

83RD GENERAL ASSEMBLY

REGULAR SESSION

MAY 22, 1984

PRESIDING OFFICER: (SENATOR DEMUZIO)

The hour of ten o'clock having arrived, the Senate will come to order. All unauthorized individuals will please vacate the Floor. Members of the Senate will be in their seats. Our guests in the gallery please rise. Our prayer today will be by the Reverend Hugh Cassidy of the Blessed Sacrament Church, Springfield, Illinois. Father Cassidy.

REVEREND CASSIDY:

{Prayer given by Reverend Cassidy}

PRESIDING OFFICER: (SENATOR DEMUZIO)

Reading of the Journal. Senator Johns.

SENATOR JOHNS:

Thank you, Mr. President. I move that reading and approval of the Journals of Tuesday, May the 15th; Wednesday, May the 16th; Thursday, May the 17th; Friday, May the 18th and Monday, May the 21st in the year 1984, be postponed pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR DEMUZIO)

You've heard the motion. All those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The motion is adopted. Resolutions.

SECRETARY:

Senate Resolution 636, Senator Savickas and all Senators...it's congratulatory.

Senate Resolution 637, Senator Davidson and all Senators, and it's congratulatory.

Senate Resolution 638, by Senator Lemke. It's congratulatory.

Senate Resolution 639, by Senator Kustra. It's a death resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR LUFT:

Add a hyphenated...thank you, Mr. President. I'd ask leave to add Senator DeAngelis as a hyphenated cosponsor to House Bill 3055.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, you've heard the request. Is leave granted? Leave is granted. Yes, the...this morning, so the members will be alert, we will go to House Bills on 1st reading and after that we will go to bills on...on recall. So, if you have a bill that's to be recalled, you might be prepared to be ready this morning. House Bills 1st reading. Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill...1335, by Senator Bruce.

(Secretary reads title of bill)

House Bill 1395, by Senator Netsch.

(Secretary reads title of bill)

House Bill 1528, Senator Lemke.

(Secretary reads title of bill)

2570, Senators Hudson and Philip.

(Secretary reads title of bill)

House Bill 2596, Senator Darrow.

(Secretary reads title of bill)

2668, Senator Rupp.

(Secretary reads title of bill)

2707, Senator Luft.

(Secretary reads title of bill)

2735, Senators Bock and Philip.

(Secretary reads title of bill)

2865, Senator Weaver.

(Secretary reads title of bill)

2905, Senator Etheredge.

(Secretary reads title of bill)

2909, by Senator J. E. Joyce.

(Secretary reads title of bill)

House Bill 2910, by the same sponsor.

(Secretary reads title of bill)

2927, Senator Sangmeister.

(Secretary reads title of bill)

3031, by Senator Smith.

(Secretary reads title of bill)

...3065, by Senator Etheredge.

(Secretary reads title of bill)

House Bill 3072, by Senator Darrow.

(Secretary reads title of bill)

3090, Senator Etheredge.

(Secretary reads title of bill)

House Bill 3020...3123, by Senator Sangmeister.

(Secretary reads title of bill)

House Bill 3201, by Senators Vadalabene and Schuneman.

(Secretary reads title of bill)

House Bill 3202, by Senator Vadalabene and Schuneman.

(Secretary reads title of bill)

House Bill 3206, by Senator Macdonald.

(Secretary reads title of bill)

House Bill 3246, Senator Degnan.

(Secretary reads title of bill)

1st reading of the bills.

House Bill 2908, by Senator J. E. Joyce.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2569, by Senators Hudson and Philip.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 3027, by Senator Geo-Karis.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 3098, by Senator Geo-Karis.

(Secretary reads title of bill)

SB 1381  
Recalled

1st reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Resolutions.

SECRETARY:

Senate Resolution 640 offered by Senators Darrow, Rock, Welch, Demuzio and Luft, congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. All right. With leave of the Body, we will go to the Order of 3rd Reading Recalls. Is leave granted? Leave is granted. Let me give you the list of bills that are...a list of bills have been passed out indicating the appropriate numbers of those bills that are...to be recalled, and we will start down that list and go as far as we can. Senate Bill 1381, Senator Schaffer. Senator Schaffer seeks leave of the Body to return the bill to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted.

SECRETARY:

Amendment No. 2 offered by Senator Schaffer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this is the Chain of Lakes water management bill. This amendment puts an immediate effective date in, something I think would be prudent. It also strikes any reference to the Chain of Lakes Commission. It appears commissions are somewhat controversial this year and we do not wish to confuse the two issues.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Schaffer moves the adoption of Amendment No. 1 to Senate Bill 1381. Is there any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No...Amendment No. 2 is adopted. Any further amendments?

SB 1845  
Recalled

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1521, Senator Welch...I mean, 1521, Senator Netsch. Senator Netsch on 1521. We will hold 1550, 58 and 1600 for the time being. Senate Bill 1612, Senator Philip. 1659, Senator Lechowicz. 1725, Senator Marovitz. Senate Bill 1790, Senator Darrow. Senate Bill 1845, Senator Jeremiah Joyce. Senator Jeremiah Joyce seeks leave of the Body to return Senate Bill 1845 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted.

SECRETARY:

Senate...Senate Bill 1845...with Senate Amendment...no...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Body. Having voted on the prevailing side on the adoption of Senate...Amendment No. 1 to Senate Bill 1845, I now ...move to reconsider the vote by which that amendment was adopted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jeremiah Joyce moves the reconsider of...of the vote...having voted on the prevailing side, to reconsider the vote by which Amendment No. 1 was adopted. Is there any discussion?...if not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The vote is reconsidered. Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. I now move to lay on the Table Amendment No. 1 to Senate Bill 1845.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Joyce moves to Table Amendment No. 1

to Senate Bill 1845. Is there any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The Amendment is Tabled. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1857, Senator Darrow. Senator Darrow seeks leave of the Body to return Senate Bill 1857 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. Mr. Secretary.

SECRETARY:

Amendment No...Amendment No. 2 offered by Senator Darrow.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a technical amendment. It clarifies that there are eight members of the board and staggers the expiration of the initial term for the East Moline appointees. I move for the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow moves the adoption of Amendment No. 2 to Senate Bill 1857. Is there any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

Amendment No. 3 offered by Senator Luft.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President and Ladies and Gentlemen of the...Senate. Amendment No. 3 simply creates the Pekin Civic Center Authority and I would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

AB 1875  
Recalled

Senator Luft moves the adoption of Amendment No. 3 to Senate Bill 1857. Is there any discussion? If not, those in favor signify by saying Aye. Opposed Nay. Ayes have it. Amendment No. 3 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1868, Senator Barkhausen seeks leave of the Body to return Senate Bill 1868 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members of the Senate, Amendment No. 1 is recommended by the Legislative Reference Bureau to clarify the preemption language of this bill. It was thought that the language in the original bill was somewhat faulty and, in addition, this amendment narrows the scope of the preemption to make it clear that it's only talking about a preemption of taxation and not an additional preemption. I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Barkhausen moves the adoption of Amendment No. 1 to Senate Bill 1868. Is there any discussion? If not, those in favor vote...signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1875, Senator Grotberg. Sena-

tor Grotberg seeks leave...leave of the Body to return Senate Bill 1875 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Grotberg.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Grotberg.

SENATOR GROTBERG:

Thank you, Mr. President, fellow members. Amendment No. 1 to Senate Bill 1875 is mostly clarification. It started with the fact that the community colleges were not specifically mentioned in the bill, and it adds that so...rather than by cross-reference to other chapters that community colleges are in this developmental program. It makes grammatical corrections and adds two members from the business community to the Council on Technological Invention and Commercialization. I move the adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Grotberg has moved the adoption of...of Amendment No. 1 to Senate Bill 1875. Is there any discussion? If not, those in favor vote by signify...signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1943, Senator Welch. Senator Welch seeks leave of the Body to return Senate Bill 1943 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This amendment was proposed by the business interests. The purpose of this amendment is to specifically point out in our bill...concerning issuing of bonds for hazardous waste facilities that environmental facilities, for which bonds can be issued, include facilities which recycle methane gas which recycle other types of hazardous waste but do not include landfills. It's mainly an amendment to clarify the intent of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch moves the adoption of Amendment No. 3 to Senate Bill 1943. Is there any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1946, Senator Luft. Senator Luft seeks leave of the Body to return Senate Bill 1946 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of 2nd Reading, Mr. Secretary, please.

SECRETARY:

Amendment No. 2 offered by Senator Bigney.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bigney.

SENATOR BIGNEY:

Mr. President, the subject here, of course, is dealing with the subject of special wastes. Senate Bill 1946 relieves those manifest requirements that...that currently the industry must now deal with. It also provides, however, that a quarterly report must be filed by the landfill or whoever is receiving that material. All we're doing with this

amendment is saying now that that report may be an annual report instead of a quarterly report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rigney moves the adoption of Amendment No. 2 to Senate Bill 1946. Is there any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. With leave of the Body, we will return to the top of the recall list. We will start over, and if the members will please be advised that we...we're going to start over one more times on the recall list. Senate Bill 1521, Senator Netsch. Next year. Senate Bill 1558, Senator Weaver. All right, with leave of the Body, we'll return to 1558 and 1600 when the appropriations people are on the Floor. Senate Bill 1612, Senator Philip. Senate Bill 1659, Senator Lechowicz. Senator Lechowicz on 1659. Senator Lechowicz seeks leave of the Body to return Senate Bill 1659 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of 2nd Reading, Mr. Secretary, Senate Bill 1659.

SECRETARY:

Amendment No. 1 offered by Senator Lechowicz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz is recognized on Amendment 1.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 1 is a technical amendment, it changes the word from "or" to "and" giving the municipalities an option in...as far as how this bill would be...would operate. It's a corrective amendment. I move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz moves the adoption of Amendment No. 1 to Senate Bill 1659. Is there any discussion? If not, those in favor will signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. All right. Senator Savickas, for what purpose do you arise?

SENATOR SAVICKAS:

Yes, Mr. President, I rise for the purpose of suspending the rules for the immediate consideration of Senate Resolution 636 that is on the Consent Calendar. It's a congratulatory resolution for Sister Dorthea at Holy Cross Hospital. Some people that are down here today from the hospital association would like to bring it back to her in Chicago, and I would appreciate your suspending the rules, hearing the resolution and passing it so that they can take it back home with them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right...Senator Savickas has moved to suspend the rules for the immediate consideration and adoption of...Senate Resolution 636. Is leave granted? Leave is granted. Senator Savickas now moves the adoption of Senate Resolution 636. Is there any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Senate Resolution 636 is adopted. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

I'd like...call for a Republican Caucus in Senator Philip's Office immediately, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Johns on the Floor? Senator Johns.  
Senator Rock.

SENATOR ROCK:

Thank you. I've conferred with Senator Johns and we'd also like to have a Democratic Caucus immediately in Room 212. Republican Caucus also immediately, I...talked with Senator Philip. In the interest of...setting some outside deadline and perhaps affording the members an opportunity for a sandwich, because it's our intent to come back and begin on the Order of 3rd Reading and go through the Calendar as expeditiously as possible with all due deliberation, but we will...when we return from the caucus, we will begin on the Order of 3rd Reading on page 5 and we will go right down the list. So that I would ask the members who have bills on pages 5, 6, 7, 8, 9 and 10 to get their files ready. We will begin immediately upon the return from the caucus with Senate Bills on 3rd reading. Friday of this week is our deadline for substantive Senate bills, and it's our hope that we can finish our business rather expeditiously. In the meantime, Democratic and Republican Caucus immediately. The Democrats will meet in Room 212 and I'd ask that the Senate stand in Recess until the hour of twelve-thirty.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR NETSCH:

Could I ask one question of Senator Rock? A few of us have bills still on 2nd reading which were left there because the amendments had not yet arrived from the Reference Bureau. Will we have an opportunity to get that done today so that we can get them onto 3rd reading?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Well, we went through 2nd reading yesterday and everybody that had some wanted to call it, yeah, we...we'll get to 2nd reading again, I'm sure there's some concern about the emission bill and some others, we'll...we'll get there.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rock moves that the Senate stand in Recess until the hour of twelve-thirty.

RECESS

AFTER RECESS

PRESIDING OFFICER: (SENATOR BRUCE)

The Senate will stand in Recess until the hour of one-thirty. The Senate will stand in Recess until one-thirty.

RECESS

AFTER RECESS

PRESIDENT:

The Chair indicated...if I can have the attention of the members in their office, the Chair indicated we would begin on Senate Bills 3rd reading. There are a new list of recalls. In order to facilitate the work of our over-worked employees in Enrolling and Engrossing, let's try to handle that list and then we will begin at the top with Senator Sangmeister's bill on 3rd reading. If you can...if you'll take a look at the list of recalls, it begins with Senate Bill 1217, Senator Buzbee. Senator Weaver has three bills, then Senator Philip, then Senator Marovitz, then there's an addition, Senate Bill 11-7-3-3, 1733, Senator Philip; then Senators Darrow, Luft, Schuneman; then add Senate Bill 1865, that's Senator Weaver; then Senators Lemke and Jerome Joyce. Page 6 on the Calendar, on the Order of Senate Bills 3rd

Reading, is found Senate Bill 1217, Senator Buzbee. Senator Buzbee seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill...617. Mr. Secretary.

SECRETARY:

Amendment No. 3, by Senator Luft.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I have spoken with Senator Buzbee and have his approval of adding this amendment on. What the amendment does is allow towns of less than five thousand population to provide for a primary rather than a caucus if they so choose.

PRESIDENT:

All right. Senator Luft has moved the adoption of Amendment No. 3 to Senate Bill 1217. Any discussion? Is there any discussion? If not, all in favor of the adoption of the amendment indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills 3rd Reading, on the top of page 11, is Senate Bill 1558. Senator Weaver seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1558, Mr. Secretary.

SECRETARY:

Amendment No. 5 offered by Senator Weaver.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Amendment No. 5 adds back two-hundred and eighty-two thousand eight hundred dollars to the State Museum Geological Survey, Natural History Survey and the Water Survey and I...I would move its adoption.

PRESIDENT:

All right. Senator Weaver has moved the adoption of Amendment No. 5 to Senate Bill 1558. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 6, by Senator Weaver.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Amendment No. 6, Mr. President, adds back eight hundred thousand dollars for the Chemical Substance Research Program and I'd move its adoption.

PRESIDENT:

Senator Weaver moves the adoption of Amendment No. 6 to Senate Bill 1558. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. The bottom of page 13, on the Order of Senate Bills 3rd Reading, Senate Bill 1600. Senator Weaver seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1600. Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Weaver.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Amendment No. 2 adds back eight...or seven thousand eight hundred dollars for the purchase of an automobile. I'd move its adoption.

PRESIDENT:

Senator Weaver moves the adoption of Amendment No. 2 to Senate Bill 1600. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1612, is there leave to come back to that when Senator Philip gets on the Floor? Leave. 1725, Senator Marovitz. Senator Marovitz on the Floor? 1790, Senator Darrow. 1791, Senator Luft. Top of page 17 on the Calendar, on the Order of Senate Bills 3rd Reading is Senate Bill 1791. Senator Luft seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1791. Mr. Secretary.

SECRETARY:

Amendment No. 1, Mr. President.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I'd like to move to Table Amendment No. 1.

PRESIDENT:

All right. Senator Luft has moved to reconsider the vote by which Amendment No. 1 to Senate Bill 1791 was adopted for the purpose of Tabling. All in favor of the motion to recon-

sider indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Senator Luft now moves to Table Amendment No. 1 to Senate Bill 1791. Any discussion on the motion to Table? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 1 is Tabled. Further amendments, Mr. Secretary?

SECRETARY:

No...no further amendments.

PRESIDENT:

3rd reading. Senator Schuneman on 1802. On page 17 on the Calendar is Senate Bill 1802. Senator Schuneman seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1802, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Philip.

PRESIDENT:

Senator Schuneman will be shown as the cosponsor. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This amendment simply provides that precinct committeemen will automatically become deputy registrars, and when they file their statement of candidacy for precinct committeemen, they also take the oath as a deputy registrar. This is Senator Philip's amendment; I have no objection to it.

PRESIDENT:

All right. Senator Schuneman has moved the adoption of Amendment No. 1 to Senate Bill 1802. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

*SB 1933  
Recalled*

No further amendments.

PRESIDENT:

3rd reading. Senator Weaver on 1865. On the Order of Senate Bills 3rd Reading, the bottom of page 19, or midpage 19, is Senate Bill 1865. Senator Weaver seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1865, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Weaver.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This amendment will impose a maximum cap of a hundred and fifty thousand for any group of insurance companies under substantially the same management that they must pay annually as its share of cost for supervision. I would move its adoption.

PRESIDENT:

Senator Weaver has moved the adoption of Amendment No. 2 to Senate Bill 1865. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1933, Senator Lemke. On the Order of Senate Bills 3rd Reading, the top of page 22, is Senate Bill 1933. Senator Lemke seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1933, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Lemke.

PRESIDENT:

Senator Lemke.

SENATOR LENKE:

What this amendment does is sets up a special fund for the Heritage Commission to seek private funds from outside sources to operate the festival in Springfield. I think it's a good amendment. I ask for its adoption.

PRESIDENT:

Senator Lenke moves the adoption of Amendment No. 1 to Senate Bill 1933. Discussion? Senator Grothberg.

SENATOR GROTHEBERG:

Thank you. I'd like...if the sponsor would yield, I'd like you to very carefully say what it is you're trying to do again, Senator Lemke?

PRESIDENT:

Sponsor indicates he'll yield. Senator Lenke on Amendment No. 1.

SENATOR LENKE:

What we're trying to do here is set up a special fund which is audited by the Auditor General, controlled by the Treasury, and subject to Senate appropriations. But the funds, according to the Attorney General, we can't accept, but they will come from outside sources, private funds, no State funds, no Federal funds, just private individuals.

PRESIDENT:

Senator Grothberg.

SENATOR GROTHEBERG:

Well, thank you, Mr. President. As a member of the Rules Committee, my attention has been recaptured that this is a bill that failed in Rules. If...if the sponsor persists, I would ask as to the germaneness, Mr. President, of the amendment to this kind of a bill.

PRESIDENT:

The question is as to the germaneness of the proposed Amendment No. 1. The Chair will ask the Parliamentarian to take a look. Senator Lenke, the Chair is prepared to rule that the amendment, Amendment No. 1, is not germane to Senate Bill 1933. Pardon me? Senator Lenke.

SENATOR LENKE:

I think you should look at it again. The bill that I amended sets up a special fund in the Treasury Act. This fund also sets up a special fund in the Treasury Act under that Act, and I think it is germane. And I think that it's very important that this amendment be put on, because if the ethnic American community going to be denied funds by this State Body, I think we should have a crack to fund it ourself, like we funded everything else and built the savings and loans and everything else in this State that the government has put out of business.

PRESIDENT:

Well,...just to cap off an otherwise...otherwise wonderful day, I am...going to persist in my ruling, it is not germane. Further amendments, Mr. Secretary?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1939, Senator Joyce. If you'll turn to page 5 on the Calendar and I'd ask the members to please be in their seats. We will move directly through the Calendar on the Order of 3rd Reading. All those bills that have been by virtue of Floor action or Rules Committee declared to be exempt from the rule will now be dealt with. On the Order of Senate...Senator Bruce, for what purpose do you arise?

SENATOR BRUCE:

I rise on a point of personal privilege.

PRESIDENT:

State your point, sir.

AB 508  
2nd Reading

SENATOR BRUCE:

In the President's Gallery we have some special guests from Hamilton County, the Hamilton County Junior High Beta Club, and I would like them to be...stand and be recognized by the Senate.

PRESIDENT:

Will our guests please stand and be recognized. Welcome to Springfield. On the Order of Senate Bills 3rd Reading is Senate Bill 508. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 508.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. The next three bills that you have is a series of a package that we were asked to consider by the Chicago Crime Commission, the first being that of RICO which I am sure you've heard something about over the past few months. This package of bills was introduced approximately a year ago and has had, in my opinion anyway, substantial hearings in Chicago and in Springfield. We've worked this legislation over and we think we've refined it down to a very fine, very acceptable package and something that is much needed in the State of Illinois. RICO stands for Racketeer Influenced and Corrupt Organizations. There's no secret that this package was derived from Title 9 of the Organized Crime Control Act passed by the Congress in 1970. In that year this package passed the United States Senate by a vote of 73 to 1, and by the United States House by a vote of 431 to 26. It has been the law then, it has been the law ever since. Since 1970, twenty-one states have passed similar legislation, so the State of Illinois is

not alone in enacting this kind of legislation. Besides the twenty-one states that have already enacted RICO, it is pending in the states of Arkansas, Louisiana, Minnesota, Mississippi, Missouri, New York, Ohio, Tennessee and Texas. This legislation creates three new substantive prohibitions. It's a prohibition against operating an enterprise by pattern of racketeering, acquiring an enterprise by a pattern of racketeering and investing in an enterprise with the proceeds of a pattern of racketeering. Many of you have asked, why is it needed in Illinois? To that question I would respond that racketeering in this State is highly sophisticated and widespread and annually diverts millions of dollars in the State's legitimate markets through the illicit use of force, fraud and corruption. Racketeering in this State principally involves such conduct as organized gambling, loan sharking, arson for profit, extortion and bribery, the theft and fencing of property, the importation, manufacturing, diversion and distribution of narcotics and dangerous drugs and other forms of social exploitation including merchandising of pornography and commercial prostitution. Racketeer...racketeering also involves the illegal manipulation of legitimate businesses and other enterprises including labor organizations by the use of fraudulent schemes and practices. The money and power generated by racketeering are increasing, being used to...infiltrate legitimate business and labor organizations, to invest in real and personal property through trusts, alien corporations and fictional names and to subvert democratic and law enforcement processes in the State. Racketeering within the State weakens the stability of the State's economy, harms innocent investors and competing organizations, impedes free competition, threatens the domestic security, endangers the health of the public and undermines the general welfare of the State and its citizens. Racketeering develops and flourishes when the criminal sanc-

tions available to combat it are unnecessarily limited in scope and impact. Traditional law enforcement strategies and techniques that concentrate on bringing criminal penalties to bear on individual offenders for the commission of specific offenses and that do not focus on offenders involved in racketeering influence in corrupt organizations and patterns of racketeering activity are inadequate to control racketeering. Comprehensive strategies must be formulated, more effective law enforcement techniques must be developed, evidentiary, procedural and substantive laws must be strengthened and the criminal penalties must be enhanced. And I would say to you, that's exactly what this package does. Contrary to the alarmist rhetoric of some opponents, legitimate businessmen have nothing to fear from Federal or State RICO legislation. It does not make criminal conduct that is not now criminal; it merely provides enhanced sanctions and the ability to cut off assets being used in illegal activities. Nothing in RICO provides to the contrary. Legitimate businessmen do not perpetrate fraud, they are victimized by it. And by the publication of the Illinois State Chamber which I have just passed out, you will see that any opposition that the business community previously had to this legislation has been removed because it has been amended into the form that they feel they can live with. If there are any questions, I'll be happy to answer them; otherwise, request a favorable roll.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR D'ARCO:

Thank you, Mr. President. This bill is an attempt to do on the Federal level...I'm sorry, it's an attempt to do on the State level what the Federal Government has done on the Federal level. But in attempting to do that, they have

circumvented the bill to such an extent that is...it is an emasculated former self of what this bill was designed originally. Originally this bill gave a citizen the right to sue a fraudulent perpetrator; that is no longer in the bill. Originally, this bill had safeguards with power given to the Attorney General to protect the individual citizen against an unscrupulous state's attorney; that provision is no longer in the bill. Originally the bill had a provision of the state's attorney to go into circuit court and sue on behalf of citizens; that provision is no longer in the bill. In other words, the bill has been emasculated to such a point that all of the good provisions that were once in it were taken out for the sake of accommodation, to serve an interest in the business community. But Senator Sangmeister said that the business community does not perpetrate fraud, they are victimized by it. But the individual businessman who is the victim can't go into court and collect damages for the fraud that has been perpetrated against him under this bill. Ladies and Gentlemen, the forfeiture provisions of this bill are already contained in Section 1406 of Chapter 56 and 1/2 of the Illinois Revised Code. Do you know that in all drug cases in Cook County today there are two judges in the Circuit Court of Cook County who hear forfeiture provisions to take away drug users' boats, cars, homes, money and whatever else they own, and that's their sole function of these judges is to hear these forfeiture complaints that the State's Attorney brings in Cook County, that's already in the bill. But what is another facet of the bill is the lien provisions that are provided in this bill. The state's attorney can put a lien against your property. He can put a lien on your house, on your bank accounts, on your stocks, he can put a lien on your business assets so that you can't collateralize a loan, you can't borrow money and you haven't even been convicted of a crime yet. All he has to do is file an indict-

ment and the lien provisions are put into effect under this bill...without the safeguard as in the Federal law that the District Attorney must get permission from the Attorney General before a RICO count is initiated. Ladies and Gentlemen, they took all the good out of this bill and they left all the bad in it. I ask you in earnest, don't be afraid to vote against this bill because the Chicago Crime Commission is supporting it. The argument Sangmeister uses to tell you that if an unscrupulous state's attorney abuses his prosecutorial power then the people of the county will vote him out of office. Ladies and Gentlemen, that's not good enough because the people of the county don't even know he's abusing his power. That's why you need the safeguard of someone higher up to initiate the count in the first instance. This is a bad bill and don't vote for it, Ladies and Gentlemen.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR SANGMEISTER:

Thank you. Speaking briefly to the comments that were raised by Senator D'Arco, there never was any provision in this legislation to protect anyone from an unscrupulous state's attorney. I don't know of any legislation that we've got anywhere in the State of Illinois that's going to protect you from an unscrupulous state's attorney. It was never intended to be in the bill, never was in the bill and never was removed from the bill. As far as a forfeiture...forfeitures that we have in drug cases, what he indicated to you is true, we do have that provision in the Statutes. I would say to you that this bill covers far more than trafficking in drug. It covers many, many other type of racketeering...enterprises and the forfeiture provisions would be applicable there. As far as the lien is concerned,

we have structured into the bill the right to go in and petition the court to have the lien removed if, in fact, the state's attorney should file one and a hearing can be held on that and a person can get relief. The argument that there should be somebody higher for the state's attorney to turn to, I don't think there's anybody higher...higher for the state's attorney to turn to than the people that elect him. The Federal District Attorney he's referring to merely goes to the Justice Department, which is also an appointed position by the President of the United States, and I'm not so sure that anything that the United States District Attorney in Illinois...in any of the districts wants to file is going to be upset by the head of the Justice Department in Washington. All I could say to you is, we've worked hard; we think we have a fine piece of legislation. It's time that the State of Illinois and not just the Federal Prosecuting Attorney's Office be able to look at racketeering, attack it in our respective counties and do something about it. Yes, this bill is supported by the Chicago Crime Commission, and I hope it also has your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 508 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 11, none voting Present. Senate Bill 508 having received the constitutional majority is declared passed. For what purpose does Senator D'Arco arise?

SENATOR D'ARCO:

(Machine cutoff)...a roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

There's been a verification requested. Would all those members please be in their seats and will the Secretary read

the affirmative votes.

SECRETARY:

The following voted in the affirmative: Barkhausen, Bloom, Bruce, Buzbee, Davidson, DeAngelis, Demuzio, Donahue, Etheredge, Fawell, Friedland, Geo-Karis, Grotberg, Holmberg, Hudson, Jones, Jeremiah Joyce, Jerome Joyce, Keats, Kustra, Lechowicz, Luft, Mahar, Maitland, Rigney, Sangmeister, Schaffer, Schuneman, Sommer, Watson, Weaver, Welch.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there a question of the affirmative vote?

SENATOR D'ARCO:

Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR D'ARCO:

Ted Lechowicz.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz. Is Senator Lechowicz on the Floor? Mr. Secretary, strike his name.

SENATOR D'ARCO:

Senator Demuzio.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is Senator Demuzio on the Floor?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio is standing at the Podium.

SENATOR D'ARCO:

Barkhausen.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen. Senator Barkhausen is on the Floor at the telephone booth.

SENATOR D'ARCO:

Senator DeAngelis.

PRESIDING OFFICER: (SENATOR SAVICKAS)

SB 509  
3rd Reading

He's standing in the back.

SENATOR D'ARCO:

Senator...Degnan.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan is not recorded.

SENATOR D'ARCO:

Kelly...Dick Kelly.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly is not recorded.

SENATOR D'ARCO:

Jones...Emil Jones.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones...Senator Jones is in his seat.

SENATOR D'ARCO:

Okay.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The roll call has been verified and the Ayes are 30, the Nays are 11, none voting Present. Senate Bill 508 having received the constitutional majority is declared passed. Senate Bill 509, Senator Sangmeister.

SECRETARY:

Senate Bill 509.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Ladies and Gentlemen and members of the Senate. Senate Bill 509, part of the same package I alluded to, attempts to get at individuals who traffic in stolen property. This bill would make it a Class 2 felony to do so. Also, this bill provides for possession of altered property. Under that provision, it only pertains to one who is in the business and I want that to be very clear. We are not

talking about an individual who has come into possession of stolen property; we are talking about people who traffic in this on a day-in and day-out basis. Now you and I know that one of the things that we've faced in the years that we've been down here is the so-called chopshop operation. One of the problems with that operation is, is the people who constantly buy this type of material and resale it at great profits for themselves, who perpetuate the people who operate in this kind of business. This piece of legislation is an effort to cut that off. But it must be by somebody who is trafficking in the business. Also we're protecting those people to the standpoint they must knowingly have this property in their possession, knowingly is very important. The bill states, if any identifying features such as serial numbers have been removed or altered, you could be in violation of the bill. As to the possession, the crime is only a business offense with a one thousand dollar maximum fine. Also the bill provides for civil remedies, that the state's attorney or any aggrieved can go in and file before the circuit court and obtain relief. In the civil aspect triple damages can be involved. This is the bill that will finally get at these people who traffic in stolen merchandise, traffic in chopshop operations, profit by it and turn their head the other way when people wonder why nothing is being done. It's a very important bill. Again, it is a part of a package to attempt to get at people who racketeer in this area, and I would ask your favored approval.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR GEO-KARIS:

Is the Floor amendment...was the Floor amendment added to the word...added to the bill to provide that knowingly...the word "knowingly" is added to the description of dealings in the stolen property?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

The answer is unequivocally, yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

And...by the deletion of the prima facie provisions on page 3, would you tell us just what is meant by it, because I don't have the bill in front of me?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Senator Geo-Karis, if you'll look at page 3 of the bill, A and B are still in the bill, C and D were the two...two provisions that were removed pursuant to agreement in committee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Collins.

SENATOR COLLINS:

...thank you. Question of the sponsor following that same line.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR COLLINS:

...unknowingly search property to have been stolen, how...how do you enforce that? How would you know whether not in the bill that the person knew or did not know?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

That is...that is a burden of proof that the state's attorney has to sustain and part of it would be done with Section 16-1.1, Subparagraphs A and B which talks about prima facie evidence.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Okay, I didn't see that in...in the bill, so...okay.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not...Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR SCHUNEMAN:

Senator, you mentioned the legislation that we passed in years gone by on chopshop operations, and certainly I am in support of what I think you're trying to do here. My concern is this, that when we passed some of that earlier legislation we put on some of the legitimate body shops in the State some pretty onerous requirements as far as reporting and record keeping and that sort of thing. To what extent are we...are we leaving open our legitimate body shop operations in the State to prosecution under this...under this law? Well, that's my question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Senator Schuneman, that's obviously a...a legitimate question, one that was considered heavily in committee; and there's no intent in this legislation, and we put it in the legislative record right here, to affect those people and we

AB 510  
3rd Reading

are trying to cure that by putting in such terminology as a person commits theft when he knowingly deals in stolen property by knowingly trafficking in or initiating or organizing planning. So by that...putting that word in there, and that's a burden that the state's attorney has to overcome, they've got to knowingly do it. If you can't prove that they're knowingly doing it, then...and obviously anybody who is legitimate is not knowingly doing it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

That's all.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR SANGMEISTER:

Thank you. I think the bill has had enough discussion. It...it get...as I indicated earlier, at the people who are trafficking in stolen property. I think it is a good law and order bill and request a favorable roll.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 509 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are none, none voting Present. Senate Bill 509 having received the constitutional majority is declared passed. Senate Bill 510, Senator Sangmeister. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 510.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, and thank you for your indulgence, this is the last bill in the package and it does get a little technical for those who may not be lawyers. But under the present law of the State of Illinois, I think you all know what it is to be granted immunity. Illinois is known as a transactional immunity State. What that means is, if a person is given immunity, anything that comes out of the transaction for which he's been given immunity means that he is not subject to prosecution for any kind of a crime that may come out of the transactional immunity that he has been given. What this bill would do would shift Illinois over into what is known as a use immunity Statute which means that even though you were given...immunity and you testified, if the facts that you testified about are not full enough, you could still be prosecuted. Now that's a simple explanation on a rather complex subject, but the idea behind the bill is to get people who are given...given immunity to testify about everything to which that immunity has been given to them for. If they don't, they could be possibly subject to prosecution for that. That's the incentive with use immunity. It prevents a case, for example, of where, let's say a person is dealing in narcotics, under present law, under transactional immunity, all he has to do is mention, after he is given immunity, that he has been dealing in narcotics and the state's attorney at that point cannot prosecute him for anything that has come out of that particular testimony even though he may say little or nothing once he has been given the immunity. For example, so take it to the absurd, supposing that he killed the person for whom he was trafficking in these drugs. Under transactional immunity if he talks about what he did locally, and the fact that there was a killing later on, there's a question as to whether he could even be prosecuted for that killing. Whereas, under use immunity he would have to come

forward and fully explain his entire interest and work in that particular area before the immunity would protect him. Like I say, it's a little difficult to understand. It is my opinion that at this point for good law enforcement that we ought to go to use immunity rather than transactional immunity. If there are any questions I'll try to answer them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR GEO-KARIS:

Well, are you saying then...do I understand you correctly that under the present immunity Statute that we have, transactional immunity, anything related to the transaction would immunize the defendant from being held. But are you saying then, under the use immunity that would be broader and even more protective of a defendant?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

It would be providing the defendant would tell everything that he knows about the transaction. If he...if he withholds in his testimony before the Grand Jury or at trial information, then he would not be protected from it. And that's one of the theories behind use immunity. It forces the party being given immunity to tell what he really knows about the...the crime or the transaction involved, because if he doesn't, he won't be receiving the immunity.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, in other words, then, the...if he tells everything he knows about the crime, then he will be completely...immunized. Is that right?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

That is correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well,...Mr. President and Ladies and Gentlemen of the Senate, I...we supported the bill to come out of the committee so we could debate it on the Floor and look into it. This is a very technical type of...immunity. In one way it gives more benefits to a defendant who can talk about everything related to a crime, then he can't be held for it. I think we should stay with the transactional immunity Statute that we have, and I...I feel that this is much too complicated at this time to go into it. I'm speaking against the use immunity.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR JEREMIAH JOYCE:

How does this differ from what they have in the Federal system?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Yeah. My understanding that the Federal...authorities do have use immunity presently.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. And in response to the prior question, I'm informed it doesn't, it is like the Federal and the...this is...by the way, I rise in support of this because this is a needed prosecutorial tool. In essence, use immunity you...with transactional immunity any mention of subject matter sanitizes the witness. With use immunity, your testimony may not be used against you but that does not preclude the law enforcement authorities from developing a case independent of your testimony as long as the evidence is not derived therefrom. It's a small point but I think we should be aware of. This, I believe, will be helpful to our state's attorneys in...in Illinois. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR BUZBEE:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR BUZBEE:

I'm one of those non-lawyers but as I understood your explanation, I got...I was a little confused by Senator Geokaris' opposition then because it seems to me as you explained it...it's the state's attorney is still the one that has to decide to grant immunity, first of all; and if he doesn't want to do that, he obviously doesn't have to. Secondly, under the present system, it's a lot easier for the person to withhold information after having...been granted immunity and in fact he has complete immunity now, under the present system. Under what you are proposing, it tightens it up, the state's attorney still has to be the one to decide to

grant immunity, number one, number two, the witness has to tell the whole truth or he's subjecting himself to prosecution under use immunity. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

At some time in this Session we should do as I believe Senator Vadalabene has had and that is a Doctor of Laws Degree conferred upon you, for a non-lawyer you explained that very well. And that's correct, Senator Geo-Karis, what he says. Under transactional immunity which we have today, any mention of anything in the area gives him complete protection against being prosecuted; whereas, under use immunity it does not.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. The...this is a reasonably technical thing, and it is not one where all...absolutely all right and justice is on one side or on the other. And it is true that the U. S. Supreme Court having first basically invalidated anything except transactional immunity later changed its mind by a five to four vote, but a legitimate decision nevertheless, and upheld the use immunity. I...one of the things that disturbs me is that it seems to me that it still puts the witness at...in the later prosecution at the mercy of the prosecutor in terms of whether the prosecutor was in good faith relying...or finding his evidence which served as the basis for the prosecution from another source. In other words, the...the derivative content which is quite essential to, if you want to call it, the successful use of use immunity still heavily relies on the...those who are doing the prosecuting being able to say, oh, no, we didn't have any reliance at all on the testimony with respect to

which the immunity was granted. We had independent sources of attempting to find a basis for the subsequent criminal charge, and a defendant is in no position really to be able to overcome that. How is he to look into the prosecutor's mind and...or for that matter into the prosecutor's evidence and be able to say, "no, it was not an independent source; it was in fact my testimony that served as the...the lead, the basis in fact, for what you are now prosecuting. So that it seems to me it is...it is not a reasonable, effective, coextensive privilege with the Fifth Amendment...protection against self-incrimination even though technically and legally it has been upheld in that sense. I think it's a very scary thing, and while it is true the Federal Government has adopted a use immunity fairly extensively, a lot of other states have not and they have survived as well. I think it is the wrong door being opened with respect to the Constitution.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think to a great extent we're losing sight of what this deals with in the technicalities regarding the use of the word use immunity and transactional immunity. May I try to put it into the proper perspective for you. Let us start, first of all, that each of us...each of us have a Fifth Amendment privilege which says that we may not be made to testify against ourselves. Immunity...immunity is an exception to that rule. And I would suggest to you that any exception to a constitutional privilege should be looked at very, very carefully. And if you're going to open the door a crack and somebody asks that we open the door more, we ought to take a very careful look at why we're opening the door more. The lawyers can argue all day long regarding

transactional and use, but what this bill does is open the door more to limit our constitutional privilege against self-incrimination. Our Constitution, Federal and State, has been built on the premise, and I think it has served us in good stead for two hundred years, that it is the prosecutor's obligation to build a case without going to the individual that is being charged with the crime to incriminate themselves. Whether we agree with that or not, that's the constitutional basis of the Fifth Amendment. Under transactional immunity, there's a little opening in that protection. Today we are being asked to expand that open door. And let me suggest to you that our academic debate really is not academic, because the expertise, the knowledge, all of the resources of the State are within the hands of the prosecutor. And you have to expect in order to offset that, that the person who is asked to testify against himself under a grant of an immunity has to have an awful high-priced, competent, expert criminal lawyer to advise him as to what he can or cannot say. And most of these people can't afford that kind...can't afford that kind of representation. The big money defendants, they've got all the talent in the world at their disposal because they've got all the resources at their disposal. I'm talking about the poor slob that's granted immunity and brought into a Grand Jury without counsel and it's the state's attorney that's going to lead that guy through a series of questions.

END OF REEL

REEL #2

SENATOR BERMAN: (cont.)

And that person doesn't know a...a hill of beans about...use immunity or transactional immunity. And what this bill seems to me, and I'm not a criminal lawyer, is that we're saying that the state's attorney has decided to grant this guy immunity, and he's going to say, you're going to be immune from prosecution; and after the state's attorney says, you're going to be immune from prosecution, the next day he's going to slap a Grand Jury indictment against this guy because the state's attorney phrased his questions in a way that the immunity really wasn't immunity, and this guy waived his privilege against self-incrimination. I am not an expert. I don't know what all these things mean, but as a person who values that privilege against self-incrimination, I suggest to you that we've been able to prosecute people, we've granted immunity, we have guys blow the whistle and prosecuted people under that grant of immunity, and I, as a citizen, don't see that we really need this kind of further infringement on our right against self-incrimination. It just doesn't smell right to me. You're hurting the little guy that can't afford the high-priced defense counsel; and for those reasons, gut reasons, not up here in the head but down here in the stomach, I'm going to vote No.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR COLLINS:

Senator Sangmeister, does...does the bill provides for the person to...who is being granted the immunity to have

present at the time that the state's attorneys are questioning...them, can they have an attorney there or someone to explain to them the differences between a transactional...and the various types of immunity you're talking here and use immunity?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

I don't know which Session it was, I don't think it was anymore than the last Session or two ago, that we passed to allow a defense counsel of a company, a witness or a defendant into the Grand Jury room. So the answer to your question would be, yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, but isn't it optional and...I guess my concern is whether or not the little guy would know that such a right exists, and I can see a lot of potential abuse in this whole system based on the law that you passed prior to that because, I mean, that just takes up almost everybody. Now I am very concerned about this, Senator Sangmeister. Since I've been here, you have constantly passed bill after bill after bill with good intentions. I know that you're very a honorable person. You've tightened up every law but you've locked up everybody. You would think in this State, however, when I go out to Stateville and...and...and to any of the other correctional institutions, you know what I see there, Senator? I see a population of blacks and a few...and Latinos from the ages of eighteen to thirty-five. Now, I am concerned that this bill and your RICO bill will probably do the same. I know what you're trying to do and I think that what you're trying to do is good, but usually, it end up into the little guy...the...the guy who doesn't really commit a

serious crime are the victims of the laws and the...the bad guys go free.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR SANGMEISTER:

Well, I'm not sure the last question was rhetorical or otherwise, but I might say to you that as I guess Senator Berman refers to these people as the...the poor slobs, this...this bill is not intended for those people or the people you're concerned about at all. What you say in Stateville is true as far as the number of blacks that are incarcerated there. I doubt if you took a survey that you would find many of the blacks that are in there because immunity was granted to them or was abused by the state's attorney. In fact, I might say, if you're worried about the poor people that may be put upon on this legislation, I wish I had my facts a little bit more in mind, but as I recall, I think one of the crowns in this State was prosecuted once upon a time was given immunity, and I heard everybody throughout the State of Illinois rise up in alarm and say, you know, how does this man able to get immunity and resolve himself from...from prosecution for the crimes that he committed and meanwhile finger everybody else. Well, that's because you had transactional immunity. If you'd had use immunity, that might not have happened, and I think you ought think that it works on both ends of the spectrum. Vote you conscience.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further...I'm sorry, the question is, shall Senate Bill 510 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 42, the Nays

are 11, none voting Present. Senate Bill 510 having received the constitutional majority is declared passed. Senator Grotberg, for what purpose do you arise?

SENATOR GROTBORG:

Mr. President and fellow members, I rise on a moment of personal privilege.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your moment.

SENATOR GROTBORG:

My moment is a moment in history when, probably not for the last time but for about the tenth time in his lifetime, we salute the retirement of a friend of all of this Body and that is Senator Egan, myself and all members have just filed Senate Resolution 641 honoring Stormy Weber who is about to retire as the Executive Director of the Independent Colleges and his membership, most of them are up in the gallery, they're having a big dinner tonight. Without burdening the Body with the whereases, salute, thank you, Stormy, for a lifetime of privilege and hard work.

PRESIDENT:

Senator Bloom, for what purpose do you arise?

SENATOR BLOOM:

A introduction, short. Seated in the south gallery is the president of one of the three private universities in my district, Jerry Abegg from Bradley University, and I wonder if the Body could welcome him if he...

PRESIDENT:

Welcome to Springfield, Mr. President. All right, if you'll turn to page 6 on the Calendar, 1217 was on the recall list and was just amended. Senator Maitland on 1223. On the Order of Senate Bills 3rd Reading, Senate Bill 1223. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1223.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1223 when introduced a year ago contained not only the five systems that are now contained in the bill but also contained the...the systems that...that affect Chicago and Cook County. This year we chose to take Chicago and Cook County out and just address the five pension systems that the State of Illinois is responsible for funding, and as you know, all five of those funds are at very dangerously low level of funding, dangerously low. Until three years ago we were funding those at a level of a hundred percent payout which did not permit us to keep pace, and now in the last three years for budgetary reasons have had to cut back on the State's percentage of contribution, back to a level of about an average of sixty percent. Indeed, the level of funding then has...has gone down dramatically and the condition of those five systems is in a sad state of affairs. Senate Bill 1223 that's before the Body now sets up a definite contribution level for the State as a percent of the employees' contribution. I have had cause to pass out to all of you information today that shows those levels, and I believe in the next ten-year period would get those funds back at a more soundly funded level. I would be happy to respond to any of your questions. This is legislation that the Pension Laws Commission has dealt with, and I ask for your support of Senate Bill 1223.

PRESIDENT:

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1223 pass. Those in favor will vote Aye. Those opposed will vote Nay. The

voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Senator Carroll, will you make sure Senator Savickas is recorded, please. Thank you. Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 1223 having received the required constitutional majority is declared passed. Yeah, Senator Sam, are you ready? Look studious. UPI has requested leave to take some still photographs. You ready? Okay. Leave granted? Leave is granted. 1363, Senator Grothberg. On the Order of Senate Bills 3rd Reading, the bottom of page 6, is Senate Bill 1363. Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill... 1363.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President and fellow members. Senate Bill 1363 was the agreed amendment last year that we filed as a result of trying to do the same thing on one of Senator Marovitz's bill. It simply brings the Federal and the State EPA regulations as far as permitting of waste sites is concerned into synonymous language. It does do this, it protects...again, the sanitary district exemption is in and it holds sacred the one seventy-two elements that no new regional waste things can be permitted without the permission of the local government, county or municipality, and that's what it does. It will save all kinds of paper work and lots of argument if we just bring them into line because the State has adopted the Federal reg. anyway and this just makes it statutory instead of regulatory.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1363 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill...1363 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, the top of page 7, Senate Bill 1374. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1374.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. 1374 amends the motor vehicle laws. It...what this does is...is go back to the way it was before last year in regard to RV vehicles. If you have a van with RV plates, you...with this bill you will not have to get it inspected or run it through a safety lane. It does not affect pickup trucks with a camper top on it. It is strictly vans and...and motor homes and they will not now have to go through the safety lane.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1374 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 1374 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is

Senate Bill 1375. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1375.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President. In its most simplest form what this bill does is, it extends to private health care carriers the same rights that is presently with State employees; and that is if, in fact, that you file a fraudulent claim as a State employee, in other words, you say somebody's on your...on your health benefits that does not belong there, it's a Class A misdemeanor. The private industry wants the same thing. If you go in and represent that somebody is your wife and they should get medical benefits when really they are your common law wife, why, obviously, that's filing a fraudulent return...not...or fraudulent application. So, the reason that we're doing this is to bring equity into the system and make it also a Class A misdemeanor to do this in the private sector.

PRESIDENT:

Can we move the conferences off the Floor? Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1375 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, none voting Present. Senate Bill 1375 having received the required constitutional majority is declared passed. Senator Schaffer. On the Order of Senate Bills...oh, is that subject to the recall? Okay. 1384, Senator Sangmeister. Today is Sangmeister day. On the Order

of Senate Bills 3rd Reading is Senate Bill 1384. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1384.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you. Hopefully, this will be the last one today. Last year...or last Session, we made the Property Tax Appeal Board a separate body from that of the Department of Revenue, and when we did that, we failed to give them any powers or authorities which we have done and that's what...exactly this bill does is to give them some authority to act as an independent board...

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1384 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. Senate Bill 1384 having received the required constitutional majority is declared passed. Senate Bill 3rd reading, 1385, Senator Netsch...Senator Luft, I beg your pardon. On the Order of Senate Bills 3rd Reading, Senate Bill 1385. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1385.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Senate Bill 1385 in a way is an echo of a bill that we passed out of here last year, I believe it was Senate Bill 98, when the Federal Government tried to withhold taxes on interest and dividend earnings. This year they're trying to tax social security and railroad retirement payments. What Senate Bill 1385 does is exempt from the Illinois Income Tax Act withholding on...in taxation of social security and railroad retirement...benefits.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1385 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Aye, no Nays, none voting Present. Senate Bill 1385 having received the required constitutional majority is declared passed. Senator Netsch, for what purpose do you arise?

SENATOR NETSCH:

Not to seek verification but simply to point out that it is possible to decouple from the Federal Income Tax.

PRESIDENT:

Senator Bruce on 1395. On the Order of Senate Bills 3rd Reading, Senate Bill 1395. The bottom of page 7. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1395.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

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

This bill deals with a change in the assessment of a community college in how they would receive equalization grants. We have been involved in litigation in my particular area with a...a power plant and in that...litigation we found out and discovered that under the Acts, public school districts have a chance to recompute if there is an adverse decision which affects their property tax base, they can go back for four years and that's where recomputation under...under the State Board of Education. Having seen that legislation, it was my impression that the community colleges ought to also be able to do that. These are major changes in their equalized assessed valuation. It puts the community colleges on the same basis as the school districts throughout the State of Illinois.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1395 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 1395 having received the required constitutional majority is declared passed. 1399, Senator Schaffer. On the Order of Senate Bills 3rd Reading, bottom of page 7, is Senate Bill 1399. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1399.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Mr...Mr. President, this is exactly...as described, a conveyance. The department...conservation district needed a

SB 1420  
3rd Reading

particular piece of land for an access road and they propose to trade a small parcel for another small parcel of equal value.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1399 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 1399 having received the required constitutional majority is declared passed. Senator Weaver on 1401. On the Order of Senate Bills 3rd Reading, the bottom of page 7, is Senate Bill 1401. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1401.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. 1401 establishes a...the Disciplinary Fund under the Podiatry Act, monies paid in fees shall be deposited to that fund and to enforce the Act. If there's any questions, I'll be happy to try to answer them.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there questions? Discussion? The question is, shall Senate Bill 1401 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1401 having received the required constitutional majority is declared passed. Senate Bill 1420, Senator Rock. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1420.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock is recognized.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1420 enacts the Illinois Tax Amnesty Program. It is a program that has proved to be very successful in the State of Massachusetts and, frankly, that's where I got the idea. I had the opportunity to visit with the Majority Leader of the Massachusetts Assembly and among other things we talked about was their tax amnesty program. This is patterned after that program and it will provide that for a three-month period, commencing the first part of September, the Illinois Department of Revenue will be in a position as authorized by this legislation to open up literally every tax delinquency or failure to pay to all taxpayers or prospective taxpayers in this State and give them the opportunity facing, as they will be facing if this bill passes, increased penalties, both civil and criminal,...affording them the opportunity...to literally settle up. It has been estimated and we have had testimony in the Revenue Committee that there is as much as six to seven hundred million dollars of uncollected and, perhaps, uncollectable taxes laying out there covering everything from income to sales to message to all kinds of taxes, and what we are asking is that the department aggressively promote, aggressively publicize and aggressively enter into a tax amnesty program. A similar three-month program in the State of Massachusetts afforded that state an increase in their General Revenue Fund of close to sixty million dollars. It seems to me that with the tax base that we have and with the estimates from the department as to what

is...what the liability...unpaid liability out there is, we should be in a position after a three-month period to have at our disposal an additional hundred plus million dollars, which under the provisions of Senate Bill 1420 would be placed in the Common School Fund to be used for elementary and secondary education. There isn't any question in anybody's mind, I don't think, that we have to explore...should explore every available avenue for additional revenue for this fiscal year. It does not appear, frankly, that the tax which will expire July 1 will be extended or made permanent, and so we will face in the coming months, perhaps, a shortfall of some hundred million dollars. This is an attempt on my part...on our part to provide some additional much needed revenue, particularly in the area of education. The program is not open, would not...is not going to be open to those who are currently the subject of tax related civil or criminal litigation. So, if they're already in the court system, they simply...the director simply won't let them into this program; but for all other taxpayers, corporate and individual, this is a one time opportunity to settle up any delinquency or pay up any liability for taxes due and owing. Now we have worked with the department and technically amended it to suit their needs. I will represent that they are not enthused about it. I have spoken with the Governor and while he is not unfavorably disposed, he has not committed either, but I think it's something that this Assembly should and will explore. We have worked with the department, as I indicated, to make sure that it's technically correct. We have accepted their suggestions for amendments and I think, frankly, the attempt to collect all overdue tax...taxes that are due to this State...

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order, please. Would the members please take their conferences off the floor. Senator Rock.

SENATOR ROCK:

...in addition, this amnesty program would extend to State collections of the local sales tax and the corporate personal property replacement income tax. There is...it's again estimated as a result of the departmental figures probably some four hundred million dollars out there someplace that possibly could be collected. Now, I'm not going to stand here and suggest that we're going to collect every nickle that's due and owing, but I think an aggressively pursued program involving amnesty whereby a taxpayer will have an...an incentive, the incentive being that he will pay half the interest and no penalty if, in fact, he fesses up and says, I owe this amount of tax. I think it's worthy of our consideration, and I would be happy to answer any questions. I solicit a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senators Grothberg, DeAngelis, Netsch and Holmberg have sought recognition. Senator Grothberg.

SENATOR GROTHBERG:

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

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield.

SENATOR GROTHBERG:

Senator Rock, I can appreciate you going to Massachusetts and dealing with the Majority Leader. I just wondered if you could take this out of the record long enough so we could send our Minority Leader down to see what the Minority Leader in Massachusetts said, or did you by chance talk to him too?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

I...I did, in fact, talk to him also, and he's a very nice man. He doesn't have...much in the way of troops, how-

ever, in Massachusetts. It's about a hundred and twenty-eight to twelve, or something, you know.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator DeAngelis.

SENATOR DeANGELIS:

Senator Rock, I very much supported your bill in committee and the amendment you put on. I do have a problem with Senator Holmberg's amendment, however. If, in fact, this program is as successful as our expectations are, how will those monies be distributed through the Common School Fund since the amendment has no provisions for it whatsoever?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Well, I...I...I'm afraid I'll have to ask for clarification. As I understand the amendment, and perhaps Senator Holmberg can speak to the amendment, but as I understood the amendment, it called for the monies that were collected that are due and owing to the State as opposed to the local units of government would be deposited into the Common School Fund.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, we got to deposit it. We just keep them there or do we...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

No, obviously not. We will be addressing, I'm sure, before the end of June of this year how that money is to be

allocated and whether the units and the duals in the Chicago...who gets how much and it will be allocated...I mean, it will be spent according to the formula as determined by this Assembly.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I hate to belabor the point, but under the resource equalizer formula, we set the State guarantee level. The State guarantee level at the end of June will be set by the bill that Schaffer passed a couple of years ago at a certain level. Now any incremental revenue that you get beyond that point, the formula has to be altered to accommodate it, and I am wondering if the...the manner in which it's going to be done can be done one of two ways, and I do have a preference on the way it's going to be done. One is that we would have to raise that State guarantee level and reroute everything through the formula, or we might incrementally add to whatever each school district received a percentage equal to the amount of increase in the Common School Fund coming from this amnesty tax.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hock.

SENATOR HOCK:

Well, I...I will...I will presume for the sake of this discussion that yes, indeed, we can and...and...and will, once we know exactly how much money has been collected and I...frankly, am optimistic. I think it can be as much as a number in excess of a hundred million dollars. I don't...I don't think it's a...an overwhelming task to readjust the formula or the allocation as we determine by the end of June.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, are you saying that we will have to come back at some future point and determine the method of allocation?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR BOCK:

It would appear so. You know, I...I don't know that we're in a position now to allocate what is not in hand, that's the point I'm making, and so that once we know what is in fact in hand, what has been collected, it seems to me we can readily make the adjustment. We do it around here all the time in terms of supplemental appropriations.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. I think it should be pointed out that Senator Rock did work very carefully with the Department of Revenue and the respective staffs to clean up the bill and take care of some of their concerns. I personally doubt that the amount that we realize is going to be anywhere close to a hundred million, but I would be delighted if it were. I would add that I think it probably is a very bad precedent to try to...well, first of all, to grant amnesty to taxpayers and I suspect that those whom we really ought to be reaching are not going to take advantage of this anyway. They're the ones who don't even report or report fraudulently and it's not too likely that we're going to pick up very many of them. I think it's also a little bit uncomfortable that, in a remote sense, we are balancing the budget on the basis of a very uncertain amount of money, but I think it is also true that the State of Illinois' treasury is vastly overextended at the present time and perhaps it is for that reason worth one try.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Holmberg.

SENATOR HOLMBERG:

I rise in support of this tax amnesty bill. I think this comes at a very critical time in the State's economic picture as we are coming off of a temporary income tax, looking for some sustaining revenues as we wait for the economic recovery to take place. I think, also, that you will find that your local school boards and educational personnel find this an added hope for a group of people within the State, elementary and secondary education, that are sorely underfunded and will find some hope with, perhaps, this hundred million dollars in revenue for additional funding, again, at a very critical transition time.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Do I understand correctly that all...all tax...this bill would apply to all taxes, or does it...in other words, would it apply to delinquent real estate taxes?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bock.

SENATOR BOCK:

No, just State taxes, real estate or local.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and...Gentlemen of the Senate, I feel that this a worthwhile bill to consider because when it was first proposed in Massachusetts they thought only about five million dollars would be realized. They did realize about fifty-five million dollars, and we

have far more population, and I think it's much better to try this amnesty program for three months and thus save the taxpayers additional taxes, because if it's done right we should be...be able to bring in at least a couple hundred million dollars, and I rise in favor of this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Rock may close.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The Illinois Tax Amnesty Program is not the final answer, obviously. It is something that has been talked about at the Federal level, as a matter of fact, as they estimate that there's just an enormous amount of uncollected, perhaps uncollectable, money laying out there. It's been...suggested as a subject of some discussion by no lesser a person than a Speaker of the House. Fact is, some states have done it. Three...I think is the latest count and in Massachusetts with about...with about one-third of our tax base and about one-third of our budget, in fact, reaped a windfall of sixty million dollars. I think and I have discussed it at great length with the Department of Revenue and attempted to solve all their problems. Massachusetts was...allowed their administrative officer to, in fact, compromise. We did not want to get into that. So that the...the incentive for the taxpayers that there will be no penalty and there will be an opportunity to pay only half the interest that is due and owing. In addition to that, we have increased the penalties, and I think as we all recall when the Governor delivered his message and called for a stepped up enforcement program in the collection of State taxes, I think this is a perfect complement to that effort. I applauded him publicly for that effort and suggested at that time that along with that effort a one-time amnesty was

SB 1425  
3rd Reading

worthy of our consideration, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 1420 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1420 having received the required constitutional majority is declared passed. For what purpose does Senator Newhouse arise?

SENATOR NEWHOUSE:

Thank you, Mr. President, Senators. I ask leave of the Body to go out of the order of business for a...on a personal note. In the gallery just behind me is the school...is a class from the Carnegie School which is in my district. They've come to watch us in action today and I hope that...I hope that the civic's lesson on the tax proposal was one that they can take back with them. I wonder if they could rise and be recognized by this Body.

PRESIDING OFFICER: (SENATOR BRUCE)

Would our guests in the galleries please rise and be recognized by the State Senate. Welcome to Springfield. Senate Bill 1425, Senator Welch. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1425.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill concerns regulating space heaters. In 1981, seventy-five individuals throughout the United States were killed due to faulty space heaters. What this bill requires is that any space heater that is

tipped over or used in a position other than in the upright position, will have to have a mechanism to extinguish the wick. In addition, it requires that a warning be put on the side of the kerosene heater stating that you have to have adequate ventilation. These machines work somewhat like an automobile in that they utilize air and they burn up the oxygen and people end up being asphyxiated because of these devices. I would move for the passage of this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall House...Senate Bill 1425 pass. Is there discussion? Discussion? Question is, shall Senate Bill 1425 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 1, none voting Present. Senate Bill 1425 having received the required constitutional majority is declared passed. Senate Bill 1429, Senator Newhouse. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1429.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Newhouse is recognized.

SENATOR NEWHOUSE:

Thank you, Mr. President. This is the bill that raises the remuneration for funeral directors from four hundred to six hundred dollars. I know of no opposition to the bill. It's long overdue and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? Question is, shall Senate Bill 1429 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Senator Newhouse, did you wish to

vote? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, 1 voting Present. Senate Bill 1429 having received the required constitutional majority is declared passed. Senate Bill 1430, Senator Holmberg. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1430.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Holmberg.

SENATOR HOLMBERG:

Senate Bill 1430 creates the Joint Purchases by Governmental Units Act, and it requires a public authority created jointly by two or more units of local government to comply with the provisions of this Act which is that any expenditure of funds by a public agency, pursuant to an intergovernmental agreement, shall be in accordance with the Illinois Purchasing Act if the State is a party to the agreement and shall be in accordance with any law or ordinance applicable to the public agency with the largest population which is party to the agreement if the State is not a party; and also, if there is no applicable law on the part of either party, then all purchases shall be subject to the provisions of the Illinois Purchasing Act. This, basically, plugs a loophole in the law caused by a situation in Rockford.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall Senate Bill 1430 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1430 having received the required constitutional majority is declared passed. Senate Bill 1435,

Senator Philip. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1435.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1435 is an attempt to clarify the law regarding the Space Needs Commission. Under the present Statute, we think it's clear that when the Space Needs Commission buys a piece of property or a building and then turns the deed over to the Department of Central Management, we still have control on how that property used...is used, and all this does is clarify it.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall Senate Bill 1435 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes 56, the Nays are none, none voting Present. Senate...Senate Bill 1435 having received the required constitutional majority is declared passed. Senate Bill 1448, Senator Nedza. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1448.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

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

Senate. The bill as it appears on the Calendar is the bill. The current law permits county boards to authorize the county library fee not to exceed four dollars. This bill raises the maximum fee to six dollars. I would appreciate your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question, is shall Senate Bill 1448 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 3, none voting Present. Senate Bill 1448 having received the required constitutional majority is declared passed. Senate Bill 1456, Senator Egan. Senate Bill 1459, Senator Netsch. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1459.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This bill was requested by the Treasurer's Office at the request...or the suggestion of the Auditor General. It has to do with the collection of taxes by the county treasurers and their transmittal to the State Treasurer. The bill had provide for...the law had provided for interest to be paid if the taxes were not transmitted on time but it had never been enforced because nobody could quite figure out when to start tolling the interest period. So the bill does two things, it makes it clear that the tolling of the period starts from the time that the taxes are due rather than collected as was previous stated in the bill, and it attempts to put a time period in by saying that the

*SB 1462  
3rd Reading*

taxes must be received by the State Treasurer by the tenth day of each month, that being the month following the month in which they were collected. It is believed that this will provide an adequate base for the determination of interest owing and take care of the former lack of enforcement.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall Senate Bill 1459 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1459 having received the required constitutional majority is declared passed. Senate Bill 1462, Senator Maitland. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1462.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1462 is a...an attempt to address what has become a very serious problem in many of our school districts in the State, especially in those school districts where a preponderance of the property comes from...from farm land. As you know, we passed the farm land assessment bill in 1977 and dramatically changed the bill in 1981, and the farm land assessment bill is doing exactly what it was designed to do, it's working accurately and properly. As a matter of fact, it's probably the most accurate way of assessing any property that we have in the State, but I guess one might say it's working a bit too well in that...during these years of declining farm income, and for

those of you who aren't aware of it, farm land income has dropped dramatically the last two or three years. As a consequence of this, the assessment in those rural school districts has dropped dramatically also, and those same school districts, I'm sure you are aware, get very little State aid and has created a tremendous burden on many rural schools districts. Over the past year, since we were made aware of the '84 assessment figures, back about a year ago, we have been working to try to devise a way in which we can stabilize, if you will, the rise and the fall of assessed valuation of farm land. Senate Bill 1462 is an attempt to do that. It will limit from 1984 and beyond the rise or fall of the assessed valuation of farm land in the county by no more than ten percent. We think this is a...a good approach, keeping in mind that some school districts stood to lose twenty-five, thirty, thirty-five percent of their assessed valuation. This is an attempt to resolve that problem. We think it's a fine compromise and I would ask your support of Senate Bill 1462.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Rigney.

SENATOR RIGNEY:

Have we done anything in regard to the State Mandate's Act on this legislation?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Yes, as a matter of fact we have, Senator Rigney. We...as you know, there was a fiscal note filed on this bill and there were a number of options available to us and we did

amend the bill yesterday, brought the bill back and...and amended it on 2nd reading and did amend Subsection A of...of Section 8 and...and the...to paraphrase the...the language...it is to be concluded that there's almost a trade-off in the rise and the fall. In...in fact, there can be a minor rise and a minor decrease, so there could be offsetting factors and this is provided for in the State Mandate's Act, and that's the provision that we amended the bill with.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bigney.

SENATOR BIGNEY:

Well, what I'm trying to get at, there are a number of counties that would...would be adversely impacted by this. Not too many, but for instance, Stevenson County where I live, we were scheduled to go up instead of down, and I think there a few counties that are in that particular position, and I was just wondering if we were placing the State in the position of where they would have to reimburse those counties that...that did not get their normal increase.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

We are not.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bigney.

SENATOR RIGNEY:

Well, I guess you're saying, contrary to what we were talking about here, you know, just a couple of weeks ago about mandates and how bad they were and all that type of thing, we took those counties out from the...the Mandate's Act, is that right?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

That is correct.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I rise in support of this bill, but I would like to point out to everyone in here and...and to the school boards across downstate Illinois that the price of farm land, not only...not only the...the farm income, but the price of farm land has gone from thirty-three hundred to thirty-five hundred, in some cases, four thousand to twenty-two hundred dollars an acre. Now whether or not we would have passed the Farm Land Assessment Act a few years ago, if the assessors in these counties are doing their job and if it was at thirty-three and a third percent, some of these school districts would be losing a third of the...of their tax money anyway and, Senator Rigney, as far as, I think you said, Stevenson County, it...it seems to me that that supervisor of assessments must have been doing it wrong if a....for number of years if it's going to go...if it was going to go up this year, and I think that's what we were trying to get at with the...with the formula in the first place, and I think the formula is working well. I think that the ten percent is...is a more than reasonable compromise for these school districts, and I would urge your...an Aye vote on this legislation.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Coffey.

SENATOR COFFEY:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Coffey.

SENATOR COFFEY:

Yes, Senator Maitland, the...the loss over the last year or two...or two years, the loss to the school districts, what

does that amount to in percentages? In other words, what was last year...did...did they lose as much as ten percent because of the income for the farmer?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Senator Coffey, I'm...I'm sure I have figures someplace to substantiate or to indicate to you accurately what...what the...the drop has been in the last three years. The '84 assessment figures that were available to us last May which are used for the '84 assessments were the most dramatic losses, and I would suggest to you that the...the average loss Statewide probably in assessed valuation within the neighborhood of twenty-five to thirty percent.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

Well, it...it seems to me if...with the last year's productivity and the loss of revenue to the farmer and if we're only going to allow that to increase back ten percent, it...it seems that it's going to be very difficult to recapture that loss if we're talking about last year, '84 or '83-'84, we lost...twenty-five or thirty percent of the revenue from...from productivity?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Well, yes, that is correct, but...but the figures that will be used for the '85 assessment year which reflect last year's income will...are...will be available to us in a...in a few days, quite frankly, and those are the figures that will be used for the '85 assessment year and they probably will show a...a minor increase in income.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Maitland may close.

SENATOR MAITLAND:

Thank you, very much, Mr. President. This bill has had a lot of input from a lot of groups. I think it's a reasonable compromise and I would urge your support for Senate Bill 1462.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 1462 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1462 having received the required constitutional majority is declared passed. Senate Bill 1478, Senator Philip. Senator Philip. 1481, Senator Collins. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1481.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 1481 creates the Food and Housing Assistance...Fund. When I first introduced this bill, it was my intention to have some other means for providing funds...for generating funds to go into this, what I consider, very critical fund; however, that revenue did not come to bear and so we will proceed with the bill at this time. The Session is not over yet. We will proceed with the checkoff from the income tax returns. This bill, I think, is probably one of the most...most humane acts that we can perform this year. I'm sure that many of you set in your homes in the after-

noons, at the dinner table, warm and watch thousands and thousands of people, not only in Illinois but across this country, without food and out in the cold during the extreme cold winter months. That is a disgrace. Even the little children ask the question, why should those people be out in all of this cold weather with no place to stay? Some slept in cars and some slept in abandoned buildings and there were all kinds of reasons why these people were, in fact, out of homes. We must provide additional temporary shelters for those people to come in out of the cold. That is the only humane thing that we can do. Now I understand this bill passed last year. It passed the committee this year unanimously, and I'm pleading to you, let's send this bill, again, over to the House and maybe before it gets to the Governor's desk we will have an opportunity to come up with some additional monies to go into this fund. The Federal Government provides us with a little money but most certainly not enough. The money runs out almost before the program starts. We need additional money and I feel that the State has a responsibility to provide some revenues to this fund. I will be happy to answer any of your questions, but if not, I would appreciate a...an affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, is there any discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of Senate Bill 1481 as amended. It is no more and no less than another income tax checkoff which provides the opportunity for the people of this State to designate a certain portion of their tax refund for the purpose of this kind of absolutely necessary assistance. It will be administered by the Department of Public Aid; and for goodness sake, we've got a checkoff for nongame wild life, we ought to have a checkoff for people who are in need. I urge

an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Further discussion?  
Senator Collins may close.

SENATOR COLLINS:

I would appreciate an affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, the question is, shall Senate Bill 1481 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 3, none voting Present. Senate Bill 1481 having received the required constitutional majority is declared passed. 1484, Senator Jeremiah Joyce.  
Mr. Secretary.

SECRETARY:

Senate Bill 1484.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. Senate Bill 1484 provides that a person who operates a school bus while intoxicated commits a Class 3 felony. Iest, there be any questions on legislative intent, we are talking about a person who operates a school bus within the scope of his or her employment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall Senate Bill 1484 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. We've got a problem, just hold on. All right. The question is, shall Senate Bill 1484 pass. Those in favor vote Aye. Those

opposed vote Nay. The voting is open. Have all voted who wish? Senator Savickas. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1484 having received the required constitutional majority is declared passed. Senator Newhouse, for what purpose do you arise?

SENATOR NEWHOUSE:

Mr...Mr. President, I was off the Floor momentarily when the food and housing bill was called, and I wonder if I could have leave to be added to that...roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The electronic marvel will so indicate. Senator Berman, for what purpose do you arise? All right, page 9, 3rd reading, Senate Bill 1491, Senator Bloom. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1491.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. Essentially, this bill involves the trust industry and the Department of Financial Institutions and also the Joint Committee on Administrative Rules. A short version is as follows, the Joint Committee on Administrative Rules found that the Department of Financial Institutions had promulgated rules under the Unclaimed Property Act covering active expressed trusts that they didn't have the statutory authority to do. There was a difference between the department and the trust industry. Essentially what this bill does is say to the department, if you remember the appellate court decision in a

certain case, we mean it, and the fact of the matter is that the trust industry and estate industry is already regulated by the courts and the commissioner of banks. The other issue is the active no unclaimed property reporting requirement that the department, by regulation, tried to impose on the rest of the world, if you will, and...that happens is that puts a great burden on your...your little business people, your...your average store owner and things like that have to fill out some form and send it down to the Department of Financial Institutions by their regulations. This bill says, no, you don't. That's the simple version of it. I'll answer any questions; otherwise, seek a favorable roll call.

PRESIDING OFFICER: (SENATOR DENUZIO)

Is there any discussion? Any discussion? The question is, shall Senate Bill 1491 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1491 having received the required constitutional majority is declared passed. 1509, Senator Lemke. Read the bill, Mr. Secretary, please. Senate Bill 1509.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1509.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Lemke.

SENATOR LEMKE:

What this bill does is allows the villages of Hodgkins and McCook to divide their...park district up into two park districts, one in Hodgkins and one in McCook. It also sets forth the...what happens to the property, the property that's located in Hodgkins belongs to Hodgkins, and the property

that's located in McCook belongs to...McCook. It also sets up for a referendum vote by the voters in the area. I think it's a good bill. I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1509 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 1509 having received the required constitutional majority is declared passed. 1518, Senator Berman. Middle of page 9, 3rd reading, Senate Bill 1518, Mr. Secretary.

ACTING SECRETARY: (MR FERNANDES)

Senate Bill 1518.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Senate Bill 1518 changes the Solicitation of Funds for Charitable Purposes Act and empowers the Attorney General to have discretion as to revocation of...authorization under this Act when the person falsely advertises or fails to comply with the Act. The bill...originally...or the Statute originally required mandated revocation. This...this bill puts it into conformity at the request of the Joint Committee on Administrative Rules as to the practice that was followed; and namely, some discretion in the Attorney General. Be glad to respond to any questions. Ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1518 pass. Those in favor

vote Aye. All right, Senator...Senator Kelly has a...Senator Kelly.

SENATOR KELLY:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Kelly.

SENATOR KELLY:

Okay. Senator Berman, on this solicitation of funds for charitable purposes, what does this regard as far as individuals collecting or soliciting funds, you know, whether they're an organization or a church, will this have...what impact will it have upon them?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

It should have no effect on them. What...what this says, the...the...the law now says that if there is any form or manner of...of advertising which is not true, then there is an automatic revocation. This bill says that the Attorney General has discretion as to revocation and shall promulgate rules and regulations regarding that discretion. What it's...so, what we're doing here is not automatically revoking the license if there is a minor or technical violation, and what it does is give greater discretion to the Attorney General.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

So what you're saying is that this involves advertising...most specifically in the solicitation of funds. Is that right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Solicitation and advertising.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? If not, the question is, shall Senate Bill 1518 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1518 having received the required constitutional majority is declared passed. 1519, Senator Berman. Senate Bill 1519, Mr. Secretary. Oh oh...

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...whoop, pardon me, Mr. Secretary. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Personal privilege. Well, it's not often we bipartisan individuals who take a Democrat hunting and let him out shooting, but I would like to bring attention to our former seatmate, the State Treasurer of the State of Illinois who is here on the Floor today, Treasurer Jim Donnewald.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Treasurer Donnewald. We...we have not...we have not had to invoke the Donnewald rule. We've been pretty well practiced by now. Senator Berman on 1519. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1519.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This amends a different section of the Charitable Solicitation Act, same thing as the bill we just passed. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1519 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1519 having received the required constitutional majority is declared passed. Senate Bill 1521, Senator...it's on recall. Top of page 10, the Order of 3rd Reading, Senate Bill 1522. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1522.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 1522 is an amendment to the World's Fair Authority Act. What it deals with is the subject of land trusts and it provides that any property that is sold to, conveyed to, donated to or in anyway acquired by the authority itself and is property held in a land trust shall have its beneficiaries disclosed, and the register of those beneficiaries will be subject to the Freedom of Information Act. The purpose, obviously, is to make sure that any land transactions that the authority itself is involved in or with will be fully a matter of public record so that there will be no need for speculation or nonspeculation, in fact, if you will, about the original owners of such property. The bill is not objected to at all

by the members of the authority in its present form and it was favorably reported by the Executive Committee by a vote of 16 to nothing. I would be happy to answer questions, and would solicit your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Chew.

SENATOR CHEW:

Senator Netsch, a question, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Chew.

SENATOR CHEW:

Why is it necessary to make that a part of the Freedom of Information Act? One puts property in trust for many reasons. We are one of the few States that do, in fact, maintain the land trusts. Are you attempting to expose those beneficiaries who probably had this passed down to them in trust, and the word trust itself is to keep from public record who is the beneficiary of that trust, that's why it is a trust. What...what...what are you attempting to do? And I'm certainly not impressed with your saying that the authority has no objection or the authority would not be involved. The...the land in that area or the proposed site is...is an old area. Some of that land was passed down from forefathers and to children and it has remained in a trust. I'd want to know what is the purpose of the bill, because what you've said doesn't really grab me as...as being complementary.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

First of all, the only property that the bill covers as it is before you is property that is sold, leased, donated, conveyed or otherwise transferred to the authority. So we are not, at the present time, dealing with property that is in private ownership and is not...being transferred or other-

wise conveyed to the authority. It is only that property which comes into the hands of the authority in connection with the World's Fair. The...any other property that is in land trust in that area is not affected by this bill as it is presently written. Secondly, we have already in a number of other Statutes the General Assembly has passed from time to time over the years, and I've passed one or two of them myself, required the disclosure of beneficiaries of land trusts when there was a public purpose to be served. I would suggest that the public purpose in this case is to make it clear that there is no...what word shall I use, hanky-panky or speculation going on with respect to property in the area that might ultimately become the site of the World's Fair when that property is ultimately going to end up in public hands and, of course, the authority is a public agency. So that is all that we are affecting in this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Chew.

SENATOR CHEW:

Yes, there's a question standing now which has not been answered as to what happens to that property once the World Fair is over? Does this bill touch upon that? Let me give an example. Let's assume that you own a piece of property that is in that circle of properties needed to acquire for the World's Fair, and let's assume that your property is in trust. What then...what's the benefit of having the beneficiaries known publicly when it isn't absolutely necessary to do that? The...purpose of a beneficiary is to guide the trust and as long as that trust is conveyed to the...to the authority, then I see no real effort to have Dawn Clark Netsch declared the beneficiary of the trust and then put in a freedom of information. I...I think it's an infringement and I'm...I'm totally aware of some of the Statutes that we have passed and that dealt more or less with crim-

inal...ownership and tax delinquent ownership and et cetera and et cetera. This is my first knowledge of...of this kind of thing happening to a World Fair, because I was not around when the other World Fair was taken, so I...I couldn't compare what we're trying to do now and...and what we're doing then. I was down in the iron curtain at that time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Netsch.

END OF REEL

REEL #3

SENATOR NETSCH:

I...I would repeat, Senator Chew, that the only property that we are talking about as the bill is currently written, is property that is sold, leased, donated, conveyed or otherwise transferred to the authority. What happens to property when it comes into the authority's hands when the fair is over is something that I don't purport to deal with at all. I assume that if the authority then owns the land, it either...it's going to do something with it pursuant to whatever other Statutes we pass that deal with the...the conclusion of the fair. I'm not attempting to do that. All I'm attempting to do is to say that if there is going to be any dealing with the authority, a public agency, with respect to property in that area, we are going to know who is really benefiting from it and that requires the...the disclosure of the beneficiaries. And I would like to answer the other point you made, that...you suggested that the only time that we have required the disclosure of beneficiaries in the past had to do with criminal matters, and I would call your attention to Chapter 148, Section 71 and 72 of the Illinois Revised Statutes which basically say that whenever there is property in a land trust and the trustee makes application to the State of Illinois or to any of its agencies or political subdivisions for any benefit and so forth, in that circumstance also, which is not uncomparable to what we are dealing with here, the names of the beneficiaries must be disclosed. This is not a major thing, it's just that we should know who is dealing with property when that property comes into the hands of the fair authority itself.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

What is the main purpose of doing this, Senator?

It's...it...I...I can't find any reasonable reason that it is necessary to do it. If...if one wants to convey that property or lease a parking lot to the authority and that land happens to be in land trust, first of all, the trust cannot be executed without consent of the beneficiary, but why should it go into the Freedom of Information Act? I mean, it just doesn't make sense.

PRESIDENT:

Alright. Further discussion? Senator Grotberg.

SENATOR GROTEBERG:

Thank you, Mr...will the sponsor yield?

PRESIDENT:

Sponsor indicates she will yield, Senator...

SENATOR GROTEBERG:

Only to clarify. My last connection with this bill was in committee, that little map that we have on our thing, are those boundary lines still the area you're talking about or is that long gone? Clarify it for me...

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

I did not put that amendment on either in committee or on the Floor. That dealt with a much broader reach and I have...I've just simply abandon that project for the moment, partly because I don't know what the boundaries of the fair will be. So, this deals only with the property that comes into the hands of the authority itself.

PRESIDENT:

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

SENATOR NETSCH:

Senator Savickas suggests that I should call this the Charlie Swibel Amendment and it will go sailing out of here. I have no idea who owns property in the area that is going to

come into the hands of the authority, but I think in order to avoid any speculation, any ugliness that might hang over the authority and the fair in the future, we just simply should have this a matter of public record.

PRESIDENT:

Question is, shall Senate Bill 1522 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, 1 Nay, none voting Present. Senate Bill 1522 having received the required constitutional majority is declared passed. 1538, Senator Etheredge. On the Order of Senate Bills 3rd Reading, Senate Bill 1538. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1538.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Yes, Mr. President, Ladies and Gentlemen of the Senate, this bill brings up to date language in regard to the interest rates which sanitary districts can pay. As you will recall, over the last several years we've had a series of these...these bills that address various...various sections of the revised Statutes, changing the language in regard to interest rates. Somehow, in the past we've over looked sanitary districts. This bill corrects that error.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1538 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all

AB 1389  
BAA

voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, none voting Present. Senate Bill 1538 having received the required constitutional majority is declared passed. If I can have the attention of the members, there has been some inquiry. We will work until approximately six-fifteen this evening. At six-thirty, as you know, the...we have all been cordially invited to visit with the presidents of the independent colleges and universities of Illinois. They have asked me to announce that they will have shuttle buses available for...at the north drive that will be shuttling back and forth between the building...the Capitol building and the Island Bay Yacht Club. And that will start at six-thirty and dinner is to be served at seven-thirty. At the close...close of business, we will adjourn until nine o'clock tomorrow morning. Nine o'clock tomorrow morning, we will start on the Order of Senate Bills 2nd Reading. We will do...handle 2nd reading, recalls and then get back on the Calendar for 3rd reading. It is still our goal not to be here on Friday and we are...depends on much we get done tomorrow, frankly. In the meantime, we will continue with the substantive bills, all the appropriations bills have just recently been amended. If you'll turn to page 12 on the Calendar, on the bottom of page 12 is Senate Bill 1589, Senator Smith. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1589.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate...Senate Bill 1589 provides that a young girl sixteen years old will have consent of either the parents or guardian

to have permission to get married. My concern, this was given to me by a judge,...is that a number of our single parent families are prevalent today and they're increasing and the consent of the mother and father and grandparent custodian is not deemed sufficient because the current law requires that consent of both parents have to be given in order for a child to get married. And sometimes it is...very prevalent today that some of the these young people have never seen their father, they don't care anything about them, they don't support them and they are cared for by just a mother or either a guardian; and in order to get married they'd have to pay a hundred dollars to get permission and that is in the law. So, this deal will give the permission that a child can get married and have a husband with the consent of a legal guardian or a parent.

PRESIDENT:

Any discussion? Any discussion? Senator Sangmeister.

SENATOR SANGHEISTER:

Will the sponsor yield?

PRESIDENT:

Sponsor indicates she will yield, Senator Sangmeister.

SENATOR SANGHEISTER:

Senator Smith, I guess we all have to agree that marriage is a very serious step for everyone, and I think I mentioned this to you before and the thing that concerns me about this is, how is your bill structured if in the event that a mother and dad are now separated, possibly going to have a divorce, and ma says it's alright for the child to get married but dad says no? I presume that under your bill if just mother says okay that this...this child then can get married.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you. This is not on that basis. This is on

distressed families where there is only one parent and a child wants to get married, young man wants to marry her, but in order to get married she has to have the consent of both parents and one is void, has never been on the scene; and for that particular reason, if the child wants to get married and do the honorable thing, it has been a case in point that a service man had to pawn his watch and ring to pay the fee so that the seventeen year old girl...whoever had never seen her father in seventeen years could accompany him to get married. These people eventually will be taxpaying people and will stay off the public rolls. A grandmother had to use her social security so that the seventeen year old pregnant girl could accompany her bridegroom to the service and receive maternity benefits. And so during...tenure he sought to discourage minor marriages and got the Legislature to change the law, but this is the case now because we are very prevalent today, especially in my district, where there are just one family parents.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, my concern is...is it's...it's difficult enough for young people today and we certainly don't want to be playing one off against the other. Now, if your bill is so structured that where one of the parents is gone and after due effort has been made, however that may be worded in the bill, to try to find that person to get his consent and that person cannot be located after a certain amount of time, I can agree with you. I think that ought to...that ought to be the way it goes, but I don't believe your bill is structured that way. I believe even though the other parent may be present in the community and is just refusing to consent that still one parent will be able to...to give the permission. Is that not correct?

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you. This bill was given to me by a judge. She has this dilemma every day in her court. There are, and I think you know about the teenage parents today, some children don't even know who a parent...their fathers were, they don't even know where they are, they've never seen them. Now, how in the world can they go looking for him if they don't even know anything about him? But yet, the child wants to grow up and be an honorable person, if she gets pregnant, the boy wants to marry her and the only way she can get married is go try to find her father and she's never seen him in her life? This is what this...is...is...is to provide, that this child can get married with the consent of either parent, custodian.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Senator Netsch just told me to be in support and sit down, so I'm going to.

PRESIDENT:

Senator Lenke. Any...Senator Lenke. Alright. Any further discussion? If not, the question is, shall Senate Bill 1589 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. Senate Bill 1589 having received the required constitutional majority is declared passed. Middle of page 13, Senator Bruce on 1596. On the Order of Senate Bills 3rd Reading, is Senate Bill 1596. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1596.

(Secretary reads title of bill)

SB 1598  
3rd Reading

3rd reading of the bill.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President, members of the Senate. This is the annual funding mechanism for the community colleges throughout the State. The...1595 is the appropriation. They've all been amended down to the Governor's level. We've added back a million four by agreement of the Illinois Community College Board, the Board of Higher Education and the...the college presidents. I know of no objection. I would like to have this bill passed today.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1596 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 1596 having received the required constitutional majority is declared passed. 1598, Senator Etheredge. On the Order of Senate Bills 3rd Reading, Senate Bill 1598. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1598.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Yes, Mr .President, Ladies and Gentlemen of the Senate, this bill raises the maximum monetary award under the State Scholarship Commission Program to twenty-four hundred dollars.

PRESIDENT:

SB 1602  
3rd Reading

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1598 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, 4 Nays, none voting Present. Senate Bill 1598 having received the required constitutional majority is declared passed. 1602, Senator Luft. On the Order of Senate Bills 3rd Reading, Senate Bill 1602. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1602.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Senator Earkhausen and I are attempting to deter the issuance of bad checks in the State of Illinois. Nationwide this amounts to about one and half billion dollars to individuals and small businessman in losses per year. If it is not a deterrent, we hope that it can be a persuading factor in enabling those people who do issue the bad checks to make restitution. The mechanics are as follows: if John Jones writes you a bad check and it bounces, you then by certified mail send to him a demand for that money, within thirty days he does not respond, you can take him to small claims court or any other court and collect up to treble the amount of that check, a maximum of five hundred dollars, a minimum of one hundred dollars. If there any questions, I'll try to answer them. If not, I would ask for the support of the bill.

PRESIDENT:

Discussion? Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, there have been so many bad checks...passed in my county lately that this is a good bill because it does give a chance...a thirty-day notice to make a check good. I think we need legislation like this. I support it.

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall Senate Bill 1602 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. Senate Bill 1602 having received the required constitutional majority is declared passed. Senator Watson on 1607, on the bottom of page 13, on the Order of Senate Bills 3rd Reading is Senate Bills 1607. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1607.

(Secretary reads title of bill)

2nd...3rd reading of the bill.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This amends the Illinois Vehicle Code and allows for a fifty percent reduction in the annual registration fees on motor vehicles for those individuals sixty-five years or older or disabled who qualify for the circuit breaker. The reason for this is because those individuals, primarily senior citizens and disabled, drive less and of course their income being twelve thousand dollars or less, it puts them in a income bracket which they can at least afford the increase that we passed last year. That increase was going to go to forty-eight dollars. This legislation would take it to twenty-four dollars. We're using the

circuit breaker mechanism with the Department of Revenue because it's already in...in place and there's no new bureaucracy established to...to comply with the legislation. The cost is going to be approximately five million dollars to the road program, which is less than one percent of the total...total revenue generated. It passed out of committee with a 7 to nothing vote, and I would be glad to answer any questions and move for its adoption.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1607 pass. Those in favor will vote Aye. Those opposed will 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 52 Ayes, 1 Nay, none voting Present. Senate Bill 1607 having received the required constitutional majority is declared passed. If I can your attention, a Mr. Pearlman from the AP requests leave to shoot photographs....to take photographs. Is leave granted? Leave is granted. Page 14,...yes, Senator Hall, for what purpose do you arise, sir?

SENATOR HALL:

I'd just like for the record to show that I hit the wrong button and I missed on 1607. I would have voted Aye and so would Senator Savickas...

PRESIDENT:

The record will so reflect. 1612 is on the recall list. 1618, Senator Davidson. On the Order of Senate Bills 3rd Reading, Senate Bill 1618. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1618.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this bill does exactly what it says on the Calendar. This is a bill from Department of Conservation. Several years ago you remember we raised the trappers license fee with the idea that it would be an educational program done for trappers less than eighteen years old so we would not have people out doing inexperienced things. This is the...to follow up on the educational fund that has been established. They do have the necessary volunteer instructors in the Department of Conservation in place throughout the State, appreciate your favorable vote.

PRESIDENT:

Any discussion? Senator Grothberg.

SENATOR GROTHEBERG:

Thank you. Question of the sponsor...

PRESIDENT:

Sponsor indicates he'll yield, Senator Grothberg.

SENATOR GROTHEBERG:

...just to clarify that this has nothing to do...there's no leg-hold trap language or any regulatory language in this.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Absolutely not.

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall Senate...I beg your pardon, Senator Coffey. That's why we have the lights.

SENATOR COFFEY:

Question of the sponsor, please.

PRESIDENT:

Indicates he will yield, Senator Coffey.

SENATOR COFFEY:

Yes, did...does this put a limitation on the age of people been able to trap?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

No, it's those individuals who are less than eighteen who do not have a trapper's license previous. As of now, they have to take an eight hour training course like we did for the young hunters safety that we put in effect when we raised those licenses. If they have a trapper's license now and they're under eighteen, they are grandfathered in. If they're not and they're under eighteen, they must take this eight hour training course to be able to qualify to get their license.

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

Is that course offered by Conservation? Is the course offered by Conservation, the eight hours?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

The course is offered by...by Conservation through the volunteer instructors they have throughout the State as well as with their own employees.

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall Senate Bill 1618 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. House...Senate Bill 1618 having received the required constitutional majority is declared passed. Senator Maitland on 1625. Senator Vadalabene

AB 1629  
3rd Reading

on 1629. On the Order of Senate Bills 3rd Reading, in the middle of page 14, is Senate Bill 1629. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1629.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 1629, as amended, the purpose of...Senate Bill 1629 is to eliminate several severe problems which exist due to the current law on having a detention barn rather than stabling...lasixed racing horses in their own stalls; in another words, quarantined. The current system in Illinois is a hardship on the trainer, the employee and the horse, and I would move for a favorable vote.

PRESIDENT:

Any discussion? Is there any discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDENT:

Sponsor indicate he'll yield, Senator Davidson.

SENATOR DAVIDSON:

Does your amendment do away with the fact that the requirement of that horse which is reason...receiving Lasix have to be in a detention barn prior to the race so many hours? Does it now only apply to the limitation on mileage or is that doing away with the detention barn still in this bill?

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

No, he has to have the same time administered to four hours and fifteen minutes, but we're moving it from the detention barn to the stable.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Well, if that's still in there, I'm going to speak in opposition to this bill, because last year all the people in this business we're in speaking saying, hey, let us use it but we'll go the detention barn route with a...State Veterinarian will administer the dosage, there'll be no way of masking in a medication, any...no possibility any hanky-panky going on; and if that's what they're trying to get around, I'm not sure this is a good bill...until I know different, I'm going to vote No.

PRESIDENT:

Further discussion? Senator Netsch.

SENATOR NETSCH:

Could I...Senator Vadalabene, could I pose that...same question, I think, but a little more precisely? I had...I expect all of us had a letter from the Illinois Racing Board with respect to a bill that I thought was Senate Bill 1520, but I may be...in fact, it was identified as Senate Bill 1520 and it dealt with, as I read it, the subject that Senator Davidson was referring to. Is that different from your Senate Bill 1629 and if so, could you explain how?

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

The difference between Senate Bill 1629 and I think you said...1520 was that...the...the...the bill that we passed last Session caused a tremendous hardship on the track owners...I mean, the track horsemen and the...and the train-

ers and, consequently, there was a conflict between Sportmen and...and Hawthorne where the tracks are across the track, from each other. They couldn't get the horses to the detention barn. The small track...the small horse owners who only had three or four horses had to be at the detention barn for four or five hours. This way we can have the veterinarian come to the stable and administer the Lasix.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Let...Senator Vadalabene, would you just listen to this sentence from the...the Racing Board's letter. "On March 24th, the Racing Board voted unanimously to oppose Senate Bill 1520 which would allow horses being treated with Lasix to remain in their own stalls without participating in a Lasix detention barn program." So, that is what was in that other bill and that is what the Racing Board opposed. Is that a part of your bill 1629?

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

The Racing Board, members of...some members of the Racing Board are opposed to 1629 also as they was 1520. However, we still passed 1520 and I'm hoping we get a favorable vote on 1629.

PRESIDENT:

Further discussion? Is there any further discussion? If not, the question is, shall Senate Bill 1629 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. All voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Ayes, 9 Nays, 2 voting Present. Senate Bill 1629, having received the required constitutional majority is declared passed. Senator Holmberg on 1631. On the Order of Senate

Bills 3rd Reading, Senate Bill 1631. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1631.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

This bill amends the School Code for downstate school district and authorizes subject to school district voter approval the election of Boards of Education in part by school board district and in part at large. Right now, school boards may do one or the other. This gives them an additional option to do a combination and with the safeguard that they must present it at a referendum before they move to this combined method.

PRESIDENT:

Discussion? Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDENT:

Sponsor indicates she will yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator Holmberg, I'm not sure exactly what you're doing here. My concern has to do with those school districts throughout the State of Illinois that have been consolidated in recent years and one of the...one of the provisions in the consolidation often is that every part of the consolidated district would have representation on the school board. Now, it seems to me that what you're proposing now is that a referendum could be offered to the current school district to change that original consolidation agreement,...am I right on that?

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

I think you're referring to when school districts include more than one congressional township, and we would not interfere with that.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Okay. So, I have your assurance then that in those instances where representatives from each congressional township have representation on the school board that this bill does not change that situation.

PRESIDENT:

Senator...Senator Holmberg.

SENATOR HOLMBERG:

That's correct.

PRESIDENT:

Further discussion? Senator Bloom.

SENATOR BLOOM:

I just would rise in support of it. Essentially, Senator Holmberg's problem to a degree is reflected in Springfield, Peoria, other urban areas downstate where you have all the school board members living within a mile of each other in many instances, and what it's designed is...to do is to allow by referendum if the citizens of the community so desire to split that...school system into some kind of geographic representation. I see nothing objectional to that.

PRESIDENT:

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

SENATOR HOLMBERG:

Just ask for a favorable roll call.

PRESIDENT:

AB 1644  
3rd Reading

Question is, shall Senate Bill 1631 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 1 Nay, none voting Present. Senate Bill 1631 having received the required constitutional majority is declared passed. Senator Berman. On the Order of Senate Bills 3rd Reading, Senate Bill 1644. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1644.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the Asbestos Abatement Act. This bill is directed to the potential hazard that exists in many of our schools throughout the State regarding the presence of asbestos. The bill as amended, and it has been substantially amended since its original introduction, does the following. It establishes for the first time the responsibility for supervision and evaluation of the question of asbestos in our schools into the State Department of...Illinois Department of Public Health. They are to hold hearings, make evaluations and report back to us by October 1 on an appropriate method of State...financing for corrective actions regarding the presence of friable asbestos. Friable asbestos is asbestos that can upon contact be crumbled and is the cause of...and can be the cause of serious health problems including cancer. The...the bill has been amended so that there is no provision in here regarding any funding. The reason for the deletion of that is that we want to find out, following the evaluations

by the Department of Public Health, what kind of funds and what kind of needs are...are there out there in our schools as to requiring State funding if at all. We will address that next Session once we get a better handle on the data. The...the provision is also in here that schools that have undertaken corrective action would be eligible for funding under the provisions of the bill if...when...if and when State funding procedures are plugged in. There are many school districts that have done something about this problem; however, I might suggest to you that there...there are many, many school districts that have done nothing, and this bill is addressing that problem in a very reasonable way to get some responsible action at the State level so that we can address it next year as far as a requirement and funding for the correction of the asbestos hazard. I'd be glad to respond to any questions.

PRESIDENT:

Is there any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Maitland.

SENATOR MAITLAND:

Senator Berman, I...I'm not clear on the language that I think is in the bill, that it says that "Schools are required to begin and complete corrective action in regard to friable asbestos by July 1, of 1988." Now, at the same time, as I understand it, the council is going to be meeting and working out a mechanism to suggest to the General Assembly with regard to funding. Is that correct?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Yes,...except let me add that it's July 1 of '88, or three years following the establishment of a system for State financing of corrective action.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

I...I guess it's the "or" that, first of all, bothers me, it could be one or the other. Who...who makes that decision?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Words "later of," so we're talking about later...the later date of July 1, '88 or three years following the establishment of a funding system.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Doesn't the language say that they are required to begin and complete corrective action in regard to probable asbestos by July 1 of 1988?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Let me read you on page 4, lines 8 through 10 or 11. It says as follows, "All schools shall undertaken and complete corrective action with respect to all friable asbestos materials in their educational facilities by the later of July 1, 1988, or three years following the establishment of a system for State financing of corrective action."

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Alright, then if, in fact...if, in fact, the recommendation by the Advisory Council and

subsequent legislative action does not provide funding, then...then the schools don't have to do anything. Is that correct?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

At...at this time, the answer is, yes, but let me tell you what this sponsor's plans are. The problem with this entire area is that we don't know what the costs are going to be. I can assure you that when we get these reports this fall that we will be looking at corrective legislation or funding legislation to address this problem. This bill, the primary purpose of which is to get something moving, and I can assure you that we are not intending to close down any school districts. We want the State Department of Public Health to get moving on it, and you and I and everyone else in this Body will be looking at this problem in...in the spring of 1985.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, just...just two more...two more brief questions. Is the appropriation in place now to...to...to Public Health for...is the appropriation in place?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

There is an amendment prepared to the Department of Public Health's appropriation for eighty-five thousand dollars, that was their estimate of their needs for this...for Fiscal '85.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

And that provides for the inspection. Is that correct? And...and to continue, does that include then, again as we spoke of yesterday, inspection of both nonpublic and public schools in the State, all...all of the above?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, this strikes me as kind of a novelty. We've had funded mandates and unfunded mandates, but this is a mandate that we're thinking about funding. If I interpret the language correctly, it says our funding mechanism...shall be we...we will appropriate one thousand dollars and send a dollar to each district, that's the State's share, and they shall pickup the rest. This is clearly a case of putting the cart before the horse. Why don't we find out what the problem is and then come back and address the whole thing in the fall? I also would suspect,...I think, frankly, if we don't know what the scope of the problem is, why pass the bill? This is the first time we've ever admitted we didn't know what we were doing and then propose to do it anyway,...pardon me, it's the first time we've ever publicly admitted that, and I would also suggest to you, some of us recall, occasionally we go trampling into the private school sector and they aren't really aware of what we're doing. I'm not at all sure the private school people are going to be tickled pink about this particular bill. I have a feeling we may...we may not have heard from them, but this may be one of these roll calls that you're going to hear about down the road from those people who generally react rather negatively to having our bureaucrats stumping around asking how many kids, what they

teach, where they teach, how they do it. I'd be a little leery of this one, and you'll pardon me if I'm going to at least vote Present, I think I'm probably going to vote No, though.

PRESIDENT:

Further discussion? Senator Grothberg.

SENATOR GROTHEBERG:

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

PRESIDENT:

Sponsor indicates he'll yield, Senator Grothberg.

SENATOR GROTHEBERG:

Senator, in reading through this I would ask, where's the stick? I see the carrot but where is the sanction portion? I can't find it. If nobody does anything, who goes to jail, et cetera? Are there any teeth in the bill at all?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

There is a process...we're not sending anybody to jail. There is a process here of a...an order to be issued by the Department of Public Health if they find that there is a critical health hazard existing and the...and that can be enforced through the courts. We are looking for corrective action not putting any school board members or principals in jail.

PRESIDENT:

Senator Grothberg.

SENATOR GROTHEBERG:

Well, thank you, Mr. President. To the bill itself, I have deep respect for the sponsor and what he's trying to do. But it seems to me once this were to become the law that there would be an infusion of liability claims regarding that process. God knows there are plenty of those claims out in

the asbestos world now. It reflects back a little and I would ask Senator Bruce, if he is listening, and you too, Senator, the owners of all those schools are those unindemnified five or seven poor characters in each county called our school trustees who up in till now haven't even had a lawyer let alone a budget. But the liability engendered by the court process that's going to follow failure to comply in this is going to lead to maze of court action by responsible people trying to run a school. I think it opens up a whole world of legal fees, mandated costs and regulatory mess that only God could figure out. I just don't see any hope for the process the way the bill is drafted. I'm going to vote No.

PRESIDENT:

Further discussion? Any further discussion? Senator Joyce, Jeremiah.

SENATOR JEREMIAH JOYCE:

Question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Joyce.

SENATOR JEREMIAH JOYCE:

And I apologize, I was off in...in the phone for some of the debate. Where did you get this bill?

PRESIDENT:

Senator Berman.

SENATOR BERMAN::

This bill arose out of a study made through the Service Employees International Union regarding the dangers of asbestos in buildings. We held and...I want to compliment the Elementary and Secondary Education Committee, we held a hearing that I think lasted in excess of four hours and had fifteen some witnesses and everyone there testified as to the health hazard of fryable asbestos. This bill is an outgrowth of that hearing and the wealth of material that we have received as a result thereof.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

And through all that process you haven't heard from the parochial schools?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Yes, I have, they've testified and the Illinois Catholic Conference is in full support of this bill.

PRESIDENT:

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

SENATOR BERMAN:

Thank you. I guess the nature of the objections I find quite interesting. Senator Schaffer, I've tried to take a responsible approach here. Outside of eighty-five thousand dollars to start the process through the Department of Public Health, I have deleted funding mechanisms because I and everyone else here does not know what the cost is going to be. I think you and I both want to be responsible and that's why we want to find out what the problem is. There is a problem and I can tell you a number of school districts that have addressed that problem. What bothers me is the great, great number of school districts that for many reasons have not addressed the problem. This is a serious health hazard. This bill starts the process to correct that health hazard. Senator Grothberg, may I suggest to you that the liability for the existence of asbestos exists in those school buildings with or without the passage of this bill. This bill addresses that concern in a positive way and provides specifically that school boards may take out liability insurance to protect themselves and their employees regarding this exposure, but I can assure you that this exposure exists whether we pass this

bill or not. We have heard from labor; the Illinois Association of School Boards endorses this bill as amended. We have sat with a long list of groups, and let me mention some of them; the State Board of Education, the Illinois EPA, Capital Development Board, Service Employees Union, IASB and the IEA. I don't mean to imply an endorsement, but their objections, I believe it's fair, most of their objections have been addressed. We take care of the school districts here that have done something in the past and won't be automatically locked out of a funding mechanism if we do decide to help fund the corrective process in the future. We are empowering the Department of Public Health to find out what is the danger to our school children regarding asbestos. This is a responsible, modest approach to what could be a very, very serious problem. On behalf of the employees of..of our schools and the children in our schools, I ask for an affirmative vote.

PRESIDENT:

Question is, shall Senate Bill 1644 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted wish? Have all voted who wish? Take the record. On that question, there are 39 Ayes, 17 Nays, 2 voting Present. Senate Bill 1644 having received the required constitutional majority is declared passed. 1645, Senator Berman. On the Order...no, hold it. 1650, Senator Egan. On the Order of Senate Bills 3rd Reading, the top of page 15, is Senate Bill 1650. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1650.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President, members of the Senate. Senate Bill 1650 is a reaction to the bill that passed last year, empowering the public sector to collectively bargain; and as a consequence of...of that law which becomes effective in July, July 1st 1984, the state's attorneys will have an additional burden in...in...as a result of that new Act, and so, what this does is allow the Public Defender Commission to...appellate division to assist county state's attorneys in the discharge of their duties under the Illinois Public Labor Relations Act. It does not...it is not mandatory, it is voluntary and it fits perfectly in line with the service that that division performs for the state's attorneys' other duties. I know of no opposition and I commend it to your favorable consideration.

PRESIDENT:

Any discussion? Senator Keats.

SENATOR KEATS :

Thank you, Mr. President. I was just going to say this had come through the Senate Labor and Commerce Committee, passed unanimously and bipartisan support. The key to it being that it's only if requested, they're not forcing anyone to take free advice, but it's there if they need it and this could be an area that's going to be awfully difficult for state's attorneys in the immediate future. So I would appreciate a support...your support.

PRESIDENT:

Question is, shall Senate Bill 1650 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53...54 Ayes, no Nays, none voting Present. Senate Bill 1650 having received the required constitutional majority is declared passed. Senator Lechowicz on 1659. On the Order of

Senate Bills 3rd Reading, on the top of page 15, is Senate Bill 1659. Read the bill, Mr. Secretary. Senator Lechowicz, was this bill on recall? Today or yesterday? Senator Lechowicz.

SENATOR LECHOWICZ:

It was on recall this morning and adopt...the amendment was adopted and brought back to 3rd reading.

PRESIDENT:

Okay, then we'll have to get back to it tomorrow. It's still being enrolled and engrossed. 1660, Senator DeAngelis. On the order of Senate Bills 3rd Reading is Senate Bill 1660. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1660.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 1660 as amended is a product of the Legislative Study Group for Children. It requires that juveniles not be held in the same detention cell as adults. It provides for a method of their release after six hours into a different...form of custody, and it also sets up some other alternatives for detention, like home detention. Be happy to answer any questions.

PRESIDENT:

Discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President, members of the Senate. I rise in support of Senate Bill 1660. I was chairing the committee at the time this legislative...legislation came up. There were a lot of questions about it. Subsequent to that I held several meetings with people from all phases in

regards to this legislation and attempt to mollify all the problems. We did satisfy many of the requirements that people had expressed concerns about during the...during the legislative hearing in committee. This is...a very important piece of legislation. There has been great attempt by...by the Department of Children and Family Services to work out all the problems and to make sure that we're not treating juveniles with kid gloves, but in fact we're making sure that juveniles are treated in the proper manner and yet are incarcerated. I commend the director of DCFS and the sponsor of the bill. I think it's a very good piece of legislation. The Sheriffs' Association...is in support of it, all the law enforcement agencies are in support of it. They came down and testified, we've talked to them subsequently about their concerns, and attempted to correct their concerns, and I would solicit everybody's support for this excellent piece of legislation.

PRESIDENT:

Further discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Earlier, I had raised some questions in regard to this, and I would like to inform you that I have had a meeting this morning in regard to this and feel like the concerns for the rural counties have been taken care of.

PRESIDENT:

Further discussion? Senator Darrow.

SENATOR DARROW:

Will the sponsor yield?

PRESIDENT:

Sponsor indicates he'll yield, Senator Darrow.

SENATOR DARROW:

In the event that a county does not have a juvenile detention facility, for example, if Rock Island County had

one our nearest one would be Galesburg. Would I be correct then that a...initially the police who pick up someone who is alleged delinquent would have to transport that juvenile to Galesburg, the following day the sheriff would go down to Galesburg, bring him back to Rock Island County for a detention hearing, take him back to Galesburg and come back during that first thirty-six hours?

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

I am not so sure the timing would be that way, but, yes, the transportation would have to occur that way.

PRESIDENT:

Senator Darrow.

SENATOR DARROW:

Would you be willing to consider an amendment over in the House to deal with that first thirty-six hour period? There...it requires a court hearing during that period which would mean transporting the juvenile back and forth in rural counties.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Darrow, I would consider any reasonable amendment to this bill.

PRESIDENT:

Senator Darrow.

SENATOR DARROW:

Yes, I, too, think it's an excellent bill. I...I just had some contact with my authorities back in Rock Island County and they were concerned about the transportation, but I'd like to work with you on that. Thank you.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, a question of the sponsor, Mr. President.

PRESIDENT:

Sponsor indicates he'll yield.

SENATOR SCHUNEMAN:

I heard what Senator Marovitz said and what Senator Donahue had to say, but my local sheriff contacted me and indicated great concern about the bill, and I think it was the same sort of thing that Senator Darrow mentioned. Can you indicate to me what changes have been made in this bill that would make it more palatable to rural counties?

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, let me just say that the bill was sponsored...was incited by the Illinois Sheriffs' Association. Now, there are a few sheriffs that I think probably would still oppose it, but the two amendments that were made, one is the description of a juvenile detention center and the other one with the six-hour period of confinement, that's the two objections that I heard.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I...I guess until I have more information about the bill, Mr. President, I would have to oppose it, but certainly I support the concept, but I think I have to be very careful about imposing these mandates on counties that are not equipped to handle it.

PRESIDENT:

Further discussion? Senator Grothberg.

SENATOR GROTHBERG:

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

PRESIDENT:

Sponsor indicates he'll yield.

SENATOR GROTEBERG:

Senator, without the bill in front of me but looking at the analysis and as the father of house arrest for adults, it says "home detention." Is that concept...does home detention describe that...that we can keep them at home? Or is this a...a home for...a detention home?

PRESIDENT:

Senator DeAngelis

SENATOR DeANGELIS:

Well, Senator Grotberg, of the six thousand juveniles that are incarcerated each year, only ten percent of them are involved in crimes against persons; that means, ninety percent of them are not. And what this does is a court appointed official has the option of permitting home detention rather than in jail.

PRESIDENT:

Senator Grotberg.

SENATOR GROTEBERG:

Then your answer is, yes, home detention means home detention. The judge can tell them to stay home. If they get caught cheating, then they go into this other process.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Yes.

PRESIDENT:

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Yes, Mr. President, Ladies and Gentlemen of the Senate, I was on the committee when we heard this bill. First of all, I was a bit confused because I thought it was already the law that we had to separate juveniles from adults and, indeed, I understood, I thought, from those that were there describing

the bill that that was true. This is a comment not a criticism, but I might say after being involved with juvenile work a great deal in Cook County, I don't know how many have visited the Audie Home, but if that is...separate housing for juveniles, which indeed it is, I would question I think that we certainly ought to have further legislation from the sheriffs or from compassionate citizens in regard to what happens at the Audie Home at least in Cook County. Further, I would like to say that I think that there is an imposition in terms of...the discretion of the judge being able to have the child...turned over to his home. Often the home is the problem with these juveniles and they...the...the history of their runaway from the time that they are brought to attention of the courts is significant. I...I have some substantial problems with the reaction of the Department of Children and Family Service, probably understaffed and underpaid, but in our area, at least, they do not respond quickly enough, and the best friend of these children, frankly, is the juvenile officer. I think this bill doesn't go far enough and I think...in the directions where it encompasses the whole State, I think that there are counties indeed that will be hurt by this bill, and I ask your serious consideration of what we're doing here.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, Mr. President, one of the things I've learned down here is to say that group support things one have to...you have to listen very carefully. I think if you listen very carefully to several of these groups, they were told this is the best deal you can get, so I guess they now support it. I have some real concerns with the downstate district with a couple of small counties that we are again inflicting some rather heavy expenses on the counties that we will hear about

later on, and I'm curious, in fact, we...if we as a Legislature and a State Government make the decision that we want new procedures, are we...are we paying for it or are we just mandating it? You know, what works for Cook County doesn't always work for the rest of the State. Some of us haven't got the dollars or the need for these type facilities, and some of us have got systems that are working pretty good, in fact, a lot better than some of the big high-priced systems, and we...we don't like having this stuff shoved down our throats. I...my people have not been involved in the...the deliberations but their initial reaction was pretty hostile. When I talked to them a week or so ago, I didn't detect any lessening in that attitude. Are we funding all the mandates that we're thrusting on the counties and, you know, what are the...what are the financial dollars? Was there a...any kind of a fiscal note applied to this thing? Some of us would like to know what we're getting into before we get that...that...sarcastic mail from our counties for another hundred thousand dollar mandate that we're going to pay six thousand dollars up.

PRESIDENT:

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

SENATOR DeANGELIS:

Yeah, there...there seems to be a lot of discussion on this...in terms of reimbursement, there is a reimbursement with this bill. DCFS will pay the cost of putting them someplace. I think what we're doing with this bill essentially is saying that...and I think we're forgetting this is that juveniles will not be put in jail with adults. I don't think anybody would like to have their sixteen year old son who got picked up drinking a can of beer in with some harden criminals, nor would they like their fifteen year old daughter stuck in a cell with a couple of older people. And the

other thing is that we are not interfering at all with the process beyond that. We are creating some options, and the options...somebody said something about they don't want to go home. They don't have to go there, this also provides for foster home detention. I think it's a good bill, it should be supported, and I urge the General Assembly to see it the same way. Thank you.

PRESIDENT:

Question is, shall Senate Bill 1660 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 15 Nays, 6 voting Present. Senate Bill 1660 having received the required constitutional majority is declared passed...D'Arco, I think your request is misplaced. You were not recorded on that roll call. Well, I know, what does that have to do with the price of...your request is in order. Under Rule 23, any Senator may request verification of a roll call. One is not permitted to change ones vote after a request has been made. Roll...verification...Senator D'Arco has requested a verification. Will the members be in their seats. The Secretary will read, please, the affirmative votes.

SECRETARY:

The following voted in the affirmative: Barkhausen, Becker, Berman, Carroll, Chew, Coffey, Carrow, DeAngelis, Degnan, Egan, Etheredge, Fawell, Geo-Karis, Grothberg, Holmberg, Jones, Jeremiah Joyce, Keats, Kelly, Kustra, Lechowicz, Mahar, Marovitz, Netsch, Newhouse, Philip, Sangmeister, Savickas, Weaver and Mr. President.

PRESIDENT:

Senator D'Arco, do you question the presence of any member?

SENATOR D'ARCO:

SB 1664  
3rd Reading

Senator...Senator Jones.

PRESIDENT:

Senator Jones on the Floor?

SENATOR D'ARCO:

Senator Savickas.

PRESIDENT:

Is Senator Jones on the Floor?

SENATOR D'ARCO:

Oh, is he on the Floor?

PRESIDENT:

That's what I'm asking. I'm supposed to be asking. Senator Jones on the Floor? Strike his name, Mr. Secretary. You question the presence of any other member, Senator D'Arco? Alright. The roll has been verified. On that question, there are 29 Ayes, 15 Nays, 6 voting Present. Senator DeAngelis requests that further consideration be postponed. Senator Chew, we're way ahead of you, as usual. Okay. 1664, Senator D'Arco. On the Order of Senate Bills 3rd Reading, Senate Bill 1664. Senator DeAngelis requests a verification of whatever you get. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1664.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This is probably going to be a model bill if it passes for the entire building trade industry. This bill sets up a licensing procedure, properly called a certification procedure for roofers in the State of Illinois. There were some...there was some question about whether or not an individual who had a friend do work on his roof would have to get a...that friend would have to be licensed,

and we provided an amendment to take care of that problem. There was also some question about...whether a seller of roofing materials would have to be a licensed roofer, and we took care of that problem and provided that...that would not have to be the case. There was also some question about whether an employee of an employer would have to be licensed, and we took care of that problem and provided that he would not have to be licensed. The carpenters have signed off on the bill, both the downstate carpenters and the Chicago carpenters. It provides for a board to be created. It provides for a certification procedure to be enacted, and there are certain requirements, of course, that a person must meet in order to meet these qualifications. I can go through them if you like. One of the most important ones is that he be in the business of roofing for at least three years prior to him being allowed to be certified as a roofer. I think that's a good idea, an apprenticeship program, so people who do work on roofs are adequately skilled and knowledgeable in the field and the art, and I would ask for a favorable vote.

PRESIDENT:

Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Ladies and...Gentlemen of the Senate, I rise in opposition to Senate Bill 1664. What the sponsor is seeking to do here is to license one more business in Illinois. In face of other legislation that we've passed in recent years it would sunset some of the licensing that's been done around this State. He seeks to require that the State of Illinois will issue licenses to roofing contractors. Now, that may be a good idea in some parts of the State, Senator, and...and I would suggest that if it's a good idea in Chicago and Decatur and places like that that you have home rule authority now that enables you to license these businesses. But I suggest to you that in the rest of the

State, and particularly the rural areas of the State, it's a bad idea, because the people who do the roof work in my community are small general contractors and, frankly, they're really going to be upset with us when they find out that we've passed a bill, or if we pass a bill, that allows...an original application fee up to three hundred dollars to be licensed to fix roofs on farm buildings, and I think the licensing fee that's allowed in here is unreasonable. The renewals can be charged up to as much as hundred and fifty dollars, and I think that's unreasonable. I think that this comes down and...finally as a blow to the building industry...one more blow to the small building industry...in rural Illinois, and I suggest to you that I'd much rather see you have your home rule units of government enact this legislation. If you have a problem to solve in Chicago, then I think you can solve it there without this kind of legislation affecting the rest of the State. I'd urged a No vote on this bill.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT:

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

SENATOR GEO-KARIS:

Now, under your bill are you saying that...a homeowner, for example, can do his own roofing and this bill would not require a license of them?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Yes, that's the...that is true.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

And I believe you said earlier that through your amendment, you would exclude, whom did say employees of who...? I didn't quite get the drift of what you said about your amendment.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Well, the drift is that the employers' property can be worked on by an employee of the employer, without being licensed.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President, and Ladies and Gentlemen of the Senate, because I'm not a grudge-bearer, I'm going to speak in favor of the bill because there has been very bad people in the roofing business. They come out of one city, come into mine and don't know what they're doing and have caused a lot of havoc. I think this bill might be a...a bill in the right direction and I'll support it.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, if the sponsor would answer a question if...

PRESIDENT:

Sponsor indicates he'll yield.

SENATOR SCHAFFER:

I was kind of thinking about putting a roof on my house this summer and done a little of that, I wouldn't describe myself as handy by any stretch of the imagination, but I was thinking about hiring a couple of the neighbor high school kids to help haul the stuff down to the garbage and what have you. Would I be violating any laws if I did that? I mean, I

don't have a lot of money. I don't think the pay raise is going anywhere.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

With your personality, you don't need money. I'm just kidding. No, you do, you need...everyone needs money, everyone needs money, I mean, that's...okay, we got that established. Nothing in this Act shall be construed to require a person who performs roofing or waterproofing work in his own property or for no consideration to be certified as a roofing contractor.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Well, I'm not sure that I'm going to get these two high school kids to come over and do it just based on my personality. I was kind of planning on paying them or they...you know, they cut grass and they work around the neighborhood and they're pretty nice kids, but can I pay them to, you know, do the...some of the...the work? Am I getting in trouble? I mean, I'd hate to get in any real legal problems. I'm not up this year but still you ought to be careful.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

That...that probably would fall under one of the other exceptions; the employer-employee exception, possibly, or you could probably pay them double for cutting the grass instead of paying them for putting on the roof, you know. I mean, if you think about it a little bit.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Well, I...I would never think for a moment of trying to circumvent one of the laws that this Body passed. I think I have some real serious problems with this. I...I would concur with Senator Schuneman, if there's a problem in the City of Chicago or someplace, fine, there are some seedy people in the business, but my guess is that they're seedy enough and smart enough to get the three hundred dollars and get licensed and probably get away with it. This is, in fact..this like house painting is one of the things that we find college students and other people who work fairly reasonably come out and help people. I know we had a couple of college students that put a roof on a house for a senior citizen in my area at a very nominal cost for the lady that she could not have gotten done any other way, and they did, by the way, a very fine job. I think this would be a tremendous mistake. I'm not going to beat it into the ground, but this is a clear case of government getting very heavily on our constituents' backs where it is not needed. If it ain't broke, don't fix it. It isn't broke anywhere in my area, I don't think we need a solution.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDENT:

Sponsor indicates he'll yield, Senator Collins.

SENATOR COLLINS:

Okay...Senator D'Arco, there were several problems with the bill then...and one you didn't answer is whether or not the carpenter could in fact...would he have to be licensed?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

He can put on the shingles, see the shingles aren't part

of the roof and as such, he can put on...he can put on the shingles without putting on the tar. You know, if you put the tar on, that has to be done by a roofer, but if you put the shingles on, that can be done by a carpenter and he's very qualified to do that under most instances because he does go through an apprenticeship program which we want to initiate for the roofers.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Well, now, Senator, I don't know if you serious or not but that...you know, that is rather ridiculous. The other...the other question I...I would like to know is...is, who will...will establish the criteria for...the qualifying for the licenses? Are any...or...and whether or not this person would have to go through...not the...I'm assuming that at some point you're grandfathering in certain people, but what about the new person who says that I want to learn to be a roofer, you know, whose...who establish that criteria and what role does the craft trade play into all of this?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

The board that would be created under the Act, the...roofing, let me see, what's the name of the board? The board means the Illinois Roofing Industry Advisory Board along with the Department of R. and E. would write rules and regs that would implement the certification procedure. Now, you asked something else, I...what was that? What did you ask...something else you asked?

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Well,...forget that, but if you are licensed, then will

you have to be certified by a union in order to...practice your trade?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

No, you would...you would not have to be certified by...by any union to practice your trade. The whole point of this bill, and...and Senator Joyce pointed this out to me and...very clearly, if...if a person puts a roof on your house, he gives you...Earlean, if you'll listen...okay, okay, I know, you understand.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

I know all of that. I...I have many people in my communities who are victims of that. I am not opposed to what you're trying to do, but I want you to be very clear on what you're doing and...and all I'm saying is there are...along with the roofers, there are other...trades in the...in the...building trades that...all of them should be licensed by the State and that no one should be denied, as minorities are today, equal opportunities for jobs into the crafts trades and they are not. This bill will give that access, I hope, if, in fact, that you still don't have to come back and be certified by the unions in order to be able to...to get into that trade, because minorities have difficulty breaking into all of the trades, and that's all I'm saying. Equal access is...is...is what my bill was attempting to do and I want to make sure that yours do the same.

PRESIDENT:

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Rigney.

SENATOR RIGNEY:

I was somewhat amazed when you...in your opening remarks when you said that the, I believe, the downstate carpenters had signed off on this bill. Who is speaking for those downstate carpenters?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Herman Moses, I don't know. No, I was told by Dick Walsh, the...the lobbyist for the AFL-CIO that the...the downstaters and the Chicago carpenters have signed off on this bill, because I was concerned about that...I was concerned about that problem myself, and I was told that they don't consider this bill to be a problem. And...have you heard from them?

PRESIDENT:

Senator Rigney. Senator Rigney.

SENATOR RIGNEY:

The comment that I would make, I can't imagine why the carpenters, in so many words, would sign off on legislation of this kind. Let me point out one of the practical problems of something of this nature. We've had some of this type of...of work done on some roofs on our farm. What...how do you define a roof? Let's say that some work on the rafters has to be done, and then we're going to put a steel roof over the top of another roof that is there. At what point are we doing construction work and at what point are we doing roof work? Do you think that's clear in the bill and...as to, you know, the jurisdiction of each one?

END OF REEL

REEL #4

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Well, it is clear in the bill. If you read Section...if you read Section 2, Subsection E it defines what a roofing contractor is and, you know, as best you can I...I think it's very difficult to define, you know, what a roof is, I mean, we can do that I imagine if that is part of the problem we can do that in the House. I don't...I don't,...you know, putting up rafters would not be considered working on a roof as far as I'm concerned, you know, a rafter has nothing to do with a roof, I mean it...it's part of the structure of a building but it's not the...the roof of the building.

PRESIDENT:

Senator Rigney.

SENATOR RIGNEY:

Maybe I did not use the best choice of word when I...words when I said rafters. On a number of our old buildings, for instance, we laid down two-by-fours as...and nailers for a steel roof. We had a carpenter do that kind of roofing work, in fact on three different buildings on our farm. I was wondering if I would have to deal with two different people to get that simple little task accomplished. It seems to me it's very logical that, you know, the carpenter does the base work in preparation for the roof; but then I was wondering if he had to stop at that point and then I got to go find someone else to actually nail the steel on and if when we're all done with that, if we have to have still someone else to put the lightening rods back on the building and a few of those types of things. I...obviously, I guess I'm opposed to the bill.

PRESIDENT:

Further discussion? Senator Bupp.

SENATOR BUPP:

Thank...thank you, Mr. President, I rise in support of this bill. It seems that every time we hear any discussion about consumer fraud this roofing business comes up and it's automatically mentioned. I think just because of that that's one reason why I stand in support of this particular bill.

PRESIDENT:

Further discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President, I have a question too, I guess a statement really. I...I agree with what some of the other speakers have said. In our part of the country why if...if you build a house or a barn or whatever you build, the carpenter or contractor does the whole thing. Now it just seems illogical that this carpenter would have to have a roofer's license to build the whole facility...building.

PRESIDENT:

Further discussion? Senator Joyce, Jeremiah.

SENATOR JEREMIAH JOYCE:

Well, I rise in support of this legislation. You know, I don't know what the problem is with this jurisdictional dispute. You are always going to have these disputes, they've had them ever since anyone picked up a hammer and another guy picked up a trowel and...or whatever, that's not the real question in front of us. I think the question is; number one, we are out...we are...this legislation will protect the consumer, it will protect the person who has a roof put on his home or his building who five or six or seven years later is looking to act against the warranty because his roof is now leaking and there's no one there with a license or a bond who is going to make good on that warranty that was given him. Now who's opposed to this? Who's opposed to this? Is

it...a...a carpenter who's involved in doing roofing work, is it too much of a burden for him to come in and get a roofer's license? Now, I just don't understand who's opposed to this. This isn't...isn't any great burden being placed on anybody who is presently doing this work. If you just balance the interest here, if you balance the equities, if you look at the protection of the consumer versus the four...or...I don't know how many hundred people who are doing this work who are going to be inconvenienced by having to come in and get licensed, surely the equity is on the side of the consumer. And I'm...I'm supporting this legislation, I can't see why anybody here...everything considered, would be opposed to it.

PRESIDENT:

Further discussion? Senator Coffey.

SENATOR COFFEY:

Question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Coffey.

SENATOR COFFEY:

If a person to receive this licensing is there a bond required?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Yes, there is and I think that's one of the good aspects of the bill that there is a bond required, as Senator Joyce said, so if he does give you a guarantee, which a roofer would tend to do to get the business, then he would be bonded and he would be licensed and he would be liable for any damage due to the roof under the guarantee. A fly-by-night roofer will give you a guarantee and then leave the State. And now you are out in the cold and you have to do the whole roof again and pay another amount of money and it just isn't fair to the consumer.

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

...thank you, Mr. President and members of the Senate. I...I rise in opposition to this bill, and I...I appreciate the fact that there is going to be a bond required; but right now we have licensing for plumbers; and I have done quite a bit of construction work and been a contractor on several occasions, and I find out that we bring a plumber in that's licensed, he goes out...we pay him sixteen, eighteen dollars an hour, he goes out and hires four or five young people that has no plumbing experience, brings them in to the job and we end up paying...and he pays them four or five dollars an hour, charges us sixteen or eighteen dollars an hour, and we don't get the quality of...workmanship that we should be getting. We're going to do the same thing here, just because we license the person that's running the contracting on the building or on the roof does not mean that the employees he hires are going to be qualified. And for you that have had plumbers to do work for you have found out many times the plumber himself or the one that has the license is a capable plumber but the ones that are doing the work are not, and we're going to have the same problem here. And secondly, on small jobs you're going to call for two or three contracts where one contract would be adequate because you're going to ask for all kinds of licensing procedures for every part of a construction on a small piece of property, on a small garage or a small home, for that matter. And so I rise in opposition to the bill.

PRESIDENT:

Further discussion? Senator Grothberg.

SENATOR GROTHEBERG:

Thank you...thank you, Mr. President. I rise in opposition to the bill on some points that have not been brought

up. Isn't it ironic that we pick the biggest slump in the building industry to regulate it further, that people are out of work in all phases of the construction industry at this point in time and then we talk about saving the consumer? The consumer is going to pay for it. The cost of roofing will go up not down. The cost of everything goes up not down, as soon as we touch it. There is just no other consideration I can offer to this Body except to tell you that there's...if...if we had a hundred percent employment, if everything were fine and people were standing in line to get their roofs fixed, what...then it would be probably more timely. But under this economic plight that we're living in in this day and age in the construction business, mandating, squeezing those who want to find an alternative to fixing their roof certainly is in bad taste, bad timing and I would ask my associates to join me in turning this bill down.

PRESIDENT:

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I...I had the occasion to meet with several of these fellows out in the hallway earlier and they're very nice fellows and when I left them I thought I was in favor of this bill, now I find myself coming down squarely on the fence. I'm concerned that what we're talking about is a...a goodly deal of money in order to get up and nail shingles on a roof, and I'm not quite sure how we spell out what that training program is and who operates it and how one gets into it. My concern is that I've got an awful lot of kids standing...out on the corner that I'd love to be nailing shingles on but I'm not sure that under this...these provisions that will be possible. Senator, if you can assure me on that, I certainly want to vote for the bill, but as I look at it and look at our analysis I get some concerns along those lines. Is there...can you enlighten in any way on

that?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

This bill does not have any of the restrictions in it that the building trade unions have been traditionally accused of having against minorities. This bill doesn't restrict anybody's ability to work under the auspices of a contractor. So, you know, the problem with the building trade unions doesn't exist in this bill. This bill is asking for a certification procedure under the State of...of...under the laws of the State of Illinois, not under any municipality's ordinances that can prohibit the interaction between people that work for building trade contractors. This is just the opposite and would tend to help minority people become involved in the roofing industry.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Sponsor yield for another question?

PRESIDENT:

Indicates he'll yield, Senator Newhouse.

SENATOR NEWHOUSE:

I'm looking on page 2 of the analysis which says that the applicants must be twenty-one years old, have a high school level education, additionally have three years experience which proves their competency, obtain liability property damage and worker's comp., have Illinois Unemployment Insurance employer identification number, provide evidence of necessary credit and business reputation themselves and so forth. I think it's all very fine, but how in the world do you do all that?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

But that doesn't prohibit an apprentice working under one of these men that have a license under this bill. Those are the criteria of the roofing contractor but that doesn't prohibit the apprentice from working under this man, under his supervision, that's what it's all about, and then subsequently becoming a contractor. That's how he gets to be a contractor. That's why Senator Coffey's objection is a little Catch-22; I mean, how is a man going to learn to be a roofing contractor if he doesn't work under the supervision of a roofing contractor?

PRESIDENT:

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, I rise to support this bill. Our future Congressman is concerned about the construction industry and the slump. This bill doesn't really concern itself with the slump in the construction industry. Those people are bonded and put to work by a general contractor, so when a roof in one of those big commercial buildings that's being built by the construction industry, that he concerned about all the people working on, those people are bonded. Any leaks, any problems with it, the general contractor will take care of. What we're addressing ourself is the concern that Senator Joyce had, that we have in our communities and that Senator Schaffer should be worried about. That when a...say a widow has a roof fixed, she pays for it once, she expects that to last, maybe the rest of her life, ten, fifteen years, not having to come back, look for a contractor that put it up a year ago, find out that the roof is leaking and it's damaged, go down to the corner or wherever she found this contractor and say, well, my roof is leaking would you...repair it again and find out that now this fellow has gone out of business under the old name, opened up in the same place

under a new name and says, oh, well, that was another company. We don't...you know, we can't handle the guarantee that they gave you because this is a new company. This addresses those problems of those people that have legitimate concerns, that have faith in a contractor that comes out, advertises to repair what is really a necessity in their home, the roof; because once it leaks, it can destroy your whole house. Once it leaks and it destroys your whole house, you have a monetary, financial loss that you can't gain back. So I think this is a good bill. It protects those consumers and protects those legitimate contractors that want to stay in business and continue for thirty and forty years.

PRESIDENT:

Further discussion? Senator Luft.

SENATOR LUFT:

Question, please, of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator Luft.

SENATOR LUFT:

Hypothetical question, Senator. I am hiring John Jones, a contractor, who has three carpenters on his payroll to build a home. Do those carpenters have to be licensed to put the roof on my home?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Dick, under this bill, I don't think they do. You know, I really don't think they do. The carpenter industry in the State of Illinois has no objection to this bill. I defy any one Senator on the Floor of this Senate to tell me that they've gotten a communication from anyone in the carpentry industry telling them they object to this bill. Now they haven't and Senator Rigney got up and talked about the downstate carpenters and how they must be totally against the

bill and...and so forth and so on. Well, that is not the fact. The fact is, they are for the bill.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

I just wanted to know whether they had to be licensed or not.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

And under the bill, they do not.

PRESIDENT:

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

SENATOR D'ARCO:

Thank you, Mr. President. Most of the objections, and the really ridiculous one, it's a shame to think this guy is going to go to Congress, because if that's the quality of a man that we're going to send to Congress then Congress has...then Congress better close its doors and don't let anybody in. This guy's talking about costs, he's not concerned about the consumer whose roof is going to leak, he doesn't care about the poor consumer who has to pay the freight; he's worried about the manufacturer, the businessman that's making the money off the consumer, that's all this guy cares about. This is for the people, the little people in this State, this great State that we all live in. And thank God you're going to Congress. We don't need anybody like that in this great State, Mr. President. This is a good bill. He has to be bonded, he has to have workmen compensation insurance, he has to have liability insurance, fire insurance, every kind of insurance in order to protect his employees, himself and the individual who is being involved in the transaction. This is a good bill and we're not going to let the business

community shove a No vote down our throat.

PRESIDENT:

Question is, shall Senate Bill 1664 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 18 Nays, 6 voting Present. Senate Bill 1664 having received the required constitutional majority is declared passed. Senator Grothberg, I'll get to you in a minute. Senator Chew has been waiting patiently all day and you're to be commended, Senator, but we're stopping right in front of your bill. Any further business to come before the Senate? Any further business to come before the Senate? If not, Senator Demuzio moves that the Senate stand adjourned until 9:00 a. m. tomorrow morning. Nine o'clock in the morning, recalls, 2nd reading and 3rd reading, nine o'clock tomorrow.