

30th GENERAL ASSEMBLY

REGULAR SESSION

MAY 26, 1977

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. The Senate will come to order. Prayer by Monsignor
3. John J. McGrath, St. Agnes Church, Springfield, Illinois.
4. Will our guests in the galleries please rise.

5. MONSIGNOR McGRATH:

6. (Prayer by Monsignor McGrath)

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Reading of the Journal. Senator Weaver.

9. SENATOR WEAVER:

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

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Heard the motion. Those in favor indicate by saying
15. Aye. Those opposed Nay. The Ayes have it. Senator
16. Weaver.

17. SENATOR WEAVER:

18. Mr. President, I move that the reading and approval
19. of the Journals of Thursday, May the 19th, Friday, May
20. the 20th, Monday, May 23rd, Tuesday, May 24th and
21. Wednesday, May 25th in the year 1977 be postponed
22. pending arrival of the printed Journals.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Heard the motion. Those in favor indicate by saying
25. Aye. Those opposed. The Ayes have it. Messages from the
26. House.

27. SECRETARY:

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

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

33. House Bills 688, 67...767, 798, 797, 885, 954, 964,

1. 991, 993, 994, 1008, 1034, 1037, 1038, 1039, 1064, 1065,
2. 1071, 1098, 1099, 1102, 1106, 1127, 1393, 1462, 2163,
3. 2341, 2358, 2360 and 2363.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Resolutions.

6. SECRETARY:

7. Senate Resolution 149, offered by Senator
8. Kosinski and all Senators. It's congratulatory.

9. Senate Resolution 150, offered by Senator Mitchler,
10. Regner and others and it's congratulatory.

11. Senate Resolution 151, offered by Senator Graham
12. and Schaffer and it's congratulatory.

13. Senate Resolution 152, offered by Senator Regner
14. and it's congratulatory.

15. Senate Joint Resolution 142. It was offered
16. by Senator Regner. Senate Joint Resolution 42.
17. Right.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Do we have leave to place the previous resolutions
20. read on the Consent Calendar? Leave is granted.
21. ...Bills on 2nd reading. We'll skip the Order of
22. 2nd reading for the time being and proceed to the Order
23. of 3rd reading. Senator Mitchler, for what purpose do
24. you arise?

25. SENATOR MITCHLER:

26. Mr. President, I'd ask leave of the Senate to be
27. added as a cosponsor to Senate Bill 1155.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Is there leave? Leave is granted. Senator Regner
30. asks the same...leave is granted. Senate Bills on
31. 3rd reading. I'm advised by the President that leave was
32. granted as to Senate Bills 16 and Senate Bill 425,
33. Senator Maragos' bills and they will be considered first

1. this morning. Senate Bill 16. Read the bill, Mr. Secretary.

2. SECRETARY:

3. Senate Bill 16.

4. (Secretary reads title of bill)

5. 3rd reading of the bill.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Senator Maragos.

8. SENATOR MARAGOS:

9. Mr. President and members of the Senate. Senate...
10. Senate Bill 16 as amended amends the Chicago Regional
11. Port District Act and as you see in the Digest, it makes
12. the area of the district conterminous with the
13. City of Chicago. It expands the duties of the districts
14. to the extent that it allows an additional condemnation
15. power. It changes the authority of the board where
16. five are selected by the Mayor and four are selected
17. by the Governor and it makes one...changes the amendment,
18. however. It makes a change, however, in that...

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Just a moment. Just a moment, Senator. May
21. we have order. Will the members be in their seats.
22. Proceed.

23. SENATOR MARAGOS:

24. It changes the board structure. However, those by
25. the amendment...those who are appointed by the Governor
26. need not reside in the City of Chicago. This bill has
27. passed this General Assembly twice by overwhelming majorities.
28. It has been thoroughly discussed and many of you who have
29. been in the Senate for many years or in the House prior
30. to this year, were familiar with all of the ramifications
31. of this bill. I ask for your support.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Is there further discussion? Question is shall Senate

1. Bill 16 pass. Those in favor vote Aye. Those
2. opposed Nay. The voting is open. Have all those voted
3. who wish? Take the record. On that...I have to announce
4. the vote. On that...on that question the Ayes are
5. 47, the Nays are none, 1 Voting Present. Senate Bill
6. 16 having received a constitutional majority is declared
7. passed. Senator Grotberg, for what purpose do you arise?

8. SENATOR GROTEBERG:

9. Mr. President, in the guest gallery to my left
10. and to your right, is the Seneca Grade School from
11. Seneca, Illinois, from the 38th legislative district,
12. Mrs. Dan Lowery is leading the group this morning. I'd
13. like to have them rise and be introduced to the Senate.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Please rise and be recognized. Senator...Senator
16. Hickey, for what purpose do you arise?

17. SENATOR HICKEY:

18. Mr. President, I was running to press my green
19. button and you cut off the vote. I would have voted
20. Yes.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. The record...

23. SENATOR HICKEY:

24. And I would like it so recorded.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. The record will so show. Senate Bill 425, Senator
27. Maragos. Read the bill, Mr. Secretary.

28. SECRETARY:

29. Senate Bill 425.

30. (Secretary reads title of bill)

31. 3rd reading of the bill.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Maragos.

1. SENATOR MARAGOS:

2. Mr. President and members of the Senate. We had
3. commenced yesterday to discuss and debate Senate Bill
4. 425. However, in order to facilitate the many
5. questions, we had the bill taken out of the record
6. and a new copy distributed which was set up to put in
7. all the amendments. Now, the bill, as many of you
8. have received on your desks, is in its final form
9. as amended with the fifteen amendments discussed. And
10. at this time, I would like...I would be glad to answer
11. any questions and if there are no questions, I would
12. ask for the favorable approval of this bill by a
13. majority vote.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Is there further discussion? Senator Walsh.

16. SENATOR WALSH:

17. Mr. President, I just wonder if the Gentleman would
18. explain the bill. I think it has a wide import.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Senator Maragos.

21. SENATOR MARAGOS:

22. Senator Walsh, I'd be glad to do so because I thought
23. we had, in our discussion yesterday, answered many of the...
24. ramifications of this bill by the questions that were
25. answered. First of all, this sets up a...a board which will
26. consist of nine members, two public members and then the
27. chairman of that board will be the chairman of the
28. Illinois Commerce Commission. There will be a member from
29. the Environmental Division...the Department of Environmental
30. Protection Agency. There will be a...I'll get to all the
31. officials. There will be a member from the Department
32. of Agriculture, Department of Business and Economic
33. Development and several other agencies will form this

1. board and they will conduct hearings for any power
2. plant that has to be established in the State of Illinois.
3. The present procedure is that many of the companies who
4. desire to erect or construct power plants have to go to
5. various agencies and as a result, it is a procedure
6. by which there is no uniform approach and which is a
7. very lengthy and...very...also very costly to the
8. State because it involves repetition by many departments to
9. do same thing.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Senator Walsh can't hear the explanation of Senator
12. Maragos. Could we please have order. Proceed.

13. SENATOR MARAGOS:

14. As I stated, because of the repetition and because
15. of the many other ramifications...they are today, these
16. particular power plant citing procedure is very difficult
17. and very ludicrous, I would say. Many of the problems
18. that we have today where there is a congestion of power
19. plants in a...in a certain geographical areas of the State
20. would have been avoided had this law been into effect ten
21. years ago. I say to you, not only are we concerned by
22. the nuclear power plants, but we also are concerned
23. by the many fossil fuel plants that will be coming down
24. the road, which we need if our energy increase is going to be
25. heeded to and...and produced for our people. Many of us
26. are hoping that in the due course, the technology of
27. this country and the State of Illinois will allow
28. for better coal consumption and therefore, meet our energy
29. needs. And there's...therefore, we anticipate to see many
30. coal and fossil fuel plants being erected as well as
31. nuclear plants. The nuclear plants that may be constructed
32. will also be under the control primarily of the Federal
33. Government through the Nuclear Regulatory Agency. But more

1. important, when this bill...it states that if it's
2. going to be a nuclear power plant, we can conduct joint
3. hearings between the Federal Government and the State of
4. Illinois, thereby avoiding duplication and cost. That is
5. the general gist of the purpose of this bill and I'll
6. answer any additional questions.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Senator Wooten.

9. SENATOR WOOTEN:

10. Well, Senator Maragos, many of us have specific...
11. one specific concern and that is, will this commission
12. or board be able to overrule local zoning laws? Now,
13. I've looked through the...the bill, it's been collated
14. now, and I think I see where you envision the exception.
15. In definitions on page 3..now, I hope everyone who has
16. this concern follows this now so we can clear this
17. up once and for all. On page 3, under definitions in
18. 5 you have municipality means a county, city, village,
19. township or incorporated town in this State. So the
20. term municipality actually means a county...just about
21. everthing else. Now, I think we go then to
22. page 12 on Section 105. You're...we're put right off
23. away, I think, by the first statement that the
24. regulation of the location, construction and operation
25. of electric generating facilities is declared to be
26. an exclusive State power or function except as hereinafter
27. provided in this Section. Then if we drop down, we talk
28. about the certification early...we drop down to line
29. 22. No certificate issued under this Article 8 shall
30. be construed as requiring the construction of the
31. facility for which it is issued. An electrical generating
32. facility for which a certificate is issued hereunder
33. shall not be constructed, operated or located by any means
34. or methods prohibited by applicable ordinances, rules and

1. regulations in respect thereto of any municipality,
2. meaning county, et cetera, within the entire territorial
3. jurisdiction of such municipality. Now, that sounds
4. pretty good the first time through, but Senator, I'm
5. concerned. Let's see, shall not be constructed, operated
6. or located by any means or methods prohibited by
7. applicable ordinances, rules and regulations. I don't
8. know that we have rules and regulations. I don't
9. know that we have rules and regulations prohibiting the means
10. or methods by which a plant could be located there if
11. those means and methods primarily come from the State.
12. I would sure love to have it clearly say or at least
13. myself to be absolutely reassured that that does not
14. constitute artful language by which you can get around
15. local zoning ordinances.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Maragos.

18. SENATOR MARAGOS:

19. Senator Wooten, I had the same concerns and so did
20. other officials of the local...from the county governments
21. and from the municipal governments. The reason why the
22. language has to be in this form, we give the right
23. of the municipality as defined the authority to
24. not allow the construction of this plant if it violates
25. its...local laws and ordinances. However, if you don't
26. put it in this form, it might, by implication, give the
27. authority to the municipality to issue the license or
28. the certificate. So we're saying in here that the State
29. will be the issuing agency as far as the certificate goes
30. but in no way will it violate the rules and regulation
31. ordinances of that state. We do it in the original
32. opening paragraph of the...of this bill which is the...the...
33. showing the purposes of the legislative intent as...as I say

1. ninety-two, the legislative declaration and we also
2. do it on Section 105 so this language, in fact...we had
3. this Section 105 amended twice to improve not only
4. the construction or operation but the location because
5. many municipalities say fine, you may construct
6. ...ordinances but we maybe don't want...our municipality
7. and if our zoning...say, we don't want power plants within
8. our city limits, then your location will be out of order.
9. So that's why I feel that it does cover all the concerns
10. that you have.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Senator Wooten. May we please have order, members
13. of the Senate? Will the Sergeant-at-arms clear the aisles.
14. Will the members please be in their seats.

15. SENATOR WOOTEN:

16. Well, Senator, I don't have a legal background
17. and the only thing I've learned in the five years I've
18. been down here is that sometimes things don't exactly
19. mean what you think they mean. I'm wondering why you
20. could not simply say that, you know, shall not be constructed
21. in...in violation of local ordinance...local zoning rules.
22. Why can't we just plainly say what we mean rather than put
23. in language that I fear may turn out to be in a very
24. careful construction interpretation to mean something
25. else. Now, I'm told by my lawyer friends that what
26. they call the precatory language in the beginning isn't
27. going to be that important, that right here is what counts
28. and this is what concerns me.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator Maragos.

31. SENATOR MARAGOS:

32. I would like to state here Mr...Senator Wooten that
33. believe me, the language here states definitely and as
34. concretely as possible without taking the preempted powers

1. of the State to issue the certificate cause if you don't
2. put the language in this form, then...then it can be
3. construed that the...that the municipality can issue
4. the certificate which is not the intent of the Statute.
5. Okay. So, therefore, I say when it says shall not be
6. constructed or operated or located by any means or
7. methods prohibited...I think that is sufficient to
8. satisfy your concerns.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Wooten.

11. SENATOR WOOTEN:

12. Well, not to belabor the point earlier. You know,
13. I...I'm...I understand that local municipalities which,
14. we must remember in this case, also means counties,
15. villages and so on, may not issue certificates. I certainly
16. don't have any quarrel with that, Senator. And I agree
17. with that. I wholeheartedly support that concept.
18. But I just want, you know, I'd like some other legal minds
19. here to tell me that my suspicions are unfounded and that
20. this obviously means...well, you know, whenever you
21. have two lawyers, you have two opinions. I want to
22. find out if they're two contradicting opinions on this
23. point. And if there is substantial agreement, then I'm
24. satisfied.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Further discussion? Senator Rhoads.

27. SENATOR RHOADS:

28. Will the sponsor yield for a question?

29. PRESIDING OFFICER: (SENATOR ROCK)

30. He indicates he will yield. Senator Rhoads.

31. SENATOR RHOADS:

32. Senator Maragos, on page 4 of the bill, Section 95
33. beginning on line 23, we're talking about a certificate

1. of environmental compatibility and public need. After the
2. expiration of two years from the effective date of this
3. Article 8, no person shall commence the construction of
4. an electric generating facility in the State without
5. having obtained at least six months in advance, a
6. certificate of environmental compatibility in public
7. need issued with respect to such facility by the board.
8. Back on page 3, in...beginning on line 4, you define
9. certificate means a certificate of environmental
10. compatibility and public need issued by the board
11. pursuant to this Article. Well, this board that we're
12. setting up, one of the members is the Chairman of the
13. Commerce Commission. One is the Director of
14. Public Health. One is the Director of the EPA.
15. Now, they are to subjectively determine what environmental
16. compatibility and public need is, is that what you're
17. intending to do?

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator Maragos.

20. SENATOR MARAGOS:

21. Yes. Senator Rhoads, what the present Statutes
22. provide is that the...

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Mr. Doorkeeper, can you close that front door, please?
25. Senator Maragos.

26. SENATOR MARAGOS:

27. The Illinois Commerce Commission can...can issue
28. a certificate of convenience of public need
29. presently. A certificate that's under the present laws...
30. that's what the Illinois Commerce Commission does under the
31. Public Utilities Act. Now, what we have put in an
32. additional here that it...it also shall meet the environmental
33. protection requirements. What has happened, however, so you

1. understand this fully, is that right now even though
2. the environmental protection is not...or the standards
3. are not put into the Act. The EPA on its own can veto
4. any site, which has happened in Clinton now for three
5. years because they wanted the State...it doesn't meet
6. the standards of a...of having a water cooled pool
7. to cool the water to a certain degree. And the power
8. company that wanted to put the power plant in Clinton
9. was unable to do so even...after it received a certificate
10. of public need and necessity from the Commerce Commission.
11. We are saying that we will now have all of these
12. approaches and problems solved by one...one hearing and the
13. ...the Department of EPA will have an opportunity to
14. voice it but it will not have the veto power that the
15. majority of all the other aspects are sufficiently...
16. give that particular certificate.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Rhoads.

19. SENATOR RHOADS:

20. All right. Then it is your intent that this will
21. supercede everything, that this...this will be the final
22. word? Now...okay. All right. Now, then the second
23. question is, is environmental compatibility anywhere defined
24. in the bill or anywhere else in current law?

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Senator Maragos.

27. SENATOR MARAGOS:

28. Yes, if you will please look on Section 101
29. which discusses the question of the decision, what the board
30. will have to make a finding after it has its hearings
31. and on A, B, and C under 2 of that Section, it states
32. what the decision will have to be and on what basis
33. they will make the environmental...environmental impact

1. and C, that the adverse...environmental impacts of the
2. facility are reasonable considering the estate
3. of available technology, the nature and economics of the
4. various alternatives, the benefits expected to be...
5. result and so on. So these are standards that
6. have to be met at the time that the decisions are made.
7. So you...you see what it does...by...by the decision
8. making process, they have to meet these standards
9. and that's why the EPA has to come in.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Rhoads.

12. SENATOR RHOADS:

13. Would it then be a fair summary of the bill
14. that what you are doing is transferring powers that
15. are already held by the Commerce Commission and by
16. the EPA and concentrating those powers into one board,
17. is that the...

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator Maragos.

20. SENATOR MARAGOS:

21. If you want to use a...a word concentrating,
22. sobeit. By that, I mean it's going to be put in one
23. area, which they already have and it will facilitate the
24. hearing. It's not taking any powers away from these...
25. department but it's having them focus in on one...one
26. hearing.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Joyce.

29. SENATOR JOYCE:

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

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Sponsor indicates he will yield. Senator Joyce.

33. SENATOR JOYCE:

1. Yes, I have some problems with this. I...I'm
2. thinking that it is...is going to usurp the local
3. zoning more than...than maybe what we think. Would the
4. county or municipality as it's termed in this, have
5. to have specific ordinances on its books relating to
6. power plant sitings to be able to deal with this?
7. If it did not, would not the power be just taken away
8. by this commission?

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Maragos.

11. SENATOR MARAGOS:

12. Senator Joyce, we have to start from one...
13. from one base. Right now, they can go in and put a
14. power plant if they could buy up the land without
15. even consulting the particular municipality if it
16. doesn't have those...those...those laws now. What
17. we're saying here, this gives the municipality additional
18. protection that they have a right of veto. Now, if a
19. particular county has no rules or regulations, then
20. they should get busy and make some rules and regulations.
21. But if they say...wait a minute...if they say that a
22. certain...that this particular area is zoned residential,
23. they don't have to say you cannot put a power plant.
24. The facts...residential zoning right of way, it will
25. take over, or if it says it's for farming purposes.
26. You cannot put a power plant because the zoning will not
27. be compatible.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Joyce.

30. SENATOR JOYCE:

31. Well, yes, Senator. I have dealt with one of these
32. in a particular area. I was the township supervisor and
33. a county board member at the time. And we did not have specific

1. ordinances dealing with the power plant. And, in fact,
2. we were successful in...the part I was concerned about
3. was the cooling lake. And we were successful in keeping
4. that out. Now, the...the utility company still owns the
5. property and someday they may come back and I'm sure
6. they probably will. But as it is right now, the county
7. board was successful in upholding its zoning...ordinance.
8. Now, what I'm...you know, I'm...I'm concerned that we're
9. going to take some of that power away from them.
10. I know it can work right now because it did.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Senator Maragos.

13. SENATOR MARAGOS:

14. Senator Joyce, it will be even better now to give
15. the authority...first of all, you know why? It will
16. give them that advance notice which they don't have to
17. have the advance notice now under the present Statutes.
18. Every municipality concerned whether it be a county or
19. a city or a village, has to be notified and become a
20. participant in the hearing, for one. Secondly, the
21. nothing prevents a county or city of municipality of
22. any kind by establishing ordinances once they suspect
23. something has come in to establish a ordinance immediately to
24. cover this particular area if they're against it. I think
25. you are better prepared to fight the battle now with...
26. if this becomes law, than you are presently because you are...
27. if you look at the bill, who has to be notified? Who is a
28. participant? And, in fact, the two public members,
29. by the way, that are going to be appointed by the Governor
30. beside the code department heads that are involved will
31. be people who have to represent the municipal interest
32. as well.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Joyce.

2. SENATOR JOYCE:

3. I...I am...I hope you're right and one thing that...
4. that bothers me, they can hold these meetings and let's
5. see, at such a time and place as the commission designates.
6. Now, why couldn't that be in the area where it's going
7. to be rather than some building in Chicago or Springfield
8. or someplace that makes it very difficult for people
9. in the local area to get to?

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Maragos.

12. SENATOR MARAGOS:

13. I think that the bill contains the language that it
14. should be. At least one of the meetings should be in the area
15. but I don't recall the exact section right now. But
16. I'll have to check that out. But I think the one...
17. one that wasn't in the original bill as I remember it.
18. Now, I don't think it's been amended out, that has to be in
19. the area where it was...where it's involved.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Joyce.

22. SENATOR JOYCE:

23. Well, thank you, but I...I would think that all of the
24. meetings should be in the area where the people are going
25. to be affected. You know, it's very easy to hold one
26. of these and place a public notice somewhere and not be
27. able to get people to the meeting that are concerned
28. about it. I...

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Senator Maragos.

31. SENATOR MARAGOS:

32. That can be, but there's nothing...precludes them
33. from doing that, but there might be reasons sometimes why

1. they cannot have it in order if they have to get a large
2. meeting rooms, if they have to get some other facilities
3. or they have to get technical information and that may
4. not be...but maybe since members of the board are also
5. representing municipalities concerned, I'm sure that the
6. people will ask that they be heard in those areas.
7. You can rest assured that they will have to hold them.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Joyce.

10. SENATOR JOYCE:

11. Well, I would sooner it was in the bill rather
12. than resting assured. Thank you.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Further discussion? Senator Shapiro.

15. SENATOR SHAPIRO:

16. Mr. President and Ladies and Gentlemen of the Senate,
17. it's obvious that this bill is very controversial as was
18. the one that was attempted to be passed several years
19. ago. Now I want to point out to the Senate that I also
20. have a bill, less comprehensive, less far-reaching
21. than this one, Senate Bill 1327. I do want to point out
22. to you in this bill some conflicts, I think some of the
23. points have been raised, others have not. But on
24. page 1, it says, generating facilities shall be governed
25. by and subject to all municipal rules, regulations,
26. and ordinances which is very well. But on page 2, line
27. 23, it states that the General Assembly further finds that
28. there is a need for the State to control determinations
29. regarding the proposed sites. The definition of municipality
30. means a county, city, village, township or incorporated
31. town in this State. The membership composition I have no
32. arguments with. However, it states that each member of the...
33. board may designate another person to represent a member on

1. the board. Does this permit proxy voting and does it
2. include the public members?

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Maragos.

5. SENATOR MARAGOS:

6. He's not finished...he's not finished with his question.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Oh, I beg your pardon. I'm sorry. Senator Shapiro.

9. SENATOR SHAPIRO:

10. I could go on and on. Ladies and Gentlemen, what
11. I want to recommend for the consideration of the Senate
12. that Senate Bill 1327 which is my bill on power generating
13. sites which is on 3rd reading, and that this bill, Senate
14. Bill 425 be recommitted to committee for further study.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Senator Maragos.

17. SENATOR MARAGOS:

18. Thank you, for your suggestion, Senator Shapiro
19. but I will say to you this, I have studied and read
20. the bill that you are sponsoring on behalf of the administration,
21. 1327. Unfortunately, I personally feel that that bill
22. is really a misstatement of intent and doesn't do much more.
23. In fact, in many ways that bill is more dangerous, if you
24. want to use the terminology, because it doesn't have any
25. controls of the board whatsoever. It gives them all the
26. rule making powers with no legislative input whatsoever.
27. This bill and this board, if it is passed, will give
28. constructive approaches which the Legislature has intended
29. to do not by Executive fiat. I am more afraid that if
30. 1327...not because you happen to be the sponsor, Senator
31. Shapiro. Please...I said to you I have a high regard for
32. you but I think that 1327 itself will not do the job
33. that we intended and will have, as I stated earlier, more

1. problems than this. Ladies and Gentlemen of the Senate,
2. I will not put this back in committee because it will be
3. of no purpose...because it will be buried in it anyway.
4. I think we have to face up one important fact. Either
5. we want to have a good power plant siting law to
6. protect the citizens of the State of Illinois from
7. misuse and from continuous erection of power plant sites
8. without planning, without constructive approaches and
9. without environmental or agricultural input. If you
10. want to do that, you continue on the present road.
11. But if you wish at this time, for this State of Illinois
12. to say to its citizens, and we as the members of the
13. Legislature to say to the Illinois citizens that we
14. desire, we are concerned about the problems of nuclear
15. and power plants going in our backyards and if we don't
16. put enough safeguards we will continue on this road
17. ...haphazard approach. And that's why I say to you,
18. Senator Shapiro, that I would not, at this time, like
19. to put this back in committee.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Any further discussion? Senator Davidson.

22. SENATOR DAVIDSON:

23. Inquiry. Are we on a motion to committee or are we
24. on the motion...

25. PRESIDING OFFICER: (SENATOR ROCK)

26. No, no. We are not. We are on Senate Bills 3rd reading.
27. Senator Shapiro indicated that...he suggested that this
28. be recommitted. Senator Maragos has apparently eschewed that
29. suggestion. Senator Davidson.

30. SENATOR DAVIDSON:

31. I'd like to ask the sponsor a question.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Indicates he will yield. Senator Davidson.

1. SENATOR DAVIDSON:

2. Senator Maragos, earlier you stated that this
3. Statute, if it becomes law, will not supercede any of
4. the local ordinances such as zoning and et cetera.
5. Question I need to ask you is I understand a similar type
6. of legislation as you have here proposed passed in New
7. York State three years or so ago and there's not been a
8. power plant built, started or otherwise due to the
9. hangup of the hearings and the strictly additional red
10. tape for this certificate of issue because EPA and the
11. Pollution Board still have to be involved and you can't
12. override the local ordinance and the question is what good
13. is this going to do?

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Maragos.

16. SENATOR MARAGOS:

17. First of all, Senator Davidson, the Pollution
18. Control Board is no longer a part of the board as it
19. was in the original form because the Pollution Control
20. Board itself asked to be taken out of this board because
21. they said if there's any appeals to the environmental
22. questions, they want to be in a position of being
23. a judge and not being a prosecutor and a judge.
24. Secondly, what this will do it will state outside of
25. the municipal ordinances if it is put in an area where
26. there are not ordinances in violation, they will allow
27. the plant to be built and the environmental questions
28. will be overruled by the majority of the board if they
29. are reasonable overrulings. If they...if they...they
30. cannot be just obnoxious or I should put restrictive
31. attitudes of the EPA just to be stopping something
32. that was...is not reasonable. The tests and the
33. standards are here, then that's

1. why this is better than the New York law. I'm
2. familiar with the New York law and this is better because
3. we took advantage of some mistakes that they made to make
4. this a more workable law.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Any further discussion? Senator Maragos, you wish
7. to close the debate?

8. SENATOR MARAGOS:

9. Mr. President and members of the Senate, I ask you
10. if you are sincere as representatives of this great
11. State and the citizens of this great State that you are
12. indeed anxious to do something constructive in this area
13. of power plant siting and especially in this...in this
14. era of energy shortage, I ask you to support this bill.

15. PRESIDENT:

16. The question is shall Senate Bill 425 pass. Those
17. in favor will vote Aye. Those opposed will vote Nay.
18. The voting is open. Have all voted who wish? Have all
19. voted who wish? Take the record. For what purpose does
20. Senator Shapiro arise?

21. SENATOR SHAPIRO:

22. Well, Mr. President, since it's obvious that 425 did
23. not receive a constitutional majority and that I also
24. have a bill, Senate Bill 1327 on the same subject,...

25. PRESIDENT:

26. Senator...

27. SENATOR SHAPIRO:

28. ...I would now like to move before the roll call is
29. announced, that both bills be recommitted to the committee
30. for further study.

31. PRESIDENT:

32. Senator, I think that motion is out of order until
33. the roll call is announced and the sponsor has an opportunity

1. to move to Postpone Consideration, if he wishes to do so
2. and...and such a...and on that question the Ayes are
3. 23, the Nays are 22, 7 Voting Present. Senate Bill 425
4. having failed to receive a constitutional majority is
5. declared lost. Senator Maragos.
6. SENATOR MARAGOS:
7. Postpone consideration.
8. PRESIDENT:
9. The sponsor has moved to Postpone Consideration.
10. SENATOR MARAGOS:
11. Well, if he wants to take the...
12. PRESIDENT:
13. Consideration will be postponed.
14. SENATOR MARAGOS:
15. ...his motion to put it in committee.
16. PRESIDENT:
17. Consideration has been...the bill is on the Order
18. of Postponed Consideration and you wish now, Senator Shapiro,
19. to move to recommit...Senator Shapiro.
20. SENATOR SHAPIRO:
21. Well, Mr. President, you announced the bill was lost
22. and that's why I wanted to make my motion before you did
23. announce that but I definitely want to see both bills back
24. in committee for further study.
25. PRESIDENT:
26. Well, our procedure has been that we recognize and
27. allow a motion to Postpone Consideration after the
28. announcing of the roll call and declaration. We have done
29. that consistently.
30. SENATOR SHAPIRO:
31. But you announced the loss of the bill before you
32. recognized him.
33. PRESIDENT:
34. That's correct. That's what I have done all Session.

AB 664
3rd Reading
5/26/77

1. I've announced the roll call and then moved...allow a
2. motion to Postpone Consideration. The bill is on
3. Postponed Consideration. And you now move to recommit
4. Senate Bill 425 and Senate Bill 1327 to the Committee
5. on Agriculture, Conservation and Energy. Senator Maragos.
6. SENATOR MARAGOS:

7. I...I don't agree...disagree with that motion, either
8. so 425 if they could also be put in committee again,
9. I have no objection.

10. PRESIDENT:

11. Excuse me. Senator, you...you are supporting
12. the motion to recommit both bills?

13. SENATOR MARAGOS:

14. That's right.

15. PRESIDENT:

16. Is there any discussion of the motion? If not, all
17. those in favor signify by saying Aye. Opposed. The Ayes
18. have it. So ordered. Senate Bill 664, Senator Weaver.
19. Read the bill.

20. SECRETARY:

21. Senate Bill 664.

22. (Secretary reads title of bill)

23. 3rd reading of the bill.

24. PRESIDENT:

25. Senator Weaver.

26. SENATOR WEAVER:

27. Thank you, Mr. President. Senate Bill 664 is a bill which
28. would say that truckers using Illinois highways would either
29. buy diesel fuel in Illinois or pay the tax based on the mileage
30. traveled. The bill has been amended to meet the objections of
31. the Department of Revenue, the Illinois Truckers' Association,
32. the Midwest Truckers' Association, the Illinois Petroleum Marketers'
33. Association and the Illinois Truck Stop Association. I know of no
34. objection to the bill. If anyone has any questions, I'll be happy
35. to answer them. Otherwise I would appreciate a favorable roll call.

1. PRESIDENT:

2. Is there any discussion? If not, the question
3. is shall Senate Bill 664 pass. Those in favor will vote
4. Aye. Those opposed will vote Nay. The voting is open.
5. Have all voted who wish? Have all voted who wish?
6. Take the record. On that question the Ayes are 54,
7. the Nays are none, none Voting Present. Senate Bill
8. 664 having received a constitutional majority is declared
9. passed. Senate Bill 683, Senator Rupp. Senate Bill
10. 693, Senator Soper.

11. SECRETARY:

12. Senate Bill 693.

13. (Secretary reads title of bill)

14. 3rd reading of the bill.

15. PRESIDENT:

16. Senator Soper.

17. SENATOR SOPER:

18. Thank you, Mr. President, members of the Senate.
19. Senate Bill 693 is described in the Synopsis of this...
20. of this bill. What this bill would do would allow
21. non-home rule units to get the same advantage on
22. interest costs in financing water, sewer, electric and
23. gas projects with revenue bonds. At this time, home
24. rule units in Bloomington, Danville and Rosemont,
25. Illinois took advantage of the...of the existing provisions
26. in the Municipal Code whereby they saved from ten to
27. twenty percent on their interest rates. The...the
28. municipality must levy charges that cover principal and
29. interest on the bonds by a hundred and ten percent and
30. in that way, they...they're able to get a reduced rate on
31. their...on their bond...revenue bond issues. If there are
32. any questions, I'd be happy to answer them.

33. PRESIDENT:

1. Is there any discussion? If not, the question is shall
2. Senate Bill 693 pass. Senator Rhoads.
3. SENATOR RHOADS:
4. Question for the sponsor if he'll yield.
5. PRESIDENT:
6. Indicates he will yield.
7. SENATOR RHOADS:
8. Are...are we including in this commercial revenue
9. bonds and industrial revenue bonds?
10. PRESIDENT:
11. Senator Soper.
12. SENATOR SOPER:
13. No. These revenue bonds are only bonds from
14. municipal...for municipal projects, sewer, electric,
15. gas and water.
16. PRESIDENT:
17. Senator Rhoads.
18. SENATOR RHOADS:
19. Well, I understand that, Senator Soper. What I'm
20. saying is that municipalities now can issue revenue
21. bonds for the purpose of...of financing commercial projects.
22. Is that type of bond included in this?
23. PRESIDENT:
24. Senator Soper.
25. SENATOR SOPER:
26. Senator Rhoads, I said no.
27. PRESIDENT:
28. Is there any further discussion? Senator Wooten.
29. SENATOR WOOTEN:
30. Senator Soper, I think the...some of us are just a little
31. thickheaded and I admit to that. I'm trying to understand
32. how this works, that you say the revenue bonds issued by
33. non-home rule units carrying the full faith and credit of the

1. non-home rule unit. What...what...in practical terms
2. in selling a bond does that mean? Is a home rule unit
3. a sufficient...non-home rule unit of sufficient
4. size and substance of that has any real meaning for them?

5. PRESIDENT:

6. Senator Soper.

7. SENATOR SOPER:

8. Yes. The EPA has gone into communities that
9. fifteen and twenty thousand population under twenty-
10. five thousand and has found that...that the water system
11. has been polluted because of septic tanks and they've
12. ...and they've asked them to close off their water...
13. get a new water system or get a new sewage system.
14. And then the...then the Federal Government has come in
15. and given them...given them some...some free money
16. to do this. Now, in order to do this, the municipality
17. sets up a...either a sewer...sewer project or a water
18. project and in setting it up, they've got to have a
19. certain matching funds with the...with the Federal
20. Government. So, these are all revenue bonds that they
21. issue but under this...under this financing, they...they
22. could...they could pledge their full faith and credit to
23. the revenue bonds but in order to forestall any necessity
24. for them to have an extra tax, if the revenue bonds would
25. be sufficient...I mean the collection, then...then they
26. set up the...they set up the revenue...I'm trying to get
27. around Graham here so I can look at you, they set up
28. the revenue to...to generate a hundred and ten percent of
29. the...of the...of the interest and the principal payments.
30. And they never have to go back to issue...issue...to tax
31. the people on the...the general taxation on their property
32. And this has been financed this way, as I say, by Danville,
33. Bloomington, and Rosemont because they're home rule units.

1. There's got to be a referendum if a town is too small, they
2. can't pass the...there's a referendum in the regular...in
3. the regular way. They've got to publish and the...the
4. ordinances and everthing else. There's a safeguard.

5. PRESIDENT:

6. Senator Wooten.

7. SENATOR WOOTEN:

8. No, let me be sure on that. Are you...see, I'm
9. wondering how they do it now and if a referendum is involved
10. and then if a referendum would be involved in this. Can
11. you clarify that point for me? I'm just curious,
12. how does a non-home rule unit handle this problem now?
13. Does it involve a referendum and if we go to this, will
14. this also involve a referendum?

15. SENATOR SOPER:

16. Yes.

17. PRESIDENT:

18. Senator Soper.

19. SENATOR SOPER:

20. In Section 2 of this bill, it describes the
21. way under the Municipal Code and it's the same thing.
22. The only thing that's different about this is they're
23. allowed to set the rates to generate a hundred and ten
24. percent of the principal and the interest. And in that
25. way...in other words, you give extra collateral to the
26. people that are buying the bonds and this collateral is
27. the full faith and credit and you safeguard yourself by
28. getting a hundred and ten percent. Suppose you had a big...
29. big factory in there or you had...it was necessary for...to
30. put up a water plant in order to generate enough water
31. for them because you've polluted all the water with
32. septic tanks so you need a sewage system or you want to keep
33. an industry in there...in a small town. This is the way you

1. would do it. But you save about twenty percent on your
2. interest. This...this amendment which is the bill was
3. drawn by Chapman and Cutler and it's been used in the State
4. of Illinois within the town...in the communities that I
5. mentioned, Danville, Rosemont and Bloomington and it's
6. been used in eighteen states and Bob Felker who was my
7. aide here, is now...handles municipal bonds for the
8. First National Bank of Chicago and when he saw this
9. definite saving to home rule units that was being used
10. he thought that it would be a good idea to give the little...
11. the little communities the advantage of this if they
12. wanted to use it. That's as simple as that.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Wooten. Is there further discussion? Senator
15. Berman.

16. SENATOR BERMAN:

17. Thank you, Mr. President. I just want to tell
18. Senator Soper that I think this is a good idea to help
19. the little municipalities through this tax free interest
20. method. I hope you'll remember that when we get back to the
21. bill to help the little homeowner on the home improvement
22. tax free approach, too.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Is there further debate? Senator Soper may close.

25. SENATOR SOPER:

26. Senator Berman, if you've got a little home...homeowner,
27. how tall is he? Roll call, please.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. The question is shall Senate Bill 693 pass. Those
30. in favor vote Aye. Those opposed vote Nay. The voting is open.
31. Have all voted who wish? Have all voted who wish?
32. Take the record. On that question the Ayes are 48, the Nays
33. are 1, 2 Voting Present. Senate Bill 693 having received

1. a constitutional majority is declared passed. Senate
2. Bill 696, Senator Roe. Read the bill, Mr. Secretary.
3. SECRETARY:

4. Senate Bill 696.

5. (Secretary reads title of bill)

6. 3rd reading of the bill.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Roe.

9. SENATOR ROE:

10. Mr. President, members of the Senate. The practical
11. effect of Senate Bill 696 is to make the child at least
12. three months older when he enters first grade in the State
13. of Illinois. This bill was suggested to me by a number
14. of first grade and kindergarten teachers and school
15. psychologists who have indicated that in their opinion
16. certain adjustment problems and behavioral problems
17. that are presently found among many of the younger
18. children entering school in the State of Illinois could
19. be solved by them reaching first grade at a little bit
20. older stage in their life. The bill has no fiscal impact
21. except in the first year where there would be a slight
22. reduction of State aid, but thereafter, obviously would
23. remain the same. Willing to attempt to answer any questions.
24. But this is basically a bill that you either like this
25. particular idea or you don't.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. ...discussion. Senator McMillan.

28. SENATOR McMILLAN:

29. Thank...thank you, Mr. President and Ladies and Gentlemen
30. of the Senate. I rise in opposition to the bill. I've really
31. had no indication from school people or others in my district
32. or elsewhere that this is needed or wise and I suppose I rise,
33. I guess you wouldn't call this a conflict of interest since I've
34. already finished the first grade but, in fact, this is

1. a bill that would have said I wasn't old enough to start
2. first grade and even though I...I may be a somewhat
3. disruptive member of the...the Senate, I don't really
4. think that there's all that much merit in it. I think
5. it can very well be left up to parents and others who
6. can make the decision and I really don't know that there's
7. any great need for us to move this back a couple of months.
8. In fact, I haven't seen any great improvement in the
9. educational process since the date was moved from December
10. 1st to November 1st, so I rise in opposition to the bill.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Is there further discussion? Senator Schaffer.

13. SENATOR SCHAFFER:

14. I rise in support of this bill. The testimony in the
15. Senate Education Committee, I thought, was quite compelling.
16. I had a chance to talk to the lady who testified after
17. the committee hearing. We had a little more time then
18. and I think that the proponents of this bill make a
19. pretty good case. I would point out at the risk of bringing
20. up the Equal Rights Amendment that this is particularly
21. a problem with boys. Boys seem to need a little more time
22. to mature. I guess it could be argued that some of us never
23. do. But I think that the proponents of this bill have
24. made a case and it's only regrettable, Senator McMillan,
25. that the entire Senate could not have had the advantage of
26. their testimony.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Berman.

29. SENATOR BERMAN:

30. I hate to admit it but I've talked with three of the
31. members on our side of the aisle who are on this committee
32. and we just don't remember any testimony on this bill, although
33. Senator Schaffer says it was very compelling. And I think
34. that right now you've got December 1st as the date in

1. Statutes. I can see that by shifting this at least in
2. Chicago and any other fairly good sized school district,
3. just the paper work and the shifting could cause some
4. financial impact as well as quite a bit of administrative
5. work. I...I'm sorry, Senator. I just don't recall why
6. this bill was...is necessary. Senator Guidice and
7. and Senator Buzbee are standing here with me and none
8. of us remembered just why. I...I'm not sure that this
9. bill is needed at this time. I'm going...I'm not going
10. to support it.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Kenneth Hall.

13. SENATOR HALL:

14. Would the sponsor yield to a question?

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Indicates that he will yield. Senator Kenneth Hall.

17. SENATOR HALL:

18. Senator Roe, I have to apologize. I was off the
19. Floor. Now, does...does this give a child who would
20. become a certain age...we have sometimes some children
21. have to start at a later date because they may be a month
22. before date and some other child can go to school and it means
23. they have to wait almost a full year before they get in.
24. Does this...this correct that situation?

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Roe.

27. SENATOR ROE:

28. No, no, Senator Hall, it wouldn't. The practical
29. effect of this bill would be to make a child at least three
30. months older than he would be or she would be at the
31. present time upon entering school. It's just...it makes
32. no change in what you're talking about. It would just, so to
33. speak, shift the...the date determining factor as to age up

1. three months.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Buzbee.

4. SENATOR BUZBEE:

5. I have a pragmatic question of the sponsor.

6. How were you able to get this bill through the Education

7. Committee when the...when the Chairman and at least two

8. of the other Democratic members of the committee don't even

9. remember seeing the bill there?

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Roe.

12. SENATOR BUZBEE:

13. And I see the vote...the vote was...

14. SENATOR ROE:

15. Well, it was a unanimous vote...

16. SENATOR BUZBEE:

17. ...eleven to nothing.

18. SENATOR ROE:

19. ...Senator Buzbee. I can't recall whether you

20. were there. I...I do remember Senator Berman.

21. Senator Berman.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Berman.

24. SENATOR ROE:

25. Senator Berman, I was just going to point out to

26. you, that was the day that you were over in Elections

27. Committee on the bill that passed either yesterday

28. or the day before on the put a check in the ballot

29. or the box. You recall that day? But everyone was there

30. with the exception of Senator Berman to the best of my

31. knowledge.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Buzbee.

1. SENATOR BUZBEE:

2. Well, I see the...the Synopsis says that it came
3. out of committee eleven to nothing. I'm still not sure
4. why. I think that...that Senator Berman's point is a good
5. one that these dates that we have now have been established.
6. People know what the dates are and I don't see any
7. reason to change them. I think this bill ought to be defeated.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Is there further discussion? Senator Berman.

10. SENATOR BERMAN:

11. I do recall. I don't recall that there was any testimony...
12. was any testimony taken? But I do remember the circumstances on
13. how we got your bill out by eleven to nothing. That
14. doesn't change my opinion of the bill.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Is there further discussion? Senator Roe may close.

17. SENATOR ROE:

18. Mr. President and members of the Senate. I'd
19. appreciate a favorable roll call.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Is there debate? The question is shall Senate Bill
22. 696 pass. Those in favor vote Aye. Those opposed vote
23. Nay. The voting is open. Have all voted who wish? Have
24. all voted who wish? Take the record. On that question
25. the...on that question the Ayes are 14, the Nays are
26. 34, 4 Voting Present. Senate Bill 696 having failed to
27. receive a constitutional majority is declared lost.
28. Senate Bill 697, Senator Roe. Do you wish to have the bill
29. called? Read the bill, Mr. Secretary.

30. SECRETARY:

31. Senate Bill 697.

32. (Secretary reads title of bill)

33. 3rd reading of the bill.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Roe. Could we have some order, Senators?

3. Senator Roe.

4. SENATOR ROE:

5. Mr. President and members of the Senate. Senate
6. Bill 697 is a product of approximately six years of work
7. by the Illinois State Bar Association and the Chicago
8. Bar in conjunction with...with other committees and I will
9. outline the major provisions of the bill and would be
10. willing to answer questions after that brief outline.
11. What this bill does is retain the present grounds for
12. divorce in the State of Illinois. It also provides a
13. no fault option on the following bases, by stipulation
14. of the parties after one year of separation and
15. on the...or on a finding of irreconcilable differences
16. and an irretrievable marital breakdown. It provides for
17. mandatory counseling on the request of either party
18. in a divorce action. It also provides for original
19. custody and visitation actions without the necessity
20. of filing for a divorce or a complaint for separate
21. maintenance which is presently necessary under Illinois
22. law to maintain such a custody visitation or support
23. proceeding. I would be prepared to answer questions,
24. Mr. President.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Rock.

27. SENATOR ROCK:

28. Thank you, Mr. President, Ladies and Gentlemen of the
29. Senate. This is, as Senator Roe indicated, a rather lengthy
30. proposal. It is some forty pages in length. It makes some
31. substantial changes, I think, some of which are not bad
32. but I rise in opposition to Senate Bill 697. It does, in fact,
33. contain within its provisions the no fault divorce concept,

1. one to which I stand opposed, whether in Senator Knuppel's
2. provision which we defeated last week, or couched in...in
3. this lengthy proposal. I think that we, as a matter of
4. policy in the State of Illinois, should recognize the
5. marital contract and should not be so ready to abrogate
6. that contract on the stipulation of the parties. I think
7. the proposal is a bad one and deserves defeat and
8. I stand in opposition to Senate Bill 697.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Daley.

11. SENATOR DALEY:

12. Mr. President and fellow Senators. I think this bill
13. represents a complete change in the divorce laws of Illinois.
14. It completely liberalizes and allows the concept of no-
15. fault divorce. It will encourage, I believe, younger people
16. to follow a so-called trend of divorce in Illinois
17. and I'd hope that this bill is defeated.

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27. End of reel.
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1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Sommer.

3. SENATOR SOMMER:

4. Mr. President, I speak as one who from time to time
5. handles divorce cases, and let's talk about the real world
6. and what occurs in...in a great...great bulk of them. Most
7. of them are preceded by a waiver where the defending party
8. does not appear in court. At that point in time, then the
9. prosecuting party comes into the court and makes certain
10. representations which may or may not be true, because they
11. are never...they are never answered because the waiver has
12. been issued and no one is there to answer them, and the divorce
13. is granted. As a practical matter in this State, we have
14. no-fault divorce right now in a backwards and sometimes
15. perjured system. What this does is it builds safeguards into
16. the family relationship. It provides for opportunities for
17. counseling which...which do not exist under the current law.
18. It provides for people a waiting period for people to ...
19. to cool off, to think about it a little bit, which does not
20. exist under the current law. Today in this State, you can
21. file for the divorce and get it the same day, pursuant if
22. you have all of these waivers and you can get a judge to
23. hear it. You could not do this under the provisions of this
24. bill. This is an excellent bill from the standpoint of
25. people who are involved in the problem, and if people say
26. and wish to say that they have a problem with the concept of
27. no-fault, they're simply using the words no-fault with no
28. meaning because that's what we have today, and I...I think
29. this is one of the finest bills that's come into this
30. General Assembly and simply does deserve support.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Washington.

33. SENATOR WASHINGTON:

1. Mr. President and members of the Senate, not only did
2. the Illinois Bar spend six years of assiduously and carefully
3. working out this controversially admitted bill, but I would
4. remind you that it was originally sponsored by Senator
5. Sangmeister, one of our colleagues who's been ill for some
6. time, and as a subcommittee Chairman of the House Judiciary
7. Committee last year, he spent approximately eight months
8. studying this bill very carefully and refined it to the
9. level in which it's now presented to you. I totally agree
10. with Senator Sommer on this. This is one of the finer
11. ...one of the finest pieces legislation I've seen in my
12. twelve, thirteen years in the Legislature. It faces up to
13. some very practical situations. We do have in effect no-
14. fault in this State, and this bill simply gives us some
15. guidelines and some definite specific public policy rather than
16. having to sneak through the doors so to speak through the
17. interstices of legal quagmires and so forth and so on. I
18. think it's an excellent bill. Not only is it no-fault concept,
19. but it retains the...the fault concept of divorce law. It
20. is not as a revolutionary as some of the opponents would try
21. to make it. It brings in a very innovative concept and that's
22. the homemaker's concept, something which I'm certain that the
23. ...the Ladies in this General Assembly will gravitate too.
24. It's a very forward thinking bill, it's an innovative bill, it's
25. a bill which comports with the realities of modern divorce
26. law, and to turn your backs on it simply because of the label
27. it's gotten from the press, I think would be a great mistake.
28. I think Senator Roe is to be commended for pressing forward
29. with what appears to me to be one of the finest piece of
30. legislations I've seen here in twelve years. I support this
31. bill.

32. PRESIDING OFFICER: (SENATOR BRUCE).

33. Senator Knuppel.

1. SENATOR KNUPPEL:

2. Well, this is just another example of pussyfooting
3. around the question of no-fault. Let's just lay it out there.
4. We've got laws with respect to divorce. Let's make no-fault...
5. irretrievable marriage a grounds for divorce. Now, that's fine,
6. that's what we got, accept in one case when we get a contested
7. divorce, and then we do have fault, then we got the defense
8. of recrimination and then you got two people both of who admit
9. guilty, who won't live together but who go out of court without
10. a divorce. You know, all these things and...and all the
11. gutless stepping around and saying you're afraid of no-fault
12. divorce when you know it's happening, you know that all...
13. a simple irretrievable marriage situation would do is to...
14. is to provide another grounds for divorce the same as...as
15. mental cruelty. We're a bunch of legislative cowards and
16. pussyfooters. We set up counseling and a lot of other of
17. jazz. Counseling doesn't mean anything. When you get done,
18. these people have to go to somebody else, they can't work it
19. out with the spouse. They got to go to psychiatrists, they
20. got to get outside of the marriage to do it. We're just playing
21. games by writing long legislation and pretending. When we get
22. done with it ten years from now, we're going to be right where
23. that bill on Postponed Consideration is. No-fault divorce
24. will be a grounds and we'll handle it the same way we're
25. handling mental cruelty or adultery or impotency or any one of
26. the other eight grounds.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Berman. Senator Berman. Senator Newhouse.

29. SENATOR NEWHOUSE:

30. I won't be long, Mr. President and members of the Legislature,
31. but I have a telegram here in my hand from one of my constituents
32. who is a professional in my area, and let me just read a part
33. of it. "After ten years of separation and tewnty-five thousand

1. dollars in attorney's fees, Judge blank, who shall remain
2. nameless, a few months ago nullified my divorce in a most
3. unhuman decision. Please support an honest no-fault bill to
4. prevent mental suffering and financial ruin as happened in
5. my case. Sincerely" signed by a doctor from my area. Just
6. want to share that with you.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Is there further discussion? Senator Netsch.

9. SENATOR NETSCH:

10. Thank you, Mr. President. Just a brief comment. I
11. think we should be realistic and understand that passing this
12. law, if indeed it passes, will neither increase nor the
13. decrease the incidents of divorce. Those things which lead to
14. divorces are there already, and the fact that there is a
15. law on the Statute Books is not going to change that one
16. way or the other, but what the law will do is to say that
17. where a marriage has affectively already dissolved that dissolu-
18. tion can come about with some degree of dignity without further
19. tearing asunder the...the two adults involved and in most
20. cases the children also involved. I think it is a recognition
21. of reality. It is not an acceptance of the unfortunate fact
22. that marriages dissolve. It is simply an attempt to allow
23. that where it has already happened to proceed without recrimina-
24. tion and with some sense of dignity. I think it is an important
25. step and one that Illinois should adopt.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Is there further discussion? Senator Roe may close.

28. SENATOR ROE:

29. Mr. President and members of the Senate, the speakers on
30. behalf of the bill have stated all of the...the arguments in
31. favor of it. This is a realistic approach to what's going on.
32. It's going to make a better system for everybody who's in-
33. volved in it. It's going to end the various frauds on the

1. court for the most part that exist in our current divorce
2. law, and I'll very much appreciate a favorable roll call.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. The question is, shall Senate Bill 697 pass. Those
5. in favor vote Aye. Those opposed vote Nay. The voting is
6. open. Have all voted who wish? Have all voted who wish?
7. Take the record. On that question, the Ayes are 32, the
8. Nays are 18, 1 Voting Present. Senate Bill 697 having
9. received a constitutional majority is declared passed.
10. Senate Bill 703, Senator Roe. Do you wish the bill read,
11. Senator Roe? Read the bill, Mr. Secretary.

12. SECRETARY:

13. Senate Bill 703

14. (Secretary reads title of bill)

15. 3rd reading of the bill.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Roe.

18. SENATOR ROE:

19. Mr. President and members of the Senate, this bill does
20. just what the synopsis indicates. It will allow the Depart-
21. ment of Transportation to enter into leases up to twenty
22. years. I'll be willing to answer any questions. Would
23. appreciate a favorable roll call.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Is there discussion? Senator Daley.

26. SENATOR DALEY:

27. As I understand, the bill will allow DOT to enter into a
28. twenty year lease. Will it be like the lease of 806 S. Michigan
29. that presently we're investigation? Or 910?

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Roe.

32. SENATOR ROE:

33. Well, Senator Daley, I...I'm not specifically familiar

1. with the leases that you...that you're referring to, but
2. it would extend their present authority from a five year
3. period to a twenty year period so that they would have an
4. opportunity to gain some lessees that they presently don't
5. have the ability to gain because of the short-term lease.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Daley.

8. SENATOR DALEY:

9. Presently, I know Senator Regner and myself and Senator
10. Savickas have an interest in...in the Schaumburg leases as
11. well as 910 S. Michigan Avenue, whereby the governor, the former
12. governor entered into in a contract...whereby first of all, the files
13. are missing in Schaumburg and 910 S. Michigan buildings. No
14. one can find the files. There's presently a Federal grand
15. jury investigating the lease, and I think this would really
16. hurt anyone who would be head of DOT and...and in allowing
17. a lease to go for twenty years or more.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Chew.

20. SENATOR CHEW:

21. Yeah, Mr. President, former State's Attorney, Brother Roe,
22. said he was not familiar with the leases at 910 S. Michigan.
23. I suppose down in his neck of the woods they never get any up
24. to date newspapers or radios or television, or maybe they just
25. don't have an interest in government. But the...but the lease
26. at 910 S. Michigan was an obvious attempt to pacify some of
27. the special interest landlords. After the building was offered
28. to the State for approximately 1.6 million dollars in which
29. the Governor failed to understand the logic in purchasing it
30. and renovating it for a permanent quarters that we would own.
31. It was, subsequently, sold to a speculator with the understanding
32. that the State of Illinois would lease it, and in a four year
33. period, we would have spent more money on this lease than we

1. would have spent in purchasing it and renovating it, so it
2. was a bad deal all around, but it has been alleged that it
3. was a political deal as to why the Federal Government is
4. investigating it. There was also a situation where the
5. Department of Transportation was desirous of moving out of
6. Chicago where the inner-city employees would have to travel
7. a long distance to get to their jobs. In other words, it was
8. a situation that the inner-city employees would, in fact,
9. be fired because traveling that distance and not having
10. sufficient housing would, in fact, give the suburban areas
11. that the Governor had discovered was more amenable to his
12. kind of shenanigan ...this is Governor Walker I'm talking
13. about...or in moving the Department of Transportation, so
14. for you to give them an extension on those kind of leases
15. would always be opposed over here because first of all, it isn't
16. right, and secondly, it's waste of money.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Hynes.

19. SENATOR HYNES:

20. Mr. President and members of the Senate, I rise in
21. opposition to this bill. It seems to me that to make a
22. sweeping change such as this from five years to twenty years
23. without any overriding justification for it, is not called
24. for at this point. If the Department could demonstrate that
25. it has been handicapped severely in making the best economic
26. use of property because of the present limitation, that would
27. be one thing. I don't think such a demonstration has been made, and
28. I do not see any reason to extend the period from five years to
29. twenty years without such justification.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Rock. Senator Regner.

32. SENATOR REGNER:

33. Question of the sponsor.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Indicates that he will yield. Senator Regner.

3. SENATOR REGNER:

4. Senator Roe, is this changing it...is this...or does
5. it refer to the State or Department of Transportation acting
6. as the lessee or the lessor?

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Roe.

9. SENATOR ROE:

10. DOT is the lessor, Senator Regner.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Regner.

13. SENATOR REGNER:

14. The...the problem that Senator Daley mentioned before
15. that I'm quite interested in is where the Department of
16. Transportation and BS was...acting as the lessee of the
17. properties at 910 S. Michigan and also in Schaumburg and
18. that's where the questions are...arises to the legality
19. of the contracts and why they got the claim they did from
20. the State. Senator Roe, perhaps you could discuss some of
21. the types of...of property that the DOT wants to act as lessor
22. on so that some of the questions might be cleared up that were
23. raised earlier.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Roe.

26. SENATOR ROE:

27. It's my understanding that DOT is...the...the properties
28. that they are, basically, interested in leasing are downstate
29. as opposed to Cook County properties and they are properties
30. that...that consist of a few acres and have, in fact, been
31. under lease for the most part to private industry and nothing
32. was indicated to me in committee or in my conversations with
33. DOT which indicates anything other than...than what I am

1. representing to you. I would...I would hope that the members
2. of the Senate would realize that if a lease, in fact, is to
3. be abused, it really doesn't make any difference whether it's
4. six months, a year, five years or twenty years. If it's going
5. to be abused, it's going to be abused. I think this is a
6. reasonable request on their part to better get a return
7. from many of the properties that they do, in fact, hold title
8. to, and I would...they have to report every year on these
9. leases, Mr. President and members of the Senate, and the
10. appropriations have to be made, and I...I think there's
11. enough check on this. The...the current check...the current
12. check that exists under our five year leases will continue
13. to be in effect if this bill is passed.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Regner. Senator Carroll.

16. SENATOR CARROLL:

17. Thank you, Mr. President and members of the Senate,
18. specifically, Senator Roe. I also arise to oppose this. I
19. don't think we should be in the business of leasing property.
20. When you're talking twenty year leases, you're talking long,
21. long, long term leases. Now, if DOT does not need this
22. property, it should be declared a surplus and sold. If we're
23. going to be buying property which is, basically, how DOT gets
24. it and then going into the business of entering into twenty
25. year leases, we're taking on a new function from private
26. enterprise and becoming competitive with private enterprise
27. as a public body. Either we need the land for DOT purposes or
28. we don't. If it's surplus, in twenty years, it would mean to
29. me that they have no current intention of using it for DOT
30. purposes. Let's sell it as surplus. If we need it, let's keep
31. it for our own use. I can see trying to make some money off it
32. while we're getting ready...you know, while we're garnering
33. parcels for DOT purposes, and let's get some money out it

1. until it's all ready. Twenty years is a little bit too long
2. to wait and I think this is the wrong way to go. I don't
3. think we should be in that business.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Is there further discussion? Senator Roe may close.

6. SENATOR ROE:

7. Senator Carroll certainly is...isn't quite properly
8. enunciating the policy argument against what we are considering
9. here and that argument would be valid as far as all the
10. departments are concerned in the State of Illinois that own
11. land, of which there are many. I would only point out that
12. many of the parcels involved here are small parcels located
13. in areas where, for one reason or another, DOT does not want
14. because of the safety factor involved some things built there,
15. and I would further request that the Senate give a favorable
16. roll call to this bill. Thank you, Mr. President.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. The question is, shall Senate Bill 703 pass. Those in
19. favor vote Aye. Those opposed vote Nay. The voting is open.
20. Have all voted who wish? Have all voted who wish? Take the
21. record. On that question, the Ayes are 19, the Nays are 31,
22. 3 Voting Present. Senate Bill 703 having failed to receive
23. a constitutional majority is declared lost. Senator Sommer.
24. on...Senate Bill 708. Read the bill, Mr. Secretary. For what
25. purpose does Senator Philip arise?

26. SENATOR PHILIP:

27. Thank you, Mr. President. I'd like to have leave to...on
28. Senate Bill 603 to put Senator Carroll as the second hyphenated
29. sponsor and I'd also like leave on Senate Bill 1317 to put
30. Senator Bruce on as the second hyphenated sponsor.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Is there leave? Leave is granted. Senate Bill 708, Mr.
33. Secretary.

1. SECRETARY:

2. Senate Bill 708

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Sommer.

7. SENATOR SOMMER:

8. Mr. President and members, in the State of Illinois
9. there are about ten municipalities that maintain their own
10. natural gas plants and...and have leases on pipelines. All of
11. these communities pay a five percent utility tax to the
12. State of Illinois. All of the communities maintaining these
13. gas plants and pipelines are current on their payments. In
14. other words, they have paid their five percent on the amount
15. sold. There's been some dispute with the Department of
16. Revenue as to the form of the bill that it is sent to the
17. customers of the...these municipally owned gas plants, and
18. what this bill does is simply validates the previous forms of
19. the bill that were...that were sent out, and the Department of
20. Revenue has no objection to this bill.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Is there debate? Senator Wooten.

23. SENATOR WOOTEN:

24. Senator, is it simply a question of form? I noticed the
25. summary in the Calendar, says it prohibit from the Department
26. taking action against a municipally owned utility that fails
27. to deduct from its taxes other taxes for which it is reimbursed
28. by the customer. That's more than a question of validating a
29. form, isn't it?

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Sommer.

32. SENATOR SOMMER:

33. Well, it would...it would...it would, in fact, validate

1. the form. I would say that they can no action against them.
2. And here's the situation - let's say you have the City of
3. DeKalb, which is not in my district, but does have this problem.
4. What occurs is if they sell a hundred dollars of gas to a user
5. and they...you have a five percent tax on that, that's a hundred
6. and five dollars the user must pay. The City of DeKalb sent
7. its bill to the user, saying you owe us a hundred and five dollars
8. of which five...there's a five percent utility tax built in.
9. The Department of Revenue said that you had to send a bill
10. which says a hundred dollars on one line and five dollars on
11. the other with a total of a hundred and five dollars. DeKalb
12. has remitted all of the money, but the Department's regulations
13. say that...that was an improper billing. So, we do not know
14. what the result of that would be, and to forestall any...any action
15. the Department may take against them, why, we're entering this
16. bill.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Wooten.

19. SENATOR WOOTEN:

20. But is there a question of reimbursement for which it
21. is reimbursed by the customer? I...maybe I...it sounds if
22. they've collected some taxes and have not passed them on. Is
23. that not the case?

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Sommer.

26. SENATOR SOMMER:

27. No, that...that is absolutely not the case. They have
28. passed on all taxes collected, and there's no question that
29. they've passed on the taxes, five percent of the amount of
30. gas sold.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Is there further discussion? The question is, shall
33. Senate Bill 708 pass. Those in favor vote Aye. Those opposed

1. vote Nay. The voting is open. Have all voted who wish?
2. Take the record. On that question, the Ayes are 51, the
3. Nays are none, none Voting Present. Senate Bill 708 having
4. received a constitutional majority is declared passed.
5. Senate Bill 712, Senator Sommer. Senator Sommer.
6. SENATOR SOMMER:
7. Mr...Mr. President, at this time, I would move to re-
8. comit 7...Senate Bill 712 to the Committee on Industry and
9. Labor.
10. PRESIDING OFFICER: (SENATOR BRUCE)
11. You've the heard the motion to recommit. Is there
12. discussion? All in favor say Aye. All opposed Nay. The
13. Ayes have it. The bill is recommitted to committee. Senate
14. Bill 718, Senator Maragos. Read the bill, Mr. Secretary.
15. SECRETARY:
16. Senate Bill 718
17. (Secretary reads title of bill)
18. 3rd reading of the bill.
19. PRESIDING OFFICER: (SENATOR BRUCE)
20. Senator Maragos.
21. SENATOR MARAGOS:
22. Mr. President and members of the Senate...
23. PRESIDING OFFICER: (SENATOR BRUCE)
24. Senator Maragos, excuse me, one moment. For what purpose
25. does Senator Moore arise?
26. SENATOR MOORE:
27. My Calendar does not reflect a...an amendment to this
28. bill. Was there an amendment put on, Senator?
29. PRESIDING OFFICER: (SENATOR BRUCE)
30. ...No...the...the bill has not been amended. Senator
31. Maragos.
32. SENATOR MARAGOS:
33.

SB 1051
3rd reading
5-26-77

1. Senator Moore, we discussed the amendment, but we never
2. did put it on.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Moore.

5. SENATOR MOORE:

6. Could perhaps we have leave of the Body to take this from
7. the record for the time being, considering that we can bring
8. it back out of order later on?

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Is there leave? Leave is granted.

11. PRESIDENT:

12. Do we have leave to go to those bills listed on the Calendar
13. as being on a Special Order of Business? Leave is granted.

14. Senate Bills 1050 and 1051, Senator Rock. Senator Rock.

15. SENATOR ROCK:

16. Thank you, Mr. President. I would like to call 1051
17. first if you would and ask the Secretary to read it.

18. PRESIDENT:

19. Is leave granted? Leave is granted. Senate Bill 1051,
20. Senator Rock.

21. SECRETARY:

22. Senate Bill...

23. PRESIDENT:

24. Read the bill.

25. SECRETARY:

26. ...1051

27. (Secretary reads title of bill)

28. 3rd reading of the bill.

29. PRESIDENT:

30. Senator Rock.

31. SENATOR ROCK:

32. Thank you, Mr. President, Ladies and Gentlemen of the
33. Senate. Senate Bill 1051 is an amendment to the Banking Act

1. which would, for the first time since 1848, allow full service
2. facilities. I would ask at this time, Mr. President, so
3. that everybody is aware of the ground rules, so to speak.
4. I would ask of the Chair a ruling that under Article 13,
5. Section 8 of the Illinois Constitution there is a special
6. vote requirement in order to implement branch banking in
7. Illinois, and I would ask the Chair for a ruling as to the
8. number of votes required under that Constitutional provision.
9. PRESIDENT:

10. The Constitution in Article 8, Section 8 provides that
11. branch banking shall be authorized only by a three-fifths
12. vote of the members voting on the question or a majority
13. of the members elected whichever is greater. Therefore,
14. the minimum vote that will be necessary is thirty votes.
15. The maximum possible vote is thirty-six and because the
16. Constitution provides that it is three-fifths of the members
17. voting, rather than three-fifths of the members elected, the
18. number of votes required will vary depending upon the number
19. of members who cast a vote on the question. The...the vote
20. requirement will be as follows: if fifty-nine members vote on
21. the question, thirty-six votes will be required; if fifty-eight
22. members vote, thirty-five votes will be required; if fifty-seven
23. members vote, thirty-five votes will be required; if fifty-six
24. members vote, thirty-four votes will be required; if fifty-five
25. members vote, thirty-three votes will be required; if fifty-four
26. vote, thirty-three will be required; if fifty-three members vote,
27. thirty-two votes will be required; if fifty-two members vote,
28. thirty-two votes will be required; if fifty-one members vote,
29. thirty-one votes will be required; if fifty or less vote, thirty
30. votes will be required, and the Chair will rule that any member who casts
31. a vote of Present will be counted as voting. So if your vote
32. is in the affirmative, the negative, or present, you will be
33. counted as voting for purposes of the vote requirement. The

1. question with respect to the vote of Present is the...is the
2. one at issue and this Body has recognized the Present vote as
3. having...and as being an expression of a member of his position
4. on a issue, and therefore, that...a Present vote will be
5. counted as voting on the question. For what purpose does
6. Senator Maragos arise?

7. SENATOR MARAGOS:

8. I think that ruling is in...unjust to people who may
9. want to vote Present for conflict on interest positions.

10. PRESIDENT:

11. Senator...Senator, you have the opportunity to state
12. for the record that you are abstaining. If you do vote, however,
13. if you vote Present, your vote will be counted in terms of
14. the requirement of how many members have...Senator Rock.
15. Is there...any further discussion on the question of how many
16. votes will be required? Senator Rock. Senator Demuzio.

17. SENATOR DEMUZIO:

18. Mr. President, I was curious...I don't believe this was
19. same ruling that was made in 1975. Perhaps, you can explain
20. the difference to me.

21. PRESIDENT:

22. Senator Rock.

23. SENATOR ROCK:

24. Well, I...I don't think Senator Demuzio is quite accurate.
25. In 1975, I also sponsored this legislation. I've been a cosponsor
26. or a sponsor since 1971. But in 1975 the question before the
27. Body was a motion to discharge the Committee on Finance. We'd
28. never...we never got this far.

29. PRESIDENT:

30. And that would require only thirty votes. Senator Rock
31. on Senate Bill 1051. Senator Bloom.

32. SENATOR BLOOM:

33. Yeah, before we get into this, I might as well get completely

1. into the tank. I'd...I'd like to be added as a cosponsor
2. if...with leave of the sponsor to both bills.

3. PRESIDENT:

4. You've the request. as to 1051 and 1050. Is leave
5. granted to show Senator Bloom as a cosponsor and Senator
6. Wooten? Leave...Senator...Senator Guidice.

7. SENATOR GUIDICE:

8. For a point of information, Mr. President...

9. PRESIDENT:

10. Leave is granted. Senator Guidice.

11. SENATOR GUIDICE:

12. Suppose not more than thirty people vote on this
13. particular bill.

14. PRESIDENT:

15. Then it takes thirty votes. The...the minimum number
16. of votes is thirty. Senator Rock.

17. SENATOR ROCK:

18. Thank you, Mr. President, Ladies and Gentlemen of the
19. Senate. Senate Bill 1051 is, I am sure everyone knows, an
20. amendment to the Banking Act to allow for the first time in
21. Illinois full service facilities. I have in the past couple
22. of days offered and retracted from some amendments. The sub-
23. stantive provisions of the legislative proposal are contained
24. now in Amendment No. 4 which is back from the printer and I'm
25. sure every member has a copy or has seen a copy. Additionally,
26. yesterday, I provided to each of the members a synopsis of
27. Amendment No. 4 with its substantive provisions and other
28. related material concerning the facts around this question.
29. In my judgment, Illinois needs branch banking. We have to give
30. our financial institutions the opportunity, one, to follow their
31. depositors and two, to serve those areas that have, heretofore,
32. been unserved in our State. We are in a competitive or bad
33. competitive position with the Federal...Federally chartered

1. savings and loans associations. They have, in fact, as in-
2. dicated in the material passed out yesterday, implemented
3. about three hundred or...or more than three hundred branches.
4. Now, the State chartered banks and the State chartered S & L's
5. are not in a position any longer to compete. It's time that the
6. Illinois banking structure was changed. Illinois needs branch
7. banking and needs it now. Also, distributed in that packet
8. was an article that was in the Chicago Tribune which recited
9. something that I have been saying since 1971. In terms of
10. ability to provide convenient low cost facilities to minority
11. areas and I happen to represent one, there is simply no
12. substitute for branch banking. Permitting branch banking and
13. multi-bank holding banks will serve the minorities best
14. interest. Senate Bill 1051 as amended with Amendment No. 4
15. will provide in a very limited and circumscribed and controlled
16. way the opportunity to branch in Illinois. We have limited
17. the number of facilities that can be opened. We have cir-
18. cumscribed the geography so that the major loop banks can
19. only branch in the County of Cook. We have granted home
20. office protection to newly chartered banks and to minority
21. owned banks, all of which, all of which is subject to the
22. prior approval of the Banking Commissioner of this State
23. according to standards specified in Amendment No. 4. I think
24. everybody is well...well aware of the absolute necessity in
25. the State of Illinois for this opportunity for our financial
26. institutions. We rank forty-eighth among the states in the
27. number of bank offices per person. There are more than fifteen
28. hundred municipalities in Illinois that have no bank at all.
29. It's time for Illinois to get into the 20th Century and to
30. serve the eleven plus million people of Illinois in a way that ,
31. heretofore, has been denied them. Mr. President, I seek a
32. favorable roll call.
33. PRESIDENT:

1. Senator Buzbee.

2. SENATOR BUZBEE:

3. Thank you, Mr. President. Mr. President, I like many of
4. my colleagues here today, find myself between the proverbial
5. rock and the hard spot, if you will. We...those of us who
6. don't know much about banking or banking laws or claim no
7. expertise in the area of...of financial institutions have been
8. observing for a number of years this fight about branch
9. banking, and I quite honestly am confused, have continued to
10. be confused, and I...I think the only way out for me today
11. is to do like the one politician that I heard that said, some
12. of my friends are for this, some of my friends are against it,
13. and I always stick with my friends.

14. PRESIDENT:

15. Senator Demuzio.

16. SENATOR DEMUZIO:

17. Well, thank you, Mr. President and members of the Senate.
18. I, too, am confused in reference to this bill. We have had so
19. many amendments that have been added to this bill and so many
20. of those amendments that have tried to take care of all of the
21. individuals and take care of all of the problems to secure enough
22. votes for passage. As a matter-of-fact, my recollection has it
23. that on May the 12th, the Senate was asked to approve an amend-
24. ment to this bill which supposedly made it a lot more...palatable
25. to the...the urban areas. Let me just say this, in 1975 when this
26. bill was in committee, I did a survey and yesterday we had all
27. the information furnished to us by a...a group which I can't
28. even remember who did surveys in our districts among consumers.
29. With that question, it is a consumer issue. In my district in
30. 1975, I did a survey of the banking industry to do...to
31. determine what their needs were and what their concerns were.
32. Seventy percent of the questionnaires that were sent out were
33. received...returned...seventy percent. And of that seventy

1. percent, seventy-five percent of the banks in my districts,
2. not all, were opposed to branching under any circumstance.
3. I'll summarize by saying simply this, I remember when my wife
4. and I got married in 1962, I banked in a little bank in
5. Shipman, Illinois, and we had a baby. At that time, I needed
6. to buy a refrigerator, and that's right, I wasn't fortunate
7. enough to have enough money to buy a refrigerator and I called
8. down to the little old banker and I said, Mr. Kelsey, my
9. wife and I are going to the auction today and we'd like to
10. buy a refrigerator and we certainly do not have the money to
11. pay for it. It was on a Saturday. And so, he said...well,
12. he said, I know who you are, I trust you, you've banked here,
13. just go ahead and buy the refrigerator and then come on down
14. Monday and sign the note. Well, we did that. We went and...
15. we bought the refrigerator and we went down on Monday and signed
16. the note, and we made the payments on that refrigerator which
17. we still have today, and if I had to buy another one, I'd
18. probably have to do the same thing tomorrow or the same
19. circumstances, but I don't think you can get that kind of
20. service if you have branch banking in Illinois. I don't think you
21. can get that kind of service in the neighborhoods in Chicago
22. and in Cook County. I don't think that the farming community
23. in Illinois can get that kind of personal service, the agricultural
24. community and the small businessman...

25. PRESIDENT:

26. Senator, would you conclude your remarks.

27. SENATOR DEMUZIO:

28. ...I don't see the clock on.

29. PRESIDENT:

30. It's already run out.

31. SENATOR DEMUZIO:

32. So, let me just conclude by saying, I think this is
33. bad legislation. It's had four amendments in the last two

1. weeks. Many of us do not even know what is in the total
2. package at this moment, and I am opposed to this bill, and
3. I urge my colleagues to look very closely and examine what
4. this bill really does at this...at this point, and I hope
5. somebody can...can explain it to me.

6. PRESIDENT:

7. Senator Glass.

8. SENATOR GLASS:

9. Thank you, Mr. President, Ladies and Gentlemen. I
10. rise to support this legislation and I would like to briefly
11. point out a few reasons. To me the question of branch bank-
12. ing has always been primarily a fight among bankers. I think
13. no one has more interest in these bills than the bankers them-
14. selves. We have to recognize that from the outset and it is,
15. therefore, incumbent upon us as I see it, to decide which pro-
16. gram is most in the interest of the citizen, how will the
17. public best benefit from the system of banking that we have.
18. First of all, it...it occurs to me that they do not derive
19. great benefits from the independent banks and that branch
20. banking does, in fact, have many amenities and can provide
21. many services to people within the communities of our State
22. that are not now provided. I would also commend Senator Rock
23. in his efforts to lean over backwards to provide safeguards for
24. existing independent banks and...and would emphasize a pro-
25. vision in the bill that prohibits Chicago banks from going
26. outside Cook County in their branching. So, I think it is
27. good legislation and that there are adequate safeguards built
28. into it. I...I certainly favor the bills and I would also
29. point out one other factor, that in the spirit of competition
30. that our country thrives on, the savings and loans have already
31. received branching privileges. They are branching and in many
32. areas, they are in direct competition with banks. This isn't
33. right. The banks ought to be put on an equal footing and I would

1. urge an Aye vote.

2. PRESIDENT:

3. We have a request for leave to film the proceedings.

4. Is leave granted? Leave is granted. Senator Guidice.

5. SENATOR GUIDICE:

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

7. have heard a proponent. We heard an opponent. I move the

8. previous question.

9. PRESIDENT:

10. Well, Senator, we have several others on the list. We'll

11. ...if you would hold that motion until those that have requested

12. it...permission to speak, then we'll get back to your motion.

13. Senator Carroll.

14. SENATOR CARROLL:

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

16. I rise to oppose this legislation. I rise to oppose it for

17. a few specific reasons and questions that have never been

18. answered. I have had the fortune of serving on this type of

19. committee since I...first came to the Legislature in the

20. House of Representatives, and each and every Session, this

21. type of legislation has been proposed, and while I initially

22. supported branch banking is what I felt to be in the best

23. interest of the consumer. We came upon the mid 1970's, 1973

24. and 1974, and I was convinced, strongly convinced, that branch

25. banking is in the worst interests of the neighborhoods and

26. communities of the State of Illinois. And I say that because

27. of the money crunch we saw in 1974, and I say that because of

28. the experiences in those states that have branch banking and

29. the small business and the medium sized business and the

30. community interests in those particular states. We saw in

31. California where monies were taken from communities that had

32. always had ample banking service. Local businesses employing

33. local people, doing business in their normal way who had normal

1. monetary needs and were well within those means, who went to
2. their neighborhood bank and were told no money ia available
3. not because of your credit, not because of your financial
4. condition, but because somebody higher up has said this
5. community will be money poor for the next ninety days or
6. a hundred and eighty days or six months, and that we are
7. transferring those monies to other areas of the State where
8. we, the big folks, feel that money is ably and amply needed.
9. And I saw several businesses around this country that I was
10. familiar with close their doors, not because they were not
11. financially stable at the time, but because their financing
12. needs could not be met by their branch that could have been
13. met by a strong and viable local bank. We saw this there and I'd
14. be afraid to see this here. I live in a community that is
15. made up of very strong and viable neighborhoods. I live in
16. a community that is served by numerable financial institutions
17. now whose sole interest is keeping those as thriving and
18. prosperous neighborhoods. I live in a community that I think
19. would be adversely affected by someone outside that community
20. deciding whether or not those businesses would be able to stay
21. afloat because of financing needs. Additionally, we saw one
22. other very simple thing. The Federal Government decided savings
23. and loans would be allowed to branch. And while they told
24. us they would go into these types of communities that were
25. financial institution poor and provide services, we, in fact,
26. saw the opposite. We saw that, given the opportunity they
27. decided to close their facilities in the inner-city and move
28. to the suburbs and therefore, we had a decrease in the
29. financial services available to those who need them most.
30. I see my time is up. I will close my remarks now by saying,
31. those who believe in strong neighborhoods, strong cities,
32. strong communities have to support the type of financial
33. institution whose only concern is in that locality, and I

1. would the defeat of the legislation.

2. PRESIDENT:

3. We have on the list remaining, Senator Newhouse, Senator
4. Washington, Senator Grotberg, Senator Smith, Senator Collins,
5. Senator Chew, Senator Soper, Senator Ozinga and Senator Berman,
6. and the motion of...to...for the previous question has been
7. deferred. The Chair and I'm sure your colleagues would
8. appreciate it if any of those that are on the list could reduce
9. their comments to writing and distribute a memorandum and help
10. us accelerate the proceeding. The next...the next speaker is
11. Senator Newhouse.

12. SENATOR NEWHOUSE:

13. Mr. President, how many speakers did you say you have?

14. PRESIDENT:

15. About nine more, Senator.

16. SENATOR NEWHOUSE:

17. Mr. President, this is a most important bill. Would you
18. scratch me for a moment please, and with...give me the privilege
19. of it. I think someone else is going to say what I'm going
20. to say. If so, that I'd like to be...

21. PRESIDENT:

22. All right. Senator Grotberg.

23. SENATOR GROTBORG:

24. Mr...Mr. President and members of the Senate, my...my
25. remarks will be brief, but for the five years I've been in
26. this General Assembly we have been placing political careers
27. at stake on a issue that can't seem to be resolved by the
28. people that I respect very highly in this world, bankers.
29. I have the highest respect for the big banks and many of them
30. are my friends. I have the high respect for the small banks
31. because that's where I borrow my money. In the 38th Legislative
32. District I have forty-six banks, eighty-five percent of whom
33. said they are opposed to branch banking. However, I live in

1. the City of St. Charles, Geneva and Wayne, Illinois, my next
2. door neighbors. The power structure of the big banks also
3. happen to live in that community and are, of course, for this
4. bill. For the record, I would like to state that the eighty-five
5. percent of the small banks that responded to my questionnaire
6. last week will have to have their day in court. I have yet
7. to get one letter from a constituent as to whether branching
8. or no branching is good or bad. I have been questioned by
9. the Chicago friends that I have that...wondering why I polled
10. bankers on this subject. I polled bankers because I don't
11. think the people in my district give a damn one way or the
12. other. We've got plenty of banks in every town in my district
13. and we're overbanked in some already. So, that my No vote
14. will be because of the constituents that I have polled in the
15. banking industry and I regret and I...in many ways I sympathize
16. with Senator Rock and his bill, and I hope that it...that...
17. that...that my vote will be recorded based on the feelings
18. of the bankers in my district and not all of my constituents
19. that have a vested interest. Thank you.

20. PRESIDENT:

21. Senator Smith.

22. SENATOR SMITH:

23. Mr. President and Ladies and Gentlemen of the Senate, I
24. do not rise for the...rise for the purpose of making a speech.
25. When I was much younger, I did like trying to speak, but I
26. read once where a great writer stated...I made a comparison
27. as between the sea and the wind. The sea said he is usually
28. smooth and calm until disturbed by the wind. And in the
29. truth of that analogy lies my own immediate petal. As you
30. know, I sit here from day to day and I listen to arguments that
31. any reasonable person could tear to pieces in five or ten
32. minutes. I'm not going to do that. Senator Wooten said that
33. he knows but little about banking and I know less, but in life

1. I have trained myself when in doubt to go to someone who has
2. succeeded in that particular line of endeavor. Now, Senator
3. Demuzio stated that there's so many amendments to this bill until he
4. doesn't know what it contains, and in light of that, I'm going
5. to ask the sponsor one question, and then I will sit down.
6. Senator Rock...

7. PRESIDENT:

8. He indicates he will yield.

9. SENATOR SMITH:

10. ...am I right in understanding...am I right, Senator,
11. in understanding that the only amendment to this bill is
12. Amendment No. 4?

13. PRESIDENT:

14. Senator Rock.

15. SENATOR ROCK:

16. You are as usual, Senator Smith, quite correct.

17. PRESIDENT:

18. Senator Chew.

19. SENATOR CHEW:

20. Senator...President Hynes and fellow workers, I suppose
21. I have taken a great interest in the pros and cons of branch
22. banking in Illinois. I have heard from big banks, medium
23. size and small operations. I suppose every important issue
24. in our society has those that are for and those that are
25. against. I have been in constant contact with the sponsor of
26. these measures since the origin of thought. I have been one
27. or two ways on various amendments. I might add that I've gotten
28. complete cooperation from the sponsor on amendments that were
29. offensive to me. I've been shown the advantages and the dis-
30. advantages of branch banking depending on what side was showing
31. it. We know Illinois is going to become a State of branch
32. banking. The question is, when. The when can be now or next
33. year or in subsequent years. The question is, what do the

1. people of the State of Illinois want, the consumers. I
2. think consumers are concerned about the conveniences that
3. any industry offers. If there were one next door to my home,
4. naturally they would get my support, because it would
5. eliminate a long drive to my quote now neighborhood bank.
6. If one offered to give me more money in a loan, I would have
7. more warm feeling or a better feeling toward them because
8. they were going, maybe, beyond the call of duty, but that isn't
9. important. The important thing is for every important issue
10. that comes on this Floor, it's democratic to have those that
11. are for and those that are against. I think at this point
12. I want to congratulate Phil Rock for being amenable to any-
13. thing that was good toward this bill and to listen to all
14. sides and to conclude that this bill is for the benefit, not
15. bankers, but consumers, those of us that must use these in-
16. stitutions to expedite the long drawn out ills, maybe of
17. currency exchanges...

18. PRESIDENT:

19. Senator, would you conclude your remarks, please.

20. SENATOR CHEW:

21. I only talked about half a minute, Sir.

22. PRESIDENT:

23. On your watch, perhaps, Senator, but your time has
24. expired. If you would conclude.

25. SENATOR CHEW:

26. You know what I told you about that other President this
27. morning.

28. PRESIDENT:

29. Senator Chew has...have you finished, Senator Chew.

30. SENATOR CHEW:

31. And in conclusion, I think the time has come for those
32. of us that want to help the consumer to really do something
33. about it. I think it's an opportunity here to let each tub

1. sit on its own bottom. If the small bank who thinks or who
2. has alleged that they'll be eaten up by larger banks, I think
3. if you've done your job, you have no fear, but if you've done
4. a sloppy job because you didn't have competition, the word now
5. is straighten up and fly right, get your house in order or
6. get out of the business, so I'm going to support it.

7. PRESIDENT:

8. Senator Washington.

9. SENATOR WASHINGTON:

10. In my heart, I never disagree with you, Senator Chew,
11. but in light of the remarks by Senator Demuzio and Senator
12. Carroll and the anticipated remarks of Senator Newhouse,
13. I will be brief. I disagree with the previous speaker in
14. reference to time. I don't think the time is now.
15. I think some things have to be proved before the time comes.
16. I think the big banks in the City of Chicago have been recalcitrant
17. and negligent and almost criminally conspiratorial in denying my
18. community and other communities, like Senator Chew's, of the
19. right to have the benefits of their mortgage policy. And one
20. of the main reasons that the inner city has dried up and it is
21. drying up, and one of the main reasons that the buildings are
22. falling down and decaying and not being rehabed is because
23. there has been policy on the part of the large banks to use
24. our community as merely a collection agency and to syphon
25. those funds into more affluent communities so they can burgeon
26. and look decent. Experiences in branch banking in all
27. of the other cities and Senator Carroll pointed out very
28. clearly, have been simply that branch banks have used inner
29. city and the poorer communities as collection agencies to take those
30. funds and reinvest them somewhere. I submit to you, Senator
31. Chew, that the time might come when we can trust these monoliths
32. to do a public service job and incidentally, make money, but
33. the time hasn't come. I've been opposed to branch banking ever

1. since I've been here for twelve years for the same reason
2. I've given. I see nothing on the horizon that would make me
3. change in terms of their changing policies, and until they
4. do, I cannot simply support branch banking. I maintain it
5. will be detrimental to my community and that the funds that
6. they put into these banks will be syphened off to other
7. communities at an accelerated rate. I am vigorously opposed
8. to branch banking and I will vote No.

9. PRESIDENT:

10. Senator Soper.

11. SENATOR SOPER:

12. Thank you, Mr. President. You know, I don't think that
13. anything that I'll say here will change your vote, but I'll
14. say this, where I come from, we've got a lot of banks, our
15. local banks, and they all know the people that come in, and
16. if you want a loan, you go in there and if you got a good reputation
17. and most of the Bohemians have a good reputation, they don't
18. borrow very much money because of the fact that any interest
19. rate over three and half percent is too high. But I'll say
20. this, that if you think that by having branch banking that any
21. banker is going to give you some money because he has a
22. branch there, you better have some collateral. They're not
23. going to do a doggone thing for you, but take your local
24. people who've lived in the neighborhood and have financed the
25. local businesses and they're going to run them out of business.
26. Now, if you've got a First National Bank of any kind, any
27. name of Peotone or any place in the State, and then all of
28. sudden, you'll have a facility for the First National Bank
29. and in small letters below it will say of Chicago and you know...
30. it reminds me of the story where there were two...two competitors
31. in the sporting goods business and they were two doors apart.
32. Another fellow came in and he put a sporting goods store in
33. the middle and in the...on his door where you said main entrance.

1. Well, that what's going to happen for...for the small banks.
2. That's going to be the main entrance and the facility will
3. be across the street, and you won't be able to read the
4. name underneath that and the people who need a little trouble
5. fixing up their eyes will be in that place and think they'll
6. go to the local facility, so I...I don't think that we need
7. this sort of thing and I think we've got enough banks and...
8. and let's...let's keep the business with the local people.

9. PRESIDENT:

10. Senator Collins.

11. SENATOR COLLINS:

12. Mr. President and members of the Body, I, too, rise in
13. opposition to this bill for the same reasons that Senator
14. Carroll, Senator Demuzio, and Senator Washington, I think
15. so adequately have expressed. In the interest of time, I
16. would just like to say I'd urge a No vote.

17. PRESIDENT:

18. Senator Netsch. Senator Rock may...Senator Newhouse
19. had asked...

20. SENATOR NEWHOUSE:

21. Oh...thank you, Mr. President.

22. PRESIDENT:

23. ...Senator Newhouse.

24. SENATOR NEWHOUSE:

25. Mr. President, I will...I will be brief. Much of it
26. has been said, but there's some...there's some things that I
27. would like to point out. Number one, we talk about the consumer,
28. and the question is, how is branch banking going to affect
29. communities. I've been agonizing over that and we went to
30. the bankers and talked with them about this. We put some
31. amendments on, in fact. I prepared some amendments and some
32. have been prepared today which will not be offered for the...
33. in the...in the interest of time. Senator Rock was very

1. cooperative. The amendment that we put on we thought was
2. favorable toward the community strength. Well, the bank
3. people said they didn't want that one, and we had presumed,
4. of course, that they would come in with something that would
5. show us how communities would be strengthened by this bill.
6. That hasn't been done, and I've very disappointed in that.
7. Now, another issue here...not...there's another issue here,
8. not so much when but how. You know, what kind of bill is
9. going to be acceptable. It may be that branch banking
10. never will be enforced. It may be that it'll be tomorrow
11. morning, but if it isn't done in such a fashion that my
12. community will be served for it, I'll...I will simply be
13. very, very disappointed. Senator Washington was right in
14. saying that there's nothing in the history that could
15. persuade us that just on the basis of good faith, something
16. is going to happen. What has happened in the past, is that
17. we've gotten red-lining, we've gotten the absence of mortgages,
18. the absence of capital money, we've gotten deteriorating
19. neighborhoods, and somehow that's got to stop. It seemed to
20. me that this would have been the finest hour for our
21. financial institutions to have come up with some concrete
22. answers to these questions, very serious questions. I would
23. hope that somehow out of this interplay there will be that
24. opportunity for us to bring together a need and a resource.
25. At this point, I simply don't see it happening. I had committed my-
26. self to a vote on this bill, and I simply don't know where
27. I'm going to come down. I...if...if out of this conversation,
28. we begin to get some things happening in the community, I'll
29. be very delighted, if not, I won't. Thank you, Mr. President.

30.
31. (end of reel)
32.
33.

1. PRESIDENT:

2. Senator Ozinga.

3. SENATOR OZINGA:

4. Mr. President, members of the Senate. I think this
5. comes as no surprise to anyone here. However, I have
6. faced this issue now for well over twenty years here in
7. the Senate. We started...as you know, I am, personally, in-
8. terested in a bank. We started at a hundred thousand
9. dollars and now are well over two hundred and fifty
10. million. As you can see from that, I would probably
11. stand to benefit most from this bill, as an institution
12. of its size. However, I feel it incumbent upon me to
13. announce to you, my conflict, which would be beneficial
14. and therefore, shall vote Present on this issue.

15. PRESIDENT:

16. Senator Bowers.

17. SENATOR BOWERS:

18. Thank you, Mr. President and like Senator Ozinga, I'd
19. like to announce my conflict and will also be voting
20. present. Thank you.

21. PRESIDENT:

22. Senator Walsh.

23. SENATOR WALSH:

24. Mr...Mr. President. I may have a conflict in this
25. issue and desire to be recorded Present.

26. PRESIDENT:

27. Senator Maragos.

28. SENATOR MARAGOS:

29. The same conflict and the same vote.

30. PRESIDENT:

31. Senator Clewis.

32. SENATOR CLEWIS:

33. purpose...

1. PRESIDENT:

2. Senator Demuzio.

3. SENATOR DEMUZIO:

4. ...I don't have any bank stock. I'll be recorded
5. as No, Mr. President.

6. PRESIDENT:

7. Senator Knuppel.

8. SENATOR KNUPPLE:

9. Well, it seems to be the thing to do in a small town
10. to get on a bank board. I got two partners. Each one of
11. them represent a different bank, but it doesn't influence
12. me one damn bit.

13. PRESIDENT:

14. Senator Egan.

15. SENATOR EGAN:

16. Yes, thank you, Mr. President. I don't have a conflict,
17. but I'm in the market for a good used refrigerator. If
18. Senator...

19. PRESIDENT:

20. Senator Rock may close the debate. Senator Shapiro.

21. SENATOR SHAPIRO:

22. Mr. President, as of director of a small bank I do want
23. to announce that I have a conflict of interest. I would
24. benefit by the passage of this bill and I will, therefore,
25. vote Present.

26. PRESIDENT:

27. Senator Savickas.

28. SENATOR SAVICKAS:

29. I would just like to announce the possible conflict
30. of interest, but I will vote on this bill.

31. PRESIDENT:

32. Senator Kenneth Hall.

33. SENATOR KENNETH HALL:

1. ...Mr. President, Ladies and Gentlemen of the Senate.
2. I've been waiting...I've been waiting twelve years to find
3. something that I'd have a conflict of interest. I don't
4. have one now. I will be voting for branch banking.
5. PRESIDENT:
6. Senator Rock may...Senator Harber Hall.
7. SENATOR HARBER HALL:
8. I have a conflict of interest, fellow Senators,
9. because I'm a borrower from the big Chicago banks and
10. the downstate small banks.
11. PRESIDENT:
12. Senator Rock may close the debate.
13. SENATOR ROCK:
14. Thank you, Mr. President and Ladies and Gentlemen of
15. the Senate. I'm delighted to announce that I have no conflict
16. and I would also say that I...we all have, I think, a conflict
17. to this...extent. We all represent areas of this State, that
18. are, in fact, in need of expanded consumer services. I did
19. not hear, in fact, from those who have indicated they are
20. opposed to this legislation. Any really serious reason to
21. be opposed. One of the members indicated that the bill had
22. undergone some amendments and he wasn't sure what was in
23. there. One of the members talked about a money crunch
24. and the availability of money. That, in fact, is what we're
25. talking about. That there are areas in this State. There
26. are areas in the City I represent where loans and convenient
27. banking services simply are not available. This bill would
28. change that. Senator Washington indicated an apparent lack
29. of commitment to the neighborhood he represents and appar-
30. ently to the neighborhood I represent. That, in fact, is
31. the purpose of Senate Bill 1051. To provide for those areas.
32. To provide for the 28th ward and the 29th ward and Garfield,
33. East and West Garfield in Lawndale. That those people living

1. in that area will, in fact, have available to them, loans
2. for rehabilitation, convenience of service, that they will
3. not have to rely on the six hundred currency exchanges that
4. proliferate in our city. There I...there is, I suppose,
5. a lack of trust. I attempted by virtue of amendment, to
6. build in an incentive program to overcome, if you will, that
7. apparent lack of trust. And, I was prevailed upon, frankly,
8. by the minority owned banks in the city that I represent
9. and they indicated to me that such a program, either
10. permissive or mandated, would, in fact, be counter-product-
11. ive because in their judgment some of the banks would come
12. in and, just as Senator Washington indicated, use those
13. facilities to collect deposits and not reinvest in the
14. community. And those minority bankers and Senator Washing-
15. ton was present at that meeting committed themselves,
16. committed themselves, in no uncertain terms to provide
17. facilities and funds for reinvestment in those areas
18. about which we are particularly concerned. Without this
19. law the impact on Illinois banking and the people of
20. Illinois will be acute. We are talking about the crea-
21. tion of jobs, we are talking about the availability of
22. money for investment and reinvestment and rehabilitation.
23. As the article in the Chicago Tribune indicated, and I
24. speak particularly to those colleagues of mine who re-
25. present the City of Chicago to provide convenient low-
26. cost facilities to minority areas. There is simply no
27. substitute for branch banking. Mr. President and Ladies
28. and Gentlemen of the Senate, this is one of the most
29. serious policy questions that this 80th General Assembly
30. will address. I urge an Aye vote.

31. PRESIDENT:

32. The question is, shall Senate Bill 1051 pass. Those
33. in favor will vote Aye, those opposed will vote Nay. The

1. voting is open. For what purpose does Senator Berman arise?
2. SENATOR BERMAN:
3. To...to declare a possible conflict of interest, Mr.
4. President.
5. PRESIDENT:
6. Have all voted who wish? Have all voted who wish? Take
7. the record. On that question the Ayes are 21, the Nays are
8. 25, 10 Voting Present. For what purpose does Senator Bruce
9. arise?
10. SENATOR BRUCE:
11. Just to disclose, Mr. President, that I may have had a conflict
12. on that last piece of legislation.
13. PRESIDENT:
14. Senate Bill 1051 having failed to receive a constitutional
15. majority...Senator Rock.
16. SENATOR ROCK:
17. Thank you, Mr. President, I...would move to postpone
18. consideration...
19. PRESIDENT:
20. Senator Rock has moved to postpone consideration. Con-
21. sideration will be postponed. For what purpose does Senator
22. Washington arise?
23. SENATOR WASHINGTON:
24. A brief point of personal privilege, Mr. President. I
25. was extremely negligent in my remarks. I should have made it
26. clear, and I do now, that Senator Rock was very gracious,
27. very conciliatory, very helpful throughout this whole
28. negotiation, but that our differences were fundamental and
29. therefore, I could not go along with him.
30. PRESIDENT:
31. Senator Pate Philip.
32. SENATOR PATE PHILIP:
33. Thank you, Mr. President. I'd like to have leave to

1. have somebody handle some of my bills. I'm going North to
2. the Governor's fund-raiser and I've talked to some of my
3. fellow Senators. House Bill 770, Senator Regner; Senate
4. Bill 203, Senator Rock; Senate Bill 603, Senator Carroll;
5. Senate Bill 807, Senator Bowers; Senate Bill 1317, Senator
6. Bruce. I ask leave of the Body.

7. PRESIDENT:

8. Is there any objection? Leave is granted. Senator
9. Knuppel.

10. SENATOR KNUPPEL:

11. On a matter of personal privilege. I don't very often
12. compliment a Senator on this Floor for doing a hell of a
13. job, but I want to say this. I've watched Phil Rock with
14. this bill and he's taken his lumps for six years. I watch-
15. ed him with the Harness Racing Bill. He's one of the finest
16. legislators to ever grace this Body.

17. PRESIDENT:

18. Senate Bill ...Senator Rock.

19. SENATOR ROCK:

20. Thank you. I would just thank both Senators Washington
21. and Knuppel for their kind remarks and hopefully they'll
22. vote Aye next time.

23. PRESIDENT:

24. Senator Newhouse.

25. SENATOR NEWHOUSE:

26. Thank you, Mr. President. I was trying to intervene
27. on Senator Rock because I think I was equally negligent.
28. I certainly want to thank him for the kind of cooperation
29. he gave with this bill.

30. PRESIDENT:

31. Senate Bill 1050. Senator Rock. Senate Bill 23.
32. Senator Washington. For what purpose does Senator Washing-
33. ton arise?

1. SENATOR WASHINGTON:
2. Can we bypass that and go to the next in the series?
3. PRESIDENT:
4. The next bill in the series?
5. SENATOR WASHINGTON:
6. Yes, please.
7. PRESIDENT:
8. Is leave granted? Leave is granted. Senate Bill 439.
9. Read the bill.
10. SECRETARY:
11. Senate Bill 439.
12. (Secretary begins to read title of bill)
13. PRESIDENT:
14. For what purpose does Senator Daley arise?
15. SENATOR DALEY:
16. What is this special list that we have to call now?
17. A currency exchange bills or what?
18. PRESIDENT:
19. We...we have set up a special order of business earlier
20. in the week.
21. SENATOR DALEY:
22. For what? Why don't we just go through the bills...
23. the bills aren't special.
24. PRESIDENT:
25. To consider...the banking bills, the currency exchange
26. bills, the Governor's Executive Order and the State Board
27. of Elections.
28. SENATOR DALEY:
29. I think it's really ridiculous when Senators have to
30. wait their turn and make up a special list.
31. PRESIDENT:
32. Senator Washington.
33. SENATOR WASHINGTON:
34. Mr. President and members of the House...Senate.

- 51.4
1. SECRETARY:
 2. Senate Bill 439.
 3. (Secretary reads title of bill)
 4. 3rd reading of the bill.
 5. PRESIDING OFFICER (SENATOR DONNEWALD)
 6. Senator Washington.
 7. SENATOR WASHINGTON:
 8. Mr. President and members of the Senate. I hope I
 9. haven't gotten in any crossfire here. This special order
 10. was not my doing...
 11. PRESIDING OFFICER (SENATOR DONNEWALD)
 12. Just...just a minute. Senator. Will the Senators
 13. please be in their seats. Will the...Senator Buzbee and
 14. all. Will we...Senators, please be in their seats. Let's
 15. have some order. Proceed.
 16. SENATOR WASHINGTON:
 17. Senator Joyce, notwithstanding the perils. I think
 18. I'll thrust forward. If there's any branch of the law, our
 19. major problem in this State, which has been studied more
 20. carefully than the area of currency exchange, Mr. President,
 21. I don't know what it is. ...Senator Shapiro, several years
 22. ago headed up a study committee from the Senate. We've had
 23. studies from the Illinois Investigating Commission Committee.
 24. There was a thorough study in this whole entire area by the
 25. BGA and an expose' from the Chicago Sun Times, admittedly
 26. somewhat dramatic, which pointed up the ills in this entire
 27. area, which I think we, as the members of the General Assembly
 28. must address ourselves to. Senate Bill 439 is the first of
 29. a series of bills, which do address themselves to those
 30. problems based on these studies stretching over a period
 31. of years, which I have enumerated. 439 simply gives the
 32. right to currency exchanges...
 33. PRESIDING OFFICER (SENATOR DONNEWALD)

1. Just...just a moment, Senator. Would the Senators
2. please be in their seats. The Sergeant-at-Arms clear the
3. aisles. All unauthorized personnel be removed. Proceed.

4. SENATOR WASHINGTON:

5. Senate Bill 439 simply gives the right to the currency
6. exchanges to negotiate with public utilities or other businesses
7. to provide that they will be collection agents for those
8. companies. This has been prohibited by the currency ...
9. currency exchange Statute, heretofore, and only and clearly
10. designated areas can currency exchanges do that up to now.
11. Such as, for example, through the sale of license plates,
12. by agreement with the Secretary of State. It is felt that
13. the customers of currency exchanges pay an unnecessary
14. fee, simply to pay their current rates to utility compan-
15. ies and to other merchandising operations. This bill is
16. permissive. It, of course, will be overseen by the Director
17. of the Currency Exchange Department. I know of no opposit-
18. ion to it. It came out of committee unanimously and I
19. beg your indulgence on Senate Bill 439.

20. PRESIDING OFFICER (SENATOR DONNEWALD)

21. Senator Shapiro.

22. SENATOR SHAPIRO:

23. Well, Mr. President and Ladies and Gentlemen of the
24. Senate. Naturally, I am in favor of the entire series
25. of bills and I do want to speak to this one, 439. In our
26. investigation of several years ago by a Senate Committee
27. on this matter, we found that customers or people who had
28. to pay utility bills had only one place to go, and that
29. was to a currency exchange. And at that place, because
30. a law prohibited currency exchanges from entering into
31. agency agreements with utilities that they had to pay a
32. charge in order to pay their bill by the purchase of a
33. money order and then the currency exchange would remit

1. the money and the stamped receipt to the utility. I found
2. this particularly frustrating, particularly in view of the
3. fact that those of us who live in downstate do not have to
4. do this, generally speaking. There's...usually an agency
5. who has an agreement with the utility, at which our bills
6. are paid at no charge to the customer and the utility pays
7. it. This bill rectifies a situation. It is not a mandatory
8. bill. It is permissive and it is a good bill and it should
9. be passed.

10. PRESIDING OFFICER (SENATOR DONNEWALD)

11. Senator Wooten.

12. SENATOR WOOTEN:

13. Mr. President, as a person who has no experience in
14. community exchanges. I think like several other Senators down
15. here I've been in a somewhat difficult position in years past.
16. I'm grateful to the work that's been done on this series of
17. bills. It relieves me from the necessity of alternating my
18. vote year after year between the continuing argument that
19. goes on between ambulatory and stationery currency exchanges.
20. I'm glad we have this series of bills...I hope it meets
21. the need that has been a...voiced many times in this area and I'm...
22. as I say I'm certainly grateful to the sponsors for putting
23. this package together to...for the investigation. I hope we
24. are able to approve the entire package.

25. PRESIDING OFFICER (SENATOR DONNEWALD)

26. Senator Netsch.

27. SENATOR NETSCH:

28. Thank you, Mr. President. I understand and hope and
29. anticipate that there will not be an enormous amount of
30. controversy about the package of bills changing the regulatory
31. scheme of the currency exchange business this Session. That,
32. as many of you know, has not been the pattern in the past. I'm
33. not interested in opening up old wounds or calling attention to

1. some unpleasantries of the past, but I think that this much
2. can be said. ...I have...don't think I have ever seen a
3. regulatory, an alleged regulatory scheme in any set of
4. State Statutes that has given such a protected position
5. to one industry as the existing currency exchange law
6. has to the currency exchange industry. That is unfortunate
7. and it is an abuse of governmental power, quite apart from
8. any unpleasantness that may have happened over a period of
9. some twenty-five years with respect to that industry. There
10. is no industry, no business that ought to have an absolute
11. monopolized cushion without the...accompanying responsibility
12. imposed on it by the regulatory scheme, such as this industry
13. has had. This series of bills, it seems to me begins to
14. make some modification of that protected position. They
15. are relatively modest bills, but they are very important
16. bills in that respect and I think it is a good thing that
17. we have begin...that we have begun to come to the end of
18. this unhappy era.

19. PRESIDING OFFICER (SENATOR DONNEWALD)

20. Is there further discussion? Senator Washington may
21. close the debate or take a roll call.

22. SENATOR WASHINGTON:

23. Roll call, please.

24. PRESIDING OFFICER (SENATOR DONNEWALD)

25. Question is, shall Senate Bill 439 pass. Those in
26. favor vote Aye, those opposed Nay. The voting is open.
27. Have all those voted who wish? Have all those voted who
28. wish? Take the record. On that question, the Ayes are
29. 54, the Nays are none. Senate Bill 439, having received
30. the constitutional majority is declared passed. Senate
31. Bill 440. Read the bill, Mr. Secretary.

32. SECRETARY:

33. Senate Bill 440.

1. (Secretary reads title of bill)

2. 3rd reading of the bill.

3. PRESIDING OFFICER (SENATOR DONNEWALD)

4. Senator Washington.

5. SENATOR WASHINGTON:

6. Mr. President and members of the House...Senate. One
7. of the most disturbing facts about the entire industry is
8. that there are constant recurring and ...charges that the
9. rates charged for the cashing of money orders and for the
10. sale of ...for the cashing of checks and the sale of money
11. orders. That these rates have been exorbitant throughout
12. the entire industry. That is debatable, but the charges
13. remain. One thing that is not debatable, Mr. President,
14. is that these rates have been discriminatory based on
15. various neighborhoods, particularly within the City of
16. Chicago and the rates vary depending upon the economic
17. affluence of various neighborhoods. It appears to us,
18. to Senator Shapiro and myself, and others who have studied
19. this problem, that this matter must come to rest and it
20. must come to rest in that agency which has the responsi-
21. bility for guaranteeing the people of this State that they
22. will be paying a fair charge for anything, any service they
23. get, particularly when that service is licensed by the
24. State. So, this bill simply gives the Director of the
25. Department of Financial Institutions the right, subject
26. to very adequate due process safeguards, to set maximum
27. rates for the cashing of checks and for the sale of
28. money orders. I know of no opposition to this bill. It
29. passed out of committee without a dissenting vote. I
30. beg your indulgence and ask your support for Senate Bill
31. 440.

32. PRESIDING OFFICER (SENATOR ROCK)

33. Is there any discussion? Senator Glass.

1. SENATOR GLASS:
2. Thank you, Mr. President. A question to the sponsor.
3. PRESIDING OFFICER (SENATOR ROCK)
4. Sponsor indicates he will yield. Senator Glass.
5. SENATOR GLASS:
6. Senator Washington, what is the system for setting
7. these rates at the present time?
8. PRESIDING OFFICER (SENATOR ROCK)
9. Senator Washington.
10. SENATOR WASHINGTON:
11. There has been no system, Senator Glass. ...They've
12. just popped up and they charge whatever the traffic will
13. bear. As you know, we all know that currency exchanges
14. are the banks for poor people. They have no place else to
15. go. These rates vary from community to community is
16. obviously discriminatory fashion. The charges that they
17. are exorbitant, of course, I won't take a position on it,
18. but those charges are recurrent. There're deep seated and
19. they keep cropping up. But to answer your question
20. specifically, no charges, no controls have been set...at
21. any way by ...by the Department of Financial Institutions.
22. PRESIDING OFFICER (SENATOR ROCK)
23. Senator Glass.
24. SENATOR GLASS:
25. ...Well, Senator, I certainly agree with you. I'm
26. aware of the concern about the overcharges and sensitive
27. to the need to do something about them. My only concern
28. here is whether it would be appropriate to set something
29. in the laws to limits on those rates or whether you feel
30. or I should say, why you feel it should ... should be
31. simply left to the Director.
32. PRESIDING OFFICER (SENATOR ROCK)
33. Senator Washington.

1. SENATOR WASHINGTON:
2. I...I feel it would be ...first of all, this industry
3. is vitally effective with the public interest, as the
4. Enabling Act set it out in 1940, but I feel it...might be
5. a grave error to set a rate because it would be rigid
6. if we are out of Session, the economy goes up or down.
7. They are stuck with those rates, high or low. If you
8. have someone like a Director who is responsible for
9. overseeing that department, constantly on top of this
10. in terms of investigation, in terms of complaints, if
11. you will. Then those rates may vary based upon his
12. discretion and knowledge, subject to due process over
13. a period of time. I think this is the right way to go
14. in an industry such as this.
15. PRESIDING OFFICER (SENATOR ROCK)
16. Further discussion. Senator Berman.
17. SENATOR BERMAN:
18. Will the sponsor yield?
19. PRESIDING OFFICER (SENATOR ROCK)
20. Sponsor indicates he will yield. Senator Berman.
21. SENATOR BERMAN:
22. Senator Washington, is there a judicial review or
23. administrative review of the determinations of rates?
24. PRESIDING OFFICER (SENATOR ROCK)
25. Senator Washington.
26. SENATOR WASHINGTON:
27. Yes, that's all set out in the Statutes, Senator
28. Berman.
29. PRESIDING OFFICER (SENATOR ROCK)
30. Senator Berman.
31. SENATOR BERMAN:
32. The digest indicates that there...it says authorizes
33. the use of lower fees by currency exchanges. Would you

1. explain what that means?

2. PRESIDING OFFICER (SENATOR ROCK)

3. Senator Washington.

4. SENATOR WASHINGTON:

5. It simply sets...it gives...some room for competition,

6. to put it mildly. This, this permits the Director simply to set a

7. maximum fee and let competition determine at what price it will

8. level under that maximum. That seems to me to be a mani-

9. festly obvious that it should be done that way.

10. PRESIDING OFFICER (SENATOR ROCK)

11. Senator Berman.

12. SENATOR BERMAN:

13. Does the bill allow the Director or mandate the

14. Director to set maximum fees for ambulatory exchanges?

15. PRESIDING OFFICER (SENATOR ROCK)

16. Senator Washington.

17. SENATOR WASHINGTON:

18. It covers both the community and the ambulatory,

19. very specifically.

20. PRESIDING OFFICER (SENATOR ROCK)

21. Senator Berman.

22. SENATOR BERMAN:

23. And it ...mandates the setting of maximum fees. Is

24. that my understanding?

25. PRESIDING OFFICER (SENATOR ROCK)

26. Senator Washington.

27. SENATOR WASHINGTON:

28. That's correct. He has one hundred and twenty day

29. time period after the effective date of this bill...to

30. investigate and set those fees. Right.

31. PRESIDING OFFICER (SENATOR ROCK)

32. Any further discussion? Senator Washington, do you

33. wish to close the debate?

1. SENATOR WASHINGTON:

2. I ask your indulgence for Senate Bill 440.

3. PRESIDING OFFICER (SENATOR ROCK)

4. Question is, shall Senate Bill 440 pass. Those in
5. favor will vote Aye, those opposed will vote Nay. The
6. voting is open. Have all voted who wish? Have all voted
7. who wish? Take the record. On that question, the Ayes
8. are 53, the Nays are none, 1 Voting Present. Senate
9. Bill 440 having received a constitutional majority is
10. declared passed. On the of Senate Bills, 3rd
11. reading, Senate Bill 442. Read the bill, Mr. Secretary.

12. SECRETARY:

13. Senate Bill 442.

14. (Secretary reads title of bill)

15. 3rd reading of the bill.

16. PRESIDING OFFICER (SENATOR ROCK)

17. Senator Washington.

18. SENATOR WASHINGTON:

19. Mr. President and members of the Senate. One of the
20. most constant recurring complaints that we received at all
21. of these hearings, at the hearings held by Senator Shapiro,
22. also those held...the extended hearings held in the House,
23. was the complaint by senior citizens and others that they
24. simply did not have the services readily available for them
25. close to their homes to avoid the necessity of going long
26. distances to cash their checks or to purchase money orders.
27. This bill, Senate Bill 442, simply provides and authorizes
28. both ambulatory and community currency exchanges to cash
29. checks and render other services to senior citizens, public
30. housing occupants, pensioners and persons receiving public
31. aid. Permits...it permits ambulatory exchanges to write
32. money orders upon filing of a bond. This is all subject to
33. the thorough investigation and determination by the

1. Director based upon that investigation, as to whether a
2. given site will be one adequate to save and also serve
3. those people in that particular environment. This bill,
4. too, passed the Financial Institutions Committee without
5. opposition. I ask your support of Senate Bill 442.

6. PRESIDING OFFICER (SENATOR ROCK)

7. Any discussion? Senator Daley.

8. SENATOR DALEY:

9. Mr. President, will the sponsor yield to a
10. question?

11. PRESIDING OFFICER (SENATOR ROCK)

12. Indicates he will yield. Senator Daley.

13. SENATOR DALEY:

14. I think we're all interested in fairness, especially
15. in the ambulatory services where as I understand, there's a
16. monopoly in the Chicago area, where there's only one
17. company that has the ambulatory services. Does your bill
18. allow...will allow other people to get involved in ambula-
19. tory services?

20. PRESIDING OFFICER (SENATOR ROCK)

21. Senator Washington.

22. SENATOR WASHINGTON:

23. Yes...yes it does, Senator Daley. It specifically
24. states that community and ambulatory, there are only two
25. kind, and that covers it. Both kinds may apply to the
26. department for these additional outlets. It doesn't
27. confine it to the ambulatory.

28. PRESIDING OFFICER (SENATOR ROCK)

29. Senator Daley.

30. SENATOR DALEY:

31. Is there an ...is a provision, whereby, if someone
32. wants to get into the ambulatory services, can they get
33. into it? As I understand, there's only one company that

1. has a complete monopoly in the City of Chicago and the
2. County of Cook. There's only one that's doing this
3. present service. Will your bills allow minority re-
4. presentation in ambulatory services?

5. PRESIDING OFFICE (SENATOR ROCK)

6. Senator Washington.

7. SENATOR WASHINGTON:

8. Certainly it will and there's nothing in the law
9. to preclude it now. What has happened over a period of
10. years and I'm not arguing a breach for ambulatory or
11. community. My concern is public. Over a period of
12. years the outlets for ambulatory changes have gone down
13. almost fifty percent. I have the chart here in my
14. ...in, right here. But there's nothing in the law and
15. nothing in this proposed bill, Senate Bill 442, which
16. in any way precludes entrance into the ambulatory or
17. the community currency exchanges.

18. PRESIDING OFFICER (SENATOR ROCK)

19. Senator Daley.

20. SENATOR DALEY:

21. My question is, will you ... will the bills allow
22. anyone to apply for an ambulatory services in a
23. community, such as your community? Can a group of
24. people apply for an ambulatory services to give service
25. to a public housing, to a senior citizens themselves?

26. PRESIDING OFFICER (SENATOR ROCK)

27. Senator...

28. SENATOR DALEY:

29. In other words, can a community service provide an
30. ambulatory service, like in your community or in my community
31. where there's a senior citizen, where there's public housing
32. and there's a community currency exchange, can they provide
33. an ambulatory service across the street or down the street?

1. That's...that's what I'm asking.
2. PRESIDING OFFICER: (SENATOR ROCK)
3. Senator Washington.
4. SENATOR WASHINGTON:
5. That is the exact purpose of this bill. Upon applicat-
6. ion, hearing, posting of bond, investigation by the depart-
7. ment and a determination by the department that that parti-
8. cular site could house a facility and serve a purpose, either
9. the community, the ambulatory or
10. gether could go in. That's the purpose of Senate Bill 442.
11. PRESIDING OFFICER: (SENATOR ROCK)
12. Senator Daley.
13. SENATOR DALEY:
14. As I understand and you stated that a community service
15. currency exchange can provide ambulatory services in the
16. community. Thank you, Senator.
17. PRESIDING OFFICER: (SENATOR ROCK)
18. Further discussion. Senator Maragos.
19. SENATOR MARAGOS:
20. Senator Washington, will you yield to a question?
21. PRESIDING OFFICER (SENATOR ROCK)
22. Indicates he will yield. Senator Maragos.
23. SENATOR MARAGOS:
24. Senator Washington, what safeguards, if any, are
25. there in the bill, that when you have an ambulatory ser-
26. vice that will not be an invitation to ripoff artists
27. and thieves and others to make the victim...make prey
28. and victims of the...those who are using those services
29. as they cash their checks or whatever other service they're
30. using?
31. PRESIDING OFFICER (SENATOR ROCK)
32. Senator Washington.
33. SENATOR WASHINGTON:

1. Well,...the purpose of this bill is to provide
2. that service safely, conveniently, expeditiously for
3. senior citizens. The department, the Director of
4. the Department of Financial Institutions gives the
5. last word. It is his responsibility to make that
6. investigation and that ultimate determination. Those
7. are procedural matters set out, not only in this bill,
8. but also in the present law. One cannot simply
9. popup willy-nilly and say I want a ambulatory or
10. community currency exchanges. He must go through the
11. process of being...of filing applications and having an
12. investigation. Whether or not people will be safe at
13. an ambulatory site in cashing their checks will be one
14. of the determinations made by the Director in granting
15. or refusing to grant the license.

16. PRESIDING OFFICER (SENATOR ROCK)

17. Senator Maragos.

18. SENATOR MARAGOS:

19. My...whether that is in the Statute as in the bill
20. now that that'll be one of the considerations upon which
21. the Director will issue a permit or a license or certifi-
22. cate to allow the citizens to ...operates as a ambula-
23. tory service. I...if it's not directly in it, I think
24. it should be in the Statute to safeguard the welfare
25. of these people who are cashing their checks.

26. PRESIDING OFFICER (SENATOR ROCK)

27. Any further discussion? Senator Carroll, for what
28. purpose do you arise?

29. SENATOR CARROLL:

30. First, Mr. President, on a point of personal privi-
31. lege...

32. PRESIDING OFFICER (SENATOR ROCK)

33. State your point.

1. SENATOR CARROLL:

2. ...if I may I hate to interrupt Senator Washington
3. in this debate, but we have with us today the Council
4. of Catholic Women of Chicago. Three hundred and sixteen
5. members of them. Albina Tierney and Emily Cunningham,
6. many of whom are from my district visiting with us
7. today. I said Catholic women, Senator Smith, yes, that
8. is correct. I would ask those who are present to rise
9. in the galleries, our guest galleries, and let the
10. Senate welcome them.

11. PRESIDING OFFICER (SENATOR ROCK)

12. Will our guests in the galleries please rise and
13. be recognized? The Chair would also like to point out
14. that they are ably led by Father David Corteze, who
15. was a classmate of mine a hundred years ago. All
16. right, further discussion? Senator Berman.

17. SENATOR BERMAN:

18. Sponsor yield. Senator Washington, are there any
19. guidelines or language built into this bill to recognize
20. the investment that community currency exchanges have
21. made near locations that now you appear to be opening
22. up to allow ambulatory exchanges to service?

23. PRESIDING OFFICER (SENATOR DONNEWALD)

24. Senator Washington.

25. SENATOR WASHINGTON:

26. The...the Act sets out rather thoroughly on page 3
27. just what standards will guide the Director in making that
28. determination. One of those aspects to be looked at will
29. be the nearness or farness of a senior citizen's home from
30. a community currency exchange. It addresses itself to
31. the question of need. I simply cannot imagine the Director,
32. for example, where you have a senior citizens home across
33. the street from a community currency exchanging...exchange

1. permitting an ambulatory or permitting that community
2. to form an ambulatory to just go across the street. That
3. would be, obviously, insane. We have had to leave some of
4. these questions up to the discretion of the Director, based
5. upon what we consider to be adequate guidelines. And I
6. think those guidelines are inherent throughout this legis-
7. lation, Senator Berman. I might add an additional response
8. to Senator Daley that a community currency exchange could
9. not simply change itself into an ambulatory without first
10. getting an additional permit from the department, the
11. Director.

12. PRESIDING OFFICER (SENATOR ROCK)

13. Senator Berman, have you concluded?

14. SENATOR BERMAN:

15. Thank you.

16. PRESIDING OFFICER (SENATOR ROCK)

17. All right. Senator Daley.

18. SENATOR DALEY:

19. As I understood the answer when I asked him the quest-
20. ion, he stated that a community services have priority over
21. ambulatory service within an area. Now, will that give
22. home protection to pigs?

23. PRESIDING OFFICER (SENATOR ROCK)

24. Senator Washington, I think the question was a
25. rhetorical one. Is there any further discussion? Senator
26. Guidice.

27. SENATOR GUIDICE:

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

30. PRESIDING OFFICER (SENATOR DONNEWALD)

31. Sponsor indicates he will yield. Senator Guidice.

32. SENATOR GUIDICE:

33. Senator Washington, in the bill on page 3, you indicate

1. that at the time of filing an application ...with the
2. law presently reads, is that at the time of filing an
3. application, a letter of ...memorandum shall be in
4. writing and under oath. Then further on in your...
5. in your bill, you indicate that in lieu of such letter
6. of memorandum by the owner or representative. In reading
7. that, I don't see what's, in lieu of. What are we doing
8. there? Just saying on the application alone and be able
9. to do this.

10. PRESIDING OFFICER (SENATOR ROCK)

11. Senator Washington.

12. SENATOR WASHINGTON:

13. No, the application is the initial phase of it. The
14. investigation follows. The investigation by the Director
15. follows. As in every other case where you have an ambulat-
16. ory or a community that procedure is set out already in
17. the law.

18. PRESIDING OFFICER (SENATOR ROCK)

19. Senator Guidice.

20. SENATOR GUIDICE:

21. Well...well why are we...we omitting the...the letter
22. that's going to indicate that the writing on the...
23. signed by the owner or authorized representative of what
24. he's going to do. A statement of such services is
25. desired and the person signing the same is authorized to
26. do so and it's under oath. Why are you omitting that from
27. this particular bill?

28. PRESIDING OFFICER (SENATOR DONNEWALD)

29. Senator Washington.

30. SENATOR WASHINGTON:

31. What lines are you addressing yourself to, Senator
32. Guidice?

33. PRESIDING OFFICER (SENATOR DONNEWALD)

1. Senator Guidice.

2. SENATOR GUIDICE:

3. On page 3 at line 3. You can start there. At the
4. time of filing an application, a letter of memorandum.

5. PRESIDING OFFICER (SENATOR DONNEWALD)

6. Senator Washington.

7. SENATOR WASHINGTON:

8. That, as you know, is the existing law and it simply
9. provides in the ambulatory situation, in order to service
10. a particular outlet, the employer of the factory employ-
11. ment situation must file application. In this situation,
12. we don't have an employer. We have an outlet for senior
13. citizens' home and the application or the statement or
14. memorandum must be made by the person seeking that place
15. as a site for the cashing checks.

16. PRESIDING OFFICE (SENATOR DONNEWALD)

17. Senator Guidice.

18. SENATOR GUIDICE:

19. One other question, Senator. In the...page 6 where
20. we indicate that the bond is going to have to be filed
21. for five hundred thousand dollars and up to a million
22. five hundred thousand dollars. How much money is that
23. going to cost?

24. PRESIDING OFFICER (SENATOR DONNEWALD)

25. Senator Washington.

26. SENATOR WASHINGTON:

27. I'm not conversing with the...with the premium rates
28. in this field, but they comport with the existing surety
29. charges for ambulatory currency exchanges.

30. PRESIDING OFFICER (SENATOR DONNEWALD)

31. Senator Guidice.

32. SENATOR GUIDICE:

33. We are...

1. PRESIDING OFFICER (SENATOR DONNEWALD)

2. The time has expired ...on this particular...

3. SENATOR GUIDICE:

4. Just ...just one more question regarding...

5. PRESIDING OFFICER (SENATOR DONNEWALD)

6. Senator Guidice.

7. SENATOR GUIDICE:

8. With...with the amounts of money indicated therein,
9. wouldn't it become prohibitive, then? Aren't we talk-
10. ing about a problem that's going to be passed on those
11. people we're trying to help?

12. PRESIDING OFFICER (SENATOR DONNEWALD)

13. Senator Washington.

14. SENATOR WASHINGTON:

15. I...I rather doubt that. These figures comport with
16. the existing figures in the law and the whole purpose of
17. the bond, of course, is you know, to ...is to...is to
18. guarantee creditors that they...if something goes wrong
19. they will be reimbursed for any ...any charges. I don't
20. think these...these charges are prohibative. I don't
21. know the premium cost, but they're not that high.

22. PRESIDING OFFICER (SENATOR DONNEWALD)

23. Is there further discussion? Senator Carroll.

24. SENATOR CARROLL:

25. Thank you, Mr. President and members of the Senate.
26. I have a problem with this bill and I don't think it's
27. called a conflict of interest. I have nothing to do with
28. any currency exchanges of either type. I might say that
29. the ambulatory currency exchange business is in or adjacent
30. to my district, their home office and a substantial amount
31. of their activities. We also have several people who
32. own the stationery kind who live within the district.
33. I've heard from all of them quite often on these bills.

1. My problem with this concept, this bill, particular, is
2. this. Again, we have asked people to make an investment in
3. the community and allow someone else to now come in, in a
4. car, be it a truck and take away a substantial amount of
5. the services they were performing without providing any
6. investment in that community any stable jobs that stay
7. within that community to service that community and with-
8. out providing the service on a day to day, week to week
9. basis. You allow someone to come in and take out what
10. we're, I think we all know is the, probably the cream
11. of the crop of the business, and that is the cashing of
12. checks and leave no one there to provide the other
13. services that are needed, that are badly needed, and
14. in addition to which, there are jobs of all kinds that
15. are required. Now, as I understand this, they could
16. come in with this truck and set up anywhere. There
17. are Public Aid recipients anywhere in the City of Chicago,
18. anywhere in the State of Illinois. We've got them in my
19. district, I think we've got them in every district. I
20. think what we are doing here is exactly backwards of
21. what we're trying to accomplish. I think if these
22. services are to be provided, by whatever type of finan-
23. cial institution it is, be it a savings and loan, bank,
24. currency exchange or whatever, that they should be there
25. available to the people on a day in, day out basis, so that
26. those who really need it can always make itself available
27. to them. I don't think this is going in the right direct-
28. ion.

29. PRESIDING OFFICER (SENATOR DONNEWALD)

30. Is there further debate? Senator D'Arco.

31. SENATOR D'ARCO:

32. Senator Washington, that is my concern that Senator
33. Carroll raised about, are there any criteria for ambulatory

1. currency exchanges in terms of the need and the location of
2. the particular housing site?

3. PRESIDING OFFICER (SENATOR DONNEWALD)

4. Senator Washington.

5. SENATOR WASHINGTON:

6. Yes, I...I think the fears of Senator Carroll and
7. yourself are rather groundless. You have a Director here
8. who function under this bill and under the present law
9. is to investigate the need and to determine whether a
10. convenience and an advantage to those people at a
11. particular site will be served by the institutions...

12. PRESIDING OFFICER (SENATOR DONNEWALD)

13. Just...just a moment, Senator. The noise level is
14. increasing by leaps and bounds. Would the members please
15. be in their seats. Could we have order. Proceed.

16. SENATOR WASHINGTON:

17. To determine whether a need would be served at that
18. particular site. You see, what we have here is a crying
19. need on the part of many people who live in areas where
20. they do not get the service on a day to day basis or once
21. a month or twice a month. And the response to that is
22. simply this. That we should open up this area somewhat
23. to the competition between the community and the ambula-
24. tory, if they will. Let them make their applications and
25. based upon those concepts of convenience and advantage, the
26. Director will determine whether or not that particular site
27. is convenient, fair and otherwise. That determination must
28. be made by the Director. I just don't foresee the danger
29. you pose. I think with an adequate survey of the existing
30. market in any...in any given area compounded with the need
31. and the safety, as Senator Maragos has pointed out. I think
32. ...the Director, based on these standards can do an adequate
33. job.

1. PRESIDING OFFICER (SENATOR DONNEWALD)

2. Senator D'Arco.

3. SENATOR D'ARCO:

4. I think what you're telling me is that the criteria
5. that the Director uses, which is in the Statutes in
6. Sections 4.1 and 4.3 to determine whether a community
7. currency exchange is, in a proper location are not
8. applicable to ...ambulatory currency exchanges, but
9. simply a judgmental decision by the Director, as to
10. whether or not the ambulatory should be in a particular
11. location.

12. PRESIDING OFFICER (SENATOR DONNEWALD)

13. Senator Washington.

14. SENATOR WASHINGTON:

15. It...it gets down to that in every situation where we
16. grant power to an existing agent...agency or an agency, to
17. regulate a given industry. You can't get around the judg-
18. mental question. And if you look in Sections...on page
19. 3 lines 12 through 21, it seems to me that the standard
20. set out are very clear, do not in any way exceed an
21. ordinary and customary grant of authority, which ...the
22. legislature gives to a regulatory agency and sets out
23. quite clearly that there must be a suitable location,
24. that there must be convenience and advantage and in terms
25. of making a determination, those are the standards by which
26. the Director must comport himself.

27. PRESIDING OFFICER (SENATOR DONNEWALD)

28. Senator, your time is up. Could you conclude your
29. remarks? Senator D'Arco.

30. SENATOR D'ARCO:

31. I am...I am simply worried that community currency
32. exchanges are going to be put to the proverbial hard rock
33. here, because ...there's only one ambulatory currency

1. exchange that services the Chicago area. And under this
2. bill he is required to have insurance ...in the amount of
3. five hundred thousand dollars. That means a big premium.
4. Local community people aren't going to be getting in-
5. volved in establishing ambulatory currency exchanges.
6. There's a...a monopoly today by felons and
7. they are going to continue that monopoly and the local
8. community currency exchange is going to be hurt financially
9. and that's why I oppose this bill.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Senator Shapiro.

12. SENATOR SHAPIRO:

13. Well, Mr. President and Ladies and Gentlemen of the
14. Senate. I want to point out a few things to you. This
15. bill as amended, the law as amended, and specifically this
16. bill 442, allows a community currency exchange or an ambula-
17. tory currency exchange to apply for a license to service these
18. projects. Without this bill, it just cannot be done. In other
19. words people in these projects are locked in to using the
20. community currency exchange because of the...C and A require-
21. ments written into the law. There's nothing here that precludes
22. an ambulatory or a community currency exchange for applying
23. for a license and the...the Director of the department with the
24. discretion given to him will be able to decide who can best
25. serve that location. Without this bill these people cannot
26. be served adequately. I think they ought to have the choice
27. and it's the thrust of the entire package. We've got to
28. open this up to competition.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Is there further discussion? Senator Guidice.

31. SENATOR GUIDICE:

32. ...one brief question to the sponsor. Is...are we
33. going to allow these currency exchanges, these ambulatory

1. currency exchanges to go anywhere within the districts?
2. Anywhere within the...the areas where there are Public
3. Aid recipients?

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Senator Washington.

6. SENATOR WASHINGTON:

7. The answer is no. I think Senator Shapiro answered
8. the question more than adequately. This does not create
9. any monopoly situation for ambulatory currency
10. exchanges. The bill very clearly sets out that community
11. currency exchanges or ambulatory currency exchanges
12. can make application for these sites at senior citizens'
13. homes. It does not permit ambulatory or any others to
14. proliferate. They must go by way of application, investi-
15. gation and determination on the department that such a
16. site is necessary to serve the needs of the people in
17. that community. Period. That's the safeguard. But as
18. Senator Shapiro pointed out, this permits either community
19. or ambulatory exchanges to utilize those services.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Is there further discussion? Senator Washington may
22. close the debate or take a roll call or both. Senator
23. Washington.

24. SENATOR WASHINGTON:

25. Roll call, Mr. President.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Question is, shall Senate Bill 442 pass. Those in
28. favor vote Aye, those opposed Nay. The voting is open.
29. Have all those voted who wish? Take the record. On that
30. question, the Ayes are 42, the 8's are...the Nays are 8,
31. 2 Voting Present. Senate Bill 442 having received the
32. constitutional majority is declared passed. Senate Bill
33. 443. Senator Washington. Read the bill, Mr. Secretary.

1. SECRETARY:
2. Senate Bill 443.
3. (Secretary reads title of bill)
4. 3rd reading of the bill.
5. PRESIDING OFFICER: (SENATOR DONNEWALD)
6. Senator Washington.
7. SENATOR WASHINGTON:
8. Mr. President and members of the Senate. The existing
9. practices to permit by administrative order, to permit
10. currency exchanges to distribute food stamps. This bill,
11. Senate Bill 443 simply makes...puts into Statute an
12. existing practice. I know of no opposition. I ask for
13. your support of Senate Bill 443.
14. PRESIDING OFFICER: (SENATOR DONNEWALD)
15. Is there...Senator...Question...question is or is
16. there further discussion, first of all. The question is
17. shall Senate Bill 443 pass. Those in favor vote Aye,
18. those opposed Nay. The voting is open. Have all those
19. voted who wish? Take the record. On that question,
20. the Ayes are 51, the Nays are 1. Senate Bill 443, having
21. received the constitutional majority is declared passed.
22. Senate Bill 445. Senator Shapiro. Read the bill, Mr.
23. Secretary.
24. SECRETARY:
25. Senate Bill 445.
26. (Secretary reads title of bill)
27. 3rd reading of the bill.
28. PRESIDING OFFICER: (SENATOR DONNEWALD)
29. Senator Shapiro.
30. SENATOR SHAPIRO:
31. Mr. President and Ladies and Gentlemen of the Senate.
32. This bill was amended in committee and reaffirmed here on
33. the Senate Floor and it is different than what the synopsis

1. says. The convenience and advantage test those Sections
2. dealing with the community currency exchange, instead of
3. being repealed, as the synopsis states are still in the
4. bill. They were left in by the amendment. The bill was
5. amended in committee to leave that test in as a regards
6. community currency exchanges. With regard to the ambula-
7. tory exchanges the amendment requires the Director to
8. investigate to determine whether to issue the license
9. and any investigation the Director's required to employ
10. the following criteria in making his determination.
11. Cause an investigation to be made whether to even issue
12. the license. The Director shall employ the following
13. criteria. The economic benefit and convenience to
14. the persons to be served at the location for which a
15. license has been requested. The effect that granting
16. a license will have on the financial stability of the
17. community currency exchanges. Safety benefits, if any,
18. which may accrue from the granting of the location
19. license and the effects, if any, which granting of a
20. license will have on traffic, traffic congestion in the
21. immediate area of the location to be served and such
22. other factors as the Director shall deem proper and
23. relevant. Now, the problem under the existing law
24. without the amendment that I have just described.
25. That under the C and A advantage at the community
26. currency exchanges have, that when a...factory location
27. moved from one area to another, the mobiles would have
28. to apply for a new license. And under the definition
29. of the present law, as the courts have interpreted it,
30. that location came in under the convenience and advan-
31. tage. This bill attempts to treat a factory site just a
32. little bit different as it has been in the past. It
33. takes in safety factors, whether the community currency

1. exchange would be hurt financially, if a mobile were to
2. serve that location upon movement and other factors. The
3. bill as amended was...was amended in committee as request-
4. ed. We've left the convenience and advantage in. I would
5. appreciate a favorable roll call, and Bill, if there are
6. any questions I'd be more than glad to answer them.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Senator Berman.

9. SENATOR BERMAN:

10. Thank you, Mr. Speaker. I rise to oppose this bill.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. You're in the Senate.

13. SENATOR BERMAN:

14. You're right. I was just talking to the Speaker
15. at my arm here, that's why. Mr. President, I rise to
16. oppose this bill. I think that what we are doing here
17. is putting two classes of competitors with different
18. measures of standards. I can understand when Senator
19. Shapiro talks about plant sites moving out to sparsely
20. populated areas. But this bill goes much farther than
21. that. If that's all this bill did, I'd have no problem
22. in supporting it. But what you are doing is setting up
23. a different criteria for the ambulatories as opposed to
24. the communities currency exchanges. For the community
25. currency exchanges, by the amendment, you're leaving
26. in a community benefit test. For the ambulatories,
27. you're setting up a location benefit test. Now, I
28. think that when you take an industry, and that's what
29. we're talking about, the total currency exchange
30. industry that is represented by fixed stations on the one
31. hand and ambulatory mobile units on the other. They
32. should be judged by the same standards. Now, whether
33. that standard be a location standard or a community

1. standard. I think that's a policy decision. But this
2. bill appears to give a decided built-in competition
3. advantage to one segment of the industry. I think that
4. that is prejudicial, I think that we are hurting people
5. that have come into our communities, have invested money,
6. have invested payroll, have invested in fixed assets and
7. we are going to undercut their investment in our communit-
8. ies. I would urge that a No vote be cast and upon Post-
9. poned Consideration you bring this back and just talk
10. about the plant sites that move out to the sparsely
11. populated areas. I'll be glad to support you. But this
12. bill goes much farther than that. I would ask for a
13. No vote.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Is there further discussion? Senator Washington.

16. SENATOR WASHINGTON:

17. I support Senate Bill 445 and in response to Senator
18. Berman, let me point out that in this bill there are more
19. than adequate and additional safeguards for community currency
20. exchanges built in to answer just the...just the question
21. he answered, because the effect of granting a license...
22. what that effect will have on the financial stability of
23. a community exchange in a given area is one of the factors
24. which the department must take into consideration in grant-
25. ing the ambulatory an additional outlet. It's more than
26. clear. Not only must they meet a location standard, but
27. that location standard must...must jeopardize any existing
28. community exchanges in the given locale. It could not
29. be clearer, Senator Berman.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Is there further discussion? Senator Shapiro may
32. close the debate. Roll call. Question is, shall Senate
33. Bill 445 pass. Those in favor vote Aye, those opposed Nay,

1. The voting is open. Have all those voted who wish? Have
2. all those voted who wish? Take the record. On that quest-
3. ion, the Ayes are 39, the Nays are 7, 1 Voting Present.
4. Senate Bill 445 having received the constitutional majority
5. is declared passed. Senate Bill 446. Senator Shapiro.
6. Read the bill, Mr. Secretary.
7. SECRETARY:
8. Senate Bill 446.
9. (Secretary reads title of bill)
10. 3rd reading of the bill.
11. PRESIDING OFFICER: (SENATOR DONNEWALD)
12. Senator Shapiro.
13. SENATOR SHAPIRO:
14. Mr. President and Ladies and Gentlemen of the Senate.
15. Senate Bill 446 would allow or permit a...ambulatory
16. currency exchange to follow a customer to a new location
17. if the customer has been served for at least two years
18. before the move has been made. The service can be continued
19. in such case without necessity for a new license application.
20. The bill was amended in committee to require that, in case
21. of such a move, the ambulatory exchange would have to file
22. a new application, if it wished to serve a company enter-
23. ing upon the premises formally occupied by the customer,
24. which has followed to the new location. This amendment
25. was a compromise amendment and was worked out between the
26. opposing factions. I know of no opposition to the bill
27. and I would appreciate a favorable roll call.
28. PRESIDING OFFICER: (SENATOR DONNEWALD)
29. Is there further discussion? Question is, shall
30. Senate Bill 446 pass. Those in favor vote Aye, those
31. opposed Nay. The voting is open. Have all those voted
32. who wish? Take the record. On that question, the Ayes
33. are 49, the Nays are none. Senate Bill 446, having

1. received the constitutional majority is declared passed.
2. Senate Bill 447. Senator Shapiro. Read the bill, Mr.
3. Secretary.
4. SECRETARY:
5. Senate Bill 447.
6. (Secretary reads title of bill)
7. 3rd reading of the bill.
8. PRESIDING OFFICER: (SENATOR DONNEWALD)
9. Senator Shapiro.
10. SENATOR SHAPIRO:
11. Well, Mr. President and Ladies and Gentlemen of the
12. Senate. Senate Bill 447 repeals the Section setting forth
13. the findings and declarations of the General Assembly, of
14. which there were none, when this law was written. These
15. findings and declarations, which were written into the law
16. without any actual investigation make a series of unwarrant-
17. ed preferential findings in favor of community currency
18. exchanges, and a series of derogatory findings against
19. ambulatory currency exchanges, such that they are allegedly
20. more hazardous, they allegedly take the cream of the business
21. and similar charges. This Section has provided for preferen-
22. tial treatment of the community currency exchange in the Act
23. and in the courts. Now, let me read just a few of the so-
24. called findings that the General Assembly supposedly found
25. back in 1952 when this became law. It states that it is in
26. the public interest to promote and foster the community
27. currency exchange business and to assure the financial
28. stability, thereof. I don't think the people of the
29. State of Illinois, as represented in the General Assembly,
30. need to assure the financial stability of any business.
31. That the operations of the ambulatory currency exchange
32. business have enabled it to appropriate the most profit-
33. able function of the community currency exchange business

1. and to secure thereby, an unfair advantage. That there has
2. resulted,therefrom,an unfair and ruinous competition to the
3. license community currency exchange business. That the
4. nature of the ambulatory currency exchange business is
5. such,as to render it harzardous and dangerous to the public
6. safety and security. Ladies and Gentlemen, the history
7. of this particular Act has been a long one, has been
8. through the courts many times. But in my tenure in the
9. General Assembly, which is approaching ten years, I have
10. never seen language,such as this type,written into the
11. law of the State of Illinois. This...these so-called
12. legislative findings need to be repealed. That's what
13. the bill does and I would urge a favorable roll call.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Is there further discussion? Senator Rock.

16. SENATOR ROCK:

17. Thank you, Mr. President and Ladies and Gentlemen
18. of the Senate. I rise in opposition to Senate Bill 447
19. and I should say my opposition is...is directed only at
20. the fact that it is a repealer of all the findings. It
21. seems to me, that if you...if you in fact read paragraph
22. 30, while I can agree that the language is...is in some
23. instances...perhaps a little extreme. I...I was not here
24. when the findings were made part of the Statute. But
25. there are certainly some valid points in here and I don't
26. see any point in repealing all of them. It seems to me
27. that the finding that it says that this business is
28. affected with the public interest and should be licensed
29. and regulated is certainly a valid finding. It seems to
30. me that the finding that the ...ambulatory currency
31. exchange business...that it should be operated, should
32. not be operated without a license, is certainly a valid
33. finding. I can...I can appreciate the apparent wish to,

1. perhaps, rewrite or as a matter of policy, legislative
2. policy, perhaps make different findings, but there are
3. some basic findings here that I think should remain in
4. the Statute and for that reason I am opposed to this
5. wholesale abandonment of all these findings.

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1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Washington.

3. SENATOR WASHINGTON:

4. Mr. President and members of the Senate. The point
5. Senator Shapiro made was that these were never findings by
6. any Legislative Body. There were no investigation in the
7. forties that would warrant this kind of a...shall we say
8. language. It is true, based on investigations by the
9. BGA, the Shapiro Committee, the Legislative Investigative
10. Committee, that there's no question that this industry
11. is vitally affected with the public interest, but beyond
12. that it seems to me that this entire language is dated.
13. If we wanted to leave just that one phrase in, I wouldn't
14. have any objection to it, but I don't think we should hold
15. this bill up for that reason. The language is an insult
16. to an...industry which has comported itself very well over
17. the last thirty some odd years. There is no charge, adequate
18. charges brought against the ambulatory currency exchanges,
19. they're doing a businesslike and a yeoman like job in the
20. field. And all Senator Shapiro is doing is saying that we
21. should take this language out, which at best is an insult
22. to an industry which doesn't warrant it. I think we can
23. pass this bill out and if we must leave in the finding
24. that it's affected with the public interest, which I
25. agree, we could well do that in the House. I support
26. this bill.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Is there further debate? Senator Shapiro...oh,
29. Senator Berman.

30. SENATOR BERMAN:

31. Did I read Senator Washington's remarks as saying
32. that he will do this in the House or was it qualified?

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Senator Washington.

2. SENATOR WASHINGTON:

3. I...I didn't say it. I was making a suggestion perhaps to
4. Senator Shapiro that that one phrase, that one line, that this
5. industry, ambulatory and community is vitally affected with the
6. public interest, should be in the language. The rest of it,
7. I think it serves no useful purpose, and I was suggesting that
8. perhaps that language could be put back in the House.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Senator Shapiro.

11. SENATOR SHAPIRO:

12. Well, Mr. President, and Ladies and Gentlemen of the
13. Senate, I'm perfectly willing to do anything to make the bill
14. better and...but I do want to point out to you, in spite of the
15. fact that we are removing the so-called findings and declarations
16. of the General Assembly..that all the points found in the so-called
17. findings are incorporated into the Act. In other words, I see
18. where...I feel that it doesn't make any difference. I think the
19. repeal of the findings would make the administration of the Act
20. a little easier than it has been in the past and I would
21. appreciate a...favorable roll call.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. The question is, shall Senate Bill 447 pass. Those in
24. favor vote Aye. Those opposed vote Nay. The voting is open.
25. Have all voted who wish? Take the record. On that question,
26. the Ayes are 40, the Nays are 5, 3 Voting Present. Senate Bill
27. 447 having received a constitutional majority is declared
28. passed. Senate Bill 448. Read the bill, Mr. Secretary.

29. ACTING SECRETARY: (MR. FERNANDES)

30. Senate Bill 448.

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Senator Shapiro.

2. SENATOR SHAPIRO:

3. Mr. President and Ladies and Gentlemen of the Senate,
4. Senate Bill 448 revises the schedule of insurance required to
5. be guaranteed by currency exchanges covering the risk of loss
6. by theft, burglary, robbery or forgery. The minimum amount is
7. increased from twenty-five hundred to five thousand. The maximum
8. amount required is increased from thirty-five thousand to a
9. hundred thousand. This is an update of the insurance provisions
10. to meet the current daily necessities. The old provisions go
11. back some twenty odd years. I know of no opposition to the
12. bill. It was voted out of the committee unanimously. Agreed
13. to by both sides. I would appreciate a favorable roll call.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Is there further discussion? The question is, shall
16. Senate Bill 448 pass. Those in favor vote Aye. Those opposed
17. Nay. The voting is open. (machine cut off) voted who wish?
18. Take the record. On that question, the Ayes are 50, the
19. Nays are none. Senate Bill 448 having received a constitutional
20. majority is declared passed. Senate Bill 449. Read the bill,
21. Mr. Secretary.

22. SECRETARY:

23. Senate Bill 449

24. (Secretary reads title of bill)

25. 3rd reading of the bill.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Senator Shapiro.

28. SENATOR SHAPIRO:

29. Mr. President and Ladies and Gentlemen of the Senate,
30. Senate Bill 449 increases the minimum funds required to be kept
31. on hand by currency exchanges. It was amended in committee.
32. It was a compromise amendment to change a minimum figure to
33. four thousand dollars up to January 1st, 1979 and five

1. thousand after 1979. It was felt that the use of the lower
2. amount spread over several years would work less of a hardship
3. on currency exchange operators. I know of no opposition to
4. the bill. I would appreciate a favorable roll call.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Is there further discussion? The question is, shall Senate
7. Bill 449 pass. Those in favor vote Aye. Those opposed Nay.
8. The voting is open. (machine cut-off) voted who wish? Take
9. the record. On that question, the Ayes are 50, the Nays are
10. none. Senate Bill 449 having received a constitutional majority
11. is declared passed. Continuing on this Special Order of
12. Business, we will now go to the Order of...just a moment. Senator
13. Washington. Oh, there is...I...I understand.

14. SECRETARY:

15. Yeah, he...

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Just a moment. Senate Bill 23. Senator do you...
18. (machine cut-off) Bill 817. Read the bill, Mr. Secretary.

19. SECRETARY:

20. Senate Bill 817

21. (Secretary reads title of bill)

22. 3rd reading of the bill.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Senator Washington.

25. SENATOR WASHINGTON:

26. Mr. President and members of the Senate, the present
27. Currency Exchange Advisory Board consists of five members.
28. Three who are mandated by law to have...be currency exchange
29. owners and, two, to be conversant with the industry. This is
30. certainly an advisory board which cries for public input
31. and Senate Bill 817 expands the board to seven, provides
32. for four public members and three members selected by the

1. industry. This bill also received no opposition in
2. committee. I ask your support of Senate Bill 817.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Is there further debate? The question is shall Senate
5. Bill 817 pass. Those in favor vote Aye. Those opposed
6. Nay. The voting is open. (Machine cut-off) voted who
7. wish? Take the record. On that question the Ayes are
8. 51, the Nays are none. Senate Bill 817 having received
9. a constitutional majority is declared passed. (Machine
10. cut-off) Washington. This...you...do you wish to call
11. Senate Bill 23? Remaining on the Order of Special
12. Business, at this time we're going to go to Senate Bill
13. ...Senate Bill 999, which lies on Postponed Consideration.
14. Senator Kosinski moves that we...all right...all right,
15. Senator Kosinski, the bill has been read the 3rd time.
16. Senator Kosinski. This is Senate Bill 999.

17. SENATOR KOSINSKI:

18. Thank you very much. Mr. President, and members of
19. the Senate. Of course, I have gone through this explaining
20. of Senate Bill 999, but I'll try to review as short as
21. possible.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. May we have order.

24. SENATOR KOSINSKI:

25. .Senate Bill...Senate Bill 999 is designed to reconstruct the
26. State Board of Election as required by the Illinois
27. Supreme Court. This proposed structure requires two
28. members to be appointed by the Governor, in this case,
29. the Honorable James R. Thompson, the Governor of the
30. State of Illinois and a Republican. And two members
31. to be appointed by the next highest elected officer
32. of the Executive Branch of the opposite political
33. party. The next highest officer would be the Secretary

1. of State, the Honorable Alan J. Dixon, a Democrat. There
2. no provision for an Independent or a fifth member, since
3. fifth member could merely join forces with either one of
4. the two political party factions and assume absolute control
5. to the detriment of the other party. A fifth member is
6. not the best interest of either political party. The
7. reason for dividing the appointing power between the
8. office affiliated with the two major parties is to
9. insure that the parties obtain equal representation on
10. the board. Theoretically, if the Governor had appointing
11. power for all the members, he could appoint two Republicans,
12. one Democrat and one Libertarian since this would satisfy
13. the Constitutional requirement that one political party
14. not have a major...the majority of the members of the
15. board. Additionally, the Governor could appoint two
16. Democrats whose party loyalties might be questionable.
17. While we can feel certain that the three-fifths Senate
18. confirmation requirement can prevent this form from
19. happening today. Can we be certain that the Democratic
20. Party can be so protected in the future. The word,
21. executive, when used in connection with State Government,
22. includes all officials not connected with the Judiciary
23. or the Legislative Branches of government. The words,
24. Executive Department, includes all elected and appointed
25. State officers. This meaning of the word, executive,
26. is found in Article II, Section I of the 1970 Constitution.
27. The Legislative, Executive and the Judiciary Branches
28. are separate. No branch shall have the exercise power
29. properly belonging to another. The word, executive, as
30. used in the Supreme Court opinion, holding the State
31. Board of Elections unconstitutional refers to the whole
32. Executive Branch of government, and not the Governor
33. alone. I feel that the four member board is the best kind

1. of board to be chosen. Two, to be elected or appointed,
2. rather, by the Governor, and two, again appointed by the
3. Secretary of State. I think it's a very fair and equal
4. distribution of the membership. In case of a tie, I'm
5. sure the four members would get together and make the
6. decision, a proper one. We don't need a fifth member.
7. Mr. President, and members of the Senate, I seek your
8. wholehearted support for Senate Bill 999. Thank you very
9. much.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Senator Graham.

12. SENATOR GRAHAM:

13. Mr. President, I don't have that long a speech and
14. I can't write anyway, but I can read. The general
15. agreement and I have some interest in this type of legislation,
16. too, having labored in this field for some eighteen years.
17. I think that the...this Body has generally conceded that
18. this bill representating one point of view should be
19. considered by this Senate and you'll be considering one
20. right after this...this that represents another point
21. of view. And it's a feeling, I believe, I hope of the
22. majority of this Senate, that both these bills will
23. be sent forthwith to the House of Representatives for
24. their consideration and hopefully, some meaningful
25. answer to this problem will arrive at the Governor's
26. Desk sometime in the early future...early future. We
27. only have until June 30th, Ladies and Gentlemen of this
28. Senate. I am prepared to support Senator Kosinski's
29. bill and I'm looking forward to the similiar support
30. from the other side of the aisle when we call Senate
31. Bill 304.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Rock.

1. SENATOR ROCK:

2. Thank you, Mr. President. Ladies and Gentlemen of
3. the Senate. I rise in support of Senate Bill 999 and
4. as Senator Graham has so ably indicated, Senate Bill 304
5. will shortly follow on its heels. I think the most important
6. thing, while we are, in fact, in dispute, over who is to
7. have the appointing power for appointment to this board.
8. I think more importantly, by virtue of the passage of
9. these two bills over to the House, we will go on
10. record in no uncertain terms, that the Senate of Illinois
11. stands for a four member board, in accordance, I might
12. add, in my opinion, with the provision in the Constitution.
13. That provision in Article III, Section 5, says, in no
14. uncertain terms, that no political party shall have
15. a majority of members of the board. And I don't care
16. how you try to cut it to put a fifth member on, he's
17. going have...he's going to be politically persuaded
18. one way or the other. There is no such animal as an
19. Independent. I urge support for Senate Bill 999.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Senator Buzbee.

22. SENATOR BUZBEE:

23. Thank you, Mr. President. Mr. President, and members
24. of the Senate. If there were a perfect world that said that
25. there are some people who, in this State, are completely
26. apolitical, then perhaps a five member board would work.
27. However, given the rich political heritage of this State,
28. we tend to declare ourselves Democrats or Republicans, whether
29. we declare ourselves or not, the fact of the matter is that
30. people that have enough interest in politics to accept
31. an appointment to such a board as this, do not tend to
32. be Independents, as Senator Rock just...just stated. We
33. are a political State, probably much more so than...than a

1. a good member...a good number of our sister states. And it
2. seems to me that that fifth member is going to be nothing
3. more than the Governor's brand, whoever the Governor may
4. be. Whether it be a Jim Thompson or a Dan Walker of the
5. future or a Mike Howlett or an Alan Dixon or a Bill Scott,
6. or whoever it's going to be, there's going to be...

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Just...just a moment. Just a moment. For what
9. purpose does Senator Graham arise?

10. SENATOR GRAHAM:

11. I rise on a point of order. This point has been
12. brought up two or three times. Neither of the bills
13. that are up for consideration now mention a fifth
14. member.

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. Your point is well taken. Senator Buzbee.

17. SENATOR BUZBEE:

18. That's why I'm for a four member board, Senator, 'cause
19. a five member board just isn't workable. Now, I don't
20. think this bill is perfect. There are a lot of things
21. that probably could be done a better way is we were not
22. such a political State. But we are a political State.
23. Perhaps the best thing to do is to abolish the whole
24. Board of Elections and go back to having the elections
25. run under the Secretary of State's office. If anybody
26. wants to put that bill in, I'll vote for that one, but
27. until the bill is in, this is the best thing we have
28. before us and I think that we ought to go ahead and put
29. the bill before the House of Representatives and show
30. them that, in fact, we are willing to address the issue
31. in...in the Senate.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Netsch.

1. SENATOR NETSCH:

2. Thank you, Mr. President. The composition of the
3. board is relevant, to this bill, to the one that will
4. follow it, and now to an alternative that we happen
5. to have available to us, happily, because the House
6. had better sense than we did about what ought to be
7. the composition of the State Board of Elections. There
8. is now a bill providing for a five member board that
9. has passed the House and is here in the Senate. That
10. alternative, I repeat, Senator Graham, is now available.
11. I think that many of you who have fought the idea of
12. a five person board, don't quite get the point. The
13. point is that about one third of the electorate in this
14. country no longer considers that it...that they belong
15. to, in the literal sense of that word, either the
16. Republican Party or the Democratic Party. Some of
17. them consider themselves that word that is anathema to
18. so many of you, genuine independence. Others simply
19. don't consider themselves as affiliated strongly with
20. either party, but they are about one third of the
21. electorate now. They have a right to have their
22. interests protected. Too often, the interests of
23. the two major political parties coalesce. In fact,
24. one member of this Body, on the other side of the
25. aisle, said that he came to understand that the
26. other day when a combination of some Democrats and
27. some Republicans got together to defeat Senator
28. Collins very simple and fair and good election
29. reform bill. That is because established Democrats
30. and established Republicans often have the same
31. interests. And that those interests are not always
32. protective of that other one third of the population.
33. It is that group that deserves to have a representation

1. and a voice and a balance in the State Board of Elections
2. to make sure that indeed the election laws always, always,
3. are administered fairly and even handedly. It should be
4. a five person board and not a four member board, no matter
5. how that board is appointed.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Senator Hynes.

8. SENATOR HYNES:

9. Mr. President, and members of the Senate. For the
10. second time, I rise in support of this bill. I think
11. it is the best approach that can be devised under the
12. circumstances. There are at least eight different
13. viewpoints in this General Assembly on how the State
14. Board of Elections should be constituted, and I think
15. this combines the best of all of those approaches. It
16. has...it provides for a four member board and a tie
17. breaking procedure which would require three votes
18. and I think that guarantees an impartial tribunal
19. which will be forced to come to a conclusion that
20. will be fair to everyone involved. Insofar as the
21. idea of a five member board giving a voice to those
22. in this society who classify themselves as Independents,
23. I simply do not think that will happen. The fact is
24. that the appointing authority will pick a person
25. who will be responsive in a sense to that appointing
26. authority. It will give control of the board to the
27. person who makes three of the five appointments and
28. that is something that all of us want to avoid. No
29. one is seeking to control this board. No one is
30. seeking to exclude Independents, Democrats, Republicans,
31. Communists, or any other party from participation in
32. the political process. The idea here is simply to
33. have a board which will operate fairly and treat everyone

1. equally so that elections can be administered in this
2. State. I think this is the only idea that can work
3. and I think that this bill ought to be supported as
4. well as that which follows. Ultimately, this matter
5. is going to end up in a Conference Committee and at
6. that time, I think, the four member board idea will,
7. and should, emerge.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Senator Rhoads.

10. SENATOR RHOADS:

11. Mr. President, and members of the Senate. One of
12. the previous speakers alluded to the fact that some
13. of us weren't getting the point. Well, I supported
14. Senator Collins election reform package a few days
15. ago and in 1971 I helped to draft the original
16. State Board of Elections Bill, Senate Bill 1272, along
17. with David Epstein, who was on...then on the House
18. Democratic Staff. There were a...a consensus then,
19. as there is a consensus now, that there should be a
20. four member evenly balanced State Board of Elections.
21. Not because we want to exclude Independents, I think
22. we are just as much interested in safeguarding the
23. rights of all voters, as any other member of the
24. Chamber. But the history of Illinois has been a
25. partisan adversary system, and that system is best
26. protected by an evenly balanced board. So I support
27. both of these bills.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Senator Glass.

30. SENATOR GLASS:

31. Thank you, Mr. President. I agree with Senator
32. Hynes that what we are really after is four fair or
33. five fair and impartial members of the board. That's...

1. that's what we really want to have and...and the issue is,
2. as I see it, only one of breaking deadlocks. This bill
3. and the one to follow, obviously, have the defects that
4. on any truly political question there...there will, in
5. fact, be a deadlock that will have to be resolved by a
6. court. I don't know that that's the worst solution. I...I
7. happen to favor the bill that the Governor is also supporting,
8. the one that came over from the House. I'm satisfied
9. that we don't get hung up one...on whether the fifth member
10. is called an Independent, or...or what the member is
11. called but that there be provisions that require his
12. approval or her approval by a...an extraordinary majority
13. of this Body. But be that as it may, this particular
14. bill has the very definite defect of having appointments
15. made not by the Governor. And the only reasonable approach,
16. if we're going to have a four member board, is Senator
17. Graham's bill, and that is for all of the appointments
18. to be made by the Governor and I, therefore, oppose this
19. legislation.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Further discussion?' Senator Schaffer.

22. SENATOR SCHAFFER:

23. Just a question. What is the tie breaking procedure
24. in this bill?

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Senator Kosinski.

27. SENATOR KOSINSKI:

28. Well, there's two and two and I'm sure that sooner
29. or later they would break the tie and I'm sure that...they're...
30. very capable people would be chosen and sensible people. I...I
31. think that, and I'm quite confident, that these people
32. chosen will be people that are interested in State
33. Government and for the people. And I don't think that

1. we would have any hangups in any way.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Schaffer.

4. SENATOR SCHAFFER:

5. Then there is, in fact, no tie breaking procedure

6. in this bill.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Kosinski.

9. SENATOR KOSINSKI:

10. I wouldn't say that. I still say that four

11. people can have sensible understanding and avoid

12. a tie.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Senator Schaffer.

15. SENATOR SCHAFFER:

16. I've been in Republican politics since I was seventeen

17. and it's been my experience that in situations like that

18. it's usually one of the Republicans who caves in. I

19. think I'm going to oppose the bill.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Any further discussion? Senator Knuppel.

22. SENATOR KNUPPEL:

23. The Board of Elections was one of the most expensive

24. and cruelest jokes ever played on the people of the State

25. of Illinois. We were in the Illinois Constitutional

26. Convention and I remember a fellow named Charlie

27. Schuman, who was a Republican, kind of passed himself

28. off as an Independent and we were having some problems

29. with the Cook County Democrats, came to me and said,

30. he said, I'd like to have you vote for this once,

31. he said, to get enough votes, he said there's a kind of a

32. joke on. So we just have a little fun and as a practical

33. joke I voted for the damn thing and never could get it out

1. of the Constitution since then. It's cost millions of
2. dollars. I think maybe the best thing to do is that
3. nobody vote for either one of these bills or any of
4. these bills and let the...let the Supreme Court decide
5. what in the hell they can do with it. They...they've
6. continued their decision about fifteen times, maybe they
7. ...maybe they will go back to the Secretary of State.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Any further discussion? Senator Berning.

10. SENATOR BERNING:

11. Thank you, Mr. President. Since the Con Con was
12. mentioned, let me emphasize that Con Con not only
13. saddled us with this bad situation, but many others
14. and that is essentially why I cannot support the
15. objectives of those who want to provide now in our
16. Legislative Pension System, credit for service in
17. Con Con.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Any further discussion? Senator Kosinski to close
20. the debate.

21. SENATOR KOSINSKI:

22. Mr. President, and members of the Senate. I move
23. for a favorable roll call.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. The question is shall Senate Bill 999 pass. Those
26. in favor will vote Aye. Those opposed will vote Nay.
27. The voting is open. Have all voted who wish? Have
28. all voted who wish? Have all voted who wish? Take
29. the record. On that question the Ayes are 43, the
30. Nays are 10, 1 Voting Present. Senate Bill 999, having
31. received a constitutional majority is declared passed.
32. Senator Egan, for what purpose do you arise?

33. SENATOR EGAN:

34. Thank you, Mr. President, and members of the Senate.
35. On a point of personal privilege, I would like to

1. acknowledge the fact that Professor Cohen is with us today.
2. Our old good friend from many years with the Pension
3. Laws Commission. Sitting in the President's Gallery.
4. Would you rise and be recognized.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Professor Cohen, please rise and be recognized.
7. On the Order of Senate Bills 3rd reading. On the
8. Order of Senate Bills 3rd reading, Senate Bill 304.
9. Read the bill, Mr. Secretary.

10. SECRETARY:

11. Senate Bill 304.

12. (Secretary reads title of bill)

13. 3rd reading of the bill.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Graham.

16. SENATOR GRAHAM:

17. Mr. President, and members of the Senate. We are
18. now presenting a bill with a different viewpoint. This
19. bill provides that the Governor shall appoint all four
20. members, two from each major political party, and they
21. shall be confirmed by a three-fifths majority of the
22. Senate and they can be removed by the Governor for
23. cause. It also provides to overcome one of the
24. constitutional objections that no member of the
25. Board shall be an official of any political party.
26. That would take out State Chairman, county chairman,
27. and so forth, I think which has been objectionable.
28. This certainly will clear up the political aspect.
29. There is no tie breaker in this thing and I think
30. the people that work with these bills in the Constitutional
31. Convention, one of whom I know personally and some
32. Gentlemen on the Floor know her, too, the late Betty
33. Ann Keegan from Waukegan or from...Rockford. They

1. did not foresee the need for a tie breaker. I talked to
2. her many, many times and served on the Election Laws
3. Commission with them, they didn't foresee that. I
4. don't foresee it. I only foresee it, if and when, the
5. appointing agencies for this State Board of Elections
6. will yield to pressure exerted if it ever is to the
7. point where they will not appoint qualified people.
8. You can't tell me, Ladies and Gentlemen, there aren't
9. four people in Illinois, two Republicans and two
10. Democrats that cannot solve the problems that come
11. before the State Board of Election without a tie
12. breaker. The history of the...of the existing board
13. indicates that the only time that they needed a tie
14. breaker was points of real...of not real interest in
15. the conduct of elections. Ladies and Gentlemen of the
16. Senate, I'm not going to inject the philosophies or
17. theories of other people as to what should constitute
18. a board numberwise, the Senator from Barrington is
19. committed to a four member board. I remain committed
20. to a four member board. I submit to you that Senate
21. Bill 304 is the answer to that and I ask for a favorable
22. roll call.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Any further discussion? The question is shall Senate
25. Bill 304 pass. Those in favor will vote Aye. Those
26. opposed will vote Nay. The voting is open. Have
27. all voted who wish? Have all voted who wish? Take
28. the record. On that question the Ayes are 41, the Nays
29. are 11, 1 Voting Present. Senate Bill 304 having
30. received a constitutional majority is declared passed.
31. Before the group...leaves, I would like to introduce
32. a group from Lewis School, on Chicago's Northwest
33. Side. I understand, with the group are two of my

1. cousins, Tim and Tammy Bartlett. Will they rise and
2. be recognized by the Senate. All right. Proceeding on
3. the Special Order of Business. Committee Report.

4. SECRETARY:

5. Senator...

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Pardon me. Senator Hickey, for what purpose do
8. you arise?

9. SENATOR HICKEY:

10. I'm sorry, Mr. President, I was recorded in error.
11. I was recorded No and I wanted to vote Yes on that bill.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. The record will so reflect. Committee Report, Mr...Mr.
14. Secretary.

15. SECRETARY:

16. Senator D'Arco from the Committee on...Chairman of
17. the Committee on Reorganization of State Government, to
18. which was referred the Governor's Executive Order No. 1,
19. on May the 26th, 1977, reported the same back with the
20. following recommendation: Executive Order No. 1 not
21. be disapproved so that it shall become effective by
22. operation of law on July the 1st, 1977. The committee
23. further recommends that legislation be passed during
24. the present Session of the 80th General Assembly to
25. implement into Statutory law provisions consistent
26. with the Governor's Executive Order. Senator D'Arco,
27. the Chairman of the Committee on Reorganization of
28. State Government to which was referred the Governor's
29. Executive Order No. 2 on May the 26th, 1977, reported
30. the same back with the following recommendations:
31. Executive Order No. 2 not be disapproved so that it
32. shall become effective by operation of law on July the
33. 1st, 1977. The committee further recommends that

1. legislation be passed during the present Session of the
2. 80th General Assembly to implement into Statutory law
3. provisions consistent with the Executive Order.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator D'Arco.

6. SENATOR D'ARCO:

7. Thank you, Mr. President. On March 31st, 1977, the
8. Governor delivered to the Clerk of the Senate, Executive
9. Orders Numbers 1 and 2. Executive Order Number 1
10. created the Department of Administrative Services and
11. transferred to it the powers...the powers of the Department
12. of Finance and the Department of General Services.
13. Executive Order No. 2 reorganized the Department of
14. Law Enforcement. The select committee on Senate
15. Reorganization was appointed for the purpose to review
16. these Executive Orders and make a recommendation to the
17. full Senate. The committee has reported back to the
18. full Senate and, in fact, has...made a recommendation
19. recommending that Executive Orders 1 and 2 not be
20. disapproved, so that they become effective by operation
21. of law on July 1, 1977. The committee further recommends
22. that legislation be passed during the present Session
23. of the 80th General Assembly to implement into Statutory
24. law provisions consistent with the Executive Orders.
25. The vote of the committee in Executive Order No. 1, the
26. order that creates the Department of Administrative
27. Services, was a unanimous vote. The recommend...
28. the vote on Executive Order No. 2 of the committee was
29. not a unanimous vote. That would be the Executive
30. Order reorganizing the Department of Law Enforcement.
31. There was some disagreement in committee as to that
32. Executive Order. We have an option at this point, Ladies
33. and Gentlemen, we can either not make a motion to

1. disallow the Executive Orders, and by our inaction, the
2. Executive Orders would go into effect on July 1. Or, we
3. can take affirmative action and make a motion to disapprove
4. the Executive Orders. The reason we have to frame the
5. motion in the negative is because the Constitution
6. provides that the Executive Orders will become effective
7. unless they are disapproved by the full Body. It is not
8. the best way of proceeding, but we have to proceed that
9. way because the Constitution mandates us to do that.
10. With that, I would defer to the Clerk to make such a
11. motion, unless there is some.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Any discussion? Senator Graham.

14. SENATOR GRAHAM:

15. I can't elucidate more, enlarge more, upon the
16. discussion and explanation given by the gentlemen from
17. Chicago to you people regarding these two measures. I
18. would say, in addition to what Senator D'Arco said, I
19. had a sharing in some of the concerns that many of you
20. had relative to these propositions. I did make the
21. statement in committee this morning and was supported
22. by the Governor, the Governor's spokesman, to the
23. extent that upon my request to them to come forth
24. with legislation rather than this, the Governor's
25. people said to me and said to us in committee this
26. morning that they felt that putting of the legislation
27. and enacting this statutorily on the books, law books,
28. of this State, is a prerogative of the General Assembly
29. and thought the Executive Branch should not interfere
30. with that process. They did state that if we could
31. ...construct reasonable legislation in conformity with
32. the request and the suggestion made in these Executive
33. Orders and presented to the Governor's Office, he would

1. sign it. I know of no fairer way to do this. I'm not
2. sure that we can do it between now and June 30th. I'm
3. not sure. I'll work toward that end. I'm sure of one
4. thing, we're going to be back here in October and I'm
5. sure of one thing, we ought to, at least, do it by then.
6. And I'm not adverse to doing it now. But I think it's
7. a fair proposition, I think it's something that all
8. of us have said in our campaigns that we're going
9. to go to Springfield and we're going to eliminate
10. some of those bureaucracies that...eats up our money
11. and this is an opportunity to do it. And I think
12. that this is the one time that I would suggest to
13. the Senate that the wisest course of action to be...
14. action would be to take no action at all.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Further discussion? Senator Hynes.

17. SENATOR HYNES:

18. Mr. President, as I understand it, you are about
19. to put a motion with respect to each order and I
20. think that that is a desirable procedure, even though
21. the committee voted affirmatively, and therefore, we
22. could stop with the committee action unless some
23. member wanted to file a motion. I think it is a
24. good precedent and policy to establish with respect
25. to orders issued under this section of the Constitution
26. that a formal motion be put before the Senate so that
27. every member has an opportunity to vote. And that
28. will be done. With respect to the...the decision
29. of the committee, I think the important point, as far
30. as I am concerned, is the fact that these orders will
31. be followed up by legislation to codify the changes
32. that are made. Without that, I think we would have
33. some problems in terms of the...the Statutes and the

1. condition that they are in. This provision was inserted
2. in the Constitution to give the Governor the ability to
3. reorganize his code departments and this is the first
4. time it has been exercised. I think that if the re-
5. organization goes into effect and we, thereafter, pass
6. legislation which implements it, we will have achieved
7. the purpose of the Constitution and at the same time
8. kept clarity in the Statutes of this State so that
9. everyone will know precisely what the condition of
10. the Statutes are.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Further discussion? Senator Buzbee.

13. SENATOR BUZBEE:

14. Thank you, Mr. President. First of all, a parliamentary
15. inquiry, Mr. President. Are we now just discussing the
16. two Executive Orders or either one of them separately. I
17. want to address Executive Order No. 2 and that's why
18. I'm asking the question.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Well, technically, we are discussing both because
21. we were relating to the committee report submitted by
22. Senator D'Arco's committee. The question will
23. be put with respect to Executive Order 1 and then
24. subsequently, with respect to Executive Order 2.

25. SENATOR BUZBEE:

26. So, is discussion of Executive Order 2 now in...in
27. order?

28. PRESIDING OFFICER: (SENATOR ROCK)

29. It is in order, yes.

30. SENATOR BUZBEE:

31. Thank you. I wanted to address Executive Order 2
32. because that's the one that has generated the most
33. controversy, of course. First of all, basically, I
34. happen to believe that the Constitution makers were

1. wrong in giving this authority to the Executive. I think
2. that the Legislative is the one that is the one that was
3. designed by our forefathers to be the most responsive to
4. the wants, needs and desires of the people and therefore,
5. we ought to be the only ones that have the authority
6. to promulgate laws and...and put Statutes into effect.
7. As it turns out, under our present Statute, however,
8. what the...what the Governor did is absolutely consti-
9. tutional and legal and I respect his right to do that.
10. And I still think, as Senator Hynes stated, that we
11. are much better off to follow up with enacting and
12. enabling legislation, however, to make sure that
13. we keep our thumb in the pie, as it were. On
14. Executive Order No. 2, there's been a considerable
15. amount of controversy generated, particularly as it
16. pertains to the State Police. Now, State Police seem
17. to be generally opposed to this. I am not sure if they
18. thoroughly understand yet exactly what the Executive
19. Order does, at least as I understand it from explanations
20. from the Department of Law Enforcement and from the
21. Governor's Office. And I wanted to state publicly
22. here why I am supporting the action of sustaining the
23. Governor's Executive Orders here. The allocation of
24. responsibilities is not meant to isolate personnel
25. in one of the five divisions or another because of
26. their previous designation. I speak of the divisions
27. here, the Division of Illinois State Police, the Division
28. of Investigation, the Division of Support Services, the
29. Division of Administration and the Division of Internal
30. Investigation. For example, qualified State Policemen
31. may be assigned to any one of the divisions to take
32. advantage of their skills. Section A refers to the
33. Statutory responsibilities of the State Police for the

1. operation of a radio network, the patrol of State highways,
2. the enforcement of the Motor Vehicle Laws and, and I think
3. this is the most important language, and their power as
4. conservators of the peace, or conservators of the peace,
5. I guess it would be. So, they are not in fact, just going
6. to end up being traffic policemen. They will still have
7. the power to investigate criminal activities and to follow
8. up with their normal law enforcement procedures from that
9. point forward. The fifth division that is created by
10. the Executive Order is the Division of Internal Investigation.
11. Now, that's the new name for the old Office of Special
12. Investigations which we have seen in at least the last
13. two or three years in this General Assembly where the
14. General Assembly took the...took upon itself not to fund
15. that particular division, but then the Governor, at that
16. time, took it upon himself to go ahead and take money
17. out of the State Police and out of the IBI and to fund
18. that particular division. Now, as the Chairman of
19. the Appropriations Committee, which heard the bill on
20. the Department of Law Enforcement, the Director of
21. that Department informed me that if it was the will
22. of the General Assembly that there be no such thing as
23. the Division of Internal Investigation, if we took
24. that action via the method of not funding them, then
25. he gave me his word that he would not take funds from
26. other divisions to try to fund them. He's going to
27. follow the will and the wishes of the General
28. Assembly. And I believe that the Director is an
29. honorable man and he intends to follow that commitment.
30. Because the Governor has the principal constitutional
31. responsibility to see to the faithful execution
32. of the laws, it is the responsibility of the Governor
33. to insure that agencies, boards and commissions which

1. exercise Executive function are free from corruption.
2. And so that's why he wanted to...to form that particular
3. division. If we do decide not to fund it, the Director
4. isn't going to have it. And the final thing I would
5. like to address is the State Police Merit Board. There
6. presently is a three member State Police Merit Board.
7. The Governor's Executive Order would increase the
8. size of this board to five, and to expand their duties
9. somewhat. Now, the Governor has publicly committed,
10. I think via press conference, has publicly committed,
11. to retain the present three members of that merit
12. board and to expand it by two more. So, therefore, I
13. think that our fears that, perhaps, somehow or other,
14. there might be some patronage sneak into the State
15. Police system are unfounded. The Governor has made
16. his commitment to keep the three present members
17. and to expand that board by two and so I think that
18. perhaps those fears are without foundation. And I
19. think that we ought to go ahead and sustain the
20. action, even given my opposition to the whole
21. Constitutional concept of Executive Orders, on the
22. part of the executive, I think we ought to go ahead
23. and sustain this function today.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Any further discussion? Senator Netsch.

26. SENATOR NETSCH:

27. Thank you, Mr. President. The...I'm sort of
28. intrigued by the shifting sands of attitude towards this
29. over the last couple of weeks. I had the distinct
30. impression two weeks ago that I was the only one
31. who was sympathetic toward approving the Governor's
32. Executive Orders and now I find that the rolls have
33. reversed rather dramatically. My...someone just...I

1. just heard someone whisper crosstown, but, I'm sure that
2. has nothing to do with it. The...I would like to make
3. two points. One is that I think that the suggestion
4. that Senator Hynes made that we should vote by record
5. on the Executive Orders even though the issue may be
6. put negatively, is very sound. I think it's something
7. that we will be very appreciative of in the future, that
8. we have established that as a precedent. The second
9. thing is that it seems to me that the first of the
10. Executive Orders is a perfect example of why executive
11. reorganization power was granted by those tired old
12. gentlemen, as I think Senator Graham and Ladies, as Senator
13. Graham calls them. In the first place, it is a purely
14. housekeeping kind of reorganization. It is the kind
15. where the Chief Executive has a particular capacity to
16. understand what needs to be done and should be not only
17. encouraged to do it, but really should be energized to
18. do it so that indeed the...the best form of reorganization
19. of the Executive, or organization of the Executive Branch
20. does, in fact, take place. There might be a few minor
21. questions about the first Executive Order, but on...in
22. substance I think it is on sound ground and should be
23. approved. The second Executive Order is procedurally
24. and motivationally fine, that is it does take an agency
25. and attempts to reorganize it internally. Again, a
26. perfectly valid use of the agency reorganization powers.
27. But what does concern me is I think that in that one,
28. because of some sloppy draftsmanship, that the
29. Executive Order goes beyond reorganization of functions
30. and in fact, either makes a couple of substantive
31. changes or seems to make a couple of substantive
32. changes and those of us who have asked the questions
33. are...have still not gotten absolutely clear answers

1. to...to it. Most of those points Senator Buzbee has
2. already called attention to. I would just reemphasize
3. that I think there is a very serious question as to
4. whether or not Executive Order No. 2 does not have
5. an affect on the status of employees of the State of
6. Illinois and that I think is not something that is
7. appropriate to be done by Executive reorganization.
8. And, secondly, I believe that it does something to
9. the substantive duties of the State Police Merit
10. Board. That, also, is something which is not appropriate
11. for Executive Agency reorganization. So, not because
12. it is wrong in terms of a proper use of that Consti-
13. tutional power, but because, I think, substantively
14. there are errors in it. I think the second one should
15. be disapproved while the first one should be approved.
16. PRESIDING OFFICER: (SENATOR ROCK)

17. Any further discussion? Senator Carroll.

18. SENATOR CARROLL:

19. Thank you. I following and join Senator Netsch in
20. her comments for very similiar reasons. We do not
21. have the power under the Constitution to amend the
22. Executive Order. It is a take it or leave it situation.
23. I think there are substantial defects, be they purposeful
24. or accidental, in Executive Order No. 2. And I think
25. we are taking an action which may abrogate existing
26. Statutory Law and we may find ourselves in a position
27. soon of having an Executive Order that we approved
28. and Statutes that are on the books in direct conflict.
29. The idea of the orders were not to conflict with
30. existing Statutes. We have not gotten answers to our
31. questions that were asked, which makes me think some
32. of these may have been done on purpose, and we have
33. not seen the Statutes that will be offered to implement

1. this. What concerns me most, though, is since we cannot
2. amend this Executive Order to assure ourselves that we
3. are not doing something we do not want to do and we
4. have to await the Statutes, so to do the bills that
5. will be proposed, we don't know that the Governor will
6. sign them. So, he may by Executive Order be changing
7. substantive law because he would have the power of
8. the pen to veto the Legislative enactments that we
9. would propose to either implement or modify his
10. Executive Order. I would have preferred either answers
11. to questions or that the Executive modify his own
12. Executive Order by giving us another one to clarify
13. these, so we were not caught in the situation we
14. now seem to find ourselves of if we approve his own
15. change in Executive Order No. 2 and if we accept his
16. decisions, but want to protect the concepts of the
17. Statute, we have no way of being sure we can do
18. that. I would hope, therefore, we would oppose it
19. at this time, so that when it does come back in,
20. it will come back in in its proper form to salvage
21. what we think are needed parts of the Statutes.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Any further discussion? Senator D'Arco, for the
24. second time.

25. SENATOR D'ARCO:

26. Point of parliamentary inquiry.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. State your point.

29. SENATOR D'ARCO:

30. This motion, as I understand it, is framed as a
31. motion to disapprove of Executive Orders 1 and 2, so that
32. if I am in favor of approving of the Executive Orders, I
33. should vote in the negative on the motion to disapprove.

1. Is that correct?

2. PRESIDING OFFICER: (SENATOR ROCK)

3. That is correct. All right. The question is shall
4. the Senate, in accordance with Article V, Section 11 of
5. the Constitution of the State of Illinois which says in
6. relevant part, such an Executive Order shall not become
7. effective if within sixty Calendar days after its
8. delivery to the General Assembly, either House disapproves
9. the Executive Order by record vote of a majority of the
10. members elected. The question is shall the Senate
11. disapprove Executive Order No. 1. Those who disapprove
12. Executive Order No. 1 will vote Aye. Those who approve
13. Executive Order No. 1 will vote No. The voting is
14. open. Have all voted who wish? Have all voted who
15. wish? Take the record. On that question the Ayes are
16. 2, the Nays are 54, none Voting Present. Executive
17. Order No. 1 is not disapproved and in fact...and in
18. fact...in fact, therefore, is approved and the Secretary
19. will so inform the House. The question is shall the
20. Senate disapprove Executive Order No. 2. Those who
21. disapprove Executive Order No. 2 will vote Aye. Those
22. who approve Executive Order No. 2 will vote No. The
23. voting is open. Have all voted who wish? Have all
24. voted who wish? Take the record. On that question the
25. Ayes are 16, the Nays are 39, 1 Voting Present. Executive
26. Order No. 2 is not disapproved and is, therefore, approved
27. and the Secretary shall so inform the House. Senator
28. Carroll, for what purpose do you arise?

29. SENATOR CARROLL:

30. Point of order. I think we should all thank our
31. members who were also members of the Constitutional
32. Convention who gave us that language that was not
33. too cumbersome in dealing with Executive Orders.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. That's not all they gave us. All right. With leave
3. of the Body we will now return to the Calendar to the
4. Order of Senate Bills 3rd reading. Is Senator Lemke
5. on the Floor? Senator Knuppel on 722. Yes. Senator
6. Knuppel.

7. SENATOR KNUPPEL:

8. I have to amend this bill. Would it be possible
9. to do it now or do we have to go to 2nd reading when
10. we do this? I mean at another time. Another order of
11. business.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. I think we're down to the point now where...well
14. let's do it now.

15. SENATOR KNUPPEL:

16. All right. I'd like to have it go back to the
17. Order of 2nd reading.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator Knuppel asks leave to bring Senate Bill
20. 722 back to the Order of 2nd reading for the purposes
21. of an amendment. Is leave granted? On the Order of
22. Senate Bills 2nd reading is Senate Bill 722. Mr.
23. Secretary.

24. SECRETARY:

25. Amendment No. 1 offered by Senator Knuppel.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Knuppel.

28. SENATOR KNUPPEL:

29. Amendment No. 1 is, number 1 is the Home Rule Amendment
30. coupled with...and some additional language...language from the
31. Comptroller's office to the effect that in fulfilling its
32. responsibilities under this Section, the board shall consult
33. with both the local fiscal management unit in the Department

1. of Local Government Affairs and the Illinois Office of
2. Education. I move the adoption of the amendment.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Knuppel have moved the adoption of Amendment
5. No. 1 to Senate Bill 722. Is there any discussion? All
6. those in favor signify by saying Aye. All those opposed.
7. The Ayes have it. The amendment is adopted. Any further
8. amendments?

9. SECRETARY:

10. No further amendments.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. 3rd reading. Might we have leave of the Body to have
13. Senator Egan handle 727 and 728 for Senator Sangmeister? Leave
14. is granted. On the Order of Senate Bills 3rd reading is
15. Senate Bill 727. Read the bill, Mr. Secretary.

16. SECRETARY:

17. Senate Bill 727.

18. (Secretary reads title of bill)

19. 3rd reading of the bill.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Senator Egan.

22. SENATOR EGAN:

23. Thank you, Mr. President and members of the Senate.
24. Senate Bill 727 amends the criminal code of procedure
25. in regards to the matter of substitution of judges.
26. This allows that instead of the right to have an automatic
27. substitution of two judges, this limits it to the automatic
28. substitution of only one. It is designed to increase the
29. ...or lesson the burden on the State in matters of criminal
30. procedure. I know of no opposition. We worked this out
31. in the committee, I think to everyone's satisfaction and
32. I ask for your favorable support.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Is there further discussion? The question is shall
2. Senate Bill 727 pass. Those in favor vote Aye. Those
3. opposed Nay. The voting is open. (Machine cut-off)
4. voted who wish? Take the record. On that question the
5. Ayes are 47, the Nays are 3, 1 Voting Present. Senate
6. Bill 727 having received a constitutional majority is
7. declared passed. Senate Bill 728. Senator Egan.
8. SECRETARY:

9. Senate Bill...
10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Read the bill, Mr. Secretary.

12. SECRETARY:
13. Senate Bill 728.

14. (Secretary reads title of bill)
15. 3rd reading of the bill.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Egan.

18. SENATOR EGAN:

19. Thank you, Mr. President and members of the Senate.
20. This bill also is a procedure bill designed to assist
21. the State in prosecuting the many crimes that it has to.
22. It...it will require a court to grant the State a
23. continuance beyond the mandatory trial date under
24. certain circumstances. The case of People versus Lewis...
25. raised this question and it was argued and in the conclusion
26. of the case the court did note that in our opinion, as
27. originally filed...reinterpreted the one hundred twenty
28. day rule to exclude from the computation, any delays occasioned
29. by the defendants. The additional facts and arguments presented
30. in the petition for rehearing and briefs of the AMCCI
31. relating to pending legislation as well as problems
32. in the implementation of the rule originally announced
33. that persuaded us that we should, at least for now, await
34. legislative consideration and action and accordingly that

1. portion of the original opinion was deleted, consequently,
2. this legislation was felt necessary by Senator Sangmeister
3. and I urge your favorable support.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Is there further discussion? The question is shall
6. Senate Bill 728 pass. Those in favor vote Aye. Those
7. opposed Nay. The voting is open. Senator Rock, would
8. you vote me. (Machine cut-off) all those voted who
9. wish? Take the record. On that question the Ayes are
10. 46, the Nays are 1. Senate Bill 728 having received
11. the constitutional majority is declared passed.

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16. End of Reel 4

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1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Wooten, for what purpose do you arise?

3. SENATOR WOOTEN:

4. Mr. President, Senator Sangmeister is not here,
5. but I simply think we ought to note those are
6. his first bills as a Senator and I would like to applaud
7. him to the echo.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Returning to Senate Bill 722...Senator Knuppel.

10. Read the bill, Mr. Secretary.

11. SECRETARY:

12. Senate Bill 722.

13. (Secretary reads title of bill)

14. 3rd reading of the bill.

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. Senator Knuppel.

17. SENATOR KNUPPEL:

18. Mr. President, this is a piece of legislation
19. out of the Comptroller's office designed to implement
20. the...the Illinois Constitution Article 8, Section 4
21. saying that the General Assembly by law shall provide
22. systems of accounting, auditing and reporting of the
23. obligation, receipt and use of public funds. These systems
24. shall be used by all units of local government and school
25. districts. This bill is designed to create a...a...an
26. agency or a board under the guidance of the Comptroller
27. as chairman. Composed of twenty-three members, eleven of
28. of whom will be elected or appointed local officials. Six
29. will be certified public accountants and six public members.
30. This bill is designed to implement the Constitution in that
31. regard. It's something that has to be done and I think this
32. bill is well drawn to do it.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Senator Glass.

2. SENATOR GLASS:

3. Thank you, Mr. President, Ladies and Gentlemen.

4. Senator Knuppel, I address this to you as a...a comment
5. and I think it...there is a defect in the bill by
6. virtue of the amendment that was just adopted which
7. provides that the Act will not apply to any municipality
8. or...or county of more than one million inhabitants.
9. As you just read from the Constitution Article 8,
10. Section 4, the General Assembly by law is required to
11. provide systems of accounting, auditing and reporting
12. for all units of local government and school districts.
13. Therefore, as I read the Constitution, it wouldn't be
14. possible to accept any unit of local government and I think,
15. therefore, this would make it a defective bill and I
16. would suggest the Tabling of Amendment No. 1.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Knuppel.

19. SNEATOR KNUPPTEL:

20. Well, I...I realize what you're saying. This is not
21. legislation providing this is merely a board or in the
22. order of a commission to design it. The legislation which
23. will flow from this board, I think, is the legislation that
24. will be enacted and this is the only reason I was willing
25. to accept the home rule amendment. I assume that those
26. people will play their roll in the legislation that's recommended
27. by this board. This only creates the board to recommend
28. it.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator Glass.

31. SENATOR GLASS:

32. You're...you're saying then that the only power
33. of the...of this board is to make a recommendation and

1. it's not binding on anyone?

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Knuppel.

4. SENATOR KNUPPEL:

5. I think that we would have to legislate in
6. accordance with the findings of the board.
7. It says the board shall be responsible concurrently
8. for observation of the performance and so forth. I think
9. they will recommend legislation. I...I see...I don't...
10. I fail to see in here anywhere that the board is created
11. for the purpose of initially developing recommendations
12. of proposed legislation to implement the provisions
13. of Section 4, to propose...or develop recommendations
14. of proposed legislation. I don't think that whatever
15. they do will have the force or effect of legislation.
16. They may make recommendations to units of local government
17. but they cannot...those recommendations could never possibly
18. have the force of legislation that's expected under the
19. Constitution.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Senator Glass.

22. SENATOR GLASS:

23. Well, I...I guess you're right that the...the proposed
24. Act, the bill itself does say that the board is created
25. for the purposes of developing recommendations for proposed
26. legislation. My only hangup still is that the Constitution
27. does say that whatever they recommend is going to have to
28. apply uniformly to all units of local government and school
29. districts in the State and it seems really unnecessary
30. since it is only recommendation anyway to have adopted
31. the amendment. But you know, I just question whether...
32. whether the recommendations...the recommendations will have to
33. be for all municipalities and I...I repeat, I think you would

1. be better off without that amendment.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Is there further discussion? Senator Schaffer.

4. SENATOR SCHAFFER:

5. Mr. President, with Senator Knuppel's indulgence,

6. I'd like on a point of personal privilege to introduce

7. the kids from the Orchard Street School in Fox River

8. Grove in McHenry County. I think they're the first

9. class from my district this year and I regret to say

10. they did not get down here on the RTA system. If they

11. would please stand and be recognized, I'd like to them

12. acknowledged by the Senate.

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Please stand and be recognized.

15. Is there further debate? Senator Berning.

16. SENATOR BERNING:

17. Thank you, Mr. President. Just an observation. Since

18. this legislation is generated as the result of a provision

19. of the new Constitution to implement what is set out

20. therein, it occurs to me that it absolutely is going to

21. work itself out of a justification for existence in

22. a very short time and it would appear logical that this

23. bill ought to have a self-destruct date attached to the end

24. of it.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Is there further discussion? Senator Knuppel

27. may close the debate or take a vote or both. Senator...

28. SENATOR KNUPPEL:

29. Well, I just want to...I just want to say one thing

30. so that the people aren't confused by the debate and that

31. is if the...if the City of Chicago and the County of Cook

32. wants to close itself out of the discussion for making

33. recommendations, they can play their role when we vote on

1. the legislation. I have no objection to them going on
2. home and sticking their head in the sand. Let's do it.
3. If they don't want to help, we can do it without them.
4. You know the little red hen story.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Question is shall Senate Bill 722 pass. Those in
7. favor vote Aye. Those opposed Nay. The voting is
8. open. Have all those voted who wish? Have all those
9. voted who wish? Take the record. On that question the
10. Ayes are 41, the Nays are none, 10 Voting Present. Senate
11. Bill 722 having received a constitutional majority is
12. declared passed. It's been called to my attention that there
13. was leave granted yesterday to go back to the Order of...of
14. Senate Bills on 3rd to Senate Bill 603. Senator Philip
15. is gone and I believe that the Body gave leave to
16. Senator Carroll to handle that bill. Senate Bill 603.
17. Read the bill, Mr. Secretary.

18. SECRETARY:

19. Senate Bill 603.

20. (Secretary reads title of bill)

21. 3rd reading of the bill.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Senator Carroll.

24. SENATOR CARROLL:

25. Thank you, Mr. President, members of the Senate.
26. Let me first answer the comments that are being made.
27. When this bill was taken from the record yesterday
28. so that we could amend it, leave was requested and given
29. to go back to this out of order today because we had pulled
30. it out of order...we had pulled it from the record yesterday.
31. This bill, as I think we are all aware, is the bill that
32. would create the new crime of recording on film in the
33. form of motion pictures or photography any act considered
34. to be...

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Proceed.

3. SENATOR CARROLL:

4. Thank you, Mr. President. Any act considered to be
5. deviate sexual conduct if any one of the participants
6. is under the age of sixteen years. I think we have all
7. read and watched with horrification the incidents
8. described recently of acts between children or where
9. one of the participants is underage that have been filmed
10. and exploited and sold throughout the cities of this
11. nation. I think we all want to deal with that
12. problem and most of us are firmly convinced that the
13. answer is not in the Obscenity Statutes but in the Criminal
14. Statutes and by doing this, we are saying that those
15. acts that were they performed by an adult and a minor
16. would be deviate sexual conduct then the filming of those
17. acts, even if all of the participants are minors, shall be
18. the crime of deviate sexual conduct so that we may now have
19. vigorous and active prosecutions of the photography,
20. filming, distributing of those films that depict those
21. acts. I think we debated this quite a bit yesterday.
22. I think we all understand the compelling reasons for this
23. legislation. I would urge a favorable roll call.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Is there further discussion? Senator Demuzio.

26. SENATOR DEMUZIO:

27. Thank you, Mr. President. With leave of the Body
28. I would like to be added as a cosponsor on this bill, 603.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Is leave granted? Leave is granted. Senator
31. Johns, same request. Senator Merlo. Senator...would those
32. requesting to be listed as cosponsors, would they please
33. advise the Secretary. The...Senator Carroll.

1. SENATOR CARROLL:
2. If I have fifty-four or fifty-five cosponsors do we still
3. need a roll call?
4. PRESIDING OFFICER: (SENATOR DONNEWALD)
5. I think we do so the question...
6. SENATOR CARROLL:
7. Okay, I would ask for a favorable roll call.
8. PRESIDING OFFICER: (SENATOR DONNEWALD)
9. The question is shall Senate Bill 603
10. pass. Those in favor vote Aye. Those opposed Nay. The
11. voting is open. Have all those voted who wish?
12. Take the record. On that question the Ayes are 56, the
13. Nays are none. Senate Bill 603 having received
14. a constitutional majority is declared passed. Senate
15. Bill 734, Senator Egan. Read the bill, Mr. Secretary.
16. SECRETARY:
17. Senate Bill 734.
18. (Secretary reads title of bill)
19. 3rd reading of the bill.
20. PRESIDING OFFICER: (SENATOR DONNEWALD)
21. Senator Egan.
22. SENATOR EGAN:
23. Thank you, Mr. President and members of the Senate.
24. 7...Senate Bill 734...
25. PRESIDING OFFICER: (SENATOR DONNEWALD)
26. Just a moment, Senator. Would the members please
27. be in their seats. Could we have order. Senator Ozinga,
28. for what purpose do you arise?
29. SENATOR OZINGA:
30. Mr. President, as long as we've got order...
31. PRESIDING OFFICER: (SENATOR DONNEWALD)
32. We...we don't have much of it.
33. SENATOR OZINGA:

1. Well, every little bit counts. Seated in the gallery
2. behind you is a constituent of, I believe, Senator McMillan's,
3. Mrs. Fergy and with her is Mrs. Ruth Anderson from Quincy
4. with...together with who is visiting with Senator Hickey's
5. mother today both of whom are, I believe, eighty-five
6. years young and enjoying the proceedings here.
7. Senator Hickey's mother was introduced yesterday and if...
8. I would like at this time to introduce Mrs. Veach.
9. PRESIDING OFFICER: (SENATOR DONNEWALD)
10. Please...please rise and be recognized.
11. Senator Egan.
12. SENATOR EGAN:
13. Thank you, Mr. President, members of the Senate. Senate
14. Bill 734 is an amendment to the School Code on higher
15. education, student assistance. It increases the maximum
16. full time awards from the current fifteen hundred fifty
17. dollars up to seventeen hundred dollars, just a hundred
18. and fifty dollars more. The Board of Higher Education's
19. estimate...their plan was that it should be presently
20. sixteen hundred and fifty but because of budgetary problems,
21. it...did not get that increase. This amount is not
22. for the current awards but for the terms beginning
23. after August 15 of 1978 so it is not in the current budget
24. and consequently, there are no fiscal impacts for this
25. year and I solicit your favorable support.
26. PRESIDING OFFICER: (SENATOR DONNEWALD)
27. Is there further debate? Senator Sommer.
28. SENATOR SOMMER:
29. Would the Senator please indicate the...the fiscal
30. impact whenever this becomes effective.
31. PRESIDING OFFICER: (SENATOR DONNEWALD)
32. Senator Egan.
33. SENATOR EGAN:

1. Let me see if I can't...it's a hundred fifty dollars
2. per student award increase in 1978. Now, the projected
3. figure would have been seventeen hundred under the plan.
4. There has been so much money saved because the current
5. figure is lower than the...than what the board wished so
6. if you give me some credits, why I can...it will go up
7. fifty dollars a student.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Senator Sommer.

10. SENATOR SOMMER:

11. Well, then what you're saying is if the Governor
12. signs this, he automatically increases his budget...the
13. next budget he submits by four or five million dollars
14. and has no choice.

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. Senator Egan.

17. SENATOR EGAN:

18. I'm not sure it's that high but, in fact, he will
19. need to increase his budget in 1978. And, let me add,
20. that I haven't heard any opposition from his office.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Senator Shapiro.

23. SENATOR SHAPIRO:

24. Well, Mr. President and Ladies and Gentlemen of the
25. Senate. I'm in opposition to the bill. It raises the
26. maximum full time awards from fifteen fifty to seventeen
27. hundred. This would benefit exclusively those students
28. who attend our private colleges and universities throughout
29. the State of Illinois and would not accrue at all to the
30. students of the public institutions. The main point I want
31. to make, though, is that this bill has a fiscal impact of
32. approximately four and a half million dollars for FY '79.
33. We can best address ourselves of this type of legislation

1. with the cooperation of the State Scholarship Commission at
2. that time. In other words, they can come in with the
3. recommendation as to what the full time and the part time
4. maximum awards should be and I would urge defeat of the bill
5. at this time.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Senator Hynes.

8. SENATOR HYNES:

9. Mr. President and members of the Senate. I rise
10. in support of this bill. It does not have a fiscal impact
11. in the upcoming fiscal year. It does give a promise
12. of much needed relief for the following fiscal year.
13. The private colleges and universities in this State
14. are suffering, as are most of the educational institutions,
15. a very severe financial crunch. I think that the Governor's
16. statements as to higher education and the prospects for
17. the future indicate that this level of funding will be
18. within our ability for the following fiscal year and I think
19. it will give the opportunity to these schools and to students
20. that will attend to them to make plans for that year and
21. so I would support the legislation as it has no fiscal impact
22. in the upcoming fiscal year.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Senator Berman.

25. SENATOR BERMAN:

26. Thank you, Mr. President. I rise in support of this
27. legislation. Last year, I had the honor of sponsoring
28. the bill that raised the maximum from fifteen hundred
29. to fifteen fifty. The costs of all education are
30. going up. This is only in response to the increased
31. tuition costs that are taking place in most of our
32. non-public institutions of higher education. I solicit
33. your support of this bill.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Grotberg.

3. SENATOR GROTEBERG:

4. Thank you, Mr. President. I rise in complete conflict
5. on this bill, in conflict with my Minority Leader, in
6. conflict with the public education system of the State
7. of Illinois, but I still say that the private system
8. is probably the only one that's worth keeping and here's
9. a chance to make sure it stays alive and if we don't
10. do this, they're dropping like flies and I would submit
11. to you that if we ever had to pay for these replacements
12. of the colleges that are out there doing this job for this
13. kind of money, then we would, indeed, be a bankrupt State of
14. Illinois and this is the cheapest and best way to do it and
15. I urge an Aye vote.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Glass.

18. SENATOR GLASS:

19. Thank you, Mr. President. I find myself in
20. agreement with something that each of the
21. speakers has said, Mr. President, specifically the
22. private colleges do need more help. There's no question
23. about that and we should be increasing the grant for them.
24. But this is a joke to pass a bill like this that doesn't
25. even apply to the current fiscal year. We don't know whether
26. there's going to be money to afford this increase or not.
27. We should not be passing legislation that doesn't become
28. effective until 1979. If we have the money next year,
29. it will...it will be in the budget and we can act on it
30. at that time. But to do this now is just, in my opinion,
31. a...a very misleading approach to say that we may do
32. something in the future if we have the money. Let's
33. pass legislation at the time that we also appropriate the

1. money to fund it. For that reason, I oppose
2. the bill.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Is there...Senator Hickey.

5. SENATOR HICKEY:

6. Mr. President, I'd like to point out to Senator Glass
7. that these are only maximum awards. There...this does
8. is...does not set what the award will be. The award
9. can be set at what can be afforded at that time. These
10. are the maximums only.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Senator Netsch.

13. SENATOR NETSCH:

14. Thank you. On the merits, I think that the...
15. Senator Glass is probably wrong, that what we ought to
16. do really is to signal ahead and plan ahead for what
17. we are going to do and I think this, in that sense, is
18. a very reasonable way of going about it. I would like to
19. add to that that I work for...that is I work occasionally
20. not very often, for a private university. To the best
21. of my knowledge, I am in no way, shape or form a
22. recipient of the...any of the bounty of the scholarship
23. awards and I don't think I truly have a conflict of
24. interest and this year, unlike most past years when I
25. thought we did not have the current funds available, I am
26. going to vote Yes.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Is there further debate? Senator Egan may close
29. or take a vote. Or both.

30. SENATOR EGAN:

31. Well, just in defense of the time structure in the bill.
32. The Board of Higher Education has made the determination
33. to...raise the maximum in...in three different stages,

1. last year, this year and the following year. The problem
2. to date has been that there was not enough money to raise
3. this year so if I can have about two million credit on
4. Senator Shapiro's fiscal impact, it's not going to be that
5. bad in '78 and I urge your favorable support.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. The question is shall Senate Bill 734 pass. Those
8. in favor vote Aye. Those opposed Nay. The voting is open.
9. ...those voted who wish? Have all those voted who wish?
10. Take the record. On that question the Ayes are 38, the
11. Nays are 15. Senate Bill 734 having received a
12. constitutional majority is declared passed. Senator Lemke,
13. for what purpose do you arise?

14. SENATOR LEMKE:

15. I left the Floor. I had Senate Bill 720 up. I'd
16. like to have leave to go back to that. Some constituents
17. were here.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Do we have leave to return to the Order of Senate Bill
20. 720? Leave is granted. Just a moment. Senator Nimrod,
21. for what purpose do you arise?

22. SENATOR NIMROD:

23. Mr. President, I have a question about 720.
24. I observed that this particular bill was amended last night
25. and it struck everything past the enacting clause and it's
26. on 3rd reading. We have not had an opportunity to even
27. look at this bill or this amendment has never even been
28. distributed. From its appearance, it appears that what
29. we did was amend in a House Bill that came over from the
30. House that was going to be slated to a committee for hearing
31. and suddenly we end up with a House Bill amended into a Senate
32. Bill going back to the Senate...going back to the House.
33. I think that...is it proper that this should have stayed

1. on 2nd reading for us to have a chance to amend it
2. before it moved on? Since, I think it was agreed earlier
3. this Session that anytime an amendment is made to a bill
4. it sits for one day or that the Senators have an opportunity
5. to amend that bill.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Well, of course, the...I was not present at that time.
8. The bill, as I understand, was brought back to the Order of
9. 2nd reading for the purposes of amendment last evening
10. and subsequently, was then returned after the amendment
11. or amendments were adopted and I believe it was one amendment.
12. When that one amendment was adopted, it was returned to the
13. Order of 3rd reading and that's where it now reposes.
14. And there is no request as...I'm advised, to hold the bill
15. on 3rd reading so the bill is up...the Chair would rule that
16. the bill is up for consideration. Senator Nimrod.

17. SENATOR NIMROD:

18. Well, then, can I ask you if the sponsor of this
19. bill, since he did do...the bill has an amendment which
20. struck everything past the enacting clause. Is he willing
21. to take it back to 2nd reading for us to...chance to amend
22. the bill?

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Well, your...your objection would be valid if
25. you have not received the amendment.

26. SENATOR NIMROD:

27. We have...we have not received the Amendment No. 1.
28. No. 2 has...there were not any provisions at all for that...

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Well,...

31. SENATOR NIMROD:

32. ...any notice.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Senator Lemke.

2. SENATOR LEMKE:

3. I think that what we're doing here with Senate
4. Bill 720, we have amended the bill to conform to numerous
5. negotiations. The bills have been discussed in committee
6. in lengthy time. I brought the...I was not going to...bring
7. the...back, but my seatmate wanted to amend the bill,
8. Senator Vadalabene. I brought it back for that sole purpose.
9. Nobody had offered any amendments. There was no offer on it.
10. The bill has been on the Calendar a substantial length of
11. time. Nobody has ever come up to me to talk about the
12. amendments and I think that as far as we go here with
13. Workmen's Compensation, what we're trying to do here with
14. this bill is to remedy a situation in the State and I think
15. this is most important that we call the bill and have a vote
16. on it so we can help out the business in the State of
17. Illinois so that we can get the insurance industry...

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Well, Senator, just a moment.

20. SENATOR LEMKE:

21. ...to give deductions.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. I think you're departing from what the real question is.
24. I think Senator Nimrod's inquiry is whether the bill
25. can be considered without the members knowing what the bill
26. does, in fact, say and I've been advised that the amendment
27. has not been passed out. Is that correct? Senator, Senator,
28. I'm sure that the Body would give leave for you to return back
29. to this order of business if you would have the amendment
30. printed and distributed to the members and we will...if
31. ...with consideration of the Body, I...we would return when
32. the amendment is, in fact, placed upon the desks of the
33. members. Senator Nimrod.

1. SENATOR NIMROD:

2. Mr...Mr. President, I had a bill that the enacting
3. clause was struck and...and that bill was not afforded any
4. opportunity to be called back. Now, I think this bill ought
5. to just take its turn with the other bills and we ought
6. to get the amendment on to us and then call it when it comes
7. up again but I don't think we should give any special
8. consideration for it to come back.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Well, just a moment. Senator...Senator Savickas.

11. SENATOR SAVICKAS:

12. Well, I don't think we're giving him special
13. consideration. The Calendar said that we will be on the
14. Special Order of Business till 3:00 o'clock. Senator
15. Lemke came in at five till three. We already had
16. bypassed his bill because it was on the first one that
17. was called and I think we're just extending him the
18. courtesy because we proceeded too quickly on the other
19. bills. He was back here to have his bill heard but
20. they bypassed it already.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Just a moment. Just a moment. Senator Glass.

23. SENATOR GLASS:

24. Mr. President, I...I think what Senator Savickas
25. says is...is correct. Senator Lemke ought to have a chance
26. to call his bill. What we would like, though, is an
27. opportunity to review this amendment. This is, in
28. fact, a twenty-one page amendment that makes major
29. changes so I...we would like at least some reasonable
30. time to go over it and be in a position to respond.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Senator Hynes.

33. SENATOR HYNES:

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1. Mr. President and members of the Senate, I think that
2. was the suggestion of the Chair that the amendment
3. be distributed. We would go back to the bill when you
4. had an opportunity to study it. The fact of the matter is
5. that I think you are thoroughly familiar with all of the
6. provisions of that amendment, Senator Nimrod. So, if we will
7. proceed as the Chair outlined, distribute the amendment,
8. and then go back to the bill after it has been distributed.
9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Take it out of the record. Take it from the record.
11. Senator Egan as to Senate Bill 735. Read the bill,
12. Mr. Secretary.

13. SECRETARY:

14. Senate Bill 735.

15. (Secretary reads title of bill)

16. 3rd reading of the bill.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Egan.

19. SENATOR EGAN:

20. Thank you, Mr. President and members of the Senate.
21. Senate Bill 735 amends the existing Illinois Prosecutor's
22. Advisory Council Act to authorize them to create an appellate
23. division, the function of which would be to assist in
24. each county the local State's Attorney in matters
25. which reach the appellate level. Presently, the...they
26. must either do this by themselves or seek assistance from
27. the Attorney General. Because of the existing Prosecutor's
28. Council, it is felt that this would be an easier method.
29. It will aid and facilitate the State's Attorneys in every county
30. to their own satisfaction. They can use the service or not.
31. It has the...the concurrence and the approval of the State's
32. Attorneys Association. There is a promise that it will be
33. funded through the ILLEC and if the funds are available

1. I know of no opposition. It also by amendment reduces
2. the salary of the Executive Director and allows him to
3. practice law. That's a savings of some net sum and
4. I solicit your favorable support.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Senator Sommer. Not yet. Let's stand at ease. Can...
7. will the members please be in their seats. Senator
8. Vadalabene can't see or hear and many others in the same
9. circumstance. Proceed.

10. SENATOR SOMMER:

11. Senator Egan, would you correct me if I'm
12. ...I'm wrong, but it would strike me that currently
13. downstate counties and prosecutors' appellate work is
14. financed by a Federal program and the appellate work
15. in Cook County is financed by Cook County. Do you propose
16. in this that the State of Illinois now finance the appellate
17. work of Cook County?

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator Egan.

20. SENATOR EGAN:

21. No, this will not...Cook County will not require the
22. service. They have an appellate division, they have their
23. own budget that's funded through county money and whatever
24. Federal money they have and perhaps some ILLEC money.
25. But, this money is partially Federal also.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Senator Sommer.

28. SENATOR SOMMER:

29. Then it's my understanding in the appropriation
30. bill that you have marked the ILLEC appropriation to
31. say that if there's money available, it will fall into this
32. and otherwise, no other State General Revenue Funds
33. will be used for this purpose.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Egan.

3. SENATOR EGAN:

4. That's correct.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Is there further discussion? ...Senator Rock.

7. SENATOR ROCK:

8. Thank you, Mr. President, Ladies and
9. Gentlemen of the Senate. I rise in support of Senate
10. Bill 735. I had the opportunity to handle this bill
11. in committee on Senator Egan's behalf and was privy,
12. therefore, to the testimony of the State's Attorneys
13. and their association with respect to this bill. It seems
14. to me that in this era when we are launching, apparently,
15. as the Governor indicates, on a thorough criminal law
16. revision in order to get tough with defendants, that something
17. like this is absolutely essential for the State's
18. Attorneys in the smaller counties. I would urge a favorable
19. vote.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Is there further discussion? Senator Egan, do you
22. wish to close the debate? Roll call is requested. Senate...
23. the question is shall Senate Bill 735 pass. Those in favor
24. vote Aye. Those opposed Nay. The voting is open.
25. Have all those voted who wish? Take the record. On that
26. question the Ayes are 49, the Nays are 1. Senate Bill
27. 735 having received a constitutional majority is declared
28. passed. Senate Bill 737, Senator Egan. Read the bill,
29. Mr. Secretary.

30. SECRETARY:

31. Senate Bill 737.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Just a moment. Senator Egan.

1. SENATOR EGAN:

2. If I may by authority of the Body, I would like
3. to return this back to the committee and let me explain.
4. This bill was designed to facilitate and to increase
5. the climate for the businessman and we found that
6. contrary to the belief when I introduced the bill,
7. I thought it would increase revenues by about five
8. million. It, in fact, now we find, will decrease revenues
9. by five million. Because of that, and because it's...it's
10. still in my opinion, a good idea and perhaps we can afford
11. it later, I would like to return it to the Committee on
12. Revenue for the study of the subcommittee therein.

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Senator Egan moves that the bill be recommitted to the
15. Committee on Revenue. Those in favor indicate by saying
16. Aye. Those opposed. The Ayes have it. The bill is
17. recommitted. Senate Bill 740. Read the bill, Mr. Secretary.
18. Senator Knuppel.

19. SECRETARY:

20. Senate Bill 740.

21. (Secretary reads title of bill)

22. 3rd reading of the bill.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Senator Knuppel.

25. SENATOR KNUPPEL:

26. Mr. President and members of the Body, this bill
27. amends the Illinois Vehicle Code to define commuter
28. vans for the purpose of clarification for this class
29. of motor vehicles. Now, the provision in there
30. that the Secretary of State shall issue licenses
31. has been amended out. Many companies in metropolitan
32. areas have undertaken to do this and other people
33. which will be in the order of conservation of energy

1. will conserve energy but by doing this, we can eliminate
2. compliance with the Illinois Commerce Commission's
3. certification procedures. This bill has been approved and
4. it's supported by Governor Thompson in his Energy Message
5. of April 8th, 1977. I submit this is good legislation.
6. The kind of legislation that doesn't regulate anybody
7. but it induces and encourages people to van pool
8. their ride so they can conserve energy. I submit that
9. it's entitled to a favorable roll call.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Senator Kenneth Hall.

12. SENATOR HALL:

13. Would the sponsor yield to a question?

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Indicates he will.

16. SENATOR HALL:

17. Senator, a commuter van, how many people does that
18. carry? Is there any limit or what?

19. SENATOR KNUPPEL:

20. Finds that a commuter has a passenger capacity of
21. twelve to fifteen persons per van and no more.

22. And provides that they will have to carry liability
23. insurance but that defines the size of what's a van
24. that will not require Chamber...Commerce Commission's
25. certification.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Is there further...Senator Graham.

28. SENATOR GRAHAM:

29. Senator Knuppel, I appreciate what you're trying to do
30. and it's a good idea. I hope that with this special consideration
31. we're giving these...commuter vans that if we don't
32. get in the same problems...the same situation we have with our
33. recreational vehicles for every bricklayer and every

1. carpenter and everybody in the State is using a
2. recreational vehicle for purposes of applying his trade.
3. I hope we don't do that and I hope our State Police
4. certainly soon will make the recreational vehicles
5. be recreational vehicles and I hope we don't run into
6. that with these.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Is there further discussion? Senator Knuppel
9. may close the debate. Roll call is requested. The question
10. is shall Senate Bill 740 pass. Those in favor vote Aye.
11. Those opposed Nay. The voting is open. Have all those
12. voted who wish? Have all those voted who wish? Take the
13. record. On that question the Ayes are 51, the Nays are none,
14. 2 Voting Present. Senate Bill 740 having received a
15. constitutional majority is declared passed. Senate Bill
16. 779, Senator Vadalabene. Read the bill, Mr. Secretary.

17. SECRETARY:

18. Senate Bill 779.

19. (Secretary reads title of bill)

20. 3rd reading of the bill.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Senator Vadalabene.

23. SENATOR VADALABENE:

24. Yes, thank you, Mr. President and members of the Senate.
25. Senate Bill 779 changes the procedure whereby a person
26. or corporation that is soliciting the sale or listing
27. of residential property may be prevented by the property
28. owner from further solicitations. In order to do this, the
29. property owner must deliver personally or by registered mail
30. a signed and dated notice stating whether the owner seeks
31. to avoid solicitation for listing, sale or both. This
32. bill brings this part of the Statute into agreement
33. with the courts decision of an act to create the Commission

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1. on Human Relations which is unconstitutional while at the
2. same time indicating clearly that a property owner
3. can stop unwarranted solicitations from a realtor if he
4. follows the procedure outlined in this bill. And I would
5. appreciate a favorable vote.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Is there further discussion? The question is shall
8. Senate Bill 779 pass. Those in favor vote Aye. Those
9. opposed Nay. The voting is open. Have all those voted
10. who wish? Have all those voted who wish? Take the
11. record. On that question the Ayes are 42, the Nays
12. are 4, 7 Voting Present. Senate Bill 779 having
13. received a constitutional majority is declared passed.

14. Senator Mitchler, for what purpose do you arise?

15. SENATOR MITCHLER:

16. Mr. President, I'd like to direct the Senators'
17. attention to the President's gallery on the far side...

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. The Democratic side.

20. SENATOR MITCHLER:

21. A group of...the Democratic side, yes, the group
22. from the Joliet Will-County Board of Realtors. Helen
23. Mickos is the Executive Vice President. I'd like to have
24. that group stand and be recognized by the Senate.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. My former home. Would you please rise and be recognized.
27. Senate Bill 785, Senator Netsch. Read the bill, Mr.
28. Secretary.

29. SECRETARY:

30. Senate Bill 785.

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Senator Netsch.

2. SENATOR NETSCH:

3. Thank you, Mr. President. The bill deals with the
4. subject of health...group health care insurance coverage
5. of people who are in alcoholism treatment programs.
6. The existing law mandates that group health insurance
7. policies must be extended to cover alcoholism treatment
8. in hospitals which are licensed under the Hospital Licensing
9. Act. That actually constitutes only about eight or nine
10. such facilities in the entire State of Illinois and
11. most of them not surprisingly are in the Chicago
12. Metropolitan area. As most of you know, over the last...

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. May we have order. Will the members please be in
15. their seats.

16. SENATOR NETSCH:

17. Over the last...

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Just...just a minute, Senator. Not enough order.
20. Proceed.

21. SENATOR NETSCH:

22. Is it orderly enough, now, Senator Donnewald?

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Not hardly, but we'll try.

25. SENATOR NETSCH:

26. Thank you. Over the last couple of years, the
27. legislature has passed several major pieces of legislation
28. which have been designed to provide an additional
29. network of facilities for the treatment of alcoholics
30. and to provide them in something other than a hospital
31. setting which is...not readily available to most people and
32. be extremely costly. As it is at the present time, the hospital...
33. group health hospital insurance is likely to cover only

1. eight or nine such facilities, all hospitals in the State
2. of Illinois. Now that we are beginning to develop a
3. network of other rehabilitation facilities, we want group
4. health insurance to be extended to such facilities also.
5. I received after the bill was on 3rd reading, I finally
6. got some objections from people in the insurance industry.
7. We spent some days attempting to reach some agreement.
8. Their proposal was that the bill be permissive only.
9. I suggested to them that that was the same as having no
10. bill at all so we tried some additional language. I finally
11. arrived at what I thought was a very limited and reasonable
12. extension of the requirement that group hospital insurance
13. be made available for alcoholism treatment and I would have
14. to say at that point, they simply walked away from it and
15. would consider no compromise at all, which I found,
16. to put it mildly, very disappointing. Despite that, I
17. put an amendment on the bill on my own volition with the
18. help of the Division of Alcoholism and the Department of
19. Public Health which greatly restricts the scope and reach
20. of the Act. As the bill is written now, it would, in fact,
21. make group health insurance mandatorily extended only to
22. approximately thirty additional facilities or potentially
23. thirty additional facilities in the State of Illinois.
24. They are all in patient facilities. They all provide
25. rehabilitation programs. They are all licensed under the
26. new Acts that we have passed and they all have a backed
27. up contract with a medical facility and...in all cases a
28. hospital, so that they are not completely cut free from
29. medical supervision. If we do not ask the third party
30. carriers to begin to carry some of the burden of this insurance,
31. the State will continue to pay all of it as we are doing
32. right now. I understand their self-interest in having
33. opposed this bill. I know they have been working very hard

1. to see that it is defeated. I think they are wrong. I think
2. they are flying directly in the face of the legislation
3. that we have been enacting over the last three years in order
4. to make alcoholism treatment more available. I think it is
5. an important bill, an important part of our program and I
6. would solicit your favorable support.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Senator Rupp.

9. SENATOR RUPP:

10. Yes, Mr. President. Would the sponsor answer a question,
11. please?

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. She indicates she will.

14. SENATOR RUPP:

15. Do you have any information, any indication as to the
16. impact this might have on the premiums that would be
17. charged to the other people in the State in order to provide
18. this coverage? And one other question if I might just...
19. you seem to separate the State from the people who are
20. policy holders. And I think it's the same people that we're
21. talking about.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Senator Netsch.

24. SENATOR NETSCH:

25. You're...you're first question, Senator Rupp, was do
26. we have a cost figure. No. The best guess that we have is
27. that as we have greatly restricted the Act and we have
28. greatly restricted its coverage, it will have virtually
29. no additional impact or not much on premiums. If we had
30. gone the whole route, as the bill was originally introduced,
31. and covered all outpatient facilities and every form of
32. alcoholism treatment, it probably would have had an impact
33. and it was one that was not measurable. We have spent time

1. with Blue Cross, with Kemper Insurance, which does a lot
2. of alcoholism coverage, and others. Blue Cross is doing
3. a massive study right now to attempt to identify the costs
4. but no one has an exact figure. That is one reason
5. why we decided that we would not attempt to go as far as the
6. bill did in its original form and we have now cut it back to
7. the point where we have, in fact, added only about...there
8. are approximately some thirty additional facilities
9. State-wide which have applied for liscensing under the
10. language that we have used in this Act and so we are
11. probably talking about adding a fairly modest number
12. of additional potential inpatient beds for treatment and
13. my...my honest judgment is and I say at the outset, I do
14. not have an exact figure, there is not one available, my
15. honest judgment is after talking to the people in Public
16. Health and Alcoholism that what we have involved here does not
17. involve a major cost impact at all.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Is there further...Senator Schaffer.

20. SENATOR SCHAFFER:

21. Mr. President, once a Session I try always to agree
22. with Senator Netsch on...on one of her more energetic
23. programs and this is it. I think the bill does have merit.
24. I think the sponsor has attempted to amend it as best
25. as possible to eliminate the impact. I think it's probably
26. only twenty percent of what she would really like to do but
27. it does address itself to a very serious problem in this country,
28. one that, frankly, we cannot ignore and I think it is a
29. positive step forward with some dangers, some problems but
30. I think it is a step that we should take.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Senator Berning.

33. SENATOR BERNING:

1. Let me just clarify my question of the sponsor.
2. Does this then add to the liability of every insurance
3. contract...health insurance contract written to cover
4. alcoholism.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Senator Netsch.

7. SENATOR NETSCH:

8. I'm not sure I understand the form in which
9. you've asked the question, Senator Berning. What it
10. will require is that group policies that are offered
11. after a certain date may not exclude alcoholism
12. coverage for the kinds of facilities which are
13. identified specifically in the Act.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Berning.

16. SENATOR BERNING:

17. Then, Mr. President, I'd like to speak to the issue.
18. Recognizing that in the interpretation of many people
19. alcoholism is a disease, I won't argue that. But I
20. submit that alcoholism is a self-inflicted disease and
21. it ought not to be the responsibility of society,
22. in general, to provide the funding for the treatment
23. of a self-inflicted affliction. Now, those of us who
24. are struggling to keep up with the rising costs of health
25. care and with the costs of insurance to help us cover
26. that health care, which includes all of our citizens,
27. old, middle aged and young, I think it is an imposition
28. to suggest that all of us should help underwrite the costs
29. of treating alcoholics who, if they had any willpower,
30. either wouldn't be there in the first place, or could
31. handle their problem themselves. If they need
32. treatment, it seems to me, that this is an
33. obligation they brought on themselves and

1. ought to undertake on their own and for that reason, Mr.
2. President, I think this concept ought to be rejected.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Senator Wooten.

5. SENATOR WOOTEN:

6. Mr. President and colleagues. Merely following
7. up what Senator Berning has said, it is difficult to think
8. of many diseases that aren't self-inflicted. Emphysema,
9. for example, comes quite often from smoking. There's
10. a growing body of evidence that cancer is caused by
11. ...is due at least in part, by environmental causes and
12. to the substances we ingest. As a matter-of-fact, I think
13. if you're conversant with that field you might find that
14. the great body of diseases to which man falls victim are to
15. some extent, self-inflicted. And I...I don't think that is
16. a compelling argument against this bill.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Leonard.

19. SENATOR LEONARD:

20. Just along on those lines, I would call attention
21. to tests that have been done on the Mormons who do not
22. indulge in as much alcohol, tobacco and coffee and have
23. a lower incidence of cancer, surely, and that goes for the
24. respiratory. It also goes for the circulatory diseases
25. such as stroke and heart attack. If we want to go in this
26. business of self-induced disease, the knowledge is there
27. how we could avoid an awful lot of these things. The only
28. question is, do we really want to assume that life style.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator Guidice.

31. SENATOR GUIDICE:

32. Thank you, Mr. President. I, too, rise in support
33. of this bill. I do see this as a disease and I wonder if we

1. look at the cost of the particular or the amounts of
2. money that we're going to expend in this particular area,
3. how much money are we going to save when we put these
4. people back into society actively? How much money are
5. we going to save when these people are off the relief
6. rolls and their families are off the relief rolls?
7. This is a great bill.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Is there further discussion? Senator Netsch
10. may close the debate or take a roll call or both.

11. SENATOR NETSCH:

12. Just a brief point. Number one, this is the first
13. time that we will help other areas of the State than the
14. Chicago Metropolitan Area have access to this kind of
15. coverage. That's the main point to bring some State-wide
16. coverage. Secondly, we already cover group hospital insurance
17. in hospitals. That is the most costly way to do it. This
18. is intended to make less costly forms of treatment
19. available. Third, right now the State really is paying for
20. all of these through grants to the alcoholism and
21. detox centers. What we are saying is that it ought to be
22. a part of the entire group health hospitalization
23. insurance program and not put the entire burden on
24. State funds. It is important. It is a step forward,
25. a modest step forward. I do solicit your support.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Question is shall Senate Bill 785 pass. Those
28. infavor vote Aye. Those opposed Nay. The voting is open.
29. Have all those voted who wish? Have all those voted who wish?
30. Take the record. On that question the Ayes are 39, the Nays
31. are 12, 4 Voting Present. Senate Bill 785 having received
32. a constitutional majority is declared passed. Senator Grotberg,
33. for what purpose do you arise?

1. SENATOR GROTBORG:

2. While my yellow light is still on, I wanted to
3. indicate a possible conflict of interest. The
4. agency that pays my salary on my other job has several
5. institutions that do this work.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. That will be recorded on tape. Senate Bill 790,
8. Senator Grothberg. Read the bill, Mr. Secretary.

9. SECRETARY:

10. Senate Bill 790.

11. (Secretary reads title of bill).

12. 3rd reading of the bill.

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Senator Grothberg.

15. SENATOR GROTBORG:

16. Thank you, Mr. President and members of the Senate.
17. This is that wonderful bill in which we amended out the need
18. for the thief to file two separate bank accounts regarding
19. insurance premiums and it is now simply an enforcement
20. procedure for State's Attorneys to prosecute anyone
21. who maliciously and falsely sells insurance without
22. license to unsuspecting people and this was the case up
23. in Livingston County where the grand jury instructed
24. me to present some kind of legislation to narrow down the
25. prosecuting authority and I would move for the passage of this
26. bill and I ask a favorable roll call.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Senator Rock.

29. SENATOR ROCK:

30. Thank you, Mr. President and Ladies and Gentlemen
31. of the Senate. Senator Grothberg, you have fulfilled your
32. request. However, I still stand in opposition to Senate Bill
33. 790. I stood in opposition the other day and pointed

1. out that the one provision that gave the bill some teeth, you
2. have deleted by virtue of Amendment No. 1. Amendment No. 2
3. merely duplicates what Amendment No. 1 did. It's still a
4. bad bill and I urge a No vote.
5. PRESIDING OFFICER: (SENATOR DONNEWALD)
6. Senator Kenneth Hall.
7. SENATOR HALL:
8. Would the sponsor yield to a question?
9. PRESIDING OFFICER: (SENATOR DONNEWALD)
10. He indicates he will.
11. SENATOR HALL:
12. Senator, I want to get this clear in my mind. Now,
13. if you're selling insurance for some insurance company
14. and that you have an...you have a period of time to
15. which you secure a license, you mean you could be penalized
16. for doing this and you don't have your license?
17. PRESIDING OFFICER: (SENATOR DONNEWALD)
18. Senator Grotberg.
19. SENATOR GROTEBERG:
20. No.
21. PRESIDING OFFICER: (SENATOR DONNEWALD)
22. Senator Kenneth Hall.
23. SENATOR HALL:
24. What protection do...is in the bill that says that?
25. PRESIDING OFFICER: (SENATOR DONNEWALD)
26. Senator Grotberg.
27. SENATOR GROTEBERG:
28. In the law already is the following language, "that
29. portion of all premiums"...this is after your license.
30. You can't sell insurance anywhere until you get a license,
31. right? And in the law, it says now, "that portion of all
32. premiums or monies which an agent or broker collects
33. from an insured and which is to be paid to a company,

1. its agents, his employer because of the assumption of liability
2. through the issuance of policies or contracts for insurance
3. shall be held by the agent or broker in a fiduciary
4. capacity and shall not be misappropriated or converted to his
5. own use or illegally withheld by any agent or broker."

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Senator Rupp.

8. SENATOR RUPP:

9. Thank you, Mr. President. Actually what this does,
10. I think the law right now indicates that this has to be
11. that if you collect a hundred dollar premium from somebody
12. you have to have two separate accounts. You put the
13. hundred dollars in the premium trust account, that's
14. what it has to be labled. It has to have that right on
15. the checks and everything else and then from that account,
16. you can take your commission but you're not supposed
17. to take any of the premium. That belongs to the company.
18. What the problem is, is that some of the agents have
19. used part of that. Then, when they have...the only
20. thing that can be done when the insurance department
21. is to take their license away. This is to make a more
22. severe penalty, as I understand the...the bill and actually
23. there is a provision when you can sell insurance without
24. being licensed, there's a temporary license...ninety
25. day license that you can start out with.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Is there further discussion? Senator Guidice.

28. SENATOR GUIDICE:

29. Will the sponsor yield to a question, please?

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Indicates he will.

32. SENATOR GUIDICE:

33. When we...when the agent or the broker receives
34. premiums, is he to report that each and every time he

1. receives the premiums under the thirty days?

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Grotberg.

4. SENATOR GROTBORG:

5. No, that's the language we struck, Senator. That
6. amendment on page 2 is out.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Senator Guidice.

9. SENATOR GUIDICE:

10. Is that in Amendment No. 2?

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Senator Daley. Senator Daley.

13. SENATOR DALEY:

14. Then, as I understand, the only section that is left
15. is each days violation shall constitute a separate offense.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Grotberg.

18. SENATOR GROTBORG:

19. But it also goes on...they did not know who had
20. jurisdiction in these cases because he sold in several
21. counties and the grand jury had an awful time trying to
22. decide who had jurisdiction. There is another part
23. to it. This does help that situation. It does not
24. solve the base problem which Senator Rock referred to and
25. I agree. But for reasons of...of...of unable to pass the
26. bill that way, we'll take a half a loaf instead of none.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Meal. Senator Daley.

29. SENATOR DALEY:

30. So you still have that provision in regards to
31. each days violation shall constitute a separate offense.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Grotberg.

1. SENATOR GROTBORG:

2. On a Class A misdemeanor, each day shall constitute
3. a separate offense and it goes on to say who can...what
4. counties...attorneys are able to prosecute.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Senator Daley.

7. SENATOR DALEY:

8. You mean, if he violates it one day, violates the
9. second day, third day, fourth, fifth, sixth, seventh
10. until the Department of Registration or the State's
11. Attorney contacts him?

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Senator Grotberg.

14. SENATOR GROTBORG:

15. Or...or until the sheriff picks him up for
16. having cheated the people is the...is the problem at hand,
17. Senator Daley.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator Daley.

20. SENATOR DALEY:

21. No, I'm saying is it a separate every day that it's
22. not reported? In other words, is he committing a Class
23. A misdemeanor Monday, then Tuesday, then Wednesday, then
24. Thursday?

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator Grotberg.

27. SENATOR GROTBORG:

28. He's...the bill now has nothing to do with reporting
29. but be a...every day would be a separate offense for
30. selling insurance without a license. That's the only part
31. that's left in the language, Senator. Line 15, page 1.
32. We're talking about the violation of selling insurance without
33. a license, Senator.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)
2. Senator Daley.
3. SENATOR DALEY:
4. Who would this pertain to? Would it pertain to a
5. secretary that does call a...a someone's client...
6. PRESIDING OFFICER: (SENATOR DONNEWALD)
7. Senator Grotberg.
8. SENATOR DALEY:
9. ...a future client?
10. SENATOR GROTEBERG:
11. I presume it would pertain to the licensee, Senator.
12. I know of no other responsible individual with the law
13. other than the licensee.
14. PRESIDING OFFICER: (SENATOR DONNEWALD)
15. Senator Daley.
16. SENATOR DALEY:
17. No, I'm talking to someone that works in insurance
18. company. Say the secretary or administrative assistant
19. to one that has a license that does work on procuring
20. insurance for the licensee.
21. PRESIDING OFFICER: (SENATOR DONNEWALD)
22. Senator Grotberg.
23. SENATOR GROTEBERG:
24. I'm informed that's true today and it's true
25. under this. It does not change that.
26. PRESIDING OFFICER: (SENATOR DONNEWALD)
27. Senator Daley.
28. SENATOR DALEY:
29. But you're making it a separate offense every day
30. when it's not reported.
31. PRESIDING OFFICER: (SENATOR DONNEWALD)
- 32.
- 33.

1. Senator Grotberg. Indicates yes. Senator Grotberg.
2. SENATOR GROTBORG:

3. You keep adding...you keep adding the language
4. reported. This...we're not talking about reporting. We're
5. talking about selling insurance without a license.
6. The last...the only thing the law can do now to get at
7. insurance without a license is take their license away.
8. And that is what we're talking about. It adds some
9. enforcement to it.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Is there further debate? The question is shall Senate
12. Bill 790 pass. Those in favor vote Aye. Those opposed
13. No. The voting is open. Have all those voted who wish?
14. Have all those voted who wish? Take the record. On that
15. question the Ayes are 20, the Nays are 22, 3 Voting
16. Present. Senate Bill 790 not having received
17. a constitutional majority is declared lost. Senate
18. Bill 797, Senator Newhouse. Read the bill, Mr. Secretary.

19. SECRETARY:

20. Senate Bill 797.

21. (Secretary reads title of bill)

22. 3rd reading of the bill.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Senator Newhouse.

25.

26.

27.

28.

29.

30.

31.

32.

33.

End of reel

1. SENATOR NEWHOUSE:

2. Thank you, Mr. President and Senators. This bill
3. does two things. One, we are all familiar with the
4. fact that there have been a number of cases of bribery
5. in the past and we've always gotten the bribee
6. but never the briber. We want to include the briber
7. in and we raised the penalty from one to three years
8. to one to ten years. It will give the judge a little
9. bit more discretion in the award that he wants to
10. create. I would appreciate a favorable roll call on the
11. bill.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Is there further discussion? The question is shall
14. Senate Bill 797 pass. Those in favor vote Aye. Those
15. opposed Nay. The voting is open. Have all those voted
16. who wish? Have all those voted who wish? Take the
17. record. On that question the Ayes are 56, the Nays are none.
18. Senate Bill 797 having received a constitutional majority
19. is declared passed. Senate Bill 806. Read the bill,
20. Mr. Secretary.

21. SECRETARY:

22. Senate Bill 806.

23. (Secretary reads title of bill)

24. 3rd reading of the bill.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator Lemke.

27. SENATOR LEMKE:

28. What this bill does, is it makes an offense of any
29. owner of a migrant labor camp who knowingly knows
30. that minor children are being used in sexual activity
31. on their campgrounds. There's a problem which is
32. arising, young girls which are fourteen, fifteen, sixteen
33. years old are being taken from the city and they're being found to be

1. used for sexual pleasures of migrant workers that...on
2. migrant camps and when the children are recovered by their
3. parents, the children are completely mentally deranged
4. and they have to be...some of them have never recovered
5. and they're still under medical treatment and confined to
6. mental homes. This bill will remedy the situation and
7. prevent it from happening where a migrant camp owner
8. knows that this is going on. I ask for a favorable roll call.
9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Is there further discussion? Senator Mitchler.

11. SENATOR MITCHLER:

12. Well, Mr. President and members of the Senate
13. and the sponsor, Senator Lemke. When I first looked
14. at this, I...I thought, my gosh, how can this be enforced?
15. I didn't really get the gist of it till you explained it.
16. But after hearing your explanation the only thing I say
17. is why is it only just a Class A misdemeanor? Something
18. that serious, I think, should have a much greater
19. penalty. Now, I'm...I'm not an attorney or...that but
20. how stiff of a penalty could we put on such an offense?
21. I would recommend that it be much stronger than a Class
22. A misdemeanor which is only really a pat on the wrist.
23. Put you in a county jail now because you're a misdemeanant.
24. They don't send you to the slammer...the big one.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator Lemke.

27. SENATOR LEMKE:

28. Well, if you want to put...I think we can put a
29. stiffer penalty on in the House but what we're doing here,
30. it's a new concept. We're...we're bringing in the migrant camp
31. owner. If he's a party to the indecent liberties with the
32. minor, then he would be covered under what we have in
33. existence. But where he's...where he's not a party but he

1. knowingly knows it's going on and takes no step to inform
2. the State's Attorney that these indecent liberties are
3. being taken with a minor, then we have put a fine on him
4. and will encourage him to notify the State's Attorney
5. and the State's Attorney will enforce the law in that
6. local county. And I think it's a...a good step. It might
7. seem to be a mild step in the beginning but I think that
8. with this bill, it will give the local State's Attorneys
9. some teeth to go after the camp owners that knowingly
10. know this goes on and...and I think that the State's
11. Attorney will be assisted because they will give information
12. that this is going on and the real culprits would be caught
13. and prosecuted.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Just a moment. There are many requesting...Senator
16. Buzbee is next.

17. SENATOR BUZBEE:

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

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Indicates he will yield.

21. SENATOR BUZBEE:

22. Senator Lemke, I have in my district several fruit
23. farmers who use migrant workers. They also raise produce.
24. Now, I am in complete agreement with what you are attempting
25. to do. My question, though, is let's assume that...you
26. addressed the question of...of minors participating in
27. sexual activities. Is there any way that this person who
28. owns the camp, the farmer in other words, can he be held
29. responsible for any promiscuity that may be going on between
30. ...between willing participants of...of underage children
31. there? You know, I don't want him to have to be out there
32. looking behind the barn, as Senator Knuppel said the
33. other day, everytime the sunlight goes down, otherwise he's

1. going to be a misdemeanor. I...I'm...I'm...I'm in
2. complete sympathy with what you're attempting to do
3. but I'm just afraid that you're going to have my farmer
4. responsible for any sexual activities of anybody that's
5. willing to participate.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Lemke. Senator McMillan. Senator Lemke.

8. SENATOR LEMKE:

9. The camp owner or the farmer must knowingly know
10. this is going on which is a lot...we changed the word...
11. it used to be shall but it says knowingly and knowingly
12. means he has to have knowledge of this activity. He's
13. got to just about be involved in it and knowingly let it
14. go on.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Buzbee.

17. SENATOR BUZBEE:

18. Well, again, I'm in sympathy with what you're attempting
19. to do. But if...if he knows that a willing sixteen year
20. old boy and a willing sixteen year old girl are...are
21. having sexual activities, then you're making him a misdemeanor
22. and I don't think that you intend to do that with those
23. people who are willing participants on somebody else's
24. property, you know, if somebody tells him about it the next day,
25. then what...what's his recourse? You know, I just really
26. am concerned here that we're going to...that we're going...
27. see, let me tell you what happens with these...with these
28. people. They cannot get the...the peaches or the apples or
29. whatever they may be, come into season. They have about two
30. to three weeks to get them harvested, otherwise, they rot
31. and fall off the trees. And they cannot usually get enough
32. local labor to pick them in that two or three week period
33. so as a result, the...the migrant workers come through, they

1. follow the seasons, they come through and they...they are
2. employed by this...by this farmer and now what's happened,
3. the Feds, in the last several years, come down and raid
4. these camps and find a lot of cases of people who are...
5. who are not citizens are not here on a good visa and then
6. they're trying to hold the owner responsible for that. He
7. doesn't ask if you've got a citizenship paper when they
8. come in. He doesn't ask what your sexual activities are
9. when you come in and...and...nor should he, do I believe.
10. I...again, I'm in complete sympathy with what you're
11. trying to do, but I'm just afraid the language is too
12. broad to the point where you're going to have the
13. guy responsible for their...for their morals and I don't
14. think that's what you intend to do.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Lemke.

17. SENATOR LEMKE:

18. This bill does not do this. This bill is a...a
19. means to prevent...the bringing in of people that go
20. to the city or going to a town and promise these young
21. girls...they show them out in fancy cars and fancy clothes
22. and jewelry and then when they...they bring them and
23. the certain farm owners are engaged in this activity because
24. it's like the old adage of the soldiers, you bring in...bring
25. in some type of people to amuse your...and keep your employees
26. so they stay on the premises and don't leave and...and these
27. young girls are being used this way and I think it's a
28. attempt to do it and I think it's...it does it and I don't think
29. it gets into other activity engaged in minors which is not on
30. that scale, because if the activity is going on and it's going
31. on in a large scale, I'm sure that the local State's Attorney
32. will prosecute and he will not prosecute somebody where it's a...
33. a thing that's a mutual thing between say, two minors. This is...

1. this bill does not let the...this...prevent this from going
2. on and doesn't make the owner liable.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Buzbee's time has expired. Senator Netsch.

5. Senator Netsch. Senator Wooten. Senator Harber Hall.

6. Senator Harber Hall on...Senator Hall, I have Senator

7. Berning, Senator McMillan, Senator Bowers. Senator

8. Berning.

9. SENATOR BERNING:

10. Well, Mr. President, I'd just like to observe
11. that as I read this, Section 14 being changed from a
12. petty offense to Class A misdemeanor not only applies to
13. Section 13C but would apply to all of Section 13 such...
14. which includes such things if my recollection serves me, as
15. a broken window and a screen, that sort of minor matters
16. of upkeep for labor camps and it occurs to me that
17. this then becomes too serious a penalty for other kinds
18. of offenses within the labor camp itself. And I
19. suggest to the sponsor that perhaps the penalty and the
20. ...the provision itself ought to be in some other section
21. or some other Statute.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Lemke.

24. SENATOR LEMKE:

25. This is the section here that the Department of
26. Public Health wanted the provision in. I don't think it applies
27. to broken windows. What we're talking about here is
28. a specific bill for a specific act which is going on and I
29. don't think it applies to any other things of...of nature that
30. camps are involved in. This applies to one particular purpose,
31. and that's knowingly having minors used for sexual indecencies.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Berning, I would point your...point out that your

1. time is nearly expired. Senator Berning.

2. SENATOR BERNING:

3. I accept that, Mr. President, but let me point out
4. that Section 14 says, this Act...provisions of this Act or
5. any rules or regulations, now all would be subject to a
6. Class A misdemeanor and that's my problem with this.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. All right. Senator McMillan.

9. SENATOR McMILLAN:

10. Very briefly, I rise in opposition to the bill.
11. I'm sure that the intent was genuine and I'm sure that there
12. may be a problem, but, in fact, I think this is undue
13. harassment to...those people in agricultural pursuits
14. who need to have migrant labor if, in fact, there is a
15. problem that should be gotten to, I think it should be done
16. on a broader basis and should include anybody at anyplace
17. who might be involved in...in such bad activities.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Bowers.

20. SENATOR BOWERS:

21. If I may very briefly. Senator Lemke, I think
22. everyone is...is in agreement to try to prohibit what
23. you're talking about but you paint it with an awfully
24. broad brush and I'd just call your attention to the fact
25. that you've used the term, sexual activity, not sexual
26. intercourse; to some sexual activity could be much less
27. than sexual intercourse and you've described intercourse
28. as what you want to stop. Secondly, I don't see any exemption
29. here if they're married. And...and it just seems to me that
30. there's a lot of loose ends and I'd hope you would at least
31. put it back in committee and let somebody work on it a little
32. further.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator...is there further...further discussion?
2. The question is shall Senate Bill 806 pass. Those in
3. favor vote Aye. Those opposed vote Nay. The voting
4. is open. Have all voted who wish? Have all voted who
5. wish? Take the record. On that question the Ayes are
6. 20, the Nays are 24, 6 Voting Present. Senate Bill 806
7. having failed to receive a constitutional majority is declared
8. lost. Senate Bill 814, Senator Carroll. Read the bill,
9. Mr. Secretary.

10. SECRETARY:

11. Senate Bill 814.

12. (Secretary reads title of bill)

13. 3rd reading of the bill.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Carroll.

16. SENATOR CARROLL:

17. Thank you, Mr. President. Senate Bill 814 is an
18. answer to a problem that several constituents of mine
19. and others throughout the State have brought to my attention
20. and that is that in many emergency instances, people do not
21. have easy access to what they're blood type is even if they
22. had had it tested in some point in time. Now, we have
23. provided in Illinois law through Senator Hickey's bill,
24. for certain emergency medical information where the Secretary
25. of State on the license...driver's license will provide
26. a decal to advise anyone who notices that license, to look
27. in the pocket or wallet or whatever to find this emergency
28. medical information. What this provides is that
29. the Secretary of State shall provide on the driver's license
30. a place for the...discretionary placing of blood types
31. on the driver's license. Now, those who don't have emergency
32. medical treatment, it is my understanding, the Secretary of State
33. will provide in what would have been that place, for the person
34. to put their blood type, totally discretionary on the part of the

1. user who wants to have his blood type on there so that he
2. has an easy place to go to or someone in an emergency
3. has an easy place to go to, to find out what the blood type
4. is. I repeat again, this is totally discretionary. It is
5. not a mandate on the Secretary to provide that information.
6. We have put in all the disclaimers that the Secretary
7. wanted that if someone gives him misinformation, he has
8. no liability just as he did on Senator Hickey's bill and
9. we have placed that into it's proper place in the Act.
10. There had been some mistake on yours that we corrected through
11. this.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. ...is there discussion? Senator Johns.

14. SENATOR JOHNS:

15. Just ask leave of the sponsor to be cosponsor.

16. Thank you.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Is there leave? Leave is granted. Senator Kenneth Hall.

19. SENATOR HALL:

20. Would the sponsor yield to a question?

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Carroll. Senator Kenneth Hall.

23. SENATOR HALL:

24. Senator Carroll, what is Rh factor?

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Carroll.

27. SENATOR CARROLL:

28. As a non-doctor, I really don't have an answer for you
29. except when they do your blood type, they do it by type
30. and factor to see...you know, you hear of Rh positive and
31. Rhnegative as a type...within the typing of blood. I really
32. don't know what it stands for.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Kenneth Hall.

2. SENATOR HALL:

3. Well, maybe I'm missing something, but I think
4. that I read somewhere where there would be...I don't know
5. whether I'm quoting this correctly or not, but there
6. might be a problem of finding someplace on your drivers
7. license to put all this. Is that correct?

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Carroll.

10. SENATOR CARROLL:

11. No, that is not. I have discussed this, in fact,
12. one of the amendments, not to that particular aspect, is from
13. the Secretary of State's Office to take out any responsibility
14. on their part. They have shown me the license. It will not
15. be on the front side, but on the back. Most likely the
16. place will be in the same location as Senator Hickey's
17. decal on emergency medical necessities. The concept
18. being on the back there are two little squares
19. that will be there, one will be for to check off if
20. any of...if you want to be a donor of any of the
21. parts of your body should something happen to you and the
22. other part will be to inform whomever comes upon
23. you that there is emergency medical information somewhere
24. on your person. The idea being obviously, if a person
25. already has medical information, there's no reason to allow
26. them to put on his blood type. But if he does not, that
27. same square that we are allowing for Senator Hickey, would then
28. be used by that person to put their blood type on there if they
29. are not providing its usage for other emergency medical
30. treatment, so instead of adding another square which
31. was their problem, we have found an administrative way
32. to allow them to accomplish both Senator Hickey's purpose
33. and this purpose.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Daley.

3. SENATOR DALEY:

4. Sponsor yield to a question?

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Indicates that he will yield.

7. SENATOR DALEY:

8. What liability is placed upon one who has passed on
9. American Red Cross course, anyone in the nursing field
10. or medical field that comes upon an accident and...

11. and eventually reviews the driver license identification
12. card? Now, he knows their blood type and now he knows
13. their Rh factor. Does it place a whole new burden or
14. a new standard upon that individual?

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Carroll.

17. SENATOR CARROLL:

18. Well, I originally indicated I would not yield to
19. his question. I've decided to yield to the question
20. and indicate to him that by amendment, we have said,
21. specifically, a person who acts in good faith in accordance
22. with the terms of this section, is not liable for
23. damages in any civil action or subject to prosecution
24. in any criminal proceedings for his acts. There is no
25. additional or any liability for relying thereon.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Daley.

28. SENATOR DALEY:

29. So, that excludes someone from a personal injury suit,
30. right?

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Carroll.

33. SENATOR CARROLL:

1. ...yes, that is my understanding for that language.
2. PRESIDING OFFICER: (SENATOR BRUCE)
3. Senator Daley.
4. SENATOR DALEY:
5. In a malpractice suit?
6. PRESIDING OFFICER: (SENATOR BRUCE)
7. Senator Mitchler. Senator Vadalabene.
8. SENATOR VADALABENE:
9. Yes, I think the Senator said that this was
10. permissive and I rise in support of this bill. I know that
11. serving in...in the last war that this...our blood type.
12. was printed on our dog tags and it saved quite a few lives
13. and I think some of us should...shouldn't forget that.
14. This is a good piece of legislation. It's permissive and
15. should be voted favorably.
16. PRESIDING OFFICER: (SENATOR BRUCE)
17. Is there further debate? The question is...Senator
18. Carroll, do you wish to close?
19. SENATOR CARROLL:
20. Just very briefly, Mr. President, members, thank
21. you. Yes, this is permissive. It is to work both ways.
22. For that person who was injured somewhere and someone
23. quickly for emergency purposes need to...needs to know his
24. blood type, but also the occasion arises where people are
25. asked to be donors of a specific type of blood and really
26. have no remembrance of what their blood type is. This gives
27. them a place where they can place it at their own discretion,
28. have easy and ready access to it so that in the case of an emergency,
29. as happened recently with some friends of ours, we were able to
30. find some donors in an emergency midnight situation and saved
31. the man's life. I think that's why we want to provide this
32. and I would ask for a favorable roll call.
33. PRESIDING OFFICER: (SENATOR BRUCE)

1. The question is shall Senate Bill 814 pass. Those
2. in favor vote Aye. Those opposed vote Nay. The voting
3. is open. Have all voted who wish? Senator Rock.
4. Have all voted who wish? Take the record. On that...on that
5. question the Ayes are 48, the Nays are none, none Voting
6. Present. Senate Bill 814 having received a constitutional
7. majority is declared passed. Senate Bill 823, Senator
8. Hickey. Read the bill, Mr. Secretary.
9. SECRETARY:

10. Senate Bill 823.

11. (Secretary reads title of bill)

12. 3rd reading of the bill.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Hickey.

15. SENATOR HICKEY:

16. Mr. President and members of the Senate. This bill
17. only affects counties having a population between one hundred
18. thousand and a million and in case you're interested,
19. there are only two of those. It amends the existing county
20. tourism legislation and would allow each of these two counties
21. to agree with the local unit of government or a civic
22. center authority to impose a tax which may be transmitted
23. to that authority to be expended for the purpose for which
24. it was authorized. As I say, it only pertains to two
25. counties. Cook County already has this under...under home
26. rule and Peoria and Rockford need this and I ask for a favorable
27. roll call.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Grotberg.

30. SENATOR GROTEBERG:

31. Mr. President, members of the Senate. I regret that
32. I have to rise in opposition to this bill from a fine sponsor,
33. Senator Hickey. But, the...this is a tax on the hotel business

1. and you'll find me voting Present on it for that reason,
2. but the problem is that none of the hotels want it. The
3. hotel business is lousy outside of the City of Chicago,
4. no matter where you are in Illinois, ask the Forum XXX
5. or anyone else. It's not that much better up at the
6. Wagon Wheel in downtown Rockford and if there's any way
7. you're going to make it any worse, this is a good way to do it.
8. This is my means of explaining my Present vote.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Is there further discussion? Senator Graham.

11. SENATOR GRAHAM:

12. I'm going to make a suggestion, Mr. President, that Senator
13. Grotberg furnish Senator Rupp a list of his activities
14. so if he's not on the Floor, Senator Rupp can explain
15. his conflict of interest...interests.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Rupp.

18. SENATOR RUPP:

19. Yes, Mr. President. I was going to stand on the last
20. bill from Senator Lemke about the sex in the camps and
21. speak for Mr. Grotberg, but he was in his own seat and
22. so I did not get up that time on a possible conflict.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. No, no, no. Is there further discussion? Senator
25. Glass. Senator Bowers.

26. SENATOR BOWERS:

27. Sponsor yield to a question, please?

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Indicates she will yield.

30. SENATOR BOWERS:

31. I think you said this applied to two counties.
32. What...I think you said this applied to two counties. What
33. two counties do you have reference?

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. Senator Hickey.
3. SENATOR HICKEY:
4. Peoria isn't in Peoria County. What...Tazewell,
5. I'm sorry, and Winnebago.
6. PRESIDING OFFICER: (SENATOR BRUCE)
7. Senator Bowers.
8. SENATOR BOWERS:
9. Does the amendment say, counties between a hundred
10. thousand and a million?
11. PRESIDING OFFICER: (SENATOR BRUCE)
12. Senator Hickey.
13. SENATOR HICKEY:
14. ...more than that.
15. PRESIDING OFFICER: (SENATOR BRUCE)
16. Senator Bowers.
17. SENATOR BOWERS:
18. I can't figure out where DuPage falls in here.
19. We have about five hundred thousand, somewhere in that area...
20. PRESIDING OFFICER: (SENATOR BRUCE)
21. That's right.
22. SENATOR BOWERS:
23. ...and it just seemed to me that we might be in here.
24. PRESIDING OFFICER: (SENATOR BRUCE)
25. Senator Hickey.
26. SENATOR HICKEY:
27. I'm...I'm really glad that you brought me up short
28. on that, Senator Bowers. I...I...I...I made an error.
29. I was thinking of cities of that population and maybe there
30. are more counties than that. I'm...I'm very sorry.
31. Springfield and Decatur, the counties that they're in, too,
32. DuPage. I'm...I'm very sorry about that.
33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Glass.

2. SENATOR GLASS:

3. Thank you, Mr. President. Senator Hickey, there is
4. a way that counties can have this power already and that is
5. to become home rule counties and of course, the
6. Constitutional Convention delegates in their wisdom,
7. decided that if...if home rule was desired, there was
8. a way to have it and I...I personally think that we ought
9. to leave the law that way if these counties think they
10. need the tax and...they ought to have a referendum on
11. home rule.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Hickey.

14. SENATOR HICKEY:

15. Senator Glass, there now is a Statute which allows
16. counties to have a tax for tourism. This simply extends
17. the possible uses of it to include agreements with local
18. units of government or with civic center authorities so
19. the thing that you're talking about already exists, this
20. simply extends it. It's...that's given without home rule.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Hynes.

23. SENATOR HYNES:

24. At the risk of duplicating some of the discussion,
25. Senator Hickey, am I correct in my understanding, if you will
26. yield to a question, am I correct in my understanding
27. that this tax is presently on the books and can be...

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Hickey.

30. SENATOR HICKEY:

31. Senator Hynes, not for this purpose. It may be...
32. may be invoked for tourism but not as an agreement between
33. the county and the local unit of government or the Civic
34. Authority...Civic Center Authority which may then use it

1. according to the agreement. That's the difference.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Hynes.

4. SENATOR HYNES:

5. No, I understand that. But the fact is that the
6. authority to impose the tax is there. This simply
7. changes the purpose to which the revenues can be put.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Is there further...

10. SENATOR HYNES:

11. I see...

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Hynes.

14. SENATOR HYNES:

15. I see...I see nothing objectionable about the bill and
16. I think it ought to be passed.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Is there further discussion? The question is shall Senate
19. Bill 823 pass. Those in favor vote Aye. Those opposed
20. vote Nay. The voting is open. Have all voted who wish?
21. Have all voted who wish? Take the record. On that
22. question the Ayes are 37, the Nays are 12, 3 Voting
23. Present. Senate Bill 823 having received a constitutional
24. majority is declared passed. Senate Bill 839, Senator
25. Maragos. Read the bill, Mr. Secretary.

26. SECRETARY:

27. Senate Bill 839.

28. (Secretary reads title of bill)

29. 3rd reading of the bill.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Maragos.

32. SENATOR MARAGOS:

33. Mr. President and members of the Senate. Senate Bill

1. 839 gives the authority and almost mandates that any
2. municipality which has in its...within its boundaries,
3. unannexed territory of ten acres or less that that
4. annexation shall take place thereby eliminating
5. much of the confusion and sometimes crime and
6. ...pestilence that may result. It has been found that
7. many communities where there are small acreages which
8. have not been annexed for reasons unknown or
9. lackadaisical attitudes maybe, these small areas become
10. infested with either undesirables or become not
11. policed...properly and they become also fire hazards and
12. we think this is a good bill in order to allow these
13. municipalities to take over the responsibilities in these
14. small areas. And I ask for your favorable support.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Is there discussion? Senator Glass.

17. SENATOR GLASS:

18. A question of the sponsor, if he will yield.
19. Senator Maragos, it's possible for the municipalities
20. to do this now, isn't it, if they wish?

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Maragos.

23. SENATOR MARAGOS:

24. It is possible excepting that many of them don't do it
25. for reasons unknown and many of the citizens who are joining
26. these particular areas, are the victims of sometimes crime
27. because these unincorporated areas are inhabited
28. by people who, I hate to describe it, bums or others and then
29. they may pilferage or they may cause fires in these areas,
30. and these particular residents may complain to the city
31. fathers, but they do not necessarily heed to it because
32. of whatever reason they may have but they don't want to add
33. police protection or other protection that they need and
34. therefore, it is felt that this should be...given them the

1. opportunity and mandate them to do that.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Glass, one minute remaining.

4. SENATOR GLASS:

5. All right. I...I am interested to hear that because

6. I don't know of any situations where that's the case.

7. Most of the time, it seems to me, municipalities

8. want to incorporate that land. Do you know of any specifics

9. that you're concerned about?

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Maragos.

12. SENATOR MARAGOS:

13. The group that brought this to me was a municipal

14. group and they said that they've had several complaints

15. throughout the State of Illinois and they asked that

16. we support this idea and bring it to the attention of

17. the Legislature, which I am doing and, in fact, this

18. passed out of municipal Local Government Committee by

19. nine to nothing after they heard the testimony of the

20. witnesses.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Grotberg.

23. SENATOR GROTEBERG:

24. Yes, Mr. President. The sponsor of this bill is correct.

25. It came out of the Local Government Committee eight to nothing

26. and I think that what we should do is enlighten the Body about

27. really what we're talking about. We're talking about the

28. islands in our cities that...that are owned by the counties

29. and surrounded by the cities. They lack fire services, they

30. lack sewer services, they lack everything else and get none

31. of the benefits. Usually it's the armpit of the world that

32. we're talking about or they would have long since been

33. annexed and I suggest to you that this probably is a very

1. good bill, to once and for all...I think you can stand in
2. this Capitol and throw rocks right here from...in
3. Springfield and find a couple of them and it's time we
4. got going on this subject. I urge an Aye vote on this.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Bowers.

7. SENATOR BOWERS:

8. This...will the sponsor yield to a question?

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Indicates that he will yield. Senator Bowers.

11. SENATOR BOWERS:

12. Are there any other municipal governments that...
13. this seems to me to be the first time we have ever
14. mandated a local government to...to annex territory, be it
15. fire protection district, park district, sanitary
16. district, whatever. Are you aware of any situation
17. where we've ever mandated local government to annex
18. territory?

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Maragos.

21. SENATOR MARAGOS:

22. Since I'm not an authority on this, Senator Bowers,
23. I would answer that I don't know of any. It doesn't mean
24. it hasn't been done in the past. We've mandated in other
25. areas where they...many school districts to take on projects
26. for education. We've mandated them to do many other things.
27. But I think this becomes a...a health hazard, a fire
28. hazard and a crime hazard if we don't do it and some...
29. and I think we have a responsibility to the citizens to
30. adopt these measures.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Bowers.

33. SENATOR BOWERS:

1. Well, Senator Maragos, I'm not sure of every situation
2. that we're talking about but I think I can conceive of some
3. pretty expensive obligations being forced upon a
4. municipality and...and you know, you can dream up all kinds
5. of situations but I can think of a few. It does concern
6. me and bother me just a little bit that we have never
7. done this before. It seems to be a new step to me. I
8. don't know what's going to be the difference between ten
9. acres next year and a hundred acres. But it...it certainly
10. violates the traditional concept that we've always had
11. of a municipality pretty much controlling its own boundaries
12. and I just have some trouble with this legislation and I think
13. the Body ought to take a good hard look at the precedent
14. we're setting. Thank you.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Is there further discussion? Senator Coffey.

17. SENATOR COFFEY:

18. Mr. President and members of the Senate.

19. I would like to ask a question of the sponsor, please.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Coffey.

22. SENATOR COFFEY:

23. We're talking about here with this bill, that they...
24. requires a municipality to annex any territory of ten
25. acres or less. Does...what does...what if the
26. people or individual owning the ten acres or individuals,
27. whichever the case may be, does not want to annex, does this
28. mandate that they must annex into the city?

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Maragos.

31. SENATOR MARAGOS:

32. Normally, these are...if you'll notice the bill,
33. it primarily refers to areas which are either have lakes

1. or islands or have...it could be that they could be in-
2. habited. I'm not saying that they could not but if these
3. areas that don't receive the police protection or the
4. fire protection or have the other city services that are
5. necessary, I don't see why they would object to the
6. annexation. Maybe these are the ones that want it to be
7. annexed and they're not being annexed for reasons of the
8. city's own. I should bring forth to you, though, that this
9. is brought...bill is brought my municipal organization
10. and that's why I undertook it.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Is there further discussion? Senator Coffey.

13. SENATOR COFFEY:

14. Did you...did I understand you correctly to say that
15. that specifically talks about islands? What if there
16. happened to be, say ten individual lots and homeowners
17. that did not want to go into the city and for some reason
18. people surrounding that area decided to join in the
19. municipality or into the city limits, then after...at that
20. time, they would become an island. Isn't...isn't that
21. correct, and they would be, if the municipality then wanted
22. to take them into the city, they could do that under this
23. provision?

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Maragos.

26. SENATOR MARAGOS:

27. Theoretically, you are correct, Senator Coffey, that
28. they could do that. However, I'd like to state out that
29. these people are also recipients of the school benefits
30. and everything else the municipality has and they should
31. be brought in but I...the...the purpose of the bill is not
32. so much the residents, but these areas are really desolate
33. areas, primarily, that are in most of the heart of the district.

1. But I...you're right that they would have to...then they
2. could fight the annexation. Of course, they have
3. opportunities to do that, too.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Coffey.

6. SENATOR COFFEY:

7. Well, you know, I can...I can certainly see if...if
8. we're looking toward islands in some situations where they
9. cannot get into the city under the present form, but
10. you say that these residents now receive the services. Now,
11. some of the municipalities in my area, they are not allowed
12. fire protection, they're not allowed water facilities,
13. sewage facilities, so they are being punished to stay
14. outside the city limits and they're having to provide their
15. own...we're talking about in smaller municipalities,
16. but they do provide their own services of their own individual
17. fire districts and others, so they are not, at least in my
18. district, being offered those services of the municipality.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Is there further discussion? The question is shall Senate
21. Bill 839 pass. Those in favor vote Aye. Those opposed
22. vote Nay. The voting is open. Have all voted who wish?
23. Have all voted who wish? Take the record. On that
24. question the Ayes are 28,...Senator Maragos. Senator
25. Maragos asks that further consideration of Senate Bill
26. 839 be postponed. The bill will be postponed.
27. Senate Bill 841, Senator Schaffer. Read the bill, Mr.
28. Secretary.

29. SECRETARY:

30. Senate Bill 841.

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Schaffer.

2. SENATOR SCHAFFER:

3. Senate Bill 841 as amended, would allow the
4. Legislative Travel Board to set standards and allow
5. us to use our office allowance to voucher for travel
6. expenses. Those of us who have large districts, do a lot
7. of traveling, non-political traveling. It's part of the
8. duties of the office and we would...many of us would very
9. much like the ability to cover some of these expenses.
10. The bill would also allow staff to...or someone who was
11. working for you, some of us have part-time secretaries
12. and when we're in Session here, we ask them to attend
13. meetings. This would allow them to be paid for
14. driving up to a town in the district to represent you at
15. a meeting while you were here. Be happy to answer any
16. questions. Appreciate a favorable roll call.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Is there discussion? Senator Hickey.

19. SENATOR HICKEY:

20. Want to say, Mr. President, that I don't have the
21. same problem that the other people do. I probably have
22. the most compact district outside of Chicago in the
23. State of Illinois and I'm so grateful for not having
24. to travel great distances, that I'd like to help
25. these people that have to, any way I can.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Further discussion? Senator Clewis.

28. SENATOR CLEWIS:

29. Will the sponsor yield to a question?

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. He indicates that he will yield.

32. SENATOR CLEWIS:

33. Senator, wouldn't some of us have a conflict of interest?

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Schaffer.

3. SENATOR SCHAFFER:

4. It's that universal conflict we all have, yes.

5. I don't think it disqualifies us from voting on the bill,
6. though.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Is there further discussion? Senator Hynes.

9. SENATOR HYNES:

10. Mr. President and members of the Senate. Very
11. reluctantly, I speak in opposition to this Bill, primarily
12. from the point of view that the administration of is
13. causes me great concern. I realize what the problem is.
14. I think it is a very serious one and a very real one
15. and I, for one, am willing to consider the possibility
16. in connection with some of the House bills that are here
17. trying to put some relief in for this purpose. But at this
18. point, at least, I...I can't support the bill as it...
19. as it exists.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Is there further discussion? Senator Knuppel.

22. SENATOR KNUPPEL:

23. Well, I...I'm...you know, I'm a great one for my
24. leader, Tommy, and I'd like for him to tell me why he
25. can't support it. See, we have a different problem.
26. The Senators from Chicago, I think when I was in the
27. Constitutional Convention where somebody served a senatorial
28. district there and he said, his whole district was in two
29. condominiums there and somebody else said they can get
30. across their district in fifteen minutes. Let me tell you
31. that with Senator Johns and myself, we're in a situation where
32. my district, I think, is like a hundred and forty-two
33. miles long one way and about a hundred miles across.
34. Now, the people in my district sincerely believe that I get

1. paid mileage. And as far as I'm concerned, I might just
2. as well get mileage as have them believe it. My check
3. each week is nine dollars and forty cents for mileage.
4. Now, I'd just as soon have that mileage as to have
5. other...some of the other benefits. I...I think that...
6. that we...in this area, we have a difference of need.
7. The home office, you probably need worse than I do because
8. mine is a traveling type of a situation. A fixed location
9. doesn't really do me a hell of a lot of good, it's so scattered,
10. eight or twelve counties, you know. But an automobile
11. or more...more mileage or to let me use my allowance for
12. mileage would do me more good where...where an office,
13. your people can come to that office and you're gone when...
14. you're in Springfield, you're a long ways away. I go back into
15. my district every night. And this is a different kind of
16. a problem. It's the old story, you know, one man...one
17. man's food is another man's poison and I get a whole lot
18. more good out of...out of being able to use this
19. account for...for going to my people in a mobile fashion
20. and I find out my opponent ran against me, he said, you
21. know, I never...never took surveys of my people and so forth.
22. Well, the answer is, is the way postage costs today, I do
23. survey my people. I go to county fairs. I go to Kiwanis
24. meetings. I go to school graduations and other things.
25. But they may be sixty or seventy miles away and there's
26. no way I can ever get that money back.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Further discussion? Senator Hynes.

29. SENATOR HYNES:

30. Well, since Senator Knuppel did refer to...to me, I would
31. like to respond. Senator, I agree completely with you and I
32. am in a rather embarrassing position to be saying what I am
33. saying because this does...this bill does not affect me

1. directly as it does so many of the members of this Body.
2. I think some relief is necessary. I am not prepared to
3. support this measure in this form at this moment and I have
4. discussed it with Senator Schaffer previously. There are
5. bills...House Bills on 2nd reading, which you are sponsoring
6. that I think can be amended to accomplish this purpose if
7. we can set up more specific guidelines. But that is...that is simply
8. the point I am making.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Johns.

11. SENATOR JOHNS:

12. If this presentation of this bill does no more than make a lot of
13. people cognizant of the huge territories that people like
14. Knuppel and Johns and Bruce and so forth cover,
15. our territories are bigger than many Congressional districts
16. used to be. And mine is a hundred and eighty miles
17. across and I drive twenty-five to thirty thousand miles
18. a year with no expense money allowed for that kind
19. of travel. People expect me to be there. Every weekend,
20. I'm asked to be at the...lands of my territory and people
21. think we receive this money. If nothing more than
22. takes place than what we are saying here today, I hope the
23. press and the people pick it up. Thank you very much,
24. Mr. President.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Any further discussion? Senator Bruce.

27. SENATOR BRUCE:

28. Yes, Mr. President. I rise in favor of this legislation.
29. If there's any problem with the rules and regulations under
30. which this money will be spent, the Legislative Travel Board,
31. which is under the jurisdiction of the Auditor General,
32. can draft rules and regulations. I was the author of the bill
33. that set up the Executive, the Legislative, the Judicial
34. State Employees Travel Boards. If there are any questions,

1. they can answer them. I have no worry about anyone using
2. this money improperly. It just...each of us presently
3. has to sign a voucher and say that the money is used
4. properly. It does not go to relatives. It's not used
5. for political campaigning. I...I support the legislation.
6. It seems to some of us who are from downstate Illinois
7. who are facing tremendous costs in gasoline, to travel
8. throughout our districts. I...I think I have the largest
9. district in the State of Illinois. It's thirteen counties
10. and this would certainly be a way to make me a more
11. effective legislator.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Further discussion? Senator Buzbee.

14. SENATOR BUZBEE:

15. Thank you, Mr. President. Mr. President, when we were
16. hearing in the Appropriations Committee the university bills,
17. I raised the question about...about the travel increase...
18. increase in travel expenses that the university systems
19. had built into their...into their budget. And, in fact,
20. their travel board had voted to give them a rather large
21. increases in travel allowances and one thing they did was they
22. went to fifteen cents a mile for...for their travel. Now,
23. that was bigger than any other system other than the
24. legislative and they kept using ours as the example, said,
25. see, you legislators get fifteen cents a mile, why shouldn't
26. we? And I pointed out to them that they get fifteen cents
27. a mile for everytime their car leaves their garage to go...
28. to go across town, if it's on university business.
29. Whereas, the only time we get any mileage, is one...one round
30. trip per week between our home...home town and Springfield
31. providing the Legislature is in Session that week or providing
32. we're coming here on legislative business. If, as has happens
33. so many times, we have to go home during the week, as an
example in Senator Knuppel's case, when he goes home every

1. night, he doesn't get any reimbursement for that. Senator
2. Davidson doesn't get any reimbursement for going back and
3. forth. None of us get any reimbursement for travel within
4. our districts. My district is one hundred and twenty
5. miles from the southern tip to the norther tip. It so happens
6. I live right at the southern tip of my district. So,
7. every time I want to go to the northern end of my district
8. for a meeting, or to see constituents or whatever, I have
9. a minimum of a two hundred and forty mile round trip.
10. That's out of my pocket. All these emoluments
11. and...and great...great amounts of money that the press
12. keeps talking about that we make in the Legislature
13. just simply isn't there. I would challenge any newspaper
14. editor to try to live on my income without...if he...if
15. I did not have additional income from my wife's salary,
16. to live on my income and meet the requirements that I
17. am required to do by the people of my district. As a matter
18. of fact, the most common complaint I get from people in
19. my district is we never see you. Where are you? I say,
20. well, I'm in Springfield, doing the job you elected me to do.
21. And, in fact, I do get around my district quite often
22. but it's all done on the basis of out of my pocket, when
23. I go to hold office hours in my district, that comes out
24. of my pocket. When I send my legislative aide out into
25. my district, that either comes out of her pocket or I've
26. got to reimburse her out of my own pocket. And I can
27. appreciate Senator Hynes' problem with this particular
28. bill in that he's afraid...concerned about the administration
29. of this program. However, I think it's time that we do
30. do something, whether we do it with this bill or not, we've
31. got to do something to make it to the point where we can
32. at least break even on...on getting around to...to see our
33. constitutents. Thank you.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Daley.

3. SENATOR DALEY:

4. Will the sponsor yield to a question?

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Indicates he will yield. Senator Daley.

7. SENATOR DALEY:

8. I thoroughly agree with Senator Hynes and Senator
9. Knuppel and Senator Buzbee, but there are problems
10. in regards to allowing the staff to use your office expenses
11. for traveling expenses. A typical example, if you're
12. driving throughout you district, whether mine or yours
13. and you do stop at a political rally, you don't think it's
14. a political rally but it is, you walk in, say a few words
15. in regards to your legislative responsibilities down here,
16. it's determined a legislative rally. At what time do you
17. notify the State that you were traveling to another location
18. and you did stop off at a political rally or political
19. party?

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Schaffer.

22. SENATOR SCHAFFER:

23. Well, Senator Daley, I think most of us have adopted
24. the policy that we not only have to avoid impropriety,
25. we have to avoid the appearance of impropriety. Consequently,
26. I would suggest to you since we will have to fill out the
27. vouchers and sign them, that most of us, in fact, I think
28. all of us, would use a great deal of discretion, if there
29. was any doubt in my mind, I know myself and the office
30. allowance...allowances that I have already. I look at each
31. voucher and I say to myself, could I be criticized? And if
32. there's even that chance, I pay it out of my own pocket.
33. And I think most of us would operate that way. Our vouchers

1. are probably watched more than any other vouchers in
2. State Government and if someone tries to abuse this system,
3. that person will surely, surely find himself in trouble.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Daley.

6. SENATOR DALEY:

7. In the voucher, are you specifying the location
8. during the day? In other words, if you...if you took
9. a trip ten miles and you stopped at two places, are you
10. going to put the locations down?

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Senator Schaffer.

13. SENATOR SCHAFFER:

14. The regulations would, of course, be left up to the
15. Travel Board headed by, you know, with the
16. Auditor General. I would suggest to you that that board
17. would draw up a regular form that we would fill out like
18. any other State employee which does put the time, the
19. date and the place, travel where to where and I would have
20. no personal objections to. I've seen forms with it and some
21. without that also gives a line for what...why you went there.
22. I'm not trying to rip off the taxpayers. I think these
23. safeguards can be built in. I think the Legislative Travel
24. Board...and I might add, the amendments for the Travel
25. Board were put on at the request of the Democratic staff
26. just to avoid the type of problems that you have. I don't
27. think the Legislature needs to dot every I and cross every T.
28. We do have boards with the authority to put the guidelines
29. and make the systems work and this is why the bill is
30. in the shape it is today in...in response to concerns on
31. your side of the aisle, Senator.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Senator Daley.

SENATOR DALEY:

1. One...just one more question. Can you use it...is
2. there any restriction not to use it, like two or three months
3. before an election?

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Schaffer.

6. SENATOR SCHAFFER:

7. No, again, there is not. But again, I say again,
8. I think anyone who did use it and abuse it would surely,
9. surely find himself in trouble.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Daley.

12. SENATOR DALEY:

13. So if you go to a rally and they state a rally
14. or a meeting, that this man is a candidate for re-election,
15. that is a political rally?

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Schaffer.

18. SENATOR SCHAFFER:

19. I would not put in a voucher for that type of rally
20. and I'm sure you would not either, Senator.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Further discussion? Senator D'Arco.

23. SENATOR D'ARCO:

24. Mr. President, in the interest of time, I move the
25. previous question.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator D'Arco has moved the previous question.

28. All in favor signify by saying Aye. All opposed. The
29. Ayes have it. Senator Schaffer to close the debate.

30. SENATOR SCHAFFER:

31. Ladies and Gentlemen of the Senate, we each come from
32. different districts. Each of our districts have different
33. problems. Those of us from the downstate area that have to
34. travel a lot have a problem. I suspect that those of you with

1. compact districts have other problems. The day may very
2. well come that the people with...come that the people
3. who have compact districts come to this Body with a
4. unique problem that needs this type of solution.
5. I, for one, will support them. I ask for a favorable
6. roll call.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Question is shall Senate Bill 841 pass. Those
9. in favor will vote Aye. Those opposed will vote Nay.
10. The voting is open. Have all voted who wish?
11. Have all voted who wish? Take the record. On that
12. question the Ayes are 23, the Nays are 13, 15 Voting
13. Present. Consideration postponed. Senator Buzbee,
14. for what purpose do you arise?

15. SENATOR BUZBEE:

16. Point of personal privilege, Mr. President. I am
17. anxiously awaiting tomorrow morning's headlines. I suspect
18. something to the effect of "Legislative Attempt to Rip
19. Off State Once Again," or something like that, "Temporarily
20. Fails."

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Ozinga. On the Order of Senate Bills
23. 3rd reading, is Senate Bill 845. Read the bill, Mr.
24. Secretary.

25. SECRETARY:

26. Senate Bill 845.

27. (Secretary reads title of bill)

28. 3rd reading of the bill.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Senator Ozinga.

31. SENATOR OZINGA:

32. Mr. President and members of the Senate. This is the
33. bill that was thoroughly discussed the other day with regard to the

1. Commerce Commission request to prescribe the division of
2. cost of safety devices and reconstruction. At that time,
3. there were objections raised and I believe they
4. were raised by the President, by Senator Vadalabene,
5. Senator Bruce and I think all of those objections have been
6. satisfied now and I would ask for a favorable roll call.
7. PRESIDING OFFICER: (SENATOR ROCK)

8. Any discussion? Senator Bruce.

9. SENATOR BRUCE:

10. Thank you, Mr. President, members of the Senate.
11. Senator Davidson and I and several other members have
12. reviewed the amendment. It seems to me that it's clear
13. that the only time they would not have a hearing is when
14. the parties agree to crossing implements and any major
15. alteration or major relocation would still require a public
16. hearing and that is stated explicitly in the amendment.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Any further discussion? Senator Davidson.

19. SENATOR DAVIDSON:

20. Just like to...Mr. President and members of the Senate.
21. Just like to rise in support of this bill 'cause with the
22. amendment there can be no closing of any grade crossing
23. where the people who are involved in the area will not
24. have notice and I'd urge everybody to vote for it.
25. PRESIDING OFFICER: (SENATOR ROCK)

26. Further discussion? Question is shall Senate Bill
27. 845 pass. Those in favor will vote Aye. Those opposed
28. will vote Nay. The voting is open. Have all voted who wish?
29. Have all voted who wish? Take the record. On that question
30. the Ayes are 54, the Nays are none, none Voting Present.
31. Senate Bill 845 having received a constitutional majority
32. is declared passed. All right. There has been a request. With
33. leave of the Body, we will return to the Order of Senate Bills

1. on 2nd reading for the purpose of moving all the
2. appropriation bills. Is leave granted? Leave is granted.
3. All right. On the Order of Senate Bills, 2nd reading,
4. ...I wonder if somebody...Senator Egan, I wonder if you
5. and Senator Bowers could enlighten the Chair as to which
6. of those Judiciary II bills are to be moved, if any.
7. SENATOR EGAN:

8. If I could just please run into my office, I have
9. a package on my desk and I'll be right back.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. I don't have a list. I'm sorry. Senator Leonard.

12. SENATOR LEONARD:

13. Mr. Chairman, at this time, could I ask to have
14. Senate Resolution 146, which I submitted, Tabled?
15. I have to have leave to Table it.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. It is on the Consent Calendar. Senator Leonard
18. asks leave to Table Senate Resolution 146. Is leave
19. granted? So ordered. All right. We'll get back to the
20. Judiciary II bills. How about...Senator Lemke, for what
21. purpose do you arise?

22. SENATOR LEMKE:

23. I'd like to have Senate Bill 719 re-referred to
24. committee.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. That's on what order of business?

27. SENATOR LEMKE:

28. It's on 3rd reading.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. All right. Senator Lemke has asked to...on the Order
31. of Senate Bills, 3rd reading, Senate Bill 719. Senator Lemke moves
32. to recommit 719 to...recommit it to the Committee on Judiciary
33. II. Is leave granted? So ordered. Recommit it.

1. Senator Vadalabene, for what purpose do you arise? Senator Vadalabene.

2. SENATOR VADALABENE:

3. Yes, I would like to have leave to be referred as a joint
4. sponsor on Senate Bill 1060.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Heard the request. Is leave granted? So ordered.
7. Senator Graham, for what purpose do you arise?

8. SENATOR GRAHAM:

9. While we're handling cats and dogs, I'd like for
10. the sponsorship of House Bill 647, which shows me as
11. a sponsor, be transferred to Senator Grotberg because I
12. might have a conflict of interest.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. You've heard the request.

15. SENATOR GRAHAM:

16. House Bill 647 to Grotberg.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. House Bill 647 to be sponsored by Senator Grotberg.
19. Is leave granted? So ordered. Senator Egan, are we ready
20. to proceed, or...I do not see Senator Netsch, so...
21. All right. Senator Egan.

22. SENATOR EGAN:

23. Yes, Mr. President and members of the Senate. The
24. ...the Judiciary II Committee met last night and the
25. majority of that committee has agreed to do the following
26. with all of the bills that were heard in that committee.
27. The agreement is to take Senator Sangmeister's Senate Bill
28. 165 and hyphenate the cosponsorship of that bill with
29. myself and add whomever else wishes as a cosponsor
30. of Senate Bill 165 which by Amendment No. 1, which I have
31. distributed to each of the members, will incorporate
32. all of the provisions of practically all of the bills
33. in one way or another into that single bill. Senator Bowers
34. has two other bills that were proposals by the Governor's

Office. Senator Bowers, is that substantially correct?

1. PRESIDING OFFICER: (SENATOR ROCK)
2. Senator Bowers.
3. SENATOR BOWERS:
4. Thank you, Mr. President. Yes, I can concur...I concur
5. with Senator Egan totally. The two bills...the other two bills
6. that...it's my understanding will move are...with amendment
7. are 1274 and 1275, and on the rest of them, we are recommending
8. that they be recommitted to committee.
9. PRESIDING OFFICER: (SENATOR ROCK)
10. All right, the first bill then is, Senate Bill 92. Read
11. the bill, Mr. Secretary. Senator...Senator Egan.
12. SENATOR EGAN:
13. We have only just three bills...
14. PRESIDING OFFICER: (SENATOR ROCK)
15. No...
16. SENATOR EGAN:
17. ...and the rest are being re-referred.
18. PRESIDING OFFICER: (SENATOR ROCK)
19. ...No, that's not the list I have. I have 92, 165, 1274
20. and 1275 to be advanced.
21. SENATOR EGAN:
22. That is correct.
23. PRESIDING OFFICER: (SENATOR ROCK)
24. Okay. On the Order of Senate Bills 2nd reading, Senate
25. Bill 92. Read the bill, Mr. Secretary.
26. SECRETARY:
27. Senate Bill 92
28. (Secretary reads title of bill)
29. 2nd reading of the bill. No committee amendments. One Floor
30. amendment offered by Senator Buzbee.
31. PRESIDING OFFICER: (SENATOR ROCK)
32. Senator Buzbee.
33. SENATOR BUZBEE:

1. Thank you, Mr. President. Mr. President, this bill deals
2. with the diminution of sentence, ability or capability that's
3. presently given...under the Statutes to the Director of the...
4. the Department of Corrections and what is called Statutory
5. good time. This was a problem that was brought to my attention
6. by a judge in my district who had a...as...who as the State's
7. Attorney of a county previous to that, had been in a prosecution
8. of a...of a sex murder act and the man openly bragged of
9. several other murders of which he had not been accused or...
10. or brought to trial. He was found guilty, sentenced to
11. prison. Later because of the quirk in the Statutes and the
12. Federal court rulings, he was released much earlier than he
13. had been sentenced, and subsequently, he went to Chicago,
14. raped and murdered two more women...

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Is this on the amendment?

17. SENATOR BUZBEE:

18. ...yes, it is on the amendment. As a result of this,
19. the former State's Attorney who is now a...a judge asked me
20. to...to try to change that concept. I put in a bill which
21. the Department of Corrections felt they could not live with
22. the provisions of the bill, but they were aware of the problem.
23. They have worked with me and they worked out this particular
24. amendment. It's not to my complete satisfaction, but I think
25. it's the only thing that I have a chance of getting through,
26. and the Director of Corrections says he can...he can live with
27. this, In fact, he wrote the amendment, and so he thinks it's...
28. it's all right. And what this will do is, it will say that the
29. Director of...of Corrections can give what's called Statutory
30. good time of no more than three months for every one year
31. that...of prisons...the sentence that the inmate has served.
32. Under the present Statute and under the rules and regulations
33. of the Department, the Director can give up to eight months for

1. every one year of good time, so this would limit him to no
2. more than three months, and I would move the adoption of the
3. amendment.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Buzbee has moved the adoption of Amendment No. 1
6. to Senate Bill 92. Is there any discussion? All...Senator
7. D'Arco.

8. SENATOR D'ARCO:

9. Can...this is...this is contrary to what you...I thought
10. you were just going to eliminate maximum good time and keep
11. in the minimum good time. Oh, you're going...just give three
12. months for every one year of the sentence?

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Senator Buzbee.

15. SENATOR BUZBEE:

16. Well, again, this is the amendment that the...the Director
17. of Corrections drew, and what it says is every person serving
18. a term of imprisonment under Section 581 shall be entitled to
19. a reduction of sentence for good behavior not to exceed three
20. months per year of the sentence imposed by the courts. So, for
21. the Statutory good time, the Director can still give him up
22. to three months for every year of sentence imposed, and give
23. him three months of...of good time.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Senator D'Arco. All right. Any further discussion?
26. Senator Buzbee moves the adoption of Amendment No. 1 to Senate
27. Bill 92. All those in favor signify by saying Aye. All those
28. opposed. The Ayes have it. The amendment is adopted. Any
29. further amendments?

30. SECRETARY:

31. No further amendments.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Any amendments from the Floor? 3rd reading. On the Order

SB 165
2nd reading
5-26-79

1. of Senate Bills 2nd reading, Senate Bill 165. Read the bill,
2. Mr. Secretary.
3. SECRETARY:
4. Senate Bill 165
5. (Secretary reads title of the bill)
6. 3rd reading of the bill...
7. PRESIDING OFFICER: (SENATOR ROCK)
8. 2nd reading.
9. SECRETARY:
10. ...or 2nd reading of the bill, and no committee amendments.
11. PRESIDING OFFICER: (SENATOR ROCK)
12. Any amendments from the Floor? ...Senator Egan, your
13. amendment has not been placed on the desk.
14. SECRETARY:
15. Amendment...Amendment No. 1 offered by Senator Egan.
16. PRESIDING OFFICER: (SENATOR ROCK)
17. Senator Egan.
18. SENATOR EGAN:
19. Yes, thank you, Mr. President and members of the Senate.
20. As structured, Amendment No. 1...incidentally, may I have leave
21. then, to be the hyphenated cosponsor of the...the bill.
22. PRESIDING OFFICER: (SENATOR ROCK)
23. You've heard...you've heard Senator Egan's request. Is
24. leave granted? Leave is granted. So ordered.
25. SENATOR EGAN:
26. Thank you.
27. PRESIDING OFFICER: (SENATOR ROCK)
28. Senator...Senator Egan.
29. SENATOR EGAN:
30. As structured, Amendment No. 1, in fact, removes the
31. provisions that were originally incorporated in Senate Bill
32. 165 and does the following, and I will summarize from the...the
33. Digest which has been passed out to each member. First of all,

1. a new classification of felonies is created that include
2. the following enumerated offenses: number one, aggravated
3. kidney...kidnapping for ransom; number two, rape; number
4. three, the sale of narcotic drugs; number four, calculated
5. criminal drug conspiracy; number five, armed robbery; number
6. six, arson; number seven, use of a weapon in the commission of
7. a forceable felony, and number eight, the indecent liberties
8. with a child. These currently being Class I felonies will be
9. put into a...another category, the fifth category of felonies
10. which is described as Class X felonies. Sentencing for the
11. offensive murder also is dealt within this bill if the death
12. penalty is not imposed. Assuming that the death penalty will
13. pass and is also made a determinant sentence as opposed to
14. indeterminant. Murder is not probationable and the offender
15. cannot be paroled. The minimum determinant term is twenty years,
16. so consequently a convicted murdered who is not sentenced to
17. death will receive at least a twenty year term and can receive
18. any determinant term in excess of twenty years. The...the
19. offender must serve the entire term less credit. The amount of
20. time that a finding...that a...a defendant who was found guilty
21. of committing a Class X felony is a minimum determinant sentence
22. of six years. He can be sentenced to serve that six years.
23. That is not, and he is not probationable and can get out of
24. jail only upon a lesser term which would be created by good
25. time to let him out. However, that is the minimum term. There
26. is no maximum. This bill also provides that the State's
27. Attorney must file a certified statement with the court indicating
28. his reasons why he, in fact, reduces a charge from a Class X
29. felony to a lesser charge. The bill also increases the minimum
30. mandatory term for indeterminant sentences in felonies in Class
31. I and II. Class I increasing from four to six, and for Class
32. II felonies from two to three. The bill also grants the State
33. the right to obtain a substitution of judges upon a showing of

1. good cause, and it also eliminates the current ratio that a
2. judge must follow if he sentences a defendant...a convicted
3. defendant in, for example, a Class III felony. If the felony
4. has a three to ten...up to ten years sentence, he can only
5. sentence that defendant to three years in jail following the
6. ratio. That ratio will be removed. The judge, in effect,
7. thereby will have at his discretion the right to serve...to
8. sentence a defendant to a determinant sentence, and finally, and
9. I consider this the most important part of the bill, a commission
10. to study determinant sentences along with the entire structure
11. of sentencing and the Criminal Code of Procedure along with
12. the Criminal Code itself comprised of twelve members, the
13. Governor to appoint three, the Senate to appoint three, the
14. House to appoint three and the Supreme Court to appoint three
15. trial judges having experience in hearing criminal cases.
16. Now, Ladies and Gentlemen, this is a very tough package. It
17. is a product of a considerable amount of work by the Judiciary
18. II subcommittee...by the Judiciary II Committee and considerable
19. amount of input from the Governor's Office and from some of
20. the members of the Committee. This bill along with Senator
21. Bowers' two bills are the product of that determination, and
22. I move for its adoption.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senate Egan has moved the adoption of Amendment No. 1 to
25. Senate Bill 165. Is there any discussion? Senator D'Arco.

26. SENATOR D'ARCO:

27. Bob, this bill eliminates parole. Is that correct for
28. determinant mandatory Class X felonies?

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Senator Egan.

31. SENATOR EGAN:

32. That is correct.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator...Senator D'Arco.

2. SENATOR D'ARCO:

3. Now, under this bill would a...would a convicted felon
4. get one day good time for every day served? Is that how the
5. good time provisions of this bill work?

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Senator Egan.

8. SENATOR EGAN:

9. I am going to defer to Senator Bower who is really the
10. expert on this.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Senator Bowers.

13. SENATOR BOWERS:

14. I don't pretend to be an expert in this area, however,
15. that's correct insofar as the Class X felonies are concerned,
16. no others, and as a matter of fact, it's a different good time
17. provision than the one that's covered by Senator Buzbee's bill
18. if that's your question, so that it would not be affected, but
19. there is a one day credit, so to speak, for each day of
20. good time served, so you meet in the middle under Class X
21. felonies only.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Senator D'Arco.

24. SENATOR D'ARCO:

25. Well, that's...we got a conflict of law here. If Senator
26. Buzbee's bill passes, that would conflict with the provisions
27. of this bill. Isn't that true?

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Bowers.

30. SENATOR BOWERS:

31. No, not in my opinion. Senator Buzbee's bill addresses
32. itself to a different section of the Statute that covers the...
33. the good time in indeterminant sentencing only.

1. PRESIDING OFFICER: (SENATOR ROCK)
2. Further discussion? Senator Berman.
3. SENATOR BERMAN:
4. The sponsor or Senator Bower, the right of the State
5. to obtain a substitution of judges upon a showing of good
6. cause, is that the same language that's presently in the
7. Statute for a defendant or is it a...is it different language?
8. PRESIDING OFFICER: (SENATOR ROCK)
9. Senator Egan.
10. SENATOR BERMAN:
11. Bowers...yet...
12. PRESIDING OFFICER: (SENATOR ROCK)
13. Senator Egan. Or Senator Bowers.
14. SENATOR BOWERS:
15. Thank you. Senator, when we first started discussing
16. this, one of the bills contained a provision for...for a
17. substitution of judges equal to that of the defendant. That
18. was stricken, and it was only put in the good cause section,
19. and answer to your question is, yes. It's just...adds the
20. word "or State" under the...under the paragraph that provides
21. for substitution of judges for cause.
22. PRESIDING OFFICER: (SENATOR ROCK)
23. Senator Berman.
24. SENATOR BERMAN:
25. I don't practice much criminal law, but isn't it the case
26. law and the practice that any allegation or boiler plate allegation
27. has been determined to be basis for cause for change of venue.
28. PRESIDING OFFICER: (SENATOR ROCK)
29. Senator Bowers.
30. SENATOR BOWERS:
31. Senator, when...when there was testimony in committee
32. that are some judges in...in the State who because the for cause
33. section does not include the words "the State,"take the position

1. that the State has no right whatsoever even if there is cause
2. shown, if that's your question. I'm not sure I understand.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Berman.

5. SENATOR BERMAN:

6. I'm sorry. ...I didn't make myself clear. That's not my
7. question. It's my understanding that a defendant now can come in
8. and just on an allegation of...an indication that the trial
9. will not be conducted fairly or prejudiced or almost any other
10. unsubstantiated or undetailed allegation, is entitled by right
11. to a change of venue. Isn't that what's given by this bill
12. to the State?

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Senator Bowers.

15. SENATOR BOWERS:

16. No. There are two sections of the Statute. The first
17. one gives the defendant the...the right to...as you say, and
18. I think that's limited to two substitutions as I recall. I
19. think perhaps there's another bill pending if we haven't already
20. adopted it that may reduce that to one in certain sections. That's
21. a different section...or certain areas of the State. That's a
22. different section of the Statute. Following that there is a
23. section that at any time with no limit, there is a provision for
24. the defendant to have a substitution of judges for cause. All
25. we've done is add the words "the State also has the right for
26. cause", but it does not, in any way, affect the defendant's right
27. under those two that you're talking about.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Further discussion? Senator Berman.

30. SENATOR BERMAN:

31. Just one other question. Senator Egan, I see on...on
32. ...well, someplace in here regarding sentencing you've got the
33. death penalty. I do not support the death penalty. I'm not sure

1. if I support this bill. How do I vote on this bill if I
2. don't support the death penalty, but I like the rest of your
3. bill?

4. SENATOR EGAN:

5. This does not relate to the death penalty. The...the
6. provisions of this bill are exclusive of the death penalty.
7. It has, therefore, nothing to do with the...the penalty of
8. death.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Berman.

11. SENATOR BERMAN:

12. Well, I want to point out to the sponsor I...there was
13. language in here that refers to...page 12, lines 21 through 23-when
14. a defendant is found guilty of murder, the State may...and this
15. is new language...may seek a sentence of imprisonment or where
16. appropriate, seek a sentence of death under Section 9-1 of the
17. Criminal Code.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator Egan.

20. SENATOR EGAN:

21. Well, that...that...that allows for the alternative in
22. the event that the death penalty bill passes... If it does not, that
23. becomes void, that language is void.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Further discussion? Senator Merlo.

26. SENATOR MERLO:

27. Senator Egan, I...I...first of all, I'm not a lawyer, but
28. I noticed and I don't know whether it was intentional or not.
29. The question of bonds seems to...to come to my mind. Was it
30. intentional omitted from this bill? It seems to me that the
31. ...the categories that have been listed here certainly should...
32. if anyone was...was in violation or something, that they would
33. not be permitted bond.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Egan.

3. SENATOR EGAN:

4. That is one of the other two bills that Senator Bowers is
5. handling.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Further discussion? Senator Guidice.

8. SENATOR GUIDICE:

9. I've got a...I've got a question of the sponsor, Mr.
10. President. I don't...

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Indicates he...

13. SENATOR GUIDICE:

14. ...who am I...

15. PRESIDING OFFICER: (SENATOR ROCK)

16. ...Senator Egan is the...technically the sponsor of
17. this amendment.

18. SENATOR GUIDICE:

19. Senator Egan, I...I've got a problem with the substi-
20. tution of judges. Are we going to now allow the State to ask
21. for a change of venue...has the same rights that the defendant
22. has?

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator Egan.

25. SENATOR EGAN:

26. Only for a good cause and only upon affidavit of the...
27. of the State.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Guidice.

30. SENATOR GUIDICE:

31. What kind of a problem are we...we going to be creating if
32. do...or we allow something like this. Now, we're...we're going to
33. have the State come in and say that the court is prejudiced
34. against the State?

35. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Egan.
2. SENATOR EGAN:
3. If, in fact, they can swear to that, that would be, I,
4. in my opinion, good cause.
5. PRESIDING OFFICER: (SENATOR ROCK)
6. Senator Guidice.
7. SENATOR GUIDICE:
8. The defendant and the...at the...at this time, can go
9. in and indicate without stating a reason, other than he
10. believes that...that the court is prejudiced and he...he cannot
11. give a fair trial in that particular instance, and that's
12. sufficient, under our present rules, to allow the defense to
13. change judges. And now, we're going to allow the State to do
14. this, it's going to be demeaning, it's going to be detrimental to
15. the...the court system as we know it. We're going to bring
16. further...in...in ill-repute, our court system. I think we're
17. making a grave mistake if we...let something like this come
18. into the bill.
19. PRESIDING OFFICER: (SENATOR ROCK)
20. Further discussion? Senator Daley.
21. SENATOR DALEY:
22. Will the sponsor yield to a question?
23. PRESIDING OFFICER: (SENATOR ROCK)
24. Indicates he will yield. Senator Daley.
25. SENATOR DALEY:
26. In regards to substitution of judges. If the State files an
27. affidavit that the judge is prejudicial and that he cannot receive
28. a fair trial, how does this affect a person who can file and then
29. complain it to the Illinois Judicial Inquiry Board against the
30. judge?
31. PRESIDING OFFICER: (SENATOR ROCK)
32. Senator Egan.
33. SENATOR EGAN:

1. Well, I...I would think that if...if there was for cause
2. for the Judicial Inquiry Board to look into the conduct of a
3. judge relative to his presiding at a hearing or a trial that...
4. that there may very well be in and of itself cause, but I
5. am speculating, Senator Daley.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Senator Daley.

8. SENATOR DALEY:

9. Well, as I understand, the State is...filing an affidavit,
10. and I don't know what good cause means. Now, he's filing
11. before the trial judge, and the trial judge says, no, there
12. isn't, I'm not prejudicial. If he's going to decide he's not
13. prejudicial, now in turn can the State file a...a complaint
14. against the... to the Illinois Judicial Inquiry Board saying
15. that he is prejudicial, the judge, because of certain facts
16. that he took the case. I think that's what you're doing to the
17. trial judges. Also, can the State exclude if a trial judge
18. is not a hanging judge for the State's Attorneys in Cook...
19. throughout the State of Illinois, if he's not a hanging judge,
20. I think the State in turn can exclude a trial judge from
21. hearing any case in any county, and I think that's what they
22. will do. It's an arm for the State's Attorney's Office.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Well, I...was...that was a question. I'm waiting for
25. Senator Egan to get back to the microphone here. Senator
26. Egan.

27. SENATOR EGAN:

28. Well, let me just say that, it's...the...the State by
29. law must show that he has good cause to ask that judge not to
30. hear the case. Now, if the State wants to do that by
31. affidavit, this law entitles the State to do that.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Senator Daley.

1. SENATOR DALEY:
2. Then good cause would be a man who was an outstanding
3. defense attorney, became a...trial judge in a criminal court.
4. That could be...good cause because his tendency is to lean
5. towards the defendants, and that is good cause, and I think
6. that's what you're doing with this bill.
7. PRESIDING OFFICER: (SENATOR ROCK)
8. Senator Egan.
9. SENATOR EGAN:
10. I don't know that that's good cause.
11. PRESIDING OFFICER: (SENATOR ROCK)
12. Senator Daley.
13. SENATOR DALEY:
14. Who's going to determine good cause? The trial judge?
15. PRESIDING OFFICER: (SENATOR ROCK)
16. Senator Egan.
17. SENATOR EGAN:
18. Yes.
19. PRESIDING OFFICER: (SENATOR ROCK)
20. Senator Daley.
21. SENATOR DALEY:
22. Then he's going to...determine your complaint in a matter
23. of course. Then you're going to allow also if he disallows
24. your complaint, is there any remedy that the State can take?
25. PRESIDING OFFICER: (SENATOR ROCK)
26. Senator Egan.
27. SENATOR EGAN:
28. Well, the State must try the case and then take the appeal,
29. and if the...if the State is correct, they will win the appeal.
30. If they're incorrect, they'll lose the appeal.
31. PRESIDING OFFICER: (SENATOR ROCK)
32. Senator Daley.
33. SENATOR DALEY:

1. Other remedies go to the Illinois Judicial Inquiry
2. Board, and that's what you're going to do.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Further discussion? Senator Knuppel.

5. SENATOR KNUPPEL:

6. Mr. President, I would suggest to those people that
7. there's been enough debate engendered here about this issue.
8. I...I...I think I pointed to the fact this morning that what
9. has made you an outstanding legislator has been the...the
10. willingness to listen, the knowlege and the ability to...to
11. fathom and to know what can and can't pass. Fellows, this is
12. an important bill, and you're...you're getting some heat on
13. this issue. I'd rather take half a loaf anytime than to fight
14. for a whole loaf. I would suggest you get it the hell out of
15. there.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Washington.

18. SENATOR WASHINGTON:

19. I would like to Senator Knuppel's remarks. In...in
20. committee, Senator...Judge Warren Wilson of the Circuit Court
21. of Cook County testified very vigorously against the sub-
22. stitution of judges as against other phases of this proposed
23. this legislation and he said it would lead to an intimidation
24. of judges, and it might well be that a pattern would set in
25. which would mean a certain judge would be sitting there without
26. anything to do and that in itself would be intimidatory. I
27. think it's a very bad policy, and I think it goes to more or
28. less the heart of what's wrong with this whole substitution
29. package. I join Senator Knuppel and others in saying that
30. this is a particularly bad phase of this amendment. I oppose
31. it.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator D'Arco.

1. SENATOR D'ARCO:

2. Mr. President, I...I think the bill as whole is a good
3. bill. We voiced some objection to one little minor provision
4. in the bill pertaining to the substitution of the judges by
5. the State for cause, and I want to support the bill. And I...
6. and I...I really think it's good bill, but I can't support
7. it with that one provision in there.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Is there further discussion? Senator Davidson.

10. SENATOR DAVIDSON:

11. Yes, Senator Egan, we have looked through this, and I am
12. not an attorney, and I just want to make for the record in
13. case it...it comes up sometime. Absolutely in this bill as
14. the amendment is adopted, on the conviction of a felony with
15. a firearm, the individual is going to get a mandatory sentence,
16. is that correct?

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Egan.

19. SENATOR EGAN:

20. Yes.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Davidson.

23. SENATOR DAVIDSON:

24. Well, Mr. President, in that case, being one of those
25. sponsors who has a series of bills involved in this tall type
26. of legislation and in honoring the commitment that I made in
27. committee hearing when this was brought about, I ask leave to
28. do two things, one to become a cosponsor of Senate Bill 165
29. and move to recommit Senate Bill 14, which was my mandatory
30. sentencing bill back to committee.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Davidson, on your motion to recommit Senator
33. Netsch will make one motion to recommit all those bills at that...if

1. you would withdraw your motion, we could do it...in an easier
2. fashion. Is there leave for Senator Davidson to be cosponsor?
3. Leave is granted. Is there further debate? Senator Bowers.

4. SENATOR BOWERS:

5. Well, I just briefly like to address myself to this
6. question of...of substitution of judges, but before I do that,
7. Mr. President, would it be out of line...Mr. President, there
8. are number of...of...of people on this side of the aisle that
9. want to be added as cosponsors. Is it out of line to suggest
10. that if they let their name be known to the Secretary, they
11. can be added as cosponsors without further action of this
12. Body? Is that in order?

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. As long as that is done today, Senator Bowers.
15. Is there leave that anyone who wishes to be joined as cosponsor
16. on 165 tell the Secretary prior to conclusion of business
17. today, please bring your names down? Is there leave? Leave is
18. granted.

19. SENATOR BOWERS:

20. Now...now, Mr. President, I'd like ...

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Bowers.

23. SENATOR BOWERS:

24. ...I'd like to address myself just briefly, and Senator
25. Washington, I would really like for you to listen because
26. this is kind of important and I would like your support on this
27. bill. As far as Judge Wilson testimony is concerned, at the
28. time we were considering the substitution of judges for any
29. cause by the State...in other words putting the State in...in
30. equal position of the defendant. When I pointed out to him
31. that there were some judges who were not granting...most judges
32. do grant a...a change of venue by...on request by the State or
33. ...or a substitution of judges for cause. Most judges do it.

1. But when I pointed out to him that there...the testimony was
2. that there were some who did not, he...he acceded to that. He
3. said on second thought, he thought it was a good idea. So,
4. I just want to point out to you that that's my recollection of the
5. testimony and...and staff just pointed that out to me, too,
6. so I don't think I'm in error on that. So, what we're saying
7. here, Ladies and Gentlemen of the Senate, is that where the...
8. where there is cause and I think you'll find, Senator Daley,
9. the cause is very well defined in previous court decisions
10. even though it only relates to the defendant, but where there
11. is cause, the State ought to have the right to substitute
12. judges. I think it's an excellent provision in here. I...I
13. do with agree with Senator Knuppel, sometimes you're better
14. with a half loaf, but at this stage of ball game, I...I really
15. want to support that because I think it's a good...it's a
16. good provision, and I want to clearly say that we have stricken
17. any provision that relates to the right to the...to the State
18. to...for an automatic substitution. That right still rests
19. in the defendant, does not rest in the State. The only time
20. the State gets involved is if there is...if there is cause.
21. And I just wanted to straight that out. Thank you, Mr. President.
22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Is there further discussion? Senator Egan may close.
24. Senator Egan moves the adoption of Amendment No. 1. Senator...
25. do you wish to close Senator Egan? The question is on the
26. adoption of Amendment No. 1 to Senate Bill 165. All in favor
27. say Aye. Opposed Nay. Roll call is requested. Those who
28. favor the adoption of the amendment will vote Aye. Those opposed
29. will vote Nay. The voting is open. Have all voted who wish?
30. Have all voted who wish? Take the record. On that question,
31. the Ayes are 32, the Nays are 20, 2 Voting Present. A majority
32. of Senators voting on the issue having voted in the majority the...
33. the motion is adopted. Right. Further amendments?

1. SECRETARY:
2. No further amendments.
3. PRESIDING OFFICER: (SENATOR BRUCE)
4. 3rd reading. Senate Bill 233, Senator Clewis. Senator
5. Netsch.
6. SENATOR NETSCH:
7. Mr. President, in accordance with the wishes of a
8. majority of the Committee on Judiciary II, I would now move
9. to recommit the following bills to that committee: Senate
10. Bills 14, 80, 81, 89, 90, 91, 214, 215, 552, 711, 748, 813,
11. 1175, 1272, 1273 and 1279. In addition, I think Senator
12. Bowers would like to move to...
13. PRESIDING OFFICER: (SENATOR BRUCE)
14. Senator Netsch...
15. SENATOR NETSCH:
16. ...Excuse me.
17. PRESIDING OFFICER: (SENATOR BRUCE)
18. ...why...why don't we just recommit those bills that
19. are to be recommitted. Senator Netsch has moved to recommit
20. Senate Bills 14, 80, 81, 89, 90, 91, 214, 215, 552, 711,
21. 748, 813, 1175, 1276 and 1279 with the consent of the sponsors
22. back to the Judiciary II Committee. Is...on the motion to
23. adopt...or on the motion to recommit, all in favor say Aye.
24. Opposed Nay. The Ayes have it, and the bills are recommitted.
25. Senator Shapiro, for what purpose do you arise?
26. SENATOR SHAPIRO:
27. Mr. President, it was pointed out to me this morning that
28. when I attempted to recommit a bill that was under the sponsor-
29. ship of another Senator, that I could not do this and that only
30. the individual sponsor should be responsible for that. Unless
31. there is some agreement on this...
32. PRESIDING OFFICER: (SENATOR BRUCE)
33. That's why, Senator Shapiro, I said with leave of the...of

1. the sponsors involved, Senator Netsch made that motion.
2. She has consulted each and every individual sponsor of the
3. bills. Does any Senate sponsor of the bills just listed object
4. to the...motion to recommit? Motion to recommit prevails.
5. Senator Netsch.

6. SENATOR NETSCH:

7. I believe that Senator Bowers would like to have Senate
8. Bill 650 Tabled. I think it probably would be more appropriate
9. if he made the motion.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Bowers. Senator Bowers moves to Table Senate
12. Bill 650. All in favor say Aye. All opposed Nay. The Ayes
13. have it, and Senate Bill 650 is Tabled. Senator Bowers.

14. SENATOR BOWERS:

15. If I...I don't know how far this is in order, but I would
16. ask Senator Netsch...I didn't recall her reading 1276 and 1279.
17. Were those read?

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Netsch.

20. SENATOR NETSCH:

21. Yes, I did read those, too.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Bowers.

24. SENATOR BOWERS:

25. Well, Mr. President, while we're on this subject, there
26. are two more bills that I have distributed amendments and have
27. the amendments lying on the Secretary's Desk. They are 1274
28. and 1275, and they were part of this package. Is it in order
29. to request that they be called at this time?

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. All right. It is my understanding that there was an
32. agreement that we would take these bills as a package. What is
33. the bill number, Senator Bowers?

1. SENATOR BOWERS:
2. 1274 is the first one and 1275 the second, Mr. President.
3. PRESIDING OFFICER: (SENATOR BRUCE)
4. Senate Bill 1274, Mr. Secretary.
5. SECRETARY:
6. Senate Bill 1274
7. (Secretary reads title of bill)
8. 2nd reading of the bill. No committee amendments. One Floor
9. amendment offered by Senator Bowers.
10. PRESIDING OFFICER: (SENATOR BRUCE)
11. Senator Bowers.
12. SENATOR BOWERS:
13. Thank you, Mr. President. This again was one of the
14. bills that was voted out of Judiciary. This particular bill has
15. to do with the setting of...of bonds and the matters that the
16. court may look into. The amendment...there was considerable
17. question about some of the language in the bill. The amendment
18. basically strikes out on page 2 item 15 and lines 1 and 2 on
19. page 3. It...it omits what is now designated as...as paragraph
20. 7 on page 3. It makes it clear and what's now designated
21. as paragraph 6 that the...the knowledge has to be held by the
22. person who is on bond and it changes the supervision provisions
23. of...on line 22 to make it permissive rather than mandatory. I
24. would move the adoption of the amendment, Mr. President.
25. PRESIDING OFFICER: (SENATOR BRUCE)
26. The question is on the adoption of Amendment No. 1. Is
27. there discussion? All in favor say Aye. Opposed Nay. The
28. Ayes have it. The amendment is adopted. Are there further
29. amendments?
30. SECRETARY:
31. No further amendments.
32. PRESIDING OFFICER: (SENATOR BRUCE)
33. Any amendments from the Floor? 3rd reading. Senate Bill

1. 1275, Senator Bowers.

2. SENATOR BOWERS:

3. Thank you, Mr. President. Senate Bill 1275 as originally
4. introduced...

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Bowers, excuse me, the Secretary will have to
7. read the bill a second time.

8. SECRETARY:

9. Senate Bill 1275

10. (Secretary reads title of bill)

11. 2nd reading of the bill. No committee amendments. One Floor
12. amendment offered by Senator Bowers.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Bowers.

15. SENATOR BOWERS:

16. Well, the...the bill as originally introduced, had
17. numerous provisions in it concerning a hearing on a continuance.
18. When it finally finished up as far as Judiciary Committee is
19. concerned, the only thing that had merit was the filing of a
20. verified affidavit. Once the trial date was set by either
21. party, you had to file a verified affidavit to get a continuance
22. and the amendment strikes everything else and inserts that
23. provision and I move the adoption of the amendment, Mr. Presi-
24. dent.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. The question is on the motion to adopt Amendment No. 1
27. to Senate Bill 1275. Is there discussion? All in favor of
28. the motion, say Aye. All opposed Nay. The Ayes have it. The
29. motion...the amendment is adopted. Further amendments?

30. SECRETARY:

31. No further amendments.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Any amendments from the Floor? 3rd reading. Senator Netsch,

1. does that conclude the bills out of the Judiciary II Committee?
2. All right. Senate Bill 233. You wish the bill read, Mr...
3. Senator Clewis? Read the bill, Mr. Secretary.
4. SECRETARY:
5. Senate Bill...yes...Senate Bill...Senate Bill 223
6. (Secretary reads title of bill)
7. 2nd reading of the bill. No committee amendments.
8. PRESIDING OFFICER: (SENATOR BRUCE)
9. No committee amendments. Any amendments from the Floor?
10. 3rd reading. Senate Bill 319, Senator Harber Hall. Read the
11. bill, Mr. Secretary.
12. SECRETARY:
13. Senate Bill 319
14. (Secretary reads title of bill)
15. 2nd reading of the bill. The Committee on Appropriations I
16. offers one amendment.
17. PRESIDING OFFICER: (SENATOR BRUCE)
18. Senator Carroll.
19. SENATOR CARROLL:
20. Thank you, Mr. President. Committee Amendment No. 1 is
21. a reduction of a hundred and ninety-one thousand one hundred
22. dollars removing some positions and some other items relating
23. to negotiations for use agreements and land acquisition. It was
24. clearly the intent of the Committee that the State of Illinois
25. is firmly behind a St. Louis Metropolitan Airport Authority
26. and we expect that the United States Government and Secretaries
27. involved will reverse their opinion. We have taken the assumption
28. that it will take a few months for our Congressional Delegation
29. to take that action, so we have reduced the appropriation by
30. that assumed amount so that they can start up as soon as they
31. can get the reversal, and I would move adoption of the amendment.
32. PRESIDING OFFICER: (SENATOR BRUCE)
33. Senator Carroll moves the adoption of Amendment No. 1.

1. Is there discussion? Harber...Senator Harber Hall.

2. SENATOR HARBER HALL:

3. Well, I concur as sponsor of the bill. While I concur
4. with everything that the Senator Carroll has stated about
5. Illinois being firmly behind the Metropolitan Airport, some
6. are more firm than others, including the...

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Heard the motion to adopt. All in favor say Aye.
9. All opposed Nay. The Ayes have it. The...amendment is
10. adopted. Further amendments?

11. SECRETARY:

12. No further committee amendments.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Amendments from the Floor? 3rd reading. Senator...for
15. what purpose does Senator Hynes arise?

16. SENATOR HYNES:

17. For the purpose of an announcement, Mr. President. Based
18. upon our progress thus far, it is obvious that we are going to
19. have to work very late this evening in order to move the bills
20. off the Calendar and be in a position tomorrow to clean up
21. whatever is left over and to return to the Order of Postponed
22. Consideration. In an effort to make that time of adjournment
23. as early as possible, I would again remind the members that they
24. do have the opportunity to express their thoughts in written
25. memoranda to the other members of the Senate, so if we could
26. keep...keep the debate at a minimum, it would be very helpful.
27. So, in keeping with the previous debate, the...the time of
28. adjournment this evening is indeterminate and we will make that
29. judgment as the evening goes on. One final point, dinner this
30. evening is going to be a dutch treat so that each member of the
31. ...the Senate can make his...his own arrangements.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Hynes, I'm also informed by the Secretary that we

1. have a hundred and thirty-two bills on the Order of 3rd reading
2. as of the moment plus the bills that are on 2nd that are going
3. to 3rd today, plus Postponed Consideration. Senate Bill...327,
4. Senator Grotberg. Do you wish to have the bill read, Senator?
5. Read the bill, Mr. Secretary.

6. SECRETARY:

7. Senate Bill 327

8. (Secretary reads title of bill)

9. 2nd reading of the bill. The Committee on Appropriations I
10. offers five amendments.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Carroll is recognized.

13. SENATOR CARROLL:

14. Thank you, Mr. President. Committee Amendment No. 1 is
15. a Republican offered amendment to raise the budget forty-three
16. thousand five hundred and sixty dollars for three people
17. for maintaining the Chicago office for capital stock. I would
18. move for the adoption of Committee Amendment No. 1.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Carroll moves the adoption of Committee...Amendment
21. No. 1. Is there discussion? Senator Grotberg.

22. SENATOR GROTEBERG:

23. Thank you, Mr. President. I would like the attention of
24. the membership on this...

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Excuse me, Senator Grotberg, I'll try to help you. May
27. we have your attention, Gentlemen and Ladies. Senator Grotberg.

28. SENATOR GROTEBERG:

29. This is one of the most interesting appropriation bills
30. that I have ever been involved in. You will find over the...
31. these five amendments that there is a move afoot to gut the
32. Department of Local Government Affairs and I think that affects
33. each and everyone of us. The amendment would now under debate,

1. is an agreed amendment, and I, too, would move for its
2. adoption remembering that it is the Chicago office that
3. everybody in Chicago has been looking for, to be restaffed
4. with three people and the Department concurs, and I so concur.
5. PRESIDING OFFICER: (SENATOR BRUCE)

6. You've heard the motion to adopt. All in favor say Aye.
7. Opposed Nay. The Ayes have it. The amendment is adopted.
8. Amendment No. 2, Senator Carroll.

9. SENATOR CARROLL:
10. Thank you, and Mr. President, this is also an area where
11. the Department in its budget failed to provide mandated money
12. in its original approach. The Republicans, therefore, offered
13. the amendment to raise the budget a hundred and eighty thousand
14. dollars for the compensation to local assessors. This is
15. General Revenue Funds that they had forgot to budget originally,
16. and I would move adoption of Amendment No. 2.
17. PRESIDING OFFICER: (SENATOR BRUCE)

18. On the motion to adopt, is there discussion? Senator Grotberg.
19. SENATOR GROTBORG:

20. Again I concur and the reason that this was being held and
21. was offered in Committee is that the legislation that Senator
22. Shapiro passed yesterday mandating some certification hours
23. for this group of people to get their three hundred dollars a
24. year was in order. The two bills go concurrently, that bill
25. and this amendment, and remembering now that the Department has
26. kept its commitment there, I agree with the sponsor of this
27. amendment.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. You've heard the motion to adopt. All in favor say
30. Aye. All opposed Nay. The Ayes have it. The amendment is
31. adopted. Further amendments, Mr. Secretary?

32. SECRETARY:

33. Amendment No. 3...Committee Amendment No. 3.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Carroll.

3. SENATOR CARROLL:

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

5. Committee Amendment No. 3 is to provide the planning monies
6. for Northeastern Illinois Planning Commission and Southwestern
7. Illinois Planning Commission. These two commissions have
8. been funded by the State of Illinois since their inception.
9. The State provides approximately three percent of the budget
10. of Northeastern Illinois and some four to five percent of the
11. budget of Southwestern Illinois. Department had failed to
12. allocate monies for this service for the first time since the
13. creation of these commissions. State Government does involve
14. itself in the planning procedures. The Committee felt these
15. were items that had to be funded, and I move the adoption of
16. Committee Amendment No. 3.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Grotberg.

19. SENATOR GROTBORG:

20. Thank you, Mr. President. Now, the conversation gets
21. more interesting. SWIMPAC, the Southwestern Illinois
22. Planning Organization is an agreed amendment at one hundred
23. and ten thousand dollars, and as the sponsor suggests, has
24. traditionally been a responsibility for the State's share of
25. the budget out of this program and the Department of Local
26. Government Affairs. We have no objection to the SWIMPAC
27. amendment. There is discussion and discussion only over the
28. NIPC amendment of some one hundred eighty thousand dollars or
29. two hundred and six thousand, I'm sorry, and this is not an
30. anti-NIPC question. This is a matter with the Governor and his
31. procedures in the Department questioning whether or not the
32. Northern Illinois Planning Commission will one day identify
33. in their budget in a manner satisfactory to the State of Illinois

1. what they are doing. This...these...this amendment stands
2. out there alone. We understand and agree that the amendments
3. are in order and have traditionally been in this Department
4. ment. There are some unanswered questions, and we will not
5. object.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. On the motion to adopt, all in favor say Aye. All
8. opposed Nay. The Ayes have it. The amendment is adopted.
9. Further amendments, Mr. Secretary?

10. SECRETARY:

11. Amendment...Committee Amendment No. 4.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Carroll.

14. SENATOR CARROLL:

15. Thank you, Mr. President. Now, we have to find the
16. money to fund these items that the Department failed to budget
17. that they had always budgeted. And therefore, since the
18. Department took the position that they would not raise their
19. budget to do these activities, it was a feeling of many
20. on this side of the aisle and I think many others, that we
21. would not take the responsibility of adding to the tax burden
22. by funding these items, therefore, we very carefully looked
23. through the budget, and we have taken out by this amendment
24. some two hundred and forty-two thousand dollars from this
25. Department, and let me tell you very carefully where we have
26. taken this, lest there be no misunderstanding as there has
27. been. I have attempted, by the way...by...as in a side to
28. categorize all the calls that members have received on this
29. side of the aisle of items that would be lost should this and
30. the following amendment be adopted. In categorizing those
31. amendments of grants that would not be allowed and offices that
32. would not be closed, we seem to come to somewhere near two
33. million dollars that is alleged to be taken out of this budget.

1. I am preparing an amendment and sending to the House based on
2. that categorization, because if it's...the Department...the
3. Department's feeling that they don't need these offices, then
4. they don't need these grants, let's pull the money out, so we do
5. have another two million available based on the statements of
6. the Department to members of the General Assembly of what is
7. going to be taken out by the General Assembly and we will
8. offer that in the House if it becomes necessary so to do. I
9. might add in my own district I received a call again today
10. about a grant that was high priority, continuous funding that
11. has all of a sudden become a low priority with the suggestion
12. that I talk to the Director. Suggestion was made to this
13. grantee that Senator Carroll specifically should discuss this
14. with the Director since it has changed priorities. I will be
15. very happy to at any time. Should it remain a low priority,
16. we'll just pull the money out of the budget over in the House.
17. We have no problems with that. Now, let's go through this
18. amendment. What we have done in central office is to take out
19. two people subject to the Governor's hiring freeze. They have
20. had an average head count of fifteen. We're leaving them at
21. fifteen. They had wanted seventeen. They have gotten no
22. waiver of that hiring freeze and we have pulled those people
23. out. We pulled out a new car. A brand new six thousand dollar
24. car that we don't think they need, and we've taken out a
25. hundred and ninety-seven percent of printing expense increase
26. and left them with a five percent increase as we have done
27. everywhere else. In community services, we have done the
28. same thing. We have taken out those who were not hired now,
29. and therefore, subject to the hiring freeze and left them with
30. the same head count. We have taken out one position where they
31. have several people...one person, I'm sorry, capable of filling
32. several jobs, and again we've taken out a new car for four
33. thousand dollars. In fiscal affairs, very interesting, they

1. transferred four people that we have funded but failed to
2. take the money out of their budget for those four positions
3. that they've transferred to another department that we did
4. fund. So, we took out those four positions and eighty-nine
5. thousand dollars. We've kept their travel...excuse me...
6. to a five percent increase, and took out a hundred and nine
7. thousand dollars of unneeded money from that particular
8. branch. In housing and buildings, we did the same thing as
9. far as the positions. There's one person, Ed Jackson, who's
10. a holdover, who...they are holding two titles for. I don't
11. think they intend to pay him twice. We've given him the
12. higher title and taken out the rest of the money. We've
13. done the same thing in research and planning by taking out
14. one new position, subject to the hiring freeze, where we did
15. not receive a letter from the Bureau of the Budget as we have
16. everywhere else, and therefore, subject to the freeze, they
17. could not hire that person anyway. That is the two hundred
18. and forty-two thousand two hundred dollars, and I would ask
19. for a favorable roll call.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. You heard the motion to adopt. Is there discussion?
22. Senator Grotberg.

23. SENATOR GROTBORG:

24. Well, thank you, Mr. President. I think that was a
25. beautiful analysis of nothing, and I commend the sponsor of
26. this amendment because now as I suggested before, we're down
27. to the nitty-gritty. The same power block that forced the
28. NIPC-SWIMPAC issue which could have been resolved a hundred
29. different ways is now reaching down into the operations of
30. this little department, two million dollar budget, taking out
31. three hundred thousand dollars out of it, and it does this.
32. The reduction of funds eliminates ten positions as we suggest.
33. Nine of them are positions of which the funds were eliminated and

1. are already filled by existing employees. The Department did
2. not ask for any new positions. The positions are as the
3. sponsor states spread across the several departments
4. within the Department. But it does do this. It impairs the
5. ...the Department's ability to pay the office rent increase,
6. little things like that. It impairs the Department's ability
7. to meet the central service costs and support of the Property
8. Tax Appeal Board and its collection of data used in computation
9. if the multiplier and the provision for technical...or of the
10. multiplier and the provision for the technical assistance
11. to local government, and it might also impair the Department's
12. ability to meet its...commitments for the disbursements of
13. State Revenue Sharing Funds and salary assistance to county
14. government officials such as State's Attorneys, Assistant
15. State's Attorneys and supervisors of assessment. It nicely
16. wipes out those three position that you're...that the sponsor
17. of this amendment wanted in the Chicago shop to...to...to do
18. all of the assessments of railroads and stocks. The...the...
19. the men that they asked for, they got. Now, they're gutting
20. them out again which is very inconsistent and capricious to
21. say the least. Four of the six people are limited in the
22. Marion office and that office, of course, would have to be
23. closed if these amendments go through. Furthermore, in
24. Amendment No. 5 almost every office...in Amendment No. 4...let's
25. deal with Amendment No. 4 and I'll save the rest for Amendment
26. No. 5, but what we have done here is take a bold look at
27. a strong, powerful move of a legislative group to take over
28. the governorship of this State and try to run a department.
29. I think it's...it's vindictiveness at its worst and of course,
30. picking on the smallest department in the State of Illinois,
31. ...government...partically the smallest department, serving
32. every local unit of government, one on one, helping village
33. managers, county boards, and everything clean up some of the

1. problems of running the State of Illinois at the local
2. government level and we're all proud of that operation. I
3. resist this, Mr. President, this Amendment No. 4 because it
4. is...it's capricious and it's vindictive, and I think it is
5. uncalled for by this Legislative Body and would ask for a
6. roll call on this vote.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Is there further discussion? Senator Buzbee. Senator
9. Shapiro.

10. SENATOR SHAPIRO:

11. Well, Mr. President and Ladies and Gentlemen of the
12. Senate, Senator Grotberg has very aptly summed up the problems
13. with this amendment. Just consider that this amendment and the
14. next one, Number 5, take approximately fifteen percent out of
15. the operations of the Department of Local Government Affairs.
16. We should...resist the adoption of this amendment. If for
17. no other reason than to give the new director and the Department
18. ...the Department a chance, and I would urge everyone on this
19. side of the aisle as well as those that are interested in
20. good government to vote against the Amendment No. 4.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Sommer.

23. SENATOR SOMMER:

24. Mr. President and members, naturally we would resist this
25. amendment, and I might indicate to you that this bill will go
26. over to the House and it will be in a Conference Committee, and
27. there are other times to talk about it, so I'll be brief. But
28. all of those of you...those of you who complained that your
29. schools can't make the levy because they don't get the
30. multiplier in time, do this to the Department and find out when
31. you get the multiplier.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Is there further debate? Senator Carroll to close.

1. SENATOR CARROLL:

2. Thank you, Mr. President, members of the Senate. Let me
3. very briefly respond in a slightly different way because apparently some
4. of you didn't understand the figures. Five percent, five percent
5. of last year's spending is what we have cut from this Depart-
6. ment. Not the fifteen percent that they have requested over
7. and above last year's spending, but five percent. Not a
8. terrible thing to do to anybody. A head count of one person,
9. one person under their head count of last year. In general
10. offices, we have deleted two vacant positions. In community
11. services, we have deleted two vacant positions subject to the
12. hiring freeze. In financial affairs where you are so worried,
13. we, in fact, have added two positions. We have not, however,
14. provided the funding for the four positions we provide for
15. elsewhere. I don't think we should allow double-dipping
16. within State Government. Some of you don't like it in
17. other areas, too, but we're not going to pay them twice
18. for doing the same work within the same department. That is
19. a sum and...summary of it. I would ask for a favorable roll
20. call on the adoption of Amendment No. 4.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Grotberg, he closed the debate. The question is,
23. on the adoption of Amendment No. 4 to Senate Bill 327...there's
24. been a request for a roll call. Those in favor will vote
25. Aye. Those opposed will vote Nay. The voting is open. Have
26. all voted who wish? Take the record. On that question, the
27. Ayes are 32, the Nays are 23. Motion to adopt prevails. Any
28. further amendments, Mr. Secretary.

29. SECRETARY:

30. Amendment No. 5...a committee amendment.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Carroll.

33. SENATOR CARROLL:

1. Thank you, Mr. President. This is the additional
2. fifty-seven thousand one hundred dollars to budget...balance
3. the amounts we had added by the other amendments. We have
4. taken out equipment monies that have been subject to the
5. freeze. We have taken out travel items by cutting them in
6. half, and some monies overspent last year in contractual
7. services. This monies are left over now from lapsed period
8. spendings, and I would move the adoption of Committee
9. Amendment No. 5.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. You've heard the motion to adopt. Is there discussion?
12. Senator Grotberg.

13. SENATOR GROTBORG:

14. Again, Mr. President, we have now killed the body and
15. now we're driving the stake through the heart just to make
16. sure that nothing moves. If...if...if the...if the other
17. amendment was capricious and vindictive, this one is...has a
18. word yet to be described. I've been accused of...of using
19. too many adjectives today. I'll resist and refrain from
20. doing so. But what this does now, in Amendment No. 5,
21. in almost every office division of the Department's travel
22. request, it was cut in half. This means that the poor little
23. guy can't go out and visit any of our townships or counties
24. or villages, only in half the manner that he used to on a
25. one to one basis to help people. The reduction of financial
26. affairs will not permit them to meet their obligations in
27. doing the multiplier and assessment of railroads. The office
28. of community service will not be able to meet their commitments
29. to provide technical assistance to local governments and not
30. one bit of this money is going to save anything except all of
31. us from trouble down the road. There's absolutely no rationale
32. for it. Again, it's a vindictive move to come back and repair
33. the damage that was put on by the first two amendments and

1. there are many ways to have handled those amendments and we can
2. still handle them. The Department will...will...will accept
3. those first two amendments, but we resent and resist this
4. bludgeoning that is going on, and I would...seek again a...a
5. ...a negative roll call on this bill...amendment that is
6. going to the Department of Local Government Affairs, the
7. nearest and dearest department to everyone of us out there
8. in the field that we have in State Government.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Is there further discussion? The question is, on the
11. adoption of Amendment No. 5. All in favor say Aye. Opposed
12. Nay. There's been a request for a roll call. Those in
13. favor vote Aye. Those opposed vote Nay. The voting is open.
14. Have all voted who wish? Have all voted who wish? Take the
15. record. On that question, the...the Ayes are 31, the Nays
16. are 23. The motion to adopt prevails. Are there further
17. amendments, Mr. Secretary?

18. SECRETARY:

19. No further committee amendments.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Are there amendments from the Floor? 3rd reading.
22. For what purpose does Senator Carroll arise?

23. SENATOR CARROLL:

24. Two...First, I think you said the motion to adopt failed
25. when, in fact, it passed. Secondly, I wanted to thank Senator
26. Grotberg for his kind comments.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. I said prevails.

29. SENATOR CARROLL:

30. Oh, I'm sorry.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senate Bill 329, Senator Walsh. Read the bill, Mr.
33. Secretary.

1. SECRETARY:
2. Senate Bill 329.
3. (Secretary reads title of bill)
4. 2nd reading of the bill. The Committee on Appropriations
5. I offers one amendment.
6. PRESIDING OFFICER: (SENATOR BRUCE)
7. Senator Carroll.
8. SENATOR CARROLL:
9. Thank you, Mr. President and Senator Grotberg, I'd like
10. you to pay attention if you could. This amendment takes
11. out a million one hundred and fifty-three thousand from the
12. Department of Revenue. So, don't feel so bad.
13. PRESIDING OFFICER: (SENATOR BRUCE)
14. Gentlemen, can we...
15. SENATOR CARROLL:
16. I...
17. PRESIDING OFFICER: (SENATOR BRUCE)
18. ...break up the caucus behind Senator Walsh so it might
19. hear. Senator Carroll.
20. SENATOR CARROLL:
21. ...I can go through a detailed explanation of the items.
22. They are basically reductions in the areas of personnel that
23. are not filled, and some very outstanding increases in percentages
24. in certain contractual services, et cetera. By subsequent
25. amendment, we are adding back some of these items where we
26. found that they were actually putting a fast print on line,
27. et cetera. So, for now, I move the adoption of Committee
28. Amendment No. 1 and be willing to answer questions.
29. PRESIDING OFFICER: (SENATOR BRUCE)
30. On the motion to adopt, is there discussion? Senator
31. Walsh.
32. SENATOR WALSH:
33. Mr. President and members of the Senate, the...the

1. Department is not happy with the extent of the...of the
2. decrease which has been suggested by this amendment, but is
3. realistic enough to realize that it's going to prevail here
4. in the Senate. We're hopeful that something can be restored
5. in the House, but...but for the present, we do not oppose the
6. amendment.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Further discussion? On the motion to adopt, all in
9. favor say Aye. Opposed Nay. The Ayes have it. The motion is...
10. the amendment is adopted. Further amendments?

11. SECRETARY:

12. No further committee amendments.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Are there amendments from the Floor?

15. SECRETARY:

16. Amendment No. 2 offered by Senator Carroll.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Carroll.

19. SENATOR CARROLL:

20. Thank you, Mr. President. This amendment will do two
21. things. One is to add back forty-eight thousand for that high
22. speed printer I had mentioned briefly before, and the other is
23. to make a technical change in the bill with no dollar change in
24. the line item, and I would be willing to answer any questions
25. and ask for a favorable adoption of Amendment No. 2.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Carroll moves the adoption of Amendment No. 2. Is there
28. discussion? All in favor say Aye. Opposed Nay. The Ayes have it.
29. Amendment No. 2 is adopted. Further amendments from the Floor?

30. SECRETARY:

31. No further amendments.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. 3rd reading. House Bill...or Senate Bill 475, Senator Glass.

34. Read the bill, Mr. Secretary.

1. SECRETARY:
2. Senate Bill No. 475.
3. (Secretary reads title of bill)
4. 2nd reading of the bill. No committee amendments. Amendment
5. No. 1 from the Floor offered by Senator Glass.
6. PRESIDING OFFICER: (SENATOR BRUCE)
7. Senator Glass.
8. SENATOR GLASS:
9. Thank you, Mr. President, Ladies and Gentlemen.
10. This is the Product Liability Bill and Amendment No. 1 is
11. a technical amendment provided by the Reference Bureau
12. making a...the change of...numbering and lettering and
13. I would move its adoption.
14. PRESIDING OFFICER: (SENATOR BRUCE)
15. Is there...on the motion to adopt, is there
16. discussion? All in favor say Aye. Opposed Nay. The
17. Ayes have it. Amendment No. 1 is adopted. Further
18. amendments?
19. SECRETARY:
20. Amendment No. 2 offered by Senator Glass.
21. PRESIDING OFFICER: (SENATOR BRUCE)
22. Senator Glass.
23. SENATOR GLASS:
24. Mr. President, Ladies and Gentlemen. Amendment No. 2
25. is a substantive amendment and I...discussing it with some
26. of the persons voting to have this bill discharged, I think
27. I have met some of the concerns raised with this amendment.
28. Not all of them and I will mention...at this time that I
29. indicated to Senator Daley that at his request I will ask
30. that the bill be taken back from 3rd reading so that he
31. may offer three other amendments tomorrow. But this amendment
32. changes the Statute of repose from eight to ten years and the
33. Statute of repose for manufacturing from ten to twelve years.

1. wherein language is eliminated and I'd be happy to go into
2. it in more detail if anybody wishes. If not, I'd move
3. the adoption of the amendment.
4. PRESIDING OFFICER: (SENATOR BRUCE)
5. Senator Glass, the Secretary informs me there are
6. already six...six amendments down here for consideration
7. today. On Senator Glass...Glass'...Senator Guidice.
8. SENATOR GUIDICE:
9. Sorry, Mr. President, we don't have any copies of
10. this amendment that's being introduced now.
11. PRESIDING OFFICER: (SENATOR BRUCE)
12. Senator Glass.
13. SENATOR GLASS:
14. We'll...we'll provide...
15. PRESIDING OFFICER: (SENATOR BRUCE)
16. Senator Glass is recognized.
17. SENATOR GLASS:
18. We'll provide copies of the amendments to anyone who
19. wants them right now if you are interested.
20. PRESIDING OFFICER: (SENATOR BRUCE)
21. Senator Guidice.
22. SENATOR GUIDICE:
23. I...I think we just went through this particular
24. problem and I...I think that we should hold it here until
25. everyone gets a copy of this so we can go through this.
26. We can go back to it. Then we'll put it back...and we'll
27. call it later tonight.
28. PRESIDING OFFICER: (SENATOR BRUCE)
29. Senator Glass.
30. SENATOR GLASS:
31. If you want to take it out of the record for the
32. moment what I can do is have these distributed in a matter
33. of a few minutes. They're just...one page amendments.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Magagos, for what purpose do you arise?

3. SENATOR MARAGOS:

4. I also have several amendments which I want to
5. introduce to this bill at this time, so I would like to
6. have a...as long as the amendments that Senator...Glass
7. is going to have distributed, I'd like to also have
8. the ones that have been put on...there's two amendments
9. that I've put on this bill, so I'd like to have them
10. distributed at the same time, then we can consider
11. them a later hour today...have leave of the Senate.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. If the sponsors of the amendments to Senate Bill 475
14. will pay attention. If you will now have them copied and
15. duplicated and have them on the desk, we will return to
16. this order of business later on this evening. Is that
17. acceptable to each of the sponsors of the amendments and
18. the members of the Body? Is there leave? Leave is
19. granted. We have adopted Amendment No. 1. Senator
20. Glass, will you withdraw your motion to adopt Amendment
21. No. 2?

22. SENATOR GLASS:

23. Yes, I will withdraw that and would ask leave to come
24. back to it later on.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. There is leave.

27. SENATOR GLASS:

28. And...Mr. President.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Yes...Senator Glass.

31. SENATOR GLASS:

32. I would appreciate it if those persons who are offering
33. amendments would give me a copy.

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. They're...they're going to distribute it, I understand,
3. to each member of the Senate. Senate Bill 487, Senator Moore.
4. Read the Bill, Mr. Secretary.
5. SECRETARY:
6. Senate Bill 487.
7. (Secretary reads title of bill)
8. 2nd reading of the bill. The Committee on Appropriations II
9. offers 3 amendments.
10. PRESIDING OFFICER: (SENATOR BRUCE)
11. Senator Buzbee is recognized.
12. SENATOR BUZBEE:
13. Well, thank you Mr. President. After all those con-
14. troversial bills that we've been dealing with, I'm glad we're
15. finally arrived at a noncontroversial one. This is the
16. Department of Public Aid's ordinary and contingent expenses
17. for FY '78. It's only two billion, one hundred and twenty-
18. eight million, nine hundred eighteen thousand dollars. It's
19. a merely bill. We do have an amendment...we do have an
20. Amendment No. 1 which is a committee amendment...and I
21. will at this time explain Committee Amendment No. 1. But
22. I want to point out Mr. President, if I could have your
23. attention just a second...
24. PRESIDING OFFICER: (SENATOR DONNEWALD)
25. Just a moment. Will the members please be in their
26. seats. We won't proceed until we do have order. Proceed.
27. SENATOR BUZBEE:
28. First of all, Mr. President, as a...as a...the courtesy
29. to Senator Regner, who is off the Floor at the time, he will
30. be back later on this afternoon, we will bring the bill
31. back from 3rd to 2nd tomorrow, as that route" through Senator
32. Moore for Senator Regner because he has some amendments he
33. has some amendments he wants to offer. But I'll go ahead

1. and put a Committee Amendment No. 1 on at the present time.
2. Committee Amendment No. 1 is a total reduction of one
3. million, five hundred twenty-seven thousand, eight hundred
4. ninety-four dollars. And it's brought about in the
5. following manner. We reduce one hundred thirty-two thousand
6. five hundred dollars for double budgeted amounts in the
7. personal services for case worker's 3...3's, within the
8. division of general assistance. We reduce by two hundred
9. thirty-nine thousand, eight hundred dollars for reduction
10. in the personal services line items for the central division
11. of twenty new positions. That amounts to one hundred ninety-
12. seven thousand, nine hundred dollars. And an additional
13. reduction of forty-one thousand, nine hundred dollars due
14. to computational error by the agency. So those two reductions
15. add up to the two hundred thirty-nine thousand, eight hundred
16. dollars that I talked about. We reduced two hundred fourteen
17. thousand, six hundred dollars to the personal services line
18. item within the electronic data processing division for
19. some nineteen new positions. We reduce sixty-three thousand,
20. five hundred dollars for reduction to medical division personal
21. services for five Executive I positions indicated by the
22. agency as new positions for the third party recovery program.
23. We eliminate forty-seven thousand, four hundred seventy-eight
24. dollars, total reduction to the State contribution for
25. State Employees Retirement System due to reductions to
26. personal services line items. We reduce twenty-six thousand
27. sixteen dollars total reduction to Social Security due to
28. reductions to personal services line items. We reduce by
29. nine hundred thousand dollars, the difference between what
30. the agency has justified for Aid to the Aged, Blind and
31. Disabled and what is requested in Senate Bill 487. They
32. had thirty-six million dollars minus thirty-five million
33. .1 for what they've justified for reduction of .9 million.

1. Now, I might add that we told the department at the time that
2. if they can justify this additional nine hundred thousand, we
3. will be glad to put it back. They have informed us that, in
4. fact, there has been a court decision which may automatically
5. make them have to have that additional nine hundred thousand
6. and we told them as soon as we get the justification, we'll
7. be glad to add that back. We add ninety-six thousand dollars
8. to the amount for a lease contract for a...facility in St.
9. Clair County. The item had previously been paid from
10. the special purpose trust fund and had not been appropriated.
11. This item is now appropriated in the contractual services
12. line within the field level division. Again, a total gross
13. reduction of a million six hundred twenty-three thousand,
14. eight hundred ninety-four...eight hundred ninety-four dollars.
15. A total addition of ninety-six thousand dollars for a net
16. reduction of a million five hundred twenty-seven thousand,
17. eight hundred ninety-four dollars. Again, we gave the
18. department the opportunity as we have everybodys who's
19. we've heard. That if some of the reductions they felt they
20. absolutely could not live with...live with, if they would
21. get back to us for with further justification, we would
22. be glad to talk. Up to this point, to the best of my
23. knowledge, they have not come back with any further
24. justification and I would move the adoption of Amendment
25. No. 1.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Is there further discussion? Senator Grotberg.

28. SENATOR GROTEBERG:

29. Not having the amendments in front of me, Senator,
30. my concern was over that camping money. Is that...any of
31. that in this amendment, or is it a different amendment?

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Buzbee.

1. SENATOR BUZBEE:
2. It is not in this amendment.
3. PRESIDING OFFICER: (SENATOR DONNEWALD)
4. Is there further discussion? ...Question is shall
5. Amendment No. 1 to Senate Bill 487 be adopted. Those in
6. favor indicate by saying Aye. Those opposed. The Ayes
7. have it. Amendment No. 1 is adopted. Are there further
8. amendments?
9. SECRETARY:
10. Committee Amendment No. 2.
11. PRESIDING OFFICER: (SENATOR DONNEWALD)
12. Senator Buzbee.
13. SENATOR BUZBEE:
14. Mr. President, if somebody from the Republican
15. Leadership could listen up just a second, Senator Shapiro,
16. are you...
17. PRESIDING OFFICER: (SENATOR DONNEWALD)
18. They are attentive.
19. SENATOR BUZBEE:
20. Are you... Committee Amendment No. 2 is an amend-
21. ment that was offered by Senator Regner, which there is
22. absolute concurrence on both sides, so if it's all right
23. with everybody, I'll go ahead and move that for Senator
24. Regner now. I have offered him the courtesy of not
25. doing anything that's controversial until he gets back
26. on the Floor. This one was not controversial, however,
27. and it's his amendment and I will go ahead and move it.
28. PRESIDING OFFICER: (SENATOR DONNEWALD)
29. Is there further discussion?
30. SENATOR BUZBEE:
31. Well, wait...let me explain what the amendment does,
32. if that's all right with...with the Republican Leadership.
33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. You...you may proceed.

2. SENATOR BUZBEE:

3. Very well. Committee Amendment No. 2 simply breaks

4. out...of the five line items currently contained in the

5. bill for medical assistance into fifteen line items. The

6. amendment does not change the amount appropriated. And

7. I would move the adoption of Committee Amendment No. 2.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Is there further debate? The question is shall

10. Amendment No. 2 to Senate Bill 487 be adopted. Those

11. in favor indicate by saying Aye. Those opposed Nay.

12. The Ayes have it. Amendment No. 2 is adopted. Are

13. there further amendments?

14. SECRETARY:

15. Committee Amendment No. 3.

16. SENATOR BUZBEE:

17. Mr. President...

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator Buzbee.

20. SENATOR BUZBEE:

21. Committee Amendment No. 3 is the camping amendment

22. which Senator Grotberg addressed. Now, there are two

23. different ways of approaching this and I think that this

24. was...there was controversy on this one, Senator Regner has

25. a different idea and I think I would just as soon not

26. move the adoption of Committee Amendment No. 3 at the

27. present time. Wait until he gets back on the Floor and

28. ...we'll have our controversy at that time. ...And bring

29. it back from 3rd reading to 2nd for order of...can't do

30. that? All right. All right. Let me go ahead and move...

31. Committee Amendment No. 3. We'll bring the bill back

32. for Senator Regner for his approach to it later on then.

33. Okay?

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Proceed.

3. SENATOR BUZBEE:

4. All right. This amendment reduces the General
5. Revenue Fund line item for a direct purchase of services
6. under Article 9 by five hundred, twenty-five thousand
7. dollars. The amount which the Department of Public Aid
8. says could be used from that line for a recipients camping
9. program and it establishes a separate line item for the
10. camping program in the amount of seven hundred and fifty
11. thousand dollars from the Special Purpose Trust Fund. The
12. effect of the amendment is as follows: it reduces General
13. Revenue Fund monies by five hundred twenty-five thousand
14. dollars and it adds Special Purpose Trust Fund Money of
15. seven hundred and fifty thousand dollars for a net addition
16. to the bill of two hundred twenty-five thousand dollars.
17. Now, I must tell you that the Special Purpose Trust Fund
18. comes from two different areas, I understand, partially
19. from Federal funds and partially from private contributions.
20. So, as a result, we have a net effect of reducing the
21. State expenditure by five hundred twenty-five thousand
22. dollars and adding private and Federal expenditures of
23. seven hundred and fifty thousand dollars and I would move
24. the adoption of Amendment No. 3.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Is there further discussion? Senator Grotberg.

27. SENATOR GROTBORG:

28. Only the State, because it will probably come up
29. again tomorrow, Mr. President. We're talking about three
30. thousand camp kids that go to summer camp in private camps
31. from the Public Aid budget paid for entirely with other
32. than State of Illinois funds. The Crusade of Mercy and
33. You're in my Town, pay twenty-five percent. HEW through
34. Title 20, pays seventy-five percent. This is a pass

1. through and has nothing to do with Illinois tax dollars
2. in our General Revenue Fund. Of course the tax dollars
3. are all ours, but the fund has been underclaimed for four
4. years now to the available amount and I just wanted to
5. say that now and Senator Regner will be offering something
6. tomorrow to reduce it and thank you very much. I support
7. this amendment.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Senator Rhoads.

10. SENATOR RHOADS:

11. I'm sorry, I thought there was some controversy.
12. I was also going to support the amendment. Senator Buzbee,
13. when we talked about this in subcommittee, I don't know
14. that you ever or I ever got a answer to our question
15. about whether we're talking about children or adults
16. at that camp program and...and what portion of the
17. money is allocated to each.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator Buzbee.

20. SENATOR BUZBEE:

21. Yes, well we didn't get a direct numerical answer,
22. but we did get a general answer. And the answer was
23. that it's a very, very, small percentage of adults. And
24. those adults that do participate, for the most part, are
25. mothers who have children under age five who must
26. accompany the children to the camp.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Is there further discussion? Senator Grotberg.

29. SENATOR GROTBORG:

30. I have the...I have the figure. And in Cook County,
31. three thousand campers altoegether, ninety of the three
32. thousand were parents and downstate, nine hundred campers,
33. for a total of four thousand, two percent were parents.

1. So, it's a neagligible number and percentage.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Is there further discussion? The question is shall
4. Amendment No. 3 to Senate Bill 487 be adopted. Those in
5. favor indicate by saying Aye. Those opposed Nay. The
6. Ayes have it. Amendment No. 3 is adopted. Are there
7. further amendments?

8. SECRETARY:

9. No further committee amendments.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Just a moment. Senator Buzbee, for what purpose do
12. you arise?

13. SENATOR BUZBEE:

14. Four amendments.

15. SECRETARY:

16. Three...three amendments...three committee amendments.

17. SENATOR BUZBEE:

18. Any Floor Amendments?

19. SECRETARY:

20. He hasn't asked that question yet.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Are there amendments from the Floor?

23. SECRETARY:

24. Amendment No. 4 offered by Senator Regner.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator Moore. Just...just a moment. Senator Moore.

27. SENATOR MOORE:

28. Thank you, Mr. President. Would the Secretary hold
29. that amendment. Let's advance the bill to 3rd reading
30. and later on tonight or tomorrow, we can bring it back
31. and...there's two amendments up there...and I will bring
32. the bill back tonight or tomorrow depending upon our
33. schedule. I do want to get the bill on 3rd reading. We

1. can take the other matters up at that time.
2. PRESIDING OFFICER: (SENATOR DONNEWALD)
3. Are there futher amendments from the Floor?
4. SECRETARY:
5. No further amendments.
6. PRESIDING OFFICER: (SENATOR DONNEWALD)
7. 3rd reading. Senator Buzbee.
8. SENATOR BUZBEE:
9. Well, Mr. President, I want to make it crystal clear that
10. we...I had an agreement with Senator Regner that I'm not going
11. to move anything controversial or anything that's controversial
12. that is moved will be brought back. Senator Moore has agreed
13. to that, but I don't want to mess up my agreement with Senator
14. Regner, because I know that our Committee Amendmendt No. 3 that we
15. just put on, he does not approve of. He has an amendment to change
16. that and so that will be addressed. Just want everybody to under-
17. standd that I'm not messing up an agreement.
18. PRESIDING OFFICER: (SENATOR DONNEWALD)
19. That is the understanding. 3rd reading. Senate Bill 489.
20. Senator Bruce. Read the bill, Mr. Secretary.
21. SECRETARY:
22. Senate Bill 489
23. (Secretary reads title of bill)
24. 2nd reading of the bill. The Committee on Appropriations II
25. offers two amendments.
26. PRESIDING OFFICER: (SENATOR DONNEWALD)
27. Senator Bruce.
28. SENATOR BRUCE:
29. Thank you, Mr. President. Amendment No. 1 reduces the
30. appropriation to the Governor's level and I would move its adoption.
31. PRESIDING OFFICER: (SENATOR DONNEWALD)
32. Is there further discussion? The question is, shall
33. Amendment No. 1 to Senate Bill 489 be adopted. Those in

1. favor indicate by saying Aye. Those opposed Nay. The Ayes
2. have it. Amendment No. 1 is adopted. Are there further
3. amendments?
4. SECRETARY:
5. Committee Amendment No. 2.
6. PRESIDING OFFICER: (SENATOR DONNEWALD)
7. Senator Bruce.
8. SENATOR BRUCE:
9. Thank you, Mr. President. Amendment No. 2 adds
10. an additional seventy-six thousand dollars for...for
11. disadvantaged grants and I would move its adoption.
12. PRESIDING OFFICER: (SENATOR DONNEWALD)
13. Is there further discussion? The question is shall
14. Amendment No. 2 to Senate Bill 489 be adopted. Those in
15. favor indicated by saying Aye. Those opposed. The Ayes
16. have it. Amendment No. 2 is adopted. Are there further
17. amendments?
18. SECRETARY:
19. No further committee amendments.
20. PRESIDING OFFICER: (SENATOR DONNEWALD)
21. Are...amendments from the Floor?
22. SECRETARY:
23. Amendment No. 3 offered by Senator Weaver.
24. PRESIDING OFFICER: (SENATOR DONNEWALD)
25. Senator Weaver.
26. SENATOR WEAVER:
27. Thank you, Mr. President. This removes the employer's
28. pension contribution. It's included in Senate Bill 543 and
29. I'd move its adoption.
30. PRESIDING OFFICER: (SENATOR DONNEWALD)
31. Is there further debate? The question is shall
32. Amendment No. 3 to Senate Bill 489 be adopted. Those
33. in favor indicate by saying Aye. Those opposed Nay.

1. The Ayes have it. Amendment No. 3 is adopted. Are there
2. further amendments from the Floor?
3. SECRETARY:
4. Amendment No. 4 offered by Senator Buzbee.
5. PRESIDING OFFICER: (SENATOR DONNEWALD)
6. Senator Buzbee. Senator Buzbee.
7. SENATOR BUZBEE:
8. Well, first of all, it's not going to be offered
9. by Senator Buzbee, it's going to be offered by Senator
10. Regner and we're not going to offer it now, we're going
11. to wait, Senator Bruce is going to bring the bill back
12. later.
13. PRESIDING OFFICER: (SENATOR DONNEWALD)
14. Are there further amendments?
15. SECRETARY:
16. I have another amendment here and it is offered by
17. Senator Regner.
18. PRESIDING OFFICER: (SENATOR DONNEWALD)
19. Senator Buzbee.
20. SENATOR BUZBEE:
21. All right. Let's hold...Amendments 4 and 5 until
22. Senator Regner gets back and then we'll bring it back
23. at that time.
24. PRESIDING OFFICER: (SENATOR DONNEWALD)
25. Well, your...your...your intention Senator Buzbee
26. is to allow the bill to be advanced to 3rd with the
27. provision that it be brought back for the purpose of
28. amendment. That will be then. Are there further amendments?
29. SECRETARY:
30. No further amendments.
31. PRESIDING OFFICER: (SENATOR DONNEWALD)
32. 3rd reading. Senate Bill 490, Senator Bruce. Read
33. the bill, Mr. Secretary.

1. SECRETARY:
2. Senate Bill 490.
3. (Secretary reads title of bill)
4. 2nd reading of the bill. No committee amendments.
5. PRESIDING OFFICER: (SENATOR DONNEWALD)
6. Are there amendments from the Floor? Are there
7. amendments from the Floor? 3rd reading. Senate Bill
8. 495, Senator Sommer. Read the bill, Mr. Secretary.
9. SECRETARY:
10. Senate Bill 495.
11. (Secretary reads title of bill)
12. 2nd reading of the bill. The Committee on Appropriations I
13. offers one amendment.
14. PRESIDING OFFICER: (SENATOR DONNEWALD)
15. Senator Carroll.
16. SENATOR CARROLL:
17. Thank you, Mr. President. Committee Amendment No. 1
18. is a reduction of five million nine hundred fifty-five thousand
19. for projects that are really not yet underway. I would move
20. the adoption of Committee Amendment No. 1. Be willing to
21. answer questions as to which sections are covered by this.
22. PRESIDING OFFICER: (SENATOR DONNEWALD)
23. Is there further discussion? The question is shall
24. Amendment No. 1 to Senate Bill 495 be adopted. Those in
25. favor indicate by saying Aye. Those opposed. The Ayes
26. have it. Committee Amendment No. 1 is adopted. Are
27. there further amendments?
28. SECRETARY:
29. No further committee amendments.
30. PRESIDING OFFICER: (SENATOR DONNEWALD)
31. Are there amendments from the Floor?
32. SECRETARY:
33. Amendment No. 2 offered by Senator Carroll.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)
2. Senator Carroll.
3. SENATOR CARROLL:
4. Thank you, Mr. President. This is a reduction of
5. twenty-one million based on the April 30th payout level
6. for reappropriations and I would move adoption of
7. Amendment No. 2, the Floor Amendment.
8. PRESIDING OFFICER: (SENATOR DONNEWALD)
9. The...is there further discussion? The question
10. is shall Amendment No. 2 to Senate Bill 495 be adopted.
11. Those in favor indicate by saying Aye. Those opposed
12. Nay. The Ayes have it. Amendment No. 2 is adopted.
13. Are there further amendments?
14. SECRETARY:
15. Amendment No. 3 offered by Senator Carroll.
16. PRESIDING OFFICER: (SENATOR DONNEWALD)
17. Senator Carroll.
18. SENATOR CARROLL:
19. Thank you. This too, is an agreed to amendment adding
20. back a hundred and three thousand, nine hundred, for Chicago State
21. bus shelter and I would move adoption of Amendment No. 3.
22. PRESIDING OFFICER: (SENATOR DONNEWALD)
23. Is there further discussion? The question is shall
24. Amendment No. 3 to Senate Bill 495 be adopted. Those in
25. favor indicate by saying Aye. Those opposed Nay. The
26. Ayes have it. Amendment No. 3 is adopted. Are there
27. further amendments?
28. SECRETARY:
29. Amendment No. 4 offered by Senator Sommer.
30. PRESIDING OFFICER: (SENATOR DONNEWALD)
31. Senator Sommer.
32. SENATOR SOMMER:
33. Mr. President, this deletes ninety thousand dollars

1. in relation to work at the...the Emerson Building. The
2. project manager indicates that this money cannot be used.
3. PRESIDING OFFICER: (SENATOR DONNEWALD)
4. Is there further discussion? The question is shall
5. Amendment No. 4 to Senate Bill 495 be adopted. Those in
6. favor indicate by saying Aye. Those opposed. The Ayes
7. have it. Amendment No. 4 is adopted. Are there further
8. amendments?
9. SECRETARY:
10. Amendment No. 5 offered by Senator Sommer.
11. PRESIDING OFFICER: (SENATOR DONNEWALD)
12. Senator Sommer.
13. SENATOR SOMMER:
14. Mr. President, this reinstates two hundred one
15. thousand, two hundred dollars for work at the Waukegan
16. Developmental Center. The funds have been released on
17. this project.
18. PRESIDING OFFICER: (SENATOR DONNEWALD)
19. Is there further discussion? The question is shall
20. Amendment No. 5 to Senate Bill 495 be adopted. Those
21. in favor indicate by saying Aye. Those opposed. The
22. Ayes have it. Amendment No. 5 is adopted. Are there
23. further amendments?
24. SECRETARY:
25. No further amendments.
26. PRESIDING OFFICER: (SENATOR DONNEWALD)
27. 3rd reading. Senate Bill 496, Senator Sommer. Read
28. the bill. Mr. Secretary.
29. SECRETARY:
30. Senate Bill 496.
31. (Secretary reads title of bill)
32. 2nd reading of the bill. The Committee on Appropriations I
33. offers 7 amendments.
34. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Senator Carroll.

2. SENATOR CARROLL:

3. Thank you, Mr. President. Committee Amendment No. 1
4. is a reduction of nineteen million, five twenty-two one
5. hundred, deleting specific items from several sections.
6. I can go through them if anyone has any questions and
7. explain each and every one of them, but I would move
8. adoption of Committee Amendment No. 1.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Is there further discussion? Senator Sommer.

11. SENATOR SOMMER:

12. Mr. President and members. This amendment amounts to the
13. destruction of the Governor's capital budget in many
14. areas, there are some entire departmental areas that
15. have absolutely been destroyed that have no money under
16. this...this particular amendment and therefore, I would
17. suggest that members on this side of the aisle would
18. resist the adoption of this amendment.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Is there further discussion? The question is
21. shall Amendment No. 1 to Senate Bill 496 be...496 be
22. adopted. Those in favor will vote Aye. Those opposed
23. will vote Nay. The voting is open. Have all those
24. voted who wish? Take the record. On that question
25. the Ayes are 31, the Nays are 22. Amendment No. 1 to
26. Senate Bill 496 is adopted. Amendment No. 2, Senator
27. Carroll.

28. SENATOR CARROLL:

29. Thank you, Mr. President. This a reduction of
30. five million and eight hundred sixty-one thousand,
31. Department of Corrections, deleting certain work in
32. areas not intended to be done, relocation of certain
33. appropriations based on their latest...proposals.

1. One is, in particular, an unidentified correction facility in
2. which we deleted five million eighty...eight hundred and
3. sixty thousand for a proposed building that has never been
4. identified to anyone to my knowledge. I would move
5. adoption of Committee Amendment No. 2.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Is there further discussion? The question is shall
8. Amendment No. 2 be adopted. Those in favor indicate by
9. saying Aye. Those opposed. The Ayes have it. Amendment
10. No. 2 is adopted. Amendment No. 3.

11. SECRETARY:

12. Committee Amendment No. 3.

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Senator Carroll.

15. SENATOR CARROLL:

16. Just waiting for the light. Thank you. All this
17. does is add the effective date and I would move adoption
18. of Committee Amendment No. 3.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Is there further discussion? The question is shall
21. Amendment No. 3 be adopted. Those in favor indicate by
22. saying Aye. Those opposed Nay. The Ayes have it. Amend-
23. ment No. 3 is adopted. Amendment No. 4, Senator Carroll.

24. SENATOR CARROLL:

25. Thank you, Mr. President. Amendment No. 4 deals
26. with particular educational facilities giving them
27. three hundred and sixty-seven thousand dollars to meet
28. various requirements of codes to allow us to get HEW
29. subsidies for interest payments, it'll be a seven
30. million dollar recoupment for the State over the next
31. twenty years by a three hundred and sixty-seven thousand
32. dollar expenditure at this time and I would move the
33. adoption of Committee Amendment No. 4.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Is there further discussion? The question is shall
3. Amendment No. 4 to Senate Bill 4...496 be adopted. Those
4. in favor indicate by saying Aye. Those opposed. The
5. Ayes have it. Amendment No. 4 is adopted. Amendment No. 5,
6. Senator Carroll.

7. SENATOR CARROLL:

8. Thank you, Mr. President. Committee Amendment No. 5
9. is some monies of two hundred thousand dollars for the
10. school building commission projects to repair some roof
11. replacements which will be paid back by lease adjustments
12. later and I would move adoption of Committee Amendment
13. No. 5.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Is there further discussion? The question is
16. shall Amendment No. 5 be adopted. Those in favor
17. indicate by saying Aye. Those opposed. The Ayes
18. have it. Amendment No. 5 is adopted. Amendment No. 6.
19. Senator Carroll.

20. SENATOR CARROLL:

21. Thank you, Mr. President. Committee Amendment No. 6
22. is an allocation of some three million plus dollars in
23. Federal funds to three specific projects, the Illinois
24. Children's Hospital, the Murray Development Center and
25. the Swansey Specialized Living Center. I move adoption
26. of Committee Amendment No. 6.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Is there further discussion? The question is shall
29. Amendment No. 6 to Senate Bill 496 be adopted. Those in
30. favor indicate by saying Aye. Those opposed Nay. The
31. Ayes have it. Amendment No. 6 is adopted. Amendment
32. No. 7.

33. SENATOR CARROLL:

1. Thank you, Mr. President. Committee Amendment No. 7
2. is to take care of some of the problems at the University
3. of Illinois by providing the monies in excess of a million
4. dollars for equipment for Turner Hall and to provide for
5. the acquisition of land for a medical sciences building.
6. This is specifically to help the U. of I. and I would
7. move adoption of Committee Amendment No. 7.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Is there further discussion? The question is
10. shall Amendment No. 7 be adopted. Those in favor indicate
11. by saying Aye. Those opposed. The Ayes have it. Amendment No. 7
12. is adopted. Are there further amendments?

13. SECRETARY:

14. No further committee amendments.

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. Are there amendments from the Floor?

17. SECRETARY:

18. Amendment No. 8 offered by Senator Weaver.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Senator Weaver.

21. SENATOR WEAVER:

22. Thank you, Mr. President and members of the Senate.
23. This amendment restores 3.7 million for the Food Production
24. Research Program. These programs were approved by the
25. Board of Higher Education last year and also approved by
26. the Senate and the House only to be vetoed by Governor
27. Walker. Again this year, the Board of Higher Education,
28. the Governor, the Bureau of the Budget, all have approved
29. these programs. The State of Illinois, the University
30. of Illinois and Southern Illinois University are losing
31. millions of dollars in research grants from the Federal
32. Government because the limitation of physical plant in
33. both veterinary medicine and the agricultural schools.

1. Federal funds this year appropriated, came out of the House
2. Agricultural Committee, are increasing to...from five hundred
3. and five million dollars to seven hundred and eighty million
4. dollars for agricultural research. These grants will be
5. going all over the country. If we, in the State of Illinois,
6. don't show some evidence of developing our research potential,
7. we're not going to participate in these grants. Also, in
8. this same program, there's provisions for fifty-fifty matching
9. funds available for the construction of facilities. Every
10. farm organization in the State of Illinois supports this
11. Food Production Research Program and I think it's a small
12. investment that we, here in the General Assembly, can make
13. toward research for food production, not only for the
14. University of Illinois, but for Southern Illinois University
15. and for the benefit of the citizenry in the State of
16. Illinois. This means jobs. Agriculture in the State of
17. Illinois is one of our biggest cash projects, both in crops
18. and in animal food production. And if we don't show our
19. interest in this type of research, not only we in the
20. State of Illinois, but the nation and the world will be
21. the loser. If anyone has any questions about these projects,
22. I'd be happy to try to answer them, but I would move
23. adoption of Amendment No. 8 to Senate Bill 496.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Senator Carroll.

26. SENATOR CARROLL:

27. Thank you, Mr. President and members of the Senate.
28. I rise to oppose this amendment. We had taken this money
29. out by Amendment No. 1. Might add just a few comments.
30. Senator Weaver fails to point out the cost of these
31. projects to the taxpayers of Illinois will end up being,
32. when the projects are completed and we retire the bonds,
33. one hundred and ninety-seven million dollars. One hundred

1. and ninety-seven million dollars, payable by ourselves in
2. the future generations to pay off these bonds. If you want to
3. look at what some of them do, very simple, we're air conditioning
4. a classroom at SIU. To me that is not Food for Century
5. Three, or if I could quote one of the minority members of
6. the committee Food for Peace, "air conditioning a classroom
7. is a nice project; it is not, in my opinion, critical to
8. Food for Century Three." Additionally, we talk about the
9. veterinarians and the veterinary medicine, and what this
10. is going to do to help us take care of what is called
11. large animals for future generations. And I find it
12. interesting that the last graduating class, the last
13. graduating class, seven percent of those who graduated,
14. went into an exclusive large animal treating activity,
15. seven percent. Of the rest, some went into a combination
16. of cats and dogs and canaries, as some members have called
17. it, and large animals. More than half went into cats, dogs
18. and canaries, exclusively. That to me is also not Food for
19. Century Three. The year before, the year before, I believe
20. it was some seventy percent, went into cats, dogs and
21. canaries treatment. I don't think I want to spend, at this
22. point in time, a hundred and ninety-seven million dollars
23. for that type of Food for Century Three. I think these are
24. bad programs at this time. Many of them have been off
25. of the list for some fifteen years, since they've first
26. been offered. I don't think we need it. I would hope that
27. all the intelligent and taxpaying members of this General
28. Assembly, of this Senate especially, would oppose this
29. amendment. Thank you.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Senator Joyce.

32. SENATOR JOYCE:

33. Thank you, Mr. President. I echo Senator Carroll's

1. remarks. I think that if we do go ahead and...and in the
2. future years spend a hundred and ninety-seven million
3. dollars. We're talking about a graduating class of
4. veterinary...veterinarians from the University of Illinois,
5. of increasing the class to maybe a little over a hundred
6. members from about seventy now. And with a third of
7. those going into large animal practice, or meat, or
8. food producing animal practice, we're talking about maybe
9. gaining ten more veterinarians, State-wide. And I think
10. for this kind of a price tag, it is just...it is not, it
11. is a misrepresentation of the facts. I think that, you
12. know, we're talking about spending four million dollars
13. for a greenhouse, and I, now, that may be fine, but I...
14. I think that we need to take a little harder look at
15. this and I think we need some assurance from the University
16. of Illinois that more of these veterinarians are going to
17. be into the large animal field and...and for food producing
18. field. So I...this is why I have some reservations about
19. this and this is why I hope that we do get some communique
20. from the University and...and that more emphasis is put
21. on food production. Thank you.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Senator Sommer.

24. SENATOR SOMMER:

25. Mr. President, I think the...the speakers over there
26. have misapprehended the nature of this program. Naturally,
27. there will be an increase in an important school, a veterinary
28. school, and naturally the Federal Department of Agriculture
29. does a great deal of research in the area of end products and
30. utilization. However, there is very little research that's
31. done in production. Those people who are farmers recognize
32. the fact that there's a tremendously high infant animal
33. mortality rate in this State, particularly among pigs. It
34. would be excellent if we could solve that problem. You speak

1. of a greenhouse and you think it's an odd thing, but...

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Just a moment. Will the members please be in their
4. seats. Will the members please be in their seats. Proceed.

5. SENATOR SOMMER:

6. We were speaking about research into, to animal mortality,
7. which is a very important thing for this State and it's not
8. done here, and it's not done anywhere in the Midwest. And
9. secondarily, you can speak of grain research and you can
10. laugh at a greenhouse and yet, I think, you should remember
11. that the University of Illinois has maintained the first
12. and the most successful experimental plot in relation to
13. hybrid crops in this country. It was at the University of
14. Illinois that almost all of the hybrid grains that we grow
15. were developed. And what if we could, through that plot,
16. double our production again through the use of hybrids
17. and...and new techniques. The amount of money we're going
18. to spend here will be very small indeed for the great impact
19. it would have, and the Governor of this State and all of
20. the people who wish to vote for this, I think, should be
21. commended by the future generations.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Is there further debate? Senator Weaver may close
24. the debate.

25. SENATOR WEAVER:

26. Well, thank you, Mr. President. I'll have to correct
27. Senator Carroll. This total project is a thirty-three, thirty-
28. three million dollar project, Senator Carroll. With the
29. possibility of Federal matching funds for this facility which
30. could cut this drastically. Now, where you get your figures,
31. I do not know, but I get my figures from the College of
32. Veterinary Medicine. And for the past five years, approximately
33. thirty-five percent of the graduates have engaged in the large

1. animal or mixed private practice. Forty-five percent in
2. the small animal private practice and the remaining twenty
3. percent in further study, research, or other forms of
4. practice. One other point, the College of Veterinary
5. Medicine at the University of Illinois is a relatively
6. new school. Only last year was the large animal clinic
7. open, but every graduating veterinarian gets the same
8. training in large and small animal practice. But with
9. the new facility of the large animal clinic, it should
10. be conducive to encouraging more vets being interested
11. in large animal practice and research. Now, let me
12. reiterate, Senator Carroll, thirty-three million dollars.
13. That's the program. Thirty-three million dollars with
14. the possibility of a fifty-fifty match from Federal
15. funds for facilities, plus seven hundred and eighty
16. million dollars in research grants from the Department
17. of Agriculture, United States. This a good investment,
18. Ladies and Gentlemen and we should not pass it up.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Senator Carroll.

21. SENATOR CARROLL:

22. I will take part of that as a question, Senator
23. Weaver, just to answer one thing. If your figures of
24. thirty-three million plus interest for bond retirement
25. are the accurate ones, I think you should go back to
26. your source, because they're the ones who gave us the
27. hundred and sixteen million. We just added seventy percent
28. for bond retirement costs, it's in your printed publication
29. from the school, we added seventy percent for bond
30. retirement costs, that's how we got the hundred and ninety-
31. seven and if I am incorrect, if you'll just have them
32. send me a corrected copy of their publication, I would
33. be happy to review it and...and state the correction on

1. the Floor.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Weaver.

4. SENATOR WEAVER:

5. Well, I think, if you will just look at the Governor's

6. approved program, it was at the thirty-three million dollar

7. level and that's what we're considering. I'd appreciate

8. a favorable roll call.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. The question is the adoption of Amendment No. 8

11. to Senate Bill 496. Those in favor will vote Aye. Those

12. opposed will vote Nay. The voting is open. Have all

13. voted who wish? Have all voted who wish? Take the

14. record. On that question the Ayes are 24, the Nays are

15. 28, the amendment fails. Senator Weaver has requested

16. a verification. Will the members of the Senate please

17. be in their seat. Senator Weaver has requested a

18. verification of the negative roll call. Will all the

19. Senators please be in their seats. Secretary will

20. read the negative votes.

21. SECRETARY:

22. The following voted in the negative: Berman, Bruce,

23. Buzbee, Carroll, Chew, Clewis, D'Arcò, Daley, Donnewald,

24. Egan, Guidice, Kenneth Hall, Hickey, Johns, Joyce, Kosinski,

25. Lane, Lemke, Merlo, Leonard, Netsch, Newhouse, Rock, Savickas,

26. Smith, Vadalabene, Washington, Mr. President.

27. SENATOR WEAVER:

28. Senator Chew.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Is Senator Chew on the Floor? Take his name from

31. the roll.

32. SENATOR WEAVER:

33. Senator Daley.

34. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Daley on the Floor? Take his...take his name
2. from the roll.
3. SENATOR WEAVER:
4. Senator Demuzio.
5. PRESIDING OFFICER: (SENATOR ROCK)
6. Senator...Senator Demuzio is not on the roll call.
7. SENATOR WEAVER:
8. D'Arco.
9. PRESIDING OFFICER: (SENATOR ROCK)
10. Senator D'Arco on the Floor? Take his name from
11. the roll.
12. SENATOR WEAVER:
13. Lemke.
14. PRESIDING OFFICER: (SENATOR ROCK)
15. Senator Lemke on the...on the Floor?
16. SENATOR WEAVER:
17. Senator Newhouse.
18. PRESIDING OFFICER: (SENATOR ROCK)
19. Senator Newhouse on the Floor? Take his name from the
20. roll.
21. SENATOR WEAVER:
22. Senator Kenneth Hall.
23. PRESIDING OFFICER: (SENATOR ROCK)
24. Senator Kenneth Hall is on the Floor. ...Senator
25. Carroll has requested a verification of the affirmative
26. votes. The Secretary will read the affirmative votes.
27. SECRETARY:
28. The following voted in the affirmative: Berning, Bloom,
29. Bowers, Coffey, Davidson, Graham, Grotberg, Harber Hall, Knuppel,
30. McMillan, Mitchler, Moore, Nimrod, Ozinga, Philip, Rhodes, Roe,
31. Rupp, Schaffer, Shapiro, Sommer, Soper, Walsh, Weaver.
32. PRESIDING OFFICER: (SENATOR ROCK)
33. Senator Carroll.

1. SENATOR CARROLL:
2. Senator Philip.
3. PRESIDING OFFICER: (SENATOR ROCK)
4. Senator Philip on the Floor? Take his name from the
5. roll.
6. SENATOR CARROLL:
7. Senator Soper.
8. PRESIDING OFFICER: (SENATOR ROCK)
9. Senator Soper on the Floor? Take his name from the
10. roll call.
11. SENATOR CARROLL:
12. Is Senator Bowers here?
13. PRESIDING OFFICER: (SENATOR ROCK)
14. Senator Bowers is on the Floor.
15. SENATOR CARROLL:
16. Fine. Thank you.
17. PRESIDING OFFICER: (SENATOR ROCK)
18. The roll has been verified. The Ayes are 22, the Nays
19. are 23, the amendment fails. Further amendments?
20. SECRETARY:
21. Amendment No. 9 offered by Senator Davidson.
22. PRESIDING OFFICER: (SENATOR ROCK)
23. Senator Davidson.
24. SENATOR DAVIDSON:
25. Mr. President and members of the Senate. Amendment
26. No. 9 adds nine million, two hundred thousand dollars to
27. the 496 seven hundred and...seven and a half million dollars
28. for the upgrading extension, the Capitol complex utility
29. system. And a million, seven hundred thousand dollars for
30. planning for the new State office building to the north,
31. including the parking, relocation utility tunnel and
32. expansion of the Capitol complex pedestrian tunnel. I
33. move the adoption of Amendment No. 9.
34. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Davidson has moved the adoption of Amendment
2. No. 9. Any discussion? All those in favor signify by
3. saying Aye. All those opposed. The Ayes have it, the
4. amendment is adopted. Further amendments?

5. SECRETARY:

6. Amendment No. 10 offered by Senator Sommer.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Will you read the amendment, Mr. Secretary, indicate
9. which one it is.

10. SECRETARY:

11. Amend...amend Senate Bill 496, is amended in
12. Section 7 by changing two hundred thousand to three hundred
13. and fifty thousand, six hundred.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Sommer.

16. SENATOR SOMMER:

17. Mr. President, this...this amendment is to change
18. the lump sum for rehabilitation of the elevators in
19. the building in Chicago, we're doing something for the
20. city.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Sommer has moved the adoption of Amendment
23. No. 10 to Senate Bill 496. Is there any discussion? All
24. those in favor signify by saying Aye. All those opposed.
25. The Ayes have it. The amendment is adopted. Further
26. amendments?

27. SECRETARY:

28. Amendment No. 11 offered by Senator Sommer. It's
29. on Section 14 by deleting the following.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Senator Sommer.

32. SENATOR SOMMER:

33. Mr. President, this amendment reinstates a million

1. dollars for planning for the new building, the Department of
2. Revenue building and...and also the land acquisition for
3. that.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Sommer has moved the adoption of Amendment
6. No. 11 to Senate Bill 496. Any discussion? Senator
7. Carroll.

8. SENATOR CARROLL:

9. Thank you, Mr. President. I oppose the adoption of
10. this amendment. This amendment is to put in a million
11. dollars for planning...land acquisition for a thirty-five
12. million dollar Revenue building at an undetermined site.
13. We have no idea where this is going to be. We still left
14. them a half million to do some planning. They're trying
15. to add another million for something that's going to
16. cost what appears to be a hundred dollars a square foot
17. to construct this building. I don't think we should be
18. spending a hundred dollars a square foot for a building
19. a lot of which space is for storage. And when we don't
20. know where that building is, I don't think we should be
21. spending this kind of money for land acquisition, unless
22. and until the department tells us where we are going to
23. acquire that land. We don't even know what city. And
24. I would, therefore, oppose this amendment at this time.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Any further discussion? Senator Sommer has moved
27. the adoption of Amendment No. 11 to Senate Bill 496.
28. All those in favor signify by saying Aye. All those
29. opposed. The opinion of the Chair, the No's have it.
30. You wish a roll call. All right. The question is the
31. adoption of Amendment No. 11 to Senate Bill 496. Those
32. in favor of the amendment will vote Aye. Those opposed
33. will vote Nay. The voting is open. Have all voted

1. who wish? Have all voted who wish? Take the record. On
2. that question the Ayes are 23, the Nays are 30, none Voting
3. Present. The amendment fails. Further amendments?

4. SECRETARY:

5. Amendment No. 12 offered by Senator Sommer.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. You want to indicate which one it is, please.

8. SECRETARY:

9. On...line...in Section 19, the following, Section 20,
10. sum of thirty-six thousand.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. All right. Clear the board, Mr. Secretary. Senator
13. Sommer.

14. SENATOR SOMMER:

15. Mr. President, this is an amendment to reinstate
16. thirty-six thousand dollars for servicing the sale of
17. State bonds.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator Sommer has moved the adoption of Amendment
20. No. 12 to Senate Bill 496. Is there any discussion? Senator
21. Carroll.

22. SENATOR CARROLL:

23. Thank you, Mr. President. As usual, we seem to
24. spend more time on the little money than on the big. This
25. is just a policy decision. Do we want to pay the attorney's
26. and printing costs of bonds over twenty years and pay interest
27. on it. Either way the Assembly wants to go is fine. If
28. we're going to bond it, then pay all these additional costs
29. for a thirty-six thousand dollar, what I think should be,
30. General Revenue Fund appropriations, sobeit. It's just
31. a matter of whether you want to spread this out over
32. twenty years or pay it right away and my personal thinking
33. is this should be General Revenue Funds payable now. This

1. is the cost of doing business of that particular department.
2. Rather than paying double the amount by bonding it over
3. twenty years. I personally would oppose the amendment for
4. that reason.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Further discussion? Senator Sommer.

7. SENATOR SOMMER:

8. Senator Carroll, the only problem with that, as you...
9. as you know, the bond houses sell the bonds and they give
10. us back all our money minus thirty-six thousand dollars.
11. That's our problem and that's why we have to do it this
12. way.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Further discussion? All right. Senator Sommer has
15. moved the adoption of Amendment No. 12 to Senate Bill 496.
16. All those in favor signify by saying Aye. All those
17. opposed. That makes it tough to rule, you know that. All
18. right. In the opinion of the Chair the Ayes have it, the
19. amendment is adopted. Further amendments?

20. SECRETARY:

21. Amendment No. 13 offered by Senator Grotberg.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Senator Grotberg. Will you indicate what...what
24. amendment that is, Mr. Secretary, please.

25. SECRETARY:

26. Yes. On...let's see...on Section 18, the following,
27. Section 18.1, the following named amounts. The amounts...is
28. ninety-one thousand, seven hundred and seventeen dollars.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. All right. Senator Grotberg.

31. SENATOR GROTBORG:

32. Thank you, Mr. President. I hope that that Amendment
33. No. 13 doesn't have anything to do with this amendment. I

1. think Illinois is...is fortunate with Amendment No. 13. I'm
2. very personally pleased and proud. I've said before, we
3. start by beginning and about three years ago, I passed the
4. first solar legislation in the General Assembly and if you'll
5. look at the newsrelease on your desk, you'll find that
6. St. Charles High School is one of two grants in the State
7. of Illinois out of eighty in the nation, to install for the
8. first time solar energy on a demonstration project in a
9. public building. The Museum of Science and Industry is
10. the other. We're pleased and proud that the Capital
11. Development Board has seen fit to draft this amendment
12. and present it for the State's match to keep our State
13. concern in the area of alternative uses of energy and
14. the plans for the same. This building will be open
15. very shortly, in the fall of this 1977 and we will be
16. in business on this project shortly thereafter and
17. it'll be a State-wide demonstration project I would
18. plead for the acceptance of this Senate Amendment.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Grotberg has moved the adoption of
21. Amendment No. 13 to Senate Bill 496. Is there any
22. discussion? Senator Carroll.

23. SENATOR CARROLL:

24. Apparently thirteen is his lucky number. Senator
25. Grotberg and I can agree on good ideas. I don't think
26. he wants to use this for DLGA. I think this is a great
27. idea we're getting about a ten for one match and I would
28. urge everybody to support this amendment.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. The question is the adoption of Amendment No. 13
31. to Senate Bill 496. All those in favor signify by
32. saying Aye. All those opposed. The Ayes have it. The
33. amendment is adopted. Any further amendments?

1. SECRETARY:
2. Amendment No. 14 offered by Senator Carroll and
3. in the rotation you handed them to me, Senator Carroll.
4. PRESIDING OFFICER: (SENATOR ROCK)
5. All right. Just indicate which one. How many
6. amendments does he...does he have?
7. SECRETARY:
8. He has three amendments.
9. PRESIDING OFFICER: (SENATOR ROCK)
10. All right. Which one is first?
11. SECRETARY:
12. On page 1, line...deleting line 24.
13. PRESIDING OFFICER: (SENATOR ROCK)
14. Senator Carroll.
15. SENATOR CARROLL:
16. Thank you, Mr. President. One of them was to
17. put the thirty-six thousand into General Revenue. That's,
18. you know, we've already made a policy decision on that.
19. The other two were to focus on the issue of what we were
20. going to do with the prison systems. I've been advised
21. by many around here that nobody wants to focus on the
22. issue right now. There seems to be...Senator Netsch seems
23. to enjoy that...there seems to be a difference of opinion
24. as to whether or not we should spend any money on our
25. State prisons, renovating them, when certain people,
26. at two hundred thousand dollars, have recommended closing
27. them and any monies we put into them would be a waste.
28. I'd offered these in the hopes of pulling out those
29. monies until we had some decisions, but if many people
30. don't want to focus on that issue now, so be it. I'm sure
31. this will be around for awhile and I will withdraw those
32. amendments.
33. PRESIDING OFFICER: (SENATOR ROCK)

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1. The amendments have been withdrawn. Senator Graham.
2. SENATOR GRAHAM:
3. What are you trying to do to us now, Senator?
4. PRESIDING OFFICER: (SENATOR ROCK)
5. The amendments have been withdrawn, Senator.
6. SENATOR GRAHAM:
7. Thank you.
8. PRESIDING OFFICER: (SENATOR ROCK)
9. Any further amendments?
10. SECRETARY:
11. No further amendments.
12. PRESIDING OFFICER: (SENATOR ROCK)
13. 3rd reading. On the Order of Senate Bill 600, Senator
14. Nimrod on the Floor? Senate Bill 628, Senator Sommer.
15. All right. On the Order of Senate Bill 6...Senate Bills
16. 2nd reading, Senate Bill 600. Read the bill, Mr. Secretary.
17. SECRETARY:
18. Senate Bill 600.
19. (Secretary reads title of bill)
20. 2nd reading of the bill. No committee amendments.
21. PRESIDING OFFICER: (SENATOR ROCK)
22. Any amendments from the Floor?
23. SECRETARY:
24. Amendment No. 1 offered by Senator Bruce.
25. PRESIDING OFFICER: (SENATOR ROCK)
26. Senator Bruce.
27. SENATOR BRUCE:
28. Thank you, Mr. President and members of the Senate.
29. Amendment No. 1 strikes everything after the enacting
30. clause in Senate Bill 600 and inserts the following: I
31. have distributed to the members a memoranda which explains
32. in some detail the thirty-four page amendment which is
33. before you and I will, as much as possible, relate to both

1. pages and lines as we go through the amendment. On page 4,
2. the...language would limit the death benefits involved in
3. workmen's compensation to two hundred and fifty thousand
4. dollars or twenty years, whichever is the greater. On
5. page 9 is created a panel of physicians approved by the
6. Industrial Commission. It is important to note that any
7. physician could be certified by the commission if he
8. meets only one requirement. That for certification, he
9. agrees that he will issue periodic status reports to
10. the employer. It is also important to note there is
11. no restriction on the free choice of any employee to
12. choose any physician. On page 10 is the change relating
13. to appliances and prostheses. Presently the Statute
14. states that furnishing of such appliances or artificial
15. limbs by the employer is not a payment of compensation
16. which is deducted against the employee's claim. This
17. would clarify the language that if the employer has a
18. service group or a group insurance program which would
19. provide on a nonoccupational basis, artificial limbs,
20. that this also would not be payment of compensation
21. which would be deducted from the employee's award. On
22. page 11, lines 21 and 22 and lines 26 and 28, these
23. changes would set the rates of compensation for
24. benefits other than temporary total. The present
25. compensation is sixty-six and two-thirds of the
26. employee's salary, not to exceed one hundred percent
27. of the manufacturing wage. This sets the rate at
28. sixty-six and two-thirds of the employee's salary,
29. not to exceed sixty-six and two-thirds percent of
30. the average State-wide wage. Thus, it would make
31. two changes. A, it will reduce the cap from one
32. hundred percent on temporary total to sixty, for other
33. benefit other than temporary total, from one hundred

1. percent to sixty-six and two-thirds of the State average,
2. and B, make changes from the manufacturing wage to the
3. average wage. On page 12, line 12, we delete the reference
4. to subparagraph two, which includes all benefits other
5. than temporary total. So, that you establish a higher
6. rate of compensation for temporary total. It is the
7. feeling of many of us that that is the most severe time
8. for an employee. He is totally and absolutely disabled
9. and he should have the highest possible rate of
10. compensation. In permanent partial and permanent total,
11. you are talking about in well over half the cases,
12. employees who have returned to work and are receiving
13. full compensation. That is not the...instance with
14. temporary total. And so with...this will mean that
15. temporary total will not be limited to the sixty-six and
16. two-thirds percent of the average wage, as are all
17. other benefits, but they would be at one hundred percent
18. presently of the State-wide average wage and they
19. would go to one hundred and thirty-three percent
20. of the State-wide average wage in July. So, to
21. reiterate, the computation for temporary total would
22. be sixty-six and two thirds of the employees wage. not
23. to exceed a hundred and thirty-three percent of the
24. average wage in the State. On page 12, we change the
25. computation from the State-wide average wage in
26. manufacturing to the State-wide average wage and I
27. point out to you that the average weekly wage presently
28. is two hundred and twenty-five dollars and that will
29. be effective as an estimated amount in 7/15/77, July
30. of this year, the average weekly wage in manufacturing
31. for July 15th of this year is two hundred and forty-seven
32. 09. On page 12 we remove the escalator clauses. As you
33. understand, we are presently paying as...as a cap, one

1. hundred percent of the State-wide-average wage. On
2. July 7 of...'77 we go to a hundred and thirty-three,
3. July of '79 to a hundred and sixty-six, July '81 to
4. two hundred percent. This amendment would...would stop
5. any amendments and escalators that would go above the
6. hundred and thirty-three percent, which will become
7. effective in July of '77. On page 14, we require that
8. the Industrial Commission in computing the percentage
9. of partial disability give consideration to all prior
10. payments for permanent disability made under this
11. Act. That is the amendment which has been proposed
12. and the fact that...not all...not...in all instances
13. the Industrial Commission has not given...consideration
14. to prior awards under the Act, that does not mean any other
15. awards that have been made, but only under the
16. Workmen's Compensation Act. Number 11 inserts the
17. OSHA hearing standards for compensation of hearing
18. loss. At the present time, there are no hearing
19. standards in the...in the legislation. On page 19,
20. it will require that the Industrial Commission consider
21. noise protection equipment which has been supplied
22. by the employer in determining the amount of hearing
23. loss compensation. On page 19, a prior specific loss
24. or loss of use of word under paragraph E and paragraph
25. E is all the specific amputations, hand, arm, thumbs,
26. fingers, legs, feet, toe and or loss of an eye, shall
27. be deducted for any award for subsequent injury. As
28. the Statute presently reads, the member must be amputated
29. before it can be considered in a subsequent award.
30. For example, if you lose your finger by amputation and
31. then later lose your hand, they will deduct from the
32. loss of the hand the computation for the loss of the
33. finger. If, however, you have your finger mashed and
34. it is not amputated and you receive compensation. the

1. mere fact it is not amputated means that if you were to
2. later lose your hand it would...not be a deduction for
3. the loss of the hand...in that benefit for the loss of
4. the finger. I think I probably lost most of you on that.
5. All it does is change from amputation to both amputation
6. and lost of use of any of the specified loss items. On page
7. 24, we limit the rate adjustment of benefits on cases
8. decided prior to 1975 to increases in the State's
9. average wage occuring after July of 1975. As you know
10. in the rate adjustment fund, cases decided between
11. 1965 and 75 could be reconsidered by the commission
12. on a petition and the rates in those cases be readjusted.
13. That rate readjustment fund, as this amendment would have
14. it, would only relate to cases after July of 1975. On
15. page 27, the amendment would require that the Industrial
16. Commission adopt within one year, guidelines and standards
17. that will follow in making awards. At the present time
18. there are no standards established by the Industrial
19. Commission. We have waited some time for them to say
20. to lawyers, to arbitrators and to employers, here are
21. the standards on which we make our decisions on
22. loss. American Medical Association has a fine series
23. of proposed standards. We do not mandate that they
24. adopt those standards because some states have...only
25. three states have adopted the AMA standards as the
26. standards for the state. And we think that within
27. one year they ought to adopt some standards, but
28. we did not put in the AMA.

29.
30.
31. (end of reel)
32.
33.

1. SENATOR BRUCE:

2. On page 32 and 33, we involve ourselves with the
3. Occupational Disease Act. It amends the Act to require
4. that a disease or aggravation to be compensable must
5. arise out of a risk peculiar to the employment and
6. secondly, that a disease or its aggravation to be
7. compensable must be significantly and directly caused
8. ...connected to the work. Mr. President and members of
9. the Senators...of the Senate, a good deal of work has gone
10. into this amendment. I am certain of one thing. It is
11. not the final draft to this bill, as it will be on the Governor's
12. Desk, if it is ever on the Governor's Desk. Many of us have
13. despaired over the fact that little has been done, but
14. much has been talked about in amending the Workmen's
15. Compensation Act since 1975. This is a serious attempt
16. on behalf of many of us to get labor and management to
17. see that we want to have meaningful changes in the Workmen's
18. Compensation Act. Thank you, Mr. President.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. All right. Senator Bruce has moved the adoption of Amendment
21. No.1 to Senate Bill 600. Is there any discussions?
22. Senator Knuppel.

23. SENATOR KNUPPEL:

24. Senator Bruce, I've several questions. The first one
25. is, you're providing in this bill, the same death benefit
26. that's in Senate Bill 720, as it's amended. Is that correct?
27. That's two hundred and fifty thousand or twenty years.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Bruce.

30. SENATOR BRUCE:

31. Yes, Senator Knuppel. The only problem is, that under
32. 720 the amendment occurs in ...well, I think you ought to
33. know that...

1. PRESIDING OFFICER: (SENATOR ROCK)
2. Senator Knuppel:
3. SENATOR KNUPPEL:
4. Second thing is, have you provided anything in this
5. bill with respect to the earning capacity, the life earn-
6. ing capacity of the decedent or is it just twenty years, two hundred
7. and fifty thousand dollars. Let's suppose a guy sixty-
8. five years old and he's going to retire tomorrow. He
9. gets killed. His widow is sixty-five years old. She
10. gets two hundred and fifty thousand dollars or twenty
11. years, whichever one is greater?
12. PRESIDING OFFICER: (SENATOR ROCK)
13. Senator Bruce.
14. SENATOR BRUCE:
15. As you know Senator, the computation of death bene-
16. fits is, as the following; sixty-six and two thirds of
17. the employees salary, not to exceed one hundred percent.
18. The State-wide average wage in manufacturing, but not
19. less than fifty percent of the State-wide average wage
20. in manufacturing. If you multiply that...
21. PRESIDING OFFICER: (SENATOR ROCK)
22. All right, Senator Knuppel. I think...Senator Knuppel.
23. All right, Senator Knuppel.
24. SENATOR KNUPPEL:
25. The question is, have you taken into consideration the
26. life earning capacity, rather than the life ...very simple
27. question.
28. PRESIDING OFFICER: (SENATOR ROCK)
29. Senator Bruce.
30. SENATOR BRUCE:
31. I misunderstood his question. No, we've not considered
32. that, Senator Knuppel.
33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Knuppel.

2. SENATOR KNUPPEL:

3. Do you provide in this bill in any way for adjust-
4. ments between a person who's totally disabled on Social
5. Security and can only draw so much money and..and the
6. fact that he's also drawing Workmen's Compensation, so
7. that...that it's..that it's the Workmen's Compansation
8. that's reduced rather than the..than the Social Security
9. in light of the fact that we're only getting about forty-
10. three cents back from Washington on a dollar.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Senator Bruce.

13. SENATOR BRUCE:

14. No, Senator Knuppel, because it was my judgment
15. that we ought not to penalize those who have been handled
16. quite well under the SSI benefits by the Federal Government
17. since 1975. I did not want to take those benefits away from
18. them. And so, we did not include in the computation Social
19. Security benefits.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Knuppel.

22. SENATOR KNUPPEL:

23. Mr. President, you realize you're not penalizing them. They're...
24. they're only allowed so many dollars and they take it out
25. of their Social Security payment and our people who are in
26. business are paying that money in and...and yet, we're also paying
27. in Social Security. We're only getting forty-three cents
28. back on a dollar from Social Security. You under...how many
29. ...you say from your experience. How many Workmen's Compen-
30. sation cases have you tried, Senator?

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Bruce.

33. SENATOR BRUCE:

1. Senator, I don't practice in the Workmen's Comp area.

2. PRESIDING OFFICER : (SENATOR ROCK)

3. Senator Knuppel.

4. SENATOR KNUPPEL:

5. Well, I very frankly am really disturbed about the
6. way the Workmen's Compensation proposition has been handled
7. in this Body and from all angles. I've been hearing that
8. there's going to be an attempt to reach an agreed bill. I
9. don't see anything like that. Here's little groups springing up
10. all over and some of the very basic things that are in this
11. law that are so unjust aren't even considered. I...I per-
12. sonally feel that I cannot, I cannot support this legis-
13. lation as opposed to the other version. I don't think
14. that standards are necessary. I never have and I tried
15. not a lot, but I try enough Workmen's Compensation cases
16. to know that there are standards. They may not be written
17. but these arbitors are...they've got a rule of thumb if
18. a meniscus removed from the knee or a thumb is broken.
19. They have an idea. They look at the guy. They examine
20. him and they become very astute. I, personally, feel that
21. this bill is very closely follows the Senate Bill 720
22. in most regards. Now, I'd like for you to tell me explic-
23. itly three or four of the major differences between this
24. bill and 720 as amended.

25. PRESIDING OFFICER : (SENATOR ROCK)

26. Senator Bruce.

27. SENATOR BRUCE:

28. Well, first of all it establishes a panel of physicians
29. which is not established in 720, although it attempts to. It
30. does change the, the different, it creates a differential
31. between temporary total and permanent partial, which is not
32. created in 720 and that 720 only puts a maximum cap on the
33. benefits. This would establish a differential between

1. temporary total and permanent partial and all other specific
2. losses. We would move from the manufacturing wage to the
3. average weekly wage and 720 would not ...let's see, Senator
4. Knuppel, I worked with so many of these, I think 720 does not
5. establish standards for the Commission and this...and this
6. would. I, frankly would have to go through and spend a
7. little more time on the differences, but I think those are
8. the major differences between 720 as amended and...and the
9. proposed amendment to Senate Bill 600.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Further discussion? Senator Savickas.

12. SENATOR SAVICKAS:

13. Yes, Mr. President and members of the Senate. This
14. bill does go a lot further than 720. A few years ago when
15. we passed Senate Bill 234 and 235 there was very little
16. argument from either side of the aisle about giving the
17. benefits and the wages to the workmen. It was mostly on
18. other items. On the caps, on the disability, on the
19. standards and what not, but very little on the benefits.
20. But Senator Bruce's amendments to this bill would reduce
21. the benefit paid to a working man. When we talk about, on
22. page 11, a man who would lose his leg under the present law
23. and makes about three hundred and fifty dollars a week, would
24. be compensated at the present compensation rates of two
25. hundred and thirty one dollars times two hundred weeks, which
26. would be about forty-six thousand dollars. This amendment
27. would reduce this person's compensation for his loss of his
28. leg to the rate of a hundred and fifty dollars times two
29. hundred weeks for thirty thousand dollars. So, under this
30. bill, under this amendment, Senator Bruce, would deprive
31. a man of another sixteen thousand dollars for the loss of
32. his leg. And none of these items were ever questioned
33. when we passed 234 and 235. Both sides of the aisle supported

1. this theory that the man for loss of his member was entitled
2. to this type of compensation. No one questioned the amounts
3. of money and yet under Senator Bruce's amendment, he wants to
4. take it from that working man, reduce the amount he would
5. get for the loss of his member. The same person who would
6. have an annual income of about eighteen thousand dollars,
7. this amendment would reduce and would only give him one
8. and two-thirds of his annual wages for the loss of his leg.
9. This is terrible. The same amendment by reducing this,
10. would also reduce the benefits to the widows and children
11. two hundred and fifty dollars a week for the compensation,
12. at this rate. There's no one on either side of this aisle
13. that ever argued that we should reduce the rates and reduce
14. the monies for the widows and the children or for the person
15. that loses a member. And yet, we have a Democratic study
16. group that has gone further than any Republican or Demo-
17. cratic sponsored bill to hurt and injure the working person.
18. We go to page 19 on line 21 and 34 and this amendment does...does not
19. read the same way as Senator Bruce's memorandum and it defies
20. every principle of Workmen's Compensation Law in the United
21. States. What this amendment does, is reduce any award a
22. person may obtain before the Industrial Commission by the
23. respondents simply claiming that the member injured was
24. already in a not perfect condition. Whether because of
25. age or any other reason and therefore, they would not
26. be required to pay for the injury. That means if you
27. came to that hearing and you were getting up in your years
28. and your arm wasn't as it was when you were thirty years
29. old, they could refuse to pay you because it was not in
30. a perfect condition. On page 27, we talk about standards.
31. The testimony before the Senate Subcommittee what standards
32. would reduce the benefits anywhere from fifteen to twenty-
33. five percent. And let's talk a little about standards

1. some of the hearing standards that we have here. In his
2. bill, on page 19 and take for example on line 8. If you
3. have a sound level and the response is 100, you have to
4. work for two hours per day before any injury or you can
5. collect for any energy, injury. If you work for an hour
6. and a half a day and go deaf, at this level you can't
7. collect. Even though you go deaf because these stand-
8. ards are such you must work two hours a day at these
9. standards. Who's to say that a person is going to take
10. a hour and a half, an hour and three quarters or two
11. hours before they go deaf and collect the money under...
12. under this program. These are reasonable standards.
13. Is this what we want? That because we don't subscribe
14. to these exact standards, you can go deaf and never
15. collect a dime. But Senator Bruce's amendment says
16. that you can't collect. All those people working in
17. these stamping plants. Is this what they want? Well,
18. I submit to you that no, this would not be what they
19. wanted. On page 32 when we talk about the aggravation
20. of a disease, where the present law provides that an
21. aggravation must result from a risk peculiar to the
22. employment, but a disease may not result, but a disease
23. may result from any injurious exposure. We want to change
24. that to make it that this amendment would require that
25. a disease must result from a risk peculiar to the employ-
26. ment. The present law says that you can collect on
27. aggravation. The new law says that if you had emphysema
28. and you were in a plant inhaling dust and aggravated that
29. condition that you couldn't collect because that emphysema
30. may not have been caused, may or may not, you don't know
31. but, it may not have been caused by inhaling this dust.
32. That you'd have to be exposed to these irritants. It
33. should enough for the aggravation. I, I don't understand

1. how anyone that is concerned for the working people of
2. this great State will try to reduce all benefits. Bring
3. back this State law before, before the McCarthy changes.
4. We're going back to 1932, 1928 with these changes and
5. these are done by a Democratic study group. I submit
6. to you Ladies and Gentlemen that this amendment to Senate
7. Bill 600 is not only a total disaster for the working
8. people, it should be a black mark and it's a shame for
9. all those people that participated in drafting this
10. ridiculous amendment..

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Further discussion. Senator Rhoads.

13. SENATOR RHOADS:

14. Senator Nimrod, Mr. President and fellow Senators.
15. I rise in support of this amendment. I do so because I
16. think it does not address itself certainly to all of the
17. areas, which, we on this side had hoped that we could achieve
18. But I do think that it does represent an honest attempt
19. to reach a compromise that will attempt to reach the goals
20. and address itself to the issues of making Workmen's
21. Compensation insurance available, stop the escalation
22. of the premiums and stop the migration and the movement
23. of jobs and businesses out of the State of Illinois. I
24. just know that the record is very clear that as a result
25. of 1975 that one hundred and twenty two changes in the
26. Workmen's Compensation laws, that we ended up with the
27. highest benefits and payments of any state in the United
28. States. But as a result of the proposal and the original
29. proposal 600 and those that are incorporated in this
30. amendment that Illinois would still remain the number one
31. State in benefits in Workmen's Compensation benefits and
32. the State of Illinois have adopted. I just don't know,
33. Senator Savickas, where you get your facts and your

1. information. This whole program and this whole thing
2. addresses itself certainly to the nine points that we
3. originally had mentioned and also to Senate Bill 601
4. which reversed to Occupational Diseases. The wording
5. has changed in this bill in this submission by this
6. compromise amendment. However, it does address itself
7. to the very important position that an employer should
8. not have to pay for something that is not aggravated
9. from within his business. There is a definite need for
10. standards to be established. We all know that. We also
11. know that hearing loss, it's one thing to say what it is
12. and what it isn't. But when we start paying for a
13. partial loss of hearing, we certainly should have some
14. means of determining what that partial loss is. And I
15. think this bill, this amendment has wisely accepted those
16. Federal Standards, which are being determined throughout
17. this whole nation. It's very concerning to us that we
18. are in a position where employers are actually breaking
19. the law by not being able to hire the handicapped because
20. we will not take into consideration previous credit for
21. disabilities. But it's right that we should consider
22. that prior payments in Workmen's Compensation benefits
23. for that same disease should not be compensated for again.
24. I think it's a reasonable compromise. I'm not totally
25. satisfied with it, that we are going up to a hundred
26. and thirty-three percent, but we're not going to two
27. hundred percent. And I think in all ways when we deal
28. with compromise that we have to be willing to meet some-
29. where down the line. This will certainly raise the...the
30. average payments that we're going to be based upon as far
31. as the State average wage is concerned and manufactured
32. industries. But the fact that we're willing to go back
33. to the State average wage as all other states are I think

1. shows some realistic compromise in the area and I think
2. we can take it. We have talked for a long time about the
3. modified differential. The modified differential means that
4. a man that goes back to work should not be getting the same
5. pay as he was getting before he went back to work. What
6. this bill does is a compromise between them. This amend-
7. ment does it to compromise. What it does do, it provides
8. for those employers in the lower income, a minimum and a
9. maximum and it also says that those with the lower wages
10. will get the same amount of money that they had when they
11. were disabled and they were not working, as when the go
12. back to work and getting their pay. But it does limit
13. and provide for a differential for those in the higher
14. ranges where many benefits can be escalated and premiums
15. can be paid. So, it doesn't really satisfy the whole
16. program of the differential period, but it certainly
17. does require...represent that payment of twenty-five
18. percent reduction in the areas of those higher wages.
19. I think what we've done here in the panel, it certainly
20. doesn't address itself to our total request, but it does
21. provide the fact that the doctors must make a report and
22. that...the employer will not be penalized because the
23. doctor does not report the...his particular finding.
24. We're concerned about the employees. We have a deep
25. regard for them and on that basis I would say that the
26. cap that's put on for the two hundred and fifty thousand
27. capped, is one thing that I think has been proposed here
28. that was not in our bill, but, however, I think there's
29. enough provisions in here that would allow for us to say
30. that the overall package, that the intent in which we are
31. about to go after and what we're trying to attain and
32. achieve is being accomplished. That the employer and
33. the employee. The employee remains the highest paid

1. benefit receiving the highest benefits of anywhere in the
2. United States, as a result of even this amendment. That
3. we...that Illinois stands first among all the states in
4. providing the Workmen's Compensation addressing itself to
5. more than any other state in Workmen's Comp. I hope that
6. we can act as a model plan and I certainly say that when
7. we want to achieve something it has to be through an area
8. of compromise. I do, in fact, accept this amendment. I do
9. urge those on our side of the aisle and those on the other
10. side of the aisle who are concerned about where Workmen's
11. Compensation is going, where business is going and if you're
12. truly interested in the future, in the benefits of the employees
13. of this State.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Newhouse.

16. SENATOR NEWHOUSE:

17. Thank you, Mr. Chairman, Mr. President. Mr. President,
18. I shall try to be as brief and shall try to remain as dispassion-
19. ate as is possible for me to remain. Sitting here listening
20. to the discussion, it occurred to me that I don't come from
21. a working class background. I come from a background of
22. people who are constantly looking for work. My father
23. couldn't get a card to work in Louisville, Kentucky. Thirty
24. years later, I came to Chicago to find that the same thing
25. existed there. That my kids couldn't get into the apprent-
26. iceship training programs. That the city ran a public school
27. for the purpose of training apprentices. Washburn Trade
28. School and my kids couldn't get into it. You put in a bill
29. down here about six years ago to open up Washburn Trade
30. School. Who helped pass that out? Not our friends in
31. labor. As a matter of fact, several years ago when we
32. discovered that despite the law had been changed Washburn
33. was still excluding minorities. Through the Board of

1. Vocational Education we cut off the money for those programs.
2. Do you think that made a difference? None. Those programs
3. have been closed down for two years. I've got an unemploy-
4. ment rate out in my district among young people that goes
5. to fifty percent. Industry has left. The experience says
6. that my youngsters go from there homes across hostile
7. territory in order find work. A couple of weeks ago,
8. Jewell Grand Bazaar opened and advertised seventy jobs.
9. More than a thousand people showed up for those jobs.
10. Not too long ago, a young man who was going to work in
11. a nearby suburb was killed in that nearby suburb and two
12. weeks ago a man returning from looking for work was
13. hauled out of his car and badly beaten. I have a great
14. concern, Mr. President. And that concern is for the
15. strengthening of the neighborhood in the city from which
16. I come. I see no movement toward helping resolve that
17. situation. None. As a matter of fact, the movement that
18. I see has been absolutely destructive. So, we come now
19. for some bills that have to do with unemployment compensation.
20. Am I for the working man? You bet'cha. I'm also for the
21. provision of jobs and I do not want to see more institutions
22. to from which my people might obtain some dignity move
23. from my city. It's a dilemma. Yes, I want to help the
24. working man and I want to make more of them. And there
25. doesn't seem to be a great deal of sympathy for that kind
26. of movement. I think we have some responsibility to look
27. on both sides of the coin. And I think we're
28. shirking it when we don't. I'm going to vote for this bill.
29. I'm going to vote for the bill that Senator Lemke says he
30. won't draw back for amendments. Perhaps, then labor and
31. management can get together to do what they should have
32. done in the first place. It's a terribly complicated
33. subject. A good deal of emotion is involved. An awful lot

1. is riding on it. I am distressed that as much as is
2. riding on this bill, one person has been to talk to me
3. about this bill along with another group of people, from
4. either side. Apparently, they don't think it is very
5. important to get the votes. I would hope, Mr. President,
6. that as a result of an attempt to get both these bills
7. out, there can be some dialogue established that resolves
8. the question of the tension between the two problems of
9. how do you maintain a job potential and how do you get
10. the highest benefit for workers. That's the problem
11. we're trying to resolve. And in that connection, I'm
12. going to vote for this amendment and vote for this bill
13. and vote for the Lemke bill, get them both out and let
14. them fight it out.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Further discussion? Senator Lemke.

17. SENATOR LEMKE:

18. Mr. President, my fellow colleagues and my fellow
19. Democratic colleagues. I talk on this amendment and I
20. hear the regressions that we're taking and we're taking
21. these regressions against people that can't protect
22. themselves. Widows, children, amputees, guys that are
23. permanently disabled, people that the Democratic Party
24. has protected. People that we try to protect and try
25. to raise. When Representative Mann tried to get a five
26. percent welfare increase they turned thumbs down. We
27. won't give these people a welfare increase and we won't
28. give them benefits when they get a job and get hurt at that
29. job. What is this State coming to? It's a disaster. These
30. are terrible amendments. These are amendments that take things
31. the food right out of the baby's mouth. The orphans. It
32. takes money from the widows. Permanent total disabled
33. people. That's where it takes the money from. And they

1. talk about partial loss of hearing. Well, I want to tell
2. you something. There's states in this union that adopted
3. standards for partial loss of hearing and they're removing
4. them because they found them unworkable. Because every
5. different job has a different standard. And that's what
6. justified in trying the case. It's the Supreme Court that
7. will set the standards applying to that manufacturing
8. industry. And we talk here about business. Sure, we
9. like to help business. And if we're taking something
10. away from somebody, then we should get a guarantee from
11. somebody else that the premiums are going to come down.
12. It's a disaster to see the insurance industry collect
13. two hundred and fifty million dollars more premiums than
14. they ever took in before. Before the 234 and 235 were
15. passed and pay out a measly seventy-nine million dollars
16. more. Where's the profit going when the stocks split
17. and you read the insurance industry is in the black and
18. they're bleeding the small businessmen. They won't
19. even write the policies of industry that don't even
20. have accidents. They haven't had accidents twenty or
21. thirty years because they have a paternal instinct in
22. that industry. And they won't write the policies. What
23. guarantees do we get from the insurance industry? We see
24. it, we see labor and management split but the insurance
25. industry don't even have the decency to appear at the
26. hearings on Workmen's Compensation bills because they're
27. afraid and that's a disaster, when a Director of Insurance
28. who's temporarily appointed raises the rate and then goes
29. and works for the guy that he raised the rate for. I'm
30. telling you in this State and we take it out and we're
31. going to take it out in the little guy. That's who you're
32. going to take it out on. The guy that can't protect himself.
33. Big guys are going to protect themselves and the big unions

1. are going to protect themselves because they protect
2. themselves. They get benefits over and above Workmen's
3. Compensation from industry 'cause they force them into
4. collective bargaining actual agreements to get those
5. benefits. So, you're not going to attack nobody here
6. except the little guy. That's who you're attacking.
7. The little guy. And you're not helping the little
8. businessman because there's no guarantee that the
9. big insurance companies are going to write those premiums
10. and are going to reduce them. We pass the bill in the
11. IMA brochure. You read at their point. The rates were
12. supposed to decrease one percent. Well, I'm telling you
13. they're rates didn't even stabilize with that bill when their
14. own testimony said they would decrease one percent from
15. the insurance underwriters. Why, because the insurance
16. industries got a good thing going here. They want to
17. milk people and I think maybe we should start looking
18. into their anti-trust way. Because what they're doing
19. here is there small business men are being forced out of
20. business. And where do they have their money invested.
21. Look at their...look at their...at their sheets. Look at their in-
22. vestment sheets. They got them invested in big industry
23. and big industry are the ones that are buying out the
24. small industry because they're forcing them out of business.
25. They're forcing the small man out of business. That's
26. what they're doing. And they're doing it with the insurance
27. industry and I say this right now, we better start looking
28. into this because I think there is a conspiracy because
29. when we talk about fair trade on insurance rates all I
30. ever hear, automobile, malpractice, products liability,
31. workmen's comp. The big bad guy is the insurance company.
32. He's the guy that's raising the premium. He's the guy
33. that the businessmen can't afford the premiums for.

1. So, now we want to take the benefits away from an injured
2. man. And that's what you're doing. Taking his benefits
3. away from the injured man. You can talk all you want.
4. If you want to regress, Mr. Bruce, then regress. But tell
5. me this if you're a Democrat you're for the little man
6. and you're for a working man. You're for the poor farmer
7. not the big industry. You're for everything that speaks
8. for the Democratic party. We are a party made up of many
9. groups and many differences and we have our differences
10. and we fight like cats and dogs. But we try to put
11. something together for everybody. But we don't take
12. nothing away from small people. And when I say this, if
13. anybody wants to vote for this amendment and they want to
14. vote for this bill, let them vote. But I'll tell you
15. this, when the election comes the little person is going to
16. remember that and he ain't going to vote. And I'll tell
17. you that right now. You're taking things out of the baby's
18. mouth, taking things away from the orphans, and also the
19. permanent disabled. I ask the vote against this amendment.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Hickey.

22. SENATOR HICKEY:

23. Mr. President and fellow members of the Senate. My
24. interest in doing something that's really constructive for
25. Workmen's Compensation is certainly not just for business.
26. They've made lots of claims about business leaving the State
27. of Illinois, a lot of which, I think, are absolutely crazy.
28. The way they've quoted the Fantus Corporation as driving...
29. saying that this is the thirty-fifth most favorable state
30. to do business in ...is really crazy. The Fantus Company
31. is in business, to move businesses and there are the ones
32. that they quote. But I do think that the Workmen's
33. Compensation rates are excessive. But I'm not even sure

1. that this bill will reduce them. It may keep them from
2. escalating quite as fast, but I doubt if there's any re-
3. duction. Because of this or because of any other legislation
4. that's been offered. Last summer, I was part of a subcommittee
5. of the Labor Laws Commission which went in to the operation
6. of the Industrial Commission and we held hearings throughout
7. the State. Representative Stubblefield and I, I think, were
8. the only legislators that went to every single one of those
9. hearings and heard people testify from labor and from
10. business, all over this State about how the Industrial
11. Commission works. From that ...from those hearings I was
12. absolutely convinced that the Industrial Commission must
13. be reorganized. That it's a bad system, that it needs to be
14. more an administrative system than an adjudicatory system, such
15. as it is. And before the time was out this Spring, I tried to
16. get some legislation to offer in that regard, but it was
17. too late. I was waiting for the Republican members of
18. that subcommittee to call the subcommittee together and
19. to get some such legislation together. But the other
20. thing that ...that we discovered in those hearings, was
21. that there is a terrible rip-off by lawyers in Workmen's
22. Compensation. And that, thereby, the little man really
23. suffers and suffers terribly and I don't find labor a
24. bit interested in that plight of the little man who's
25. having to pay much too much of what he gets out of Work-
26. men's Compensation to ...into legal fees. One of the things
27. that we did was to go to Wisconsin. When anybody comes
28. into this country from a foreign country to see how Work-
29. men's Compensation works well, the Federal Government
30. sends them to Wisconsin. It wasn't too hard for us to go
31. up there. During the day that we were there, we had people
32. from labor and people from management both in at the same
33. time and learned about how they work out their problems

1. up there. But anyway, one of the main things that we did
2. find out up there, is that standards do two things. Standards
3. are probably more responsible for being able to do without
4. lawyers than anything else. And in Wisconsin they only
5. litigate. I'm sorry I don't have those figures here and
6. this may not be absolutely accurate, but as I remember it,
7. something like three percent of the cases, while in
8. Illinois we do something like, between eighty and ninety
9. percent. But they're able to do that for one of the
10. reasons is, is because ...because they do have standards.
11. Now, also, they told us that standards afford the greatest
12. possibility of predictability, which could help rates. And
13. as I understand, our rates are high now because we didn't
14. know what to predict...what to predict and so they've ...they've
15. built them up terribly high in order to cover all event-
16. alities. We couldn't get the ...the legislation in this year
17. to reform the Industrial Commission, so that it sees that
18. the little people that we're all talking about really get
19. served and taken care of well, while lawyers, labor lawyers
20. and Workmen's Compensation don't fill their pockets with...
21. with the money that should be going to them. But the one
22. thing that I'm very anxious for, that we do do, which can
23. move us in that direction until we can take greater steps
24. is to have standards established, not just for business,
25. but for the working man. Thank you.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Berman.

28. SENATOR BERMAN:

29. Thank you, Mr. President. I rise in opposition to this
30. amendment. I want to comment on some of the statements of
31. the previous speaker. I remember a little plane ride during
32. the Presidential... voting in this Senate where the lady
33. Senator from Rockford told me about a wonderful system

1. in Wisconsin dealing with clearing of calendars in four
2. days in the State legislature in Wisconsin. And we set
3. up a subcommittee to take a look up there. And I said
4. to my respected colleague, I said, I don't understand how
5. you can clear a Calendar in legislature in four days
6. unless you have one of two things. Either not very mean-
7. ingful bills or pretty...or a operation that's pretty close
8. to a dictatorship because if you allow things to go in a
9. Democratic process everybody wants to have their say. And
10. it takes time. And it's impossible, in my opinion, to just
11. clear Calendar every week in four days. And the report
12. of the committee that went up there found that, in fact,
13. they have a very strong leadership system up there and
14. that when the leaders get together there's two majority,
15. one minority. They decide exactly what bills will be
16. called in that week and comes Thursday of every week, yes,
17. those bills are cleared. But I don't think that the
18. Senator from Rockford or I would want to serve in a
19. legislature that's run that way. Now, let me tell you
20. the analogy and why I bring that point up. She says that
21. she has heard the debate regarding lawyers. I'm a member
22. of that profession and I'm not unbiased. I am totally
23. prejudiced, because I think the most important thing that
24. we have in this country is an adversary system where we
25. provide lawyers. And any system that starts to infringe
26. upon that, I am totally against. The best break for any
27. fellow, especially and primarily the little guy, is when
28. a lawyer steps into the picture. What you find when you
29. allow standards to be established is that you have a person
30. who will judge the extent of a...of an injury and he'll hear
31. these same cases day in and day out and day in and day out
32. and they become hardened. That's the essence of our jury
33. system. Because you get twelve people who are non-professionals

1. Pick up tonight's case...newspaper. You see all of the
2. lambasting of the judge and the Alleman case. They did
3. not have a jury in that case. And a lot of people are
4. saying if they had a jury that decision would have been
5. different. And I would submit to you that what the lawyers
6. roll is, in the Workmen's Comp system, is an adversary
7. procedure because he's interested. Yes, in a percentage
8. of the fee, but that percentage, which is only twenty
9. percent, I would add of what is recovered and that is not
10. part twenty percent of total temporary payments. It is
11. not ...twenty percent of medical that is voluntary paid.
12. It is twenty percent of permanent partial disability pay-
13. ments. A very small part of the total recovery by the
14. claimant. That money, I would dare say to everyone of
15. those petitioners that pays that fee is very well earned
16. because he has an expert fighting for him. He doesn't
17. have to allow or rely upon the good nature or the magnanimity
18. or the charity of a person who has set up by standards to
19. be God in evaluating that injury. That lawyer will bring
20. in expert testimony in behalf of that claimant to establish
21. exactly how great, not how small, but how great that injury
22. is and that arbitrator will hear both sides and that petit-
23. ioner will not be hurt. There are no standards that can
24. take the place of the adversary system. And that's the
25. part of this bill that bothers me most of this amendment.
26. Is that a system of standards? Ladies and Gentlemen, you
27. are giving away one of the most precious items that we have
28. in this country. That the little guy, the working man has
29. available to him. Namely, an expert to espouse his cause
30. and when you put in those standards you're taking that
31. away. Now let me tell you about what Senator Lemke talked
32. about regarding a conspiracy. I have a law firm in which
33. the Workmen's Compensation coverage covers about fifteen

1. people including secretaries and lawyers. We received a
2. notice from our insurance agent that our Workmen's
3. Compensation coverage was going to be cancelled May 1st.
4. And of now we do not have Workmen's Comp coverage. I got
5. from my insurance agent, a note that he received from the
6. company. I won't give the name of the company because I'm
7. trying to talk to them to reinstate the coverage. But it's
8. a very substantial respected company. It is not a fly-by-
9. night operation. The note that my broker got and the
10. reason they don't want to write a fifteen man Workmen's
11. Comp coverage, is that the premium was too small to make
12. it worth their while. We've never had a claim. We've
13. never had a claim. We pay our ...bills promptly. What
14. more can a ...can a carrier ask for and yet, because the
15. coverage was too small, they didn't want to write us on
16. May 1st. That is not based upon benefits. It's not
17. based upon the bills we passed two years ago. It's
18. based upon selfishness and greed because there're not
19. making enough money. This amendment does a great dis-
20. service to the people that need it most. I urge your No
21. vote on this amendment.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Senator, Senator Shapiro, for what purpose do you
24. arise?

25. SENATOR SHAPIRO:

26. Mr. President, do we have a time limit on debate?

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Well, we have, frankly the Chair has been more than
29. lenient with respect to this subject matter and I...I would
30. ask all the members to remember that the hour is late. I
31. know the subject is a very heated one and so, the Chair
32. has, in fact, been lenient. Senator Washington.

33. SENATOR WASHINGTON:

1. Mr. President and members of the Senate. Senator
2. Newhouse's theme was so intriguing that I think I will
3. pursue it for a couple of minutes in a slightly different
4. context, if you will indulge me. I was extremely impressed
5. with the forensic power of three of the speakers who spoke
6. against this amendment and I must say they made a very
7. strong case for the injured working man, one which I'm
8. inclined to agree with. And if I just heard the speeches
9. and didn't know anything about the three gentlemen, I would
10. be so impressed I might vote against this amendment. But
11. it occurs to me that there's a somewhat a dichotomy here
12. and the work conspiracy was used and I have to think
13. that it's apropos to the experience I had here in the
14. last month or so. I had four bills before various committees
15. here in the Senate, all labeled FEPC, which, in one way or
16. another, were designed to expand the job opportunities and
17. to protect the job opportunities of various minorities.
18. But for some reason, which I'm hard-pressed to put my
19. finger on, those bills were all systematically shot down
20. in various committees and three of the gentlemen who spoke
21. so vociferously against this amendment led the charge. It
22. couldn't have been on the merits of the bill because the
23. bill was designed to help the very working man that they
24. spoke for today. I have to assume that the defeat of those
25. four worthy bills were in some way connected with my rather
26. involved political history in the last month or so. And
27. that disturbed me. How on the one hand, they can speak
28. so impassionately for the working man, but yet, systematically
29. with malice or forethought, simply because they don't like the
30. sponsor, chop down bills which would help them. Well, I'm
31. not going to be a sour grapes like that and if I can't be
32. helped by a piece of legislation I'm not going to fight it
33. simply because I don't like, perhaps, that those people who

1. are opposed to it. I like to think that my vision is bigger
2. than that. I like to think that my sensitivity to the working
3. man is far more deeper and sincer than that. This is not
4. an easy bill to discuss or rather to make up one's mind
5. on. But notwithstanding that the source from which the
6. impassioned pleas against this amendment came are somewhat
7. suspect, I'm going to have to agree with their logic. I'm
8. going to vote against this particular amendment because I
9. think it goes, perhaps too far. I think the Lemke goes...
10. bill goes too far also. In short, I don't see a ready answer.
11. But one thing I know, and I know damn well, that the conduct
12. perpetrated against me and this House based upon my past
13. political activities, didn't hurt me one bit, but they did
14. hurt some people who Senator Newhouse spoke about who are
15. crying for work and then when they find work, are discriminated
16. against and mistreated. But yet and still, these gentlemen
17. who support labor so strongly saw fit, all three of them
18. and others, to fight those bills.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Leonard. Senator Savickas. Pardon me, Senator.
21. Senator Savickas, for what purpose do you arise?

22. SENATOR SAVICKAS:

23. Well, I assume that I was part of the...the address of
24. Senator Washington, since I was one of the previous speakers.
25. He forgets to mention that some of his bills...he just kind of
26. totally forgot till the last days to ask for a hearing.
27. He wanted to use them for a political purposes. He forgot to
28. say that he came in unprepared to answer questions on
29. some of those FEPC bills. He forgot to say that we postponed

1. at his...at his insistence the hearings on these bills so
2. he can find out what they were and what they did so he
3. can present to the committee in an intelligible way, which
4. he was unable to do. These bills are shot down, not be-
5. cause of the committee, because of the bills the way
6. they were drawn and the ineptness of the person present-
7. ing them. And this is strictly what has happened. And
8. his inability to pass legislation, he is trying to now
9. seek...seek a little recognition. I think had he done
10. his homework and sought recognition because of excellence
11. of drafting of bills and presentation of his case, it
12. would be far more beneficial than to just speak out be-
13. cause of his inability and improper presentation.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. All right. The question before the Body is, Senate
16. Amendment No. 1 to, to Senate Bill 600. Senator...Senator
17. Washington, the Chair would admonish that the subject is,
18. in fact, a complex one. There are deep-seated feelings
19. on both sides and I would urge that the debate not devolve
20. into a personality clash. Senator Leonard.

21. SENATOR WASHINGTON:

22. Mr. President.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator Washington, for what purpose do you arise?

25. SENATOR WASHINGTON:

26. I rise on a point of personal privilege.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Your point, sir.

29. SENATOR WASHINGTON:

30. I didn't mention anyone's name, but evidently the
31. shoe fit. I would urge anyone...I would urge anyone who
32. has any doubts about these...skill in which these bills
33. were drafted to look at Senate Bill 657, 658, 660, 661

1. and note the vote therein. Make your own judgment.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Leonard.

4. SENATOR LEONARD:

5. I'd like to say a word about advocacy I've been
6. hearing that tonight and I think it plays a role. I
7. think Senator Savickas' opening statements served a
8. purpose. It gave us an idea of...of something that
9. must be said. It gave us a point of reference. I
10. think Senator Nimrod gave us an idea of where, perhaps,
11. the other perimeter on this must be. But I think we
12. come...I think there's a limit to what you can accomplish
13. as an advocate. We can adopt this amendment and still
14. lead the nation in benefits to workers. And there are
15. little people that do not belong to unions who are
16. being hurt. I...and they belong to us. We represent
17. them,also. I am thinking of people that run janitor
18. services. The president of the company...has been at
19. it about a year and a half. He can now afford a truck and
20. he cleans out most of the stores himself. I'm thinking
21. of people that run small restaurants and I'm thinking
22. of lawyers that have fifteen people in their office. I
23. don't know if that's small, but that's not a major corp-
24. oration. In my area, it's not the large industries that
25. are hurting from this. Most of them can self insure.
26. It is the guy that is small. He hires twenty people or
27. less and I think what this Body has to do is come up with
28. a solution. We have people that are being hurt and we
29. have other people that we don't want to hurt. I think,
30. perhaps, the time has come to stop being advocates
31. and come to a solution. I listened to the...the talk
32. about taking the...the food from mothers and babes and
33. that sort of thing and then I looked down at a sheet of

1. paper that the gentlemen that made those statements is
2. going to propose later tonight. His second resolution
3. calls for reduction of twenty-four percent in maximum
4. compensation rates. Can this be the right man ?
5. His fifth proposal is to reduce the payments to injured
6. employees. Can this be the person that was speaking
7. before? I think all of those things serve a purpose.
8. How about... has the time come for us to reach something
9. that serves our people? That's all.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Johns.

12. SENATOR JOHNS:

13. Mr. President. Leroy, pardon me just a moment.
14. Agony is the word. Frustrating. Frustrating and agoniz-
15. ing. This is the number one issue of this General Assembly,
16. as far as I'm concerned. Absolutely, the number one. But
17. before I ever vote to change it, I think we lack something
18. that ought to be right before us all. And that's the
19. approval or the assurance from the insurance companies
20. that there would be a decrease in rates. It seems so
21. simple that a company or any companies would be willing to
22. sit down with us and work to bring these rates down. This
23. country is in serious, serious danger of losing it's control
24. of its destiny and I say that in all seriousness. As I
25. look about today and study the news I find that large
26. corporations with tentacles reaching into every facet of
27. our life. It surely, but with certainty, strangling the
28. little guy. Insurance companies, if you look at their
29. assets, finance, own and control America. No doubt about
30. it. If you look at their assets and their income you'll
31. find this is true. This State is so pathetic and looking
32. into that problem that I, personally, am ashamed that we
33. allow them to run rampant over us and not do anything

1. about it. Anybody that wants to join forces, I'll join
2. forces with them to look into that aspect of our daily
3. life. And I think that's where the problem is. Thank
4. you, Mr. President.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Further discussion. Senator Hynes. Gentlemen, we
7. are approaching the end of the lists.

8. SENATOR HYNES:

9. Mr. President and members of the Senate. I, too, rise
10. in opposition to this amendment. And before I address
11. myself to the amendments, specifically, just like to point
12. out to the membership that today is the 26th of May and I,
13. for one, look forward to the month of June with some very
14. serious trepidation based upon the events of the past
15. couple of days. I would hope that we could confine our
16. discussion to the issues before us and move on with the
17. business of this Senate. On the amendment itself, it
18. seems to me that it goes far, far beyond anything that
19. we ought or even ought to consider doing. There are two
20. bills, one presently on third reading in the Senate.
21. Senate Bill 720. Another House Bill 1205, which passed
22. the House of Representatives, which made very significant
23. changes in the law that we adopted just a short time ago.
24. These bills incorporate many of the provisions in the
25. amendment that is before us, but not all. And those
26. additional provisions in this amendment, I think, are
27. the devastating ones, which ought to be rejected. We
28. have an opportunity with House Bill 1205 and with Senate
29. Bill 720 to continue further study on this matter to see
30. if other changes and tightening up is necessary. But to
31. adopt this amendment with the broad sweeping changes that
32. it makes, I think, is a very serious mistake. When we
33. adopted the prior changes in the law, many of the arguments

1. that are being made now were not raised. Many of the proposals
2. that are being pushed now were not brought forward at that
3. time. Many of the members of this General Assembly have
4. complained repeatedly that they were not fully aware of the...of the
5. extent of the changes that were being made. In fact, it is
6. my judgment that many of the lobbyists on both sides, both
7. for business and for labor were not aware of some of the
8. effects that the legislation would have. We cured many of
9. those defects. In prior amendments that have been passed.
10. But I say to you that if we adopt this amendment and
11. pass this bill that we are going to have a more serious
12. problem in that regard in the months to come because if you
13. are concerned about the storm of protest from business, and
14. certainly I am concerned about it and I think every member
15. of this General Assembly is concerned about it, you have
16. heard nothing yet, until you have heard the storm of protest
17. from the working people of this State when they realize the
18. extent to which the benefits that they receive presently
19. under the law are about to be reduced. Reduced in sums...
20. in some situations below and cut back from what it was prior
21. to the adoption of the amendments of two years ago. This
22. amendment goes too far. It goes too far altogether. It
23. does not, in my judgment, do what we all want it to do.
24. Come up with a sound workable law that will protect the
25. working man on the one hand and not be detrimental to
26. business on the other. And I would mention one final
27. point, which, has been alluded to by several of the other
28. speakers. The insurance industry in this State. Is there
29. any guarantee of a reduction of premiums if this bill
30. is passed? No, there is not. Is there any guarantee of
31. a stabilization of premiums if this bill is passed? Is
32. there any guarantee of availability of insurance
33. coverage if this bill is passed? Well, I know of none

1. and the insurance...insurance industry has been conspicuous-
2. ly absent during all of this. In my judgment, the same thing
3. is happening here that has happened in a number of other
4. areas. We went through it with no-fault insurance for
5. automobiles. We went through it with medical malpractice.
6. We're going through it with Workmen's Compensation. The
7. insurance industry leaps on an issue of this kind and
8. attempts to use those that promote changes as whipping
9. boys. And to use those people to justify increases in
10. rates. No one, no one is able to bring the insurance
11. company to task on this matter. And I think it is the
12. responsibility of the Department of Insurance to do some-
13. thing in this area and I have seen no action whatsoever.
14. To pass this kind of change, to pass these sweeping changes,
15. these reductions without some guarantees makes no sense
16. whatsoever. Even if we had the guarantees, the changes
17. go too far, but we do not have them. What is it that we
18. are about? Are we simply trying to pass out of here some
19. kind of a...a symbol? This proposal absolutely should be
20. rejected by this General Assembly and by this Senate.
21. I cannot see any justification for it at all. We have
22. passed out of the House and we will pass out of the
23. Senate changes that do make sense. That do bring about
24. some relief and we can work on additional ones. But this
25. goes to far all together.

26. PRESIDING OFFICER : (SENATOR ROCK)

27. Senator Clewis.

28. SENATOR CLEWIS:

29. Mr. President, members of the Senate. I always like
30. to take an opportunity to rise when I hear of the poor
31. plight of the nonunion worker. I worked in a factories
32. as a young boy of sixteen and seventeen and I seen the
33. plight of the nonunion worker before he had enough sense

1. to become unionized and I submit that there is a union
2. for everyone somewhere. Before these small factories
3. ...industrial complexes were organized. I submit that
4. the manufacturer's or the industry and the insurance
5. companies robbed, robbed the people that were injured
6. on the job of a little extra money for an eye, for a
7. finger or a hand or an arm or whatever. So, when
8. somebody stands up and mentions the plight of the poor
9. non-union man, I submit that it would be much to their
10. advantage to become unionized.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. All right. Is there any, pardon me, is there further discuss-
13. ion? There are two members who have indicated they wish
14. to speak a second time. Any...any further discussion?
15. Senator Grotberg.

16. SENATOR GROTBORG:

17. Just to say I can't believe all these disperaging
18. remarks about the insurance company. The bill I had to
19. ...arrest him and send him to jail failed with twenty-two
20. votes just an hour ago. Thank you.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. All right. Any further discussion? Senator Rhoads.

23. SENATOR RHOADS:

24. Very briefly, Mr. President. I don't think it serves
25. any purpose in this debate to attack labor or attack manage-
26. ment, attack the insurance industry, attack lawyers. I
27. think everyone in this General Assembly, or at least the
28. vast majority come to the General Assembly with sincerity
29. They come representing their districts. They come represent-
30. ing whatever perspective that there experiences in life have
31. given them. I think the speakers on both sides of this
32. debate have pointed out a very difficult and complex
33. problem. But the basic issue here is an economic one

1. The basic issue is jobs. There are jobs leaving the
2. City of Chicago. There are jobs leaving the State of
3. Illinois. They don't all go to the suburbs. They don't
4. go...all go to the Sun Belt. There are companies pull-
5. ing the plug. They're going out of business. Yes,
6. there may be need for an investigation of the insurance
7. industry. Yes, there may be need for investigations
8. of...of other contractual arrangements, with both
9. union and nonunion employees. But this is the only
10. vehicle that I have to vote for at the present time
11. that will grant some relief to the smaller businesses.
12. And that's why I feel it must be voted for.

13. PRESIDING OFFICER (SENATOR ROCK)

14. Senator Berning. All right. Senator Berning yields.
15. Any further discussion? Senator Lemke, for the second time.
16. SENATOR LEMKE:

17. I'd like to correct Leonard...correct Senator Leonard.
18. 720 as it is now, is not my bill. It was amended by an-
19. other fellow Democratic Senators. I had a toying night
20. last night, whether I should Table this bill or not. But
21. I kept this bill alive only for one reason. And that was
22. for the sake of the Democratic Party to come up with some
23. changes to help small business. 'Cause I don't think there
24. should be changes until we get guarantees from insurance
25. companies. So, just to being corrected, I am not sponsor-
26. ing the amendment. It was sponsored by somebody else.
27. That is not my bill. I'm toying with that idea now, whether
28. I should call the bill for a vote or whether I should not
29. call it for a vote. Because it's not my bill. So, I don't
30. know what I'm going to do. So you do what you want to do.
31. I'm just telling you that. I have a...I just want to make
32. a point. The Reference Bureau is supposed to have an
33. amendment prepared for 600, so I wish the bill to be hold

1. until that amendment comes out. It's not my fault that they
2. can't type it up. It was given to them this morning.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Well...that will be up to the sponsor, Senator Lemke.
5. Senator Knuppel.

6. SENATOR KNUPPEL:

7. Mr. President, on a point of personal privilege, I
8. happen to handle some Workmen's Compensation cases and I
9. just want to say, that when you take everything from a
10. dollar up, you earn the money you get and I'm very, very
11. disappointed to hear the wife of an attorney tack...
12. attack the profession because if there's anybody that's
13. ripped the profession off, it's been lawyers who repre-
14. sented big clients, insurance companies, negligence cases.
15. ...Probate lawyers are one of the worst. I say if...
16. if somebody has actually ripped it off and I think those
17. people who indicted, particularly lawyers, who indict the
18. profession, indict themselves because I...I think that the
19. probate lawyers have been the worst and the people who
20. represent large corporations and I think if you wear fur
21. coats and live in glass houses you don't throw stones.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Senator Graham.

24. SENATOR GRAHAM:

25. Mr. President.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Graham.

28. (end of reel)

29.
30.
31.
32.
33.

1. SENATOR GRAHAM:

2. Mr. President and members of the Senate.

3. I'm in my nineteenth year in this august Body.

4. It doesn't make me the all wise sage of the Senate.

5. But I can say to you in my experience here the only time

6. there was an obvious change in votes by a Senator

7. speaking on the Floor was about eighteen...sixteen

8. years ago when there was a bill up...could make

9. a mandatory death sentence for those convicted of rape.

10. The Senator from Quincy, Senator Schlagenhauf got up

11. on the Floor, made an impassioned plea and said I'd

12. rather have a live woman raped than one raped and dead.

13. She changed the votes and defeated that bill and that's

14. the only time I've ever heard in all this extemporaneous

15. speaking that we're doing getting wound up for the

16. Fourth of July. ...probably hasn't changed one vote here

17. tonight and we're going to be here till midnight listening

18. to it.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. All right. The question is shall Amendment No. 1

21. to Senate Bill 600 be adopted. Senator Bruce has moved

22. the adoption of Amendment No. 1. All those in favor will vote :

23. Aye. Those opposed will vote Nay. The voting is open.

24. Have all voted who wish? Have all voted who wish? Take

25. the record. On that question the Ayes are 30, the Nays

26. are 23, none Voting Present. Amendment No. 1 is adopted.

27. Are there any further amendments?

28. SECRETARY:

29. Amendment No. 2 offered by Senator Wooten.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Senator Wooten.

32. SENATOR WOOTEN:

33. Mr. President, the origin of Amendment No. 2, I think,

1. comes from the problems that many of us have in common
2. in this Body. We are called upon to cast votes on very
3. complex issues which, quite frankly, we do not understand.
4. Each of us bring some competence to this Body but certainly
5. not general competence in all areas. Like Senator Savickas,
6. I take my advice on this subject from lawyers experienced
7. in Workmen's Comp. I think the main difference may be I hear
8. about equally from people on both sides of the issue.
9. And one of the lingering suspicions I've had is I've tried
10. to read through the bill and understand the artful language
11. that dodges back and forth from one section to another
12. is that the bill is written by comp lawyers for comp
13. lawyers. I think, in addition to establishing standards,
14. we might consider adding this sentence or two sentences;
15. the commission shall also have the power to establish
16. maximum attorney's fees charged to the employee under the
17. various provisions of this Act. However, the commission
18. shall not set those fees on a percentage basis. I move
19. the adoption of Amendment No. 2.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Wooten has moved the adoption of Amendment No.
22. 2 to Senate Bill 600. Is there any discussion? Senator
23. Berman.

24. SENATOR BERMAN:

25. Question of the sponsor.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Sponsor indicates he will yield. Senator Berman.

28. SENATOR BERMAN:

29. As I read the existing comp law, the...the fees for attorneys
30. are set by the commission with a maximum of twenty percent.
31. Does your amendment change that?

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Senator Wooten.

1. SENATOR WOOTEN:

2. It says, the commission shall not set those fees
3. on a percentage basis. Yes, it does.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Berman.

6. SENATOR BERMAN:

7. How will they set them under your amendment?

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Wooten.

10. SENATOR WOOTEN:

11. It's up to the commission.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Berman.

14. SENATOR BERMAN:

15. Well, I stand in opposition to the amendment. I think
16. that this might open the door to the uncertainty that a
17. petitioner will have...he doesn't know whether his lawyer
18. is going to get five percent, twenty percent or fifty
19. percent. I think that does as much a disservice to the
20. client as it does to the lawyer. I urge a No vote.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Further discussion? Senator Knuppel.

23. SENATOR KNUPPEL:

24. Well, I'd like to ask the sponsor a question. Isn't
25. it true under the Workmen's Compensation Act, as it exists
26. today, that a fee, if it's requested by the petitioner or
27. in any event in every death case, is fixed by the commission
28. now, that it...that the law provides that the fees be fixed
29. by the commission?

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Senator Wooten.

32. SENATOR WOOTEN:

33. Senator Knuppel, as I made, I hope, abundantly clear,
34. I'm not conversant with the law. I am assuming from the

1. advice of my legal friends that that is set on a percentage
2. basis, is it not? I'll have to ask you.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Knuppel.

5. SENATOR KNUPPEL:

6. I don't know, under the...under 234 and 235, I...I
7. haven't read that particular bill, you know, in...in that respect
8. but it's always been true and I know it's always true in death
9. cases that the...and I just represented a woman in a
10. death case where I had a woman who had a child who was
11. illegitimate and I went in and represented the child and the
12. commission definitely told me exactly what. I had
13. a death case from Assumption years ago and the commission
14. fixed my fee. I think all fees are subject to review
15. or to be fixed by the commission. Now, any lump sum
16. settlement contract has to have reflected right on it,
17. what the fee is so the commission, in effect, is approving
18. the fee. Anytime I draw a settlement contract for a finger
19. being cut off, for a skull fracture, just settle one for
20. twenty-five percent of an arm where the company offered
21. seven and a half percent and I got twenty-five percent
22. and on that settlement contract, you have to recite the
23. attorney's fee. I think this is...is an unnecessary
24. and a conflicting amendment. And I don't...I don't
25. think it's necessary at all because if any client in a...in
26. a free and open society doesn't want to pay his attorney
27. and it's right on there and...and a man would be disbarred
28. if he charged a client more than the client wanted to pay,
29. all he would have to do is go to the Bar Association. This
30. is all by agreement the same as in probate cases, negligent
31. cases, and everything else. I...I think this is...is really...
32. it's interfering with a contract, therefore, I think that
33. probably it's even unconstitutional.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Lemke.

3. SENATOR LEMKE:

4. Senator Wooten, if you would take...to read the
5. Statute. The Statute reads the fee on Workmens's
6. Compensation case should not exceed twenty percent. The
7. commission sets the fee. The lawyer must justify
8. it. If the client does not want to pay the fee, there's
9. no liens on his check. The lawyer has to sue him
10. in court to collect the fee. That's what happens now.
11. So, if the fee is not reasonable, the client isn't going to
12. pay it because there's no liens whatsoever, not even a Federal
13. Tax Lien on a Workmen's Compensation benefit. There
14. cannot be any liens. It goes directly to the client...
15. the money and the commission has rules so when the attorney
16. tried to hold back the check. They have rules so...and
17. the attorney has gone to court and the court has set the
18. fee...the commission has set the fee so you start reading
19. the Act, that's what we're talking about. There's no
20. lawyers ripping off little people. I'll tell you
21. something, when I was in law school I used to work
22. for an insurance company as an adjuster and they used to have
23. a procedure with injured working people on Workmen's
24. Comp which we don't have under 234 and 235. But it's
25. still done. What they call green sheets. That meant
26. a green sheet, that you paid a stupid guy ten percent
27. less than the value. That's what the green sheet was and
28. it was...and you could recall how this all came about,
29. Workmen's Compensation. Companies were dealing directly
30. with individuals. A guy would be on the bed for a month
31. tied up. His family, the landlord, everybody be clamoring
32. and they would come in and plop down five hundred dollars
33. or a thousand dollars and the guy would take it because

1. he was desperate and he signed the release. And he released
2. this case and he was all over with, so therefore, they
3. put the procedure like it is now. An attorney... ninety-
4. nine percent of attorneys charge reasonable fees. There
5. are some that don't and they're... caught up with and they're... and they're
6. not allowed to practice before the Industrial Commission.
7. If you're talking about fees, then it's up to the
8. administration of the Industrial Commission to set fees.
9. That's what they should do. That's what the Act says,
10. set the fees. You're going to let the Industrial
11. Commission put standards in. Are they going to do the
12. same thing they did with fees? Not set them, just let
13. them go wild and pay the maximum? What is this, ridiculous?
14. I mean, that's what you're talking about. It's also the
15. power of the Industrial Commission to cut awards if they're
16. excessive. And that hasn't been done under either
17. Republican or Democratic administration. So, you talk
18. about it, but the lawyers aren't the ones.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Guidice.

21. SENATOR GUIDICE:

22. Thank you, Mr. President. I, too, am opposed to this
23. amendment. I'd like to just expand on Senator Knuppel's
24. remarks regarding the fact on the death... in death cases,
25. it's less than twenty percent. It's also less than twenty
26. percent in those cases where there's actual dismemberment
27. and it... considerably less in many instances, if you lose
28. a hand, it might be just the two hundred and fifty dollars,
29. to an attorney in that particular regard. Also like to
30. point out to... to Senator Wooten that he's lifted the
31. twenty percent maximum and in many cases where attorneys
32. spend more time, they can go into the arbitrator and they
33. could indicate and show that they spend that much more
34. time in it and they could actually get over and above that

1. twenty percent so I'm opposed also to this amendment.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Egan.

4. SENATOR EGAN:

5. Would the sponsor, Senator Wooten, yield to a
6. question?

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Indicates he will yield. Senator Egan.

9. SENATOR EGAN:

10. I wonder if you would mind telling us just who
11. your legal friends are.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Wooten.

14. SENATOR WOOTEN:

15. No, I won't. I have a very close friend who is
16. an attorney. We talk about these things from time to
17. time. He is eminantly successful and as I talk about
18. the flaws in the legislative process, as I perceive
19. them, he tells me about the flaws he perceives in the
20. legal profession. It's a privileged communication.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Any further discussion? Senator Wooten has moved
23. the adoption of Amendment No. 2...pardon me, Senator Wooten.

24. SENATOR WOOTEN:

25. Just in conclusion, as I tried to make clear before,
26. we are all treading uncertainly in this area and it
27. ...the only sure guide I have in this is when we received
28. a lot of heat from our vote two years ago and I had
29. an opportunity, as a matter of fact, I had the obligation
30. to talk to a lot of rank and file workers. The only two complaints
31. they noted over and over again, the only two things they
32. were concerned about that they brought up, one, they wanted to
33. pick their own doctor. Two, they thought legal fees were

1. excessive. This...the effect of this amendment will be to
2. set an hourly rate for legal fees and I think, that perhaps
3. would be the best procedure and I move the adoption
4. of the amendment.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. The question is the adoption of Amendment No. 2 to
7. Senate Bill 600. All those in favor signify by saying
8. Aye. All those opposed. A roll call has been requested.
9. Those in favor of Amendment No 2. to Senate Bill 600
10. will vote Aye. Those opposed will vote Nay. The
11. voting is open. Have all voted who wish? Have all
12. voted who wish? Take the record. On that question
13. the Ayes are 14, the Nays are 23, 9 Voting Present.
14. The amendment fails. Any further amendments?

15. SECRETARY:

16. No further amendments.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Nimrod, Senator Lemke has indicated he does
19. have an amendment. He's awaiting delivery from the Reference
20. Bureau. What...how do you wish to handle that?

21. SENATOR NIMROD:

22. Mr. President, let's move it to 3rd reading and I'll
23. look at his amendment when it gets up here. Well, I asked
24. to have a bill returned from 3rd to 2nd and...Senator
25. Lemke.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Lemke. Senator Lemke.

28. SENATOR LEMKE:

29. You've got to understand. My bill has been laying
30. on the Calendar for two weeks on 3rd reading. No one has
31. ever...came up to me to bring up an amendment until that
32. was amended. Now, I...it's not my fault this amendment is
33. ...is not drafted. It's not my fault that the Reference Bureau's

1. typist can't type fast enough to get the amendment in when
2. I put it in early this morning. I just wonder what's
3. happening in the Reference Bureau, why the amendment isn't
4. drawn yet. I think maybe we ought to check and see who is
5. typing and maybe we...find some coincidence of...typing the
6. amendment 'cause it should be ready and it should be here
7. 'cause it was given opportunity. I don't think these
8. amendments would take this long of a time to be typing
9. if the girl was accurately typing. So, I...

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Well, the...the procedure is that if there are
12. no other amendments on the desk, that the sponsor has a right
13. to request that it be moved to 3rd reading, with or without
14. the understanding that it can or may be called back.
15. That is the procedure. Any further amendments?

16. SECRETARY:

17. No further amendments.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. 3rd reading. 628, Senator Sommer. Read the bill,
20. Mr. Secretary.

21. SECRETARY:

22. Senate Bill 628.

23. (Secretary reads title of bill)

24. 2nd reading of the bill. The Committee on Appropriations
25. I offers one amendment.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Carroll.

28. SENATOR CARROLL:

29. Thank you, Mr. President. This is the authorization
30. bill for all of the capital projects. It is our intent
31. right now to bring this back to the FY '77 level and then
32. tomorrow to bring...ask the sponsor to bring this bill back
33. to make those amendments necessary to cover those projects
34. that we actually do fund today and tomorrow. I would,

1. therefore, move the adoption of Committee Amendment No.
2. 1 with the understanding that this bill will be brought back
3. at some future time to take care of those projects that
4. we do fund.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Carroll has moved the adoption of Senate
7. Amendment No. 1 to Senate Bill 628. Is there discussion?
8. All in favor...Senator Sommer.

9. SENATOR SOMMER:

10. This...this amendment reduces the bond authorization
11. to the '77 appropriation level and all you Senators who have
12. passed these appropriation bills for capital projects just
13. remember, by the adoption of this amendment, you can
14. forget about them because they're not authorized.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Is there further discussion? Heard the motion. All
17. in favor say Aye. Opposed Nay. The Ayes...the Chair will
18. rule the motion is adopted unless I hear a request for a
19. roll call. The Chair hears...there is a request for a roll
20. call. The question is on the adoption of Amendment No.
21. 1. Those in favor vote Aye. Those opposed vote Nay.
22. The voting is open. Have all voted who wish? Have all
23. voted who wish? Take the record. On that question the Ayes
24. are 28, the Nays are 22. Amendment No. 1 is adopted.
25. For what purpose does Senator Graham arise?

26. SENATOR GRAHAM:

27. On a point of suggestion, Mr. President. Perhaps
28. you ought to file a claim under the hearing loss under
29. Workmen's Comp. I think you may have a problem. We...

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Well, Senator Graham, I think I was vindicated by a
32. 28 to 22 vote and my hearing seems to be pretty good.
33. Yes. Senate Bill...are there further amendments?

1. SECRETARY:

2. No further committee amendments.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Any amendments from the Floor?

5. SECRETARY:

6. Amendment No. 2 offered by Senator Carroll.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Carroll.

9. SENATOR CARROLL:

10. Thank you, Mr. President. As I just indicated before
11. as projects are prepared to go, we are going to amend
12. them back and this amendment is the authorization...
13. oh, I'm sorry. Is this the one that starts on page 1,
14. by deleting line 4 and inserting in lieu thereof,
15. 790? I'm sorry. This amendment is to make it exactly
16. equal to FY '77 plus correct three problems, one in the
17. total sum category, the other in the educational category
18. to cover an imbalance in last year's appropriations
19. and authorization and third is to increase by ninety-
20. six thousand by BOB, the policy decision we made a little
21. while ago and I would move adoption of Amendment No. 2.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. You've heard the motion. Is there discussion? All in
24. favor say Aye. Opposed Nay. The Ayes have it. The amendment
25. is adopted. Are there further amendments?

26. SECRETARY:

27. Amendment No. 3 offered by Senator Carroll.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Carroll.

30. SENATOR CARROLL:

31. Excuse me, this is the amendment, Mr. President and
32. members of the Senate, that would fund the three-fourths
33. of the total land acquisition cost in Senator Demuzio's bill
34. for agricultural research, et cetera. I would move the adoption

1. of this authorization.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Is there...you've heard the motion. Is there discussion?

4. Senator Weaver. Senator Weaver.

5. SENATOR WEAVER:

6. I just wondered. Is this the partial Food for Century

7. Three amendment, Senator Carroll?

8. SENATOR CARROLL:

9. I don't think so...

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Carroll.

12. SENATOR CARROLL:

13. ...Senator Weaver. I understand that this is an

14. agricultural research and demonstration center in west

15. central Illinois. I don't know what PR release phrase

16. words you used. I've heard some of your Senators

17. call some of those Food for Peace. I don't think this is

18. within that.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Weaver.

21. SENATOR WEAVER:

22. I just wondered. Is this supported by the Agriculture

23. Extension?

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Carroll.

26. SENATOR CARROLL:

27. It is my understanding being coached by a member

28. on my side that the answer is yes. If you would feel more

29. comfortable calling it Food for Century Three, I would not

30. object to you calling it that.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Weaver.

33. SENATOR WEAVER:

1. No, I didn't call it that. I called it...I just
2. wondered what he was calling it. You know, I called it
3. Food Research Programs, as it should properly be named.
4. But I just wondered whether this was a part of the Agricultural
5. Extension Service Program to try to help "Forgotonia."
6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Carroll.

8. SENATOR CARROLL:

9. I would assume that that's the area of the State
10. that you mean "Forgotonia" when you call it west
11. central Illinois. That's what this amendment does.
12. It is for cost of land acquisition, designing construction
13. for the University of Illinois for an Agricultural
14. Research and Demonstration Center in west central Illinois
15. provided that one-fourth of the total cost is provided for
16. by local effort. I would move the adoption of the amendment.
17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Is there further discussion? Senator Sommer.

19. SENATOR SOMMER:

20. Mr. President, could I suggest to Senator Carroll that
21. we wait before we adopt any of the appropriation...
22. members' appropriation bills that have come out because
23. there are a number that have not been called. We don't
24. know what the level will be and I will represent to you that
25. we will return this tomorrow to do that. So, could we wait
26. on this particular amendment?

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Carroll.

29. SENATOR CARROLL:

30. Well, it's just my suggestion, Senator Sommer, as I said
31. in the beginning, that it would be my hope you would bring
32. this bill back tomorrow so that we could balance off against
33. that which we appropriate. I would think, however, as long

1. as this one is ready, we should go with it now. And we can
2. take care of the others tomorrow as they pass. I would, therefore,
3. move again, the adoption of Amendment No. 3.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Sommer.

6. SENATOR SOMMER:

7. I take it that you're proposing not to fund the
8. projects passed by Senator Johns, Vadalabene, Knuppel,
9. Maragos, Merlo, Leonard, Buzbee and Donnewald.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Carroll.

12. SENATOR CARROLL:

13. You would take it incorrectly if that was your
14. assumption.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Is there further discussion? The question is on the
17. adoption of Amendment No. 3 to Senate Bill 628. Those
18. in favor say Aye. Opposed Nay. The Ayes have it.
19. Amendment No. 3 is adopted. Thank you, Senator Graham.
20. Are there further amendments?

21. SECRETARY:

22. No further amendments.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Any amendments from the Floor? 3rd reading. Senate
25. Bill 650, Senator Bowers. The bill has been Tabled.
26. Senate Bill 810, Senator Lemke. Is Senator Lemke on the
27. Floor? Senate Bill 8110, municipalities defending police
28. ...policemen? Read the bill, Mr. Secretary.

29. SECRETARY:

30. Senate Bill 810.

31. (Secretary reads title of bill)

32. 2nd reading of the bill. No committee amendments.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Lemke. Can we have some order, Gentlemen?
2. What this bill does is requires a municipality to provide
3. for or be liable for the cost of defending any action brought
4. against a member or an officer of the police department
5. of such municipality, for an act performed by such a member
6. or officer during or incidental to the performance of
7. his or her duties. I ask for the favorable adoption of this
8. bill. I think it's long overdue and if we asked our
9. policemen to enforce the law, I think it's only right
10. that in the course of the duties that they get sued
11. personally the principal should defend them and pay for those
12. costs.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. The bill is on the Order of 2nd reading. The bill is
15. on the Order of 2nd reading. Are there amendments from the
16. Floor? 3rd reading. We are on the Order of 2nd reading,
17. Senator Lemke. Was the bill advanced yesterday? Well,
18. the Secretary will check. It is printed on the Calendar
19. on the Order of 2nd. Senate Bill 8...Senate Bill 883,
20. Senator Demuzio. For what purpose does Senator Demuzio
21. arise?

22. SENATOR DEMUZIO:

23. Yes, I'd like to move to recommit that...that bill back
24. to the Finance Committee.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. The motion is to recommit House...Senate Bill 883 to
27. committee. Is there discussion? All in favor say Aye. Opposed
28. Nay. The Ayes have it. The bill is recommitted to the Senate
29. Committee on Finance. Senate Bill 973, Senator Chew on the
30. Floor? Senate Bill 984. There's a good deal of discussion
31. about Senate Bill 813. On the motion of Senator Netsch, that
32. bill was recommitted to committee. Senate Bill...Gentlemen,
33. may I have your attention, please. On your Calendars, on

1. page 3, appears under the Order of Senate Bills, 2nd reading,
2. Senate Bill 810. That bill was advanced to 3rd reading
3. yesterday and should have...should appear on your
4. Calendar under Senate Bills, 3rd reading. It is a printing
5. error and Senator Lemke is correct. The bill is on the
6. Order of 3rd reading already. Senate Bill...for what
7. purpose does Senator Nimrod arise?

8. SENATOR NIMROD:

9. Mr. President, in reference to Senate Bill 813,
10. the Calendar does show it as on 2nd reading. And we had
11. an amendment on that and I had discussed it with the sponsor
12. and the President.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Well, Senator Nimrod, you may recall, we took the
15. bills in the criminal law package in one time. There
16. was agreement of members of the committee and the Chair
17. was advised that all members had been contacted by Senator
18. Netsch and Senator Shapiro raised that very point. We
19. asked if any sponsor objected to the procedure and all of those
20. bills as...that came out of Judiciary II which were not
21. agreed to were recommitted to committee.

22. SENATOR NIMROD:

23. That was today?

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Yes, it was, Senator Nimrod. You might check with
26. Senator Bowers, who was on the Floor at the time, and was involved
27. in the procedure. Senate Bill 984, Senator Knuppel.
28. Read the bill, Mr. Secretary.

29. SECRETARY:

30. Senate Bill 984.

31. (Secretary reads title of bill)

32. 2nd reading of the bill. No committee amendments.

33. PRESIDING OFFICER: (SENATOR BRUCE)

SB 1019
5/26/77
2nd Reading

1. Any amendments from the Floor? Senator Knuppel,
2. one moment. The Secretary can't find the amendment.
3. SECRETARY:
4. Amendment No. 1 offered by Senator Knuppel.
5. PRESIDING OFFICER: (SENATOR BRUCE)
6. Senator Knuppel.
7. SENATOR KNUPPEL:
8. All the amendment does is move the rate per page on the
9. original and transcript back to correspond with the
10. court rates. It will now be one dollar for the original,
11. thirty-five cents for the copy. Is that correct, Senator
12. Kosinski? And that's what the amendment does. I move
13. the adoption of the amendment.
14. PRESIDING OFFICER: (SENATOR BRUCE)
15. Heard the motion to adopt. Is there discussion?
16. All in favor say Aye. Opposed Nay. The Ayes have it.
17. Amendment No. 1 is adopted. Further amendments?
18. SECRETARY:
19. No further amendments.
20. PRESIDING OFFICER: (SENATOR BRUCE)
21. Amendments...any amendments from the Floor.
22. 3rd reading. Senate Bill 1012, Senator Knuppel.
23. Read the bill, Mr. Secretary.
24. SECRETARY:
25. Senate Bill 1012.
26. (Secretary reads title of bill)
27. 2nd reading of the bill. No committee amendments.
28. PRESIDING OFFICER: (SENATOR BRUCE)
29. Any amendments from the Floor? 3rd reading.
30. Senate Bill 1014, Senator Lane. Senate Bill 1015, Senator
31. Lane. 1019. Read the bill, Mr. Secretary. Senate Bill
32. 1019.
33. SECRETARY:

1. Senate Bill 1019.

2. (Secretary reads title of bill)

3. 2nd reading of the bill. No committee amendments.

4. One...Amendment No. 1 offered by Senator Lane.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Lane is recognized.

7. SENATOR LANE:

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

9. The amendment sets Senate Bill 1019 to conform with House

10. Bill 1205.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Lane has moved the adoption of Amendment No. 1.

13. Is there discussion? Is there discussion? Senator Berning.

14. SENATOR BERNING:

15. Could the sponsor just elucidate a bit what is

16. 1205, is that Senate or House and what are the provisions?

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. It's Senate Bill 1019, Senator.

19. SENATOR BERNING:

20. Well, but he referred to 1205. House Bill or Senate

21. Bill?

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Lane.

24. SENATOR LANE:

25. Yes, it's House Bill 1205. It's Mautino's bill that

26. moved over here several days ago.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Berning.

29. SENATOR BERNING:

30. What...what portion of that or what...what is the

31. impact of that, then, as the amendment to 1019? What

32. I'm trying to find out is what 1019 does.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Lane. Could we have some order, Gentlemen
2. and Ladies? Senator Lane.

3. SENATOR LANE:

4. The provisions as set forth...forth in the amendment,
5. are, it sets up a panel of physicians as an option for injured
6. employees. Makes a reduction of twenty-four percent, maximum
7. compensation rates for permanent disability, allows a
8. twenty percent increase in maximum compensation rates for
9. accidental injuries resulting in amputation of a member.
10. Sets the maximum death benefit of a quarter of a million
11. or twenty years, whichever is greater. Reduces payments
12. made to injured employees from sixty-five to seventy-five
13. from the Rate Adjustments Fund. Annual adjustments are to be
14. limited to the same increases as the State's average
15. weekly wage and manufacturing industries. Mandates
16. Industrial Commission to adopt, publish and apply
17. guidelines in making awards. Eliminates the seventy-
18. nine and eighty-one increases in the maximum average weekly
19. wage period.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Is there further discussion? Senator Berning.

22. SENATOR BERNING:

23. Well, thank you. Now, I begin to see some correlation
24. here. My next question is, if what I have in front of me
25. is essentially correct, we are amending Senate Bill 720 in
26. exactly the same fashion. Would this not be redundant, then?

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Lane.

29. SENATOR LANE:

30. Yes. It's patterned after House Bill 1205, is what it
31. does. It conforms with House Bill 1205. What 720 does, I don't
32. know, Senator.

33. PRESIDING OFFICER: (SENATOR BRUCE)

58 1019
58 1155
5/26/77
2nd

1. Is there further discussion? Senator Glass.

2. SENATOR GLASS:

3. Thank you, Mr. President. I think Senator Berning,
4. Ladies and Gentlemen, has hit the nail on the head. If this
5. amendment is adopted, we simply would be having two bills
6. that are essentially identical on the Calendar, Senate Bill
7. 720 and Senate Bill 1019. I, therefore, would urge the
8. defeat of this amendment.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Is there further discussion? Senator Lane moves the
11. adoption of Amendment No. 1. Those in favor vote Aye. Those
12. opposed vote Nay. The voting is open. Have all voted who wish?
13. Have all voted who wish? Take the record. On that question
14. the Ayes are 29, the Nays are 19, none Voting Present. Amendment
15. No. 1 to Senate Bill 1019 is adopted. Are there further
16. amendments?

17. SECRETARY:

18. No further amendments.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. 3rd reading. Senate Bill 1058, Senator Berman.
21. Senate Bill 1155, Senator Harber Hall. Read the bill,
22. Mr. Secretary.

23. SECRETARY:

24. Senate Bill 1155.

25. (Secretary reads title of bill)

26. 2nd reading of the bill. No committee amendments.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Any amendments from the Floor? 3rd reading. Senate
29. Bill 1171, Senator Sommer. Senator Sommer on the
30. Floor? 1171, Senator Sommer. Hold the bill. Senate Bill
31. 1312, Senator Egan. Read the bill, Mr. Secretary.

32. SECRETARY:

33. Senate Bill 1312 has been read a second time.

1. Amendment No. 1 has been adopted. And the fiscal note
2. requirement has been offered.
3. PRESIDING OFFICER: (SENATOR BRUCE)
4. Senator Egan. Are there further amendments? Senator
5. Weaver.
6. SENATOR WEAVER:
7. Isn't there a fiscal note on that, Mr. President.
8. SECRETARY:
9. There is a fiscal note. It has been answered.
10. SENATOR WEAVER:
11. What is the cost of...what is the cost of this bill?
12. PRESIDING OFFICER: (SENATOR BRUCE)
13. Well, perhaps...
14. SECRETARY:
15. Summary...
16. PRESIDING OFFICER: (SENATOR BRUCE)
17. Perhaps, Mr. Secretary, Senator Egan ought to reply
18. to the request on the fiscal note. Senator Egan.
19. SENATOR EGAN:
20. Yes, I'd be happy to. Is this the proper time for this?
21. I have filed it and I've...I've given it to the...Senator
22. Mitchler. About two million dollars.
23. PRESIDING OFFICER: (SENATOR BRUCE)
24. The Secretary informs us that the fiscal note has been
25. filed which meets the Statutory requirement. Is there
26. further amendments? 3rd reading. Senator Glass.
27. PRESIDENT:
28. On the Order of 2nd reading, Senate Bill 830, Senator
29. Bruce. Read the bill.
30. SECRETARY:
31. Senate Bill 830.
32. (Secretary reads title of bill)
33. 2nd reading of the bill. The Committee on Higher Education
34. offers one amendment.

1. PRESIDENT:

2. Senator Bruce.

3. SENATOR BRUCE:

4. Thank you, Mr. President. Amendment No. 1 adopts
5. the BHE rates for the community college throughout the State
6. of Illinois and removes from the bill the requirement that
7. the community college be paid quarterly and I would move
8. the adoption of Committee Amendment No. 1.

9. PRESIDENT:

10. You've heard the motion. Is there any discussion?
11. If not, all those in favor of the adoption
12. of the amendment signify by saying Aye. Opposed. The
13. Ayes have it. The amendment is adopted. Any further
14. amendments?

15. SECRETARY:

16. No further committee amendments.

17. PRESIDENT:

18. Any amendments from the Floor? Senator Glass.

19. SECRETARY:

20. Amendment No. 2 offered by Senator Nimrod.

21. PRESIDENT:

22. Senator Bruce.

23. SENATOR BRUCE:

24. Mr. President, there are three community college bills
25. which are to be considered, 479, 480, and 830. It was the
26. agreement of Senator Nimrod and myself and others that since
27. Senator Regner is not here to offer his amendments on
28. 479, that the wisest thing would be to read the bill and
29. advance it to 3rd and hold the amendments, particularly
30. the one offered by Senator Nimrod since it would not be
31. relevant and...unless Senator Regner's amendment is adopted on 479.

32. PRESIDENT:

33. Excuse me, Senator Bruce. Where is Senate Bill 479?

1. SENATOR BRUCE:

2. I'm sorry, 489. It was advanced today to 3rd
3. reading with the understanding I would bring it back
4. when Senator Regner returns.

5. PRESIDENT:

6. 489 is presently on 3rd reading?

7. SENATOR BRUCE:

8. Yes, it is.

9. PRESIDENT:

10. And you're suggesting we leave it there until
11. tomorrow, then? Is that it?

12. SENATOR BRUCE:

13. I would like to have it joined by Senate Bill 830
14. and then we could bring back 489 and...and 830 tomorrow.

15. PRESIDENT:

16. Then we will hold Amendment No. 2, is that the
17. understanding? All right. All right. There are no
18. further amendments to be offered at this time.

19. SENATOR BRUCE:

20. That's correct.

21. PRESIDENT:

22. The bill will be brought back.

23. SENATOR BRUCE:

24. 3rd reading.

25. PRESIDENT:

26. 3rd reading.

27. SENATOR BRUCE:

28. Thank you.

29. PRESIDENT:

30. Senate Bill 475, Senator Glass.

31. SECRETARY:

32. Senate Bill 475 has been read a second time. Committee
33. Amendment No. 1 was adopted. And Senator Glass offers

1. Amendment No. 2.

2. PRESIDENT:

3. Senator Glass.

4. SENATOR GLASS:

5. Thank you, Mr. President and Ladies and Gentlemen.

6. As I began to explain several hours ago on this bill,

7. Amendment No. 2, I had prepared at the request of some of the

8. members who felt that the bill as drafted, went slightly too

9. far. I think this amendment makes it reasonable. What

10. it does is reduce from eight...or increase from eight

11. to ten years the period of repose, that is no action may

12. be brought ten years after the date the product was first

13. sold or twelve years after the date it was first manufactured.

14. Also, we have taken out certain other provisions on

15. page 5 and Section 7, as a defense use of the product

16. contrary to the instructions accompanying the product

17. has been deleted. On page 4 in Section 5, the defense

18. that the products had been properly maintained, serviced

19. and repaired is also being deleted and finally, on page

20. 3, Section 4, subparagraph 2 has been taken out. I move

21. the adoption of the amendment.

22. PRESIDENT:

23. Is there any discussion? Senator Maragos.

24. SENATOR MARAGOS:

25. You have described what it does as far...

26. PRESIDENT:

27. Excuse me. Excuse me. Senator Glass, the

28. ...your...your explanation seems to vary substantially

29. from the amendment that the Secretary has.

30. SENATOR MARAGOS:

31. That's what I was going to ask.

32. SECRETARY:

33. Three lines. No. Committee...this was...okay. You're

1. right, Senator Glass. My error.

2. PRESIDENT:

3. All right. Amendment No. 1 was adopted. Now, we
4. are on Amendment No. 2. Is that...is that correct?
5. Any discussion? Senator Berman.

6. SENATOR BERMAN:

7. There are a number of amendments. Would it be
8. possible to, at least, read something that would identify
9. these, either the LRB number at the top or something
10. so we know, you know, 'cause some of them that are passed
11. out aren't numbered and it's hard for us to sift through.
12. Senator Glass, could you give some description so
13. we can identify it.

14. PRESIDENT:

15. Senator Glass.

16. SENATOR GLASS:

17. Yes, Senator Berman, the amendment I'm offering now,
18. Amendment No. 2 which I just described as a one page
19. amendment consisting of eighteen lines. The LRB
20. number is 5156AM.

21. PRESIDENT:

22. Senator Maragos.

23. SENATOR MARAGOS:

24. Mr. President, as I started to say earlier, when
25. Senator Glass proceeded to give us the line and item, what
26. does this amendment do that is different than with the
27. present bill?

28. PRESIDENT:

29. Senator Glass.

30. SENATOR GLASS:

31. Senator Maragos, I will go through it again and
32. if...if I might, I'd like to take the last page first
33. because that's the easiest one to follow. On page 6 of the

1. bill, we have two time periods for bringing suit. Currently,
2. the bill would prohibit suits against manufacturers
3. more than eight years after the date the product was sold
4. or ten years after it was manufactured. Those two dates
5. have been changed to ten and twelve years respectively.
6. The...the next provision is on page 5. I have deleted
7. subsection B in lines 7 and 8. All right. No. Then
8. one page...4, there is a deletion in lines 13 and 14
9. of subparagraph B which reads, the product had been
10. properly maintained, serviced and repaired. That
11. is deleted and finally, on page 3, lines 11 through
12. 21 are deleted from the bill.

13. PRESIDENT:

14. Senator Maragos.

15. SENATOR MARAGOS:

16. Mr. President and members of the Senate. I arise
17. in opposition to this amendment because, first of all,
18. it not only cripples the approach that a consumer may have
19. in trying to sue for products liability, but more importantly,
20. it sets up standards which will be very difficult to prove
21. and especially on the line...on the part of the amendment
22. on page 4, where lines 13 and 14. Again, what we are
23. doing here, Mr. President and members of the Senate,
24. we are attempting again, to take the rights away
25. of consumers who many times, pay in good faith from...
26. and money and in services for products which are not,
27. in fact, what they should be and therefore, I think we are
28. again, trying to give another rip off to the general
29. public and I move and ask for the vote against this amendment.

30. PRESIDENT:

31. Is there any further...Senator Glass.

32. SENATOR GLASS:

33. Well, I would like to reply to that. I think Senator
34. Maragos does misconstrue the amendment. Actually, this

1. amendment has watered the bill down, Senator. I'm...
2. I'm making it more...I'm making it easier for...for the
3. consumer to sue in your language. So, this was at the
4. request of people who felt it went too far. If you don't
5. like the amendment, I actually like the bill the way it was,
6. but I'm trying to reach some kind of a compromise so I do
7. move adoption.

8. PRESIDENT:

9. Senator Berman.

10. SENATOR BERMAN:

11. Reluctantly, I have to agree with the sponsor, Senator
12. Glass. It's...this amendment makes a bad bill a little
13. less bad. I'm going to support the amendment.

14. PRESIDENT:

15. Senator Rhoads.

16. SENATOR RHOADS:

17. Senator Glass, did you say that improper use of the
18. equipment as a defense is now deleted? I'm...I'm a
19. cosponsor with you and I'm for the bill, but I...that's
20. one of the...that's the guts of the bill.

21. PRESIDENT:

22. Senator Glass.

23. SENATOR GLASS:

24. No, that is not what I said, Senator Rhoads.
25. I might add that I...I worked out these amendments with
26. the Product Liability Task Force and the IMA this morning.
27. We do leave in Section 7 as a defense, misuse of the product.
28. The only thing I'm taking out is, used contrary to the
29. instructions accompanying the product, feeling that...that
30. that is too restrictive, but if a person uses the product
31. with knowledge of a defective condition, or is he uses
32. the product for use which was not originally designed,
33. manufactured, recommended and warranted, he still is barred

1. from collection.

2. PRESIDENT:

3. Any further discussion? If not, the question is shall

4. Amendment No. 2 be adopted. Those in favor will vote Aye.

5. Those opposed will vote Nay. The voting is open. ...

6. voted who wish? Have all voted who wish? Take the

7. record. On that question the Ayes are 27, the Nays

8. are 5, none Voting Present. Amendment No. 2 is adopted.

9. Any further amendments?

10. SECRETARY:

11. Amendment No. 3 offered by Senator Daley.

12. PRESIDENT:

13. Senator Glass.

14. SENATOR GLASS:

15. Senator Daley has offered Amendments 3, 4, and 5.

16. I did agree with him, since he is not here, to pull

17. the bill back from 3rd to give him an opportunity to

18. offer these amendments tomorrow. 3, 4, and 5.

19. PRESIDENT:

20. 3, 4, and 5 will be held and Senator Glass will

21. bring the bill back. Any further amendments?

22. SECRETARY:

23. Amendment No. 3 offered by Senator Carroll.

24. PRESIDENT:

25. For what purpose does Senator Rock arise?

26. SENATOR ROCK:

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

28. Senate. Having just checked with the Secretary,

29. I understand including Senator Daley's three amendments

30. which have just been withdrawn, that there are, in fact,

31. six amendments on the Secretary's Desk. Now, it's 8:30 in

32. the evening on the day before the deadline and it's pretty

33. obvious that the subject matter of products liability needs

1. an awful lot of work. I can commend Senator Glass for his
2. interest and concern and work, but when he stands on the
3. Floor and says, we are trying to work things out as of this
4. morning, with respect to Amendment No. 2, and then we have
5. six substantive amendments yet remaining on the Secretary's
6. Desk, it just seems to me, Mr. President, that the action
7. that the committee suggested and, in fact, took by placing
8. this subject matter in a subcommittee, was the correct one.
9. And that the motion to discharge was, in my judgment last
10. evening, kind of hastily considered by our membership.
11. I think it was in...in...in answer to a certain amount of
12. mail we have all received again from the businessmen in our
13. respective districts, indicating that, again, the insurance
14. companies are playing havoc with their premiums and we had
15. better do something. So, we hastily discharged a bill which
16. needs an awful lot of substantive work and attempt in the
17. space of a few short hours, to amend it into some kind of
18. reasonable shape. Now, I am seeking a ruling of the Chair,
19. Mr...Mr. President and Ladies and Gentlemen of the Senate,
20. under...under Rule 43 of our rules of order. I am making
21. a motion to recommit Senate Bill 475 to the Committee
22. on Judiciary I from whence it was discharged last
23. evening and I would ask the membership to seriously consider
24. this motion to recommit. You can, in fact, tell the business
25. community in your respective districts, that we are looking
26. at this, that there will be something done, but to do
27. something in haste is a mistake. I move to recommit Senate
28. Bill 475 to the Committee on Judiciary I.

29. PRESIDENT:

30. The Chair will rule that that motion is in order
31. and takes precedence. Senator Glass.

32. SENATOR GLASS:

33. Mr. President, I submit to you, first of all, that the

1. motion is out of order. We are considering amendments
2. on the bill. We have not gone to that order of business.
3. And I would appreciate a ruling on that point of order.

4. PRESIDENT:

5. The Chair has ruled that the motion is in order under
6. Rule 42. A motion to recommit is in order when a question
7. is under debate and under Rule 43, a motion to commit
8. or recommit until it is decided, shall preclude all
9. amendments and debate on the main question and the Chair
10. will rule that that motion is in order. Senator Glass.

11. SENATOR GLASS:

12. Well, I would...would point out for the benefit of the
13. membership, Senator Rock referred to a number of amendments
14. on the Secretary's Desk. They are not my amendments.
15. This is something, of course, over which I have no control.
16. I think the Body decided this issue last night with its
17. vote. I think this is a motion that is required to be
18. in writing and I...I submit that it's dilatory. I don't
19. know if it has been submitted in writing, Mr. President.

20. PRESIDENT:

21. Senator Rock.

22. SENATOR ROCK:

23. Well, I will be happy to submit it in writing.
24. That seems to me to be a request of a dilatory nature.
25. This is not in any respect dilatory. I am deadly serious.
26. I think to ask this membership to consider a matter of
27. this substance in a few short hours with six substantive
28. amendments is absolutely inane.

29. PRESIDENT:

30. Senator Netsch.

31. SENATOR NETSCH:

32. Thank you. Senator Glass, for once Senator Rock is
33. really right. There is...I voted...

1. PRESIDENT:

2. Will Senator Rock...will Senator Rock please stand
3. and acknowledge the applause of the...

4. SENATOR NETSCH:

5. I...I really think it is foolish for us to get into
6. this on this hour before our final day of action on
7. Senate Bills. I did not vote for the motion last night.
8. I have not even had a chance to read the full bill yet.
9. I am sure that is true of most members. It is an
10. extremely complex issue. It is clearly the next malpractice
11. issue of the Legislature and I honestly think that we would be
12. doing ourselves and the legislation a disservice if we tried
13. to resolve all of these problems tonight. I would, therefore,
14. support Senator Rock's motion.

15. PRESIDENT:

16. Senator Glass.

17. SENATOR GLASS:

18. Well, Mr. President and in response to Senator Netsch,
19. and to Senator Rock, this bill was held in committee
20. for the entire Session up until now. It is not my fault that
21. it was put in a subcommittee. We considered this matter
22. last night and those of us who believe that it's important
23. to do something about product liability in the interest of the
24. many businesses and the employees and labor in the State,
25. voted to get it out out. Now, I think we're considering this in the
26. normal course. I held the bill because others wanted to offer
27. amendments. I...I've been accommodating to Senator Daley.
28. I think this is simply trying to put away a bill that...that you
29. don't want passed and I submit that the motion should certainly
30. be defeated and I urge that it be defeated.

31. PRESIDENT:

32. Senator Shapiro.

33. SENATOR SHAPIRO:

1. Well, Mr. President, on two separate occasions.
2. today, I think the Chair ruled that a motion to recommit
3. a bill to committee could not be made without consent
4. of the sponsor, once early this morning when I made
5. the motion to recommit Senator Maragos' bill and my own
6. and later on today when Senator Netsch made a motion to
7. recommit a series of bills to committee, I raised the
8. point and she said the consent of all the sponsors
9. had been received. I point that out to you that twice today
10. you have ruled to the contrary.

11. PRESIDENT:

12. Senator, I do not believe the rulings were to the
13. contrary. You refer to situations in which another member
14. was representing to the Body that it was a...with the
15. sponsor's agreement that that bill would be referred back.
16. It was not an attempt to refer a bill or recommit a bill to
17. committee over the sponsor's objection and if...
18. if such a motion were made, the ordinary courtesy would
19. be that the sponsor be on the Floor at the time it was
20. made and Senator Netsch was simply trying to expedite
21. the proceeding. She had checked with all the sponsors.
22. So, I do not think the cases are parallel at all and I think this
23. ruling is consistent. Otherwise...otherwise, the...a motion
24. to recommit could not be used without this...except by the
25. sponsor. Senator Glass.

26. SENATOR GLASS:

27. Mr. President, I move that Senator Rock's motion
28. lie on the Table.

29. PRESIDENT:

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

31. SENATOR ROCK:

32. Thank you, Mr. President. On a point of personal
33. privilege, I guess. I would ask Senator Glass if he
34. would withhold that. That is a non-debatable motion and one

1. that again, in my judgment will only delay the vote
2. on the issue. The issue is the recommitment of this
3. bill to the committee. And I would suggest to him that
4. Senator Carroll, for one, who has it a lengthy
5. substantive amendment pending on the Secretary's Desk,
6. has indicated to me, at least, his desire to speak to the
7. motion and in deference to he and other members who wish
8. to speak, I would ask Senator Glass to withdraw that
9. motion to Table.

10. PRESIDENT:

11. . Senator Glass.

12. SENATOR GLASS:

13. Senator Rock, I had no notice that you
14. were going to make this motion and I think Senator
15. Carroll could speak at great length on his motion and
16. on his amendment if...if my motion to Table was
17. passed. I think we want to dispose of this matter and
18. get on with the business. I'd like to have a roll call,
19. if we may, Mr. President, on the motion to Table.

20. PRESIDENT:

21. For what purpose does Senator Carroll arise?

22. SENATOR CARROLL:

23. Just a point of order or inquiry of the Chair,
24. Mr. President. I believe there were several members
25. who had indicated to the Chair their desire to speak on the
26. motion pending. I think it has been the longstanding
27. custom of this Body that a motion to close debate
28. is withheld while those who had already indicated to the
29. Chair their desire to speak were allowed to speak. You
30. cut it off at the time the person made his request but
31. you allowed those who had already indicated to the Chair
32. their desire to speak, so to speak. If we are going to
33. change that procedure for the remaining six weeks,

1. that's fine. That's very fine with me. I just think we
2. should all play by the same rules and if the rules are going
3. to be that those who have asked for permission are not
4. granted the permission by a stifling motion, let us all know
5. it so that we can act accordingly for the next six weeks.

6. PRESIDENT:

7. Senator, there is a distinction. We...the rule has
8. been adopted with respect to debate on passage or adoption
9. of an amendment with respect to the motion for previous
10. question. You're point does have some substance,
11. but Senator Glass is persisting and in view of the hour,
12. I think we ought to get to the roll call. Senator
13. Glass has moved to Table Senator Rock's motion to recommit
14. Senate Bill 475. Those in favor of the motion to Table
15. will vote Aye. Those opposed will vote Nay. The voting
16. is open. Have all voted who wish? Have all voted who
17. wish? Take the record. On that question the Ayes
18. are 26, the Nays are 27, none Voting Present. The motion
19. to Table fails. Senator Rock.

20. SENATOR ROCK:

21. Well, I would renew my motion to recommit Senate
22. Bill 475 to the Committee on Judiciary I and Senator Glass,
23. if...if you feel in any way put upon by virtue of the fact
24. that I had not given you prior notice of my intent to make
25. this motion, frankly, I did not intend to make such a motion
26. until when checking with the Secretary, I found that there
27. were at least, six substantive amendments sitting on the
28. Secretary's Desk. I think the motion is...is, in fact, in
29. order. I think this is a subject matter which deserves
30. a heck of a lot more study than...than flinging a number of
31. substantive amendments on it the last moment and rushing it
32. out of here. I would ask for a favorable roll call.

33. PRESIDENT:

1. All right. The question is shall Senate Bill
2. ...for what purpose does Senator Shapiro arise?

3. SENATOR SHAPIRO:

4. Mr. President, what is the ruling on the...of the
5. Chair on the number of votes required to recommit?

6. PRESIDENT:

7. It will require thirty votes. Senator Berning.

8. SENATOR BERNING:

9. Just an observation, Mr. President and members of the
10. Body. It would appear to me that we could very
11. well here be establishing what could turn out to be
12. a very dangerous precedent, a monster, if you will,
13. any time any one of us seeks to destroy action by this
14. Body on any bill all we need do is alone or with one or
15. two of our associates, load up the Secretary's Desk
16. with amendments and so, thereby, preclude getting to the
17. bill itself. Right or wrong, I think this is a bad
18. precedent we are establishing. We ought to address ourselves
19. to the bill and let it rise or fall now.

20. PRESIDENT:

21. All right. The question is shall Senate Bill 475
22. be recommitted to the Committee on Judiciary I. Those in
23. favor of the motion will vote Aye. Those opposed will vote
24. Nay. The voting is open. Have all voted who wish?
25. Have all voted who wish? Take the record. On that
26. question the Ayes are 28, the Nays are 25, none Voting Present.
27. The motion having failed to receive the requisite
28. thirty votes is defeated.

29.

30. End of reel.

31.

32.

33.

1. PRESIDENT:

2. (machine cut off) Senator Maragos arise?

3. SENATOR MARAGOS:

4. I was going to address the Senate and especially my
5. remarks to Senator Glass and to Senator Shapiro. Earlier
6. today, Senator Shapiro, when you asked...when we recommit...
7. the only reason I did not voluntarily recommit the bills
8. that are 425, was the fact that I thought the procedures
9. needed to be...that it had to be a vote taken, and secondly I...

10. PRESIDENT:

11. For what purpose does Senator Graham arise?

12. SENATOR GRAHAM:

13. A point of order. Mr. President, don't we have other
14. things to do besides discuss things that have happened hours
15. ago?

16. PRESIDENT:

17. I...

18. SENATOR MARAGOS:

19. ...I'm asking him to...

20. PRESIDENT:

21. ...Senator Maragos. I...

22. SENATOR MARAGOS:

23. ...Mr. President, I'm appealing to Senator Glass. He
24. won his victory on a motion. If he would also consider the
25. ...the business at hand of the Senate and to...to voluntarily
26. agree to put this back to committee where this will be
27. given attention. I shall state this bill was not pursued
28. properly in subcommittee.

29. PRESIDENT:

30. Senator Maragos, will you conclude. (machine cut off)

31. No. 3 offered by Senator Carroll. For what purpose does

32. Senator Glass arise?

33. SENATOR GLASS:

1. As I mentioned earlier, Amendments 3, 4 and 5 that are
2. numbered as such were offered by Senator Daley. Now, I...

3. PRESIDENT:

4. No, they are being...

5. SENATOR GLASS:

6. ...All right...

7. PRESIDENT:

8. ...they have to be renumbered, Senator...

9. SENATOR GLASS:

10. ...you're going to renumber them...

11. PRESIDENT:

12. ...because they...

13. SENATOR GLASS:

14. ...all right. Thank you.

15. PRESIDENT:

16. ...cannot be considered out of order. Senator...

17. Senator Carroll offers Amendment No. 3. Senator Carroll.

18. SENATOR CARROLL:

19. Thank you, Mr. President, members of the Senate. Amend-
20. ment No. 3, in my opinion, changes this bill to deal with the
21. real problem. The real problem in products liability in
22. the short period of time we had to discuss this, and we had
23. some debate in committee when we decided as I recall it with-
24. out that much objection that it go to a subcommittee for study to work
25. out the issues involved. The real problem is once again the
26. insurance companies, but how do we know this time. You know
27. we've heard in the...the last couple of hours that we changed
28. Workman's Comp, we changed Unemployment Comp and we drove the
29. insurance rates up to the point where business had to leave the State.
30. When was the last time we changed anything in products liability? Nine-
31. teen ought what? Nineteen O what? Why all of a sudden then have insurance
32. companies raised their rates to such sky-rocketing costs and who
33. were the witnesses who came before us?

1. A man who, yes, closed his business in Illinois. Closed it
2. because of a case in Wisconsin where he was sued in Wisconsin
3. and had to pay something like a sixty thousand dollar judgment,
4. if I recall, and they raised him from a couple of hundred
5. dollars...I am...I am...

6. PRESIDENT:

7. ...Excuse me...

8. SENATOR CARROLL:

9. ...speaking to the amendment hearing the shouts from
10. the other side. That is the purpose of this amendment. Can
11. we have some order, Mr. President. Before you start the light,
12. can we have some order.

13. PRESIDENT:

14. I think we do have order, Senator Carroll.

15. SENATOR CARROLL:

16. Thank you, Mr. President. The point of it is this, this particular
17. legislation discriminates against Illinois residents. This legislation
18. says if you live in Illinois, we will limit your recoveries.
19. Get on that defective plane that no longer is insured in
20. Illinois, get on that defective machine, work in a defective
21. machine that was defective when it came out of the factory,
22. but only if you're an Illinois resident, because that's the
23. situs of the case. Only if you are an Illinois resident do
24. we...discriminate against you. Let us send our faulty products
25. out-of-state and injure people there. They can recover like
26. should. Only in Illinois, do we limit your recovery. So, what
27. this does is say to the Director of the Department of Insurance,
28. get that insurance information. It mandates the companies who
29. do business in Illinois to provide our director with what their
30. experience factor has been, what their premium income has been,
31. what their payouts have been, so that we can have a handle on
32. exactly what is happening in Illinois cases on products liability
33. and end the discrimination that this bill imposes on only those

1. who live here and let out-of-staters who get injured here or
2. people who get injured elsewhere from Illinois products recover
3. anything they want. I would urge the Senate to adopt this
4. amendment.

5. PRESIDENT:

6. Any further discussion? Senator Glass.

7. SENATOR GLASS:

8. Mr. President, Ladies and Gentlemen, I don't know if
9. Senator Carroll mentioned this, but his amendment deletes
10. everything after the enacting clause, so it would affectively
11. 'kill Senate Bill 495 and replace with it a reporting scheme
12. that the Senator has outlined. It is an obvious attempt to
13. kill Senate Bill 475. If Senator Carroll wants to offer
14. his bill, I think he should do it separately. This is an
15. amendment that would destroy the bill, and I urge its defeat.

16. PRESIDENT:

17. Is there any further discussion? Senator Rhoads.

18. SENATOR RHOADS:

19. Well, I, too, oppose the amendment. Obviously, as
20. Senator Carroll well knows, the very first witness in that
21. committee was John Serpico, President of the Central States
22. Council AF of L-CIO. His locals represent small companies,
23. fewer than twenty-five employees. You asked when was the
24. last change in product liability in the State. How many
25. companies left the City of Chicago last year? A hundred,
26. two hundred, two hundred and forty-four? How many, Senator Carroll?
27. You're from Chicago.

28. PRESIDENT:

29. Is there any further discussion? Senator Carroll.

30. SENATOR CARROLL:

31. Thank you, Mr. President. Once again I repeat, this
32. bill will do exactly that, and that is the insurance rates.
33. I don't know how many companies left Chicago. I don't know how

1. many companies left your area. I do know that this cannot
2. be blamed on activities of the Legislature, but more property
3. belongs on activities of the insurance company, because that
4. has been the only change. That has been the only change in
5. over seventy years. I do know that a bill virtually identical
6. to this had unanimously passed the Legislature in Kansas just
7. this year. I think this is the proper approach to put the
8. focus on what the problem of this issue is, and that is what
9. are the insurance companies collecting and what are they paying.
10. Let's get a handle on it, so that we can deal with it and treat
11. it properly. I would urge the adoption of this amendment.

12. PRESIDENT:

13. Senator Carroll moves the adoption of Amendment No. 3.
14. All those...all those in favors...the adoption of the amendment
15. signify by saying Aye. Opposed. The Ayes have it. Roll
16. call has been requested. Those in favor of the adoption of
17. the amendment will...will vote Aye. Those opposed will vote
18. Nay. The voting is open. Have all voted who wish? Have all
19. voted who wish? Take the record. On that question, the
20. Ayes are 25, the Nays are 23, none Voting Present. The amend-
21. ment having received a majority of the votes cast is adopted.
22. A verification of the affirmative votes has been requested.
23. The Secretary will verify the affirmative votes.

24. SECRETARY:

25. The following voted in the affirmative: Berman, Bruce,
26. Buzbee, Carroll, Chew, Clewis, D'Arco, Demuzio, Donnewald, Egan,
27. Guidice, Kenneth Hall, Johns, Joyce, Knuppel, Lane, Lemke,
28. Maragos, Merlo, Leonard, Rock, Savickas, Vadalabene, Wooten and
29. Mr. President.

30. PRESIDENT:

31. Senator Knuppel is on the Floor. Senator Wooten is on
32. the Floor. He is...oh, Donnewald...Senator Donnewald is...
33. Senator Donnewald is up on the rostrum. Senator Chew is on

1. the Floor. Any further...the roll has been verified. On
2. that question, the Ayes are 25, the Nays are 23, ...none
3. Voting Present. Amendment No. 3 having received a requisite
4. majority of votes is adopted. Any further amendments?
5. SECRETARY:
6. Amendment No. 4 offered by Senator Maragos.
7. PRESIDENT:
8. All right, Senator Maragos withdraws Amendment No. 4
9. and 5. Are there any further amendments?
10. SECRETARY:
11. No further amendments.
12. PRESIDENT:
13. 3rd reading. On the Order of Senate Bills 3rd reading,
14. leave was granted to return to Senate Bill 720, Senator Lemke.
15. Read the bill, Mr. Secretary. For what purpose does Senator
16. Glass arise?
17. SENATOR GLASS:
18. Mr. President, did you advance Senate Bill 475 to 3rd
19. reading?
20. PRESIDENT:
21. Yes, I did.
22. SENATOR GLASS:
23. Thank you.
24. SECRETARY:
25. Senate Bill...720
26. (Secretary reads title of bill)
27. 3rd reading of the bill.
28. PRESIDENT:
29. Senator Lemke.
30. SENATOR LEMKE:
31. This is Senate Bill...20. Amends the Workman's Compensa-
32. tion. It sets up a panel of doctors for adoption for injuries
33. of employees, makes reductions of twenty-four percent and the

1. maximum compensation rate for permanent partial disability,
2. allows twenty percent increase in maximum compensation rates
3. for actual injuries resulting in amputation of a member and
4. enucleation of an eye or removal of an organ, sets up a
5. maximum death benefit of two hundred and fifty thousand
6. dollars or twenty years, whichever is greater, reduces pay-
7. ments made to the injured employees from 1965 to 1975 from
8. the Rate Adjustments Fund, annual adjustments are to be
9. limited to the same increases and...as State's average
10. weekly wage and manufacturing...mandates Industrial Commission
11. to adopt, publish and apply guidelines in making awards, eliminates
12. the 1979 and 1981 increases in the maximum average weekly wage.
13. I ask for the adoption of this bill.

14. PRESIDENT:

15. Is there any discussion? If not, the question is shall
16. Senate Bill...Senator Nimrod. Senator...Senator Nimrod.
17. Senator Nimrod. There's no discussion. The question is,
18. shall Senate Bill 720 pass. Those in favor will vote Aye.
19. Those opposed will vote Nay. The voting is open. Have all
20. voted who wish? Have all voted who wish? Take the record.
21. On that question, the Ayes are 31, the Nays are 7, 3 Voting
22. Present. Senate Bill 320 having received a constitutional
23. majority is declared passed. A verification of the roll call
24. has been requested. The Secretary will read the affirmative
25. votes.

26. SECRETARY:

27. The followed...the following voted in the affirmative:
28. Berman, Bruce, Buzbee, Carroll, Chew, Clewis, Collins, D'Arco,
29. Demuzio, Donnewald, Egan, Guidice, Kenneth Hall, Hickey, Johns,
30. Joyce, Knuppel, Kosinski, Lane, Lemke, Maragos, Merlo, Leonard,
31. Netsch, Newhouse, Rock, Savickas, Smith, Vadalabene, Washington,
32. Mr. President.

33. PRESIDENT:

1. Senator Hall is in his seat.

2. SENATOR NIMROD:

3. Senator Egan...oh, he's there. Senator...

4. PRESIDENT:

5. Senator Egan is on the Floor.

6. SENATOR NIMROD:

7. ...Senator Maragos.

8. PRESIDENT:

9. Senator Maragos is on the Floor. Is...?

10. SENATOR NIMROD:

11. Senator Smith.

12. PRESIDENT:

13. ...is Senator Smith on the Floor? Senator Smith is not

14. on the Floor. Take his name from the roll call.

15. SENATOR NIMROD:

16. Senator Collins.

17. PRESIDENT:

18. Senator Collins is on the Floor. Senator Savickas is on

19. the Floor. The roll has been verified. On that question, the

20. Ayes are 30, the Nays are 7, 3 Voting Present. Senate Bill

21. 720 having received a constitutional majority is declared passed.

22. Senator...Senator Buzbee moves to reconsider. Senator

23. Vadalabene moves to Table. All those in favor signify by saying

24. Aye. Opposed. The Ayes have it. The motion carries.

25. Senate Bill 850, Senator Bloom.

26. SECRETARY:

27. Senate Bill 850

28. (Secretary reads title of bill)

29. 3rd reading of the bill.

30. PRESIDENT:

31. Senator Bloom.

32. SENATOR BLOOM:

33. Well, thank you very much, Mr. President. As you may recall,

1. this was up on 3rd reading several days ago and Senator
2. Rock correctly pointed out that the second amendment went far
3. beyond the confines of the original bill. We took it back.
4. I stripped the amendment off. Basically, it provides now
5. that in the case of assessments made the...the LGA, rail-
6. roads, et cetera, it adds the requirement that if a court
7. sets aside or reduces an assessment, the taxpayer must pay
8. the taxes under protest in order to receive a refund. This
9. is to provide a little notice to the county treasurer where
10. you have your larger corporate taxpayer that something is
11. coming. Answer questions and pray for a favorable roll call.

12. PRESIDENT:

13. Senator Rock.

14. SENATOR ROCK:

15. Thank you, Mr. President and Ladies and Gentlemen of the
16. Senate. This bill was reported out of the Committee on Revenue
17. in a...with a unanimous vote 10 to nothing, and Senator Bloom correctly
18. states the facts, he did, in fact, Table Amendment No. 1 which
19. made some substantive changes that I don't think he or I or
20. anybody else wanted. The bill is in good shape and I would urge a
21. favorable vote.

22. PRESIDENT:

23. Is there any further discussion? If not, the question is,
24. shall Senate Bill 850 pass. Those in favor will vote Aye.
25. Those opposed will vote Nay. The voting is open. Have all
26. voted who wish? Have all voted who wish? Take the record. On
27. that question, the Ayes are 51, the Nays are none, none Voting
28. Present. Senate Bill 850 having received a constitutional
29. majority is declared passed. Senate Bill 851, Senator Bloom. (machine cut)
30. 52 as well and 3. Senate Bill 862, Senator Newhouse. Read
31. the bill.

32. SECRETARY:

33. Senate...Senate Bill 862.

1. (Secretary reads title of bill)

2. 3rd reading of the bill.

3. PRESIDENT:

4. Senator Newhouse.

5. SENATOR NEWHOUSE:

6. Thank you, Mr. President and Senators. I think we've all
7. seen this one before. This bill went out of here last Session.
8. It was vetoed by the...by the Governor. It came back in this
9. Session. We've got agreement from both sides of the aisle, I
10. know of no opposition to it. I appreciate a favorable roll
11. call.

12. PRESIDENT:

13. Is there any discussion? If not, the question is, shall
14. Senate Bill 862 pass. Those in favor will vote Aye. Those
15. opposed will vote Nay. The voting is open. Have all voted
16. who wish? Have all voted who wish? Take the record. On that
17. question, the Ayes are 51, the Nays are none, none Voting
18. Present. Senate Bill 862 having received a constitutional
19. majority is declared passed. Senate Bill 869, Senator Rhoads.
20. Read the bill.

21. SECRETARY:

22. Senate Bill 869

23. (Secretary reads title of bill)

24. 3rd reading of the bill.

25. PRESIDENT:

26. Senator Rhoads.

27. SENATOR RHOADS:

28. Mr. President, earlier today the Senate adopted Executive
29. Order No. 1 which reorganized the Department of General Services,
30. did away with the Director of Finance and created the new
31. Department of Administrative Services. Senate Bill 869 sets
32. the salary for the director and assistant director of that
33. department at forty...forty thousand dollars and thirty-five

1. thousand dollars, respectively. Prior to this time, the
2. Director of General Services had received thirty-five
3. thousand, his assistant had received thirty... The Director of Finance
4. had received thirty-two, his assistant twenty-eight. Making
5. a net....by consolidating these positions, we're making a
6. net savings to the State of fifty thousand dollars. Now,
7. I had talked to the President before about this. I'd be
8. happy to answer any questions.

9. PRESIDENT:

10. Is there any discussion? If not, the question is, shall
11. Senate Bill 869 pass. Those in favor will vote Aye. Those
12. opposed will vote Nay. The voting is open. Have all voted
13. who wish? Have all voted who wish? Take the record. On
14. that question, the Ayes are 46, the Nays are 6, 1 Voting
15. Present. Senate Bill 869 having received a constitutional
16. majority is declared passed. The Chair would like to inform
17. the membership that we are moving at this very rapid pace, we are
18. now down to one hundred twenty-eight bills on the Calendar.
19. I would also like to inform the membership that the Speaker
20. of...of the House has indicated that there are some two
21. hundred Senate Bills languishing on 1st reading in the...in
22. the House and that House sponsors have not picked them up.
23. If you have bills over there, please see that a House sponsor
24. picks them up if you're interested in having them passed.
25. Senate Bill 887, Senator Newhouse. Read the bill.

26. SECRETARY:

27. Senate Bill 887

28. (Secretary reads title of bill)

29. 3rd reading of the bill.

30. PRESIDENT:

31. Senator Newhouse.

32. SENATOR NEWHOUSE:

33. Thank you, Mr. President. This bill is in...in...is in this...

1. is in this Legislature as a request of a judge in the criminal
2. court, Judge Maurice Pompay. It covers the situation where
3. a person has committed a...a fairly serious crime and the
4. question of incompetence is at issue. Presently incompetence
5. which is to be determined as sort of a civil procedure and
6. there's no simple way to get the...get the defendant before
7. the judge before a preliminary hearing. The preliminary hearing,
8. of course, is a...is a criminal matter so it leaves the courts
9. in sort of a limbo. We...this came before committee. We
10. passed it out of the committee and the judge called down to talk
11. to several of the fellows to explain to them the situation.
12. They talked today to Senator D'Arco and to...to...to Senator
13. Knuppel. I want to stress this because...at the time because
14. of the...the situations were so screwy. We talked about a
15. memo from the judge. Well, the pressure of the courts just
16. wouldn't permit that, but this has been the discovery.
17. I know of no opposition to it after the discussion in the
18. committee, and I appreciate a favorable roll call.

19. PRESIDENT:

20. Is there any discussion? If not, the question is, shall
21. Senate Bill 887 pass? Those in favor will vote Aye. Those opposed
22. will vote Nay. The voting is open. Have all voted who wish? Have all voted
23. who wish? Take the record. On that question, the Ayes are 51,
24. the Nays are none, none Voting Present. Senate Bill 887
25. having received a constitutional majority is declared passed.
26. Senate Bill 888, Senator Buzbee. Read the bill.

27. SECRETARY:

28. Senate Bill 888

29. (Secretary reads title of bill)

30. 3rd reading of the bill.

31. PRESIDENT:

32. Senator Buzbee. Take the bill out of the record.

33. Senate Bill 889, Senator Buzbee. Read the bill.

1. SECRETARY:
2. Senate Bill 889
3. (Secretary reads title of bill)
4. 3rd reading of the bill.
5. PRESIDENT:
6. Senator Buzbee, is it your plan that if this bill doesn't
7. pass, then you're going to cut the budget on the preceding
8. commission?
9. SENATOR BUZBEE:
10. Something to that effect, Mr. President. Senate Bill
11. 889 provides that the State Board of...of Education in
12. consultation with the Capital Development Board shall develop
13. a plan for a pilot program relating to the feasibility of
14. using solar energy systems in the public schools of the
15. State. Currently, we don't know if it is feasible and the
16. plan would establish whether or not solar systems for schools
17. are feasible. The plan includes incorporating solar
18. energy systems in new construction or the modification of
19. existing structures if proven feasible. Solar energy in our
20. schools may be a way to hold down operating costs and remove
21. future pressures for local school tax raises. The plan must
22. be presented to the General Assembly by March 1, 1978 for funding,
23. if any. The bill requires that the plan including a proposal
24. for funding through grants from the Federal Government. The
25. bill requires a detailed itemization of costs, needs and
26. projected savings of energy. The energy center referred to on
27. page 1, line 32 is being created in the State under the EPICA
28. Plan to Feds now being prepared. Center is Federally funded,
29. and I would ask for a favorable roll call.
30. PRESIDENT:
31. Is there any discussion? Senator Shapiro.
32. SENATOR SHAPIRO:
33. Will the sponsor yield to a question?

1. PRESIDENT:
2. Indicates he will yield.
3. SENATOR SHAPIRO:
4. Senator Buzbee, how do you characterize this legislation?
5. Is it sunset or sunshine?
6. PRESIDENT:
7. Senator Buzbee.
8. SENATOR BUZBEE:
9. Senator, this is the best of all possible worlds. It's...
10. it's the sun shines on sunset.
11. PRESIDENT:
12. (Is there any further discussion? If not, the question is,
13. shall Senate Bill 889 pass. Those in favor will vote Aye.
14. Those opposed will vote Nay. The voting is open. Have all
15. voted who wish? Have all voted who wish? Take the record.
16. On that question, the Ayes are 46, the Nays are 5, none Voting
17. Present. Senate Bill 889 having received a constitutional
18. majority is declared passed. Senate Bill 890, Senator
19. Buzbee. Read the bill.
20. SECRETARY:
21. Senate Bill 890
22. (Secretary reads title of bill)
23. 3rd reading of the bill.
24. PRESIDENT:
25. Senator Buzbee.
26. SENATOR BUZBEE:
27. Thank you, Mr. President. This bill does exactly the
28. same thing only for the Board of Higher Education. It would
29. ask them to...to do a feasibility study and it does exactly
30. the same thing 89 does except it pertains to higher education.
31. PRESIDENT:
32. Is there any discussion? Senator Harber Hall.
33. SENATOR HARBER HALL:

1. Is there a fiscal note to this?
2. PRESIDENT:
3. There is no fiscal note, nor was one requested when the
4. bill was on the Order of 2nd reading. Senator Hall.
5. SENATOR HARBER HALL:
6. Then I'd like to ask the sponsor a question.
7. PRESIDENT:
8. Indicates he will yield.
9. SENATOR HARBER HALL:
10. I wonder why you're presenting this problem to different
11. agencies when perhaps it could be done at less expense by
12. one agency that we already have?
13. PRESIDENT:
14. Senator Buzbee.
15. SENATOR HARBER HALL:
16. Can...
17. SENATOR BUZBEE:
18. I...I'm...I'm not sure which agency you're speaking of
19. Senator, that...that we already have. Would...would you
20. mind to allucidate a little bit?
21. PRESIDENT:
22. Senator Hall.
23. SENATOR HARBER HALL:
24. Well, we have a Illinois...Energy Resources Commission.
25. That would be one agency. I just would think that we probably
26. have other commissions that could look into this for all
27. schools and universities. The problem would be very similiar
28. and if we're asking the State Board of Education and the
29. Board of Higher Education to use their separate resources and
30. establish new resources to do the same type of job, I think it
31. might be a waste.
32. PRESIDENT:
33. Senator Buzbee.

1. SENATOR BUZBEE:

2. Senator, the Energy Resources Commission...the Commission
3. itself does not have the technical expertise to do this kind
4. of...and nor do we have the...the staff that's necessary to
5. go around and...and do these kinds of...of indepth studies.
6. So, I would...the reason that we have gone to the State Board
7. of Education and the State Board of Higher Education is because
8. they're the people who have to implement ultimately and we have
9. just...all we're asking is that they do a feasibility study
10. as to whether they think that solar energy could be used.
11. On a lot of the university campuses, of course, the expertise
12. already is there on their faculty, and they can simply use in-home
13. experts without our having to go and hire other people. That's
14. one reason we did it this way.

15. SENATOR HARBER HALL:

16. Well, I voted for the other bill, but I...I think this is a
17. mistake. They...they have no more expertise in this than you
18. do, or that...that's located in this Chamber right now, and
19. if you're going to ask them to provide a feasibility study
20. with costs and time schedules, implementation schedules, in that
21. case, they're going to have hire that expertise and to do it
22. for the Board of Education and then the Board of Higher Education
23. to do similiar buildings and...and I...I just think it's kind of
24. a waste and I'm going to oppose this bill.

25. PRESIDENT:

26. Senator Grotberg.

27. SENATOR GRÖTBERG:

28. (machine cut off) Mr. President and members of the Senate.
29. I stand...first of all the question of need for this, and if
30. it's will of the Body, I think it would be a foolish move, and
31. I'm going to be in opposition to it. I think that we have
32. solar energy. We've established it. It's in the proper
33. department now, Senator Buzbee, at Capital Development Board in my

1. perspective. I know there are differences of...of opinion.
2. They build all the public buildings for the schools, the
3. colleges and everything else. The best work in solar energy
4. in the State, research wise incidently, has been done not
5. by a public school but Bradley University, a private insti-
6. tution, and I think that the...the...the huge...the huge
7. projects that are going on up at the accelerator lab in
8. Batavia and other national labs are so far advanced. I can
9. see a bureaucracy justified at a university level that would
10. make your head spin, and I think that private enterprise
11. has already got it going along with local government. Let's
12. kill it before it has little ones. Thank you.

13. PRESIDENT:

14. Is there...is there any further discussion? Senator
15. Buzbee.

16. SENATOR BUZBEE:

17. Well, I...quite frankly, I'm a little...I'm shocked,
18. horrified and...and...and...and stupified at...at the
19. opposition coming from...from Senator Grotberg to...to the
20. implementation of the use of solar energy given a proud father-
21. like announcements he has been making the last few days about
22. the...about the solar energy Federally funded project coming
23. into his district and I share those...those strains of joy and
24. gratitude with you, Senator, and as far as this producing little
25. ones, let's hope so. Let's hope that there are lots of little
26. solar system usages all over this State in public...public
27. buildings. We, by the way, are doing this in cooperation. We're
28. asking the...the Higher Board of Education to do this in cooperation
29. with the Capital Development Board. We want to use the expertise
30. they have there, and we are simply asking them to do the
31. feasibility study and we think it's a very logical approach,
32. and I would ask for a favorable roll call.

33. PRESIDENT:

1. The question is, shall Senate Bill 890 pass. Those in
2. favor will vote Aye. Those opposed will vote Nay. The voting
3. is open. Have all voted who wish? Have all voted who wish?
4. Take the record. On that question, the Ayes are 32, the Nays
5. are 15, none Voting Present. Senate Bill 890 having received
6. a constitutional majority is declared passed. Senate Bill
7. 892, Senator Nimrod. Read the bill.

8. SECRETARY:

9. Senate Bill 892

10. (Secretary reads title of bill)

11. 3rd reading of the bill.

12. PRESIDENT:

13. Senator Nimrod.

14. SENATOR NIMROD:

15. Yes, Mr. President and fellow Senators, this bill is a
16. bill that's necessary to experiment for one year on the
17. markings of at least one elevator where there have automatic
18. banks. The blind have approved the amended form of this
19. bill. The Board of...State Board of Realtors and the Board
20. Building of Managers have agreed that this is a reasonable
21. compromise and approach to the problem of addressing their-
22. selves to making sure that we have both identification in
23. raised numeral...Roman numerals and braille on at least one
24. elevator among a bank. I would be happy to answer any questions.
25. If not, I ask for a favorable roll call.

26. PRESIDENT:

27. Is there any discussion? If not, the question is, shall
28. Senate Bill 892 pass. Those in favor will vote Aye. Those
29. opposed will vote Nay. The voting is open. Have all voted
30. who wish? Have all voted who wish? Take the record. On that
31. question, the Ayes are 43, the Nays are 1, 2 Voting Present.
32. Senate Bill 892 having received a constitutional majority is
33. declared passed. Senate Bill 894, Senator Weaver. Read the bill.

1. SECRETARY:

2. Senate Bill 894

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDENT:

6. Senator Weaver.

7. SENATOR WEAVER:

8. Thank you, Mr. President. This does just as the
9. Calendar states, and I'd appreciate a favorable roll call.

10. PRESIDENT:

11. For what purpose does Senator Rock arise?

12. SENATOR ROCK:

13. Well, I'm...I'm prepared to rise in opposition to
14. Senate Bill 894 whenever we're ready, and then I would request
15. a ruling of the Chair.

16. PRESIDENT:

17. Senator Rock, would you withhold the request for a
18. moment...

19. SENATOR ROCK:

20. Sure...

21. PRESIDENT:

22. ...and we'll see if there's any further debate. Is
23. there any discussion? Senator Rock.

24. SENATOR ROCK:

25. Yes, question of the sponsor if he'll yield.

26. PRESIDENT:

27. Indicates he will yield.

28. SENATOR ROCK:

29. Senator Weaver, it...it was indicated when we discussed
30. this bill at some short length before and prior to Amendment
31. No. 1, which was just adopted a...on the 23rd of May...you
32. indicated at least to me that...or to...to...in your judgment
33. this was not, in fact, preemptive and therefore, would not

1. require an extraordinary vote, is that still your opinion?
2. He indicates yes. Well, the problem I have is that if, in
3. fact, it is not preemptive, then it seems to me the bill is
4. totally unnecessary because the Supreme Court of Illinois
5. has ruled in...in the private detective case versus the
6. City of Chicago which dealt with those preemption bills
7. that we passed a couple of Sessions ago or in the 78th General Assembly.
8. The Supreme Court said that Public Act 78-1232 repeals by
9. implication that section of the Municipal Code which authorizes
10. municipal regulation of private detectives, in this case,
11. concurrently with...with that by the State, and they specifically
12. cite Chapter 24, paragraph 11-42-1. So, if, in fact, that
13. has been repealed, what...what is the necessity of this bill?

14. PRESIDENT:

15. Senator Weaver.

16. SENATOR WEAVER:

17. Well, I understand that the State was licensing realtors
18. before the new Constitution, so it's the...my counsel here
19. tells me that it isn't a new preemption.

20. PRESIDENT:

21. Senator Rock.

22. SENATOR ROCK:

23. Well, and...and I think, Senator, prior to Amendment No.
24. 1, you may well have convinced me of that proposition. How-
25. ever, Amendment No. 1 is a...or the bill as it now reads,
26. says and brokers other than insurance brokers to the extent
27. that their licensing and regulation is not preempted by the
28. Real Estate Brokers and Salesmen's Licensing Act. So that
29. my...my point is simply this, you can't have it both ways.
30. It is either totally unnecessary or it is, in fact, preemptive,
31. and I would ask the Chair to so rule.

32. PRESIDENT:

33. Senator Weaver. The Chair will rule that it is preemptive.

1. The existing Statutes preempt municipalites, local governments
2. in a number of areas. This Act would provide that any area
3. not already preempted, would be preempted...preempted, and therefore,
4. the...the measure as amended is preemptive and under the
5. Constitution...Section 6 of Article 7 a three-fifths
6. vote is necessary. What purpose does Senator Washington arise?

7. SENATOR WASHINGTON:

8. An inquiry of the President. Is it preemptive because
9. of the amendment? If the amendment were not on it, would
10. it be preempted?

11. PRESIDENT:

12. Senator, the Chair has not ruled on the...the standing
13. or status of the bill without the amendment. We have...I
14. have ruled on the bill as amended and it is preempted as
15. amended.

16. SENATOR WASHINGTON:

17. Well, the reason I asked the question is because Senator
18. Weaver attached the amendment pursuant to an inquiry of mine
19. of which I found out later was somewhat groundless, and my
20. position is since it is groundless, it's not necessary to the
21. bill, and I certainly don't want to be a party to killing his
22. bill by virtue of an amendment that is meaningless.

23. PRESIDENT:

24. Well, we do...we do have a dilemma, Senator. I...I'm not
25. prepared to...to render an advisory opinion on what the status
26. of the bill would be without the amendment, but...as amended,
27. it is preemptive.

28. SENATOR WASHINGTON:

29. Well, it seems to me to be a very simple matter to just
30. take the...you know, in your mind's eye, take the amendment off
31. and rule on what's left.

32. PRESIDENT:

33. It may be simple standing where you are but it is not

1. simple sitting where I am.
2. SENATOR WASHINGTON:
3. Well, Senator Weaver, I'm trying to help you. I...
4. PRESIDENT:
5. Senator, perhaps you...you might want to take the bill
6. from the record and...let me suggest that rather than proceed
7. in...with the bill in the form that you did not desire and
8. we're trying to resolve a problem, that we take the bill
9. from the record, we can go back to it in the morning after
10. you have an opportunity to...to study it. That's agreeable.
11. Take the bill from the record. Senate Bill 896, Senator
12. Buzbee. Read the bill.
13. SECRETARY:
14. Senate Bill 896
15. (Secretary reads title of bill)
16. 3rd reading of the bill.
17. PRESIDENT:
18. Senator Buzbee.
19. SENATOR BUZBEE:
20. Thank you, Mr. President. Mr. President, this is a bill
21. that emanates due to a peculiar situation in my district. In
22. the town where I live, Carbondale, there is a facility there,
23. a private nursing home where the owner of this nursing home or
24. the operator, I should say, goes all the over the State recruiting
25. severely handicapped children, and when I say severely handi-
26. capped children, I'm talking about a lot of children that aren't
27. even ambulatory. They are severely mentally and physically
28. handicapped and he brings them in as patients to his private
29. nursing home. Now, in 1972...the Illinois Legislature passed a
30. bill dealing with the...called the Orphans Act. In the summer
31. of 1975, the Attorney General ruled in one of his rulings that
32. those facilities of the type that I just described in Carbondale
33. fall under the Orphans Act, so therefore, it is the responsibility

1. the Attorney General ruled, of the local school district to
2. provide educational facilities for those eighty some odd
3. children that are presently residing in that nursing home.
4. Now, we don't object to doing that, Mr. President. We think
5. those children should be educated if they're educable, and we, in
6. fact, have provided that. We have some twenty teachers that
7. are employed in that facility, but I would point out to you
8. that of those eighty-two children, it's a joint venture between
9. the high school and the...and the grade school district. Of
10. the eighty-two children, only one of them lives as a resident
11. of either one of those Carbondale districts. Another one
12. or two is a resident of the county, and all the rest of these
13. children come from all over the State of Illinois, from
14. Peoria County, Rock...Rock Island County, Winnebago County,
15. and in particular, from Cook County. Now, we don't object to
16. educating these children, but what we do object to is, that
17. when this facility...this educational opportunity rather, was provided
18. in the past by a private not-for-profit charity type group, he
19. charged the people two hundred dollars a month rental for the
20. use of his facility. Now, as soon as the school districts
21. in Carbondale took over, he jumped the rent to two thousand
22. dollars per month. It's kids that he has recruited, brought
23. them into his nursing home for his profit and most, by the way,
24. of the eighty-two children, about eighty-one of them are being paid for
25. by the State of Illinois or his...he's being reimbursed by the
26. State of Illinois through the Department of Mental Health,
27. the Department of Children and Family Services, the Department
28. of Public Aid, the Department of Public Health and so forth.
29. Some of these children are even from out-of-state as a matter
30. of fact, and now, it turns up that he's charging us two
31. thousand dollars a month, that it is the local taxpayer, for
32. the rental of a space in his building to educate the children
33. that he has recruited to make a profit on. Now, when we started

1. raising Cain about this, he just simply said, okay, I'm not
2. going to provide any facility next year, you've got to take
3. them out and build your own special building for them. We
4. said, we can't afford that, we're nine hundred thousand dollars
5. in debt now, we can't build a building. You couldn't begin
6. to purchase the transportation equipment or the...or the
7. necessary physical space to educate the children. You can't
8. hardly pick them up to get them out of that facility.
9. And so now, he's come back and said, I will not provide any
10. space at all next fall and finally after a lot of duress and
11. so forth, he said, well, I'll do it now for thirty-eight
12. thousand dollars. What this bill says is that, any entrepreneur
13. who wants to run a facility of this type, that's fine. This...
14. this...the Attorney General has ruled that we, the taxpayers
15. of Carbondale and then through reimbursement from the State,
16. must provide the educational opportunity for them. We're
17. willing to do that, we're willing...even willing to take care our
18. chances on getting our money from the State. I have another
19. bill a little bit later which will address that, but we don't
20. want that guy charging us rent or charging us, the taxpayers of
21. Illinois ultimately, rent for his own building that the kids
22. are already housed in to be able to educate them, and so that's
23. why I've put in this bill and the school districts of my
24. community are vitally interested in it and...and I would ask for
25. your favorable consideration.

26. PRESIDENT:

27. Senator Schaffer.

28. SENATOR SCHAFFER:

29. Good bill. Deserves a favorable roll call.

30. PRESIDENT:

31. Any further discussion? If not, the question is, shall
32. Senate Bill 896 pass. Those in favor will vote Aye. Those
33. opposed will vote Nay. The voting is open. Have all voted

1. who wish? Have all voted who wish? Take the record. On
2. that question, the Ayes are 47, the Nays are none, 2 Voting
3. Present. Senate Bill 896 having received a constitutional
4. majority is declared passed. Senate Bill 907, Senator
5. Buzbee. Read the bill.
6. ACTING SECRETARY: (MR. FERNANDES)
7. Senate Bill 907
8. (Secretary reads title of bill)
9. 3rd reading of the bill.
10. PRESIDENT:
11. Senator Buzbee.
12. SENATOR BUZBEE:
13. Mr. President, I...I have learned several lessons, one of
14. which is that I will space the introduction of my bills better
15. in the next Session and not have them all at the same time. Senate
16. Bill 907...the purpose of Senate Bill 907 is to require that
17. the Illinois Commerce Commission investigate the economic...
18. feasibility with respect to energy conservation of adopting
19. the use of intermittent ignition devices or similar equipment
20. on all standing pilot light equipment like decorative gas
21. lamps. Such devices have the potential of conserving natural
22. gas but at what cost. The bill would require a study of the
23. technological, economic, safety and energy related questions
24. still unanswered today in Illinois on such devices whether retro-
25. fitted or as new equipment. This is a study bill only. It
26. does not extend the jurisdiction of the Illinois Commerce
27. Commission. It's recommended by the IERC Study Panel. The
28. Illinois Commerce Commission will report to the IERC which will
29. determine if any legal remedies or incentives are needed.
30. The bill should have no fiscal impact as the required Illinois
31. Commerce Commission staff is in place and adequate, and I would
32. ask for your favorable consideration.
33. PRESIDENT:

1. Is there any discussion? If not, the question is, shall
2. Senate Bill 907 pass. Those in favor will vote Aye. Those
3. opposed will vote Nay. The voting is open. Have all voted
4. who wish? Have all voted who wish? Take the record. On that
5. question, the...the Ayes are 39, the Nays are 3, 4 Voting
6. Present. Senate Bill 907 having received a constitutional
7. majority is declared passed. Senate Bill 912, Senator Buzbee.
8. Read the bill.

9. SECRETARY:

10. Senate Bill 912

11. (Secretary reads title of bill)

12. 3rd reading of the bill.

13. PRESIDENT:

14. Senator Buzbee.

15. SENATOR BUZBEE:

16. Thank you, Mr. President. This is the companion bill to the
17. one I was just talking about on the educational facilities for
18. the...for the children in the nursing home. This would provide
19. that school districts are to be reimbursed fully for special
20. education programs maintained in orphanages or from children
21. from State agency facilities. The State Superintendent shall
22. pay this out of appropriations for reimbursement for furnishing
23. special education facilities under Section 14-13.01, when
24. funding is unavailable under Section 14-12.01 effective
25. immediately. What this says is, and by the way, the State
26. Superintendent after I entered it...entered this bill informed
27. me that this was going to be his policy anyhow, and so, I am
28. trying to put this in...into legislation. What this says is,
29. that since these children are wards of the State, they are not
30. the special ed kids that we normally take care of ourselves in our
31. own school districts. These are children that are in orphanages
32. or in nursing homes as I just described, et cetera. They are
33. wards of the State, so if the General Assembly or the Executive

1. does not fund the Special Ed Program sufficiently to meet
2. all requirements that these wards of the State will be taken
3. care of first one hundred percent funding. The State Super-
4. intendent tells me this is his policy. He plans to follow
5. this, and I would ask for your favorable vote.

6. PRESIDENT:

7. Is there any discussion? If not, the question is,
8. shall Senate Bill 912 pass. Those in favor will vote Aye.
9. Those opposed will vote Nay. The voting is open. Have all
10. voted who wish? Have all voted who wish? Take the record.
11. On that question, the Ayes are 50, the Nays are none, none
12. Voting Present. Senate Bill 912 having received the
13. constitutional majority is declared passed. Senate Bill...
14. Senate Bill 913, Senator Lemke. Read the bill.

15. SECRETARY:

16. Senate Bill 913

17. (Secretary reads title of bill)

18. 3rd reading of the bill.

19. PRESIDENT:

20. Senator Lemke.

21. SENATOR LEMKE:

22. Before I start on this bill, you passed up 810. It was
23. miscorrectly printed, and we had corrected that error, so if
24. we can have time to go back to that at some time.

25. PRESIDENT:

26. All right. You are correct, Senator. We will...

27. SENATOR LEMKE:

28. Senate Bill 913 is a problem which we have occurred
29. when a bankruptcy happens to an employer and the employee
30. must file a claim for wages. We allow them time, ten and
31. thirty days. What happens when a bankruptcy is filed, they
32. have a restraining order for sixty days not to file claims
33. so this guy is...the...the...the employee for wages is...is...is

1. unable to...file a claim and he...and after the sixty days, the
2. time is up and he can't file it because the thirty days is
3. passed, so what we're doing here is extending it to ninety
4. days and...when there is bankruptcy. In other words, sixty
5. days of the bankruptcy and after that, he's got thirty
6. days to file. I think it's a good bill. I ask for a
7. favorable adoption of the...

8. PRESIDENT:

9. Is there any discussion? If not, the question is,
10. shall Senate Bill 913 pass. Those in favor will vote Aye.
11. Those opposed will vote Nay. The voting is open. Have all
12. voted who wish? Have all voted who wish? Take the record.
13. On that question, the Ayes are 50, the Nays are none, none
14. Voting Present. Senate Bill 913 having received a constitu-
15. tional majority is declared passed. Do we have leave to go
16. to Senate Bill 810 which is...was incorrectly printed on the
17. Calendar on the Order of 2nd reading, and is actually on 3rd
18. reading? Leave is granted. Senate Bill 810, Senator Lemke.
19. Read the bill.

20. SECRETARY:

21. Senate Bill 810

22. (Secretary reads title of bill)

23. 3rd reading of the bill.

24. PRESIDENT:

25. Senator Lemke.

26. SENATOR LEMKE:

27. What we're doing with Senate Bill 810 is to amend the...
28. Illinois Municipal Code requiring a municipality to provide for
29. or be liable for the cost of defending any action brought against
30. a member or an officer of the police department of such muni-
31. cipality for any act performed by such member or officer during
32. the incident or the performance of his duties. I think this is
33. a good bill. This provides that the...we stand the police officers

1. when they make arrests and that I think it's only right that
2. the principal pay for the cost if he is sued and proved
3. innocent and this is what the bills does.

4. PRESIDENT:

5. Senator Grotberg.

6. SENATOR GROTBORG:

7. A question of the sponsor.

8. PRESIDENT:

9. He indicates he will yield.

10. SENATOR GROTBORG:

11. I remember the bill in committee, Senator Lemke, and it
12. seems like the question was asked, don't most municipalities
13. do this now?

14. PRESIDENT:

15. Senator Lemke. No, was that a...

16. SENATOR GROTBORG:

17. Well, that's...

18. PRESIDENT:

19. ...that a question, Senator Grotberg? That was a
20. question.

21. SENATOR LEMKE:

22. Most municipalities do this, but there are some that
23. don't and this bill would...would require all of them to do,
24. and I think...I think it's only right that they should be
25. pay reasonable defense fees for police officers who act in
26. their duties and subsequently get involved in a...some
27. litigation while they're performing these duties.

28. PRESIDENT:

29. Senator Grotberg.

30. SENATOR GROTBORG:

31. To the bill, Mr. President, I only suggest that those of
32. you who are experiencing municipal affairs take a careful look
33. at this bill. It did go out of committee on a partisan vote,

1. and I don't know whether that was due to the content or to the
2. sponsor except that there was a lot of debate on it, and I'm
3. going to...have to be opposed to this bill.
4. PRESIDENT:
5. Senator Bowers.
6. SENATOR BOWERS:
7. Would the sponsor yield to a question.
8. PRESIDENT:
9. Indicates he will yield.
10. SENATOR BOWERS:
11. As I read this bill, it puts a...it mandates a municipality
12. to defend the officer regardless of what the civil charges...
13. as long as it is a civil charge. Is that correct?
14. PRESIDENT:
15. Senator Lemke.
16. SENATOR LEMKE:
17. That's correct on a civil charge, yes.
18. SENATOR BOWERS:
19. So, if, in fact, the officer, let's say committed a
20. murder, and as a result of that, he was sued civilly. As I
21. read this bill, they're...they're obligated to defend him.
22. Isn't that correct?
23. PRESIDENT:
24. Senator Lemke.
25. SENATOR LEMKE:
26. If he...he does it intentionally, they will not sue him.
27. If he does it accidentally and he's...and the criminal proceedings
28. says he is innocent, it exonerates him, then they would...they
29. would pay the cost, but if he was guilty, they wouldn't pay the
30. cost under the agency theory.
31. PRESIDENT:
32. Senator Bowers.
33. SENATOR BOWERS:

1. Well, Senator Lemke, as I read the bill, it says that
2. except in criminal actions, the municipality is bound to defend
3. him. Now, if he, in fact, shot someone and killed the, there
4. could be two separate types of action. One would be a criminal
5. action and I agree with you, they would not be bound to
6. defend him, but if there was a civil action brought from the
7. same occurrence, as I read this bill, they have to defend him.
8. Is...isn't that a fair interpretation of it?

9. PRESIDENT:

10. Senator Lemke.

11. SENATOR LEMKE:

12. No, I don't think so, 'cause under the principal agent
13. theory if it wouldn't be in...in the line of his duty if he
14. did it intentionally. He would be out of the scope of his
15. ...his employment. He wouldn't...they wouldn't be obligated
16. to do it, and that's what this bill is just doing here. It's
17. just doing like any other employer if his employee does it
18. within the course of his employment and doesn't...and...and
19. ...they...they do it. When you talk about intentional torts,
20. it's the same thing with the board of education with teachers.
21. If the teacher intentionally beats a child up, it's not covered.

22. PRESIDENT:

23. Senator Bowers.

24. SENATOR BOWERS:

25. Well, isn't there another section of the Statute already
26. that provides for reimbursement for...for damages? As I recall
27. last time I looked at it which was a number of years ago, it
28. had a fifty thousand dollar limitation on it, and I suppose
29. that's been raised, but it seems to me there's another section
30. of the Statute that already provides for indemnification of the
31. police officer where he, in fact, is sued on a negligence
32. action. Isn't that correct?

33. PRESIDENT:

1. Senator Lemke.

2. SENATOR LEMKE:

3. To my knowledge, I don't believe so. I...I...I think this
4. has to be...you know, we were talking about municipalities
5. which are a little different than normal employers and I think
6. ...that's not in this...Why would we be putting in a bill if
7. it was there, because it isn't there. And the police downstate,
8. upstate, where...wherever you are that, they want this bill
9. because it...it...it...I think it's only right with the
10. rash of suits that are being filed, you know, in violation of
11. peoples' constitutional rights, or civil rights or something
12. in...in...when they are exonerated, I think the municipality
13. should have some say in this, because I...I think that the
14. municipalities, you know, are just like any other employer,
15. they should be liable for...if they're for costs and to defend
16. their...their employee. I mean, 'cause it's to their benefit.
17. If the employee is found guilty, they could end up getting
18. sued and...and collect anyhow. They could collect from the...
19. collect from the municipality for negligence. So, I...I
20. think this would give the municipalities the right to get into
21. the suit before the final determination.

22. PRESIDENT:

23. Senator Bowers, will you conclude...

24. SENATOR BOWERS:

25. Well, Mr. President...

26. PRESIDENT:

27. ...your remarks.

28. SENATOR BOWERS:

29. ...I will, very, very briefly. I...I think, Senator Lemke,
30. if I may beg to disagree with you, there ..there is in the
31. Statute already a provision that provides for indemnification.
32. I don't quarrel with what you say you're trying to do here. I
33. think you've just gone way too far. I think the municipality

1. should defend the officer in any kind of a legitimate suit
2. that's brought or...or illegitimate suit that's brought while
3. he's doing his duties, but I think you've gone way beyond that
4. and therefore, I would oppose the bill.

5. PRESIDENT:

6. Senator Glass.

7. SENATOR GLASS:

8. Thank you, Mr. President. Senator Lemke, just for
9. clarification, does this apply to the City of Chicago?

10. PRESIDENT:

11. Senator Lemke.

12. SENATOR LEMKE:

13. We...we did this by a city ordinance in Chicago, but
14. this would also apply to the City of Chicago. We didn't
15. exempt it. We...we...we do pay reasonable fees for defense
16. of even municipal employees besides the police.

17. PRESIDENT:

18. Senator Glass.

19. SENATOR GLASS:

20. Yes, I think that...that is a laudable objective and
21. practice and many municipalities do it, but Senator Bowers is
22. right. I have the bill in front of me and it does go farther,
23. Senator, than I think you intend because it does say that
24. the municipality will pay for the defense of any act that the
25. officer commits during or incidental to the performance of his
26. or her duties, so any act that he performs during his duties
27. could be a criminal act and could result in a civil action
28. against that officer and if it did, the municipality would have
29. to pay under this bill whether or not he was...he was found
30. guilty in the criminal...in the criminal action. I think it
31. goes too far, and I would oppose the bill also.

32. PRESIDENT:

33. Senator Berning.

1. SENATOR BERNING:
2. Let me ask the sponsor a question.
3. PRESIDENT:
4. Indicates he will yield.
5. SENATOR BERNING:
6. We had an incident, an unfortunate incident, just within
7. the last year or so in my village where a police officer violated
8. his trust and aware of citizens being out of town broke into
9. a tremendous number of homes, had warehouses full of television
10. sets and so on. Now, would the village have to defend him in
11. a case like this?
12. PRESIDENT:
13. Senator Lemke.
14. SENATOR LEMKE:
15. No, because he would be out of the scope of his employ-
16. ment when he's doing that. He's not acting for the Village
17. or the municipality.
18. PRESIDENT:
19. Senator Berning.
20. SENATOR BERNING:
21. Oh, but he was. He was patrolling and watching the homes
22. where the people were away.
23.
24. (end of reel)
25.
26.
27.
28.
29.
30.
31.
32.
33.

1. PRESIDENT:
2. Senator Lemke
3. SENATOR LEMKE:
4. You understand, once he steps out of the...the course
5. of patrolling and he turns into a thief, he's out of the
6. scope of his employ. If he gets hurt stealing, he's not
7. going to be covered under...under any other loss, because
8. he's out of the scope of his employment. He's not in...
9. he's not at that time...doing what he's supposed to do,
10. by the employment of the...of the municipality and...
11. PRESIDENT:
12. Senator Berning.
13. SENATOR BERNING:
14. I...I also...
15. PRESIDENT:
16. Conclude your remarks.
17. SENATOR BERNING:
18. ...concur with previous speakers that Senator
19. Lemke undoubtedly is attempting to get at a problem here,
20. but when you say any act during or incidental to the
21. performance of his duties, it seems to me you...you really
22. have not got it nailed down here.
23. PRESIDENT:
24. Is there any further discussion? If not, the question
25. is shall Senate Bill 810 pass. Those in favor will vote
26. Aye. Those opposed will vote Nay. The voting is open.
27. Have all voted who wish? Have all voted who wish? Take
28. the record. On that question the Ayes are 27, the Nays
29. are 13, 9 Voting Present. Sponsors move to postpone
30. consideration. Consideration will be postponed. Senate
31. Bill 915, Senator Regner. Read the bill.
32. SECRETARY:
33. Senate Bill 915.
34. (Secretary reads title of bill)
35. 3rd reading of the bill.

1. PRESIDENT:

2. Senator Regner.

3. SENATOR REGNER:

4. Mr. President, members of the Senate. Under Section 27
5. of the Public Utilities Act, the Illinois Commerce Commission
6. has the power by general rules to waive the filing and
7. necessity for approval of sales of property involving
8. consideration not more than fifty thousand dollars and
9. leases involving rental of not more than five thousand
10. dollars. On April 20, 1967, the commission adopted such
11. a rule. Senate Bill 915, as amended, would increase these
12. amounts to one hundred thousand dollars for the sale
13. of property and ten thousand dollars for leases of
14. property. In fifty...1955, the Legislature enacted this
15. law and gave the commission the authority to waive sales
16. under twenty-five thousand and leases under twenty-five
17. hundred a year. The increase provided for in Section 9...
18. in Senate Bill 915 is necessary to offset the tremendous
19. increases we've had in property values in recent years
20. and also to eliminate the necessity for...commission
21. approval on sales or leases involving relatively small
22. amounts. I'd ask for a favorable roll call.

23. PRESIDENT:

24. Is there any discussion? If not, the question is
25. shall Senate Bill 915 pass. Those in favor will vote
26. Aye. Those opposed will vote Nay. The voting is open.
27. Have all voted who wish? Have all voted who wish? Take
28. the record. On that question the Ayes are 48, the Nays
29. are none, 1 Voting Present. Senate Bill 915 having
30. received a constitutional majority is declared passed.
31. Senate Bill 944, Senator Nimrod. Read the bill.

32. SECRETARY:

33. Senate Bill 944.

34. (Secretary reads title of bill)

1. 3rd reading of the bill.

2. PRESIDENT:

3. Senator Nimrod.

4. SENATOR NIMROD:

5. Yes, Mr. President and fellow Senators. This bill
6. is the result of almost two years of work by the study
7. panels that were involved with the energy resources
8. commission and it does entail all the high priority
9. recommendations. It does establish uniform definitions
10. for applicability for all the kind of solar energy
11. programs that are involved and it does...does it very
12. effectively, so that we can give both protection to
13. the local governments and to the consumers. It also
14. provides for some incentives, which are involved in
15. assistance to local governments in developing their
16. programs and to...for demonstration projects and for
17. pertaining to studies. Those areas which were objectional
18. to either the utilities, the municipal league and the other
19. areas have all been amended out of the bill and the
20. basic concept of this bill is one that provides for
21. studies and definitions and assistance to local govern-
22. ments and I would certainly urge the passage of this
23. bill.

24. PRESIDENT:

25. Is there any discussion? Senator Bruce.

26. SENATOR BRUCE:

27. Thank you, Mr. President, members of the Senate.
28. The only problem with the bill as I see it, is in
29. Section 10, which makes every other State Statute in
30. conflict with this Statute, null and void. It...it
31. states on page 9 of your amendment, if any provision
32. or application of this Act conflicts with any other
33. law of this State, this Act shall control and...govern

1. such other law. Seems to me that that goes far beyond
2. any Statute that I've ever seen enacted here, except
3. Statutes relating to bonding. In addition, on funding,
4. the division shall utilize such funds as are provided
5. to it from any source. It seems to me the major problem
6. with this bill would be that it nullifies any other
7. State Statute in conflict with it.

8. PRESIDENT:

9. Senator Nimrod.

10. SENATOR NIMROD:

11. I...I, that had not come to my attention and if
12. it does that I think we can take it from the record,
13. Mr. President, I'll correct that deficiency and bring
14. it back.

15. PRESIDENT:

16. Take the...Senate Bill 944 from the record.
17. Senate Bill 949, Senator Lemke. Read the bill.

18. SECRETARY:

19. Senate Bill 949.

20. (Secretary reads title of bill)

21. 3rd reading of the bill.

22. PRESIDENT:

23. Senator Lemke.

24. SENATOR LEMKE:

25. What we're doing here is we're prohibiting the
26. advertisement of surgical procedures. We all see the
27. papers, their advertising and what we have, is Pate
28. Philip put an amendment on there to make the bill
29. so that we can protect the doctors, who in connection
30. with treatment, give out pamphlets and also appear
31. on a radio show or a television talk show, explaining
32. procedures. We all notice in...different types of
33. ...I don't know if it was obscene, but ugly literature

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3rd

1. that's published out in regards to abortions and fetuses...and...
2. and, and fetuses and...and also this law will comply doctors
3. to the oath that they take and I...I think now with Pate
4. Philip's...amendment, it...it makes it a good bill and I'm
5. sure that the medical association will be for it.

6. PRESIDENT:

7. Senator Regner. Senator Regner, did you wish to
8. speak? Is there any...any discussion? Senator Netsch.

9. SENATOR NETSCH:

10. Thank you, Mr. President. It's my best judgment
11. that this bill is not valid under Bigelow versus Virginia
12. and I think we would be doing a futile thing to adopt it.

13. PRESIDENT:

14. Is there any further discussion? If not, the question is
15. shall Senate Bill 949 pass. Those in favor will vote
16. Aye. Those opposed will vote Nay. The voting is open.
17. Have all voted who wish? Have all voted who wish? Take
18. the record. On that question the Ayes are 35, the Nays
19. are 10, none Voting Present. Senate Bill 949 having
20. received a constitutional majority is declared passed.
21. Senate Bill 952, Senator Bloom. Read the bill.

22. SECRETARY:

23. Senate Bill 952.
24. (Secretary reads title of bill)
25. 3rd reading of the bill.

26. PRESIDENT:

27. Senator Bloom.

28. SENATOR BLOOM:

29. Yes, thank you, very much, Mr. President and members
30. of the Body. This changes and lines out the...way the
31. insurance department can follow in giving them increased
32. authority over the activities of insurance companies
33. and individual brokers, et cetera. By defining the
34. improper claims practices, it sets out in 154.6, this
35. is Amendment 1, items A through P of the...grounds for

1. going in an improper claims practice. The second amendment
2. was put on at the request of Mr. Bo Davies of the industry
3. which omitted persistent tendency and substituted therefore,
4. course of conduct. So you have a two pronged test in 154.5.
5. Try and answer questions and appreciate a favorable roll
6. call.

7. PRESIDENT:

8. Senator Glass.

9. SENATOR GLASS:

10. Mr. President, I apologize to the sponsor, but I
11. would like the record to show that on the last bill,
12. that is Senate Bill 949, I was shown as voting Aye and
13. I would like the record to show that I intended to vote
14. No on the bill. Thank you.

15. PRESIDENT:

16. The record will so show. Is there...Senator Lane.

17. SENATOR LANE:

18. Thank you, Mr. President, members of the Senate.
19. I rise in support of Senate Bill 952. Passed out of
20. the Insurance Committee in...unanimous vote.

21. PRESIDENT:

22. Is there any further discussion? If not, the
23. question is shall Senate Bill 952 pass. Those in
24. favor will vote Aye. Those opposed will vote Nay.
25. The voting is open. (Machine cut-off) voted who
26. wish? Have all voted who wish? Take the record.
27. On that question the Ayes are 49, the Nays are none,
28. none Voting Present. Senate Bill 952 having received
29. a constitutional majority is declared passed.
30. Senate Bill 959, Senator Leonard. Read the bill.

31. SECRETARY:

32. Senate Bill 959.

33. (Secretary reads title of bill)

1. 3rd reading of the bill.

2. PRESIDENT:

3. Senator Leonard.

4. SENATOR LEONARD:

5. This is an appropriation for 3.5 million dollars

6. in Capital Development Funds which would be used for

7. two breakwaters at the Waukegan Harbor. I think many

8. of our people are familiar with the Waukegan Harbor.

9. It would put in some two thousand feet of breakwater.

10. It would eventually result in about a thousand forty-eight

11. boats that would go in there. It is something of major

12. importance, not only to Waukegan, but to northeastern

13. Illinois, in general, because that is the area that

14. services the people who come to use the harbor. I'll

15. field any questions you might have and I'd ask for a

16. favorable roll call.

17. PRESIDENT:

18. Senator Regner.

19. SENATOR REGNER:

20. ...speaker yield.

21. PRESIDENT:

22. Indicates he will yield.

23. SENATOR REGNER:

24. Senator Leonard, did this have the approval of

25. the Mayor of Waukegan?

26. PRESIDENT:

27. Senator Leonard.

28. SENATOR LEONARD:

29. Yes.

30. PRESIDENT:

31. The answer is in the affirmative. Senator Sommer.

32. Excuse me Senator, Senator Regner.

33. SENATOR REGNER:

1. The more important question, does it have the approval
2. of the Governor? And it is...is it in the budget?

3. PRESIDENT:

4. Senator Leonard.

5. SENATOR LEONARD:

6. No, it is not in the Governor's budget.

7. PRESIDENT:

8. Senator Regner.

9. SENATOR REGNER:

10. I would then urge a vo note...vote.

11. PRESIDENT:

12. Senator...Senator Sommer.

13. SENATOR SOMMER:

14. Mr....is this...this in the bond authorization bill?

15. You know, you just can't make an appropriation for these.

16. You have to have it in the bond authorization. And that's
17. on third reading.

18. PRESIDENT:

19. Is there any further...Senator Maragos.

20. SENATOR MARAGOS:

21. This...will the sponsor yield to a question? Will
22. this in any way help any port in Wisconsin?

23. SENATOR LEONARD:

24. I don't know if it's going to help any port in
25. Wisconsin, but it'll certainly help a port in Illinois
26. that fields a lot of traffic.

27. PRESIDENT:

28. Senator Maragos.

29. SENATOR MARAGOS:

30. Mr. President, that is why I'm in favor of this bill,
31. because whether we realize it or not, if we don't help
32. the ports in Illinois, especially on Lake Michigan, we're
33. going to be competing with Indiana and with Wisconsin and

1. I vote in favor of this bill.

2. PRESIDENT:

3. Is there any further discussion? Senator Carroll.

4. SENATOR CARROLL:

5. Thank you, Mr. President, very quickly. I too rise
6. in support of this bill now that it is Capital Funds,
7. we took it out of General Revenue, which, of course, we
8. could of left it at it. My understanding from Senator
9. Sommer was that he would be bringing the authorization
10. bill back for purposes of an amendment to make it
11. equal to whatever we do, but it's really not, I see
12. no problem, it will always be dealt with in the House
13. and I would urge a favorable roll call.

14. PRESIDENT:

15. Is there any further discussion? If not, the
16. question is shall Senate Bill 959 pass. Those in
17. favor will vote Aye. Those opposed will vote Nay.
18. The voting is open. Have all voted who wish? Have
19. all voted who wish? Take the record. On that
20. question the Ayes are 36, the Nays are 11, 1 Voting
21. Present. Senate Bill 959 having received a
22. constitutional majority is declared passed. Senate
23. Bill 960, Senator Leonard. Senator Sommer.

24. SENATOR SOMMER:

25. Could we have a verification of that roll call?

26. PRESIDENT:

27. Senator Sommer has requested a verification of
28. the roll call. Roll call will be verified. Will the
29. Secretary read the affirmative votes.

30. SECRETARY:

31. The following voted in the affirmative: Berman,
32. ...Berning, Bloom, Bruce, Buzbee, Carroll, Chew, Clewis,
33. Collins, D'Arco, Demuzio, Donnewald, Egan, Guidice, Kenneth
34. Hall, Hickey, Johns, Joyce, Knuppel, Kosinski, Lane, Lemke,

1. Maragos, Merlo, Mitchler, Leonard, Netsch, Newhouse, Rock,
2. Savickas, Schaffer, Smith, Vadalabene, Washington, Wooten,
3. Mr. President.
4. PRESIDENT:
5. Senator Sommer. Senator Bloom. Senator Bloom is
6. on the Floor.
7. SENATOR SOMMER:
8. Senator Chew.
9. PRESIDENT:
10. Senator Chew. Is Senator Chew on the Floor?
11. Take...Senator Chew is not on the Floor, take his
12. name from the roll call.
13. SENATOR SOMMER:
14. Senator Daley.
15. PRESIDENT:
16. Senator Daley on the Floor? Senator Daley...Senator
17. Daley did not vote.
18. SENATOR SOMMER:
19. Senator Egan.
20. PRESIDENT:
21. Senator Egan. Senator Egan on the Floor? Take
22. his name from the roll call.
23. SENATOR SOMMER:
24. Senator Smith.
25. PRESIDENT:
26. Senator Smith on the Floor? Take his name from
27. the roll call.
28. SENATOR SOMMER:
29. Senator Knuppel.
30. PRESIDENT:
31. Senator Knuppel is on the Floor. The roll has been
32. verified. On that question the Ayes are 33, the Nays are
33. 11, 1 Voting Present. Senate Bill 959 having received a

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1. constitutional majority is declared passed. Senate Bill

2. 960, Senator Leonard. Read the bill.

3. SECRETARY:

4. Senate Bill 960.

5. (Secretary reads title of bill)

6. 3rd reading of the bill.

7. PRESIDENT:

8. Senator Leonard.

9. SENATOR LEONARD:

10. This is a fifty thousand dollar General Revenue
11. Fund appropriation. It is to repair the harbor which
12. suffered a great deal more than fifty thousand dollars
13. worth of damage this past winter due to the...the
14. severe winter, the ice and what have you, and it is to
15. put the thing into service so that it can function
16. this spring. And I'll field any questions and
17. ask for a favorable roll call.

18. PRESIDENT:

19. Is there any discussion? Senator Regner. Any questions?

20. SENATOR REGNER:

21. Just...just...just...no, just the statement that it's
22. fifty thousand dollars of General Revenue monies that isn't
23. in the budget and I'd urge a negative vote.

24. PRESIDENT:

25. Any further discussion? If not, the question is shall
26. Senate Bill 960 pass. Those in favor will vote Aye. Those
27. opposed will vote Nay. The voting is open. Have all voted
28. who wish? Have all voted who wish? Take the record. On
29. that question the Ayes are 34, the Nays are 13, none Voting
30. Present. Senate Bill 960 having received a constitutional
31. majority is declared passed. Senate Bill 961, Senator
32. Guidice. Read the bill.

33. SECRETARY:

1. Senate Bill 961.
2. (Secretary reads title of bill)
3. 3rd reading of the bill.
4. PRESIDENT:
5. Senator Guidice.
6. SENATOR GUIDICE:
7. Mr. ... thank you, Mr. President and members of the
8. Senate. This bill does exactly what it says, it's a...
9. it does not increase the floor. It...it is permissive
10. legislation, if the county shall choose to avail
11. themselves of this. I ask a favorable roll call.
12. PRESIDENT:
13. Any discussion? If not the question is shall
14. Senate Bill 961 pass. Senator McMillan. If not,
15. the question is shall Senate Bill 961 pass. Those
16. in favor will vote Aye. Those opposed will vote
17. Nay. The voting is open. Have all voted who wish?
18. Have all voted who wish? Take the record. On that
19. question the Ayes are 49, the Nays are none, none
20. Voting Present. Senate Bill 961 having received
21. the constitutional majority is declared passed.
22. (Machine cut-off) Bill 962, Senator Buzbee. Read
23. the bill.
24. SECRETARY:
25. Senate Bill 962.
26. (Secretary reads title of bill)
27. 3rd reading of the bill.
28. PRESIDENT:
29. Senator Buzbee.
30. SENATOR BUZBEE:
31. Thank you, Mr. President. This bill appropriates
32. two hundred fifty thousand, four hundred dollars in
33. the Capital Development Fund of the Capital Development

1. Board for the Board of Trustees of Southern Illinois
2. University, for planning through construction documents
3. for permanent facilities for the School of Law at
4. Southern Illinois University, Carbondale. The reason
5. for this bill, Mr. President, is that the law school
6. is there, as operational, has graduated two classes,
7. I think, or the second class is getting ready to be
8. graduated. They are presently in some...facilities
9. that used to be dormitories. Their law library,
10. as an example, right now they've got all kinds of
11. books stacked in...boxes in a basement where they
12. can't even get to them because there simply are not enough
13. facilities. The American Bar Association, as you know,
14. at least those of you who are lawyers, are the ones
15. who some how or other have the accreditation process
16. of law schools and they have given the SIU law school,
17. a provisional accreditation. However, they say that if
18. SIU does not get some plans on paper for their permanent
19. facility, including classrooms and law...law library,
20. that they will withdraw that...that provisional
21. accreditation. And some people that I think most of
22. us in this Chamber know are presently law students
23. there and doing very well, I might add, straight A
24. students, some of the people that we know. And
25. we would like to see them be able to be graduated
26. from an accredited law school. So this would simply
27. provide the funds to do the planning for so that
28. we can pass the American Bar Association's accreditation
29. demand.

30. PRESIDENT:

31. Senator Maragos.

32. SENATOR MARAGOS:

33. Will these facilities also increase the student
34. attendance at that school?

1. PRESIDENT:
2. Senator Buzbee.
3. SENATOR BUZBEE:
4. Senator, I...I cannot really answer that because I
5. don't know. I...I would assume that they could somewhat,
6. but I'm just not positive.
7. PRESIDENT:
8. Senator Maragos.
9. SENATOR MARAGOS:
10. I'll support the bill, but I would like to have
11. more of these law schools to open up more of their
12. opportunities for these young lawyers who are coming
13. in. Thank you.
14. PRESIDENT:
15. Senator Sommer.
16. SENATOR SOMMER:
17. Mr. President and members, just to remind you
18. this is again a nonbudgeted item and would Senator
19. Buzbee indicate the ranking in the BHE program of
20. this particular item.
21. PRESIDENT:
22. Senator Buzbee.
23. SENATOR BUZBEE:
24. I'm sorry, Senator, I cannot. I do not know. But...
25. I...I do remember a ranking somewhere of a hundred and
26. tenth or something like that, but that was not BHE's
27. ranking. I think that was the Capital Development Board's
28. ranking. BHE has always included this is a high priority,
29. it's my understanding, and...they...the last couple three
30. years have always fallen right beneath the Governor's
31. cut off level and...and this year they hit that same
32. mark again, as I understand it.
33. PRESIDENT:

1. Is there any further discussion? Senator Berning.

2. SENATOR BERNING:

3. Question. Senator, was there another facility planning
4. grant we considered just recently for Southern Illinois
5. University? An agriculture building or a fine arts build-
6. ing or a play hall or something?

7. PRESIDENT:

8. Senator Buzbee.

9. SENATOR BUZBEE:

10. Not that I recall, Senator. I...if you want to
11. refresh my memory, maybe it's...you know, the hour's
12. late, maybe I've just forgotten, but I don't recall
13. that.

14. PRESIDENT:

15. Senator Berning, have you...have your concluded?

16. SENATOR BERNING:

17. Well, it was my distinct recollection that we had
18. another such appropriation for another facility and
19. I'm not just sure whether it was Carbondale or Edwardsville
20. or...or something up here in Springfield. It's my
21. understanding that the law school is contemplated in
22. Springfield. Is that correct or not?

23. PRESIDENT:

24. Senator Buzbee.

25. SENATOR BUZBEE:

26. Absolutely not, Senator. The law school is
27. firmly entrenched, ensconced in...in Carbondale. The
28. dental school is in Edwardsville, the medical school
29. is Carbondale and Springfield. There is a law library
30. facility which has got nothing whatsoever to do with
31. Southern Illinois University, which is being planned
32. in Springfield, but it's my understanding that...that
33. law interns from both the University of Illinois and

1. Southern Illinois University in their senior year might
2. come to that library at some day about working an internship
3. here in government. Perform some...some law studies there
4. in that library, but it would have nothing to do with
5. either SIU or the U of I other than the fact that it
6. will be their students who come there for an internship.
7. And...and your...your first question, I'm sorry, I...there
8. was, Senator Vadalabene I think, has a bill, who I know
9. he does, which will plan for a facility at Edwardsville.
10. That is correct and I'm sorry, I was not trying to be
11. evasive, I just did not remember.

12. PRESIDENT:

13. Senator Knuppel.

14. SENATOR KNUPPEL:

15. I...I rise in favor of this. I've been practicing
16. law for about twenty-five years. I personally am a
17. graduate of University of Illinois and attended Marquette
18. before I went to the University of Illinois and at times
19. it's been...it's been a problem to find downstate people
20. who are attending law school who are available. If you
21. will look at your percentages, a very substantial part
22. of those people, in even the University of Illinois, come
23. from the Chicago area and return there to practice law.
24. They used to have an old Abraham Lincoln Law School
25. here in Springfield and you'd be surprised how many of
26. the present practicing members of the Bar where people
27. were out and work in...in Springfield and attend a
28. law school. I think this is a good thing. I...I think
29. it's an absolutely necessary thing and I've had the
30. occasion to have...interview several of these young men.
31. I had one on a three or four day internship on semester
32. break and as you all know, one of the young ladies
33. who's from...used to be on the staff here, is going to

1. law school there and doing a marvelous job. I think it's
2. a great thing for downstate Illinois and I'd like...I'd
3. like to rise in favor of it.

4. PRESIDENT:

5. Is there any...Senator Weaver.

6. SENATOR WEAVER:

7. Thank you, Mr. President. Well, you know about
8. five years ago, we authorized and drew plans for...

9. PRESIDENT:

10. May we have some order. For what purpose does
11. Senator D'Arco arise?

12. SENATOR D'ARCO:

13. Do Senators have workmen's comp insurance? I'm
14. not kidding? This...I don't know if this is serious
15. or not. but if you'll look at the chandelier above my
16. head, the tile around it is falling out and I hope
17. that doesn't mean it's about to decapitate me.

18. PRESIDENT:

19. The Secretary informs me it's been that way for
20. some time, Senator D'Arco, you've been fortunate. I'd
21. suggest you move your seat and... May we have some
22. order. Will the members please be in their seats.
23. Senator Weaver was speaking. Senator Weaver.

24. SENATOR WEAVER:

25. Thank you, Mr. President. About five years ago
26. we authorized plans for doubling the capacity of
27. the law school at the University of Illinois. Those
28. plans are drawn, they're sitting on the shelf. Maybe
29. five or ten years we might find enough money to build
30. that building, but in the meantime I suppose we may
31. as well keep the architects busy and draw some more
32. plans for Southern and maybe in fifteen or twenty
33. years we'll have enough money to build that building.

1. But we'll probably have to go back and revise them to meet
2. safety codes and all these...that solar energy project
3. you've got. You tell them...why don't you add another
4. couple hundred thousand in here, Ken, so you can get
5. solar energy put in that building, or maybe atomic
6. energy.

7. PRESIDENT:

8. Senator Rhoads.

9. SENATOR RHOADS:

10. As Senator Buzbee well knows, I did support him
11. in committee on two hundred and fifty thousand dollars,
12. or no, I guess we reduced it didn't we, for John A. Logan
13. College. But I can't do it twice, Senator Buzbee, sorry.

14. PRESIDENT:

15. Is there further discussion? If not, the question
16. is shall Senate Bill 962 pass. Those in favor will
17. vote Aye. Those opposed will vote Nay. For what
18. purpose does Senator Buzbee arise?

19. SENATOR BUZBEE:

20. Just a brief closing statement. I think Senator
21. Weaver has a very good point. All I'm saying is, that for
22. the American Bar Association to give us our accreditation,
23. they say we got to have some plans on paper. And I don't
24. know how soon we're going to be able to get to it, I just
25. don't want to lose that accreditation, so that Mary Lou
26. can't graduate from an accredited law school.

27. PRESIDENT:

28. The question is shall Senate Bill 962 pass. Those
29. in favor will vote Aye. Those opposed will vote Nay.
30. The voting is open. Have all voted who wish? Have all
31. voted who wish? Take the record. On that question
32. the Ayes are 30, the Nays are 20, none Voting Present.
33. Senate Bill 962 having received a constitutional majority

1. is declared passed. Senate...verification has been requested.
2. The Secretary will verify the affirmative votes. What purpose
3. does Senator Buzbee arise?

4. SENATOR BUZBEE:

5. I'll just save a little bit of time and ask for
6. Postpone Consideration right now. One of my colleagues
7. just got a bad case of gastritis and had to walk off the
8. Floor.

9. PRESIDENT:

10. Leave is granted to postpone consideration. Consideration
11. will be postponed. Senate Bill 964, Senator Kosinski. Senator
12. Kosinski.

13. SENATOR KOSINSKI:

14. Mr. President and members of the Senate. I'd like
15. to ask leave of the Body to bring back Senate Bill 964
16. to 2nd reading for an amendment requested by several
17. of the Senators.

18. PRESIDENT:

19. You heard the request. Is leave granted? Leave
20. is granted. The bill is on the Order of 2nd reading.
21. Senator Kosinski would you explain the amendment.

22. SENATOR KOSINSKI:

23. Thank you. If you want to read the...

24. SECRETARY:

25. Amendment No. 3 offered by Senator Kosinski.

26. SENATOR KOSINSKI:

27. Amendment No. 3 on...makes four changes as follows:
28. first, provides that one poll watcher for any election
29. may be a registered voter resident anywhere in the
30. county. The original version of the bill required that
31. all poll watchers in the municipal or township election
32. be residents of the municipality or township in which
33. they are watching. This confirms the bill to a recent

1. court decision interpreting the present law. Second, it
2. requires that election authority have watchers credentials
3. available for distribution at least two weeks prior to
4. the election. In past elections there have been instances
5. where the election authority refused to issue watchers
6. credentials until the day of the election. Third, it
7. requires that judges of election when reducing an excess
8. number of poll watchers use a lottery to determine which
9. watchers are to be excluded so as to insure impartiality.
10. Four, it requires that in every instances...every instance
11. where a lottery is used to reduce the number of watchers,
12. that each political party be permitted to always have
13. one of their poll watchers present. This is designed to insure
14. that the elected precinct committeemen or appointed
15. precinct captains, who are permentently assigned to
16. a precinct be permitted to stay. Mr. President, I move
17. for the adoption of Amendment No. 3.

18. PRESIDENT:

19. Is there any discussion? All those in favor...Senator
20. Rhoads.

21. SENATOR RHOADS:

22. Senator Kosinski, is this the amendment that we
23. were discussing with Mike LaVelle during the past few days
24. Okay. Just so we...I think it's a good amendment and
25. it vastly improves the bill, but just so that we all
26. know where we're heading here and we go into it with
27. our eyes open. There is still one mechanical problem
28. remaining that the amendment doesn't address itself. And
29. frankly, I don't know how we...we could address ourselves
30. to it, but there still is not any guarantee that in a
31. primary that an individual candidate could have a watcher
32. representing that candidate remaining in a polling place.
33. If, for example, the judges of an election in a precinct
34. decide that the precinct has become too crowded with too

1. many watchers and they, then, decide that they're going
2. to have to limit the number of watchers in the polling
3. place. Your amendment does provide that both major
4. parties will still have watchers in the polling place,
5. but in a primary situation it does not guarantee that
6. there will be watchers for every contested candidate
7. or every contested candidate who...who sent watchers
8. to the polling place. As I say, that's a mechanical
9. limitation. I still support your amendment, but I...I
10. don't know quite how we...we get at that problem. Do
11. you have any ideas?

12. SENATOR KOSINSKI:

13. The lottery, itself, I'm sure will leave someone outside
14. of the precinct captain or the ward committeeman...precinct
15. committeeman in the polling place. Now, those two are
16. definitely staying and the lottery would consist of...
17. would be held by those other candidates, watchers or
18. poll watchers or challengers, that would leave someone.
19. If you put two or three...two to each party you would
20. leave one.

21. PRESIDENT:

22. Senator Rhoads.

23. SENATOR RHOADS:

24. As I say, I think the...the amendment does...does
25. help the bill along as Senator Kosinski, is it your
26. intention to go to this on 3rd tonight or...or do this
27. tomorrow?

28. PRESIDENT:

29. If...Senator Rhoads, would...would you prefer
30. that it be tomorrow? We have leave then to come to
31. this bill tomorrow, in the morning, leave is granted.
32. Oh, excuse me, the amendment has not been adopted.
33. Is there any further discussion? Senator Collins.

1. You wish to speak on the amendment?

2. SENATOR COLLINS:

3. Yes, I had some very serious concerns about this
4. bill, however, I'm...all of my concerns has almost
5. been alleviated by the amendment. But the question that
6. Senator Rhoads just raised, is, in fact, and I think
7. it's in the wording of that...particular portion of
8. the amendment, Senator, that there is no guarantee at
9. the closing, and you know at the end of the day, almost
10. six o'clock, the polls just get flooded with people
11. coming in at the last minute to vote. And there is
12. that possibility where the...the polls is crowded and
13. that the judges could make the decision at the crucial
14. time, when it's almost near the count to actually eliminate
15. all of the poll watchers with the exception of the two...two
16. party poll watchers. And they could do it legitimately
17. so under this amendment, the way it's worded. And I
18. think we could kind of...if we...there's a possible way
19. to reword in that then I wouldn't have no...no problems
20. with the bill at all.

21. PRESIDENT:

22. Senator Kosinski.

23. SENATOR KOSINSKI:

24. My intent to sure is not to throw anyone out, the
25. representation must be there, otherwise I would not
26. sponsor this bill. The bill is for...there's many
27. confusions throughout the State of Illinois and many
28. elections, both county and township and I'm sure that
29. we could sit down and clear this so we will have
30. a good bill and so we won't have any problems for future
31. elections with...in any precinct. So, if you...if you
32. don't like the amendment at the present time, you want
33. to sit down with me tomorrow, I'd be very happy to go

1. through it again, but I'm sure that Mr. LaVelle ,as you know
2. that I have deliberately had him here to discuss it with
3. you people who have any questions to make sure it was
4. clear in your mind that we did not intend to have any
5. confusion on this bill. If you wish to speak to me
6. tomorrow, we will do it again. Be very happy to.

7. PRESIDENT:

8. Senator Nimrod.

9. SENATOR NIMROD:

10. Mr. President, and fellow Senators. Senator Kosinski
11. has graciously agreed to provide the...address the
12. problems that exist here, however, I think if we
13. look at the law presentlv, the judges of election in a
14. precinct can put out all the poll watchers. Presently,
15. right now, there's no...no problems with it. This law
16. does clarify that situation. And I don't think anything
17. we can do will ever change that situation because those
18. judges of election have the authority of a judge of the
19. circuit court and they should have that authority
20. and we shouldn't limit them. And if there's fifty or
21. sixty watchers, that's when they only have a problem,
22. when they...if you have a big school that you're working
23. at that's fine, but I...I discussed this problem with
24. Mike LaVelle and this seemed to be the most reasonable
25. way of saying at least there ought to be a system of
26. from two for each candidate down to one and then if
27. there has to be more than that, go through it. But I
28. don't think we ever have to be concerned about the
29. situation because these judges have the total authority
30. to remove everyone from the polls. And I don't think
31. we want to take that authority away from them.

32. PRESIDENT:

33. Any further discussion? If not, Senator Kosinski

1. moves the adoption of Amendment No. 3. All those in favor
2. signify by saying Aye. Opposed. The Ayes have it. The
3. amendment is adopted. Any further amendments?

4. SECRETARY:

5. No further amendments.

6. PRESIDENT:

7. 3rd reading. Senate Bill 965, Senator Carroll. Read
8. the bill.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Read the bill, Mr. Secretary.

11. SECRETARY:

12. Senate Bill 965.

13. (Secretary reads title of bill)

14. 3rd reading of the bill.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Senator Carroll.

17. SENATOR CARROLL:

18. Thank you, Mr. President, Ladies and Gentlemen of
19. the Senate. This bill is to do exactly what has been
20. done in Cook County by a county board ordinance. There's
21. a question as to whether or not it would take a State
22. Statute and it was...thought safer so to do. We are
23. not changing any of the fees currently practiced in
24. Cook County, but merely codifying in our Statute that
25. which they currently have the power to do by ordinance
26. for the purposes of safety and I would ask for a favorable
27. roll call.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Is there any discussion? Senator Schaffer.

30. SENATOR SCHAFFER:

31. What are the mileage fees?

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Senator Carroll.

1. SENATOR CARROLL:

2. Basically, the mileage fees are fifteen cents per mile
3. for conveying one person to the penitentiary, et cetera,
4. fifteen cents a mile, ten cents for the second prisoner,
5. five cents for each additional person. Additionally, there
6. are fees for services made by the sheriff of generally
7. four dollars in certain instances, two dollars. I can
8. read through the entire list, if you so desire.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Spare us. The question is shall Senate Bill 965
11. pass. Those in favor will vote Aye. Those opposed will
12. vote Nay. The voting is open. Have all voted who wish?
13. Have all voted who wish? Take the record. On that question
14. the Ayes are 47, the Nays are none, none Voting Present.
15. Senate Bill 965, having received the constitutional
16. majority is declared passed. 66, Senator Lemke. On the
17. Order of Senate Bills 3rd reading is Senate Bill 966. Read
18. the bill, Mr. Secretary.

19. SECRETARY:

20. Senate Bill 966.

21. (Secretary reads title of bill)

22. 3rd reading of the bill.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator Lemke.

25. SENATOR LEMKE:

26. What this bill does is two things, number one, it's
27. been amended that every company which offered Workmen's
28. Compensation in this State, as of June 30th, 1975, shall
29. continue to offer such insurance in this State as a
30. condition to its authorization to any insurance business
31. in the State. In the second amendment, there was a problem that
32. occurred through the hearings, it says that rates for
33. Workmen's Compensation Insurance shall be fixed with

1. due consideration to the amounts recoverable by the
2. ...each insured by subrogation from any party other
3. than the employer who contribute to or was liable for
4. the injury which resulted in the loss. The adjustment
5. for such recoveries may result, may also be made, by
6. refund of premiums or by...by a payment of the net
7. amount recovered to the assured employer. What we're
8. doing here is giving the employer something he doesn't
9. have. We...we have insurance companies that make
10. third party recoveries and...and manufactures, employers,
11. are not given credit to this on their rate. They're
12. charged the rate on what their loss on their Workmen's
13. Comp and when there's a recovery this loss is not
14. eliminated. And I think this is a good bill, and it
15. helps business in this State.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Any discussion? Is that a comment of sorts, Senator
18. Nimrod. Senator Nimrod.

19. SENATOR NIMROD:

20. Mr. President, a comment of sorts. I...I every
21. thing was fine until that last sentence. This...this
22. bill certainly does not address the problem. I think
23. that, Senator Lemke, there were hearings in the Insurance
24. Committee last year and the Insurance Title Laws
25. Commission, I think, held hearings. Did...does this...
26. are these recommendations the result of any hearings
27. or any sort...where...where did these recommendations
28. come from?

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Senator Lemke.

31. SENATOR LEMKE:

32. The...recommendations came from...when we put out
33. 966 into original form the recommendations come from
34. the insurance industry. Certain casualty companies did

1. not work...write Workmen's Compensation, did not choose
2. to write it, they write specifically malpractice insurance
3. or...or just specific casualty. And what we're doing
4. here is only requiring those companies prior to June 30,
5. 1975, to write insurance. The second amendment is my
6. amendment which I made on my own investigation, which
7. I have got through my experience and know that employers
8. are not given credit for these third party recoveries on
9. their premiums, and this is what we're doing here. We're
10. trying to give them...if they make a recovery and they're
11. not insured with that insurance company any more they'll
12. get a refund on...on the excess of premium they're charged.
13. I think it's a good bill, it helps business in the State.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Nimrod.

16. SENATOR NIMROD:

17. Thank you, Senator Lemke. This is a bad bill, it's
18. a bad concept, it's not going to assist in any way in
19. reducing the premiums, it's going to cause chaos in the
20. insurance industry, it's certainly not going to help
21. business in any way, in fact, I had hoped it might
22. have gone the same way that 720 went because 720 came
23. over here from...on a bill from the House, we never
24. even heard or discussed it. It went right back to
25. the House. And maybe this ought to be the kind of
26. thing that ought to just die.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. All right. Now there are a number of members who
29. have indicated they wish to be heard. Senator Bowers.

30. SENATOR BOWERS:

31. Thank you, Mr. President. I'll be very brief.
32. All I want to say, Senator Lemke, that these are those
33. greedy insurance companies that are getting all those

1. dollars from writing Workmen's Compensation and they want
2. to quit and you won't let them quit. Let's let them
3. not be greedy and just let them not...not write the
4. insurance.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senator Lane. Senator Knuppel.

7. SENATOR KNUPPEL:

8. Come on fellows, let's get with it. You know, you...you
9. can't protect business and...and when...when they're cheating
10. on you. Now, I'll tell you, I've sat here and I'm not
11. saying that these people have been right or that Nimrod's
12. been right. There's been a lot of cheating all the time
13. and not showing your other cards that are in the hole, but one
14. thing's for damn sure, when a company's canceling out,
15. somebody hasn't had a loss and when...when they're not
16. accounting for the money they're getting and there isn't
17. any question in my mind, I handle Workmen's Comp, I handle
18. negligence and I'm a general practitioner with six lawyers
19. in the firm and there ain't no question in my mind at
20. all but what the insurance companies are ripping...these
21. people off. Now by God, get with it.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Further discussion? Senator Glass.

24. SENATOR GLASS:

25. A question of the sponsor if he will yield, Mr.
26. President.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. The sponsor indicates he will yield. Senator Glass.

29. SENATOR GLASS:

30. Senator Lemke, shouldn't this be considered with
31. the next bill, Senate Bill 967. Are they companion bills?

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Senator Lemke.

1. SENATOR LEMKE:

2. No, 96...967 is a safety bill. It's a safety award
3. to those employers that don't have accidents. This is
4. no...this is not similiar to that.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senator Glass.

7. SENATOR GLASS:

8. Well, I would only point out to the membership that
9. they are consecutive in number and I think they are
10. related because if they both pass, not only will some
11. companies have to continue writing Workmen's Compensation
12. Insurance, but they will be prohibited from canceling
13. some of...some of their insureds as provided in that
14. bill, so I think the combination would pose an unreasonable
15. burden on them and on business.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Any further discussion? Senator...Senator Knuppel,
18. you're out of order. Any further discussion? Senator
19. Lane.

20. SENATOR LANE:

21. Thank you, Mr. President. I know it's been strongly
22. rumored that the largest casualty writer in the State of
23. Illinois is thinking about entering Workmen's Compensation
24. field. And it's legislation like this that would surely
25. discourage any activity in that area.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Any further discussion? Senator Lemke may close
28. the debate.

29. SENATOR LEMKE:

30. I can't see how this legislation will...disencourage
31. insurance companies. All we're asking for is fair treatment
32. of...of employers. That's what we're asking here. Fair
33. treatment. And if the Republican Party on that side of
34. the aisle doesn't think this is fair treatment, then

1. who do they work for, are they working for the small
2. businessmen or are they working for the big large
3. insurance companies that...with the conspiracy of invest-
4. ments in big companies, it's putting little guys out
5. of business. That's what we're doing here. We just
6. want to give some return premium back to these employers
7. that are being over charged by these big insurance
8. companies. That's all we want to do and that's what
9. we're doing here. We're selling the insurance industry,
10. we're mandating them. Prior to 1975, you work Workmen's
11. Comp, write it or get out of the State, don't write any
12. casualty insurance business and just take the milk and
13. the cream and forget about the water and we're also
14. telling them this, don't steal from the employer by
15. charging...excessive rates and not giving them back
16. the money after you charge the rates, after they go
17. through the attempt and the employee goes through
18. the attempt to recover this...this money back from
19. a negligent third party. That's what we're doing
20. here, we're giving money back to the employers and
21. saying here it is, we're helping you and that's what
22. we're trying to do.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. The question is shall Senate Bill 966 pass.
25. Those in favor will vote Aye. Those opposed will
26. vote Nay. The voting is open. Have all voted who
27. wish? Have all voted who wish? Take the record.
28. On that question the Ayes are 30, the Nays are 14,
29. 2 Voting Present. Senate Bill 966 having received
30. a constitutional majority is declared passed.
31. Senator Walsh, for what purpose do you arise?

32. SENATOR WALSH:

33. I request verification.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Walsh has requested...Senator Lemke. I...I
3. think we have...frankly, we have...I...I did announce the
4. passage of the bill and I think, frankly, I have to honor
5. Senator Walsh's request and once we come down off the
6. passage then your...your motion will be in order. Well,
7. I...I'm not, I wasn't presiding and I think this is...
8. All right, Senator Walsh has requested a verification.
9. Will all the Senators be in their seats. The Secretary
10. will read the affirmative votes.

11. SECRETARY:

12. The following voted in the affirmative: Berman,
13. Bloom, Buzbee, Carroll, Chew, Clewis, D'Arco, Demuzio,
14. Donnewald, Guidice, Kenneth Hall, Hickey, Johns, Joyce,
15. Knuppel, Kosinski, Lemke, Maragos, Merlo, Mitchler, Leonard,
16. Newhouse, Rock, Roe, Savickas, Schaffer, Vadalabene,
17. Washington, Wooten, Mr. President.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator Merlo on the Floor? He's not on the Floor,
20. take his name from the roll. On that question the Ayes
21. are 29, the Nays are 14. Senator Lemke requests that
22. consideration be postponed. So ordered. 967, Senator
23. Lemke. I'm sorry, I didn't hear. Did you say call it
24. or don't call it? 9...967. All right, on the Order
25. of Senate Bills 3rd reading. Senate Bill 967. Read
26. the bill, Mr. Secretary.

27. SECRETARY:

28. Senate Bill 967.

29. (Secretary reads title of bill)

30. 3rd reading of the bill.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Lemke.

33. SENATOR LEMKE:

1. What we're doing with 967 is another way to help
2. business in this State. We're saying to business, if
3. you put good safety programs in and you go without an
4. accident for three years, that you'll get a fifteen
5. percent rate reduction in your premium...your policy
6. won't be canceled. This bill came out of hearings
7. and was testified by many business people that they're
8. not allowed, they don't have accidents for thirty,
9. forty years, all of a sudden they're canceled out
10. and...thrown into the assigned risk pool. This is a
11. good bill. It's similiar to a bill which is sponsored
12. by the Republican Leadership in the House by Ryan
13. and Epton and it's similiar to House Bill 1224,
14. in fact, it's the same bill. And I'd ask for the
15. favorable adoption of this bill.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Is there any...any discussion? Senator Berman.

18. SENATOR BERMAN:

19. I just want to restate that I'm...that my situation
20. in my law firm falls right into this category, so I
21. have a conflict, but I'm going to vote Aye.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Any discussion? The question is...the question is
24. shall Senate Bill...Senator Savickas, I'm sorry.

25. SENATOR SAVICKAS:

26. Well, I'd just like to rise in support of this
27. bill. Just last week I met with a group of roofing
28. contractors to discuss Workmen's Compensation. Their
29. major concern, the five contractors that we met with,
30. in three years never had a claim, except one had a
31. claim for a hundred dollars, premium was five thousand
32. and going up and they...one of them was getting cancelled
33. and never had a claim yet. Their concern is that

1. the insurance industry said well, they haven't had a
2. claim in three years, pretty soon they're going to
3. have a claim, that the risk factor was there, that
4. they better cancel them. I don't know what we're
5. in the insurance business for. It's for the risk
6. factor and I think this is a good bill. If a
7. company has no claims, they shouldn't be allowed
8. to be canceling them because there are a possibility
9. of a claim.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Further discussion? Senator Rhoads.

12. SENATOR RHOADS:

13. Senator Lemke, I had an amendment that I was going
14. to offer and I...I won't offer it now, cause we're
15. on 3rd reading, but I hope maybe next fall or next
16. year you could support me on the amendment. It's
17. very simple, it says notwithstanding any other
18. provisions of Illinois law or Federal law, the law
19. of supply and demand is hereby repealed.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Nimrod.

22. SENATOR NIMROD:

23. Mr. President and fellow Senators. This is...would
24. not only...we're not only succeeding in driving the business
25. out of the State of Illinois, but we would drive all
26. the insurance companies out with them. I would think
27. that the way to solve the problem and address the thing
28. we're trying to do here is to vote for Senate Bill 600
29. and that would really then give the insurance companies
30. a chance to write proper insurance and compete.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Knuppel.

33. SENATOR KNUPPEL:

1. Mr. President, I've been here for six years and the
2. State of Illinois and the Director of Insurance under
3. both kinds of administration have been patsys for the
4. insurance industry. It's one of the most infiltrated,
5. one...one of the most fleece grabbing one of the most
6. domineering, has one of the most...greatest influences
7. over this General Assembly. That's one thing I never
8. hear anybody stand up and say, I'm an insurance
9. agent and this is why I'm against it.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Further discussion? Senator Berning.

12. SENATOR BERNING:

13. Thank you, Mr. President. I don't pretend to
14. be as knowledgeable and as articulate as some members
15. of this Body, but I am inclined to suggest that much
16. of our difficulty here rests right with a certain
17. profession, which if was regulated as there has been
18. some effort made to regulate some industries, would
19. have eliminated much of the problem that we're now
20. confronting. Right here, we have before us an
21. effort to mandate the actions of a given segment of
22. our business community. Now, I submit that if this
23. Legislative Body were to attempt to tell the attorneys
24. they have to be in their office X numbers of days, they
25. can only charge X numbers of dollars for their service,
26. the roof would blow off. The cause for cancelations,
27. you all know, is the unrealistic benefits, two hundred
28. fifty thousand dollars for a death. I submit to you
29. there is probably not one working man, blue collar
30. or white collar, who has the initiative, if you want to
31. call it that, to provide himself or his family with
32. ten percent of a two hundred fifty thousand dollar
33. policy. Now, why should Unemployment Compensation

1. or Workmen's Compensation provide those kind of benefits.
2. Gentlemen, if you use your God given intelligence, you
3. will be able to see very clearly why the insurance
4. companies and I'm no patsy for the insurance companies
5. or anybody else, regardless of what you think, Mr.
6. Know It All. I am no patsy for anybody else. Yes, well
7. your interpretation and mine are two different things.
8. But I say to you that there isn't any reason whatsoever
9. that we should be dictating to any segment of our
10. society as to how they run their operation, unless you
11. want to dictate to all, including the attorneys.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Rupp.

14. SENATOR RUPP:

15. I would like to announce Mr. President, that I
16. am an insurance agent and that would stop that comment.
17. But one question, and I would like the answer from
18. anyone, is why these very smart, fat, prosperous and
19. all the other word insurance companies, who are making
20. so much money on the Workmen's Compensation Insurance,
21. don't want to write it any more. They are not in the
22. business to not write insurance, they are in the business
23. to write it and that's the only way they're ever going
24. to make any money. They don't make any money by turning
25. down policies. They make money by writing it and here's
26. an instance where they want to get out of it. The fact
27. that we are requiring companies who wrote insurance and
28. attempted to provide a service and a market back in
29. July of 1975, we're saying thank you, we appreciate
30. the fact that you've provided that market, now you're
31. going to have to stay in it. You companies who did
32. not write the business back there, we'll excuse you
33. and you go on and keep writing the profitable part

1. of the business and bless you. I would like an answer on
2. that one question.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator D'Arco.

5. SENATOR D'ARCO:

6. Listen, I...I'm getting tired, it's getting late
7. and I know a lot of people want to speak on the bill.
8. It's a very heated and hot issue. Why don't we just
9. take a roll call and vote it up or down and let's see
10. what happens.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Well I...the Chair does, in fact, have four people
13. who have wished...indicated their desire to speak. I
14. will leave it in the hands of the membership. If the
15. four wish to withdraw their proposed comments we're...
16. they do not. Senator Buzbee.

17. SENATOR BUZBEE:

18. Thank you, Mr. President. I'll be very...very
19. brief. Not...not...not quite that brief.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Thank...thank you. Senator Carroll.

22. SENATOR CARROLL:

23. Thank you, Mr. President, members of the Senate.
24. I'll give it back to you when I'm done, Ken, you can
25. choke... Mr. President and members of the Senate. Let
26. me first give you what I think is my answer and I don't
27. claim it to be an all knowledgeable one to Senator
28. Rupp's question. The rates are a lot higher in the
29. assigned risk pool, than they are regularly. What I
30. don't understand and I may be echoing comments of others,
31. this bill says that if you had not had a claim for
32. three consecutive years, why cancel them and throw them
33. in the high risk pool. Why cancel the people who have
34. been paying their premiums and had no claims and now

1. make them pay a higher premium which means more profit
2. by throwing them in the high risk pool. These are the
3. complaints we have had from the businesses in our
4. neighborhood. They've written us, they've called
5. us, they've stopped us in the street and said, my
6. God, I never had a claim and they've tripled and
7. quadrupled and ten times my rates, because they
8. canceled me. And I had to go to the high risk pool.
9. That doesn't make sense. If they've had no claims,
10. no loss factor, no experience factor, why were
11. they cancelled and forced to pay these higher rates.
12. I think this is an outstanding piece of legislation
13. and I would think everybody would want to support
14. it.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Senator Guidice. Senator Buzbee.

17. SENATOR BUZBEE:

18. Well, I think Senator Carroll makes a very, very
19. good point. I've heard several horror stories about
20. how insurance companies will cancel somebody who has had
21. no claim for ten or fifteen years and all of a sudden,
22. they cancel them, they're thrown into the high risk
23. pool and they end up being insured again by the same
24. company who just canceled them, but at a ten to fifteen
25. or twenty time higher rate. Now, it seems to me this
26. is an addressal of the problem. I...I don't understand
27. what's wrong with this bill. I think it's a good one.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Walsh.

30.
31. (end of reel)

1. SENATOR WALSH:

2. Mr. President and members of the Senate. Just
3. briefly. It seems to me that our Democrat colleagues
4. are suffering from an acute case of paranoia on
5. this subject. It seems like there's three Democrats
6. speaking for every Republican speaking. Now, we all know
7. that a definition of insurance is to shift the risk.
8. A person buys insurance because he's not willing to
9. assume the risk of loss. An insurance company will
10. write the insurance because it's willing to assume the
11. risk. Now, this bill and other bills before it and the
12. speeches made by Democrats are an effort to shift the
13. responsibility for this mess we find ourselves in because
14. the responsibility is theirs. Mr. President, members
15. of the Senate, this bill should be defeated.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Hynes.

18. SENATOR HYNES:

19. Mr. President, members of the Senate. We've
20. put in a very long day and I think we have moved, I don't
21. know whether productively or not, but we have moved a
22. good number of bills and accomplished a great deal of work
23. today. It is obvious that we are reaching the point
24. at which the Session will no longer become productive.
25. We do have a substantial amount of work left on the Calendar.
26. And there are many bills that are coming up that are
27. extremely important and deserve full debate and deserve
28. the full membership of the Senate being present. It seems
29. to me at this point, we would be well advised to adjourn the
30. Session until 9:00 o'clock tomorrow morning. But before
31. I put that motion, I would like, if it is agreeable with the
32. sponsor of the bill currently being considered, to take
33. it out of the record, if not, we will consider this bill and

1. then...we will consider this bill and then...then make
2. the motion. But I would...I would suggest that the Senate
3. come in at 9:00 o'clock tomorrow morning and that we start
4. immediately on the Order of 3rd reading so that all of the
5. members ought to be here and available because we are
6. not going to go to any other Order. We would go to
7. 3rd reading. I've discussed this with leadership on both
8. sides of the aisle and I think that is the best approach
9. to take at this point.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Lemke. Senator Lemke to close the debate.

12. SENATOR LEMKE:

13. I think this is a good bill. I think here tonight
14. we have learned where the people on the other side of the
15. aisle stand. They stand with the insurance industry
16. that's milking the business in the State. That's what's
17. happening. I ask for a favorable adoption of this bill.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. The question...the question is shall Senate
20. Bill 967 pass. Those in favor will vote Aye. Those
21. opposed will vote Nay. The voting is open. Have all
22. voted who wish? Have all voted who wish? Have all
23. voted who wish? Take the record. On that question the
24. Ayes are 35, the Nays are 15, 1 Voting Present. Senate
25. Bill 967 having received a constitutional majority is
26. declared passed. Senator Hynes, there is a motion to
27. discharge pending and then we'll take the motion to
28. adjourn. Senator Kosinski moves to reconsider the vote
29. by which Senate Bill 967 has passed. Senator Carroll moves
30. to Table. All in favor signify by saying Aye. Motion
31. carries. All right. Gentlemen, there...there...if
32. I can have your attention so everybody...we have a motion to
33. discharge the committee with respect to a Senate Bill for

1. the purpose of having it read a second time and amended,
2. and we have committee reports and then we will entertain
3. the motion to adjourn until 9:00 a.m. tomorrow morning.

4. Committee Reports.

5. SECRETARY:

6. Senator Donnewald, Chairman of the Committee on
7. Assignment of Bills, assigns the following bills to committee:
8. House Bill...Agriculture, Conservation and Energy, House
9. Bills 829, and 2118. Appropriations II, House Bill 2375.
10. Education...Elementary and Secondary Education, House Bill
11. 712, 1432, 1853, 1958, 2285. Elections and Reapportionment,
12. House Bills 1566, 1978, 1983. Executive, House Bills
13. 905, 1787, 1820, 1871, 2231. Executive Appointments,
14. Administration, House Bill 1641, 2086, 2395. Finance
15. and Credit Regulations, House Bills 795, 858, 2059,
16. 2339. Insurance and Licensed Activities, House Bills
17. 127, 808, 1479, 1480, 1481, 1503, 1504. Judiciary I,
18. House Bills 862, 1011, 1029, 1229, 1249, 1222, rather,
19. 1257, 1372, 1399, 1556, 1959, 1981, 2186. Judiciary II,
20. House Bills 375, 889, 1984, 2037, 2155, 2318. Labor and
21. Commerce, House Bills 268, 1205, 1354, 2246. Local
22. Government, House Bill 1041, 1323, 1545 and 1997. Pensions,
23. Personnel and Veterans Affairs, House Bill 1074 and 2322.
24. Public Health, Welfare and Corrections, House Bills 391,
25. 743 and 1604.

26. Senator Chew, Committee...Chairman of the Committee
27. on Transportation, reports out House Bill 653, 897, 982
28. and 2182 with the recommendation Do Pass. House Bills
29. 120, 809, 927 and 1255 with the recommendation Do Pass
30. as Amended.

31. Senator Merlo, Chairman of the Committee on Pensions,
32. Personnel and Veterans Affairs reports out House Bills 287,
33. 419, 469, 471, 472, 473, 592, 629, 741, 830, 974, 1086, and

1. 1298 with the recommendation Do Pass.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Motions in Writing.

4. SECRETARY:

5. A Motion in Writing. I move that the Committee
6. on Revenue be discharged from further consideration of Senate
7. Bill 1251 and that the bill be placed on the Calendar
8. on the Order of 2nd reading. Signed...Dated May the
9. 26th, 1976. Signed, Senator John J. Nimrod.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Nimrod.

12. SENATOR NIMROD:

13. Yes, Mr. President and fellow Senators. This bill
14. had originally been put in in case we encountered a problem
15. as we have in the past that pertains to the case of the
16. multiplier in Cook County where we have the four
17. quadrants. Well, in fact, the multiplier was reduced and
18. since the first quadrant was the only one that was reassessed,
19. we have a very serious problem with that...that attracts
20. attention to the same problem that we have been faced
21. to adjust for in the past so 1251 is a vehicle to take care
22. of that matter and I would ask that we discharge the committee
23. and place it on 2nd reading.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Any discussion? Senator Berman.

26. SENATOR BERMAN:

27. I rise in support of the motion, Mr. President. It's
28. an emergency situation and I support the motion to discharge.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. All right. Senator Nimrod has moved that Senate Bill
31. 1251 be discharged from further consideration of Senate
32. Revenue Committee and that the bill be placed on the Calendar
33. on the Order of 2nd reading, read a second time. All those
34. in favor signify by saying Aye. All those opposed. The Ayes

1. have it. Yes, Senator Lemke, for what purpose do you
2. arise?

3. SENATOR LEMKE:

4. Rise for purpose of Senate Bill 1306 to have it
5. re-referred to committee.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. All right. We'll get to that order of business
8. right after this one. On the Order of Senate Bills, 2nd reading
9. is Senate Bill 1251. All right. We'll take...let's
10. take that out of the record for a moment and we'll go to
11. Senator Lemke...what's that number, Senator Lemke? I'm...
12. 1306 and it's where? Okay. And it's going to be re-referred
13. to the Committee on Labor and Commerce? All right. Senator
14. Lemke moves to recommit Senate Bill 1306 back to the
15. Committee on Labor and Commerce. All those in favor
16. signify by saying Aye. All those opposed. The Ayes have it.
17. So ordered. All right. Now, on the Order of Senate Bills,
18. 2nd reading, is Senate Bill 1251. Read the bill, Mr.
19. Secretary.

20. SECRETARY:

21. Senate Bill 1251.

22. (Secretary reads title of bill)

23. 2nd reading of the bill. No committee amendments.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Any amendments from the Floor? 3rd reading.

26. Senator Berman, I understand it was going to be called
27. back tomorrow for the purpose of an amendment, rather than
28. put it on tonight. Okay. That was the sponsor's decision.
29. Senator Guidice, for what purpose do you arise?

30. SENATOR GUIDICE:

31. Thank you, Mr. President. I ask leave of the Body
32. to be shown as principal sponsor of House Bill 1001. It's
33. on 2nd reading.

1. PRESIDING OFFICER: (SENATOR ROCK)
2. House Bill 1001 on 2nd reading.
3. SENATOR GUIDICE:
4. Yes, the...the Calendar shows Senator Kosinski. I have
5. talked to Senator Kosinski. It's all right with him and
6. the digest shows that I am the principal sponsor...
7. SENATOR GUIDICE:
8. ...in this instance.
9. PRESIDING OFFICER: (SENATOR ROCK)
10. All right. The record will so indicate. Is leave
11. granted? So ordered.
12. SENATOR GUIDICE:
13. Mr. President?
14. PRESIDING OFFICER: (SENATOR ROCK)
15. Yes.
16. SENATOR GUIDICE:
17. And House Bill 1604. I'd ask leave to be shown as the
18. principal sponsor. I've talked to Senator Chew. It's
19. all right with him, also.
20. PRESIDING OFFICER: (SENATOR ROCK)
21. Where...where is that bill?
22. SENATOR GUIDICE:
23. That's on 1st reading, House Bill.
24. PRESIDING OFFICER: (SENATOR ROCK)
25. Did we get to House Bills 1st, yet? All right.
26. Well, just mark Senator Guidice in there.
27. SENATOR GUIDICE:
28. Thank you, Mr. President.
29. PRESIDING OFFICER: (SENATOR ROCK)
30. All right. Any further business to come before the
31. Senate? Senator Bruce.
32.
33.

1. SENATOR BRUCE:

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

3. I'd like to ask leave to have the Six Day Notice Rule

4. waived relative to House Bill 318. House Bill 319 is

5. already in the Higher Education Committee and posted.

6. House Bill 647, which is...all these deal with the

7. students on various community college and college boards

8. and the Board of Higher Education. I've asked the Minority

9. Spokesman and the Chairman. They evidently

10. inadvertently left this one bill in the series out.

11. I'd ask leave that the Six Day Notice so it might be

12. heard in Higher Education next Tuesday.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Is leave granted? You've heard the request. Is

15. leave granted? So ordered. Further business to come before

16. the Senate. If not, Senator Donnewald moves...Senator

17. Guidice moves that the Senate stand adjourned until 9:00

18. a.m., Friday, May 27. Senate stands adjourned. The Chair

19. would point out there's a hundred and twenty-nine bills to

20. be handled tomorrow.

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