

84TH GENERAL ASSEMBLY

REGULAR SESSION

JULY 1, 1986

PRESIDENT:

The hour of eleven having arrived, 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 Senator Kenneth Hall, East St. Louis, Illinois. Senator Hall.

SENATOR HALL:

(Prayer given by Senator Hall)

PRESIDENT:

Reading of the Journal, Mr. Secretary. Senator Smith.

SENATOR SMITH:

Thank...President and members of the Senate. I move that the reading and the 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; Saturday, June 28th; Sunday, June 29th and Monday, June 30th, in the 1986, be postponed pending arrival of the printed Journals.

PRESIDENT:

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

SECRETARY:

Senate Resolution 1175 offered by Senator Lemke. It's congratulatory.

PRESIDENT:

Consent Calendar. If I can have your attention, there are a number of members who have indicated they wish to discharge the Committee on Executive from further consideration of certain resolutions. If you've got a pencil, I'll give you the numbers. House Joint Resolution 198, Senator Savickas. House Joint Resolution 218, Senator Netsch. House Joint Resolution 232, Senator Topinka. Senate Resolution

1146, Senator Geo-Karis. Senate Resolution 1126, Senator Sangmeister. Senate Resolution 1174, Senator Welch. I think in order to get the proceedings started we...that's as good a place to start as any. (Machine cutoff)...repeat those numbers so that there's no...copies, I think, have been distributed of virtually all of these so that no one should be caught unawares. House Joint Resolution 198, Senator Savickas. House Joint Resolution 218, Senator Netsch. House Joint Resolution 232, Senator Topinka. Senate Resolution 1146, Senator Geo-Karis. Senate Resolution 1126, Senator Sangmeister. And Senate Resolution 1174, Senator Welch. House Joint Resolution 224, Senator Welch. (Machine cutoff)...Senator Savickas. Mr. Secretary. House Joint Resolution 198, Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, I would move that...Committee on Executive be discharged from further consideration and House Joint Resolution 198, which is a Sunset Review Committee bill, be placed on the Order of the Secretary's Desk for consideration today.

PRESIDENT:

...do you wish to immediately consider it?

SENATOR SAVICKAS:

Yes.

PRESIDENT:

Yes. All right, Senator Savickas has moved to discharge the Committee on Executive from further consideration of House Joint Resolution 198 for the purpose of its immediate consideration. Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Senator Savickas has spoken with people on this side of the aisle. We have no objection to the motion.

PRESIDENT:

All right, motion is to discharge the Committee on Executive from further consideration of House Joint Resolution 198. All in favor of the motion indicate by saying Aye. All opposed. The Ayes have it. Motion carries. On the Order of Resolutions is House Joint Resolution 198, Mr. Secretary.

SECRETARY:

House Joint Resolution 198 with no amendments.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, House Joint Resolution 198 would create the Joint Committee on State Regulation on Professions and Occupations. The committee is composed of eight legislative members and four public members appointed proportionately by the four principal legislative leaders, and the committee shall review and recommend action on those regulatory Acts scheduled to be repealed on 12-31 of '87. I would move its adoption.

PRESIDENT:

All right, Senator Savickas has moved the adoption of House Joint Resolution 198. Is there any discussion? If not, those in favor of the adoption 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 53 Ayes, no Nays, none voting Present. House Joint Resolution having received the required constitutional majority is declared passed. Senator Netsch. Senator Netsch, we are at your complete disposal. House Joint Resolution 232, Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, I would ask to discharge the Executive Committee for House Joint Resolution 232 which basically asks the State

Board of Education to consult with coaches, teachers and principals throughout the State to study and report on or before December 31st regarding student participation in interscholastic competition and how that would be affected if a student's academic performance falls...below a certain level. I would also like to hyphenate, at this time, Senator Newhouse onto this resolution that Senator Jones and I have. This basically looks at the no-pass no-play provision of the IHSA as well as related activities, and I would ask your support.

PRESIDENT:

All right, Senator Topinka has moved to discharge the Committee on Executive from further consideration of House Joint Resolution 232. Any discussion on the motion to discharge? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and House Joint Resolution 232 is now discharged. On the Order of Resolutions is House Joint Resolution 232. Senator Topinka seeks leave of the Body to add Senator Newhouse as a cosponsor. Mr. Secretary, HJR 232.

SECRETARY:

House Joint Resolution 232 with no committee amendments.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

I think I've pretty well explained it and I would just ask for your support.

PRESIDENT:

Any discussion? If not, the question is, shall House Joint Resolution 232 be adopted. 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? Take the record. On that question, there are 53 Ayes, 1 Nay, none voting Present. House Joint Resolution 232 having

received the required constitutional majority is declared passed. Senator Geo-Karis, Senate Resolution 1146. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Senate Resolution 1146 simply states that units of local government should not be authorized to impose an income tax, and I ask that the rules be suspended so that I can have immediate consideration on it.

PRESIDENT:

All right, Senator Geo-Karis has moved to discharge the Committee on Executive from further consideration of Senate Resolution 1146 for the purpose of its immediate consideration. Any discussion on the motion to...to discharge? If not, all in favor of the motion indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Senate Resolution 1146, Mr. Secretary.

SECRETARY:

Senate Resolution 1146 with no committee amendments.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this resolution simply states...for the benefit of the Assembly that units of local government for their own economic health and in the best interest of the residents shall not be authorized to impose an income tax, and I move for the favorable passage of this resolution.

PRESIDENT:

Any discussion? Any discussion? If not, all in favor of the adoption of Senate Resolution 1146 indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Senate Resolution 1126, Senator Sangmeister. Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, Mr. President, I move to discharge the Executive Committee for the immediate consideration of Senate Resolution 1126.

PRESIDENT:

All right, Senator Sangmeister has moved to discharge the Committee on Executive from further consideration of Senate Resolution 1126. Any discussion on the motion to discharge? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, only to inquire what the resolution is, Mr. President. We haven't seen it.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Forgive me for that, for of all people that I shouldn't have...it's...I thought that you had a copy and this one had been approved by both sides. What this is, Senator Schuneman, is a resolution directed to the State Board of Education asking that they...they are now coming up with a program for...on vocational education that certain vocational education of schools are to be put into certain regions. In Will County, and that's the purpose of this resolution, we have five schools that are presently in a region and they would like to stay as a separate region and not be forced into some other region, and all the resolution states is that...we would ask the Board of Education to take that into consideration...the State Board and not force them into a region they may not want to join.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

We have no objection to the discharge motion, Mr. President.

PRESIDENT:

All right. Senator Sangmeister has moved to discharge the Committee on Executive from further consideration of Senate Resolution 1126 for the purpose of its immediate consideration. All in favor of the motion to discharge indicate by saying Aye. All opposed. The Ayes have it. The motion carries. On the Order of Resolutions is Senate Resolution 1126, Mr. Secretary.

SECRETARY:

Senate Resolution 1126 with no committee amendments.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, well, the resolution does as I explained to it and...and the resolving portion of that resolution, it just says to the State Board of Education that they would ensure that the individual school districts can adequately meet the education for employment needs of their students through their own local programs shall not be required to...come participates in a regional system. So, it's...obviously, being a resolution does not mandate them. Due to that, it's a request that this particular district, in fact, that has five good schools that have operated for many years with their old vocational be able to establish their own region or keep this group of schools together.

PRESIDENT:

Discussion? Senator Keats. Senator Maitland. All right. Senator Sangmeister has moved the adoption of Senate Resolution 1126. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Senator Welch on Senate Resolution 1174. Mr. Secretary...oh, Senator Welch on the motion.

SENATOR WELCH:

Yes, I move to discharge the Executive Committee of

Senate Resolution 174. Move for a suspension of the rules and for immediate hearing on this resolution. This resolution concerns the Senate Appropriations Subcommittee on Northern Illinois University's expenditures on the president's home.

PRESIDENT:

All right, Senator Welch has moved to discharge the Committee on Executive from further consideration of Senate Resolution 1174. Discussion on the motion to discharge? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. Senator Welch did ask that we support his motion to discharge and we told him that we would prefer not to do that. What he's seeking here is an audit by the Auditor General, and while I have no particular objection to an audit being conducted, I think that it would be proper to have at least a committee hearing on this issue. Now, this can be handled either by having a committee hearing of the Senate Executive Committee and, of course, we're too late for that now, or the Senator could go before the Legislative Audit Commission at their next meeting which will be July 17th and present the issue there, and I...I really think that we should avoid asking the Auditor General to get into audits unless there's been some kind of committee hearing in the Senate before we take that action. So, it's strictly on that basis that we ask that this motion not be approved.

PRESIDENT:

Further discussion on the motion to discharge? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. To reaffirm what Senator Schuneman said,....actually, Senator Welch, you do not have to be present before the Audit Commission, you can give it to any one member of that commission to introduce; and I know what you're doing here is not unique, but what I see lately



is a...proliferation of a lot of these resolutions and the questions that we asked before the Audit Commission basically involve the cost of doing the study, is there any evidence that would trigger the study...and also, which is even more important, is the time frame in which it has to be done. The Auditor General does not have a number of bodies that are just waiting for resolutions to come through, and what then happens, we have to contract it out and what ends up happening is that it increases the cost. If you want to...if you choose to, I would suggest that you give it to some member of that committee and it'll be presented on July 17th when we have our next meeting.

PRESIDENT:

Further discussion on the motion to discharge? Senator Welch may close. I beg your pardon, Senator Joyce...

SENATOR JEREMIAH JOYCE:

My light on?

PRESIDENT:

It is.

SENATOR JEREMIAH JOYCE:

Thank you.

PRESIDENT:

I thought it was on your resolution.

SENATOR JEREMIAH JOYCE:

No,...okay. Well, I think enough is enough on this thing...you know, you...you have taken this...you have taken this matter and you have driven this guy out of...out of office. If you think that there is some substantial wrongdoing here, take it to the local state's attorney...you know, I...I think that, you know, what's involved here has probably gone on at every university and...and...and a number of other State facilities in this State. This man is no longer the president. You know, I think you're using this thing for politics and I think it's wrong, and I think we

should end this now. You know, you're going to harass this guy through the whole summer? If you have something...if they have something there, they have a local state's attorney. Let's knock it off. I say that we...that we vote against discharging this resolution.

PRESIDENT:

Question is the motion to discharge the Senate Executive Committee from further consideration of Senate Resolution 1174. Further discussion? Senator Welch, you wish to close?  
SENATOR WELCH:

Just let me say, this is one of the few cases that in...that in reference to your statement that no investigation was held, there was an investigation and there was a misappropriation of money found. So, I agree with you, let's limit all audits to where there's an investigation by a Senate committee, but here we had the investigation and here the committee agreed unanimously, a bipartisan committee, that we should go ahead and have the audit. So, I don't see how that argument bears any weight. So, I would urge that we discharge the Senate Executive Committee of Senate Resolution 1174.

PRESIDENT:

Question is the motion to discharge the Senate Executive Committee from Senate Resolution...further consideration of Senate Resolution 1174 seeking its immediate consideration before this Body. Those in favor of the motion to discharge will vote Aye. Opposed will vote Nay. And 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 19 Ayes, 31 Nays and the motion fails. Senator Davidson on 1157.

SENATOR DAVIDSON:

Mr. President, Senate Resolution 1157, I move to discharge from Exec. Committee for immediate consideration. This

resolution asks the Department of Public Health and the State Board of Higher Education to jointly convene the summit meeting in which they invite all public and private colleges, each university presidents, athletic team managers, coaches, et cetera to declare a war on this drug situation. This came out of the tragic death for Len Bias and we all know that young athletes pay attention to their peers and people who are outstanding athlete, and this...I think it's time for us to apropos to add some movement that we get something done.

PRESIDENT:

All right, Senator Davidson has moved to discharge the Committee on Executive from further consideration of Senate Resolution 1157 and is asking its immediate consideration. Discussion on the motion to discharge? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Senator Davidson...Mr. Secretary, Senate Resolution 1157.

SECRETARY:

Senate Resolution 1157 and...and it has no committee amendments.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President, I'd ask for a favorable vote.

PRESIDENT:

The question is the adoption of Senate Resolution 1157. Those in favor will 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...50 Ayes, no Nays, none voting Present. Senate Resolution 1157 is declared adopted. Senator Joyce, on 1121. Mr. Secretary, Senate Resolution 1121.

SENATOR JEREMIAH JOYCE:

Yes, Mr. President, I move that the committee be dis-

charged...that Senate Resolution 1157 be discharged and placed on the Calendar...immediate consideration.

PRESIDENT:

21...

SECRETARY:

It's in...

PRESIDENT:

All right. Senator Joyce has moved to discharge the Committee on Executive from further consideration of Senate Resolution 1121. Any discussion on the motion to discharge? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Now before the Body on the Order of Resolutions is Senate Resolution 1121. Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. Senate Resolution 1121 urges all firms doing business in...Northern...Ireland in which Illinois Pension Funds are invested to comply with fair hiring practices and puts us on record as deploring the existence of ethnic and religious discrimination in Northern Ireland. We passed...we passed an amendment similar to this and I ask your adoption.

PRESIDENT:

All right. Senator Joyce has moved the adoption of Senate Resolution 1121. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. House Joint Resolution 224, Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would move that the Committee on Executive be discharged from further hearing on this resolution, that the rules be suspended, then it be held for immediate...brought to the Floor for immediate hearing. This resolution names the bridge going over the Illinois River

after Abraham Lincoln.

PRESIDENT:

All right, Senator Welch has moved to discharge the Committee on Executive from further consideration of House Joint Resolution 224. Discussion on the motion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Mr. President, we have carefully scrutinized this resolution, and to be brutally honest with you, we can't find anything wrong with it. So, we...we would approve the motion.

PRESIDENT:

Question is the motion to discharge the Committee on Executive from further consideration of HJR 224. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. On the Order of Resolutions, House Joint Resolution 224, Mr. Secretary.

SECRETARY:

House Joint Resolution 224 with no committee amendments.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Three towns in my area right around the Illinois River where this bridge is being built met and appointed delegates and they decided nine out of ten to name it after...name the new bridge...the longest bridge in the State of Illinois after Abraham Lincoln, obviously, a nonpartisan group, even though that is a Democratic area. I would point out though to the members on the other side that in 1864 President Lincoln ran on the...I believe it was the Union Party ticket...kind of a fusion ticket along with a Democrat. So, I know that that may influence some votes over there and actually that's kind of the reason why I got involved in this because it may inure to the benefit of

Andrew Johnson as well. So, I would urge adoption of this resolution.

PRESIDENT:

Question is the adoption of House Joint...Resolution 224. 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? Take the record. On that question, there are 51 Ayes, no Nays, none voting Present. House Joint Resolution 224 having received the required constitutional majority is declared adopted. Senator Netsch on HJR 218.

SENATOR NETSCH:

Thank you, Mr. President. I would move to discharge the Committee on Executive from further consideration of House Joint Resolution 218.

PRESIDENT:

All right, Senator Netsch has moved to discharge the Committee on Executive from further consideration of House Joint Resolution 218. All in favor of the motion to discharge indicate by saying Aye. All opposed. The Ayes have it. The motion carries. On the Order of Resolutions is House Joint Resolution 218, Mr. Secretary.

SECRETARY:

House...House Joint Resolution 218 with no committee amendments.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Joint Resolution 218 would authorize a Select Joint Committee of the Illinois General Assembly on Housing in Illinois consisting of eight members, evenly divided, two each by the President of the Senate and Minority Leader, the Speaker of the House and the Minority Leader with the idea that it would begin to explore where the State should be going in terms of support of or nonsup-

port, I suppose, of low and moderate income housing in view of the very dramatic changes that have take place in terms of Federal programs. I think it is a problem that everyone including the Illinois Housing Development Authority recognizes is very serious and we need to have a somewhat more considered and less hurried opportunity to look at the State's role. That is the point of the resolution and I would move its adoption.

PRESIDENT:

Senator Netsch has moved the adoption of House Joint Resolution 218. 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? Take the record. On that question, there are 49 Ayes, 1 Nay, 1 voting Present. House Joint Resolution 218 having received the required constitutional majority is declared passed. All right, if I can have the attention of the membership, we will now move to the Order of the Calendar. We are making every legitimate attempt to conclude our business today and by my estimation, there are still five or six appropriation bills outstanding though in the main agreed to. There is a bond authorization provision and there are probably a half a dozen other matters that members and/or the Executive think to be important. So, we are down to less than a dozen things to do. We will do what we can do on the Calendar and at that point take a break for lunch. I would point out, also, you have been...distributed Supplemental Calendar No. 1 which contains Senate Bill 1747, it is also on the main Calendar. The reason for the supplemental is a clerical error. There was some confusion yesterday as to whether or not amendments had been concurred in or not concurred in. The Supplemental Calendar No. 1 accurately reflects the status of that legislation. No amendments have yet been concurred in by record vote. Senator Geo-Karis, for what purpose do you...

*SB 2210  
Concurrence*

SENATOR GEO-KARIS:

Mr. President, I think you mentioned Supplemental No. 1.

PRESIDENT:

Right.

SENATOR GEO-KARIS:

Is that the 30th of June or July 1?

PRESIDENT:

No, I'm happy to inform you it's July 1.

SENATOR GEO-KARIS:

Thank you.

PRESIDENT:

And it will be all day. We'll move to the Order of Secretary's Desk Concurrence. Again, let me refer to you...you to the fact that Senate Bill 1747 is now contained on Supplemental 1 and it is accurately reflected on Supplemental 1. Senate Bill...2117, Senator Welch.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Okay, on the Order of Secretary's Desk Concurrence is Senate Bill 2210. Senator Rock, 2210? 2210, Mr. Secretary.

SECRETARY:

Senate Bill 2210 with House Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I will move to concur with House Amendments 1 and 2. This is a bill that is some...of some major interest to the business community and to the members of organized labor. House Amendment No. 1 represents the agreement with respect to the Unemployment Insurance Act that was reached earlier this year by representatives of labor and business. Essentially, it will increase the benefits to those recipients by some nineteen million dollars. It will allow the State to continue to repay its unemployment insurance debt which cur-



rently has a balance of about a...a billion dollars due and owing and we expect...be in a position to repay the debt by 1988 and it will increase tax revenue by approximately nineteen million. So, it is an absolute, in my judgment, offset. Benefits are increased at a reasonable level and the revenue is there with the agreement of the business community to pay for those increased benefits. I know of absolutely no objection to this and I would move that the Senate do concur with House Amendments 1, which represents the agreement, and House Amendment No. 2, which was a technical Reference Bureau amendment to clean it up. I would move that we concur with House Amendments 1 and 2 to Senate Bill 2210.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? Senator Karpriel.

SENATOR KARPIEL:

Thank you, Mr. President. I think anyone who has a phone call to make or...needs to get their shoes polished, or something like that, this would be a good time. I've been asked to read into the record two pages of legislative intent on this bill and I will read very fast, but perhaps you might want to take a little break. The change to Section 217 is designed to codify...I'll talk very fast...to codify existing administrative practice which treats individuals involved in the direct selling business as independent contractors and not as employees of the company supplying them products for the purposes of this Act. The amendment to Section 235 extends the taxable wage provisions of the current Acts through 1987. This means that employers will pay contributions on the first eighty-five hundred in wages paid to each of its employees through 1987. Section 401 is modified to make several changes to the benefits paid to unemployed workers. First, this bill extends for another year the 1983 provisions related to the percentage of a claimant's prior average weekly wage which will be replaced through

unemployment insurance benefits and the provision using the two high quarters of wages to determine the average weekly wage of the claimant. These percentages remain at forty-eight percent for single individuals, fifty-five percent for an individual with a nonworking spouse and 62.4 percent for the individual who has dependent children. Secondly, the bill increases the maximum benefit available in this State by increasing the Keystone Statewide average weekly wage to three hundred and fifty dollars for 1987. This will produce a ten dollar increase in the maximum weekly benefit for a claimant with dependent children. Thirdly,...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well,...Senator Karpel.

SENATOR KARPIEL:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Perhaps, maybe you ought to go a little slower. There's several lights on now that...apparently there must be some questions that you're...

SENATOR KARPIEL:

I think they probably all would like to shut me up somehow, and so would I.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpel...may continue.

SENATOR KARPIEL:

Thirdly, the provision effecting the minimum weekly benefit amount are left as they currently exist. Three hundred and thirty-five dollars will still be used as the base from which the minimum weekly benefit is calculated. The period of time over which overpaid benefits can be recouped by reducing future benefit payment was increased from three years to five years in Section 900. In order to effect claimants in 1987, this provision had to reference benefits which were overpaid after December 31st, 1983. Section 1402 is

amended to provide for the excusing of late payment penalties for small employees who for the previous twenty consecutive calendar quarters had made their payments on time. The changes to this section also increase the penalties for a willful failure to...to pay contributions to the greater of four hundred or sixty percent of the contribution to the department. Section 1405 is amended to extend its current provisions unchanged through 1987. Section...I'm very tired of this...Section 1500 is amended to extend most of its provisions unchanged through 1987; however, one provision has been changed in this section for 1987. New employers will be required to have incurred liability for the payment of contributions in at least three calendar years before they can experience...be experience rated. The benefit rates transfer provisions of Section 1501 which allow an employer of a claimant who had voluntarily quit to transfer tax liability to the employer who hired the person have been changed to...so as to extend the chain of employers eligible to transfer benefit wages to include the last employing unit which is also a base period employer. Section 1503 is amended to eliminate the provision allowing two-year experience rating of new employers and returned to the three-year standard. This amendment also changes the method of calculation of the denominator of the benefit wage ratio for 1987. The denominator will now be equal to the total wages subject to the payment of contributions rather than focusing on timely payment and posting of those wages; otherwise, this section extends the agreement for one year beyond its current expiration date. Section 1506.1 is altered to provide for the extension of the contribution rates currently in effect through 1987. Section 1506.2 is modified to extend the increase in the university contribution rate for 1987. Section 1508 and new Section 1508.1 create new time limits under which the Department of...Employment Security must

operate and notify employers of its decisions of determinations if it intends to hold an individual employer liable for contributions. In essence, the department is required to issue timely notices to an employer who has followed department procedure. The department is foreclosed from taking any action other than cancellation of benefit wage charges if the employer has not been sent a notice specified in Section 1508.1 within the time limit also specified there. Section 1508.1A3 uses the term "determination" to refer also to decisions issued under Section 702 relating to sufficiency of an employer's protest. Section 2100 is modified by this bill to allow the department to draw a benefit check only when the account has sufficient funds to cover the check. Section 2201 is amended to reference new Section 2201.1...almost through. Finally, new Section 2201.1 requires the department beginning in 1988 to pay interest to employers who have overpaid their unemployment insurance contributions. This section requires the department to issue quarterly notices of credit balances and to pay refunds of those balances within ninety days of the refund claim or pay interest at 1.5 percent per month. This bill represents a fair balance between business, labor, administrative and legislative interests. Thank you and I do apologize.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpel, henceforth, we'd appreciate it if you would adhere to the same time limits as the rest of the members...further discussion? Senator Kustra, your light is on.  
SENATOR KUSTRA:

Thank you, Mr. President. Question of the sponsor. Senator Karpel, we had a tough time catching the second page of that. Could read over the second page for us, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock may close.  
SENATOR ROCK:

Thank you, Mr. President. I agree with what Senator Karpel read. Tucker Olson is a very thorough young man and it accurately reflects the agreement that was entered into by the representatives of the business community and organized labor. This is one that should have a unanimous roll call and I so urge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate concur with House Amendments 1 and 2 to Senate Bill 2210. 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 concur in House Amendments 1 and 2 to Senate Bill 2210 and the bill having received the required constitutional majority is declared passed. All right, on the regular Calendar,...leave of the Body, Conference Committee reports, page 8. Senator Sommer on 2989. 3058, Senator Degnan. Conference Committee reports, middle of page 8, is House Bill 3058, Mr. Secretary.  
SECRETARY:

This is a corrected Conference Committee report on House Bill 3058, the first conference.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

Yeah, thank you, Mr. President. Conference Committee Report No. 1 on House Bill 3058 is essentially the same as passed out of this Senate earlier with Senate Amendment No. 4. The House now concurs in Senate Amendment No. 4 which was the thirty-five hundred dollar per annum stipend to twenty-one county recorders throughout the State. In addition, the bill contains House Bill 562 which made several changes relating to the condominium law including authority for two or more condominium associations to form an insurance pool.

S.B. 1517  
and C.C. Report

This bill passed out of the House 111 to nothing and it was held in Senate Rules. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Watson.

SENATOR WATSON:

Are all twenty-one recorders now in this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

All twenty-one, correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall the Senate...question is, shall the Senate adopt the...the first Conference Committee...the corrected Conference Committee on House Bill 3058. Those in favor will vote Aye. Those opposed Nay. The voting is open. The voting is open. Kenny, the voting is open. Have all voted who wish? All right. Have all voted who wish? Have all voted who wish? Take...take the record. On that question, the Ayes are 49, the Nays are none, 4 voting Present. The Senate does adopt the first corrected Conference Committee report on House Bill 3058 and the bill having received the required constitutional majority is declared passed. Page 9, Senate Bill 1763, Senator Sommer. On the Order of Conference Committee Reports, page 9, is Senate Bill 1517, Senator Lemke. Senator...Senate Bill 1517, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 1517.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke. Well,...before we begin here, there are

three Conference Committee reports on this page that we will take. Senator Lemke...2003 is Senator Marovitz and 2108, Senator D'Arco. So, if the members can be advised that that is the procedure where we are going. Senate Bill 1517, Senator Lemke.

SENATOR LEMKE:

What this Conference Committee...retains the original bill which allows former...parents of former students to be on the advisory councils. It also has the provision for high-backed seats excluding seat mountings or seat belts. It has the teenage suicide package in as...amended to...to fit the language that was objected to by the Eagle Forum and it establish...is the Proprietary School Financial Assistance Program. I ask for adoption of this Conference Committee report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Kustra.

SENATOR KUSTRA:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield.

SENATOR KUSTRA:

Senator, would you reiterate, again, this does have the proprietary school, not the...the for-profit school language in it and do you know how many million dollars the first year that program will cost us?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

I will refer to Senator D'Arco.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

This won't cost us anything because it requires a sep-

arate appropriation that is not being appropriated this year. So, you know, you got to understand that proprietary...this...this bill doesn't take any funds out of the State Scholarship Commission. You know, whether it's for private, independent universities or what...for whatever purpose, it does not take any money out of the State Scholarship Fund. It requires a separate appropriation in order for them to qualify for a grant, and then...and then, there's a ten percent cap on the amount of available funds that can be expended anyway. So, this bill is so limited in scope that there is absolutely no reason to not vote for this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Well, thank you, Mr. President. I appreciate Senator D'Arco's comments, and so it's a separate appropriation, it's...it's my understanding that whether it's this year or next year, we're going to be talking about an additional twenty to thirty million dollars. It's going to have to come out of someplace. There's no doubt about it. If you don't think it's going to come out of the scholarship commission's budget, fine, but it's going to come out of the General Revenue Fund or someplace, somewhere and that's going to eventually...as people size up the size of the school budget in higher education, it's going to eventually impact on private universities and colleges in this State. We have in this State a delicate balance between our public and our private schools. Our private schools deserve our support and every year they come in here and every year we have difficulty giving them what they want. The for-profit schools, which this amendment is designed to address, the only schools in the State of Illinois right now where enrollment is growing, you hear cries of cutbacks in public education and you hear cries both in the...in the private sector, in the



public sector, but when it comes to the for-profits, the beauty culture schools, whatever they are, their enrollment is growing. Also, let me point out one very important distinction between what we call the for-profit schools and all the rest of the schools that we try to take care of in this General Assembly. Those for-profit schools, no matter where they reside in the State of Illinois, qualify for JPTA funding, the Job Partnership Training Act funds. Now none of the other schools which we appropriate funds to can get those monies but the for-profit schools can. I would suggest to you that as much as we might think we should help for-profit schools, with enrollments growing and with assistance coming from the Federal Government which our other schools, our private college and universities cannot get under JPTA, we ought to be using the scarce resources we have for our Loyola's and DePaul's and Northwestern's and MacMurry's and Illinois College...whatever it is, those are the schools that are asking us year after year to save what precious few resources we devote to private education for the legitimate not-for-profit school. If these students want to go to these for-profit schools, wonderful, but we simply don't have the resources to provide for it right now and we ought not to support this Conference Committee report as a result of it.

PRESIDING OFFICER: (SENATOR DEHUZIO)

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

SENATOR D'ARCO:

You know, to...to address what Senator Kustra is talking about, let...let me try to reiterate what this is all about. These people...even though they're eligible for Pell Grants from the Federal Government, job training funds from the Federal Government are not receiving those grants from the Federal Government because of the limited availability of those funds. These...this population is the population that has been excluded from receiving the grants from the Federal

Government, and that's the population that we are trying to address in this bill so they do qualify and become productive people in our society and get them off the welfare rolls. That's what we're trying to do. We want to put people to work as secretaries, as computer operators, we want to put people in a productive manner so that they get off the rolls, that's what this bill is all about. Everybody is eligible to receive funds. The problem is they're not receiving the funds and there's a cap on the amount of the award in this bill. It's only eighteen hundred dollars. Now I say we give this a chance. Let's not...let's not say to these people, you are not a part...you are not a part of the State scholarship process because these funds only go to designated universities. That's not the way we should do this. These kids are in a different social strait altogether. They're not part of the population that goes to independent universities. They can't afford to go to independent universities. We've got to give these kids a chance to show them that we care about their futures and that they can become productive members of our society. This is a good bill. It does require a separate appropriation. We are not appropriating any money this year. We've got time to work on this problem. We've got time to put these kids into the right system so that they can become productive members. Don't discount these people.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. Chairman. Mr. Chairman, I rise reluctantly to oppose this measure at this point for the reason that I'm very much concerned with the population, that is, purportedly the target of this legislation, but it seems to me that, first of all, this is a legitimate purview of the Higher Education Committee and the idea deserves some exposure in that committee. There certainly is some legitimacy

to the notion that there is a need for the training that's required here. No question about that. The question is, which pocket do you take it out of? Now the fact that the dollars are not going to be appropriated this year means that this can wait another year until it's had the proper inspection and...and a thorough going over so that we can find out where the dollars do come from. I would suggest to this Body that we need some additional higher education dollars, that we don't need to dip into the pot that presently exists and that's what this bill is going to eventually do; and the problem is not the limited number of institutions that it envisions at this stage, the problem is the plethora of institutions that will be involved a year from now, two years from now, five years from now. There is a need for a growth in this area. There's no question about it, but that growth ought to be anticipated by this legislative Body prior to going into it. So, reluctantly, I suggest to this Body, we ought to turn it down at this juncture and come back here over the next year and look at this problem very carefully and recommend that...to the Legislature what ought to be done to train a pool...Illinois potential taxpayers that we desperately need but let's do it in an orderly fashion. I would suggest a No vote on this bill.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I, too, rise in opposition to this Conference Committee report. I...I regret that there has been some misinformation having been circulated throughout this Chamber in the last two...two...two week...two days, and I don't believe that Senator...I know that Senator D'Arco has not been a part of that, but I think there are some comments being made that, number one, the Scholarship Commission was

in favor of this, that they drafted the language, that they'd signed off, and those comments have been made to me and that simply is not true. It has also been stated by some that the Independent Federation of...the Federation of Independent Colleges and Universities in this State are supporting this bill and that is not true. It's my understanding that there was an agreement last year on this issue, but this is not the same draft, this not the same language, it's totally different. The...you may recall, last year the cap was a thousand dollars and it was for a two-year program minimum; now the cap is eighteen hundred and a one-year program can qualify. So, to clear up that misinformation...and again, Senator D'Arco is not a part of that misinformation. I think, also, we must understand that these same programs in many areas are offered in this State's community college system, and if there was to be a logical extension of the grants for individuals in this State, it should be to the community college system, that should be the next step, but we don't have the money to do that either. It simply is not there. This is a bad proposal. It's one that should...be rejected and I suggest a defeat of this Conference Committee report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, rise in opposition to this proposal, and without belaboring...the point and I think we...other prior speakers have made the point in regard to the cost. I think the...another important point that I want to emphasize...that this proposal is a very radical change from the present programs that are reimbursed through the State Scholarship Commission, and it even is a very significant difference between the support to the proprietary institutions that we've talked about in this Body in...in years past. This pro-

posal would make it possible for students enrolled in programs...not just those approved by the State Board of Higher Education but also those...approved by the...the State Board of Education which approves programs that are not degree oriented and that may...may be significantly shorter than two years in duration. So, what is being proposed is a very radical departure from the present, and I suggest that before we jump off this cliff that we ought to take a step back and spend some time analyzing this...this proposal and what it means down the road, not only to the taxpayers of the State but...but to all the educational institutions, the colleges, the universities and the proprietaries included. I would urge a No vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

You know, let...let me...let me say this to you now, because in a way I think we've got our priorities a little screwed up. We have, you know, a great university system throughout this State and we send our kids to college and they get out of college and then they qualify for a job on the basis that they've been able to get through college for four years, and because of that, business people and corporations hire them because of the fact that they feel they've had...have the potential to do a good job and I...and that's fine...that's fine, I don't have any problem with that. But what about these kids that live in the ghettos? What about these kids that are trying to get out of the ghetto and they go to one of these schools and this is the only opportunity they have to learn secretarial skills, to learn how to run a computer, to learn how to do an accounting sheet so they can run a business at...at some point in their lives, to learn...how a cash register operates? What about these kids? Don't they have a right to exist and to be and to function

just like the rest of the middle-class of this country? Don't do this to these kids. Give these kids a chance. They deserve a chance, just like my kids and your kids deserve a chance. You don't know how tough they got it in that ghetto. You don't know what it's like there. Pass this bill for these kids.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. I'm going to rise to support the Conference Committee report on Senate Bill 1517 probably because I'm a product of a technical high school and I believe in...in this area, and I'm concerned that a number of universities that we are talking about cannot provide this type of education that these young people are seeking in these...in these areas. You know, not everyone is made to become a...a doctor or an attorney or a CPA or...a lot of these other areas; others are very skilled with their hands and are good in the mathematics that was pointed in the computer areas, and this fills a void that I think it is missing in these universities and I don't think that a lot of students that would go into this may not be able to pass their entire curriculum at the university level where they could pass and become a very successful human being in their working life in these proprietary schools. So, I'm proud to support this. I do think it will help a lot of the people in the lower income area and those that...that need this type of...of...of help. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr Chairman and...Ladies and Gentlemen of the...of the Senate. I stand in full support of this legislation because I have in my district women who are deprived

of the opportunity of going to many of the schools whereby the ordinary young girl or boy would go to school. I have a young mother in my district who is going to a college of...same nature seeking to better her condition so that she can move out of the CHA and get a better apartment for her and her family. I think that if these young people have made mistakes and they're trying to better themselves, I think it is only right that we who are legislators here in this Assembly give them an opportunity. As the saying...if I can root, let me root; if I can't root, then let me die, and I do not think that we have the...the privilege to take the advantage away from people who want to help themselves. You talk about people on welfare, you talk about people who do not wish to do better, these are people who are seeking to become viable citizens and taxpaying citizens here in our State, and I think that we should go and stand by this legislation and give everyone an Aye vote on this piece of legislation. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Newhouse for a second time.  
SENATOR NEWHOUSE:

Yes, Mr. President, I do rise for a second time and I apologize for having to do that, but the tenor that the debate has taken is unfortunate because what is being anticipated is if...is the child of the person who's going to get the training. If we're talking about the child who's getting the training, that's one kettle of fish. The beneficiaries of this legislation offhand is not going to be that child, it's going to be the professional institutions that are backing this bill who want the dollars. I don't mind them having the dollars. I think that they ought to have the dollars if they provide the service, but what we've done here is gone around the Higher Education Committee which is put together for the purpose of hearing just this kind of matter. My

committee is concerned about this problem, absolutely is concerned. Our concern, however, is that we put together the kind of training program that produces the result that everyone here is talking about. There is certainly no guarantee that under this program those results would have been...would...would be produced. If we look at the performance of some of these institutions we're talking about and the way they take the dollars away from these poor kids that we're talking about, you might find that a disaster story. We certainly don't want to...want to repeat that. What we do want to do, it seems to me, is talk about a level of training that is not exactly higher education, that is not certainly elementary-secondary, but falls within the higher ed...purview. We ought to take a look at this notion as it's been expressed, we ought to have the input of all the institutions that will impact on, we ought to understand what it's going to mean in the appropriation's process as to where these dollars are going to come from. Right now what we're talking about is eventually taking the dollars away from higher education, taking them away at a time when the pressures on the dollars in higher education are absolutely intense. It may be that we want to decide to do that, but let's do it in a deliberative fashion. There's been no hearing on this...let me clarify one thing, there was an agreement made a year ago. I'm not really sure that what we're talking about is that agreement. Were it that agreement, I might have to take another kind of position, but in the absence of that up-front kind of conversation that would legitimize that, in the absence of the...Scholarship Commission having the opportunity to...to agree...to deal with question, I don't think we ought to move it...at this time. It isn't that it's a bad idea, it's not a bad idea. It's an idea that hasn't been thought through and it's an idea that has not gone through the process.



PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Dunn.

SENATOR DUNN:

Thank you, Mr. President and members of the Senate. I couldn't agree more with Senator Newhouse and the statements he just made. We've heard testimonies that sound like that this is some kind of relief program. If it's a relief program, it's for the proprietary schools, the people that own them. Those young people that are going to those schools, it's a worthwhile thing, it's something that we ought to discuss. If we had a lot of money in our State Treasury and in our Scholarship Fund, it's something we might want to address, but I couldn't agree more with Senator Newhouse. This bill should be heard in the Higher Education Committee, should be discussed, we should hear testimony from...Scholarship Commission, from the proprietary schools, from the private schools or...or from the...private and not-for-profit schools. This is not the time to do this. This is a silly time of year...July the 1st when we're always bringing up some bad bill, think maybe everyone will be half asleep and we can get it through. I would urge a No vote on this also. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. I've listened very tentatively to the pros and cons of the previous speakers in regard to this bill. Senator Newhouse is in error when he says this is not a productive system. I had the opportunity to sponsor this legislation on two different occasions. On two different occasions, I sponsored this...legislation and I took a tour of these proprietary schools in Chicago...in the City of Chicago, and one of our outstanding colleagues here on...a former colleague was

Senator Arthur Gottschalk. Now all of us has his respect and he brought down a contingent of those pupils in those schools. At the end of their...at the end of their education, practically every one to a person had a...had a job as soon as they graduated from the schools. I happen to have a college in my home town, in my district. I don't feel that my college has been cheated ever since I've been up here and I don't think that we should take the position...to deprive these people of an education. They work days...they go to school at nights; they work nights, they go to school in the day time. They're spending their own money to get this education. It's not money going into the private institutions, it's money going into the private institutions to help these people find a job who can't get one anywhere else unless they have these proprietary schools in Chicago. I disagree with all the opponents. This is a good bill and these people should be helped. I don't have any proprietary schools in my district, but I sure as hell want to support those who...who do have a proprietary school.

PRESIDING OFFICER: (SENATOR LUFT)

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

END OF REEL

REEL 32

SENATOR D'ARCO:

Let me clarify something so you understand what's going on here. The discussions last year about this bill weren't about some esoteric reality about whether this is a good idea or not, the discussions were about whether or not the cosmetologists should be included in the proprietary school concept to apply for the funds. That's what this controversy was all about. Whether or not procedurally there is something wrong with the way this bill arrived at this point in this Chamber, you can argue, yes, procedurally it should have gone to the Higher Education Committee, but everybody knew what the bill was about. Everybody knew what the bill did last year as well as this year and, in fact, the bill was modified and toned down a lot, but the argument about the bill was whether or not the cosmetologists should be in the bill. Now that's what this controversy is all about, and that's not enough reason to kill the bill. The concept is too good for that. This is a good bill and you should vote for it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President and members of the Senate. I rise in support of the first Conference Committee report, and not to be redundant but many young people choose not to go to a four-year institution or the two-year college and they should have that privilege and have that right, and I know many persons in my district attend those schools. I had a secretary who attended a proprietary school for secretarial training as such. Many of the lab technicians, many of these

programs are good to help our people. Court reporters is another area. So, everyone does not choose a four-year or a two-year institution to go to school. They should have that right. If we're going to take care of funding for those...for the four-year institutions through our Scholarship Commission, if we are committed to all students in our schools, then you would support this bill. Give equal opportunity to all...to all of our students, not to a select few who choose a four-year academic...career at a major institution or a two-year institution. If they decide to go to a...a proprietary...school to get some special skills, to further their education for employment, we in this legislative Body should be behind them one hundred...hundred percent. I don't know what all the fighting is about on this issue, but if you're concerned about education, you're concerned about getting young people into the employment area where they would have the necessary training, then you would support this bill. So,...should be no debate as to why we should do this. It didn't come on the eleventh hour. It's been around here for more than three years, as I know of. So, my good friend, Senator Dunn, let's get behind the children and support this bill on July 1.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he...will. Senator Fawell.

SENATOR FAWELL:

The real sponsor. Senator, I note, unfortunately, that there are a number of other provisions in this bill. I do happen to have a proprietary school in my district by the name of DeVry and because of that school, I have consistently

voted for funding those schools, because I realize that those students are not only desirable but, frankly, my corporations are lining up to get them as soon as they get their degrees, and they are good schools; but along with this bill, you have added several other bills. My first question, you have added the bill that says that all the buses, after a certain time, in this country...all school buses must have a certain height to their seats. We have defeated that...and...and I have been told that it has been...passed the House and the...and the Senate. So, it is redundant, but it is an expensive program that we are talking about, and I voted against it. We also have the conservation...which I've also been told has passed out. Is this bill basically...boils down to the proprietary schools or all...rest of this bill that I've been reading for the last half hour been passed in other bills and I don't know about it?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lemke.

SENATOR LEMKE:

Well, if you recall, Senator Welch had a bill that incorporated the teen package that passed the Senate into a House Bill called 2573. This report was filed prior to that time. What we're doing here that we haven't done already is, number one, the school council problem; number two, the proprietary school...school situation and, number three, a amendment which is wanted by the Department of Children and Family Services which is very...important to them to clean up the mess as far as day-care bus drivers. In other words, they have certain requirements they want which they can enforce against day-care bus drivers. So, the other measures we voted on and passed, and they have passed both Houses, I would assume that the Governor will choose which bill to sign or which bill to amend or amend both bills, that's his discretion. So, I think the problem here is whether we decide

to vote on the three proposals in this bill that have not been passed by this Body.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Fawell.

SENATOR FAWELL:

All right, then...then I have another question. There are proprietary schools and there are proprietary schools. The schools that I have no problem supporting are the ones, indeed, that are supported by the State Board of Education; and I gather from this bill, these are the kinds of schools that you are talking about. You are not talking about the kinds of schools, for instance, that you can go for six weeks, learn how to drive a truck and then...and then walk away from that, not because anything particularly wrong with those schools, but that's not the kind of school you're talking about. Is that right?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lemke.

SENATOR LEMKE:

We're talking about the schools that are approved and accredited by the Illinois State Board of Education and the Illinois State Scholarship. Senator Smith gave me a list of those schools. If you're interested in which schools they are, I can read them all, DeVry is one of them and Airco, they're all approved in regards to welding and auto, fine arts, appliance repairing, medical-dental assistants, medical...court reporting and so forth. These are all schools I recognize as being some of the top schools in...in this type of education. I think they have survived and...and I think they're very fine schools, 'cause I can remember growing up as a youngster, after World War II with all the schools that were popping up and taking Federal money, these schools have survived and they're very good schools and I have seen the products of these schools in many of the businesses in my

area.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Fawell.

SENATOR FAWELL:

Is it your intention then to limit these schools to the ones that are approved by a State Board of Education? In other words, they will not be the kind that will go into business for a month, a year, two years and...and then some way or another find out a way of going out of business.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lemke.

SENATOR LEMKE:

That's true, we want them to be approved by the State Board of Education or the higher education. This...this is the schools we're talking about. This is what the bill's restricted to.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. I apologize for rising the second time, but I want to clear up or make sure that we have an understanding with respect to a statement that I made in my...in my debate. I indicated to you that it had been brought to my attention that the Scholarship Commission was, in fact, favoring this legislation and that simply is not true. Further I said...I said that...that they had...and...and for that reason had drafted the bill. Well, the fact of the matter is, the people supporting this concept did go to the Scholarship Commission and asked them to draft the language so as...if it passed, then they would be able to administer it, that's what the record should state, the Scholarship Commission does stand...does not have a position on this bill, do not favor this bill, but they did, in fact, draft the language, so...if it did pass, they could adminis-

ter it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Etheredge. Senator Etheredge. I'm sorry. Senator Lemke, you wish to close?

SENATOR LEMKE:

Yes. I think that in Illinois...and it's time that we start looking forward and looking into progressing, that we cannot just be a State that's...is a service State that...educates engineers and doctors and lawyers and you name it. There's other people out there we must...educate.

And as I grew up in the City of Chicago and around the Cook County Hospital, I watched business come into the area of Illinois and they used to say...used to be the saying in those days that you come to...if you couldn't get a job in Chicago, you couldn't get a job anywhere. It's getting to the point that you can't get a job in Chicago and industry is not coming here because we don't have people trained in robotics or computers. It's...it's...it's a great incident to know that when they decided to build the new auto factory in this part of the State, that the manufacturers of that plant have...had to bring in people from Japan to set up the robotics and the...and the other sophisticated equipment and teach people how to run that equipment and bring people over to run the equipment. We had nobody. We had nobody to compete in robotics. We have no schools in robotics in this...State. In fact, there's been a bill laying on the Calendar for two years...by Senator...by Representative Vinson to set up a robotics school in Illinois and nobody has taken it to sponsor it and try to get it through here to...to set it up at the University of Illinois. There's no initiative to this, and I know a lot of people from higher education and private schools and they feel the same way. There are students and people, not just kids, adults, unwed mothers, veterans that cannot comprehend the daily activity



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of going to higher education and they want to work and they want to support their families. I've seen too many incidents of people that could only get a job at McDonald's making three and four dollars an hour that have gone into these schools and now are making eight and ten and eleven dollars, and that unwed mother is able to support her child and not be a dependent on this State and can frown at the welfare worker that tells her she can't have a new bedspread or she can't have this or if...if her father buys her a...a piece of jewelry, she can't own it or she can't have a piece of...she's on her own. She is a worthwhile person and it's time that this bill passes and it's time that Illinois starts progressing like the other...some of the other states in this country to get business here and give them a...give them an asset that they're willing to take and that's well-trained people that can do the work that's necessary with their hands and not just with their minds. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall the Senate adopt the Conference Committee report on Senate Bill 1517. 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, Mr. Secretary. On that question, the Ayes are 27, the Nays are 23, 2 voting Present, and the Conference Committee report having failed to get the require three-fifths vote is not adopted and the Secretary shall inform the House. Senator Lemke requests a second Conference Committee, please. On the Order of Conference Committee Reports is Senate Bill 2003, Senator Marovitz. Senator Marovitz in the Chamber? Next on the Calendar is...on the Order of Conference Committee Reports is Senate Bill 2108, Senator D'Arco. Senator D'Arco.

SENATOR D'ARCO:

Hello.

PRESIDING OFFICER: (SENATOR LUFT)

I'm sorry, read the...read the report, please, Mr. Secretary.

SECRETARY:

Second...first Conference Committee report on Senate Bill 2108.

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. 2108 when it left this Chamber provided that a...a third party who is not in privity with a CPA, the CPA would not be liable to that...third party for certain negligent acts. The conference...there was a problem with that...at least some people thought there was a problem, and the various mortgage companies and bankers got together with the CPA's and they came up with some new language which indicates that a CPA is not liable to a third party unless he is notified by this client that his work is being done for a specific individual...the third-party person. And he is notified of that...and it also provides, however, that he sends a copy of such notification in writing or similar statement to those persons identified in the writing or statement. This is a good reasonable compromise to this bill and I don't know of any opposition to it and I would ask that we adopt the first Conference Committee report on Senate Bill 2108.

PRESIDING OFFICER: (SENATOR LUFT)

Any...

SENATOR D'ARCO:

Oh, there's also...there's also a provision in here providing for liability insurance for permanent carnivals in the amount of not to exceed five hundred thousand dollars.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Maitland.

SENATOR MAITLAND:

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

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield.

SENATOR MAITLAND:

Senator D'Arco, several days ago the Department of Agriculture was somewhat concerned about the bill that...that was...the amendment that was originally on this bill. Has that addressed all those problems as far as you know?

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

...I don't really know. I...I assume so, I really do, but I don't know.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, the question is, shall the Senate adopt the Conference Committee report on Senate Bill 2108. 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? Take the record, Mr. Secretary. On that question, the Ayes are 51, the Nays No, none voting Present. And Senate Bill 2108...or the Senate does adopt the Conference Committee report on Senate Bill 2108...and the bill having received a required constitutional majority is declared passed. We'll now return...Senator Marovitz is on the Floor, we will now return on the Order of Conference Committee Reports back to Senate Bill 2003. Would you please read the report, Mr. Secretary.

SECRETARY:

Conference...first Conference Committee report on Senate Bill 2003.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 2003 would allow prosecution for child abduction in any county which the child was taken. In other words, what happens in many of our counties throughout the State of Illinois, there will be a child taken and they will go to O'Hare and they will leave the jurisdiction of the State of Illinois from O'Hare Field; heretofore, when that child and that abductor is...is found, the trial must occur in the County of Cook. And the mother of that child who may live in southern or central Illinois will continually be inconvenienced and have to come to the County of Cook and try that case. This would allow...allow prosecution either to be in the County of Cook or in the County of the residence of the...of the child and the parent with...with custody. This also authorizes the Supreme Court to establish a program to reduce trauma for child witnesses in sexual offense prosecutions and creates...creates the Probation Challenge Act in Cook County. It authorizes local agencies and governments who are authorized to have criminal records to submit fingerprints that they already have in their position to the FBI. This was at the request of the State Police who said this was very important. It places the Firearms Owner Identification Fund into the...into the treasury at the request of the State...Police and requires victims of crime to be notified if a sentence has been reduced so that they can make a victim impact statement. And I would ask for adoption of Conference Committee Report No. 1 to Senate Bill 2003.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, from my point of view, this Conference Committee report has some desirable features to it, but, Senator Marovitz, one feature of it that you didn't mention that I haven't really focused on, and I wonder if you

would yield to answer a question.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Sponsor indicates he will yield. Senator Barkhausen.

SENATOR BARKHAUSEN:

It has to do with the provision which, I think it's in your analysis, apparently changes the...the law with regard to...the use of deadly force by a law enforcement official. According to your analysis, it says that...that currently a...the police are authorized to use deadly force against a person committing or attempting any...forceable felony whether or not the offender actually causes or threatens great bodily harm, and this would somehow change that so that deadly force could only be used in situations where an offender was committing or attempting a forceable felony in which he inflicted or threatened great bodily harm. I'm not sure that I appreciate that distinction and I wonder if you could explain it and even offer an example of what we're attempting to...change here?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Yes, thank you, very much, Senator Barkhausen. This came at...from the Supreme Court...from Supreme Court cases and at the request of the Supreme Court. An example might be a purse snatching case where somebody snatched a purse and ran away and the...the...the offender was shot in the back. It was the Supreme Court's feeling that there should be a threat of bodily harm before...before deadly force was used, this is at the request, and that's why this was put in there.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

What happens to a police officer in a...in a disciplinary sense...or what would happen to a police officer if he were

to use deadly force say in...acting in...in haste and on the spur of the moment in attempting to apprehend a criminal, if he were to use deadly force in a situation where...where it would now be allowed where a forceable felony is being committed...but then if we were to do away with...with the provision...allowing the use of deadly force even in cases where there may not be an infliction or a threat of great bodily harm? Would...would this lead to police officers being disciplined in these kinds of situations?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR HAROVITZ:

Thank you, very much. Well, this is something that the Supreme Court has already established is the law of the land. In that particular case, there would be an internal investigation and a possible civil remedy for violations but that is what's going to occur today because the Supreme Court has established the law of the land.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

So, are you saying that we are...we are doing here by Statute what the Supreme Court has already done by common law...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR BARKHAUSEN:

...or are we...are we simply...are we following up...when you said it was a recommendation of the Supreme Court I...you know, they put out an annual report where they make recommendations to the Legislatures. Is this simply a recommendation or have they...handed down a case where they've declared this to be the common law?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

This is directly from case law passed by the Supreme Court, not...not a recommendation that they've come out in the report but case law and this is just codifying the existing case law. If that officer was acting in good faith, I'm sure there would be no problem but it would be an internal matter as it would be now or a civil matter as it would be now.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you, very much. Much of the...much of the material in this legislation was at the request of the State Police and the Supreme Court and to help those mothers and custodial parents where there has been abduction of the child. I would ask for an affirmative vote of Conference Committee Report No. 1 to Senate Bill 2003.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 2003. 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 45, the Nays are 9, 1 voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 2003 and the bill having received the required constitutional majority is declared passed. Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Mr. President, ask leave of the Body to have Senator Degnan added as a hyphenated cosponsor on Senate Bill 2165.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

...you've heard...heard the request to add Senator...Degnan on...as a hyphenated cosponsor of House Bill

2165. Is leave...Senate Bill...Senate Bill 2165. Is leave granted? Leave is granted. Order of Resolutions, Mr. Secretary.

SECRETARY:

Senate Resolution 1176 offered by Senators Lechowicz, Rock, Demuzio and all Senators and it's a death resolution. PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR ROCK:

Thank you, Mr. President. It appears now that we only have about twelve or thirteen items remaining. The conferees have informed me that with respect to the appropriations they are pretty much in agreement. We have scheduled a meeting with the Governor at two o'clock, so I'm going to suggest in order to move the paper that the...we can take a lunch break and...I'm going to suggest the Senate stand in Recess until three o'clock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rock has moved that the Senate stand in Recess until the hour of three o'clock. The Senate stands in Recess.

RECESS

AFTER RECESS

PRESIDENT:

The Senate will please come to order. Messages from the House, Mr. Secretary.

SECRETARY:

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

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



the concurrence of the House to-wit:

House Joint Resolution 236. It is congratulatory.

PRESIDENT:

Consent Calendar.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives refused to concur with the Senate in the adoption of their amendments to House Bill 2486, Senate Amendments Nos. 1 and 2 and this will appear on the next supplemental Calendar under nonconcurrence.

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

Mr. President - I am directed to inform the Senate the House of Representatives refused to recede from their amendments to the following Senate bills and ask a Committee of Conference be appointed, and the Speaker has appointed the members on the part of the House.

Senate Bills 1734, 1624 and 1917.

PRESIDENT:

The House has requested that we accede to their request for a Conference Committee on Senate Bill 1734 which is Build Illinois, 1624, Senator Demuzio and Senate Bill 1917 which is the General Assembly. On 1734, 1917 and 1624, Senator Demuzio would move that the Senate accede to the request of the House, a Conference Committee be appointed. If I can have the attention of the members, the House has just taken a dinner Recess...well, allow me just to try to explain where we are. As I...as I read this, there are about a half a dozen appropriations yet outstanding...not the least of which is Build Illinois, which has been agreed to but it's a question now of circulating it among the conferees for signature and obviously affording the members the opportunity to see the copy once printed. They claim that that will take in

excess of an hour and a half. In addition to that, there are probably less than ten substantive bills either in terms of a House amendment coming back to the Senate or more likely Conference Committees. So we are down to less than twenty items, in my judgment. I have conferred with the Minority Leader and then I conferred with the Speaker, it is our intent to conclude our business tonight. So we...we, too, will be working straight through so we don't have to be here tomorrow. If I can suggest that we go through the Calendars that we have currently, then we, too, will break for dinner and try to expedite the movement of the paper. We have the regular Calendar and then we have Supplemental No. 1 and then we have Supplemental No. 2 and then we have Supplemental No. 3, and there are seven or eight items. So, if I can suggest that we just go through it, those who wish to call the bills, fine; if you don't, that's fine too. At some point we will make the determination that we have done what's necessary for the orderly operation of government and we will go home. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, I'll be making one or two more announcements in regard to the...Independence Day speech. I just received another shipment...they're going...they're going like hot cakes.

PRESIDENT:

That's the alternative, Senator Sam, we could just all stay here and you could read it to us. On the Calendar on page 8...all right, page 8 on the Calendar. On the Order of Conference Committee Reports, House Bill 2989, Senator Sommer. House Bill 3549, Senator Etheredge. Senate Bill 1763, Senator Sommer. Supplemental Calendar No. 1. On the Order of Secretary's Desk Concurrence, Senate Bill 1747, Senator Donahue. On the Supplemental Calendar No. 1, on the Order of Secretary's Desk Concurrence is Senate Bill 1747,

SB 2076  
1st c.e.r.

Mr. Secretary.

SECRETARY:

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

PRESIDENT:

Senator Donahue. Supplemental Calendar No. 1. One...one item on it. Senator Donahue.

SENATOR DONAHUE:

Mr. President, I apologize, but we still haven't located the ten million of the...for the Ag. Premium Fund and Jerry Joyce is going to have a fit again, so maybe we better just hold it one more time. I apologize, take it out of the record.

PRESIDENT:

Sure, that's fine, we'll be here tomorrow. Supplemental Calendar No. 2, Senate Bill 2076, Senator Geo-Karis. On the Order of Conference Committee Reports, Supplemental Calendar No. 2, Senate Bill 2076, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 2076.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, we recommend that the Senate concur in House Amendments 1 and 2 and the addition to the conference report was that increases the notice a punitive father must be get...must get before evidence that he intended to forego his parental rights that may be used to find him unfit, and specifies...spells out specifically legal steps he must take to assert his parental rights. I...I urge the concurrence and the...passage of this report.

PRESIDENT:

Any discussion? Is there any discussion? If not, the

SB 2165  
C.C. Rogers

question is, shall the Senate adopt the Conference Committee report on Senate Bill 2076. 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? Take the record. On that question, there are 52 Ayes, 1 Nay, 2 voting Present. The Senate does concur...does adopt the Conference Committee report on Senate Bill 2076 and the bill having received the required constitutional majority is declared passed. Senate Bill 2165, Senator Jeremiah Joyce. With leave of the Body, Senator Degnan. On the Order of Conference Committee Reports, Supplemental Calendar No. 2, Conference Committee report on Senate Bill 2165, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 2165.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. The first Conference Committee report on Senate Bill 2165. In that report the Senate concurs in House Amendment No. 4 which repeals...which removes some advertising restraints in the bill, also some new...added language as a result of the concern of several dram shop attorneys who reviewed the bill after House passage. The bill is substantially similar to Senator Barkhausen's bill. I move adoption of Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on Senate Bill 2165. 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 concur...does adopt the first Conference Committee report on Senate Bill 2165 and the bill having received the required constitutional majority is declared passed. Supplemental Calendar No...3. Senate Bill 1917, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 1917.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I will move the adoption of the first Conference Committee report on Senate Bill 1917. This is a bill which passed out of this Body calling for proper notification in the event of a Special Session, came back with a technical House amendment which the Conference Committee report has us recede from and adds language to increase our district office allowance effective July 1, by eight thousand dollars annually. This is a subject matter that I know is of interest to many of the members. We...Senator Philip and I have discussed this at great length with the Speaker and the Minority Leader. It is something that I feel the members of the Senate are due and owing and I would urge the adoption of the first Conference Committee report on Senate Bill 1917.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1917. 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 41, the Nays are 13, 1 voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 1917 and the bill having received the required constitutional majority is

declared passed. All right. Channel...we have a request that Channel 11-WTTW in Chicago wants to shoot from the...from the President's Gallery, videotape, I assume. Is leave granted? Leave is granted...third Conference Committee report, Senate Bill 2018, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 2018.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leitch.

SENATOR LEITCH:

Thank you, Mr. President, members. Senate Bill 2018 is a Transportation Department bill which in its original form made a number of technical changes, the likes of which were not to require school buses to stop at abandoned railroad crossings and things of a similar nature. It passed out of here 54 to nothing. Later there was a controversial issue as far as putting on a high speed rail...authorizing a high speed rail between Detroit and Chicago. This would confirm our removal of that. But the most significant thing about this bill is it contains the substantive language for an RTA program which does three major things. The first thing it does is it clarifies the ability of the RTA to bond up to fifty million dollars for self-insurance purposes...pooling purposes. The second thing it does is it provides five million dollars for an RTA security program. Such security would be in the CTA. It's anticipated that they would be contracting with the...the City of Chicago for a City of Chicago Police Unit and it...otherwise permits contracting with private agencies. And the third thing that it does is provides four and a half million dollars for handicapped transportation. It does not increase the bonding authority but does clarify that fifty million of that bonding authority can be used for the bonding of the...for the self-insured insurance pool. I believe there's bipartisan support for it

and I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? Senator Darrow.

SENATOR DARROW:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Sponsor indicates he will yield. Senator Darrow.

SENATOR DARROW:

It's my understanding that the appropriation for these grants was in the Department of Transportation budget?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Leitch.

SENATOR LEITCH:

It was in House Bill 2998 which has already been approved, yes.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Darrow.

SENATOR DARROW:

Prior to your joining this Body, it was my understanding that legislation we passed would have provided that the RTA be self-supporting and they wouldn't have to come back down here with their hand out. Why are we now giving them a 9.5 million dollar total grant appropriation?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Leitch.

SENATOR LEITCH:

I'm not thoroughly conversant with the history of the RTA but I've spent some time visiting with them and they describe very serious insurance problems, very serious security problems and very serious needs in the area of handicapped transportation and I believe it's an appropriate expenditure.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Darrow.

SENATOR DARROW:

Well, is Peoria also going to receive a portion of a grant and are the other downstate mass transit authorities going to receive similar grants or is this just for the RTA?  
PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Leitch.  
SENATOR LEITCH:

I...I believe that this enables other downstate transportation units to also participate in the...in insurance pooling self-insuring but not in this pool.  
PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Darrow.  
SENATOR DARROW:

But...but are the downstate mass transit units going to receive a similar grant or are we just helping Chicago and Cook County and not...and the surrounding counties and not the rest of the State? We've gone over this year in and year out and I thought we had solved the RTA problem and they wouldn't be coming back all the time.  
PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Leitch.  
SENATOR LEITCH:

This vehicle does...or this legislation does not include additional funding for downstate units.  
PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Schuneman.  
SENATOR SCHUNEMAN:

Thank you, Mr. President. My questions to...question of the sponsor, if I may.  
PRESIDING OFFICER: (SENATOR DEMUZZIO)

Indicates he will yield. Senator Schuneman.  
SENATOR SCHUNEMAN:

My questions too go to this grant program, do I understand there is over nine million dollars that...that is available to the RTA out of the Transportation Fund?



PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leitch.

SENATOR LEITCH:

The five million for the security program is coming out of general revenues and is also authorized to come out of the Transportation Fund. Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Mr. President, I...I have problems with this. One...one of the...only way, really, that we can get any money to fix up downstate roads, as I understand it, is out of the Transportation Fund. And we've had problems over the years of diverting money out of those funds and...and the fund dries up. And I have a little problem with this whole process unless...unless it's just a matter of my not understanding what's being done. But as I understand it, they've taken the money out of the...in effect, the Downstate Transportation Fund to...to provide monies for the RTA; and the RTA, as was earlier pointed out, is supposed to be a...self-financing project now, and I...I think this is moving in the wrong direction.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. Senator Poshard and I have a...a bill that's been floating around here trying to get out of Rules and now hung on a Conference Committee someplace in the House which would have created the language for downstate transit districts to benefit in the area of paratransit, it is not moving anyplace. And then we are faced with this kind of an appropriation for the mass transit system in the Chicago region, and I think there are many of us here that do not think it fair that the two things have not moved simulta-

neously.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, as the spokesman on transportation, I, too, am a little disturbed about Senate Bill 2018. I realize what happens around here in the closing days of the Session. First of all, the appropriation was a part of the DOT budget that I handled here on the Floor, but like a lot of other things that happens in the appropriation process, it was something that came on late, came on in Conference Committee, something that I really didn't have a chance to participate in. Now we have Senate Bill 2018 which is really the enabling legislation for that appropriation. You know, our Transportation Committee, like a lot of others, was not particularly overworked this year. We had, I think, only one hearing on Senate bills and one hearing on House bills and we never heard this subject at all. It never became a part of the process, and that disturbs me a great deal to think that here we are on July 1 and here's a brand new subject, a nine million dollar appropriation for something that never cleared the Transportation Committee at any time that we were meeting. We had ample time to deal with it and we were denied that opportunity and, for that reason, I'm going to have great difficulty finding it in my heart to be able to support this Conference Committee report. In fact, I do not recommend concurrence in that report.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senator Leitch, I know we discussed this, but for...for the record, could you please explain to us, am I correct to assume that 2018 will, in fact, allow the establishment of a permanent bus security

unit within the Chicago Police Department to patrol the CTA buses?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Leitch.

SENATOR LEITCH:

Yes, it does.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion?

SENATOR LEITCH:

I might add...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Leitch.

SENATOR LEITCH:

...to answer one of the other points raised in debate, that it doesn't do us downstaters any good to have the CTA and to have the RTA an unsecure place to ride. We...we have a stake in seeing the RTA be successful. If the RTA is not successful, then more people don't ride it and it further aggravates a very serious transportation problem in the City of Chicago. And so, while I am in total sympathy with a need for those of us downstate to participate in this funding, I don't find it uncomfortable at all to be supportive of the security issue. I would also say that it's very...very rational and very logical for those of us to attempt to participate in the handicapped situation as well. But in...in the City of Chicago and in the RTA what...what one finds here is the alternative is...is not an acceptable alternative. If this is an alternative to have...have to otherwise go out and...and refit buses and...and do things which would...accommodate the handicapped people who rely on this for transportation and I'm persuaded is a very cost effective way to proceed, which is not to say that it shouldn't also apply to those of us downstate but it certainly is a rational thing for the RTA.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? There are seven additional speakers.  
Senator Schaffer.

SENATOR SCHAFFER:

I...I know this will disappoint Senator Rock who probably at this point in the deliberations was truly looking forward to me to give one of my historic anti-RTA speeches along the lines of shoulder to shoulder was...that was always my favorite one. I didn't...win on that one either. It won't surprise most of the people who are familiar with the RTA history that this is about five percent of their original agenda. You'll notice that I have signed this Conference Committee and I have done it for a couple of reasons. The major components of this are the bonding authority for their liability insurance. They have a tremendous problem on liability insurance and they had a problem long before anybody else did. You'll recall the old story about the CTA bus with ten people on it that hit a telephone pole and by the time the police got there there were forty-three people on the bus. Well, that's not all humor, as a matter of fact, they have a big problem. This does not increase their bonding authority at all, it allows them to use some bonding authority they had for this purpose, which means that some capital projects down the road may very well be precluded. We've authorized this type of procedure in...with other units of government...seems in order. The 4.5 million dollars for the paratransit, the handicapped money is similar to 4.5 we appropriated last year of which I am told they have only expended about nine hundred thousand. They have...address, frankly, by Federal mandate more than State, but by mandate, the paratransit question. They came down here, as they are accustomed to doing, with their hand out...they didn't get much. The 3.5 for security, well, they have a big security problem. I would suggest to everybody that to the best of my

knowledge the negotiations have not included the Executive Branch and that there is no commitment at the Executive level to spend any of this money. It would seem to me we could kill this and be here tomorrow, I...I'm really looking forward to Senator Vadalabene's speech; or we can proceed and in this year of tight fiscal...calamity why we can let the Executive Branch decide whether he wants to...to fund this. I have a suspicion without wanting to second-guess the gentleman on the second Floor that this may not be the highest priority he can come up with. But as I pointed out in the course of the negotiations, they came down here looking for a lot more and they didn't get away with too much, and I have a feeling what's in this bill is going to be trimmed back pretty dramatically by the Executive. I'm inclined to support it. One of the things that I think Senator Sangmeister and I learned a long time ago is that RTA bills very seldom come back any better than they start.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Under this bill, the RTA has the bonding authority and can borrow as much money as it wants to borrow and to issue negotiable bonds or notes under Section 4.04 on page 16. There's no provision that I can see for a referendum. Is there any referendum provision for it?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Leitch.

SENATOR LEITCH:

No, it's my understanding that the cap on the bond authority is four hundred million dollars, that they've

already issued somewhere in the vicinity of a hundred million, ninety million perhaps, and that what this does is make clear that they can bond for this insurance pooling purpose.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Under Senate Bill 1200 that was passed by this House last night,...on pages of, I believe it was fourteen and fifteen, or was it sixteen, I'm sorry, page sixteen...the bottom, it says that "The board of a local taxing entity may issue General Obligation Bonds." Now is the RTA a local taxing entity, can you tell me that?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Leitch.

SENATOR LEITCH:

I don't think so.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

You don't...know is there...the staff person around to tell us whether or not it's a local taxing entity?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

...Senator Leitch.

SENATOR LEITCH:

I don't know, I...I would point out that...that...that the points that you are describing I think are already law. That the...the changes are those underlined in the Conference Committee report and are therefore the ones that issue here.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

The reason I'm bringing it up...Mr. President and Ladies and Gentlemen of the Senate, is that if Senate Bill 1200 is signed into law by the Governor and if the RTA is a local

public entity or local taxing entity, it will have the right to issue General Obligation Bonds without referendum and this is just something I am pointing out to all this Assembly.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator...DeAngelis.

SENATOR DeANGELIS:

Well, I hate to come in late on the scene but a couple of points ought to be cleared up. The Assistance Repair Transit is not new, fellow Americans, it's in the bill already, it has been in. All that's being done now is being extended from '86 to '87. It's not a new concept, it's always been there. In regards to the downstate, we're amending the RTA Act. If you other guys want to be included in the RTA, we'll be happy to include you but I don't think most of you want to. And that's why you're not in this. The third thing, you know, I just happen to live in an apartment in Springfield in front of one of the major traffic routes, and I want to tell you, I wish to hell I had the buses you have in Springfield in my RTA district. Those are some of the finest looking buses I have ever seen. And you ought to come up to my area and see...see some of those things, half of which are usually towed around by a tow truck. I...I don't know why we get into this kind of fight. Somebody said the Road Fund, well, I would like for those people to kind of look once to see what Region I contributes in motor fuel taxes and what Region I gets back in road funds. Now if we want to regionalize everything, that's fine with me, 'cause, boy, I'll tell you, in suburban...Cook County we're going to come out like bandits. But what we're trying to do here is to provide a program to create a secure system to do grants that we've already done in the past. And Senator Geo-Karis, the RTA's taxing is a one percent sales tax, it's not a property tax where they would go back and levy. And that tax is authorized by this General Assembly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Our analysis says that this was a pilot project for one year and now the RTA is back for more funds for the next year. And it also states that our staff requested a detailed explanation of how the RTA spent the funds that were given to them last year, and so far, the RTA has refused to supply us with that information, why is that? That's a question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leitch.

SENATOR LEITCH:

I couldn't...I couldn't hear the question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

The question is, why has the RTA refused to supply us with information in regard to a detailed explanation of why and how they spent the money last year? I can't understand why they won't tell us where the money has gone and why.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leitch.

SENATOR LEITCH:

(Machine cutoff)...that...that was requested, but I would only say that...and I...I know it is unfortunate that it came up in the eleventh hour through this process instead of going through the normal process, that's no doubt regrettable. I would only observe that in the last forty-eight hours as I've visited with them, I've found them to be most...most forthcoming and willing to answer whatever question might be...might be arising.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson. Further...Senator Watson.



SENATOR WATSON:

Thank you. Well, I think it's unfortunate they have refused to cooperate in just supplying us simple information on how they're spending our money. It's their money also but it's simply a...a diversion, as what was mentioned earlier, from the Road Fund. I'd like to also ask this question, is who has these security contracts? Who had them?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Leitch.

SENATOR LEITCH:

I don't know. I understand there's some history where...over the past few years there have been some vary unsatisfactory...attempts to make this system more safe and that one of the major motivations for this thing at this time is to try and cure some of the problems that...that did occur in the past.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Well, the other side must have a different Conference Committee report from their staff...analyst than we do, because, basically, our analysis of this Conference Committee report says it creates a self-insurance risk pooling arrangement and liability coverage for the RTA, CTA, Metro and Pace. It establishes a self-insurance trust bonding authority, continues a project established last year where...where the RTA provided the State grant to all commuter boards to enhance policy security, maintains the paratransit project for the RTA established last year for the...mobility limited. This proposal would provide that each of the four entities would participate in a self-insurance trust to cover injuries and damages resulting from catastrophic occurrences. If anyone who has gone through as much time and deliberation as we had as far as

with the insurance crisis, not only in this State but in this nation, would...would agree that if anything is needed in public transportation, it is the ability of self-insurance. It also creates the self-insurance arrangement. The RTA expects to finance this project with the sale of debt obligation. How else are you going to do it? It's the only way to do it. The provision regarding membership on the suburban board were also attempted last year but were deleted in last...last year's Conference Committee. Currently, mayors of various communities serve on the board by virtue of being mayor. This change would allow a former mayor to serve, presumably in place of the current mayor. Basically, ladies and gentlemen, this is a good Conference Committee report. I can't see...unless our analysis is totally different from yours, but everything I see, it's needed. And I'd strongly encourage an Aye vote.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Rock. Senator...Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I...I...I'm a little surprised with all the rhetoric with respect to the Regional Transportation Authority. The grant was discussed in the Appropriations Committee and as Senator Rigney rightly pointed out, the paratransit grant has in fact been reappropriated for this fiscal year to provide those services to the...those persons whose mobility is limited. The only thing this does...and the fact of the matter is, we don't have to do it right now, we could do it in the fall. But Mr. Skinner who is the chairman of the board apparently decided, well, we've got to do something on our self-insurance program, we've got to get some muscle behind the self-insurance program, and I agree with that, why don't we do this at the same time because there's no objection to

it. And the only thing we're doing is we are saying for that limited grant of money, last year it was nine hundred thousand dollars, for that limited grant of money we are taking it out of the fare box recovery ratio that we fought so long and hard around here to get, because we didn't feel last year it was fair to ask the transportation authority to embark on a new program to help those with limited mobility and at the same time charge that against their fare box recovery ratio, 'cause this Assembly said you have to get so much out of the fare box before you get the State grant. Shouldn't be any objection to this. The only part that I find that could be objectionable is something I don't think anybody is quarreling about and that says the department "may," not "shall," "may" make grants to help with security. And I'll tell you, anybody who has ridden a bus or a train or an EL in...in the County of Cook and most particularly in the City of Chicago should welcome this. And it's not simply that big a ticket item. I think this year's discretionary grant will total about three million dollars. We...we are fighting truly about something we should not be fighting about. Everybody should be in favor of this bill and I urge an Aye vote on the adoption of the Conference Committee.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? If not, Senator Leitch may close.

SENATOR LEITCH:

Thank you, Mr. President. I simply would say I'm a downstater and there's little direct interest in me in seeing the RTA solve its problems, but at the same time there is an interest. I think that all of us have an interest in seeing that system work. It doesn't benefit us to have an...an unsafe, unapproachable, unusable system in the RTA. It doesn't benefit us throughout the rest of the State to have handicapped people who need help not be able to get it and get the transportation to which those of us otherwise are

SB 2117  
Concurrence

entitled and ought to have. And so I would simply urge an affirmative roll call and urge those of you who do more directly benefit in the collar counties and in Cook County to join me in voting for this Conference Committee report. Thank you, very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 2018. 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 39, the Nays are 17, none voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 2018 and the bill having received the required constitutional majority is declared passed. Let's go...with leave of the Body, we'll return to the regular Calendar, today's regular Calendar, page 7...page 7 on your regular Calendar, Secretary's Desk Concurrence...is Senate Bill 2117. Your regular Calendar, page 7, Secretary's Desk Concurrence, Senate Bill 2117, Mr. Secretary.

SECRETARY:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'm going to move to both concur and nonconcur. I'm moving to concur on Amendments 1, 2, 3, 4, 8, 10, 11, 14, 18, 19, 21, 23, 26, 27 and No. 30.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Welch that's all but 4 and 21, is that correct?

SENATOR WELCH:

It's all but No. 20 and 28. You weren't even close.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Why don't we take the concurrence first then. You're...you're going to move to concur...you want to restate your motion, sir? Senator Welch.

SENATOR WELCH:

I'm moving to concur in House Amendments No. 1, 2, 3, 4, 8, 10, 11, 14, 18, 19, 21, 23, 26, 27 and 30.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Amendment No. 1 is a comprehensive amendment that rolled in a number of amendments in the original bill on House Bill 3036 that we passed out of here a few days ago. Amendment No. 1 deleted everything in this bill after the enacting clause, added a provision amending the Chemical Safety Act to...exclude from coverage certain classes of releases. It also provided that certain remedial actions may not be used as evidence of negligence or...culpability, authorized local response agencies to suggest certain additions to response plans and other changes. It amends the Environmental Protection Act to exempt certain retail liquid dispensing facilities from payment of the air pollution permit fee, requires the owner and operator of certain sanitary landfill sites to monitor such sites and abate any problems related to gas, water or settling for a period of at least five years after the site is closed. The next provision; making the issuance of bonds to pay for necessary sewer repairs subject to the approval of the local governing body is later removed in another amendment, requires that a closure performance bond be directly related to the design and volume of the entire waste disposal site, provides that no unit of local government shall be liable for any injury resulting from its exercise of authority pursuant to a delegation agreement with the Illinois EPA unless the injury is caused by willful and

wanton negligence, provides that insurance policies may provide for the nonpayment of claims which are barred, it deletes language relating to the system of Federal clean air regulations and authorizes the...the board to adopt site specific rules...a change of motion here, Mr. President. We're moving to nonconcur on Amendment No. 1...No. 20 and No. 28 because of a problem with drafting the Conference Committee report. So everything I just read to you...you can...that...remember that when we get to the nonconcurrency. So...do you want me...I'll start with Amendment No. 2 which we are now concurring with. This...this amendment changes the date for the fee for the underground storage tanks from July 1, 1986 to July 1 of '87. Specify...No. 3 specifies procedures for enforcement of violations pursuant to administrative citations. No. 4 provides that the Department of Energy and Natural Resources shall determine whether to conduct an environmental impact study with regard to regulations identical to Federal regulations. House Amendment No. 3 deletes the provision relating to the issuance of bonds to pay for necessary sewer repairs returning it back to the original Statute as it exists today. House Amendment No. 10 deletes a reference to Chapter 111 1/2 relating to the passthrough of Federal Clean Air Act regulations and the associated permit program. House Amendment No. 11 provided that if the board finds that a person appealing from an administrative citation has shown that the violation resulted from uncontrollable circumstances, it shall adopt the final order which makes no finding of violation and impose no penalty. No. 14 adds a provision amending the Gasoline Storage Act to prohibit municipalities from establishing standards for underground storage tanks which are different from those of the Office of the State Fire Marshal. No. 18 amends the Chemical Safety Act to require that Emergency Services and Disaster Agency establish procedures for notifying residents

of a geographical area affected by an incident requiring an emergency response action. No. 19 requires the Pollution Control Board to adopt regulations by September 1, 1988 for the purpose of classifying special waste. No. 21 amends an Act in relation to the management of low-level radioactive waste prohibiting the granting of a license for facilities to handle low-level radioactive waste away from the point of generation in Illinois until a regional management plan has been adopted. No. 23 creates the Metro-East Solid Waste Disposal and Energy Producing Act. No. 26 exempts storage facilities licensed on the effective date of this amendatory Act from prohibition on accepting low-level radioactive waste generated in a place other than the place of treatment. No. 27 adds provisions amending the Criminal Code in the Chicago Sanitary District Act to provide for seizure and forfeiture of mobile equipment used in midnight dumping. And No. 30 includes treatment facilities other than sites or facilities of which the State is performing certain remedial actions within definition of regional pollution control facility. I would move for a concurrence on those amendments, Mr. President.

END OF REEL

REEL #3

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? Senator Donahue.

SENATOR DONAHUE:

Well, thank you, Mr. President. My handlers tell me that this is the procedure that we're taking to put this into conference, am I right on that, Senator Welch?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Welch.

SENATOR WELCH:

That's correct, Mrs. Donahue.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Donahue.

SENATOR DONAHUE:

I just...I'm just a little leery of this, this is such a major piece of legislation right now that I'm just nervous about doing it. Okay...why...one question of the sponsor. Why are we concurring on all these amendments, why are we just nonconcurring on the two that we all have a problem and send it to conference?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator, is that a question posed to me? Well, the...the gentleman has every right to make whatever motion he wishes on his legislation. He has moved to concur in some and nonconcur in others, and we have taken the practice that if he wishes to have an affirmation of the Senate on concurrence of certain amendments, he's entitled to that privilege. Senator Welch.

SENATOR WELCH:

We were requested by the sponsors in the House to concur in these amendments making the Conference Committee report easier to draft so that they would just recite those amend-



ments instead of having to enroll and engross all of the amendments all over again.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

Thanks, Vic. A question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

The timer is on.

SENATOR KEATS:

...when you...when you have a bill with twenty some amendments, twenty-eight or something like that, how many of these amendments ever went through a committee? How many of these amendments were on bills that were defeated? How many of these amendments were bills that died in Rules, but more importantly, how many of these...how many of these amendments have any of us ever seen before? I mean, I've got to admit some of them don't look real familiar. I mean, hitting the midnight dumpers is a heck of an idea and I'm not arguing it, but how many of these twenty-eight amendments has anybody ever seen in a committee hearing or in public or is this all a behind the scenes deal?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

...Senator Welch.

SENATOR WELCH:

Senator, most of these have been kicking around here for four years at least. Let me...let me point out a couple of things. House Amendments 1, 2, 3, 4 and 8 and 11 and 20 were Senate amendments to House Bill 3036, so those we have voted on and heard of before. The existing language...adoption of the Clean Air Act regulations is new as is the language establishing standards for underground storage tanks which differ from the fire marshal's, that is new. There is some new stuff here but almost all of it is requested by the administration, as far as I can see. An amendment that I

requested was one that I'd been introducing for four years and a pesticide amendment I believe is...is not going to be concurred in, so that...even though it's new will be debated.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Further discussion? Senator Keats.

SENATOR KEATS:

What you're really saying then, the majority of the amendments aren't really part of the committee process, they're just kind of something worked out. I...I mean, I just...okay,...I mean, if there's one thing we've been arguing about, we're just beating on the RTA bill and the same thing, all this stuff comes up at the last minute. I'm not telling you some of these amendments aren't pretty good amendments. I'm just kind of saying, hey, you know, it...it...it's July 1st and...and, you know, we've been in Session since January.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Further discussion? Senator Woodyard.

SENATOR WOODYARD:

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

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Indicates he will yield. Senator Woodyard.

SENATOR WOODYARD:

Senator, on Amendment No. 2, I believe that's correct, on exemptions...on administrative citations under this 31.1...and I apologize, I do not have the Conference Committee report here in front of me, our analysis indicates that there would be exemptions on administrative citations under people who operate under a 31.1 Section, what kind of a landfill is that?

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Senator Welch.

SENATOR WELCH:

That's the...the reference to an on-site generator of...waste.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Woodyard. Senator Woodyard.

SENATOR WOODYARD:

...then this would be a...a manufacturer, somebody like that that has a...a landfill on their own land and they're the...the only generator to that landfill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Welch:

SENATOR WELCH:

Yes, it's an on-site producer, yes.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Woodyard.

SENATOR WOODYARD:

Thank you. In that same light, what is the maximum penalty for that administrative citation on those not exempted?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Welch.

SENATOR WELCH:

The maximum is five hundred dollars.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Maitland. Senator Maitland.

SENATOR MAITLAND:

Okay...okay. Thank you, Mr. President. It's my understanding, that...that...that there has been an agreement reaped on this bill; obviously, the motions that...to concur will be final passages of those and those are legitimate questions, but for the Body, it's my understanding,...an agreement has been reached between the environmentalists and business and everybody is on board...the Conference Committee report has been drafted, so on the motion to nonconcur would be appropriate to support that motion and send this bill to conference.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Due to a mistaken opinion by someone in the House, I've been advised now that we do want to concur on House Amendment No. 1. So, in order to draw the Conference Committee report and have it back in time, we are now moving to concur on House Amendment No. 1 together with the other amendments I stated. So we will only be nonconcurring on 20 and 28. So I'd be glad to explain Amendment No. 1 further if anybody would...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President, Ladies and Gentlemen of the Senate, Amendment No. 28 amends the Illinois Pesticide Act to provide that nothing in this Act shall preempt local regulation of commercial...nonagricultural application or storage of pesticides.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Wait a minute...

SENATOR GEO-KARIS:

He...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Geo-Karis, pardon me. Senator Welch.

SENATOR WELCH:

We are not...that is not part of this motion. We are only concurring on the...amendments other than 20 and 28. I think that your argument would be better on the motion to nonconcur in which you would argue a...for a No vote, Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

...I might as well finish now. I hope that you will include it when you have your conference report, because we have had instances where these pesticides have caused a lot of bad health, people have been in intensive care. So I do feel there should be local control over them.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Welch, you may close and perhaps you might restate for the record your intentions on the concurrence on the amendments. Senator Welch.

SENATOR WELCH:

And my apologies to the Body for the confusion there, this is a very detailed bill. The motion is to concur on House Amendments No. 1, 2, 3, 4, 8, 10, 11, 14, 18, 19, 21, 23, 26, 27 and 30. This bill has been the subject of a great many days of negotiation. All of these amendments were subject to debate in the House and, in fact, that's what held up most of these amendments for several days was because the length of the debate. So I would move to concur in those amendments stated.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right...the question is, shall the Senate concur in House Amendments 1, 2, 3, 4, 8, 10, 11, 14, 18, 19, 21, 23, 26, 27 and 30 to Senate Bill 2117. 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 41, the Nays are 7, 6 voting Present. The Senate does concur in House Amendments 1, 2, 3, 4, 8, 10, 11, 14, 18, 19, 21, 23, 26, 27 and 30 to Senate Bill 2117. Senator Welch on nonconcurrence.

SENATOR WELCH:

Yes, Mr. President, I would move to nonconcur on House Amendments No. 20 and 28.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Welch moves to nonconcur in House Amendments 20 and 28 to Senate Bill 2117. All those in favor indicate by saying...Senator Geo-Karis.

SENATOR GEO-KARIS:

I...I am opposing the nonconcurrence on Amendment 28 on the grounds that I stated earlier.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right,...I beg your pardon. Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I was wondering if the sponsor would divide the issue. I think some of us do support 28, kind of like to see that concurred in.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Zito, for what purpose do you arise?

SENATOR ZITO:

To comment on the nonconcurrence of Amendment 28.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Do you seek to divide the question also? Senator Zito.

SENATOR ZITO:

Seek to make a comment, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, just...we are at the leisure of Senator Welch at the moment. (Machine cutoff)...right, Senator Schaffer has sought to divide the question and to...Senator Schaffer.

SENATOR SCHAFFER:

I'm reliably informed that that issue will come back in the Conference Committee, so rather than delay the process, why don't we just get our motion and get going.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? There's all kinds of lights on. Senator Fawell.

SENATOR FAWELL:

I have a question on...on Amendment 20, I wonder if the

sponsor would yield?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Question on Amendment 20. Senator Welch.

SENATOR FAWELL:

Is this amendment the amendment that says, in effect, that if somebody goes through...all...goes through the process, denied...an appeal...I mean, denied an application, goes all the way through the process, finally gets the application and...and is this the amendment that says that you've got to go back now and start all over again with the new rules and regs. that we have put in since that?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Welch.

SENATOR WELCH:

That's correct, Senator, and that's why I'm moving to nonconcur with that amendment.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Fawell.

SENATOR FAWELL:

So your point is that we are now going to be able to allow somebody to apply for a permit, get all the way through the process and then be able to go under the...rules and regs. that he originally applied under?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Welch.

SENATOR WELCH:

No, this is nonconcurrency, Senator. I'm moving to take that out of the bill and...take it to a Conference Committee. So that will not...that as stated in the existing bill before you will not appear in the same fashion in the Conference Committee report. So...you want it out, if you vote to nonconcur,...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Well,...

SENATOR WELCH:

...it will be out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Why don't we just...further discussion? Senator Joyce. Jerome Joyce. All right. Senator Welch has moved to nonconcur with House Amendments 20 and 28. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The motion carries. The Secretary shall so inform the House. (Machine cutoff)...right, leave of the Body, we'll go to the Order of Resolutions. Resolutions.

SECRETARY:

Senate Resolution 1177, by Senators Fawell, Philip and Topinka, it's congratulatory.

Senate Resolution 1178, by Senator Donahue, it's congratulatory.

Senate Resolution 1179, by Senator Topinka and it's a death resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. On the Order...all right, Senator Carroll, for what purpose do you arise?

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Last night in my temporary absence at a Conference Committee, we had put in a resolution that was inadvertently sent to Executive as opposed to being immediately considered and adopted. I would, therefore, move you, Mr. President, that Senate Resolution 1173 that the Committee on Executive be discharged so that the resolution can be immediately considered and adopted. This is the resolution consistent with our discussions with Central Management Systems on asking the Auditor General to review the process and procedures involved in the lottery building as agreed to by CMS and those in the Appropriation's Committee. This resolution would accomplish that goal.



PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Senator Carroll has moved to suspend the rules for the immediate consideration and adoption of Senate Resolution 1173. On that...Senator DeAngelis.

SENATOR DeANGELIS:

Could we...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

I'm not trying to be dilatory, but I'm looking for...I had that copy of that resolution this morning.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator DeAngelis, actually we're on a resolution...on the...on the motion to discharge. Senator DeAngelis.

SENATOR DeANGELIS:

Well, you know, normally when we discharge, we approve. If you want...I'll wait till my comments after...go ahead, discharge it...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Well, if...Senator Carroll indicates if you have some...some comments that...Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I thought it had been approved. Senator DeAngelis, I thought it had been approved. This was consistent with what was agreed to that would be done and that it takes a resolution to ask the Auditor General to do this study. The Auditor General requested us to do it this way...and then this was consistent with what CMS had asked us to do or we had agreed to do by mutual agreement. I know of no problem with that, if there is one,...okay...thank you.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

...Senator Karpel. Senator Karpel's light is on...Senator Karpel on the Floor? (Machine cutoff)...Keats,

you have an awful long arm there. Senator Carroll moves to discharge the Committee on Executive from further consideration of Senate Resolution 1173. Discussion? Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The motion carries and the Committee on Executive is discharged. Senator Carroll now moves for the immediate...suspension of the rules and consideration of Senate Resolution 1173. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The rules are suspended. Senator Carroll now moves the adoption of Senate Resolution 1173. Is there...discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, there...there is some ambiguity. Senator Carroll, I'd like to ask you one question, if you'll answer. Is there an agreement with Director Tristano to do this?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Carroll.

SENATOR DeANGELIS:

...cause if not, I would like to have the...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

...the thing held.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Carroll.

SENATOR CARROLL:

Yes, it was Director Tristano's request that we have the Auditor General look at this side of it. It...we have to do it by resolution which he and I had never discussed but he asked us to ask the Auditor General, we made that request. Auditor General came back and said we have to ask by resolution. This is the way to do the resolution and then that is...that is what Director Tristano asked us to do.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Carroll, you don't have to do it by resolution. You can, in fact, file a resolution with the Legislative Audit Commission at that time. Okay? So there's other ways.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, we're...we're all aware of that. Senator Davidson, on the discussion on the resolution.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I rise in support of the resolution. This was a...an agreement was worked out between Central Management Service, Senator Carroll, all the players involved. They have no problem, they say they can withstand any kind of a audit investigation the Auditor General want to do and that was the agreement and I would urge everybody to vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate...is on the adoption of Senate Resolution 1173. 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 56, the Nays are none, none voting Present. The Senate does adopt Senate Resolution 1173. Senator Marovitz, for what purpose do you arise?

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. I move to discharge the Executive Committee from further consideration of House Joint Resolution 172. I checked with the President and the minority leader. I checked with the chairman of the committee, Senator Sangmeister and the spokesman, Senator Schuneman, and I would renew my motion to discharge Executive Committee from further

consideration of HJR 172.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Marovitz moves to...to discharge the Committee on Executive from further consideration of House Joint Resolution 172. Those in favor indicate..in...in order for it to be considered immediately. All right. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. House Joint Resolution 172 is discharged from the Committee on Executive. Senator Marovitz.

SENATOR MAROVITZ:

I move to suspend the...appropriate rules for the immediate consideration of HJR 172.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz moves to suspend the rules for the immediate consideration and adoption of House Joint Resolution 172. Discussion? If not, those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The rules are suspended. Senator Marovitz now moves the adoption of House Joint Resolution 172. Discussion? If not, those...Senator...discussion? Senator Keats.

SENATOR KEATS:

...I was just asking what it was. I'm just asking for somebody to tell me what this thing is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

(Machine cutoff)...very much, Mr. President. Just briefly, this is a resolution...HJR 172 began in the House, obviously. It has to do with the making of a movie regarding John Wayne Gacey and the reenactment of that heinous crime. There are many families who were victimized by that crime and this resolution deals with the opposition of...of the State of Illinois from cooperation in the making of that movie in the State of Illinois, prohibits the offering or allow-

ing...and this is again a resolution, prohibits offering or allowing any technical, financial or administrative assistance on the part of the State to any individual or corporation who would be making a movie for profit reenacting a capital crime while the perpetrator of the crime is still alive. And we remind all labor unions and ask them to refuse to participate in the production as well as local governments from...prohibiting from spending public funds for the production of...of this type of movie which reenacts this heinous crime and would relive some terrible memories for many families in the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Further discussion? If not, the question is, shall the Senate adopt House Joint Resolution 172. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. House Joint Resolution 172 is adopted. Senator Rock. Could I have your attention, please.

SENATOR ROCK:

Thank...thank you, Mr. President and Ladies and Gentlemen of the Senate. I have just been informed that the first draft of the agreed Build Illinois bill has just surfaced. It is being proofed and then will be circulated and then printed for all the members. In the meantime, we do not have any pieces of paper in front of us. So my suggestion is we Recess for the purpose of grabbing a bite to eat and I'd ask the members to...please be back at eight o'clock.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

All right. Senator Rock moves that the Senate stand in Recess till the hour of eight o'clock. The Senate stands in Recess till 8:00 p.m.

RECESS

AFTER RECESS

PRESIDENT:

The Senate will come to order. It is still Tuesday, July

HB 913  
last conf. Comm. Rep.

1, and we are still trying. Supplemental Calendar No. 4. We have Senators Barkhausen, DeAngelis and Lemke, and I would ask that they afford us the opportunity to let us know if they wish those matters called. In the meantime, we'll return to the regular Calendar on page 8, on the Order of Conference Committee Reports, 2989. 1763. Supplemental Calendar No. 1, Senate Bill 1747. (Machine cut-off)...Barkhausen. All right, we have gone through the regular Calendar again and Supplemental 1 again. Calendar 2 is completed, Calendar 3 is completed. We are now on Supplemental Calendar No. 4, on the Order of Conference Committee Reports,...there is a Conference Committee report on House Bill 913. Mr. Secretary.

SECRETARY:

The first Conference Committee report on House Bill 913.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, the first Conference Committee report on House Bill 913 contains but one provision of the bill that had three different features as it passed the Senate as amended. The one remaining provision in the bill is that which would permit a court to impose an extended term sentence in cases where a defendant is convicted of voluntary manslaughter and...involuntary manslaughter or reckless homicide in which the defendant has been convicted of causing the death of more than one individual. I'd be happy to answer any questions. The reason for this legislation is the particular concern that arises in reckless homicide cases involving DUI offenders where there is a conviction for killing more than one individual. I would move for the adoption of this first Conference Committee report on House Bill 913.

PRESIDENT:

All right. Senator Barkhausen has...has moved the adop-

tion of the Conference Committee report on House Bill 913.  
Is there any discussion? Senator Netsch.

SENATOR NETSCH:

A question of the sponsor, because I don't have the text of the underlying law in front of me. When...our analysis indicates that it is an aggravating factor. Is this then one of the...those that is listed in...in the...in the list of aggravating factors that determine whether a sentence should be more or less severe or...or is it a mandatory aggravating factor if you know...if my question is clear.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

...it is not a mandatory factor, it...it is discretionary with the court as to whether to impose an extended term sentence under these circumstances.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, that answers my question. I just wanted to be clear about that.

PRESIDENT:

Thank you. Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

On the same subject, Senator Barkhausen, involving the rationale where there have been multiple deaths from a reckless homicide. Obviously, there has been no intent in those situations so the...the increased penalty would not serve as a deterrent. What then is the rationale for the increased penalty where there has been multiple deaths where there has been no intent and, consequently, there will be no deterrent factor?

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

...I believe, Senator Marovitz, that the thinking is that the courts would be most apt to impose an extended term sentence in cases where the defendant's behavior has been especially wanton and, otherwise, the sentence probably would not be imposed but, of course, that would be discretionary with the judge.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

In the same example, couldn't that same defendant's example be wanton, just as wanton, without the killing of...you know, without multiple deaths?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I suppose that it could be hypothetically.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR D'ARCO:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR D'ARCO:

Senator Barkhausen, let's assume that a...a person is...is intoxicated driving down the street and he is speeding at some exceedingly high rate of speed, ninety miles an hour or whatever, and he hits another vehicle with two persons in the vehicle and he kills both persons. I think now, under your bill, if there were only person in the...in the vehicle, he would be guilty of involuntary manslaughter but because he killed two persons...I'm listening to Senator



Lemke here which...he will be guilty of homicide more or less, because the aggravated factor would kick in at that point and the extended term provision would kick in. Now, what's the logic of that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator D'Arco, the...the crime itself would not change unless there was a particular intent to kill, then, of course, there would...there would be homicide. But in the situation as you describe it, the court might in that situation decide to impose an...extended term because of the behavior as...as you describe it might be found to be particularly wanton. I...I'm using this word "wanton," this is not in the...in the bill, but the...the language of the bill simply says that...that an extended term sentence can be imposed for these three crimes, it doesn't mention homicide. It says voluntary manslaughter or involuntary manslaughter or reckless...reckless homicide; we're not talking about...murder or first degree murder, these three..three crimes, voluntary manslaughter, involuntary manslaughter or reckless homicide where more than one individual is killed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Well, excuse my choice of words when I said homicide, because you are absolutely correct. He wouldn't be guilty of homicide, he would still be guilty of involuntary homicide, but the extended term provision would kick in even though there was no intent to kill the other individual in the vehicle. And what I'm suggesting is that it is...inappropriate to penalize him greater without the intent to commit homicide when, in effect, he is involved although reckless...although extremely reckless and he should be penalized for his conduct

in an automobile accident. Why...why penalize him to the extent where a...the effect of it is to say, look, you can go out and kill somebody with intent and get the same penalty as this individual who involuntarily killed someone without intent. That's the effect of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR BARKHAUSEN:

Mr. President, just to respond to the last point that...was made and I, perhaps, should know this off the top of my head but if you kill somebody with intent, I...I know that the potential sentence there is greater than it would be under this bill which would, as I understand it,...increase the possible sentence in a...in a reckless homicide...the DUI situation where...where a defendant is convicted of killing more than one individual and an extended term sentence is imposed, the sentence, I believe, could...could go up to five to ten years. So the sentence would...would certainly not be as great as it is in the...in the case of an intentional homicide. It is...it is only because we are as...as serious as the Legislature has been on record as...as being about the...the crime of DUI and these other situations where as a result of particularly reckless and wanton behavior on the part of a defendant that more than one individual is killed, that it is felt that this extended term sentencing provision ought to be available to be imposed on these particular defendants and...and, for these reasons, Mr. President and members, I would move for the adoption of this first Conference Committee report on House Bill 913.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Senate adopt the Conference Committee report on House Bill 913. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all

*HRB 1945  
1st Conf. Comm. Report.*

voted who wish? All voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 2, 1 voting Present. The Senate does adopt the Conference Committee report on House Bill 913 and the bill having received the required constitutional majority is declared passed. House Bill 1914, Senator DeAngelis. I...I'm sorry, 1945, Senator DeAngelis. Read the bill, Mr. Secretary.

SECRETARY:

First Conference Committee report on House Bill 1945.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. House Bill 1945 when it left the Senate had only two amendments. It has...collected a few more since then and let me go over them very quickly. In the Conference Committee report, Article I excludes the membership campgrounds from regulation under the Illinois Real Estate Time Share Act. This change reflects current department policy. Article II implements a charge of perjury for an individual who signs a fraudulent document. In other words, when you make application for licensing, you will be required to do the very same thing that you do on your income tax, et cetera. It also clarifies the type of actions for which an individual deemed to be in charge of a license agency which may be held responsible. It's got the electrical contractor provision which was on another bill which grandfathers...them in to install fire alarms. It removes a proposed exemption from the registration requirement for clerical employees who do not have access to confidential client information, amends the Physical Fitness Service Act, prohibits contracts from requiring payments in excess of an average of twenty-five hundred dollars a year; and Article III allows the Department of Insurance to expend monies from the Insurance Financial Regulation Fund for the purpose of

collecting data on insurance premiums, income costs and expenses as mandated in Senate Bill 1200. Be happy to answer any questions. If I...

PRESIDING OFFICER: (SENATOR SAVICKAS)

...is there discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. In...on...in Article II, Section 8, Subsection A, there's a provision that says that, "No contract for physical fitness services shall require payment of a total amount in excess of the average of twenty-five hundred dollars per year." Now, it's my understanding, you know, let's say that...that you want to sign up for some physical fitness course,...you want to quit smoking and you want to get in shape and you go to this gym and they want to sign...what?...and you want to sign up for this course and they tell you, okay, look, I'm going to sign a contract with you for five years or so, and for the first year you can pay five thousand dollars and then we'll average it out over the next four years, so that after a period of five years, the average is less than twenty-five hundred dollars. Now you get disenchanted with this rigorous, tough physical fitness course that you signed up for and you say, gee whiz, I don't want to go anymore, I...I'm not inclined to do this anymore, I would like to cancel my contract. And the guy goes, wait a minute, you know, you signed up for five years and you've got to pay...you got to pay this money up front which you...you know, you've got to pay over a period of time and you can't cancel the contract. Now, you know,...this is like the dance studio schemes that were going on years ago where they would sign you up, get you to pay an exorbitant amount of money up front, sign you on a contract and then even though you got disenchanted with taking these dance lessons, you still had to pay over a period of years. And I...what I'm saying to you, Aldo, is that this is a bad provision in this Conference

Committee report. It shouldn't be in here, it was defeated in the Executive Committee and there's no reason for it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I stand to oppose the first Conference Committee report and I...as was suggested to me, I guess, twenty-eight times last night, this is...this is a subject for a second Conference Committee. There are things in here that I am prepared to agree with, Article I, without question. Then we get to Article II, I don't know where it came from. I can remember sitting in the Executive Committee when this was voted down virtually unanimously and I don't know what it's doing in here, and I don't have any problem with the insurance component. I don't have any problem with the detectives component, but why this in here, mistake, and I...stand opposed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR JONES:

For a point of clarification, Senator DeAngelis. On page 5 of the Conference Committee report, it appears that the director has the authority to certify the amount of money to be transferred from the Insurance Financial Regulatory Fund to the General Revenue Fund. Is the director limited in this certification of money...to the collection of data for property and casualty companies pursuant to the Illinois Insurance Cost Containment Act?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Yes, Senator Jones.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Then would this exemption...money exceeding one hundred thousand dollars at the end of fiscal year in the Insurance Financial Regulatory Fund must be transferred to GRF?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones...Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Let me just clarify some of the comments that were made by Senator D'Arco and President Rock since I was a member of this Conference Committee and I also was a member of the Executive Committee where I voted against that bill in Executive Committee as far as the open-endedness on physical fitness or health centers. What this Conference Committee is recommending, and if you would check it with not only the report that you have but...anyone of our staffs, it was our understanding that this amends the Physical Fitness Service Act to...to change the maximum payment from twenty-five dollars...twenty-five hundred per year to an average of twenty-five hundred per year. By setting the maximum as an average of twenty-five hundred per year, there...this report seems to allow fitness centers more flexibility in yearly prices; for example, under the current law with a four-year ten thousand dollar contract, the center must charge twenty-five hundred dollars each year. Under this report, this

center could charge any price in any given year as long as the total does not exceed ten thousand dollars. It increases that financing period to three years from two years and that was the difference of what the...this report is recommending in comparison to what the bill stated, the open-ended bill that was killed in Executive Committee. What we're doing here is we're increasing the financing period from two to three years. The total contract and the contract as far as the time that a person has to review it and to reject it has not been changed, and if you want to check with Dave Menchetti on the other staff, we reviewed that provision and, for that reason, we thought that it would be more beneficial, helpful to the people that are...belong to this physical fitness program to have them...have the increased time in financing so they can participate at a lower level, that's the only change. The bill that was killed in Executive Committee is not contained in this report. All this contains...in...report in that respective subject matter is increasing the finance period to three rather than two years. Thank...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator D'Arco.

SENATOR D'ARCO:

Senator Lechowicz, I understand the intent of...of what you...of what you are saying and I agree with you. The problem is that when they add the words "an average of twenty-five hundred per year," that can imply that the contract could be over an extended period of time of more than one year so that they can...you know,...so that it does become open-ended. That's the problem. You know, if you could limit it to a one-year contract of not more than twenty-five hundred dollars, we would be in agreement with you, but this doesn't limit it to...a one-year contract. The contract can be more than...the contract can be for more than one year,

that's the problem and if we go to a second Conference Committee report, I think we can work it out and, you know, there won't be any problem.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

I just want to ask Senator DeAngelis to withdraw his...the motion. Let's go to another conference report. Would you withdraw that, Senator? I think Senator D'Arco, Rock and...and also Lechowicz are right on target. This is a open-ended charge and I would ask you to...to withdraw your motion.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR DeANGELIS:

Well, we have a short little problem, the House passed this quite awhile back. I do want to apologize to the Body and when I get my time, counterpart in the House, Menchetti, I'm going to use a machete on him 'cause I asked him what the hell was in this Conference Committee report and this was never even brought up; in fact, Senator Rupp got caught the same way too. Now, what I would like the Body...I don't mind going to a second one, but I'd like to hear the objections right now on any other part except this to the bill. Is anything else objectionable to the Body?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, I just want to reiterate what Senator DeAngelis said and...I hate to take up the time of the House...or the Senate. This matter passed 101 to 7, I...believe me, it's strictly on the financing of...from two to three years. This is not the bill that was in Executive Committee. I really



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don't see anything absolutely horrendous on this bill and I think we should move with the Conference Committee report.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

...well, let's just run it once and see what happens.

PRESIDING OFFICER: (SENATOR SAVICKAS)

All right. The question is, shall the Senate adopt the Conference Committee report on House Bill 1945. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 24, the Nays are 21, none voting Present. The Conference Committee report is not adopted and the Secretary shall so inform the House.

Senator DeAngelis.

SENATOR DeANGELIS:  
Well, I would move for a...a slower gavel...a second Conference Committee report.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You'll have both, Senator DeAngelis. Senator DeAngelis asks...requests a second Conference Committee be appointed. Just like to recognize the distinguished Speaker of the House of Representatives on the Floor visiting and...with the common Senators, Representative Michael Madigan. House...Senate Bill 1517, Senator Lemke. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1517, second Conference Committee report.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

We are now on this...Senate Bill 1517 back to the original bill without proprietary interest and other things, and we have only added the language that DCFS wants, and that's

to amend the Child Care Act to require all drivers who...transport requirements of school bus drivers. They include drivers must be twenty-one years of age, possess a valid driver's license, no suspensions or revocation in the past three years, must be physical competent and certified by a medical examination, no more than two violations in a twelve-month period and not being convicted of reckless driving, DUI, manslaughter or reckless homicide. I think it's a good bill. I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the...the question is, shall the Senate adopt Conference Committee report on Senate Bill 1517. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. 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 Conference Committee report on Senate Bill 1517 and the bill having received the required constitutional majority is declared passed. (Machine cutoff)...Lemke, for what purpose do you arise?

SENATOR LEMKE:

I believe there's a resolution up there for the Ross family. I have to move to expend the rules as a congratulatory...do you have it up there?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, everything is on the Consent Calendar. Has...has it been up here?

SENATOR LEMKE:

I don't have a number for it, no...so now I got an LRB number, is it on there?

PRESIDING OFFICER: (SENATOR SAVICKAS)

(Machine cutoff)...you come up and check with the Secretary, give him the number. Senator Rock.

SENATOR ROCK:

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1st C.E.R.

Thank you, Mr. President. Just so everybody is aware, I'd rather not have everybody go stray. We are all anxiously awaiting the printed report on Build Illinois and I'm told it's about fifteen minutes away and nothing will be done until everybody has an opportunity to view that, nothing of substance. Then I think we are down to about four or five appropriations that are necessary for the operation of this government, and if anything else happens in the meantime, that's fine.

PRESIDING OFFICER: (SENATOR SAVICKAS)

So if we'll just stand at ease for about ten minutes.

PRESIDENT:

The Senate will please come to order. With leave of the Body, we'll move to Supplemental Calendar No. 5. (Machine cutoff)...maybe before we get to No. 5 to suggest that No. 6 reflects the presence of the long awaited Build Illinois report. So I would ask the members to pay attention to Supplemental 6 and the report that's being distributed. On the Order of Supplemental Calendar No. 5, under the Order of Conference Committee Reports is a Conference Committee report on House Bill 2839. Mr. Secretary.

SECRETARY:

First Conference Committee report on House Bill 2839.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I would move that the Senate adopt the first Conference Committee report on House Bill 2839. This report recommends that the House concur in Senate Amendment No. 1. So this puts the bill as it left the Senate.

PRESIDENT:

All right. Senator Weaver has moved the adoption of the Conference Committee report on House Bill 2839. Is there any

SB 2129  
2nd C.C.R.

discussion? If not, the question is, shall the Senate adopt the Conference Committee report on House Bill 2839. Those in favor will vote Aye. Those 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 46 Ayes, 5 Nays, 2 voting Present. The Senate does adopt the Conference Committee report on House Bill 2839 and the bill having received the required constitutional majority is declared passed. On the Order of Conference Committee Reports is Senate Bill 2129, Senator Degnan. Mr. Secretary. SECRETARY:

This is the second Conference Committee report on Senate Bill 2129.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Conference Committee Report No. 2 to Senate Bill 2129 contains everything that was voted 57 to nothing in Senate Bill 1565 last evening. In addition, it contains language to eliminate all existing categorical exemptions for...jury duty except for the press. The Illinois Press Association which had a problem with it earlier this week has now withdrawn their opposition. I'm also required to read by way of legislative intent a short statement. "Regarding the State's rights to a jury in felony narcotic's cases, this is a further recognition of the State's compelling interest in the prevention of societal problems created by drug trafficking, addiction of use, adults increase in the incidence of crime to maintain such addiction and the control of such trafficking and sale by youth gangs and organized crime." I move adoption of Conference Committee Report No. 2.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Discussion? Senator Lemke.

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Sen. J. ...  
...

SENATOR LEMKE:

I am going to reluctantly support this bill. But I think the Body should fully know the reason why I am supporting this bill. We passed out a bill here, Senate Bill...1565, 57 to nothing. Fifty-seven Senators in this Body voted for this bill for law enforcement. And a particular chairman of the House Judiciary Committee didn't have the decency to even file the bill or have it heard. That particular chairman of the House Judiciary Committee, I suggest that people look and see what type of law practice he has and see who he represents, and see what's concerned here, what we're talking about in 1565. We're talking about aggravated assault, people that rape minor children. We're talking about confiscating of narcotics, we're talking about jury trials and felony narcotic's cases in criminal court. And that bill was not even the decency that it'll be allowed to be filed...be filed. And I would suggest to the press that they should look into his credentials and look into see what type of...law practice he has and who he's standing for. That's what we're talking about here. And if legislators are going to do this, then I would suggest that they be looked at very carefully for what they're doing. I come from a community of law enforcement people and law-abiding people. We do not believe in tolerating drug pushers or people that rape children for the sake of putting and abolishing of jury exemptions because we want them people that get these jury exemptions that come to us for political favors. That's what this is about...elected officials who want political favors to get them exempt from jury duty, whether it's a doctor or a lawyer or what have you. I was told before on this bill that the Governor of this State would veto this part of the bill, I hope he still does. Because the truly intent of the House person is to look to get political favors done for individuals, that's what it's all about. Whether you're a

newspaperman or whether you're a doctor or a dentist or a chiropractor, then you come to them. But the hours is getting late, and we put this measure in here for a very simple reason. My people are tired of seeing rapists of children get off and walk the streets at an early state and come out and rape again. My people are sorry to see their children sold narcotics, heroin, cocaine or whatever it is and see the waste of manhood and womanhood in this State, but a...or chairman of the House Judiciary Committee could give a damn about these kids and could give a damn about crime because he's looking for political patronage and favors from individuals. That's what this is all about. I am going to vote for this reluctantly, but I said this to him and I say it to you, I would sit here till hell freezes over until 1565 was called because no one man has the power to do this in this State. And if it's tolerated, it will...continue on. It's time you in the press look at this situation and look at what lawyers are doing in the way of practicing law and who they represent and what they're doing here in Springfield. I am tired as a lawyer to be accused of having ambulance chasers and greylords, and I am tired of seeing lawyers come here for their own do. We do not come here for the benefit of ourself, we come here to represent the people we speak for. And I speak in my district for six thousand families that are...law enforcement in this State. And I come to speak for my father who was in law enforcement as a police sergeant. And I come to speak for myself, an individual that grew up what we call now the ghetto around County Hospital. And I was tired of...seeing my...my friends, ten and twelve years old, being sold narcotics. And I was tired to see some of my friends'...sisters and...and cousins raped by individuals and yet to see the guy walk the streets. That's what this is about. And that's what this bill is about. And if it's you in the press should expose what's going on here in this par-

ticular situation and that exposure should come and look at who's holding up 1565 in the House, who will not even let the bill...be filed and passed this Body 57 to...nothing in the Senate. That's what it's about. The time has come that in this State...criminals must go to jail and must be kept there when they continue to commit what I consider a heinous crime and that is selling narcotics to children and raping children. They should be put away and they should be left there. They shouldn't be left to walk the streets, and everything they make and gain should be confiscated from those individuals...confiscated. And no one should have the right or the power to go to the jury commissioner and get people exempt from juries, that should be the judicial power, that should be the challenge of the lawyers and the defendants and the plaintiffs in those cases. That's what that should be about. And no political elected officials should have any say in that and it shouldn't be done. If we're going to remove juries...or...exemptions, then the only time those people should be excused is not when a politician calls a jury commissioner to get an exemption but when that individual goes in and gives a legitimate excuse of his own and that commission that we have set up exempts them for the reason and postpones his service until he's able to serve. Therefore, I'm going to vote Aye. But I'm telling you this now, that this will not be tolerated again in this General Assembly to have one individual hold up a particular piece of legislation and not even allow it to be filed in the House of Representatives. If that is what the power is in this body, then I think we should look at the evaluation of that power. I think in the Senate we have always been fair on hearing bills, they've always been given a hearing, and if not right away, they were given a hearing in...in a Conference Committee or in a...in a study committee, and we try to work out a solution and we try to work out a problem. But to have a

bill held, not even filed,...that's not even filed, it can't even be called, that is wrong. And I have asked the Speaker and I am demanding of the Speaker that this bill be filed and this bill be passed. And I take the Governor at his word that the jury exemptions part of this bill will be amendatory vetoed. And then, too, we can get down to the real business of the State, putting away drug pushers and putting away trial rapists. Therefore, I'm going to vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I have a question for the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor has indicated he will yield.

SENATOR DUDYCZ:

Senator Degnan, page 6 of...the Conference Committee report, could you explain to me the reference to the eavesdropping devices, the section that was deleted and the section that was placed in, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Degnan.

SENATOR DEGNAN:

Senator, I don't have that report in front of me, maybe you could read it to me and I'll try to explain it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

Yes, it's line 18, "In January of each...January of each year the state's attorney of each county in which eavesdropping devices were used...pursuant to the provisions of this article"...the next six lines were crossed out. Later on it was added, "with respect to each application for an order authorizing the use of an eavesdropping device or an



extension thereof made during the preceding calendar year."

Do you want me to read the deletion?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator...Senator Degnan.

SENATOR DEGNAN:

Senator, that only removes the reporting requirements that judges now must make and places those reporting requirements, I am told, with the state's attorney. Has no other affect on eavesdropping except reporting requirements.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Dudycz.

SENATOR DUDYCYZ:

How about the section on page 9 where it's method of trial?...it's my understanding that the state's attorney wanted the right to a jury trial in all cases and this has been reduced to strictly for the Illinois Controlled Substances Act or the Cannabis Control Act. Why has it been restricted to strictly to these two...sections?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Degnan.

SENATOR DEGNAN:

It's a compromise, Senator. It's for felony narcotic's cases only.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Dudycz.

SENATOR DUDYCYZ:

Do you know who insisted on this compromise?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Degnan.

SENATOR DEGNAN:

No, I don't, but I know that the...concept of state's right to jury has been around here a long time and unsuccessfully tried to be addressed in the House several times.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Dudycz.

SENATOR DUDYCZ:

Do you know if that's the same individual that Senator Lemke was referring to?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Degnan.

SENATOR DEGNAN:

No, I don't know.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Indicates he will yield. Senator Davidson.

SENATOR DAVIDSON:

Senator Degnan, one of the prior speakers alluded that the Governor would amendatory veto the part about the exemption which would remove from the present Statute those different professions and occupations, et cetera who are exempt from jury duty. Is this a fact or is this a...a presumption on...someone's part?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Degnan.

SENATOR DEGNAN:

Senator, I made that statement yesterday on...on 2129, I cannot make that statement today, but that is up to the Governor.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Davidson.

SENATOR DAVIDSON:

Then the...prior speaker who...who stated that...does he have information that...that you don't have, and I, frankly, do not remember what you made a statement about that

yesterday. If you would care to reiterate that what you said yesterday, I'd appreciate it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

I don't think the prior speaker has information I don't have. If you want to go through yesterday's dialogue on the bill, I'll be happy to do so. But if your question is, do I have an agreement with the Governor to strike out the jury portion of this bill, I do not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Thank you, Mr...President. Under the circumstances, I opposed this bill yesterday based on the removal of that part. But I believe that with the legislative intent that's been said here on the Floor and with the...I'm certainly sure the Governor is listening...with the fact that the number of people who could be harmed in their profession and their occupation regardless of what this questionnaire says about being excused, I am certain he will use his amendatory veto pen with judgment and care and remove this part. The rest of this bill is a very, very good bill and I will remove my objection and vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes, Mr. President and...and members. I want to rise in support of this bill while expressing some of the same misgivings with regard to the removal of exemptions for jury service. I...I, too, hope that the Governor will work his will on this bill in a way that will alter and remove that portion of this Conference Committee report. I must say that I share Senator Lemke's frustrations with the way the House

and certain individuals in the House sometimes operate and appreciate that the process here works a lot more democratically, with a small d, than it does in the House, where at least here a person can get his or her bill called, and that is not often the case in the House. Having said that I think there are provisions in this bill which have been long sought by the law enforcement community know they don't go far enough, particularly with...regard to the state's right to a jury trial. But this is at least a beginning and I think it's something that we can and ought to achieve at this point, and I would urge the adoption of the Conference Committee report.

END OF REEL

REEL #4

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Degnan may close.

SENATOR DEGNAN:

Thank you, Mr. President. I move the adoption of Conference Committee Report No. 2 to Senate Bill 2129.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

The question is, shall the Senate adopt the second Conference Committee report on Senate Bill 2129. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does adopt the second Conference Committee report on Senate Bill 2129...does adopt the second corrected Conference Committee report on Senate Bill 2129 and the bill having received the required constitutional majority is declared passed. Message from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives refused to recede from their Amendment No. 20 and 28 to a bill with the following title:

Senate Bill 2117. They have asked...for the...Committee of Conference and the Speaker has appointed the members on the part of the House.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator Rock moves that we accede to the request of the House on the Message just read. Senator Rock.

SENATOR ROCK:

...thank you, Mr. President. On Supplemental No. 6 is, of course, a bill that...that we're all interested in...allow

*HB 1945  
2nd Conf. Comm. Rept.*

me to suggest, as I had suggested earlier today, to all the members and particularly to Senator Philip that everyone should have an opportunity to read it, find out if they're pleased or not pleased. So, with leave of the Body, I'd ask that we go to Supplemental No. 7 for House Bill 1945 and Senate Bill 2117.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, leave of the Body, Supplemental Calendar No. 7. Supplemental No. 7, Conference Committee reports, House Bill 1945, Mr. Secretary.

SECRETARY:

Second Conference Committee report on House Bill...1945.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. House Bill 1945 which we shot down the first Conference Committee report a little while ago now has in it everything it had before less the amount...less the provision for the Physical Fitness Service Act which prohibited contracts from requiring payments in excess of an average of twenty-five hundred dollars per year, and I think we discussed the rest of it; however, I'll be happy to answer any questions if anybody has any, if not, I would move that we adopt Conference Committee Report No. 2 on House Bill 1945.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Jones.

SENATOR JONES:

Yes, thank...thank you, Mr. President. To spell out legislative intent, Senator DeAngelis, on page 4 and 5 of the Conference Committee report on House Bill 1945, it appears that the director has the authority to certify the amount of money to be transferred from the Insurance Financial...Regulatory Fund to the General Revenue Fund. Is the

director limited to this certification of money or cents for the collection of data from property and casualty companies pursuant to the Illinois Insurance Cost Containment Act?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Yes.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Jones.

SENATOR JONES:

Then with this exception, money...money exceeding one hundred thousand dollars at the end of the fiscal year in the Insurance Financial Regulatory Fund must be transferred and deposited in the General Revenue Fund.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Yes.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? If not, the question is, shall the Senate adopt the second Conference Committee report on House Bill 1945. 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 second Conference Committee report on House Bill 1945 and the bill having received the required constitutional majority is declared passed. Senate Bill 2117, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 2117.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This Conference Committee report contains several additions to the concurrence we just engaged in several hours ago on Senate Bill 2117. In particular what this bill does is change the definition of toxic substances in the Worker Right-to-Know Act by increasing the number of toxic substances from some eight hundred to twenty-three hundred by incorporating new Federal definitions in Federal Statutes into Illinois law. In addition, to make the...the list of chemicals more available for inspection, they are to be...made available rather than published at the department itself rather than publishing them which became quite burdensome. The amendment clarifies that rules to implement the administrative citation...provision must be adopted pursuant to the Administrative Procedure Act. It requires any new regional pollution control facility which has never obtained a local siting approval to obtain such approval after a final decision on appeal. This particular new amendment tightens up the amendment which we took off...Amendment No. 20 off the previous...the same bill that came here previously. It also allows the local government to charge applicants for siting review a reasonable fee to cover the cost incurred by the local government in the siting review process. This is to correct a recent court case decision in Lake County to overturn such an attempt on grounds that it preempted the State law. I would be glad to try to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Just as...as far as I know on this piece of legislation, it's very complicated. I have the assurances of the business groups, the Environmental Protection Agency, the Pollution Control Board, they're all on board. I would move



for its...its passage and its support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

...the sponsor yield for a question, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

...indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator Welch, would you give me back that reference about Lake County? Did I hear you say something about Lake County?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Yes, Senator Geo-Karis, what I said was that a recent court case in Lake County overturned an attempt by Wauconda, Illinois, to charge fees for...to an applicant for a siting review...to cover the costs incurred by the local government in the siting review process. As you know, in order to determine whether a...a dump should be located, a decision has to be made about where it's going to be, testimony has to be taken about why it's in that area, sometimes geological surveys have to be taken, that's very expensive. The court said you can't charge those fees. This would change that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, thank you for your answer...Mr. President, and Ladies and Gentlemen of the Senate, rather to belabor the point, this conference report was to include House Amendment 28 which would have amended the Illinois Pesticide Act to provide that "nothing" instead of "actual preempt" local...regulation of a commercial nonagricultural application or a storage of pesticides. But I guess, for the time

being short, I'm not going to quibble about it, although I do feel it's an important thing and should have been in this bill. I will support this bill, but I'm telling you right now, we're going to have to do something about these dangerous pesticides in the future.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Lemke.

SENATOR LEMKE:

I'm just reading...Senator Welch, I have a few questions. I'm just reading this bill and...of course, in our area, I'm very much concerned about when you mention the word MSD. Okay? Because in our area we have all these sludge ponds and areas...and Lyons Township has become the dumping area. So, I want to know specifically when you say MSD, does this apply to the Metropolitan Sanitary District of Chicago in any way?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Welch.

SENATOR WELCH:

Senator, MSD refers to material safety data sheets not Metropolitan Sanitary District.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Lemke.

SENATOR LEMKE:

Does this bill in any way permit the Metropolitan Sanitary District to have dumps and dump sludge without holding public hearings in the areas where they plan to do this?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Welch.

SENATOR WELCH:

Well, if they want to create a new landfill, a new dump site, they have to go through the siting procedures for...formerly Senate Bill 172 of a few Sessions back. They can't suddenly dump sludge where they couldn't in the past. They could continue to dump it where they are dumping it now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

...if that is true, then I am going to vote against your bill, because under that particular bill, the people downstate exempted sanitary districts along the Des Plaines River which is my area and, therefore, they're not under the siting provisions and they can dump wherever they want to, and that is wrong. We're tired of the smell, we're tired of the dumping and it's getting to the point where it's even getting in congested areas like Cicero and Berwyn and something must be done about this and, therefore, I can't vote for this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer. Senator Schaffer.

SENATOR SCHAFFER:

Well, frankly, Senator Lemke, the answer to your question is one word, no. This doesn't do any of the things your concerned about. This doesn't repeal anything, it doesn't give them any additional powers; in fact, it tightens up...it tightens up the law in several areas on that kind of operation. I would suspect that if...if...and I know the hour is late and we don't need to get into minute detail, but if you could analyze this bill in...in depth, I think you would find you would be very happy with it from the perspective you've just...enumerated. I think, frankly, there are many good things in this bill and a...couple of the things relate to issues that were not finalized in 3548 and I rise in support of it and think it should go to the Governor's Desk as quick as we can get it there.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. I, too, rise in

support of Senate Bill 2117, the Conference Committee report, but I would be remiss if I didn't say that I was somewhat disappointed that we took out House Amendment No. 28 which dealt with the pesticides. Senate Bill 2117 makes...substantial changes, but this amendment struck me as being one of the least important amendments; yet, it was the point of controversy and discussion and, hence, now we're back with another Conference Committee report and this Conference Committee report unfortunately has stripped House Amendment No. 28. House Amendment 28 simply gave the same provisions or powers to nonhome rule communities that home rule communities in this State right now are afforded and that's some regulation over pesticide...pesticides. I think we need to deal with this problem too in the future and I would have liked to have seen it dealt with in House Amendment No. 28, but it isn't in here and I think...it...it's still a good bill to support; hopefully, we'll come back and address that Amendment 28 in the future, but I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch,...the question is, shall the Senate adopt the first Conference Committee report on Senate Bill 2117. Those in favor will vote Aye. Those opposed Nay...Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, 3 voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 2117 and the bill having received the required constitutional majority is declared passed. Senator Rock, for what purpose do you arise?

SENATOR ROCK:

Thank you, Mr. President. Before we get to Supplemental 6 and, again, I'd ask all of you to take a look. I...I would

HB 2486  
nonconcurrance

prefer that the report...or the talk on Build Illinois be as short as possible. Everybody take a look. We have a matter on Supplemental No. 5 that my friend, Senator Weaver, would like to get to and I also would like to address that, and if he's willing and able, so am I. On Supplemental No. 5 on the Order of Nonconcurrance.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, with leave of the Body, we'll go to the Order of Supplemental Calendar No. 5 Nonconcurrance is House Bill 2486, Mr. Secretary.

SECRETARY:

House Bill 2486 with Senate Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I would move that the Senate refuse to recede from Senate Amendments No. 1 and 2 on House Bill 2486.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. And I know this is a voice vote and I know this is a little unusual, but allow me to suggest to you what's happening to us in the Senate. We should with justifiable pride refuse to recede from Senate Amendments 1 and 2. I have been badgered all day and House members have a committee...Conference Committee report already drafted that they have thrown at us and said, this is it, folks, take it or leave it and they are attempting in their own feeble way to apparently help...an industry that is vital to our State, and let me suggest to you what the Governor of Illinois said on the 26th day of June, as he spoke to the Chicago Tribune, as he always does, he said, "The brass ring is coming by one

more time. I think folks in the racing industry better start thinking of the greater good of the industry and less...less of their individual tracks and their individual good and their individual bargaining positions and get together, that includes everybody," he said. Now the report, Mr. President, that was thrown at me on a take it or leave it basis said, in essence, nothing...nothing will be done for the racing industry in this State until and unless Mr. Duchossios and the principals are happy. Answer is no. We should refuse to abandon what this Senate has done by an overwhelming majority vote. To do anything less, we'd be less than honest with ourselves. Last year, at the request of Senator Macdonald, at the request of Senator Philip, we afforded the opportunity, the incentive to rebuild...and it was rejected out of hand by the House, and now we are subject apparently to the House's whim. Well, I'll tell you what, we should refuse to recede. We'll send this to conference and we'll let the House finally, maybe...maybe get to a vote. It's about time they voted on something that was important. We should refuse to recede. I rise in support of Senator Weaver, as I always will.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Weaver moves to...that the Senate refuse to recede from the adoption of Senate Amendments 1 and 2 to House Bill 2486 and that a Conference Committee be appointed. All those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Motion carries. Secretary shall so inform the House. Senator Rock.

SENATOR ROCK:

Mr. President, let me suggest now that we ought to be about the essential business of government, namely, the appropriations, so that government can keep operating. In that respect, I will ask Senator Carroll to move a House bill out of committee which can be amended and sent to the House

for its deliberation, and then I'm going to request that the Senate sponsors will call the appropriations for the Department of Agriculture, Capital Development Board, the Department of Commerce and Community Affairs, bond authorization, all those things that are necessary for the operation of government. It is now July 2nd and I'd like the record to reflect that so everybody reflects their per diem, Mr. Secretary, thank you, very much. And those reports that have been filed, I would ask leave of this Body to have the Secretary reflect that that these are now July 2nd reports instead of July 1st. The fact of the matter is, we have dillied and dallied too long. We have some substantial business to do. We have some serious budget requests before us. In my judgment, the budget requests have been agreed to and we will begin to move and move we had better. If Senator Philip is willing, we will either move to Supplemental No. 6 or we will move to a motion to discharge House Bill 3253. We'll give people more time on Build Illinois. Let's move to 3253 and then we'll go back to Build Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would move that we discharge the Committee on Appropriations I from further consideration of House Bill 3253...or I'm sorry, it's on the Calendar under the Order of 3rd Reading...I would ask that it be brought back to the Order of 2nd for purposes of amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, with leave of the Body, we'll go to the regular Calendar. Senator Carroll has requested House bills 3rd reading, House Bill 3253 to be returned to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd

SB 1734  
1st c.c.R.  
Reading is House Bill 3253, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would move that we adopt Amendment No. 2. Amendment No. 2 is for certain necessary and essential appropriations, essential for the continuation of the State's operation during the next fiscal year. It is a ten million dollar transfer from general revenue funds to the Agricultural Premium Fund. In years gone by we used to do it the other way, but this is the transfer from GR to Ag. Premium. In addition, there is a two million dollar increase for planning for Mt. Sterling and Canton Correctional Center projects, to increase the amount you will see later in CDB, the amount they say...say is necessary. Next, there is the two appropriations to handle the special fund for Charitable Gamings Act as those funds come in and, finally, the cost to the Department of Insurance for administering Senate Bill 1200. I would move adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Carroll has moved the adoption of Amendment No. 2 to House Bill 3253. Discussion? If not, those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEHUZIO)

3rd reading. With leave of the Body, we will now return to the Order of Supplemental No. 6. Supplemental Calendar No. 6, Conference Committee report is Senate Bill 1734, Mr. Secretary.



SECRETARY:

First Conference Committee report on Senate Bill 1734.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that we do adopt Conference Committee Report No. 1 on Senate Bill 1734. As everyone knows, this is the appropriation for the Build Illinois for this coming fiscal year. Hopefully, everyone has had a chance to read it. Let me just identify that this has been a bipartisan effort, equal in nature of the dollars that have been allocated amongst the...the General Assembly bodies and amongst the parties within the General Assembly bodies. There has been...the Governor has reduced his allocation to this point and time down to a level of two hundred and seventy from the level of three twenty-six he originally introduced it so that we can bring it down to the level of appropriation he has requested. We have agreed with him that that will be further trimmed to the level that will...that had appeared in the budget book. That will be done on parity amongst the parties and amongst the Chambers and amongst his own projects as well. It will be by agreement of all those who participated in the process. So, in fact, we will have an appropriation that can be signed into law, projects expended and released within the limits set by the Governor and by the General Assembly and not have the fiasco that went through last year of overappropriating and having all kinds of reviews later and some members very upset at what had happened during a "release" process. This will give us a Build Illinois that will, in fact, build Illinois and I would urge adoption of Conference Committee Report No. 1 and try not to read all the sections.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Maitland.

SENATOR MAITLAND:

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

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Sponsor indicates he will yield. Senator Maitland.

SENATOR MAITLAND:

I'm wondering what the rationale was for...Senator Carroll, for leaving...or cutting the grants to soil and water conservation districts by a million dollars. That was a commitment made by the Governor, as you well know. That money was used last year. That's not just a rural issue, that's a...a rural and urban issue and I think that's a tremendous cut. I'd like you to respond to that, if you would, please.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Maitland, you might be surprised at the answer. Senator Carroll.

SENATOR CARROLL:

That was a cut by the Governor.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Senator Carroll. I thank the Governor for letting those of us who are supporting him let us...letting us know on that.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further...further discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1734...whoops, I beg your pardon, Senator Netsch's late light. Senator Netsch.

SENATOR NETSCH:

...my light has been on. Thank you...I...this is one question that involves particularly this bill but this and

several others to follow. Senator Carroll, with this authorization of some four hundred and thirty-seven and a half million dollars in bonding, which is for all practical purposes general obligation bonding even though it is not literally so, and the CDB, what will the State's total authorized expenditure...of bonds be next year?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Senator Netsch, I would prefer...I'm sorry, I cannot answer that instantly. When we get to, however, 3396, the bond authorization bill which will be up momentarily, we can answer that as to CDB. As you will recall, we had authorized some nine hundred and thirty some odd million in Build Illinois last year in bond authorization, although the sales to date are about a hundred million. My recall of the spending plan for this year is somewhere in the very low hundred millions for sales this year; unfortunately, we gave them full authorization in that category when we passed Build Illinois although this original bill would have brought that down for build. In capital, I can either answer that then or...if you want to wait a second, I may be able to even get it now, but that will be on the call on House Bill 3396. It may be a more appropriate question then.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1734. 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 53, the Nays are 1, 1 voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 1734 and the bill having received the required constitutional majority is

declared passed. Senator Carroll, you ready...Senator Rock.

SENATOR ROCK:

Allow me to suggest, Mr. President, that we move now to the Order of the Regular Calendar and deal with House Bill 3253.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, with leave of the Body, we'll return to the regular Calendar. Leave granted? Leave is granted. Page 4...we've had intervening business. House Bill 3253, Mr. Secretary, House bills 3rd reading.

SECRETARY:

House Bill 3253.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you. First, Mr. President, I would move that we suspend Senate Rule 5C so that we can have the time limits waived as to the dealing with appropriation bills so that House Bill 3253 may be heard this evening.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Carroll has moved to suspend Senate Rule 5C so that House Bill 3253 may be passed this evening, July the 2nd, extend the deadline for the 3rd reading and passage of House appropriation bills. Is there discussion on that? If not, those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Rules are suspended. The deadline is...is also extended. Senator Carroll.

SENATOR CARROLL:

I would then move you, Mr...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

...thank you, Mr. President. I would move you then that we Do Pass House Bill 3253 as amended. This is the one we just amended with the four items I had identified, one being doubled, the monies for the Ag. Premium Fund, for the correctional center projects, for the new...Charitable Gamings Act and for the Department of Insurance cost administering Senate Bill 1200, and ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Senator Joyce, we found our ten million.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, further discussion? If not, the question is, shall House Bill 3253 pass. Those in favor will...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 55, the Nays are none, none voting Present. The Senate...let's see the...House...House Bill 3253 having received the required constitutional majority is declared passed. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I would now ask leave of the Body to move to Supplemental Calendar No. 1 to deal with the ordinary and contingent expenses of the Department of Agriculture.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, with leave of the Body, we will now move...proceed to the Order of Supplemental Calendar No. 1. Leave is granted. On the Order of Secretary's Desk Concurrence is Senate Bill 1747, Mr. Secretary.

SECRETARY:

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

H.B. 3396  
reconsider

and 10.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the ordinary and contingent expenses for the Department of Ag., and I would move that we concur in all amendments. They are House Amendments No. 1, 3, 4, 6, 7, 9 and 10.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Discussion? If not, the question is, shall the Senate concur in House Amendments 1, 3, 4, 6, 7, 9 and 10 to Senate Bill...1747. Those in favor indicate...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 concur with House Amendments 1, 3, 4, 6, 7, 9 and 10 to Senate Bill 1747 and the bill having received the required constitutional majority is declared passed. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. One of the issues that has confronted us, obviously, is we have now approved and are about to approve, I hope, when we get to the Capital Development Board budget, the question of the amount of the authorization or the authorization level. My suggestion, Mr. President and Ladies and Gentlemen of the Senate, is that we have a House bill that, unfortunately, went down to defeat. It was House Bill 3396 and I will ask one who voted No, and I did not, to move to reconsider so that we can reconsider and amend that bill to reflect the agreement that our conferees have had with the Executive to move the bond authorization to the level necessary to effect the projects that we are all interested in.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I would move to suspend Rule 40 for the purpose of extending the deadline for making the motion to reconsider the vote by which House Bill 3396 lost from the following legislative day to within nine legislative days following the losing vote.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, you've heard the motion as posed by Senator Weaver. Discussion? If not, those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Senate Rule No. 40 is suspended. Senator Weaver.

SENATOR WEAVER:

Having voted on the prevailing side, I move to reconsider the vote by which House Bill 3396 lost.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator Weaver, having voted on the prevailing side, moves to reconsider the vote by which House Bill 3396 lost. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The vote is reconsidered on House Bill 3396. Senator Weaver.

SENATOR WEAVER:

Well, I would move to bring House Bill 3396 back to the Order of 2nd Reading for the purpose of an amendment.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Senator Carroll.

SENATOR CARROLL:

I think as the sponsor I should make that motion to bring it back for purposes of the record and...and would so move.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Well, we don't want to disappoint Senator Carroll. I'm...Senator Carroll has moved to bring House Bill 3396 back to the Order of 2nd Reading for the purpose of an amendment.

Is leave granted? Leave is granted. On the Order of House Bills...3396, on the Order of 2nd Reading is Senator Carroll...any amendments?

SECRETARY:

Amendment No. 6 offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 6 would be the amendment that would adjust the authorization level for the categories of bonds that the State holds other than the category of Build Illinois...excuse me, to a level sufficient to handle a reasonable level of construction in this State. It is a...a total increase, Senator Netsch, of two hundred and thirty-seven million six hundred and sixty-eight thousand sixty dollars, bringing us up to seven hundred and sixty-six...016,072 as a total. This is through the various categories we are adding some almost fifty three million for higher ed., sixty-four million for correctional facilities which would be an authorization for the construction of one and the planning of a second and the other work necessary to be done on the other State facilities, some...almost thirty million dollars in recreational facilities, some twenty-seven million dollars in mental health facilities, some fifty-seven million dollars in State agency buildings around the State and some 1.6 million in water resources, plus four million dollars to the Secretary of State for the libraries. That would be the adjustments made for the current level of authorization of bonds and that, again, would bring it up to 766,016,072.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Watson.

SENATOR WATSON:

Well, thank you, Mr. President. Obviously, this bill was



defeated once before and I was just curious why...why did it go down and is that language that was so objectionable, is that in there now or...could you...explanation of that, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

...I voted for it, so I don't know why it went down, but no, the...the language that I think some people found objectionable is no longer in there, and that language was to bring the Build Illinois authorization level down to the type of numbers that these are to be in line with current appropriations. That is not in the bill now. It is still at the original level passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. In further answer to Senator Watson's question, the bill that was just sent over from the House, which is Senator Poshard's bill, contains an element...that, frankly, was not agreed to. It is an element about...I suppose we'll fight. It is an element I support but one about which we'll fight. This one reflects the agreement between the conferees from the House and the Senate and the Executive, and that's the one we're going to send to the House and ask them to accept. The other one, we can fight about.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. What I'm trying to find out is how much authorization we are going to be giving for the sale of bonds for the next fiscal year and if anyone has any information how many bonds we are actually likely to sell

next year. While I don't have a final figure on what we sold during this last year, I do know that it was the highest, if you include Build Illinois which, again, is for all practical purposes, general obligation bonding with our regular CDB bonds and we are on the verge, my friends, of bonding ourselves into oblivion and one of these days, we're going to have to stop and pay some attention to what we are doing. We are building up enormous debt service requirements for the future and we are in the process of bonding everything because it's an easier way to do it. It seems to me it is extremely bad policy, very dangerous and really not fair to a lot of people who come after us. But factually, what I would like to know is what is going to be the sale of bonds next year, Build Illinois plus regular general obligation?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Senator Netsch. The best I can answer you is to say we are increasing the authorization, as I had indicated before, in the area of nonbuild Illinois by two hundred and thirty-seven million six hundred and sixty-eight thousand sixty dollars. The authorization in Build in the past...of last year was just under nine hundred and fifty million. It is my best recall that they sold the hundred million of Build last year, that it's my recall that they intend to sell somewhere around a hundred and twenty million of Build this year. The book which I've never considered a sacrosanct document, nor do they, has indicate, and it's usually in error, that they had intended to sell three hundred and forty million of General Obligation Bonds for Fiscal Year 1986 that just ended and they intend to likewise sell three hundred and forty million of General Obligation Bonds in Fiscal Year 1987. What Doctor Bob will actually do, I doubt that even he knows, I surely don't try to, but they have indicated that they would

sell up to three hundred and forty million of GO, some of which, obviously, is within the level of current...authorization and some would be allowable because of this increase we are now making, and somewhere around one twenty, I believe is the figure for Build. And I hate to be the one who has to vouch for Doctor Mandeville.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Carroll moves the adoption of...of Amendment No. 6 to House Bill 3396. Senator Rock. All right. Senator Carroll has moved the adoption of Amendment No. 6 to House Bill 3396. Further discussion? If not, those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 6 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

3rd reading. Senator Rock.

SENATOR ROCK:

Yes, for intervening...business, I'm asking that we move to the regular Calendar on page 8 and 9, if the sponsor is willing, and take up the ordinary and contingent expenses of the Department of Commerce and Community Affairs and the Capital Development Board for which we have just shored up the bond authorization.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, with leave of the Body, we will go to the regular Calendar, page 8, House Bill 2989, Senator Sommer. House...Conference Committee reports, page 8, is House Bill 2989, Mr. Secretary.

SECRETARY:

Conference Committee...first Conference Committee report on House Bill 2989.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Sommer.

SENATOR SOMMER:

Mr. President and members, this report has been laying on your desks for two or three days, perhaps you've had a chance to examine it. It reflects the desires of various members of the General Assembly to have the Governor address concerns of theirs. The...the bulk of the report amounts to people suggesting various projects for the Governor's evaluation. Be happy to...respond to any questions about any items therein.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? Senator Sommer, you're moving to concur in all the amendments, is that correct? All right, on the adoption. Okay. Senator Sommer has moved the...the question is, shall the Senate adopt the Conference Committee report with...on House Bill 2989. 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 53, the Nays are none, 1 voting Present. The Senate does adopt the Conference Committee report...first Conference Committee report on House Bill 2989 and the bill having received the required constitutional majority is declared passed. Page 9 on your Calendar, Conference Committee reports is Senate Bill 1763, Senator Sommer. Senate Bill 1763, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 1763.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Sommer.

SENATOR SOMMER:

Thank you, Mr. President and members. Again, this has been on the desks for a couple of days. It basically reflects the Governor's capital proposals for the next fiscal year and additionally proposals suggested by various members of interest to them and their districts. They're hoping to

Mr. B. J. 96  
3/2/86

get a chance to present these to the Governor and I'd be happy to respond to any inquiries concerning any of the items.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1763. 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? Take the record. On that question, the Ayes are 53, the Nays are none, 1 voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 1763 and the bill having received the required constitutional majority is declared passed. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I think now is the appropriate time that we move to the Order of House Bills 3rd Reading and go to House Bill 3396.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Carroll, you have a motion? All right, with leave of the Body, we will go to the Order of House Bills 3rd Reading. Is leave granted? Leave is granted. Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. Yes, I would move that we adopt House Bill 3396...I'm sorry, on the Order of 3rd Reading that we waive the rule under Rule 5C so that it can be considered...waive the rule as to the appropriation's deadline.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator Carroll moves to suspend Senate Rule 5C so that House Bill 3396 may be passed this evening and that is to extend the deadline for 3rd reading and passage of House bills. Those in favor indicate by saying Aye. Opposed

May. The Ayes have it. Motion carries. House bills 3rd reading, Mr. Secretary.

SECRETARY:

House Bill 3396.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Now as this bill...as just amendment...axis would be the authorization for bond categories...other than Build. It would bring it up to that seven hundred sixty-six million dollar level. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Discussion? Senator Keats.

SENATOR KEATS:

Could we have the courtesy of an explanation of this McCormick Place refinancing that our thing talks about? We're talking about arbitraging which is...needless to say, a questionable governmental financing principle.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Carroll.

SENATOR CARROLL:

Senator Keats, as you well know, this is technically not arbitraging but rather taking a...a bond that is currently out there at a interest rate that was appropriate at the time but taking advantage of the fact that rates have gone down and refinancing that issue at the now lower rate. The refinancing would cause us to save at least a million dollars per year in debt service for the years of the term of the bonds, and we have provided by this Act that that million dollars a year in savings be transferred to the Purposes Fund for Build Illinois so that the savings and interest of the taxpayers

can be used for the pay-as-you-go portion, the Purposes Fund of Build Illinois.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Keats.

SENATOR KEATS:

I appreciate that data. I...I well understand. What I'm trying to figure out is the Construction Fund flip-flop method. Could somebody explain that? I well understand the other part. That's the part I don't understand. I have now read about four times the Construction Fund flip-flop method of financing...and it doesn't make an ounce of sense and, as you well know, this is a subject I know a bit about.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Carroll, if you'll explain flip-flops, maybe we can get moving. Senator Carroll.

SENATOR CARROLL:

I would hate to say, but I think Senator Keats is the expert on flip-flops in Illinois and I would defer to his judgment.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Carroll, I...oppose this and I think I ought to speak up in support of what you have done...precisely what we wanted done with this. Senator Keats, that flip-flop is an option. Chapman and Cutler has called and said it is a...an operable option. The Bureau of the Budget says it is; however, it is in there as an option because if it can be used, it can present a little bit more of a savings than the other one, but it will be looked at very closely. The money will come back to us. It is not going to McCormick Place.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further...further discussion? If not, the question is,

shall the...shall House Bill 3396 pass. 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 48, the Nays are 3,...4 voting Present. House Bill 3396 having received the required constitutional majority is declared passed. Senator Etheredge, for what purpose do you arise?

SENATOR ETHEREDGE:

Mr. President, on page 7 of the regular Calendar, on the Order of Concurrence there is Senate Bill 1728. I would like the opportunity to move to nonconcur in House Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEWUZIO)

All right, Senator Etheredge has...has sought leave to return to the Order of Secretary's Desk Concurrence, page 7 on the regular Calendar. Is leave granted? Leave is granted. Secretary's Desk Concurrence is Senate Bill 1723, Mr. Secretary.

SECRETARY:

Senate Bill...1728 with House Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President, I move to nonconcur in House Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEWUZIO)

All right, Senator Etheredge moves to nonconcur in House Amendment 2 to Senate Bill 1728. Discussion? If not, those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Motion carries. Secretary shall so inform the House. Senator Carroll, for the...for the...wait a minute...Message from the House.

SECRETARY:



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

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

Senate Bill 2123 together with House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Carroll, for the real State of the State...Senator Carroll.

SENATOR CARROLL:

Boy, are we...no...yes, ladies and gentlemen, under Article VIII of the Constitution of the State of Illinois, Section 2, the Finance Act Part B. We are, in our opinion, required to declare that the...under that article the General Assembly by law shall make appropriations for all expenditures of public funds of the State, appropriations for a fiscal year shall not exceed the funds estimated by we, the General Assembly, to be available during that year. It is our guesstimated opinion that at this point and time we have appropriated from all funds some 20.5 billion dollars of which some 10.76 billion is General Revenue Fund appropriations now sent to the Governor, assuming that the House takes the action we have. There was two hundred and eighty-eight million dollars in the bank at the close of business on the 30th of June this year, up some sixty-eight million from the projections that were in the budget book of last year. In addition thereto, the budget as presented by the Governor and the requests of the Governor, the other constitutional officers, the other branches of government and those statutorily required would have been some one hundred and thirty million dollars over the budget book as presented. We have, however, trimmed that by some twenty-five million net, net, net after all that we have done and have come in historically some twenty-five million under the requests of those of the

courts, the Executive Branch and Statutes and will, therefore, be presenting him in general revenue funds, ten billion seven hundred and sixty million, which, in our opinion, is within the revenues available to the State of Illinois taking into consideration revenue projections and the available balance. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right, with...with leave of the Body,...the Chair would like to...all right,...with leave of the Body, we'll go to the Order of Resolutions and the Chair will yield for a...momentarily to Senator Vadalabene. Oh, Mr. Secretary.

SECRETARY:

Senate Resolution 1180 offered by Senators Rock, Luft and all Senators.

SENATOR VADALABENE:

Is this on? Yes, I would like to have your attention, please, 'cause we do have somewhat of a crisis here and we got to get this resolution out of the way before something happens here on the Senate Floor; and, Beverly, eat your heart out.

(Senator Vadalabene reads SR 1180)

And I must warn you, the baby is due today. Congratulations, Cindy, and we all wish you the best.

CINDY HUEBNER:

(Remarks made by Cindy Huebner)

SENATOR VADALABENE:

Are there any other pregnant women on staff? I didn't want to say that...I...

PRESIDING OFFICER: (SENATOR DEHUZIO)

That's it, get the hook. All right,...Senator Vadalabene moves the adoption of Senate Resolution 1180. Is there...is there discussion? If not, those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Senate Resolution 1180 is adopted. Senator Rock.

SENATOR ROCK:

Mr. President, while we're on the Order of Resolutions, I wonder if we could go to the adjournment resolution. I'd like to adopt that. Then we have Supplemental Calendar No. 8 and then I'd ask the members to please remain close while Senator Philip and I confer with the House and with the Governor and see what yet remains. As far as I am concerned, we have...once we deal with Supplemental 8, we have finished the necessary business of government.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

All right, resolutions, Mr. Secretary.

SECRETARY:

Senate Joint Resolution 181...offered by Senator Rock.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Senator Rock.

SECRETARY:

(Secretary reads SJR 181)

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. This is the resolution...when we conclude our business, I hope very shortly...within an hour that we will return to Springfield on November the 6th at the hour of noon, and I would move for the suspension of the rules and the immediate consideration and adoption.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Senator Rock moves the suspension of the rules and immediate consideration and adoption of Senate Resolution...Senate Joint Resolution 181. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The rules are suspended. Senator Rock now moves the adoption of Senate Joint Resolution 181. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Senate Joint Resolution 181 is adopted...we have one more resolution that we ought to

just...resolutions. All right,...no...Senator...Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I now ask leave to move to the Order of Supplemental Calendar No. 8.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, with leave of the Body, we will go to the Order of Supplemental Calendar No. 8. House Bill 3191, Mr. Secretary.

SECRETARY:

House Bill...the first Conference Committee report on House Bill 3191.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Hall...whoops, Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a...appropriation bill that is catchall in nature. Some of these are duplicate appropriations which we have truly attempted not to do throughout the process; however, 'cause of some delays, this became necessary. I know it's just been distributed. It's about a dozen or so items. Let me quickly list them, if I can. This would be a duplicate appropriation of the Charitable Gamings Act as we identified in a previous bill. This would be 2.75 million for Rend Lake Marina, one million one for the Arts Council, fifty thousand dollars for the State's attorney's appellate prosecutors, public labor relations; five hundred thousand dollars for DuPage County Forest Preserve land acquisition, twenty-five thousand for a Glen Ellyn choir trip to Europe, a hundred and sixty-five thousand dollars for minority interns at the Board of Governor's, two hundred and seventy-five thousand dollars for a computer bank for unemployed workers, three hundred thousand dollars GR for a DuPage County business procurement center, two million dollars for the...of GR for the State

Lottery for contractual services, five hundred thousand dollars for School Construction Fund for Monmouth School Lincoln Trail addition, five hundred thousand dollars School Construction Fund for Monmouth School Sangamon Addition, one million dollars school construction for Gallatin School construction, two million dollars of CD funds for the new prisons which we had taken care of in another bill as well, two hundred thousand dollars of general revenue for coal marketing, three hundred and seventy-five thousand dollars of general revenue for Warren Township temporary relocation of its school, ten million dollars for Ag. Premium which we've already done, two hundred and fifty thousand for probation, three hundred and twenty-four thousand dollars for insurance reform which we have also already done. And this is Conference Committee Report No. 1. I would be willing to answer any questions that may be left and I ask for a roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question...Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think Senator Carroll has just gone through this. We might take a little bit of time, particularly since...at least for the folks over here on this side of the aisle, you're just now getting a copy of the...the summary here, and...and I'm looking at my summary now for the benefit of the members here so that you can see what has...what is duplicated in this bill that we have already approved in House Bill 3253. The first two items, Sections 1 and 2, represents a...a duplication of the items that were in 3253; Item 16 which represents the planning and site improvement money for the Mt. Sterling and for Canton Correctional Centers, Item 19 which is a transfer for the State Comptroller and then the last item, Item 21 which is the appropriation for the Department of Insurance. Yes, all of those things

which I've just listed are duplicative of the items which we have earlier approved in House Bill 3253. Now in addition, all the other things that you see on the summary sheet are new that we are now seeing for the first time...and you...as you look through this, you may see some things that you might want to ask some questions about. I...I notice there...here's a million...a million dollars General Revenue Fund for the Arts Council, another hundred and ten thousand for the Arts Council, Items 4 and 5; and Items 13, 14 and 15...Senator Carroll, I would direct this...this question to you. The money for the...Community Unit School...that...there are two five hundred thousand dollars grants to those...to that school district, plus a grant to the Gallatin School District for a million dollars, isn't that money duplicated else...haven't we also given additional grants to those same school districts earlier on through Build Illinois?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

It is my understanding the answer is, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

So that these are not duplicative, these are in addition to sums that we have appropriated elsewhere.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

If both are signed, that would be correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Well, I would ask...my members over here to...to look at

some of these other items, perhaps there may be additional questions.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I...I share some of the same concerns that Senator Etheredge has suggested and I...Senator Carroll, I...I think that every member of this Body ought to...to very carefully look at perhaps the issue that I brought up in the Build Illinois issue some...some moments ago with respect to a twenty-five percent cut in the grants in soil and water conservation districts. Now many of you, I know, would suggest this is a completely rural issue...a completely rural issue. I want you to look at...want you to look at the fact that soil and water conservation districts are made up of both rural and urban areas and the impact upon a great number of the members of this General Assembly. I think we took a rather substantial cut...a twenty-five percent cut. I would have gladly given up some of my projects in Build Illinois for this had I known this...this was going to take place, and I think then to look at this bill and see some of the...quite frankly, pork that's here, I think we ought to take another look at this and perhaps reject this Conference Committee report.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of the first Conference Committee report on House Bill 3191 and looking, if you will, Senator Maitland and Senator Etheredge and others, there are admittedly some duplications, because, frankly, at the eleventh hour, I changed the game plan and decided that the House

was dilatory enough, long enough and we were going to get moving. So we have two million dollars to implement Senator Lechowicz' bill on the Charitable Games Act, we have agreed to two million additional dollars for the study of the new prisons...or for the planning I should say, the ten million dollars to the Agriculture Premium Fund, the three hundred twenty-five million dollars for insurance reform contained, I might proudly say, in Senate Bill 1200. In addition to that, there are a number of other items that are of some substantial importance to members of both the House and the Senate, and some of those items were, frankly, not subject to agreement prior to the eleventh hour, as always happens. I am convinced, I am sure, as I'm sure Senator Philip is sure, that the Chief Executive who wields the final pen is well aware of where the agreements are and what ought to be done, but I think we would do ourselves a disservice on July 2nd to turn down a bill like this. We're certainly never going to get to a second report on this kind of stuff. There is admittedly some...there are admittedly some things in here with which I don't agree, but I sat in the Governor's Office, as did Senator Philip, and there were some things that we did agree to and those things ought to be reflected on what finally turns up on his desk and I am convinced, as I have been in the past, that the gentleman on the second floor is well able to sort it out. I think this bill ought to be passed and that will effectively conclude our business for the ordinary and necessary operation of government and we can then go home.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Further discussion? Senator Philip.



REEL #5

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Of course, Senator Rock is absolutely correct, this is the last appropriation, I think. The Governor has not agreed to all of it, there's a good part of it that he's going to amend out, so let's do the right thing and get out of here and vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Carroll may close.

SENATOR CARROLL:

My only comment would be to Senator Maitland. If you think it's pork and you're from my district, you got to vote No; on the other hand, if it's chicken, as has been described by both the President and Minority Leader, then the correct vote would be Aye, and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

The question is, shall the Senate adopt the first Conference Committee report on House Bill 3191. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Senator Savickas. Have all voted who wish? Have all voted who wish? (Machine cutoff)...all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 16, 3 voting Present. The Senate does not adopt the first Conference Committee report on House Bill 3191. Senator Carroll.

SENATOR CARROLL:

Would ask you to inform the House and ask that a second Committee on Conference be appointed.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Senator Carroll requests a second Conference

Committee. Senator Rock.

SENATOR ROCK:

I...I would just ask...we've already passed the adjournment resolution, allow us, if you will, about twenty minutes to confer with the House and the Governor and find out...in...in my opinion, we have concluded our business, but let's just wait and...there are members who have Conference Committee reports circulating and we want to make sure everybody gets a shot at what they want. Okay. If you'll just wait about twenty minutes we'll be...

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR VADALABENE:

Yes, thank you, Mr. President. While you're waiting for those twenty minutes, I just received a final shipment...of the suggested Independence Day speech, and they're going like hot cakes, so...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Fawell for what purpose do you arise?  
SENATOR FAWELL:

Sam, that isn't going to be called little Sam, is it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

I didn't hear what Senator...what Bev said, but I would like to make a comment. Bev passed my desk two times today and never stopped either time, and...ever since she's been on the Podium with Senator Kustra there seems to be some type of separation between her and I. And before I head south, I'd like to know for sure whether we have a separate maintenance or not so that I can start out anew.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, perhaps you can confer...privately. The Senate

will stand in Recess.

RECESS

AFTER RECESS

PRESIDENT:

The question was asked, where are we? Allow me to answer the question. In...in my opinion, we have three bills yet to consider...momentarily. 3191, which we talked about a little earlier, is a bill which appropriates some money the House has passed and, frankly, has us...asked us to pass. I understand that 3266 and 3058 will be on a supplemental Calendar. They've also asked to do this, Senator Poshard. (Machine cutoff)...that...we...has the House adjourned yet? They're getting close. 3058, by the way, Senator Degnan, that's what we're waiting on. The House has not sent the Message yet so we can...we do the best we can but we can't...you know, we only can do what we can. Ladies and gentlemen, we're trying truly...to expedite the movement. Senator Philip will shortly announce that the Governor still cordially invites you all to his house because we are going to conclude. One of the things we have to do is have a motion that only a true politician can make. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, thank you for the compliment. Having voted on the prevailing side by which Senate...House Bill 3191 was lost, I move to reconsider the vote by which it lost.

PRESIDENT:

Thank you. Senator Geo-Karis has moved to reconsider the vote by which House Bill 3191 failed. All in favor of the motion to reconsider indicate by saying Aye. All opposed. Thank you. Motion prevails. Ladies and gentlemen, if you please. We have just reconsidered our earlier vote on the

Conference Committee report...first Conference Committee report on House Bill 3191 which the House has adopted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Carroll on 3191.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. On House Bill 3191 as revisited, let me explain the posture that may be slightly different than it was in when we last asked everyone to look this over. At the time we did it a few moments ago, we had also passed legislation that would have appropriated the following items and had asked the House to do likewise. That was some little over two million, almost two million one, to enforce the new Charitable Gamings Act out of their funds. That was some two million dollars needed, a million apiece, for the...planning of the two new prisons, one at Mount Sterling and one at Canton. That was ten million dollars transfer from general revenue funds to the Agricultural Premium Fund to make up for the desperate shortfall that is in the Ag. Premium Fund so that we could, in fact, fund DuQuoin and fund the county fairs. That was, in fact, the monies necessary for the insurance reform laws of Senate Bill 1200. In addition, there...those items that we passed the House killed by roll call, and those bill...that bill is now dead in the House, I think it got something like forty positive votes. This bill includes those items plus the monies necessary for completion, a reappropriation, at Rend Lake, the million dollars for the Arts Council, fifty thousand for the State's attorney appellate prosecutor, the DuPage County Forest Preserve Land Act, a choir, the Minority Interns Program, the unemployed worker's computer bank at Governor State University, DuPage County Business Procurement Center, the additional two million dollars for contracts for lottery advertising, the two additions at...for school construction at Monmouth School and

the construction at Gallatin School, two hundred thousand for coal marketing, three hundred and seventy-five thousand for Warren Townships temporary relocation and two hundred and fifty thousand for probation challenge. The difference between the two is the ones I just mentioned; the ones that we deemed absolutely essential for the operation of government in an orderly fashion, the House chose to send elsewhere by record vote. Therefore, we suggest that this Conference Committee report be adopted. It includes that which is necessary and, very honestly, some which some people may think is not, that can be taken care of at a later date by another person. And I would urge adoption of Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? The Chair would like to acknowledge the presence of His Excellency, the Governor, who has...graced us with his presence to witness this historic event. Discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As I attempted to indicate before,...we passed or...or amended a House bill with a Senate amendment that, frankly, the House rejected, because we had four or five things that we felt were absolutely essential for the operation of government. Now I am not prepared to stand here and defend or suggest to any of you here that everything in here is essential for the operation of government. What I am prepared to stand her and say is that the gentleman on the second floor is prepared to sort this out. In order to expedite the process, I, again,...truly, I ask an Aye vote. This is extremely important in terms of whether we can get the House out of here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Do you want to vote on that? All right. Further discus-

sion? Senator Carroll may close.

SENATOR CARROLL:

Thank you, roll call. (Machine cutoff)...Philip.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As you know, it's getting late, we've been here a long, long time. The Governor has agreed to use that veto pen on some of these things that both sides of the aisle don't agree on, and let's stand up and do what's right and let's have a big green vote up there.

PRESIDING OFFICER: (SENATOR DEHUZIO)

The question is, shall the Senate adopt the first Conference Committee report on House Bill 3191. 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 50, the Nays are none, 1 voting Present. The Senate...does adopt the first Conference Committee report on House Bill 3191 and the bill having received the required constitutional majority is declared passed. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I ask leave of the Body to go to Supplemental Calendar No. 9.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Is...is...is leave granted? Leave is granted. On the Order of Supplemental Calendar No. 9, House Bill 3266, Mr. Secretary.

SECRETARY:

First Conference Committee report on House Bill 3266.

PRESIDENT:

First Conference Committee report, supplemental Calendar,

House Bill...3266. Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The first Conference Committee report on House Bill 3266, I think I'll...I'll be brief because I don't believe there's anything in here that's controversial. When the bill left here it provided that any public or private college or university or governmental agency or public or private not-for-profit agency was afforded the opportunity to use the Governor's...the Board of Governor's Cooperative Computer Center. We've added language in here that expands the membership of the Prisoner Review Board, the Property Tax Appeal Board, Court of Claims, Horse Racing Board and the DES Board and a review and two...by adding two members respectfully to those...to those boards or commissions, and also to amend and create the Illinois Health Care Cost Containment Council Studies Fund. I know of no opposition. I would move the adoption of the first Conference Committee report to House Bill 3266.

PRESIDENT:

Discussion? If not, the question is, shall the Senate adopt the Conference Committee report on House Bill 3266. Those in favor will 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, the Ayes are 49, the Nays are 1, none voting Present. The Senate does adopt the Conference Committee report on House Bill 3266 and the bill having received the required constitutional majority is declared passed. 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 has refused to adopt the first Conference Committee report on House Bill 3058 and request a

second Committee of Conference to consider the differences between the two Houses in regards to Amendment No. 4, and the Speaker has appointed the members on the part of the House.  
PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Poshard moves that the Senate accede to the request of the House. With leave of the Body, while we're momentarily waiting for that supplemental Calendar to come down, if you'll all take a look through the Resolutions Consent Calendar and make sure there's nothing controversial there. Mr. Secretary, have there been any...objections filed to the Resolutions Consent Calendar?

SECRETARY:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney, for what purpose do you arise?

SENATOR RIGNEY:

...Mr. President, I was wondering if we might have a little explanation of Senate...Resolution 1143. I thought that looked a little controversial.

PRESIDING OFFICER: (SENATOR DEMUZIO)

You're kidding. Well, Senator Rigney, I...I'm told it deals with some walrus at a zoo. Perhaps it is controversial, I don't know, you'll have to...ask Senator Topinka. Well...having no objection...Senator Geo-Karis. All right. Having...beg pardon?

SENATOR GEO-KARIS:

Not on...not on that resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Oh, all right, Senator Poshard moves that...the adoption of the Resolutions Consent Calendar. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The Resolutions Consent Calendar is adopted. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:



Mr. President and Ladies and Gentlemen of the Senate, point of parliamentary inquiry. There are a number of us who are very concerned about the race track bill, House Bill 2486. Aren't we going to act on that conference report tonight or are we here for nothing? We're very concerned. The horse racing industry is concerned. I'm concerned for my district where a...a track is supposed to be...other tracks are concerned. We have spent many hours worrying about this, trying to work together and what is going to be done? Why isn't it being called tonight...or today I should say?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Well, let me look in my crystal ball and see what I have for you. Senator Rock.

SENATOR ROCK:

The lady's question is well taken, Mr. President. And as I referred to earlier, let me refer you to a article in the Tribune of the 26th where the Governor of our State said, "The brass ring is coming around one more time. I think folks in the industry ought to...better start thinking of the greater good of the industry and less of their individual tracks and their individual good and their individual bargaining positions and get together and that includes everybody." I will suggest to you, Senator Geo-Karis, that this Senate, with the help of Senator Topinka, Senator Weaver, Senator Vadalabene has passed enumerable measures to help Illinois racing, and the House of Representatives in their absolute audacity has said to the Senate of Illinois, we don't like it; and as a result, we have done in this Session what is necessary for the ordinary operation...necessary operation of State Government and I refuse, for one, to be harnessed by the House of Representatives. We're ready to go home.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I have heard the...the explanation by our President of the Senate. I regret...very deeply regret that we couldn't go into this matter and as you tell me, if it's the fault of the House, I regret that even more because it's not just for my area, I'm not being provincial. This report would have helped all the tracks in Illinois, and I feel very bad that we haven't accomplished any conclusion on it at this Session.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen, for what purpose do you arise?

SENATOR BARKHAUSEN:

Mr. President, if I may, just very briefly,...just second the concern that Senator Geo-Karis has because...in part because I admit it's a partially parochial concern in that this new track is to be located in Lake County and I least of all would want to take direction from the House, but it appears what they have sent over does at least contain the all-important reduction in the parimutuel tax which is of concern to the entire racing industry; and Senator Rock aptly...aptly made the point that what we should be doing should be benefitting the entire racing industry, and certainly a reduction in the parimutuel tax would...would do that. So, it would seem to me that we at least ought to try to go away from this Session having it at a minimum, taken that first step to help this all-important industry in Illinois; even if what is in the package isn't entirely what we might want, we ought to at least be satisfied that we are taking these first initial steps to help all the industry and to provide the incentives that will bring this crown jewel of Illinois racing to...to our State and...and to our own County of Lake.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Senator Barkhausen and Senator Geo-Karis, I could not agree more and I will yield at any given time to Senator Weaver, because Senators Weaver and Vadalabene and Joyce have passed bills out of this Senate fifty-four, fifty-five, forty-seven affirmative votes to help the racing industry in Illinois and then we are confronted with the absolute unadulterated audacity of the House. They did not leave any one of our bills out of the Rules Committee. More than that, they throw a Conference Committee report at us when a Conference Committee has not even been appointed, and it says on page 30, that all of this that has been done through thirty pages of this report will take place only...only after issuance of all construction and building permits necessary to begin construction of a race track in a county with a population of more than four thirty but fewer than five hundred thousand inhabitants. Now, give me a break. Everybody in the world knows this is Lake County. Everybody in the world knows that we want Mr. Duchossios, who is a friend of mine, by the way, to do that, and I really believe he has the best interest of the State of Illinois in his heart. He is a good person for Illinois racing, but I will be darned if the Illinois General Assembly is going to pass a bill to provide substantial tax breaks, tax incentives, if you will, and be subject to the local permitting process where we are subject to...whatever we do are subject to the issuance of construction and building permits by whom? Lake County? I don't even know what town that is...within Lake County. Adeline, tell me what town it is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I'd

be very happy to inform you. It's in Newport Township in Lake County, and I'm not being provincial because the tax breaks that were going to be available would have applied not only to that track, would apply to all the tracks. For example, there's a reduction that would have been on January 1, 1988, the privilege tax on horse racing from six percent average to a flat three percent and so forth. Now, just a minute,...a point of order...I'll answer your point of order. All I can say...all I can say is we spent a many, many hours here and I think my...my county is entitled consideration because it would have provided seven...this track would have provided seven thousand jobs for Illinoisans, not just Lake Countyans, and I do think that we should put aside petty differences and do something constructive and if we can have a premiere track.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator...Senator Weaver. Senator Rock.

SENATOR ROCK:

Well, I...I'll yield to Senator Weaver. I do want to answer Senator...Senator Geo-Karis...I agree with you. That's what I'm saying. What offends me is that there are four or five Senate bills that we sent to the House virtually unanimously and they ignored them, and we are now on July 2nd, as everybody well knows in our party, in a minority position because it takes an extraordinary vote; and so there are certain people in the House who have said, hey, no way, and I refuse to be held hostage by those people and so the answer is no, and I can go through all the pages of this report and point out what I think are the deficiencies because I can point to the legislation that you and I and Senator Macdonald and Senator Weaver and...and all kinds of us supported to encourage the rebuilding of Arlington Park, and I will say to Mr. Duchossios publicly that I applaud his effort. He is a grand man and a friend of mine and he is an

Illinoisan and he is in the best interest of Illinois racing, but I will suggest to you also that when the Governor of Illinois says last week that we're going to get together and get the industry together and the industry doesn't agree, then we are simply kidding ourselves, because they do not agree and we are not, frankly, with this report...now I don't even know if this is the last report and I apologize for that. This is the last one I got from the Governor's Office, but it...to me is unacceptable and I hope to the conferees that I will appoint.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Well, I don't...I don't know how we got into this. Senator Weaver.

SENATOR WEAVER:

Mr. President, I don't know how we got into it either, but let me say that a great many of us worked a lot of hours to try to do that which would make the racing industry in Illinois a healthy industry. Most of us here have no concern for racing other than that which it supports through the franchise and the other horse racing taxes. Let me say this, those of us concerned with the health of horse racing in Illinois will be working over the summer to try to come to some consensus that will be fair to one and all who are interested in horse racing. Horse racing is a big industry in Illinois. It provides a lot of jobs. Horses eat a lot of oats, they eat a lot of hay, that's good for the farmers. We're interested in the farmers, we're interested in building jobs but let me reiterate, we'll be working on it all summer and maybe next fall we can come in and pass something that's fair to one and all. Thank you.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the

Senate. Let me, first of all, on behalf of the great Governor of the great State of Illinois, invite you all over to the Mansion for an after session party, and secondly, compliment Senator Rock on the organization of the Senate...the scheduling of the Senate and the cooperation we have had from the other side. We certainly appreciate that, you're one of the good guys; and without further ado, I would move that we adjourn sine die.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Rock.

SENATOR ROCK:

Senator Philip and I, in fact, get along very well and...and from time to time we don't agree, but I hope we can disagree and continue to disagree without being disagreeable. The motion will be, Mr. President, that we will stand adjourned until November the 6th. I wish all candidates, particularly on this side of the aisle, extremely well and I wish all of you the best. Your cooperation has been superb, your attitude is good and I think we have done some substantial good for the people of Illinois. I congratulate you all. I move we stand adjourned, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock moves that the Senate stand adjourned till November the 6th at the hour of noon. The Senate stands adjourned.

DAILY TRANSCRIPTION OF DEBATE INDEX

JULY 01, 1986

HB-0913 CONFERENCE	PAGE	86
HB-1945 CONFERENCE	PAGE	91
HB-1945 CONFERENCE	PAGE	110
HB-2486 NON-CONCURRENCE	PAGE	117
HB-2486 DISCUSSED	PAGE	152
HB-2839 CONFERENCE	PAGE	99
HB-2989 CONFERENCE	PAGE	131
HB-3058 CONFERENCE	PAGE	21
HB-3191 CONFERENCE	PAGE	140
HB-3191 CONFERENCE	PAGE	147
HB-3253 RECALLED	PAGE	119
HB-3253 THIRD READING	PAGE	124
HB-3266 CONFERENCE	PAGE	150
HB-3396 RECALLED	PAGE	126
HB-3396 THIRD READING	PAGE	133
SB-1517 CONFERENCE	PAGE	22
SB-1517 CONFERENCE	PAGE	97
SB-1728 CONCURRENCE	PAGE	136
SB-1734 CONFERENCE	PAGE	120
SB-1747 CONCURRENCE	PAGE	50
SB-1747 CONCURRENCE	PAGE	125
SB-1747 OUT OF RECORD	PAGE	51
SB-1763 CONFERENCE	PAGE	132
SB-1917 CONFERENCE	PAGE	53
SB-2003 CONFERENCE	PAGE	43
SB-2018 CONFERENCE	PAGE	54
SB-2076 CONFERENCE	PAGE	51
SB-2108 CONFERENCE	PAGE	41
SB-2117 CONCURRENCE	PAGE	68
SB-2117 CONFERENCE	PAGE	111
SB-2129 CONFERENCE	PAGE	100
SB-2165 CONFERENCE	PAGE	52
SB-2210 CONCURRENCE	PAGE	16
SR-1121 ADOPTED	PAGE	11
SR-1126 ADOPTED	PAGE	5
SR-1146 ADOPTED	PAGE	5
SR-1157 ADOPTED	PAGE	10
SR-1173 ADOPTED	PAGE	80
SR-1174 DISCUSSED	PAGE	7
SR-1175 RESOLUTION OFFERED	PAGE	1
SR-1176 RESOLUTION OFFERED	PAGE	48
SR-1177 RESOLUTION OFFERED	PAGE	80
SR-1178 RESOLUTION OFFERED	PAGE	80
SR-1179 RESOLUTION OFFERED	PAGE	80
SR-1180 ADOPTED	PAGE	138
HJR-0172 ADOPTED	PAGE	83
HJR-0198 ADOPTED	PAGE	2
HJR-0218 ADOPTED	PAGE	14
HJR-0224 ADOPTED	PAGE	13
HJR-0232 ADOPTED	PAGE	3
SJR-0181 ADOPTED	PAGE	139

SUBJECT MATTER

SENATE TO ORDER - PRESIDENT ROCK	PAGE	1
PRAYER - SEN. KENNETH HALL	PAGE	1
JOURNALS - POSTPONED	PAGE	1
MESSAGES FROM THE HOUSE	PAGE	48
SB1734 - ACCEDE	PAGE	49
SB1624 - ACCEDE	PAGE	49
S31917 - ACCEDE	PAGE	49
MESSAGE FROM THE HOUSE	PAGE	109
SB2117 - ACCEDE	PAGE	109
MESSAGE FROM THE HOUSE	PAGE	136

REPORT: TIFLDAY  
09:56

STATE OF ILLINOIS  
84TH GENERAL ASSEMBLY  
SENATE  
DAILY TRANSCRIPTION OF DEBATE INDEX

PAGE 2  
04/18/88

JULY 01, 1986

SUBJECT MATTER

MESSAGES FROM THE HOUSE	PAGE	151
HB3058 - ACCEDE	PAGE	151
RESOLUTIONS CONSENT CALENDAR - ADOPTED	PAGE	152
ADJOURNMENT	PAGE	158