commission indicated that that type of veto power was inappropriate in the functioning and relationship between the Illinois Community College Board and the State Community College of East St. Louis. This has

been discussed with the minority representation on Higher Education Committee as well as my side of the aisle, and I would move the adoption of Floor Amendment No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

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

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 1330, Senator Luft. Did you have an amendment on that one? Alright. Senator Luft...read the bill, Mr. Secretary, a third time.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1330.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill has amended which struck everything after the enacting clause. The reason we did it, if you remember, the Federal Government enacted legislation withholding ten percent interest on...I mean, income tax on interest and dividends. We then passed and the Governor signed House Bill 400 which decoupled us from the Federal law. Then, the Federal Government decided to repeal the problem that they created. When they repealed it, they referred to different sections that we referred to in House Bill 400. So, now, House Bill 1330 is simply a technical bill which our decoupling now with the passage of this bill will comply with the sections specified in the Federal repealer, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR EBUCE)

Is there discussion? Discussion? The question is, shall House Bill 1330 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. House Bill 1330 having received the required constitutional majority is declared passed. House Bill...Senator Newhouse, are...alright. Is there leave to return to...House Bill 1130? Leave is granted. House Bill 1130. Mr. Secretary, read the bill a third time. Oh, I'm sorry...we still have to get this one recalled. Senator...D'Arco. Senator D'Arco.

SENATOR D'ARCO:

Well, I think we have to put the amendment on, don't we?

PRESIDING OFFICER: (SENATOR EBUCE)

Alright. Senator Newhouse asks leave of the Senate to return the bill to the Order of 2nd Reading for the purpose of amendment. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator D'Arco.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator D'Arco on Amendment No. 1.

SENATOR D'ARCO:

Thank you, Mr. President. What it does is remove the Secretary of State from being a member of the License Appeal Commission of the City of Chicago and replaces him with the most senior member of the Illinois Liquor Control Commission. This is in keeping with the wishes of the Secretary of State, and I move to adopt Amendment No. 1.

PRESIDING OFFICER: (SENATOR EBUCE)

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

have it. Amendment No. 1 is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 1613, Senator Bock. Do you need to amend that, Senator? Alright. Senator Bock asks leave of the Senate to return House Bill 1613 to the Order of 2nd Reading. Is there leave? Leave is granted. On the Order of 2nd Reading, are there amendments, Mr. Secretary, please?

ACTING SECRETARY: (MR. FERNANDES)

...Amendment No. 1 offered by Senator Bock.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bock is recognized.

SENATOR BOCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, House Bill 1613 is an amendment to the Illinois Housing Development Authority Act. Amendment No. 1 will do two things. As you know, municipalities are allowed now to seed their bonding authority to the Housing Development Authority for the purpose of a communal issue, but there's a date, August 1, as a matter of fact, in each county, or by which they have to do that. By virtue of Amendment No. 1 we are deleting that date and we are additionally changing the formula for the allocation of these bonds. We will base the...the formula currently is based on lending activity in each of the areas across the State. This will change the formula to base that formula upon...or the allocation upon population. What it will do, effectively, I am told by the Housing Development Authority officials, is that hopefully by the end of October, the development authority will be in a position to have a hundred...a hundred to a hundred and thirty million dollar residential mortgage bond issue. I would move...I know of no objection. I'd move the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

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

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. House Bill 1830, Senator Kelly. Is Senator Kelly on the Floor? Senator Welch.

SENATOR WELCH:

Mr. President, I was supposed to have been named as the sponsor of that bill. I asked for leave yesterday but the record did not reflect it.

PRESIDING OFFICER: (SENATOR BRUCE)

I...I...the Chair recalls that there was a request that you be substituted as sponsor. The Calendar should show Senator Welch as principal sponsor. Senator Welch is recognized for a motion.

SENATOR WELCH:

Thank you, Mr. President. I would move first that the bill be brought back to 2nd reading for purposes of adding an amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch is recognized.

SENATOR WELCH:

Thank you, Mr. President. The amendment which I have added to this bill is in actuality the veto message of the Governor on House Bill 1257. House Bill 1257 was the bill concerning the fees to match the superfund money which we are

trying to receive from the Federal Government to clean up hazardous waste sites. The veto message on House Bill 1257 was first done incorrectly, the second message was then done correctly. There was some snafu in the House and the wrong message was...was attached to the bill and passed. House Bill 1257 will not be called by me today. House Bill 1257 is dead. What I have done, therefore, is taken what was supposed to have been House Bill 1257 as amended by the Governor and put it on House Bill 1830 which is now before us. So, in order to...you do have a synopsis of this bill, if you will look at the Governor's veto message on House Bill 1257. I've also given out copies of the amendment to all Senators. You should have it on your desk, it was passed out just yesterday. The changes the Governor made basically were, he removed the two-cent tax per gallon on recycling and...and treatment of waste, he changed to one cent...he changed to one cent the tax on treatment, he removed the tax on recycling, he left at three cents the cost per gallon for off-site and on-site dumping. Those were the major changes of the bill. I'd be glad to try to answer any questions at this time.

PRESIDING OFFICER: (SENATOR EBUCE)

Is there discussion? The motion is to adopt Amendment No. 1 to House Bill 1830. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR EBUCE)

3rd reading. For what purpose does Senator Demuzio arise?

SENATOR DEMUZIO:

Yes, I'd like to request to join Senator Welch as a principal hyphenated cosponsor of 1830. I've spoken with the

HB 1939
Recalled

sponsor and...like leave of the Body.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Is there leave? Leave is granted. Senator Geo-Karis. Senator Geo-Karis asks leave to be joined as a sponsor. Is there leave? Leave is granted. Alright. House Bill 1927, Senator Coffey. Is Senator Coffey on the Floor? House Bill 1939. Senator DeAngelis, did you wish to...Senator DeAngelis, does that need to be amended? Alright. Senator...DeAngelis asks leave of the Senate to return House Bill 1939 to the Order of 2nd Reading for the purpose of amendment. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, Mr. President...Mr. Secretary, is that the long amendment or the short amendment?

ACTING SECRETARY: (MR. FERNANDES)

It's the long amendment.

SENATOR DeANGELIS:

I would like to withdraw that amendment, sir.

PRESIDING OFFICER: (SENATOR BRUCE)

Still Amendment No. 1 then...3. I'm sorry, two prior amendments. Amendment No. 3, Senator DeAngelis.

SENATOR DeANGELIS:

Just to make sure, Mr. Secretary, is that reference number LBBA302128BM? Okay. To the amendment. What this amendment simply does is it defines commercial space in the Illinois Center in Chicago, the State of Illinois Building. It also provides that leases shall be subject to renewal after the fifteen-year limit has expired. This is necessary for the purposes of leasing the commercial space. I move for

its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis moved the adoption of Amendment No. 3 to House Bill 1939. Is there any discussion? Any discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Will the sponsor of the amendment...yield to a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Lechowicz.

SENATOR LECHOWICZ:

Is there any alcoholic beverages allowed in that premise?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Not in this amendment...I don't know if...there's another bill that does it, but it's not in this amendment, to my knowledge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Now, your amendment permits the leasing of commercial space within that building, is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, previously that was permitted. We're redefining it because it wasn't defined as clearly as it should be. And I could read it to you, Senator Lechowicz. What it says is, "Commercial space which includes the subbasement, storage mezzanine, concourse and ground and second floors."

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

And who is responsible for leasing that property...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis...whoop.

SENATOR IECHOWICZ:

...general services?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Central management services.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis has moved the adoption of Amendment No. 3 to House Bill 1939. All those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. House Bill...top of page 5, 1982, Senator Savickas.

SENATOR SAVICKAS:

I think it's about time to leave, the place is falling apart. Yes, Mr. President and members of the Senate, on House Bill 1982, if you'll bear...have a little indulgence here...my intention is to bring it back to 2nd, put on the amendments that are...were interesting...interested both by the McCormick Place people and by the downstate authorities and leave it sit here on the Calendar until we come back in January. We have amendments filed. I think Senator Davidson has the first amendment that he wants to remove. I would like to place...or remove the two amendments that we submitted and replace it with one corrected amendment, and then Senator Davidson, I understand, has a corrected amendment of his to...for the downstate people to put on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Savickas...Senator Savickas seeks leave of

the Body to return House Bill 1982 to the Order of 2nd Reading for the purpose of amendment. Is leave granted? Leave is granted. Senator Savickas.

SENATOR SAVICKAS:

Well, yes, now I'd relinquish to Senator Davidson at this...

PRESIDING OFFICER: (SENATOR DEMUZIC)

Alright. Senator Davidson.

SENATOR DAVIDSON:

I withdraw the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Alright. Senator Davidson has withdrawn the amendment. Amendment No. 1, by Senator Savickas. Senator Savickas.

SENATOR SAVICKAS:

On Amendment No. 1...I will wish to withdraw Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Alright. Senator Savickas seeks leave of the Body to withdraw Amendment No. 1. Is leave granted? Leave is granted. Senator Savickas.

SENATOR SAVICKAS:

And now the current Amendment No. 1, I wish to withdraw that.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Savickas seeks leave of the Body to withdraw Amendment No. 1 to House Bill 1982. Is leave granted? Leave is granted. The amendment is withdrawn.

ACTING SECRETARY: (MR. FERNANDES)

...Amendment No. 1, by Senator Davidson.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Alright. Amendment No. 1, Senator Davidson.

SENATOR DAVIDSON:

There got to be an amendment by Senator Savickas that goes on because my second amendment tracks with his corrected

amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator...Savickas, I...I am told that the amendment that you just withdrew was the...was the correct amendment and would, in fact,...then...this...Amendment No...Senator Savickas.

SENATOR SAVICKAS:

Well, I had three amendments. No. 1 and No. 2...No. 2 was to correct No. 1 and then we submitted a third one that combined the two. If I can read the LRB No. and we can track it that way. The correct amendment that we wish to offer first and then have Senator Davidson offer his amendment to it is LRB8304259ELSEAM02.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Davidson seeks leave to remove his amendment from the record. Leave is granted. Now, Senator Savickas on Amendment No. 1.

SENATOR SAVICKAS:

I...I wish to offer Amendment No. 1 and ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Savickas has moved the adoption of Amendment No. 1 to House Bill 1982. Is there any discussion? Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. What...I'm sorry, I didn't hear. What is Amendment No. 1?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, I'm...I'm sorry, Senator, we've been discussing it so long today that I assumed everybody else knew what it did. Amendment No. 1 would change House Bill 1982 in the following manner: It would create the...Metropolitan Fair and Exposit-

tion Improvement Bond Fund specifically to issue bonds for expansion of an exposition facility...approximately 1.1 million square feet in a designated area adjacent to McCormick Place. Section 1225 of the bill gives the authority to exercise the eminent domain and quick take for this expansion only. Section 1230 eliminates the eight percent interest ceiling on authority bonds and provides the authority with the power to pledge the unexpended bond proceeds and other revenues for payment of the debt. In addition, provisions with respect to notice and competitive bidding are eliminated so that the bond sale can be a negotiated transaction. Section 1240 provides for a signature by the treasurer and vice-chairman for obligations of not more than five thousand dollars. It was presently, I think, ten thousand and they brought it down to five. The project would be funded through the sale of revenue bonds. Underwriting considerations require a revenue stream of one and a half times the annual debt service, and thus, the money would be accumulated monthly at one and a half times debt service up to a hundred percent of the debt service. This would call for...a revenue would be derived from a tax of one and a half percent applied against and in addition to the tax presently collected for sales of prepared food and beverages in Cook County, Illinois. In Cook County, not in the State. The tax is expected to yield 43.5 million dollars per year. Of that amount, twenty-nine million would be used to retire the annual debt service and fourteen and a half million will be rebated to the City of Chicago and County of Cook at a fifty-five and forty-five percent...rate respectively. These rates are a subject of concern with the city and county. They would like to look...look it over. They would like this proposal to sit here until at least January when we come back in Session, give us two, three months to review the whole proposal and to see if this is a fair way or...or a way that we can proceed.

I think it'd be a good idea to put out a proposal so that we all can, either through interested parties, through our own interest or whoever may be interested and our contacts so that we can find out if this is the proper way to proceed, if this is the way that we wish to go, if we can't find a way to enhance the showability of McCormick Place to bring in the...the tremendous trade shows that already are seeking to come into Chicago.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Mahar.

SENATOR MAHAR:

Yes...what we're...what you're saying is, it proposes a penny and a half tax increase on...on...restaurant food, is this correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas...whoop.

SENATOR MAHAR:

...and beverages?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes...Senator...Senator Mahar, it would be a tax on processed food in public service places.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Well, I'd like to speak to the...speak to the amendment. It just seems to me that while the principle is good, and I...I certainly favor doing something for McCormick Place to bring conventions to McCormick Place, a penny and a half sales tax in Cook County alone is no different now...will be no different in January than it is right now. I think it's pretty...quite obvious, it's a levy on Cook County. A couple of weeks ago I was approached by some of my constituents in

DuPage County telling me how important it was that we participate in supporting expansion of McCormick Place for the conventions, and I agree a hundred percent. Unfortunately, DuPage County is not participating in this. It just seems to me if it's important for DuPage County to be worried about the expansion of convention trade in Chicago, they ought to be participating. I recall here a few years ago when Cook County got stuck on the RTA. We're paying a one-cent sales tax and DuPage County is only paying a quarter percent. Now, I do have thirty-five precincts in DuPage County, but I get a lot more in Cook, and it just seems to me that while there's probably some need to raise some taxes, and I'm not saying that I won't support a tax increase, it seems this is most unfair. And if we're going to study this thing, let's...let's let the people talk about it now...between now and January. We can put the amendment on in January just as well as we can do it today, and...let the public have a chance to talk about it. I understand I'm getting dozens and dozens of telegrams this afternoon in opposition to this, and I was...I would hope that we would turn this amendment down.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Alright. Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr...Mr. President and members of the Senate. I concur with Senator Mahar. I think we ought to wait till January and perhaps hold some public hearings, because I want to tell you, in my district...and everybody says their district, but I want to tell you, 34th Street is the dividing line between Will County and Cook. We have on the corner of Route 1 and...and Stager Road, a no Cook County tax liquor store, and down the street from it we have a no Cook County tax gasoline station. Now we're going to have a no Cook County tax fast food service arising there. I support doing something for McCormick Place, but let's not raise false

expectations by putting this in and then having a big fight over the bill because this is in it. We can come back and put the amendment in January. Perhaps there might be a different one than this.

PRESIDING OFFICER: (SENATOR LEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Well, thank you, Mr. President. The sponsor obviously in this Body has the right to amend his bill any way he wishes. He has agreed that the bill will be held. One of the problems that we've had, frankly, with the proposed expansion of McCormick Place has been through about nine different drafts of different theories on how to have a revenue stream to support that bond issue. This will at least put something out. It will be printed, it will be available for distribution, everybody can take a look at it and tell us what's wrong with it or what's right with it, but at least we can move the process along. All he wants to do is amend it, move it on and let it be printed...and available in the bill room so that all these people who are lurking in all the hallways can finally get a copy of this thing in their hot little hand.

PRESIDING OFFICER: (SENATOR LEMUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Question the germaneness of the amendment.

PRESIDING OFFICER: (SENATOR LEMUZIO)

Senator Lechowicz, could we get back to that in a second? You want to...you have another question? Senator Lechowicz.

SENATOR LECHOWICZ:

Let me just point out to you that the original bill was the Downstate Fair Authority. The amendment now calls for McCormick Place, and I just want to bring that to the attention of the Chair.

PRESIDING OFFICER: (SENATOR LEMUZIO)

Further discussion? Senator Watson. Senator Lechowicz, we'll get back to you with a ruling in a minute. Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Watson.

SENATOR WATSON:

What is the current tax now...sales tax?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

On Metropolitan Exposition Authority? I don't think there is one. They've provided through the sale of bonds.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

The current sales tax...you're raising it, what...one and a half percent from what?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

I imagine in restaurants it's about a nickel.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

In Cook County it's five percent?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

With the RTA it's probably six...seven cents. Seven in the city, six in the...rest of it...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson. Senator Savickas.

SENATOR SAVICKAS:

...Senator, I think we ought...we ought to look at it in its perspective. You're talking on a three dollar meal about, what, three and a half cents.

PRESIDING OFFICER: (SENATOR LEMUZIO)

Senator Watson.

SENATOR WATSON:

So, you're at seven percent and we're going to raise it now to another eight...it's going to be eight and a half, is that right?

PRESIDING OFFICER: (SENATOR LEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Senator, this would be in restaurants only, processed food. It's not at the grocery store, it's not in...packaged goods at home...to take home. This is in service in a restaurant. And I must say that probably the biggest percentage of this tax would hit our huge hotels...hotels and motels and the places that have the tourists come in, and we're talking about...about a penny and a half on the dollar. You're talking when you go to a restaurant in those downtown hotels and in those downtown areas, you're lucky to get away with a meal for less than twenty-five and thirty dollars. So, I think a few cents on it for the purpose of providing the space and the trade and the ability to bring in eighty and ninety and a hundred thousand people at one show would be a small price for them to pay.

PRESIDING OFFICER: (SENATOR LEMUZIO)

Alright. Ladies and Gentlemen, we have several speakers. Senator Watson.

SENATOR WATSON:

...how will this affect your corner drugstore that has a lunch counter?

PRESIDING OFFICER: (SENATOR LEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

If your corner drugstore prepares and sells food, he will pay a penny and a half on that food sale. We're talking like a three dollar meal, a penny and a half on per dollar. So, you're talking four cents for a three dollar hamburger.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Watson.

SENATOR WATSON:

Well, I'd like to bring to the attention of the Eody the problem that this could create for...for retailers,...primarily drugstores who have a three- or four-tier tax structure now with no tax on some items. They've got a limited amount of tax on drugs and...and medicine. Now, we're going to have a different tax on...on restaurant items. You're going to have your normal sales tax on...on everything else. It's just going to be a...a...an accountability problem for a lot of retailers. I think that ought to be brought to the attention of the...of the Eody.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Grotberg.

SENATOR GROTEBERG:

Well, thank you, Mr. President. I kind of agree with Senator Rock. The sponsor has every right to do everything he wants to do and wait till January, but those of us that are going to take the heat are going to get it from here on, and I don't need two months more of the last forty-eight hours, and I was going to speak against this concept before I heard from McDonalds and Wendy's and Coca-Cola and Pepsi Cola and everybody else, even the grocery stores. I do marvel at the wonderful piece, and I'm proud of McCormick Place and I helped build the first one and I helped build the second one. I'd like to help keep it going. They tell about the expansion but they don't tell how it's going to be paid for. I

marvel at the letter from aristocrat ends who happen to own the only hotel on the site, and they're all for it, but they don't tell how it's going to be paid for and, of course, they wouldn't mind another cent and a half in the shadow of the mountain. My concern is for all of the people of Cook County, which I am blessed with a couple of townships, and the small restaurant operator, why do all the good ideas have to land on the back of a consumer that has nothing to do with any of it? I think the time has come when we must take a stand, so I would only ask the sponsor, gosh, don't put us through this, Frank, we got Christmas coming, Thanksgiving coming. Can't you just hang it...take...take the one and a half cent out and come up with another amendment in five minutes, strike it on its face, but if we're going to talk about that, let's not...hang it on this early, for goodness sakes, because I'm going to work hard against it and I don't want to have to do that to you over Thanksgiving either. The Holy Season will be next.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Lemke.

SENATOR LEMKE:

...just a couple questions of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Indicates he will yield. Senator Lemke.

SENATOR LEMKE:

Senator Savickas, isn't there a tax on school lunches that's paid?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Savickas.

SENATOR SAVICKAS:

Not that I know of. They would be exempt in the bill, institutions would be exempt.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Lemke.

SENATOR LEMKE:

Well, these aren't institutions, these are usually caterers who cater to the schools in their hot lunch programs and they have to pay tax I understand. The other thing is, Senator Savickas, I believe this raises forty-one million dollars,...correct? Forty-three. My understanding the...that the...what McCormick Place needs right now is twenty-nine million. Why do we have to have forty-three, and what's happening to the difference?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Senator Lemke, that's a very good question, and you're right, it raises forty-three and a half million, but that's because to sell the bonds there's a requirement that you must have one and a half times the debt service. The extra fourteen million, as I stated earlier had you been listening...had you been listening, would have been rebated back to the city and to the county, the extra fourteen million. Now, there was a question on who's going to pay for it. It's going to be paid through the bonds sold. There's a three hundred million dollar cap on the bonds. You have about a debt of twenty...one million now, fourteen million and the interest on that should have...repay that original debt. The rest will be used for the construction, land acquisition and the other costs, which include, appraisals, surveys and et cetera. I think it's a...a very timely...thing that everyone is talking about and why I am concerned that we promote and move with dispatch on this. One of the major questions here in this Session has been the increase in appropriations that each and every one of the...or many of the Senators have voted for for their pork barrel projects without providing for revenue. Senator, the expansion of McCormick Place would provide for seventy-six

million dollars in new annual taxes, forty-seven million of which would go to the State of Illinois, twenty to the City of Chicago and nine to Cook County. Twenty thousand new, permanent jobs would be created with the money flowing into our economy. Over three-quarters of a billion dollars gross regional product increase and over a half a million additional visitors annually to Chicago and into Illinois. These are the things that we're talking about. This is why it is important that we now put out a product that the people in Illinois and that...the Senators and the legislators can look at to see, well, when they want to expand their programs and spend money on their special projects that they have a new tax base...new revenue coming in. This is the purpose of this bill. McCormick Place is probably like...as our...one of our great downstate Senators alluded to, it's like a big cow, it gives all the milk and everybody gets fat on it. It makes no money itself, it provides a service and it provides the tax money that goes into both the State, the city and the county coffers. I...I wish to have this amendment adopted and Senator Davidson's amendment so that we can find out what is the real objection, if there are other ways to provide a tax for this to cover the bonding; and if there is, I will be glad to amend the bill in January to reflect that, if there is support or if it will be like it has been from the springtime, and we tried different ways, State-wide taxes, local taxes and everybody says, no, we can't go with that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Savickas, could you bring your remarks to a close, please. Senator Lemke, your time has expired. There are twenty amendments to this bill. You can come back on...Senator Lemke.

SENATOR LEMKE:

I just have a few questions, you know. You know, I don't know what realm or reasoning this bill has as to my area, you

know, it's taxes, and I personally don't think this is the way to go with the sales tax. I think that the people that benefit by it should pay for it, that's the hotels and restaurants in the immediate area of the McCormick Place that get the cut-of-town visitors, raise the money, they should pay for McCormick Place. They're the ones that directly benefit from it. The restaurants in my...area are not going to benefit from it. The people in my area will not benefit from it. In fact, the current...operatives of the McCormick Place dumped one of the most competent individuals from my area, John Supcheck, and they called them incompetent investors, and this guy filed a lawsuit against them, and this...and this man...I want to tell you about this man, this is a man that walked the streets as a poor boy with cardboard in his shoes and raised to be the chairman of board of Burton-Dixie, and they called him incompetent, and they removed him under the former mayor. And these same individuals now want to milk the cow, that's what they're doing, milking the cow and they're...they want fourteen million dollars more than they need, but they want to tax everybody in the county, in my suburban area. These people don't go to McCormick Place, maybe once a year and they pay for it. I mean, you know, we don't want them...we don't care about what goes on in McCormick Place. We don't get any jobs there. We don't have anybody there...we want to know. You got these big salary people at Jchanon...

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator, could you bring your remarks to a close, please, your time has expired.

SENATOR LEMKE:

...where are they at. I say we should oppose this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Thank you...further discussion? Senator Gec-Karis.

SENATOR GEG-KAEIS:

Mr. President and Ladies and Gentlemen of the Senate, I'd like to read a telegram into the record. "Vehemently opposed to proposed discommendatory restaurant tax for McCormick Place expansion. Excessive real estate permit taxes, the utility costs. Twenty-five Cook County Mcm and Pop Tastee Freeze Restaurants will be hurt. Vote for equitable expansion of the bond issue on this project but not on the one and a half percent tax on food and drink." And I might tell you, in this amendment, food and drink includes soft drinks and what have you, and I do think that perhaps the Senator should drop that amendment...that part of the amendment out, because I can tell you that you...the people will be paying eight and a half percent for their food and drink because they're paying seven now I understand in the...in the Cook County.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz, the Chair rules that the amendment is germane, that there is a common tie so that the object and purpose of the bill is promoted by the amendment. I am also told that your fiscal note has been complied with once on this amendment that you have filed. Senator Lechowicz.

SENATOR LECHOWICZ:

Well, Mr. President, on the fiscal note, the fiscal note as filed was on amendment LRB8304259ELGVAMC1, and that amendment was distributed to the membership yesterday at four...four-fifteen in the afternoon.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz, it's a...

SENATOR LECHOWICZ:

And now we received corrective Amendment No. 2 at four o'clock this afternoon, and I was wondering if the same fiscal note...now, I have three different fiscal notes, and I'd like the Clerk to read the three fiscal notes that were

filed with them for the edification of the membership, because I think this is unusual that we have three fiscal notes, and I think we should share it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz, there is...there are twenty amendments just to this bill. It seems to me that if we're...if we're...if we're going to proceed in a timely fashion, that...sponsor has indicated that he is not going to move this bill today, that you can file another fiscal note by the time we get to the end of these amendments and, therefore, that fiscal note would have to be complied with by the time we are ready to move on this bill when we come back. Senator Lechowicz.

SENATOR LECHOWICZ:

On that question, Mr. President, ten amendments are mine, and I drew them under the premise that Amendment No. 1 would be adopted. After debate, I figured that Amendment No. 1 would be adopted...now with the change at four o'clock this afternoon with the new corrective amendment, after Amendments No. 2, my second amendment, the rest of the amendments would be...would not be in order because of a drafting change, and I'm...just contacted the Reference Bureau and I asked them to make the necessary changes based upon the adoption of the gentleman's amendment and Dr. Shapiro's amendment. But in all fairness I don't believe we will have an opportunity unless the gentlemen, if I understood his action correctly, it's his intent to adopt this amendment and Dr. Davidson's amendments and hold the bill, is that correct? So that would give us an ample opportunity to address the amendments at a future date. I have no objections to that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, that's the total purpose of proceeding in this man-

ner is to put it out there, let everybody look at it, let them draw up what they think is a proper way to go and we'll proceed from there. It's...it's an open way, I think, of trying to solve a problem both for the...McCornick Place and for our State revenue problem.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Lechowicz, what's your pleasure?

SENATOR LECHOWICZ:

I would say that we proceed, and the gentleman said he's going to hold the bill, will give us ample opportunity to prepare the amendments that we see fit.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Alright. Senator Savickas has moved the adoption of Amendment No. 1 to House Bill 1982. Is there any further discussion? All those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The amendment is adopted. There's...Senator Jones, are you joined by an additional member? On this...alright. The question is on the adoption of Amendment No. 1 to House Bill 1982. 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? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 24, the Nays are 23, 3 voting Present. Amendment No. 1 to House Bill 1982 is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senator Davidson.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, Amendment No. 2 gives the downstate exposition centers an opportunity to participate in the Ag. Premium Fund in that section which is one

of the five for downstate exposition facilities. Has carrying costs, and carrying costs meaning utility bills, payment of service of contracts or for the major components equipment, a premium on insurance. They could recover up to seventy-five percent of this cost provided they are certified by audit to the Department of Economic Development and subject to the appropriation that we in our judgement would put in that fund, and if there's not enough, then it would be pro-rated out among the downstate...centers who ask to participate. I'd move the adoption of the amendment.

PRESIDING OFFICER: (SENATOR LEMUZIO)

Senator Davidson has moved the adoption of Amendment No. 2 to House Bill 1982. Is there any discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Will the gentleman yield to a question?

PRESIDING OFFICER: (SENATOR LEMUZIO)

Indicates he will yield. Senator Lechowicz.

SENATOR LECHOWICZ:

Doc, would you be so kind to supply a fiscal note on this amendment?

PRESIDING OFFICER: (SENATOR LEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Yes, I will.

PRESIDING OFFICER: (SENATOR LEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

And if the State can afford it, could you also include McCormick Place in that seventy-five percent reimbursement?

PRESIDING OFFICER: (SENATOR LEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

McCormick Place is impossible in this amendment because

McCormick Place is not part of the downstate civic center and McCormick Place gets right now twenty-three million plus out of that Ag. Premium Fund per year anyway.

PRESIDING OFFICER: (SENATOR DEMUZIC)

...Senator Lechowicz.

SENATOR LECHOWICZ:

I'm well aware what McCormick Place gets as far as twenty-three million, but it's part of it now because we just amended a Downstate Fair Authority Act and the President of the Senate ruled it germane. And my question to you, sir, if Amendment No. 2 is adopted, would you also concur if the State can afford it to support a further amendment to include the same privileges to McCormick Place?

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Davidson.

SENATOR DAVIDSON:

I...I would have to take it under consideration, but at this moment, I cannot give you a yes or no answer. Looking at what you already receive in the way of operating costs of twenty-three million for carrying costs and operating costs, you're doing very well in this fair share. You're receiving almost fifty percent of the total funds that come in.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Further discussion? Senator Davidson has moved the adoption of Amendment No. 2 to House Bill 1982. All those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator Lechowicz.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, I believe the gentleman...takes...he wants to take the bill out of the record now doesn't he, because my amend-

ments are not germane because of the fact that he put in the corrective amendment. So, he wants to take the bill out of the record and leave it on 2nd, I believe.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Senator...Mr. President and members of the Senate, I've got a commitment to...if you move it, I'll bring it back, whatever...whatever is going to be the will of the Body then. I have no problem. The...it's there after we hear it for the opportunity to do that. I'll bring it back, I'll hold it on 2nd. There's no problem on what you want to do with it. I'm willing to...I would...I don't know how long we'll be here in January, if we'll take action on it. If we move it to 3rd, we can bring it back to 2nd. There is no problem with that as far as I am concerned. I made this commitment publically, it's in the record, and I am sure that if I would not accede to a Senator's request to bring it back, I wouldn't get five votes on the whole bill. That's...I'm sure that's no problem with that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

...if that's the case, why don't you just hold it on 2nd?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Fine.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion?

SENATOR SAVICKAS:

...I have one question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

If, mechanically...I don't know in January if we do have agreements and we are able to get together and we decide to move it, if we are here for one or two days or three days, I would like the opportunity at that point to...with an agreement then to be able to move it and pass it out in that time. That...that would be the only mechanical concern that I would have. If there is agreement by everybody that we would be able to have that...mechanically be able to move it out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz, are you going to withdraw your amendments?

SENATOR LECHOWICZ:

I'll have to withdraw my amendments because they're out of order.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Lechowicz has...has withdrawn his amendments. Are there any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator Bloom.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Yes, thank you, Mr. President. For the same reasons Senator Lechowicz withdrew his amendments, I would then have to withdraw mine because mine was premised on the original Amendment No. 1. So, I would withdraw it at this time and then we can offer them after the first of the year. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom...withdraws his amendment. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

HB 2281
Recall

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Savickas, it is your intention to leave the bill on 2nd reading? Senator Savickas.

SENATOR SAVICKAS:

Yes, I...my question then to the Body and to the Senators is that if there is agreement...and this is important to both the downstate and upstate, especially McCormick Place because they feel they...they can be in operation in about eighteen months after they have the authority, that if it's mechanically possible to pass it at that point, yes, I...I like it. I would like...I'll leave it on 2nd and then we can move it to 3rd and pass it at that point, that's fine. That's...

PRESIDING OFFICER: (SENATOR DEMUZIO)

2nd reading. House Bill 2100, Senator Philip. Senator Philip on the Floor? House Bill 2281, Senator Rock. Senator Rock.

SENATOR ROCK:

Yes, I'd ask leave of the Body to bring that bill back for the purpose of an amendment. I understand Senator Geo-Karis has an amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Rock seeks...leave of the Body to return House Bill 2281 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. Any amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, by the concurrence with the sponsor of this bill, Amendment No. 1 deletes the word "record" on page 59, line 20 and inserts in...in lieu thereof the following: "books and records of

accounts, minutes and records." And I move the adoption of this amendment as this amendment has a better protection of the shareholders.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Geo-Karis has moved the adoption of Amendment No. 1 to House Bill 2281. Is there any discussion? All those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. House Bill 2300, Senator Jerome Joyce. Senator Joyce seeks leave of the Body to return House Bill...take it out of the record. House Bill 2302, Senator Luft. Senator Luft seeks leave...alright, take it out of the record. House...alright. House Bill 2302. Alright, Mr. Secretary, 2302, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2302.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I'd like to begin by asking leave to add Senator Elcom as a hyphenated sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is leave granted to add Senator Eloom as a hyphenated co-sponsor? Leave is granted. Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Bill 2302 deals with the possibility of leasing correctional...facilities. Specifically, House Bill 2302 says to...that the State of Illinois

or the Department of Central Management can enter into an agreement with a private individual, partnership or corporation when authorized to do so by the Department of Corrections whereby such individual, partnership or corporation will construct, remodel or convert a...a structure for...for the purpose of its serving as a correctional institution or facility and then lease such structure to the department for the use of the Department of Corrections. A lease entered into pursuant to an...an agreement of the type described in this subsection shall be for a term not to exceed forty years but may grant to the State the option to purchase the structure outright. I might add that the bill also says, may, and cannot even begin unless there's written approval of the Governor. Representative Tom Homer initiated this legislation. He did talk to the Bureau of the Budget, the Department of Corrections and the Governor's Office, and there has been no objection to our knowledge.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Is there any discussion? Senator Elcom.

END OF REEL

REEL #5

SENATOR FLOOM:

Yes, thank you, Mr. President. I agreed to join Senator Luft as a sponsor because this bill is harmless, but also its potential...it serves a potential and provides another alternative for the State to look at as it addresses the problem...the problems surrounding corrections. It not only is without objection, but it also might have the germ of a good idea; therefore, I see no reason why we can't overwhelmingly support it on both sides of the aisle.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? The question is, shall Senate...House Bill 2302 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Sam. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 1, none voting Present. House Bill 2302 having received the required constitutional majority is declared passed. Through an error in the...the Chair, it had been determined earlier that we would go through the Calendar and pick up those on recall and proceed with those bills that were not amended. House Bill 2300 does not have an amendment and Senator Joyce has sought leave of the Body to return to that bill for the purpose of calling it for 3rd reading. Is leave granted? Leave is granted. Mr. Secretary, House Bill 2300.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2300.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This extends the existence of the Aggregate Mining Study Commission from October 1st, 1983 to October 1st, 1986. The appropriation this year for it was nine thousand dollars. I'd be happy to answer any questions, if there are any.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall House Bill 2300 pass. Those in favor vote Aye. Those...opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Senator Savickas. Kenny. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are none, none voting Present. House Bill 2300 having received the required constitutional majority is declared passed. House Bill 2305, Senator Kelly. Mr. Secretary, read the bill, please. All right, there is an amendment...there are amendments filed on 2305. Senator Kelly seeks leave of the Body to return House Bill 2305 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator Kelly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. This amendment...or this legislation was given emergency consideration by the Rules Committee because it deals with the Illinois Municipal Retirement Fund, and in particular, in 1981, there was a provision under House Bill 860 which was intended to only apply to school districts and, in fact, it required that all units of government would have to make a contribu-

tion into the IMRF beginning in July 1, 1984. What this amendment does, it prevents this from happening and it would make it optional where it belongs and where it was intended in the first place. This is another case where the Legislature moved too rapidly on legislation without considering all the ramifications of it, and I would, very much, ask for your support in correcting this inequity.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Kelly moves the adoption of Amendment No. 1 to House Bill 2304. Is there any discussion? Any discussion? All those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments? All right, the amendment is adopted to House Bill 2305. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senator Degnan.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Degnan.

SENATOR DEGNAN:

Yes, thank you, Mr. President. I'd like to withdraw Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Degnan seeks to withdraw Amendment No. 2. The amendment is withdrawn. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIC)

3rd reading. House Bill 2306, Senator Bruce. 2308, Senator Savickas. Senator Savickas, 2308. Mr. Secretary...Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2308.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, House Bill 2308 is identical to House Bill 417 which was passed by this General Assembly and signed into law. The enactment date in this bill was changed to July 1st, and it was done in order to include the family of a firefighter, Sidney Erown, who was killed on August 9th, 1983 in the line of duty while searching for children in a house fire. This is the only difference in the bill that was passed, House Bill 417, and this piece of legislation that we are seeking to pass. It is really just to bring Sidney Erown...his family into...into the Act for compensation since he was killed on August 9th, 1983. I would ask your support of House Bill 2308.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any...is there any discussion? Any discussion? The question is, shall House Bill 2308 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the recrd. On that question, the Ayes are 53, the Nays are none, none voting Present. House Bill 2308 having received the required constitutional majority is declared passed. 2309. Senator Rock has sought leave to return to this in a few moments. Is leave granted? Leave is granted. 2310, Senator D'Arco. Senator D'Arco seeks leave of...leave of the Body to return House Bill...Senator D'Arco.

SENATOR D'ARCO:

No, Mr. President, I would like to be removed as principal sponsor of 2310 and have Senator Savickas...put in...in my stead as principal sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, you've heard the request. Is leave granted? Leave is granted. Senator Savickas.

SENATOR SAVICKAS:

Seems that I get all of the hot ones today. House Bill 2310...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Savickas...Senator Savickas, there are four amendments filed to this bill by Senator Egan. Is it your intent to return the bill to 2nd reading for the purpose of those amendments or...what's your pleasure? Senator Savickas.

SENATOR SAVICKAS:

Well, Senator, it isn't my intent to return it for amendments, but I understand either by an implied agreement yesterday that we had that we would return bills for amendment...if this applied to all of them...or those that just sought to return them or those sponsors that sought to return them for amendment. If it was those sponsors that sought to return the bill for amendment, no, I would not return it. If it was a agreed procedure, I have no choice; and at this time, I would just ask...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Savickas, if you don't wish to return it, we'll proceed. All right, Senator Egan.

SENATOR EGAN:

Yes, well, Mr. President and members of the Senate, I...I fully agree with what Senator Savickas says. With leave of the Body, these were placed on the Calendar with the understanding...with the unanimous consent of the Senate that they would be allowed, at the request of any member, to be brought back for amendment which I'm requesting at this point, and what Senator Savickas is saying is that it's out of his hands, I appreciate that, and I offer Amendment No. 1 to Senate Bill 2310.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Savickas, probably there was an under-

standing. Are you prepared to move the bill back to the Order of 2nd Reading? Senator Savickas.

SENATOR SAVICKAS:

Well, obviously, if this was the understanding. I...I think that at this point in time...and this is what we're fighting at this point and time, any amendment on the bill now would effectively kill the bill. It has to go back to the House for concurrence or if they...if they refuse, it has to go to Conference Committees. I...I don't know why these amendments are back, the original parking ticket bill was 1109, it passed the Senate and House in June, vetoed by the Governor who argued that it would reduce the revenue for units of local government. He indicated that he supported the concept of the bill...and that he would support a bill in the Fall Session that establishes an alternative mechanism for raising supposed lost revenues. That is why this bill was introduced in the House during this Veto Session. It passed the House and is now in the Senate.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Well, Senator Savickas, I am reliably told that the procedure was that we were to move these bills...discharge the bills out of committee. They would be moved and that the sponsors would, indeed, bring them back to the Order of 2nd Reading for purposes of amendment. That was a order that was entered by the Chair yesterday or day before yesterday, and what is your pleasure?

SENATOR SAVICKAS:

Bring it back, I guess.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right, Senator Savickas has sought leave...Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

Well, I do not recall in that agreement that we would permit it to come back if the sponsor chose not to. Now, I

know I had one that was brought back, but I put an amendment on...tabbed it a recall and it was at my desire and if somebody would have come to me and asked for the same thing, and I wanted to, I would have let them do it. But Senator Savickas, I think, has a right to resist calling back his bill for the purpose of an amendment.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Well, he has...he has agreed to return the bill to the...Order of 2nd Reading. Well, the...the understanding, as I am told, of the Chair was that the bills would be discharged from committee, it would be brought to the Order of 3rd Reading, and that it would be brought back to the Order of 2nd Reading if members wished to file amendments...prior agreement from the Senate present...Presiding Officer at the time. Senator Savickas has sought leave of the Senate to return House Bill 2310 to the Order of 2nd Reading for the purpose of an amendment. Senator Savickas.

SENATOR SAVICKAS:

Well, I just want the record to show that I did not seek leave. That this was by agreement before I took over sponsorship of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Well, Senator Savickas, if you don't seek leave of the Body, that's your privilege to leave it on 3rd reading. Senator Savickas.

SENATOR SAVICKAS:

Well, fine. Put it on 3rd, let's call it for passage.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right. Senator Buzbee, for what purpose do you arise?

SENATOR BUZBEE:

Well, I rise for the purpose of...of...of allotting my time to Senator Bruce to straighten this matter out because he was presiding yesterday. There was strong agreement that

that was going to be the case and the agreement is the agreement, and I...I...I think that Senator Bruce was presiding. Everybody agreed that's what was going to be the procedure, and why don't we go by what we agreed to do? I don't care what you call it. If you call it somebody's calling it back or whatever, but that was the agreement.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce, for what purpose do you arise?

SENATOR BRUCE:

Well, thank you, Mr. President. At the time we moved a series of bills last night, some twenty bills were moved, and there was leave of the Senate that those bills would be moved without amendment but if any Senator sought to have them brought back, they would be brought back for the purpose of offering amendments. That was a blanket exemption. We moved bills on...on three separate pages of the Calendar and it was Presiding Officer's understanding that every sponsor concurred with that, that we would move the bills with the understanding that if any Senator wished to offer amendments, they would be brought back. Leave was sought for that procedure and granted by the Body.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Savickas.

SENATOR SAVICKAS:

Senator Bruce, I understand that the Senate rules still say the sponsor controls his own bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Egan.

SENATOR EGAN:

All right, I...I don't disagree with the fact that the sponsor can control his own bill, but when he waives that control by agreeing to have the bill brought back, he no longer can renege. The fact is, these bills were placed on the Calendar for the specific purpose that anybody who wanted

to amend them had the right to do so. That's why they were discharged from the Rules Committee; otherwise, I will ask that it be returned to Rules.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Egan has made a motion that the bill be rereferred to the Rules. On that question,...Senator Egan, your...your motion is...is in order. Senator Egan, do you wish to speak to your motion? Senator Egan.

SENATOR EGAN:

Yes, I think in fairness, Mr. President and members, that the agreement yesterday was to put these bill out of Rules, onto the Calendar without reference to any committee or...and...and bypass Rules so that we'd have an opportunity to deliberate on them on 2nd reading, and any member on the Floor that wishes to offer an amendment had that right. Now, if you're not going to abide by the...the agreement, Senator Savickas, I think it ought to go back where it came from, back to Rules. That's just a fair request, I think, and my motion is then to rerefer the matter to Rules.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Joyce.

SENATOR JEREMIAH JOYCE:

Oh, you know, we have all these collateral agreements going on and understandings and implied understandings, and tacit understandings...let's just move on, this is insane. The man wants to put his bill on 3rd reading, we've done that all the time that I've been here, this is crazy.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Egan. Has a...further discussion? Senator Zito.

SENATOR ZITO:

Just a...first of all a point, is the motion to return the bill to Rules Committee?

PRESIDING OFFICER: (SENATOR DEMUZIO)

The motion is to recommit the bill...

SENATOR ZIIG:

I...I would speak against that motion and simply because the...it's obvious that the author of...of the legislation that's before us does not want to move the bill back for an amendment. I always thought that was in the rules in this Chamber not...to abide by the sponsor's request, and I think Senator Egan's motion has been ruled in order, but I think we should oppose that and...and stay with the wishes of the bill's sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Savickas.

SENATOR SAVICKAS:

Well, Mr. President, I will speak to the motion. First of all, so the Body knows that this bill has been on 3rd reading all day long. Senator Egan approached me about a minute before the bill was to be called to say that he had a amendment that was given to him by Lee Schwartz to offer to the bill. Obviously, they had all day to offer it, but I think one of the things...we...we may as well proceed, bring the bill back; if we don't have enough votes to kill the amendments, we won't have enough votes to pass the bill. Let's bring it back. If Lee Schwartz prevails in this, we lose. If Lee Schwartz loses, we win.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Egan, what is your intent?

SENATOR EGAN:

Thank you, I agree, and I...I very much appreciate the views of Senator Savickas. I think that's heartily correct and I would move the adoption of Amendment No. 1 after I explain it...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator, you would...you would move to...Senator Egan...we have a motion to...

SENATOR EGAN:

I'll withdraw my motion to refer to Rules and...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Egan withdraws his motion to rerefer to committee. All right, now, Senator Savickas, House Bill 2310...Senator Savickas seeks leave of the Body to return House Bill 2310 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. Any amendments, Mr. Secretary?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator Egan.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. As you know, the bill authorizes municipalities to impose a tax upon the privilege of leasing motor vehicles on a daily or weekly basis. This bill had been agreed...it was an agreement between the leasing agencies in the cities, and apparently, there was great harmony in the House and when it got to the the Senate, the...the harmony was...there was a divorce and...and now the harmony is no longer there, but this amendment is important in light of the existing situation; and that is, if this bill passes and the tax is imposed and later is ruled invalid, then the leasing agencies get it both ways. This is a disseverability amendment, I think, extremely important because in the event that the tax is ruled invalid at a later date, the...the city then should have the existing conditions that they now have met. This amendment will do that; otherwise, the leasing companies will have it both ways, and I think it's absolutely necessary for the viability of the bill and the law, if it becomes law. So, I move its adoption, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Egan has moved the adoption of Amendment No. 1 to House Bill 2310. Is there any discussion? Senator Joyce.

SENATOR JEREMIAH JOYCE:

Is there a feeling on the part of the city that this is going to be ruled unconstitutional, Senator Egan?

PRESIDING OFFICER: (SENATOR LEMUZIO)

Senator Egan.

SENATOR EGAN:

Well, I...I have not any such information. In the event that...these taxes, as you well know, are held invalid from time to time and it's possible, in...in the opinion of at least myself and I think some experts from the city, and in that event, we...the city then would suffer. We would like to prevent that by imposing this amendment at this time.

PRESIDING OFFICER: (SENATOR LEMUZIO)

All right, further discussion? Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, if it is...if we are voting on this and the understanding between the leasing companies and the city is based on the fact that this is constitutional, I assume that's...that's what their understanding is, and if the leasing companies, with whatever ability they have to get this thing through, and this passes out of here and it's unconstitutional, then the city will get a windfall revenue that they otherwise would not. Is that what you are saying?

PRESIDING OFFICER: (SENATOR LEMUZIO)

Senator Egan.

SENATOR EGAN:

No, just the opposite. The leasing companies then would get the windfall because they...they do get the quid pro quo insofar as their parking ticket liability. That's what the city gave in to get the tax.

PRESIDING OFFICER: (SENATOR LEMUZIO)

Further discussion? Further discussion? All right,

Senator Iechowicz.

SENATOR IECHOWICZ:

Very briefly, Mr. President, this is not a new amendment. This type of amendment has been adopted in the...in this General Assembly for the past fourteen years that I'm aware of, it's strictly a severability amendment. It should be not construed in any way of being a adverse amendment to the city or to the corporations. It's really a protective amendment, and I move for its...I also support its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIĆ)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. I rise in opposition to the amendment for several reasons. Even though the amendment might well...the intent...might be well intent of the fact is, it is coming at the wrong time for the wrong reason. Now, there's a...I can't address the Body of the bill, but there have been a lot of people who have been double dealt in this thing, and if this amendment goes through, they're getting another shot that they don't deserve. The fact is, the Governor vetoed a bill and in the Message indicated that he would agree in the Fall Session. An agreement was made, the bill passed out of the House, comes over to the Senate; at the last minute, somebody changes their mind. That's not the way to do it, and putting this amendment on would force perhaps the failing of this bill because of the time constraints were operating in. It's not necessary and I...I have to say...I have to question the tactics, not the sponsor, but the...'cause I know the sponsor is...is doing what he thinks is right, but I really question the tactics of what's going on here.

PRESIDING OFFICER: (SENATOR DEMUZIĆ)

Further discussion? Any other Senator wish to speak for the first time? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Well, I...I don't have a copy of this amendment, and I don't know whether it was distributed or whether it wasn't, but let me...so I have this straight in my mind, Senator Egan, if...if this law, assuming it becomes law, is declared unconstitutional, the...why couldn't...why couldn't this legislation be drafted in such a way that the leasing companies would return the money?

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right, Senator Egan indicates he will yield for a question. Senator Egan.

SENATOR EGAN:

All right, your question is valid. The fact is that upon its becoming law, I assume that there will be a action taken to find out if, in fact, it's valid. Under those circumstances, the city would not collect the tax. Even if they did collect the tax for a period of time, there...upon any question of its validity, the tax would have go into an escrow account that the court would order. In the meantime, the leasing companies are...they have no liability on their parking tickets. They lose that liability and, consequently, they do get a...a windfall if the tax is held invalid unless we prevent them from continuing to be not liable for their parking tickets. That's what this amendment does. It just says that in the event the tax is held invalid, then the provision to remove the liability from the leasing companies is also invalid.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Well, I...I think we ought to tell the people what it's really about. We have a area where the city was getting no revenue. They're not going to lose any revenue, they weren't getting any. The purpose of this was then to find a way for

the city to get some revenue instead of just making the companies pay the whole...the whole ticket. There was an agreement to...severability clause will serve no purpose. The city didn't get anything before. They're going to get about a half a million dollars this way. What the problem is, is that some of those people that are representing the city feel that there might be more money in it and they want to raise it to a dollar a transaction. They want to hold us up as hostage. This is what it's about. There was a deal made. The companies agreed to it. The city will have a windfall of over five hundred thousand dollars that they never received before, and no one paid those tickets before. This is what it's about. They just want more money. I think this should be defeated. The city is going to...enjoy an extra half a million dollars in revenue from this. The companies are satisfied that this is a fair, equitable procedure, and I would ask that this amendment be defeated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

I have a question of the sponsor as well.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator DeAngelis.

SENATOR DeANGELIS:

Under Chapter 1, paragraph 1032 of the Illinois Revised Statute, there is, in fact, a paragraph there regarding severability. Are you familiar with that, Senator Egan?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

I haven't looked at Chapter 1 in...in...since I was in law school, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I would like to read it to you, because I think you would find then that your amendment is unnecessary. "If any provision of an Act enacted after the effective date of this Amendatory Act or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid applications or provision; and to this end, the provisions of each Act enacted after the effective date of this Amendatory Act are severable unless otherwise provided by this Act."

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Well, now that you've refreshed my memory, Senator, you're agreeing with me, not disagreeing. This is an inseverable amendment. This says that the...the...the quid pro quo must also fall, if we're going to release the leasing companies from liability on parking tickets, which incidentally, Senator Savickas, brings in a great deal of revenue for the city. If we're going to release that liability and the taxes held invalid, then the leasing companies will get a windfall without this amendment. This amendment prevents them then from getting it both ways. They then must be liable for their parking tickets if the tax is held invalid.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? All right, Senator Egan may close.

SENATOR EGAN:

Well, I...I've said everything I think necessary for supporting the amendment, Mr. President and members of the Senate. I think it's fair that the...the leasing companies don't get it both ways if the city cannot tax them, and I move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator...Senator Egan moves the adoption of Amendment No. 1 to House Bill 2310. Those in favor signify by saying Aye. Opposed Nay. The Ayes have...roll call has been requested. All right, on that question...on the adoption...Amendment No. 1, 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 19, the Nays are 28, none voting Present. Amendment No. 1 to House Bill 2310 fails. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senator Egan.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Well, the night...the night bears on and it's getting short, pretty soon it'll be dawn. Before that happens, and I don't think with that last roll call that it would be less than advisable to proceed, I will withdraw the next three amendments and wish you a pleasant evening.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan withdraws amendments...the further amendments. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Top of page 6, House Bill 2312, Senator Berman. House...all right, Senator Savickas, what purpose do you arise?

SENATOR BERMAN:

Well, since no amendments were adopted and the bill is on 3rd reading, I would move that we consider it now and pass

it.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right, with leave of the Body, we'll take House Bill 2312 out of the record. Is leave granted? Leave is granted. On the Order of 3rd Reading, bottom of page 5, House Bill 2310. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2310.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Savickas.

SENATOR SAVICKAS:

Well, everyone's heard this bill. They know what it's all about. I would appreciate an Aye vote on the passage of House Bill 2310.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Is there any discussion? Any discussion? The question is, shall House Bill 2310 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 13, 5 voting Present. House Bill 2310 having received the required constitutional majority is declared passed. All right, House Bill 2310 having failed to receive the required constitutional majority is declared lost. Senator Savickas.

SENATOR SAVICKAS:

Wait. Could you tell me if that has an immediate effective date on it or...

PRESIDING OFFICER: (SENATOR DEMUZIC)

It's effective upon it becoming a law.

SENATOR SAVICKAS:

Pardon me?

HB 2314
3rd reading

PRESIDING OFFICER: (SENATOR DEMUZIC)

The bill indicates that it's effective upon its becoming a...a law.

SENATOR SAVICKAS:

I would seek postponed consideration.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Savickas has sought...leave for postponed consideration of House Bill 2310. Is leave granted? Leave is granted. Postponed consideration is so ordered. Now, the top of page 6, House Bill 2312, Senator Berman. House Bill 2313, Senator Berman. Senator Berman.

SENATOR BERMAN:

We're having...we're having some amendments prepared. They're not ready yet. I'd ask for leave to be able come back to this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman seeks leave of the Body to return 2313...a little later. Leave is granted. 2314, Senator Welch. All right, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2314.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill was up before the Senate in the Spring of this year. What happened was an amendment was put on a Senate appropriation bill. The amendment referred to the wrong facility. It referred to a facility in LaSalle, Illinois as opposed to Ottawa, Illinois. This bill, House Bill 2314, is a bill to clean up the luminous processing plant in Ottawa, Illinois. As many of you have read in the Wall Street Journal and seen on "Good Morning

America," this is a problem with a radium dial factory in the City of Ottawa. The plant is located in the downtown sector of the city. What has happened there is the plant was used to paint radium dials on watches and clocks that many of us have used throughout the State of Illinois. What has happened with the plant is that there's radium dust throughout the plant. Many people have suffered and died from cancer due to the radium in this plant. Many people in the City of Ottawa and elsewhere also suffering today because of the effects of radium from working in that plant. What we are trying to do is have that plant totally cleaned up and the remains...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Could we have some order, please. Senator Savickas, could you take your conference off the Floor. Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What we are trying to do is appropriate money to totally clean up the plant and remove the entire structure and safely deposit it in a waste disposal area. I would move for the adoption of this...bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Euzbee.

SENATOR EUZBEE:

Yes, thank you. I rise in support of this bill. As Senator Welch pointed out, this particular facility has received nationwide notoriety via of the Wall Street Journal. It is a problem that they have had there in that community for many, many years. I think that any one of us seated on this Floor, if we had such a facility, such a building in our...in our community that we had not been able to get help on from the Federal Government in the form of the super fund or any of the others simply because there are other areas that...a limited amount of dollars in other areas that took precedences, I think we would be here asking for the same

thing that Senator Welch is asking for. This is a very distinct health hazard to the people of that community. It is a hazard that only the State of Illinois apparently has the financial ability to correct. I think that we ought to assist the people of that community in trying to correct this problem, and I would hope that we would give this bill an Aye vote and help Senator Welch help the areas...the area...the community that he represents.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

I'd like to ask three questions of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Davidson.

SENATOR DAVIDSON:

One is, does this come out of the so-called super fund? Two, I understand that eleven projects have been already okayed out of that fund, and what is the position of this, which I understand is number sixteen, and I want to know what happens to twelve, thirteen, fourteen and fifteen, and whose districts in those are getting left out when you jump over them; and three, what kind of money are we talking about?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Welch.

SENATOR WELCH:

Yes. Number one, the answer is no, this money does not come out of the Super Fund Fund. Number three, the total cost is two million dollars. The answer to question number two is this site is designated on the list of sites as number sixteen. The first eleven sites on the super fund list are to be taken care of by the State of Illinois; however, there is no provision that sites twelve, thirteen, et cetera move up into the top eleven sites for a cleanup. There is no provision for that whatever; new sites can intervene. What

the fund has done is created a point system and each site throughout the State of...Illinois has acquired certain points. If the EPA or the other agency who awards points goes out throughout the State and finds a site that receives more points than this one, that would then bump this site to a different number would be my understanding. As far as the other sites in between, I...I don't know where they are off the top of my head. They were not determined to be sites that could be remedied under the super fund fees at this time. Now, the Attorney General has seen that this is a site that they are trying to...they're in litigation trying to clean this up. They have been after the principals and trying to get money back from the principals but they have...been unable to get very much money from them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? All right, Senator Rigney.

SENATOR RIGNEY:

Well, the only thing I would point out is that what we're attempting to do here apparently is to move up on the priority list. As the sponsor has admitted to the Assembly here this evening, we're talking about two million dollars, really, of unappropriated money that is not a part of the Governor's budget. I did talk briefly this afternoon with the House sponsor. Apparently, this facility is located in downtown Ottawa but it is locked in the...it's, you know, at least that much is shielded from the public. You just don't run through this facility any longer. It is kind of walled off and...and...and the public does not have access to that area. So, I don't know if we want to put ourselves in the position of determining priorities. I suggest maybe it's a rather dangerous precedent for us to start into, because I see that if we give projects of this kind a higher priority, we will be asked many other times to do the same thing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Philip.

SENATOR PHILIP:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Indicates he will yield. Senator Philip.

SENATOR PHILIP:

Yes, Senator, did you vote for the State Income Tax?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Welch.

SENATOR WELCH:

Senator, I'm glad you asked that question. I was asked that two weeks ago by another Senator on your side. There seems to be the theory here that the man who pays the piper calls the tune and, therefore, those who voted for the tax increase can then tell us how to spend it, but it...there's a funny thing, and that is that the people in my district are paying that tax too. We're paying the piper and we would like to call some tunes as well, and so, the answer to your question is, no, I didn't vote for that tax increase.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, further discussion? Senator Philip.

SENATOR PHILIP:

Yeah, I still have another question. Did you vote to cut the budget?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Welch.

SENATOR WELCH:

I...there was many votes, I voted yes and no. I...off the top of my head, I can't go down every one. If you'd like me to...I'm...I'm sure that you have a record on that side of my votes.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Further discussion? Senator Philip.

SENATOR PHILIP:

Yeah, you'd better believe it, you didn't do either. It's kind of interesting to me these people that don't vote for tax increases, don't cut the budget, but come down here and want money all the time. Then if he doesn't deserve it, two million dollars out of the General Fund, unbudgeted, we shouldn't do it, that's how simple it is. You willing to come back here next year and vote to extend the State Income Tax?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Senator, I supported increases in the State's revenue. I did not support the income tax increase for various reasons. I supported a system of decoupling from the Federal tax depreciation schedules. Many of the other Senators didn't see fit to support that. I didn't like the type of tax increases, but, yes, I do support increased revenue to the State of Illinois, and if the appropriate bill comes before us, I would certainly support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Philip.

SENATOR PHILIP:

Yeah, you know, we have a lot of people like you that always support tax increases that haven't got a chance of passing. When it comes right down to it, we can do something, you're never there to...it sounds good back in your district. You know what, you're not going to fool them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I...I want to point out that I rise in support of this and...and the changes that we made in the compact bill last week regarding low-level radioactive waste, I...I think are good ones and...and this points out

the fact that we do need to make sure we do these things right in the first place; otherwise, we come back and we have to pay and pay and pay. So, I think that we definitely should...should take care of this, but I think that we also had better be more careful in the future on how we deal with any of these type of situations. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bruce.

SENATOR BRUCE:

Well, thank you, Mr. President and members of the Senate. I...I rise in support of this appropriation, and let me...let me tell you why. We've...we may be entering into an era where we have to kind of look at different sides of issues. I've been in this Body long enough to see that we have granted to corporations across the State of Illinois millions and...and billions of dollars in tax relief. I was here when we took the...the sales tax off of...off of farm machinery. We took the sales tax off of machinery good in the State of Illinois. We...we changed the taxation system for printing companies, that affected a printer in my district...and that saves them substantial amounts of money, far more than two million dollars. I was here when we...when we handled the taxation of railroad rolling stock, a very complex problem. We handled unitary taxation which gave some companies in this State multi-million dollar changes in their tax liability. We've also, as Senator Welch pointed out, handled and...and disposed of the Federal disconnect on accelerated depreciation, which also helped many heavy industrial corporations in the State of Illinois. Now, having given all that tax relief in the State of Illinois, maybe we ought to take a look at...at corporations in the State that have made mistakes, and maybe we ought not to try to do everything by tax policy, because we could write a tax policy in the State of Illinois that would help this company, by

acceleration, by forgiveness for all sorts of things. The difficulty is...is the...is the...the waste is here, and it doesn't seem to me unreasonable to say, for two million dollars we help solve a problem rather than trying to correct it by...millions and billions in dollars of tax relief. It's a two million dollar grant to solve a problem. It's a lot better to do it that way I think than trying to do all the Tax Codes in the State of Illinois. I would think that we ought to spend the two million dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion for the first time? Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President. You know, there is a...a similar problem in...in the City of West Chicago in DuPage County. Now, it's going to cost four and a half million dollars, I understand, to take care of that problem. It's radioactive material. It's sitting in...right in the middle of town. It's two blocks away the...from a grammar school. It's three blocks away from a high school. People have been trying to get rid of it for years. The company is out of business. My suggestion is, I would be perfectly willing to join you, Senator, if you will take this back to 2nd and let me put an amendment on and let me get four and a half million for DuPage County? Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Euzbee.

SENATOR EUZBEE:

Yes, Mr. President. For a second time, it...it's five-thirty in the evening. We're all getting tired. We've been here for three days now, and we've been working hard for those three days, and unfortunately, at that time of the...the debate, we start getting into personalities as opposed to issues. Now, I...I think that personalities has

nothing to do with this problem. Senator Fawell, if...if the situation you just described is...is as you described it, if you will put a bill in and if that...if that particular facility has not been available for funding from the super fund for clean up, and the danger is as clear and present as you indicate that it is and as we know that it is in...in the Ottawa situation, I will vote for your bill. The fact of the matter is that that very liberal antibusiness organ called the Wall Street Journal described the situation in Ottawa as one where several debts in that community have been directly attributable to that plant. It was a situation that existed where they made radium for the...the...the dials of clocks and watches before anybody really understood that, in fact, that stuff was dangerous. People have died. The Attorney General's Office testified the other day that, yes, the facility is closed. Apparently it is fenced off, as I understand it, but in the event of leakage or in the event of a fire, there could be massive overdoses in that community. Now, personalities aside, voting for tax increases or voting for budget cuts aside, the fact of the matter is, that is a danger to a community in our State. It's a long, long way from the area that I represent. Of course, this is special legislation. We have passed special legislation in this Body many, many times. We built or repaired a high school building in Senator Sangmeister and Senator Joyce's district. We built or repaired a building in Senator Davidson's district. We have repaired facilities at the University of Illinois and Southern Illinois University that were damaged. We have, in my district, passed special legislation for one particular school district that had a peculiar type problem. We passed the legislation to help them with their peculiar type problem. This is a very peculiar type problem. It is a problem that is a clear and present danger to the residents of that community. To the best of my knowledge, I don't have anything

in my legislative district that comes anywhere close to this kind of problem. If I were to have such a danger, I would hope that I could get at least twenty-nine other Senators to join me in helping to straighten out that problem. Of course, it's expensive, it's two million dollars. Think of the expense in the catastrophic effect that could happen in that community if we don't clean it up, if we don't take care of it. Now, it doesn't make any difference whether you agree with what Senator Welch...the way he's voted in the past or not. This is a problem that needs to be addressed and needs to be straightened out posthaste. It seems to me that we ought to vote on the merits of the issue, and the merits of the issue are, we got people that have already died in this State because of that problem. We have many, many more that could die or be affected for years to come if we don't get it straightened out. I think we ought to vote Aye on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR D'ARCO:

I've got great news, the House just adjourned until 9:00 a.m. tomorrow morning.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Thank you. We're grateful for the news. Further discussion? Senator Welch may close.

SENATOR WELCH:

Thank you, Mr. President. I think Senator Buzbee pretty much summed it up. There have been many deaths because of this plant, and the sites of the graves of the people who have died still are radioactive. And I...this bill, I might point out, was in a report last year that appropriated one million dollars to do this specific job. What happened was there was a wrong listing, and...and for that reason, the Governor vetoed that portion of the bill; otherwise, the million dollars would have been appropriated. So, it apparently

already is in the budget in part, and I would urge your affirmative vote. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the...shall House Bill 2314 pass. Those in favor vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Senator Vadalabene. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 39, the Nays are 14, none voting Present. House Bill 2314 having received the required constitutional majority is declared passed. 2315, Senator Berman. On the Order of House Bills 3rd Reading, page 6, House Bill 2315. Mr. Secretary, read the bill.

ACTING SECRETARY: (MS. FERNANDES)

...House Bill 2315.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR EEBMAN:

I think there are...I think there are two amendments. The bill should be brought back to 2nd.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman, I'm told that staff came down and withdrew the amendments. Senator Berman.

SENATOR EEBMAN:

Not on 2315.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator, there are no amendments filed on 2315. All right, Senator Berman, I am told that there are two committee amendments that have not been adopted. All right, Senator Berman seeks leave of the Body to return House Bill 2315 to the Order of 2nd Reading for the purposes of the adoption of an amendment. Is leave granted? Leave is granted. On the

Order of 2nd Reading, Mr. Secretary, House Bill 2315.

ACTING SECRETARY: (MR. FERNANDES)

The Committee on Appropriations offers two amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Eerman.

SENATOR BERMAN:

Thank you. These are two committee amendments that were adopted yesterday in the...in the Appropriations Committee...Committee Amendment No. 1 corrects an error that was in the bill when it came over from the House. There was an original two million dollar appropriation in this House bill. It should not have been in there. This amendment deletes that two million dollars. Move the adoption of Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, is there any discussion? Senator Berman moves the adoption of Committee Amendment No. 1 to House Bill 2315. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Committee Amendment No. 1 is adopted. Any further committee amendments?

ACTING SECRETARY: (MR. FERNANDES)

Committee Amendment No. 2...Committee on Appropriations 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Euzbee.

SENATOR EUZEBEE:

Yes, thank you. This is a...an amendment adding one hundred and twenty-two thousand dollars for the mapping of the soil surveys. It's a requirement to finish up the mapping of the soil surveys, and I would move its...it's from the Ag. Premium Fund. I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any discussion? Senator Euzbee has moved the adoption of Committee Amendment No. 2 to House Bill

MB 2316
Bill
10/15/63
10/15/63

2315. Those in favor signify by saying Aye. Opposed Nay.
The Ayes have it. Committee Amendment No. 2 is adopted.
Any further committee amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIC)

3rd reading. House Bill 2316, Senator Bruce. Senator Jones, for what purpose do you arise?

SENATOR JONES:

Yeah, thank you, Mr. President and members of the Senate. We had planned to move this bill back to 2nd for an amendment that deal with legislation we passed last June, but I don't believe it's...it is necessary. So, just for the record, I want to read this into the record that...

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Jones. All right, Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President. So for the record, in June of this year we, the General Assembly, passed House Bill 1092, Public Act 83-15, which restore fifty cents to the educational fund tax levy to the Chicago Board of Education. This legislation provided that the educational fund taxes for the board would be collected at the rate of two-eleven, the rate equal to that which the board is now authorized to levy taxes beginning in the Calendar Year 1983. Since the adoption of this legislation, I understand that questions have been raised particularly by the Chicago Finance Authority as to the maximum rate at which the board Educational Fund taxes could be collected in 1984. As a sponsor of this legislation, I wish to remove any such confusion that authorized

the board to levy taxes at a rate of two-eleven each year. Correspondingly, it allows those taxes to be killed each year at a rate of two-eleven as was begun in 1983, and as to...and is to be continued in 1984 and subsequent years. That was the specific intent of the legislation. The School Finance Authority has some questions about it, and I want to be sure that was in the record.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Senator Bruce, is it your intent to proceed with...all right, on the Order of House Bills 3rd Reading, page 6, 2316. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2316.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. For several years now, the School Code has allowed school districts to issue working cash fund bonds up to seventy-five percent of the taxes levied for educational purposes. In addition to that, after we passed the corporate personal property tax replacement, there was an allowance for seventy-five percent of that expected returned from the State of Illinois. In the Second District Appellate Court of the State of Illinois, there was a problem on what to do about additional levies. At the present time, school districts historically have levied a working cash fund bond, and then as their equalized assessed evaluation rose, their working cash fund could rise to meet that because that would be seventy-five percent of a greater number, the amount that they would be levying for educational purposes. The court said, no, that was not correct. They, in fact, could only levy their orig-

MS 2317
Revised

inal amount. About a hundred million dollars in school bonds are presently in jeopardy and that actually could have an affect on the State of Illinois' GO Bonds in that we...we get kind of involved in the whole question of school finance, and what this amendment to the School Code will do is ratify and make clear that those bonds are in fact legally valid and legally binding obligations, and the...the Act is very small in...in effect in the language, but it's certainly is important that we validate all bonds issued prior to the effective date of this Amendatory Act from 1982 that were issued pursuant to Article XX of the School Code and issued for the purpose of an increasing and existing working cash fund and issued in accordance with the procedures set forth in Article XX of the School Code as supplemented and amended by other applicable laws of the State of Illinois, and they are declared to be valid and legally binding obligations of the respective school districts issuing...such bonds payable in accordance with the terms thereof. I would ask for your favorable consideration.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 2316 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, none voting Present. House Bill 2316 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 2317. Senator Sangmeister seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2317, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator Sangmeister.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Mr. President and members of the Senate, someone just asked you where the amendments are. They have been distributed to each and every desk. I saw to that personally. What this amendment is is the phase-in of a State-wide probation system which is part of the prison reform package with which the Governor has concurred with, and I would ask at this point that that amendment be adopted and any discussion on the bill be held until 3rd reading.

PRESIDENT:

All right, Senator Sangmeister has moved the adoption of Amendment No. 1 to House Bill 2317. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. 2318, Senator Mahar, is that ready to go? On the Order of House Bills 3rd Reading is House Bill 2318. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2318.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. Senate Bill 2318 corrects a drafting error of the Spring Session. In the Spring Session there were about four commissions that the extension of their dates was not properly drafted. The Governor has signed the

*JB AH
concurrance*

bills and then asked in the Fall Session that we correct the language. This deals...the two..two commissions here are the Agent Orange Study Commission and the National Guard Study Commission. In addition to that, there's a transfer of the Veterans' Leadership Program from the Department of Commerce and Community Affairs to the Department of Veterans' Affairs. I would ask for your support.

PRESIDENT:

Any discussion? If not, the question is, shall House Bill 2318 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 48 Ayes, 1 Nay, none voting Present. House Bill 2318 having received the required constitutional majority is declared passed. 2319, Senator Bruce. 2320, Senator Savickas. All right, if you'll move to the Supplemental Calendar...we'll go to the supplemental, then go back and ask if any members want to call their bills on 3rd reading. On the Supplemental Number 1 is...on the Order of Secretary's Desk Concurrence is Senate Bill 44. Senator Chew.

SENATOR CHEW:

Thank you, Mr. President. This has been worked out with all parties involved. There are no difficulties. Passed in the House last night 110 to 1. I would ask for a favorable vote.

PRESIDENT:

Any discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Yes, will the gentleman yield to a question?

PRESIDENT:

Indicates he'll yield, Senator Lechowicz.

SENATOR LECHOWICZ:

Senator, would you tell us what the Conference Committee

does?

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Yes, the Conference Committee has cured all of the inadequacies, and it deals with 1305 which we passed out this past spring.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, I'm sure...everybody recognized the fact that 1305 was the gas tax bill, but that still doesn't tell me what the Conference Committee did.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

We had some corrective language to be correct...some language to be corrected. The vehicle specification designed to transport motor vehicle auto carriers were denied access to certain highways which have been available to them since 1975. In other words, it was...you had to grandfather some of those vehicles into...for compliance without having to...disassociate and cause the owners to purchase new vehicles to comply.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, thank you, Mr. President. I really beg the...the indulgence of the Senate, but what are House Amendments No. 1 and 2 on this concurrence motion on Senate Bill 44? They were not distributed to my desk, anyway.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Just...just a minute on that. House Amendment No. 1 changes the maximum vehicle weight permitted on Illinois highways from sixteen thousand pounds per axle to eighteen thousand pounds on any axle. Permits excess weight for certain roll-off containing vehicles, in addition to self-compactor vehicles used for garbage removal, that's number one. Number two, it prohibits operation of trucks weighing more than sixteen thousand pounds on flexible base counter and township roads without permission of the controlling highway authorities. In other words, these vehicles cannot use the...those access highways without municipal approval, that's one and two.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

And is your motion, sir, that we concur in House Amendments 1 and 2 as a...as a group? Could you divide that motion, please?

PRESIDENT:

Senator Chew.

SENATOR CHEW:

If you can tell me what your problem is with 1 or 2, maybe we can divide it, sir.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

I have a problem with Amendment No. 1...thank you, Mr. President. I have a problem with...with Amendment No. 1 which increases the weight limits. I don't believe that was asked for specifically in 1305, and I don't believe that was granted in 1305. I thought 1305 was a tax increase, and for that reason, I would like...like a divisor of the question. I'd like to vote No on Amendment No. 1 and adopt Amendment No. 2.

PRESIDENT:

That request is in order. Further discussion? Senator Netsch.

SENATOR NETSCH:

No, that's all right.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Well, before you ask to divide the question, I think we know...need to go a little farther. This is a bill that came out of the Motor Vehicle Laws meeting, the amendments, and working out with the truckers, because the way the bill went out of here last June, there is a description of short wheelbase trucks which fell through the cracks which prevented either those individuals who now have them from being able to use them or a dealer who has new trucks on the floor that...and that qualification would be unable to sell them. This...there's nothing wrong with this bill. It was a worked out between the truckers, DOI, the new truck dealers and the whole kit and caboodle so that; one, those who have the trucks don't fall through the cracks, so they can use them; and two, those new trucks which had been manufactured to...which could operate in Illinois prior to July 1 would have an opportunity to sell that truck. There's a self-destruct lifetime on those trucks that...so they cannot continue to operate forever and a day, and I would urge you to adopt both 1 and 2.

PRESIDENT:

Further discussion? Senator Coffey.

SENATOR COFFEY:

Well, Mr. President and members of the Senate, just briefly to support what Senator Davidson and Senator Chew has said, the commission has worked to clean this bill up. There was problems with it before, and the...this...this amendment

will make those corrections and put the bill into the kind of shape that it should have been originally. I'd ask for your support of this...of this amendment.

PRESIDENT:

Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, just briefly, I am a member of the Motor Vehicle Laws Commission also and I was part of that compact, and I agree with the previous speakers that this bill...the amendment should be adopted.

PRESIDENT:

All right, any further discussion? Senator Chew, you wish to close?

SENATOR CHEW:

Thank you, Mr. President. These things had been discussed before and the drafting of the bill, some portions of it were inaccurate, and all this...actually a portion of it is dealing with the Federal Surface Act. So, we've gotten it in shape now and I was not aware of anyone having any problems, and the House scrutinized it very carefully, there are amendments we agreed upon, and I would ask for a favorable vote.

PRESIDENT:

All right, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 44. 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? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 11 Nays, 2 voting Present. The Senate does not concur in House Amendment No. 1...does...immediate effective date...the Senate has not concurred in House Amendment No. 1. There's an immediate effective date and so thirty-six affirmative votes are required for final action. Yes, Senator Chew.

SENATOR CHEW:

May I ask the Senate, with your permission, that you would dump this roll call and make it eminently clear...what the requirements are.

PRESIDENT:

I...I thought I just did that.

SENATOR CHEW:

No, you did that after the vote was taken. That's a normal procedure that I would request of this Senate.

PRESIDENT:

Well, I...I think...your move at the moment would be to ask that this be placed on the Order of Ecstponed Consideration and we'll have to get back to it. All right, Senator Chew has requested further consideration be pfcstponed. We'll get back to it. Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

Well, I would have liked to ask the question before you did that. Is it possible...is it question of parliamentary procedure to come back and consider both amendments simultaneously?

PRESIDENT:

Well,...a member of the Senate has the right to ask for division of the question. That request was properly made and honored. Yes.

SENATOR DeANGELIS:

All right, can...can I now request that we vote on both amendments at the same time?

PRESIDENT:

...well,...yes, that's certainly...that request will be in order when we get to the Order of Consideration Postponed, no question about it. All right, do you want to address Amendment No. 2, Senator Chew?

SENATOR CHEW:

Yes, I do.

PRESIDENT:

All right.

SENATOR CHEW:

I have...I have not heard any opposition to Amendment No. 2. I believe Senator Iechowicz requested the division and it was granted. I have not been informed of any opposition to Amendment No. 2, and I would ask for adoption of Amendment No. 2.

PRESIDENT:

Question is, shall the Senate...any discussion? I'm sorry. If not, the question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 44. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 2 to Senate Bill 44. Senator Demuzio on 143. Senator Demuzio.

SENATOR DEMUZIO:

Yes, thank you, Mr. President. I would like to change sponsorship of...or add a sponsor...on Senate Bill 143 making Senator Welch as the principal sponsor...hyphenated...Demuzio, with leave of the Body.

PRESIDENT:

Leave to have Senator Welch as a hyphenated cosponsor? Is leave granted? Leave is granted. Do you wish to proceed at this time, Senator? All right.

SENATOR DEMUZIO:

I...I wish the...the bill to be Welch-Demuzio. The sponsor is on the floor he's...

PRESIDENT:

I beg your pardon. Alright. Senator Demuzio has asked that Senator Welch be shown as the chief sponsor of Senate

HB 720
Conf. Comm. Report

Bill 143. Leave granted? Leave is granted. Senator Lemke, on 720, on a Conference Committee report. Conference Committee report on...House Bill 720. Senator Lemke.

SENATOR LEMKE:

Okay. House Bill 720 provides for some technical amendments that...to...to Senate Bill 521. The amendments to House Bill 720 are intended, first, to respond to two recent Federal Court decisions that came down after the passage of Senate Bill 521; Charles versus Daley, which was decided in October, and Planned Parenthood versus Fearson, which was decided on August 26th. In addition, a few minor changes have been made in response to criticism from the Governor and from opponents of the bill and to put certain clarifications in the bill. The U.S. Supreme Court has made it quite clear that a...the a state may require parental notice of the minor's abortion decision as long as the state provides the minor with an opportunity to obtain...judicial waiver of the parental notice requirement upon a showing that the minor is either mature enough on her own to make the abortion decision or that notice would not be in her best interest. See Bellotti versus Baird, 443 U.S. 622 which outlined judicial waiver standards necessary for permissible Parental Consent Statutes; H.L. versus Mattheson which uphold the...Utah's Parental Notice Statute; City of Akron versus Akron Center for Reproduction, reaffirming Bellotti; Planned Parenthood versus Ashcroft which upheld the Missouri Parental Statute. Senate Bill 520 already satisfied the requirements as posed by our Supreme Court. The Supreme Court has also stated that the judicial proceedings must assure that a resolution of the issue and appeals that may follow will be complete...completed with the...autonomy and sufficient exposition to provide an efficient opportunity for an abortion to be obtained. On...on August 26, 1983, the Seventh Circuit Court of Appeals in Planned Parenthood versus Fearson

addressed the Bellotti criteria and several additional procedural questions while considering the constitutionality of the Indiana Parental Notice Statute. Unlike Senate Bill 526, the Indiana law did not contain detailed procedural requirements. Although the...Indiana law provided for an expedited hearings, it did not explicitly provide for the confidentiality or...an expedient confidential appeal. Because of its procedural deficiencies, lack of severability clause, the Court of Appeals struck down the entire Statute. Senate Bill 520 specifically states that the hearing in an appeal...shall be confidential and expedited. In addition, it requests the Illinois Supreme Court to...promulgate rules and regulations to ensure that all proceedings under this Act be handled in a confidential and expedient manner. In Pearson, the Court of Appeals stated that if the Statute has specifically...specified the procedures for appeals or at least directed the Indiana Supreme Court to promulgate rules governing expedited appeals, we...we would be...we...we would be satisfied. See Planned Parenthood versus Ashcroft in the Opinion of Powell. It is clear that then...that Senate Bill 521 is constitutional in this regard. The only major revision that House Bill 720 makes with respect to Senate Bill 521 is the deletion of the twenty-four hour waiting period in Section 4(a). The reason for this deletion are explained...I will explain. The other...the other procedure requirements addressed by the Court of Appeals in Pearson are satisfied by Senate Bill 521. However, a...few slight changes were deemed necessary to ensure that the present language in Senate 521 could be...could not be distorted should a action be filed and challenged in court. In addition, a few clarifications have been made to address the specific objections raised by the opponents of the bill. The following brief explanation in changes...changes offered in 720 with respect to Senate Bill 521...I'm sorry, House Bill 720. Section 3(e), incom-

petents. It has been claimed that the definition of "incompetent" in Section 3(e) is overboard in that it could apply to adult incompetents who suffer from conditions which do not impair their judgement. This change meets that...clarifies that objection. Section 4(a), the twenty-four hour waiting period. This section originally required that notice be given twenty-four hours prior to the performance of an abortion. Section 7(a) specifically limited that requirement so that the twenty-four hour waiting period would not apply when the parents were already notified and...and approved of the abortion and had abandoned efforts to distort the minor within the twenty-four hour period. Although such a Statute was not before the Court of Appeals in Pearson, that court ruled broadly holding that the state cannot require that an abortion be delayed once notification has been effected upon the minor's parents. Judge...Fairchild concurred in the opinion of the court stating that he felt that the court's opinion should not make any statement as to the constitutionality of a narrowly drawn Statute, one that does not require an absolute waiting period as the Indiana law does. It is our firm belief that Senate Bill 520 is narrowly drawn to serve the State's legislative interest and would be upheld by the U.S. Supreme Court. However, in the light of the Pearson decision, in the lengthy litigation that would be necessary to bring this issue before the Supreme Court for final...resolution, we have decided to delete the waiting provision. Section 4(c), the site of judicial hearing. The Pearson court indicated that the flexibility in choosing the county in which the petition for waiver was desired. This amendment allows that a petition be filed to any county, thereby permitting absolute flexibility to the minor.

Page 209 - NOVEMBER 3, 1963

END OF REEL

REEL #6

SENATOR LEMKE: (cont.)

Senate...Section 5(b) access to court. It has been claimed that Senate Bill 521 does not provide adequate procedures to assure the minor's initial access to court. Although it probably...is unnecessary, this amendment explicitly provides that assistance shall be available in preparing and filing the petitions. Again, confidentiality is stressed, and it simply clarifies the intent of Senate Bill 521. Section 5(f) and 7(b) in regards to incest. This added language establishes a legal presumption that it is not in the best interest of the minor or incompetent to notify her father when the child she is carrying is a result of an incestuous relationship with the father. Section 7(b) of...of Senate Bill 520 would have permitted a physician that failed to notify the father of a minor of her proposed abortion merely on the say-so of the mother of the pregnant minor. It would...it was necessary to delete this section because it is unconstitutional to deprive the father of his right to know of his daughter's proposed abortion merely because of the bald statement of a mother that her daughter is pregnant from incest. The new language of section 5(s)... (f) requires that a court make sure some determination on the allegation of incest before depriving the father of his right to notice, providing an exception to the notice requirement in the case of incest in a manner that comforts the requirements of the Constitution...and gives due process. Section 9 is added in regards to severability. The...Pearson court struck down the entire Indiana Parental Notice Statute because it did not contain a severability clause. This severability clause has been added to prevent similar treatment should the Statute be challenged. I ask for adoption of

the Conference Committee report.

PRESIDENT:

Discussion? Senator D'Arco.

SENATOR D'ARCO:

Mr. President, I understood a lot of what he said, but there were some parts that I didn't quite understand. Can he repeat it again so I can understand it?

PRESIDENT:

We will...we will make the transcript available to you at our earliest convenience. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I notice that I was a member of the Conference Committee. Could you tell me, Senator, where the Conference Committee met?

PRESIDENT:

Senator Schuneman.

SENATOR LEMKE:

Senator O'Connell in the House had a Conference Committee, I was given the reports, and they met and they went around with the report and...and drew it up.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

No, I asked where it met and what time?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

...the notice, I think it was Room 212 but I'm not sure.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, the notice says 114. Apparently, the sponsor wasn't there. I wasn't there. The...the...our staff was there and there were a few staff members in the room but,

first of all, I question whether or not a Conference Committee actually ever met anywhere. This may very well be a bill that we all ought to vote for, but part of the problem in the way these things are handled is that they're rammed down our throats at the last minute and nobody really knows what's in there. Now, we hear Senator Lemke's description, and I'm sure you could catch from what Senator D'Arco said that perhaps he missed a few of these provisions, and I know I did, but it's very difficult to vote on these substantive issues when you seem to have a very small select group putting these committees...these conference reports together and not even allowing the majority to look at the report before it's...it's actually published, and I object to that kind of procedure, Mr. President.

PRESIDENT:

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

SENATOR LEMKE:

I ask for adoption of the Conference Committee. I will assure you there was a conference and that we all met and decided...I may have been in Room 212 when they discussed it on another matter, but we're...you know, this is busy time. You're...you're at conference to conference. I think it's a good bill, I ask for its adoption.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, a point of personal privilege. There was no meeting, Senator Lemke. In fact, we were told there was no Conference Committee report even available. Let's just cut that out.

PRESIDENT:

The...Senator Lemke.

SENATOR LEMKE:

That's...that's a misstatement. There was a Conference Committee, and I'm telling you right now, if you have a House staff man that's pro-choice or...or is an abortionist and doesn't get to notify certain people that are with him, I can't help that. That's your problem with Curt DeWiese in the House. That's not my problem. We notified everybody to be there. I'm in agreeance with this. I have gone to court decisions, and there was a Conference Committee report and this report was put here and it was...and it was available to everybody. And if you had been missed, I don't know anything about that. The House sponsor handles that, and I've asked...and I...and I told him about it and he assured me that it might have been an oversight in notifying you, Senator DeAngelis, of...not of him but of the House staff person, who has gone out of his way to kill any pro-life bills.

PRESIDENT:

The question is, shall the Senate adopt the Conference Committee report on House Bill 720. 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, 4 Nays, 3 voting Present. The Senate does adopt the Conference Committee report on House Bill 720, and the bill having received the required constitutional majority is declared passed. Conference Committee report on Senate Bill 1002, Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. The Conference Committee on Senate Bill 1002 was really a clean up...a clean up shell bill for the Prairie State Two Thousand package. It was worked on by both sides of the aisle. It had some technical changes for funding mechanisms and other bills that were passed overwhelmingly by this General Assembly for the Prairie State Two Thousand, and I would ask for the adoption

of Conference Committee Report No. 1 to Senate Bill 1002.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall the Senate adopt the Conference Committee report on Senate Bill 1002. 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 51 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee report on Senate Bill 1002, and the bill having received the required constitutional majority is declared passed. If the Chair can have your attention for just a moment. The House, in fact, has adjourned until 9:00 a.m. tomorrow morning. I understand there is a meeting currently going on in the Speaker's Office with respect to some of the remaining appropriations, and hopefully that matter will...can be quickly resolved, but it does appear unfortunately necessary that we will be here tomorrow. There are a couple of amendments still pending that I think in order to expedite the Secretary's clerical work we could probably get to those and then adjourn until nine o'clock tomorrow morning. What bills are there still amendments pending for? Senator Savickas, on 2310 did you have an amendment? You have an amendment filed.

SENATOR SAVICKAS:

No, that wasn't my purpose. There were many Senators that asked and inquired that since they didn't vote or support the McCormick Place expansion if they had to return their wand. I want to assure them that, no, it's their's to keep as a memento to read and go over, and some of our less mechanically inclined Senators wondered what the red tip was for. If they would unscrew the red tip, the wand turns into a pen. So, have a nice Thanksgiving.

PRESIDENT:

Alright. With leave of the Body, we'll just handle this one amendment. It's a technical amendment. Senator Bruce, you can...will you handle that for me just with...it's a technical amendment to the Speaker's bill. On the Order of House Bills 3rd Reading is House Bill 2309. Senator Bruce, with leave of the Body, seeks leave to return that bill to the Order of 2nd Reading for the purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2309, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator Rock and Bruce.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Thank you. This is the Speaker's economic development package. There were several technical errors, they have been worked out. The Republicans and Democrats on both sides, the Governor's Office have all signed off, and I would ask...we adopt Amendment No. 1 to House Bill 2309.

PRESIDENT:

Alright. Senator Bruce has moved the adoption of Amendment No. 1 to House Bill 2309. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. Senator Johns, for what purpose do you arise?

SENATOR JOHNS:

Mr. President, I have a motion on a resolution that's very important to me. At what time can I make that motion on this resolution?

PRESIDENT:

...what's the substance of it?

SENATOR JOHNS:

Well, the substance is, Mr. President, that we've had...Leroy, would you step down there, please...I've had two Federal prison guards killed within the last ten days in my district, and there's...and the two men that are doing the killing are having a contest as to who can kill the most. They're all in for life, and this resolution attempts to deal with that...at the Marion Federal Penitentiary, which you all know is the new Alcatraz, and we've lost two guards within the last ten days and we've had two more guards stabbed. These men that are in there are having a contest because they're all in for four or five murders previously, and that's what the resolution is about.

PRESIDENT:

Alright. Well, we can...we can, of course, deal with that first thing in the morning. We will be here tomorrow.

SENATOR JOHNS:

Well, I was told that yesterday, sir, and I just didn't want to get into it again tomorrow. I just want to make the motion to discharge Executive and...and move to suspend the rules for the immediate consideration and adoption, but I can hold that tomorrow if you want me to.

PRESIDENT:

Okay, I think we've had about all we can take for today.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolutions.

ACTING SECRETARY: (MS. FERNANDES)

Senate Resolution 389 offered by Senator Euzbee.

390, by Senators Lechowicz, Rock, Nedza, Ierke, Degnan, Jeremiah Joyce and all Senators, congratulatory.

And Senate Resolution 391 offered by Senator Degnan, it's congratulatory.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolution Consent Calendar...Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate.
Bev...Bev, this is Sam.

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order, please.

SENATOR VADALABENE:

In the Spring Session you brought me some flowers and you brought me some marigolds today. Again, the flower is in perfect condition but the bloom is limp again. My other question is, you went to the hospital and you remember you said you was knitting a blanket and you said it was a surprise. Did anything happen to that surprise?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Fawell.

SENATOR FAWELL:

Her name is Kathryn Lynn and she's six pounds, fourteen ounces and she's already a week old and you haven't seen her.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senator Vadalabene.

SENATOR VADALABENE:

Yeah, where are you keeping her?

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Alright. Would the Senators please be in their seats. If I might have the attention of the Body, this is a death resolution. If you would please be seated. We are going to adopt this as the last order of business before we leave today. Would the Senators please be in their seats, and would the Secretary of the Senate...and would the Sergeant-at-arms please clear the aisles. Senate Resolution 385, Mr. Secretary, would you please read the resolution.

ACTING SECRETARY: (MR. FERNANDES)

Senate Resolution 385 offered by Senator Collins and all members of the Senate.

(Secretary reads Senate Resolution 385)

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and members of the Senate. This resolution is an expression of our sympathy to one of our former colleagues, the Dean of the Senate, the Honorable Senator Fred Smith and one of our most distinguished colleagues, the stepson, Mrs. Margaret Smith. And I move for the adoption of this resolution.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins moves for the suspension of the rules and immediate consideration and adoption of the resolution. Would those in favor of the resolution please rise. The resolution is adopted. The Senate will be in adjournment until nine o'clock tomorrow morning. Senator Smith.

SENATOR SMITH:

...thank you, Mr. President and to my colleagues. I merely wish to say that out of the mittage of my heart I am very grateful for this expression, and I know my husband, Senator Fred J. Smith, ...equally voice the same sentiment and our...entire family. And I want to thank you, and God bless you.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch moves that the Senate stand adjourned until 9:00 a.m. tomorrow morning. The Senate is in adjournment.