

84TH GENERAL ASSEMBLY

REGULAR SESSION

JUNE 30, 1986

PRESIDENT:

The Senate will please come to order. Will the members be at their desks and will our guests in the gallery please rise. Prayer this morning by the Reverend James Ebbers, Illinois Conference of Churches, Springfield, Illinois. Reverend.

REVEREND EBBERS:

(Prayer given by Reverend Ebbers)

PRESIDENT:

Thank you, Reverend. Reading of the Journal, Mr. Secretary. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I move that reading and approval of the Journals of Wednesday, June 18th; Thursday, June 19th; Friday, June 20th; Monday, June 23rd; Tuesday, June 24th; Wednesday, June 25th; Thursday, June 26th; Friday, June 27th and Saturday, June 28th and Sunday, June 29th in the year 1986, be postponed pending arrival of the printed Journals.

PRESIDENT:

You've heard the motion as placed by Senator Kelly. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it is so ordered. Messages from the House, Mr. Secretary.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives concurred with the Senate in the adoption of their amendment to the bill with the following title:

House Bill 2630, they concurred in Senate Amendment No. 2. Further directed to inform you that they have refused to concur with Amendments No. 1 and 4.

PRESIDENT:

Resolutions.

SECRETARY:

Senate Resolution 1158 offered by Senators Rock, Davidson and all Senators and it's congratulatory.

PRESIDENT:

Consent Calendar. All right. With leave of the Body, Senator Sangmeister has asked that we go to the Order of Conference Committee Reports. On the Calendar on the bottom of page 8, if you'll take the regular Calendar...a supplemental has also been distributed which we will get to shortly. But on the regular Calendar on the bottom of page 8, with leave of the Body, we'll go to the Order of Conference Committee Reports, Conference Committee report on Senate Bill 1808. Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 1808.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, thank you, Mr. President. It's been brought to my attention that because of the error in the report and some changes to be made that the House has already turned down the Conference Committee report, so I believe the appropriate motion at this time would be that we not...

PRESIDENT:

The motion is in the affirmative, but you would request a negative response to the motion.

SENATOR SANGMEISTER:

Okay. So we'd...so that we'd move to adopt...Senate Bill 1808 and ask for a negative...vote.

PRESIDENT:

All right. Any discussion? Any discussion? If not, the question is, shall the Senate adopt the Conference Committee

HB 2630  
Non-Concurrence

report on Senate Bill 1808. In favor vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record.

On that question, there are 20 Ayes, 10 Nays, none voting Present. The Conference Committee report is not adopted and the Secretary shall so inform the House. Senator Sangmeister requests the appointment of a second Conference Committee.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Leave of the Body, we'll go to the yellow Supplemental Calendar No. 1, the yellow sheet. Supplemental Calendar No. 1. Supplemental Calendar No. 1, Secretary's Desk Nonconcurrency. House Bill 2630, Mr. Secretary.

SECRETARY:

House Bill 2630 with Senate Amendments 1 and 4.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. I would refuse to recede and ask that a Conference Committee be appointed.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Senator D'Arco has moved to refuse to recede. Is there discussion? Senator D'Arco moves that the Senate refuse to recede from the adoption of amendments...Senate Amendments 1 and 4 to House Bill 2630 and that a Conference Committee be appointed. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The motion carries. The Secretary shall so inform the House. Senator Rigney on the Floor? All right. Supplemental Calendar No. 1, Conference Committee report, House Bill 2998, Mr. Secretary.

SECRETARY:

First Conference Committee report on House Bill 2998.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Rigney.

SENATOR RIGNEY:

AB 1320  
let C.E.R.

Mr. President, I've only had just a moment to look at this report...concerning the Department of Transportation. There were a few more projects that were added in as a result of the Conference Committee. I understand that the Department of Transportation is satisfied with the operations budget and I ask for acceptance of the Conference report.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on House Bill 2998. Those in favor will vote Aye. Those opposed 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 1, none voting Present. The Senate does adopt the first Conference Committee report on House Bill 2998 and the bill having received the required constitutional majority is declared passed. 3340, Senator Lemke. 1320, Senator Barkhausen. Senator Barkhausen on the Floor? Secretary's...all right, on the Supplemental Calendar No. 1 is...is Senate Bill 1320, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 1320.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, I move that the Senate adopt Conference Committee on...Conference Committee No. 1 on Senate Bill 1320. It results in the removal of an...a House amendment that had been objected to by a number of not-for-profit organizations that would have required the disclosure of...financial disclosure and filing of ethic statements by all those paid over a certain salary by not-for-profit corporations. I move for the adoption of this report. Thank you.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Discussion? (Machine cutoff)...Darrow.

SENATOR DARROW:

Thank you, Mr. President. As usual, the members on this side of the aisle don't have an analysis. I...I...as usual, for June 30th, they haven't caught up...with us yet. Would the maker of the motion explain this more fully exactly. What have we taken out?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Darrow, the bill came back to us with an amendment on it that would have required all officers and employees of not-for-profit organizations paid in excess of a hundred thousand dollars to file ethic statements the way public employees do. And most of us felt that it was inappropriate to impose this kind of requirement on members of the private sector for no good reason. And that...and that portion of the bill was removed.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1320. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 1, 1 voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 1320 and the bill having received the required constitutional majority is declared passed. Conference Committee reports, Senate Bill 1737, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 1737.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move that the Senate adopt the first Conference Committee report on Senate Bill 1737. This is the appropriation bill for the Department on Aging. It recommends the...or it would appropriate a hundred and thirty-one million seven hundred thirty-eight thousand seven hundred dollars, and that figure...is about a quarter of a million dollars higher than it was when this bill originally passed out of the Senate.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, if I may ask the sponsor some questions, please.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Indicates he will yield. Senator Topinka.

SENATOR TOPINKA:

Yeah, is it my understanding that the rather controversial formula in terms of distribution is in this bill? And is that...is that formula locked into law or does that still have to go to JCAR?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

No, Senator, there is no formula in this bill at all. The appropriation bill does not speak to the formula issue at all.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Topinka.

SENATOR TOPINKA:

Would you explain to me the part about holding various area agencies and...that we have by thirteen in the State of Illinois, the...the provision for what is hold harmless, what

does that mean?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Can we have some order, please. Take our conferences off the Floor. Senator Etheredge.

SENATOR ETHEREDGE:

Let me respond to that question and then I see that...I would then yield to...to Senator Carroll, because I...I...he's given me the signal that he would like to elaborate on this issue too. But the hold harmless provision, essentially what that does is to that additional sum of money, the eight hundred and sixty-one thousand dollars...had been allocated to assure that those agencies would not receive any less money that they'd received during the present fiscal year as a consequence of the formula change. And with that, I would defer to Senator Carroll.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President,...Gentlemen of the Senate. Senator Topinka, the issue of rules was discussed; however, there is nothing in the law in the appropriation bill particularly that deals with the issue of rules. That is something that they must propose, put in the register and submit to JCAR. It is my understanding that they intend to do that. The issue there, of course, is the rural factor being added to the formula as a factor for which they will fund. That will be something that will be debated in JCAR. The bill as introduced, however, would have allocated the money amongst the planning and service areas as if the formula had passed; therefore, you had certain winners and certain losers. What we did in the appropriation's process was to leave those planning and service areas that would be winners alone. We did not add to those winners additional funds as others had suggested but left them as winners. We then took all those

who would be losers, and that added up to eight hundred and fifty-one thousand dollars, and allocated eight hundred and fifty-one thousand dollars so that they are held harmless. So there are no losers, there are some winners if this formula change goes in and that's...will be debated in JCAR and anyone who received an amount last year will, in fact, receive that per capita amount this year by the dollars added in the...in this Conference Committee report. Suburban Cook, for example, goes up about a half a million dollars.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Topinka.

SENATOR TOPINKA:

One more question to Senator Carroll. Is this, therefore, a one shot deal in terms of the allocation for this year, and will that...hold harmless now be part and parcel of future consideration, or is this just being done to kind of make winners and losers kind of comfortable at least for this particular year pending the formula?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Carroll.

SENATOR CARROLL:

As you know, as far as the appropriations go, nothing is binding on future General Assemblies. It is the intent that this be this year's hold harmless. It is the hope that this is a one-year issue. It is our feeling at least, those who were conferees and I think those who were involved in the issue, that this be resolved at JCAR as to any formula and any final resolution come out of those rules through JCAR.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President. I think those of us who have...have aging...agencies inside of Region 2, which is from Kankakee all the way around the...City



of...of...of...the County of Cook and includes all the collar counties, should realize, number one, they have...there has been some movement by the department in the right direction in the fact that they have, indeed, started now in 1986 to use the 1980 census, and I commend the department for realizing that perhaps six years late, that this is 1986 and instead of using the 70 census they should use the 80 census. However, by using the formula that they have at present with the thirteen percent rate for the rural communities and excluding...Senator Joyce I think you should be interested in this, excluding counties such as Kankakee and...and not counting them as rural communities, again, Region 2 is not getting their fair share. I would hope that this would be a one time thing and that by next year JCAR would realize that it is indeed those people in my county and in counties similar to mine such as in Will and Kankakee that are not getting their fair share and that we've got the people that supposedly are being taken care of by this kind of appropriation.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. This is a crucial issue for those of us residing in the more urban and populous parts of this State. This particular appropriation involves a...a formula...a...formula which includes a couple of things that concern us greatly. First of all, I'm not against a factor of fifteen percent for rural areas as long as somebody is willing to tell me what the basis is for that factor, and I don't think the Department on Aging has yet explained whether or not you can justify fifteen percent; maybe it should be ten percent, maybe it should be five percent, but we haven't had a justification for the fifteen percent that is now used as a way to throw extra money to the

rural areas. Secondly, and...and just importantly, I think we have to deal with the...with the question of how many citizens in the urban areas are served versus the rural areas. I just talked with...with Senator Etheredge and I know this has been a concern of his. There is no doubt in my mind that those of us who...who represent urban areas are concerned about the density of the population up in those areas and the extent to which services are provided. Now one of the questions that we have had is the extent to which the...the urban areas get the number of programs and services they deserve. At the present time, we just don't feel like we're getting the money we need and the only way we're going to get that money is to have a second look at the fifteen percent weighting formula and a look at census data. Right now, the census data used to determine how...how many elderly people are served is the 1980 census data. All right? The problem with that is that we know in Cook County the number of elderly has risen substantially since 1980 but we're still using 1980 census data. So our agency people tell us, not only in Cook but in DuPage, anywhere where you've had these dramatic increases, that we ought to be using 1985 census data which projects the number of elderly that have been added to the rolls since eighty and eighty-five. Now I checked with Senator Etheredge and...and he tells me, he's concerned about this also, the department isn't sure at this time that they can use projections. So they have guaranteed us that they're going to go to their counsel and they're going to do their level best to try to use the projections of census data for 1990 instead of the old '80 data. I simply cannot continue to go along with this program from year to year as long as the citizens of Cook County continue to be shortchanged by outdated census data and a rural factor of fifteen percent which isn't justified. If you justify it to me, I'm all for it, but that hasn't happened yet. Until that

happens, I express the same concern that Senator Topinka has expressed.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Further discussion? Can we have some order, please. There's no sense in proceeding unless we have some order. The noise level is just too great this morning. Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I have a question for whomever is capable of answering it. Where did the idea of changing the formula come from? Or from whom did it come?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Carroll.

SENATOR CARROLL:

It's my understanding, even from a discussion this morning, while the department may say it was manna from heaven, it came from the department, and it is a proposal that they will now...they now know they have some problems with and they intend to...I mean, their only solution is to take it to JCAR anyway. But Collins and Otwell say that this was their proposal to add this rural factor. I don't know that there are any Federal requirements to do so, I can't answer that.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, however, we have provided through the appropriation in such a manner as if JCAR had accepted this, correct?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Carroll.

SENATOR CARROLL:

Not truly. They had come in with an allocation by area that allows them that flexibility should it happen. We have, in fact, allowed those who would have...to have at least the allocation, so that's the upper limit of what they can get

and then have held harmless those who would be a loser. So, if it goes through the money is there, the issue was, do we take it away from those who would have been winners and come back in the fall. I don't think there was any feeling that that was an acceptable solution at this point either. Unfortunately, you know that when those see they're getting more and you take it away, they think you hurt them and at this point they cannot spend that more until JCAR passes it.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I think the answer to my question was really, yes, you have provided for it as if it had gone through because the money is there if it goes through. So it would seem to me that the only way we can protest this right now is to defeat this Conference Committee report and make them reevaluate their position, because if we approve it, we ain't going to get another lick, Jack.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Carroll.

SENATOR CARROLL:

I have no real objection if that's your intent. I don't think you're going to accomplish what you want, however, 'cause then you go back to their original appropriated amount which did it anyway for the seven winners and all you've done is hurt your region and those others who would be losers 'cause they would no longer be held harmless. This does not impact what they're ultimately going to spend until they get JCAR approval. I don't see how you can accomplish your goal, which is to get the rules not changed, by using the dollar vehicle, 'cause all you end up with is more losers and your own being bigger losers than they would be now because of the proposal as presented. If you went back to last year's allocation...for example, everybody loses compared to

this year's proposal 'cause there were increases on a per capita basis for most of the regions, and those that were not...those that were decreased, we added the money to keep them at last year's allocation, per capita level. So I think you actually defeat your purpose by doing that. I think the issue has to be...resolved. Right now, they're under the old formula; so until they get JCAR approval, there's nothing they can do about it.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Carroll, I don't enjoy shooting myself in the foot or any other places of my body; but if I took the total amount of dollars that you have appropriated in this and left it to the old formula, would not...we all gain?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Carroll.

SENATOR DeANGELIS:

Or did you...did you lower the amount you're spending from last year?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Carroll.

SENATOR CARROLL:

Absent the added money in the Conference Committee report it would be a...a loss. The eight hundred thousand in the Conference Committee report is what you want to hold you harmless. If you take that back out, then you've lost money.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I hate to prolong this...this...discussion, but where is the winner's money at? Is that not in the...I want to divide up the winners and put it back where it was before.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Carroll.

SENATOR CARROLL:

The...original proposal had the winners' money...and took it from the losers. The Conference Committee report leaves the winners potentially alone assuming JCAR and then holds harmless the losers by giving them what they would have gotten last year on a per capita basis. If we strip that out, then they've allocated to the winners and they've taken from the losers. So you add...if you strip out the eight hundred and fifty thousand added in the Conference Committee, then you've got real losers under their allocation. This is, I think, better for you.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Donahue.

SENATOR DONAHUE:

Well, thank you, Mr. President, a question of Senator Carroll, if I could, please.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Indicates he will yield. Senator Donahue.

SENATOR DONAHUE:

How...and...and I apologize if...but how can Department on Aging...are they doing this through a rules change without legislative approval?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Carroll.

SENATOR CARROLL:

In effect, yes, but let me caveat that by saying we all know now that they have to go to JCAR and so do they. Let me just say in a very negative sense that agency in the past has presumed things that have never come to pass. And they...that's what they did in their budget's submission, they just assumed, look, if they say that this should be the new rule everybody is going to say, oh, yeah, that's fine. Last year they tried this in another area as well, the

not-for-profits doing the inhome health care and we stopped that as well. And...and very honestly, I think that's what they did here. They said, here's a new rule and that's what we're going to do, and they submitted their budget accordingly and I think now they see that that rule change is very likely not going to happen. But that's how they submitted it and you know...Quincy, West Central Illinois Region 6 would have lost money on a per capita basis on their proposed rule. We have added that money to hold them harmless so that they get last year's per capita by this addition in the Conference Committee report. And I would urge those of our members who are on JCAR to look very critical at this rules change because of the impact it has on the concentration of seniors and that's the bottom line issue. Those who have more seniors are really hurt by this new rules change, as I see it, and I think as a lot of people now see it.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? If not, Senator Etheredge may close.  
SENATOR ETHEREDGE:

Thank you, Ladies and Gentlemen of the Senate. I...in...in closing, I would just reiterate...several of the points that have already been made. The issue of the formula is not yet etched in stone. I think there are many of us, myself included, as well as some of the...all...many of the prior speakers have expressed their concern about this formula. I continue to be concerned about it. But it was evident in our discussions in Conference Committee the other day we were not going to resolve some of the issues...the complex issues that had been raised at that time and then once again this morning. We are, however, we are going to have the opportunity to make an impact on the direction that formula takes...over the next several weeks as...by working through the department and then after preliminary rules are promulgated working through the JCAR process. And I think that's

where we should now direct our attentions. I would...ask for an...an affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1737. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 15, 7 voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 1737 and the bill having received the required constitutional majority is declared passed. (Machine cutoff)...Bill 1931, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 1931.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, thank you, Mr. President and members of the Senate. If you're looking...if you're looking at your...supplemental Calendar, it's a little misleading on there. Everything that was in the bill was taken care of except one thing. If you...if you recall, we had discussion here about pay raises for the court reporters, and that's what this Conference Committee is all about. There was some concern, as I understood it, the last time it was on the Floor about the part-time court reporters going from thirty-six dollars a half-day to seventy-five dollars. That has now been reduced from thirty-six dollars a half-day to sixty dollars a half-day. So, it's been decreased. We did not change anything as far as the full-time reporters are concerned. They would still go from thirty-three two-fifty to thirty-five two-fifty and then in July 1st of '87, to thirty-seven two-fifty. Again, I



tell you those are maximums, the minimum by Statute is six thousand dollars, but as we know generally the maximum will be looked at, and of course that's the whole purpose of this. But, again, this is the pay increase for the court reporters for the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. My copy of the Conference Committee report is not signed, so those of you on this side of the aisle who may wonder what our position was, as Senator Sangmeister said, the...fee for the...or the pay for the part-timers was taken down from seventy-five dollars a day to sixty dollars a day and the pay increase for full-time court reporters amounts to only two thousand dollars in...per year in each of two years. I did sign the Conference Committee report as did Senator Karpiel, so we would urge adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

No, I...I...I think Senator Sangmeister wants to...make a clarifying point.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Sangmeister.

SENATOR SANGMEISTER:

I...I don't know which copy Senator Schuneman was looking at but everybody on that Conference Committee signed that report except one House member.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, it...you're absolutely correct, and that...that was the intention of my remarks if I didn't make myself clear. But the copy I have isn't signed, George, apparently the

wrong one was circulated. I wanted to make the point we did sign.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

I think I'm with you, I'm...just my analysis is different than the Conference Committee report I have. The judge stuff is out, it's nothing but the court reporters, right? I'm with you, no problem. I'm just making sure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Mr. President, on the previous question my light did not work and I wish to be recorded Aye on Conference Committee Senate Bill 1737.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The record will so indicate. Further discussion relevant to the Conference Committee report on Senate Bill 1931? If not, Senator Sangmeister may close.

SENATOR SANGHEISTER:

Yes, just to clarify what I believe maybe is being clarified to Senator Keats right now. The other two amendments were concurred in on the judges and went over, that...that part of it is over, we're only talking about the court reporters. Okay? This is the court reporters...increase in maximum that they may receive and would urge a favorable adoption of Conference Committee Report No. 1 on Senate Bill 1931.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1931. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are

50, the Nays are 7, none voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 1931 and the bill having received the required constitutional majority is declared passed. While we're waiting for the next supplemental Calendar, we'll move to the Order of Resolutions. Resolutions, Mr. Secretary.

SECRETARY:

Senate Resolution 1159, by Senator Jeremiah Joyce, congratulatory.

And Senate Resolution 1160, by Senator Donahue, congratulatory.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Consent Calendar. Senator Kustra, for what purpose do you arise? Wait a minute...Senator...hold it...hold it. Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. While we're at ease here for a minute, I would like to take this opportunity to introduce someone to all of us. Those of us who have had some spare time on our hands over the weekend, some of us found our way out to New Salem and we took in the Great American People Show, which is a group of young people who just do a fantastic job of putting together some Lincoln plays. Over the weekend I had an opportunity to do so and I know some of the rest of you did also. We have with us in the President's Gallery one of the players of the Great American People Show together with his parents and a friend, all of whom are constituents of mine, along with my parents. So, I'm going to ask them all to stand up. Doug Ladendorf is one of the players, his mother and father, Don and Jerry Ladendorf; their friend, Mrs. Larsen, and my mother and father. Will you all stand up and say hello.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Will our guests in the gallery please rise. Welcome.

We'll just stand at ease a minute. The...just for...an announcement purposes. We...we will begin again approximately at two o'clock. By that time Supplemental Calendar No. 2 ought to be...finished and distributed so that we can begin on Supplemental Calendar No. 2 about two o'clock. So, we'll just stand at ease till two...2:00 p. m. Again, passing out Supplemental No. 2 momentarily. We'll get two Pages down here in front. Two Pages. Supplemental Calendar No. 2 is being passed out. When we begin on supplemental Calendar...Senator Rock, for what purpose do you arise?

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I was off the Floor before at a meeting in the Governor's Office. I wonder if...with leave of the Body, if we could move to the regular Calendar. I have two matters that I am prepared to take up immediately on Secretary's Desk Concurrence.

PRESIDING OFFICER: (SENATOR DEHUZIO)

With leave of the Body, we will return to the regular Calendar, Secretary's Desk Concurrence, page 7. Is leave granted? Leave is granted. Senator Rock, is that on 2210? Senator Rock.

SENATOR ROCK:

1917. Senate Bill 1917 and Senate Joint Resolution 101 I'm prepared to deal with. I think both are without controversy.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. On the Order of Secretary's Desk Concurrence is Senate Bill 1917, Mr. Secretary.

SECRETARY:

Senate Bill 1917 with House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1917 is a technical change to the General Assembly portion of the Statute. The four leaders have met and we are discussing the possibility of a district office allowance increase which I think most members would welcome and so I would move that we not concur with House Amendment No. 1 and request a Committee of Conference.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Discussion? Senator Rock has moved that the Senate nonconcur with House Amendment 1 to Senate Bill 1917. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The motion carries and the Secretary shall so inform the House. Senate Joint...Senate Joint Resolution 101, Mr. Secretary. All right. Senate Joint Resolution 101, Mr. Secretary.

SECRETARY:

Senate Joint Resolution 101 with House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You'll recall that we sent out of this Body Senate Joint Resolution 101, we sent it out unanimously. It had called for...us to set up a committee to look at the bicentennial of the United States Constitution. The House amended it to reflect more closely that they wish to have a committee of fifty appointed by the Joint Committee on Legislative Support Services, two of whom...will be the Governor and the former President of the Constitutional Convention. I don't know of any objection. It calls for us to reconvene...members to give the General Assembly its advice with respect to whether or not there should be a Constitutional Convention under the Constitution. I would urge a favorable roll call.

HB 1321  
1st c.e.R.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? If not, the question is, shall the Senate concur in House Amendment 1 to Senate Joint Resolution 101. Those in favor will vote Aye. Those opposed 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, none voting Present. The Senate does concur with House Amendment 1 to Senate Joint Resolution 101 and the resolution having received the required constitutional majority is declared passed. All right. With leave of the Body, now we'll return back to the Order of Supplemental Calendar No. 2...Supplemental Calendar No. 2 is House Bill 1321, Mr. Secretary.

SECRETARY:

House Bill 1321, the first Conference Committee report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Can we have some order, please. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 1321 is...is virtually like a committee bill at this time. We have included in it a number of provisions that were in a variety of bills which were very widely agreed upon. I think it comes to about four or five things...six things including the basic bill, and let me just briefly describe them. The basic bill, House Bill 1321, included the Department of Revenue's requested provisions which dealt with the seizure provisions for...sales tax...amounts owed and it conformed them to those already in the Statutes for other provisions. I think there is no controversy about that. The second part of the bill is an amendment that was added in the Senate which was a recommendation of President Rock's Finance Committee...Local Government Finance Committee, whatever its name was. And what it did was to authorize a municipality which already has

a tort immunity fund to be excluded from the provisions which required that a...the penalties on foreclosures be put in a separate fund which, in fact, has exactly the same purpose. In other words, the two funds were basically duplicative and instead of having the county have...or the municipality have to tie up its money in a fund which it already has covered, we allowed it to ignore that...made perfect good sense. Now, in the Conference Committee report we have also added three provisions that were in Senate Bill 1709. One is the provision which allows in fact, which really requires the Department of Revenue to provide space on income tax forms for school district...for school districts by name and number, and I would particularly call Senator Maitland's attention to this. This is something that we have been wanting to do, the language is now agreeable to the Department of Revenue. It will apply only to individual taxes but it will be the basic information that we need for future school purposes, so that's extremely important. A second provision which was requested by the retail merchants, I think is...is perfectly fair. What it provides is that if someone has been in total compliance with the sales tax remittance laws for a continuous period of two years and there is a nonfraudulent...nonfraudulent, I repeat, failure to file their return for one period that they are not going to be subjected to the heavy penalties. A third provision which was in Senate Bill 2173 and a number of other bills, as a matter of fact, would reduce the interest payment when taxpayers have failed to file their...to get all their money paid on time, this is not the...the heavy penalty provision. Right now the State pays the taxpayer one percent when the State, in effect, keeps your money for a period of time, but if you keep the State's money for a period of time, you pay two percent. This reduces that interest assessment for underpayment on sales taxes to one and a quarter per-

cent...per month. The final provision is something that the business community had strongly urged upon us in a...several bills that were pending at an earlier time and it deals with a subject that I'm sure grabs you all with great glee, it's known as subpart F income, and what it does effectively is to exclude it from a practice and procedure that it was being subjected to by the Department of Revenue in a manner that the business community considers fair. It will have probably a revenue impact at some point but we have made it prospective, that is the taxpayers cannot go back and redo any of their returns for prior years, and that we think is a fair compromise. So, I believe I have covered all of the myriad things that are a part of this bill. If there are any questions, I would be happy to answer them; if not, I would request your support of the first Conference Committee on House Bill 1321.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Kustra.

SENATOR KUSTRA:

Well, thank you, Mr. President, just to reiterate what Senator Netsch has said. She has fairly and accurately represented this bill. Most of this bill we have seen before in various parts, and especially for those on this side of the aisle, there are some things in here that have been requested of the business community and we're very interested in and some other things that are just plain old good government as only Senator Netsch knows how to deal with. So I would suggest an Aye vote on this Conference Committee report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Yes, thank you, Mr. President. I have a question of the sponsor.



PRESIDING OFFICER: (SENATOR DEMUZZIO)

Pardon me, Senator...Senator Kelly. If we could have some order we...so we can understand and hear what's going on. Senator Kelly indicates that he wishes to ask Senator Netsch a question. She will yield. Senator Kelly.

SENATOR KELLY:

Senator Netsch, can you tell me under that portion dealing with the schools on page 20, you indicate the school district's name and number. Will, in fact, the tax form be returned if the person filing it out, the taxpayer, doesn't put that information down?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Netsch.

SENATOR NETSCH:

I think the answer is, no. The last sentence provides "Failure of the taxpayer to insert such information shall not invalidate the return." It is obviously intended to encourage taxpayers to do it themselves because it is something of a problem for Department of Revenue, that's one of the points that we've had in dispute over a period of time, but it will not invalidate the return and the bill is very clear in saying that.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Kelly.

SENATOR KELLY:

Thank you. And also you mentioned unit school districts. Does that apply to dual as well as unit, that term?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Netsch.

SENATOR NETSCH:

It covers high school districts and unit districts and it does not cover elementary districts, and if I am not mistaken, that may have been at the request of the Department of Revenue. There may have been some problem about that. Hold

on just a second. Any...in any event, Senator Kelly, this was the compromised language that was worked out with the Department of Revenue so that they could accomplish our basic objective but accomplish it without being subjected to an administrative nightmare, and I believe it was their request to leave out the elementary districts and get it only for high school districts and unit districts.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? If not, the question is, shall the Senate concur...all right. The question is, shall the Senate adopt the first Conference Committee report with respect to House Bill 1321. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The Senate does adopt the first Conference Committee report on House Bill 1321 and the bill having received the required constitutional majority is declared passed. House Bill 2546, Mr. Secretary.

SECRETARY:

House Bill 2546, first Conference Committee report.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. The Conference Committee on House Bill 2546 really doesn't make much of a change in the original intent of the legislation. The original intent amended the Fire Protection District Act and provides that a petition to prevent territory which is annexed by a municipality from being disconnected from a fire protection district by operation of law must be filed with the county clerk as well as the appropriate circuit clerk. We're just adding the county clerk in this particular case. We amended the legislation in the Senate to authorize the Office of the

SB 2100  
C.C. Ruffolo

State Fire Marshal to administer grants to areas not located in fire protection districts or incorporated areas which provide fire protection services and these grants shall not exceed five hundred dollars. Also we added...Senator Demuzio added Senate Amendment No. 2 which provides that if a majority of votes cast in municipality in territory proposed as a fire protection district is in favor of the proposition, the municipality shall be deemed an organization district even though majority of the votes cast in the unincorporated territory outside a municipality are not in favor of the proposition. It also authorizes another referendum to be held one year after a referendum was defeated, current language says two years. The...the Conference Committee report just makes...technical changes and changed...takes three words out of Senate Amendment No. 2, "are portions thereof," they removed and that should clarify the intent of the legislation. Be glad to answer any questions or move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on House Bill 2546. Those in favor vote Aye. Those opposed 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 55, the Nays are none, none voting Present. The Senate does adopt the first Conference Committee report on House Bill 2546 and the bill having received the required constitutional majority is declared passed. 2100, Senator Luft. House bills...I'm sorry...Supplemental Calendar No. 2 is Senate Bill 2100, Mr. Secretary. 2100. Senate Bill 2100.

SECRETARY:

First Conference Committee report on Senate Bill 2100.

PRESIDING OFFICER: (SENATOR DEMUZIO)

HB 3340  
Conf. Comm. Rates.

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I would move that the Senate adopt the first Conference Committee on Senate Bill 2100. The report permits a municipality to pay interest cost incurred by a...developer in preceding years when insufficient funds existed for such payment in a special tax allocation fund. It also exempts obligations issued to finance TIF projects from the general interest rate law, and it also eliminates provisions making ineligible for TIF vacant land that has had no growth in EAV, equalized assessed valuation, for the last five years.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on Senate Bill 2100. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 2100 and the bill having received the required constitutional majority is declared passed. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, there'll be a Democratic Caucus in Room 212.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Well...Senator Rock, for what purpose do you arise?

Senator Rock.

SENATOR ROCK:

We've had a request to get back to 3340 and then we'll go to caucus. I just wanted the members to...to be alert that on Supplemental No. 2 there is listed Senate Bill 1200. The copies, the Secretary informs me, are available. So, my suggestion is that after we handle 3340 that the Pages would

then distribute those copies so that the members...Senator Philip has indicated that the Republicans also will have a caucus, we'll be able to take those pieces of paper to the caucus with us.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. WAND-TV has requested permission to videotape. Is leave granted? Leave is granted. With leave of the Body, we will go back now to Supplemental Calendar No. 1, it's your yellow sheet that was passed out earlier this morning, Supplemental Calendar No. 1 is House Bill 3340, Mr. Secretary.

SECRETARY:

House Bill 3340, first Conference Committee report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

What 3340 is is a bill that we passed and there was a technical error where they failed to take out some language, that language has been removed. This deals with mortgage foreclosure...they...failed...to delete three lines out of one section when they deleted out all the rest. It was inconsistency. I think it's a good bill. I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on House Bill 3340. Those in favor will vote Aye. Those opposed 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 2, none voting Present. The Senate does adopt the first Conference Committee report on House Bill 3340 and the bill having received the required constitutional majority is declared passed. Now, Senator Rupp, for what purpose do you arise?

SENATOR RUPP:

Thank you, Mr. President. Republican Caucus, Senator Pate Philip's Office.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, a Democratic Caucus in Room 212 immediately.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rock.

SENATOR ROCK:

Allow me just to suggest that we wait just a moment while these reports are being passed out because the subject matter to be discussed in the caucuses...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. I think they have...

SENATOR ROCK:

...that proposal.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...I think we have the Pages now that are passing out...2100 or 1200 rather, Senate Bill 1200. And then, Senator Rock, we'll reconvene at...(Machine cutoff)...thirty. All right. The...the Senate will stand at ease until the...will stand in Recess until the hour of four-thirty. Four-thirty. (Machine cutoff)...for the Democrats, Senator Philip's Office for the Republicans.

RECESS

AFTER RECESS

PRESIDING OFFICER: (SENATOR DEMUZIO)

The Senate will come to order. Messages from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate

the House of Representatives concurred with the Senate in the passage of a bill with the following title:

Senate Bill 1734 together with House Amendments 1, 4 and 6, and this is on Supplemental No. 5.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. The Illinois Information Service has requested permission for a TV crew to shoot film. Is leave granted? Leave is granted. Supplemental Calendars 3, 4 and 5 have been passed out. We will begin here momentarily on Supplemental Calendar No. 3. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate and those within the sound of my voice, let me suggest that at five o'clock we will begin with Supplemental Calendar No. 3, Senators Davidson, Lechowicz, Maitland, Geo-Karis, Marovitz, and then do No. 4, Senators Welch, Leitch, Degnan and Sangmeister. And that might be an appropriate time then to break for some dinner and we will then come back and attempt, at least, to handle more business. More reports are being circulated and filed, Senator Philip and I will again have to meet with the Governor at some point. So, if we can get 3 and 4 out of the way, we can hopefully enjoy a dinner hour and then come back and conclude our business.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right...resolutions.

END OF REEL

HB 3422  
1st C.C.R.

REEL #2

SECRETARY:

Senate Resolution 1161 offered by Senator Sangmeister, it's congratulatory.

Senate Resolution 1162, by Senator Topinka, it's congratulatory.

Senate Resolution 1163, by Senator Dunn and it's congratulatory.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Consent Calendar.

SECRETARY:

Senate Resolution 1164 offered by Senator Jerome Joyce.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Executive. Senator Davidson on the Floor? Senator Davidson on the Floor? All right. With leave of the Body, we'll go to the Order of Resolutions. Resolutions.

SECRETARY:

Senate Resolution 1165 offered by Senator Smith, it's congratulatory.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Consent Calendar. All right. Supplemental Calendar No. 3, Conference Committee reports. House Bill 3422, Mr. Secretary.

SECRETARY:

First Conference Committee report on House Bill 3422.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Can we have some order, please. We are now beginning on Supplemental Calendar No. 3. Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I'd move that we adopt Conference Committee Report No. 1 on House Bill 3422. The bill is exactly as we sent it out of here from the Senate



AB 1552  
1st conf. Comm. Rept.

with the amendment which we put on it, plus we had to go to Conference Committee to correct a technical error that was flawed in the law we passed last year dealing with asbestos removal in schools. And this item as defined in this Act takes care of that flaw. I'd move that we concur.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on House Bill 3422. Those in favor will vote Aye. Those opposed 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 57, the Nays are none, none voting Present. The Senate does adopt the first Conference Committee report on House Bill 3422 and the bill having received the required constitutional majority is declared passed. Senate Bill 1552, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 1552.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1552, I move that we adopt the first Conference Committee report on Senate Bill 1552. This is the Charitable Gaming Act. The bill is similar...almost exact as it passed this Chamber some time ago. The only difference is we tried to...incorporate some suggestions that were given to us by members on the other side of the aisle and also in the House in reference to a...requiring...allowing fraternal groups, Lion's Clubs to create a charitable organization to allow that spin-off charity to obtain a license if the fraternal organization has been in existence within a State five years. It would provide that auxiliary organizations of a licensee are not eligible for a license. It provides for

bona fide charitable religious and educational groups are authorized to conduct up to four charitable games a...a year. The Department of Revenue has the responsibility of licensing the fund-raising events. The bill includes restrictions on eligibility and gives the Department of Revenue the requisite powers to ensure enforcement. This law sunsets September 1, 1988. Also in the Conference Committee, the Department of Revenue stated that they needed an additional amount in order to provide the necessary safeguards within this bill, so what we did is we provided that the...each licensee shall pay three percent of the gross...proceeds to the Department of Revenue. Such funds are earmarked for the Gaming Law Enforcement Fund. Two-thirds of the monies in the Gaming Law Enforcement Fund shall be appropriated to the Department of Revenue, Attorney General, Department of State Police and one-third of the monies in the fund to be granted to units of local governments for law enforcement purposes. That's basically the only difference in this bill as...as a Conference Committee report and as was originally passed by this Chamber.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

Senator Lechowicz, as I think as you know, the...the perhaps remaining bone of contention here is whether we have effectively provided a vehicle for the...several civic organizations, I think specifically of the Jaycee's and the Lion's, who traditionally use the casino night mechanism as a charitable fund-raiser in the suburban and downstate portions of the State. The major hang-up appears to be whether or not a, let's say, Jaycee organization even forming a separate corporate structure solely related to charitable purposes could qualify for a 501C, if I have my numbers and alphabet in the right sequence...Federal classification or permit,

whichever it is. Your staff and several of the people I've talked to have told me they believe they can, and that's the best information I have today. If, in fact, as this bill moves through the process and the Governor's Desk, we find out subsequent to its passage that by some quirk in Federal regulation a group such as the Jaycee's or the Lion's is precluded, would you support our efforts to get an amendatory veto to clarify this situation so those groups are not excluded?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. I thought I made myself quite clear in my opening remarks. Senator Schaffer, you were in the negotiations on this bill when it was in Conference Committee. At that time, I stated both in the Conference Committee and to you on the Floor that it was our intent to try to...accomplish your objective. We let this matter lie with the Department of Revenue and have them come up with the necessary language that they felt comfortable with in order to provide the Lion's Club and the Jaycee's their opportunity to...participate in charitable gaming. So my answer to you is, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Senator Lechowicz, under that same area, what about the Chamber of Commerce? I know in...my area there was a concern that be...extended this privilege to certain labor organizations but to...not to the Chamber of Commerce. And will my Chamber of Commerce in the south suburbs be able to participate in this program?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. In response to Senator Kelly's inquiry, the Chamber of Commerce would not be provided because they would not qualify for a 501C3 designation from the Federal Government, nor do labor organizations, and that has also been rectified...under this Conference Committee report.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Can we have some order, please. Take your conferences off the Floor. Like to proceed in an orderly manner. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. This is probably one of the major bills of the Session and underwent tremendous scrutiny over the last six months in several hearings in the Judiciary Committee. We met with members of both sides of the aisle, House and Senate, both sides of the Rotunda and I think this is a very, very tightly drafted bill. Senator Schaffer did bring up a problem. As we negotiated last week, we've tried to correct that problem and still keeping the bill tight, I think we've done that. Remember, there is a sunset provision in this bill so that if as the process goes on and the ramifications are seen, if changes need to be made we can make those changes or clean up...cleanup needs to be made, the Governor can make that clean up in an amendatory veto process. But I think this is tight. We don't want to see a tremendous proliferation of these games but only the use of these games for the religious and charitable and civic purposes for which the bill has been designed. I think this bill will do that, will alleviate a problem and will allow many of our institutions around the State to pick up the needed revenue to serve their charitable purposes, and I would solicit an Aye vote for this important piece of legislation.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. Question of the sponsor. Senator Lechowicz, as I understand it, the bill is identical to the Senate bill that was passed earlier, which means that in addition to all the nice, tightly drawn provisions it does permit a cash prize of up to two hundred and fifty dollars. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

That is correct, but I...that's one-half of what's available right now in bingo. Bingo, right now the cash prize is five hundred dollars; under this provision it's two-fifty, we're going to see exactly how it works. There's a sunset provision that this bill expires September 1st, 1988. We're hoping that...especially with the Department of Revenue having the responsibility of policing this matter, I don't believe we're going to have any complications...of awarding cash prizes.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you. The...the answer is, yes, that it does still have that provision. I...I wish that were not there, I think the bill in all other respects has been very tightly drawn which is very good. I think many of us do not have an objection at all to allowing this kind of...of procedure to go on so long as it is...tightly controlled. As a matter of strong personal preference, I wish you had not left in the cash prize opportunity because what I fear is that next year it will be five hundred dollars and...and it will keep going up, and then we really begin to authorize a kind of gambling and

I think in the end we will...we would regret that very much. I gather though there have been numerous opportunities for this to be corrected and it just simply is...it's going to be this way or not at all, and I guess for the moment I give up. But I think I will...be reminding those who are likely to be suggesting an increase in the level in the next couple of years that, in effect, I think we were told two hundred and fifty is perfectly all right and that is the limit. And I think that at the very most that should be the limit.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Ladies and Gentlemen, we're not going to proceed until the noise level goes down. If you want to go to dinner, the way to speed up the process is to conduct your conferences quietly. Senator Lechowicz may close. Wait a minute, I beg your pardon. Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes, Mr. President and members, I just want to say for the benefit of our side of the aisle, in case there are any doubts, that while there may be some misgivings over the cash prize provision that this does represent, at least in part, an initiative from the Governor's Office and some members on our side of the aisle as well as the concern of members on the other side. And so, unless people have strong misgivings about gambling or about cash prizes even at a relatively minimal two hundred and fifty dollar level, I would urge all members to support this Conference Committee report.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? If not, Senator Lechowicz may close.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. It's absolutely correct that this measure was brought about because of the closing of a Las Vegas Night at St. Patrick's High School in the City of Chicago, and the Governor visited that school approximately ten days after the

closing and heard the plea of the Christian brother...father...brothers who teach over there in reference to the amount of money that this type of a provision supplied the school in order so they would be able to keep their tuition costs at a reasonable level. But it was not only the St. Patrick's High School that was affected but a lot of other parishes and other...and other schools in our area and a lot of charitable organizations in other portions of the State. And for that reason, this bill was originally drafted and sought the support of this Chamber which it did receive. Now in order the...for the two hundred and fifty dollar cash prize, there has to be a certain amount of incentive for these people to come in and spend their time and money at a charitable event, and that provision was needed after much debate and discussion with a lot of the people. This bill...this Conference Committee deserves your support and I would hope you'd vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1552. 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 48, the Nays are 7, 2 voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 1552 and the bill having received the required constitutional majority is declared passed. Senate Bill 1666, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 1666.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Maitland.

SENATOR MAITLAND:

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

of the Senate. Senate Bill 1666 in addition to doing what it did when it left this Chamber does a number of things and let me describe for you the components briefly, if I might. First of all, it authorizes community college district to combine monies from its funds for investment purposes to join other community colleges or school districts for joint investment programs. This provision is now allowed to school districts and it...it should be allowed for community colleges. It also extends for one year the hold harmless for elementary school districts. You may recall last year, with the changing of the formula, elementary schools were hurt quite badly and, therefore, we provided for a hold harmless for one year and we are extending that...hold harmless for one more year. The funding for this provision has already passed and is on the Governor's...is on the Governor's desk. It also makes some technical changes with respect to the statement of economic interest for candidates for boards of education of new school districts. It also picks up a...a provision that we passed out of this Chamber last year that deals with the level beyond which it is necessary for the Chicago Board of Education to require bids. The original bill was an increase to twenty-five thousand dollars, this raises it from, I believe, five thousand to ten thousand dollars. In addition...in addition, it also adds the language that has been around this Chamber for some time with respect to the purchase of perishable food stuff and perishable beverages and indicates that that will not be a bidding...that will be apart from the competitive bidding process. I'd be happy to answer any questions that you might have and...if there are none, I would move that the Senate do accept the first Conference Committee report of Senate Bill 1666.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the



Senate adopt the first Conference Committee report on Senate Bill 1666. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 1666 and the bill having received the required constitutional majority is declared passed. House Bill 2020, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 2020.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I move the concurrence...recommend the...that the Senate concur in House Amendment 7. The House receded from its House Amendments 5 and 6 and the only thing before us is the House Amendment 7. I move for its concurrence on Senate Bill 2020.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 on Senate Bill 2020. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 2020 and the bill having received the required constitutional majority is declared passed. Senate Bill 2042, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 2042.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. I would move that the Senate do adopt Conference Committee Report No. 1 to Senate Bill 2042. The only change made was a technical change in the effective date, there was two different effective dates and we had to consolidate them so that there was one effective date, no mistakes. That was the only change and I would ask for adoption of Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Just a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

I believe your bill went out...when it went out before with both the...medicines for...may I address the sponsor? Your bill...that's the one about the medical...and it included the arthritis stuff? Good, that's all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on Senate Bill 2042. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question,...the Ayes are 56, the Nays are none, none voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 2042 and the bill having received the required constitutional majority is declared passed. Supplemental Calendar No. 4...Supplemental Calendar No. 4, Welch, Leitch, Degnan and Sangmeister are up on this one. All right, Supplemental Calendar No. 4, House Bill 2573, Mr. Secretary.

SECRETARY:

First Conference Committee report on House Bill 2573.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. House Bill 2573 was a bill that required flagging of birth certificates and school records of missing children. The Conference Committee report has the Senate Democratic Teen Initiative regarding Youth Conservation Corps, the Merit Recognition Scholarship Program, the Teen Recognition Award Program and home instruction for teenagers in suicide prevention. In particular, the Conference Committee report changes the date for flagging of birth in school records for reporting purposes from eighteen to seventeen years old and requires the Department of State Police to notify other states of reports of missing children in Illinois but born in the other state. A second provision was a Senate bill that passed out of the Senate, Senate Bill 2166, but was held on 3rd reading in the House creating the Illinois Youth Conservation Corps and the Illinois Youth Recreation Corps authorizing the summer employment of youth through these programs by the Department of Conservation and by local programs designed to provide summer recreational opportunities for children. The third bill, Senate Bill 2168, passed out of the Senate, was held in the House Executive Committee creating the Citizens' Council on Children to administer an annual U-RATE Recognition Award for Teen Excellence, program designed to recognize Illinois youth for their involvement in...systems or community service, promote and assist locally sponsored youth service programs and to encourage the organization of such programs in other communities. A third program is Senate Bill 2164 which was also passed out of the Senate but held on 3rd reading in the House, a suicide prevention program requiring the Department

of Mental Health and Developmental Disabilities to establish a five-year adolescent suicide prevention program which provides research and data on adolescent suicide, public education material, production and distribution in conjunction with other public agencies and private sector and training programs involving students, parents, teachers, school administrators, mental health professionals and others. Another provision is Senate Bill 2167, provides that effective July 1 of 1987, students in the ninetieth percentile and above are eligible for the Merit Recognition Scholarship Program as opposed to the current law which is ninety-fifth percentile and above. And, fourth, Senate Bill 2163 with the controversial provisions removed amends the home instruction section for pregnant students providing that before the birth of a child, a physician certifies that the pregnant student is unable to attend class or three months after birth or a miscarriage such instruction is provided. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. As the sponsor has indicated, this is the reincarnation of a number of Senate bills and I would simply call your attention to the various bills that are now contained within this one. The first one that he mentioned was Senate Bill 2163 which failed to pass the Senate. Another one that is included here is the...is Senate Bill 2167...and I'd like to address a question of the sponsor, if I may, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, this is the bill that would provide scholarships to the very brightest of our students in Illinois and I think

it's a laudable idea, but there are a lot of laudable ideas around that aren't funded. Is there an appropriation somewhere for this extra...looks like two and a half or three million dollars?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Not for this year, Senator. The bill...the effective date was changed to next year, July 1, 1987, on that particular legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. My purpose in...in speaking is simply to point out to the members that if you have an interest in some of these other bills, for example, the Illinois Conservation Corps and some of the other ones that we've mentioned, that you should be alert to this bill because this seems to be the omnibus bill in some respects.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. Senator Welch, is there...is there anything in here about the sex education in these home programs at all? I know that's where we ran into a problem on the Democrat teen package legislation we had previously. Is that incorporated in here or was that left out?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

That has been removed, Senator Kelly.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Lemke.

SENATOR LEMKE:

I rise in support of this Conference Committee. I think it's a good bill, and as far as the provisions that are in 2163, that bill has been tamed down. What we're doing here is three months after the...the baby is born, the...for three months after, the...the...the unwed mother gets her high school instructions by correspondence course in the mail. That's what we're talking about in this bill and I think...and we're talking not about sex courses, but we're talking about reading, writing, arithmetic and allowing them to complete their education in high school. I think it's a good bill. I think that even the cost that we pay, if it costs us a few million dollars...in the long-run, we will save quite a bit of money, that expense of the loss of our...probably our most valuable asset in Illinois are teenagers and children in this State, and I rise in support of this. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Demuzio. Senator Schuneman.  
SENATOR SCHUNEMAN:

Thank you, Mr. President. I apologize for raising a...or for speaking a second time. Representatives from the Department of Conservation have just informed me that the youth recreation program which is a part of this proposal is an entirely new program. It's not been funded before and nobody knows where the money is going to come from, and I would ask my colleagues to reject this first Conference Committee report. The fact of the matter is, there was no conference, what happened was that the majority members of the committee simply wrote a report and asked that it be signed and there was no discussion of these issues. I think the issues should be discussed and no doubt part of this bill can be approved, but I think the first committee report should be rejected.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Well, thank you, very much, Mr. President. I...I did find out one thing and I...I think, Senator Welch, you did indicate that the funding for the merit scholarship now in this Conference Committee report has been delayed by one year. So, I guess, I would just suggest that we ought to just wait and do this next year, that would be my...my comment on that issue, although I think it's no doubt something that we should one day, but my major area of concern deals more with the issue that Senator Schuneman was talking about with respect to Senate Bill 2166 or the former 2166. You know, we have...we have been very much involved in...in JTPA, that is...an initiative that...that I think, I'm pretty sure, covers this...this same area in one fashion or another and...and, again, this kind of a program is a laudable program but I'm not sure that you want to continue to overlap programs that we've already got. And, I guess, number one, I would ask you to respond to the question, is this an overlapping with current JTPA, because I think it is and we have reason to believe that it is? And, secondly, then, let's try to tie a fiscal cost to this program and we've not done that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Senator Maitland, let me just say that there has been an appropriation for this program and that's 2.4 million dollars that has already passed out of the Senate. Secondly, let me point out, Senator, that there may be some conservation programs currently in JPTA that take care of some of the youth of the State of Illinois, but I think that if you would think back to the time when you were between age sixteen and eighteen, you would like to have had these programs available so that you could have been involved, and I think that if all of us thought back to that time, certainly this is a

worthwhile adventure, I think, on behalf of the youth of the State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Well, thank you, very much, for not answering my question. This is an important issue, Senator Welch, and it's not to be taken lightly. The fact of the matter is, there is a program in place that deals with this issue, without question. You are suggesting a new program for this General Assembly and although you think there is an appropriation for it, there is not an appropriation for it, absolutely is not. I am reliably informed by conservation that there is not an appropriation for this program. Now, let's get serious about the answers and give us a straight answer.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR WELCH:

Well, I'll be glad to give you a straight answer. The answer is this was the Governor's program to begin with and we're just adding a million dollars to it. So there's 2.4 million dollars already appropriated. So it's not a...a brand new program in addition to existing JPTA programs. I would point out, in addition, that those who are talking about the problem with education, the idea behind the education of teenagers who are pregnant is to make them aware of what they're missing in class when they're staying home having the baby so that when they get back to class they haven't lost as much time as they would otherwise. I think that these are programs that all have been debated here in the Senate and each one has had a...a hearing and, for that reason, I would move for adoption of the first Conference Committee report on House Bill 2573.



PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Senate adopt the Conference Committee report on Senate...on House Bill 2573. 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 30, the Nays are 25, 2 voting Present. The Conference Committee reports...I'm sorry, the Senate does adopt the Conference Committee report on House Bill 2573 and the bill having received the required majority vote is declared passed. Senator Maitland, for what purpose do you arise?

SENATOR MAITLAND:

Thank you, very much, Mr. President. I think we should verify the affirmative votes, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

A request for a verification of the affirmative vote has been made by Senator Maitland. Will all the Senators please be in their seats and will the Secretary please read the affirmative roll.

SECRETARY:

The following voted in the affirmative: Berman. Carroll. Collins. D'Arco. Darrow. Dawson. Berman. Demuzio. Hall. Holmberg. Jones. Jeremiah Joyce. Jerome Joyce. Kelly. Lechowicz. Lemke. Luft. Marovitz. Nedza. Netsch. Newhouse. O'Daniel. Poshard. Sangmeister. Savickas. Smith. Vadalabene. Welch. Zito. Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland, do you question any of the affirmative vote?

SENATOR MAITLAND:

Senator Luft.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is Senator Luft...Senator Luft is sitting with the Pages.

SENATOR MAITLAND:

Senator Jones.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is Senator Jones...

SENATOR MAITLAND:

Hi, Emil.

PRESIDING OFFICER: (SENATOR SAVICKAS)

No further questions? Mr. Secretary. On affirmative roll call, there are 30 Yeas, 25 Nays and the bill is declared passed. House Bill 3475, Senator Leitch.

SENATOR LEITCH:

Thank you, Mr. President.

SECRETARY:

House...House Bill 3475, the first Conference Committee report.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Leitch.

SENATOR LEITCH:

I would like to move that we not accept the Conference Committee report and that we appoint a second committee, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, you do need a roll call on that and Senator D'Arco.

SENATOR D'ARCO:

Well, I...I suggest that we oppose that motion and do accept this Conference Committee report. It's my understanding,...we've been working for a very long time with the Governor's Office on the distribution of the Exxon money. Now, it's my understanding...and if I'm wrong, correct me, Senator, but it's my understanding that this is the agreed amendment between everybody concerned on how this money is to be distributed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...

SENATOR D'ARCO:

And I don't know what the problem is but, you know, I...I just don't know.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Leitch.

SENATOR LEITCH:

It's not my purpose to tamper in any way with the Exxon language. There's another unrelated amendment that needs to go on this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Well,...I was going to raise the same question. The...what you're saying, Senator Leitch, is that you have no intention of adding, subtracting or otherwise revising the language that deals with the distribution and...of the Exxon money and the creation of the fund. Is that what you're saying?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Leitch.

SENATOR LEITCH:

That...yes, that's correct. Why don't we...you want to take this...yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz. Oh, I'm sorry, Senator Netsch.

SENATOR NETSCH:

Would...would you like to give us a hint of what you are planning to put in here?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Leitch.

SENATOR LEITCH:

I'd like to, Senator Lechowicz may be able to speak to this. As a favor to Senator Lechowicz, I'm doing

this...deferring that. I would defer to him.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. I had my light on for some time. He's absolutely correct, it has nothing to do with the Exxon provisions within the Conference Committee report, but the...the section of the Statute that this amends would help my friend, Clyde Choate, which I intend on trying to help him with...thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco, would you wish to answer?

SENATOR D'ARCO:

This is great, this is terrific.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, the question is, shall the Senate adopt the first Conference Committee report. Senator D'Arco, do you wish to take over the Chair? The question is, shall the Senate adopt the first Conference Committee report to House Bill 3475. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Senator Lechowicz.

SENATOR LECHOWICZ:

A point of order, Mr. President. The gentleman requested that the...a second Conference Committee be...be assigned. That was not his motion as far as to...to accept the first Conference Committee report.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, you have to get rid of the first Conference Committee report.

SENATOR LECHOWICZ:

Fine.

PRESIDING OFFICER: (SENATOR SAVICKAS)

That has to lose before you can have a second one unless there's some shenanigans going on.

AB 415  
C.C.R.

SENATOR LECHOWICZ:

Unless there's a....unless there's...yeah, but you can do it by a...voice vote as well.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You need a record vote, Senator...take the record. On that question, there are 8 Yeas, 27 Nays, 13 voting Present. The Conference Committee report is not adopted and the Secretary shall so inform the House. Senator Leitch has requested a second Conference Committee be appointed. Senate Bill 415, Senator Degnan. Read the bill, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 415.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. First Conference Committee report on Senate Bill 415, the House recedes from House Amendment No. 1 and the additional language allows courts to resolve court proceedings concerning exemptions for 1985 and preceding assessment years when an application is made for an exemption for 1986 or later assessment years. It also requires...certificate of error to be issued when a property owner is granted an exemption for an assessment year and neglects to file for exempt status for the subsequent assessment year, even though his property is eligible for exemption during such a year. It also declares that an application for tax exemption or the granting of an exemption does not affect the right of a governmental agency to seek a judicial determination regarding the tax status of the property during the period when eminent domain proceedings were pending. It also revises the Farmland Assessment Formula. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall the

Senate adopt the first Conference Committee report to Senate Bill 415...Senator Maitland, I'm sorry.

SENATOR MAITLAND:

Thank you, very much, Mr. President. We were anticipating some questions on this bill and...and we simply don't want it to fly out of here without a...an explanation of the last point that Senator Degnan made, and I...I would not feel right about that and...and that just shouldn't happen. This bill does contain some rather detailed revisions in the farmland assessment bill, and you may recall that some years ago,...strike that, two years ago, we did pass legislation out of this Chamber that placed a ten percent limit up or down on the EAV of farmland across this State, and...and that worked well and it was done for a purpose. It was because of rapidly declining farm income, the EAV on farmland was going down dramatically and we were very concerned about...local units of government and...in particular, we were concerned about the loss of revenue to schools. And the farmers across this State agreed to place this ten percent limitation on and that's fine, but it has created a number of problems with respect to some counties across the State and to be as simple as we possibly can be in describing the legislation, it does generally four things. It, first of all, removes that ten percent cap that I mentioned to you earlier. It provides for a one-year modified hold harmless instructing the State Board of Education to pay those losses that exceed ten percent to any of the school districts which lose property tax revenues resulting from the removal of the current ten percent farmland EAV cap. Thirdly, it freezes the 1987 farmland EAV at 1986 levels and no hold harmless is provided for this year of...of the freeze. And then for 1988 and thereafter, it imposes a cap on the annual increases or decreases in the EAV per acre based on the soil productivity index, and we are convinced that...that after we pass through

this period and the farmland assessment bill is finally implemented accurately and by placing this ten percent cap on the PI instead of the EAV, this will...will provide for the stability both for...for the local units of government and also will protect those property owners who have been adversely affected. Let me further say that a number of property owners in a number of these counties who have had their assessed valuation affected adversely because of the assignment of a factor have found that although their farmland was accurately assessed, once the factor was applied, those taxes have increased...the EAV has increased dramatically and those taxes are being paid under protest and that can have a very adverse, detrimental effect to school districts, we simply don't want that to happen. This...this language in this bill is the product of...of quite a number of hours of...of...of work between the Farm Bureau, the Department of Revenue, the State Board of Education and others and I would attempt to answer any questions that you might have on this amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, let's get it in order. We have Senator Netsch, Senator Berman, Senator Poshard and Senator Joyce. Senator Netsch.

SENATOR NETSCH:

Thank you. For the moment, Mr. President, I was sharing the same concerns as Senator Maitland, this is by no means a merely bill. It is a relatively dramatic restructuring of a part of the farmland assessment and I believe also that it should simply not go by unnoticed. I would say also for the record, I have no particular problems with the other part of the bill which deals with the exemption of property and some procedural matters relating to that. They seem...they seem perfectly fair to me. The...for those of you who have the IEFC orange memo...the Economic and Fiscal Commission memo

which explains it, I would suggest you do look at it, perhaps, at least look at the table on page 6 and the map on page 7 because it does show the...both in percentage terms and in geographic terms those areas where there will be a reduction in the certified average equalized assessed valuation per acre in assessment year 1986, and the chart then attempts to show the impact and I think any of you who live in any part of the State, for that matter, ought to look and be sure you understand that this bill is going to have a fairly important impact on some areas of your State. It is not an inconsequential piece of legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Senator Maitland, based upon your best expectations, would you tell me what this bill will do to the School Aid Formula to the needs of rural school districts for funds and where that money is going to come from; and, three, the impact on the State and the impact as viewed by, let's say, the urban and suburban county...school districts in Chicago and suburban Cook. Could you comment on those, for next year and the year after when the hold harmless is plugged in and then are eliminated and what...what you think is going to happen?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Senator Berman, with respect to the hold harmless, that affects the...the...the drop in the EAV for that particular...for those particular school districts. So there is a drop in EAV and we're going to hold those districts harmless with respect to local revenue. Now, the question with respect to the formula and how it will affect the formula, obviously,...and we don't know exactly



what our formula is going to do down the road, because you and I are both working on that, but, obviously, if that assessed valuation does go down in...in those districts that ultimately...ultimately there is a...a...a slight...will be a slight distribution...redistribution of those dollars because EAV goes down and that lowers the assessed valuation per student so obviously there is a...there is a...a shifting here of...of revenue. I would say to you that...based on our projections for...for...for that year of hold harmless, the Department of Revenue has indicated that the loss in revenue is something in the area of 2.7 million dollars. Now, we can't be exactly accurate on that figure for obvious reasons but that is their best guesstimate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Now, as I understand it, that 2.7 million, assuming that that would be the figure, that's the amount that we would have to appropriate on a separate line item to fund the hold harmless for FY '87? '88, so that would be in the appropriation next year. What happens...assuming that the formula doesn't change, and...that's the only way we can ask these questions, what happens the year after the hold harmless is taken off, as I understand it, and if farmland values continue to decrease, what happens then?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Obviously, if there is no...if there is no reappropriation or a continuation of the hold harmless, there is no question but what those school districts will be affected adversely. The point that we have to continue to remind ourselves of is that...that, in fact, that property is now...in many of those districts is now being

dramatically over assessed with an inaccurate implementation of the farmland assessment bill. So we're simply trying to get back to where the farmland assessment bill really should be; obviously, if farm income goes up into the early 90's, then this procedure would reverse.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Well, you're not going to make a pledge that you're not going to introduce a bill to cut it back at that time. That was a facetious question. You said that this was with...discussions with Department of Revenue, Economic and Fiscal and...and the school board...State Board of Education. What's the views of the school districts downstate that would be affected by this? Are they...have they signed off? Is this a...the...the worst...the best of a...of a bad deal or the worst of good deal?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Senator Berman, they...they have not signed off without question, but they are also terribly concerned about the fact that because of the inaccurate assessments that are taking place in most of these counties, that tax is being paid under protest, there is no question about that all in many counties...and...and I forget the number of cases that...that there are but...but it's a large number and they're concerned about that potential loss of revenue because clearly...clearly, the farmland assessment bill as it's being implemented in those counties, it's as...not doing what it's supposed to do according to Statutes and they would probably have a pretty good leg to stand on. So better they get the accurate, proper amount of money whatever that might be rather than get...get none at all.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of this bill reluctantly. I have to say for the record though that it does pose a dilemma for some of us from deeper southern Illinois. If you live in the counties in which I represent or Senator Watson or Senator Dunn, Senator O'Daniel's, Senator Woodyard and others and you look at the figures in terms of the revenue from local property taxes that will be deprived to the...to the counties, this is a most important bill, because these are the counties which are suffering by and large the most from local revenue production. They have the highest rates of unemployment, they generate the least property taxes now. They have all kinds of problems in terms of local roads, jails and so on and now this bill will further decrease those tax revenues. I have no doubt though that the bill is good for the State as a whole and it corrects an inadequacy in our present farmland assessment procedures. Senator Maitland, can you just answer this question for me? In your judgment, would this lend further impetus to the abolition, I should say, of...of using property taxes to fund our local school systems in this State?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

That's a...thank you, Mr. President. Thank you, Senator Poshard. I...I guess my response would be, and you've heard me speak on this subject before, that I think that there needs to be as we move into the new formula revision and funding of education some thought given to other forms of...of revenue...I think what this will do for sure is to make people more aware, especially in those counties that

you've just mentioned, for the need to try to find other means by which we fund education. We are not trying...and you understand this, I know, we are not trying to deny those schools revenue. That's not the intent of this at all, but, clearly, in many of those areas, property tax does bear a major portion of the burden and I guess the answer to the question is it makes people think more about how...how much and how important real estate tax, is to the funding of education.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

Well, just for my purposes, at least, I...I would state that...I think it does that and I'm, in fact, happy in that sense that it does, because I think it's time that we looked at some other methods for financing public schools in this State. I don't think the entire...or the cost should be borne in the manner in which it is right now by property owners in the State. And, secondly, I think it...lends further impetus to the contention that I've made for some time that the State is going to have to help some of these counties who simply cannot generate the revenues to help themselves, and I hope that we look forward to that time.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I'm just going to editorialize a little bit on this. I...I was one of the original sponsors of this bill back in '75 or six whenever and I...I'm not so sure that we haven't completely gotten off on the wrong foot. At the time, it was very urgent and we needed to do this and now we...we sit here with farmland prices so depressed and...that...that we are now artificially inflating the tax that these farmers who can't afford to pay

any tax at all are having to pay to keep our schools open. In other states schools are in serious trouble and their formula will click in as it would here if we didn't have this program, and it would help those areas. Here, we're...we're relying more on a local tax that is...it's creating a false sense of security. What we have in this State is a...is a tremendous...tremendous problem and farm organizations, Farm Bureau, I think everyone is afraid to admit how bad the problem is. We hear last...well, this week actually, that we are now importing more agricultural products than we are exporting. Maybe we ought to let some of our small rural schools go down the drain and, then,...then, maybe our Congress would come up with a farm program that was worth a damn, but as it is, we keep propping things up and people keep saying, well, it really isn't so bad. Well, it's horrible and we'll keep tampering with this bill forever and ever and ever as long as we're in this situation. Those schools are in trouble because the area where they come from are in trouble, and if we don't wake up to that fact and tell our congressional delegation and tell Congress that agriculture has to get back on its feet, we're never going to get anywhere. So I think this is just a...another little game we're playing to convince everyone that things aren't so bad down on the farm. Well, things are bad down on the farm and I think perhaps we're missing the boat here by not showing people how bad they really are.

PRESIDING OFFICER: (SENATOR SAVICKAS)

No further discussion, Senator Degnan may close.

SENATOR DEGNAN:

Thank you, Mr. President. I move the adoption of Conference Committee Report No. 1 to Senate Bill 415.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Senate adopt the Conference Committee report on Senate Bill 415. 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, there are 53 Ayes, no Nays and the Senate does adopt the Conference Committee report to Senate Bill 415 and the bill having received the required constitutional majority is declared passed. Senate Bill...Senate Bill 1808, Senator Sangmeister. Read the bill, Mr. Secretary.

SECRETARY:

Second Conference Committee report on Senate Bill 1808.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

This is the ordinary and contingent expenses for the state's attorneys appellate...whatever it is. We finally got this one in order, although Senator Keats came over and talked to me about it and we've cut that appropriation of the Supreme Court, Senator, to 3.2 million dollars from seven million and I think everything else is in accord now. If there's any questions, I'll be happy to try to answer them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

...the question of the sponsor being, at this point, no one has yet even explained...forget the seven million, no one has yet been able to explain what the 3.2 million goes for or even if it's a new program. Is this a new program or an old program, who we're reimbursing and what...what does the program do?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, again, this was put in...in this appropriation so I'm not an authority on this, but this is the bill that Sena-

tor Rock handled in the Senate and the...the legislation creates a new agency to be...to be supervised by the Supreme Court. As I understand it, there will be investigation...it'll be an investigation agency under the jurisdiction of the chief judge of each circuit who will have people that will go out and investigate whether or not these people ought to be released on bond. It probably will be a help to the Constitutional Amendment that Senator Davidson and I co-sponsored, because there will be a necessity for more investigation so judges are better informed as to who should be released on bail. That's the whole idea, expensive one, I might say. It's going to cost a lot more than this next year, but I think it's something we probably ought to do.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Keats.

SENATOR KEATS:

Okay, we're saying it's 3.2 million this year and admitting it's a lot more next year. It's...we're investigating before we let them out. Isn't that what the...don't we have a whole parole board that deals with that? Isn't someone else supposed to present this evidence or are we dealing strictly presentencing...strictly presentencing, give me...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Senator Sangmeister.

SENATOR SANGMEISTER:

As I understand this program, Senator, it has nothing to do with presentencing. This is prebail, this is after you're arrested and you cannot make bail. Now, there'll be these people under the jurisdiction of the chief judge that will make an investigation for the chief judge and make a recommendation as to whether or not this particular individual is safe to put out into the community. This is prior to any conviction of any kind, this is to deal with bail.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Keats.

SENATOR KEATS:

How much are we saying this will cost next year?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Sangmeister.

SENATOR SANGHEISTER:

...I'm not sure, but I talked to the administrator...administrator of the court system and they estimate probably it could be five to six million next year.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Keats. The question is...further discussion? If not, the question is, shall the Senate adopt the first...second Conference Committee report on Senate Bill 1808. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 40, the Nays are 15, 1 voting Present. The Senate does adopt the second Conference Committee report on Senate Bill 1808 and the bill having received the required constitutional majority is declared passed. All right, with leave of the Body, there's a couple of matters on the...back on the regular Calendar that need to be expedited. Secretary's Desk's Concurrence, with leave of the Body, we'll go to page 7. Secretary's Desk...Concurrence is Senate Bill 1624, Mr. Secretary.

SECRETARY:

(Machine cutoff)...Bill 1624 with House Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I move that the Senate not concur with House Amendments 1 and 2 on Senate Bill 1624.

PRESIDING OFFICER: (SENATOR DEMUZZIO)



HB 3036  
Netsch

All right. Senator DeAngelis moves that the Senate refuse to recede from the adoption of...all right, Senator...Senator DeAngelis moves to nonconcur in...in House Amendments 1 and 2 to Senate Bill 1624. Discussion? Senator Netsch.

SENATOR NETSCH:

Senator DeAngelis, do I understand that the...that we're going to put this over till the fall, the Procurement Code, I think...

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator...

SENATOR NETSCH:

...that would be helpful to explain that.

PRESIDING OFFICER: (SENATOR DEHUZIO)

...Senator DeAngelis.

SENATOR DeANGELIS:

It is the plan to carry it over until the fall, yes.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Senator DeAngelis moves to nonconcur with House Amendments 1 and 2 to Senate Bill 1624. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The motion carries and the Secretary shall so inform the House. Let's drop down on page 7 to Secretary's Desk Nonconcurrency to House Bill 3036. Secretary's Desk, bottom of page 7, Nonconcurrency is House Bill 3-0-3-6. Mr. Secretary.

SECRETARY:

House Bill 3036 with Senate Amendments 7 and 11.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Welch.

SENATOR WELCH:

Mr. President, I would refuse to recede from Senate Amendments 7 and 11 and ask that a Committee of Conference be appointed.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Senator Welch has moved to refuse to recede from the adoption of Senate Amendments 7 and 8 to House Bill 3036 and that a Conference Committee be appointed. All those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The motion carries and the Secretary shall so inform the House. I am told...Senator Poshard...I am told that there are two additional matters on the Secretary's Desk Concurrence that we could handle here, and with leave of the Body, on page 7 of your regular Calendar is Senate Bill 1611. Secretary's Desk Concurrence, with leave of the Body, we'll move to that order of business is Senate Bill 1611. Mr. Secretary.

SECRETARY:

Senate Bill 1611 with House Amendments 1 and 3.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President. Mr. President, I move to nonconcur in House Amendment 1. That's a hundred and fifty thousand dollar GRF appropriation for a grant to the Illinois Arts Council, which I understand has been taken care of in another bill, and I move to concur on House Amendment No. 3.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Poshard, why don't we take the concurrence on Amendment...House Amendment 3 first. Senator Poshard?

SENATOR POSHARD:

Yes, thank you, Mr. President. House Amendment 3 adds two million dollars for the High School Drop-out Prevention Program at city colleges of Chicago. As I understand it, the substantive legislation for this was passed last year in the educational reform bills.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendment 3 to Senate Bill 1611...Senator

Maitland.

SENATOR MAITLAND:

I...I'm sorry, Mr. President. Would...would you give me a brief explanation again, Senator Poshard?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Senator Maitland. House Amendment 3 adds two million dollars for a High School Drop-out Prevention Program at the city colleges of Chicago.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Maitland.

SENATOR MAITLAND:

...why are we doing this?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Poshard.

SENATOR POSHARD:

Well, we're doing it because we passed the substantive legislation last year for this. As you know, in the City of Chicago, we have a substantial drop-out rate among our young people, the attrition rate there is higher than anywhere else in the State. We need to keep these young people in school, obviously, for many reasons so that they're not out on the street engaging in crime, so that they have the kinds of training that they need to eventually get a job and this simply would speak to that need in the City of Chicago.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Maitland.

SENATOR MAITLAND:

...I'm sorry to delay this, but is there a program in place or is just...is this just a two million dollar grant that goes to the city without any strings attached?...I'm sorry, but we'd just like to know.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Poshard.

SENATOR POSHARD:

Senator Maitland, I don't know, maybe someone else here  
can speak to that issue.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Senator Rock.

END OF REEL

REEL #3

SENATOR ROCK:

Thank you. To answer Senator Maitland's question, the substantive language per se has not yet passed. City colleges and the Community College Board indicates to us they can do it even absent that substantive language.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Maitland.

SENATOR MAITLAND:

Well, okay, thank you, Senator Rock. I wonder if you could also respond to the question as to what...what the money is going to be used for. Is there a program in place or is it just a grant to be used as...as they see fit?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Rock.

SENATOR ROCK:

It's going to be used...according to that material that Senator Smith passed out to every member the other day, it will be used for that probation challenge program and that...that program can be put into the community college system just like every other program is put in.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Maitland.

SENATOR MAITLAND:

Well...well, only to say...and I...again, it's tough to oppose programs like this and I know I come off as being very negative. I'm not negative on the program, but this is something that we're confronted with...at least I'm confronted with for the first time tonight, I guess, and I...I...I think we ought to run this through the normal budgeting procedure and...and come with it next spring and...and go, and if

I...you know, I just believe that's what we should do and I think we ought to reject it.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Poshard may close.

SENATOR POSHARD:

Well, thank you, Mr. President. I can understand Senator Maitland's concerns about some of the logistical problems with this, perhaps; but the fact is,...I guess the question I would ask is how can we not afford to put this money there? You know of the problems that we have in the cities with our young people and the...rates that suffered there in our schools. I think this is a good expenditure of our funds and I would move for passage of the amendment.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Question is, shall the Senate concur with House Amendment 3 to Senate Bill...1611. Those in favor will vote Aye. Those opposed 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 Nays are 19, 3 voting Present. The Senate does concur with House Amendment 3 to Senate Bill 1611. Senator Poshard on Amendment 1.

SENATOR POSHARD:

Mr. President, I move to nonconcur on Amendment 1.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right, Senator Poshard moves to nonconcur with House Amendment 1 to Senate Bill 1611. All those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The motion carries. The Secretary shall so inform the House. Senate Bill 1747, Senator Donahue. Mr. Secretary, 1747, Senate bill.

SECRETARY:

Senate Bill 1747 with House Amendments 1, 3, 4, 6, 7, 9 and 10.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Donahue. Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I would move to concur in House Amendments 1, 3, 4, 6, 9 and 10. And to nonconcur on House Amendment 7.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right, we will...we'll take up the subject of the concurrence first. Discussion? Senator Carroll.

SENATOR CARROLL:

Just to explain. You are now moving to concur...seeking to concur on building an ag. lab at the grounds of the Galesburg Mental Health Center? Is that correct?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Donahue.

SENATOR DONAHUE:

Yes.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Carroll.

SENATOR CARROLL:

As you know, Senator Donahue, that's Amendment 9. Amendment No. 10 is the additional almost two million dollars for the...of general revenue funds for the DuQuoin State Fair over and above the 3.2 million we have given them already. On Amendment No. 9 it was felt that there was absolutely no need for an agricultural laboratory on the grounds of the Galesburg Mental Health Center and we would very strongly resist that amendment and seek to divide the question on that. On Amendment No. 10, I know there are members who want to speak to that issue of the additional funding for DuQuoin and I think, therefore, we would ask for a division of the question.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Donahue.

SENATOR DONAHUE:

Well, I...I would...it is my understanding that the Chair...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the division is, in fact, in order. I assume, Senator Carroll, you want 1, 2, 3 and 6 on their own merits and then 9 on its own merits and then 10 on its own merits. Is that correct? 1, 3, 4, 6 would be the subject of the...part of the division. Okay. So on...on the issue of the concurrence of...of Amendments 1, 3, 4 and 6, Senator Donahue.

SENATOR DONAHUE:

Well, thank you, Mr. President. I would move that we concur on those four amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. The old question again, where is the Ag. Premium Fund money in this, Senator?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Well, Senator Joyce, I asked them if they'd hold this and they said, no, that they wanted to run with it; and...I would like to see this held until we were sure about the ten million dollars later, but we were told that we needed to run with it, Senator Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue, there appears to be some agreement that maybe you...perhaps you ought to hold it. It's at your leisure, Senator Donahue. All right, take it out of the record. Take it out of the record. With leave of the Body, we'll go to the Order of Resolutions. Resolutions.

SECRETARY:



Senate Joint Resolution 179...offered by Senators Davidson and Sangmeister.

And Senate Joint Resolution 180 offered by Senators Vadalabene and Rupp.

These will be on our No. 6 Consent...or Supplemental Calendar.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Those two resolutions incorporate the text of the constitutional explanation that will be forwarded to the voters. Let me suggest that...Mr. Secretary, that copies ought to be distributed for every member. We will take that up when we return. I suggest, Mr. President, that the Senate stand in Recess for two hours for the purpose of affording the members an opportunity to get a bite to eat; and when we come back, I might say, we will move immediately to the Order of Supplemental Calendar No. 2 which contains Senate Bill 1200, and then we will carry on through the other calendars as they become available. So, we'll come back at eight-fifteen and begin on Senate Bill 1200. Now we stand in Recess till eight-fifteen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...just hold that for a minute. All right, resolutions.

SECRETARY:

Senate Resolution 1166 offered by Senator Jones. It's congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. All right, Senator Rock has moved that the Senate stand in Recess till the hour of eight-fifteen. Senate stands in Recess.

RECESS

AFTER RECESS

PRESIDENT:

All right, the hour of eight-thirty having arrived, the Senate will reconvene. We'll begin...Senator Davidson, how 'bout with you and Senator Vadalabene so we can get these Messages over to the House. If you'll turn to Supplemental Calendar No. 6 while we are awaiting the members reassembling. We'll begin, with leave of the Body, on Supplemental Calendar No. 6, on the Order of Secretary's Desk's Resolutions. Senate Joint Resolution 179, Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, Senate Joint Resolution 179, by myself and hyphenated cosponsor of Senator Sangmeister is the necessary resolution relating to the Constitutional Amendment that will be on the ballot November the 4th in relation to bail bond, and this is the implement resolution. It gives the purpose of the amendment, gives the...shape of the ballot that will be mailed out by the Secretary of State to every registered voter, gives the arguments in favor of the proposed bail amendment, it also gives the arguments against the bail amendment as it...we all know our Constitution calls for. I would move the adoption of Senate Joint Resolution 179.

PRESIDENT:

All right, Senator Davidson has moved the adoption of Senate Joint Resolution 179. Is there any discussion? If not, those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Joint Resolution 179 having received the required constitutional majority is declared adopted. On the Order of Secretary's Desk Resolutions, on Supplemental Calendar No. 6,

is Senate Joint Resolution 180. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President. This is a resolution we are required to adopt to provide for the form of the ballot and for arguments in favor of...of and in opposition to the...the proposed Constitutional Amendment regarding the Veterans' property tax exemption. The resolution has been distributed and I move for the adoption.

PRESIDENT:

All right, Senator Vadalabene has moved the adoption of Senate Joint Resolution 180. Is there any discussion? Any discussion? If not, those in favor of the adoption of the resolution will indicate by voting Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Joint Resolution 180 having received the required constitutional majority is declared passed. Messages from the House, Mr. Secretary.

SECRETARY:

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

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

Senate Bill 2117 together with House Amendments 1, 2, 3, 4, 8, 10, 11, 14, 18, 19, 20, 21, 23, 26, 27, 28 and 30.

PRESIDENT:

Secretary's Desk. With leave of the body, we'll move back to Supplemental Calendar No. 5. On the Order of Supplemental Calendar No. 5, on the Order of Secretary's Desk Concurrence is Senate Bill 1734, Mr. Secretary.

SECRETARY:

Senate Bill...Senate Bill 1734 with House Amendments 1, 4

and 6.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that we do not concur with House Amendments 1, 4 and 6 and ask that a Committee on Conference be appointed.

PRESIDENT:

All right, Senator Carroll has moved to nonconcur in House Amendments 1, 4 and 6 to Senate Bill 1734. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. All right, if I can have your attention, UPI has requested permission to take some still pictures and WCAI-TV has requested permission to videotape. Without objection, leave is granted. All right, with leave of the Body, we'll move to Supplemental Calendar No. 2.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right,...with leave of the Body, we will return to the Supplemental Calendar No. 2...Supplemental Calendar No. 2 is Senate Bill 1200, Senator Rock. Wait a minute...all right, Mr. Secretary, Senate Bill 1200.

SECRETARY:

First Conference Committee report on Senate Bill 1200.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Rock. Can we break up the conferences. Senator Savickas. All right, Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise to move the adoption of the...first Conference Committee report on Senate Bill 1200. Senate Bill 1200 is that proposal containing twenty-seven specific different articles dealing with the subject of tort reform and insur-

1st 22m  
SB 1200

ance regulation. Perhaps, Mr. President and ladies and gentlemen, it might be a good idea to put Senate Bill 1200 in this conference proposal in some perspective. You will recall, I am sure, because members of this Body participated fully, that some months ago we set up a joint Senate committee between the Committees on Local Government and Insurance and asked them to go out and hold some hearings and find out, if they could, the extent of the problem with respect to the affordability and availability of liability insurance particularly as it related to local governments, because all of us were aware and somewhat appalled that counties and park districts and municipalities were confronted with the fact that they were uninsurable or that the insurance that was offered to them was unaffordable, and so that committee, a committee of this Body,...

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Rock, hold on a minute.

SENATOR ROCK:

Yes.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Now, we just had a...small break, we are now back and we are on the Order of Supplemental Calendar No. 2, Senate Bill 1200. We'd like to have some order, if we might. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. And after the members of...the joint members of that committee from both sides of the aisle met and discussed, it was pretty apparent that something had to be done. Something has to be done this Session. And as a result, between the first of January and the close of filings, fifty plus different legislative proposals were introduced in this Chamber dealing with this subject all the way from prior approval of rates for the insurance industry to dramatic and substantive changes in the civil jurisprudence

of this State. And the Senate Insurance Committee held hearings and all those bills were assigned to that committee, and to their credit, the members of that committee under Senator Jones sorted those out and came to the Floor with a number of bills that we debated at some great length, you will recall, in this Chamber. The Floor debate on amendments to 2263 lasted some four and a half hours not so very long ago, and when the bill arrived in the House, as with the other House bills, it was determined by the House Caucus that they would engage in summitry, and so the Speaker, utilizing his good office, called all the various interest groups together and said, let's try to negotiate this out, and there was joint participation, both sides of the aisle, both Houses, in those summit meetings. This Chamber was represented by Senators Jones and Luft and Berman and Senator Schuneman and Barkhausen and others and that winnowing out process has been going on for probably six weeks, and then last week at the request of the Governor, the participants literally moved to the Governor's Office because the Governor, too, is of the belief that something has to be done this Session. And we had meetings, individually and collectively, over late Thursday night and Friday and Saturday and Sunday and, yes, this morning at nine o'clock. When the conferees got together in Room 212 and we heard the proposal outlined and we also heard the response from business and industry and the public sector, the trial bar, the hospital association, we afforded, I hope, the opportunity to react, not at any great length, I might suggest, because as I said this morning when I chaired that committee, remember, please, it is June 30 and it is late in the Session and remember, please, that the members have been dealing with this issue, we are not at square one, and so, please, don't talk to us about what is not in this proposal because I will readily admit there are a lot of things that are not in this proposal. Prior approval of rates is not in this

proposal, but let's talk about what is in here, and I think, ladies and gentlemen, if you take a look at what is in here, you will agree, as the House did just an hour ago by a vote of 76 to 41...ten of your Republican colleagues joined with sixty-six Democrats and that bill just got out of there 76 to 41 because the Conference Committee on Senate Bill 1200 does, in fact, incorporate significant reform in the civil jurisprudence of this State in Articles I through VII, and in Articles VIII through XXVI it has a whole host of measures aimed at the insurance industry with which, by the way, they do not disagree and to which in the main they have agreed to afford our Department of Insurance the opportunity to really get the kind of...information it should have and to suggest to the insurance industry that they ought not arbitrarily and peremptorily cancel without notice or terminate a line, and those...measures...those things are in there and there is no rate regulation in there. In the concern that local government has, the park districts, the municipalities, the counties, just read if you will Article I. Article I is the Tort Immunity Act and the local governments and their representatives insofar as I know are pleased and well they should be, because their problem is addressed and responded to. And then we get to the business interests and their representatives came before the conferees this morning and said, well, we can't agree with this because it doesn't go far enough. It just is not enough for us and so we wish you to throw the whole thing out, perhaps we'll have better luck in the second Conference Committee or in the Special Session or next year. Well, again, remember, please, that this is June 30, almost 9:00 p.m. and if there's any great hope being held out for Conference Committee No. 2, I suggest to you that the House just an hour ago responded to that hope with seventy-six affirmative votes for Conference Committee No. 1, and what have we done to answer some of the concerns of the business

community. We have modified joint and several liability, modified it to a great extent. Thirty-five other states in this United States of America have unfettered joint and several liability, so we will be in the minority. We will take a doctrine that's been in our jurisprudence for a couple of hundred years and dramatically modify it. We will reinstate modified comparative fault. We will impose a collateral source rule that will afford a deduction for medical expenses from the final award. We will install the essence of Federal Rule 11, for those of you who are lawyers, in attempt to deal with the problem of frivolous lawsuits. There are frivolous lawsuits, in case you don't know that, and there are also frivolous defenses, and so the court system is somewhat clogged because of these and this will deal with that. We have addressed punitive damages. We have made significant concessions in the area of tort law and at the same time, I suggest to you, that every one of us who votes affirmatively can as we should be justifiably proud that we have not thrown out or trampled upon willy-nilly the rights of the injured plaintiffs, the rights of the people in this State. We respect the rights of the injured person to recover from those who have inflicted harm on him or her by virtue of their negligence, and that's a system to which we subscribe and one that we're not going to quickly do away with just to lower an insurance rate. I suggest to you, if you take a look at the provisions of Senate Bill 1200, there is a multitude of good and I suppose you could stand and say, well, it's nice but it doesn't go far enough. This is admittedly a compromise but one that respects that unspoken part of the equation, because for eight weeks I have been arguing with and listening to the representatives of big business and small business and the insurance industry and nobody ever talks about the injured party. They talk about the unaffordability of insurance, the unavailability of insur-



ance. We've talked about insurance company profits, we've talked about insurance company losses, but nobody has address the rights of the injured party, and those rights are protected, they are protected and we should be proud that we're protecting them. Ladies and gentlemen, I urge an Aye vote to adopt the...Conference Committee report on Senate Bill 1200.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Point...parliamentary inquiry first. I refer to the sponsor of the bill on...to page 15 at the bottom, Section 9-105 which says, "The board of a local taxing entity may...may"...it goes on, "issue General Obligation or Revenue Bonds without referendum." Point of parliamentary inquiry, doesn't it take thirty-six votes as long as we're referring to General Obligation Bonds?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Rock.

SENATOR ROCK:

No.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, every time we've had General Obligation Bonds, we've had a requirement of thirty-six votes, and this troubles me. If this provision were out of this bill, I could vote for it.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Rock.

SENATOR ROCK:

You're not going to get off that easily. Our Constitution specifies that we...when we are increasing the bonds that we authorize with the full faith and credit of the State of Illinois, yes, indeed, it takes an extraordinary majority

because we are putting the full faith and credit of the State behind that obligation. This doesn't do that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise to urge rejection of this first Conference Committee report. We're all familiar with the issue. This is the big issue of the 1986 Session. We've all talked to the people back home. We've all heard from our businesses and from our governments and when all is said and done, if you look at this bill and study it closely, I think you have to come to the conclusion that we can do better. The business community demands that we do better, the Illinois economy demands that we do better. The Illinois business community has been crying for tort reform. Now, we've talked about a lot of things around here...but many of them do not have to do with tort reform, so I want to speak now about two particular issues which bear entirely on the question of tort reform. What we have before us is a creature of the Speaker of the House. The Speaker of the House has allowed no public debate until tonight on this issue. He has carefully protected the interest of the trial lawyers. He has insulated the members of the House from having an opportunity to offer amendments and to have a free and open debate and, Mr. President, once again, I'd like to recognize you for having allowed this Body a free and open debate on this subject that's so important to all the people back home in our district. I think that there are two major problems with this particular Conference Committee report and they are in two areas. One is in the area of the doctrine of joint and several liability and the other is in the area of collateral source. Now if you've been reading your mail, if you've been listening to the folks at home, you know that what they want

us to do is repeal the doctrine of joint and several. Early in the negotiations the Speaker of the House, through his Representatives, indicated that repeal of joint and several could not be discussed. That was taken off the Table and in effect they said to the business community, come back with some offers, give us something else. The business community came back with a modified doctrine of joint and several very similar to what the voters adopted in California in a referendum just a few weeks ago. Once the business community did that, the Speaker of the House took it off the Table. He then came back with this particular version of a modified joint and several. In effect, what he's doing is saying that if you are less than twenty-five percent liable, then you would not be subject to joint liability. The problem is in determining the percentage of liability. The business community feels that that is not strong enough. They are asking for a higher threshold as a minimum. The other area that needs particular attention, and I think this one is very important, and that's the area of collateral source. In effect, what the trial lawyers are offering in this report is a twenty-five thousand dollar deductible. Now I submit to you that that kind of a collateral source rule will probably not affect more than maybe five percent of all the cases in Illinois. So, you're doing absolutely nothing for the great bulk of lawsuits that are filed in Illinois if you adopt this collateral source rule. There's a better way to do all this. We can raise the threshold on joint and several. There are a number of other suggestions on collateral source that would be better, that would give some relief and I think would be acceptable to the business community. This is the first shot out of the box by the Speaker of the House. We should send this back, have the conferees enter into some real negotiations and come out with a better version. We can do that, but we can only do it if we reject this particular report.

This problem is not going to go away. We ought to do the best we can to solve it tonight. I urge a rejection of this report and further negotiations. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I stand in support of the first Conference Committee report of Senate Bill 1200. Let me tell you why. I stand here tonight as...in a posture that I have tried to take ever since this issue was presented to us early this year. I was approached by friends on both sides and the trial lawyers and in the insurance industry regarding taking a strong position on one side or the other, and the position that I tried to stake out for myself and the one that I want to talk about tonight is the position not on behalf of the insurance industry and not on behalf of the trial lawyers but rather on behalf of my voters who are similar to your voters, the people that have to buy insurance, that have to get insurance, that have to pay those premiums and on occasion may be involved in injury cases, and I think that Senate Bill 1200 as before us is in the true sense of a Democratic process a reasonable solution to address all of their concerns in a reasonable way. On the point of view of...of meaningful changes in the tort system, let me point out to you that we've addressed something that a lot of people felt should be changed and that is modified comparative fault; and sometimes these fancy titles mislead the public, but what that means in simple language is that if I'm involved in an automobile accident with another guy and I am more than half at fault, I cannot collect anything. A lot of people felt that that's the way the system ought to work. This makes that system work that way. If I'm more than half at fault, I can't collect. Number two, we've talked about the problems of cities, park

district, municipalities. We've addressed their problems in a way that they, in their opinion, feel that they are reasonably satisfied. Now I said reasonably satisfied. Nobody's happy, nobody's overjoyed, but they're reasonably satisfied. They feel that they can go back to their taxpayers, our voters, and say that we've addressed the problems of the cities and the park districts and the school districts as relates to injury liability. Now what we've also done in this bill is to respond as best as we can to the question of the guy that's out on the street that has to buy insurance. Now that's the person that most of us represent, the buyer of insurance, and what my voters have said to me is, Berman, I don't understand a lot of this tort law and I'm not sure I understand what it means if we regulate the insurance companies, I want to know are my premiums going to be...decreased and will I be able to get that insurance policy that they denied me from getting earlier this year or late last year? That's what my day-care centers have said to me, Berman, I can't get coverage because I'm now a day-care center. Berman, I can't coverage because they found asbestos in my ceilings. Berman, my premiums have been increased five hundred percent, says one of the cities in my district, and I've never had a claim against my insurance. That's what one of my cities said. And my answer is, voters, with those complaints, this bill responds to that within the arena of negotiations and let me spell that out a little bit. I've had the privilege of sitting on the select Senate committee. I was one of the summiteers. I sit on the Insurance Committee and I've heard testimony till it's coming out of our ears, and the one thing I have not heard is the question that my voters and your voters asked me, am I going to save money on my premiums if you pass a certain bill? And, ladies and gentlemen, I have not heard that answer from anybody. Let me tell you what the Governor heard. The Governor sent out letters to all the

insurance companies in Illinois and said, if we pass the insurance industry's package which dealt with elimination of joint and several liability and a substantial high threshold collateral source rule and the comparative negligence and other things, how much will you cut your premiums? The answer...and I believe, if I'm not mistaken, and I see the director on the Floor, correct me if I'm wrong, but one of the major insurance carriers in this State said that if we passed that whole package, they would cut premiums between three and eleven percent. Now I'm not going to mention the name of that company, but I've got to tell you that when I went home that following weekend and talked to my business people, they laughed at me. Their premiums have...been raised seventy percent, a hundred and thirty percent, two hundred and ten percent; and if I passed the whole insurance industry's package, I'm going to come home with a reduction of three to eleven percent. They said, Berman, don't come home. So that what we have here, ladies and gentlemen, I believe is a good faith attempt to operate in the dark because we have had no one, no one on the opposite side, no one in the insurance industry that has said we will roll back these giant increases, we will roll back these multiple hundred percent increases, that we will make available to day-care centers, we haven't said that they're going to cover asbestos, we haven't heard any of those kinds of commitments, pledges, promises and, yet, they aren't happy with 1200. Well, ladies and gentlemen, we operate in the arena of negotiations and that means good faith on two sides. If somebody...the trial lawyers give something, we expect the insurance industry to give something back. My voters say to me, Senator, you haven't told me anything that's going to mean money in my pocket or an insurance policy in my drawer. Therefore, ladies and gentlemen, I suggest to you that in the absence of a meaningful dollar or percentage commitment of

reduced rates or a meaningful promise of availability of insurance that has been taken away that this is a meaningful good, faith effort. It addresses joint and several liability. It addresses collateral source. It...it substantially will cut down the small automobile and the big automobile case where somebody's over fifty percent liable. Let me talk for just a minute, and then I'll close, on joint and several liability that everybody talks about. We've heard that the trial lawyers started off at ten percent, industry wanted forty percent; then they went at twenty-five percent and the industry now, somebody says, wants thirty-three percent, and I was listening very careful...carefully to my friend, Senator Schuneman, he didn't give a percentage, and I'm not sure anybody is ready to give a percentage; but, ladies and gentlemen, I've got to tell you this, I tried to study this issue very carefully because I could find no one in all of industry that was able to put a quantified amount of dollars of what joint and several liability in the past has cost the insurance industry. I have a constituent who has been one of the leaders in the negotiating team on behalf of the industry. I have great respect for them...for him. He is an excellent defense counsel. I talked to him. I said, what does this cost you and your clients to have unlimited joint and several liability? He said to me, he can't tell me, "but it plays a role," I listened to him very carefully, he's a smart fellow. He says it plays a role in the negotiating process. Now, ladies and gentlemen, that's the best and probably the most honest answer I can get. I asked one of the large insurance...carriers in this State to document to me in...in a letter the exposure that his company that pays millions of dollars in claims a year, what...give me the name of the cases that joint and several liability has impacted on them in the past three years. You know the answer I got? I got a letter back that told me that this substantial insur-

ance...carrier in one case had to pay out thirty-seven thousand five hundred dollars instead of what they would have otherwise had to pay of twenty-five thousand dollars. Twelve thousand five hundred dollars on a claim from one of the major underwriters in this State. To me, ladies and gentlemen, that is not fact, that is not evidence upon which to throw out Senate Bill 1200 which picks an arbitrary figure, twenty-five percent for joint and several liability. Nobody can tell me what thirty-three will do. Nobody can tell me what forty will do. Nobody can tell me what twenty-five or ten will do. It's an attempt to address a problem. In a year or two or three, we'll see if these numbers are meaningful. Nobody can stand up and say they are not because nobody can stand up and say that they are. Let's give it a chance. It's an attempt to address a problem and we're still going to go home, I'm embarrassed to say, without telling our voters that their premiums are going to be lowered or that the insurance is going to be available. This is a reasonable solution to a terrible problem. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I think a great deal of discussion you're going to hear tonight, I guess particularly from this side of the aisle, is that this bill doesn't go far enough. Let me suggest to you there is one section of this bill that perhaps goes a little further than it ought to. I refer again to that section that Senator Geo-Karis mentioned a little earlier in the debate. As I read this section, it is a...an ability for the local governmental units to institute a bond without referendum for the purpose of entering into agreements with other units of government to create reserves for this type of liability question. This, as I read it, is a tax increase without referendum, an authority we're going to give



all sixty-five hundred units of government of this State without referendum. Now, doing a little fast math after talking, I admit, to a couple of my park districts on the kind of tax rate they would like to have had for this purpose, if one assumes that the other taxing bodies would just seek half the rate that they were tossing at me, at least, in my case, in my area, it looks to me like a twenty-five to thirty-three and a third percent increase in property taxes without referendum. I don't think that's what our constituents had in mind when they told us to come down here to Springfield to solve the problem. I've heard some of our friends from the farm area lament the plight of the farmer. They will be the hardest hit by this provision and this...clearly, if I were a park district and I had my choice between paying for insurance out of a general fund or just creating this reserve with unlimited tax increase without referendum, I know what I would do. Now I'm not against the concept of the units of government being able to work together to set up these kind of reserves, but I think they ought to go to the taxpayers and the voters first. There ought to be a referendum procedure attached to this. Let me suggest to you that...Senator Berman has pointed out, and I can't argue with his logic, that we have no promise that tax...or that insurance rates will go down. This section is a promise that tax rates will go up as certain as the sun will rise tomorrow morning.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President, Senators. I'd just like to say a word about the people that are of great concern to me and these are the people who work for a living and the people who aren't working for a living anymore. I'm talking about the steel worker on the southside of Chicago who no longer has a

job, who's looking around, who's spent a lifetime...a lifetime raising a family, perhaps a car, garage, a house pretty much paid for, who all at once finds himself unemployed, very few savings, insurance rates out of sight, cannot afford insurance, basic insurance, so that any kind of a reversal would leave this family completely exposed; a family that's spent a lifetime trying to make just the basic requirements, a family that simply would like to leave their progeny something in their wake, a home, a few savings, things of that nature. Let's talk about that, because what that individual is faced with are soaring rates, unexplained cancellations, uneven and discriminatory rate settings which cannot be explained. We owe that ordinary person, that working person, that formerly working person in Illinois something better than what we've done in this bill. I have the utmost respect for the President of this Senate and those who worked on this...or call it a bill for...out of courtesy, who worked on this bill. The facts of life are though that I will vote for this bill. I will hold my nose and vote for it. I will vote for it for two reasons. One is that a number of people for whom I have great respect say to me that...this is the best piece that we could come away with from the bargaining table at which we sat, a bargaining table that threatens that if this bill doesn't pass, that what comes down afterward will be worse than what you see now. What I see now is a bill that not only affects that individual, but if you look at some of the other institutions in my district, and I suspect most of you have some similar institutions in yours, I'm talking, for example, like the small hospital and I've watched them close over the past five years. I have three in my district right now who threaten to close their doors. What that means is limited health care service in districts that very much need them. That's part of the fallout. The saving grace in this bill for me, if there is a saving grace, is

that there is some notion that somewhere down the line, we'll begin to look over the shoulders of these companies and into their books to get some notion as to whether or not what they say to us is a fair rate is, in fact, a fair rate. I have no notion how that's going to work out. None of us do. It's a start. A start in the direction that may be healthy. So, what I would say to this Body tonight is this, that there is a likelihood that Senate Bill 1200 will go out of here. I would hope that once this bill goes out, if it does, that it is simply the start in an examination that must be an ongoing examination, an ongoing examination that will assure those whom I represent that at some point they might get a fair shake. And one more comment I'd like to make and that is this, we talk about tort reform, and I would agree that tort reform is a good objective. Let me say secondly that I'm a lawyer. I am a lawyer and I know that the only way that many of my clients would be served is that there are some lawyers who are prepared and willing to take a case on a contingency fee which they may or may not collect, let it wind its way through the courts for six, seven, ten years on the proposition that somewhere down the line they will collect a fee for themselves that will be representative of what they get back for that client of mine who could not pay for those services. So, I salute those lawyers, may their tribe increase; as a matter of fact, sometimes I wish I could practice the same kind of law, but they earn their dollars and are entitled to them. They are entitled to them because the people that they represent collect the major portion of whatever those dollars are, and I don't know who wants to play God and decide what it's worth when a person loses a limb or limbs. I don't know who wants to play God and decide what it is worth when a person gets an injury from which they will never recover. I don't know how you measure that. So, you say a million dollars is too much. Well, I certainly wouldn't do it for a

million and you wouldn't either. So to take that out on the case of those who have no protection other than the protection that is...that is offered by those who are willing to sacrifice a good deal of time on behalf of those clients. So I want to make clear that from my perspective that is not what I would consider a major objective of tort reform. A major objective of tort reform ought to be bringing about some kind of balance that would ensure that the injured...that the injured would have assurance of some reasonable settlement in the event of the injuries that they sustain, and I will tell you there is no such device in existence. Insurance companies want to protect the stockholders and make dollars. They drive very hard bargains. No part of what they do has anything to do...has nothing to do with the human suffering involved. You get off as cheaply as you can. If our job here in this Legislature is to represent a constituency made up of people, of people who vote, of people who pay taxes, of people who support this common will by their sweat, then we have an obligation to them, an obligation that goes far beyond the insurance companies that we talk so much about and who are an artificial device in this economy and can go out tomorrow morning and be replaced by someone else, the human equation is not replaceable. We owe something to them. I want to congratulate the President and those who worked so hard to try to bring about some equity and some equity is all we got. The chart for the future ought to be to attempt seriously on both sides to come to some kind of conclusion that makes sense to our constituency. I will vote Aye for that purpose and in the hope that that is what we do. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

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

PRESIDING OFFICER: (SENATOR DEHUZIO)

Sponsor indicates he will yield. Senator DeAngelis.

SENATOR DeANGELIS:

President Rock, you were complimented with the opening comments on the manner in which you conducted this in this Chamber and I, too, want to compliment you; however, of all the proposals that came from this Chamber, how many of them found themselves in this report in the form that they left this Chamber?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Rock.

SENATOR ROCK:

My...my recollection is...and that...that's going back to the conferees' meeting this morning that I think...and Senator Jones may be in a better position to address that, but I think there are probably four Senate bills incorporated in this bill, Senate bills that successfully negotiated in the Senate and went to the House and that were added into this provision.

PRESIDING OFFICER: (SENATOR DEHUZIO)

...Senator...Senator DeAngelis.

SENATOR DeANGELIS:

Well, I'm referring specifically to Senate Bill 2263 which was the one that had all the amendments on it.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Rock.

SENATOR ROCK:

Well, that's not one of my favorites. You'll recall, I voted No on that piece of legislation, but my...my recollection is that the article with respect to frivolous suits was substantially similar to...the provision in 2263 as amended as was collateral source...those two in particular strike me...and...and comparative...comparative fault, I believe...modified comparative fault.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I don't think the collateral source was close to what's in this bill. I don't pretend to be an attorney but I can read. I...if you want to go back to how you voted, I'll be very happy to take the same roll call on this that we had on 2263. You vote No and I vote Yes and then those who voted Yes will vote No and those who voted No will vote Yes. I think President Rock...one of the problems with this bill is that the bill that came out of the Senate was the result of a Democratic process. It went over to the House and the House sought to change that process. Now I have no difficulty with dealing with that, but to describe that as a compromise would be like saying that the...the deliberations of the Illinois Senate in a negotiating table with the Ayatollah Khomeini would be a subject of a compromise, that's precisely what happened here 'cause we had one person there that deemed to hold all the bills and then proceeded to come out with something that was described as a compromise when the things that we passed out of this Body in a Democratic fashion never found themselves on that compromise, and I don't know how you can describe that as a product of compromise or of any process that we in this Body would want to accept. So, from the standpoint of the process, this bill is flawed. But secondly, I am absolutely convinced that the crises with the insurance industry is contrived, but I am also convinced that our society is far too litigious. I don't see anything in...in this bill that's going to take care of my first concern and I don't see anything in this bill that's going to take care of my second concern. So, what we're going to end up doing is voting on a bill which violates the method by which we in the Senate do our business and then produce an end product that's not going to do anything. I just think

there ought to be a better way of doing this.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Lemke.

SENATOR LEMKE:

I think we debated long enough, I move the previous question.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right, Senator Lemke, we have Senators Watson, Jones, Barkhausen and Collins. There's been a suggestion that we put the timer on. Senator Watson.

SENATOR WATSON:

Yes, sir, and thank you, Mr. President. I'd like to ask the sponsor a question, if I might.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Sponsor indicates he will yield. Senator Watson.

SENATOR WATSON:

On page 25 of the Conference Committee report, lines 4 through 7, this paragraph states, "Notwithstanding the provisions of Section 2-1117 in any medical malpractice action as defined in Section 2-1704 based upon"...beg your pardon, "based upon negligence, any defendant found liable shall be joint and several liable." Can you tell me what that means and why is that provision included in the Conference Committee report?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Rock.

SENATOR ROCK:

That provision means that as respect causes of action based on medical malpractice, they are not covered by this proposal and they're not covered for a very simple reason. We, last year, if you'll recall, agonized over the question of medical malpractice and there was never any question on this Floor, in the House, in subsequent Conference Committees that the subject of medical malpractice is, was and always

has been treated differently than the rest of tort action, and it just is excluded and will be dealt with separately as it has been in the past and will be in the future.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Watson.

SENATOR WATSON:

Well, thank you. I...I appreciate that response and it does seem unfair that we're going to exclude the hospitals who are trying to deal with a situation right now in which we're all concerned with and that's the cost of health care, and they are suffering as much as anyone else is in regard to insurance costs and availability; and to exclude them from joint and several liability, I think, is a mistake and I...for that reason and others, I'm going to be voting No. Thank you.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and members of the Senate. I rise in support of Senate Bill 1200. As...as was stated by the Senate President, this Body...this insurance committee, the Task Force on the Availability or Affordability of Insurance held many hours of hearings in Springfield and the City of Chicago. We heard the lawyers for the plaintiffs, the lawyer for the defense over and over and over again until finally I understand what a tort-feasor really is. But the question that my constituents constantly ask me, and those were the business people as well as the consumer...that working person, Senator Newhouse, what about my insurance rates or can I get insurance; and time after time after time, we posed that question to the insurance industry. In some instances we were told if we follow the coalition's package and abolish all the rights of the injured party, that is, to abolish joint and several liability, it may be six or seven



years before any effects of the rates will be known in the State of Illinois. They kept giving us the excuse that...it's like Lloyds of London, the reinsurers who will not insure the American market, that we must do something about joint and several liability. We are not about ready to take the rights of the poor working people, Senator Newhouse. I am concerned about the hospitals, but not one hospital had come before this committee and say that that was the problem. We know why hospitals are having problems because they no longer can fill the beds when cost containment is here and a person is healthy so instead of staying twenty-one days, they may stay five days, we understand that. But if you're concerned about that working person, if you're concerned about him having his rights, then you will support Senate Bill 1200. It doesn't have all the things we want in there. We passed a rate control bill which called for collection of data, Senate Bill 2000. That bill is still over in the House. But looking at the situation and realizing that you still must collect the data in order to be able to determine the rates. Well, that collection of data is in this bill and I see the director of the Department of Insurance staff and he and I talked on this issue, because once we collect the data, then you will be able to determine whether or not an insurance company writing business in the State of Illinois who decides they want to cancel the insurance because of lost claims and collection of data may show that he's wrong. Not one time, as Senator Berman pointed out, when we asked about the rates, when we asked about the availability, will that be made to our consumers and those businesspersons that are part of the coalition that have written the letters, and when I asked them if we give you what you want, will your insurance rate go down? They could not answer that question because they know themselves that it would not be as such. Senator DeAngelis, I...when you talk about what did we pass...what

did we pass, all you have to do is look at your seatmate, Senator Schuneman. There are several bills in here that we passed in the Senate overwhelmingly, Article VIII, loss information; Article IX, termination of a line of insurance; Article X, cancellation and renewal; Article XI, claims made extension. Several pieces of legislation is incorporated within this bill. We held the hearings. We didn't agree on everything, but we attempted to compromise and that's what government is all about. If you are sincere about doing something about the problem, you'll vote for this bill, but let's not give no frivolous excuse talking about raising taxes and so forth, because you ask those persons that are pushing the other proposal, they will tell you that they cannot guarantee you that your rates will go down. So, if you're sincere about doing something about the problem that this Body has had the opportunity to deal with, to deliberate on, you'll vote for Senate Bill 1200 and I urge a Yea vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

END OF REEL

REEL #4

SENATOR BARKHAUSEN:

Mr. President and members, I think one of the things that has frequently been lost sight of in the debate that we've had on the whole insurance problem over the last several months is that it wasn't but slightly more than a year ago when we attempted to address the problem of rising...insurance premiums in the medical malpractice field that we passed a very sweeping of series of changes in our negligence laws as they affect medical providers of one kind or another, and if I could take just a brief second to remind the Body what we did. We're talking in this package about some changes in the rule regarding collateral sources, and if you remember, last year we passed a...in the medical malpractice area a fairly strong collateral source rule that provides for a setoff for a deduction for a hundred percent of medical benefits and fifty percent of...of income coming in from third-party sources, and in a whole host of other areas, including restrictions on...attorneys' fees, structural settlements or installment payments for awards over two hundred and fifty thousand dollars and in the area of punitive damages which in the medical malpractice area were completely eliminated, we made all kinds of changes that aren't even being talked about here. So, I think we need to ask ourselves whether we're willing to make needed and necessary changes only where a very influential group of our citizens, physicians and other medical providers, where their interest is at stake or whether we're willing to do it also for a whole broad range of other individuals and entities in interest in our society. I, frankly, would not want...I would not want to admit to myself, let alone to any of you, let alone to any

of the representatives of the interest gathered here, let alone to rank and file citizens back in my district and throughout the State, that I was willing to roll over and make changes...sweeping changes in our negligence laws only where the interests of perhaps the most influential group in this State were concerned but where there were other rank and file interests, perhaps, that didn't speak with as strong a voice or carry, quite frankly, as much political clout, we weren't willing to take that same step to bring some relief to the rising insurance costs that they experience as well as medical providers' experience. So, I think we need to ask ourselves just as searchingly as we can whether our decisions in this Body are going to be made solely with regard to the...the political standing of the interest group that's affected by those changes or whether we are going to apply rules of law across the board for all interest and parties regardless of their influence, regardless of their standing and regardless of the representation that they may or may not have here in Springfield; and I would hope that...that when we ask ourselves and each other that question, we will decide that rules of law ought to apply equally to everyone and that we, therefore, ought to take another look at this Conference Committee report and see if we can't move in the direction...ever so slightly in the direction of some of the changes that we made last year in the medical malpractice field so that everyone in this State will stand with an equal footing when his or her or its interests are affected in the courts of law in Illinois, and for these reasons, I urge the rejection of this Conference Committee report and ask that all of us try and do a little bit better, I'm sure we can.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

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

rise in support of Senate Bill 1200 for the reasons so well articulated by President Rock and the other proponents of this legislation. However, unlike Senator Rock, I find it very difficult to cast my vote in favor of Senate Bill 1200 without, for the record, responding to the cry of the majority of my constituents. One of the speakers mentioned about all of those persons who participated in the debate and deliberations throughout the many hearings on this issue, but I can assure you that fifty percent, at least, of my constituents were not a part of those deliberations, not because they didn't want to be, it is because for many of them, they could not be. That is why they elect Earlean Collins from the 9th District to speak and to be their voices when they cannot be there or here. One of the most critical parts of this bill that disturb me is the part, of course, that has been mentioned by several other people and that is the absence of any type of rate regulations. For seven years I worked very closely with my ex-husband in the House of Representatives here who devoted his entire life to fighting the injustice in the insurance industry, redlining and discrimination in the City of Chicago and...in other areas in this metropolitan areas in the State and to no avail; and so, when I came here about nine years ago, I took up that challenge, and year after year I introduced some form of rate control which year after year was defeated, and so this year when the rate reform legislation was introduced, I delighted in sending out a questionnaire in my quarterly report and informing my constituents that for the first time a ray of hope was imminent, that they may, for the first time, get some relief for the high insurance rates, and I sent out in that quarterly a response, a tear-off, and their response...the overwhelming response was we want lower insurance rates, we cannot afford them. Now, for some of the great parts of this bill, the affordability of insurance for our little day-care centers,

our small businesses, our local units of government, those entities are very important but far less important to that fifty percent of my constituents who have to work for a living and for some of the reasons that Senator Newhouse articulated in his remarks here earlier. Each of us have a responsibility to represent our districts to the best of our abilities, but most of all, we should...our actions here should reflect the interest of those who sent us here; and for that reason, I will continue this struggle so that next year I will amend section...I will amend Chapter 73 and a new paragraph section under Section 14310A to make sure that once that data is collected and that it...it is clearly evident that an insurance company's rates are excessive and that the profits are excessive, that at that point in time that the Department of Insurance will have the authority to make some adjustments and lower those rates. That is what I had hoped to take back to my constituents and I'm sorry that it is not here, but I would vote for this bill because this is all and the best that those who worked on it so hard could do.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I was privileged to serve on the Senate Select Committee on Insurance, and as I listened to testimony it became evident that public and charitable functions were grinding to a close because of the high cost of insurance premiums. As I sat there I could envision cities of silence, cities without movement. What this bill and its provisions will do is once again allow children to use their parks, allow board members to serve without fear on the boards of institutions and agencies, allow public officials to have relief from the threat of unrestricted liability, allow local governments to function once more, their public emergency

vehicles available to help those in need. If this bill passes, the swings in the park will no longer be still, public vehicles will once again move in our streets. This legislation may not do everything that each of us wants, but it will continue the services we have so long come to expect in all of our communities.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Generally speaking, I think that the House and Senate have been fair, objective Bodies. I don't always agree with the outcome, but I would say in most cases, we've given all issues a public hearing. This is the first time in my twenty years in the General Assembly that that has not happened, and I must compliment Senator Rock because in the Senate we introduced the bills, they went to Rules Committee, they went to the proper Senate committees, they had public input, input from every Senator and we had Floor debate, and in my judgment, we passed some tort reform. And then what happened when they got over to the House, the Speaker arbitrarily decided...the first time in my twenty years anyway, to stonewall all of those bills that we deliberated and we had public debate on...in the House. Not one bill was let out of House Rules Committee, never a committee hearing, never public debate, never input from members of the House of Representatives. Can you remember anything like that in twenty years of legislative process? Then what does he do, he decides to have the hearings in his office, convenes those hearings in his office, run and operated and controlled by who? The millionaire trial lawyers...the millionaire trial lawyers. They put this bill together. They drew this bill up. They passed this bill out of the House. This is what you're voting on. You think it's going to help the little

guy? Come on, you've got to be kidding me. You know, the word is out, the trial lawyers have intimidated the other side of the aisle, they're all going to vote for it, it's going to pass. I hope the second floor has some courage. I hope he's got some backbone. I hope he does what I hope the twenty-eight Republicans will do, stand up for the little guy.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Five states in this country have abolished joint and several liability in total. You'd ask yourself is there an insurance crisis in those states. The answer in each and every one of those five states is, yes, there is an insurance crisis in those states where joint and several has been totally abolished. We have a modified joint and several system here where if the plaintiff has the majority of the fault, there will no liability, there'll be no payment. I agree with my friend, Aldo, that this crisis is a manufactured crisis. It is very definitely a created crisis, a crisis created by the industry. The essence of the legislative process, my colleagues, is the art of compromise. Over the last six months I don't think I've seen one piece of legislation in the twelve years that I've been here that has been the result of greater compromise than this piece of legislation. Neither side is happy. Neither side got what they wanted but it is in the public's best interest. I'm not totally happy with this bill. I don't think anybody should be totally happy with this bill. I'm not happy that Illinois will remain the only State in the country with a totally unregulated insurance industry, the only State in the country. Back when we had the medical malpractice crisis in the 70's, we tried to get information out of the insurance



industry, they refused to open their books. During this entire crisis when we tried to get closed claim files and information justifying that...the increases, we were not able to get that information. It is my hope that with Article XXV of this legislation, as a result of Senate Bill 2000 which the Senate passed, that we will be able to get that information out of the insurance industry. This is a reasonable, practical approach to a very serious problem. It concerns me that the insurance industry has not been willing to come forth and say, if you pass this bill, if you give us tort reform, if you change the tort system, as we are doing by this bill, Senate Bill 2000, we will guarantee you a corresponding reductions in premiums. Let me tell you, ladies and gentlemen, and I hope that...the people around the State will listen, if there is not a reduction in premiums, there is only one industry to look at and that is the insurance industry because we have made substantial reductions, substantial compromises and there should be substantial reductions in premiums. If there is not, Senate Bill 2000, which will regulate the insurance industry in the State of Illinois, stands ready to resolve that problem. I hope we don't need Senate Bill 2000. I hope this will resolve the problem of availability and affordability. It should. If it doesn't, each and every one of us ought to come back here and say, we took a stand, we compromised, we performed the essence of the legislative process and the industry refused to cooperate. This is the last chance for all of us and it's the last chance for the insurance industry, because the next time we come back here...the next time we come back here, it will be to regulate the insurance industry because that is where the problem was created.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Final speaker, Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. We keep hearing, I don't know how many times in this discussion, that this is an insurance crisis, and believe me, there's enough blame to go around, the insurance companies, the attorneys and we as the public, but I would like to have some folks recall that right at that desk they are doing our hearing in the Senate...on the Senate Floor our summit committee. The Corporation Council from the City of Chicago stood there and when he got done, I asked him, I said, to make it clear, I want to make sure I understood you, I'd like to ask you three questions. One, have you had an increase, as you indicate, in the number of claims? And his reaction was, yes, an almost unbelievable number increase. And I said, have you had an increase in the size of the awards? And the same answer, yes, it was tremendous. Then I said, I'd like ask you one more question, and...yes, sir, and I said, tell me, and I already knew the answer, I said, what company...what company handles your insurance program? And you know what the answer was? We don't have an insurance company. We're self-insured. Now, don't you think that possibly, just slight...slight possibility that New York City is the same way, they don't have any insurance company involved. General Motors doesn't have any insurance company involved. What are you going to do for those people? You going to contact the insurance companies and start...curtailing them or putting controls on them. What about those folks who don't even use an insurance company? Doesn't that sort of indicate maybe that there might be a little question as to this theory that there's a great big conspiracy on the part of the insurance companies? That's not so. Everybody else is at fault. I just think that we ought to give this a good solid look. I think that for us to keep blaming the insurance companies...yes, they have had faults, no one questions that. I think the problem with the insurance companies right now is that finance people are

running the insurance business instead of insurance people. But I would like to have some reaction or some comment, some reaction from the sponsor or from Mr...Senator Marovitz as to how come they keep blaming the insurance companies...have any answer that these people who don't have anything to do with an insurance policy are having the same problems. Could I have some comment or reaction? Oh, I guess Marovitz is too busy right now loving up over there.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. All right. Senator Rock may close. Can we have some order. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator Rupp, I will attempt to respond and I'd like to respond, with the indulgence of the Body, to a number of things that have been said. I will be as brief as possible, but I think for the record a couple of things have to be said. Senator Geo-Karis and Senator Schaffer are overly concerned, I suggest, with respect to the nonreferendum issue because it is nothing more or less contained in the Conference Committee report on Senate Bill 1200 than a restatement, literally a restatement of the current law. Currently, there is already unlimited taxing power to create a tort judgment reserve pool. It's there now. And what we're doing, literally, is we are clarifying and further clarifying that bonds issued for tort judgments may be GO or revenue bonds, but it's not a...it's not a change in the current law. And we have further expanded that to allow joint bonding programs that, obviously, creates a bigger pool and will have a higher return on the investment of that pool than would an individual little account. I think it's a good thing and it's the restatement of the current law. And let me suggest to Senator DeAngelis that, yes, indeed, I will readily admit that we as a people are much too litigious, and how do we

counteract that? I suggest that the article that concerns itself with frivolous lawsuits will go a long way toward curtailing that. And I further suggest and in partial response to Senator Rupp, you and I have both read enumerable documents which illustrate the fact that the insurance industry and its profit and loss is cyclical, and there was a time not too many years ago when the...interest rates were extraordinarily high and the companies engaged, literally, in a price war, not unlike a gasoline price war that we see currently going on in some areas of our State, where they wanted to grab a bigger and bigger and bigger piece of the market, a share of the market, and so they were quickly gathering all their premium dollars and investing them at eighteen and nineteen and twenty percent and were charging too little, admittedly, for the risk they were insuring; but come 1985 and particularly 1986, brother, they're making it up in a hurry, because they are now attempting to limit their exposure because the return on their investment is not significant enough. And the beauty of it is we don't even know what the...profits and losses are. I, for one, in my rather simplistic approach, was appalled to find out that dividends paid to stockholders and every property and casualty stock on the market has gone up dramatically, I hope you know. I didn't realize that dividends paid to shareholders were written down as underwriting losses. That's a little too esoteric for me. I really thought a profit was a profit and a loss was a loss, and if you were paying your shareholders, that's a profit, now it's an underwriting loss. We don't have that information yet, but under this bill, we're going to get it. They're going to have to disclose those kinds of numbers so that we can make a reasoned judgment and we can say, yes, indeed, there is a crisis. We can't make that now. We have to take their word for it and it's awfully difficult to take the word of an industry when their stock is going up

dramatically and the dividends that they pay to their shareholders are increasing. And, Senator DeAngelis, let me just suggest to you that if you're concerned about the collateral source rule about which you admit not to be too familiar, the one that's in here is the one that was...is tougher than...tougher than the one that we sent out of here on 2263. All we did there was say that they had to consider it. This is a deduct, you don't get the money, it's deducted from the award. And, Senator Watson, we did exclude medical malpractice from this collateral source rule. You know why? 'Cause we've got one. The Supreme Court just said it was okay and it's tougher than this one, so we left it alone. And to Senator Schuneman and...and Philip, let me just say, I'm almost chagrined. You're giving the Speaker too much credit. I will confess to you I had something to do with this Conference Committee report. Now that's the honest truth. I helped write it and all I've heard is that you didn't like what the Speaker did over there, so that somehow makes it bad and you're still arguing about what's not in here. I suppose we could argue for the rest of the year about what...what we haven't done this year or last year or what we may not do next year. But let me just suggest to you that I don't care if it's Conference Committee Report No. 1, 2, 3, 4, 5, 6, 7, 8, 9 or 10, there will not, as long as I stand here, be caps on the recovery of an injured individual. There will not be an abolition of joint and several liability in any report as long as I have something to do with it. I will never apologize for protecting the rights of the injured party and you shouldn't apologize either. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is...the question is, shall the Senate adopt the...the first Conference Committee report on Senate Bill 1200. 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? Last chance. Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 23, 5 voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 1200 and the bill having received the required constitutional majority is declared passed. Senator Philip, for what purpose do you arise?

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The verification of the affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Philip has requested a verification of those that voted in the affirmative. Will all members be in their seats. The Secretary will read the affirmative votes.

SECRETARY:

The following voted in the affirmative: Berman, Carroll, Collins, D'Arco, Darrow, Dawson, Degnan, Demuzio, Hall, Holmberg, Jones, Jeremiah Joyce, Jerome Joyce, Kelly, Lechowicz, Lemke, Luft, Marovitz, Nedza, Netsch, Newhouse, O'Daniel, Poshard, Sangmeister, Savickas, Smith, Vadalabene, Welch, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip, do you question the presence of any member that voted in the affirmative?

SENATOR PHILIP:

No, it would appear they're all here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On a verified roll call, the question is...on the verified roll call, there are 30 Ayes, 23 Nays and 5 voting Present. The Senate does adopt the Conference...first Conference Committee report on Senate Bill 1200 and the bill having received the required constitutional majority is declared passed. Senator Marovitz.

SENATOR MAROVITZ:

Having voted on the prevailing side, I move to...reconsider the vote by which Senate Bill 1200 passed.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Senator Marovitz moves to reconsider the vote. Senator Lemke moves to Table. Those indicate by saying Aye. Opposed Nay. The Ayes have it. The motion is Tabled. Okay, and we'll return now to the Supplemental Calendar No. 6. Supplemental Calendar No. 6 is House Bill 2989. Senator Sommer says no. House Bill 3043, Senator Lemke. Senator Lemke...wait a minute. 3043? Mr. Secretary, House...House Bill 3043.

SECRETARY:

First Conference Committee Report on House Bill 3043.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Lemke.

SENATOR LEMKE:

What this Conference Committee report does is...leaves the bill in the way that we passed the...out of the Senate by taking out the original contents of the bill and only leaving in our two amendments, one authorizing the State's Appellate...Service Commission to disburse funds to counties on a per capita basis, and the other one was the civic center authorities to certify eligibility for State financial supports for West Frankfort, Herrin, Jefferson County Civic Centers. I think it's a good bill and I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This is the bill that originally contained the language that would have established a one hundred percent State mandate for civil justice matters in counties, and while that particular language has been taken out, the sponsor did amend the bill before it left the Senate the first time to allow the State's Attorney's Appel-

late Prosecutors Office to receive and disburse State monies to counties to reimburse those counties for the cost of various criminal justice activities. What I think this means, Mr. President, is that this language sets up the mechanism whereby a later appropriation can be put into place to fund this program even though we are not going to mandate a one hundred percent State reimbursement, and I would simply oppose the bill on the basis of that language. If you're in favor of...or if you're opposed to setting up and funding this program, then I think you should join me in opposing the Conference Committee report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. This also helps a bunch of people who are interested in the civic...centers, Aurora, Bureau County, Collinsville, Herrin, Knox County, LaSalle, Ogle County, Orland Park, Pekin, Rockford, Rosemont and it also says that any one of these civic centers or any one who had...grant money by DCCA does not have to pay the interest back on that, and for that reason, I would urge an Aye vote on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Schuneman for a second time.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I just rise to suggest that...as I told Senator Joyce earlier, I have no objection to this particular provision and I'm sure that if the Conference Committee comes back approving this, that I'll be in support of it, but I do rise in opposition to the other provision.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lemke may close.



Ab 1957  
C.E.R. #1

SENATOR LEMKE:

I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Question is, shall the Senate adopt the first Conference Committee report on House Bill 3043. Those in favor will vote Aye. Those opposed 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 33, the Nays are 20, 3 voting Present. The Senate does adopt the first Conference Committee report on House Bill 3043 and the bill having received the required constitutional majority is declared passed. Senator Lemke moves to reconsider the vote by which House Bill 3043 was adopted. Senator Lechowicz moves to Table. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Motion to Table is approved. All right, if you'll turn over on the...the back side of Supplemental Calendar No. 6 is House Bill 3525. Senator Barkhausen, are you ready? 3525. On the back of page...Supplemental Calendar No. 6, cannabis. Mr. Secretary, House Bill 3525.

SECRETARY:

House Bill 3525, the first Conference Committee report.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I...I've no idea what this is. Out of the record.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right, take it out of the record. House Bill 3549, Senator Etheredge. House Bill...I'm sorry, Senate Bill 1763, Senator Sommer. Senate Bill 1809...Senator Savickas on the Floor? All right, is there leave to come back to that in a few minutes? Leave is granted. Senate Bill 1957, Senator Friedland. Supplemental Calendar No. 6, back page, Senate Bill 1957, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 1957.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. These...the...this first Conference Committee report adds language suggested by the Attorney General to define odometer fraud, when one tampers with the speedometer, and it revises the Crime Victims' Assistance Act, and I'd urge your favorable consideration of this measure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1957. Those in favor will vote Aye. Those opposed 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 57, the Nays are none, none voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 1957 and the bill having received the required constitutional majority is declared passed. Senate Bill 2129, Senator Degnan. Senator Degnan on the Floor?

PRESIDENT:

On the Order of Supplemental Calendar No. 6, Conference Committee report on Senate...let's get this started and then we can talk about it...on Senate Bill 1809, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 1809.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. Senate Bill 1809 is a collage, I guess, of everything that's left in the education area for

the Session. I will attempt to brief, at the same time cover all of the points that are covered in the Conference Committee report. It...one, deals with the excess bond proceeds, which was House Bill 3351, which permitted school boards to transfer excess bond proceeds to their operations and their building and maintenance fund. That provision now also applies to the City of Chicago. We passed out a bill similar to that in the...in the Senate this Session. The dismissal hearings would provide the downstate school districts the same that is applicable now and is in effect for Chicago school district which would permit both parties involved in a teacher dismissal hearing to engage in prehearing discovery procedures. It will provide also in the open meetings that subject of the meetings of the governing boards of special education, joint agreements, cooperatives that these...that these boards are subject to the provisions of the Open Meetings Act. There is also a referendum on social security and Medicare coverage to the extent that the Federal law would allow for coverage. School districts shall make social security and...Medicare...withholdings for teachers available only upon approval of a referendum by the teachers and that is permissive, I am told, by Federal law. Submission of the Chicago Board of Education budget which was similar to a...Senate Bill 3074 which Jeremiah Joyce had here in the Senate which would provide for the SBE to submit its financial plan and budget to the Finance Authority no later than thirty days, which is currently forty-five days,...before the beginning of the school year. In the gifted, the remedial and the summer school it would change the dates from June 15th to July 15th for the payment of claims under the gifted remedial program. Curriculum study would require the State Board of Education to conduct a study of courses in grades seven and eight and categorize them as effective or elective courses and to report those results to the General Assembly.

In the area of vocational education, it would permit public school counselors and administrators to participate in the vocational instructor practicum program established by Senate Bill 730. It would provide also for...beginning 1987-88 academic year that the State Board of Education will award five hundred scholarships to qualified high school students who desire to become teacher education majors at public institutions of higher learning in Illinois. It will change the special education calculations allowing for the daily enrollment to...to be the calculation used in determining the...the cost for special education facilities and also would, in fact, require that after...June 30th of '87 that school buses...that they would have to have passenger seat backs of a height of twenty-eight inches, which is currently twenty-four. This section does not apply to school buses that are registered in other states and operate in Illinois on a regular basis. Physical education permits rather than require school districts to include health education in the physical education program, and also, finally, provides voter approval for school consolidation propositions. It's rather lengthy in nature. I would move adoption of Conference Committee Report No. 1 to Senate Bill 1809.

PRESIDENT:

All right, Senator Demuzio has moved the adoption of the Conference...first Conference Committee report on Senate Bill 1809. Discussion? Senator Welch.

SENATOR WELCH:

A question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Demuzio, on page 12 of the Conference Committee...report, you referred to prehearing discovery. You are allowing the State Board of Education to promulgate uniform

standards and rules of procedure for the hearings and you have at a minimum four different requirements. I've had inquiries from my district concerning these...discovery procedures. Are these to be the same...of the same scope as the Civil Practice Act in regard to lawsuits or are they to be less comprehensive in scope?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

I will yield to my attorney, Senator Berman...but I am...to Senator Berman.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. We've had a considerable amount of discussion this...in this day on this. It is my understanding, number one, that the discovery procedures set forth here will not be as extensive as the civil...Code of Civil Procedure. For example, there is nothing in here that calls for virtually unlimited depositions. You'll notice that that's not specified. It says at a minimum. I doubt if the State Board would adopt that kind of approach, they could; I don't think they will. So, that, for example, is one time-consuming discovery procedure that is not specifically spelled out here. What we've tried to do is to allow some reasonable notice to the teachers as to what the basis for the...of the evidence will be, but let me also add that there's some confusion between what Chicago does, what the State Board ought to be able to do and what is fair in these processes and, timewise, economical. I think we'll have an opportunity between now and next spring to see if this works and fine-tune it perhaps at that time.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Welch.

SENATOR WELCH:

...I have another question of Senator Berman, if he would respond.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Berman.

SENATOR WELCH:

Senator Berman, you have...number four, the minimum requirement is production of relevant documents. Is it your intention that if one party objects to what documents are relevant that the hearing officer will then decide on the basis of a motion whether certain documents have to be provided and as well whether certain interrogatories have to be answered?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Berman.

SENATOR BERMAN:

Senator Welch, you're...you're too good a lawyer and you're asking too good a question. My answer is, I don't know. Unlike a regular courtroom where you have a continuous judge sitting to respond to motions, the hearing officer doesn't have that same capacity, so that's part of what I called for in the fine-tuning. I'm not sure how these are going to work. So, I'm...I'm not able at this point to give you...a definite answer.

PRESIDING OFFICER: (SENATOR D'ARCO)

WBBM requests leave to videotape the Senate proceedings. Is leave granted? No objection, leave is granted. Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR D'ARCO)

Sponsor indicates he'll yield.

SENATOR FAWELL:

Does this...discovery rule cover both tenure and nontenured teachers?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

All right, my advisor indicates that is a procedure that is applicable to a tenured teacher situation.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Fawell.

SENATOR FAWELL:

For, in other words, if a...if a teacher is...is on probation and he is...is waiting to...attempting to...a first-year teacher and for some reason or other she doesn't make the grade or they can't use her, she will not have the right to go through all this process?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

Well, again, the advice I have that this entire section that we are amending here only refers to tenured teachers. There is a separate set of criteria for teachers that have yet to receive...to receive tenure and, therefore, it is dealing with those that are...in...already tenured teachers within the system.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Kustra.

SENATOR KUSTRA:

Well, thank you, Mr. President and members of the Senate. I'm sure that my remarks will remain hollow, but I'll say them one more time. I know it's the last night. I know that there are Conference Committee reports which contains all kinds of goodies in them. Please take a look at this Conference Committee report. You've got in this Conference Committee report three or four proposals which this Senate has

never seen. In some cases, I'm not so...sure they've even been seen by the House. One of them, the one that we were discussing moments ago, deals with that very delicate process of special education. Now I can't even tell you why my people back home have already called and objected to this simply because of the fact that there hasn't been time to see it, it is a brand new proposal, it's been considered nowhere in this legislative Body, not in committee, not on 2nd reading, and finally, when we get a Conference Committee report that is designed...so we're told and so we tell our constituents to work out the differences between two bills, we see that it is a vehicle for brand new legislation. I don't even think it's necessary to go into any of the merits or demerits of this Conference Committee report or the individual matters within it. You're all going to go home and you're going to find out from your school districts or your school teachers or your PTA's that you did something wrong and you know why it's going to be? Because this came at the last minute without proper deliberation. Let's vote No, send it to a second Conference Committee report, take out the junk and let them come back.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr President. Question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR MAITLAND:

Senator Demuzio, with respect to...to the referendum that could be requested by...by the teachers, I wonder if...if you could describe for us...keeping in mind we understand the mandate now with regard to...to employees hired after the magic date of April 1, 1986, but with respect to those who



are...are employees prior to that date, what would be the...what would be the impact upon...upon the school district and...and how...how could they derive the money to pay for the extra cost?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

Of course, as you know, Senator, the...with respect to Section 10-20, the Federal Social Security and Medicare withholdings that currently the...the current Federal law does, in fact, allow such coverage and that school districts shall make social security or Medicare withholdings or both for employees that were subject to the Article XVI and XVII of the Pension Code only upon the approval of a referendum applicable to such employees. The individual impact to...to respective school districts, I guess, would have to be measured on an individual basis.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

I...I believe you were referring to the employees who...who are...are hired after that date though. Is that not correct?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

Senator Maitland, as I interpret your question, it is applicable to school district teachers that are hired after a specific or a certain date. I...I...unfortunately, I didn't hear the...total extent of your question.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland. Can we have some order, please...

SENATOR MAITLAND:

I'm...I'm sorry, Senator, the...the referendum applies to

the...to those who...who...who don't fall under the law and my point is...that would be a greater number of individuals, obviously, and my point is, this is a tremendous...if the teachers would...in fact, vote in favor of Medicare coverage, that, in fact, would be a rather sizeable cost and I'm asking you, how do we pay for this?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

Well, again, Senator, that is a...a cost that is borne by the local respective school districts. I suspect I could ask the same question of every program that we've passed out of here in reference to Senate Bill 730 or those programs that we didn't fully fund this year or...or that kind of...of answer.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Could you tell me how this would affect the employee's share?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

Well, again, I...I am told by my advisor here that this, in fact, would be determined after we have an opportunity to see precisely what takes place in the...in the referendum process.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

I do very much appreciate that answer. Next question. Could you tell me what might be the cost of the provision with respect to the seat belt...heights...with the...the...the back heights? What kind of a cost is

involved there?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

I am told that that estimate is 1.8 million dollars paid for from State sources.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Per year?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

I...I think it's a one-time cost, I think.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Well, I think it's on...on...on buses purchased after a certain date. So, it's obvious any bus that's purchased after a certain date will be...will have these particular seat back heights. Is that not correct?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

Yes, that...when I referred to the 1.5 million dollars would be the up-front, first-time cost of those buses that were purchased after 6-30 of '87.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

All right, then I'm wondering then is this an ongoing thing for a here to eternity or is this just the first year and then it becomes a...a...an additional cost of the school district?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

Well, it would be an ongoing cost, but the 1.5 million would be for those buses to bring them in compliance with this provision.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

And...and, obviously, there is no...approp. for that, so that...that...that is a...that is a problem. Next question. I'm wondering about the...the amendment that affects Section 11A and 11B. Could you tell us why that is...that deals with school district reorganization. Now I'm...I'm aware of the fact that that puts it...in somewhat the same conformity as the reorganization part of 730. I wonder why we're doing that in 11A and 11B?

PRESIDING OFFICER: (SENATOR D'ARCO)

Sit down. Sit down. Senator Demuzio.

SENATOR DEMUZIO:

Because...first of all, in...in reference to your question relevant to the...the buses and the cost. The fiscal impact is not until next fiscal year, so, therefore, there is no specific cost this year. In terms of the school consolidation proposition, there were numerous legislators that were interested in those provisions in the House and precisely that is why that this provision has been added in this bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Thank you. And finally, with respect to the physical education part of...of the bill, and this is, I guess, for clarity more than for anything else. As you know, very vividly, health education was to be taught in conjunction

with P.E. in 730...in conjunction with P.E. in 730. How have we altered that in this amendment?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

All right, instead of requiring physical education in grades nine and ten, we are making it permissive.

PRESIDING OFFICER: (SENATOR D'ARCO)

I thought you said finally. Senator Maitland.

SENATOR MAITLAND:

Well, I'm almost to the final finally. What...what would happen...in other words, they can teach health education in any year in high school. Is that correct?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

Senator Maitland, in Section 27-5 we are dealing with the physical education that is required...was required in...in grades nine and ten. That was made mandatory. We are changing that to make it in...in grades nine and ten permissive.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right, finally and...is this the finally finally? No. Senator Maitland.

SENATOR MAITLAND:

So then...so then where do they teach health then if it is not caught in conjunction with P.E.?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

We are not demanding physical education, we are...oh, we're changing the curriculum to the extent that it is then permissive.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

So, where is it taught, Senator? That's the question.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

All right, Senator Maitland, I...I...I think I understand the thrust now of your...of your question. What we are dealing with here is making physical education permissive. You are asking specifically where the health course is taught. The...it is its...its own separate identity in the curriculum process and, therefore,...so, therefore, the health instruction just simply takes place regardless of what we're doing here with this permissive section.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland to wind it up.

SENATOR MAITLAND:

...and...okay, thank you. And finally, there some real reasons why we...why we required that in physical educations last year, Senator Demuzio. You remember that discussion. I think this is a departure from the...the intent that we had in...in 730; and let me just say then in closing, Mr. President, and thank you for your indulgence, I agree with Senator Kustra. There are a number of things in...in this Conference Committee report that cause some very serious problems to school districts from the...from the discovery procedure clear through all the other components of this Conference Committee. I think those of you who are paying very little attention to the debate on this bill should really, really look at what you're doing here. You are imposing some very serious and critical mandates upon some school districts and we ought to reject this Conference Committee report and send it back for a second conference.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Kenneth Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR HALL:

Just for clarification, Senator Demuzio, when you're saying here on page 16, Section 2917, and you refer to passenger seat backs, is...is that seat belts? Is that what seat backs are? What...what are seat backs?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

No, it is...it is...it is not a...a seat belt. It...it is one that requires the...the height of the school...in school buses of the passenger seats to be a height of twenty-eight inches rather than twenty-four. It has got nothing to do with seat belts.

PRESIDING OFFICER: (SENATOR D'ARCO)

...Senator Demuzio to close.

SENATOR DEMUZIO:

Well, thank you, Mr. President. There is, in fact, a collage of things in this. I will point out, however, that in the area of school district consolidation, for those of you that are interested in that issue, that it, in fact, strengthens it; but I guess the most important issue that is contained in this legislation is the fact that we are currently going to roll over about eighteen million dollars in the...in the gifted remedial summer school, and I think by changing that date from June 15th to July 15th that that picks up eighteen million dollars in additional dollars for school districts in Illinois, and simply on that basis alone, I would move for the adoption of the first Conference Committee report to Senate Bill 1809.

PRESIDING OFFICER: (SENATOR D'ARCO)

SB 2129  
Let e.e.R.

The question is, shall the Senate adopt the first Conference Committee Report on Senate Bill 1809. 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? Have all voted who wished? Take the record, Mr. Secretary. On that question, the Ayes are 34, the Nays are 21, 1 voting Present. And the Senate does adopt the Conference Committee report on Senate Bill 1809 and the bill having received the required constitutional majority is hereby declared passed. Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

A point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR D'ARCO)

State your point.

SENATOR DeANGELIS:

In the gallery behind me are Mr. and Mrs. Doggett, some good friends from back home and the father of Enrico Doggett, one of our leaders in the City of Chicago Heights. I would like for them to stand and be recognized.

PRESIDING OFFICER: (SENATOR D'ARCO):

...please stand and be recognized. Welcome to Springfield. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, thank you...for the purpose of an announcement. I...these just arrived. They came out of the State Treasurer's vault, the suggested address for Independence Day...and they're going like hotcakes.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Put one on my desk, Sam, will you? All right. Senate Bill 1957...Senator Friedland. We...we did it already. Senate Bill 2129, Senator Degnan. Read the Conference Committee report, Mr. Secretary.

SECRETARY:



First Conference Committee report on Senate Bill 2129.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Conference Committee Report No. 1 on Senate Bill 2129 is familiar to this Body. It includes five items and is exactly the same except for two minor changes as we addressed several days ago. It includes giving the State a right to substitute judges, which passed out of this Chamber 53 to nothing. It includes juvenile court's speedy trial provisions, which passed out of here 57 to nothing. It includes the State's right to a jury trial for felony narcotics offenses only, which passed here 48 to 3. It includes the Narcotic's Forfeiture Act, which passed this Body 54 to nothing. And last but not least, it eliminates the categorical jury exemptions which has been rejected by this Body in the past and which I am not in favor of. This provision was forced into House Amendment No. 2 by Representative Cullerton in the House and I believe the Governor shares our opinion of the idea and will act appropriately. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much. I would like to reiterate what...what my colleague on the other side has said. If you will note, that Conference report was not signed by any Republican Senators. And it is because of the fact that that...that item is in there that our good friend sitting in the press box will be placed instead in a jury box and we wouldn't have the pleasure of their company. So I would suggest to you we vote down and bring it back to the Conference Committee.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Lemke.

SENATOR LEMKE:

The question on this bill is not the original content, the question is whether we should eliminate the process of exemptions. If the secret...if we want to have a fair deliberation in the jury, I don't think we want...anybody in the press to be there to reveal what was said in the jury room. The expressions that are made by people in argument, in comments, only if they fairly deliberate. And I don't think that if you're a doctor you want a Melvin Belli or a Phil Corboy sitting on your jury. And I don't think if you're a Melvin Belli or a Phil Corboy you want a bunch of doctors suing...sitting on your jury if you're suing for malpractice. I don't think it's the time to just wipe out all jury exemptions. I don't think police officers should be taken off and allowed to serve on jury. I don't think legislators...I don't think we should have the Governor. I mean, there's certain things that we should consider but the way is not to completely eliminate this. And the question with the press is, I don't think there will be any judges that will put a member of the press on or a lawyer or anybody else on these juries. But...call down, they'll be impaneled and they'll sit around and wait because it's their civic duty and they will not be put on these panels. I think the time is to...to...to reject this Conference Committee report and I'll tell you why. Everything that's in this bill we have put into Senate Bill 1565, that has been on the Table, we can vote for that and the burden will be on the House if they don't call that bill. And if the House Chairman of the Judiciary Committee wants to let people out of jail early that rape children the second time and not put them under Class X, if he wants to reveal things, if he doesn't want us to confiscate on narcotic's forfeitures, if that's what he's trying to do; if he doesn't want us to have a jury trial on

cases involving narcotics and felony charges, if that's what he wants to do, then let the burden be on him. But that Conference Committee report has been filed and we can vote on it today and we can hold this and ask for a second Conference Committee if it's necessary. But the only way we can quit this nonsense that goes on between the House and the Senate Judiciary Committee and to tell the liberal House Judiciary Committee that we want law and order legislation and we do not want them to invent ways to kill it is to reject this Conference Committee report, either abstain from voting or vote Present or No.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. I would like to just address one section of this bill which has been attacked by Senator Degnan and Senator Lemke. It's a bill that I carried in the past, and I think if we argue fairness and if we argue law and order, then you have to guarantee something that is constitutional and that is right to a jury of one's peers. At this moment in time there are twenty-six groups who have been exempted from jury service for no other reason other than the fact that their special interest group has had the clout to get them out of jury service. The current exemptions and peremptories exist under this bill so that any attorney not desiring to have them on a jury can remove them as such. Also, too, I would like to note that, yes, doctors are excluded but the nurse that cleans the bedpans, she's not. And the dentist is excluded, but the dental hygienist who cleans the teeth, she's not. And, likewise, when we talk about the press, these exemptions are so archaic that they don't even cover the broadcast medium, they just cover the print media. So right now, any of you broadcasters out there are perfectly

liable to be called in for jury service and you will not be exempted unless again you...you are under the direction of an attorney's peremptory. This isn't a fair bill, you can't go into court, the lottery now is so constricted with the people who have been removed from jury service that the same people are called in over and over and over again. And it especially zeros in on those who don't have powerful lobbying groups and who don't belong to some of these protected occupations such as those who are retired, so our senior citizens get called over and over again, those who really and truly need jury exemptions because they may be too infirmed to be able to get to that jury. And I think in fairness and in providing what is our constitutional right that this should be part and parcel of this bill and that...and deserves, you know, some decent...attention. And on that basis, I would encourage an Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jeremiah Joyce.

END OF REEL

REEL #5

SENATOR JEREMIAH JOYCE:

Well, thank you, Mr. President, members of the Senate. There is some truth in what Senator Topinka has said but I think we are losing sight of the fact that we are...these exemptions while they may come in part from interest groups they also stem in part from efficiency, efficiency in the administration of our...of our court system. And to summon a group of people that we know will not be selected...or very likely will not be selected to be members of the jury just doesn't make any sense. Now whether this group is too large, this...this exclusion is too large at the present time is another question. The fact of the matter is...is that there are groups in here that will not be selected. Members of the press will not be selected. What the House sponsor has in mind, I don't know. He runs this thing by us, he runs this thing by us again, he runs this thing by us again. Does he have a particular grudge with someone, you know, let him straighten that out, but to put it on this bill and put this bill in jeopardy makes no sense at all. And I am going to vote No on this...committee report and hopefully we will get this legislation back without this proposal on here and we'll be able to send it to the Governor.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR D'ARCO)

Sponsor indicates he will yield.

SENATOR DAVIDSON:

Does this Conference Committee report contain House Bill 327 which we defeated very soundly here in the Senate a few

weeks or a few months back?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Degnan.

SENATOR DEGNAN:

I don't know what House Bill 327 is, maybe you can explain it to me and I'll give you the answer.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Davidson.

SENATOR DAVIDSON:

All the...removing all the exemptions of people who presently are not called for jury duty.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Degnan.

SENATOR DEGNAN:

That is correct. House Bill 377, I believe, was defeated last Session by a vote of 27 Ayes, 25 Nays and earlier this year was held in Senate Rules.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Davidson.

SENATOR DAVIDSON:

That's correct. I stand corrected when I said 327 rather than 377. Ladies and Gentlemen of the Senate, I would recommend a No vote on this bill. Many of the items which may be said why some different people should be put on a jury list rather than be exempted. I think the people who are exempted in the Statute was written in there for a purpose. In relation to the media, that is not print media, all you have to do is amend the Statute if that's a problem. I don't know of anyone in the news media that's been taken as a jury member but I do know that a number of people were exempted by Statute that if this is removed and the jury commissioner or the attorneys for the defendant or the plaintiff allowed that individual to be seated, you're certainly going to disrupt a lot of the normal process either in government or in business

while these individuals are serving on a jury. And I agree that I am torn between what is everyone's constitutional duty to serve on a jury, but by the same token, we must make sure that government and business and just normal everyday life works in an orderly fashion; and to remove these people from exemption of the jury where they could be tied up weeks on end and see their business or government or whatever they're involved go down the drain, I don't think is good government. I would urge all of you to vote No and let's get this item out of this Conference Committee, it's been defeated a number of times and it needs to be defeated again.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I have been in contact with the representative of the Governor's Office, I'm as sensitive as you are. Some of these provisions that have been discussed, the Governor has agreed to amendatory veto. Instead of sending it back to the House and never know what's going to happen, I would suggest that we just vote for it and let the Governor do his good work.

PRESIDING OFFICER: (SENATOR D'ARCO)

...Senator Degnan to close.

SENATOR DEGNAN:

Well, thank you, Mr. President, thank you, Senator Philip. Senator Lemke is correct when he says the four items that we have passed out of here before are now contained in a Conference Committee on Senate Bill 1565. But I would suggest that 1565, without the Mr. Cullerton jury...elimination will not see the light of day in the House. I am again assured that the Governor is of the same opinion as most of this Body and would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 2129. 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? Have all voted who wished? Take the record. On that question, the Ayes are 23, the...the Nays are 25, 7 voting Present and the Conference Committee report is not adopted and the Secretary shall so inform the House. Senator Degnan, do you wish a second...a second Conference Committee report? He indicates he does. Senator Barkhausen, House bill...Conference Committee Report 3525. Senator Barkhausen.

SECRETARY:

First Conference Committee report on House Bill 3525.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, the first Conference Committee report on House Bill 3525 does a couple of different things. It makes a technical correction in House Bill 3525 as it passed this Chamber unanimously so as to allow the Department of Alcoholism and Substance Abuse to schedule cannabis derivatives under the Controlled Substance Act when the Federal Government has done so. Now, in addition to that, it includes what was House Bill 3290 which passed the House almost unanimously and was the same as House Bill 1567 that passed the Senate 56 to 1 last year. What that particular bill did was to amend various Acts to provide that there shall be added to every fine imposed for a criminal offense or traffic violation an additional penalty of four dollars for each forty dollars of the fine imposed; at the same time, the bill reduces the Drivers Education Fund surcharge on traffic fines from five dollars to four dollars for each forty dollar fine imposed. In addition, the bill provides



for the allocation of these fine monies for narcotic offenses to various units of government. This bill has been requested by the circuit clerks and has been the subject of past debate. I know of no opposition and would urge the adoption of the report.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Lechowicz.

SENATOR LECHOWICZ:

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

PRESIDING OFFICER: (SENATOR D'ARCO)

The sponsor indicates he will yield.

SENATOR LECHOWICZ:

What's the...what's the position of the Clerk of Cook County on this issue...circuit court clerk, Morgan Finley?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Without really knowing specifically, Senator Lechowicz, I...I would guess he supports it in that I'm told the Circuit Clerks' Association supports it, but I...I...no one...has had any direct conversations with the office that I know of.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Lechowicz.

SENATOR LECHOWICZ:

What would be the revenue impact then for the County of Cook and City of Chicago with the adoption of this Conference Committee report?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

It...it would increase the...the revenue somewhat.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Lechowicz.

SENATOR LECHOWICZ:

...that's really not an answer. What...what are the projections on that? You mentioned some figures in reference to the number...the change in the...the amount of dollars going into the units of local government in the county. Would you repeat that and...how it applies...in Cook County?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen. Calm down, leaders, calm down.

SENATOR BARKHAUSEN:

...as I mentioned, Senator Lechowicz, it increases the penalties for criminal offenses and traffic violations four dollars for each forty dollars. Looking at the...at the past schedule, there was a more graduated rate of surcharges such that there was...four dollar fine for up to sixty dollars, and then from sixty to eighty dollars six dollars, and then from eighty dollars to a hundred dollars, it was eight dollars and then over a hundred dollars, the surcharge was ten dollars. So the...the surcharge will rise more rapidly as the level of the fine increases and...and, therefore, it...only stands to reason that there would be a...I would think a fairly significant increase in...in revenue,...perhaps not overwhelming, but I...I can't give you an aggregate figure of...of what it will mean to the...to Cook County or any other county in the State.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. And what's the breakdown on the surcharge? How much goes to the city, how much goes to the county, how much to the State?

PRESIDING OFFICER: (SENATOR D'ARCO)

(Machine cutoff)...Barkhausen.

SENATOR BARKHAUSEN:

As I understand it, it...it depends on what unit of law enforcement is responsible for filing the charge. There is a specific breakdown with regard to that portion of the bill dealing with narcotics offenses and I can give you that information...currently, when a person is convicted for a drug related offense, twelve and a half percent of all fines are paid to the Department of Alcoholism and Substance Abuse. Under this bill, the...and...and I guess it has not been specific in the past what happens to the remaining eighty-seven and a half percent. Under this bill, that's spelled out in that where a seizure is made by differing units of local government, fifty percent of the fine shall be allocated among units of local government and thirty-seven and a half percent shall be allocated to the county's General Corporate Fund; where the seizure is made by Chicago law enforcement personnel, the court levying the fine shall allocate eighty-seven and a half percent of the fine to the city. If the seizure is made by law enforcement personnel representing differing units of local government and one of those units is Chicago, eighty-seven and a half percent shall be allocated among the differing units of local government. But as I say, with regard to the...to the more common fine, the four dollars for every forty dollars that we were talking about before, the...the fine would be allocated the way it is now based on...on which division of law enforcement is responsible for bringing the case and prosecuting it.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right, any discussion? Any more discussion? Senator Barkhausen to close.

SENATOR BARKHAUSEN:

I would simply ask for a favorable roll call on the adoption of Conference Committee No. 1 on House Bill 3525.

PRESIDING OFFICER: (SENATOR D'ARCO)

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

ence Committee report on House Bill 3525. 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, the Ayes are 53, the...1 voting No, 1 voting Present. And the Senate does adopt the Conference Committee report on House Bill 3525 and the bill having received the required constitutional majority is hereby declared passed. Senate Bill 2300, the first Conference Committee report. No...oh, I'm sorry, we're on concurrence, I'm sorry...I'm sorry. Messages from the House.

SECRETARY:

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

Mr. President - I'm directed to inform the Senate the House of Representatives refused to concur with the Senate in the adoption of amendment to a following House bill.

House Bill 913 with Senate Amendments 1, 2 and 4.

And a like Message on House Bill 3473 with Senate Amendment No. 1.

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

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

Senate Bill 2300 together with House Amendment No. 1.

Those bills are all on Calendar...Supplemental No. 7.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right, with leave of the Body, we will proceed to Supplemental Calendar No. 7, Secretary's Desk on the Order of Concurrence. Senate Bill 2300, Senator Jeremiah Joyce.

SECRETARY:

Senate Bill 2300 with House Amendment No. 1.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. I move that the Senate do concur in House Amendment No. 1 to Senate Bill 2300. House Amendment No. 1 passed out of here with a 53 to 0 vote. It was Senate Bill 2116 that was held in House Rules and I ask for concurrence at this time.

PRESIDING OFFICER: (SENATOR D'ARCO)

The question is...any discussion? The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2300. 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, the Ayes are 57, the Nays are none, those...voting Present are none. And the Senate does concur in House Amendment No. 1 to Senate Bill 2300 and the bill having received the required constitutional majority is hereby declared passed. Senate Bill 2117, Senator Welch. Is...is...a hyphenated cosponsor of Senator Maitland. No, no, no...Senator Welch here? Senator Welch on Senate Bill 2117. On the Secretary's Desk on the Order of Nonconcurrence, House Bill 913, Senator Barkhausen.

SECRETARY:

House Bill 913 with Senate Amendments 1, 2 and 4.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, I recommend that the Senate refuse to recede from Senate Amendments 1, 2 and 4 to House Bill 913 and would ask that a Conference Committee be appointed.

PRESIDING OFFICER: (SENATOR D'ARCO)

...Senator Barkhausen moves that the Senate refuse to recede from the adoption of the amendments to House Bill 913

HB 3473  
Refuse to Recede

and that a Conference Committee be reported. All in favor say Aye. All opposed say Nay. The Ayes have it. The motion carries and the Secretary shall so inform the House. Senate...I mean, House Bill 3473, Senator Davidson. Senator Davidson. Read the bill, Mr. Secretary, 3417...3473.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 3473 with Senate Amendment No. 1.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Davidson on Senate Amendment No. 1.

SENATOR DAVIDSON:

Mr. President, I...I move that the Senate not recede from Senate Amendment No. 1 to House Bill 3473 and ask for a Conference Committee.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Davidson moves that the Senate refuse to recede from the adoption of Amendment No. 1 to House Bill 3473 and that a Conference Committee...be...be appointed. All in favor say Aye. All opposed say Nay. The Ayes have it. The motion carries and the Secretary shall so inform the House. All right, on Supplemental Calendar No. 7, Conference Committee reports. House Bill 2785, Senator Marovitz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill...2785, first Conference Committee report.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. I would move...I...I would ask the Secretary to correct the scoreboard. I would move that the Senate do concur...adopt Conference Committee Report No. 1 to House Bill 2785. This deals with the time limit for adjudicatory hearings in...in juvenile court. It's an agreed amendment. It also specifies events which will...that, and I would ask

for adoption of Conference Committee Report No. 1 to House Bill 2785.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? Any discussion? The question is, shall the...Senate adopt the Conference Committee report on Senate Bill 2785. 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, the Ayes are 53, the Nays are 0, those voting...none voting Present. And the Senate does adopt the Conference Committee report on...what is it?...House Bill 2785 and the bill having received the required constitutional majority is hereby declared passed, first Conference Committee report. House Bill 3058, Senator Degnan. Is Senator Degnan here? House bill...Senate Bill 1565, Senator Lemke. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1565, first Conference Committee report.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Lemke.

SENATOR LEMKE:

What this bill does is identically what Senate Bill...2129 does but takes out the...waiving of jury exemptions. It also provides for...provisions for extended term sentences upon offenders who are at least seventeen years of age and...crime committed and who has...convicted of aggravated or criminal assault where the victim is under the age of...at the time of the commission of the offense. I think it's a good bill and I ask for its adoption.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Any discussion? If not, the question is, shall the Senate adopt the Conference Committee report on Senate Bill 1565. Those in favor vote Aye. Those opposed

SB 1565  
e.e. R.

SB 2173  
at e.e.r.

vote Nay. The voting is open. Take the record. No, hold it...have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Mr. Secretary. On that question, the Ayes are 57, none voting...no...none voting none...none voting Present. And Senate Bill 1565 having received the required constitutional majority is hereby declared passed. Yeah, it's okay. Senate Bill 2173, Senator Luft. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 2173, the first Conference Committee report.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I would move that the Senate concur in Conference Committee Report No. 1 to Senate Bill 2173. The House amendments permits a five-year carry-forward of the coal research utilization investment credit beginning with 1987 tax year. It also subjects a public institution of higher learning that operates a hotel to a...municipal home rule ordinance imposing a hotel tax and makes penalties for failure to file a sales tax return on time inapplicable when failure is nonfraudulent and has not happened in...in the two preceding years.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right, any discussion? Any discussion? If not, the question is, shall the Senate adopt the Conference...first Conference Committee report on Senate Bill 2173. 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 wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. And Senate Bill 2173 having received the required constitutional majority is hereby declared passed. Senator Degnan. Okay. We will go to the Order of Motions in Writing for the purpose



of House...for the purpose of House Bill 3475 on a reconsideration motion. With leave of the Body, we will move to the Order of Motions in Writing. Is there any objections? Hearing none, leave is granted. Mr. Secretary, read the motion.

ACTING SECRETARY: (MR. FERNANDES)

(Machine cutoff)...voted on the prevailing side, I move to reconsider the vote by which House Bill 3475...which a Conference Committee Report No. 1 on House Bill 3475 failed, and it's signed by Senator Leitch.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Leitch.

SENATOR LEITCH:

Thank you, Mr. President and members. We have agreed to not attempt to put on the amendment that we had earlier been discussing, and so we would just be leaving the bill as it originally came to us in its first Conference Committee report, and I would having voted on the prevailing side move to reconsider the defeat of that first Conference Committee report.

PRESIDING OFFICER: (SENATOR D'ARCO)

The motion is to reconsider the vote by which the first Conference Committee report failed. All those in favor say Aye. All those opposed say Nay. The Ayes have it. The motion carries and the vote is reconsidered. Now, on the question to adopt the first Conference Committee report on House Bill 3475. Senator Leitch.

SENATOR LEITCH:

...thank you, I'd simply move approval of the first Conference Committee report.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator Berman.

SENATOR BERMAN:

There's been some things that have intervened, would the

sponsor please describe what this is now?

PRESIDING OFFICER: (SENATOR D'ARCO)

(Machine cutoff)...Leitch.

SENATOR LEITCH:

...yes, this report simply returns it to the first committee report which includes the substantive language for the Exxon agreement, which has not been changed other than the agreement, if that's the direction of your question and it does some other relatively minor things.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Berman, do you wish to respond? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. The Exxon language is, I think, quite acceptable. It creates the Exxon Oil Overcharge Settlement Trust Fund which is a statutory incarnation of getting the money into a fund where it can be used. It allow...it really accommodates the agreement that the Governor had made with the city that they could still use their local agency...the city agency to take care of the weatherization program and, in all respects, is...is quite innocuous of any of the other things that were talked about for a long period of time. And so I would concur in an affirmative vote on the Conference Committee report on House Bill 3475.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Just as a point of information, the vote that this first Conference Committee report was denied was a roll call vote and you took a...we moved to reconsider the vote by which it was first denied. I think we need a roll call on that because there was a roll call initially and a denial. If you want to check with the Parliamentarian, I'll...I think I'm correct on that issue.

PRESIDING OFFICER: (SENATOR D'ARCO)

Well, the...the vote was to reconsider the vote by which the first Conference Committee report failed and we do not...our...rules do not require a roll call vote on that question. The voice vote did carry and the motion to reconsider was...was adopted and was so moved, and now we are on the question of adopting the Conference Committee report. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. On that issue, I also want to move the adoption of the Conference Committee Report No. 1 on House Bill 3475. It does three items, it creates the Exxon Oil Overcharge Settlement Trust Fund and briefly outlines the standards for implementing...contract of the Illinois Home Weatherization Assistant Program. It authorizes the Historic Preservation Agency rather than the Department of Conservation to offer cash incentives to develop a concession complex at Lincoln's New Salem State Park. Basically, the important portion of the Exxon Refund Program has been thoroughly worked out to everyone's satisfaction, and I want to commend...Senator Leitch for his courtesy that he extended to me and possibly offering that this matter be further amended. I want to also thank the staffs 'cause we found another vehicle, and I would hope that the Body would now concur with the adoption of this Conference Committee at this time. Thank you, very much.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator Leitch to close.

SENATOR LEITCH:

Thank you. I'd simply ask for approval.

PRESIDING OFFICER: (SENATOR D'ARCO)

The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 3475. I'm sorry...House Bill 3475. 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 wish? Take the record. On that question, the Ayes are 55, the Nays are none, 1 voting Present. And House Bill 3475 having received the required constitutional majority is hereby declared passed. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The conferees on Build Illinois are currently meeting. There are a number of other conferees meeting. Rather than have us sit around and wait for that paper, my suggestion is...and I have spoken with the Speaker, he will be doing the same in the House is that we stand adjourned until ten o'clock tomorrow morning.

PRESIDING OFFICER: (SENATOR D'ARCO)

The Senate...any further...any announcements? If not, Senator Rock moves we stand adjourned. Hold it, wait a minute. All right, we will complete some paper work. We will go to the Order of Resolutions.

ACTING SECRETARY: (MR. FERNANDES)

Senate Resolution 1167, by Senator Zito.

1168, Senator Lemke.

1169, Senator Lemke.

1170, Senator Lemke.

✓1171, Senator Lemke.

And 1172, Senator Lemke, all congratulatory.

PRESIDENT:

Those resolutions will be placed...pardon me, placed on the Consent Calendar. If there's no further business to come...I beg your pardon.

ACTING SECRETARY: (MR. FERNANDES)

1173, Senator Carroll.

1174, by Senators Welch, Carroll, Schaffer, Poshard and Etheredge.

PRESIDENT:

Executive Committee, Mr. Secretary. Further business to come before the Senate? If not, we've already been moved that the Senate stand adjourned until ten o'clock tomorrow morning. Thank you all for a good day's work. The Senate stands adjourned, ten o'clock tomorrow morning.

END OF REEL

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