

81ST GENERAL ASSEMBLY

MAY 10, 1979

REGULAR SESSION

1. PRESIDENT:

2. The hour of nine having arrived the Senate will please
3. come to order. Will our guests in the gallery please rise.
4. Prayer this morning by Doctor David Gotaas, Winnetka Bible
5. Church, Winnetka, Illinois. Doctor.

6. DOCTOR GOTAAS:

7. (Prayer by Doctor Gotaas)

8. PRESIDENT:

9. Thank you, Doctor. Reading of the Journal. Senator
10. Johns.

11. SENATOR JOHNS:

12. Good morning, Mr. President. I move that reading and
13. approval of the Journals of Friday, May the 4th, Tuesday,
14. May the 8th and Wednesday, May the 9th in the year 1979 be
15. postponed pending arrival of the printed Journals.

16. PRESIDENT:

17. You've heard the motion. All in favor signify by
18. saying Aye. All opposed. The Ayes have it. So ordered.
19. A Message from the House.

20. SECRETARY:

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

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

26. House Bills, 725, 2370, 2372, 2376, 2380, 2394, 2397,
27. 2399, 2401, 2473, 2485, 2488, 2509, 2521, 2522, 2539, 2634,
28. 2655 and 2686.

29. PRESIDENT:

30. Resolutions.

31. SECRETARY:

32. Senate Resolution 150 offered by Senator Rock and all
33. members. It's congratulatory.

1. Senate Resolution 153 offered by Senator Becker. It's
2. congratulatory.
3. 152 on Senator Rock's resolution and 153 on Senator Becker's.
4. PRESIDENT:
5. Consent Calendar. Resolutions.
6. SECRETARY:
7. Senate Joint Resolution 44 offered by Senators Regner,
8. Carroll, Buzbee and Sommer and Senate Joint Resolution 45
9. offered by Senators Berning, Shapiro, Walsh and others.
10. PRESIDENT:
11. Executive. House Bills, 1st reading.
12. SECRETARY:
13. House Bill 144. Senator Weaver is the Senate sponsor.
14. (Secretary reads title of bill)
15. 1st reading of the bill.
16. House Bill 339. Senator Nash is the Senate sponsor.
17. (Secretary reads title of bill)
18. 1st reading of the bill.
19. House Bill 655. Senator Schaffer is the Senate sponsor.
20. (Secretary reads title of bill)
21. 1st reading of the bill.
22. House Bill 741. Senator Nimrod is the Senate sponsor.
23. (Secretary reads title of bill)
24. 1st reading of the bill.
25. House Bill 1275. Senator Geo-Karis is the Senate sponsor.
26. (Secretary reading of the bill)
27. 1st reading of the bill.
28. House Bill 1341. Senator Johns is the Senate sponsor.
29. (Secretary reads title of bill)
30. 1st reading of the bill.
31. House Bill 1346. Senator Chew is the Senate sponsor.
32. (Secretary reads title of bill)
33. 1st reading of the bill.

1. House Bill 1455. Senator Bruce is the Senate sponsor.
2. (Secretary reads title of bill)
3. 1st reading of the bill.
4. House Bill 1478. Senator McLendon is the Senate sponsor.
5. (Secretary reads title of bill)
6. 1st reading of the bill.
7. House Bill 1784. Senator Vadalabene is the Senate sponsor.
8. (Secretary reads title of bill)
9. 1st reading of the bill.
10. House Bill 1847. Senator Gitz is the Senate sponsor.
11. (Secretary reads title of bill)
12. 1st reading of the bill.
13. House Bill 1850. Senator Sangmeister is the Senate sponsor.
14. (Secretary reads title of bill)
15. 1st reading of the bill.
16. House Bill 1860. Senator...Nedza is the Senate sponsor.
17. (Secretary reads title of bill)
18. 1st reading of the bill.
19. House Bill 2041. Senator Martin is the Senate sponsor.
20. (Secretary reads title of bill)
21. 1st reading of the bill.
22. House Bill 2042 by the same sponsor.
23. (Secretary reads title of bill)
24. 1st reading of the bill.
25. House Bill 2091. Senator Chew is the Senate sponsor.
26. (Secretary reads title of bill)
27. 1st reading of the bill.
28. House Bill 2268. Senator McMillan is the Senate sponsor.
29. (Secretary reads title of bill)
30. 1st reading of the bill.
31. And House Bill 2683. Senator Bruce is the Senate sponsor.
32. (Secretary reads title of bill)
33. 1st reading of the bill.

1. PRESIDENT:

2. Good morning. Committee Reports.

3. SECRETARY:

4. Senator Donnewald, Chairman of the Assignment of Bills
5. Committee assigns the following bills to committee: These are
6. all House Bills.

7. Agriculture, Conservation and Energy - 233, 1318, 1466
8. and 1469;...Elementary and Secondary Education - 1766 and 2023;
9. Higher Education - 1149; Elections and Reapportionment - 570;
10. Executive Appointments Administration - 1099, 1101, 1102, 1103,
11. 1104, 1105, 1106, 1107, 1112, 1113, 1114, 1115, 1116, 1117, 1118,
12. 1119, 1120, 1121, 1123, 1349, 1448, 1449, 1450, 1451, 1452 and
13. 1454; Insurance and Licensed Activities - 736, 1131, 1509 and
14. 1511; Judiciary I - 1018; Judiciary II - 1716; Local Government -
15. 559, 887, 902, 938, 1301, 1498, 1526, 1593 and 2545; Pensions,
16. Personnel and Veterans Affairs - 1969; Public Health, Welfare...
17. 64 that is...1964; Public Health, Welfare and Corrections - 190,
18. 969, 1127, 1718, 1723 and 1913; Revenue - 782 and 1680; Trans-
19. portation - 1070 and 1459.

20. PRESIDENT:

21. The Secretary informs me that there are sixteen pending
22. amendments for 3rd reading bills. If any of the members would
23. elect to recall their bill for the purpose of adding an amend-
24. ment, will you please...we will then go to the Order of Senate
25. Bills on 3rd reading for the purpose of these proposed amend-
26. ments. On the Order of Senate Bills, 3rd reading. Turn to
27. page 14...at the bottom of page 14. Senate Bill 105. Senator
28. Sangmeister.

29. SENATOR SANGMEISTER:

30. Thank you, Mr. President and members of the Senate. The
31. Reference Bureau has sent up an amendment that there's been
32. a word misspelled and misplaced on it. It's strictly technical
33. in nature and, therefore, I would ask leave of the Body to move

1. the bill back from 3rd to 2nd reading for purposes of that
2. amendment.

3. PRESIDENT:

4. Senator Sangmeister seeks leave of the Body to return
5. Senate Bill 105 to the Order of 2nd reading for purposes of
6. an amendment. Is leave granted? On the Order of Senate Bills,
7. 2nd reading, Senate Bill 105. Mr. Secretary.

8. SECRETARY:

9. Amendment No. 1 offered by Senator Sangmeister.

10. SENATOR SANGMEISTER:

11. Yes, as I just stated it's a Reference Bureau. There
12. was a word misspelled in there and that's all the amendment
13. does.

14. PRESIDENT:

15. Senator Sangmeister moves the adoption of Amendment No. 1
16. to Senate Bill 105. Is there any discussion? If not, all in
17. favor signify by saying Aye. All opposed. The Ayes have it.
18. The amendment is adopted. Further amendments?

19. SECRETARY:

20. No further amendments.

21. PRESIDENT:

22. 3rd reading. Turn to page 18. On the Order of Senate
23. Bills, 3rd reading, Senate Bill 236. Senator Netsch.

24. SENATOR NETSCH:

25. Thank you...thank you, Mr. President. The amendment,
26. which is Amendment No. 2 is intended to clarify the time from
27. which the Statute of Limitations is measured. This is in the
28. Liquor Control Act. The original bill raised the...or increased
29. and specified that the Statute of Limitations would be three
30. years. Senator Berman raised the question that the basic bill
31. was not clear about the time from which...was to be measured.
32. The amendment makes it clear that the three year Statute should
33. be measured from the date of the alleged violation. I move

SB 289
2nd Reading
5-10-79
Recalled

1. the adoption of Amendment No. 2 to Senate Bill 236.

2. PRESIDENT:

3. All right. Senator Netsch seeks leave to have...

4. SENATOR NETSCH:

5. I...I beg your pardon. I forgot...

6. PRESIDENT:

7. ...Senate Bill 236 returned to the Order of 2nd reading
8. for purposes of...of an amendment. Is leave granted? On
9. the Order of Senate Bills, 2nd reading, Senate Bill 236,
10. Amendment No. 2. Senator Netsch has just explained. Is
11. there any discussion? Senator Netsch moves the adoption of
12. Amendment No. 2 to Senate Bill 236. All those in favor signify
13. by saying Aye. All opposed. The Ayes have it. The amendment
14. is adopted. Further amendments?

15. SECRETARY:

16. No further amendments.

17. PRESIDENT:

18. 3rd reading. Top of page 20. On the Order of Senate Bills,
19. 3rd reading, Senate Bill 289. Senator Grotberg.

20. SENATOR GROTBORG:

21. Yes, Mr. President, I'd seek leave of the Body to return
22. Senate Bill 289 to the Order of 2nd reading for purposes of
23. an amendment.

24. PRESIDENT:

25. Senator Grotberg seeks leave of this Body to return Senate
26. Bill 289 to the Order of 2nd reading for purpose of an amend-
27. ment. Is leave granted? On the Order of Senate Bills, 2nd
28. reading, Senate Bill 289. Mr. Secretary.

29. SECRETARY:

30. Amendment No. 1 offered by Senator Grotberg.

31. PRESIDENT:

32. Senator Grotberg.

33. SENATOR GROTBORG:

1. Thank you, Mr. President and members of the Senate.
2. Amendment No. 1 to Senate Bill 289 includes now in the...
3. number 11 option for the courts under the Probation section
4. the concept of house arrests. We have simplified it. We took
5. it to the...Criminal Sentencing Commission. On its first
6. hearing there it had favorable reception. We're going to
7. hold it on 3rd reading until they meet again on the 24th and
8. I would move the adoption of Amendment No. 1.

9. PRESIDENT:

10. Senator Grotberg has moved the adoption of Amendment
11. No. 1 to Senate Bill 289. Is there any discussion? If not,
12. all in favor signify by saying Aye. All opposed. The Ayes
13. have it. The amendment is adopted. Further amendments?

14. SECRETARY:

15. No further amendments.

16. PRESIDENT:

17. 3rd reading. Is Senator Nash on the Floor? Senator Nash.
18. On the Order of Senate Bills, 3rd reading, at the bottom of
19. page 24, Senate Bill 431.

20. SENATOR NASH:

21. Mr. President...

22. PRESIDENT:

23. Senator Nash.

24. SENATOR NASH:

25. ...Ladies and Gentlemen of the Senate. I ask leave to bring Senate Bill
26. 431 back to 2nd reading for purpose of a technical amendment.

27. PRESIDENT:

28. Senator Nash seeks leave of the Body to return Senate Bill
29. 431 back to the Order of 2nd reading for purpose of an amendment
30. Is leave granted? Leave is granted. On the Order of Senate
31. Bills, 2nd reading, Senate Bill 431. Mr. Secretary.

32. SECRETARY:

33. Amendment No. 2 offered by Senator Nash.

1. PRESIDENT:
2. Senator Nash.
3. SENATOR NASH:
4. Amendment No. 2 on line 19 deletes the word "constitute"
5. and it's...no, the wrong one. On line number 5, it changed
6. the wording to read "or who normally permits his agent or
7. employee to take." It's a technical amendment and...
8. PRESIDENT:
9. Senator Nash moves the adoption of Amendment No. 2 to
10. Senate Bill 431. Is there any discussion? If not, all in
11. favor signify by saying Aye. All opposed. The Ayes have it.
12. The amendment is adopted. Further amendments?
13. SECRETARY:
14. No further amendments.
15. PRESIDENT:
16. 3rd reading. 435, Senator Nash. Top of page 25, on
17. the Order of Senate Bills, 3rd reading, Senate Bill 435.
18. Senator Nash.
19. SENATOR NASH:
20. Mr. President and Ladies and Gentlemen of the Senate.
21. I ask leave to...Senate Bill 435 be returned to 2nd reading
22. for purpose of a technical amendment.
23. PRESIDENT:
24. Senator Nash seeks leave of this Body to return Senate
25. Bill 435 to the Order of 2nd reading for purposes of an
26. amendment. Is leave granted? Leave is granted. On the Order
27. of Senate Bills, 2nd reading, Senate Bill 435. Senator Nash.
28. Mr. Secretary.
29. SECRETARY:
30. Amendment No. 1 offered by Senator Nash.
31. PRESIDENT:
32. Senator Nash.
33. SENATOR NASH:

SB 552
Revised
5-10-79

1. Mr. President, I move that Amendment No. 1 be adopted.

2. PRESIDENT:

3. Senator Nash moves the adoption of Amendment No. 1 to
4. Senate Bill 435. Is there any discussion? If not, all in
5. favor signify by saying Aye. All opposed. The Ayes have it.
6. The amendment is adopted. Further amendments?

7. SECRETARY:

8. No further amendments.

9. PRESIDENT:

10. 3rd reading. Top of page...Is Senator Berman on the
11. Floor? Top of page 29, on the Order of Senate Bills, 3rd
12. reading, Senate Bill 552. Mr. Secretary. On the Order of
13. Senate Bills, 3rd reading, Senate Bill 552. Senator Berman.

14. SENATOR BERMAN:

15. Thank you, Mr. President. I ask leave to bring Senate
16. Bill 552 back to 2nd reading for purpose of an amendment.

17. PRESIDENT:

18. You've heard the request. Is leave granted? Leave is
19. granted. On the Order of Senate Bills, 2nd reading, Senate
20. Bill 552. Mr. Secretary.

21. SECRETARY:

22. Amendment No. 1 offered by Senator Berman.

23. PRESIDENT:

24. Senator Berman.

25. SENATOR BERMAN:

26. This is an effective date amendment to make the bill
27. effective upon becoming law. I'd move the adoption of Amend-
28. ment No. 1.

29. PRESIDENT:

30. Senator Berman has moved the adoption of Amendment No. 1
31. to Senate Bill 552. Is there any discussion? If not, all in
32. favor signify by saying Aye. All opposed. The Ayes have it.
33. The amendment is adopted. Further amendments?

1. SECRETARY:

2. No further amendments.

3. PRESIDENT:

4. 3rd reading. On the Order of Senate Bills, 3rd reading,
5. Senate Bill 553. Senator Berman.

6. SENATOR BERMAN:

7. I ask leave to return 553 to the Order of 2nd reading.

8. PRESIDENT:

9. Senator Berman seeks leave of this Body to return Senate
10. Bill 553 to the Order of 2nd reading for the purpose of an
11. amendment. Is leave granted? On the Order of Senate Bills,
12. 2nd reading, Senate Bill 553. Mr. Secretary.

13. SECRETARY:

14. Amendment No. 2 offered by Senator Berman.

15. PRESIDENT:

16. Senator Berman.

17. SENATOR BERMAN:

18. Thank you, Mr. President. I move the adoption of
19. Amendment No...

20. PRESIDENT:

21. 2.

22. SENATOR BERMAN:

23. ...2, which is an effective date amendment to make the
24. bill effective on becoming law.

25. PRESIDENT:

26. Senator Berman has moved the adoption of Amendment No. 2
27. to Senate Bill 553. Is there any discussion? If not, all
28. in favor signify by saying Aye. All opposed. The Ayes have
29. it. The amendment is adopted. Any further amendments?

30. SECRETARY:

31. No further amendments.

32. PRESIDENT:

33. 3rd reading. Senator Maragos on the Floor? Senator

1. Savickas on 562...on 602. Ladies and Gentlemen, the middle
2. of page 30. On the Order of Senate Bills, 3rd reading,
3. Senate Bill 602. Senator Savickas.

4. SENATOR SAVICKAS:

5. Yes, Mr. President and members of the Senate. This is a
6. error that we had on percentage. It was in the bill as .95.
7. We want it not more than 1 percent. Oh, I'm sorry. I thought
8. we were on that order. I ask leave to bring back Senate Bill
9. 602 from 3rd reading for the purposes of an amendment.

10. PRESIDENT:

11. Senator Savickas seeks leave of the Body to return
12. Senate Bill 602 to the Order of 2nd reading for the purpose
13. of an amendment. Is leave granted? On the Order of Senate
14. Bills, 2nd reading, Senate Bill 602. Senator...Mr. Secretary.

15. SECRETARY:

16. Amendment No. 2 offered by Senator Savickas.

17. PRESIDENT:

18. Senator Savickas.

19. SENATOR SAVICKAS:

20. Yes, this changes the percentage from .95 to not more
21. than 1 percent and it was drafted in error.

22. PRESIDENT:

23. Senator Savickas moves the adoption of Amendment No. 2
24. to Senate Bill 602. Is there any...Senator Walsh.

25. SENATOR WALSH:

26. Will the Gentleman yield for a question?

27. PRESIDENT:

28. Indicates he will yield. Senator Walsh.

29. SENATOR WALSH:

30. Senator, the bill in its present form provides for an
31. increase in the tax rate for the Chicago Park District. It...
32. from point...from .75 to .95 and this amendment would...would
33. increase it an additional...Would you explain that, please?

1. PRESIDENT:

2. Senator Savickas.

3. SENATOR SAVICKAS:

4. Yes, when it was drafted it was originally three quarters
5. of one...of one percent and it was drafted with .95. The...
6. the legal attorneys for the Park District said it should have
7. been drafted to read not more than 1 percent instead of .95
8. so we'd like to get the bill in...in its proper form.

9. PRESIDENT:

10. Senator Walsh.

11. SENATOR WALSH:

12. Mr. President and members of the Senate. This is a bill
13. which provides for a tax rate increase without...without a
14. referendum and it would be bad just increasing it to...to
15. ninety-five cents but when you increase it to...to one dollar
16. that's even worse so I would...I would hope the membership
17. would oppose the amendment. The...it's bad enough to...to
18. vote on the bill on 3rd reading with the increase that's
19. provided in the bill, which the committee acted upon but
20. to increase it even further on 2nd reading, I think is
21. improper and I would urge a No vote on this...on this amendment.

22. PRESIDENT:

23. Senator Washington.

24. SENATOR WASHINGTON:

25. ...Will the sponsor yield for a question?

26. PRESIDENT:

27. He indicates he will yield. Senator Washington.

28. SENATOR WASHINGTON:

29. I'm somewhat confused, Senator Savickas. What is the
30. present level now? It is .75 or .95 or...or what?

31. PRESIDENT:

32. Senator Savickas.

33. SENATOR SAVICKAS:

1. The present level is three-quarters of one percent.

2. PRESIDENT:

3. Senator Washington.

4. SENATOR WASHINGTON:

5. That's .75. Right?

6. PRESIDENT:

7. Senator Savickas.

8. SENATOR SAVICKAS:

9. That's correct and we would like the bill to read, not

10. more than one percent.

11. PRESIDENT:

12. Further discussion? Senator Savickas has moved the

13. adoption of Amendment No. 2 to Senate Bill 602. All those...

14. a roll call has been requested. Senator Savickas has moved

15. the adoption of Amendment No. 2 to Senate Bill 602. Those

16. in favor of the amendment will vote Aye. Those opposed will

17. vote Nay. The voting is open. Have all voted who wish?

18. Have all voted who wish? Have all voted who wish? Take

19. the record. On that question, the Ayes are 21, the Nays are

20. 20, none Voting Present. The amendment is adopted. Further

21. amendments?

22. SECRETARY:

23. No further amendments.

24. PRESIDENT:

25. 3rd reading. Senator Maragos has now returned to the

26. Floor for which we are all grateful. On the Order of Senate

27. Bills, 3rd reading, Senate Bill...in the middle of page 29,

28. Senate Bill 562. Senator Maragos.

29. SENATOR MARAGOS:

30. Mr. President and members of the Senate. I'd like to

31. have leave to return Senate Bill 562 back to 2nd reading for

32. an amendment.

33. PRESIDENT:

1. Senator Maragos seeks leave of the Body to return Senate
2. Bill 562 to the Order of 2nd reading for purpose of an amend-
3. ment. Is leave granted? On the Order of Senate Bills, 2nd
4. reading, Senate Bill 562. Mr. Secretary.

5. SECRETARY:

6. Amendment No. 2 offered by Senator Maragos.

7. PRESIDENT:

8. Senator Maragos.

9. SENATOR MARAGOS:

10. Mr. President and members of the Senate. This amendment
11. is a technical amendment, which has been asked for by the...
12. the Reference Bureau because it becomes...clarifying language
13. in that it gives the correct spelling and also gives the
14. purpose on instead of submitting for them, it makes it more...
15. better English and better grammar and I would move for its
16. adoption.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Is there any further discussion? Senator Maragos moves
19. for the adoption of Amendment No...

20. SECRETARY:

21. 2.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. ...2 to Senate Bill 562. All those in favor indicate by
24. saying Aye. Those opposed. Amendment No. 2 is adopted. Any
25. further amendments?

26. SECRETARY:

27. No further amendments.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. 3rd reading. On the Order of Senate Bills, 3rd reading,
30. on page 31, Senate Bill 616, Senator Schaffer. On the Order
31. of Senate Bills, 3rd reading, on page 6...on page 31, Senate
32. Bill 618, Senator Bloom. Read the bill, Mr. Secretary. Senator
33. Bloom.

1. SENATOR BLOOM:
2. You got to get...Oh, okay. I'd like leave to take it
3. back to 2nd to put on the amendment.
4. PRESIDING OFFICER:(SENATOR SAVICKAS)
5. Senator Bloom seeks leave to bring Senate Bill 618 back
6. to the Order of 2nd reading for the purpose of an amendment.
7. Is leave granted? Leave is granted.
8. SENATOR BLOOM:
9. Do you have the amendment, Mr. Secretary?
10. SECRETARY:
11. Amendment No. 1 offered by Senator Bloom.
12. SENATOR BLOOM:
13. Okay. This...this is the amendment that the staff on
14. the other side of the aisle wanted to clarify this bill. I'd
15. move its adoption.
16. PRESIDING OFFICER: (SENATOR SAVICKAS)
17. Is there any further discussion? Senator Bloom moves the
18. adoption of Amendment No. 1 to Senate Bill 618. All those in
19. favor indicate by saying Aye. Those opposed. Amendment No. 1
20. is adopted. Are there any further amendments?
21. SECRETARY:
22. No further amendments.
23. PRESIDING OFFICER: (SENATOR SAVICKAS)
24. 3rd reading. For what purpose does Senator Davidson
25. arise?
26. SENATOR DAVIDSON:
27. On a point of personal privilege.
28. PRESIDING OFFICER: (SENATOR SAVICKAS)
29. State your point.
30. SENATOR DAVIDSON:
31. Mr. President and members of the Senate. I'd like to
32. introduce to you the Constitutional Heritage class who are
33. here to see Government in action as our Constitution brings

1. forth from Pawnee High School and their teacher, Mrs. Holmes.
2. Please rise.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. On the Order of Senate Bills, 3rd reading, on page...

5. Oh, we have Senator Schaffer back here. On page 31, Senate
6. Bill...For what purpose does Senator Newhouse arise?

7. SENATOR NEWHOUSE:

8. Mr. President, I voted in error on...on Senate Bill 602
9. and having voted on the prevailing side I now move to reconsider
10. the vote by which amendment was added to Senate Bill 602.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator...Senator Newhouse and Savickas, would it be all
13. right if we went on to another bill and got back to your
14. motion at a later time? All right. Senator Schaffer on
15. Senate Bill 80...Senate Bill 616 on page 31 of your Calendar.
16. Senator Schaffer now asks leave of the Senate to return Senate
17. Bill 616 to the Order of 3rd reading for the purpose of an
18. amendment. Is there leave? Leave is granted. The bill is
19. on the Order of 3rd...3rd...the Order of 2nd reading. Are
20. there amendments, Mr. Secretary?

21. SECRETARY:

22. Amendment No. 1 offered by Senator Schaffer.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Schaffer to explain Amendment No. 1.

25. SENATOR SCHAFFER:

26. Mr. President, this bill deals with computer tapes and
27. voting records and we...I'm advised there was a need to expand
28. the definition of bona fide political use to, in effect,
29. clarify that a computer service unit could do this type of
30. stuff on behalf of candidates and also to put in a clause to
31. make it...obviously we're not trying to post...create an ex
32. post facto situation with the these tapes.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Is there any further discussion?...Senator Schaffer moves
2. the adoption of Amendment No. 1 to Senate Bill 616. Those in
3. favor indicate by saying Aye. Those opposed. Amendment No. 1
4. is adopted. Are there any further amendments?

5. SECRETARY:

6. No further amendments.

7. PRESIDING OFFICER:(SENATOR SAVICKAS)

8. 3rd reading. On the Order of Senate Bills, 3rd reading,
9. on page...37, we have Senate Bill 807, Senator Egan. Is
10. Senator Egan on the Floor? On the Order of Senate Bills, 3rd
11. reading, we have Senate Bill 886, Senator Davidson. Senator
12. Davidson.

13. SENATOR DAVIDSON:

14. Yes, I'd ask leave to bring 886 back to 3rd...up at 2nd
15. for purpose of amendment that the Reference Bureau found in
16. error that has to be corrected.

17. PRESIDING OFFICER:(SENATOR SAVICKAS)

18. Senator Davidson moves and asks leave that Senate Bill 886
19. be brought back to 2nd reading for the purpose of an amendment.
20. Is leave granted? Leave is granted.

21. SENATOR DAVIDSON:

22. I move the adoption of amendment...

23. SECRETARY:

24. Amendment No. 1 offered by Senator Davidson.

25. PRESIDING OFFICER:(SENATOR SAVICKAS)

26. Senator Davidson.

27. SENATOR DAVIDSON:

28. Yes, this amendment is necessary. The Reference Bureau
29. when they wrote the original bill struck out the wrong words
30. and did not underline the new language and then put in a word
31. that was not part of the original language and it strikes
32. "identified" and puts in the word "equipment." It's in the
33. Statute as it is now.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Is there any further discussion? Senator Davidson moves
3. for the adoption of Amendment No. 1 to Senate Bill 886. Those
4. in favor indicate by saying Aye. Those opposed. Amendment
5. No. 1 is adopted. Any further amendments?

6. SECRETARY:

7. No further amendments.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. 3rd reading. On the Order of Senate Bills, 3rd reading,
10. on page 39, Senate Bill 913, Senator Vadalabene. Senator
11. Vadalabene. Senator Vadalabene asks leave to bring the bill
12. back to 2nd reading for the purpose of amendment. Is leave
13. granted? Leave is granted. Senator...Mr. Secretary.

14. SECRETARY:

15. Amendment No...Amendment No. 1 offered by Senator Vadalabene.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Senator Vadalabene.

18. SENATOR VADALABENE:

19. Yes, thank you, Mr. President and members of the Senate.
20. I agreed to the reduction in the committee hearing...in regard
21. to Senate Bill 913 to offer a committee...or a...a Floor committee
22. in the Senate. So thus, I am now offering Amendment No. 1 to
23. Senate Bill 913, which reduces the legislative membership from
24. ten to six members. Three from the Senate instead of the
25. original five and three from the House. In both cases two
26. members from the majority party and one from the minority party.
27. The amendment also makes the commission take effect on July 1st,
28. 1979, as...as this has been omitted from the original bill. I
29. now respectfully ask for your approval of this agreed amendment.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Is there further discussion? Senator Vadalabene moves for
32. the adoption of Amendment No. 1 to Senate Bill 913. Those in
33. favor indicate by saying Aye. Those opposed Nay. Amendment No. 1

SB 1222
Revised
5-10-79

- 1. is adopted. Any further amendments?
- 2. SECRETARY:
- 3. No further amendments.
- 4. PRESIDING OFFICER: (SENATOR SAVICKAS)
- 5. 3rd reading. On the Order of Senate Bills, 3rd reading,
- 6. on page 41 we have Senate Bill 997, Senator Lemke. Senator
- 7. Lemke, 997. Senator Lemke moves...asks leave to bring the
- 8. bill back to 2nd reading for purpose of amendment. Is leave
- 9. granted? Leave is granted. Mr. Secretary, read the amendment.
- 10. The bill hasn't come back from Enrolling and Engrossing so I
- 11. suggest we take it out of the record. On the Order of Senate
- 12. Bills, 3rd reading, on page 48, we have Senate Bill 1232,
- 13. Senator Sangmeister. Senator Sangmeister. Senate Bill 1232.
- 14. On page 48. Senator Sangmeister asks leave to bring Senate
- 15. Bill 1232 back to the Order of 2nd reading for purpose of
- 16. amendment. Is leave granted? Leave is granted. Mr. Secretary,
- 17. read the amendment.
- 18. SECRETARY:
- 19. Amendment...Amendment No. 1 offered by Senator Sangmeister.
- 20. PRESIDING OFFICER: (SENATOR SAVICKAS)
- 21. Senator Sangmeister.
- 22. SENATOR SANGMEISTER:
- 23. Yes, thank you, Mr. President. Again, this has been sent
- 24. up by the Reference Bureau to clean up the language which was
- 25. not correct in the original bill. It's technical in nature and
- 26. that's all it is. We'd ask for its adoption.
- 27. PRESIDING OFFICER: (SENATOR SAVICKAS)
- 28. Is there any further discussion? Senator Sangmeister moves
- 29. the adoption of Amendment No. 1 to Senate Bill 1232. Those in
- 30. favor indicate by saying Aye. Those opposed. Amendment No. 1
- 31. is adopted. Any further amendments?
- 32. SECRETARY:
- 33. No further amendments.

BB 1310
P.L. 90-100
5-10-79

1. PRESIDING OFFICER: (SENATOR SAVICKAS)
2. 3rd reading. On the Order of Senate Bills, 3rd reading,
3. we have Senate Bill 1310, Senator Geo-Karis. Senator Geo-
4. Karis. I'm sorry, we just missed...we have on the Order of
5. Senate Bills, 3rd reading, we have Senate Bill 1262, Senator
6. Martin. Senator Martin...seeks leave to bring Senate Bill
7. 1262 back to the Order of 2nd reading for the purpose of
8. amendment. Is leave granted? We'll have to take that out
9. of the record. The Secretary informs me it's still in
10. Enrolling and Engrossing. We do not have the bill in our
11. possession. Senate Bill 1310. Senator Geo-Karis asks leave
12. to bring Senate Bill 1310 back to the Order of 2nd reading
13. for the purpose of amendment. Is leave granted? Leave is
14. granted. Mr. Secretary, read the amendment.

15. SECRETARY:
16. Amendment No. 1 offered by Senator Geo-Karis and
17. Senator, this is marked A and the way that I received it from
18. you.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)
20. Senator Geo-Karis.

21. SENATOR GEO-KARIS:
22. Would you like to...is A the one that says no districts
23. will be required to provide transportation in...into...

24. SECRETARY:
25. Yes.

26. SENATOR GEO-KARIS:
27. ...or through a school district in which transportation
28. is not being provided any resident students. I move for the
29. adoption of this amendment.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)
31. Senator Geo-Karis has moved for the adoption of Amendment
32. No...

33. SECRETARY:

1. 1.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. ...1 to Senate Bill 1310. Those in favor indicate by
4. saying Aye. Those opposed. Amendment No. 1 is adopted.

5. Any further amendments?

6. SECRETARY:

7. Amendment No. 2 offered by Senator Geo-Karis.

8. SENATOR GEO-KARIS:

9. Amendment No. 2 said that the...this shall not be
10. construed as...to require transportation of students across
11. State lines or transportation of students who are not residents
12. of Illinois. I move for the adoption of this amendment.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Is there any further discussion? Senator Geo-Karis moves
15. for the adoption of Amendment No. 2 to Senate Bill 1310. Those
16. in favor indicate by saying Aye. Those opposed. Amendment No.2
17. is adopted. Any further amendments?

18. SECRETARY:

19. No further amendments.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. 3rd reading. On the Order of Senate Bills, 3rd reading,
22. on page 49, we have Senate Bill 1271, Senator Regner. On the
23. Order of Senate Bills, 3rd reading, on page 50, we have
24. Senate Bill 1320, Senator Rock. We'll take it out of the
25. record, Mr. Secretary. Senator Grotberg, Senator Rock is not
26. on the Floor so we'll take it out of the record for the time
27. being. On the Order of Senate Bills, 3rd reading, Senate Bill
28. 1344, on page 51 of your Calendar, Senator Sommer. Senator
29. Vadalabene, I'm sorry. This is another bill that has an
30. amendment. The bill is still in Enrolling and Engrossing so
31. we'll have to take it out of the record. Senate Bill...on the
32. Order of Senate Bills, 3rd reading, back to page...page 19.
33. We have Senate Bill 251, Senator Lemke. Is Senator Lemke on the

1. Floor? Senator Lemke asks leave to bring Senate Bill 251 back
2. ...Senator Lemke moves to bring Senate Bill 251 back to the
3. Order of...Senate Bills, 2nd reading for the purpose of amend-
4. ment. Is there leave granted? Leave is granted. Mr. Secretary,
5. read the amendment.

6. SECRETARY:

7. Amendment No. 1 offered by Senator Nedza.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Senator Nedza.

10. SENATOR NEDZA:

11. Yes, Mr. President and Ladies and Gentlemen of the Senate.
12. What this amendment does, in effect, is it relieves the burden
13. of each of the municipalities for picking up the costs of...for
14. the extension of the voting hours, whereby the State Board of
15. Elections would relieve the specific individual municipalities
16. of that burden. I move for its adoption.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Is there any further discussion? Senator Rhoads.

19. SENATOR RHOADS:

20. Thank you. A question of the sponsor of the amendment.

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. He indicates he will yield. Senator Nedza. Senator
23. Rhoads, go ahead.

24. SENATOR RHOADS:

25. Yes. Senator Nedza, yesterday there had been a fiscal
26. note requested on 251 before it was amended...before...is...
27. is that not correct?

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Senator Nedza. Senator Lemke.

30. SENATOR LEMKE:

31. Well, when we put that fiscal amendment on we assumed that
32. this amendment was on. The staff told me it wasn't on. This
33. is the amendment...the way the bill reads now, the State would

1. have had any fiscal cost so what the fiscal note that we
2. filed on 251 is because we thought this amendment was on
3. with the State Board of Elections is going to pick up the
4. tab for that extra hour. I thought this was put on and the
5. staff advised me it wasn't put on in...in committee and we
6. thought it was.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Senator Rhoads.

9. SENATOR RHOADS:

10. Okay. So all the amendment, Senator Nedza, all your
11. amendment does is insure that the pay increase is picked up
12. by the State rather than by the local county or municipality.
13. So we're not relieving the...the local municipalities of all
14. judge costs just that in...just the costs of the increase.
15. Thank you, Mr. President, I support the amendment.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Is there any further discussion? Senator Nedza moves
18. for the adoption of Amendment No. 1 to Senate Bill 251. Those
19. in favor indicate by saying Aye. Those opposed. Amendment
20. No. 1 is adopted. Any further amendments?

21. SECRETARY:

22. No further amendments.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. 3rd reading. On the Order of Senate Bills, 3rd reading,
25. we have Senate Bill...Senate Bill 367, that's on page 23 of
26. your Calendar. Senator Geo-Karis asks leave to bring
27. Senate Bill 367 back to the Order of 2nd reading for the
28. purpose of amendment. Is leave granted? Leave is granted.
29. Mr. Secretary, read the amendment.

30. SECRETARY:

31. Amendment No. 1 offered by Senator Geo-Karis.

32. PRESIDING OFFICER: (SENATOR SAVICKAS)

33. Senator Geo-Karis.

1. SENATOR GEO-KARIS:
2. Mr. President and Ladies and Gentlemen of the Senate...
3. Amendment No. 1 simply removes the right of jury trial to the
4. State and I move the adoption of this amendment.
5. PRESIDING OFFICER: (SENATOR SAVICKAS)
6. Is there any further discussion? Senator Geo-Karis
7. moves for the adoption of Amendment No. 1 to Senate Bill 367.
8. Those in favor indicate by saying Aye. Those opposed...
9. Amendment No. 1 is adopted. Any further amendments?
10. SECRETARY:
11. No further amendments.
12. PRESIDING OFFICER: (SENATOR SAVICKAS)
13. 3rd reading. On the Order of Senate Bills, 3rd reading,
14. on page 26 of your Calendar, we have Senate Bill 479. Senator
15. Regner asks leave to bring Senate Bill 479 back to the Order
16. of 2nd reading for the purpose of amendment. Is leave granted?
17. Leave is granted. Mr. Secretary, read the amendment.
18. SECRETARY:
19. Amendment No. 1 offered by Senator Regner.
20. PRESIDING OFFICER: (SENATOR SAVICKAS)
21. Senator Regner.
22. SENATOR REGNER:
23. Mr. President and members. This puts an immediate effective
24. date on the bill. It did not have an effective date prior
25. to that and I move its adoption.
26. PRESIDING OFFICER:
27. Is there any further discussion? Senator Regner moves for
28. the adoption of Amendment No. 1 to 479. Those in favor indicate
29. by saying Aye. Those opposed. Amendment No. 1 is adopted. Any
30. further amendments?
31. SECRETARY:
32. No further amendments.
33. PRESIDING OFFICER: (SENATOR SAVICKAS)

SB 1320
Revised
5-10-79

1. 3rd reading. For what purpose does Senator Rock arise?

2. SENATOR ROCK:

3. Thank you, Mr. President. I understand that Senator
4. Grotberg has an amendment to a bill of which I'm the chief
5. sponsor, Senate Bill 1320. With leave of the Body we can
6. go back and I...I would ask leave to call that bill back to
7. the Order of 2nd reading for the purpose of Senator Grotberg's
8. amendment.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Is leave...is leave granted? Leave is granted. Mr.

11. Secretary, read the amendment.

12. SECRETARY:

13. Amendment No. 1 offered by Senator Grotberg.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Senator Grotberg.

16. SENATOR GROTBORG:

17. Thank you, Mr. President. Amendment No. 1 is the down-
18. state jury fee bill identical to the Senate Bill 1320, which
19. handles it for Cook County who had it for so long and this
20. would, for the first time, add a fifty dollar civil jury fee
21. to the downstate county courts. I move for its adoption.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Is there any further discussion? Senator Grotberg moves
24. the adoption of Amendment No. 1 to Senate Bill 1320. Those
25. in favor indicate by saying Aye. Those opposed. Amendment
26. No. 1 is adopted. Any further amendments?

27. SECRETARY:

28. No further amendments.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. 3rd reading. For what purpose does Senator Rock arise?

31. SENATOR ROCK:

32. Thank you, Mr. President and Ladies and Gentlemen of the
33. Senate. I would ask leave of the Body to go to the Order of

1. Senate Bills, 2nd reading for the purpose of two emergency
2. bills, both Appropriation bills that...we should, in fact,
3. get over to the House, hopefully, tomorrow. They are Senate
4. Bills 769, supplemental for the Department of Public Health
5. and Senate Bill 943, a supplemental for the Military and
6. Naval Department.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. You've heard the motion. Is leave granted? Leave is
9. granted. Senate Bill 769. Would you read the amendment,
10. Mr. Secretary.

11. SECRETARY:

12. Senate Bill 769.

13. (Secretary reads title of bill)

14. 2nd reading of the bill. The Committee on Appropriations II
15. offers three amendments.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Senator Schaffer. Senator Carroll.

18. SENATOR CARROLL:

19. Thank you, Mr. President. The Committee on Appropriations
20. II had three amendments. Amendment No. 1 would correct various
21. errors that were in the bill reducing the Federal Fund transfers
22. by thirteen hundred dollars. The transfers in the Federal Fund
23. lines were greater than the transfers out. I would move
24. adoption of Committee Amendment No. 1.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Is there any further discussion? Senator Carroll moves for
27. the adoption of Amendment No. 1...Committee Amendment No. 1 to
28. Senate Bill 769. Those in favor indicate by saying Aye. Those
29. opposed. Amendment No. 1 is adopted. Any further amendments?

30. SECRETARY:

31. Committee Amendment No. 2.

32. PRESIDING OFFICER: (SENATOR SAVICKAS)

33. Senator Carroll.

1. SENATOR CARROLL:

2. Thank you, Mr. President and Ladies and Gentlemen of the
3. Senate. Amendment No. 2 adds ninety-seven thousand dollars
4. of General Revenue for the costs associated with the Sheffield
5. radio active waste site and a letter from the Governor indicated
6. that these funds were needed so that the EPA can run various
7. tests. I would move adoption of Amendment No. 2.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Is there any further discussion? Senator Carroll moves
10. for the adoption of Amendment No. 2 to Senate Bill 769. Those
11. in favor indicate by saying Aye. Those opposed. Amendment No. 2
12. is adopted. Any further amendments?

13. SECRETARY:

14. Committee Amendment No. 3.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Senator Carroll.

17. SENATOR CARROLL:

18. Thank you, Mr. President and Ladies and Gentlemen of the
19. Senate. This amendment deletes the 1.8 million supplemental
20. appropriation for the Perinatal Program. I would move
21. adoption of Amendment No. 3.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Is there any further discussion? Senator Carroll moves
24. for the adoption of Amendment No. 3 to Senate Bill 769. Those
25. in favor indicate by saying Aye. Those opposed. Amendment
26. No. 3 is adopted. Any further amendments?

27. SECRETARY:

28. No further committee amendments.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Any Floor amendments?

31. SECRETARY:

32. Amendment No. 4 offered by Senator Weaver.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Senator Weaver.

2. SENATOR WEAVER:

3. Thank you, Mr. President. This amendment transfers
4. eighty-nine thousand and nine hundred dollars in Federal Funds
5. from Personal Service to Contractual Service. This will
6. insure that when the Federal Program is complete the State
7. will not be picking up these positions with General Revenue
8. Funds and I'd move the adoption of Amendment No. 4.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Is there any further discussion? Senator Weaver moves
11. for the adoption of Amendment No. 4 to Senate Bill 769. Those
12. in favor indicate by saying Aye. Those opposed. Amendment
13. No. 4 is adopted. Any further amendments?

14. SECRETARY:

15. No further amendments.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. 3rd reading. On the Order of Senate Bills, 2nd reading,
18. Senate Bill 943. Read the bill, Mr. Secretary.

19. SECRETARY:

20. Senate Bill 943.

21. (Secretary reads title of bill)

22. 2nd reading of the bill. The Committee on Appropriations II
23. offers one amendment.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Senator Nimrod. Senator Carroll.

26. SENATOR CARROLL:

27. Thank you, Mr. President and Ladies and Gentlemen of the
28. Senate. This amendment was the suggestion of the Bureau of
29. the Budget to transfer twenty-five thousand from permanent
30. improvements for rent at the Armory and adding a total of
31. three hundred and twenty thousand to the appropriation for
32. certain of their costs. I would move adoption of Amendment
33. No. 1 to Senate Bill 943.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Is there any further discussion?

3. SENATOR CARROLL:

4. I...

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Senator Carroll moves for the adoption of Amendment
7. No. 1 to Senate Bill 943. Those in favor indicate by saying
8. Aye. Those opposed. Amendment No. 1 is adopted. Any...any
9. further amendments?

10. SECRETARY:

11. No further committee amendments.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Any amendments from the floor?

14. SECRETARY:

15. No floor amendments.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. 3rd reading. For what purpose does Senator Rhoads arise?
18. For what purpose does Senator Rock arise?

19. SENATOR ROCK:

20. Thank you, Mr. President and Ladies and Gentlemen of the
21. Senate. There are two other bills, as a matter of fact, are
22. House Bills on 2nd reading that are also of an emergency nature
23. and with leave of the Body, I'd ask that we go to that order of
24. business and move those bills into a position where they could,
25. conceivably, pass tomorrow and they are House Bills 367 sponsored
26. by Senator Egan and House Bill 510 sponsored by Senator Merlo.
27. House Bills, 2nd reading, on page 53. With leave of the Body
28. we'll go to that order of business and move those bills to 3rd
29. reading.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. You've heard the motion. Is leave granted? Leave is
32. granted. House Bills, 2nd reading. House Bill 367. Mr.
33. Secretary, read the bill.

1 SECRETARY:

2 House Bill 367.

3 (Secretary reads title of bill)

4 2nd reading of the bill. No committed amendments.

5 PRESIDING OFFICER: (SENATOR SAVICKAS)

6 Any amendments from the Floor?

7 SECRETARY:

8 No Floor amendments.

9 PRESIDING OFFICER: (SENATOR SAVICKAS)

10 3rd reading. House Bill 510. Read the Bill, Mr. Secretary.

11 SECRETARY:

12 House Bill 510.

13 (Secretary reads title of bill)

14 2nd reading of the bill. No committee amendments.

15 PRESIDING OFFICER: (SENATOR SAVICKAS)

16 Any amendments from the Floor?

17 SECRETARY:

18 No Floor amendments.

19 PRESIDING OFFICER: (SENATOR SAVICKAS)

20 3rd reading. For what purpose does Senator Rock arise?

21 SENATOR ROCK:

22 Thank you, Mr. President and Ladies and Gentlemen of the
23 Senate. I have discussed with Senator Shapiro and the minority
24 leadership. I...I would suggest at this point, if we can, to
25 go to the Order of Senate Bills, 3rd reading for the balance
26 of the period we will spend in Session this morning and I
27 would ask that the membership...we can start, if you will, at
28 page 13 with...right down the line but I would ask that we
29 attempt, at least, to run through on the basis of less
30 controversial or noncontroversial legislation. We have an
31 entire week scheduled next week for Floor Session and...and
32 also the following week, so I think if we can attempt to run
33 through the Calendar and dispose of those matters that carry

1. with them little or no controversy, I think we'll all be
2. better off.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Is leave granted? Leave is granted. For what purpose
5. does Senator Walsh arise?

6. SENATOR WALSH:

7. I wonder if you just might hold that for a minute. I...
8. I'd like to speak to the...to the President. I think the
9. normal order is to call the bills in sequence and...

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. That's what he's suggesting.

12. SENATOR WALSH:

13. ...and I...Oh. Okay. You're going right down the...
14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Right down the line.

16. SENATOR WALSH:

17. Okay. Well, I mean who determines whether it's controversial
18. or not? That's...I think that's the question and I haven't
19. spoken to Doctor Shapiro and I think the normal order would be
20. to call the first bill on the Calendar on the Order of 3rd
21. reading and unless there's...

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. That was Senator Rock's suggestion and then...

24. SENATOR WALSH:

25. Oh. Well...I mean...what...controversial or not, I think
26. the bills should be called in sequence.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. All right. On...Senator Rock, for what purpose do you
29. arise?

30. SENATOR ROCK:

31. Thank you, Mr. President. My only suggestion was, I think
32. every sponsor would realize whether or not his bill carries
33. with it some controversy. There are some that are heaters

1. and there are some that are not. My only suggestion was that
2. we, rather than get snafued and spend four hours arguing about
3. something at this point that we attempt in a reasonable
4. fashion to move through the Calendar. I don't think that's
5. out of order. We'll start...and go right down, but for
6. goodness sake, I...I think everyone can reasonably understand
7. what's controversial and what isn't.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. For what purpose does Senator Philip arise?

10. SENATOR PHILIP:

11. Thank you, Mr. President. You know, I understand what
12. the President of the Senate is saying, but I really don't
13. understand it because who is going to determine what's
14. controversial and what isn't and you know, there ought to be
15. some kind of an agreement between the leadership on both sides
16. and I concur with what he's saying, what he wants to do, but
17. what I think are controversial and what he thinks are contro-
18. versial are probably going to be two different things.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Senator Donnewald.

21. SENATOR DONNEWALD:

22. Well, I...I did go to the other side a few moments ago
23. and discussed that with the Minority Leader and I thought
24. we had some sort of an arrangement and I didn't bypass you,
25. Senator, at all.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Any further...

28.

29.

30.

(END OF REEL)

31.

32.

33.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Any further discussion? Senator Walsh.

3. SENATOR WALSH:

4. It was my understanding that the first bill called would be
5. Senate Bill 3 and if the sponsor wants to pursue it, he
6. can pursue it. Is that...

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. That's the understanding of the Chair. Any further
9. discussion? Senate Bills, 3rd reading. Senate Bill 3,
10. Senator Mitchler. Read the bill, Mr. Secretary.

11. SECRETARY:

12. Senate Bill 3.

13. (Secretary reads title of bill)

14. 3rd reading of the bill.

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. Senator Mitchler.

17. SENATOR MITCHLER:

18. Thank you, Mr. President, members of the Senate. Senate
19. Bill 3 is a bill I prefiled and had formally introduced
20. on January 10, 1979. Senate Bill 3 provides that after
21. October 1, 1979, motor fuel tax imposed by the Regional
22. Transportation Authority Board must be approved by the Illinois
23. General Assembly and the Governor. The present RTA Act, does,
24. in fact, authorize the RTA Board to levy an RTA gas tax up to
25. five percent on the purchase of motol fuel in the six county
26. RTA area. Now, the RTA Board is an appointed, appointed board.
27. And in our system of government, the power to tax rests
28. with the people. Through our republic form of government we elect
29. through a Democratic process, representatives in all levels of
30. government and these elected representatives of the people have
31. the power to tax, create, amend and repeal our laws. The power
32. to tax should not ever be delegated to appointed individuals or
33. boards which should always be with the people or their elected

1. representatives. Now, the question of whether the RTA gas
2. tax is a proper tax is not the question involved in Senate Bill 3.
3. This bill addresses itself to who has the power to tax. This
4. bill provides that the power to tax in the form of an RTA
5. gas tax in the six county RTA area, should not be delegated to an
6. appointed RTA Board but should be the responsibility of the Illinois
7. General Assembly and the Governor. This is a proper amendment
8. to the RTA Act and I'd ask for a favorable roll call. Thank you.
9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Is there any further discussion? Senator Bloom.

11. Is there any...Senator Chew.

12. SENATOR CHEW:

13. Mr. President...three and three. I would rise in opposition
14. to this bill. Number one, those that voted to take the bill
15. from the Committee on Transportation did not give its Chairman
16. the courtesy of a notice and that is not courtesy that comes from
17. one Senator to another, which I do not hold these
18. people responsible for that act, but I'm fully committed to
19. a committee system here and after having heard Senate Bill 3,
20. and with the report of the committee Do Not Pass,
21. I felt that that would be the end of Senate Bill 3. However,
22. any Senator has a right to attempt to override a committee.
23. But, with the respect from one colleague to another, you do
24. anticipate at least, a notification of the proposed action.
25. When we created the Statute for the Regional Transit Authority,
26. it was carefully worked out, thoroughly, thoroughly researched
27. and finally, we put it into action. Now, it's been a group of
28. my distinguished colleagues here in this Senate that have
29. been determined to destroy the Regional Transit Authority.
30. Has been every attempt possibly known by human beings
31. and I might add, a few tricks initiated to totally eliminate
32. the Regional Transit Authority.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

Just a moment, Senator Chew. Senator Bloom, for what purpose

1. do you arise?

2. SENATOR BLOOM:

3. Well, it's obvious that this is a controversial bill and
4. we have many bills on the call. So, I wonder if the sponsor
5. would take it out of the record at this time.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator Mitchler.

8. SENATOR MITCHLER:

9. Well, Mr. President and Mr. Chairman. As I indicated
10. in my opening remarks, I prefiled this bill and it was introduced
11. on the first day. It's very important that this bill either move
12. or don't move and here it is May and this is a question
13. that is being debated throughout the State about replacement
14. of tax and who has the power to tax with the RTA Board and it's
15. important that the bill move. Now, I've checked around with my
16. colleagues and I feel I have the votes. And if I didn't have the
17. votes, I don't think I'd...I'd call it. I have the votes and I
18. want to call it and I would appreciate a favorable roll call...

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Senator Mitchler...

21. SENATOR MITCHLER:

22. ...and as long as I'm talking, Senator Chew, I did not
23. be discourteous to you as Chairman of the Transportation Committee
24. because this bill was heard in the Senate Revenue Committee.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Senator Chew.

27. SENATOR CHEW:

28. Senator Mitchler, I'm aware that this bill was heard in the
29. Senate Revenue Committee, but there...I used the words slightly
30. tricky. There were some bills that will be coming up and
31. yours fit in the same category. I did not name myself as Chairman.
32. I merely said that I believe in the committee system. If
33. you will reread the tapes of what I was saying, I made no
reference to myself nor the Transportation Committee. May I continue?

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. You may continue, Senator.

3. SENATOR CHEW:

4. The...the RTA tax...been in effect since December of '77
5. and as I said, every day here on this Body there are men
6. that are attempting to destroy this system. I would go on record
7. in saying that I am not thoroughly satisfied with all of
8. the things that occur within the RTA structure. But by the same
9. token, I'm not satisfied with all the things that occur within
10. any structure because nothing is perfect. But if we continue to
11. attempt to destroy an agency simply because we feel that we will
12. accomplish some political gain, I think it's really hypocritical.
13. With the so-called energy shortage that we are embarking upon, or is
14. being pushed down our throats and I say it's so-called. The
15. RTA is going to be more in demand now than ever before. I would
16. ask that Senate Bill 3 be defeated by this Body and I would
17. further indicate that the Illinois Transportation Study Commission
18. has in effect, proposed legislation to eliminate the five cents
19. gas tax in the six county area. And we are offering instead
20. a one cent sales tax so that would more or less be in keeping with
21. trying to establish what would be more beneficial to an
22. equal taxation to the people in the six county area. I don't
23. know what the distinguished Senator expects to gain other than
24. possibly to go home and gain some ink in local newspapers.
25. But for the price in which the people of the six county area would
26. have to pay for a column on page 92 in some local newspaper
27. the price is too high. We know the RTA has some enemies.
28. From time to time, I'm one of them, but I try to work within
29. the structure of the RTA to correct its evils, rather than to
30. destroy it. Mr. President, I frankly feel we would be doing
31. the people not only of the six county area, but the people of the
32. State of Illinois a total disservice by continuing to pick away
33. piece by piece to destroy and dismantle the Regional Transit
Authority. Even those persons in ourlying collar counties have begun

1. to realize the necessity of public transportation. Even those
2. persons that were violently against the establishment of the RTA.
3. Now, they are beginning to say we hate it but we need it and
4. I would ask that we...we defeat Senate Bill 3 because Senate
5. Bill 3 is a vindictive kind of piece of legislation. It's a
6. very vicious kind of legislation. It's...it's not made as a sincere
7. effort to help, it's made as a sincere effort to destroy.
8. And no man gains...

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Senator, would you bring your remarks to a close.

11. SENATOR CHEW:

12. ...by destruction. Yes, I will. No man gains by
13. destruction. You cannot keep me down in a ditch unless you're
14. down there with me and we're down here to figure out
15. the best kind of service for the people of the entire State of
16. Illinois instead of nitpicking in certain areas for political
17. gain. I think it's just a lack of courage of those that do and I
18. would ask that Senate Bill be defeated.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Senator Egan.

21. SENATOR EGAN:

22. Thank you, Mr. President and members of the Senate. Senate
23. ...Senator Mitchler, I'm from a little indian village that's just
24. a little east of Oswego and most of my neighbors enjoy a
25. comfortable ride on the RTA down to the Loop, one of which days
26. I was...had joined them and I opened the Chicago newspaper and
27. I read where Senator Percy was extremely upset over the fact that
28. Los Angeles does not have a metropolitan transit system. He was
29. extremely upset because of the...of the crisis that we find ourselves
30. in situated as we are in world domination because of lack of oil
31. and lack of energy. And he was extremely critical of the metro-
32. politan area in Los Angeles and it occurred to me while I was
33. riding comfortably on the RTA that he said nothing about your bill
and I was curious to know why. But let me say, Senator Mitchler, that

1. not only am I critical of your bill, but I think that the people
2. in my community would be very critical of your bill because
3. they know very well that they're not going to impose a tax
4. upon themselves when it's easier not to do that and so what you're
5. doing Senator Mitchler, is destroying the Regional Transit
6. Authority. It's simply that and nothing more. But, you have a
7. deficiency in your bill. Your bill requires that the tax
8. be removed from the user, not the retailer, rather the retailer
9. not the user. So, you're going to tell the people that they
10. can impose a tax upon...they cannot remove the tax from themselves,
11. they must remove it only from the retailer, the fellow who
12. sells the gasoline and not the user. Your bill is deficient,
13. Senator. Your concept is deficient, Senator. I hope that
14. everybody can hear that, all of you fellows that are concerned about
15. energy in the collar counties and the waste from nuclear
16. energy and all of the problems that are...are...are...that attend
17. to the...to the problem of energy, I want you to get behind Senator
18. Percy and be a little introspective and don't forget, fellows,
19. the system goes like you scratch your back...you scratch my back
20. and I'll scratch yours. Now, my back still itches.
21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. Senator Donnewald.

23. SENATOR DONNEWALD:

24. Yes, Mr. President and members of the Senate. My remarks
25. are going to be very brief. I would say that a system is better than
26. no system and I'm not from the northeastern part of Illinois or
27. from Rockford or from Peoria or from the metro-east area, although
28. my district does go into that area. But I want to tell those
29. folks that are downstate, the energy shortage certainly is for real.
30. It's not made up at all, it is for real, not only in Illinois,
31. I happen to be familiar with the oil and gas situation throughout the
32. country. Every state, every state in this continent, the forty-eight,
33. plus Hawaii and Alaska are in serious, serious trouble. Now, if we
cripple or abolish the RTA we, in effect, are damaging our own

1. interests downstate. Because that means very simply that they have
2. to use automobiles up there where they would have the RTA to use
3. and would necessarily give us more of a shortage than we're going
4. to have downstate. We have to have automobiles downstate in the
5. rural areas. And I'm sure you're all aware of that. But, this
6. particular piece of legislation is...is extremely dangerous at this
7. time and I...I certainly would urge all, all of the members
8. of this Body to take a good hard look. Thank you.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Senator Rhoads.

11. SENATOR RHOADS:

12. Thank you, Mr. President. Very briefly, it has been stated
13. that Senator Mitchler's bill is defective and frankly I think
14. many of us feel that a system which allows a nonelected board
15. to impose a tax of the magnitude that the RTA Board has imposed
16. that that system is defective. I don't see this as an attempt
17. to cripple the RTA or to any otherwise...any other way injure
18. it or dismantle it. But I think we simply feel that those
19. who impose a tax of that magnitude ought to be accountable to the
20. voters and...and the General Assembly is. Thank you.

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. Is there any further discussion? Senator Mitchler may close
23. the debate.

24. SENATOR MITCHLER:

25. Thank you, Mr. President, members of the Senate:
26. As I earlier said, this committee, the Revenue Committee, considered
27. this bill and the reason that I filed a motion to have
28. the committee discharged is because the vote, after hearing the bill,
29. was a 5 to 5 tie vote. They neither voted it out or voted it
30. down. And it just was remaining in committee and the time in the
31. Revenue Committee that has had some very pressing legislation
32. before it did not have the time to reconsider it and that's why
33. I brought it to the Senate Floor. Now, the power to tax is the question

1. here, not the power or what we're trying to do with the RTA,
2. whether the RTA is good or bad. That's not the debate. For
3. example, you would not want the Department of Transportation
4. to have the authority to levy a gas tax increase or decrease or
5. levy a tax of any type of produce funds for the Road Fund
6. for construction and maintenance of our highways. That power
7. rests with the Illinois General Assembly with the approval of the
8. Governor and so should the power to levy an RTA gas tax or
9. maybe a future sales tax in the RTA area. If, in the wisdom of
10. the people as represented in the Illinois General Assembly, that is
11. the thing to do. This is no more than a sunset legislation overview
12. of the operation of a constituted body that has certain
13. responsibilities and authority. Now, I'm not going into any
14. discussion on the merits or demerits of the Regional Transportation
15. Authority. That is not what this bill addresses itself to.
16. It says, who has the power to tax and I'm going to ask for a favorable
17. roll call on that question and that's what Senate Bill 3 addresses
18. itself to. I'd ask for a favorable roll call, Mr. President.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. The question is shall Senate Bill 3 pass. Those in favor
21. vote Aye. Those opposed vote Nay. The voting is open. Have all
22. voted who wish? Well, Senator, we should be in our seats.
23. We're on Senate Bills, 3rd reading, we're voting on them today.
24. Have all voted who wish? Take the record. On that question
25. the Ayes are 29, the Nays are 21, 2 Voting Present.
26. Senate Bill 3 having failed to receive a constitutional
27. majority is declared lost. For what purpose does Senator Mitchler
28. arise?

29. SENATOR MITCHLER:

30. I'd ask that be put on postponed consideration.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. We've already announced the roll call, Senator. Senate Bill
33: 5, Senator D'Arco. For what purpose does Senator Nimrod arise?

SENATOR NIMROD:

1. Mr. President, we...the policy has been that we do not
2. postpone consideration until after the roll call has been announced
3. and that's been the practice of this...of this particular Chair
4. for the last year, year and a half. Now, you said it's...

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Senator Nimrod, it's just the opposite.

7. SENATOR NIMROD:

8. Are you setting a new precedent?

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. The procedure has been to request postponed consideration
11. before the final announcement of the roll call.

12. SENATOR NIMROD:

13. I think that you...if you check your records, I think that
14. you'll find that you're changing that procedure, but if that's
15. what you're going to do, that's going to have to apply in the future.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Senator, I've just been informed that Senator Mitchler was
18. seeking recognition for that purpose before it was announced.
19. So, we will give him the benefit of the doubt. Senate Bill 3 will
20. be placed on postponed consideration. Senate Bill 5, Senator
21. D'Arco. For what purpose does Senator Shapiro arise?

22. SENATOR SHAPIRO:

23. Mr. President, a point of personal privilege. I want to
24. apologize for not being here when the Session opened
25. earlier today, but I would like to say to the Body that Senator
26. Rock and I yesterday did discuss the Calendar for today
27. and tomorrow and there was an agreement between Senator Rock and
28. myself that to the best of our ability, there would be no
29. controversial bills called during these two days, so we could
30. attempt to get some of the bills off the Calendar that will pass
31. readily and not take up the time that these two short periods
32. afford us.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Thank you, Senator Shapiro. It's better late than never.
2. Senator Bloom, for what purpose do you arise?
3. SENATOR BLOOM:
4. Point of personal privilege. I would like to point out to
5. the Body that the last noncontroversial bill took twenty minutes
6. and it's on postponed.
7. PRESIDING OFFICER: (SENATOR SAVICKAS)
8. On the Order of Senate Bills, 3rd reading, Senate Bill 5,
9. Senator D'Arco. Read the bill, Mr. Secretary.
10. SECRETARY:
11. Senate Bill 5.
12. (Secretary reads title of bill)
13. 3rd reading of the bill.
14. PRESIDING OFFICER: (SENATOR SAVICKAS)
15. Senator D'Arco,
16. SENATOR D'ARCO:
17. Thank you, Mr. President. What this bill does
18. is to create a Hospice Study Commission. Hospice is an
19. idea whose time has come, I think, and what...what a hospice is
20. is a place for terminally ill people to go so they can die with
21. dignity with the illness they are suffering. It can take
22. many forms. It can be a person's home. It can be a hospital which
23. is designated for hospice care. It can also be a complete hospice
24. facility by itself and the cost of hospice care is going to be
25. debated and I have articles to show that the cost is less for
26. hospice care than acute nursing home care and the patient is afforded
27. the luxury, so to speak, of being able to live with his family and
28. he's giving...he's given certain medicine, pain killing medicine
29. that right now, there's some question about whether he would
30. be entitled to, under the present laws. Senator Grotberg is the
31. cosponsor of this commission bill. We...he was involved in it before
32. I was and I know he supports it and we're asking for everybody's
33. support. So, I move to pass the bill.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Is there discussion? Senator Grotberg.

3. SENATOR GROTBORG:

4. Just a kind word, Mr. President and members of the Senate.

5. This is an idea whose time has come and to say that next week is
6. the first State-wide seminar by the Public Health Department
7. is being held here in Springfield and we now have eighty
8. registrants of nurses. Hospice is a service, not necessarily
9. identified with any building of any kind. I support this measure
10. and ask everybody vote for it.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Further discussion? The question is shall Senate Bill 5 pass.
13. Those in favor vote Aye. Those opposed vote Nay. The voting
14. is open. Have all voted who wish? Have all voted who wish?
15. Take the record. On that question the Ayes are 46, the Nays
16. are 4, 3 Voting Present. Senate Bill 5 having received a
17. constitutional majority is declared passed. Senate Bill 9,
18. Senator Sommer. Senator Sommer. Read the bill, Mr. Secretary.
19. Senate Bill 9.

20. SECRETARY:

21. Senate Bill 9.

22. (Secretary reads title of bill)

23. 2nd reading...3rd reading of the bill.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Sommer.

26. SENATOR SOMMER:

27. Mr. President and members. What this does is essentially what
28. the Calendar says, if somebody commits a crime in the State while
29. in the State's employ, the State can't rehire them if it's a
30. felony.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Question is on the passage of Senate Bill 9. Is there discussion?
33. Senator D'Arco.

1. SENATOR D'ARCO:

2. Would he reiterate what he said so I could understand it.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Sommer, would you repeat your explanation. Senator Sommer.

5. SENATOR SOMMER:

6. What the bill does is it provides that if somebody is a
7. State employee and commits a felony in the course of their
8. State employment, and the amendment details the kinds of felonies
9. a State employee could commit, that the State may not rehire
10. that person.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator D'Arco. All right. Now, we...now, we have several
13. Senators who have sought recognition, Senator Collins, Senator
14. Donnewald, and Senator Lemke, did you wish to speak, also?
15. Senator Collins.

16. SENATOR COLLINS:

17. Question of the sponsor, please.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Indicates that he will yield. Senator Collins.

20. SENATOR COLLINS:

21. Senator Sommer, you're saying what your bill does it says, it
22. prohibits the State from hiring someone who has committed a crime,
23. paid their penalties and come back, seek employment from the
24. State. The bill prohibits the State from hiring ~~ex~~offenders
25. that work for the State?

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Sommer.

28. SENATOR SOMMER:

29. If their crime involves an injury to the State. You could have
30. a person who worked for the State who committed a crime that had
31. nothing to do with the State, they could hire them, but in the
32. event that they did something to the State of Illinois,
33. they could not rehire them. They're different...there's two types of
people, I'm supposing.

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. Senator Collins. Senator Donnewald.
3. SENATOR DONNEWALD:
4. Question of the sponsor.
5. PRESIDING OFFICER: (SENATOR BRUCE)
6. Indicates that he will yield. Senator Donnewald.
7. SENATOR DONNEWALD:
8. What about the case of a man that's been pardoned or lady for
9. that matter?
10. PRESIDING OFFICER: (SENATOR BRUCE)
11. Senator Sommer.
12. SENATOR SOMMER:
13. That's not covered in the bill, Senator. All the bill says
14. is commission of a felony. I assume that they would be barred also
15. under the bill.
16. PRESIDING OFFICER: (SENATOR BRUCE)
17. Senator Donnewald.
18. SENATOR DONNEWALD:
19. That's all.
20. PRESIDING OFFICER: (SENATOR BRUCE)
21. Senator Lemke.
22. SENATOR LEMKE:
23. Mr. President and fellow Senators. If you read the new
24. State Constitution, it says that when a man serves his time,
25. and puts in his sentence time and his parole time, and he's
26. released, he's restored to his full rights. That's what the...the
27. new Constitution says. And 'this bill is in direct violation
28. of that Constitution. We have programs in this State for rehabilitation
29. of criminals that are convicted of crimes. The State has
30. involved itself...in. I know the Department of Transportation,
31. the Secretary of State's Office had a program with the prisons
32. to help people get into hiring jobs. What we're doing here is
33. saying that if you're a State employee and you commit a crime, then
you can never work for the State again and even if you're

1. rehabilitated, you can't come back and even if you serve your
2. time and you put it in, sorry buddy, it hangs on you the rest
3. of your life. And that's not what our new Constitution is meant
4. to be because we have restoration of rights, guys can vote and
5. everything else and we...we put this clause in the Constitution
6. that said that you're restored to your full rights. So, this bill
7. is in direct...direct violation of that constitutional provision.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Senator D'Arco. Senator Netsch.

10. SENATOR NETSCH:

11. Would the sponsor yield for a question? Could I
12. be sure that I know exactly what the text of the proposal is in
13. its present form and let me read you what I have before me
14. and...and will you tell me if this is what the bill now provides.
15. The State or an...the State or an office, officer, department,
16. division, bureau, board, commission, university or a similar
17. agency of the State may not employ or contract for the
18. personal services of any person who has been convicted of a felony
19. in which property or money had been wrongfully taken from the
20. State of Illinois or any subdivision thereof, or in which bodily
21. harm had been done to an official or employee of the State of
22. Illinois or any subdivision thereof, and said bodily harm arose
23. out of the victim's status or duties as a public official or
24. employee or while an employee of the State or any subdivision thereof
25. was convicted of extortion or theft involving the person's
26. public employment. Senator Sommer, is that the present text...
27. so that what it does is limit the exclusion from employment by the State
28. or other public agency of those who have either stolen...been
29. convicted of a...of stealing from the State or doing harm to a
30. State or local government official while that person, that is the
31. victim, was acting in his public capacity, which I assume would mean
32. shooting a police officer or something of that sort,
33. or extortion from the public agency. And it's limited to those three
categories of activity, is that correct? Senator Sommer is shaking

1. his...

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Senator...Senator Sommer.

4. SENATOR SOMMER:

5. Yes.

6. PRESIDING OFFICER: (SENATOR SAVICKAS).

7. Senator Netsch.

8. SENATOR NETSCH:

9. I just wanted to be sure of that. I think it is a much
10. more limited bill than...than some of the discussion would
11. indicate and you may consider it too tough anyway, but it
12. is not absolutely unique to prohibit that where a...an agency
13. has, in itself, been in effect, violated against, that employment
14. be denied to those who have, in fact, taken that action. We
15. do that in other respects so that it is not nearly
16. as broad a bill, I think, as some of the discussion
17. has indicated.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator D'Arco.

20. SENATOR D'ARCO:

21. You know, the Senate...not nearly as broad a bill. No one is
22. talking about broadness here, Dawn. What Lemke is talking about is
23. the constitutionality of a person's right once he's pardoned to be
24. restored to his rights as a citizen of the State. Now, if I get it a
25. fight with a Chicago policeman and I go to jail for aggravated
26. battery because I hit him in the nose because he's a policeman
27. and under the Statute if you hit a policeman, it's an aggravated
28. battery, then subsequently after I am released from jail,
29. I can't be hired by the City of Chicago, under this bill,
30. that would have the effect of doing the same thing for the State.
31. You know, you're the big liberalitarian over here.

32. PRESIDING OFFICER: (SENATOR SAVICKAS)

33. Is there any further discussion? Senator Sommer may close the
debate. The question is shall Senate Bill 9 pass. Those in favor

1. vote Aye. Those opposed vote Nay. The voting is open.
2. Have all voted who wish? Have all voted who wish? Take the
3. record. On that question the Ayes are 28, the Nays are 21, 1
4. Voting Present. Senate Bill 9 having failed to receive a constitutional
5. is declared lost. Senate Bill 12. Senate Bill 17. Senate
6. Bill 30, Senator Keats. Senate Bill 41, Senator Lemke.
7. Senate Bill 47. Senate Bill 65, Senator Joyce. Senate Bill
8. 73, Senator Sangmeister. Read the bill, Mr. Secretary.

9. SECRETARY:

10. Senate Bill 73.

11. (Secretary reads title of bill)

12. 3rd reading of the bill.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Senator Sangmeister.

15. SENATOR SANGMEISTER:

16. Thank you, Mr. President and members of the Senate.
17. You always have a decision to make today as to how controversial
18. you think the bill is going to be. I don't think this one should
19. be controversial. I think it's a concept that we've looked for
20. ever since we passed the Class X felony bill, House Bill 1500, last year
21. within which we brought back to the State of Illinois for the
22. first time, the Habitual Criminal Act. What this bill will do
23. will further implement the Habitual Criminal Act to the standpoint
24. that as the present law is, you should understand that you would
25. have to have three Class X felonies from this time for...from
26. the date of the passage of that Act which was...went into law
27. February 1st, I believe, of 1978 which really means we don't have
28. a Habitual Criminal Act in the State of Illinois because it will
29. be a long time before anybody will ever come under that Act.
30. So, therefore, this change in the law, would say that if
31. you already have two Class X felonies or been convicted of a
32. murder, that the third one would put you in a position
33. of being subject to the Habitual Criminal Act. Also, we would count
now any prior State or Federal convictions, that is the second

1. change in the bill. Now, there are certainly some safeguards
2. in the bill and that is that the third offense
3. must be committed after the effective date of this Act, so we're
4. not going back and all of a sudden someone sitting with three
5. Class X felonies is going to be put away for the rest of his
6. life. That's not what the bill does. The bill also has a protection
7. in it of a fifteen year limitation eliminating that time that
8. is spent in custody, so you have a fifteen year period within
9. which these three felonies have to occur, time in custody, of
10. course, not being counted. Now, those of you who may not be
11. listening, I think you better take a good look at this
12. bill because I think it is good legislation, I think it is needed,
13. but there is absolutely no question that this is hard line
14. law. This is a very serious bill and for those of you who, I'm
15. sure, want to speak in opposition to the bill, you can listen
16. to the arguments. But don't kid yourself. We need this. It's
17. always been my philosophy that many people commit many crimes
18. before they're convicted of that first crime, then
19. when it becomes a Class X felony, that's their first conviction
20. and if they're convicted the second time, I'd say by the third
21. time down the line, I think we have, in fact, run out of any
22. possibility of rehabilitating that person. And that's the whole
23. idea behind a Habitual Criminal Act. We do have it on the books
24. from last year. This amendment to the law would put it in the
25. form that I think most people and I think your constituents
26. would want and I would ask for approval of the bill.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Is there any further discussion? Senator D'Arco.

29. SENATOR D'ARCO:

30. Well, we've argued this bill before and you know, I think one
31. problem is, George, you said that this would include prior
32. State and Federal convictions other than Class X convictions. Is that
33. what you said? I'm not...I didn't really get that.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Senator Sangmeister.

3. SENATOR SANGMEISTER:

4. No, Senator D'Arco, the bill clearly states that every person
5. who has been twice convicted in any State or Federal Court
6. of an offense that contains the same elements as an offense
7. now classified in Illinois as a Class X felony or murder.
8. So, it would have to be a Class X...Class X felony offense.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Senator D'Arco.

11. SENATOR D'ARCO:

12. Who would make that determination as to what is a Class X...
13. whether it contains the same elements or not?

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Senator Sangmeister.

16. SENATOR SANGMEISTER:

17. Obviously there is only one person, that would be the court
18. or the judge hearing the case that would have to make that
19. determination. The prosecutor would have to...to make part of the
20. record the prior offenses and at that time would have to
21. lay out the elements of the offense and the judge would have to
22. determine whether that Federal conviction would qualify as a Class
23. X felony in Illinois.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Senator D'Arco.

26. SENATOR D'ARCO:

27. I rise in opposition to this bill. I think that the problem
28. you know, is that fifteen years prior to the date that this bill
29. would become law, if a man committed an armed robbery and you know,
30. ten years later and you know, when you talk about armed robbery,
31. what are we talking about? Sometimes, in fact, I had a case where
32. a guy was in a car on Halloween night and another guy ...they got
33. in a traffic dispute and my guy got out of...I shouldn't say my guy...

1. I should say my client, got out of...got out of the car and he
2. got in a fight with the prosecutor's witness and someone hit him
3. over the head with a bat and someone else took some money out of
4. his pocket and you know, they were drunk that night, it
5. was Halloween and fortunately, my client had a good lawyer so he
6. wasn't convicted. But, it could have been...no, but it could
7. have been...it could have been that he would have been convicted
8. and maybe he was involved in a voluntary manslaughter situation
9. fifteen years ago. You know, he catches some guy sleeping with
10. his wife and he shoots his wife or the guy or both, you know,
11. whatever. The point...the point is those two crimes which,
12. you know, are not deliberate cold blooded, calculated, premeditated
13. crimes. If he committed some type of crime similar to that
14. after this bill passes, the judge would have to sentence him
15. to life imprisonment. You know it's great. If a guy committed
16. two cold blooded murders ten years ago, then tomorrow
17. after this bill passes, you say, sure he should get life and
18. no one is arguing that he shouldn't get life, but the bill doesn't
19. only say murder. The bill doesn't only say cold blooded rape.
20. This bill doesn't only say strong armed robberies. The bill includes,
21. as George even says, the same elements of crimes that could have
22. been included in this type of category prior to the enactment if
23. this thing goes into law. So, we're talking about voluntary
24. manslaughters, we're talking about aggravated batteries, we're
25. talking about gradations of degrees of situations, you know what
26. I'm saying to you? Gradations of degrees of situations. That's
27. what we're talking about. You know, you can't blanket everybody into
28. a single situation and say this should be for everybody because
29. there's so many gradations in a situation that you're going to find
30. a lot of injustice if you pass this bill.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Senator Washington.

33. SENATOR WASHINGTON:

1. Mr. President, there are any number of things wrong with this
2. bill. Senator D'Arco, I think, has put his finger on a major
3. defect in the bill which makes it, in my opinion, incurable
4. but there are some other parts that's wrong with it. One, is that it
5. assumes that simply because the same elements are involved in
6. a felony in another State that there is parity and that we should
7. have some form of, I suppose you would call it reciprocity.
8. That's a hell of an invalid assumption. Very many states in this
9. country do not have the same level of administration of criminal
10. justice that the State of Illinois has. I can think of many, many
11. instances in the south and catalog them for you by the day in
12. which there has been not substantial justice, but substantial
13. injustice done to various people in certain parts of the country
14. because of their racial heritage: So, to assume that simply because
15. another state has similar elements involved in a Class X felony
16. that we have that we should recognize it, is simply, I think,
17. flying in the face of some tremendously bad experience that many of
18. us have suffered in this country. For that reason, I don't think
19. the bill should be passed, but mainly because of Senator D'Arco's
20. very candid, if somewhat jovial analysis of this bill. I think
21. it's defective, I think it goes too far and notwithstanding the fact
22. that we are confronted with serious crime problems. I see...I don't
23. see the necessity in this kind of...harshness, particularly in a bill
24. based on what I consider to be totally invalid assumptions.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Senator Collins.

27. SENATOR COLLINS:

28. Question of the sponsor.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. He indicates he will yield.

31. SENATOR COLLINS:

32. Senator Sangmeister, you said that the reason that the
33. Habitual Criminal Act is needed is that after you try...a person
commits a crime three times, Class X, that it is evident that the

1. person can no longer be rehabilitated, therefore, that person would
2. need to be put away for life. Am I correct?

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator Sangmeister.

5. SENATOR SANGMEISTER:

6. Senator Collins, you are speaking of the philosophy of the
7. bill and that is...happens to be my philosophy and I think a lot
8. of other people, that's right. The point being as I
9. reiterated, by the time someone is convicted of a...a Class X
10. felony to begin with, they've probably been involved in a lot of
11. other illegal activity and finally got caught with a conviction.
12. Then comes along the second conviction and by the third conviction,
13. I think that person has set a pattern in life that he cannot
14. live within our society. And I think the people in our districts
15. really feel that we ought to put that person away and that's the
16. philosophy behind the bill. You're correct.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Senator Collins.

19. SENATOR COLLINS:

20. Assuming, which I don't, that that philosophy was correct, then
21. we would have to presuppose that each time the person was incarcerated
22. that there had been some serious effort toward rehabilitation. Now,
23. I'd like to ask you another question. Do you feel that our State
24. Correctional System, penal institutions, provide adequate
25. or reasonable rehabilitation programs?

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Before we get to that, Channel 20 would like permission and leave
28. of the Senate to film part of the proceedings from the gallery
29. pressbox. Is leave granted? Leave is granted. Senator Sangmeister.

30. SENATOR SANGMEISTER:

31. No, Senator Collins, I do not believe that we are doing enough
32. in our penal institutions and that's another area that this General
33. Assembly should be working on.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Senator Collins.

3. SENATOR COLLINS:

4. Well, then, I would assume, Senator Sangmeister, in all fairness,
5. if you were going to pass a law to penalize or to punish the
6. person for not being rehabilitated, then I think we should first
7. start dealing with rehabilitation programs in the correctional
8. institutions first. And therefore, I would oppose this bill.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Senator Berning.

11. SENATOR BERNING:

12. Thank you, Mr. President. I rise in support of this bill and I
13. am pleased that the Senator who is a sponsor, has recognized that the
14. time has come when Mr. and Mrs. John Q. Citizen on the street
15. is entitled to...the expectation that we here who are charged with
16. the protection of life, liberty and property are doing something.
17. We are doing something to help assure that our society will be
18. maintained. In case we don't realize it, we are teetering on the
19. brink of anarchy, I believe, and the time has come for us to
20. start with one small step and I believe that Senate Bill 73 is
21. a significant, though even at this point, a small step. Ladies
22. and Gentlemen of the Senate, the public expects us to take action to
23. help protect them from the ravages of the criminal element and it has
24. become all too rampant. I urge you, Ladies and Gentlemen, to support
25. this bill.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Senator Newhouse.

28. SENATOR NEWHOUSE:

29. Thank you, Mr. President. One of the prices we pay for
30. civilization is that sometimes we error on the side of leniency
31. to make certain that those who are the innocent do not get wrongfully
32. punished. Senator D'Arco and Senator Washington pointed out
33. some of the unique situations in which you might find individuals
who really don't belong in jail for their lifetimes. That's one

1. aspect of the bill. The other aspect of the bill is fiscal.
2. Some portions of what we do in the criminal justice system are
3. absolutely fiscally irresponsible. The costs of keeping people
4. incarcerated is just staggering and that never seems to enter
5. the conversation when we get into these punitive bills.
6. I think this bill goes too far, I think it ought to be defeated
7. and don't want to prolong the discussion on it. It's a bad bill and
8. I'll vote No.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Is there any further discussion? Senator Sangmeister
11. may close the debate.

12. SENATOR SANGMEISTER:

13. Well, thank you, Mr. President and members of the Senate.
14. I can appreciate and I do appreciate those who spoke in favor
15. of the bill and I can understand the concerns of those who spoke
16. against it, but it's high time in Illinois that we...if we're
17. going to have an Habitual Criminal Act, then let's have one that
18. is meaningful and the one we have is not. You put this into law
19. and we will have a bill that will put teeth into the Habitual
20. Criminal Act and hopefully make things a little safer back home
21. for everyone. Ask for a favorable roll.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. The question is shall Senate Bill 73 pass. Those in
24. favor vote Aye. Those opposed vote Nay. The voting is open.
25. Have all voted who wish? Have all voted who wish? Take
26. the record. On that question the Ayes are 39, the Nays are
27. 12, none Voting Present. Senate Bill 73 having received a
28. constitutional majority is declared passed. Senate Bill 80,
29. Senator Rhoads. Senate Bill 81, Senator Merlo. Read the bill,
30. Mr. Secretary.

31. SECRETARY:

32. Senate Bill 81.

33. (Secretary reads title of bill)

3rd reading of the bill.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Senator Merlo.

3. SENATOR MERLO:

4. Thank you very much, Mr. President and members of the Senate.
5. Senate Bill 81 would resolve a very serious problem that is very
6. prevalent today to those that have and hold hospitalization
7. policies through Blue Shield and Blue Cross as well as health
8. service care companies. Many of these insurance companies
9. have refused to pay a health or accident claim because it feels
10. the treatment was not medically necessary. Legislation would
11. require firms and companies to inform the consumer of his bill
12. of rights to appeal the decision of the insurance company,
13. currently the company need not inform policyholders of their
14. rights to appeal rejected decisions. Under the Act, it would become
15. the responsibility of the company to notify the insured of his
16. rights and there are three appeal directions that should be given.
17. One, they would have the right of appeal to the company, second,
18. they would have the right of appeal to the medical society in
19. their local county, and third, they would have the right to appeal,
20. of course, to the courts of the State. The bill was a result of a
21. series of meeting between the Department of Insurance, the health
22. care service companies, Blue Cross - Blue Shield, as well as the
23. Illinois Medical Society and of course, through the efforts of Jim
24. Rupp, Senator Rupp, we did come to a resolve of this problem and I
25. think it's a good consumer bill and I would appreciate your favorable
26. roll call.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Further discussion? Senator Rupp.

29. SENATOR RUPP:

30. Thank you, Mr. President. I do rise in support of the bill and in
31. turn, I do want to commend Senator Merlo for his action and his work
32. in working out all of the details and the questions that came up
33. on this bill. Ask for a favorable vote.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Is there any further discussion? Senator Rock.

3. SENATOR ROCK:

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

5. Question of the sponsor, if he will yield.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. He indicates he will.

8. SENATOR ROCK:

9. Senator, I see in the amendment, you have deleted what was
10. previously in the bill as introduced and that is that the company,
11. the insurance industry then, will pay the claim within the
12. limits of the...and shall pay for any attorney's fees incurred
13. because of the appeal. What rights are now left to the one who has
14. been denied on the basis that the insurance company feels it
15. was medically unnecessary?

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Senator Merlo.

18. SENATOR MERLO:

19. If I understand you correctly, Senator Rock, his second appeal
20. would be to the medical society and if the medical society deems
21. that the treatment was medically necessary, then immediately they
22. would so inform the insurance company and the insurance company
23. would have to pay the claim. Therefore, of course, leaving
24. the responsibility of receiving any reimbursements as far as the
25. company is concerned, to the courts. But they must pay, if the
26. medical society finds that the treatment was necessary.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Senator Rock.

29. SENATOR ROCK:

30. Well, that's correct and I think that's...that's a
31. good provision. My question, however, is what do I, as the claimant,
32. what is my right or responsibility with respect to the attorney that
33. I have that is pursuing this claim in the event that my claim is
vindicated?

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Senator Merlo.

3. SENATOR MERLO:

4. Well, it's a good question. I really don't know where the
5. responsibility would go, Senator Rock. I would imagine that perhaps
6. we can amend it further in the...in the other side of the House.
7. Senator Berman was on this committee and also was instrumental
8. in bringing about the results, so Senator Berman would answer the
9. question.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Senator Berman.

12. SENATOR BERMAN:

13. Well, let me share with the President and the members of the
14. Senate the...the discussion that went on regarding this aspect of it.
15. It was felt in the subcommittee discussions that when the insurance
16. company denies the claim and advises the claimant, the insured,
17. that they deem it medically unnecessary, that the appeal to the
18. medical society is a forum which will be very much in favor of
19. the insured. The doctors are going to probably, hopefully, rule in
20. favor of the doctor that rendered the services and determine that
21. it was a medically necessary procedure. We felt that because
22. of that, the...the insured probably would either not have to have a
23. lawyer or the involvement of the lawyer would be minimal.
24. The problems of hold harmless created far ranging problems for the
25. medical society and the insurance carriers and we felt that with this
26. favorable forum that the insured would be bringing his problem to
27. that we could eliminate that provision without doing great
28. harm to them.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Is there any further discussion? Senator Davidson.

31. SENATOR DAVIDSON:

32. Would the sponsor yield for a question?

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

1. 1. SENATOR DAVIDSON:
2. 2. Senator Merlo, as I read the amendment and read the bill,
3. 3. the way it's now amended, if there is a question and the patient
4. 4. asks for a peer review, those of us who are not M.D.'s,
5. 5. a dentist, chiropractor, or osteopath or others who are covered in
6. 6. this bill, will be subject to peer review by the local
7. 7. medical society and I don't think a dentist or an osteopath or
8. 8. a chiropractor would particularly enjoy that review. You're going to
9. 9. have them reviewed by the peers, they should be reviewed by their
10. 10. own peers. Every society has their own peer review and the way the
11. 11. amendment is, it says it's going to be the local medical society
12. 12. only and I am not sure that's what you wanted to do.
13. 13. PRESIDING OFFICER: (SENATOR SAVICKAS)
14. 14. Senator Merlo.
15. 15. SENATOR MERLO:
16. 16. Well, Senator, the only thing I can tell you is that when this
17. 17. bill was discussed in subcommittee, that we assumed that the major
18. 18. of claims, at least ninety-five percent of the claims, would be
19. 19. directed to the physician or the surgeon and that it would not be
20. 20. necessary, of course, to cover the other professions.
21. 21. PRESIDING OFFICER: (SENATOR SAVICKAS)
22. 22. Senator Davidson.
23. 23. SENATOR DAVIDSON:
24. 24. That...that may be true, but for that five percent or ten
25. 25. percent, actually it will run more than five percent, you're now
26. 26. putting the other professions being judged by peer review
27. 27. by another profession which is not the gist of the law either at the
28. 28. Federal or State level because each profession has its own peer
29. 29. review so they judge their own and I would humbly suggest that
30. 30. either take this out of the record and correct it or else agree that
31. 31. that amendment will be put on in the House so that each one of the
32. 32. professions is judged by their own.
33. 33. PRESIDING OFFICER: (SENATOR SAVICKAS)
Senator Merlo.

1. SENATOR MERLO:

2. Well, certainly, Senator, you know that I am amenable
3. to any discussion and if you think that the bill can be improved,
4. and I'd like to discuss it with you, we can make the necessary
5. change in the House. We just felt that this was the simplest and
6. less expensive course to take at the time of the hearing.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Further discussion? Senator Nimrod.

9. SENATOR NIMROD:

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

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. He indicates he will yield.

13. SENATOR NIMROD:

14. The question I have, Senator Merlo, is that it seems to me
15. we're setting a precedent here by allowing a decision or adjudication
16. to be made by a society or an association. It seems to me that this
17. is totally inconsistent with previous practices and when we start
18. doing this, I think Senator Davidson brought out the point that he
19. thinks that there ought to be peer review. We're going to have every
20. group in here and we're going to be setting a precedent. I
21. sympathize and agree with what you're trying to do, but I think to
22. put it in the hands of a society or an association is the wrong way
23. to go and I think we ought to try to keep it within the present
24. administrative relief programs rather than try to create a new one
25. which can get us into volunteer organizations and eventually having
26. people judged by their...by their own groups and it seems to me
27. that that's inconsistent with the good practice we want to obtain.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Senator Merlo.

30. SENATOR MERLO:

31. Well, in answer to the Senator, I can only tell you that there
32. is no course now that could be followed other than going to the courts
33. and again, you're involving and of course, inconvenience of the
consumer who assumes that he had coverage. When you go to a doctor

1. today, and the doctor tells you to go to the hospital, you're going
2. to adhere to the doctor's advice. You go to a hospital and the first
3. thing you know, you're slapped with a bill and told that you are not
4. medically covered. Now, if you can tell me any other avenue that
5. can be pursued to protect the consumer, I'd be happy to do it.
6. We're trying to find the most convenient vehicle. The insurance
7. companies agreed to this. The department agreed to it. The medical
8. society agreed to it. I knew of no objection. In fact, truly, I
9. was going to get up and start my narration today by saying this
10. was truly a noncontroversial bill. It's something that's needed.
11. Now, if you feel that you don't want to act responsibly, vote against
12. the bill. That's all I can tell you and I ask for a favorable roll call.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. The question is shall Senate Bill 81 pass. Those in favor
15. vote Aye. Those opposed 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 44, the Nays are 6, 2 Voting Present. Senate
18. Bill 81, having received constitutional majority is declared passed.

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1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. For what purpose does Senator D'Arco arise?

3. SENATOR D'ARCO:

4. I would have voted favorably on that bill, but I...something
5. went wrong here.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. The record will so indicate. Senator Nimrod, for what
8. purpose do you arise?

9. SENATOR NIMROD:

10. Mr. President, on Senate Bill 73, my button was pushed
11. inadvertently to red rather than green and I want the record
12. to indicate that I support that particular bill.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. The record will so indicate. Senate Bill 84, Senator
15. Davidson. Read the bill, Mr. Secretary.

16. SECRETARY:

17. Senate Bill 84.

18. (Secretary reads title of bill)

19. 3rd reading of the bill.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Senator Davidson.

22. SENATOR DAVIDSON:

23. Yes, Mr. President and members of the Senate. We did debate
24. this bill earlier and there is some controversy, but other
25. noncontroversial bills were being debated. At the time we took
26. it out of the record most of the debate for or against the bill
27. had been made. There's been a request to try to work out an
28. amendment. I've gone to the lawyers and there was no way to
29. work out an amendment that the people ask, either a ten thousand
30. dollar amount of money spent, that's an after a fact a year
31. later and to define groceries, says foodstuff in the dictionary,
32. so I urge each and every one of you to vote your conscience, vote
33. the bill up or down as it is. We amended it to in committee

1. to withdraw the objections to those people who legitimately
2. were trying to sell groceries with the gas and with the...the
3. liquor. This will prevent the person from being able to walk
4. right in and buy the booze right at the cash register with the
5. gas, it's going to make the person at least do something extra
6. and prevent the person from carrying it out to the guy in the
7. car if he wants it by the gas station attendant. I...this
8. is a good bill, it does to home rule units. It has an effective
9. ...it will take effect January 1, so the person who does have
10. any stock on hand has an opportunity to get it out of the
11. way and he would not suffer...suffer any financial loss. Appreciate
12. a favorable vote.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Is there further discussion? Senator Donnewald.

15. SENATOR DONNEWALD:

16. Question of the sponsor.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. He indicates he will yield.

19. SENATOR DONNEWALD:

20. If a gas station takes on the Hostess Twinkie line, then
21. he's exempt, is that correct?

22. SENATOR DAVIDSON:

23. If that, a Twinkie line, would come under the definition
24. of grocery and foodstuff, yes.

25. SENATOR DONNEWALD:

26. Thank you.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Is there further discussion? Senator Hall.

29. SENATOR HALL:

30. Will the sponsor yield to a question?

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. He indicates he will yield.

33. SENATOR HALL:

1. Senator, is it a...correct that the reason you introduced
2. this bill is because some gentleman who lives outside of the
3. City of Springfield has a place and you had some complaint
4. about him?

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Senator Davidson.

7. SENATOR DAVIDSON:

8. No, that's not correct. What I introduced this bill for
9. was the Sangamon County Board was ordered by the court and
10. had to issue three licenses to gas stations who wanted to sell
11. liquor at, they had turned them down and they went to court
12. and forced them to give them a license. They took away what
13. you and I believe in local government's ability to govern itself
14. best and the court forced the County Board to issue those three
15. licenses. They'll never have to issue any more because they
16. got a ordinance passed which limits to three licenses in the
17. unincorporated area, but there was one station in this area
18. that was been a serious offender of selling liquor right at
19. the pump, carried out to them also by information given to me,
20. but the bill came at a request from the County Board by resolution
21. by Republicans and Democrats both, but this bill be introduced
22. to prohibit so you're not being ordered to do something that
23. they locally did not want to do.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Senator Hall.

26. SENATOR HALL:

27. Well, I rise in opposition to this bill. I don't think
28. it's right that other counties should be affected by some
29. problem that you got in the particular county up here in
30. Sangamon. I think it's wrong if people are...and at this stage
31. if a person needs, with the shortage of gas and things like
32. it is, if they need a little addition to...to help carry on
33. their business. They're carrying on a bona fide business.

1. I think it's a wrong...a bad bill and I'd urge everybody over
2. here to vote against it.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Is there any further discussion? Senator Mitchler.

5. SENATOR MITCHLER:

6. Question of the sponsor.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. He indicates he will yield.

9. SENATOR MITCHLER:

10. Senator Davidson, in the original form in which you introduced
11. the bill, it had meaning. But I understand in discussing the
12. bill with you that in committee they suggested that you put on
13. the amendment that is now on the bill that makes it completely
14. meaningless. And just to put something in the Statutes like
15. this is absolutely meaningless because it just makes the
16. bill, all you have to do is, Senator Donnewald said, set up a
17. little rack of Twinkies, in your service station you can sell
18. all the liquor you want. And I understand your intent. Would
19. you be agreeable to bringing the bill back to 2nd reading and
20. having a vote on whether or not we want that amendment on?
21. I recall when the amendment was put on, it was put on by a
22. voice vote and you kept your commitment to your committee, but
23. I don't think it's the feeling of the Body that they would like
24. the bill in the amended form. Would you be agreeable to bringing
25. it back and giving us a roll call vote on chance on the amendment?
26. And then if the amendment isn't removed by a roll call vote,
27. bring it back and if you desire, put on a meaningless bill.
28. Would you be agreeable to that?

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Senator Davidson.

31. SENATOR DAVIDSON:

32. Well, first off, Senator Mitchler, being meaningless is
33. your interpretation, not mine. Now, we went with this bill

1. two or three weeks ago when different requests was made. You
2. did not make a request to come back and try to repeal the...the
3. committee amendment. I frankly would resist bringing it back.
4. Vote the bill up or down as you feel. I made a commitment to
5. the people in committee that if they, this bill was amended,
6. where those people who are legitimately offering groceries along
7. with the others that they would be protected and would not be
8. losing business or be put out of business. And I...if you feel
9. the bill is meaningless, that's your interpretation, I have
10. a different...vote the bill up or down as it is.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Is there any further discussion? Senator Vadalabene.

13. SENATOR VADALABENE:

14. Yes, thank you, Mr. President and membes of the Senate.
15. I rarely ever speak against anybody's legislation on this
16. Floor of the Senate. If I'm not for it, I just don't say
17. anything. In the first place, I don't believe this bill is
18. constitutional and secondly, I have seen some modern gas
19. stations spend hundreds of thousands of dollars improving
20. their stations, improving the invironment and coming up with
21. stores that service the areas in...in a fashionable way.
22. If Senator Mitchler's agreement would have been offered or
23. Senator Davidson would have agreed to bring it back, I would
24. of then offered to have him come back to sell Twinkie Cookies.
25. This is a bad bill and it should be defeated.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Is there any further discussion? Senator Davidson may
28. close the debate.

29. SENATOR DAVIDSON:

30. Only one thing in relation to the last speaker, the bill
31. was amended so those people who you described would not be
32. affected. The only thing I can say to you, those of you who
33. don't think liquor should be carried out and sold to a person

1. sitting in the car, shouldn't have their liquor available
2. right by the gas pump. This is a good bill. This will at
3. least make the people who want to be legitimate, sell groceries
4. along with the other two commodities, they do it. Vote your
5. conscience.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. The question is shall Senate Bill 84 pass. Those in favor
8. vote Aye. Those opposed vote Nay. The voting is open. Have
9. all voted who wish? Have all voted who wish? Take the record.
10. On that question the Ayes are 26, the Nays are 19, 1 Voting
11. Present. Senate Bill 84, having failed to receive a constitu-
12. tional majority, is declared lost. Senate Bill 85, Senator
13. Knuppel. Senate Bill 88. Senate Bill 94, Senator Graham.
14. Read the bill, Mr. Secretary.

15. SECRETARY:

16. Senate Bill 94.

17. (Secretary reads title of bill)

18. 3rd reading of the bill.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Senator Graham.

21. SENATOR GRAHAM:

22. Mr. President and members of the Senate. This has been
23. commonly know by people interested in this particular effort
24. as the Good Samaritan Act dealing with people that are involved
25. in voluntarily in the CPR movement in our State. Many of our
26. areas for CPR, especially our fire departments and some of
27. the JC units, have found it almost impossible or increasingly
28. terrible in an attempt in their attempts to attract some people
29. to become involved because of the lack of this exemption for
30. them. The bill does exactly what the...synopsis says it does.
31. The American, Chicago Heart Association, American Red Cross,
32. the Heart Association particularly wanted us to amend them
33. out of the bill. The people in...the ladies and gentlemen of

1. the committee on Executive...on Judiciary, which heard this,
2. felt that that should not be done because there should be some
3. guidelines left in the bill with reference to training courses
4. that should be completed. So, we did not offer that amendment,
5. the bill still leaves in the provisions that they must have
6. successfully...completed their course, offered by the Heart
7. Association, the American Red Cross, and I ask for a favorable
8. roll call.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Is there any further discussion? Senator Netsch.

11. SENATOR NETSCH:

12. Thank you. I...I know it seems almost unamerican to oppose
13. this, but I would like to call attention to the fact that this
14. is another form of...or not another form, it is what we have
15. come to call a good samaritan and I think really is misguided.
16. What we are saying is that the people, the very people who
17. have been trained are now to be excused from ordinary negligence.
18. Admittedly they are still to be held for willful and wanton
19. negligence, but they are the very ones who ought to be able
20. to perform well and I just...I...I've never felt that the threat
21. of a civil law suit for negligence, for people who have an
22. obligation because they have, in fact, been trained, is actually
23. going to lead those people to refuse to give help when help is
24. called upon. It is perhaps a...a more egregious, misguided
25. justice when it is applied to doctors generally. No doctor
26. ought to be excused for anything when it involves giving help
27. to people. But I think it is almost that bad when it is applied
28. to people who have been trained and who in a sense, almost hold
29. themselves out as able to help the people who have this kind of
30. problem. I really do not think it is essential to encourage
31. this kind of practice and I think we are just piling the exclusion
32. from civil liability on exclusion from civil liability and I
33. think it is a very misguided effort.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Senator Geo-Karis.

3. SENATOR GEO-KARIS:

4. Mr. President and Ladies and Gentlemen of the Senate. I
5. think this is a very good bill. Many people would like to
6. help other...people, but with all the lawsuits that are
7. filed the minute someone makes just a little bit of a mistake,
8. which is not intentional, it's not willful, people are being
9. discouraged. And I don't think we should discourage someone
10. from helping others in time of need. And I could tell you, I...
11. I'd...if I had an incident where I needed that help, I'd want
12. someone to help me and I don't want them to be discouraged.
13. And I speak in favor of the bill and I think it's a very good
14. bill and much as I like my colleague on the other side, I feel
15. I have to disagree with her.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Is there any further discussion? Senator Graham may close
18. the debate.

19. SENATOR GRAHAM:

20. Mr. President, I perceive Senator Netsch views and others
21. with regard to this bill. If they had been in the place or in
22. the position of John Graham a couple years ago when my life was
23. saved by my seatmate, Senator Weaver, by using this very procedure
24. and he had had his training in connection with his business.
25. If that had happened and you were laying unconscious and you
26. woke up in an ambulance on the way to the hospital as a result
27. of someone administering this, you'd be ever thankful and I think
28. ...whatever we can do to encourage our people to become involved
29. in this very necessary lifesaving procedure should be encouraged
30. and I ask for a favorable roll call.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. For what purpose does Senator Knuppel arise?

33. SENATOR KNUPPEL:

1. As another person affected with a cardiac condition, I'll
2. affirm everything that Senator Graham has said. I haven't had
3. that experience, but I have had the situation where I drive
4. between no man's land and Bone Gap in Forgotonia with some
5. youngster and I'll tell you, all I can tell him is when that
6. happens; you don't know what the hell to do, so just get the
7. accelerator to the floor and head for the closest hospital
8. and pray that you get there. I say, these people, no matter
9. what, should be encouraged to take that risk because it's
10. going to be the difference, maybe, between life and death.
11. And if you die, what the hell is the difference anyway.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. The question is shall Senate Bill 94 pass. Those in favor
14. vote Aye. Those opposed vote Nay. The voting is open. Have
15. all voted who wish? Have all voted who wish? Take the record.
16. On that question the Ayes are 51, the Nays are 4, none Voting
17. Present. Senate Bill 94 having received a constitutional majority
18. is declared passed. Senate Bill 104, Senator Philip. Read the
19. bill, Mr. Secretary.

20. SECRETARY:

21. Senate Bill 104.

22. (Secretary reads title of bill)
23. 3rd reading of the bill.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Senator Philip.

26. SENATOR PHILIP:

27. Thank you, Mr. President and Ladies and Gentlemen of the
28. Senate. Senate Bill 104 allows candidates for public office
29. to pass out campaign literature in shopping centers. It puts
30. some rules and regulations in regards to that. It allows the
31. management to decide how many people, the hours and where you
32. can do it. It also defines, shopping centers, what it is.
33. I had a personal case myself and we normally go into shopping

1. centers and ask permission to do that. Normally they are very
2. courteous and we have no problems. During the past election
3. we had called the Oakbrook Shopping Center and asked permission
4. to have the Governor in to pass out some literature and have
5. a little rally. We were granted that permission in Oakbrook.
6. Two days before our little rally, the Governor called and
7. said I can't make it, but I'm sending the Lieutenant Governor.
8. I said, we'll that's fine as far as I'm concerned. I called
9. that shopping center up and what do you think that shopping
10. center said, you can't bring the Lieutenant Governor in
11. the shopping center. You can bring the Governor in, but you
12. cannot bring the Lieutenant Governor in. I said, that's got
13. to be ridiculous. And to say the least, I was a little unhappy
14. and this is my answer to that problem. All of us, I think,
15. probably at one time or another have campaigned in shopping
16. centers. I'd like to think we conduct ourselves like gentlemen.
17. We're...we're realistic about it. This solves that problem
18. and I ask your favorable consideration.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Any further discussion? Senator Sangmeister.

21. SENATOR SANGMEISTER:

22. ...Question of the sponsor.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. He indicates he will yield.

25. SENATOR SANGMEISTER:

26. What's the penalty in the bill if the owner of the shopping
27. center refuses to go along with the program?

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Senator Philip.

30. SENATOR PHILIP:

31. Very simply, there is no penalty.

32. SENATOR SANGMEISTER:

33. So this in directory in nature, then, is that right?

1. SENATOR PHILIP:
2. I...I suppose you might say that, Senator. I, you know...
3. it sets up certain rules and regulations in regards to, you
4. should go to the manager or the owner of that shopping center.
5. It would seem to me that he ought to be able to put on reasonable
6. restrictions, like for instance, the time you can do it, how
7. many people, where you can do it. You know I...the question
8. comes up, is it constitutional. Well, very honestly, I don't
9. know. I'm not a lawyer, I'm not a judge. I would say this, when
10. you open up a shopping center, as far as I'm concerned and invite
11. the public in to purchase your wares or your goods, you automatically
12. become a semi-public place as far as I'm concerned. Because
13. you're inviting people to come on and shop in your shopping
14. center. As far as I'm concerned; that's a semi-public place with
15. certain rules and regulations. There's no reason that we cannot
16. or shouldn't pass out campaign literature.
17. PRESIDING OFFICER: (SENATOR SAVICKAS)
18. Is there any further discussion? The question is shall
19. Senate Bill 104 pass. Those in favor vote Aye. Those opposed
20. vote Nay. The voting is open. Have all voted who wish? Have
21. all voted who wish? Take the record. On that question the
22. Ayes are 40, the Nays are 8, none Voting Present. Senate Bill
23. 104 having received a constitutional majority is declared passed.
24. Senate Bill 106, Senator Sangmeister. Read the bill, Mr. Secretary.
25. SECRETARY:
26. Senate Bill 106.
27. (Secretary reads title of bill)
28. 3rd reading of the bill.
29. PRESIDING OFFICER: (SENATOR SAVICKAS)
30. Senator Sangmeister.
31. SENATOR SANGMEISTER:
32. Yes, thank you, Mr. President. I noticed that you went
33. over Senate Bill 105 and I think the Body should know that that's

1. because in talking to my leadership, they preferred that we
2. not get into a discussion of that bill today. I would have
3. to admit it may be somewhat controversial in nature. I am
4. sure that I'll regret that decision before it's all over, but
5. anyhow we passed it. Senate Bill 106 is not necessarily a
6. controversial bill. As you know right now, we retain four
7. percent, the county does, of the collection of the Inheritance
8. Taxes. The bill was originally filed that the counties ought
9. to get twenty-five percent of that money. It's now been
10. amended down to ten percent. This bill is not the first
11. time through here. I think the customary procedure has been
12. to do, is to pass this bill, put it on the Governor's Desk,
13. if he's got the money to do it, fine, if he hasn't then of course
14. he cannot do it. Ten percent would yield eleven million, almost
15. eleven and a half million dollars for the counties. I've always
16. felt since the fee system changed and the county has lost that
17. money that we ought to do what we can to give our county govern-
18. ment some money to work with. They're pressed like we are down
19. here and like I say, I don't like to just necessarily throw it
20. on the Governor, but the Governor usually gets this bill each
21. time, makes his decision if the funds are there, fine, if not.
22. So if you want to give something to your county governments, I
23. suggest you vote Aye. If you don't think they need the money,
24. you vote No.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Is there further discussion? Senator McMillan.

27. SENATOR McMILLAN:

28. Mr. Chairman, members of the Senate. I would rise in...in
29. opposition to the bill. I understand fully the Senator's intent
30. to be of assistance to...to counties and I can't...can't object
31. to that objective. But it does change substantially, the...the
32. nature of the Inheritance Tax. It does provide for a loss of
33. revenues to the State and when we've got roads in need of public

1. funds and we have schools in need of public funds and...and
2. other needs that Senators and other groups will be crying
3. for, I don't think it's a wise time to diminish this kind
4. of funding into the General Revenue Fund.
5. PRESIDING OFFICER: (SENATOR SAVICKAS)
6. Any further discussion? Senator Rhoads.
7. SENATOR RHOADS:
8. Question of the sponsor, if he will yield.
9. PRESIDING OFFICER: (SENATOR SAVICKAS)
10. He indicates he will yield.
11. SENATOR RHOADS:
12. Senator Sangmeister, you indicated eleven and a half million
13. to the counties in a...in a typical year and I...I would gather
14. that's an average. How would this affect Cook County? Do you
15. have a break-out of that?
16. PRESIDING OFFICER: (SENATOR SAVICKAS)
17. Senator Sangmeister.
18. SENATOR SANGMEISTER:
19. Yes, the figures for Cook County on the ten percent rate
20. would be four million, four hundred and twenty-seven thousand
21. dollars. So a little less than half would go to Cook County.
22. PRESIDING OFFICER: (SENATOR SAVICKAS)
23. Senator Rhoads.
24. SENATOR RHOADS:
25. All right, now if we have a particular wealthy family like
26. one who died last year, how is domicile determined?
27. PRESIDING OFFICER: (SENATOR SAVICKAS)
28. Senator Sangmeister.
29. SENATOR SANGMEISTER:
30. Well, this, you know, this is on the basis of each County
31. Treasurer sends this down to the State Treasurer, you know it's
32. based on the county in which it's raised. So if you have a big
33. estate in Cook County and it happens to be this year, ten percent

1. it will be larger for Cook County.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Senator Rhoads.

4. SENATOR RHOADS:

5. Well, the...the problem is, Senator Sangmeister, is that
6. we often get into these domicile disputes as between states.
7. Now I can see us with a family that has more than one domicile
8. within the State of Illinois, we could get into some tremendous
9. battles between counties. If, for example, the...the Wrigley
10. family were deemed to have lived in Cook County rather than
11. Lake County or so forth. So how...how is domicile determined
12. under your bill?

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Senator Sangmeister.

15. SENATOR SANGMEISTER:

16. Well, maybe I'm a little thick today, but I...I don't
17. see where the domicile changes at all. If that's a genuine
18. issue as to where the assets are as far as for Inheritance
19. Tax proceedings, this bill isn't going to change this at all.
20. It just says that of the amount that the County Treasurer would
21. otherwise remit to the State, you're going to take out ten
22. percent rather than four. Okay.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Senator Knuppel.

25. SENATOR KNUPPEL:

26. Well, all I can say is an auctioneer gets more than four
27. percent, hell. And we keep the county there that has some direct
28. connection with the person's wealth, generally speaking. And
29. I think this is a very fair bill, I've always supported it.
30. As the Senator said, I...I, if it were vetoed, I'd hope we'd
31. override the veto. I think it's time we took fees away in
32. the Constitutional Convention from counties and that's the...the
33. facet of government where everybody's feeling the pangs the

1. most. That's where real estate taxes are going up. That's
2. where we're catching hell from and this would help the county
3. budget. I think it's a good bill, it ought to be passed and
4. the Governor ought to sign it.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Senator Philip.

7. SENATOR PHILIP:

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

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. He indicates he will.

12. SENATOR PHILIP:

13. Thank you. I...I'm assuming the...when we passed this
14. law some years ago, the four percent was mechanically for
15. the cost of collecting the Inheritance Tax. Is that correct?

16. SENATOR SANGMEISTER:

17. I...I believe that would be a correct statement, Senator.

18. SENATOR PHILIP:

19. And I don't know when this went into effect. I'm assuming
20. it was probably quite a few years ago. Can...can you answer
21. this question, what does it mechanically cost to collect it
22. now? Are you saying it cost ten percent to mechanically collect
23. it today?

24. SENATOR SANGMEISTER:

25. No...I would...I...I cannot answer your question on a
26. dollar figure, but I doubt whether that would be, this is
27. without question over and above the exact cost of...of the
28. County Treasurer for collecting it, I'm sure of that. I feel
29. certain of that anyway. This would be additional funds for the
30. county, not just to necessarily cover that cost, although I
31. really believe you're right that the original four percent
32. was to cover that cost.

33. SENATOR PHILIP:

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1. Yeah, obviously today with inflation et cetera, he isn't
2. collecting it for four percent. It might be costing him
3. six or eight percent. I would also suggest that my good
4. Senator friend downstate that the money collected from the
5. ...Inheritance Fund is not going to go in...in the Motor Fuel
6. Tax Fund in any way, manner, et cetera. And I think we ought
7. to support it, I think it's good and I think you ought to pass
8. it.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Is there any further discussion? Senator Sangmeister may
11. close the debate.

12. SENATOR SANGMEISTER:

13. I think enough has been said. Let's take a roll call.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. The question is shall Senate Bill 106 pass. Those in favor
16. vote Aye. Those opposed vote Nay. The voting is open. Have
17. all voted who wish? Have all voted who wish? Take the record.
18. On that question the Ayes are 38, the Nays are 15, none Voting
19. Present. Senate Bill 106 having received a constitutional
20. majority is declared passed. Senate Bill 107, Senator Graham.
21. Read the bill, Mr. Secretary.

22. SECRETARY:

23. Senate Bill 107.

24. (Secretary reads title of bill)

25. 3rd reading of the bill.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Senator Graham.

28. SENATOR GRAHAM:

29. Mr. President and members of the Senate. In order to help
30. all of us out including our good Secretary, it took me a long
31. while to learn how to pronounce this too. It's chymopapain.
32. You say, chemo, but I was told by the doctors that was wrong. We
33. have an opportunity here today, Ladies and Gentlemen, to consider

1. a bill that will alleviate the pain and suffering of many
2. people in this United States of ours, particularly in the
3. State of Illinois should we make it legal for the use of
4. this enzyme, know as chymopapain. I wish all of you could...
5. would of had the privilege to have been with us in committee
6. and heard three famous doctors and two patients. One of the
7. doctors, by the way, Senator...Dr. Rubenstein from Loyola
8. is also a recipient of this injection. It is a result of a
9. life long study by a good friend of mine and a friend of
10. the orthopedic surgeons in the world, Dr. Lyman Smith.
11. He started this by injecting this enzyme in animals. This
12. wonderful fellow, who was so dedicated to propelling this
13. in to the use of everybody that could...needed it and could
14. avail themselves of it, sold this...all the rights for this
15. enzyme to the Baxter-Travenal Laboratories for one dollar.
16. In the meantime, he got tangled up with the Federal Drug
17. Administration and they were up and down on this a couple of
18. times. They became pressurized by the orthopedic surgeons
19. who would much prefer to use a regular laminectomy and
20. that's understandable why they would want to do that, as
21. opposed to a simple injection by an enzyme. There's a consider-
22. able amount of difference in the fees involved. Testimony in
23. the committee with Senator Washington and his committee were so
24. extraordinary tolerant of these witnesses. We had about forty-
25. five minutes in there in his busy day. I can say this to you,
26. that they were the most impressive and the most expert witnesses
27. I've heard on any bill in Springfield in my twenty-one years
28. down here. It's strange...it seems strange to me that Baxter-
29. Travenal, some of the orthopedic surgeons who have exercised
30. some of their authority with the Federal Drug Administration
31. have done so in spite of the fact that Baxter-Travenal and
32. their subsidiaries do manufacture this enzyme and it is sold
33. in Canada. We are now sending hundreds and hundreds of patients

1. to Canada every month for this injection to cure them of low back
2. pain. It seems absurd, also, that we can't confine that
3. business to our own United States and our State of Illinois
4. when Canada has all of a sudden got so involved in this and
5. their bed space is running out that they are going to have to
6. increase our prices to make this available to many people
7. who need this injection. One of the gentleman that was on
8. the...was testified before us, had it done as one of the
9. last recipients in Illinois before the FDA, through some of
10. their pigheadedness, got into it. He is now playing three
11. games of tennis a week. He is a trial lawyer and was back
12. on the floor trying cases in about a month. Another recipient
13. from Lake Forest flew to Canada, lying on the floor of the
14. airplane because he could find really no comfortable place,
15. to rest while being transported up to Toronto. He has this
16. performed upon him, in five days he was back from Canada,
17. walked into his home and went through the necessary...the
18. necessary rest cure that is associated with this. I'd like
19. to say to you, Ladies and Gentleman, that the normal time,
20. loss of time from work from chymopapain is about sixty-one
21. days. The normal time off from work by the normal laminectomy
22. by the orthopedic surgeons is two hundred and two days. There's
23. a considerable amount of difference. The difference in the cost
24. runs from about a thousand dollars for chymopapain to twelve to
25. fifteen thousand dollars for a laminectomy which many times does
26. not work. Think it's important also for us to know that if this
27. is used and its record of success is about eighty percent now,
28. is used and should it fail, it does not preclude or destroy any
29. of the tissues that could be operated upon in the case of
30. laminectomy was chosen to be a relief. Ladies and Gentlemen
31. of the Senate, here's...I'll read this one letter to you. I
32. think it's indicative of how many people feel and this comes
33. from the Northtown National Bank of Rockford, Illinois.

1. Dear Senator Graham. For one who has suffered from back pain
2. for many years, I support legalized use of chymopapain and
3. trust that it will become a law. If it does not become a law,
4. when the time comes, I will go to Canada and so will my money.
5. Ladies and Gentlemen of the Senate, if this is good enough for
6. Canada and good enough for Moscow and good enough for South
7. Africa, it's good enough for Illinois and I ask for a favorable
8. roll call.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Is there any further discussion? Senator Knuppel.

11. SENATOR KNUPPEL:

12. Mr. President and members of the Body, I'd like to ask
13. the sponsor a question because I didn't get the benefit of
14. this expert testimony. Are you saying, Senator Graham, that
15. this could avoid, according to the testimony, a great...number
16. of what we call laminectomies, where discs are removed from
17. the back?

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator Graham.

20. SENATOR GRAHAM:

21. Yes, it does, and Senator Knuppel I...perhaps I should
22. dwell on this just briefly. Before the injection of the
23. chymopapain is made, a complete examination is made under
24. fluoroscope and other methodology to determine which disc
25. or discs is infected. When...when...when the injection is
26. made, it's made under x-ray...plans in a hospital and when
27. the disc that is diseased is determined by this, the injection
28. is made. The philosophy of the doctors pretty much seem
29. to say that this enzyme attacks the...the disease portion
30. of that back and in so doing they attract the white corpuscles
31. that God gave us to move in and cure that and at the same time
32. in many cases that would produce a new cushion between the
33. two spinal joints.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Senator Knuppel.

3. SENATOR KNUPPEL:

4. We've heard a great deal about the excessive costs of
5. Workmen's Compensation Insurance under the 1975 Act and I
6. would say as a person who tries a few Workmen's Compensation
7. cases, that probably one of the most costly industrial
8. accidents are back injuries or is a back injury. And if
9. a laminectomy is required at the present time, you can anticipate
10. an award running anywhere from forty percent of a leg to seventy
11. percent of a leg and maybe even more if the...if...if the
12. results are more serious. Many times you'll see people who
13. have laminectomies having to go back for a second time for
14. a second laminectomy, et cetera. This might be the best relief
15. if it...if it can accomplish what the Senator and his expert
16. witnesses say. This might be the best relief that a large
17. industry or industry of any kind is received from the burden
18. of the 1975 Workmen's Compensation Act without even being
19. related to commerce and industry or insurance that we hear
20. so often. Because, as I say, one of the most costly, one
21. of the most frequent accidents is an accident affecting the
22. spine, requiring a laminectomy and maybe a repeat of that
23. or...or the consequences that go with it and many times they're
24. unsuccessful. The person still is in great pain afterwards.
25. I would suggest that anything that, unless there is some
26. concrete evidence that it would be bad for human beings
27. that this bill ought to be approved.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. ...Senator Washington.

30. SENATOR WASHINGTON:

31. Mr. President, this bill was heard in Public Health
32. Committee and was voted out by a vote of eight to one and
33. the committee was very impressed with the medical testimony

1. in support of chymopapain. It was devastating in its...in
2. its power. By contrast the medical testimony against it
3. was ambiguous and garbled and never was a clear statement
4. made to the effect that this process of chymopapain was
5. bad for a patient. In short the overwhelming weight of the
6. evidence support this...this bill. Furthermore, I agree
7. with Senator Knuppel having served four years as an arbitrator
8. with the Industrial Commission, the number of back pains which
9. you're confronted with are ledengary and there simply is
10. no permanent in a long...in a broad sense, permanent medical
11. cure for that sort of thing. This seems to me to be a needed
12. anecdote to a very serious problem which has plagued many of
13. us for years and in the light of the tremendous power of
14. the testimony given, medical testimony given in support of it,
15. the committee supported it as I do.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Senator Nedza.

18. SENATOR NEDZA:

19. Mr. President, Ladies and Gentlemen of the Senate. I rise
20. to give my distinguished colleague added support for this particular
21. bill because of the fact that I have personal experience not only
22. with a member of my family, but also with some friends who have
23. had this treatment. And I must say that it is miraculous in
24. the attributes that it...that the individual receives.
25. Within a seventy-two hour period, somebody who has had tremendous
26. discomfort and pain with their back problems and in seventy-two
27. hours after this treatment these particular individuals have
28. resumed a normal life and no longer have the severities of the
29. pain. I, myself, was going to be a recipient of the same
30. particular treatment and about the time that I was going to
31. have it, that's when it was taken off of the market. I, since
32. that time, have had another one of our esteemed colleagues
33. professions, the chiropractors that have put me in to a good

1. physical shape. I would...I would most wholeheartedly not only
2. support this, but ask for a favorable vote on this particular
3. bill.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Senator Lemke.

6. SENATOR LEMKE:

7. This is a good bill. What...what we're talking about here
8. is facing the rising health insurance costs faces a three thousand
9. dollar surgical operation, a fifteen thousand dollars in the
10. hospital versus two days in the hospital and maybe about a
11. two hundred and fifty dollar doctor bill. And this is a very
12. successful treatment. It was done by Dr. Lyman Smith at one time
13. in Illinois and he had it very successful. And it puts people
14. back to work fast, it cuts down the, all kind of rates, I
15. mean, that are caused by the rise of medical costs. And I
16. ...I think we should favorable vote this out of the Senate.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Is there any further discussion? The question is shall
19. Senate Bill 107 pass. Those in favor vote Aye. Those opposed
20. vote Nay. The voting is open. Have all voted who wish? Have
21. all voted who wish? Take the record. On that question the
22. Ayes are 48, the Nays are 1, 1 Voting Present. Senate Bill 107
23. having received a constitutional majority is declared passed.
24. Senate Bill 114, Senator Knuppel. Read the bill, Mr. Secretary.

25. SECRETARY:

26. Senate Bill 114.

27. (Secretary reads title of bill)

28. 3rd reading of the bill.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Senator Knuppel.

31. SENATOR KNUPPEL:

32. Mr. President and members of the Body. Senate Bill 114 is
33. the bill of a very simple concept. What it allows, the State
34. of Illinois Department of Transportation to do, and it also allows

1. county boards to do and townships to do, is to purchase standing
2. grain or standing stubble along roads to prevent drifting in the
3. winter. Used to be the State put up a great number of snow
4. fences, but because of interference with farming operations and
5. the expense of putting up snow fences, this practice has virtually
6. ceased. I have some pictures here which were taken along a
7. township road on the way to where I have my race horses quartered
8. in the winter time and my son took these pictures and it's
9. amazing. Along a section of the road where there was nothing
10. but corn stubble, where corn had been picked and the stubble
11. was approximately twelve inches to eighteen inches in height,
12. the drifting along where plowed amounted to about eighteen
13. or twenty inches of a snow bank. A half a quarter down the
14. road where the ground had been fall plowed, the snow accumulation
15. amounted to at least five times or more in height. In fact you
16. couldn't see out of the truck as you drove along the banks on
17. either side of the highway were so great. Now really, neither
18. the township, county nor State need purchase standing grain
19. if they don't care to do this. This is a voluntary proposition.
20. It is limited to the price being what March futures are on grain,
21. but anybody that's experienced the last three winters that would
22. look at the drifts and there are only a few places where you
23. find those sizable drifts along the highway. This could be a
24. great savings to the taxpayer and comfort in...in driving along
25. our highways with decreased dangers. I submit, you know, at
26. intersections where you...this winter the snow piles were so
27. high you couldn't see an...an automobile approaching from your
28. right or your left. It became very dangerous. As I say this
29. is a bill with a simple concept. The width of the strip is
30. limited to fifty feet. No requirement, it's strictly a
31. voluntary proposition, but if the township road commissioner
32. would like to go along and talk to his farmers and get them
33. not to fall plow along the headlands along the road, it could
34. be a great...a great savings and...and it would protect a

1. lot of people and make driving a lot more comfortable for
2. everyone. I submit it's good legislation without being
3. extremely complicated and I would ask for a favorable roll
4. call.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Is there any further discussion? Senator Wooten..

7. SENATOR WOOTEN:

8. A question of the sponsor.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. He indicates he will yield.

11. SENATOR WOOTEN:

12. Senator Knuppel, I think this is an excellent idea. The
13. question that comes to my mind is when you change from buying
14. standing...standing crops to buying stubble. How would that
15. affect the price? I believe the price is set as if you were
16. buying the grain, that's the upward limit, but how can one
17. set any kind of value on stubble. Why...why did you take
18. that approach and then what will that do in terms of the
19. amount of money spent? In other words, are we talking
20. about, is this realistic, is it a windfall, is it...is it
21. something township road commissioners can apply selectively?

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Senator Knuppel.

24. SENATOR KNUPPEL:

25. Yes, I believe it is purely a selective thing. I don't
26. think that they'd want to purchase either grain or stubble
27. along many places where there's no...no drifting problem.
28. Often, just like the other day when there...when the wind
29. was blowing dust, you had nine cars piled up out here by
30. Bradfordton. What's the cost of that? What happened is
31. where that...dust travels is the same place the snow will
32. travel when the wind is in the same direction. But I would
33. think that...that the stubble would be the additional cost

1. to the farmer of having to put a plow on in the Spring when
2. he normally wouldn't do this and plow that plow and work
3. that ground. Maybe he has a small loss of yield. I don't
4. think it would be great between spring plowing and fall
5. plowing, but maybe it would be slight. It would be a matter
6. of negotiation between the road commissioner or the Department
7. of Transportation and the farmer. And it would be the cost,
8. I assume, of the inconvenience to the farmer, maybe some small
9. amount of lost production. But I wouldn't want to see us in
10. very many instances have to purchase an acre or so of crops
11. unless it was very important, but it's...it's negotiable.
12. And the only thing that we've done here is say that they
13. couldn't pay him more than what that land would have produced
14. at March futures on the Board of Trade.

15. SENATOR WOOTEN:

16. One question. I...I'm afraid I've not looked at the bill,
17. Senator, I apologize for that. The synopsis has allowed
18. DOT. Now you also allowed township road commissioners. Town-
19. ship road commissioners, do they have to receive any kind of
20. approval from DOT for this?

21. SENATOR KNUPPEL:

22. No, as you know, probably in all of the State of Illinois
23. the most autocratic person, the person with the greatest
24. discretion, historically is the township road commissioner
25. and if...if he doesn't get the job done, he has to run for
26. reelection. The people know whether he's wasted the money.
27. It's very difficult to get them to do anything, generally
28. because of shortage of funds. They...they're going to be
29. very tight. You elect a road commissioner you trust, he
30. has this authority, he's only limited the same way the Depart-
31. ment of Transportation is limited. I would suggest that
32. a township road...road commissioner would probably be a hell
33. of a lot more careful with his funds than DOT and the bureaucracy

1. we have there, generally speaking.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Is there any further discussion? Senator Joyce.

4. SENATOR JEROME JOYCE:

5. Yes, Mr. President. I applaud Senator Knuppel on this

6. concept, I only wish that the Federal Government would follow

7. along and take this one step further. I think that if in the

8. farm program the Federal Government would set aside or pay

9. farmers to do one strip, maybe a rod wide, sixteen and a half

10. feet, along every field that we could prevent erosion and...

11. and snow blowing across the roads and also chemical runoff

12. and...and soil and water erosion. So I think that this is

13. a good concept and I hope that it continues on further and...

14. and we could, you know, really have a boon to...to all of the...the

15. people in the State of Illinois and all over the country, if the

16. Federal Government would do it. I...I think that a nice concept

17. of this would be for the RTA to take the funding of this over.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Is there any further discussion? Senator Gitz.

20. SENATOR GITZ:

21. Question of the sponsor.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. He indicates he will yield.

24. SENATOR GITZ:

25. Two questions, one, I would like to hear the answer to

26. this stubble question raised by Senator Wooten. Secondly, I

27. recall in committee, it seemed unclarified and perhaps this

28. was done by amendment. Who owns the crop after the winter

29. is past? It seems to me that the township or department or

30. whatever should be able to dispose of it after it served its

31. purpose, if they own it.

32. PRESIDING OFFICER: (SENATOR SAVICKAS)

33. Senator Knuppel.

1. SENATOR KNUPPEL:

2. Well, as to the ownership on the...on the crop, I assume
3. that...that it would cost more to harvest it than what is was
4. worth and that it would belong to the farmer unless harvested
5. by DOT. I'd assume that that would be in the contract of
6. purchase. These things...I didn't write a contract into the
7. statute, Lord knows that the statute books are large enough
8. now. I thought I had answered Senator Wooten's question
9. about stubble and...that's negotiable and certainly the
10. stubble, for example, the only thing I can tell you as...as
11. an experience as a practicing lawyer that farmers sometimes
12. pay from anywhere from three to ten dollars an acre to pasture
13. stocks where there's grain left in the field. If...if you
14. can go out and find a farmer that hasn't fall plowed that
15. will rent that to you. Certainly the price of stubble should
16. not be what the...what the price of the crop would be and as
17. I've said before, it's negotiable. And it ought to be whatever
18. the value of the inconvenience or any loss of production would
19. be to the farmer by reason of spring plowing instead of fall
20. plowing. But it's negotiable. I couldn't give you a price
21. and the price of corn on the March Market futures in Chicago
22. varies, so I don't think that any particular year you would
23. have a given price.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Any further discussion? Senator Nimrod.

26. SENATOR NIMROD:

27. A question of the sponsor, Mr. President.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. He indicates he will yield.

30. SENATOR NIMROD:

31. Senator Knuppel...only, I support your bill in the concept
32. of it, but it's just a little concerning. Why, I'm concerned
33. as to why can't the farmer harvest the crop and leave the stubble

1. or the plant there and not just plow under. Isn't that what
2. we need in order to provide the snow chain. It seems to me that
3. he could harvest that at the time he's doing his other harvesting.
4. And then I...his compensation would not be as...you wouldn't have
5. to pay him the full price for the...

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator Knuppel.

8. SENATOR KNUPPEL:

9. In...in response, let me say this, this concept really
10. belongs to Representative Davis and Senator Martin from the
11. House a year ago, but because we were in a budgetary session
12. we couldn't get to it. I have added the amendment for the
13. stubble, the county and the township which I think improves
14. the bill greatly and the answer is that if I were a road
15. commissioner, I would be contracting for stubble instead of
16. grain. And I think the farmer is going to want it this way
17. too. But that was added as an amendment this year to make
18. the bill a less expensive bill and yet an...almost as effective.
19. Because the eighteen inches of stubble by corn that would
20. be harvested if you were contracting with a farmer, you say,
21. you know, pick it a little high, don't worry about the corn
22. that's down, we'll pay you for that. You'd get...you'd get
23. the same result.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Senator Nimrod.

26. SENATOR NIMROD:

27. Well maybe I'm not reading it right, but I just thought
28. that the amendment included that we pay the price of the Chicago
29. Board of Trade in March and seems to me you're buying the crop
30. and...and everything. If...I...I concur with you, it ought
31. to be a negotiable kind of thing, with or without the crop and
32. depending on what it's doing. But if we mandate that the price
33. has to be in the statute for the crop at the...at the March
34. pricing then we're...we are mandating that we have to buy

1. the crop. And I thought we wanted to leave that as being negotiable.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Senator Knuppel.

4. SENATOR KNUPPTEL:

5. I...it says here that the contract price to be paid in
6. any such case shall not exceed the market price of such crop.

7. Shall not exceed. So it is negotiable.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Gentlemen, I'd like to remind you that we've only gone
10. through ten bills in the last two hours. We have committee
11. meetings scheduled for 1:00 o'clock and we have three more
12. speakers on this particular bill. Senator McMillan.

13. SENATOR MCMILLAN:

14. Let me just make two or three very brief comments in
15. support of the bill. Number one, we don't harvest crops
16. by hand anymore. So that when you take the corn from the
17. stock, the stock is, with modern harvesting equipment,
18. taken off clear to the ground. So number one, you can't
19. harvest it and leave it there, because we don't do it by
20. hand anymore. Number two, when we're talking about stubble,
21. stubble is what's left after the wheat or the oats have been
22. harvested and the farmer has two options. Number one, he
23. can cut the stubble down to the ground and sell it for straw
24. which now sells for two, three, four or five dollars a bail
25. and it's a financial loss for him if he just leaves the
26. stubble there. So when we're talking about stubble, that's
27. after the wheat and after the oats are gone and that's a...a
28. commodity that would be quite valuable if it were harvested.
29. And number three, we don't want the township or the county
30. or the State to come in and do the harvesting because Lord
31. knows what kind of damage they might do to the property and
32. that's why Senator Knuppel very carefully drew the bill so
33. that what the...the whatever highway jurisdiction has is some
34. kind of a...a temporary lien on it, rather than them having

1. to come in and tear things up to harvest it. It's a good
2. bill, I think we've worked out the details and it does deserve
3. your support.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Senator Coffey.

6. SENATOR COFFEY:

7. Question of the sponsor.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. He indicates he will yield.

10. SENATOR COFFEY:

11. Well, you know, I think the concept of this bill sounds
12. read good. One of the problems that it...that I foresee in
13. this bill is we're talking about in most cases along our
14. roadways, we've got end rows. And anybody that's ever farmed
15. before, your end rows, after you get done, after you park your
16. trucks there, you make all your turns on the...on the corners,
17. that...that corns going to be, even the stubble will be packed
18. completely to the ground. So that means that you're going
19. to have to ask the farmers to put maybe twenty-four or forty
20. rows on the end rows. If you're expecting them to lease ten,
21. twelve or six rows on the end, I don't see how you're going
22. to be able to do it without adding additional rows. They're
23. certainly not going to turn in the middle of the field, at
24. least most of the equipment, it's hard on the equipment
25. because the...the rows are uneven, they're unlevel and I think
26. it's going to create a problem there that...we're going to
27. have more end rows there's no, not going to be a place for the
28. equipment to turn and therefore you're not going to have very
29. many farmers want to cooperate.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Is there any further discussion? Senator Knuppel may
32. close the debate.

33. SENATOR KNUPPEL:

AB 122
3rd reading
5-10-79

1. Well, of course, that's negotiable, the width of the strip.
2. The only thing is there's a limit not to exceed fifty feet and
3. the end rows generally are less than fifty feet and many times
4. the roads run parallel with the road and this would make about
5. a total at...at thirty inch rows would make a total of about
6. sixteen rows and so I...I think the thing has been worked out.
7. Senator McMillan and I discussed it. We both are familiar
8. with farm land, I don't think that it creates a problem
9. as to the width of the strip. It's limited to fifty feet.
10. A quarter of a mile long, that's about an acre. The whole
11. thing has...has been done in about the best manner it can be.
12. I don't think we'd have any problems at all with farmers
13. who have to travel those same rows. Generally they're the
14. people that live right next to them. They'd be tickled to
15. death to help if they get paid a little bit for their trouble.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. The question is shall Senate Bill 114 pass. Those in
18. favor vote Aye. Those opposed vote Nay. The voting is open.
19. Have all voted who wish? Have all voted who wish? Take
20. the record. We spent the last twenty-five minutes debating
21. the bill and the bill received, on that question, 51 Aye
22. votes, 1 No vote and 1 Voting Present. Senate Bill 114
23. having received a constitutional majority is declared passed.
24. Senate Bill 122, Senator Lemke. Senator Lemke on the Floor?
25. Read the bill, Mr. Secretary.

26. SECRETARY:

27. Senate Bill 122.
28. (Secretary reads title of bill)
29. 3rd reading of the bill.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Senator Lemke.

32. SENATOR LEMKE:

33. This bill is different from the synopsis. What we did is

1. amended this in committee and this bill exempts pension funds
2. from garnishment. And I just...it came out of committee
3. unanimously because of the, there's no objections, everybody
4. removed their objections to the bill and I think it's a good
5. bill because it protects our pension funds and everybody else's
6. pension funds from garnishment. Encourage people that have
7. pensions to keep their funds in...to keep their money in the
8. fund and it will help the...the corpus. And when you...really
9. need the money when you get old, you'll get your pension
10. money.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Is there any further discussion? The question is shall
13. Senate Bill 122 pass. Those in favor vote Aye. Those opposed
14. vote Nay. The voting is open. Have all voted who wish?
15. Have all voted who wish? Take the record. On that question
16. the Ayes are 44, the Nays are 0 and 1 Voting Present. Senate
17. Bill 122 having received the constitutional majority is declared
18. passed. Senate Bill 1...128. 132. Senate Bill 136, Senator
19. Sangmeister. Senate Bill 136 on page 15 of your Calendar.
20. Read the bill, Mr. Secretary.

21. SECRETARY:

22. Senate Bill 136.

23. (Secretary reads title of bill)
24. 3rd reading of the bill.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Senator Sangmeister.

27. SENATOR SANGMEISTER:

28. Mr. President and members of the Senate. This...as we like
29. to say is a simple bill and this one really is. When you do
30. work for a public body, you have to post a bond as you all
31. know and anyone can go against that bond. And all this bill
32. says is when you do go against that bond, the person you're going
33. to go against ought to have a copy of the notice that is provided

1. under the statute. So all we're asking is that a notice go
2. to the contractor that you're going to go against his bond.
3. You ought to have a right at least to know that you're going
4. against his bond. That's all this bill does. I'll be happy
5. to answer any questions.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Is there any further discussion? The question is shall
8. Senate Bill 136 pass. Those in favor vote Aye. Those opposed
9. vote Nay. The voting is open. Have all voted who wish? Have
10. all voted who wish? Take the record. On that question the
11. Ayes are 51, the Nays are 1, none Voting Present. Senate
12. Bill 136, having received the constitutional majority is
13. declared passed. Senate Bill 139, Senator Regner. Read the
14. bill, Mr. Secretary.

15. SECRETARY:

16. Senate Bill 139.

17. (Secretary reads title of bill)

18. 3rd reading of the bill.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Senator Regner.

21. SENATOR REGNER:

22. Yes, Mr. President and members of the Senate. What this
23. bill does, it provides that the Illinois laws for penalties
24. on the unauthorized use, possession, alteration, sale of food
25. stamps. Brings them into conformity with the Federal regulations.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Is there any further discussion? The question is shall
28. Senate Bill 139 pass. Those in favor vote Aye. Those opposed
29. vote Nay. The voting is open. Have all voted who wish? Have
30. all voted who wish? Take the record. On that question the Ayes
31. are 52, the Nays are none, none Voting Present. Senate Bill 139
32. having received the constitutional majority is declared passed.
33. Senate Bill 140, Senator Davidson. Senate Bill 147, Senator Berman.

1. Senate Bill 154, Senator Martin. Senate Bill 156, Senator
2. Carroll. Read the bill, Mr. Secretary.

3. SECRETARY:

4. Senate Bill 156.

5. (Secretary reads title of bill)

6. 3rd reading of the bill.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Senator Carroll.

9. SENATOR CARROLL:

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

11. The act that created the Judicial Advisory Council required it
12. to have quarterly meetings and initially required that all those
13. meetings be in Springfield. This bill merely takes out the
14. City of Springfield as the site of all four meetings so that
15. they can meet elsewhere in the State. Most...special of import
16. is that the annual Judicial Conference, which is generally held
17. in Chicago. So this would merely say that all four meetings
18. need not be in Springfield. I would ask for a favorable roll
19. call.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Is there any further discussion? The question is...Senate
22. ...Senator Moore.

23. SENATOR MOORE:

24. No, I just concur, this is a good bill and it's needed for
25. the members on my side of the aisle.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. The question is shall Senate Bill 156 pass. Those in favor
28. vote Aye. Those opposed vote Nay. The voting is open. Have
29. all voted who wish? Have all voted who wish? Take the record.
30. On that question the Ayes are 52, the Nays are 0, none Voting
31. Present. Senate Bill 156 having received the constitutional
32. majority is declared passed. Senate Bill 162, Senator Hall.
33. Read the bill, Mr. Secretary.

1. SECRETARY:
2. Senate Bill 162.
3. (Secretary reads title of bill)
4. 3rd reading of the bill.
- 5.
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- 19.
20. End of Reel #3
- 21.
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1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Senator Hall.

3. SENATOR HALL:

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

5. This bill is...it limits the General Manager of the Governor's
6. Administrative Board of the district to a term of not more than
7. five years. Now, to give you a little background on what
8. this particular district does, the Southwestern Regional
9. Port District is a municipal corporation which includes incorporated
10. and unincorporated areas in St. Clair County. The main purpose
11. of the district is to promote industry, commercial transportation,
12. recreational activities facilities... Their main purpose is to
13. recycle plants that are closed. As a result of this, they have
14. recycled over twelve plants in a very depressed area and has brought
15. employment to well over five hundred people. So, the district
16. has been authorized to have a general manager, but they never have
17. and at this time...because of lack of funds. The district in its
18. operation has never come to the State for one dollar. I would ask
19. your most favorable support of this legislation.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Is there any further discussion? Senator Moore.

22. SENATOR MOORE:

23. Yes, would the Gentleman yield, Mr. President.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. He indicates he'll yield.

26. SENATOR MOORE:

27. Senator Hall, what does the bill do? I know what the Port

28. Authority does, but what does your bill do?

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Senator Hall.

31. SENATOR HALL:

32. The bill allows them to get to...to have a general manager, Senator
33. Moore. At this time, they have just been meeting and operating, but

1. they have never had a general manager. Now, their operation is so
2. large, they do need a general manager.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Any further discussion? Senator Walsh.

5. SENATOR WALSH:

6. Our...our synopsis of this bill, Senator, and I must
7. apologize for not having read the bill, indicates that it would
8. provide that the general manager and that the...the Authority has
9. one now as all, I guess all, port authorities have general managers:
10. It would permit the general manager in this port authority to be hired
11. for a period not to exceed five years so he could have a...a contract
12. of employment for five years while at...at other port authorities
13. the general managers serve at the pleasure of the board. Now, that's
14. what our synopsis indicates the bill does and I'm wondering if
15. you would say if that's not the case, what the bill does do.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Senator Hall.

18. SENATOR HALL:

19. In answer to your question, Senator, this board has never had
20. a general manager. The board has been operated by the members
21. themselves. The purpose of this is to allow them to get a
22. general manager and that he can be rehired after the term expires
23. and this is the reason why the legislation has been introduced.
24. There is an amendment put on the bill if your...and the amendment
25. says who shall be eligible for reappointment to any successful terms
26. or term. That amendment was put on the bill.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Senator Walsh.

29. SENATOR WALSH:

30. Well, the fact that they don't have one now, I don't think,
31. indicates that they don't have the authority to have one. So, they
32. could have one now, but apparently the one they want wants to...
33. wants to be taken on board for...for a term of years, is that correct,
or...

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Senator Hall.

3. SENATOR HALL:

4. Senator, the bill was drafted so that he could provide for a
5. term not to...not to exceed five years. The term, as it says in
6. the bill, is not to exceed a term of five years. The board can
7. grant him what they want as you made reference to the five year
8. term. They did have the authority to have one, but they
9. have never had the finances to have one until now.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Further discussion? Senator Philip.

12. SENATOR PHILIP:

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

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. He indicates he will yield.

16. SENATOR PHILIP:

17. Yes. I know of your authority, Senator Hall. You have...have
18. you ever had a ship in the...in the East St. Louis Port Authority?

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Senator Hall.

21. SENATOR HALL:

22. Senator, I explained in my explanation is that this port
23. authority is a...an authority that recycles plants. In other words,
24. what they do is that they take plants that have moved out of any
25. empty places and encourage industry to come into that area. They...
26. that's their main purpose that they've been doing down through the
27. years. They have recycled plants. They have never come to the General
28. Assembly for one dime since they have been in operation and
29. as...to answer to you...they don't have a port.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Senator Philip.

32. SENATOR PHILIP:

33. Well, that's kind of interesting. You know, I kind of question
Senator Hall, why we're allowing the Port Authority to do that when there

1. isn't even a port, there has never been a ship there, why we
2. shouldn't abolish the Port Authority, I haven't the slightest idea.
3. Now, don't you have another...I just can't remember what other
4. commission you have down there, don't you have a commission
5. down there now that deals in that area about encouraging people
6. to come down to that area, to rejuvenate their plants, et cetera?

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Senator Hall.

9. SENATOR HALL:

10. Senator, this is the Act that's doing that now. This...this is
11. the Southwestern Regional Port District...has many functions.
12. And this is one of their main functions, to recycle plants.
13. They...they have never had a port, that doesn't mean that they,
14. in years to come, may have one. Right now, the principal, prime
15. reason for operation is like I told you, they have been recycling
16. plants, bringing industry and cause for an operation of over five
17. hundred people to be hired in a very depressed area.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator Shapiro.

20. SENATOR SHAPIRO:

21. Mr. President and Ladies and Gentlemen of the Senate.
22. I've received quite a few inquiries about this bill, particularly in
23. support of it, but very specifically from Representative Celeste
24. Steele, who would very definitely like to see this bill passed.
25. She thinks it's a good thing for that particular area and I would urge
26. all the members on this side of the aisle, as well as the other side
27. of the aisle, to support Senator Hall in voting affirmatively
28. for Senate Bill 162.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Is there further discussion? Senator Berning.

31. SENATOR BERNING:

32. Thank you, Mr. President. Just as a matter of clarification
33. for the sponsor, it occurs to me that your amendment, Senator,
for all intents and purposes mandates the reappointment of a general

1. manager when you say, with your amendment, who shall be eligible
2. for reappointment. It would appear that with the initial
3. appointment, that person then shall be eligible and it would
4. appear to me that it would be much more appropriate if that
5. word were changed to may rather than as it...as I think it does,
6. tie the hands of the board, once you appoint him, you shall re-
7. appoint him.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Senator Hall indicates he has no problems with you...

1 10. SENATOR HALL:

1 11. I have no problem with that, Senator.

1 12. PRESIDING OFFICER: (SENATOR SAVICKAS)

1 13. Any further discussion? Senator Wooten.

1 14. SENATOR WOOTEN:

1 15. Senator Berning is not reading that properly. Shall be
1 16. eligible does not read the same as shall be reappointed.

1 17. And the bill simply sets out a procedure. There will be a term of
1 18. five years and if they decide they don't like him, there's a
1 19. procedure for moving him with a two-thirds vote and really
2 20. is a very straightforward bill and I urge support of it.

2 21. PRESIDING OFFICER: (SENATOR SAVICKAS)

2 22. Is there any further discussion? The question is shall Senate
2 23. Bill 162 pass. Those in favor vote Aye. Those opposed vote Nay.
2 24. The voting is open. Have all voted who wish? Have all voted
2 25. who wish? Take the record. On that question the Ayes are
2 26. 50, the Nays are 1, none Voting Present. Senate Bill 162 having
2 27. received a constitutional majority is declared passed. For
2 28. what purpose does Senator Rock arise?

2 29. SENATOR ROCK:

3 30. Thank you, Mr. President, Ladies and Gentlemen of the Senate.
3 31. It would appear again, that because of the 1:00 o'clock committee
3 32. meetings, some of the membership would prefer to have a few minutes
3 33. to recollect their thoughts and perhaps grab some lunch, so I would
suggest at this time, that this is an appropriate place at which

1. to stop for the day. We have some resolutions on the Secretary's
2. Desk that...some of which will be placed on the Consent Calendar.
3. We can go to that order and then I would ask the Chair
4. to entertain a motion to adjourn until 9:00 a.m. tomorrow
5. morning and again, urge the membership to attempt, at least, to
6. try to be here at 9:00 o'clock so that we can hopefully get
7. partially through the Calendar and be able...be in a position
8. to be on our way home around noon or 1:00 o'clock.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. For what purpose does Senator Maragos arise?

11. SENATOR MARAGOS:

12. I wanted to have leave to go to the business of allowing
13. that Senator Howard Carroll become a chief sponsor, hyphenated
14. cosponsor of Senate Bill 940. He has asked for that privilege
15. and as a chief sponsor of the bill, and Senator Moore have agreed
16. that he should become a chief cosponsor. I want leave on 940,
17. Senate Bill 940.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. You've heard the motion. Is leave granted? Leave is
20. granted. For what purpose does Senator Washington arise?

21. SENATOR WASHINGTON:

22. Mr. President, just to remind members of the Public Health
23. Committee, we will meet at 1:00 o'clock in Room 400 and if we
24. move expeditiously, we should be out of there within an hour.
25. 1:00 o'clock, Public Health.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Resolutions.

28. SECRETARY:

29. Senate Resolution 154 offered by Senator Newhouse, it's
30. congratulatory.

31. Senate Resolution 155 offered by Senators McLendon, Rock and
32. all Senators. It's congratulatory.

33. Senate Resolution 156 offered by Senator Mitchler and all
Senators and it's a death resolution.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Is there...Consent Calendar.

3. SECRETARY:

4. Senate...Senate Resolution 157 offered by Senator Chew
5. and Senate Resolution 158 offered by Senator Newhouse.

6. PRESIDING OFFICER: (SENATOR SAVICKAS).

7. Executive. Is there any further business to come before the
8. Senate? The Senate will now stand adjourned until Friday,
9. May 11th, at 9:00 a.m.

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