

84TH GENERAL ASSEMBLY

REGULAR SESSION

MAY 15, 1985

PRESIDING OFFICER: (SENATOR DEMUZIO)

The hour of ten o'clock having arrived, the Senate will come to order. Members will be at their desks. All unauthorized individuals will leave the Floor. Our guests in the gallery will please rise. Prayer today will be by Senator Kenneth Hall. Senator Hall.

SENATOR HALL:

(Prayer given by Senator Hall)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Reading of the Journal, Senator Poshard.

SENATOR POSHARD:

Mr. President, I move that reading and approval of the Journals of Tuesday, May 7th; Wednesday, May 8th; Thursday, May 9th and Tuesday, May 14th, in the year 1985, be postponed pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the motion. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The motion is carried. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. on a point of personal privilege. I'm delighted today to introduce to you the regional winners for the northeastern Illinois area for the Illinois State Historical Society Contest. And they are the regional winners from...winning from Lake, McHenry, DuPage, Cook, Kendall, Will and Kane Counties and I'm happy to tell you they are from my City of Zion and my township of Zion and Newport Township, and their names are: Leah Clark, Lisa Coats, Kathy Crawford, Shawn Davis, Mary Sargent, Michael Torres, and accompanying them today are Mayor and Mrs. Howard Everline of Zion, they're up in the President's Gallery and their teacher, Bruce Hanson and the father of Michael Torres, Frank Torres. Now these students

wrote, produced and directed and starred in a play about the history of Zion. They are now competing in the State finals at Sangamon State University at twelve, noon, and I would like you to help me welcome them, they're in the President's Gallery.

PRESIDING OFFICER: (SENATOR DEMUZIO)

If our guests in the gallery would please rise. Welcome to the Senate. Message from the House.

SENATOR GEO-KARIS:

Thank you.

SECRETARY:

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

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

House Bills 775, 951, 957, 963, 1079, 1299, 1363, 1364, 1365, 1366, 1438, ... 1488, 1585, 1587, 1638, 1654, 1655, 1670, 1703, 1768, 1930, 1938, 1947, 1956, 1958, 1962, 1966, 1969, 1971, 2035, 2080, 2113, 2129, 2189, 2310, 2429 and 2523.

PRESIDING OFFICER: (SENATOR DEMUZIO)

With leave of the Body, we'll go to House bills 1st reading. Is leave granted? Leave is granted. House bills 1st reading.

SECRETARY:

House Bill 121, Senator DeAngelis is the Senate sponsor.

(Secretary reads title of bill)

House Bill 150, Senator Hall.

(Secretary reads title of bill)

House Bill 178, Senator Lenke.

(Secretary reads title of bill)

House Bill 191, Senator Kelly.

(Secretary reads title of bill)

House Bill 257, Senator Luft.

(Secretary reads title of bill)

House Bill 313, Senator Donahue.

(Secretary reads title of bill)

394, Senators Carroll and Topinka.

(Secretary reads title of bill)

(Machine cutoff)...Bill 430, Senator Darrow.

(Secretary reads title of bill)

(Machine cutoff)...Bill 489, Senators Geo-Karis and Lemke.

(Secretary reads title of bill)

(Machine cutoff)...Bill 556, Senator Marovitz.

(Secretary reads title of bill)

House Bill 710, Senator Holmberg.

(Secretary reads title of bill)

House Bill 792, Senators Lemke and Rock.

(Secretary reads title of bill)

House Bill 1212, Senators Lemke and Geo-Karis.

(Secretary reads title of bill)

House Bill...1385, Senator Kustra.

(Secretary reads title of bill)

House Bill 1860, Senator Schuneman.

(Secretary reads title of bill)

1st reading of the foregone bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

I'm told that the Secretary or...has been caused to have passed out a copy of the bills that are going to be recalled this morning from 3rd...reading for the purpose of an amendment. We will start with...at the top of the list of...Senator Keats, you might be interested in this, we'll start at the top of the list and go right on straight through. So, with leave of the Body we will go to the Order of 3rd Reading. All right. Is leave granted? Okay. Leave is granted on...Senate bills 3rd reading...Senate Bill 17.

Is Senator D'Arco on the Floor? Senator D'Arco on the Floor?
With leave of the Body, Senator D'Arco requests leave to
return Senate Bill 17 from the Order of 3rd Reading to the
Order of 2nd Reading for the purpose of an amendment. Is
leave granted? Leave is granted. Senate Bill 17, Mr. Secre-
tary. 2nd reading.

SECRETARY:

Senate Bill...17...Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'Arco.

Thank you...Mr. President. Committee Amendment No. 1
provides that the expungement period will begin at the
completion of the sentence imposed by the judge for
the...misdemeanor. That was requested by the committee and
it is a good idea, because if he's put on probation and he's
given some jailtime, we wanted to make it explicit that the
term would end at the completion of the probationary period
not just the completion of his jailtime. And also, and this
is important, it makes it discretionary with the judge to
expunge the record. Senator Geo-Karis is nodding, and I
think that was her idea, so...very good, very good. So, I
move to adopt Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco has moved the adoption of Committee Amend-
ment No. 1 to Senate Bill 17. Any discussion? If not, those
in favor signify by saying Aye. Opposed Nay. The Ayes have
it. Committee Amendment No. 1 is adopted. Any further
committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Now what we need to do, Mr. President, is renumber Floor Amendment No. 1 to make it Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. With leave of the Body, we'll...we'll so order the next amendment number two. Is that correct? Leave is granted. Senator D'Arco.

SENATOR D'ARCO:

Well, this amendment has already been adopted, so it's just a question of renumbering it, then that's it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

That is correct.

SENATOR D'ARCO:

Okay.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. All right. Senate Bill 54, Senator Marovitz. Senator Marovitz on the Floor? Senate Bill 130, Senator Collins. Senator Collins seeks leave of the Body to return Senate Bill 130 from the Order of 3rd Reading to 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of 2nd Reading is Senate Bill 130, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Collins.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Body. Amendment No. 1 to Senate Bill 30...is necessary because the bill...the package of bills...there were three bills dealing with strip search of students in...enrolled in schools and

the search of those students by...school personnel. One of the bills passed and...and the bills establishing the...the guidelines...because I didn't make committee...time enough before the end was left in...in committee and did not have an opportunity for a hearing. But all the bill does is basically establish guidelines for school personnel to...to search students or their lockers. It provides for procedures for notifying the parent and also for notification to law enforcements whenever something that has been found that was in violation of the law. It also establishes a...a task force to develop the guidelines which allows for input from parent and from students to be involved in the process, and it sets forth a reporting procedure to the board. That's basically all the amendment does and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins has moved the adoption of Amendment No. 1 to Senate Bill 130. Is there any discussion? 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. Senate Bill 199, Senator Newhouse. Senator Newhouse on the Floor? Senate Bill 269, Senator Lemke. Senator Lemke, 269. Senator Lemke, 269. All right. Senator Lemke seeks leave of the Body to return Senate Bill 269 from the Order of 3rd Reading to the Order of 2nd Reading for...for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of 2nd Reading, Mr. Secretary, Senate Bill 269, read the bill.

SECRETARY:

Amendment No. 1 offered by Senator Lemke.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

What this...amendment does is...is removes some of the...objections that public aid had and some of the people; in other words, we say that we have a provision for the assignment of public aid benefits for rent with these following conditions. Who has within the...in other words, the recipient can...can...be required or assigned when within the preceding two years they have failed to make timely payments, in the event the assignment can exceed two hundred and fifty dollars, and any landlord who violates the provisions of this section relating to such assignment shall be guilty of a Class B misdemeanor. It think it's a good amendment, I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke moves the adoption of Amendment No. 1 to Senate Bill 269. Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 336, Senator Coffey. Senator Coffey seeks leave of the Body to return Senate Bill 336 from the Order of 3rd Reading to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 336, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Coffey.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey.

SENATOR COFFEY:

Yes, thank you, Mr. President. I'd like to...I...I would

like to move to reconsider the vote by which Amendment No. 1 passed prior to putting on Amendment No. 2. There was a technical error, and so I want...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Coffey, having voted on the prevailing side, seeks to reconsider the vote by which...Amendment No. 1 was adopted. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The vote is reconsidered. Senator Coffey.

SENATOR COFFEY:

...I'd like to Table...that amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey now moves to Table Amendment No. 1. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is Tabled. Further amendments?

SECRETARY:

Amendment No. 2 offered by Senator Coffey.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President. Amendment No. 2 amends Senate Bill 336 on page 1, lines 11 and...and 12 by deleting "offset school districts." I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Coffey has moved the adoption of Amendment No. 2 to Senate Bill 336. Those...any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 371. Senator Lemke seeks leave of the Body to return Senate Bill 371 from the Order of 3rd

Reading to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 371. Mr. Secretary, read the bill.

SECRETARY:

Amendment No. 1 offered by Senator Lemke.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

This is a...amendment that the Department of Insurance wanted...so that the bill would be...narrows down the scope. What it does is it narrows down the scope on examination on a fire adjuster to exempt persons who have five year's private adjusting experience prior to January 1st of '83, the effective date of the public insurance adjusting article, and for whom the application for licensee as a public insurance adjuster occurs within one year of termination of employment with the insurance company. I think it's a good amendment. I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke moves the adoption of Amendment No. 1 to Senate Bill 371. Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 427. Senator Donahue seeks leave of the Senate...of the Body to return Senate Bill 427 from the Order of 3rd Reading to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Mr. Secretary, is 427. Read the bill.

SECRETARY:

Amendment No. 1 offered by Senator Donahue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. This is a purely technical amendment. It adds the word "to" t-o, and I would move for its passage...adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Donahue moves the adoption of Amendment No. 1 to Senate Bill 427. Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 527, Senator Carroll. Senator Carroll on the Floor? 559, Senator Weaver seeks leave of the Body to...all right, take it out of the record. 603, Senator Maitland. Senator Maitland seeks leave of the Body to return Senate Bill 603 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, 603, Mr. Secretary, read the bill.

SECRETARY:

Amendment No. 1 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. Senate Amendment No. 1 to Senate Bill 603 is simply a technical amendment suggested by LRB and I would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland moves the adoption of Amendment No. 1 to Senate Bill 603. Any discussion? If not, those in favor

signify by saying Aye. Opposed Nay. The Ayes have it.
Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 653. Senator Smith seeks leave of the Body to return Senate Bill 653 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is 653, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Smith.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. Amendment No. 1 on Senate Bill 653 is merely a technical amendment, spelling the words.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith moves the adoption of Amendment No. 1 to Senate Bill 653. Is there any discussion? 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. Senate Bill...718, Senator D'Arco. Senator D'Arco on the Floor? Senate Bill 760, Senator Marovitz. 785, Senator Fawell. Senator Fawell on the Floor? 804, Senator Schaffer. On the Order of Senate Bills...Senator Schaffer seeks leave of the Body to return Senate Bill 804 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 804, Mr. Secretary, read the bill.

SB 835
Referred

SECRETARY:

Amendment No. 1...offered...by Senator Schaffer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

This is a technical amendment that clears up some problems in the drafting...of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer seeks leave of the...Senator Schaffer moves the adoption of Amendment No. 1 to Senate Bill 804. Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments?

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 813, Senator Davidson. Senator Davidson on the Floor? Senate Bill 935. Senator Hudson seeks leave of the Body to return Senate Bill 835 from the Order of 3rd Reading to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 835, Mr. Secretary, read the bill.

SECRETARY:

Amendment No. 2 offered by Senator Hudson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, members of the Senate. This is a technical amendment and all it does is to delete the word "effect" and in its place insert the word "effective."

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson moves the adoption of Amendment No. 2 to Senate Bill 835. Any discussion? Those in favor signify by

saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading...all right. With leave of the Body, we will return to Senate Bill 813, Senator Davidson is now on the Floor. On the Order of Senate Bills 3rd Reading is Senate Bill 813. Senator Davidson seeks leave of the Body to return 813 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 813.

SECRETARY:

Amendment No. 1 offered by Senator...Davidson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this is an amendment which the Department of Conservation has brought to me for technical changes and deletions and corrections of out-of-date language in the Wildlife Code. I move the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson has moved the adoption of Amendment No. 1 to...Senate Bill 813. Is there any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 1010, Senator Carroll. Is Senator Carroll on the Floor? 1048, Senator Smith. Senator...Smith seeks leave of the Body to return Senate Bill 1048 from the Order

of...to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted...on the Order of Senate Bills 2nd Reading is Senate Bill 1048, Mr. Secretary. Read the bill, please.

SECRETARY:

Amendment No. 3 offered by Senator Smith.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Mr. President, I move first to reconsider the vote on the Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Smith, having voted on the prevailing side, moves to reconsider the vote by which Amendment No. 2 was adopted. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The vote...the vote is reconsidered on Amendment No. 2. Senator Smith.

SENATOR SMITH:

Thank you. I move to Table Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith moves to Table Amendment No. 2...those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is Tabled. Any further amendments?

SECRETARY:

Amendment No. 3 offered by Senator Smith.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. Amendment No. 3 amends...in Section 1 by inserting at the end of Section 1.104 as to the following, "However this section shall not apply to Article VI of this Code nor to any pension fund established under that article." This is merely fulfilling a commitment that I was...made in committee. And I move for the adoption of

SB 1375
Revised

Amendment No. 3.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator...Senator Smith moves the adoption of Amendment No.3 to Senate Bill 1048. Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1287, Senator Dudycz. Senate...1375, Senator...Senator Dudycz, do you want your Senate Bill 1287...do you want that? 1375, Senator Weaver. Senator Weaver seeks leave of the Body to return Senate Bill 1375 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of...Senate Bills 2nd Reading is Senate Bill 1375. Mr. Secretary, read the bill.

SECRETARY:

...Amendment No. 2 offered by Senator Weaver.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This amendment transfers the audit power of the Illinois Off-Track Wagering Association from the Auditor General to the Racing Board. And I'd move adoption of Amendment No. 2 to Senate Bill 1375.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver has moved the adoption of Amendment No. 2 to Senate Bill 1375. Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. All right. With leave of the Body, on the recall list we will jump back up to Senate Bill 12, the first bill. Is leave granted? Leave is granted. On the Order of...Senator Keats seeks leave of the Body to return Senate Bill 12 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted. Leave is granted. On the Order...Order of Senate Bills 2nd Reading is Senate Bill 12, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Keats.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. This amendment does two things; one, when it was drafted by the Reference Bureau I think an overeager staffer put in criminal penalties that would have you hanging by your thumbs for months, and we are deleting this. I don't know how it ever got in the bill, we're deleting it. And the second one changes twenty-four hours to two working days, that's what the amendment does.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Keats has moved the adoption of Amendment No. 1 to Senate Bill 12. Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments? Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. With leave of the Body, we will go to Senate bills 3rd reading. Leave is granted. On the Order of Senate Bills 3rd Reading, we will begin where we left off yesterday on page 22. The first bill will be Senate Bill 330. Senate bills 3rd reading, Senate Bill 330, Mr. Secre-

tary, read the bill.

SECRETARY:

Senate Bill 330.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 330 was introduced at the request of the Illinois Department of Revenue. It provides that the tax amnesty proceeds, which we successfully passed and the program has obviously been successful, that an amount equal to one-twelfth of the money collected under that program be deposited into the Local Government Distributive Fund. It was, frankly, our intent at the time the tax amnesty program was put into place that the local governments would receive their distributive share. The Department of Revenue did not feel, however, that technically the authority was there. All this does is explicitate their authority to distribute one-twelfth. It will amount to about a windfall of about six million dollars to local governments across the State. I know of no objection and I urge a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Any discussion? If not, the question is, shall Senate Bill 330 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill...57 having received the required constitutional majority is declared passed. Senate Bill 332, Senator...Senate Bill 332, Senator Jeremiah Joyce. Senate Bill 336, Senator Coffey. That was on the recall list this morning, we're not

going to call recalls. Senate Bill 346, Senator Barkhausen. On the Order of Senate Bills 3rd Reading is Senate Bill 346, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 346.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 346 is a bill that passed the Senate almost unanimously two years ago sponsored by Senator Carroll and myself. It attempts to create a remedy for persons who have fallen prey to individuals or groups who exercise a systematic form of coercion to try to alter a person's behavior and beliefs, and it creates a potential remedy of a...of a guardianship, a temporary guardianship of forty-five days at the longest, to allow a relative of a person who is subjected to this kind of mind control and coercive behavior to...to allow a guardianship to be created so that the relatives, in...in most cases the parents, can attempt to win back the allegiance and control of...of their own children or relatives. In order for a guardianship to be created under this bill, a court would have to find that...that three things are present; one, that there has been a substantial behavioral change in the individual; secondly, that there would have to be a systematic pattern of coercive behavior on the part of the individual or...or groups exercising this...this coercion; and three, that the individual or group engaging in such...behavior would have to have misrepresented the nature of its activities or the...or the nature of the organization itself. So, all three of those factors would have to be present in order for a court to create a temporary guardianship. As I say

the...this bill sponsored by Senator Carroll and myself passed unanimously or almost unanimously two years ago, and I would urge your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any...any discussion? Senator Keats.

SENATOR KEATS:

I thank you, Mr. President. I'd...I'd hesitate to rise in opposition 'cause I voted for this...a very similar bill a couple of years ago. But I want to...I'm just waiting for a little attention...I want to just raise a point. When we talk about cults, et cetera, the intention may be good...but there's a definition problem. Let me give an example for any of my Jewish brethren in this room. The founder of the...the Hebrew race was a gentleman named Abraham, who lived in a town called Ur and the good Lord said, "All right, Abraham, you're picking up your family and you're leaving and I'm sending you someplace," and Abraham said "Well, where am I going Lord?" And the Lord said, "I'll tell you when you get there, mind your own business and do what you're told," and he did it. That's the founder of the Hebrew race and the founder of the Moslem race, and if you think about it, the founder of Christianity. Do you think someone might have called that altered behavior? A perfectly rational human being packs up and goes to who knows where? And packs up his father and everybody else in a tent and travels to an area that's at war? That might have been mind-altering, and what's his explanation for going? Oh, the good Lord told me to go. You can read that one in the Bible. Or perhaps a Christian, what was the original Christian church? I mean, anyone who doesn't think that the twelve apostles would have been considered a cult has missed the point. Talk about mind-altering, can you picture Doubting Thomas saying, "Well, I know Jesus rose again 'cause I put my hand in his side where the hole was and I...I put my fingers in the nail

holes." You think they'd have said he was a lunatic? And that's the founder of the largest religion in the world. Two years ago I voted for the bill. But I think you really got to ask yourself on that...definition of what is a cult. I mean, every Jewish friend we've got here would be in jail for this or probably deprogrammed. I guarantee you the twelve apostles would have been. But let me throw in on last one for some of my black brethren. You ever been to a Pentecostal service, a charismatic Pentecostal service and watched them rolling on the floor with snakes? You don't think they'd be under a guardian? I think you really have to ask yourself how tightly we want to define this. This is based on a New York law that was vetoed by Governor Cary, and even though Governor Cary is a Democrat, I would commend him for saying, I know what you're doing is a nice idea, but from a practical point of view I don't know how much farther we could go. And so I...I hesitantly rise in opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock. Can we have some order, please. We have an inordinate amount of work to do today. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to Senate Bill 356. I spoke against it in committee, and for those members who have not yet had the opportunity, I'd invite them to look at pages one and two for the criteria under which this law could kick into effect; and I suggested in committee and do here suggest that as each of us leaves our respective caucuses, probably fourteen or fifteen of the criteria would apply to one or another member at some point. It just seems to me that this is an inordinate overreach to deprive one of his civil liberties. But the fact is, we are subject to many of the things that are called for in here, sleep deprivation, unreasonably long

work hours, reduction of decision capacity, you name it, we fit it. I would urge everyone to take a long, hard look at this. This is, in my judgment, ill-considered.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. Senator Rock just said it...my comments, but...but let...let me say that I...I don't know and I can't really understand how this bill got out of committee. I can clearly appreciate what the sponsors are trying to do and...and maybe there is a...a real need that's a serious problem to try and do something to help these people who...who've become preys and victims of unscrupulous organizations. But I think the definitions here go far beyond the scope of trying to address this problem. I think we are creating more problems than the...the actual problem exists. In addition to what Senator Rock just said, that I...I am a little concerned as to why it says sixteen years or older. There are kids under sixteen that would probably need more protection than those who...who are sixteen years and...and older. So, I...I think this bill just really needs to be referred back to committee or just...in...in all honesty, just plain Tabled.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, for the edification of my colleague on this side, I have been telephoned by several Jewish families in support of this bill. This bill simply allows a...a deprogramming...process of forty-five days, and it's intended to give the family members the opportunity to deprogram someone who has, in effect, been brainwashed. I have had others from different nationalities, Italians and Greeks and Irish and Germans call me

about their children; one instance of a twenty-eight...year old girl, well educated, her cult does not permit her to even have dinner with her mother and father. These are the things that are interesting to us and these are the things we're looking to. There's nothing wrong with having a forty-five day...period of guardianship. It only lasts that long and the...both parties are protected...the...the...the person involved who the family is trying to deprogram has opportunities...represented by counsel guarantees the right of counsel and requires the petitioning parties to post bond guaranteeing the...the respondent's legal expenses and proof by...clear and convincing evidence which is the standard for involuntary...it's...it's necessary. This is only a temporary guardian appointment for forty-five days. If you would listen...this...the pleas of the parents who have talked to some of us, their agony and their anguish to raise their children and have them be completely deprogrammed out of their life by certain of these cults, I think you might see this bill in a different light. I support this bill because I think it's a step in the right direction; we're not taking anybody's rights away but it gives up to forty-five days to try and get those children, who are grown-up children incidentally, to try and reason with their own family or at least be available to the families to have a talking, communicative opportunity, and I'm...I'm in favor of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Barkhausen may close.

SENATOR BARKHAUSEN:

In closing, Mr. President and members, I think Senator Geo-Karis has said it well. What we're trying to do here is to create a very narrow and limited potential remedy for individuals who fall prey to a group that is, as I said in my opening remarks, engaging in a systematic form of coercive

behavior resulting in a substantial behavioral change and where the identity of the organization engaging in this behavior misrepresents its identity or...attempts to disguise the nature of its activities. Now one might try to say that...that possibly legitimate religions would meet one of those criteria but certainly it cannot be said that...that anything that any of us would conceive of as being a religion meets all three of those criteria. For you can't say that a religion although a conversion may result in a substantial behavioral change, you can't say that it both also engages in a systematic form of coercive behavior and also disguises the true nature of its activities or its true identity. This bill is tidily drafted, it's been looked at carefully by constitutional experts, and the reason that we are only allowing a guardianship to be established for a maximum period of forty-five days is because we are trying to establish just a limited remedy to create a...a small opportunity for a family or a relative to try to win back the allegiance of individuals who will fall in prey to groups who engage in this kind of activities. As I said earlier, this bill passed this Chamber 59 to 1 two years ago, and Senator Carroll and myself as the cosponsors would...would urge this Chamber to again give the bill that kind of support. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 346 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 18, 2 voting Present. Senate Bill 346 having received the required constitutional majority is...is declared passed. There's been a request by Senator Netsch for a verification of the affirmative roll call, I assume. Senator Netsch. Request verification of the affirmative roll call...Senator

Netsch. Mr. Secretary. Will you...all Senators be in their seats. The Secretary will read the affirmative votes.

SECRETARY:

The following voted in the affirmative: Barkhausen, Berman, Carroll, Chew, Coffey, Dawson, Dudycz, Dunn, Friedland, Geo-Karis, Hudson, Karpriel, Kelly, Kustra, Lechowicz, Lemke, Macdonald, Mahar, Marovitz, Philip, Rigney, Rupp, Schaffer, Schuneman, Sommer, Topinka, Vadalabene, Watson, Weaver, Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR NETSCH:

Senator O'Daniel.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator O'Daniel on the Floor? Senator O'Daniel on the Floor? Senator, he in fact voted in the negative.

SENATOR NETSCH:

...sorry about that. Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll on the Floor? Senator Carroll is on the Floor.

SENATOR NETSCH:

Senator Chew.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR NETSCH:

Senator Dawson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR NETSCH:

Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz is on the Floor.

SENATOR NETSCH:

Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR NETSCH:

Senator Friedland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Friedland on the Floor? Senator Friedland is at
the back of the Democratic side.

SENATOR NETSCH:

Okay.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch, do you...you...you are finished. Mr.
Secretary, what's the count? All right. The...the vote on
that question is 27 Ayes, 18 Nays, 2 Present. Senator
Barkhausen requests...

SENATOR BARKHAUSEN:

...postponed consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...requests postponed consideration. Postponed consider-
ation. Senate Bill 353, Senator...Senator Vadalabene, for
what purpose do you arise?

SENATOR VADALABENE:

Yes, on a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR VADALABENE:

Dr. Mary Blanche Youngers and the...and the delegation of
the Alton Community Unit School District No. 11 are here in
the gallery and I'd like for them to stand and be recognized..

PRESIDING OFFICER: (SENATOR DEMUZIO)

Would our guests in the gallery please rise and be recognized by the Senate. Welcome to Springfield. Senate bills...3rd reading is Senate Bill 353, Senator Kelly. Mr. Secretary, read the bill, Senate Bill 353.

SECRETARY:

Senate Bill 353.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. Senate Bill 353 repeals the disabled voters' requirements concerning obtaining absentee ballots and also requiring that they have a physician's certification of their disability before they can vote. What it does is, it basically makes it more convenient or, let's say, equally available to voting either by absentee ballot as it is now and eliminating all these...physician requirements and the other extraneous requirements as placed on disabled voters. Now my...have a personal reason because I have two disabled persons in my district, and I personally obtain the absentee ballots for the disabled voter and I...I take them by automobile over to their house. Both of these citizens...one is a senior citizen, does not have an automobile, is immobile and has a very great difficulty and has never missed a vote in a General Election. So I hand carry it to them, they have to either mail it or take it personally to the physician; and as you know, in most cases a physician does not want to sign anything unless they actually see a patient and note that they are continued disabled. So, not...after doing that, they have to then return it, have to mail it back in; and not only that, but one particular case that I know of, this person who is incapacitated has great difficulty even in hand carrying

this absentee ballot to...to be mailed because it isn't at their...isn't attached to their home, the mail box, and it's just extra. And I just happen to think that everyone should get equal and fair justice. I think anyone that's disabled should receive as much consideration as anyone who is going on a vacation to the Caribbean or anywhere else, and I just think it's right and fair and that's why I've sponsored it. I know there's some resistance to softening the laws in...in the area of voter requirements; at the same time, I...I...I would hope that when you vote on this issue you'll think about those disabled individuals in your district who can't afford to pay for the gas or have an automobile or in...in paying for a physician to give this information so they can have their voting privileges available. So, with that, I would ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I, frankly, have had very little outcry in my area for this type of a change. I think we all recognize in the process...the election process today, probably the greatest amount of vote fraud is in the area of absentee ballots. We know darn well a lot of those ballots get home and are voted by people other than the elector that should be voting them or are voted in the presence of a political representative of one party or other, and I don't mean this in a partisan sense. I suspect both our parties have got some people who should have a little more thorough understanding of the laws of this State. I have, just as the...the sponsor of the bill have, on occasion helped people get these things. I have never found a doctor in any way reluctant to...to fill out one of these things where it was legitimate. My great concern here is that we are opening the door to suddenly find out that thirty-seven percent of our population is now dis-

abled and that somehow the precinct captain is around watching them vote. I don't think that's good for either party, I don't think it's good for fair and honest elections. We had a couple of precincts in my home county that suddenly started turning in seventy and eighty votes absentee ballots out of a hundred and thirty hundred and forty cast, and frankly, we didn't like it and...and I might add it wasn't just one party. And we did our best through our clerks and our State's attorney to put the skids to that stuff. I think we open the door here to a tremendous amount of potential fraud, and anybody who just thinks maybe they're disabled or the...the precinct captain figures well they're a little old and they probably don't want to vote and I can get them a ballot and watch them vote and then I can take it up to the courthouse and, by gosh, we'll know that vote is good. I think this is wrong, I think it's a weakening of a...something that was put there for good reason; and those of us who want honest and fair elections, I think ought to take a real hard look at that and that is not to impute the motivations of the sponsor which I think are probably commendable. But not everybody, I'm afraid, is as honest and upright as the sponsor of this bill and there would be some people that would really make hay with this thing and our courts would eventually find out about it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Yes, Mr. President. I certainly want to echo what the prior speaker said. This bill was discussed at length in committee and of course I feel that...as Senator Kelly does that we certainly want to do all we can for the disabled and handicapped voters in this State. We have a good law now on the books, it does not allow for any fraud; and if there is a permanently disabled person, that person is issued a card and

automatically those ballots are sent to that person. I think that's...I think that is appropriate and I think that there is too much room for fraud in this kind of wide-open, open-ended bill where you just allow anyone to...have a ballot just on the say-so that he is incapacitated. We have very strict laws that have been...promulgated over the years to keep us from fraudulent voting and I think that...that this bill really deserves a No vote for good and honest elections.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator...Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I might have somewhat mixed feelings about the bill under other circumstances; that is, I...I think all of us would like to make more accessible handicap voting; on the other hand, we recognize that it can occasionally be a source of fraud, but I'm not sure that we really have that much choice in the matter. And I'm...I'm going to make it a comment and then ask the sponsor if this is true. I am reading now from the Voting Accessibility for the Elderly and Handicapped Act, Public Law 98435, approved at the Federal level on September 28, 1984. Its purpose is to improve access for handicapped and elderly individuals to registration facilities and polling places for Federal Elections, and it says specifically in Subsection H of Section 5, "No notarization or medical certification shall be required of a handicapped voter with respect to an absentee ballot or an application for such ballot." And then it goes on to say that...makes some exception with respect to State provisions that I think are not applicable here. So if...if I am reading the law correctly, Congress has already decided with respect to Federal Elections that there can be no requirement of a certificate. If that is true, then it seems to me that the same provision ought clearly to apply to elections at the

State level. Now, having read what I believe to be the law as I read it, I'm going to ask the sponsor, is, in fact, that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Sponsor indicates he will yield. Senator Kelly.

SENATOR KELLY:

...yes, that is correct and that is a...the Federal Government's opinion on this subject that this cannot be...this requirement for the physician cannot be part and parcel to it. So you're correct, the Federal Government has already said that we cannot be placing these undue burdens upon the handicapped by having these physician documents. Yes, the answer to that is, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President, I have two questions of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator DeAngelis.

SENATOR DeANGELIS:

Senator Kelly, what is the penalty if someone misrepresents the fact that they're disabled under your bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Okay, first of all, the penalty is the same for an absentee ballot as it is opposed to a disabled person, so we're not doing anything to change the...the penalties for someone who does something improperly or perjures themselves or something to that effect, so I'm not changing anything in...in that area. You still, if you're doing something improperly under applying for an absentee ballot, which is,

in effect, what a disabled person would do, it would...the penalty would be the same if they were doing something falsely.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, if it's the same, what is the penalty?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

It's a Class 3 felony.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

All right. My second question is, what is the likelihood...of a person who is incapacitated not ever having seen or being under the care of a physician?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

What is the what of the person not being under the physician? The likelihood of what?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, in your opening comments you indicated that your concern came out of the fact that these people could not afford to go to a doctor or see a doctor, and my question is, what is the likelihood of a person who is incapacitated or disabled not having seen or being under the care of a doctor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Well, most people that have had some type of a disability

certainly at one time or another are...are being attended or...and this...this law requires that they have to obtain some type of...of report from a physician. So I would say if they're going to vote at every election and every opportunity, they're going to have to at least see that doctor during those periods in order to have that privilege continued. So they have to have a rapport and a...a physician which they have to keep in contact with. I think that's one of the flaws with the law. Many of us who are blessed with good health don't have to have a physician, we can go many years without having a...an attending physician. But somebody that's disabled, it forces them to have a physician, they have to keep in contact and they search for someone who is either their family physician or someone who else that may have a...a...low fear consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, I...I think Senator Kelly made the point. The fact is that they do have a physician and the physician could write them that excuse, it doesn't require going out and having a visit and paying twenty dollars, they can just call them up and he can send it out. They are, in fact, under a physician's care. So you're not creating an additional undue burden on those people, and what you're doing here is...is making sure that all of a sudden, as Senator Schaffer said, you don't get a surge of absentee ballots for some...rather surreptitious reasons.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kelly may close.

SENATOR KELLY:

Well, just briefly, I certainly know there's a number of other important matters coming before this Body, but the State Board of Election did come in and support this legis-

lation in committee, we already have a Federal requirement as it was pointed out to...to eliminate this particular requirement. And, with that, all I can say is I would appreciate your support of Senate Bill 353.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 353 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? (Machine cutoff)...voted who wish? Take the record. On that question, the Ayes are 26, the Nays are 28, 1 voting Present. Senate Bill 353 having received the required constitutional majority is declared lost. Senate Bill 365, Senator Etheredge. 365. On the Order of Senate Bills 3rd Reading is Senate Bill 365, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 365.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Yes, Mr. President, Ladies and Gentlemen of the Senate, this is the legislation which establishes the formulas that are used to distribute...distribute monies to the community colleges for their operation during the next fiscal year. I'd be glad to respond to any questions; if there are none, I would request a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

He indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Is this the bill, Senator, that removes the exemption that some communities have now from being included within a community college district?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

No, Senator, it has nothing to do with that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall Senate Bill 365 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, none voting Present. Senate Bill 365 having received the required constitutional majority is declared passed. Senate Bill 366, Senator Etheredge. On the Order of Senate Bills 3rd Reading, Mr. Secretary, Senate Bill 366, read the bill.

SECRETARY:

Senate Bill 366.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Yes, Mr. President, Ladies and Gentlemen of the Senate, this is the legislation which establishes the maximum...grant award for the ISSC. I'd be very glad to respond to any questions; if there are none, I would request a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 366 pass. Those in favor will vote Aye. Those

opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 366 having received the constitutional majority is declared passed. Senate Bill 369, Senator Poshard. 373, Senator Lemke. 374, Senator Lemke. 375, Senator Joyce. Wait, Senator Lemke, on 374?

SENATOR LEMKE:

(Machine cutoff)...happened to 373?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, you weren't paying attention, I did call it.

SENATOR LEMKE:

Well, I'm sorry.

PRESIDING OFFICER: (SENATOR SAVICKAS)

We'd appreciate it if you would stay in your seats as your bills come up so that we can move along quickly. Senate Bill 373, Senator Lemke.

SECRETARY:

Senate Bill 373.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

What this does is permissive language, permits the Department of Conservation to make grants to local governments for certain developments...we...we add to the...open space lands and recreation areas, parks and conservation areas. I think it's a good amendment and I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 373 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who

SB 375
3rd Reading

wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 6, none voting Present. Senate Bill 373 having received the constitutional majority is declared passed. Senate Bill 374, Senator Lemke. Senate Bill 375, Senator Joyce. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 375.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Last year, if you'll recall, we passed some legislation that would allow alcohol to be placed in candy to...for the Winter's Candy Company who located in Manteno, Illinois, which employs probably two hundred to three hundred people. And when we passed that we...we did not delete part of the language that says that the...the...alcohol contained in confectionary be derived solely from the use of flavoring extracts to be exempted from the definition of adulterated food, and that is what this legislation would do. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator...the question is, shall Senate Bill 375 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 375 having received the constitutional majority is declared passed. Senate Bill 376, Senator Netsch. Senate Bill 388, Senator Dawson. Senate Bill 390, Senator Jones. 388, Senator Dawson.

SECRETARY:

Senate Bill 388.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dawson.

SENATOR DAWSON:

Mr. President, Ladies and Gentlemen of the Senate, Senate Bill 388 establishes two comprehensive regional alzheimer's disease and related disorder treatment centers which...one would be in Chicago and one other one to serve the remaining part of the State, and it creates the Alzheimer's Disease Assistance Act. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 388 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 388 having received the constitutional majority is declared passed. Senate Bill 390, Senator Jones. Read the bill, Mr. Secretary.

END OF REEL

REEL #2

SECRETARY:

Senate Bill 390.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and members of the Senate. Senate Bill 390 places the QIP Program with the Department of Public Aid. Currently, the Department of Public Aid is doing it...doing this service right now as it relates to long-term care. It was previously with the Department of Aging as part of the alzheimer's disease...incentive program, and I move for the adoption of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 390...Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I would just like to make a comment and...and just say that the...the fiscal impact of this is unknown and that to do a physical examination for alzheimer's disease...the only way it can be truly diagnosed is through an autopsy, and I just don't think that this the right thing to do.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question to the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates...he'll yield.

SENATOR DAVIDSON:

Have you had any indications from the medical community that they're able to make this diagnosis other than...by the autopsy route of physical diagnosis and how the nursing home is going to be able to comply with this law?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Senator, to...to you and the previous speaker, the bill was amended and everything after the enacting clause was taken out of the bill and all this does, simply, is for them to provide the care. There is no cost related to this program whatsoever, and all they're doing is to provide the quality...care for alzheimer disease patients. So, far as the examination and everything that you're talking about, that's not part of this piece of legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

So we clearly understand,...amendment struck everything after the enacting clause and now all it says, the nursing homes have to furnish care, providing that individual or the public aid has the ability to pay for that care. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

You are correct and all this does is provide incentive payment for them to provide that care.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Jones may close.

SENATOR JONES:

I just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

SB 398
2nd Reading

Question is, shall Senate Bill 390 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 1, none voting Present. Senate Bill 390 having received the constitutional majority is declared passed. Senate Bill 391, Senator Poshard. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 391.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President and members of the Senate. This bill simply includes victims of alzheimer's disease and other related disorders in the home services provisions, the Department of Rehabilitation Services, and I ask for a favorable vote on the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 391 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 391 having received the constitutional majority is declared passed. For what purpose does Senator Dawson arise?

SENATOR DAWSON:

I'd just like to commend Senator Poshard on his first piece of legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senate Bill 398, Senator Kustra. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 398.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. Senate Bill 398 increases from two to three years the probationary period for teachers before they are granted tenure. Currently, the teachers in the City of Chicago already have a three-year probationary period. So, what this bill does is take the rest of the State and conform the rest of the State to the City of Chicago's practices as they are now. There's been a lot of talk about education reform in this General Assembly and specifically a lot of criticism of tenure. It seems to me that even though I doubt seriously we're going to abolish tenure, we would want to be very careful that those teachers granted tenure have the time necessary, the supervision required by administrators before that decision is made. So, what this bill does is give administrators that extra year to look over the teacher and decide. I also think it's an advantage for the teacher because it gives the teacher that extra year to really buff up and prepare for that decision which is a monumental one...which, as we know, in many cases, amounts to a lifetime appointment. I would ask for favorable consideration of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Welch.

SENATOR WELCH:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR WELCH:

Senator Kustra, could this be a subject of negotiation under a collective bargaining agreement between the local school district and the teachers?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Yes, it could.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Well, what's...why are we getting involved in an area where local control could determine what could be the issue? That seems to be something that we're always hearing as local control from this side of the aisle, now you're going to hear it back.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? It...it was a question.
Senator Kustra.

SENATOR KUSTRA:

Well, Senator Welch, if we were to limit ourselves to those issues, most of the legislation we've considered here dealing with schools, I guess, would never have hit the Floor of this Senate. The fact is that we are always, as you well know and you have supported many of those proposals, doing things and mandating things that could just as well be considered in a collective bargaining agreement. I think this is an important enough an issue that there be a State-wide policy on it; as I say, it is already the policy for the City of Chicago. I think it makes good sense Statewide.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 398 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On

that question, the Ayes are 41, the Nays are 9, 1 voting Present. Senate Bill 398 having received the constitutional majority is declared passed. Senate Bill 401, Senator D'Arco. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 401.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Senate Bill 401 allows the provisions in...in condominium instruments to restrict ownership of rental units as well as condominium units within the condominium to persons fifty-five years of age or older, and it makes this provision not volitive of the Human Rights Act. It also empowers the board of managers to accommodate the needs of handicapped unit owners as required by the Human Rights Acts, but it does provide...and this is the most important provision, it provides in a duly recorded declaration that the housing which is limited to elderly persons does not restrict all the current owners and renters and their families that presently reside in condominium units. So, it only has a prospective effect and no one who is...presently residing in a unit who is under the age of fifty-five would be affected by this piece of legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not,...Senator Berman.

SENATOR BERMAN:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR BERMAN:

Well, Senator D'Arco, why are we allowing condominiums to

adopt by resolution a provision that would say, for example, that no children could move into their condo? That...that's what appears to be done...being done by this bill. Why should we allow that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Well, this...this is being done in many other states in the United States now. In fact, the State of Florida has an extensive law pertaining to this particular declaration. Why are we allowing it? I think that in certain type situations where you have individuals that are elderly, they come to a common consensus that it is better for them, and they do constitute the majority of the people that live in the condominium. They come to a consensus that it is better for them as a whole to deem certain individuals who are not in their category...that these individuals would not be allowed to reside in these units for various reasons, children and...families with children. The reason being the lifestyle of...of people...elderly people is much different than the lifestyle of younger people. They do not, you know, they...their toleration level for their...for noise and...and activities of younger people are much different and it's just something that they feel that they need.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

All right, thank you. I rise in opposition to the bill. Up in my neighborhood...and we have an awful lot of condominiums in the northside of Chicago and in Evanston, I think one of the things that we want to encourage is integrated housing by age. I don't want just high-rises filled with elderly people...and I point out, by the way, and I hope nobody takes offense by this, but the definition of elderly in this bill

is anybody fifty-five years of age and older. I've got a long way till get to that age, but there are a few people on this Floor at the age of fifty-five that I wouldn't consider elderly. I think that this is highly discriminatory. I think that for most of our cities where there are condominium developments, you want to encourage young families to live in those cities. The problem that I see with this kind of a bill is that as it may be the case, you've got a lot of condominium boards that are controlled by people who are older, fifty-five, sixty-five, seventy. This bill only needs to be fifty-five, I would point out, but if you've got a board that's controlled by people in that category, they may take undue advantage of this kind of bill and pass resolutions that say nobody with kids under...under the age of sixteen or eighteen or twenty can move into their condo. What is that going to do to our cities? It's going to force more of our young families to move out of the...into the suburbs and not to live in the cities. The viability of our cities depends upon a mixture of older and younger people. I think it's a bad bill. I think that the purpose of it is highly discriminatory to...to families of young children...that have young children. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. I wholeheartedly agree with Senator Berman. I think at a time, Senator D'Arco, when housing for families with children in most of our urban areas is at a very critical low...point today and there isn't any real movement toward building single-family dwellings so that there can be housing available for those people in our urban communities, I think that this particular law will set a precedent for a struggle that has been going on a long time to allow and to demand that to

eliminate all discrimination in reference to persons with children and looking for a decent place to stay. I think this particular bill would open the floodgates for other groups and communities as a whole to come in and ask for special legislation that would restrict or eliminate children from being...landlords to allow children to move into their homes...their property, and I think that would most certainly be a step backwards for civil rights and...and protective rights of children in this State. I think we should not allow this bill to pass. It is bad for any number of reasons, but for one, we just cannot discriminate against children and then ask to amend the civil rights...Human Rights Act and exempt them from being protected under that Act. This is a most certainly very bad precedent and...and I would ask that we...defeat this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp, for what purpose do you arise?

SENATOR RUPP:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR RUPP:

In the gallery in back of you is the group of high school students from Lovington, Illinois. I would like to have them recognized.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Oh, if they rise and...our guests in the gallery would please rise and be recognized by the Senate. Welcome to Springfield. Senator Maitland, for what purpose do you arise? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. For the same purpose. In the gallery directly behind our side of the aisle is a group of junior high...junior and senior high students from Melvin and

Sibly along with their teacher. I'd like for them to stand and be recognized by the Senate, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Will our guests in the gallery please rise. Welcome to Springfield. All right, further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I rise in support of this bill. Are we forgetting the fact that the Federal Government has made funds available to build senior citizens' housing apartments? We're doing that now, and that...they're limited to occupancy by senior citizens and the disabled, and I might inform my colleagues on the other side that under the Department of Aging, seniority is based on the age of fifty-five and that's when the Department of Aging law went into effect. The...you're a senior citizen...considered a senior citizen when you're fifty-five years of age. There are plenty of condominiums available for young people, and the condominiums that may be available for senior citizens are not many at all, and I might add that this bill says specifically that a declaration or amendment limiting to housing...to housing of people to fifty-five years of age and over does not apply against a person or his...immediate family who already living in a condominium prior to the recording of the declaration or amendment. I think it's only fair to realize that there is a big difference in interests...between little children and people who are over fifty-five years of age, who want to have a little peace and quiet; and since you already have the Federal guidelines set forth which provides funds...provide funds to establish senior citizens' housing limited to the disabled and senior citizens, I think this bill is a step in the right direction and I heartily support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion for the first time? Senator Collins for a second. Senator Collins.

SENATOR COLLINS:

Yeah, I...I just have to respond to that because I don't want people to vote for this bill because they think that somehow that this is a bill designed to allow and to encourage the development of apartments or condominiums housing for senior citizens. Senator Geo-Karis, I'm sorry that this bill has...has nothing really to do with that because I...I support a building of...of retirement homes and apartments exclusively for senior citizens. This bill has nothing to do with this. This bill is really an attempt to discriminate against children. It is a select group of people who would like to have a condominium exclusively for themselves and to discriminate against people with children which is different from what the Federal Government is providing funds for.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator D'Arco may close.

SENATOR D'ARCO:

Well, Mr. President,...gee, I...you know, I'm not against children. I think children are the greatest thing since apple pie. I don't have any apple pie but...the point...the point is, Mr. President, that this would restrict the ownership of the units to persons fifty-five or older. Now what we're saying is that a younger couple who has children would not be able to buy a unit in that particular condominium development. That's true, I mean, that's the truth. But let me point out that that limitation only applies to future condominium developments. Any family that is presently residing in a condominium is not affected by this restriction; that's number one. Number two, age is not a suspect classification as defined by the Supreme Court of the United States, like sex and racists. So, this type of discrimination has not been legally determined to be suspect and therefore wrong. This

is being done all over the United States and the fact is, and I think Senator Geo-Karis pointed...pointed it out better than anyone, the economic conditions are such that no family is going to be prohibited from moving into a condominium that they want to move into, because there's enough housing to go around for everyone. We're not limiting families from moving into a particular area, because within that given area there will be many other condominium developments for families to move into. All we're saying is, these elderly people deserve some peace and quiet. That's all we're saying. Vote for this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, the question is, shall Senate Bill 401 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 36...the...the Ayes are 35, the Nays are 15, 5 voting Present. Senate Bill 401 having received the required constitutional majority is declared passed. Ladies and Gentlemen,...the Chair...would...make an announcement. At the rate that we are going, we're going to be here in August. Senate bills 3rd reading, Senate Bill 404, Senator Luft. Mr. Secretary read the bill.

SECRETARY:

Senate Bill 404.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. The income tax withholding or deductions by employees must be paid to the State on quarterly, monthly or annual payments. Obviously, that schedule

depends on a minimum amount withheld. What we're trying to do with Senate Bill 404 is to reduce the payments. For example, under current law, when a minimum aggregate of five hundred is withheld, the business would have to pay quarterly. We are changing that five hundred dollar figure to a thousand dollars before one would have to withhold quarterly. When a minimum aggregate of a hundred is held...one hundred dollars is withheld, the corporation or business would have to pay monthly. We're changing that one hundred dollars to five hundred dollars, and annually is the same with a hundred dollars and we're also changing that to five hundred dollars. The Department of Revenue is not in opposition to this. I'd attempt to ask any...answer any questions or move for the approval of the bill, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. I think...Senator Luft has correctly indicated that the Department of Revenue did not oppose the bill, although I must say we were somewhat surprised. We thought that it probably would have more of a fiscal impact in terms of cash flow, but they did not seem to feel that it would cause them any great difficulty either in that respect or administratively and so they took no position; and in light of that, because I think the request is not unreasonable...most of us, in fact, all of us on the Revenue Committee voted favorably for the bill and I will now.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 404 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 404 having received the con-

AB 415
3rd Reading

stitutional majority is declared passed. Senate Bill 415,
Senator Degnan. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 415.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Senate Bill 415 amends Section 19 of the Revenue Act to require local assessors to publish a newspaper notice alerting owners of exempt property of their responsibility to file an annual certificate. The 83rd General Assembly passed laws expanding that information and one provision of that new Statute was that failure to file an annual certificate would constitute cause to...to terminate the exemption. My bill is simply to inform exempt owners of both their duty to file and alert them of the failure to file jeopardizing their exemption. Absent any questions, I'd appreciate your favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 415 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 415 having received the required constitutional majority is declared passed. Senate Bill 417, Senator Hall. Read the bill, Mr...whoop, Senate Bill 422, Senator Dunn. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 422.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dunn.

SENATOR DUNN:

Thank you, Mr. President and members of the Senate. Senate Bill 422 would allow...one more county, Monroe County, to raise the amount of number of bingo games they could play to match those that already been presented by...has already been done in Madison and St. Clair County. I'll be glad to answer any questions. The bill as introduced applied to all of the State except Cook. We amended it yesterday to only include one county and that being Monroe County.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 422 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 2, none voting Present. Senate Bill 417 having received the constitutional majority is declared passed. For what purpose does Senator Geo-Karis arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, that was Senator Ralph Dunn's first bill. I think we owe him a vote of congratulations.

PRESIDING OFFICER: (SENATOR SAVICKAS)

For the record, that was Senate Bill 422 that received the constitutional majority and is declared passed. 429, Senator O'Daniel. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 429.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator O'Daniel.

SENATOR O'DANIEL:

Mr. President and members of the...of the Senate, Senate Bill 429 eliminates the...the one thousand dollar farm machinery and equipment sales tax threshold. As you know, it's...it's very difficult times in agribusiness and there is no threshold on manufacturing equipment, there's no threshold on...on food and drugs and I feel that with the condition of agribusiness at this time this would be very beneficial to the farmers of the State of this...State of Illinois, and I would attempt to ask...answer any questions you might have.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 429 pass. Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR DeANGELIS:

Senator O'Daniel,...well, there's two questions; one, is there an effective date on this bill and; two, what is the economic impact?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...O'Daniel.

SENATOR O'DANIEL:

Well, the...the estimate of the economic impact would be somewhere around five million dollars, but the same people that made this estimate when the original sales tax bill was passed said there would be a sixteen million dollar loss...it was only six, so I suspect this will be similar. I...I would suspect it...it possibly wouldn't even be any...any loss of revenue because the adjoining states have no sales tax and...and I think it would probably generate more income and probably be...probably would not create a financial problem for the State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator O'Daniel, you didn't answer my question. The effective date is going to have the...is in fact the determining factor on the economic impact and I don't see an effective date on this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator O'Daniel.

SENATOR O'DANIEL:

I...I believe the effective date is...is January '86...that's...that's in the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further...

SENATOR O'DANIEL:

Jan. 1, '86.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...is there further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. As most members know, I do not normally support any bills that further erode the tax base of the State. I did vote for this one in committee and will again now and let me just briefly explain why. I...the damage really, if there is damage, has already been done when we started the road to exempting every kind of machinery and equipment and then replacement parts and...and now, this year, perhaps, repair parts, but that is the...the basic policy decision has been made and I lost on that one. Having gone in that direction, I really cannot see any justification for the one thousand dollar lid, if you will, with respect to the farm machinery sales tax exemption. It just doesn't make any sense. If there is concern about the possibility that the exemption might apply to a resident who goes out and buys a hoe to dig up their backyard or something of that sort, the

Department of Revenue, I think, made it very clear that their power with respect to rules and regulations is ample to control that kind of possible abuse of it. So, I think the abuse is not really a matter of major concern and the question is just simply one of, do we treat this exemption differently from the way we treat other exemptions and I...to be honest, I cannot see any justification for that. So, I think there is reason for supporting Senate Bill 429.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Just one final point, Mr. President, thank you. When we passed the original exemption bill, we, for a reason, put the thousand dollar limit on and it was very easy to beat the system, if you will, allow bills to accumulate and then make it one sale and so the exemption was there anyway, and this, I guess, somewhat legitimizes and legalizes what's already taking place.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President. Just to rise in support of this bill, one, I think, as Senator O'Daniel has already pointed out, that...that maybe on the face of it it shows a six million dollar loss, but I think overall you're going to see a gain because those sales now are going out of State for those along the State line and I think we'll bring those sales back into Illinois and, therefore, benefit those implement dealers that are paying taxes here in this State, and I'd ask for a favorable vote on this issue.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator O'Daniel, do you wish to close?

SENATOR O'DANIEL:

Yes. You know, Illinois is the number one agriculture

exporting State in this nation and I think that we shouldn't have to follow the lead of...of other States. We are...we raise more soybeans than any...any State in the nation. We nearly raise more corn. Illinois and Iowa raise forty percent of the corn that's produced in this entire nation, and I don't think we should have to follow the lead of other States. I think we should be the leader and...and I think this is a very important bill and...and a very important move to help agribusiness at this time, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 429 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 429 having received the constitutional majority is declared passed. Senate Bill 430, Senator O'Daniel. Read the bill, Mr. Secretary. For what purpose Senator Lemke arise?

SENATOR LEMKE:

Yes, a point. I...I think that last bill that Senator O'Daniel passed was his first bill passed in the...in the Senate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Congratulations, Senator.

SECRETARY:

Senate Bill 430.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator O'Daniel.

SENATOR O'DANIEL:

Yes, really and truly 429 and 430 are my Build Illinois bills. You know, I...I looked all through the Build Illinois

and I couldn't find anything in there that would really benefit the 54th District, but 429 and 430 will probably do more for the economy of southeastern Illinois than...than there is in Build Illinois for...for my district. You know, 429 removes the sales tax from oil field equipment above two hundred and fifty dollars. You know, we're...we're seldom giving the oil industry any consideration at all and it's a very important industry in southeastern Illinois. For the past three or four years, the economy has been terrible and had it not been for...for the oil industry then...in that area, the economy would be hurting much more than it is now. There's about four districts in the State, Senator Coffey's, mine, Poshard's and probably some in Ralph Dunn's and maybe Watson's that has the majority of the oil basin. The State of Indiana has no sales tax on oil field equipment. Contractors can come across the State line and...and drill and...and they can drill for as much as fifty cents a foot less than...than our own contractors in...in Illinois...in the Illinois oil basin and...and I think these people need some consideration. It..it costs a lot of money to drill a well. They drill wells...to the Dutch Creek which is about a mile deep and...and to put one on a pump it costs a quarter of a million dollars, and these people haven't been given any consideration and...and they generate a lot of revenue in our...in our...in our economy in...in southeastern Illinois, and I'll attempt to answer any questions you might have.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill...Senator Demuzio.

SENATOR DEMUZIO:

Well, I would just like to ask the sponsor, what's the revenue impact of this one? What's...what's the loss of...of revenue to the State of Illinois from this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator O'Daniel.

SENATOR O'DANIEL:

Senator Demuzio, I...I...I don't have it right here before me. Now I did have it. I believe it's somewhere around...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator O'Daniel, Senator Netsch indicates she can answer that. Senator Netsch.

SENATOR NETSCH:

The fiscal impact note indicates that the cost would be four and a half million in Fiscal Year '86 and that, I assume, would double thereafter because that is a half-year impact.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Well, I guess the...the question is...you know, we're always passing little bills for the little people and to take care of the little guy. I got kind of a gut feeling the little guy we're taking care of here is Standard Oil and Marathon, and I...you know, far be it from me to presuppose that those aren't little people, but who...who exactly are we giving sales tax relief to? I...I think oil...exploration that isn't something that the neighborhood kid gets together like a lemonade stand, that's big business; and I might add, it's a business that hasn't done too poorly in the last few years, at least the bottom line profit figures coming out on the annual reports are kind of impressive. I'd kind of like to have some of those margins in my little business. I don't know. I'm not sure we're helping any little people with this one. I got a feeling here this is a real big one for some real big boys that have made a lot of money and who I know with interest are currently raising our gas prices.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator O'Daniel.

SENATOR O'DANIEL:

Yes, I...of course, I'm going to disagree with...with Senator Schaffer. Ninety-five percent of the drilling in the Illinois basin is did by independents. They're small contractors that...that do the drilling...they do...a lot of times, they...they do some drilling for major companies, but I'm talking about the drilling contractors and...and the supply companies and all that...that really are out there trying to produce our oil and...and explore for the oil, and it is a...a high risk occupation and...and...and I think it's very...very essential and very vital that we try to produce this source of energy. It's...it's getting...it's getting where it's...it's more risky all the time to go out and explore for oil and...I...I think that...ninety percent of the...the help we are helping will be for the independent oil producer and most of it, as I say is...is located in south-eastern Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you. I joined Senator O'Daniel in his economic development bill of the last one because I thought it was fair and defensible. I cannot do the same on this one. It seems to me we are opening up a major new gap in our tax base and while it might be that it would help some independent or backyard oil drillers,...the bill is not so restricted and it, obviously, is going to be a boon to a lot of others as well. The estimated cost, as I indicated, is...assuming a January 1, 1986 effective date, for this fiscal year is four and a half million dollars which would at least double it, I would assume, when it...when it was annualized and my guess is that that might be somewhat conservative. I don't really think we can in good conscience give this break just for the

exploration costs that are involved in the bill. It seems to me that that is not an appropriate way to attract more business to the State of Illinois, and I rise in...in opposition to the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I rise, again, to support Representative O'Daniel and this measure and to point out some of the questions that's been asked about the independents or if it's the majors that's going to be...make the profit from this bill. As Bill had pointed out...or as Representative O'Daniel had pointed out the...the majors...in...in his district, specifically Texaco has just recently closed their refinery down there and I...I guess you could say they're major and they're a big corporation, but they hire a lot of people in that particular area, and I think their drilling crew...I just spoke with one of them from...that works both in his district and mine this weekend and I think they're down to...Texaco now only has thirteen people left on their crews. They've laid everyone else off or fired them or sent them to another state, so if they are doing that in well Illinois, I wouldn't think they would be closing down both their production and their refinery. We, at Marathon, in...in my district...have been threatened to close down the Marathon refinery and also their production in...in our area is...is slowing down. So, yes, the independents is going to benefit mostly by this, but if the majors are going to benefit, those working people down there...and especially in Representative O'Daniel's district, those people...that's there livelihood. There's not a...great...amount of occupation for those people. If...if they're not...if they're not in agriculture and if they're not in oil production or in coal production, then there's

really not another job in that area for them, and I think this is a good bill and I'd ask for this side of aisle to support this measure.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President and members of the Senate. I rise in support of this bill also. White County, which is shared between Senator O'Daniel and my own district, has been the leading producer of oil in the State of Illinois since 1946. If you can remember the oil prices and the gasoline prices of about five or six years ago and how exorbitant those prices were and going through the ceiling, the increased production by the independents in southeastern Illinois on that oil basin over the past several years, because of the incentives that we have given the oil industry to drill, to produce more wells has brought the prices of gasoline and oil down all over this country and in the State. I think this is a good bill. I think it's the kind of incentive that we need to provide to an industry that's vital to that area. In White County and Gallatin County and those areas, the oil industry is second only to agriculture in terms of the number of jobs that it provides. I think this is a bill that would support that industry and increase the production, keep the gasoline prices low. I would appreciate an affirmative vote on the bill. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Well, here we go again. As you know, yesterday we did the same type of thing, a tax deduction for people who donate equipment to schools. We're not sure how much that cost...well over a million dollars. Here's another one, four

and a half million dollars. You all want to come back next year and pass a tax increase? We're eating away at the revenue and I notice there's a lot more bill to do the same thing. Now the Federal Government is going to the reverse, I hope, to get away from deductions. We ought to say away from these deductions. Let's be responsible and defeat this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator O'Daniel may close.

SENATOR O'DANIEL:

Yes, thank you, Mr. President. I have to disagree with...with my good Senator, the chairman of the Revenue Committee. It says here...State sales tax revenues would be reduced by approximately 1.5 to two million dollars. The thing that...that I've told my good chairman was, she has problems seeing it...the forest for the trees. I...I've been a business person all my life and how do you make money without spending money? If we'll encourage these people to come in, look at the additional revenue it will generate. I don't think it will cost the State any revenue. You know, we talk about...not a...not a line of businesses any...any breaks to...to encourage them to come into a state, how do we expect to generate additional revenue if don't encourage businesses to come into our State? For years, we've ran the businesses out of this State. It's time we were being concerned about spending a little money to get industry into this State, and this is a vital industry in our State. It'll be very beneficial to the State of Illinois and I'd appreciate an affirmative vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 430 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that ques-

tion, the Ayes are 30, the Nays are 20 and 2 voting Present. Senate Bill 430 having received the constitutional majority is declared passed. For...for what purpose Senator Philip arise?

SENATOR PHILIP:

I'd like to verify the affirmative votes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

There has been a request for the verification of the affirmative votes. Would all the Senators please be in their seats and will the Secretary please call the affirmative roll call.

SECRETARY:

The following voted in the affirmative: Berman, Carroll, Chew, Coffey, D'Arco, Darrow, Davidson, Dawson, Degnan, Demuzio, Donahue, Dunn, Etheredge, Hall, Jones, Kelly, Lechowicz, Lemke, Luft, Marovitz, Newhouse, O'Daniel, Poshard, Rupp, Savickas, Smith, Vadalabene, Watson, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Senator Chew.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is Senator Chew on the Floor? Senator Chew. Senator Chew is on the Floor. Slowly drifting in. Senator...

SENATOR PHILIP:

Senator Darrow.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Darrow is in his seat.

SENATOR PHILIP:

Senator Lemke.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR PHILIP:

Senator Dawson.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is Senator Dawson on the Floor? Senator Dawson. Strike his name from the record. Do you question any further affirmative votes, Senator? Mr. Secretary. On a verified roll call, the Yeas are 28, the Nays are 20, 2 voting Present. Senate Bill 430 having...Senator...Senator O'Daniel.

SENATOR O'DANIEL:

I'd like to put this on postponed consideration, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is leave granted? Leave is granted. (Machine cutoff)...436, Senator Marovitz. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 436.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 436 attempts to deal with the problem of disruptive students who keep other students in the classroom from getting the benefit of their class work and keep teachers from being able to do what they are hired for. It requires school boards to establish discipline policies which allow teachers to remove disruptive students and afford...and afford students within the bill due process protection. It contains three particular things. It requires school boards to establish discipline policies. Such policies shall provide that a teacher may remove disruptive students and such policies must include due process protections for students.

The bill has been amended so that the unions, the school boards and everybody is on board and...and has...has agreed to the legislation and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 436 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 436 having received the constitutional majority is declared passed. Senate Bill 444, Senator Davidson. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 444.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of this Senate, this does exactly what the Calendar says it does. This bill came about because of individuals who...under civil proceedings, either by court or the pollution board, had been...had a fine levied against them. Then after they paid the fine, they were unable to correct the source of the pollution or went out of business, and what this bill does is gives the court or the board a tool or an option 'cause they use it only when it's appropriate and it's only to secure a correction of the pollution problem; and it says that the court or the board may, may, reduce the civil penalties only up to eighty percent, providing the money is applied to the correction of the violation for which this penalty was assessed, and the whole thing about this is we all believe we should get removal of the source of the pollution. I'd appreciate a favorable

vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'm not sure I really understand or...from the explanation understand what we are doing. What you are saying, Senator, as I understand it, is that if indeed I am a polluter and I am assessed a penalty, then up to eighty percent of the penalty I get back so that I can correct what I did incorrectly in the first place. Is that what we're doing here?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

No. It's only under the civil part of the liability and nothing if you done a criminal damage, and it's only...it...it's not that you get it back, it could be reduced up to eighty percent provided, provided, you're going to correct the problems which created the pollution, and what this came about is individuals or businesses which had...been a fine levied, then didn't have sufficient funds or couldn't get the loan to correct the source of the pollution and, therefore, you lost that source of...employment as well as not correcting the source of the pollution.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

If indeed there was no reduction, where, in fact, does the money go? The money, as I understand it, goes into a fund which is...purports to clean up these places. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

The monies, if the fine is levied under the present Act, goes into four different funds; one is the Hazardous Waste Fund, one is the Wildlife and Fish Fund, one is the General Revenue and the fourth one is Environmental Protection Trust Fund which happens to have almost a million dollars worth of money sitting in it right now that hasn't been committed anywhere by the pollution board; and nowhere, nowhere, in all the history of the pollution board, you look at their annual reports and all they do is brag about how much money they levied on fine and there's not one word about reducing or getting rid of the source of the pollution which is what they're in business for.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, I am certainly not going to stand here and defend this administration's pollution control board or their lack of effort. On the other hand, I think it's terrible public policy to say to you, Mr. Violator, we are assessing you a fine for having polluted our environment and we're going to fine you a hundred dollars; however, we're going to give eighty dollars back to you so that you can stop polluting. That doesn't make a lot of sense to me. I urge opposition to 444.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. Chairman. I urge a No vote on this also. I did not support it in committee, and what it does in essence is just reduce the fees by eighty percent. The board can quadruple the...the fines. It doesn't make any difference,...they're going to get eighty percent of it back and

I'd urge a No vote on this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Very honestly, I think this is an excellent idea. You know, we always hear everybody moaning and groaning about we find somebody is polluting and then trying to get them to clean it up whether they have the funds or not. Now what we're suggesting is; number one, you've got a fine, we're going to fine you for it, you should be fined, but out of those fines we're forcing you to clean up the mess. Quite frankly, it's a good idea. What are we fining them for? We're fining them...they violated the law and they've got a problem, why not use those funds to clean up the mess? I think it's a good idea and I think, quite frankly, we ought to support it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Davidson may close. Senator Zito, now do you wish to speak?

SENATOR ZITO:

Thank you, Mr. President and members. The last Senator that spoke, the distinguished Minority Leader, I can't help but stand here and...and remember what he just said about five or ten minutes ago on the last bill. We don't want to encourage businesses in this State to do business in the State, yeah, well, let a business that's in violation take up to eighty percent as a rebate so that they can correct the problem that they started in the first place. I think it's a ridiculous concept and if we're keeping the same vein that the Minority Leader talked of on...on tax incentives, then we should keep in mind what we're doing with this legislation. I would urge a No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR DAVIDSON:

Mr. President and members of the Senate, I think some of you people believe in the old adage, "Cut your nose off to spite your face." This...funds are still under the control of the pollution board and/or the court and it's only an option for them to get a source of pollution corrected. I thought when we passed the Pollution Control Act, we were all about was to reduce pollution, to make a clean environment for which you and I and your children and grandchildren and future Illinoisans could live in. Also, there is nothing nowhere whatsoever any documentation about all the information given to us that the penalties that were assessed under the civil cases were a deterrent, and it's not rewarding the violator. What we're after is to correct the problem. Now if you want to continue to let the people go ahead and be a source of pollution, be a source of irritation to health and limb, then vote No; but if you want to help clean up the environment, give the board and the court an option to use some judgment and it's up to, it's not eighty percent, it's up to, and I think this is a good vote for the protection of the health and welfare of the people and clean up the environment and I'd appreciate a Yes vote.

PRESIDENT:

The question is, shall Senate Bill 444 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 26 Ayes, 28 Nays, 1 voting Present. Senate Bill...sponsor requests further consideration of Senate Bill 444 be postponed. Without leave, so ordered. If I can have the attention of the membership for a couple of moments, we have some special guests that have traveled to

Springfield to be with us today and I'd...yield...the Chair will yield to Senator George Sangmeister.

SENATOR SANGMEISTER:

Thank you. I appreciate the courtesy of the members on a busy day to...for this interruption but I think it's very important. You know, we always introduce our basketball and football teams that are successful in the State of Illinois, and it's my pleasure to introduce my old high school, Joliet Central High School, who won the AA wrestling meet for the State of Illinois. I might say that they were successful in defeating Franklin Park, Leyden High. I don't see Senator Zito on the Floor, but I just thought I'd let him know that, that this is the team that did it. We're obviously very proud of these young people and...of course, obviously, it cannot be done without a good staff and in particular one good coach to bring the championship to Joliet and that is Coach Mack McLaughlin and I'd like to say a few words at this time, Coach.

COACH MCLAUGHLIN:

(Remarks made by the Coach)

SENATOR SANGMEISTER:

Thank you, Coach, and it's always a great pleasure when any city or village within wonderful Will County brings a championship home, it's...it's nothing new but it's always nice. And in that regard, we would like to present you with a resolution to you and the team from the Illinois Senate as a congratulatory resolution for your accomplishments and, again, congratulations.

PRESIDENT:

All right, with leave of the Body, we'll return to the Order of Senate Bills 3rd Reading. 447, Senator DeAngelis...448, Senator Weaver. 497, Senator Netsch. All right. Stan, you want...I beg your pardon, on the Order of Senate Bills 3rd Reading, Senate Bill 448. Read the bill,

Mr. Secretary.

SECRETARY:

Senate Bill 448.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This increases the general obligation bond authorization by one dollar. I'd appreciate a favorable roll call.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 448 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 52 Ayes, 3 Nays, none voting Present. Senate Bill 448 having received the required constitutional majority is declared passed. Senator Netsch on 487. On the Order of Senate Bills 3rd Reading is Senate Bill 487. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 487.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 487 deals with life-care facilities and, in effect, redefines them as co-operatives for purposes of the various senior citizen and homestead exemptions. The concept of a life-care facility really did not develop until after Sections 500.23-1 and its

companion were enacted and, therefore, the definition of what constitutes a cooperative that is available for senior citizen was really not in anyone's mind at that time. This would, in effect, say that any life-care facility as defined in the Life-care Facility Act which qualifies as a cooperative will have the same treatment available to it for seniors who are resident therein. I might say that this is already done in at least one and possibly more counties of the State. Cook County already has given them the same treatment as cooperatives but it is not uniform throughout the State. This would assure that there would uniform treatment of these facilities throughout the State. I'd be happy to answer any questions.

PRESIDENT:

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDENT:

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

SENATOR GEO-KARIS:

Does your bill apply to those...edifices where people pay about fifty thousand dollars to go into those edifices...senior citizens' edifices where they pay a substantial sum of money in order to qualify to go in there?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Yes, I don't know that the...the figure you mentioned is the correct one, but typically what happens is that someone at...enters into a contract which is in effect a life contract, they pay a sum of money, sometimes it is a fairly substantial sum and then they are required to be kept and maintained in that facility for the rest of their lives. If the...if one of your concerns is about the degree of wealth

or nonwealth which these people have...that was the question that I raised myself, and one of the obligations of a life-care facility as it is defined in other parts of the laws of Illinois is that it must continue to provide both the maintenance and the housing for anyone who has entered into such a contract, and so even if someone becomes totally impecunious later on, they must be retained in the facility.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I can appreciate the concern of the sponsor in...in this bill. The thing that bothers me is that those people who can afford these places where they pay a substantial amount of money for their care, they are going to give homestead exemptions to those certain life-care facilities; and yet, we are not helping those who cannot afford these very expensive facilities, and I think this bill really helps those who have the money to go to these places and not...it doesn't help the ones who really need our help more.

PRESIDENT:

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. I think the...the sponsor has presented the arguments in favor of the legislation very, very well and there is a...a question of equity involved. If these people stayed in their...in their own homes, they would be eligible for this...this exemption. There is also the issue of...not...not irregularity, but nonuniformity in application of the exemption at the present time in different counties. There's another side to the...to this legislation though that I...I do want to raise. The...and this impacts a...a portion of...of my district. What we do...what we will be doing here is eroding the tax base on which units of local

government are very dependent, not only the...the schools but all the other taxing districts that rely on the property tax as a basis for the revenue which they need in order to provide services. For example, the passage of this legislation would deprive a local school district in my area of approximately fifty thousand dollars in revenue...every year. The school district is already hard pressed. One of the things that this bill does...while it is true that these people would receive the exemption if they were in their own home...homesteads, the impact is dispersed through a region; but when you focus...bring these people together in a life-care facility, then the impact is focused with...within a small number of taxing districts. I would also point out that...that this...this kind of exemption is exempt from the State's Mandate's Act so the State has no obligation to...reduce or to replace the money that this passage of this bill would take away.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. I merely wanted to say to the sponsor of the bill, I'm a little surprised at her sponsoring such legislation. When we go to revenue and we're always trying to get an extension for those who...senior citizens who own property and who have labored all of their lives to see that they would be sitting comfortable in their senior years, and we come to revenue to seek to get a...tax break for them...to certain amounts and here we cannot get it. She said, we're spending too much money, too much money, too much money; but people who are already endowed with money and who can afford to throw money into the lake, so to speak, here we are in the legislative Body today seeking to make their life much easier by giving them a tax break, and I'm really surprised and I just wanted to let the sponsor of the bill know

that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President...thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of Senate Bill 487. The difficulty has been...and that's one of the reasons why Senator Philip and I are cosponsors of this legislation. The...difficulty has been that there is an inconsistent policy among the assessing authorities throughout the State. There simply aren't that many of these facilities but the fact is they are treated differently. In the County of Cook this kind of exemption has been granted by the Cook County Assessor and is justified. The fact is, in other counties it has not been granted and so there is a...a really unworkable discrimination. We are talking about something to which senior citizens are fully entitled, and the fact that they maintain themselves with a monthly maintenance payment at one of these life-care facilities should not militate against their rights. This is a extremely good piece of legislation and one that will benefit the senior citizens and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR NETSCH:

Thank you, Mr. President. Just very briefly. I think the point here is equal treatment for people in equal circumstances, and if Senator Smith would hear my regular lectures in the Revenue Committee she would also hear me making that point. The senior homestead exemption is already available to seniors regardless of their income level. It is available to those who live in their own home or who live in a co-op or a condominium, and it has nothing to do with income level,

that is the way the law is already. All this does is say that those who have a different living arrangement, who live in a life-care facility, which in effect is their homestead, will be treated the same as those who already live in their own homes or in a co-op. That, I think, is equal treatment for people in equal circumstances and I think that really is fair. I would solicit your support of Senate Bill 487.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...the question is, shall Senate Bill 487 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 2, 1 voting Present. Senate Bill 487 having received the constitutional majority is declared passed. Senate Bill 492, Senator Chew. Read the bill, Mr. Secretary.

END OF REEL

REEL #3

SECRETARY:

Senate Bill 492.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

Thank you, Mr. President and members of the Senate. It's just as the synopsis says. It just permits certain trailers or semitrailers to operate where it's a little more convenient for loading and unloading. There's no opposition to the bill. All agencies involved have signed off to it, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 492 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting...I voting Present. Senate Bill 492 having received the constitutional majority is declared passed. Senate Bill 498, Senator Vadalabene. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 498.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate.

Senate Bill 498 authorizes a seven percent increase in the formula by which funds are appropriated for library systems for funding in Fiscal 1986. This money is contained within House Bill 583, the Secretary of State's annual appropriation. This is an Illinois Library Association bill and is supported by the Secretary of State, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 498 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 498 having received the required constitutional majority is declared passed. Senate Bill 499, Senator Darrow. Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 499.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 499 applies the provisions of the driving under influence of alcohol to the operation of watercraft. At the present time, if someone is intoxicated and operating a watercraft, the maximum penalty is a hundred dollars. This legislation has a series of provisions that increase that penalty, make it a Class A misdemeanor for the first offense, Class 3 felony for subsequent offenses and Class 2 felony if result...if death results from the operation of...a watercraft while intoxicated. I'd be glad to

answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. Chairman...or Mr. President. This bill traditionally went to the Agriculture Committee. I think that it had resided there for a number of years. I don't particularly think this is a good idea. Now,...as I understand it, any motor craft, that could be a three-horse motor and the fellow could be sitting out there fishing, and...with a six-pack of beer, and if the game warden couldn't find anything wrong with...what the fellow is doing, he could get him for...for being intoxicated. How in...another thing that...that I don't understand is, how are they going to take this...how are they going to take this test...is the...are the...conservation police officers going to be equipped with a Breathalyzer kit?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARROW:

Well, to start with, this will be enforced by a number of agencies, the Department of Conservation, the sheriff's department, the coast guard up around Chicago, the Chicago Police Department. The Breathalyzer provisions come as a result of after observing other indications of intoxication, and I'm not sure how the Department of Conservation would enforce this, whether they would take them to shore or have field tests.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, did the conservation police officers...were they in favor of this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARROW:

This bill is supported by the Department of Conservation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. My analysis says the bill is supported by the Lake County State's Attorney's Office, DLE, the Department of Conservation. Is that true, Senator?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARROW:

At the committee hearing the Sheriff of Lake County and the State's Attorney of Lake County came down to testify, and Senator Geo-Karis from Lake County is a cosponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Well, all I can do is point out to the members that you haven't seen the need for this bill until you've been out on the Chain-o-lakes, because there is no question that one of the real serious problems we've got perhaps not only at the Chain-o-lakes but at any lake around this State where you put a lot of boats or people who are filling them up with booze and going out and drinking, it's creating a very serious problem up there. I know, I've been on it. I think this is a good piece of legislation. As far as that fisherman is concerned, I'm one of those guys too. They have every bit as much responsibility to watch what they're doing as the rest of those folks out there driving the speedboats. This is a good bill, we ought to support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I can only echo Senator Kustra's statements about the need for this as it relates to the operators of boats. I was wondering if the sponsor would yield to a couple of questions?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Schaffer.

SENATOR SCHAFFER:

I think one of the things that has been going on since...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator...Senator Darrow, the gentleman is asking you questions. Senator Schaffer.

SENATOR SCHAFFER:

...I think one of the things that has been going on since Cleopatra's days on the barge has been people getting a...a party together and going out on a body of water and enjoying themselves. I guess the people who operated the barge, meaning the slaves, didn't get to drink, but I assume the people holding the party were imbibing and I suspect they will continue to imbibe. How does this impact on passengers in a boat other than the driver, and...and what are the implications in terms of open liquor in a boat? I think of the large forty-some foot craft that are moored at the Burnham Harbor in Chicago, how would it impact on those?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARROW:

I'm glad you raised that point. First of all, this legislation pertains only to the operator of the watercraft. It does not apply to the passengers. They can drink to excess if they want. It's completely at their own discretion. Secondly, you can have open liquor in the boat, there's no...prohibition against that. And lastly, the operator of the watercraft can also imbibe in a few drinks as long as he does not drink to excess.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Well, I think it's a pretty good idea, and...and I agree that a large motorized boat or, for that matter, even a small motorized boat is a killing weapon, and the person who operates that ought not to be intoxicated. I only have one minor problem and that's...I just wonder when that law enforcement officer pulls over that cabin cruiser and they're steering from down below and there are seven people in the boat, I can see this rather amusing situation where the seven of them decide which one of them was driving. But I still think the idea has merit, and I believe that our law enforcement agencies can effectively enforce it and it will save lives.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Question of the sponsor, if he will yield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator...

SENATOR CARROLL:

Just want to know when the law enforcement officer comes up to the boat driver, if he can ask him to get out of the boat and walk a straight line while in the middle of the lake.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Just a comment. I...I think everybody agrees that with these larger boats...and there is a problem, particularly those of you that have large size lakes in your area, and I'm sure Lake Michigan is a problem also. But I think some of the problem that we're...and some of the inquiry we're getting from some of our sportsman's people is is they really

feel that this bill is going to open up for them some harassment for the guy with his ten-horse motor fishing boat who happens to take his six-pack of beer along, and now he's out there with his cane pole in the water and some...and now I understand, it's not only the conservation officers but the sheriff and the State police and everybody else cruising around out there possibly giving him a hard time because he is sitting there drinking a can of beer and enjoying his afternoon. I'm not so sure how you can structure this bill to prevent that, because I guess you'd have to admit that even a small watercraft can be dangerous with a ten-horse motor. But at the same time,...as this bill progresses, I...I would...would like to see something of a little bit more protection for the guy who enjoys his...his weekends and his can of beer and his little ole' fishing pole.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Darrow may close.

SENATOR DARROW:

Thank you, Mr. President. I would point out that this legislation or similar legislation is supported by ninety-one percent...or let me...let me back up. Seventy-eight percent agree that State marine officials should have authority to administer a chemical test; that's seventy-eight percent of those folks who own boats. So, if we're talking about the little fisherman, he may be for it just as much as the next guy, I don't...I don't think that we're going to have trouble with enforcement of this. As I said earlier, it pertains only to the operator. It does not pertain to the passengers. The operator can have a drink or two as long as he does not drink to excess. And if you have problems on the Chain-o-lakes, you should see the problems we have on the Mississippi River with the barge traffic. On a Sunday afternoon, a number of people will be out there drinking, pulling water skis, I've seen...motorboat operator pull a person on

water skis in front of a towboat. There are a number of other areas that I've observed. It's a real hazard. It's a hazard here, it's a hazard in the Chain-o-lakes, Mississippi, the Illinois River; Senator Dawson testified in committee on the problems they have on Lake Michigan. He's very familiar with that body of water. I would ask for a favorable vote. I think this is long overdue. It's been a...it's a privilege to operate a watercraft on the waters in Illinois, and I think it's about time we exercise our right to keep them safe for everyone. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 499 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 499 having received the required constitutional majority is declared passed. 500, Senator Lemke. 501, Senator Rupp. On the Order of Senate Bills 3rd Reading is Senate Bill 501, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 501.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. Senate Bill 501 was drafted as a result of a joint...of the Joint Committee on Administrative Rules. There was some question as to the suspension of...sureties by the Department of Transportation but now the Department of Insurance, the Department of DOT have gotten together, the bill has been amended and now is agreed that...in agreement both groups...and that the amendment did

permit the Department of Transportation to continue to suspend bonds and sureties as they have been doing. Ask approval of the bill as it has been amended.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 501 pass. Those in favor will vote Aye. Those opposed will vote No...Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 501 having received the required constitutional majority is declared passed. Senate Bill 506, Senator Lemke. Senate bills 3rd reading is Senate Bill 506, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 506.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

What this bill does is conforms petition signature requirements for local advisory referendum to requirements for...amendments to the legislative article of the Constitution...authorizes school districts and local governments to submit advisory referendums. I think it's a good bill. It brings the petition...requirements in...in agreement with all articles in...thing. I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 506 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are

56, the Nays are none, none voting Present. Senate Bill 506 having received the required constitutional majority is declared passed. 508, Senator Luft. Senator Smith, for what purpose do you arise?

SENATOR SMITH:

Please register me with this...bill. I was over on the other side. I'm sorry...voting Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The record will reflect that had you voted, you would have voted in the affirmative. Senate Bill 509, Senator Luft. 510, Senator Smith. Senator Smith, 510? On the Order of Senate Bills 3rd Reading is Senate Bill 510, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 510.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. Senate Bill 510 requires the Department of Law Enforcement to establish a program for providing matching grants to eligible crime prevention organizations, and it permits the taxpayer to designate on their income tax return that one dollar of their taxes be deposited into the fund for this program. Now, this bill is different from the other tax bills that are enacted here in the General Assembly. We're not asking for a...a tax checkoff. This will...when you make out your income tax, you can put on your income tax that I'd like to have a dollar to be...to...designated to law enforcement for organizations. No, no, this is not after...no refund. This is when you go to make out and it's voluntary. It's not mandatory at all, but it will help to create a crime preven-

tion grant fund for our State Treasury from which the General Assembly may appropriate monies for...to the Department of Law Enforcement for awarding grants for programs outlined by this Act. In our neighborhoods we have a lot of organizations that are seeking to help...to, save God, people who are going to work, they come home in the evening, there's a bus there or a car or...to pick them up, take them to their home, supervise the children likewise, and if we can make such a provision possible...or this vehicle possible, then I'm sure that we might be able to help many of our community organizations, they can get a grant from the Department of Law Enforcement; and I might say that the...the law...the Department of Law Enforcement has no objection at all to this bill. I'd be happy to answer any questions if necessary.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is...is there discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I think it should be pointed out, I...there's a little confusion at least on this side of the aisle. This is not a checkoff in the sense that we have had before. This just says that every taxpayer can mark a little box...it's kind of like that Presidential checkoff we have for...you don't really put a dollar...well, I guess you do in that case put a dollar of your own money. In this case, whether you have a return or not, you put a check in it and...this fund is created. I'm, frankly, a little dubious of this. We have a number of anti-crime organizations, I think of crime stoppers which has been very effective in my part of the State which is funded exclusively by private funds raised through a whole variety of fund raising mechanisms. Frankly, we could do this right now simply by an appropriation to the Department of Law Enforcement. I don't know that this is something we want to get started. I...I would defer to our experts on the Revenue Committee, Senator Netsch and Senator

Etheredge, whether there is such a checkoff here. It may well be that the accounting on each tax form could...could end up costing thirty-five or forty cents to keep track of how many people wanted to put a dollar in, and, you know, it would be...in all deference to Senator Carroll and Senator Hall, we can make an appropriation a lot cheaper than that. I think it's a good cause, but it's one that we, as the Legislature, ought to do without having to have the Department of Revenue look at...what is it, eleven million tax forms for checkoffs. I...it's a noble cause, but I think the...the paper schuffling involved in it is going to be to the extent that the program really shouldn't be done this way.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I think there was some confusion about this bill when it went through committee, but as I understand the bill now, and you ought to realize what we're doing, this bill would require that the taxpayer be able to tell the State Government that one dollar of the tax money would go for this purpose. Now, that is different from other checkoff systems that we've had in the past where the taxpayer can voluntarily take a portion of his refund and contribute that refund to some worthwhile cause. I don't quarrel with the cause that the Senator is espousing here, but if we're going to...if we're going to do this sort of thing, then I think we may ask taxpayers, how much of your money do you want to go to schools? How much of your money do you want to go to roads or all the other functions of State Government? That's the sort of thing that's being proposed here, and it's different from the checkoff.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. I...I, too, am very much in sympathy with the objective that the Senator is trying to accomplish. Certainly, the...the program that she's interested in...in obtaining financial support for via this mechanism is...is...is a very fine one; however, I must rise in opposition to the bill, because I think that it does...we're putting ourselves in...in the position where...it's going to cost us fifty cents in order to...to spend a dollar in support of these programs. I think it...it establishes a very dangerous...precedent as has...has already been pointed out by a couple of the prior speakers. The next thing we'll have will be checkoffs to the...to...to the schools, to public aid or...or whatever. I think that we have an appropriation's process which allocates money in support of programs which we feel are deserving of support, and we can appropriate a dollar and...in order to provide a dollar in support of the services. So, we're not going to drastically increase administrative costs in order to allocate programs in...in...or money in support of these various programs. I think it's a very dangerous precedent, and I would recommend a No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dawson.

SENATOR DAWSON:

Mr. President, Ladies and Gentlemen of the Senate, I request that the sponsor take it out of the record till we can straighten this out, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Take it out of the record. Senate Bill 512, Senator

Luft. Senate Bill 513, Senator Netsch. Senate Bill 521,
Senator Luft. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 521.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

...thank you, Mr. President. Senate Bill 521 broadens the manufacturing machinery and equipment exemption. The current law limits the exemption to machinery and equipment primarily used in the manufacturing or assembly of tangible personal property for sale or lease. What we're trying to do with Senate Bill 521 is to expand the exemption to include machinery and equipment and tools used in the general maintenance or repair work on production of machinery and equipment, to include machinery and equipment used for in-house manufacture of exempt machinery and equipment, and to also include machinery and equipment used for product design and production including but not limited to computer assisted design and computer assisted manufacturing.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 521 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 521 having received the constitutional majority is declared passed. Senate Bill 522, Senator Sangmeister. Senate Bill 527, Senator Carroll. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 527.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This...excuse me...in this issue...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Could we break up that conference by Senator Carroll there.

SENATOR CARROLL:

...Margaret, please. In the area of...of asking people in corporations to donate food to the hunger pantries of this State which are run by the various charitable institutions we found that when the law was created in 1981, for some strange reason it had basically been interpreted to limit the types of foods that could be donated to canned goods and agricultural products; namely, fruits and vegetables. There are many companies who wanted to donate other types of food products to the poor and...and their corporate counsel had been advising them that they were not allowed to do so because of the Food Donor's Act; and in addition to that, there was no State involvement in the program in a positive sense. So what this amendment would do would be to expand those areas of foods that could be donated to these pantries and also asks the Department of Commerce and Community Affairs to try and help these food pantries by going with them to corporations and asking them to donate what would otherwise be surplus or wasted food items. This would allow many more of the corporate entities in Illinois to donate those excess items to those who are truly hungry and truly in need, and the department would then be able to help find those sources and make more of what otherwise would be wasted available. I would be willing to answer questions and ask for a favorable

roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 527 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are none, none voting Present. Senate Bill 527 having received the constitutional majority is declared passed. Senate Bill 529, Senator Donahue. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 529.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose does Senator Collins arise?

SENATOR COLLINS:

Had I been at my seat, I would have voted Yes on 527. Would the record please so show?

PRESIDING OFFICER: (SENATOR SAVICKAS)

The record will so indicate. Senator Donahue on 529.

SENATOR DONAHUE:

Thank you, Mr. President. I would like if I could at this time, to Table Senate Bill 529 and be added as a hyphenated cosponsor of Senate Bill 1084.

PRESIDING OFFICER: (SENATOR SAVICKAS)

On...Senator Donahue wishes to Table 529. You've heard the motion. Is there any objection? Is leave granted? Leave is granted. She also asks...seeks leave of the Body to be added as a hyphenated cosponsor to Senate Bill 1084. Is leave granted? Leave is granted. On the Order of Senate Bills 3rd Reading, Senate Bill 530, Senator Coffey. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 530.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. Senate Bill 530 is a...is a simple bill and it does two things. It...amends the Downstate Public Transportation Act, changes "may" to "shall" and adds a new provision which requires Illinois Department of Transportation to deny transportation funds to those communities who do not comply with the accessibility standards for the handicapped, and I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 530 pass...Senator Bloom.

SENATOR BLOOM:

A couple of questions of the sponsor, if I may, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he will yield.

SENATOR BLOOM:

Our analysis raises a question as to whether or not the Federal requirements dealing with the accessibility of transportation are even defined in the Federal Revenue Sharing Act. Do you know,...yes or no, whether they are defined?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey.

SENATOR COFFEY:

It's my understanding by talking to DORS that it is defined.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Would this bill require all structural barriers; i.e., curbs with no ramps to be modified?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey.

SENATOR COFFEY:

It would not unless...new construction has taken place, and under the provision of the law now that when they're put back they are to be put back to standards which are accessible to the handicapped.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Last question. Would telecommunications devices for the deaf have to be installed and maintained at certain public transportation sites?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey.

SENATOR COFFEY:

My understanding, again, this morning talking to DOBS that it would not.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 530 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, 1 voting Present. Senate Bill 530 having received the constitutional majority is declared passed. Senate Bill 531, Senator Lemke. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 531.

(Secretary reads title of bill)

3rd reading of the bill.

*SB 533
2nd Reading*

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

What this bill does is amends the Code of Corrections in...and questions the...the question of fitness to be executed may be raised after the defendant is sentenced to the death penalty. The burden...under this bill the burden is on the defendant to show by the preponderance of the evidence that he is unable to understand the nature and purpose of the death penalty. If an offender is found unfit to be executed, then he is held by the Department of Corrections until such time. What this does is...the burden used to be on the State to do it, now it's...the burden is on the defendant to show that he's unfit. I think it's a good bill. I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 531 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 531 having received the constitutional majority is declared passed. Senate Bill 533, Senator Lemke. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 533.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

What this bill does is amends the Probation Act and the Juvenile Court Act in regards to the Supreme Court recommendations. The court noted that statutory provisions which

govern the various court related departments are scattered throughout the Statutes or in many instances were taken together confusing and duplicating and inconsistent. What this bill does is to clarify it as...as...as No. 1 in the Juvenile Act, appointment of officers to probation or court service department shall be governed by the Probation Officers Act, requires all counties to maintain court services or probation departments, requires court authorization for exercise of certain powers given to the court service probation. I think it's a good bill and creates uniformity amongst our laws. I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 533 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take...take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 533 having received the constitutional majority is declared passed. Senate Bill 535, Senator Lemke. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 535.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

What this bill does is amends the uniform Code of Corrections, requires a pre-sentencing report shall include information regarding previous orders of supervision, probation and any continuances under any supervision, notwithstanding whether the defendant at the time of the placement was a juvenile...I think it's a good bill. I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 535 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are none, none voting Present. Senate Bill 535 having received the constitutional majority is declared passed. Senate Bill 538, Senator Lemke. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 538.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

What this bill does is...amends the Juvenile Court Act, provides that the court may require a delinquent minors serve a period of detention not to exceed seven days as a condition of supervision. This is...in other words, if the judge in...his mind feels that the juvenile should be detained maybe for two or three days, he can do it. I think it's a good bill. I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 538 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 538 having received the constitutional majority is declared passed. Senate Bill 544, Senator Lemke. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 544.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LENKE:

What this does is...the bill does is amends the Criminal...Code, provides that a third and subsequent conviction of prostitution is a Class 4 felony. With Senator Geo-Karis' amendment it equalizes this to the fellow that solicits. I think it's a good bill. I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 544 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are none, none voting Present. Senate Bill 544 having received the constitutional majority is declared passed. For what purpose does Senator Geo-Karis arise?

SENATOR GEO-KARIS:

I...I thought I had put down my Yes button...please, for the...to show on the record that if I had put my finger on the right button, I would have voted Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis, the record will so indicate. Senate Bill 559, Senator Weaver. Read...Senate Bill 564, Geo-Karis. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 564.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill amends the Boat Registration Safety Act to provide that any person who operates a watercraft upon the waters of this State under the influence of alcohol or other...or drugs shall be guilty of a Class A misdemeanor, and I move the favorable passage.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Where did this...where did this one come out of? What committee?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Judiciary, sir. Judiciary I.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, which Judiciary Committee?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Judiciary I, and I had nothing to do with the assignment, sir.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Judiciary I, and then the other bill came out of Judiciary II. Never mind.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR SANGMEISTER:

Well, as long as we've pumped one bill out of here

already, it's not that we haven't put two out on the same subject before, but I would like to know how...the two bills differ? That's my question, if the sponsor will yield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, my bill simply applies...saying that if they're guilty of drunken...drunken driving on a boat or under drugs that the penalty goes up from a petty offense to a Class A misdemeanor. And I think we should pass both bills. I supported the other bill, because I think...we don't know what the House is going to do, and I ask for your favorable consideration. There's a need for bills like this, and I might add, I don't have anything to do with assigning bills, and I ask for your favorable consideration.

PRESIDENT:

Further discussion? Any further discussion? Senator Geo-Karis, you wish to close?

SENATOR GEO-KARIS:

Ask for a favorable roll call. Thank you, sir.

PRESIDENT:

The question is, shall Senate Bill 564 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 54 Ayes, no Nays, none voting Present. Senate Bill 564 having received the required constitutional majority declared passed. 565, Senator Geo-Karis. On the Order of Senate Bills 3rd Reading, Senate Bill 565. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 565.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill amends the Probate Act of 1975. It provides that an adopted child is a natural child for the purpose of determining the property rights of persons under any instrument...we...unfortunately, by a quirk of the law, if a child was adopted before 1955 and his father should die without leaving a will or...make any...not make any provision, I think you'd have a problem. All it does is make it completely...complete and uniform applying to all adopted children, and I urge its favorable passage.

PRESIDENT:

Any discussion? Senator Bloom.

SENATOR BLOOM:

Well, thank you, Mr. President. It's with some reluctance that I rise on this. I understand, I think, what you're trying to do, Senator, but I have a problem with perhaps it...it might not be constitutionally. Could you...could you address that briefly?

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

I believe, Senator, that it is constitutional, because what we're saying is that the child...the children adopted before 1955 would have the same rights as people...as the children adopted after 1955. So I think you bring it into uniformity.

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

I don't know how it...well, I'll just say it. I think it's ex post facto. Well, let me put it another way.

Conceivably there would be testators who executed wills prior to 1955. Basically, this bill says, it doesn't matter what you wanted to do, here is the way you are going to do it. And, I...I understand, I'm just suggesting that there is the probability of a very severe problem with this. I'm...will be unable to support it, I'm sorry.

PRESIDENT:

Further discussion? Senator Berman.

SENATOR BERMAN:

Let me...thank you, Mr. President. Let me expand on Senator Bloom's concern. This doesn't...this doesn't affect the question of children adopted before or after September 1, '55. This bill affects wills that were prepared and executed, not adoptions that took place but wills that were executed before September 1, 1955. The law says that if I executed a will after September 1, '55, and I said that my children shall inherit, the word "children" will include both adopted as well as natural children, and when persons executed wills after that date, they understood what that meant. The trouble is that before September '55, if you used the word "children," the law has been that it meant only natural children; and people that executed wills according to that law, if they wanted their adopted children to inherit would say, I also want my adopted children to share in my estate. By this bill we are changing the meaning of every will that dealt with a person who has adopted children that...where that will was executed before 1955. Now, I'm not a constitutional law expert and I don't know if it is or is not constitutional, but I raise the question, is this what we should be doing? And it's not on a question of equity, it's a question of...of...of allowing a person who made out a will to have his purposes carried out according to the law when he made that will. Now, a lot of people executed wills years ago before 1955, they put them in a safety deposit box, they

put them in the drawer and they've never changed anything because they knew what they wanted to do then. This bill changes that. I'm not sure that's what we ought to be doing. And, therefore, I think that the law...if you don't pass the bill, everybody knew what the law was, they carried out their intentions and we aren't the ones that are changing it. I don't think...that we should be the ones that should be changing it retroactively. I'm going to vote with Senator Bloom and vote No.

PRESIDENT:

Any further discussion? Further discussion? Senator Geo-Karis, you wish to close?

SENATOR GEO-KARIS:

Well, Mr. President, Ladies and Gentlemen of the Senate, many people who did...had adopted children and their own children, when they just put a classification of children in their will at that time presumed that it meant all of them. And this is...is just a simple correction of the law. Now, if...anyone doesn't want to include their children, they don't have to include their children. That wouldn't make any difference. All we're trying to do is make it uniform so that people who were adopted before 1955 would have the same rights of people who were adopted after 1955, and I urge a favorable consideration.

PRESIDENT:

Question is, shall Senate Bill 565 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 23 Ayes, 26 Nays, 1 voting Present. Senate Bill 565...sponsor requests that further consideration be postponed. So ordered. 566, Senator Geo-Karis. On the Order of Senate Bills 3rd Reading, Senate Bill 566. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 566.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill simply amends the IMRF Articles of the Pension Code to expand the definition of sheriffs law enforcement employed to include...full-time law enforcement employees of forest preserve districts. It only affects about forty-seven people. It's supported by the Illinois Municipal Retirement Fund, and I might say that this privilege has already been...afforded to the policemen of the Department of Conservation, and I might also say that LRB says it does not affect the Cook County funds...Cook County people because they have a different classification.

PRESIDENT:

Is there any discussion?...

SENATOR GEO-KARIS:

...urge your consideration.

PRESIDENT:

...any discussion? If not, the question is, shall Senate Bill 566 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 55 Ayes, 1 Nay, none voting Present. Senate Bill 566 having received the required constitutional majority is declared passed. 567, Senator Joyce. 573, Senator Maitland. 576, Senator Topinka. On the Order of Senate Bills 3rd Reading, bottom of page 26, is Senate Bill 576. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 576.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. What this would ultimately do is allow the Agriculture Premium Fund to pay for overflow facilities in terms of race tracks. At present, where...when we have racing dates at one track and more horses have been put at one track than it can accommodate, those horses then flip over to another track and then, unfortunately, that particular track has to either work out an arrangement with the sending track and/or sustain the cost themselves. This would improve racing throughout northern Illinois and probably throughout the State.

PRESIDENT:

Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, yes, Mr. President, I...I guess I'm a little confused here. We are...we are now going to dip into the Ag. Premium Fund rather than the Race Track Improvement Fund, and I don't understand why we're doing that and I don't know what the fiscal impact is...the drawdown off the Ag. Premium Fund. If the sponsor would indicate some response.

PRESIDENT:

Sponsor indicates she will yield. Senator Topinka.

SENATOR TOPINKA:

Yes, we don't...anticipate the fiscal impact to be very great at all.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Isn't...isn't this a tremendous departure then from previous policies of using the Ag. Premium Fund for...for...for race track improvements?

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

I don't know that we could necessarily call it a departure, because it indeed improves what the race track is able to do in order to keep the racing industry as strong as we would like to keep it in the State of Illinois.

PRESIDENT:

Any further discussion? Further discussion? Senator Maitland.

SENATOR MAITLAND:

Well, yes. Thank you, Mr. President. I guess along that same line of questioning, I know we...we drawdown the Ag. Premium Fund every year to a certain level and then from that level we extract some more money in...into the General Revenue Fund, as I recall, and I...I.. I'm not...I think there could be a very serious impact here on...on the General Revenue Fund. I just would like to know the answer to the question, too, Senator Topinka. If we...we know it; if not, we might ought to hold the bill.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

I don't see my staff person here who...would have that information. If I could possibly see if he is here for a moment. I'll pull the bill from the record if you like until I get that information...thank you.

PRESIDENT:

Take it out of the record, Mr. Secretary, please. 577, Senator Degnan. On the Order of Senate Bills 3rd Reading, bottom of page 26, is Senate Bill 577. Read the bill, Mr.

Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 577.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Senate Bill 577 increases the required bond for notary publics from one thousand to ten thousand. The one thousand dollar bond was set fifty years ago in 1935, and that is so low now that it does not fulfill its purpose. Improper notarization can cost the consumer on a falsified document upwards of four or five thousand dollars. I'd be happy to answer any questions.

PRESIDENT:

Any discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Question of the sponsor.

PRESIDENT:

Sponsor indicates he will yield, Senator Sangmeister.

SENATOR SANGMEISTER:

Under that Act, of course, we've always been able to have individual sureties rather than having to have a...a professional bond. You're not changing that section of the Statute at all. All you're doing is saying whether you're an individual surety or whether you get a bond, the limit is going to go from one to ten thousand. Is that correct?

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Absolutely. Whether it's an individual or...or...or a bond.

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall Senate Bill 577 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 55 Ayes, no Nays, none...1 voting Present. Senate Bill 577 having received the required constitutional majority is declared passed. Senator Rigney on 578. On the Order of Senate Bills 3rd Reading, Senate Bill 578. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 578.

(Secretary reads title of bill)

PRESIDENT:

Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, the clerk, I think has probably already explained my bill. What...what we're providing for here is really for the first time certifying the people who are in this business of running the video display equipment. Actually what we're attempting to do is something very similar to what is being done for the shorthand reporters, certified shorthand reporters, we certify them and we hope for the first time to be able to do this for the...for the video people, because they are in also a very sensitive area as far as the courts are concern. We are doing this with the blessing and with the help, first of all, of the Supreme Court, and we give them the full right to regulate in this area; and the second amendment to that bill says that in any deposition...for use...use in a court proceeding, we're protecting the court reporters under this Act in that we say that a transcript of such...deposition shall be prepared by a court reporter. So I think we are doing something for these people and also protecting the other people's turf as well.

PRESIDENT:

Any discussion? Senator Schaffer.

SENATOR SCHAPPER:

We have a whole variety of bills to license and regulate "professions," I guess this is the first one I've seen. I think somebody slipped one by yesterday while I was asleep at the switch, but let me just say, we ought to stop and think about what we're doing on licensing and registering everything that purports to be a profession. We're going to be licensing lawn cutters and babysitters and people who play chess in the park before we get through here. I cannot say that I have had one letter, one phone call, one person, anybody hint that there is a problem that causes this group to be registered. And if it isn't broke, why fix it? If no one has asked you to register these people, why register them? And I don't...I'm frankly prepared to give the same speech on twenty-seven other bills which means that all of you who have those other twenty-seven other bills probably ought to get together and you can pass them all. But let's just stop and think, more and more registration. Years ago we had a move to get rid of all these...frivolous registrations. What comes after registration? Well, then,...then, we have continuing education and certification and testing and what's the end result? We cut down the number of people available to do this "new profession." We drive up the...the cost of the profession. Let's face it, the only people who want to be registered are the people who are doing it and they're doing it out of self-interest. Fine. I understand self-interest, but let's stop and think about this before we go registration nuts.

PRESIDENT:

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, I join...Senator Schaffer in opposi-

tion. I also note that the Department of Registration and Education is opposed to this bill and the registration of these video officers. So I would suggest that this bill, as those others, have a...resounding No vote and does not pass the House.

PRESIDENT:

Further discussion? Any further discussion? Senator Rigney, you wish to close?

SENATOR RIGNEY:

Well, if there is opposition from the Department of R & E, now, this of course comes as news to me, because I don't recall them appearing at the time of the hearing in the committee to register their opposition at that time. I might just point out that this is rather a sensitive field. You're finding more and more people now are using these video people to do such things for instance, as recording wills; maybe, you know, grandma wants to have a...her will recorded so she can point out valuables that she has in her home that she wants to leave to members of her family. These people of course have a position of trust. They come into the home. They're aware of every single thing that is of value in that home, and obviously, if we get the wrong kind of shysters into the business, I think we're going to find that...that those people can then come back and do a little midnight acquisition on their own after they know the lay of the house and know everything that's of value in that house. I think..,unlike as my friend Senator Schaffer pointed out we want to register lawn movers and people of this kind, I think you'll find that this is a very sensitive area, and if we think it's important that we do certify some people in State Government who have sensitive positions, I think we're going to find that video officers are those kind of people that will have very sensitive positions in our lives, particularly more so as time goes on.

SB 596
3rd reading

PRESIDENT:

Question is, shall Senate Bill 578 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 14 Ayes, 39 Nays, none voting Present. Senate Bill 578 having failed to receive the required constitutional majority is declared lost. Senator Smith, for what purpose do you arise?

SENATOR SMITH:

...thank you, Mr. President and members of the Senate. We are honored to have in our...balcony this afternoon fifty students from Mollison School and Mr. Loftin is their teacher and courier with them this afternoon, some of the teachers are with them. I'd like for them to stand.

PRESIDENT:

Will our guests in the gallery please stand and be recognized. Welcome to Springfield. Top of page 27, 595, Senator Bloom. 596, Senator Dudycz. On the Order of Senate Bills 3rd Reading, Senate Bill 596. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 596.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Dudycz.

SENATOR DUDY CZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. What this bill in fact does, it allows approximately four hundred...homeowners and their families in an...unincorporated area in my district to be annexed to the Village of Norridge, and with the amendments does not affect any...any other part of the State. I ask...I'll ask...answer any questions there are.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. I would simply call the members' attention to the fact that we're setting a precedent here with allowing annexation to areas that are not contiguous. And I rise in opposition to the bill.

PRESIDENT:

Further discussion? Senator Nedza.

SENATOR NEDZA:

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

PRESIDENT:

Sponsor indicates he'll yield, Senator Nedza.

SENATOR NEDZA:

Senator Dudycz, I'm familiar with that area. What...what area we talking about in Norridge? Is this in Harwood Heights, Norridge, just what section are we speaking about?

PRESIDENT:

Senator Dudycz.

SENATOR DUDY CZ:

It's an unincorporated part of Norridge which is surrounded by three sections of...with the City of Chicago boundaries and to the north it's surrounded by Park Ridge. And there is a strip of land which is between the...property of Norridge and this unincorporated property that they wish to be.

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Is this the hole in the doughnut? Is this the principle that this...this Body has been fighting with for the past three or four Sessions?

PRESIDENT:

Senator Dudycz.

SENATOR DUDYCZ:

Yes it is.

SENATOR NEDZA:

Then I have to stand in opposition to the bill also. We create more problems by...by passing this legislation that what we're going to be solving.

PRESIDENT:

Further discussion? Senator Zito.

SENATOR ZITO:

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

PRESIDENT:

Sponsor indicates he'll yield, Senator Zito.

SENATOR ZITO:

Senator, you indicated to me that the amendment made it very specific that it was only to...to...the legislation now as amended would only affect that particular area. Is that correct?

PRESIDENT:

Senator Dudycz.

SENATOR DUDYCZ:

That is correct. The Floor amendment that we submitted, specifically pertains to an area with a population of at least eleven hundred but...not more than twelve hundred inhabitants. In effect, it does not affect any other part of the State except this specific plot of land.

PRESIDENT:

Senator Zito.

SENATOR ZITO:

Well, I...you know, I appreciate your honest attempt to try to address it just to the area, but as the chairman of the subcommittee in annexation last year, we learned that every piece of legislation dealing with annexations would correct one problem and ultimately create four or five

SB 597
3rd Reading

others. And the reason I'm interested in annexations because I, too, in my district the first year here tried to address similar problems and realized we created half a dozen or a dozen more in other areas of the State. I'm not so sure that we want to enter...into this area, and would ask each and every Senator to take a good, hard look at this, and if you have any areas that are unincorporated areas and there was interested...interest concerns for annexation should look at this legislation. I think we're moving into a dangerous area.

PRESIDENT:

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

SENATOR DUDYCYZ:

Well, to answer Senator Zito's last statement, in our conversation you brought up the concern that you'd like to tighten up the amount of the people that would be involved in this...in this bill, and you...it was...I mean, your suggestion that I submitted Amendment No. 1 on the Floor, and it was my understanding that with this amendment you would find this bill acceptable, and I ask everybody for your favorable consideration.

PRESIDENT:

The question is, shall Senate Bill 596 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 29 Ayes, 19 Nays, 2 voting Present. Sponsor requests that further consideration be postponed. 597, Senator Darrow. On the Order of Senate Bills 3rd Reading, Senate Bill 597. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 597.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. First of all, this legislation does not pertain to Cook County. Secondly, what it does is it requires that the person running for regional superintendent of education have two years teaching experience rather than four. The purpose of the legislation is that oftentimes in downstate Illinois it's difficult to find a candidate who meets all the qualifications set out in the Statute. At the present time, he would have to have a good...be of good character, have a Masters degree, have twenty hours in education at the graduate level, hold one of four grades of supervisory certificates and have four years teaching experience and a few other requirements. What this does is change that from four years to two years. He will still have to have all the other requirements. Hopefully, this legislation would encourage more people to run for this office.

PRESIDENT:

Any discussion? Senator Maitland.

SENATOR MAITLAND:

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

PRESIDENT:

Sponsor indicates he'll yield, Senator Maitland.

SENATOR MAITLAND:

Senator Darrow, why...why did we...I...I don't recall...why did we exempt the County of Cook?

PRESIDENT:

Senator Darrow.

SENATOR DARROW:

At the request of the County of Cook.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President...when they made that request, did they...did they say anything to you other than they just wanted out? Was there a reason for it?

PRESIDENT:

Senator Darrow.

SENATOR DARROW:

They felt that they had enough individuals that met these qualifications living in Cook County that would be able to run for the office. They don't have the problem that we do in downstate Illinois.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Well, thank you, very much, Senator Darrow, for that answer, and I...I think that's an excellent answer and I think the same...the same rationale applies downstate. We...for the life of me, I don't know of any county in my legislative district where there's been a problem getting someone to run for that office; as a matter of fact, they are seeking the opportunity to run for that office, and...and it just seems to me to reduce the qualifications for an office that is as important as that one is is not in the best interest of education. I think we're, quite frankly, going the other way, and I, quite frankly, am sorry that...that we exempted the County of Cook and I think I would urge opposition to Senate Bill 597.

PRESIDENT:

Further discussion? Is there any further discussion? Senator Darrow may close.

SENATOR DARROW:

Thank you, Mr. President. In my own county of Rock

Island, since 1970 we've had the same regional superintendent of education. He is now going to retire. He's a friend of mine and this bill is not aimed at him; however, in those fifteen years he has had only one opponent and that was in a Primary Election. Other opponents...or other candidates did not have the qualifications. I might point out to the Republicans that in fifteen years there's not been a Republican in Rock Island County that wanted to run for this office; perhaps this would encourage both Democrats and Republicans to run for this important office and become involved. I'd ask for a favorable vote. Thank you.

PRESIDENT:

...question is, shall Senate Bill 597 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 31 Ayes, 24 Nays, none voting Present. Senate Bill 597 having received the required constitutional majority is declared passed. 601, Senator Etheredge. On the Order of Senate Bills 3rd Reading, Senate Bill 601. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 601.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, the forest preserve district up in my part of the State has been actively developing cycling and jogging trails along the Fox River. The...there are several incomplete segments of that...of that path...or those paths at this time, and what this bill is designed to do is to facilitate

the...the completion of those trails. What the bill does is to...it authorizes the forest preserve...district to enter into contracts with other units of local government and also establishes the...some parameters for working relationships between the forest preserve district and the Department of Transportation and the Department of Conservation. I'd be very happy to respond to any questions.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 601 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 53 Ayes, no Nays, none voting Present. Senate Bill 601 having received the required constitutional majority is declared passed. Senate Bill 602, Senator Etheredge. On the Order of Senate Bills 3rd Reading, Senate Bill 602. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 602.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senate Bill 602 expands the manufacturing machinery and equipment sales tax exemption to include manufacturing machinery and equipment used in general maintenance or repair of such machinery and equipment. It also would include in-house manufacturing machinery and equipment, and it would include computers and peripheral equipment used primarily in operating machinery...manufacturing machinery and equipment. I would be very happy to respond to any questions.

PRESIDENT:

Any discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise in opposition to Senate Bill 602, and if I did not equally oppose the earlier bill, it was because I was not on the Floor. This is not a question of equalizing treatment among various classes of taxpayers, as I think Senator O'Daniel's earlier bill could be characterized; that is, lifting an exemption...dollar exemption that did not apply to other aspects of the sales tax exemption. This is a major new opening up of the sales tax exemption for the benefit of businesses, and my guess is, although no one was able to come up with a clear dollar estimate, my guess is that this one is going to be a very major gap that will be opened in the sales tax. I think some of us have...have had second thoughts about whether we were right to start on this road to begin with. There has not yet been one iota of evidence that it has had any difference in terms of our ability either to attract or retain business into the State. But this one begins to...it goes so far in lifting the sales tax on what might be used in business; that is, things used in repairs, computers that might be put in, et cetera, et cetera that I said only half facetiously when the bill was presented in committee, why don't we just abolish the sales tax altogether with respect to business because that is what we are on the road to accomplishing. I think it is much too major a gap and one that, again, is not warranted. There is not one shred of evidence that it is going to make any difference in terms of the retention or attraction of business to the State of Illinois. I strongly oppose Senate Bill 602.

PRESIDENT:

Further discussion? Senator Bloom.

SENATOR BLOOM:

Well, thank you, Mr. President and fellow Senators. I rise in support of this. Earlier today, Senator Dawson and I were down in the Governor's Office with a representative of El T.V. which had bought out Republic Steel, and one of the handouts they had was a sheet that did a comparison of what I call the statutory overhead, the various taxes, in Chicago, Illinois,...Illinois for our purposes and Canton, Ohio...Ohio for our purposes. One of the attracted features of Ohio was that in manufacturing the exemption extends to supplies, et cetera...an extensive, extensive exemption. Tax incurred at that the state level in Ohio, four hundred and fifty-seven thousand five hundred; sale tax in Illinois, four million. I think that when we are involved in making policy, we not only must keep in mind attracting, you know, we...or...trying to attract new business, but when we are making policy we also must keep in mind that we have to retain the jobs we have in this State. And I think that this kind of legislation is important for us to support. Thank you, very much.

PRESIDENT:

Further discussion? Senator Luft.

END OF REEL

REEL #4

SENATOR LUFT:

Thank you, Mr. President, I rise in support of Senator Etheredge's effort, simply because one of the things we're trying to accomplish in this bill is to define what is and what isn't; and there is a fine line of definition so when we talk about including machinery and equipment and tools used in the general maintenance of repair work, it's simply because it's definately impossible sometimes to define it, so we just include that. Secondly, we're using a procedure...or

exempting machinery equipment used for product design and production, that's the future. That allows these companies to come in and try to do what they want to. These bills are designed to attract industry to the State of Illinois, and if they don't attract industry to the State of Illinois then they obviously aren't going to need the exemptions. So I would support Senator Etheredge and hope everybody on this side of our aisle would support his effort.

PRESIDENT:

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

SENATOR ETHEREDGE:

Thank you, Mr. President. I think that Senator Bloom and Senator Luft have...have both stated very well the arguments in favor of this legislation. I think it...it makes good economic sense, I think it would encourage the...the business to...to stay here, to expand here, to...to locate here. I would urge an...an Aye vote.

PRESIDENT:

The question is, shall Senate Bill 602 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 51 Ayes, 1 Nay, 1 voting Present. Senate Bill 602 having received the required constitutional majority is declared passed. 607, Senator Maitland. 03 was on the recall list, 607. On the Order of Senate Bills 3rd Reading, Senate Bill 607. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 607.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 607 amends the School Code and removes the requirement of U.S. citizenship for certification as a teacher or supervisor. Presently,...an individual can be certified in Illinois to teach and be a noncitizen but has to make an effort to become a citizen prior to the end of the six-year period. There are very few individuals so affected around the State. There happens to be a situation in...in my community where a Japanese lady graduated from Illinois State University with almost a perfect four point...average, has been an excellent teacher and wants to become an American citizen but because of business...business in Japan with her family, she simply cannot become an American citizen at this point. I think this bill extends a bit further than that also with the fact that the Mitsubishi...Mitsubishi Plant may well in fact...very poorly spoken and I apologize...that's why I always say the Japanese firm...the Japanese...firm may locate in Illinois, there is the chance that we will be...have a need for more Japanese instructors and I think this is a bill that...that received no opposition in committee and I would...would urge your support.

PRESIDENT:

Further...any discussion? Senator Kelly.

SENATOR KELLY:

Senator Maitland, you're a very distinguished spokesperson for your party but it did receive opposition, at least from myself. And it's not that I'm a hardliner on this bill but it seems like we have constantly bills coming before the General Assembly that take into consideration the interest of foreign individuals and...particularly in areas of certification, almost all the way across the board you have to be a citizen or at least being...making out an application

for a citizenship and I...I just think that this is going against it. I don't know, it just seems like we're having a preponderance of foreign automobiles and medical personnel from other countries that come in and take over positions that a lot of our Americans could fulfill. I think this is just another case of where this could be a beginning for more foreign intervention into our educational process and I'm going to oppose your measure.

PRESIDENT:

Further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor...yield for a question?

PRESIDENT:

Sponsor indicates he'll yield, Senator Hall.

SENATOR HALL:

Senator,...does...isn't the law right now that you must have the intent or at least say that you...intend to become a citizen? Would this delete that?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Senator Hall, it's my understanding that you are supposed to have made an effort to become a citizen prior to the end of the...or the termination of your certification, yes, sir.

PRESIDENT:

Senator Hall.

SENATOR HALL:

Well, that's...in other words, what you're doing...are you doing this just for one individual that lives in your district, is that what you said in your...are you just doing this just for one individual?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Senator Hall, I am anticipating the possibility that there may be more of these individuals with the fact that the Japanese firm may well in fact locate in this State. It...it will not be any great number, certainly. And...and...and with regard to this particular case, as I indicated, the lady does want to become a citizen. I think it goes much further than that though, however. I think that it...having talked with students who...who are in the classroom with this particular lady, I think it...it brings in a whole new dimension into education to have the opportunity, to have someone of this caliber in the classroom and, you know, that's going...that's going to prevail whether or not she's a citizen or not, I understand that. But to suggest to her that she is going to have to quit teaching when in fact she is...become a citizen when the family problems are worked out in Japan, I think that's a very real factor.

PRESIDENT:

Further discussion? Further discussion? Senator Lemke.

SENATOR LEMKE:

I notice this bill talks about teachers and supervisors, why supervisors? Don't we have enough teachers that can become supervisors...is that...is that above teaching category?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Senator...Lemke, I'm not sure that the bill itself speaks to supervisors, my intent was to...to allow it to pertain only to teachers.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

Senator Maitland, I think we worked out a problem some time ago by putting this requirement in, that as long as a

person is going to get certified in this State that they are at least going to have to make some attempt to become a citizen, and I think this is what it has to be. There's no other country in the world where you can work, except here, by being a noncitizen, an illegal or whatever you want to be. And now we want to go into their teaching industry, pretty soon the teaching industry will be all foreign teachers and we won't have any citizens teaching. We might as well just go to Japan and get jobs as laborers and carry honey buckets. I'd say...this is a bad bill and...any bill that...where we don't require people to take citizenship exams should be defeated in this State and in this country.

PRESIDENT:

Further discussion? Senator Welch.

SENATOR WELCH:

A question of the sponsor, Mr. President.

PRESIDENT:

Sponsor indicates he'll yield, Senator Welch.

SENATOR WELCH:

...Senator Maitland, don't we require students in our schools to take courses in American Government and the Constitution?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Yes, sir.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

How...how do you expect these students to be attentive and take these classes seriously when they're being taught by a person who is not a citizen of this country and yet that person is trying to instill in students the spirit of this country and tell them about our Constitution and how great it

is to be a citizen and make them aware of their duties as a citizen when that person teaching them doesn't want to become a citizen of this country? I don't understand that.

PRESIDENT:

Senator...that was a question, I take it. Senator Maitland.

SENATOR MAITLAND:

Yes, the...the individual teacher is...is teaching a foreign language. I think it goes much...much broader than that though Senator Welch, it's the cultural aspect here I happen to think is very good for the schools and...and I'm a little bit concerned about the...about the feeling of foreign intrusion. You, coming from a district where you come from, where you export so many soy beans to...to Japan, what a tremendous asset that is for the State, so there has to be some exchange here.

PRESIDENT:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much Mr. President, members of the Senate. Senator Maitland,...you seem to allude to the fact, and it seems hard to believe but I'm sure I take you at your word, the IEA and the CTU and IFT have no opposition, no problem with this legislation at all?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

That is correct.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Is there a shortage of teachers in this State of Illinois that we need to look outside the boundaries of our country or at least take...allow people who are not citizens and have

made no attempt to fill that shortage?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Senator Marovitz, I think the teachers union happen to recognize this as a...as a positive, a plus for education in Illinois, it's the cultural aspect, we obviously have a shortage of Japanese teachers, if you will.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Well, I mean, do we have a shortage of Polish teachers, Irish teachers, Greek teachers, Lithuanian teachers? I mean, is this...is this for...is this for Japanese teachers, is that what this bill is for?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Senator Marovitz, I think you know me well enough to know that...that I'm after quality teachers and...and there are quality Japanese teachers who were educated in this county, as I indicated, had a...had a four point average at Illinois State University upon graduation, is an excellent teacher in the Bloomington School System, and I think that's what we're after, quality education. And I think if...if the individual is qualified to be certified, and she is, then, in fact, we should allow her to continue to teach.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Is this particular teacher or this group or this particular teacher that you're talking to interested in becoming a citizen and working toward becoming a citizen?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

I think on two previous occasions in this debate, I have said that...that she definitely wants to become a citizen, but...because of family business holdings in Japan right now, she has to maintain her Japanese citizenship for a...a bit longer.

PRESIDENT:

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Very quickly, Mr. President, I would...I would just add, I've heard of any number of situations where Americans have gone abroad and they've taught for a year or two in a foreign school and they've come back, they don't want to give up their citizenship to do that, we don't make any big deal out of that. All we're doing is saying that if a foreigner is in this country and having the kind of difficulty which Senator Maitland has expressed, they ought to be able to teach in the public schools. There's no long line of foreigners waiting to teach in...public schools in Illinois in any school district in this State. Sounds to me like a bunch of campaign speeches are being given for 1986. This is a good bill and we ought to support it.

PRESIDENT:

Any further discussion? Senator Marovitz.

SENATOR MAROVITZ:

I apologize for rising for the second time, but I...I must clarify something. She can't become a citizen because she...because of...family business interests, she has to remain a citizen of...of Japan, is that correct?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Senator Marovitz, it's my understanding that to...to get

her...her share of the family business...when...upon...and there has been a death in the family, there has to be a period of time in which she has to maintain her Japanese citizenship. I regret to inform you, I don't know exactly what that is in this particular case, I just know that it goes beyond the six-year period.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

So it seems that she has to maintain her Japanese citizenship in order to get some property rights in Japan. They have strict rules in that regard, so we're going to allow here to do that and...and we're arguing against having those same rules here in...in the United States or at least in the State of Illinois and giving some preference to people who are citizens that are concerned about being citizens because she has a citizenship problem in Japan. This seems to me, politics aside, to be the most ludicrous proposition I've heard since I've been here in eleven years.

PRESIDENT:

Further discussion? Senator Bloom.

SENATOR BLOOM:

That's a tough act to follow. Senator...Senator Maitland, is the particular individual under discussion displacing some U. S. citizen who wants to teach Japanese?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

No, quite to the contrary.

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

Do you know of an oversupply of those who teach Japanese language and culture in the State of Illinois?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

No, I do not.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, this is one time I think I have to agree with the sponsor of the bill. We are trying to make so many tax benefits...so many tax benefits to attract Mitsubishi, Nagasaki, Osaka...the Sanyo companies and what have you, to America and yet we...we just stop cold on something of this nature. And if we're going to give such big tax benefits to get all of these General Motor's Plant and...and what have you over here, don't you think we should add to it that provision that has quality teachers...certain...certain teaching? We do have a need of good language teachers in certain specialties. How many people know how to speak Japanese? How many of the teachers teach here? I think this bill is good.

PRESIDENT:

Further discussion? Senator Maitland may close.

SENATOR MAITLAND:

Thank you, very much, Mr. President. There's been good debate on...on this bill and I think it was...was...was interesting, there were good points made. I happen to believe that this is something that we should pursue. I think it's legislation that should pass and I would appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 607 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that

question, the Ayes are 29...the Ayes are 29, the Nays are 21, 3 voting Present. Senate Bill 607 having failed to receive the required constitutional majority is declared lost. The sponsor requests postponed consideration. 609, Senator Maitland. On...on the Order of Senate Bills 3rd Reading is Senate Bill 609, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 609.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins, for what purpose do you arise?

SENATOR COLLINS:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR COLLINS:

Yes, Mr. President and members of the Senate, I...I would just like to...appeal to your sense of compassion for...good health practices and ask that you please turn down the air in here. I am really suffering from real pain in my back and I'm sure I speak for a majority of the females in here. It is absolutely too cold and it is not conducive to good health. So, I would appeal to you to instruct whoever is responsible for it to turn down the air.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. We are aware of your request and we will make the appropriate call. Senator Maitland on 609.

SENATOR MAITLAND:

Thank you, very much Mr. President. Senate Bill 609 permits school districts to evaluate and place a student without parental consent if a local decision to evaluate is not appealed or if the decision is...is affirmed on appeal. I would add that...that all rights of parents including the

right to appeal and the civil action in all duties of the school district pertaining to those rights are retained, so we're not giving up anything.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 609 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are none, 1 voting Present. Senate Bill 609 having received the required constitutional majority is declared passed. 610, Senator Schaffer. Senate bills 3rd reading, Mr. Secretary, is Senate Bill 610, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 610.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, last year when we passed the mandatory seat belt law, I was somewhat surprised to find that even a car equipped with air bags would be required to...that occupants would be required to buckle up. What Senate Bill 610 does is simply say that if you choose to spend the extra money and get a car that has air bags in it that the seat belt law does not apply to you. There are a number of cars on the Illinois roads already with air bags which are, I am told by those people who are knowledgeable in this area, actually more effective than seat belts, and this bill would probably encourage a larger number of people to spend the extra money if they feel that the seat belt law is something that they have difficulty for various reasons complying with. I know of no opposition, appreciate a

favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

I recall that one of the arguments for seat belts was that air bags are of little effect in a side collision, and I tend to think that's probably true. I'm curious to know...why you're offering this bill if, in fact, it might not be effective...the air bag might not be effective in a side collision.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Well, as a matter of fact, I did consider that and, just between you, me and the experts, seat belts aren't a whole lot of good in a side collision. Air bags and seat belts are probably about equally effective in a side collision type accident. And since the chances are that the air bag would be there in one hundred percent of the time, and even with the law only...the seat belts will only be there forty or fifty percent of the time, the air bag is obviously a much safer thing for a car.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President. This bill was before us in committee and I didn't know that Senator Schaffer's constituency all had Mercedes-Benz because that's the only automobile that's...that's presently equipped with all of the air bags. But I understand that the Ford Motor Company is also making

it an option so that...therefore that...it would be applicable to not only those who ride the Mercedes but those that ride the Ford. In response to Senator Schuneman's question, on a head-on collision a seat belt or without a seat belt, the odds are over a thousand to one, the odds with the head-on collision with an air bag are twenty-five to one. So, I'd urge your support for the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Yes, thank you, Mr. President. Senator Schaffer, I'd like to ask you, with an air bag how...is there any identifying marks on a car that would...would let someone know that there is an air bag equipped in that car or is it just the driver's knowledge and the manufacturer's?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Well, I should quickly point out that I do not drive a Mercedes...and that I will comply with the seat belt law like all of us will assuming this goes into effect. There is no outside tag on a car that I'm aware of, I suppose the manufacturer could put it on just like they put diesel powered, if they want to. But inside the car the presence of air bags is something that is readily detectable, so that when an officer pulled a car over and said, you didn't have your seat belt on and they said, well, that's 'cause I have air bags, the officer could just look at the dash and...and in a matter of seconds...ascertain whether, in fact, the car was equipped with air bags.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Can you tell me on an air bag, I'd been advised that air

bags are on the driver's side and not on the passenger's side; and if that's the case, do you know what the percentages of deaths occurring on the highways would be from a motorist as...opposed to the passenger of an automobile?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

I am under the impression from testimony that air bags are universally on both seats in the front of a car, so that they would have the same effect. It would...no back seat effect, but then, on the other hand, the seat belt law doesn't apply to anyone in the back seat, so I believe that is not a problem.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Kelly.

SENATOR KELLY:

Well, I assume that the bill would go the House upon passage and then you might look at some changes. I just think there is a problem of identification for police...law enforcement personnel especially.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer may close.

SENATOR SCHAFFER:

Well, Senator Kelly, if that is a problem, why, we're certainly willing to address it in the House. I think it just makes common sense. Frankly, if I detect the degree of opposition and the number of people who have told me they have medical problems about the seat belt requirement, this would give them an option. They could purchase a car with seat belts...or air bags, or I am told it is possible to retrofit certain models with air bags. So, it is an option, I don't suspect it'll affect too many people but I think if...we ought to be encouraging air bags. I don't happen to believe in mandatory air bags or mandatory seat belts, but

SB 611
3rd Reading

certainly we ought to give people the option if they want it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 610 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are none, 1 voting Present. Senate Bill 610 having received the required constitutional majority is declared passed. 611, Senator Schaffer. On the...on the Order of Senate Bills 3rd Reading is Senate Bill 611, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 611.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, Senate Bill 611 is very simple. I think some of you are aware of the controversy involving the Illinois High School Athletic Association. This is not Senate Bill 42, I should point out, I don't think this bill has drawn the opposition; in fact, I'm not aware that there's opposition to it. It simply says that that association will be subject to the...provisions of the Open Meeting Records Act, provisions three and four of the State. What we're interested in, a number of years ago I had occasion to have some contact with the organization and I asked one of our staffers to look into the organization and, frankly, they were unable to find a whole lot about it. I have talked to the lawyer representing the association whose line...which was sort of a classic, he said, but if our records are open, people will know what we're doing; and I said, well, that's kind of what I had in mind. He indicated

that there might be some types of situations where having their records open would be some...create some sort of confidentiality problem or what have you. I told the gentleman a couple of weeks ago, or ten days or so ago, and earlier by phone that if there were specific problems, I'd be happy to address them. I have not heard from that organization or those individuals about any specific problems that this bill creates. If they can document legitimate problems, which to date they have not done, at least to me, I'm more than willing to suggest to the House sponsor that we consider them. But there is a lot of controversy about this group and it is viewed by many people as somewhat of a secret society. And I think it's time we get those records open just like any other public or quasi public agency.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I...completely agree with Senator Schaffer, because I can tell you that they've...made some crazy rules in the past where they wouldn't let a coach of a high school during the summer to teach a baseball team which had more than four students from the same high school on a team. So I think that it's about time we know what's going on in the records.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall Senate Bill 611 pass. Those in favor vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, 1 voting Present. Senate Bill 611 having received the required constitutional majority is declared passed. 612, Senator Bloom. Senator Bloom on the Floor? 614, Senator Degnan. On the Order of Senate Bills 3rd Reading is Senate Bill 614, Mr.

Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 614.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Senate Bill 614 amends the Chicago Sanitary District Article of the Pension Code and does for that pension fund what we have done for others; that is, takes the cap off surviving spouses' allowance and allows one-half of the...annuitant's...money to be given to the spouse. I have a letter from the State Manage Review Office saying there is no State reimbursement required because the bill accommodates an official request of the local government affected; the Illinois Economic and Fiscal Committee recommends approval saying the system is well funded and uncapped survivor benefits are not unusual. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any discussion? Any discussion?
Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senator Degnan, as chairman of the Pension Subcommittee of Economic and Fiscal, certainly knows whereof he speaks. It is quite correct that the pension subcommittee did not disapprove this bill because it does what others have done. It has no major fiscal impact and the system is well funded. So it was considered quite acceptable and I commend Senator Degnan on his bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

I simply want to make a point, Mr. President. Contrary to a lot of the other pension funds that we deal with here, this fund is some seventy percent funded. And, so contrary to my opposition many times to pension fund changes here when they are not properly funded, I think it should be pointed out in all fairness that this one is very well funded.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Any discussion? Senator...the question is, shall Senate Bill 614 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 39, the Nays are 13, 1 voting Present. Senate Bill 614 having received the required constitutional majority is declared passed. 617, Senator Geo-Karis. On the Order of Senate Bills 3rd Reading is Senate Bill 617, Mr. Secretary, read the bill. All right. Take it out of the record. 619, Senator Lemke. Senate bills 3rd reading is Senate Bill 619, Mr. Secretary, read 619.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 619.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

What this bill does is provides for a three-person medical review panel in lawsuits involving medical malpractice. I think it's a good bill, I ask for adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? The question is, shall Senate Bill 619 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?

Take the record. On that question, the Ayes are 49, the Nays are 3, none voting Present. Senate Bill 619 having received the required constitutional...majority is declared passed. Top of page 28, Senate Bill 627, Senator Jones. 628, Senator Savickas. 29, Senator Savickas. 632, Senator Barkhausen. 637, Senator Fawell. 38, Senator Fawell...647, Senator Barkhausen. All right. The middle of page 28, Senate bills 3rd reading is Senate Bill 647, Mr. Secretary, read the bill.
ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 647.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members of the Senate, this legislation is...an attempt to address the problem whereby fines imposed by us in the Legislature to go into the Crime Victims' Assistance Fund...have been whittling away at money that would otherwise be going to local governmental coffers. The situation is that when someone charged with an offense, typically a traffic offense that does not require an appearance in court, and post the minimum amount that must be posted as bail for...for such an offense that that money has deducted from it the...the fines going into the Crime Victims' Assistance Fund and that money at the same time is...is thereby not going towards local governments. This legislation would...would provide that the Crime Victims' Assistance Funds and any fine that...we impose by Statute should be add-on, should be in addition to the amount that would be going to local governments so as not to...to deprive our counties and our municipalities of a necessary source of revenue. This legislation is supported by the municipal league and by county officials and circuit court clerks who

have come to us and complained that...that as desirable as crime victims' assistance is that we should not thereby be depriving our local governments of necessary funds. I'd be happy to try to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 647 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 647 having received the constitutional majority is declared passed. Senate Bill 651, Senator Barkhausen. Senate Bill 658, Senator Netsch. Senate Bill 659, Senator Jones. Senate Bill 665, Senator Lechowicz. Senate Bill 670, Senator Dawson. 671, Dawson. 672, Senator Holmberg. Senate Bill 680...672, Senator Holmberg. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 672.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Holmberg.

SENATOR HOLMBERG:

This bill probably should be on the Agreed Bill List, I think we probably just missed getting it on there. But it simply changes the wording within the bill to "gender neutral." And I would recommend its passage, there's...there's no opposition whatsoever.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Smith.

SENATOR SMITH:

Mr. President, I just merely wanted you to pass my bill, 653.

AB 685
3rd Reading
AB 683
3rd Reading

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, it was on recall so we won't get...get to it today. Is there further discussion on 672? If not, the question is, shall...shall 672 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 672 having received the constitutional majority is declared passed. Senate Bill 680, Senator Netsch. 683, Senator D'Arco. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 683.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. The bill requires dentists who administer general anaesthesia to obtain a permit from the Department of Registration and Education. The reason for the bill is to prohibit licensed dentists from administering this potent...potent anaesthesia without a permit because of the potential for harm due to side effects. I don't know any opposition to the bill and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 683 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, none voting Present. Senate Bill 683 having received the constitutional majority is declared passed. Senate Bill 685, Senator Maitland. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 685.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. Senate Bill 685 disallows any married adult living in the home of their parents from receiving general assistance. This...this bill passed out of committee with...as a matter of fact, it was on the Agreed Bill List as I recall, there was no opposition.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR ROCK:

My understanding, is the Department of Public Aid opposed to this bill, and if so, why so?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Senator Rock, as far as we know on this side of the aisle, they made no registered opposition. I wasn't aware of any opposition.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, then...then...explain to me what...what we are doing, I'm not sure I follow this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

It's my understanding, Senator Rock, that as a part of legislation we passed last year, we allow for married adults

living with their parents to receive GA. That was not...permitted before that time. There have been a number of complaints and...and the only...I guess the only contact we've had is that this is a...is an area that needed some reform, it needed some change and that was the purport of the legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Well, I...I rise in very strong opposition to this legislation and I tell you why. Because today with the high unemployment we have in families, extended families, people having to move back into their homes with their parents but the parent cannot afford to feed and clothe and house and take care of adults. I think if a person is...is an adult and has a legitimate reason for...and qualify to be on general assistance, notwithstanding the fact that they may live with their families, because, believe it or not, general assistance does not provide enough funds to sustain minimum health, life and safety. So, living with a...a parent or living with another relative should not be a criteria for those persons who are otherwise eligible for general assistance is to be denied general assistance. I think this is absolutely unconscionable and we should defeat it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator, do you mean to tell me that if I've worked for years and I'm out of a job and I'm forced to go back to...and live with my parents that I am to be denied any type of assistance when I have worked, contributed, paid to establish these things? Are you saying that you want to deny me an opportunity because I have no breadwinner...I'm no longer

a breadwinner and I have no way and no means with...with the situation like it is today? Is that what you're advocating?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Well, Senator Hall, it...it...the bill does just exactly as I say. We happen to believe that it is an encouragement, actually is a disincentive when...when that married couple moves back in with their parents, really a disincentive to...to get a job or to seek a job, and no one is trying to...you know, this really...you're talking from a...from a parent point of view and no one is suggesting denying you anything. But we are talking about the children of that parent if, in fact, they are married and move back into the house.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

...you're talking about exactly what I said to you. The point is this, it...it's unbelievable today with the high unemployment we have around this...in this nation, many times there's no other place for people to go. So, it's the wrong...you're going in the wrong way, Senator. This is a very bad bill and I'm surprised that you'd introduce it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and to the members of the Senate. I have to look at my colleague over there who is very affluent, seemingly, because I think he's very insensitive and as the saying is, you ain't seen nothing yet baby, and I think that's what you're saying to us now today. When you think in terms of persons who have had...because of our economic situation today, happen to move back with their

parents, not that young people want to or any of them want to move back with their parents, and if they happen to move back with their parents, it isn't always that the parents are able to take care of themselves. But they happen to have a house where they...four can go there and live. And these people who have lost their jobs...possibly they were independent on their own but because of the economic situation of our society today when you're laying people off right and left and closing down plants and they can get general assistance and make...help to stretch their monies by living with their parents, I don't know how...for what length of time. It doesn't do them any good to make them feel any better because they have to do it, but if there's a situation there and a vehicle that they can go and stay with their parents for a short length of time, and you going to deny them something from the government and they have paid taxes practically all of the time on their jobs. Senator Maitland, I don't understand your thinking, if you will just help me out. I think that...

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator Maitland.

SENATOR MAITLAND:

Well, thank you so very much, Senator. And I'm very happy to respond to...to your question. First of all, we're not denying anything to anybody. We are simply saying that if they move in with their parents, they cannot receive general assistance, they are going to receive general assistance anyway. Now, I've been in this Chamber for seven years, and I have voted for public aid reform right down the line and I have voted for the public aid bill right down the line and for the increases. So my intent is not to deny anything...anything, and as a matter of fact, you must have agreed with me because in committee you voted for the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator...Senator Smith.

SENATOR SMITH:

If I voted for the bill, God knows, my...it wasn't from the heart. But regardless of what...I made a great mistake, but I want you to say...I want to say to you, sir, that this is, excuse the vernacular of the street, but this is a damnable thing to...to take people off of general assistance because they can get the privilege of staying with their parents for I don't know...for a short length of time and they need...supposing they had children and they moved with their parents, you still would deny them a...a...funds? Sir?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR SMITH:

If the...if the...the...the couple of a child or the woman whoever she is, has a child or have children and moved in with the parents, you still say, deny them funds?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Senator Smith, with all due...due respect,...I...we...we look at...at the issue as a disincentive, very honestly, an...an attempt to get general assistance and...and move in with the...with the family and...and really not, perhaps seek work. And...and it seems to me a reasonable approach toward public aid reform to pass legislation like this. The intent is not to deny anyone who has a right and qualifies for anything. That's not the intent and certainly you know me well enough to understand that. But we're trying to eliminate the disincentive and I think this bill does that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

If you'll give me this answer, please. If you're not going to give them any aid how do you expect them to survive? Do you have a mechanism...are you going to provide some jobs for them? That's what I want to...how are they going to...survive? Supposing the parent that they're moving in with are on aid...may I ask a question, how will they do? Could you answer that for me, please?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

They're going to be already receiving general assistance.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

The parents going to be receiving general assistance? All right, how are they going to take what little bit they're getting and give it to the couple that moves in or the daughter or the son that moves back with them? How are they going to have enough to give them? And most...most of these people are on food stamps, you know you have a system now that when a young man or a girl becomes eighteen years of age, if she's not working...and she receives general assistance, if she does not go out and look for a job and turn that report in every month, then she or he is taken off general assistance and the family where there are five or six children in that house are denied food stamps, and they have to...go without stamps for a solid two months. I think you're very insensitive there, sir. Would you please tell me, how do you expect them to survive? Just ask me...answer me that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Well, you know, food stamps is...is totally unrelated, the food stamps is a Federal program and...and they're going

to be...the food stamps are going to be in place...it's based on income.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

Senator Maitland, this is merely a...I was just...citing a case in point. What I am trying to say is that if you are going to take these couple or the young person, whoever, that moves back with their parent, if you're going to take them off the general assistance, what do you plan to give them in...in...response? How do you expect them to survive? There are no jobs. They wouldn't be back with their parents if they had a job. But there are no jobs. Now, how do you expect them to survive? You want to encourage killing, crime, that's what you want to do? They going to have to live some kind of way. How do you expect them to survive? Would you give me that answer, please?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Senator Smith, it is my understanding that prior to the passage of this Act, married adults moving in with their parents could not receive GA anyway and now they can. Keep in mind, we're talking about married...married children, not the individual children but married children, who may well, in fact, have a family or may not have a family. Food stamps are still going to be in place, that's a Federal program based on income, and they're still going to get that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith, you're time is running out.

SENATOR SMITH:

All right, just one more...he's saying that...if I understand you right, you said this is going to be married couples moving back home with their parents. You going to take them

off of public assistance...general assistance, is that right?
Is that right?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

If they live in the same home.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

The parents whom they are moving in with are barely able to take care of themselves, and you're talking about the public aid. How do you expect them to take care of two more people? What are you...what do you...what do you plan to give them instead?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Well, Senator Smith, I...I guess, because of the line of questioning from Senator Hall, I think this thing is maybe going in...in the wrong direction. You see, they could very well, in fact,...you are...you are assuming then that...that the parents along with the married children are...are destitute, and in fact, in many cases they are not. One of the things that precipitated this bill was the fact that people were getting general assistance, living in their parents' home, who, quite frankly, were...had...had plenty of income and that's wrong, it's simply wrong.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, if you bring your remarks to a close, we have Senator Luft, Lechowicz, Joyce, Kelly, Jones, Lemke and DeAngelis and Senator Collins for a second time that have...indicated they wish to speak. Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, and I merely want to say to

this august Body, my answer...my questions were not answered; and I wholeheartedly say to this august Body, if you are really thinking right, you will certainly vote against this piece of legislation because, excuse the vernacular of street again, it is damnable. It is insensitive and I only wished that they could live in the areas where we live and see the conditions that we see every day and I think that their thinking would be different. Thank you, sir.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft. I'm using the timer now.

SENATOR LUFT:

I just have a question, Mr. President, if he will yield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He'll yield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

It's my understanding in the...course of the conversation you have said that this is relatively new, since just last year it was left out of the Act and this is something that just happened in this fiscal year, am I correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Yes, sir, Senator Luft.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

Could you please tell me how many people are taking advantage of this program at this time and the cost to the State of Illinois?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Senator Luft, I can't tell you the number...the...the

bill was suggested to me by...a township supervisor in McLean County who had had a number of...of problems and also had heard that...from some other supervisors in the...in the TOI had had the same concerns and I don't have an exact number.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

If that's the case, then we're not dealing with State funds to begin with. We're dealing with township funds that have a levy on the local property tax for their assistance.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is that a question, Senator?

SENATOR LUFT:

I think it's a statement of accuracy.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz. Are you over...Senator Luft?

SENATOR LUFT:

Could I first...well, I guess it is a question because I'd like to know what dollars we're talking about. Are we talking about township funds or State funds?

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator Maitland.

SENATOR MAITLAND:

No, the State reimburses for GA.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

Could I make a suggestion? Why don't we leave things alone presently till we find out if there's at least one person taking advantage of the new law and, in fact, what it is costing us. Then if it seems to be or it is perceived to be a problem, why don't we see if there couldn't be a different category for that individual that has to move in with his parents where he would be granted a lower subsidy, if that's

what you want to call it, rather than someone living on his own. I don't think we should abandon these people. I come from an area, as you well know, the Pekin-Peoria area, where we have a new poor. That's the...people that have been working at Caterpillar Tractor making a good income and all of a sudden they've had it dropped out from under them. These people come to my office continually, not only are they the new poor, but they're suffering from a real culture shock, and for the most part a lot of them are moving back in with their parents. So, I would suggest that we look at this for awhile, maybe leave it alone before we do something that we really harm people with and see if there couldn't be something worked out either another category along the line or whatever. For the most part, right now, I think there is a desperate situation out there and the people have to be taken care of, and why don't we just let it alone until we get the job taken care of properly?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, rise in opposition to this bill. And I don't know the area that the gentleman...Senator Maitland comes from, but in my area, the economic upturn has not transpired as is reflected in the rest of this country. And some of the points that were brought out on this Floor by other members of the Senate really reflect what's going on in Illinois on a day-to-day basis. And if you sat in your legislative office in your respective district, I'm sure you're plagued with...requests by people who have been dropped through the safety net, per se, that was established by this General Assembly, people that were on unemployment and because the Federal Government could not extend the benefits are now on public aid; people who have applied for

retraining programs, maybe because of age and educational characteristics cannot comply. We're finding a new type of economic phenomenon in this State where people who are married are losing their homes because of the fact of a downturn in the economy, and the economy has not upturned in this State to the extent. Different pockets of economic resistance, as was pointed out by Senator Luft, unfortunately do exist. But in my area Hall Printing has announced that they're going to be terminating employment, seven hundred and fifty jobs lost effective August the 1st; Jefferson Electric a hundred people effective next month; Schwinn Bicycle seven hundred people last year, two years ago two thousand. Now these people have been working all their lives and they now are faced with the fact...they may have moved in with...back with their parents, as was pointed out by Senator Smith, not because of they want to do it, they have to do it. The safety net as we know it does not exist and the abuses that you're trying to contemplate and foster on the rest of us are really an...an item of necessity for many people. And for this reason, I stand in opposition to this bill and this concept. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jeremiah Joyce. Senator Kelly.

SENATOR KELLY:

Just briefly, 'cause Senator Lechowicz hit on just about everything I was going to say. But the fact is that if this were to be taken place, you'd find out that if the drain were open and you were eliminating these individuals, it would be the good people, the decent family members who would...would suffer. The abusers always know how to get around it, so even though the intent of the legislation is to be against the abusers of the program, they're not the ones that is going to suffer; and I think Senator Lechowicz's comments about the economic climate being so bad right now, this is

not timely. I would...reiterate the request to have this bill held, Senator, or possibly consider placing it back in a committee because I think that's where it belongs.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones. Senator Lenke.

SENATOR LENKE:

I rise in opposition to this bill. This is contrary to everything that my people stand for. When your child is married and gets in trouble and they have to come home, it's not an easy thing for them to come back. It's not an easy thing to live with your mother and father again as a man who works who loses his job. And it's a shame...what this bill does, it's contrary to what all...what we say is family stands about. When your children are in trouble no matter if they're old or young, you still have some type of moral obligation to at least help them survive. And we have always taken people in...until recently, it came out of...a lot of our people that retired and put money aside...they...they...they...denied themselves of certain things to get savings and then they're going to deny themselves again. And I think it's wrong to do this. If there's a reduced benefit that's one thing, but by just completely eliminating them, you cut into the pocket of probably ninety-nine percent of the decent people on public assistance. In my community it's a disgrace to get public assistance, but if you get it, it's a temporary thing because eventually you go out and get a job. So I think this is the wrong way to go, Senator Maitland. I suggest you take this bill and...and put it back into where it comes from or study it and...and wait and see and then come up with a benefit might be reduced but these people have to get something; because if they don't get it, it's going to come out of the their parents' pockets and their parents are going to deny themselves something to do it, because they're going to do it

anyhow. I think this isn't the way to go. I think this is a bad bill and it's contrary to everything the family stands for.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis. Senator Karpriel.

SENATOR KARPIEL:

Thank you, Mr. President. I just wanted to ask a question. Senator, are we talking...when we're talking about general assistance, are we talking about just the General Assistance Grant, we're not talking about green stamps nor food stamps or anything else are we?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

No, we are not.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpriel.

SENATOR KARPIEL:

We're just talking about the general assistance money, so these people can still apply for and get food stamps and Medicaid and other kinds of assistance. Is that right?

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator Maitland.

SENATOR MAITLAND:

That is correct, Senator.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito. Senator Karpriel.

SENATOR KARPIEL:

Well, I just wanted to point out that if we're talking about just general assistance, first of all, these people still can apply for food stamps, Medicaid and other forms of assistance. And to answer a question or...that was brought up quite a few speakers ago. If we're talking about general assistance, this would only apply as far as the State part of

the...having to pay or save part of this money. In the City of Chicago and receiving townships, if you come from a township that is not considered a receiving township, your taxpayers are the ones that would be saving because...they're not getting any kind of money...State money for general assistance.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

As a point of information to the sponsor, Mr. President and members, I just received a communication from the Illinois Department of Public Aid which is in opposition. I know the question was asked earlier, John, and unfortunately for your position, the department is in opposition to this legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Yes, thank you, Mr. President, Ladies and Gentlemen of the Senate. I apologize for rising a second time, but I...I really think this proposal is...is something we had all better be aware of, and I hope that no member of my party will vote affirmatively on this one. We are talking about people who are receiving general assistance, a hundred and forty-four dollars a month subsistence level. And now, under this legislation, we're going to penalize those people because they are fortunate enough to be able to move in with their mother or their father or both. I...this is...this is not right, we just ought not do this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Hall, for a second time.

SENATOR HALL:

Thank you. I want to apologize for rising a second time.

But, Senator, you asked a question a while ago and the Senator said they'll still be able to receive all this other assistance. There's no other assistance they're going to get, food stamps and all these things. I guess someone must think all they have to do is walk to the corner. These people...a bunch of these people are not even getting that. As the Senate President told you, we're talking about people who are going to receive a hundred and forty-four dollars a month and that's it. So you might sit here and say all...we can get all this other, there is no other for them to receive.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR MAITLAND:

Thank you, very much Mr...Mr. President. I want to first respond to...to Senator Zito's comment about the position of the Department of Public Aid. Senator Rock has indicated that he had heard that they were opposed to it and, in fact, he has delivered to me a position paper. I would, by way of explanation, suggest to you...or suggest to the Body that this letter was dated April 26th which was after the...the bill came out of the committee and...and they didn't bother to let the sponsor know and I regret that very much. So, if I misled the Body with respect to their position, I apologize for that. But let me also suggest to the Body that this is not an intent to damage or hurt anyone or to deny benefits to anyone at all. But we address it quite the other way to make sure that there is money available for those who truly need and deserve it, because there are those who fall through the cracks, there are those who need the aid, there are those who need the subsistence and we must take care of them. I'm committed to that just as much as you are, Senator Smith. The intent of this bill was not to deny anyone those rights

but rather to secure...or to assure the fact that money is available for those who truly need it. And I would urge your support for Senate Bill 685.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 685 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 22, the Nays are 34, none voting Present. Senate Bill 685 having failed to receive a constitutional majority is declared lost. Senate Bill 690, Senator Macdonald. Senate Bill 693, Senator Geo-Karis. Read...Senate Bill 694, Senator Topinka. Senate Bill 696, Senator Joyce. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 696.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This...last year we passed the Health Hazardous Substance Registry and the medical association came this year and wanted a change in it. It's basically technical, it takes out...the doctor's regard to diagnosing cancer. They don't do it, the laboratories do, and that's what this legislation does.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall...Senate Bill 696 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, none voting Present. Senate Bill 696 having received the constitutional majority is declared passed. Senate Bill 706, Senator Lemke.

Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 706.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

What this bill does, it amends the Election Code to conform petition signature requirements for Statewide advisory propositions to...to requirements for propositions to amend the Legislative Article of the Constitution. Removes sections and double filing requirements. I think it's a good bill and I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 706 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 1, none voting Present. Senate Bill 706 having received the required constitutional majority is declared passed. Senator Demuzio.

SENATOR DEMUZIO:

Yes, on that last bill, you had asked me to vote you in the affirmative and I pushed your wrong button.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, that's nothing new with you. Well, let the record show that had Senator Savickas been able to vote his button he would have voted in the affirmative. Senate Bill 707, Senator Rock. Senate Bill 708. Senate Bill 714, Senator D'Arco...15, D'Arco. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 715.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR D'ARCO:

Senate Bill 715 provides that...payment of refunds, annuities or other benefits are subject to the provisions of the Nonsupport of Spouse and Children's Act which authorizes the withholding of income. This is a very good idea. Someone who is not paying child support payments should have his annuity or his refund garnished in order to make those payments. And...that's what the bill does and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 715 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 715 having received the required constitutional majority is declared passed. Senate Bill 716. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 716.

(Secretary reads title of bill.)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Senate Bill 716 amends the Park District Act to increase the tax multiplier from 1.10 in

1985 to 2.00 in 1995 and thereafter. The present tax levy is not producing sufficient contributions to meet the accruing cost. And during Fiscal '84 the employer contribution fell some four million eight hundred and forty thousand dollars. The increment is needed, all the other Chicago systems have levies in excess of this increment and it is simply providing a necessary increase in order to meet the employer contributions responsibilities. And I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? Senator Netsch.

END OF REEL

REEL #5

SENATOR NETSCH:

Thank you. Senator D'Arco is correct that the bill has been approved by the Pension Subcommittee of Economic and Fiscal. It certainly is the responsible thing to do fiscally. It does increase the multiplier so that the system...pension system would continue to be fund...or would be funded at a reasonable level. The only thing that I would suggest to everyone, and I guess most particularly to those of us who are from Chicago, is that it also underscores just how expensive pensions are becoming, and I think it helps to make the point that we should be very cautious about changes that we make in pension benefits that have an enormous impact on the system. This is a...a tax increase. It's a not insignificant one. It is the responsible thing to do but it also suggests that we are indeed taking up a great deal of our future tax revenue with pension benefits.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator D'Arco, do you wish to close? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. I agree in part with some of Senator Netsch's comments and I disagree in part with some of her other comments, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Good. The question is, shall Senate Bill 716 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 39, the Nays are 6, 7 voting Present. Senate Bill 716 having received the required con-

stitutional majority is declared passed. The...the...the proper vote is 39 Yes, 6 No, 7 Present and the bill having received the constitutional majority is declared passed. 717, Senator D'Arco. Mr. Secretary, Senate bills 3rd reading is 717, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 717.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This requires the treasurer of the park district to deposit 0.03968 percent of its receipts...from the Personal Property Tax Replacement Fund in the State Treasury into the Park Employees Annuity and Benefit Fund. It puts into the Statute a funding level that the park district treasurer has been using for the past several years, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 717 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are none, 4 voting Present. Senate Bill 717 having received the required constitutional majority is declared passed. 718, Senator D'Arco. On the Order of Senate Bills 3rd Reading is 718. Mr. Secretary, read the bill...Senator D'Arco, that was on the recall list this...this morning and therefore we...we are not calling...we are not calling bills that have been recalled. Senator D'Arco.

SENATOR D'ARCO:

I didn't put it on the recall list. That's what I'm...I'm wondering...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...you...you are correct.

SENATOR D'ARCO:

...how it got on there.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 718.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR SCHUNEMAN:

A point of order, Mr. President. There seems to be some confusion about this bill. I didn't ask that it go on the recall list either, but I did file an amendment for this bill and I don't know how it got moved to 3rd without that amendment being considered. So, that may have played a role in all of this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well,...Senator, we would not have moved the...the bill without considering your amendment had the Secretary's Office had the amendment on...on a timely basis and it had been filed prior to the appropriate action by this Body. Senator Schuneman.

SENATOR SCHUNEMAN:

I think the amendment was filed timely, Mr. President, but rather than get into a dialogue about that, perhaps we ought to just move to the bill, we'll debate the issue on 3rd reading, and I think Senator D'Arco and I can work out any problems.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, so we are on the Order of 3rd Reading, Senate

Bill 718. Mr. Secretary, have you read the bill? Senator D'Arco.

SENATOR D'ARCO:

...I think we agreed to the amendment. We'll put it on in the House and there's...there's really no problem with it. The bill recodifies the Chicago Park District Article of the Pension Code and makes various technical and housekeeping changes and there really is no substantial cost at all in the bill. I am not going to read the list of changes it makes but most of them are technical in nature, and we'll take care of that problem in the House and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, just so we...everybody understands what we're talking about, this bill effects the Chicago Park Employees Pension System and unless we put the State mandate's exemption on, the State will be required to pay whatever cost there is in here. Senator D'Arco agreed in committee to put on the mandate's exemption. I simply want to raise the issue that it isn't on there now, and as I understand him, he's agreed to put it on in the House and that satisfies me.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Further discussion? The question is, then, shall Senate Bill 718 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 48, the Nays are 4, 5 voting Present. Senate Bill 718 having received the required constitutional majority is declared passed. 733, Senator Carroll. Senate bills 3rd reading, Mr. Secretary, is Senate Bill 733, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

AB 741
3rd Reading

Senate Bill 733.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 733 is the result of discussions between our State Comptroller and the various agencies of State Government concerning the certain ambiguities in the State Finance Act, and basically all this does is make some technical changes in the definitions of the line items of appropriations so that there can be a better tracking and a more useful usage of the specific line items that we appropriate money for. There had been certain discussions as to whether repairs of real property fell in certain line items or not and it was felt that this would clarify the Finance Act to eliminate those ambiguities. I would answer questions and ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall Senate Bill 733 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 733 having received the required constitutional majority is declared passed. 736, Senator Kustra. 738, Senator Degnan. 739. 741, Senator Vadalabene. On the Order of Senate Bills 3rd Reading is Senate Bill 741, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 741.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 741 amends the Illinois Municipal Code and it reduces from two percent to 1.6 percent the percentage retained by the State Treasurer to recover the Department of Revenue's administrative cost and various local sales tax which are authorized. On June 28th, 1984, we adopted Senate Resolution No. 546 which required that the Auditor General do a special review of costs of administrating the municipal retail occupation and use taxes. His findings were which noted that the amounts retained by the State from the collection of municipal retail and occupational use taxes exceeded the cost of administering and enforcing the taxes by the department. This is the findings from the Office of the Auditor General in Springfield. This legislation is not intended...to seek additional money from the State. It is intended to ask the State to only charge local government a percentage based on the cost as indicated by the Auditor General. This legislation is not without precedent. We previously passed legislation a few years ago reducing the collection charge from four percent to two percent, and I want to compliment the Department of Revenue for maintaining their efficiency of administrating and reducing their costs of collection. This not only helps local government but is a compliment to Director Johnson, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Topinka.

SENATOR TOPINKA:

Yeah, how does your bill impact on the bill that Senator Kustra and I had last year which allocated and got together a whole system for the allocation of sales tax monies in municipalities so that they wouldn't go to the wrong ones and then they couldn't collect them back and they'd get involved in all these tremendous lawsuits?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

It really doesn't impact. All it does is that it gives money back to the counties that the...the State takes for administration of which the...the State doesn't need.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes, according to our staff analysis, it says it will indeed impact on the Department of Revenue's administration of local sales tax collections, and I...I really would like an answer to that because it took us an awful long time to get that problem worked out and I'd hate to have the problem either start up again or...or not be resolved in some way, because it does cause an awful lot of impact, especially in our suburban areas, on where these sales taxes wind up.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene. Senator Vadalabene.

SENATOR VADALABENE:

The Auditor General took in consideration the impact of your bill last year and still concluded, under his findings which I have here, that the State is taking too much money from the municipalities to administer this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes, I...withdraw my question 'cause our staff person says that there is a different interpretation of what we have here and you're okay.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think that it would be appropriate to...to indicate for the record some of the response...some of the testimony that Director Johnson gave when he appeared to testify before the Senate Revenue Committee and...so that we have on record some of the concerns that he...he...he raised. Specifically, when the staff of the Auditor General interpreted the...the resolution, they decided that the...the intent of the resolution was to include only those costs that were incurred by the Department of Revenue; therefore, there are other costs that are incurred by other branches or other departments and those costs are not reflected...at all...or were not taken in consideration in the Auditor General's reports. Specifically, there are costs that are incurred by the Comptroller, by the Treasurer's Office, by Central Management Services, by the Attorney General's Office and by the various courts. And none of the costs incurred by...by any of those are taken into consideration. In addition to that, the Department of Revenue incurs some costs, specifically in collecting the FTA sales tax and the Metro-East sales tax. There are costs incurred for those collections but there is no consideration given for those costs at all. So, that...I...I think there is...a very real question whether or not the...the figures that are before us that we received from the Auditor General really, in fact, do represent the...an accurate estimate or...let me put it this way, a complete estimate of the costs of collecting these taxes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I would, at the same time, reaffirm what Senator Etheredge has said and still say that I think the bill is worthy of support at the moment. I would point out one additional thing that the amount of gap, if you will; that is, the amount of money that the Department of Revenue has collected from the two percent over and above what it has paid out in costs has been declining over the last several years by about five hundred thousand a year, so it may well turn out apart from the expenses of other offices that the two percent would not remain excess for a long period of time, but I think a case can be made that it is somewhat excess, at least, at the moment; and I think one justification for this that is not a pure accounting mechanism is that those who are the recipients of sales tax...for the most part the cities and counties have also been on a decline in terms of their participation in, for example, the Corporate Personal Property Replacement Tax Fund. Now, this is not a perfect trade-off, I agree, but because of that...because of the fact that the cities particularly have lost some additional sums when the...when the excess went off of the income tax last year, that reduced their take from the prior year. I think there are some justification as long as it is accountingly defensible for this to...to decrease at the present moment, but it should be kept a close eye upon and it may have to be increased again in the future.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Vadalabene may close.

SENATOR VADALABENE:

Yes, just in response to Senator Etheredge's remark, it is true that the Director Johnson did make those remarks. However, after those remarks of Director Johnson, and I don't

AB 743
3rd Reading

think he appeared on this bill particularly, the Auditor General did come out with those findings after Director Johnson's remarks, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 741 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 741 having received the required constitutional majority is declared passed. 743, Senator Vadalabene. On the Order of Senate Bills 3rd Reading is Senate Bill 743, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 743.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, Senate Bill 743 had two amendments. Amendment No. 1 to Senate Bill 743 is really the bill. The proposal affords temporary tax reduction help to the three smallest horse race tracks; Fairmont in Collinsville, Quad-city Downs in East Moline and Balmoral Park in Crete. The four large Chicago area tracks agreed that the downstate tracks have been hit hardest by the economy and they are supportive of the...of the small tracks; and Floor Amendment No. 2 to Senate Bill 743 provides that after a three year, there will be a sunset provision to this bill, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, one of the race tracks involved in this legislation is the Quad-city Downs. The Downs originally was constructed...however, in 1979, it went into bankruptcy. The current owners purchased it and began to make a profit. To give you some idea, in 1982, the profit was six hundred and eight thousand dollars; however, the recession has hit my area. International Harvester is closed, Case is closed, Caterpillar, John Deere has slowed down. The revenue dropped from six hundred and eight thousand to two hundred and eighty-six thousand in 1983, and last year it dropped to a hundred and forty-eight thousand. It's anticipated that if this continues next year, they'll be operating at a loss. At the same time, although they had a profit of a hundred and forty-eight thousand, they paid three million dollars in taxes to the State of Illinois. What's...in addition to this, what's happening is in the State of Iowa they have just started a lottery, also dog racing, and this has cut into some of the revenue. If this continues what's going to happen is they're going to have close the Quad-city Downs, and at the present time, there's eleven hundred people working there, so without this legislation we'll see nothing but another layoff of eleven hundred people in my district and I don't think we can afford that. So actually what you're seeing is some form of relief for these race tracks and yet it's good for the economy, good for the State and good for employment in my area. I'd solicit an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, rise in strong support of Senate Bill 743 as amended. This is an economic shot in the arm for these three facilities and something that we need, frankly, to encourage

and upgrade horse racing in Illinois. This is a major industry and we...we are the beneficiaries of about eighty-five million dollars annual in parimutuel tax, and it just seems to me we can afford this kind of tax break to make sure those plants keep operating. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. As the hyphenated sponsor of this bill, I would urge support also for it. I think most of the arguments have been well presented.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President. I, too, would support this because there is a body of thought that when you cut the taxes a little bit that you actually increase the economic activity in that area, and I would point out to the sponsors of this legislation that on those occasions when they don't have racing dates, that I hope to give them the opportunity to race dogs. Thank you, very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I will be very brief. I just want to tell you, this is a bill that's so vitally need for a shot in the arm for not only the other two tracks but for our track that's in Senator Vadalabene's area, and I'd ask your most favorable support for this bill, 743.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Will the sponsor yield to a

question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Lechowicz.

SENATOR LECHOWICZ:

How much of a shot in the arm are we talking about?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Well, if the take goes over four hundred thousand a day, then the...then the State tax will continue as it is now. It's up to four hundred thousand a day for the small tracks where they'll get the tax break, and...and I believe the figure is...we're talking about 2.6 million dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

So, we're talking about 2.6 million dollars for three tracks? How many tracks are included then?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Three tracks.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

And this money presently as it is raised goes into the Agriculture Premium Fund or is that the Horse Track Fund?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

That's one of them. It's gets split up in several million pots...or several different pots and that's one of them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

I'm trying to recall, did we provide this type of tax relief for any...any other State supported revenue...raiser? Is this 2.6 million dollars for three tracks?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

The...the monies, of course, is split up. First,...let me answer the question first, the money is split up between the horsemen and the owners and the tracks. Again, when the take reaches four hundred thousand dollars, then the State becomes active and the taxes are not reduced. This is a shot in the arm for these three tracks, and the...the economy and the revenue and the employment for these three tracks far exceed the 2.6 million dollars, and I don't think you should be that concerned, Senator Lechowicz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? If not, the question is, shall Senate Bill 743 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 3, none voting Present. Senate Bill 743 having received the required constitutional majority is declared passed. 744, Senator Jones. On the Order of Senate Bills 3rd Reading is Senate Bill 744, Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 744.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 744 creates the commission on the...on the Chicago Board of...of Education appointments. The purpose of this bill is to set up a commission for the purpose of nominating members to the Chicago Board of Education. The bill establishes a nominating commission to nominate members to the Chicago Board of Education. It changes the term from five years to three years or a staggered basis. The commission will be...members will be appointed by the mayor and these people will be selected from twenty-five community organizations throughout the city and they will serve at the pleasure of the mayor. The mayor would be required to select the board members from three names that are presented to him. He must, and I repeat, he must select one of those board members that is presented to him. The commission will make recommendations far as the board members are concerned, they will annually review those members who are sitting on the board and issue a report to the citizens of the City of Chicago. This bill is a...is designed to...Mr. President, I can't even hear myself.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, ladies and gentlemen, if we can have some order, please. Senator Jones is having difficulty hearing himself. Senator Jones.

SENATOR JONES:

This bill is a bill that came...came to me from various community organizations who tried to deal with the problem as it related to the Chicago Board of Education. There have been many, many proposals and this seemed to be a compromise between the two. The members...they are appointed and selected by the mayor will...will serve for a term of three years only. They will not be compensated as such. The new board and its staff will receive funds directly from the superintendent. No funds for the board...the...the newly

board will come from any services that deals with education; and with that, Mr...Mr. President, I...I'll answer any questions any member has regarding this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

A question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, first, could you tell me what...what particular community organizations came to you with this program?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Various community organizations throughout the City of Chicago, from all sections of the city came together, held hearings and came up with this proposal for a commission to select members, so from throughout the City of Chicago.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Could you tell me the names of those various community organizations throughout the City of Chicago that came to you with this proposal?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

I don't have all the names with me at this point. I know the Chicago Urban League was involved...groups from the southwest...northwest side, the southwest side, members of the...Latino organizations and members of the black community organizations, so there were several.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Could you tell me the names of the community organizations from the southwest side that came to you with this proposal?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

I don't have the names with me. They are in my file up in my office, but I can easily get the names for you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, would you take this out of the record until you could send someone to get the file and provide me with those names?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

I don't think there's a need to take it out of the record for me to get the file to...to...for me to show you the names. I'm...I'm quite sure that if you believe what I have to say, you know I would not present anything in a manner with which...it did not represent what I say they represented. Now, I do have the information in my file in my office as to the organizations. This bill was held...held a hearing before the Local Government Committee. Your seatmate was there. His record and file so indicate all those persons who presented testimony before that committee and you ask your seatmate, he'll give you the names of them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, I'm asking you. My seatmate is not sponsoring the

bill, but I haven't believed a word you said on this Floor since you carried Jane Byrne's water down here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Well, you know, the Senator from the 19th Ward always makes snide remarks and his candidate lost to my good friend Mayor Harold Washington, and I...I never served in the Senate with you, so if you want to speak to the merit of the bill, Senator, but you want to discuss other things, we can deal with that here but you want to play games, we can go outside and do that too.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, if you are...if you are suggesting that you'd like to go outside and in...in response to that, I would welcome that, and I...I've been telling you that out of this Chamber for a number of years, Senator Jones, and I've given you the opportunity a number of times. You have a lot of mouth but when it comes beyond that you...you don't want to...want to do anything further than that, but I'm asking you, if you have names of community organizations in the district that I represent that support this legislation and that is your representation to us, I want to know the names of those organizations.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

As I indicated to you, Senator Jeremiah Joyce, that those names appeared...persons appeared before the Local Government Committee, they came up with the proposal for this commission and if you so desire those names, I will furnish those names after we complete discussion on this bill. The names are in

my file. They're in the file of your seatmate who...who...who sat there as the chairman of the Local Government Committee, they presented the testimony and...twenty-five community and civic organizations throughout the City of Chicago. I do not have the complete list of names with me.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. I, too, don't have my file with me, Senator Jones. And I don't recall...what, if any, communities from the...community organizations from the southwest side attended the meeting. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. If the sponsor will yield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Rock.

SENATOR ROCK:

I'm...I'm curious, Senator Jones, what is the position of the Mayor of Chicago on this legislation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

I have not spoke directly with the mayor as it relates to this legislation. It is my belief from those persons who have...put this...commission together that the mayor is in support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Well, I...I, obviously, have not spoken with the mayor either and I was just...frankly, just curious, but I...I

would just point out to the membership that we are literally creating, in my judgment, and I stand in opposition to Senate Bill 744, we are literally creating a statutory monster. We have...we are setting up a twenty-five person commission who will be funded with appropriate staff out of the already besieged and overloaded budget of the Chicago Board of Education to the tune of we don't know how much; and further, it affords this commission the unprecedented opportunity to publish an annual report of its work, including without limitation, performance evaluations of all board members. My only reaction to that is, holy smoke. Okay. I...this...this is...if it was an amendment to anything but the School Code it probably would be preemptive because this tells the Chief Executive of the City of Chicago just exactly who he can appoint and who he may not appoint and he has to appoint somebody picked from...by this commission. I don't think it's such a hot idea. I think if the Mayor of Chicago wants to set up a...an advisory committee as did previous mayors of Chicago, including Mayor Daley, that's their prerogative but we ought not be mandating what he can or can't do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Berman. Pardon me, Senator Berman, I was...couldn't see the glare for all the flashing lights in front of me. Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. A question of the sponsor. Senator Jones, is there a position taken on this legislation by the Chicago Board of Education?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

The...Chicago Board of Education or are you talking about the superintendent or are you talking about the board itself?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

It's my understanding legislative policy is set by the board. Has the board taken a position on this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

The board has not spoken to me in favor nor have they spoken to me in opposition to the legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

All right, let me address the bill for a moment. Couple of years ago, I introduced a bill that would have given members of the Chicago board their own staff and that's part of this bill as I understand it. The board members came to me and indicated that it was not their desire to take funds from their already...existing operating budgets or the administrative budgets to add for their staff, and I Tabled that bill. I've not been communicated with as far as a change in their position, so as far as I know, no members of the Chicago board want an increased bureaucratic staff even for their own purposes. I think the point that Senator Rock made regarding this commission also poses the problem that many of us have had in debating the operations of the Chicago board. Right now, the board is appointed by the Mayor of the City of Chicago. They are not elected; therefore, the responsibility to some extent of the operations of the board lie with the responsibility...the responsibility lies with the appointing authority; namely, the Mayor of the City of Chicago. The...the appointment of this commission...or the creation of this commission further insulates an elected official from the responsibilities of the people that he appoints, and I don't think that's necessarily in the right position. If the

mayor wants advice, he's got the power to do it. Mayor Daley did it that way, when he didn't want to follow the commission, he didn't; and legislation was introduced time and time again in this Body to force Mayor Daley to follow the nominating commission, whatever their name was at that time, and that legislation was defeated. I don't think we ought to hamstring Mayor Washington anymore than we were...than we chose not to hamstring Mayor Daley and, therefore, I stand in opposition to the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I'm one of those members who voted in committee to allow this bill to come out with the understanding, at least on my part, that an amendment would be offered on this Floor which would take out this issue concerning appropriate staff, 'cause I can foresee that this can become a bureaucratic maze of numbers of people added on, and we know how things can get abused in this area, and I really would a make request which was made earlier that possibly we could have this bill held, take it back to 2nd reading and put an amendment on which would make this a voluntary type of organization, and I think that's the only way that I would support it, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Dudycz.

SENATOR DUDY CZ:

Yes, Senator Jones, with all due respect, when you appeared in front of the Local Government Committee, I was also present, I had one of my bills there, and you had a large group of people present with you when you were testifying, and I didn't recognize anybody from the northwest side either by name or by...any type of identification. Do you have any independent recollection or can you give me any

names of organizations or groups from my district, my part of the city, that were represented in your group?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes, Senator Dudycz, as...as a member of that...of that committee, let me read off to you the names of the...names and organizations that was there; Southwest Association of Neighborhoods, South Shore Council of Churches, the South Shore Commission, People's Movement for Voters' Registration, Operation PUSH, O'Keefe School, Network for Youth Services, Near South Political Action Committee, Mexican-American Legal Defense for Education, League...League of Women Voters of...of Chicago, the Latino Institute, Yvonne Jefferies, Martin...Temple, Martha Jethrow, Attorney Robert Hart, Hispanic Political Round Table, Hispanic-American Labor Council, Tee Galley, Design for Change, Copper Memorial...AME Church, Concerned Citizens of Little Village, Citizens' Schools Committee, Chicago...United, Bradwell School and Black Women's Network. Let me say this to you, Senator, as a member of that committee, and you sat there and you asked...you asked those same identical questions and so forth, and at that time, those persons who were representatives of the community indicated who was there; and in response not only to that question but to my learned colleague, Senator Phil Rock, if he would read the bill himself as it relates to the board members that would be...would be appointed, those board members' funds will only come out the...out of the money that is run by the office of the superintendent. There is no additional funds whatsoever.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Dudycz.

SENATOR DUDYCH:

Well, I must correct you in two errors you made, Senator.

Number one, I am not a member of the committee. Number two, I didn't recognize anybody from the northwest side in my district, so I must correct you there. Nobody was represented. No specific organization from my part of the city was represented among your coalition. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jeremiah Joyce for a second time.

SENATOR JEREMIAH JOYCE:

For the record, also, there is no organization mentioned on that list that Senator Jones has just recited that represents anyone in my district.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones may close.

SENATOR JONES:

Thank you, Mr...Mr. President and members of the Senate. This legislation, as I indicated, is a...is a piece of legislation that came to me from the group...the various groups throughout the City of Chicago to try to resolve the problem as it relates to the Chicago Board of Education. I don't think that the Chicago board should be, as Senator Berman pointed out, have their recommendations as to how we are to select the board members. So, I'm not concerned with what the Chicago board thinks. We are the ones who...who will provide the necessary legislation to determine how board members shall be appointed. My good friend, Senator Kelly, is absolutely right because there was supposed to be an amendment and I...I have forgotten all about that particular...amendment as it relates to the commission, but that's the difference between the commission and the board members that would be appointed by the mayor. Also incorporated within this legislation would be the requirement that if the board members...if the board members are not acted on by the city council within sixty days, then their appointment would

be deemed appropriate and they will automatically become official members of that board rather than wait until two and three years for members...for the city council to act on the mayor's appointments. We have for a number of years argued back and forth as to what we should do regarding the Chicago School Board. This is an excellent opportunity for us to have that valuable input, but for Senator Kelly, I will hold the bill and...and take it back to amend out that one section, and that one section deals with appropriate staff where we talked about in committee and that was only for about eighteen thousand dollars for a secretary for the commission. But, again, it does not create the bureaucracy as...as Senator Phil Rock pointed out. What it does is forces the Mayor of the City of Chicago to accept one of...three persons that is presented to him to be a member of the Chicago Board of Education.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator...Senator Jones.

SENATOR JONES:

So, Mr. President, kindly take this out of the record, 'cause I intend to move it back to...put that amendment on to take out that eighteen thousand dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor requests leave to take it out of the record. Take it out of the record. Spent half an hour. Senate Bill 745, Senator Jones. Page 31, Senate Bill 748, Senator Donahue. 749, Senator Kustra. Senator Kustra on the Floor? 753, Senator Rock. On page 31, Senate bills 3rd reading is Senate Bill 753, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 753.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As was said in committee, here we go again. Senate Bill 753 is a new Act and it creates the Nuclear Materials Transportation Act of 1985. You'll recall that this Senate last year passed virtually unanimously the identical piece of legislation; and the reason we did, I believe, is that we were persuaded, at least an overwhelming majority of us were persuaded, that it is truly in the public interest, it is truly as a matter of public policy that we ought to be in a position to assure the people of Illinois, particularly in northwestern Illinois, that when these shipments of nuclear waste are coming to Morris, Illinois that they can be shipped with safety. Now we are subject to, by latest count, about four hundred tons of spent nuclear fuel to be transversing our State, and I know there's some anxiety because I've had the opportunity to speak with the Mayor of Aurora...or the former Mayor of Aurora, and these shipments will continue probably for the next five or six years; and all we are asking is that some State agency assume the responsibility to make sure that it can be transported safely and that along the route, whether it's down from Minnesota or across from Nebraska or coming across from New York, that somewhere along the line everybody is aware of what in the world to do in the event that there is an emergency or a disaster. At the present time, we simply do not have that assurance. We have heard at great length from the folks at GE and from the railroads and the shippers and the carriers saying everything is hunkey-dory; well, that's fine, and I certainly believe them and I attribute to them no sinister motivation, but the fact of the matter is, we have in Illinois the only commercial facility for storing this stuff and it is highly radioactive nuclear waste, and we ought to be in a position as a matter

of public policy to say we recognize GE's contractual agreement but at the same time we are charged with the responsibility of providing for the public safety of the people of Illinois. I urge an Aye vote on Senate Bill 753.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Rigney.

SENATOR RIGNEY:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR RIGNEY:

I recognize this as an old and familiar bill. Isn't it true...that there have been a number of shipments since this was presented a year ago?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

That is correct. I am informed that there have been nine shipments already. Mr. Camille testified in the committee that there have been nine shipments already coming through.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rigney.

SENATOR RIGNEY:

One thing you did not do is spell out the procedures now for shipment of this material. I wonder if some of our colleagues think that maybe we just throw these rods on an old flatbed car or something and, you know, along with the potatoes and the cattle and the other things that we're sending down the track and...would you tell us a little bit about how that process works? I was kind of intrigued by that myself, the...the presentation that was made in that area.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, as I understand it, there's a special cask into which the nuclear waste is placed and the special cask is placed on a special train and the train is only supposed to go so many miles an hour and they can only ship a very small amount and...and there are...the railroad, the shipper, the carrier indicates that they are taking every precaution that they feel is necessary, and I don't deny that. What I'm suggesting, however, is that perhaps the folks in Monmouth and Galesburg and Kewanee and Princeton and Mendota and Aurora and Morris, Illinois ought to be assured that their own communities and their own law enforcement people are aware of what in the world to do in the event that there is a disaster, and the fact is, at the moment, that assurance is not there.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rigney.

SENATOR RIGNEY:

Well, I think...you did a very commendable job of pointing out some of the safety precautions that are being met at the present time. These shipments are met at our border. They are accompanied across the State of Illinois to their final destination. They are carried in a special cask that will withstand most any type of collision that they might be involved in. All of those things are being done now, and I think what it boils down to, Senator Rock, is the fact that we really haven't seen any need for the type of legislation that you're proposing; and the one thing that kind of...kind of concerns me is the fact that I do not look upon this as a transportation act, I kind of look upon it as a nontransportation act, and I think we're going to have to recognize that as we address this legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you. Would the question yield...will the...will the...will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR MAITLAND:

Senator Rock, I wonder if you could describe for the Body what other regulations that the transporters now go through prior to starting a shipment?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, I...I understand there is a permitting process of sorts with the Nuclear Regulatory Agency, if that's what you're referring to. I truly don't know...what they are currently subjected to. I understand that there are two or three Federal agencies that attempt to...to exercise some degree of control and...and, frankly, Senator Maitland, all I am suggesting is that we...we ought to have them seek and obtain a permit from the commerce commission for that first shipment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Senator Rock, I...I believe that the NRC and the Federal...Federal Department of Transportation, in...in fact, are the ones that grant the authority for the transportation of...of...of the nuclear waste and then, in fact, it is administered locally or in the State by the...by the Illinois Department of Transportation and the Nuclear Safety Department, and...and so that is...that is already in place, regulations that permits the transportation. It...it seems to me that...that this is just another level of...of bureaucracy that absolutely is unnecessary. It delays the shipment...it

could possibly delay the shipment. It...it brings a motion...it brings into a motion what is already very safe transportation as alluded to by...by Senator Rigney. There has never been a...an accident. There...there will be no problem with the...with the...with the cask rupturing and I...I think of...every day how...how fuel trucks traverse the...the...the highways of this State up and down and...and have blown up and...and people have been killed by this and...and it's going to happen and continue to happen and this transportation is completely safe and I think we're...we're putting fear into the hearts of people that just absolutely isn't necessary. I think the safety precautions are there and...and this legislation is an attempt, really, to bring fear to people rather than to...than to...than to help people.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. Well, the...the previous two speakers have...have talked about not seeing any need for this. The law of averages says that someday there's going to be an accident. They...they've...they've had these trailers come unhooked from trucks...thirty feet...if one of these cask falls thirty feet and into an impermeable object it can rupture. We're talking about probably the most dangerous substance that's hauled down our highways. One accident from one of these casks...if one of these ruptures, could probably...you know, no one knows, no one knows the damage that...that could be done. So, I think that, you know...the shipments, when they're permitted...say they're coming from Nebraska, say there's ten of them or fifteen of them, they don't have to get a permit every time, just one time for each...each bunch that are going through in each movement and...so I don't think we're asking too much when you think

about the danger that...that we are placing on the highways running through our towns and villages and...and countrysides, it is...it's not too much to ask. Senator Maitland says...added bureaucracy. Well, for something this dangerous, I think a littled added caution is...is wise and I think we would be very well...to...which we would be doing very well to pass this piece of legislation. It is just something that I think is...is imperative that we do.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he'll yield.

SENATOR KUSTRA:

Thank you, Mr. President. Senator, do I understand...and forgive me, this probably was said before but I just want to reiterate, this is a one time only permit?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

It...yes, it requires and...and we talked about that last year, because at...at that point, I had had the bill read that it was a permit required for each and every shipment. This...would require only for the first shipment of a movement, so if we're getting two hundred tons from Nebraska Public Power, once that first permit is granted, it...it can be renewed annually.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

I...I guess my question then is, if we're really concerned about safety and we're really concerned about something happening to those shipments, why...why just the first

time? I mean, it seems to me that there's just as much chance for accidents on down the road. Why...why just the first time?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well,...you're...you're agreeing with my bill before I had to amend it to accommodate those desires and I agree with you. Why not every time? The accommodation that I did make was say, we'll do it for the first movement of a given shipment and the presumption is, before you get that permit, the ICC will have made a determination that, yes, indeed, the roadbed is safe, the train and its procedures are correct and that the local authorities along the way do, in fact, have some knowledge about what to do in the event of a disaster and that can be annually or...or as...as often as the commerce commission wants. It can...they...that's the continuing inspection process that the commerce commission, I hope, would indulge.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. Just...just a comment. It...it seems to me that Senator Maitland made all the appropriate points. We have other agencies of government that does this now and all we're doing is adding to a bureaucracy. The word nuclear, of course, is a word that immediately evokes all kinds of dangerous responses and we jump to vote Yes on bills like this, but the fact is that Senator Joyce talks about the law of averages and tells us it's going to happen anyway,...somewhere on down the line, the question is, why a bill with simply one check at the beginning? I'm not so sure I see a reason for any check right now by the ICC given the other precautions that have apparently been taken

anyway. It's a bad piece of legislation. I recommend a No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. I...I apologize for rising the second time, but I...I really have a...a serious problem...with this legislation. I...first of all, I can't for the life of me how this is going to improve the safety. Senator Rock,...a question of the sponsor. I...what bothers me about this is that this is really an area that the ICC does not get involved with anyway. IDOT and the nuclear safety people, this is their area of expertise. These are the people who are dealing with the real issue, the hands-on activity; and...and if...if your intent is to improve upon safety, if that's the goal and objective, then why not require, if it's needed, something more of the people who have the expertise in this area? Why deal with the commerce commission who, God only knows, has too much to do?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, I, frankly, have a little more confidence in the commerce commission. And the fact is, that there...there...there is wide-spread testimony, particularly from our friends in Wisconsin and no lesser a personage than the Governor, that suggest very strongly that the Nuclear Regulatory Commission and the Federal Department of Transportation have...have, yes, established...some kind of generic guidelines, but the fact is, they are not specific enough; and our...you know, it's just a question of do we, in fact, want to be...want to have some prior consultation rights and so that when a truck goes through, our Illinois Department of Transportation can say to some bureaucrat out

in Washington, holy smoke, hold it, 294 is under construction for twenty-three miles and...and you can't go down that road, or why do you...why do you go down 55 or 57 in a...in a densely populated area with that kind of stuff? There are other ways to go. I just think our State has to be involved.

PRESIDING OFFICER: (SENATOR SAVICKAS)

If there's no...Senator Maitland.

SENATOR MAITLAND:

Well, I...I would just suggest that the State is now involved and we are handling it in a very...in a very proper way and...and the legislation should be defeated.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. You can't have too much safety dealing with things like this. I have a situation in my own district back home where they...that regulatory agency has put some hazardous material, they bring it in during the night, no one knows its there and then when you ask a question about it, there was a fire and when they went there they found out that these drums and things were placed there, you can't overdo safety and that's what that means, safety first. This is something that could wipe you away. This is one of...after all, you're...you're dealing with something that could be hazardous and endanger and wipe a whole city out and thousands of people. You can't overdo this. This is a good bill and it ought to be passed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Let me just suggest that this legislation, Senate

Bill 753, is in no respect nor should it become a partisan issue. I attribute nothing but the highest regard to the owner, the shipper, the carrier and the receiver of this stuff; but the fact is, this stuff is being transported through our State, and we regulate all kinds of things and when you get...when you're...when you're on...on alert that more than four hundred tons of this stuff is coming into our State, we ought to have somebody looking to protect the public safety, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 753 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? You want to vote me Aye. Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 21, none voting Present. Senate Bill 753 having received the constitutional majority is declared passed. Senate Bill 754, Senator Kelly. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 754.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. The purpose of Senate Bill 754 is to clarify the existing law concerning the publication of specimen ballots. The current Statutes are not clear on this subject and there are governmental bodies who are making different interpretations. As I understand it, it's in different sections of the Statute and this will clearly define the responsibility. It is not in any way intended to place any additional printing requirement or cost onto any governmental bodies or election author-

ities. There was an amendment adopted, ladies and gentlemen, which clearly prevented any interpretation that there would be any additional costs. So, as the bill stands, I know of no opposition and I ask for your favorable support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 754 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 48, the Nays are 1, none voting Present. Senate Bill 754 having received the constitutional majority is declared passed. Senate Bill 755, Senator Degnan. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 755.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Senate Bill 755 amends the Illinois Vehicle Code and does two things. It deletes the provision which allows regional superintendents to issue bus driver permits to individuals who have been convicted of serious...of various serious crimes after a period of five years. The reason for this deletion is that the regional superintendent simply does not have access to information in order to make a...valid determination. Secondly, as amended, Senate Bill 755 requires operators of day-care vehicles transporting children to and from child-care facilities to obtain a permit. The standards are basically the same as those currently in existence for school bus drivers. The main advantage of this bill is that it provides the issuance of a permit in a manner which is already in place. In other

SB 758
3rd Reading

words, individuals seeking this type of permit would be incorporated into the existing structure and, therefore, I think it's very cost effective. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 755 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, none voting Present. Senate Bill 755 having received the constitutional majority is declared passed. Senate Bill 758, Senator Davidson. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 758.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this bill does exactly what it says here, creates the Registration Act for Illinois athletic trainers. This bill came about by the Illinois Athletic Trainers' Association and those people who teach them and those other individuals such as school districts and professional teams who use them, and what arose...brought this about was there's individuals who held themselves out to be athletic trainers when they've had no such training and, consequently, we've had some outstanding athletes who have suffered permanent injury 'cause some individual who does not have the training to recognize what the injury was and the seriousness of it proceeded to not send the individual to the right person for treatment or attempt to treat it in error themselves. This has support from a

number of different people. I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Welch.

SENATOR WELCH:

Yes, a question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR WELCH:

Senator Davidson, does this create another regulatory Act similar to the ones that Senator Schaffer is regularly complaining about?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Well, I can't answer to what Senator Schaffer is regularly complaining about. This does create a Registration Act under the...which will be administrated by the Department of Registration and Education. The fee that those individuals will...who are...will be registered has been set to meet the cost of what Registration and Education would say would take the cost to administer this Act.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch. Is there further discussion? If not, the...Senator Davidson, do you wish to close?

SENATOR DAVIDSON:

Just appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 758 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are 7, none voting Present. Senate Bill 758 having received the constitutional majority is declared passed. Senate Bill 760,

Senator Marovitz. Read the bill, Mr...Senator Marovitz.

SENATOR MAROVITZ:

I think there's an amendment filed on that bill and it will be on the recall list tomorrow morning.

PRESIDING OFFICER: (SENATOR SAVICKAS)

761, Senator Marovitz...766, Senator Vadalabene. 768, Senator Marovitz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 768.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 768 prohibits...the imposition of surcharges on credit cards. Since 1974, Federal law has prohibited sellers from imposing a surcharge on a credit card purchase. That law expired in 1974. A surcharge penalizes people who use credit cards who are already paying a variety of fees as well as historically high interest rates. It applies only to fees imposed in addition to the posted price and still permits merchants to offer a discount for cash. A surcharge is...is a charge which the merchant passes on to the consumer but, in fact, should be paid for as a...as a portion of the collection of debt which the credit card company or the bank is doing on their behalf. The issue really is...is whether or not we believe that surcharges should be imposed upon credit cards. The bill prohibits the seller in any sales transaction from imposing a surcharge to a credit card holder. There are over six hundred million credit cards in circulation and seventy percent are used by American consumers. A permanent change in credit card charges at the point of purchase could have a very dramatic

effect on our retail economy. In July of 1984, Bank Card Holders of America conducted a credit card surcharge survey and the results were really overwhelming. Almost four thousand of their numbers responded to the questionnaire and ninety-three percent of the people questioned felt that surcharges should be prohibited as they have been by the Federal Government since 1974. When they asked...when asked if retailers were permitted to impose surcharges, ninety-eight percent reported that they would change their spending habits if a surcharge were charged. They would turn to cash, they would turn to checks or they would make less purchases at the market place, again, severely effecting our retail economy. The imposition of surcharges is...is very discriminatory. Surcharges could be used arbitrarily against a lower income or intercity consumers. A merchant could impose his surcharge on one customer and not on another, chain stores in one chain store and not another and that's the classic form of redlining. If a surcharge were imposed on credit card holders, it...it, again, would have a negative effect on our economy. This imposition would hurt senior citizens, it would hurt lower income families, it would hurt women and I think this is an important piece of legislation. There is no reason to...for...for people to charge a surcharge. I think this is really a truth-in-advertising bill. Whatever the merchant wants to charge, that's fine. If he's going to charge two hundred dollars for a suit or four hundred dollars for a television, that's fine, he's...that's his right to charge anything he wants; and if he wants to offer a discount for cash, that's fine too, but to...to advertise that they're going to charge one price, to come in and have somebody give you a credit card and say, well, that was two hundred dollars, but it's going to be two hundred and twenty-five dollars because you're using a credit card, that's...that's why the Federal Government banned it since 1974 and why we

should not prohibit it in the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Keats.

END OF REEL

REEL #6

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to the bill. There are several things that I think people don't understand with credit cards. If you buy an item from a store and...cost a buck and you hand him your credit card, the store doesn't get a buck, they get...depending on what it is ninety-five cents or...it varies, I don't think it's identical, but credit card companies, as you can guess, charge something for their services. If a retailer says, this should be a dollar, and you say, for convenience sake I want to use x credit card; that certainly should be your right, but why should the retailer have to pay for your convenience? If you wish to be...to have that convenience to use a credit card, fine, no one is saying you shouldn't, but what they're saying is, you want the convenience, you pay for it. Why should I pay for your convenience? I've offered a product at a specific price. Some retailers, as you know,...some of you, I'm sure has as I have, have hassled a little on a price here or there, gotten them down a buck or two. Have you ever been in on a sale at the end and said, hey, you had it on sale anyway, and you talk them down another fifty bucks because they had to get rid of it and you promise you'll take it away that day, and then you charge it. Not only if have you gotten that lower price, but he loses even more. Now, if you're...and I'll pick as an example, Marshall Fields, and they say, you want...you want the choice of credit in our store, then get a Field's credit card. If you use, oh, Master Charge; they will get less if they allow you to use the Master Charge instead of their own credit card, they are receiving less. What this bill says is that

you for your own convenience can penalize whoever you're buying something from. Now, some of these credit card guys are...are slow payers. I mean, American Express is notorious, you know, many people finally quit taking American Express. You know, you could die waiting...for American Express to pay a bill, and they're paying the carrying charge, the retailer, whoever it is. And so you're saying, I want to be convenient, I'm going to use my American Express, but you're going to get to pay for the privilege of me being convenient, me not wanting to pay cash, me not wanting to write you a check or whatever it is. So what we're saying is, for convenience sake of having a credit card, there may be a fee. You pay an interest if you don't want to pay it off as quickly, but why should the retailer be asked to float your credit? For your convenience, he should pay. If you wish the convenience, you should pay rather than someone else. That's the basic problem involved with the bill. What we're saying is, we want something for nothing. We want convenience and we don't want to pay for it. Well, that's nice. I know a lot of things I would like, an Avanti car, and I don't want to pay for it. But I don't get the Avanti car. If you wish a convenience, you should be expected to pay for it. Now, I have not have heard of any credit card surcharges that approach, you know, fifteen and twenty percent as was example. I have heard of one surcharge I was aware of that came out to be four percent which was what the retailer lost by letting you use the credit card. That didn't sound unreasonable to me. Why should he pay for your convenience? Those are the points that I think you have to consider. Philosophically,...philosophically, you just have to ask your self, who should be responsible. Those are the points we would raise. If you feel you want that convenience, let the market say what you should pay for that convenience. You are saying now, the market won't say, I'll

say, and I don't know that that is reasonable. I would appreciate a No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Kustra.

SENATOR KUSTRA:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will yield.

SENATOR KUSTRA:

Senator, I...I have used credit cards in my day and especially in the Chicago area, of course, and...I've never been charged a surcharge. Can you give me an idea of where...where is this done?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Well, I think right across the street from here at Marathon Oil, they...they...they charge a surcharge for the use of a credit card, and...and we were very...one of the questions that was asked in committee was a...a request for some clarifying language about continuing to allow cash discounts. And we...and we...and we've done that so that cash discounts are in fact allowed, and we've made that very clear by the amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

The only other comment I have is really not a question, but you said something about burying the cost. It seems to me...I...I see what you're trying to do, but it seems to me that if you're concerned about folks out there, consumers, that you're really achieving the very opposite of what you want to do. It would seem to me that if you just say to a retailer, go ahead and charge what you want to charge, charge

two hundred dollars for a suit, for example, you're allowing that retailer to bury this surcharge. It seems to me that what you want to do in a...in a piece of legislation like this or in normal business practices is in fact, to make sure that the cost falls on the person who is creating the burden. And I don't know how you do that with...it seems to me you're...you're doing exactly the opposite of what you intend.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

The way you do that is by truth in advertising so that the consumer can shop around and know what he's going to pay for something, and go to the...go where he's going to get...the best buy. If he knows he's going to pay two hundred dollars for a suit some place, and that's what the advertising says, fine. He shops around and he says, well, I'm going to get my suit for two hundred at Marshall Fields, but it's when he goes in there and finds out that that two hundred dollar suit does not cost him two hundred dollars as the advertisement said, but because he's going to pay with a credit card, which is the convenience of the merchant, it's going to cost him two hundred and twenty-five dollars. At Marshall Fields, that...if that merchant wants to establish their own credit company as they do at Marshall Field, they get a hundred cents on the dollar, they don't pay any less. That...that use of that credit card, that collection company, is for the convenient of the merchant so that they don't have to worry about that. So the...the bank or the credit card company, they do the collections for them and they're charging back the merchant for doing their collection. If the merchant wants to do it themselves, as Marshall Field does, they don't pay any cost. They get a hundred cents on the dollar.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Ladies and Gentlemen. I thought it was interesting that when Senator Marovitz said it's the convenience of the merchant, there was sort of a moan that came up from some of the Senators. Well, ladies and gentlemen, the merchant, the retailer, is the one that decides whether he's going to accept any credit cards at all. If I walk into a store and I've got a pocket full of plastic, American Express or Visa or Diners, and the merchant doesn't accept those cards, I can't use those cards. The merchant has made a business decision to accept credit through the use of certain plastic credit companies. ARCO, for example, ladies and gentlemen, ARCO gasoline stations in this State decided that they were going to do away with acceptance of plastic credit cards, and they went to a cash only basis and they discounted their cash sale price and honestly said to everybody, we're not going to take any credit cards. That was a business decision. Now, as it turned out, it was the wrong business decision, but I would suggest to my friends who believe in free enterprise that that was a proper decision for them to call. It turned out wrong, but that was their prerogative; government then forced them to change that...or to make that decision. Now the reason that merchants and American Express and Visa and all the rest operate is because the business community found that you sell more goods even after absorbing the cost of that credit card service charge imposed by the credit companies; otherwise, the credit companies would have been out of business the day after they opened. It's good business. Now all that this bill is doing is to say to the people of State of Illinois that what you're used to, citizens of Illinois, is what we're going to...to continue to require under the business system of the State of Illinois.

We are used to a process that when you go in and you see a item that's marked for two hundred bucks, and you give him your credit card, that's the price you pay; that regardless of what Congress did or didn't do with the abolition of the prohibition regarding surcharges, we're going to continue to say, business as usual, honesty in business, honesty in full disclosure in the pricing of items and if you see that American Express card emblem on the front door, you're going to be able to use your emblem...your card without being charged extra. Truth in selling, that's all that this bill does; and if the...merchant doesn't want to accept credit or plastic, it's his prerogative, not the customers. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank...thank you, Mr. President. Well, I think we ought to look at the opposite side of this question, too. As I understood Senator Marovitz, he's not prohibiting the merchant from allowing a cash discount. Well, then, if this bill passes, Senator, and I'm a merchant, I have to look at my pricing structure and I have to decide whether I'm going to price all of my merchandise on a cash basis or on a credit basis. If I price it all on a credit basis, which is what you seem to require, then I would have to...in order to be fair to those customers who pay cash, I would have to give them some kind of a cash discount as they move through the...the check-out line; if not, then, really, I am discriminating against the cash paying customers, and I think that...that we ought to raise the issue of discrimination against people who pay cash just like you're trying to raise the issue that you think is discrimination against people who pay on credit. I think we better leave this...you're frowning, and apparently you don't understand my point; but all business, Senator, in Illinois is not done by Marshall

Field. Credit cards are used and cash is paid to a lot of mom and pop operations throughout this State, and I think that...that they're the ones that are going to be hurt by this rather than Marshall Field. I think Marshall Field is going to price their product like they are now, and I think they're pricing it on the basis of...of gathering their...and recovering the cost of credit cards out of the price of the...of the commodity. But that isn't done all over this State, and I'm not so sure it's a good idea to pass this bill because we're going to require merchants, then, in my opinion, to discriminate against cash paying customers unless they allow that cash discount when the customer checks out.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz to close.

SENATOR MAROVITZ:

Thank you, Mr. President. Well, this really is a truth in selling, a truth in advertising bill. I think that some of my friends on the other side of the aisle are not giving enough credit to the...to the customer...to the consumer who is going to be shopping and competitively pricing those items in the market place. And if that particular store ups his cost five percent, the good shopper, who has shopped around, read the advertisements will realize that there's been a five percent increase and with today's economy being what it is will shop around and will look elsewhere. We talk about the ma and pa store, the reason that the ma and pa stores are in existence and have...and have been in existence is; one, because of convenience in the neighborhoods; and two, because of competitive pricing. Again, if somebody wants to charge a credit card...use a credit card, that is up to the merchant, totally, and he...and that is a cost of doing business; and when merchants price their items, they build in the cost of doing business, all of those costs of doing business, into the purchase price of the item. And a...customer has the

choice whether to buy that item at that purchase price or not, but that's the free enterprise system; as advertised, and that's all this bill is about. Let the customer know what the prices as advertised. If the merchant makes his own choice to use a credit card, fine, he's getting the benefit of having the bank or the credit card company that support this legislation for...they are going to be the collection agency so that the merchant doesn't have to be the collection agency. If the merchant wants to have their own credit company, then they'll get a hundred cents on the dollar and they'll be the collection agency. It's up to the merchant, but the seller, the...the...the buyer, the purchaser, the customer that we should be concerned about will know what the price is before he walks in the store and know what the obligation is. This is really a very good consumer bill, and I would ask that everybody give an Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

The question is, shall Senate Bill 768 pass. Those voting in favor vote Aye. Those voting opposed vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 30 Yes votes, 26 No votes, 1 voting Present, and Senate Bill 768 having received the required constitutional majority is hereby declared passed. Senator Keats, for what purpose do you arise?

SENATOR KEATS:

I would request a verification of the affirmative roll call. Thank you.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats requests a verification. Will all Senators be in their seats. The Secretary will read the affirmative votes.

ACTING SECRETARY: (MR. FERNANDES)

The following voted in the affirmative: Berman.

Carroll. Chew. Collins. D'Arco. Darrow. Dawson. Degnan.
Demuzio. Hall. Holmberg. Jones. Jeremiah Joyce. Jerome
Joyce. Kelly. Lechowicz. Lenke. Marovitz. Nedza.
Netsch. Newhouse. O'Daniel. Poshard. Sangmeister.
Savickas. Smith. Vadalabene. Welch. Zito. Mr. President.
PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats, do you request a verification of any
Senator's voting in the affirmative?

SENATOR KEATS:

Senator Newhouse.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Newhouse. Senator Newhouse here? Here...is he
here? He's here all right.

SENATOR KEATS:

Please remove him.

PRESIDING OFFICER: (SENATOR D'ARCO)

Strike his name, Mr. Secretary.

SENATOR KEATS:

Senator Lechowicz.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Lechowicz. Senator Lechowicz. Senator
Lechowicz. Strike his name, Mr. Secretary.

SENATOR KEATS:

That'll do, thank you.

PRESIDING OFFICER: (SENATOR D'ARCO)

The roll call has been verified. Okay. On that ques-
tion, there are 28 Yeas, 26 Nays, 1 voting Present and the
bill having failed to receive the constitutional majority is
hereby declared lost...Senator Marovitz requests postponed
consideration. Senate Bill 771, Senator Schuneman. Read the
bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 771.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Senate Bill 771 was introduced for the purpose of trying to bring about a better enforcement of the financial responsibility law that's been on the books in Illinois since about 1941. The bill as introduced and in its present form would transfer the responsibility for administering that law...to...entirely to the Secretary of State. Needless to say, the bill as introduced got the attention of the Department of Transportation who at one point was in opposition to the bill. It started a series of meetings between the Department of Transportation and the Secretary of State's Office and those of us that are interested in trying to bring about a change, and just this morning, the Department of Transportation has withdrawn their opposition to the bill. The Secretary of State is now fully in support of the bill. What is planned is that this bill will pass out of this Chamber...as...in its present form and will be amended on some agreeable basis in the House. There is a House bill that will be passing over here and the same result will occur. And...on that basis, I would ask for your support.

PRESIDING OFFICER: (SENATOR D'ARCO)

President Rock.

SENATOR ROCK:

I'm sorry, I was distracted. What...what is your intent with this legislation...I oppose it in its present form, as I did in committee.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I just gave my speech, President Rock, but what it amounts to is that both DOT and the Secretary of State now

have...are in the process of coming to an agreement. I offered to hold the bill here and amend it in this Chamber so that it would be satisfactory to them. What they suggested that we do was pass this bill out to the House, there is a similar bill in the House that would be passed out...over to us and that the agreed amendments will be put on in the opposite Houses. So that's what we're about to do and they have both withdrawn their opposition to the...to the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hall.

SENATOR HALL:

I just...for my own edification, Senator, that...when you're saying they're both...you referring to...to the Secretary and DOT?...the reason I ask that...my book shows that the Governor oppose it. Why is the Governor opposing it?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schuneman.

SENATOR SCHUNEMAN:

The Governor opposed it because DOT opposed it, but the Governor has also withdrawn his opposition now.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Schuneman, do you wish to close?

SENATOR SCHUNEMAN:

Simply ask for your support.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is,...shall Senate Bill 771 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Take the record. On that question, there are 53 Yeas, 1 Nay, 2 voting Present, and Senate Bill 771 having received the required constitutional majority is...hereby declared passed. Senate Bill 772, Senator Marovitz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 772.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President, members of the Senate. In the hope that others will follow suit, I would move to recommit Senate Bill 772 to the Committee on Public Health.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz has moved to recommit Senate Bill 772 to the Committee on Public Health. Those in favor say Aye...Yea. Those...opposed say Nay. The Yeas have it. The motion is carried. Senate Bill 772 is recommitted to the Committee on Public Health. Senate Bill 782, Senator Philip. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 782.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 782 authorizes township board of trustees to levy a special assessment against property for the purpose and construction of repair of streets, curbs, sidewalks, et cetera. This bill came from people who live outside of a municipality, in other words, unincorporated area, who have a need for sidewalks or curbs or some kind of an improvement. They have no place to go. They'd like to go to the township and say, hey, we need this in our community, we're willing to pay for it, you please help us do it.

It's just for DuPage County. It's modeled after the special assessment section of the Municipal Code and we let the municipalities do it now. What we're suggesting is, why not let people who live outside of municipalities have the same opportunity. Be happy to answer any questions. I'd ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Any discussion? There being none, the question is, shall Senate Bill 782 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 56 Ayes, 1 Nay, none voting Present, and Senate Bill 782 having received the required constitutional majority is declared passed. Senate Bill 785, Senator Pawell. She's not here. Senate Bill 790, Senator Davidson. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 790.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this bill does technical changes in the article dealing with the Pension Code to provide credits for...granted for unused sick pay which may be included in the vesting requirements; includes employee contribution and disability benefit when the system seeks reimbursement from the third party, grants the board power to subpoena witnesses and pay a reasonable fee, provides for temporary disability payment to made in cases where there's a dispute over the disability. This has the approval of that Pension Subcommittee, Economic Fiscal Committee. I know of no opposition. I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Any discussion? Hearing none, the question is, shall Senate Bill 790 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present, and Senate Bill 790 having received the required constitutional majority is hereby declared passed. Senate Bill 798, Senator Bloom. Senator Bloom...read the...read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 798.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President. Basically, this bill does as the analysis says. It provides that the appropriation of...funds for flood control or water conservation is sufficient authorization for DOT to go ahead with the project. You may recall in Executive Committee that this bill was discussed and after the committee fully understood it, it passed out almost unanimously. I'll answer any questions; otherwise, I'd seek a favorable roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Hearing none, the question is, shall Senate Bill 798 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 56 Ayes,...none voting No, none voting Present, and Senate Bill 798 having received the required constitutional majority is hereby declared passed. Senate Bill 799. Senator...point of order. Senator

DeAngelis.

SENATOR DeANGELIS:

No. Thank you, Mr. President, just a point of personal privilege.

PRESIDING OFFICER: (SENATOR D'ARCO)

State your point.

SENATOR DeANGELIS:

In the gallery on the left side of the Chamber here we have the...just hot off the press winners of the Illinois State Historical Society School Awards. From Glenwood, Illinois, there are six fine students with their parents and Mr. Peterson and Mr. Wayne Hoffer, and I wish they would stand and be recognized.

PRESIDING OFFICER: (SENATOR D'ARCO)

Will our guests in the gallery please rise and be recognized by the Senate. Senate Bill 799, Senator Donahue. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 799.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 799 amends the Elder Abuse Demonstration Program Act. Extends it for one year to the date of December 31st, 1987 and adds paraprofessionals as mandated reporters for elder abuse. I would hope you could support this.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Any discussion? Hearing none, the question is, shall Senate Bill 799 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted

who wished? Take the record, Mr. Secretary. On that question, there are 57 Ayes, no Nays, none voting Present, and Senate Bill 799 having received the required constitutional majority is declared passed. Senate Bill 802, Senator Macdonald. Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr...

PRESIDING OFFICER: (SENATOR D'ARCO)

No, wait. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 802.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Macdonald.

SENATOR MACDONALD:

Yeah. Senate Bill 802 allows the community care program in the Department of...on Aging to have their bills paid if necessary from a future year appropriation. The reason for this is that the Department has a complex payment system, computer controlled and edited, that cause a large number of vendors to have usually small amounts of bills that do not get processed in time to pay from a current year's appropriation, then...therefore, they have to go to court of claims for...reimbursement. The Bureau of the Budget was opposed to this bill last year until late in June, and the department was unable to get it added, that late in the...in the Session. The Department of Public Aid and the Department of Public Health have similar provisions. This bill passed out unanimously out of committee as an agreed bill, and I ask for your support of this piece of legislation.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to Senate Bill 802. This is a power or an authority that we have heretofore only granted to the Department of Public Aid, because that department with its, obviously, gigantic budget is called upon to reconcile hospital and nursing home costs...I just...I think that we would be better served...we, the Assembly, would be better served to keep more of a handle on what these agencies are doing with money that we appropriate. The supplemental appropriation system has worked successfully. We will before the close of business today, as a matter of fact, discharge a bill to move that process. But I think we ought to be a little careful, because we're going to find a leapfrog effect that if we allow the Department of Aging to do it, then you're going to allow the Department of Mental Health to do it and then you're going allow the Department of Corrections to do it, and pretty soon this whole thing is going to unravel. I just ask you to be a little careful. I, for one,...oppose Senate Bill 802.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, rise in opposition to Senate Bill 802, and as has been discussed, right now there's only one agency that we've allowed this for and that's for a very unique reason as I understand. That agency is twenty times...twenty times the budget of this agency, and there is, therefore, a significant difference; but more importantly, we did it because we required by law what is known as reconciliation of accounts most particularly with the hospitals and other major suppliers of health care to this date for the Department of Public Aid. The Department of Public Aid had to go in after the fact and audit those accounts and see whether or not the

hospitals owed the State money or the State owed the hospitals money, and in most instances, those audited...audits did not take place till after the lapse period spending, because then, after the audit the hospital could object and by the time you got through the hearing process, you were well into the next fiscal year. So we have recognized over period of time that there's an amount of money in each year's budget that really pays last year's bills, but what it is paying is bills that were contested, reconciled, audited, heard, and then, finally reviewed. In this case, we are saying to an agency that has, by the way, proven itself to have the inability to maintain fiscal controls that we're going to honor and reward that inability to have fiscal control by saying we don't care what you obligate; you have no limits, no restrictions, pay the bills whenever you want out of any year's appropriations, whether or not you had the authority so to do. It is clearly the wrong way to go if we, who are responsible for the taxes people pay, do not have control on what departments are spending. I think it is illogical and should be defeated.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Macdonald to close.

SENATOR MACDONALD:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. I would remind you that normally ninety-seven percent of the bills are paid either on the first try or resolved within thirty days. We are only talking about three percent of the funds that the vendors are entitled to. So I think this is a fair bill. I think of it as equitable...bill for the elderly and...I...I urge your support. It was...came out of committee unanimously, and I...I think the members did...discuss it, and I think that they did agree that it was a good bill. So I ask for your support.

PRESIDING OFFICER: (SENATOR D'ARCO)

SB824
3rd reading

The question is, shall Senate Bill 802 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 29 Ayes, 25 Nays and none voting Present, and Senate Bill 802 having failed to receive the required constitutional majority is hereby declared lost. Senator Macdonald, for what purpose do you arise?

SENATOR MACDONALD:

I would ask for this bill to be put on postponed consideration.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senate Bill 802 will be put on postponed consideration. Senate Bill 804 and 813 are on the recall list. Next bill would be Senate Bill 814, Senator Mahar. No. Senate Bill 824, Senator Luft. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 824.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Senate Bill 824 amends the Illinois Mechanics Lien Act to include property managers. It appears there's been a growing problem in recent years when building managers have found themselves in a position worse than contractors. They have furnished or performed work for the owners of property they manage at the request of the property owner or have advanced funds to keep the building and then found it difficult or impossible to be reimbursed when the building was sold. I would try to ask any...answer any questions or would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Any discussion? Hearing none, the question is, shall Senate Bill 824 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 56 Ayes, none voting Nay, none voting Present, and Senate Bill 824 having received the required constitutional majority is hereby declared passed. Senate Bill 825, Senator Dudycz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 825.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Ladies and gentlemen of the Senate, I'm happy to report that Senate Bill 825 has absolutely nothing to do with annexation. What it does is exactly what it states it does. All references to throwing stars and stun guns and tasers have been removed. And the bill amends the Criminal Code to make it an aggravated offense to commit or attempt a forcible felony while wearing a bulletproof vest, and the penalty becomes one step higher than the felony or the attempted felony. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'm happy also that it has nothing to do with annexation and since it's your first bill, Senator Dudycz, I will refrain from any other comment.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion?...hearing none,...I'm sorry. Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield. Senator Dudycz.

SENATOR ETHEREDGE:

Senator, I was wondering how bulletproof vest is defined in...in your bill, and let...let me tell you why I raise the question. Traveling down here yesterday in the automobile, I heard a story of a policewoman who was saved...I guess a bullet was fired at her and...she was saved because the bullet struck a...a container of eye liner. And I was wondering if the...if this person happened not to be a policewoman but were a...a...a felon who...coming at you with a gun and happened to have an eye liner packet in her pocket, would that be construed as...under...under your...the way your bill is written as a bulletproof vest of some kind?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Dudycz.

SENATOR DUDY CZ:

Senator, no.

PRESIDING OFFICER: (SENATOR D'ARCO)

Very good. I like that answer. Senator Chew. The timer is on, Senator Chew.

SENATOR CHEW:

What time is on? You little squirt, you just got up there. This is the first time you've been up there and you get up there with some kind of authority. I'll be up to relieve you very shortly. Now, this fellow who's got this bill, Mr. President,...Dudycz. What...what does the bill...what is the bill supposed to do? I mean, what you've explained, it said nothing. Do you draw this conclusion because you a former police officer or what...what is the

purpose of it and what does it do? 'Cause I don't understand you northwest side fellow's language. What is Dudycz?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator...Senator Dudycz.

SENATOR DUDY CZ:

Senator Chew, the reasoning behind the aggravated offense is twofold. First, a person wearing a vest is more likely to engage in gun play with the police or a victim because to a certain extent they do feel protected. Secondly, a...people who commit forcible crimes particularly while armed with a firearm should not be protected in this fashion. Wait a minute...I didn't interrupt you. Okay.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Chew, for what purpose do you arise?

SENATOR CHEW:

...President...Mr. President, would you have a man to speak where we can understand his English. I don't understand this northwest side jargon that he's coming down. I...whatever he said, it doesn't even make sense. Why don't you outlaw vests that are bulletproof if you want to stop selling them to the people who are on your side of town? Why don't you just outlaw that instead of coming down with all this jungle bungle that you have. How long you been here? Well, maybe I should ask, how long do you plan to stay? Okay. I don't need...that's all right, Mr. President. It's no good bill anyway. So we just won't vote for it.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Carroll. Senator Carroll.

SENATOR CARROLL:

Just wanted to know...the sponsor yield to a question.

PRESIDING OFFICER: (SENATOR D'ARCO)

Will the sponsor yield? He...he indicates he will yield.

SENATOR CARROLL:

Is this your second try at your first bill?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Dudycz.

SENATOR DUDY CZ:

Yes it is.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, I wonder if he would yield. Now, are you talking about...what about the ladies who want to indulge in criminal acts, do they have to wear...you don't want them to wear the vests? Don't you think they look nice on them? I mean, I think it will add to them, don't you think?

PRESIDENT:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, a question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator DeAngelis.

SENATOR DeANGELIS:

Senator Dudycz is a strong advocate of law and order, and I was wondering if he would do like some other legislator did, give a demonstration upon himself with a stun gun to prove his point.

PRESIDENT:

Further discussion? Any further discussion? Senator Dudycz, you wish to close?

SENATOR DUDY CZ:

I'm afraid to. Just to answer Senator Chew's question, I plan to be here long after you're gone, sir. I ask for your favorable vote.

PRESIDENT:

...question is, shall Senate Bill 925 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 56 Ayes, no Nays, 1 voting Present. Senate Bill 825 having received the required constitutional majority is declared passed. 833, Senator Macdonald. 835, Senator Hudson. 836, Senator DeAngelis. 854, Senator Etheredge. Top of page 33...Senator Keats, for what purpose do you arise?

SENATOR KEATS:

Just a point of personal privilege. I thought since we're taking care of Senator Dudycz for his first bill, we should actually commend Senator D'Arco for...his first time in the Chair. We all know the harassment and abuse you take which you...deserve while you're there. John did such a better job that he didn't take the harassment and abuse that you catch.

PRESIDENT:

The point is well taken. Congratulations, John. Top of page 33, on the Order of Senate Bills 3rd Reading is Senate Bill 854. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 854.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Yes, Mr. President, Ladies and Gentlemen of the Senate, this bill does just exactly what the summary on the Calendar says it does. It would make it possible for downstate law enforcement agencies to use oscillating blue or amber lights in connection with red on their...on their squad cars and soforth. And the reason for this is that some experience has shown that...that the blue lights have...are more visible in certain atmospheric conditions than are the red. So it's

a...it's a safety matter.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 854 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open...the voting is open, Mr. Secretary. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 1 Nay, none voting Present. Senate Bill 854 having received the required constitutional majority is declared passed. Senator Geo-Karis on 859. On the Order of Senate Bills 3rd Reading, top of page 33, is Senate Bill 859. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 859.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Senate Bill 859 makes a correction of an old Act that...that applied to amusement rides and...and...and if you'll recall, last year Senator Welch's bill was passed into law relative to amusement rides, and the insurance provision of a thousand dollars per occurrence is in Senator Welch's bill...that was made into law. This bill was brought to me by the Labor Department and I move for its passage. Simply corrects the law.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 859 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 57 Ayes, no Nays, none voting Present. Senate Bill 859 having received the required constitutional majority is declared passed. 860, Senator Geo-Karis. On the Order of Senate Bills 3rd Reading, Senate Bill 860. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 860.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, what this bill does is simply say that the...the...the requirement of practicing mechanical engineers...or electrical engineers...is deleted; however, the requirement that amusement ride inspectors be mechanical or...electrical engineers is in the bill. And this makes it possible to hire retired engineers...electrical or mechanical, and save some money for the Labor Department. This, too, was a Labor Department bill and I move for its passage.

PRESIDENT:

Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. Frankly, I know we're on 860, but Senator Geo-Karis just apparently represented 859 as a bill that simply corrected some technical language, and I am told it, in fact, repealed the entire Act. And if that's the case, I would like for her to give us another explanation of this bill.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

May I answer.

PRESIDENT:

I hope so.

SENATOR GEO-KARIS:

What we repealed in 859, and I certainly would not do that and say something else, was a 1981 Act. But Senator Welch's bill was passed into law, signed into law and that has the insurance provision in it and I have copy of it here. Are you satisfied, Senator Demuzio?

PRESIDENT:

Further discussion on 860? Senator Demuzio.

SENATOR DEMUZIO:

Well, I thought I was and then I didn't think I was and now I don't where I am.

PRESIDENT:

Any further discussion? Further discussion? If not, the question is, shall Senate Bill 860 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 56 Ayes, no Nays, none voting Present. Senate Bill 860 having received the required constitutional majority is declared passed. 861, Senator Geo-Karis. On the Order of Senate Bills 3rd Reading, Senate Bill 861. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 861.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill simply authorizes the director of Central Manage-

ment Services to extend group insurance benefits negotiated under a collective bargaining agreement to State employees not concerned with collective bargaining and would apply to the hundred and fifty-two thousand State employees. And I...and would drive the cost of insurance...down and would be helpful to all employees in State Government.

PRESIDENT:

Any discussion? Is there any discussion? Senator Hall.

SENATOR HALL:

Would the sponsor yield for a question?

PRESIDENT:

Sponsor indicates she'll yield.

SENATOR HALL:

Senator, is AFSCME opposed to this?

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

AFSCME may be opposed to it, but I think we have to consider that there are thirty-eight thousand AFSCME employees approximately; we have a hundred and fourteen thousand additional employees in the State Government who are not covered by AFSCME, and I do think they have the right to choose and this bill would affect all employees.

PRESIDENT:

Further discussion? Any further discussion? Senator Collins.

SENATOR COLLINS:

I'm...I'm sorry, Senator. Would the sponsor yield for a question?

PRESIDENT:

Sponsor indicates she'll yield.

SENATOR COLLINS:

Senator...Senator, I'm...I'm...I'm really sorry I have not looked at this. Could you repeat again exactly what

you're doing?

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

This bill would authorize the director of the Central Management Services to extend group insurance benefits negotiated under collective bargaining agreement to State employees not concerned with collective bargaining. It would apply to a hundred and fifty-two thousand...we have approximately a hundred and fifty-two thousand State employees. It would apply to all State employees, and it would drive...it would bring the cost of the insurance down, because you have a hundred and fifty-two thousand employees involved.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

I still don't understand what you're saying...on one hand, it seems as though you are saying that...that they can...they will negotiate or deal with group insurance according to the collective bargaining agreement, and then...then...then on the other hand, it sounds as if you're saying, notwithstanding any collective bargaining agreement. So, I'm not...I'm not sure what you're saying.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

By law we're only limited to seven dollars for employees. Is that correct...for dependent care. And with this bill is allow any group insurance benefit received by an employee under the Act, pursuant to a collective bargaining agreement to be extended by the director to employees whose wages, hours and other conditions of employment with the State are not subject to collective bargaining agreement. They are still State employees.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Well, I understand, Mr. President, that this is a trend that we in the Legislature have been going towards these past few years. If you're...lose your employment, you could stay on into a group policy. If you're in private industry, you can still belong to a group policy. I don't think it's any different than allowing a trend that we've been participating in in the last few years, allow employees to join in a group...a group policy.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I opposed...Senate Bill 861 in committee and I intend to oppose it here and stand in opposition to it. What...what we're saying by virtue of this legislation is that we recognize, as we have as a matter of public policy, first, by Executive Order of the Governor and then by State Statute, the public employees have a right to collectively bargain; and now this group of public employees collectively bargains for an increased benefit, and this legislation would afford that increased benefit to all employees. So what you're saying in effect is that the...the union then is in...put in the position where every time they negotiate for an increased benefit, they are, in fact, getting an increase for the entire array of State employees and thus the cost goes up dramatically. It seems to me that if in fact a group of employees meets and collectively bargains and secures a benefit that the others don't have, maybe the others ought to join the union. I don't think that's unreasonable. Or maybe the others ought to share in the cost of collective bargaining. I don't think that's unreasonable. But this bill says

neither of those things and I oppose it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. I think that the director of Central Management has negotiated with AFSCME as to improved benefits for insurance coverage. I don't think we want to get in the position of having two classes of State employees, those who have certain benefits for dependents and those who don't have certain benefits for dependents under the insurance program. Now, whether or not they should contribute some to the negotiating process, that's...that's another public policy matter that I don't think we want to get into, but I don't think we want two levels of insurance for State employees. If it's good for the AFSCME people, it ought to be good for the other classification of employees, Statewide, if they choose to participate. I think it's a good bill and we should support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, I appreciate it. I...I want to raise a couple of points. Senator Savickas raised an...an excellent point, I mean, this is the direction we've been going all along, but there's several things we're missing. One, I appreciate what the Senate President said, but you have to remember, we have a fair share plan now. All these State employees are paying. You know, we got basically a fair share program now. I mean,...you know, our employees do pay in partially. So that's something that has to be remembered. But remember, these are State employees. They work for you, me and everyone in this State. Their technical bosses are sitting in this room. Not all State employees are covered by collective bargain agreements. You have certain

groups who are excluded by the laws that we pass. And we have sat here for many years and I always supported Senator Carroll's position on this...as he comes in, he's going to look up and wonder what I'm supporting of his; but remember, for awhile we had collective bargaining agreements that we did not honor and we set different...standards. We always supported that position and Senator Carroll, Senator Buzbee and remember...remember Senator Hall's famous phrase, the four horsemen? The four horsemen would always lead the charts on that issue. We as a Legislature almost unanimously, as Senator Savickas was saying, win that direction. These are State employees, many of whom are already paying a fair share agreement; many other ones are not, by our own law, covered by any collective bargaining agreement and cannot be covered because of our law. And so, if we are to say, we are their employer and we are, we are technically the boss, we should be sure that they receive these benefits. They're paying for them. We intentionally exclude some from having that ability to get it, and we have traditionally under Senator Carroll and Senator Savickas' many others' leadership, made sure that these people who are employed by the State received adequate benefits. This is an exact continuation. It is just the essence of being reasonable. If you as a boss want to say,...you know, stick it to some of your employees, that's fine; but if you do not support this bill, you're saying, hey, to...you know, whatever term you would like to use to a bunch of State employees, we may have excluded you from the contracts, I'm going to stick it to you for the fun of it. That is not reasonable. We should be supporting the measure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I stand in support of the

bill. I...I only want to make two points. First of all, this bill does not require the State to do anything. It merely allows the administration to bring group insurance benefits up to some level that may have been negotiated in a contract...to bring...the...the level of benefits up for all other State employees. So it's permissive in that sense. The other point that needs to be made here is that the economy that you can achieve in group insurance, is best achieved if you have a standard program as opposed to bits and pieces all of which have to be separately rated, separately administered and it creates a big problem. So I can see why anyone who's administering a group insurance program would like to have that program unified...or uniform. So I think it's a good bill. I think we ought to support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kenneth Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I hate to rise a second time, but...my understanding is that the department...the director of the Department of Central Management is requesting this legislation, but the employees and especially the ones that's represented by AFSCME is opposed to this; and why,...Senator, did you explain why that...CMS would want to have something that their employees don't want?

PRESIDING OFFICER: (SENATOR DEMUZIO)

I assume, Senator Hall, that's a question of Senator Geo-Karis.

SENATOR HALL:

Yeah.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator Hall, the employees want this. The fact that

some of the AFSCME leaders don't think they want it, they're forgetting the fact that if they're going to have ten fractured plans for health group insurance, it's going to be far more costly to all the employees. But if they have one uniform plan, then it's going to be cheaper for all of the employees. It's certainly cheaper when you have a hundred and fifty-two thousand people in it than rather thirty-eight thousand, and I think we ought to keep in mind that...are we trying to force unionism on the rest of the State employees? Is that what you want to do? Or do you want to be fair and keep the cost down and give the benefits to all the State employees?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bloom.

SENATOR BLOOM:

Very briefly, Mr. President and fellow Senators. I'm somewhat mystified by the opposition of AFSCME, because they testified in Senator Jones' committee in support of the PPO legislation that Senators Carroll and Dawson and myself are carrying; and the idea is that you get a group together and you guarantee the providers a...if you will, a guarantee market in return for lower prices for the same kinds of services and efficiencies through strong utilization review. This bill is not inconsistent with what we're about, and I...I'm just, frankly, mystified that the folks at AFSCME don't like this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator...Senator Rock.

SENATOR ROCK:

Well, it's pretty obvious we're...we're getting to the end of the day and we only have to...I think this will be the last bill. I...I just wanted to attempt if I can to allay some of Senator Bloom's mystic. The point is...and it's...it's...it...truly this bill is...is as you say, prob-

ably relatively innocuous or maybe even beneficial if you can stretch it that far, because obviously the...the rating is different if the pool is thirty-eight thousand or the pool is a hundred and fifty thousand, no question about that. But let me suggest to you as a matter of public policy what's going on here. You are saying, yes, group of employees, you have a right to organize and collectively bargain and whatever increased benefit or other negotiated chip you secure, we, the administration, will just give it to everybody else. Difficulty with that is you place me, the negotiator, in the position literally of negotiating for everybody, and obviously that's more costly. Now, it may not be more costly with respect to group insurance, and I admit that; but on the other hand, you can apply this same policy to literally everything about which people collectively bargain; and once you do that, you place me at a distinct disadvantage, because then I am no longer negotiating for my group. I'm negotiating for everybody and that's simply not fair. I think this bill ought to be defeated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. Very...very briefly. I think that this is a prime example of a case where the union, in this case AFSCME, is taking the lead and usurping the powers of the Illinois General Assembly to this degree. And Roger...Senator Keats made the point that we still are the employers here. AFSCME is not, and I have tried to make the point on this Floor and over in the House many, many times that when we bring the union in as the exclusive bargaining agent on a coequal term with the Illinois General Assembly who is charged with making the laws for the people of this State, we are giving that union an inordinate amount of power, and I think this is an example of what happens when we

do that. Now, we've passed the law. It's there, but it seems to me that we should be in a position to say, we still are the employers, and the point was made previously that these people are paying their fair share, so-called. So I think we have every right to come forth with a proposition of this kind and say, look, as the employers of these people, we feel for various reasons that this is a good idea and to the advantage of our employees. And I...I just...I just feel we're...witnessing here today exactly chickens coming home to roost when we get into this forced, mandatory collective bargaining process to begin with.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis may close.

SENATOR GEO-KARIS:

Well, Mr. President, Ladies and Gentlemen of the Senate, I think we got to keep in mind that even the union benefits by a bill of this nature...when...when you want to say that AFSCME...because AFSCME is not for this bill, does that mean it speaks for all of this Legislature? I'm not anti-union, but I...I am for the personnel of the State of Illinois. And I think when we can benefit with this...this type of a bill and a group insurance have one plan of group insurance, the union members will benefit, the nonunion members will be benefit, and besides, you have a hundred and...and fourteen thousand members who are not union members but they're State employees...contrast to thirty-eight thousand, but they will all benefit because...altogether, as the President said earlier, certainly it helps to have more people in this plan. This plan will cost the...it will reduce the insurance costs. It will be one comprehensive plan, not a whole...bunch of fractured plans. It will help all the employees including the union employees, and I feel that we should consider the...the health and welfare of all of the employees, and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right...the...the question is, shall Senate Bill 861 pass. Those in favor will vote Aye. Those opposed will vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 32...33, the Nays are 18, none voting Present. Senate Bill 861 having received the required constitutional majority is declared passed. Senator Chew, for what purpose do you arise?

SENATOR CHEW:

A point of privilege...personal privilege. Would you...on Senate Bill 907, would you add the name Rupp as a hyphenated cosponsor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Chew has requested leave of the Body to add Senator Rupp as a hyphenated cosponsor to Senate Bill 907. Is leave granted? Leave is granted. So ordered. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Senator Schaffer and Senator Carroll have a motion, I am told, with respect to House Bill 370 which will contain the emergency supplemental appropriations. Let me just announce for the membership, we will...when we conclude here very shortly...reconvene at ten o'clock tomorrow morning and again start to...to afford the membership an opportunity and to give our Enrolling and Engrossing clerks the opportunity, we'll start again with the recalls. So if any member has a bill he...a bill he wishes to recall for an amendment, please alert the Secretary and we'll have a list of those available for you at ten o'clock tomorrow morning. At five o'clock tomorrow, we will handle the Agreed Bill List, so that those of you who wish to express your vote, please get it to the Secretary today or certainly tomorrow by noon. And then at five o'clock we will

read the Agreed Bill List and take the vote. I would also ask leave of the Body to...and I've discussed this with Senator Philip and with the sponsor, Senator Netsch, there is a great deal of...of justifiable concern about the public utilities law rewrite, and I've asked Senator Netsch if she would agree to a special order of business, if you will. We will set a definite time next Tuesday at approximately noon. We will deal with the public utilities law Senator Netsch has agreed to at that time, call the bill back for the purpose of any and all amendments. So,...just so everybody knows, we'll do it next Tuesday at approximately noon.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR TOPINKA:

Yes, if I might have leave, Mr. President, to Table Senate Bill 898.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, where...where is 898?

SENATOR TOPINKA:

I'm not sure right now...I think it's on the Agreed Bill List.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, you...Senator Topinka has moved to Table Senate Bill 898. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Senate Bill 898 is Tabled from the Agreed Bill List. Senator Carroll, for...all right. Senator Carroll.

SENATOR CARROLL:

First, Mr. President, if I may by way of an announcement to the members of the Democratic Task Force on Build Illinois, a reminder that the meeting is at 9:00 a.m. tomorrow morning in conference room in Room 627, nine o'clock in the morning. If you can be prompt, we should be definitely able

to get out in time for Session at ten. If...whenever ready to make the motion...you want to do that now also?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well...

SENATOR CARROLL:

Okay, whenever you're ready.

PRESIDING OFFICER: (SENATOR DEMUZIO)

With leave of the Body, we'll go to motions. Is leave granted? Leave is granted. Mr. Secretary, motions.

SECRETARY:

I move to discharge the Committee on Assignment of Bills from further consideration of House Bill 370 and that it be advanced to the Order of 2nd Reading. Signed, Senator Schaffer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

This is a supplemental bill...House bill over...we propose to use it for a vehicle for the emergency items which have to be passed this week. It will be subsequently amended and sent back to the House in a timely fashion for the efficient operation of State Government.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer has moved to discharge the Committee on Assignment of Bills from further consideration of House Bill 370 and that the bill be...placed on the Calendar on the Order of 2nd Reading. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The Committee on Assignment of Bills is discharged from further consideration of House Bill 370 and it will be...in fact show up on the Order of 2nd Reading tomorrow. Senator Maitland, for what purpose do you arise?

SENATOR MAITLAND:

Thank you, very much, Mr. President. I ask leave of the

Body to remove my name as the chief sponsor of Senate Bill 253, and add in place thereof the name of Senator Doris Karpel.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Maitland seeks leave of the Body to have himself removed as the sponsor of Senate Bill 253 and have Senator Karpel substituted in his place. Is leave granted? Leave is granted. Senator...Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Just to remind those members of the Senate who do have tickets and are going to the Governor's Prayer Breakfast, it's tomorrow morning at Holiday Inn East at 7:30 a.m., and you will be out in time to be here in time for Session at ten.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra, for what purpose do you arise?

SENATOR KUSTRA:

Thank you, Mr. President. With leave of the Body, I would like to add Senator Marovitz as a hyphenated cosponsor of Senate Bill 159.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senate Bill 159 is the request to add Senator Marovitz as a hyphenated cosponsor. Is leave granted? Leave is granted. It's so ordered. Senator...Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, my House bill...I mean, my Senate Bill 565 which I had postponed consideration after it was not voted favorably, I would like to move to Table it at this time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Geo-Karis seeks leave of the Body to Table Senate Bill 565 which is on the Order of Postponed Consider-

ation. Is leave granted? Leave is granted. Senate Bill 565 is so...is Tabled. Resolutions.

SECRETARY:

Senate Resolution 226 offered by Senators Kelly and DeAngelis, it's congratulatory.

227, by Senators Savickas, congratulatory.

228, by Senator Savickas, and it's congratulatory.

And Senate Joint Resolution 58, by Senator Davidson and all Senators, and it's congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Consent Calendar. Senator Savickas. All right...all right. Resolutions.

SECRETARY:

Senate Resolution 229 offered^b by Senator Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, members of the Senate, I would move to suspend the rules for the immediate consideration of Resolution 229. This resolution is in recognition of the Police Memorial Day, and we would like to have it heard...adopted today.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Savickas moves to suspend the rules for immediate consideration and adoption of Senate Resolution 229. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Rules are suspended. Senator Savickas now moves to adopt Senate Resolution 229. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Senate Resolution 229 is adopted. Further resolutions?

SECRETARY:

Senate Joint Resolution 59 offered by Senator Maitland and all Senators.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. I'd like to ask leave of the Body to...suspend the...suspend the rules and...and ask for the immediate consideration of Senate Joint Resolution 59, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator, have you checked with Senator Sangmeister relative to this resolution?

END OF REEL

REEL #7

PRESIDING OFFICER: (SENATOR DEMUZIO)

Why...why don't you give him a quick call so that we might be able to...Senator Maitland has moved to suspend the rules for the immediate adoption and consideration...Senator Maitland...Senator Maitland has moved to suspend the rules for the immediate consideration and adoption of...Senate Joint Resolution 59. Those in favor...of the suspension of the rules indicate by saying Aye. Opposed Nay. The Ayes have it. The rules are suspended. Senator Maitland now moves the adoption of Senate Joint Resolution 59. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Senate Joint Resolution 59 is adopted. Further resolutions? No further resolutions. Senator Kenny Hall, what...what do you arise for?

SENATOR HALL:

Thank you, Mr. President. I'd like to have leave to be shown...I've talked to the principal sponsor, Senator Newhouse, and I would be a hyphenated sponsor on Senate Bill

1129.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Hall seeks leave of the Body to be added as a hyphenated cosponsor to Senate Bill 1129. Is leave granted? Leave is granted. It's so ordered. Senator Holmberg, for what purpose do you arise?

SENATOR HOLMBERG:

I would like to have Senator Macdonald added as hyphenated cosponsor on Senate Bill 993.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg seeks leave of the Body to add Senator Macdonald as a hyphenated cosponsor to Senate Bill 993. Is leave granted? Leave granted. So ordered. Senator Poshard, for what purpose do you arise?

SENATOR POSHARD:

Yes, Mr. President, thank you. I inadvertently voted in a way that I had not intended on...Bill 716. I'd like the record to show that I had intended to vote No on that bill instead of Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The record will so indicate. Further business to come before the Senate? Senator Savickas moves that the Senate stand adjourned until Thursday, May...May the 16th at the hour of ten o'clock. Senate stands adjourned.