

83RD GENERAL ASSEMBLY

REGULAR SESSION

NOVEMBER 28, 1984

PRESIDENT:

The Senate will come to order. Will the members be at their desks. Will our guests in the gallery please rise. Prayer this afternoon by the Reverend Charles Kyle, St. Francis Xavier Church, Chicago, Illinois. Father.

REVEREND CHARLES KYLE:

(Prayer given by Reverend Kyle)

PRESIDENT:

Thank you, Father. Reading of the Journal.

SECRETARY:

Wednesday, November the 14th, 1984.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

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

PRESIDENT:

You've heard the motion as placed by Senator Smith. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it's so ordered. Senator Smith.

SENATOR SMITH:

Mr. President, I move that the reading and approval of the Journal of Tuesday, November 27th, in the year 1984, be postponed until...pending arrival of the printed Journal.

PRESIDENT:

You've heard the motion as placed by Senator Smith. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it's so ordered. If I can have your attention, we have some special guests with us today that I'm sure all of us want to meet, and I will yield to Senator George Sangmeister. Senator.

SENATOR SANGMEISTER:

Thank you, Mr. President. If I could just take a few minutes of your time, we have with us today the members of the...Rivals Bowl baseball team of Joliet, and this is a baseball team that took...not first or second place, but took third place but I think something that we should recognize; and that is, out of three thousand three hundred teams that were involved in this...tournament that took place down in Forest Park, Georgia, they came in third out of three thousand three hundred teams that...that entered and we're very proud of them in Joliet. You have cosponsored with me a resolution congratulating them on that, and at this point, I would like to introduce their coach, Neal Jolly. Neal.

COACH NEAL JOLLY:

{Remarks made by Coach Jolly}

SENATOR SANGMEISTER:

Thank you. Let's have a big hand for the team.

PRESIDENT:

Messages from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask concurrence of the Senate, to-wit:

House Joint Resolution 190.

PRESIDENT:

Executive Committee.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives has concurred with the Senate in the passage of a bill with the following title:

Senate Bill...1450, together with House Amend-

ments 1, 2, 3, 4, 6, 8, 9, 10 and 11.

PRESIDENT:

Resolutions.

SECRETARY:

Senate Resolution 788 offered by Senator DeAngelis. It's congratulatory.

PRESIDENT:

Consent Calendar. Senator Philip, for what purpose do you arise?

SENATOR PHILIP:

Thank you, Mr. President, just a...a suggestion. As you know, I have some members that aren't here, that are in route. I might suggest, that it is the lunch time, that we...have a Recess till one-thirty for our members to catch up with us and to have perhaps a bite of lunch, if that's in order.

PRESIDENT:

That request...appears to be in order, certainly. I might also suggest, I would...the...there are a couple of Conference Committee meetings that are currently going on, and I would urge the members to get themselves to those meetings. All right, Senator Philip has moved that the Senate stand in Recess until one forty-five. One forty...one hour from now we'll start at the top of the Calendar and go right through. Senate stands in Recess.

RECESS

AFTER RECESS

PRESIDENT:

...will come to order. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

On a point of personal privilege, Mr. President. In the President's Gallery, above you, are two of my famous constituents, Trustee Brunhilde Wesser, W-E-S-S-E-R, from the

Village of Winthrop Harbor and Mary Mallery, who is with the Winthrop Harbor Zion Marina Commission. I would like you to welcome them here if you would.

PRESIDENT:

Will our guests in the gallery please rise and be recognized. Welcome to Springfield. If I can have the attention of the membership, WCIA Channel 3 is requesting permission to videotape, a gentleman from the AP has requested permission to take photographs and as has...the T.V. station from Peoria, whatever it is. Leave...channel...and...and also Channel 5. Is leave granted? Leave is granted. If you'll turn to page 2 on the Calendar,...on the Order of Senate Bills 2nd Reading. Page 2 on the Calendar, on the Order of Senate Bills 2nd Reading is Senate Bill 1958. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1958.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Are there amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

3rd reading. Channel 20, Ladies and Gentlemen, has also requested permission to tape. Is leave granted? Leave is granted. Illinois Information Service also requests permission to videotape. We must be the only game in town today. Leave granted? Leave is granted. All right, with leave of the Body, we'll move to the Order of House Bills 3rd Reading.

If you'll turn to page 4 on the Calendar, House Bill 2597. House...on the Order of House Bills 3rd Reading is House Bill 2597. Read the bill, Mr. Secretary.

SECRETARY:

House...House Bill 2597.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate...House Bill 2897, as we amended it yesterday, would do four things. It's an agreement between IHDA and the County of Cook to provide additional bond money of approximately eleven million dollars for single-family mortgage bonds for the County of Cook, provides technical amendments to a provision which permitted the board to delegate contract, execution authority to the director or deputy director. It also makes technical changes which clarifies the variable rate bonds issued by IHDA; and the fourth item, it provides approximately three hundred and fifty million dollars in single...single-family bonds for IHDA. This is a very important bill especially for the single-family homeowners in this State. It will provide an economic impetus for new construction and existing construction. It's a matter that's been worked out with IHDA, with the Governor's Office, and I know of know of no...objection to this bill as amended. I would strongly support your Aye vote.

PRESIDENT:

Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDENT:

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

SENATOR GEO-KARIS:

Do I understand then, by the passage of this bill as amended, that there will be more possibilities for more

single-family mortgages to be given?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Yes, ma'am. In fact, for IHDA it will provide an additional three hundred and fifty million dollars possibly used for single-family dwellings over the next two years. Without this provision, they will be without...funding as of April of 1985.

PRESIDENT:

Further discussion? Is there any further discussion? If not, the question is, shall House Bill 2597 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 47 Ayes, no Nays, none voting Present. House Bill 2597 having received the required constitutional majority is declared passed. We'll proceed right through the Calendar, and if you'll turn to page 13 on the Calendar,...motions that have been filed in reaction to gubernatorial action have been listed beginning at page 13 on the Calendar.

PRESIDING OFFICER: (SENATOR SAVICKAS)

What purpose does Senator Davidson arise?

SENATOR DAVIDSON:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR DAVIDSON:

I'd like to present to the President and the members of the Senate...in the south gallery, the interns from the Sangamon State graduate journalism program public affairs reporting, which many of you will feel their ire in years to come, I'm sure, and their instructors, Professor Bill Miller

and Mary Bolin. Would you please rise.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would they please rise and be recognized. On the Order of Motions in Writing, Senate Bill 1223, Senator Maitland.

SECRETARY:

I move that Senate Bill 1223 Do Pass, the veto of the Governor to the contrary notwithstanding. Signed, Senator Maitland.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1223 is a bill that passed out of this chamber last Spring with 58 Aye votes and no Nay votes. It passed the...it passed the House by also an overwhelming majority. It's an attempt...it's an attempt to get the five systems that the State is responsible for back on actuarially soundly funded basis. It sets about for the next ten years of requiring the State to make a contribution as a percent of the contribution made by the employee. For years now...for several years now, we've been criticized for not meeting our statutory responsibility for funding the systems, and it seems to me that this is an attempt to do that, and I would urge the Body's support of this override veto.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Is there any discussion? If not, the question is, shall...I'm sorry, Senator Rock.

SENATOR ROCK:

...thank you, Mr. President and Ladies and Gentlemen of the Senate. Question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR ROCK:

Senator Maitland, we are all concerned, as rightfully we

should be, with the level of school aid funding; and my question, sir, is what is the fiscal impact of Senate Bill 1223?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Senator Rock, over and above what we would be required to spend is roughly thirty-nine million dollars for the first fiscal year which would be 1986.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, the Governor's Budget Message...or I beg your pardon, the Veto Message indicates that the commitment for FY '86 would be sixty-seven million dollars more than the amount necessary under the current formula. We...we argue annually about the level of the formula, and I expect that argument will continue into the future, but I'm concerned at this point, frankly, because we are making a commitment, an FY '86 commitment, of sixty-seven million dollars which, it seems to me, might better be spent, frankly, in the Common School Formula itself and I am reluctant to do this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Maitland.

SENATOR MAITLAND:

Senator Rock, it appears to me that there...and I've not talked with the Governor about this and I...I understood that he was trying to get a hold of me today but he's all over the State and I guess there were more important things to do, but...but it's my understanding that...that the figures that are being confused here are the figures for Fiscal Year 1985 versus 1986; and, in fact, the cost difference between sixty-five, what we would spend at sixty...at the sixty percent pay-out level in Fiscal Year '85 versus Fiscal Year '86



would, in fact, be between thirty-seven and thirty...thirty-nine million dollars. That...those are our figures.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, I would just ask the membership then to...to consider and weigh the fact that we will be called upon commencing in January, more specifically in March when the Governor on the constitutionally appointed day delivers his budget message, that we will have to quickly recall that we, in November, made a commitment of at least thirty-seven million and the Governor indicates sixty-seven million...somewhere in that range, that that's already committed and that the School Aid Formula thus cannot be expected to receive that amount. I'm just not so sure, frankly, at this moment, that we ought to be making this kind of commitment and I urge our members to take a second look.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, and I...I...I rise...I wasn't going to say anything but I've been thinking about this bill and I'm going to be candid up-front and say I intend to vote for it. Been here eight years now and there are two issues that I think we have failed to look at well during the eight years I've been here and I'm guilty too; I don't claim to say, it's you, not me, man, it's us. One is those pension funds and the other is bonds. We're going to get to vote on some bonds later and so I won't worry about that right now, but to quote one of my colleagues who said, "Well, don't worry about it, man, by the time they retire, you and I won't be here any more." Well, that's good political wisdom, but the day is going to come when we're going to have to pay

these pension funds and maybe it isn't you and me; but keep in mind, there are a lot of just plain, run of the mill, average working people who are relying on those pension funds, and if we don't reach the point where we start making some positive step...I mean, you think of how many times in the last couple of years we keep failing to come up with the payout, you have the interest rates that have helped us, but the interest rates are coming down and when we don't have those interest rates bringing that money into those pension funds, somebody's going to pay for it; it won't be you and me, but it's going to be a lot of little people and this is going to be their major source of retirement income.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I think President Rock makes a good point that we...that it will be difficult, perhaps, to do this next year, but I would submit to you, President Rock, and...and to others, that the time will never be right to do this...until the system collapses, then the time will be right. What this State has been doing for a number of years has been to deposit into the pension funds an amount equal to about fifty or sixty percent of what we're paying out. Now the payout is...is to pay those pensions that were created many years ago at very low wages and for smaller numbers of people. What we...what we should be doing is putting in an amount of money based upon today's liability that's being created on the basis of today's payrolls and the higher numbers of people, and the longer we delay this, the greater the problem is going to be at some time in the future. Now, I think every Governor is likely to veto this kind of legislation because I think if you or I were Governor, we wouldn't want it during our term, because it...it forces us to come to grips with a problem that's been out

there a long time and probably won't collapse during our term but certainly will at some time in the future. I think we have to do this at sometime. This is as good or bad a time as any and I would urge support of this measure.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I think it's time that we have to face the...the problem that we have had with the pension funds and I don't think we should delay it any longer. This bill does not take effect till July 1, 1986. We certainly have time if we find that our funds are not as adequate as we should have them. There's nothing to stop us from amending the Act if it's passed and if override this veto...between now and July 1, 1986...'85 rather. I might tell you that...it's incumbent upon us to face reality. We have a responsibility to these pension funds, and I concur completely with Senator Maitland, Senator Keats and Senator Schuneman, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR BERMAN:

As to the teachers' retirement systems, how would your bill, the...the override of this veto, affect the deliberations which we do every year in June as to the amount of funds that we're going to allocate to the pensions and the amount of money that we're going to allocate to the programs? Would you explain that, please?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Senator Berman, if I understand your...your question correctly, I think we would simply abide by the scale that's contained in the bill and recognize the percent of the contribution for...strike that, recognize the contribution made the previous year by the teachers and then go according to the scale that's contained in the bill, and it would be a percentage of that contribution and that would be the line item figure.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I'm going to vote Present on this motion to override and let me explain to you why. The thing that bothers me about this is that we are being asked to override a veto which is going to...the passage of this bill is going to limit our prerogatives from year to year. At the present time, and I don't see any reason that's it's going to change in the future, money is always tight when it comes to funding both the pension funds for State employees, particularly the teachers, and appropriating monies for the programs of education, and every year all of us participate in that negotiation process. Depending upon the amount of money available, we appropriate perhaps sixty percent of payout or seventy percent of payout, or one year, I think, we went even below that, some years we've gone higher than that, but it's an negotiation process. The passage of this bill is going to take the funding of the pensions out of that negotiation process and the only place it's going to come out of is the programs, and I think that that's going to limit our prerogatives in future years. I don't think that there is anything more or less sacrosanct about the funding of pensions. I think it's a very important priority but so is the funding of

the rest of the programs, and in the process that we determine, I think we should limit for ourselves, depending upon the year and the monies available and the demands upon us, as much flexibility as possible; and I think passing a set-in formula which is going to take away and...and earmark X number of dollars out of every school budget every year the amount of pensions so that you have a lesser amount available that we can look at for programs is not the way to go. I think we ought to limit...we ought to give ourselves the greatest...degree of flexibility. I think the Governor has given us an opportunity to take a second look at this. I am not going to support the motion. I'm going to vote Present.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR WEAVER:

Senator Maitland, how does this bill track with the statutory mandate for funding of State supported pensions?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR WEAVER:

Is this somewhat less than what the statutory now mandates or is it over and above?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Senator Weaver, it would be somewhat above.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

You mean you're...you're trying to play catch-up then.

It's over and above what we're statutorily mandated. By what percentage?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland. Senator Maitland.

SENATOR MAITLAND:

Senator Weaver, I can't...I don't have the Statutes before me. I...I can only tell you, and I would assume that you are...are perhaps referring to the State University Retirement System, we would be for the first year...for Fiscal Year '86 at a...at a hundred and eight percent, and I'm...I...I believe we are mandated at somewhat a hundred percent, but I must admit to you that I'm not certain about that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR MAITLAND:

Thank you, very much, Mr. President. I appreciate the arguments on both sides of this issue. It was a tough one for me to come to grips with a couple of years ago also. No one in this Body supports increased funding for education any more than I do, and I will continue to do that; but, Senator Berman, in...in response to your statement with regard to the line item in the State board's budget, I, for one, have for a long time suggested that that be a...a separate issue,...a...a separate and apart from that...that particular...that particular budget. I don't believe it belongs there, but be that as it may, it is a concern and has to be considered a concern with...with regard to...to funding for education. Second point that's not been made today, the bond houses when the Governor has gone to seek bond rating in Illinois have been concerned for sometime with regard to Illinois' unfunded liability, and I would submit to you that if we are forced to have a lower rating, that that

itself...that in itself is going to cost the State substantially. Indeed, the last few years we have been blessed by high interest rates which have negated some of the loss because of our lower funding for the system. The prudent person concept that we passed a couple of years ago has had a positive effect and will continue to have a positive effect, and because of that, down the road we might be able to amend these figures, but at this point in time, we must, must play catch-up. And my final point would be this, if the private sector were to do what we do in State Government with regard to pension systems, they would be in deep, deep trouble. I think we are no better than the privates and we should abide by those same principles; therefore, I override...I urge your support for this override motion.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1223, 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? Take the record. On that question, the Yeas are 42, the Nays are 2, 6 voting Present. Senate Bill 1223 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. Senate Bill 1491, Senator Bloom. Senate Bill 1727, Senator Marovitz. Senate Bill 1798, Senator Joyce. Senate Bill 1945, Senator Luft. Read the motion, Mr. Secretary.

SECRETARY:

I move that Senate Bill 1945, Do Pass, the veto of the Governor to the contrary notwithstanding. Signed, Senator Luft.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President and Ladies and Gentlemen.

SB 1727  
2/2/85 of the Law.

Senate Bill 1945 as passed had two provisions. One of those provisions was incorporated in House Bill 3040 which the Governor signed and is now law. The provision...the other provision that he vetoed was a provision that prohibits the pollution...Illinois Pollution Control Board from adopting regulations to require what is called Stage II Vapor Recovery Systems at gasoline stations until the Federal Government or the U. S. Environmental Protection Agency has determined that use of the system as required for compliance with the Clean Air Act. The people of the Illinois petroleum marketers industry and those people believe that the Federal Government has yet not designated this as the system that is efficient or easier to...enforce than an on-stage system. So, what we would like to do is put this into law, and I would move, Mr. President, that we pass Senate Bill 1945, the veto of the Governor notwithstanding.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1945 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? Take...Senator Newhouse, are you all set? Take the record. On that question, the Yeas are 46, the Nays are 2, none voting Present. Senate Bill 1945 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. On the Order of Motions in Writing, Senate Bill 1727, Senator Marovitz. Read the motion, Mr. Secretary.

SECRETARY:

I move that Senate Bill 1727 Do Pass, the veto of the Governor to the contrary notwithstanding. Signed, Senator Marovitz.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.



SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 27 which overwhelmingly passed both the House and the Senate provides that sales and use taxes do not apply to the transfer of legal tender, currency, medallions or gold or silver coins issued by the State of Illinois or the United States with the exception of South Africa. Presently, twenty-one other states do not apply sales tax to such transfers of legal tender, currency or medallions and, therefore, small Illinois investors make out-of-state purchases depriving Illinois of both jobs and income and other tax revenues that would be generated by those jobs. Even in the Governor's Veto Message...even in the Governor's Veto Message he acknowledged that to avoid the possibility of paying sales taxes on the purchase or exchange of legal tender Illinois small investors commonly purchase from firms and coin brokers located in the twenty-one other states that currently impose no tax on such purchases. The ninety thousand dollars which the Illinois Department of Revenue said it would cost the State of Illinois when they testified before the Revenue Committee in 1983 and...and acknowledged as a negligible amount, the ninety thousand dollars that would be lost in revenue would be recovered many times over by passing this legislation which will be expected to lead to more jobs in Illinois in both the coin dealer and banking industries and in turn provide the State with substantially new corporate and personal income. There is estimated over two billion dollars leaving the State of Illinois to purchase legal tender from out-of-state firms. Illinois currently has approximately two hundred dealers buying and selling precious metals and legal tender; whereas...whereas, California alone, two states which exempt sales tax, employ an estimated twenty-five thousand dealers in precious metals and bullion. If five thousand new jobs...just five thousand new jobs could

be created in Illinois in this field with an average salary of fifteen thousand dollars apiece, seventy-five million dollars would be paid out in wages; and if a combined tax rate of eight and a half percent were applied, that would be six million three hundred and seventy-five thousand dollars in new revenue for the State of Illinois, all at a cost of only ninety thousand dollars which is the...Department of Revenue's own figures. I think this an important piece of legislation. Senate Bill 1727 removes the incentive for Illinois small investors to purchase from out-of-state dealers who are not well-known to regulation and law enforcement personnel and who rip-off people in the State of Illinois as has happened recently in California and in Florida. The State sales tax enforcement of in-state currency and bullion sales discriminates against the small investor and Illinois dealers against a better heeled and wealthier Illinois investors who take delivery of legal tender from Illinois commodity exchanges without ever paying State sales tax. Illinois investors with a minimum of seven or eight thousand dollars can purchase today...purchase today and take delivery today of gold coins and bullion from the Chicago Board of Trade, the Mid-America Exchange or the Mercantile Exchange without paying one cent in State sales tax. To require the small and middle income investor to pay sale tax on these investments while his well-to-do neighbors do not have to is really unfair to the small and middle income investor and doesn't provide them with the kind of protections that they need when they therefore have to go out-of-state. This is an important piece of legislation. It'll create jobs and additional revenue for the State of Illinois, and I would ask for an affirmative vote in overriding the Governor's veto.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I rise in...in support of this override, simply in one of the reasons given by the Governor in his veto. It...states in the veto that the...coinage of the Republic of South Africa is excluded from the sales tax exemption since it raises equal protection arguments and would be subject to a court challenge on constitutional grounds. I think the only way we can find out is to pass this bill and then, if there is such a thing, let the courts decide it; otherwise, we're going to be spinning our wheels for nothing, and I rise in support of the override.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lenke.

SENATOR LEMKE:

Senator Marovitz, when we get to this exclusion on krugerrands, can...where's my colleague sponsor? Can people still buy krugerrands through a bank or does this prohibit them to buy krugerrands issued by the African...South African government through a bank?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

This...this in no way prevents anybody from buying krugerrands. This has nothing to do with that. This just has to do with the sales tax on krugerrands and the sales tax will still be collected on krugerrands, they are exempted.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lenke.

SENATOR LEMKE:

But is that true if you exchange them at a bank? For...you exchange American dollars for krugerrands at a bank you got to pay a sales tax?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator Marovitz.

SENATOR MAROVITZ:

If that...that is the...if that is the course today, then that will continue to be the course.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

If I'd taken my hundred dollar bill and I go to the bank, I can get franks for that money without paying sales tax. I can get krugerrands for my American dollars. What we're doing here with this exclusion, just for the record, we are discriminating against coin collectors. We're not preventing the South African Government from getting revenue, they already got their revenue, they sold these coins. These are coins that are exchanged, people save, they go to a coin shop, they keep exchanging them and...and they're buying them. This is what this bill is all about. This has nothing to do against preventing the sale of krugerrands in this country by the African Government...South African Government. This only discriminates against Americans that are coin collectors, that's what this bill does. So, I just want to make this for the record, I'm going to vote for the bill because I think this exclusion is ridiculous and it just shows some blatant prejudice on certain people that is taking out on American people. If you want to prevent it, then let the Federal Government prevent the exchange of gold krugerrands coming into this country, but the sale of coins in...at...at coin shops that American people have collected and many widows have inherited because their husbands were coin collectors, they are being discriminated against because you're going to pay...in sales tax. This is ridiculous. This is the most ridiculous thing in the world. If you're going to prevent krugerrands from coming into this country, then let the Federal Government say, we're not going to take them; but once they're here, you don't need to discriminate

against your own people.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR RIGNEY:

What have we...what have we done with a penny of local tax? Are we taking that off too?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

No.

SENATOR RIGNEY:

So there will still be one penny of sales tax for either the city or the county depending upon where the sale is made then.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

This legislation only affects the State sales tax.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 1727, 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 51, the Nays are 1, none voting Present. Senate Bill 1727 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. On the Order of Motions in Writing, the Override of Item Vetoes, Senate Bill 1554, Senator Hall. Motions in writing to accept

*SB 1664  
from Recommendations of  
the Governor*

the specific recommendations for change, Senate Bill 833, Senator Degnan. Mr. Secretary read the motion.

SECRETARY:

I move to accept the specific recommendations of the Governor as to Senate Bill 833 in the manner and form as follows. Signed, Senator Degnan.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Senate Bill 833 was introduced to open up bingo tax returns and payments of those who conduct bingo games to public scrutiny. The Governor's analyses...or analysis says that it also may open up...investigation documents currently being held by the State Department of Revenue. I agree with his premise and move to accept the specific recommendations for change.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Any discussion? If not, the question is, shall the Senate...accept the specific recommendations of the Governor as to Senate Bill 833 in the manner and form just stated by Senator Degnan. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Yeas are 52, the Nays are none, none voting Present. The specific recommendations of...of the Governor as to Senate Bill 833 having received the required constitutional majority vote of Senators elected are declared accepted. Senate Bill 1664, Senator D'Arco. Read the motion, Mr. Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to Senate Bill 1664 in the manner and form as follows. Signed, Senator D'Arco.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. The Governor amendatory vetoed...made some changes and we really believe that the changes are better than what the original bill had in it and the changes provide licensure requirements. Instead of a licensure requirement, we're change it to a registration requirement including proof of unemployment insurance and workmen's compensation coverage. We also provide for requirement of credit reporting with a surety bond. The surety bond was not in the original bill and the Governor's amendatory veto provides the surety bond requirement. We exempt the...some people were concerned about greenhouses, horticultural structures and repair or construction of farm buildings. They are exempted from the bill. So, farmers and people...greenhouses, and horticultural structures are exempted from the bill. And this is important that...employees...an employer's buildings can be worked on by employees and they are exempted. Homeowners are exempted. So, if a...homeowner or a friend works on his home or a building, that is also exempted. We also provide for a three hundred dollar fee for a license...for a license...and we also deleted the requirement of a roofing industry advisory board. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I've spoken to Senator D'Arco about this. I...I still have some problems with this. In many downstate areas the...the carpenter that builds a home does the complete job, and to charge him a fee for...to be a licensed roofer along with it just seems to me that it's going to increase the cost to that person who is building a home. I think, you know, perhaps this may be needed in some

areas but I think in some areas it's definitely not needed. So, I'm very reluctant to support this. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

I was just going to remind the membership for those who were having a hard time finding their analysis of this...this bill, this bill did not pass with what you would have called overwhelming Senate support to begin with and barely passed. Senator Joyce has raised a fairly major issue. If you're strictly a roofing contractor, this bill is now so bad; but, you know, you got an awful lot of little guys who aren't simply a roofing contractor, they handle a whole building, they build the whole thing at once. By the time you finish one day, he's got to be a roofing contractor; next thing you know, he's going to be a licensed window contractor, next thing you know licensed to put in Genie garage doors; by the time you finish, one guy can't do it any more. Maybe in Chicago...the Chicago area, we have enough of these diversified contractors, it's not a big problem; but think about elsewhere, the practical side of the bill is really a serious problem. Keep in mind, it only had 33 votes when it passed the Senate the first time, so the original bill was not that popular and even as cleaned up still prevents serious problems outside of the immediate metropolitan region.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Members of the Senate, I don't know how it is in your district, but I can tell you in my district there not many new homes being built. The building industry is hurting enough already without imposing a three hundred dollar licensure fee on everybody that wants to be involved in some small contracting business. This



idea...I've opposed this idea from the very beginning. It's had a number of lives here in the General Assembly. It's popped in and out and been defeated a number of times, and I think the Governor has made the bill a little bit better, but it...I think Senator Joyce hit the nail right on the head, to impose a three hundred dollar tax on every home builder in small communities is a terrible thing for us to do now, and I think...I don't think we should do this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR FAWELL:

Isn't it true that the three hundred dollar fee was taken out?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Yes, I think that I may have misstated the situation. The fact is that the original three hundred dollar fee that was provided for for licensure has been eliminated completely. So, Senator Joyce's argument or Senator Schuneman's argument about having someone get another license besides the original...like if he's a carpenter, or a plumber, or an electrician...having him get another license to be a roofer and charging him this three hundred...hundred dollar fee is not correct because there is no fee right now under the law, and it'll be a very small fee, as I understand it, somewhere in the area of twenty-five dollars or so determined by the Department of R and E. So, you know, I...I think...I want...rest your fears, so to speak, if you have any about that issue.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

Yeah, my understanding, according to the Veto Message, is that the department is going to...decide what it costs them to regulate these people; therefore, it'll...it'll be a nominal fee. My way of thinking, if...I have had some problems in...in my district where people have come by and put on roofs, and they didn't know what they were doing and invariably the person that had this kind of roof put on is the one that can least afford it, it's the senior citizen, it's a...it's the single-parent family, this type of thing. I...personally, I think if...if it's only going to cost a...a person anywhere from ten to twenty-five dollars to get licensed and we know, indeed, they are licensed and they know how to do the work, I don't think that's a bad deal, and I suggest that we vote for it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. I rise in support of this bill. It seems that there has been a real effort on the part of the people involved to take care of the objections, and I thank Senator D'Arco for clearing up the question on the three hundred dollar fee. I ask for a Yes vote on this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Well, I think the Governor has improved a bill greatly in need of improvement, but let me suggest to you that at least in my part of the State there is no problem, and we are well on our way to...inflicting a solution to a problem that is nonexistent in a large part of the State. I think the Governor made a good faith effort to make a horrible bill better;

unfortunately, he left the enacting clause in, and I think we ought to defeat it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I stand in support of the Governor's amendatory veto on this bill. In fact, if you take a look at the veto booklet, I want to commend the Governor and his staff for a very thorough analysis of this bill. It's a five-page documentation of improving...improving this concept. I want to also alleviate any fears that anybody may have had as far as the excessive fees. It was pointed out by the sponsor, that has been eliminated by the...the Governor's amendatory veto and he puts it with the Department of Registration and Education as it should be. It...the department will establish the fee that...should be involved, and also I believe it also shows that the process does work. Many people were brought in for consideration and the Governor in his amendatory veto has tried to alleviate some of their concerns. This bill does merit your support and I would strongly encourage an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

Yes, I just want to refresh my memory, Senator D'Arco, in that an individual who has his own residency, as I understand, this bill will not prevent an individual from replacing their own roof if they wish to do that on a...on a home or a...a residence. Is that right?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Not only can the individual who lives in the home replace

it himself, he can also have a friend or neighbor or...or anybody else replace it without any problem at all. You know, we're not requiring people to...to be licensed who work on somebody's roof with no charge at all.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

Thank you, that relieves that problem. I think that's excellent. That way your family or friends can help you put on a new roof if they want to volunteer their services or something. Also, this applies not only to commercial and industrial but it does apply across the board to homes of...you know, all residencies, isn't that right, in...in the State of Illinois?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Yes, it does.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator Kelly.

SENATOR KELLY:

That's all. Thank you, very much.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator D'Arco may close.

SENATOR D'ARCO:

You know, this is really funny because I was sitting here and I...Senator Joyce happened to be walking by me, and I said, oh, by the way, Senator Joyce, I know you were opposed to the bill originally, but, you know, the Governor really has done a tremendous job trying to rectify whatever problems were in the bill and I think he succeeded. Do you think you can support it this time? And he said, gee, you know, I was concerned because somebody was building a house for my daugh-

ter and I was just concerned, but I'll tell you what, if I can see my way clear, I'll give you a vote. Well, Senator Joyce, don't give me any more votes, okay? Don't do me any more favors because, you know, it's one thing to not vote for a bill, but it's another to get up and speak the way you did on it. I believe in this bill. I believe that we ought to have some requirement for people that work on the roofs of...of individual homeowners as well as commercial roofs, because you can't believe the amount of damage that is caused to a person's home when a roof leaks. The water damage that is caused can be unbelievably costly to the environs of that persons home, and then he has to deal with insurance companies that try to lay them away and say that half the items involved aren't covered anyway. So, we need responsible people to put these roofs on their homes. There's no question about it. And when someone works on your roof and they're a friend of yours, there's no problem in this bill with that; you know, even if you have to pay them for putting your roof on, if he's a friend of yours, there's no problem. No one's going to get up and cry, he doesn't have a license. You know, I'm...we're not trying to...to kill people by...by this bill, we're trying to help them. This is a good bill that's been watered down by the Governor and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1664 in the manner and form just stated by Senator D'Arco. Those in favor will vote Aye and 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 39, the Nays are 12, none voting Present. The specific recommendations of the Governor as to Senate Bill 1664 having received the required constitutional majority

vote of Senators elected are declared accepted. Senate Bill 1870, Senator Mahar. Read the motion, Mr. Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to Senate Bill 1870 in the manner and form as follows. Signed, Senator Mahar.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 1870 authorizes the Department of Transportation to release certain easements and restore access rights in twelve Illinois counties. The Governor made two technical changes and he deleted the entire section referring to the mental health center in Galesburg. The reason he did that is that the feasibility study and the marketability study had not been completed and, therefore, he didn't want to put that section in. I move to accept the Governor's specific recommendation for change and I ask for your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1870 in the manner and form just stated by Senator Mahar. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Yeas are 52, the Nays are none, none voting Present. The specific recommendations of the Governor as to Senate Bill 1870 having received the required constitutional majority vote of Senators elected are declared accepted. Senate Bill 1888, Senator Kustra. Read the motion, Mr. Secretary.

SECRETARY:

I move to accept the specific recommendations of the

Governor as to Senate Bill 1888 in the manner and form as follows. Signed, Senator Kustra.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. Members of the Senate, Senate Bill 1888 was introduced to amend the Illinois Banking Act to increase the amount a State bank may loan to its executive officers, and directors and principal shareholders. The reason the bill was introduced was to make State law consistent with Federal law which recently changed and increased that loan amount. The Governor does not disagree with the bill at all. All he has done is take some definitions from the Federal law and write those into the State law for the sake of clarity. I would ask that we accept the specific recommendations for change of the Governor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1888 in the manner and form just stated by Senator Kustra. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Yeas are 50, the Nays are none, none voting Present. The specific recommendations of the Governor as to Senate Bill 1888 having received the required constitutional majority vote of Senators elected are declared accepted. On the Order of Motions in Writing to Override Specific Recommendations, Senate Bill 1430, Senator Holmberg. Senator Hall, are you ready? For what purpose does Senator Schuneman arise?

SENATOR SCHUNEMAN:

To ask leave, Mr. President, to go to the Order of Concurrence for the purpose of making a nonconcurrence motion

HB 2800  
Motion

on Senate Bill 1067.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is leave granted? Leave is granted. Senator Schuneman.

SENATOR SCHUNEMAN:

Mr. President, I move that the Senate refuse to recede or...to concur with the House amendment and call for a Conference Committee report on Senate Bill 1067.

PRESIDENT:

Senator Schuneman, I think the proper motion, and perhaps we ought to get it in writing, is the move to suspend the provisions of Rule 5. As you'll note in the margin, it says, "still subject to Senate Rule 5." Why don't we...we're going to be on the Order of Motions for a few moments. We'll get back to it. All right, with leave of the Body, we'll move to the Order of Motions in Writing and call the motions in the order in which they were filed. There's a motion in writing, Mr. Secretary, on House Bill 2800, Senator Chew. On the Order of Motions in Writing, there's been a motion filed with respect to House Bill 2800. Mr. Secretary, read the motion, please.

SECRETARY:

I move to discharge the Committee on Transportation from further consideration of House Bill 2800 and the bill be returned to the Calendar on the Order of Postponed Consideration. Signed, Senator Chew.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

I would so move and ask for a favorable vote.

PRESIDENT:

All right, Senator Chew has moved to discharge the Committee on Transportation from further consideration of House Bill 2800 and that the bill...be returned to the Calen-



dar on the Order of Postponed Consideration. All in favor of the motion to discharge will vote Aye. 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 39 Ayes, 9 Nays, 1 voting Present. The motion prevails and the bill will be returned to the Order of Consideration Postponed. Senator Chew has requested leave of the Body to get right back to that order and with your leave, we'll do it. Leave is granted. There's been a motion filed on House Bill 589, Mr. Secretary. On the Order of Motions in Writing, motion filed on...with respect to House Bill 589, Mr. Secretary.

SECRETARY:

Motion in writing. I move to discharge the Committee on Judiciary II from further consideration of House Bill 589 and the bill be placed on the Calendar on the Order of 2nd Reading. Signed, Senator Sangmeister.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. In the last Session we passed three separate bills through the General Assembly...considering victims' rights. One was Senator Bloom's bill, one was Senator Marovitz' bill and I believe Senator Degnan had another bill. All three bills passed and the Governor signed all three of them. So, as a result, we now have some inconsistencies in the law between the three bills that got to be straightened out. So what we're doing is we're moving House Bill 589 out of Judiciary II Committee, we'll then strip it and put in the necessary amendments to make the law consistent. Would appreciate a favorable vote on the motion.

PRESIDENT:

Senator Sangmeister has moved to discharge the Committee

HB 2800  
2nd Reading

on Judiciary II from further consideration of House Bill 589 and asked that the bill be placed on the Calendar on the Order of 2nd Reading. 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 motion prevails and it's so ordered. With leave of the Body, we'll move to the Order of House Bills...or Consideration Postponed. This is final passage for the consideration of House Bill 2800. Mr. Secretary, read the bill, please.

SECRETARY:

House Bill 2800.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Mr. President, 2800 was on postponed consideration. This Body has just voted to take it off. The bill now is up for a final vote. It's 2800, it's the seat belt bill. It was explained last year...last Session. I don't think anyone here is not familiar with it. I will answer any question I can, if there are questions; otherwise, I'd ask for a favorable roll call.

PRESIDENT:

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, talk about big brotherhood, this is it. You're going to be forced to buckle your seat belt, and if you don't, you're going to be...fined twenty-five dollars. I think this is ridiculous to make criminals out of our constituents. If you want to wear your seat belts, wear them, but for heaven

sakes, don't go forcing people to do it and fining them if they don't. This is not the safety measure it should be. I would like to call attention that there's in the Federal Congress...right now by the Federal Secretary of Transportation another matter of what kind of...seat belts or what kind of restraints it should be. I think we're going way ahead of the subject and I resent...I absolutely resent forcing my constituents to become criminals because they don't buckle their seat belts they've got to pay a fine. How many fines can they pay? I oppose this bill. It's got nine lives and I hope it goes down.

PRESIDENT:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

A couple of questions, Senator Chew, if you...if you will yield.

PRESIDENT:

Sponsor indicates he'll yield, Senator Marovitz.

SENATOR MAROVITZ:

Can a motorist be stopped exclusively because he does not have a seat belt on?

PRESIDENT:

Senator Chew.

SENATOR CHEW:

No, sir.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Is that...is that in the bill or is that...I mean, I...I just would like to know why not. Is it someplace in the bill that says he cannot? I mean, why...what are you basing your opinion on?

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Senator, law enforcement cannot stop a motorist because the motorist is not wearing the seat belt. If law enforcement should detain a motorist and discover that the motorist is not wearing a seat belt, he has three options; he can warn them of the law, he can issue a citation or he can give a warning citation; but let me answer, no, law enforcement cannot stop a motorist simply because he observes that motorist driving or in the front seat without a seat belt.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

If this is a law, where does it say in the legislation that he cannot stop him for this specific purpose? That's what I'm asking. You are telling me that he can't. I want to know where it says that because I disagree with your opinion.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Senator, when we had our conferences with law enforcement in the State of Illinois, this was what was agreed upon that the police departments of this State would not be harassing motorists because of their seat belts.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Now I'm getting a different answer. The law enforcement will not harass people but, in fact, the law says that they can stop people strictly because they do not have their seat belts on. That is the law that we will be passing if we override this. You can stop people if you don't have your seat belt on strictly for that purpose. Whether they're going to enforce it, whether they're going to harass people, that's

a different question. The law says they can be stopped strictly for not having their seat belt on. If that's the case, if they get stopped three times for this, do they lose their license?

PRESIDENT:

Senator...I mean, Senator Chew.

SENATOR CHEW:

I would like for you to show me where it said they can be stopped if they're not wearing the seat belt. Can you show me that in the bill?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

I'll be happy to show it to you. It's a violation of the law that we'll pass if this bill gets thirty-six votes, and...and...and a police officer is entitled to stop anybody who is violating the law. This will be the law of the State of Illinois. A police officer has the right to stop anybody for a violation of a law, if he sees it...obviously, if he sees it.

PRESIDENT:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

A question, and this is for clarification. What about if the passenger is not wearing the seat belt? Is...is that a violation of the...of the motorist...of the driver?

PRESIDENT:

Senator Chew.

SENATOR CHEW:

The front seat passenger in this bill will be buckled up, but let me make this clear, Senator, that kind of citation does not go on a point system. It has nothing to do with the suspension of your license. If you get three citations, it is not considered a moving violation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

I...I still want just some clarification then. If the...if the passenger is not wearing a seat belt, the driver can be stopped and be given a citation even though he has his seat belt on but the passenger does not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

No, the driver will not be given a citation if the passenger is not wearing a seat belt.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

...does it say that in the legislation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

No, it doesn't say it but does it...it does not say that they will be either.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer. Senator Schaffer.

SENATOR SCHAFFER:

Well, I think I had basically the same question that Senator Marovitz asked, and...and I'm not sure that I followed an answer or that there was an answer forthcoming and that's basically can one lose one's driver's license for repeated violations of this law even though...I believe your...the driver is subject to fine when the passenger is not buckled up, and I...I'd like some assurance on that that that is not the case. I mean, now, frankly, you may not want to give me the assurance because I doubt there's anything you can say to make me vote for this thing, but I'd at least like

to make sure everybody understands what they're inflicting on the innocent people of the State of Illinois before they vote. Yes, little rhetorical but basically a question. Can you lose your drivers license over repeated violations of this law?

END OF REEL

REEL #2

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

...to the Secretary of State's Office, it is not considered a point system taut suspension of your license. The fine for not wearing a seat belt is a petty offense and is subject to a fine not to exceed twenty-five dollars. Now we have had several meetings with law enforcement in this State of Illinois and the City of Chicago, and we've tried to work this bill to the benefit of the safety of the people that drive these cars. There's nowhere in the bill that it states that a passenger that is not buckled up that the driver will...be given a citation for that offense. And it...you do not lose your license because you have been fined for a petty offense.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Well,...you know, I...I apologize for not having a more definitive answer. I will tell you that staff over here seems to think that this is a moving violation; a moving violation will cost you your drivers license. So if you have the good fortune to have somebody who doesn't want to buckle up sitting along side of you, you can kiss your drivers license good-bye, and hire yourself a lawyer and try and fight that one.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? There are several...members who have indicated they wish to speak, and the order will be Senators Kelly, Luft, Rupp and Senator Sangmeister and Geo-Karis for a second time. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. I'm



going to rise to support this measure like I did last spring. You know, there aren't too many issues that come down this legislative pike that you can clear...clearly see. There's a lot of times they are very shaded and it's very difficult to determine, but I can just take a look at what happened...year after year, we...worry about what's going on in Nicaragua or in South America. We worry about so many other areas and about what's going on, crime in the street. But what happens, we look at the...and there's fifty thousand people getting killed on the street...on these highways in this country every year and well up into hundreds and hundreds of thousands of others that are injured and many for life, and this to me is a very clear indication that by having mandatory seat belts that we're going to cut down these statistics. Certain, we're not going to save every life of every person, and there's going to be people that are going to violate this. And I don't care whether it is or isn't enforceable, I can support it whether it is or not. I know that my...the majority of my constituents are not for this bill, but the fact remains, it's a clear concept that lives can be saved and spared by having such a bill, and I'm very proud to support this measure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. If those of you remember, I got up last summer to talk against this bill, I guess we could even refer to it as a nightmare, because sitting in Transportation Committee, I asked the same questions that Senator Schaffer did. First of all, if I am pulled over, and I think Senator Marovitz is right, I can be pulled over at any time if we pass a law and a policeman says that you're violating the law they can pull me over. But what was said by the law enforcement officials there is that they wouldn't

enforce it, and as a matter of fact, if I was pulled over for speeding and the police officer said, gee, you don't have your seat belt on and he gives me a ticket that they would probably plea bargain that ticket away when they got to court. Then I asked the question of the police officials that were there that if it says, and the bill does say, if I remember correctly, that the driver is responsible for his passenger being hooked up. If in fact,...I am pulled over for any violation, I'm buckled up and my passenger isn't, who gets the ticket, my passenger or me, the isn't even really important as what could happen, and let me paint this scenario for you. That bill says that the driver...is responsible for his passenger being buckled up. Now, what if I'm sitting at a stop sign, I'm buckled up, my passenger isn't and I'm hit broadside, eighty mile an hour by a drunk and kills my passenger, who's liable for that individual's life, the drunk that hit me or me, the driver, because I have failed in my responsibility to have my passenger buckled up? And thirdly, all of this stuff is really meaningless, because what we're doing here in effect is killing the air bag system and that is it, totally. I think Secretary Dole and everybody that has this thing greased totally to the top, that we're...we...what we want to do is eliminate the cost factor of the air bag; and it's really important, because as I stated last year, I use my seat belt most all the time, and I agree that if we all buckle up, which I think we should, we would probably save thirty to forty percent of the lives that are killed every year. But what they don't tell you is that if we go with air bags, we can save seventy and eighty percent of all fatalities. So what, in fact, they're saying is for a dollar amount let's take the lesser percentage and try to save thirty to forty percent of the lives, and there isn't any way, not one way possible, that you're going to make the people in this State buckle up. They just aren't going to do

it and you know it. This is a miserable bill, and I hope we defeat it. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rupp.

SENATOR RUPP:

...thank you, Mr. President. I'd like to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Rupp.

SENATOR RUPP:

I've been informed, I don't know whether...which is correct, that a final date for action in this area, I've had 1991, 1989 and 1986. Now, the thing that bothers me, whichever one is right, I don't see the need for such haste, and such...oh, constriction or restriction on full debate and full consideration that we have...seem to have had with this bill ever since it was introduced in committee. Could you tell me, Mr. Sponsor, which is the time...how much time we have left before we have to do something with this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

All cars manufactured for the U.S. market after 9/1/89 must be equipped with automatic crash protections. If states representing two-thirds of the nation's population enact mandatory seat belt usage laws before 4/1/89, the requirement for automatic protection will not...no longer apply.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp.

SENATOR RUPP:

Well, can I ask then, why the press of time? Why do this all in one day? Why not look at this thing in depth a little bit and get some more reaction and get some more public input rather than just speed ahead and do it now if we

have until 1989 to face it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

Senator, it isn't a matter of doing it in one day. This past Session, as you so well know, this bill was on the Calendar, we debated it, we put it on postponed consideration, we held one in committee. What we're trying to do is to save lives. We can talk all day. We can find several reasons as to why our car should not have four wheels. We can find several reasons that a car crashing at eighty miles an hour, who's responsible as far as the insurer is concerned? To not wear seat belts is not considered being negligence. It says that right here in the bill. This is not a one-day program. Those of you that want to find fault with this bill, go ahead. If we pass this bill and we find that it needs to be amended, that's the process here in this Legislature. We are amenable to work with people even after the bill becomes law, but if we're looking for a way out to try and say we can't vote for it because of this, there's no such thing as a perfect bill having ever passed this Legislature; that's why we go through the amending process. I think all things considered this is a good bill...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

...you know it's designed to save lives; I know it's designed to save lives...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

..we have to license an automobile. We have to be licensed in order to drive it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Chew, you are not closing. Is that correct?

SENATOR CHEW:

I'm answering his question, if you'll permit me.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

Thank you. Does that satisfy you? I will be glad to work with you sometimes in the next Session if you have an amendment. Let's amend the bill, Senator. I've talked to you in private and public. Oh, let's not try to hurt the bill on the Floor. You're not going to embarrass me; hell, you're going to embarrass the people that will go out here and jump in an automobile going to the store to get a pound of coffee, and some damn fool comes along, probably drunk, and sideswipes you and injure you for life, and you wish you had it. I think what we ought to understand,; Barbara Mandrell and her daughter was in a head-on crash here recently. She and her daughter were wearing seat belts. The car got crashed with her head-on, that driver was not wearing seat belts. She and her daughter are alive today and the other driver is dead, and it's simply because he did not wear his seat belts. You're not passing this bill for Charlie Chew; you're passing it for the millions of people that drive in this State. I wear my seat belts. I've been wearing seat belts ever since they've been cars. I realize the safety of the seat belt, and I gladly wear them. Now, when we talk about government interference, driving an automobile is a privilege. It is not a right. Government already regulates how you should drive. You got a speed law. You have to have license plates. You have to have two taillights. You have to have two headlights. You have to have a horn. You have to have traffic lights. So we're already regulated. To say wear your seat belts, yes, you should wear them. To say that you feel that you're being

interfered with your freedom, that is not true. Come on, let's pass this bill and get some safety measures for the people that drive in this State. That's the best answer I can give you, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp, your...time is expired. Further discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Sangmeister.

SENATOR SANGMEISTER:

Senator Chew, I'd like you to answer this question to either yes or no. As the Senate sponsor of House Bill 2800, is it the legislative intent of this legislation that anyone arrested for a moving violation of...being a violation of this Act is that to be considered a moving violation for the purpose of the Motor Vehicle Code for the State of Illinois?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister. Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, agonize over this bill. A question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Maitland.

SENATOR MAITLAND:

Senator Chew, there...there is a list of criterion by which the states should follow in order to meet the Federal

mandate. In your judgement, does this legislation clearly meet the Federal mandate?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Are you aware that the Federal mandate clearly allows waviars only for medical purposes?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

It is so stated in the bill that there are waviars for those that will be irritated from the seat belt buckle up. It's on page 2, lines 10 through 16.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Senator Chew, I...I'm well aware that that is one of the waiuers, but aren't there other waiuers in this legislation and are those...are those clearly allowed by the Federal mandate?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

Yes, sir. The mailman who is stopping frequently, who is driving less than fifteen miles an hour, for instance, would not have to buckle up because he's constantly moving to deliver mail in mailboxes. So that's another waiver that the Federal Government has granted for that purpose, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...Senator Maitland.

SENATOR MAITLAND:

Well, then...then, it was my understanding that there was only one waiver and that was for medical reasons. Are you telling me that more recent information handed down to the states grants this other long list of exemptions? Yes or no?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

What long list are you referring to, sir? I only mentioned one. Is that a long list?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Well...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Yeah, I...you only mentioned one but there are several others, and I...I...I'm wondering if...if...if those now are...are recognized as part of the Federal mandate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

Yes, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Okay, next question. The...the mandate also says that by Statute or by court interpretation violation of the mandatory seat belt usage law may be introduced into evidence as mitigating damages of a person injured in an auto accident. Is that a part of this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.



SENATOR CHEW:

Would you repeat that question, sir?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

I would suggest to you that one of the...one of the criterion handed down by the Federal mandate suggests that by Statute or court interpretation a violation of the mandatory seat belt usage law may be introduced into evidence as mitigating damages of a person injured in an auto accident, and I don't see that language in there and I...you know, if we are covering that, then, fine; if we are not, don't we need to address that part of the criterion?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

Senator, "Failure to wear seat safety belt in violation of this section shall not be considered evidence of negligence, shall not limit the liability of an insurer and shall not diminish any recovery for damages arising out of the ownership, maintenance or operation of a motor vehicle." That's in the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones.

SENATOR JONES:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Jones.

SENATOR JONES:

Senator, when we're on our way to Springfield and I stop by to pick you up at your house, is it fear for your life or has to do of my driving habits or is...is...you just do this by habit when you buckle up? I always wonder why you buckle up when you get in the car with me.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

Senator, I think your driving is excellent, but if you ever fly on an airplane the pilot will not take off until all passengers are buckled up. I buckle up because I feel that buckling up is safe, not because of your driving habits. I would ride with you...if your car didn't have seat belts, but I buckle up because I think of the safety of it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Senator Chew, I sat on the Transportation Committee and I did...and I, too, had concerns as it relate to the harassment aspect of this piece of legislation. It was brought out that it is impossible for a police officer to determine whether or not a motorist has on their seat belt or not, so when that motorist is stopped, that motorist would have to be stopped for some other reason, that it is impossible to stop a motorist for not having on their seat belt, because two vehicles driving along the street, how can the police officer make that determination? Not unless you are riding in the convertible or in the police officer is sitting up so high...whether he can ascertain whether or not you have your seat belt on. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

Not only is that correct, sir, but actually, if you're being stopped by a police officer and you know it's the law, you have time to buckle up before he gets to your car.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jones.

SENATOR JONES:

Well, just to follow up on that one particular point is that even if you did have your seat belt on and you were stopped for, I say, another moving violation, and when the police officer stopped you and you unbuckle the seat belt prior to him getting to you, there's no way that you can be convicted in court; I'm not a lawyer like my friends are around here but I have common sense. So...but the mere fact that you will have the law itself, people who have a tendency to comply and so the harassment aspect of the piece of legislation is thrown out. So, Senator, I think you're doing a tremendous job.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Lenke, for what purpose do you arise?

SENATOR LENKE:

Move the previous question...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator...

SENATOR LENKE:

...I think it's getting silly now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Lenke has moved the previous question. We have two additional speakers who have not spoke...spoken for the first time. I beg your pardon, one speaker. Senator Schuneman and Senator Geo-Karis and Marovitz for a second time. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. If this bill is passed, it would adopt public policy that seems to me to say that it...that it's certainly prudent to wear seat belts and that if you don't do so, we're going to fine you. But the bill contains a...a strange provision, I think, in that on page 2 line 10, it says, "Failure to wear a seat safety belt in violation of this section shall not be considered evidence of

negligence, shall not limit the liability of an insurer, and shall not diminish any recovery for damages arising out of the ownership, maintenance or operation of a motor vehicle."

So on one hand we have a law which says that everybody must buckle up. On the other hand, included in that law is a provision that says, if you don't bother, then you're not negligent for your own injuries. And I think that's certainly a contradiction if nothing else. Also, I want to point out the fact that as I...I'm not a lawyer, and I...I would ask those colleagues of mine who are lawyers whether or not under current law there is any such exclusion of the failure to wear a seat belt and that whether or not that is considered...evidence of negligence now. I think the answer is that that would be entirely up to the court to determine in...in allocating the contributory negligence in each case. So it seems to me that in effect we're not only passing a bill here that requires everybody to buckle up, but also we're setting the rules now by which the courts could determine negligence by taking away from the courts one option that they presently have, and I...I think that we ought to take a look at that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Geo-Karis for the second time.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I apologize for speaking a second time, but the only amendment this bill needs is it to be amended completely out of its existence. I can name five cases that I know where seat belts if they were worn would have subjected the...to be burned to death. I might tell you about the harassment aspect. You stop at a stop sign or a stop light, a policeman stands by, sees you haven't got your seat belt buckled, as a passenger as a driver. You immediately are subject to arrest if they want to arrest you, and don't tell me the law is not going to be

enforced, cause then you're saying that laws shouldn't be followed. I say to you that we should leave it up to God and our conscience if we want to buckle our seat belts, and incidentally, the passenger in the front...front seat is liable to wear them too, has to buckle that seat belt. Nothing is said about the passengers in the back of...of the car, the backseat. I think this is a terrible bill, and I...much as I like the sponsor, this bill has been supported and pushed by the three big motor companies 'cause they don't want to spend the extra dollar, as Senator Luft said, to give better safety to the cars. Your Ford company, your General Motors and your Chrysler people have all approached me about it. I say it's a bad bill, and I hope that you will vote against it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Lemke has moved the previous question. Senator Bloom, you...you have your light on. Senator Bloom.  
SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. I have been somewhat torn by this measure, because as you know I sponsored the child restraint legislation on our side of the aisle along with Senator Berman; and I don't know whether it's been put into the record of this debate, but it certainly merits consideration; and that is, notwithstanding many of the same arguments that we're hearing today on this Floor about harassment and what have you, fact of the matter is, death and severe bodily injury to children five or under has gone down by sixty-eight percent since mandatory safety restraints for children has gone into effect. And I understand the arguments about big brother and government looking over your shoulder, but keep this in mind that many of our citizens who apply for health care, when they fill out the questionnaire, the questions are do you drink? do you smoke? and do you buckle up when you get in the car? I believe that we can and probably should make this the public policy of our

State in the context of safety and wellness. So, I, for one, with the philosophical misgivings we've heard articulated around the Chamber intend to vote Aye on this measure. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Chew may close. Senator Chew.

SENATOR CHEW:

Thank you, Mr. President. I'm concerned about every aspect that has been raised on this Floor today. The bill does not take effect until 1986. If you have problems with its current status and the way it's structured, we can work together and correct the problems that you have. I would be happy to work with anybody here who has a serious problem on the seat belt law. One of my colleagues said to me...two weeks ago, oh, my people don't want this; I said, show me one letter that you've gotten from a constituents, see that tells you that they don't want the seat belt and he couldn't. Ladies and gentlemen, it's only for the safety of those of us that drive; and if it saves one life, just one life, it's worth it. What excuse do you use when you go aboard TWA or United Airline? They demand that you buckle your seat belt, and if you don't buckle your seat belt, they will put you off the airplane. I don't recall any of our distinguished members being put off of airplanes. The real reason is because they comply with the law, and there's nothing wrong with the seat belt law. It's designed to save lives. Please, let's use our common sense. Let's represent the people that they want as they would want to be represented. We had the summer to think this over, and some of the very people that were in opposition to it last summer now have indicated that they're in favor of it. Ladies and gentlemen, Mr. President, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Chew...Senator DeAngelis, you have

your light on. Senator Chew was closing. All right. The question is, shall House Bill 2800 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 21, none voting Present. House Bill 2800 having received the required constitutional majority is declared passed. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

I'd like to have a verified roll call please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Geo-Karis has asked for a verification. I assume the affirmative...Senator Geo-karis, of the affirmative roll? All right. Mr. Secretary, read the affirmative roll call.

SECRETARY:

The following voted in the affirmative: Barkhausen, Becker, Bloom, Buzbee, Chew, Coffey, Davidson, Dawson, DeAngelis, Degnan, Fawell, Friedland, Hall, Holmberg, Jones, Jeremiah Joyce, Jerome Joyce, Kelly, Lenke, Macdonald, Mahar, Marovitz, Newhouse, Philip, Sangmeister, Savickas, Smith, Vadalabene, Weaver, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis, do you question the presence of any member?

SENATOR GEO-KARIS:

Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR GEO-KARIS:

Leonard Becker.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Becker on the Floor? Senator Becker is on the Floor, back of the Chamber.

SENATOR GEO-KARIS:

Paint this one off...this one off.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Mr. Secretary. On that question, the Ayes are 29, the Nays are 21, none voting Present. House Bill 2800 having...failed to receive the required constitutional majority is declared lost. On the Order of Motions. Is there leave to return to the Order of Motions? Leave is granted. Mr. Secretary, motions in writing, would you read the motion. We're going to start at the top and...go right down the line on...ON motions in writing. Mr. Secretary, read the motion.

SECRETARY:

Motion in writing. I move to suspend rule...Senate Rule 5 and all other appropriate rules that the Senate Committee on Local Government be discharged from further consideration of Senate Bill 1113 and that Senate Bill 1113 be read a second time. Signed, Senator Macdonald.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I move for the immediate discharge and I do have amendments that I would like to offer immediately.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On the motion to discharge, Senator...Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. If I can have the attention of the membership so that everybody is on the same wavelength, there are about eight motions, as I understand, that have been filed with the



Secretary to discharge committees and place bills on the Calendar; some to be amended, some not to be amended. They're coming, frankly, from all over the place. So I would ask the membership to be patient and slow down and bear with us. There are some subjects that are of an emergency nature. This...the remaining motions...and as I indicate, there are about eight as I have conferred with the Secretary. How many? Twelve. Okay, we're getting them...more every day. We have that order of business and then we have the bond authorization increase legislation which is on Supplemental No. 1 and that...that will conclude today's business. We will reconvene here at nine o'clock tomorrow morning. I'd ask everybody to be prompt so that we can finish our business with some dispatch tomorrow. But in the meantime, this bill as I understand it or the...the motion to discharge is made for the purpose of addressing a water commission problem that Senator Macdonald attempted to solve last Session. It is a technical change and I think deserves our consideration. She has graciously agreed to put the amendment on tonight...this afternoon so that all of us will have an opportunity to take a look at it before voting on it tomorrow, and I would concur and urge support of the motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Macdonald has moved the suspension of the rules...of Senate Rule 5 and all the other appropriate rules of the Senate that the committee on...Senate Committee on Local Government be discharged from further consideration of Senate Bill 1113 and the bill be read a...Senate Bill 1113 be read a second time. Those in favor...those in favor of the motion 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...motion...on that motion, the Ayes are 49, the Nays are none, none voting Present. Senate Bill...Senate Bill 1113 is...is discharged

from the Committee on Local Government and is placed on the Order of 2nd Reading. All right. Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 1113.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Macdonald.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President and Ladies and Gentlemen of the...Senate. We passed Public Act 831123 which was last year's Senate Bill 1859. That particular piece of legislation referred to both joint action water agencies and also water commissions. The...there has been a ensuing lawsuit which will be very, very detrimental to those joint action water agencies in terms of their bonding...or their refinancing of forty-two million eight hundred thousand dollars in short-term notes. So all that this amendment does is simply to take out the water commissions out of that particular public Act, and it refers only to joint action water agencies who can continue with their financing of their short-term notes. These notes have an urgency because they must be cleared before May of 1985, and I urge your acceptance of this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Macdonald has moved the adoption of Amendment No. 1 to Senate Bill 1113. Is there any discussion? Those...if not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted.

Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. On the Order of Motions, Mr. Secretary.

SECRETARY:

Motion in writing. I move to suspend Senate Rule 5 and that Senate Bill 1959 be read a second time and placed on the Calendar on the Order of 3rd Reading without reference to committee. Signed, Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This is a recap of the motion that we had yesterday. This is the bill that would appropriate eight million one hundred thousand dollars from the Amnesty Fund to the school districts throughout the State of Illinois. The motion is to move it to 2nd reading for reading...for second reading today. I'd appreciate your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Berman has moved the suspension of Rule 5 and that Senate Bill 1959 be read a second time, placed on the Order of the Calendar. Is there any discussion? If not, those in favor of the motion will vote Aye. Those opposed vote Nay. The...the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 44, the Nays are 2, none voting Present. The motion in regards to Senate Bill 1959 is...is passed and ordered placed on the Calendar...on the Order of 3rd Reading. Senator Berman.

SENATOR BERMAN:

I'd ask that the Clerk read it a second time and move it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. To...to correct the record to the order of...of...Order of...of 2nd Reading and the Clerk...read the bill, Mr. Secretary.

SECRETARY:

...Senate Bill 1959.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. On the...Order of Motions, Mr. Secretary. Read the motion.

SECRETARY:

Motion in writing. I move that Senate...Committee on Rules be discharged from further consideration of House Bill 336 and that the bill be advanced to the Order of 2nd Reading. Signed, Senator Philip.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President. I move the Senate Committee on Rules be discharged...further consideration of House Bill 336 and that the bill advanced to the Order of 2nd Reading without further consideration. I've talked to Senator Rock. We're in agreement; hopefully, we will have some kind of an amendment worked out for tomorrow. So, I'd ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Philip...is there any discussion? All right. The motion is to discharge House Bill 336 and...from the Senate Rules Committee and that the bill be

advanced to the Order of 2nd Reading. Is there any discussion? 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 44...45, the Nays are none, none voting Present. House Bill 336 motion to discharge is...is passed and is ordered to the...to 2nd reading. All right. Mr. Secretary, read...Senator Keats, for what purpose do you arise?

SENATOR KEATS:

Thank you, Mr. President. I just wanted to make an announcement. Here in the back of the Chamber is one of the outstanding jurors from Cook County, my...my predecessor in the Legislature, and for some of you fellows who are as unfortunate as we were to serve in the House before we got here, a...a former colleague of ours, Judge Brian Duff, the former assistant leader of the Republicans in the House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Judge Duff, welcome to Springfield. On the Order of Motions, Mr. Secretary. Mr. Secretary, read the motion.

SECRETARY:

I move to discharge the Committee on Insurance, Pensions and Licensed Activity from further consideration of House Bill 952 and the bill be placed on the Order of 3rd Reading. This bill was referred back to committee from the Calendar and it was on 3rd reading. Signed, Senator...Demuzio.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Kenny. All right. The motion is to discharge the Committee on Insurance, Pensions and Licensed Activities from further consideration of House Bill 952 and the bill be placed on the Order of 3rd Reading. Is there any discussion? Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The bill is discharged...placed on the Calendar on the Order of 3rd Reading. All right. All

right. On the Order of Motions, Mr. Secretary, read the motion.

SECRETARY:

I move to discharge the Committee on Executive from further consideration of House Bill 1275 and that the bill be placed on the Calendar on the Order of 2nd Reading. Signed, Senator Kenneth Hall.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall. Senator Hall.

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the...Senate. I move that House Bill 1275 be discharged from the Executive Committee and placed on 2nd reading.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the motion...is there any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I...reluctantly rise to oppose this motion. I...both Senator Hall and Representative Younge have been trying to put together some changes in a bill that is somewhat like a bill that was passed and was vetoed by the Governor, and I know they worked very hard on this, but I really think this sort of thing needs a hearing and that we should not bypass committee on it. So I reluctantly oppose the motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any discussion? Any further discussion? Senator Hall may close.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I have talked with President Rock, Minority Leader Philip, and of course we were just in a conversation again with the committee minority leader to Senator...Schuneman. Now, Governor Thompson vetoed House Bill 10004, but he sent a

Message to my House members saying if she could get all the principal parties together to agree with the bill that...that he would sign the bill. This bill is...was put together in House Bill...it will be...in House Bill 1275 which I was the Senate sponsor over here. So the motion that I'm asking for is simply that we could get the bill, put an amendment on the bill...moved it to...to 2nd reading, put an amendment on the bill and then, Senator Schuneman, you and I could sit down and if there's any...any other agreements or any other thing, hopefully, that we ought to be able to work this thing out. That's all that we're asking. It's been a long...I realize what you're saying that even when you were in the House, we've been ten years working on this. It has been before you, but it was a breakdown in communication is why the Governor vetoed it. And after he found out that that's why, he made this gesture. Now, I think after all this long work for ten years, all we're asking is let's bring the bill out, put it on 2nd reading, put an amendment on, and, Senator Schuneman, I will promise you that we can sit down and I'm sure we can come to some amical agreement on the bill; and that's why that I'm asking and when you called the bill, he and I were discussing it at that time. I know you reluctantly are doing that. All that I'm asking that you let us put it in this posture and bring it on, then we can talk. So I would ask at this time for a favorable support of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I rise in support of Senator Hall's motion and would point out that of the twelve or so motions in writing about eight of them are at the request of the administration. And it seems to me only fair that other members also have an opportunity to put their bills in the

same position. Whether or not you wish to ultimately support it, frankly, is your own business, but Senator Hall assures me that he has been working with the Office of the Governor in response to a gubernatorial veto of another piece of legislation, and they are currently working on language to hopefully satisfy the administration, and I would ask you to afford him that opportunity by favorably reacting to his motion to discharge House Bill 1275.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Bloom. Further discussion? If not, Senator Hall may close.

SENATOR HALL:

Let it go.

PRESIDING OFFICER: (SENATOR SAVICKAS)

All right. Senator Hall moves to discharge the Committee on Executive from further consideration of House Bill 1275 and that the bill be placed on the Calendar on the Order of 2nd Reading. Those in favor say Aye. Those opposed. The Ayes have it. The motion carries and the Secretary will report the bill on the Order of 2nd Reading. On motions, Mr. Secretary.

SECRETARY:

I move to suspend Senate Rule 5 and that House Bill 2312 be placed on the Calendar on the Order of 3rd Reading. This bill was recommitted and it would go back to 3rd. Signed, Senator Berman.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. The purpose of this motion is to bring the bill back for purposes of an amendment to allow the serving of liquor in several of our State buildings in the...in the Springfield area. I move the...the adoption of the motion.



NB 2350  
2nd reading

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Berman moves to suspend Senate Rule 5 and that House Bill 2312 be placed on the Calendar on the Order of 3rd Reading. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries. Mr. Secretary, other motions?

SECRETARY:

I move to suspend Senate Rule 5 and that House Bill 2350 be read a second time, placed on the Calendar on the Order of 3rd Reading without reference to committee. Signed, Senator Rock.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a similar motion with respect to House Bill 2350 which addresses the sole subject of the five hundred dollar cap that we in the Assembly placed upon general assistance recipients with respect to hospital care. You will recall, I'm sure, that the Governor in delivering...the Fiscal '85 budget said that he would monitor revenue with the hope that we can return to this issue again in the November Session after we have had four more months of experience with Fiscal '84 revenues and four months of experience with Fiscal '85 revenues. If the increases can be afforded, I will recommend that they be made effective January 1, 1985. We don't yet know, frankly, whether or not the increase can be afforded. I have asked Senators Dawson and Carroll and Buzbee to meet with Director Coler and representatives of the Governor's Office. I spoke with the Governor this morning and until and unless that assurance that we can afford this is made, I intend to hold the bill on the Calendar, but I would like to get it in that position; and so I would move to discharge, ask that the bill be read a second time and placed

on the Calendar on the Order of 3rd Reading.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Dawson.

SENATOR DAWSON:

Mr. President, Ladies and Gentlemen of the Senate, I'd ask that this bill stay in committee where it is and let's find out after the first of the year where we really sit with this proposal because of the ongoing problems that we had with that whole situation. So I'd ask that this motion stay right where it is for the present time. I think that's a consensus of a few other members on that committee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Yeah, thank you. Picking up from where Senator Dawson left off, I am reliably informed that the Director of Public Aid is...is more than willing to address the issue, but we really won't know exactly the nature and extent of the funds available until the first of the year. So, I would suggest to the Body that this is somewhat premature. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Rock moves to suspend Senate Rule 5 and that the House Bill 2350 be read a second time and placed on the Calendar on the Order of 3rd Reading without reference to a committee. All those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries. Mr...Mr. Secretary, read the bill a second time.

SECRETARY:

House Bill 2350.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. Any further motions?

SECRETARY:

I move to discharge the Rules Committee from further consideration of House Bill 2451 and it be advanced to 2nd reading. Signed, Senator Watson.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. House Bill 2451 now lies in the Senate Rules Committee and the motion is to discharge and put on 2nd reading this particular piece of legislation. This is in regard to some technical changes in the World's Fair legislation and the Department of Conservation State Park issue. I don't believe there's any opposition to it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I rise in support of the motion, Senator...Watson has accurately represented. This is a technical change that is truly necessary for particularly the...the "downstate part of the package" in order to get the park and conservation area rehabilitation program going. So I would urge support for this motion.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Watson moves to discharge the Rules Committee from further consideration of House Bill 2451 and that it be advanced to the Order of 2nd Reading. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries and the bill will placed on the Order of 2nd Reading. Further motions?

SECRETARY:

I move the Committee on...on Judiciary II be discharged from further consideration of House Bill 2726 and that the bill be...move to discharge the Committee on Reorganization of State Government from further consideration of House Bill 2762 and that the bill be placed on the Calendar on the Order of 2nd Reading. Signed, Senator Marovitz.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz on the Floor? Senator Marovitz.

SENATOR MAROVITZ:

Has the Secretary read the motion?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Yes he has.

SENATOR MAROVITZ:

Okay. This is the...this is the enabling legislation for the Department of...Bureau of Employment Security, and our committee heard...heard hearings on this legislation...several hearings on the legislation and did not act on it prior to the passage of the Executive Order...the Governor's Executive Order. I would be prepared to support this legislation and ask that the appropriate rule, Rule 5, be suspended so that the bill will...may be heard by the entire Senate...and the committee be bypassed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Marovitz moves to discharge the Committee on Government Reorganization of State Government from further consideration of House Bill 2762 and that the bill be placed on the Calendar on the Order of 2nd Reading. Those in favor indicate by saying Aye. Those opposed. The motion carries and the bill will be placed on the Order of 2nd Reading.

SECRETARY:

I move to discharge the Committee on Rules from further consideration of House Bill 2894 and that the bill be read a

second time and placed on the Calendar on the Order of 3rd Reading. Signed, Senator D'Arco.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This is the long awaited pigeon bill and I don't know any opposition to it. It is a very good bill. We want to straighten out all these pigeons so they fly in the right direction. And this bill will do that for everybody. So I ask you to support this motion.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator D'Arco moves to discharge the Committee on Rules from further consideration of House Bill 2894 and that the bill...bill be read a second time and placed on the Calendar on the Order of 3rd Reading. You've heard the motion. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries. Mr. Secretary, would you read the bill a second time.

SECRETARY:

House Bill 2894.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. Further motions?

SECRETARY:

I move to suspend Senate Rule 5 for the purpose of considering nonconcurrence in House amendments to Senate Bill...House Amendment 1 to Senate Bill 1067. Signed, Senator Schuneman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I move that the Senate nonconcur in House Amendment No. 1 to Senate Bill 1067.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman, Clerk tells me that we have to act on your motion first.

SENATOR SCHUNEMAN:

Oh, okay.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman moves to suspend Senate Rule 5 for the purpose of considering a concurrence of House Amendment No. 1 to Senate Bill 1067...Senate...all right. Those in favor of the motion signify by saying Aye. Opposed Nay. The Ayes have it. The motion to suspend is adopted. Now, Senator Schuneman, you make...you can make your motion now.

SENATOR SCHUNEMAN:

Yes, I now move that the Senate nonconcur in House Amendment No. 1 to Senate Bill 1067.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senate...Senator Schuneman moves to nonconcur in House Amendment...all right. For those of you that are interested, it's on page 6, in the middle, Senate Bill 1067. Senator Schuneman has moved to nonconcur in House Amendment 1 to Senate Bill 1067. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The motion carries and the Secretary shall so inform the House. All right. With leave of the Body, we will return to the Calendar. On page 13, with leave of the Body, we will go to motions in writing override of total vetoes. Is leave granted? Leave is granted. On page 13, on the Order of Total Vetoes is Senate Bill 1491. Senator Bloom.

SENATOR BLOOM:

Well, thank you much...very much, Mr. President, fellow Senators. I'm moving to override this veto because I think that the Veto Message really misunderstood the thrust of Senate Bill 1491. Essentially, it addresses two problems that were created by the Department of Financial Institutions Regulations. The first one involves what is called negative reporting, and what it does, it puts everyone whether you're a small business, whether you're the corner gas station or what have you under a burden of...or a grocery store or a little notion store under a burden to report to them including things that are on layaway a couple of times a year, whether or not there's anything that has been lying around it for seven years. We had to...the department, as you know, refused to withdraw that. We...so, we basically have passed legislation, let's say, and we mean it. The other part of Senate Bill 1491 simply codifies the long-standing judicial interpretation of an active trust; that is, a trust with duties to carry out the purpose of the trust. This is distinguished from a passive trust. Essentially, active trusts are under the jurisdiction of the commissioner of banks and the courts of equity. They have been exempted from the Unclaimed Property Act since '61; however, the Department of Financial Institutions attempted to do by rule what they could not do by law. What 1491 did was say, we mean it. I'd answer any questions; otherwise, appreciate an affirmative vote. Thank you, very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any discussion? Any discussion?  
Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. I also rise to support Senate Bill 1491. The fact is that the commissioner of banks does supervise any act of trust that is presently in existence, and there is no need for the Department of Financial Insti-

tutions to provide any other supervision, because it's already being done by the commissioner of banks. So this is a jurisdictional dispute between two State agencies. One agency already has the jurisdiction to supervise these activities. In fact, in the case of Price versus the State of Illinois, the courts explicitly indicated the definition for an...an expressed act of trust and that the commissioner of banks is in his right to supervise these trusts, and they are exempt from the department. There is no need for any regulation regarding this exemption. It's very clear cut. Nobody is getting ripped off by it. We are protected under the law and this is a good bill, and we should all support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, my questions with regard to the legislation I'm sure stem from the fact that I lack a full understanding of it, but I would ask the indulgence of the Body in that it does seem to be a somewhat technical matter that I think escaped most of our attention when it was considered last spring. I think I have a problem with this particular legislation in that it...as I say, it deals with a...with a technical area that it's beyond the ken of perhaps most of us. It appears to me though that there must be quite a bit at stake in this legislation in that there is...litigation that is apparently pending right now that it affects some ten million dollars between a large Chicago trust company and the Department of Financial Institution, and we're told by the Department of Financial Institutions and by the Governor in his Veto Message that the...the overriding...or the enactment of this bill would have a serious impact on this litigation perhaps and...and perhaps cost the State of Illinois ten million dollars which certainly we're looking for for schools and any number of other



purposes. I think it would be premature on our part to enact this legislation without a full understanding of what it involves. Granted that it had some debate in the past but apparently not other than the fact that it was a JCAR initiated bill. Apparently it was not a debate that we all understood very well. We are told what the definition under common law of an active express trust is, but granted that definition we don't really know what authority the Department of Financial Institutions has to look into unclaimed assets in a trust that has been, say, in existence for a number of years where there may be beneficiaries who have...who have long since vanished from the face of the earth; and even in that situation, the Department of Financial Institutions...if it's a trust that has been set up by all the proper means with a trustee and a beneficiaries originally, the Department of Financial Institutions would be apparently under this legislation without authority to make any inquiry as to where the beneficiaries are or what is happening to the assets that have been left in a trust, and it would be left up to the trustee apparently to go to court to ask the court for a clarification as to what ought to be done with the assets. For that reason, I think the enactment of this legislation is at least premature and that the Governor's veto should at least for this time be sustained, and I would ask for a No vote on the motion to override.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Bloom may close.

SENATOR BLOOM:

Briefly in response to the last speaker. This is not something that is...is relatively new. It's...there's...there's other ways to address the problem, and the courts have held in Price versus the State of Illinois that active...express trusts are exempt from this and this particular Act but still subject to the commissioner of

banks. And when the bank examiners come in, they ask them about trusts where there have been no activities and so on and so forth. So, to a degree the objections raised really misperceive the thrust of the bill. And it gets back to the point of...and it's unfortunate that these are the only tools the Legislative Branch has, but where an agency overreaches its statutory authority,...about the only tool we have is to set out in the law language that in...essence say in this case and so far as trusts are concerned and insofar as putting excess burdens on small...business is concerned, we mean it when we say don't. That is the sum and substance of what 1491 does. I would solicit your Aye vote. Thank you, very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 1491 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 43, the Nays are 6, none voting Present. Sorry. The Ayes are 44, the Nays are 6, none voting Present. Senate Bill 1491 having received the required three-fifths vote is declared passed, the veto to the Governor to the contrary notwithstanding. With leave of the Body, we will go to the Supplemental Calendar No. 1 for Conference Committee report. Is leave granted? Leave is granted. On the Order of Supplemental Calendar No. 1, Conference Committee Reports, Senate Bill 1864, Mr. Secretary.

SECRETARY:

First revised Conference Committee report on Senate Bill 1864.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Senate Bill 1864 was a bill that was introduced last year to...create the General Obligation Bond Act, establishes a uniform procedure for issuance and sale of general obligation bonds. There was considerable discussion on this bill particularly involving Senator Netsch and Senator Lechowicz and myself and representatives of the Bureau of the Budget. The Conference Committee report which has now been approved by the House also includes an increase in the bond authorization in an amount of a hundred and nineteen million dollars. All of these projects that are included in this authorization have already been approved by the General Assembly. There's no authorization in here for anything that has not already been approved by the General Assembly. So, at this time, I would call for and...and move that the Senate concur with this Conference Committee report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the...the discussion. Senator Carroll.

SENATOR CARROLL:

Yeah, thank you, Mr. President and Ladies and Gentlemen of the Senate. Just by clarification in support of the request of the Senator for passage of the Conference Committee report as revised, this will now authorize the State to issue bonds up to the level that the Governor has signed into law for all projects plus one and that was in...in consort with the program passed in June, and we do need some corrective legislation that is currently in the mill; the Governor's plan to rebuild the...the downstate parks for twenty million dollars. The problem had been there have been some other requests floating around that this Chamber had not seen that the Governor's Office wanted authorization for, which obviously we would not do until we had acted on the substantive bills. But this would take care of all the sub-

stantive bills we had acted on in June that have already been signed and take care of the issue of rebuilding the downstate parks to the tune of twenty million dollars, and I would urge support of adoption of the Conference Committee report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any further discussion? The question is, shall the Senate adopt the first revised Conference Committee report to Senate Bill 1864. 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 50, the Nays are none, none voting Present. The Senate does adopt the first revised Conference Committee report on Senate Bill 1864 and the bill having received the required constitutional majority is declared passed. All right. With leave of the Body, we'll...we'll go to resolutions. Is leave granted? Leave is granted. On the Order of Resolutions, Mr. Secretary.

SECRETARY:

Senate Resolution 789 offered by Senator Demuzio and all Senators, it's congratulatory.

Senate Resolution 790 offered by Senator Bloom and all Senators, and it's congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. Messages from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives has passed the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Joint Resolutions 184, 185, 186, 187, 188, 189, 191 and 192, all congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives has passed a bill with the following title, in the passage of which I am instructed to ask concurrence of the Senate, to-wit:

House Bill 3286. It's a revisory bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 3286 may well be a duplicate revisory bill. I would suggest and...and move that we suspend the applicable provisions of Senate Rule 5 and bypass committee and move this bill to the Order of 2nd Reading under the sponsorship of Senator Demuzio so that we can have an opportunity to review it; and if it, in fact, is identical, I'm sure it will pass without any problem.

PRESIDING OFFICER: (SENATOR DEMUZIO)

You've heard the motion. Those in favor...any discussion? Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. So ordered. All right. Senator Rock, for what purpose do you arise?

SENATOR ROCK:

Thank you, Mr. President. If there is no further business or no other member has an item on the Calendar, I would suggest and will move that we adjourn until nine o'clock tomorrow morning, and at nine o'clock tomorrow morning, there will be a couple of roll calls, so I would ask all the members to be prompt and we can then all promptly return to our constituents in our districts.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Davidson, for what purpose do you

arise?

SENATOR DAVIDSON:

This is for all the Republican Senators. There will be a caucus tomorrow morning in Senator Philip's office ten minutes before we start up. So, please be there by ten till nine, preferably quarter till nine, it will take you about five or ten minutes so you can start on time at nine o'clock. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rock has moved that the Senate adjourn till tomorrow morning, nine o'clock.