

81st GENERAL ASSEMBLY

REGULAR SESSION

MAY 14, 1979

1. PRESIDING OFFICER: (SENATOR DONNEWALD)
2. The Senate will come to order. Will the guests in our
3. galleries please rise. Prayer by Reverend Conway Ramser of Morton
4. Grove Community Church, Morton Grove, Illinois.
5. REVEREND RAMSER:
6. (Prayer by Reverend Ramser)
7. PRESIDING OFFICER: (SENATOR DONNEWALD)
8. Reading of the Journal. Senator Johns.
9. SENATOR JOHNS:
10. Thank you, Mr. President. I move that reading and approval of
11. the Journals of Friday, May the 4th, Tuesday, May the 8th, Wednesday,
12. May the 9th, Thursday, May the 10th and Friday, May the 11th in the
13. year 1979 be postponed pending arrival of the printed Journal.
14. PRESIDING OFFICER: (SENATOR DONNEWALD)
15. Heard the motion. Those in favor indicate by saying Aye.
16. Those opposed. The Ayes have it. The motion carries. Committee
17. Reports.
18. SECRETARY:
19. Senator...Senator Donnewald, Chairman of the Committee on
20. Assignment of Bills, assigns the following House Bills to committee;
21. Agriculture, Conservation and Energy, 2401, 2686. Elections
22. and Reapportionment, 2228. Insurance and Licensed Activities,
23. 1965 and 2509. Judiciary I, 1496, 1482, 2193 and 2488. Local
24. Government, 941, 1386, 2539. Public Health, Welfare and Corrections,
25. 356, 1025, 1968. Transportation, 1065, 1922, 2279, 2291.
26. Senator Washington, Chairman of Public Health, Welfare and
27. Corrections Committee, reports out the following House Bills,
28. 273, 437, 438, 439, 441, 493, 564, 805, 841, 895, 1082, 1969 and
29. 1970 with the recommendation Do Pass. House Bill 1228 with the
30. recommendation Do Pass as Amended.
31. PRESIDING OFFICER: (SENATOR DONNEWALD)
32. Message from the House.
33. SECRETARY:

1. A Message from the House by Mr. O'Brien, Clerk.
2. Mr. President - I am directed to inform the Senate
3. the House of Representatives has passed a bill with the following
4. titles...title in the passage of which I am instructed to ask
5. the concurrence of the Senate, to-wit:
6. House Bill 1058.
7. PRESIDING OFFICER: (SENATOR DONNEWALD)
8. Resolutions.
9. SECRETARY:
10. A Message from the House by Mr. O'Brien, Clerk.
11. Mr. President...
12. PRESIDING OFFICER: (SENATOR DONNEWALD)
13. All right. Messages.
14. SECRETARY:
15. Mr. President - I am directed to inform the Senate
16. the House of Representatives adopted the following Joint Resolutions
17. in the adoption of which I am instructed to ask the concurrence
18. of the Senate, to-wit:
19. House Joint Resolution 49 and 50, both
20. congratulatory.
21. PRESIDING OFFICER: (SENATOR DONNEWALD)
22. Consent Calendar.
23. SECRETARY:
24. Senate Resolution 165 offered by Senator Nimrod and it's
25. congratulatory.
26. PRESIDING OFFICER: (SENATOR DONNEWALD)
27. Consent Calendar. House Bills, 1st reading.
28. SECRETARY:
29. House Bill 1086, Senator Mitchler is the Senate sponsor.
30. (Secretary reads title of bill)
31. 1st reading of the bill.
32. House Bill 1191, Senator Vadalabene is the Senate sponsor.
33. (Secretary reads title of bill)
- 1st reading of the bill.

1. House Bill 1289, Senators Netsch and Davidson are the Senate
2. sponsors.
3. (Secretary reads title of bill)
4. 1st reading of the bill.
5. House Bill 1363, Senator Wooten is the Senate sponsor.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. House Bill 1531, Senator Knuppel is the Senate sponsor.
9. (Secretary reads title of bill)
10. 1st reading of the bill.
11. House Bill 1634, Senator Rhoads is the Senate sponsor.
12. (Secretary reads title of bill)
13. 1st reading of the bill.
14. House Bill 1654, Senator Geo-Karis is the Senate sponsor.
15. (Secretary reads title of bill)
16. 1st reading of the bill.
17. House Bill 1681, Senator Mitchler is the Senate sponsor.
18. (Secretary reads title of bill)
19. 1st reading of the bill.
20. House Bill 1743, Senator Knuppel is the Senate sponsor.
21. (Secretary reads title of bill)
22. 1st reading of the bill.
23. House Bill 1749 by the same sponsor.
24. (Secretary reads title of bill)
25. 1st reading of the bill.
26. House Bill 1840, Senator Rhoads is the Senate sponsor.
27. (Secretary reads title of bill)
28. 1st reading of the bill.
29. House Bill 1916, Senator Demuzio is the Senate sponsor.
30. (Secretary reads title of bill)
31. 1st reading of the bill.
32. House Bill 2126, Senator Grotberg is the Senate sponsor.
33. (Secretary reads title of bill)
- 1st reading of the bill.

1. House Bill 2167, Senator McLendon is the Senate sponsor.
2. (Secretary reads title of bill)
3. 1st reading of the bill.
4. House Bill 2287, Senator Nedza is the Senate sponsor.
5. (Secretary reads title of bill)
6. 1st reading of the bill.
7. House Bill 2370, Senator Rhoads is the Senate sponsor.
8. (Secretary reads title of bill)
9. 1st reading of the bill.
10. House Bill 2372, Senator Davidson is the Senate sponsor.
11. (Secretary reads title of bill)
12. 1st reading of the bill.
13. House Bill 2376, Senator Coffey is the Senate sponsor.
14. (Secretary reads title of bill)
15. 1st reading of the bill.
16. Senate Bill 2380, Senator Nimrod and Daley are the Senate sponsors.
17. (Secretary reads title of bill)
18. 1st reading of the bill.
19. House Bill 2385, Senator Rupp is the Senate sponsor.
20. (Secretary reads title of bill)
21. 1st reading of the bill.
22. House Bill 2386 by the same sponsor.
23. (Secretary reads title of bill)
24. 1st reading of the bill.
25. House Bill 2394, Senator Maitland is the Senate sponsor.
26. (Secretary reads title of bill)
27. 1st reading of the bill.
28. House Bill 2397 by the same sponsor.
29. (Secretary reads title of bill)
30. 1st reading of the bill.
31. House Bill 2399, Senator...by the same sponsor.
32. (Secretary reads title of bill)
- 33.

SB 133  
2nd reading  
5-14-79

1. 1st reading of the bill.
2. House Bill 2573, Senator Shapiro is the Senate sponsor.
3. (Secretary reads title of bill)
4. 1st reading of the bill.
5. House Bill 2655, Senator Knuppel is the Senate sponsor.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. House Bill 1100, Senator Ozinga is the Senate sponsor.
9. (Secretary reads title of bill)
10. 1st reading of the bill.
11. PRESIDING OFFICER: (SENATOR DONNEWALD)
12. May I have the attention of the membership. If there are
13. any...the Chair would strongly urge that if there are any
14. members who have bills on the Order of 3rd reading that
15. wish them amended, please give the number to the Secretary plus...
16. and be certain that there is copies of the proposed amendment.
17. That, of course, applies only to those that they wish filed, not
18. to those that have already been filed. Senator Bruce.
19. Senate Bills, 2nd reading. On page 2 of your Calendar. Senate
20. Bill 6, Senator D'Arco. No, I'm sorry. We will not call
21. appropriation measures. Senate Bill 44, Senator Lemke.
22. Senate...Senate Bill 49, Senator Knuppel. Senate Bill 51. Senate
23. Bill 133, Senator Nimrod. Read the bill, Mr. Secretary.
24. SECRETARY:
25. Senate Bill 133.
26. (Secretary reads title of bill)
27. 2nd reading of the bill. No committee amendments.
28. PRESIDING OFFICER: (SENATOR DONNEWALD)
29. Are there amendments from the Floor?
30. SECRETARY:
31. No Floor amendments.
32. PRESIDING OFFICER: (SENATOR DONNEWALD)
33. Senator Nimrod.

1. SENATOR NIMROD:

2. Yes, Mr. President, with the understanding that's coming  
3. back for an amendment, we do have one for it. It's not ready from  
4. the Reference Bureau.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Is there...is there leave to advance? Leave is granted.  
7. 3rd reading with the understanding the bill will be recalled.  
8. Senate Bill 172, Senator Regner. Senate Bill 203, Senator Sommer.  
9. Senate Bill 244, Senator Jeremiah Joyce. Senate Bill 263, Senator  
10. Maragos. Senate Bill 296, Senator Hall - Johns. Senate Bill  
11. 298, Senator Buzbee. Senate Bill 301, Senator D'Arco.  
12. Senate Bill 304, Senator Maitland - Donnewald. Read the bill,  
13. Mr. Secretary.

14. SECRETARY:

15. Senate Bill 304.

16. (Secretary reads title of bill)

17. 2nd reading of the bill. The Committee on Public Health, Welfare  
18. and Corrections offers one amendment.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Senator Maitland.

21. SENATOR MAITLAND:

22. Thank you, Mr. President and Ladies and Gentlemen of the Senate.  
23. Amendment No. 1 just merely refers and pertains to describing  
24. what residency is and I move for the adoption.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Is there further discussion? The question is shall Amendment  
27. No. 1 to Senate Bill 304 be adopted. Those in favor indicate  
28. by saying Aye. Those opposed. The Ayes have it. Amendment No. 1  
29. is adopted. Are there further committee amendments?

30. SECRETARY:

31. No further committee amendments.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Are there amendments from the Floor?

LB378  
2nd reading  
5/14/79

1. SECRETARY:
2. No Floor amendments.
3. PRESIDING OFFICER: (SENATOR DONNEWALD)
4. 3rd reading. Senate Bill 311, Senator Netsch. Senate Bill
5. 312. Senate Bill 350, Senator Becker. Read the bill, Mr. Secretary.
6. SECRETARY:
7. Senate Bill 350.
8. (Secretary reads title of bill)
9. 2nd reading of the bill. No committee amendments.
10. PRESIDING OFFICER: (SENATOR DONNEWALD)
11. Are there amendments from the Floor?
12. SECRETARY:
13. Amendment No. 1 offered by Senator Becker.
14. PRESIDING OFFICER: (SENATOR DONNEWALD)
15. Senator Becker.
16. SENATOR BECKER:
17. The amendment adds provided that nothing in this Section shall
18. permit the department to accept book entry securities for those
19. securities that companies deposit with the department as required
20. under Article XIV of the Illinois Insurance Code.
21. PRESIDING OFFICER: (SENATOR DONNEWALD)
22. Is there discussion? Question is shall Amendment No. 1 to
23. Senate Bill 350 be adopted. Those in favor indicate by saying Aye.
24. Those opposed. The Ayes have it. Amendment No. 1 is adopted.
25. Are there further amendments?
26. SECRETARY:
27. No further amendments.
28. PRESIDING OFFICER: (SENATOR DONNEWALD)
29. 3rd reading. Senate Bill 375, Senator Schaffer. Senate Bill
30. 378, Senator Nash. Read the bill, Mr. Secretary.
31. SECRETARY:
32. Senate Bill 378.
33. (Secretary reads title of bill)
- 2nd reading of the bill. No committee amendments.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)
2. Are there amendments from the Floor?
3. SECRETARY:
4. No Floor amendments.
5. PRESIDING OFFICER: (SENATOR DONNEWALD)
6. 3rd reading. Senate Bill 384, Senator Bruce. Senate Bill...
7. Senate Bill 391, there's a hold. Senate Bill 425, Senator Hall, there
8. is a fiscal note requested. Senate Bill 433, Senator Nash.
9. Read the bill, Mr. Secretary.
10. SECRETARY:
11. Senate Bill 433.
12. (Secretary reads title of bill)
13. 2nd reading of the bill. No committee amendments.
14. PRESIDING OFFICER: (SENATOR DONNEWALD)
15. Senator...are there amendments from the Floor?
16. SECRETARY:
17. No Floor amendments.
18. PRESIDING OFFICER: (SENATOR DONNEWALD)
19. 3rd reading. On page 5 of your Calendar, on the Order of
20. 2nd reading, Senate Bill 519, Senator Collins. Senate Bill
21. 534, Senator Schaffer. Senate Bill 559, Senator Carroll.
22. Senate Bill 659, Senator Demuzio. Senate Bill 664, Senator Hall -
23. Johns. Senate Bill 689, Senator D'Arco. Senate Bill 704,
24. Senator Jerome Joyce. 704. Senate Bill 708, Senator Sommer.
25. Senate Bill 724, Senator Carroll. Senate Bill 745, Senator
26. Washington. Senate Bill 831, Senator Nimrod. Senate Bill 832,
27. Senator Nimrod. Senate Bill 844, Senator Daley. Senate Bill 852,
28. Senator Chew. Senate Bill 870, Senator Newhouse. Senate Bill...
29. Senate Bill 888, Senator Keats. Read the bill, Mr. Secretary.
30. SECRETARY:
31. Senate Bill 888.
32. (Secretary reads title of bill)
33. 2nd reading of the bill. The Committee on Labor and Commerce offers



SB 973  
2nd Reading  
5-14-79

1. one amendment.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Keats.

4. SENATOR KEATS:

5. Mr. President, I just asked that an amendment that was put on

6. ...committee be removed at this time. Thank you.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Well, just...Senator Rock.

9. SENATOR ROCK:

10. Yes, I am...thank you, Mr. President. I am informed that there

11. is some controversy surrounding the amendment. I wonder if we might

12. take this out of the record.

13. SENATOR KEATS:

14. Well, Mr. President, I'd prefer not to, but I would defer to the

15. President if he felt a great need.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Take it out of the record. Senate Bill 889, Senator Shapiro.

18. Senate Bill 890, Senator Shapiro. Senate Bill 90...Senate Bill 911,

19. Senator Regner. Senate Bill 972...927, Senator Egan. Senate Bill

20. 931, Senator Berman. 931. Senate Bill 939, Senator Gitz. Senate

21. Bill 942, Senator Egan. Senate Bill 968, Senator Lemke. Senate

22. Bill 973, Senator Buzbee - Daley. Read the bill, Mr. Secretary.

23. SECRETARY:

24. Senate Bill 973.

25. (Secretary reads title of bill)

26. 2nd reading of the bill. No committee amendments.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Are there amendments from the Floor?

29. SECRETARY:

30. No...

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Senator...just a moment.

33. SECRETARY:

No committee amendments.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)
2. Senator Buzbee, for what purpose do you arise?
3. SENATOR BUZBEE:
4. I will bring the bill back later on for purpose of an amendment.
5. SECRETARY:
6. No Floor amendments.
7. PRESIDING OFFICER: (SENATOR DONNEWALD)
8. 3rd reading. Senate Bill 974, Senator Buzbee. Read the bill,
9. Mr. Secretary.
10. SECRETARY:
11. Senate Bill 974.
12. (Secretary reads title of bill)
13. 2nd reading of the bill. No committee amendments.
14. PRESIDING OFFICER: (SENATOR DONNEWALD)
15. Are there amendments from the Floor?
16. SECRETARY:
17. No Floor amendments.
18. PRESIDING OFFICER: (SENATOR DONNEWALD)
19. 3rd reading. Senate Bill 976, Senator Weaver. Senate Bill
20. 978, Senator Egan. Senate Bill 1001, Senator Berman. Senate Bill
21. 1002, Senator Berman. Senator Berman, 1002, for your information
22. has a request for a fiscal note. Senate Bill 1011, Senator Carroll.
23. Senate Bill 1038, Senator Buzbee. Read the bill, Mr. Secretary.
24. Skip that. Senate Bill 1081, Senator Rupp. Senate Bill 1096,
25. Senator Geo-Karis. Did you wish to call the bill, Senator Geo-
26. Karis? Senator Philip, did you wish recognition?
27. Senate Bill 1111, Senator Davidson. Senate Bill 1112, Senator
28. Davidson. Senate Bill 1119, Senator Buzbee. Senate Bill 1147, Senator
29. Philip. Read the bill, Mr. Secretary.
30. SECRETARY:
31. Senate Bill 1147.
32. (Secretary reads title of bill)
33. 2nd reading of the bill. The Committee on Elections and Reapportionment

1. offers one amendment.
  2. PRESIDING OFFICER: (SENATOR DONNEWALD)
  3. Senator Philip.
  4. SENATOR PHILIP:
  5. Thank you, Mr. President. With leave of the Senate, I'd like to
  6. Table Committee Amendment No. 1, move it to 3rd and bring it back.
  7. There's another amendment that the Reference Bureau has, but it
  8. isn't ready yet.
  9. PRESIDING OFFICER: (SENATOR DONNEWALD)
  10. Is there discussion? Senator Philip moves that Amendment
  11. No. 1 to Senate Bill 1147 be Tabled. Those in favor indicate by
  12. saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is
  13. Tabled. Are there...are there further amendments...committee
  14. amendments?
  15. SECRETARY:
  16. No...no further committee amendments.
  17. PRESIDING OFFICER: (SENATOR DONNEWALD)
  18. Are there amendments from the Floor?
  19. SECRETARY:
  20. No Floor amendments.
  21. PRESIDING OFFICER: (SENATOR DONNEWALD)
  22. 3rd reading. 11...Senate Bill 1238, Senator D'Arco.
  23. Senate Bill 1243, Senator Berman. Senate Bill 1246, Senator
  24. Sangmeister. Senate Bill 125...there was a request for a fiscal note on
  25. 1251. Secretary indicates the fiscal note has not been filed.
  26. Senate Bill 1254, Senator Demuzio. Your voice is changing.
  27. Senate Bill 1292, Senator McMillan. Senate Bill 1298, Senator
  28. Rhoads. Read the bill...Senator...Senator Rhoads.
  29. SENATOR RHOADS:
  30. Thank you, Mr. President. This bill has been on 2nd reading
  31. for about a week now and I have yet to hear from the Cook
  32. County Assessor's Office. I'd like to move it to 3rd today with the
  33. understanding that I'll be happy to call it back if anyone has amendments
- to offer.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)
2. Senate Bill 1298. Read the bill...just a moment. Senator
3. Rock.
4. SENATOR ROCK:
5. Well, our notes indicate that the...there was an agreement
6. made in the committee to hold the bill on 2nd until an amendment
7. could be worked out. Now, I don't know who's working on the
8. amendment, frankly, but it just seems to me if we make these kinds
9. of agreements, we ought to stay with them.
10. PRESIDING OFFICER: (SENATOR DONNEWALD)
11. Senator Rhoads.
12. SENATOR RHOADS:
13. Senator Rock, I'd be happy to. I...it's been a week now and I
14. haven't heard from anybody, but let's take it out of the record.
15. I'll hold it on 2nd.
16. PRESIDING OFFICER: (SENATOR DONNEWALD)
17. Take it out of the record. Senator McMillan, I note that you
18. just arrived. On the Order of 2nd reading, Senate Bill 1292.
19. Do you wish that bill read on the Order of 2nd reading? 1292.
20. Read the bill, Mr. Secretary.
21. SECRETARY:
22. Senate Bill 1292.
23. (Secretary reads title of bill)
24. 2nd reading of the bill. No committee amendments.
25. PRESIDING OFFICER: (SENATOR DONNEWALD)
26. Are there amendments from the Floor?
27. SECRETARY:
28. Amendment No. 1 offered by Senator McMillan.
29. PRESIDING OFFICER: (SENATOR DONNEWALD)
30. Senator McMillan.
31. SENATOR McMILLAN:
32. Yes, this amendment is one that would have been a committee
33. amendment but...but we ran out of time to hear it and it merely takes  
into consideration the fact that the personal property tax on

1. corporations will be abolished and if there's any problem with it,  
2. I'll be glad to bring it back from 3rd reading later if there's  
3. any...any problem.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Is there discussion? Question is shall Amendment No. 1  
6. to Senate Bill 1292 be adopted. Those in favor indicate by saying  
7. Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted.  
8. Are there further amendments?

9. SECRETARY:

10. No further amendments.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. 3rd reading. Do we have leave for Channel 3 and 20 to  
13. record part of the proceedings? Leave is granted. Senate Bill  
14. 1293, Senator McMillan. Read the bill, Mr. Secretary.

15. SECRETARY:

16. Senate Bill 1293.

17. (Secretary reads title of bill)

18. 2nd reading of the bill. No committee amendments.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Are there amendments from the Floor?

21. SECRETARY:

22. No Floor amendments.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. 3rd reading. Senate Bill 1294, read the bill, Mr. Secretary.

25. SECRETARY:

26. Senate Bill 1294.

27. (Secretary reads title of bill)

28. 2nd reading of the bill. No committee amendments.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Are there amendments from the Floor?

31. SECRETARY:

32. No Floor amendments.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

3rd reading. Senate Bill 1304, Senator Walsh. Read the

SB 1314  
5/14/79  
2nd reading

1. bill, Mr. Secretary.
  2. SECRETARY:
  3. Senate Bill 1304.
  4. (Secretary reads title of bill)
  5. 2nd reading of the bill. No committee amendments.
  6. PRESIDING OFFICER: (SENATOR DONNEWALD)
  7. Are there amendments from the Floor?
  8. SECRETARY:
  9. Amendment No. 1 offered by Senator Walsh.
  10. PRESIDING OFFICER: (SENATOR DONNEWALD)
  11. Senator Walsh.
  12. SENATOR WALSH:
  13. Mr. President and members of the Senate. Amendment No. 1
  14. is merely a technical amendment and I would urge its adoption.
  15. PRESIDING OFFICER: (SENATOR DONNEWALD)
  16. Is there discussion? The question is shall Amendment No.
  17. 1 to Senate Bill 1304 be adopted. Those in favor indicate by
  18. saying Aye. Those opposed. The Ayes have it. Amendment No. 1
  19. is adopted. Are there further amendments?
  20. SECRETARY:
  21. No further amendments.
  22. PRESIDING OFFICER: (SENATOR DONNEWALD)
  23. 3rd reading. Senate Bill 1314, Senator Daley. Do you
  24. wish the bill read? Read the bill, Mr. Secretary.
  25. SECRETARY:
  26. Senate Bill 1314.
  27. (Secretary reads title of bill)
  28. 2nd reading of the bill. No committee amendments.
  29. PRESIDING OFFICER: (SENATOR DONNEWALD)
  30. Are there amendments from the Floor?
  31. SECRETARY:
  32. No Floor amendments.
  33. PRESIDING OFFICER: (SENATOR DONNEWALD)
- Just a moment. My Calendar indicates that there is a Floor

1. amendment. Senator Daley.

2. SENATOR DALEY:

3. Mr. President and fellow Senators. I agreed to have it read  
4. the second time, move it to 3rd reading, and bring it back  
5. for...there are a number of amendments, Senator Weaver, Senator  
6. Netsch and myself that are working on it and with that agreement  
7. I will bring it back to 2nd reading.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. 3rd reading. Senate Bill 1338, Senator Egan. Senate Bill 1350,  
10. Senator Bloom. Senate Bill 1359, Senator Nimrod. Senate Bill  
11. 1391, Senator Netsch. Senate Bill 1394, Senator McMillan.  
12. Senate Bill 1423, Senator Weaver. Read the bill, Mr. Secretary.

13. SECRETARY:

14. Senate Bill 1423.

15. (Secretary reads title of bill)

16. 2nd reading of the bill. No committee amendments.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Are there amendments from the Floor?

19. SECRETARY:

20. Amendment No. 1 offered by Senator Weaver.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Senator Weaver.

23. SENATOR WEAVER:

24. Thank you, Mr. President. This amendment limits the activities  
25. of this bill to counties of over six hundred thousand and under  
26. one million.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Is there discussion? Question is shall Amendment No. 1  
29. to Senate Bill 1423 be adopted. Those in favor indicate by  
30. saying Aye. Those opposed. The Ayes have it. Amendment No. 1  
31. is adopted. Are there further amendments?

32. SECRETARY:

33. No further amendments.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)  
2. 3rd reading. Senate Bill 1428, Senator Rock. Read the bill,  
3. Mr. Secretary.  
4. SECRETARY:  
5. Senate Bill 1428.  
6. (Secretary reads title of bill)  
7. 2nd reading of the bill. The Committee on Executive  
8. offers one amendment.  
9. PRESIDING OFFICER: (SENATOR DONNEWALD)  
10. Senator Rock.  
11. SENATOR ROCK:  
12. Thank you, Mr. President and Ladies and Gentlemen of the Senate.  
13. Amendment No. 1 does three things. It makes a technical change in the  
14. bill as drafted which pertains to the underlining of all new  
15. matter to conform to the rules. Secondly, it makes it clear  
16. that the Attorney General of this State is the sole authority  
17. and sole legal representative of all State agencies and he has the  
18. authority to permit agencies to retain private legal counsel.  
19. And we are...the third change, we rewrote the provision  
20. as introduced that will clarify that this is not an...a limitation  
21. on the Attorney General's authority to authorize or permit  
22. State agencies to hire legal counsel. Many of you are aware, I'm  
23. sure, that there was some litigation involving the retention of  
24. private legal counsel by certain State agencies. This, hopefully,  
25. will clarify that and codify the present case law and I would  
26. move the adoption of Amendment No. 1.  
27. PRESIDING OFFICER: (SENATOR DONNEWALD)  
28. Is there further discussion? Senator DeAngelis.  
29. SENATOR DeANGELIS:  
30. Will the sponsor yield for a question?  
31. PRESIDING OFFICER: (SENATOR DONNEWALD)  
32. Indicates he will.  
33. SENATOR DeANGELIS:  
34. Senator Rock, in the case where the Department of Revenue



1. has continuing counsel on certain extraordinary tax matters,  
2. will the Attorney General be able to override that?

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Senator Rock.

5. SENATOR ROCK:

6. Well, it's not a question...the Attorney General  
7. theoretically at this point, could override that. The fact of the  
8. matter is that he traditionally has allowed those departments  
9. to utilize private attorneys with the understanding that they  
10. act in a representative capacity and are, in fact, sworn in as  
11. assistants. All this says...there is a lawsuit currently pending  
12. which alleges that the Attorney General is the sole legal representative  
13. and that the State cannot and that...the Attorney General can't  
14. delegate his authority and that therefore, no money, no appropriation  
15. should be spent for these other attorneys and, frankly, virtually  
16. every executive department has private legal counsel or technical  
17. advisors.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator DeAngelis.

20. SENATOR DeANGELIS:

21. Senator Rock, we've already appropriated in committee for those  
22. outside counsel. Does that mean they have to seek permission  
23. from the Attorney General now?

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Senator Rock.

26. SENATOR ROCK:

27. No, I don't...I don't think so. I think that the Attorney  
28. General can, by acquiescence, allow that practice to continue.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Is there further discussion? Question is shall Amendment  
31. No. 1 to Senate Bill 1428 be adopted. Those in favor indicate  
32. by saying Aye. Those opposed. The Ayes have it. Amendment No. 1  
33. is adopted. Are there further amendments?

1. SECRETARY:
2. No further committee amendments.
3. PRESIDING OFFICER: (SENATOR DONNEWALD)
4. Are there amendments from the Floor?
5. SECRETARY:
6. No Floor amendments.
7. PRESIDING OFFICER: (SENATOR DONNEWALD)
8. 3rd reading. Senate Bill 1435, Senator Nimrod.
9. We are going to proceed to the Order of 3rd reading for those
10. bills that need to be recalled for the purposes of amendment.
11. Going to call all those bills back to the Order of
12. 2nd reading. Here is a list of bills that will be recalled
13. from the Order of 3rd reading to the Order of 2nd for the
14. purposes of amendment. If the membership have the attention of the
15. Chair, the following bills will be recalled for the purposes
16. of amendment: Senate Bill 48, Senate Bill 207, Senate Bill 366,
17. Senate Bill 367, Senate Bill 250, Senate Bill 371, Senate Bill
18. 566, Senate Bill 696, Senate Bill 781, Senate Bill 805, Senate
19. Bill 807, Senate Bill 825, Senate Bill 950, Senate Bill 971,
20. Senate Bill 997, Senate Bill 1167, Senate Bill 1211, Senate Bill
21. 1228, Senate Bill 1262, Senate Bill 1265, Senate Bill 1344 and
22. Senate Bill 361. Do we have leave for those bills to return to the
23. Order of 2nd reading? Leave is granted. On the Order of 2nd
24. reading, Senate Bill 48. Senate Bill 250, Senator Berning. On the
25. Order of 2nd reading, Senate Bill 250.
26. SECRETARY:
27. Amendment No. 2 offered by Senator Berning.
28. PRESIDING OFFICER: (SENATOR DONNEWALD)
29. Senator Berning.
30. SENATOR BERNING:
31. Thank you, Mr. President. Amendment No. 1 was drafted in error.
32. Therefore, I move to reconsider the vote by which Amendment No. 1
33. was adopted so that we may Table that and then adopt Amendment No. 2.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. The motion is having voted on the prevailing side, Senator  
3. Berning moves that the matter be reconsidered. Those  
4. in favor indicate by saying Aye. Those opposed. The Ayes have  
5. it. The matter is reconsidered. Senator Berning now moves  
6. that Amendment No. 1 to Senate Bill 250 be Tabled. Those in  
7. favor indicate by saying Aye. Those opposed. The Ayes have it.  
8. Amendment No. 1 is Tabled. Amendment No. 2, Senator Berning.  
9. SENATOR BERNING:

10. Amendment No. 2 accomplishes what was originally intended  
11. with Amendment No. 1, namely to reduce the line item appropriation  
12. from two percentage points to one-half percentage point for all  
13. systems. Amendment No. 1 failed to accomplish that and so for that  
14. reason, Mr. President, I move to...for the adoption of Amendment  
15. No. 2.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Is there discussion? The question is shall Amendment No.  
18. 2 to Senate Bill 250 be adopted. Those in favor indicate by saying  
19. Aye. Those opposed. The Ayes have it. Amendment No. 2 is  
20. adopted. Are there further amendments?

21. SECRETARY:

22. No further amendments.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. 3rd reading. Senate Bill 361, Senator D'Arco.  
25. Senate Bill 366, Senator...oh, Senator D'Arco. Senate Bill 361.  
26. Senator D'Arco.

27. SENATOR D'ARCO:

28. Thank you, Mr. President. I would move to take Senate Bill  
29. 361 back to 2nd reading...

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. That's already there, Senator.

32. SENATOR D'ARCO:

33. ...oh it is? I'm sorry. All right. I move to Table Amendment  
No. 1 to Senate Bill...it's not...it's 361, you've got 261 on the

1. board, to Senate Bill 361.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator D'Arco having voted on the prevailing side, you move

4. to reconsider the vote by which Amendment No. 1 was adopted.

5. SENATOR D'ARCO:

6. Yes, I do, Sir.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Those in favor indicate by saying Aye. Those opposed.

9. Senator Rhoads, for what purpose do you arise?

10. SENATOR RHOADS:

11. Just to request a brief explanation of...this was a

12. committee amendment that you're Tabling?

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. It was a Floor amendment, I'm advised by the Secretary.

15. Senator D'Arco.

16. SENATOR D'ARCO:

17. No, it was a Floor amendment that I erroneously

18. put on the bill because someone requested it and the University

19. of Illinois doesn't want it on the bill and they've asked me to

20. take it off and so I'm trying to do that.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Is there discussion? ...having voted on the prevailing

23. side, Senator D'Arco moves to reconsider the vote by which Amendment

24. No. 1 to Senate Bill 361 was adopted. Those in favor indicate

25. by saying Aye. Those opposed. The Ayes have it. The matter is

26. reconsidered. Senator D'Arco now moves to Table Amendment No.

27. 1 to Senate Bill 361. Those in favor indicate by saying Aye.

28. Those opposed. The Ayes have it. Amendment No. 1 is Tabled.

29. Are there further amendments?

30. SECRETARY:

31. No further amendments.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. 3rd reading. Senate Bill 366, Senator Geo-Karis.

DB 371  
Recall  
5-14-79

- 1. SECRETARY:
- 2. Amendment No....Amendment No. 3 offered by Senator Geo-
- 3. Karis.
- 4. PRESIDING OFFICER: (SENATOR DONNEWALD)
- 5. Senator Geo-Karis.
- 6. SENATOR GEO-KARIS:
- 7. I believe there was one amendment that I had offered on the
- 8. Floor Friday and we considered it, but if you will read me
- 9. Amendment No. 3 to refresh my memory.
- 10. SECRETARY:
- 11. I show two amendments on the bill and this one would be
- 12. No. 3.
- 13. SENATOR GEO-KARIS:
- 14. Two amendments on the bill? Would you give me what No.
- 15. 3 is, Mr. Secretary?
- 16. SECRETARY:
- 17. You also have one on 367 coming up.
- 18. SENATOR GEO-KARIS:
- 19. This is the amendment, yes. Perhaps...I thought we did that
- 20. Friday, that's why I'm questioning...I'm not questioning...I'll
- 21. be happy to do it again. This is House...Senate Bill 36...
- 22. PRESIDING OFFICER: (SENATOR DONNEWALD)
- 23. I think we better...I think we better take it out of the record
- 24. until we have the matter resolved, Senator. That would apply to
- 25. both 366 and 367. Senate Bill 371, Senator Keats. Senator Keats.
- 26. SECRETARY:
- 27. Amendment No. 2 offered by Senator Keats.
- 28. PRESIDING OFFICER: (SENATOR DONNEWALD)
- 29. The Chair recognizes Senator Keats.
- 30. SENATOR KEATS:
- 31. Mr. President, Ladies and Gentlemen of the Senate. When
- 32. 371 passed out of committee, we said we would amend it. The initial
- 33. amendment was not in correct form, so Amendment No. 2 straightens
- out Amendment No. 1. It does not change the thrust of the bill, but

1. it does correct language that had been in error.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Is there discussion? Question is shall Amendment No. 2  
4. to Senate Bill 371 be adopted. Those in favor indicate by saying  
5. Aye. Those opposed. The Ayes have it. Amendment No. 2 is  
6. adopted. Are there further amendments?

7. SECRETARY:

8. No further amendments.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. 3rd reading. Senate Bill 566, Senator Nash. Senate Bill  
11. 696, Senator Knuppel. We are on the order of recalling bills from the  
12. Order of 3rd to 2nd for the purposes of amendment.

13. You've indicated to the Secretary that you did wish that...

14. Senate Bill 696. I'm advised that Senator Regner has the  
15. amendment. Take it out of the record. Senate Bill 781, Senator  
16. Philip. You wish the bill...Senate Bill 807, Senator Egan.

17. Senate Bill 805, Senator Buzbee. Senate Bill 825, Senator Bruce.

18. SECRETARY:

19. Amendment No. 3 offered by Senator Bruce.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Senator Bruce.

22. SENATOR BRUCE:

23. Yes, I wonder if the Secretary...did...was Amendment No. 2  
24. an effective date amendment? I can't remember where we put...1 or  
25. 2.

26. SECRETARY:

27. Effective date is on the bill now.

28. SENATOR BRUCE:

29. On Amendment No. 2?

30. SECRETARY:

31. Well, it is...it is...see, Amendment No. 1 and 2 has been  
32. engrossed in the bill. The bill now shows an effective date.

33. Effective upon its becoming a law. Now, Amendment No. 3 does not

AB 1211  
Recall  
5-14-79

1. contain an effective date.

2. SENATOR BRUCE:

3. Well, let's...I've got three. The problem is I was going  
4. to Table No. 1. I didn't know there were two amendments.  
5. Let's just take it out of the record.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Take it out of the record. Senate Bill 950, Senator  
8. D'Arco. Do you wish the bill recalled? The bill is on the Order  
9. of 2nd reading. Do you wish it...take it out of the record.  
10. Senate Bill 971, Senator Knuppel. Senate Bill 997, Senator  
11. Lemke. Senate Bill...we'll go through the list and try to return.  
12. Senate Bill 1167, Senator Rupp. Senate Bill 1211, Senator  
13. Washington. 1211. It's on the Order of 3rd reading.

14. It is your amendment, I'm advised, Senator. Creates the Civil  
15. Rights Study Commission. It is on 3rd. There is...you have  
16. indicated to the Chair that you wish it recalled for the purpose  
17. of amendment. Do we have leave? Leave is granted. The bill is on  
18. 2nd reading.

19. SECRETARY:

20. Amendment No. 2 offered by Senator Washington.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Senator Washington.

23. SENATOR WASHINGTON:

24. The amendment simply brings the reporting date into conformity  
25. with the repeal date which would be October of 1980. I move its  
26. adoption.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Is there further discussion? The question is shall Amendment  
29. No. 2 to Senate Bill 1211 be adopted. Those in favor  
30. indicate by saying Aye. Those opposed. The Ayes have it. Amendment  
31. No. 2 is adopted. Are there further amendments?

32. SECRETARY:

33. No further amendments.

PRESIDING OFFICER: (SENATOR DONNEWALD)

1. 3rd reading. Senate Bill 1228, Senator Bruce.

2. SECRETARY:

3. Amendment No. 1 offered by Senator Bruce.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Senator Bruce.

6. SENATOR BRUCE:

7. Thank you, Mr. President. Amendment No. 1 clarifies the liability  
8. of the Illinois Aeronautics Board. The language which was earlier  
9. prepared by the Legislative Reference Bureau allowed them a  
10. broader authority for their acts than I thought appropriate. We  
11. have redrafted the bill to clarify some questions that were put  
12. forth in committee and this will put the liability on the board  
13. the same as the language put in the present Statute as it  
14. relates to Capital Development Board and many other boards  
15. in the State of Illinois. I would move the adoption of Amendment  
16. No. 1.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Is there further discussion? The question is shall Amendment  
19. No. 1 to Senate Bill 1228 be adopted. Those in favor indicate  
20. by saying Aye. Those opposed. The Ayes have it. Amendment  
21. No. 1 is adopted. Are there further amendments?

22. SECRETARY:

23. No further amendments.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. 3rd reading. Senate Bill 1262, Senator Martin. Senate Bill  
26. 1265, Senator Coffey.

27. SECRETARY:

28. Amendment No. 3 offered by Senator Coffey.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator Coffey.

31. SENATOR COFFEY:

32. Yes, Mr. President and members of the Senate. Amendment  
33. No. 3 to Senate Bill 1265 is a technical amendment that was



AB 13 AA  
Recalled  
5-14-79

1. discovered by Enrolling and Engrossing and I'd ask for a favorable  
2. roll call.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Is there discussion? The question is shall Amendment No.  
5. 3 to Senate Bill 1265 be adopted. Those in favor indicate  
6. by saying Aye. Those opposed. The Ayes have it. Amendment  
7. No. 3 is adopted. Are there further amendments?

8. SECRETARY:

9. No further amendments.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. 3rd reading. Senate Bill 1344.

12. SECRETARY:

13. Amendment No. 3 offered by Senator Bruce.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Bruce.

16. SENATOR BRUCE:

17. Thank you, Mr. President. This is a bill that relates to  
18. firefighters in the Illinois State Fire Marshal's Office. Clarifies  
19. their duties in an arson investigation that they can also testify  
20. and includes an arson investigation in this new legislation. It...  
21. I would move its adoption.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Is there discussion? Question is shall Amendment No. 3  
24. to Senate Bill 1344 be adopted. Those in favor indicate by saying  
25. Aye. Those opposed. The Ayes have it. Amendment No. 3 is  
26. adopted. Are there further amendments?

27. SECRETARY:

28. No further amendments.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. 3rd reading. Senator Bruce as to Senate Bill 825 on the  
31. Order of 3rd reading. Do you wish to recall that to the Order of  
32. 2nd reading? Is there leave? Leave is granted. Senate Bill 825.

33. SECRETARY:

Amendment No. 3 offered by Senator Bruce.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Bruce.

3. SENATOR BRUCE:

4. Thank you, Mr. President, members of the Senate. Amendment  
5. No. 3 incorporates the language in Nos. 1 and 2 and also deletes  
6. a reference to insurance. And I would now move to reconsider  
7. the vote by which Amendments No. 1 and 2 were adopted and then  
8. subsequently make a motion to Table those two amendments.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Motion by Senator Bruce to reconsider Amendments No. 1  
11. and 2 to Senate Bill 825. Those in favor of reconsideration  
12. indicate by saying Aye. Those opposed. The Ayes have it.  
13. The matter is reconsidered. Senator Bruce now moves to Table  
14. Amendments No. 1 and 2 to Senate Bill 825. Those in favor indicate  
15. by saying Aye. Those opposed. The Ayes have it.  
16. Amendments No. 1 and 2 are Tabled. Senator Bruce now moves to adopt  
17. Amendment No. 3. Is there discussion? Question is shall Amendment  
18. No. 3 be adopted. Those in favor indicate by saying Aye. Those  
19. opposed. The Ayes have it. Amendment No. 3 is adopted. Are  
20. there further amendments?

21. SECRETARY:

22. No further amendments.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. 3rd reading.

25.

26.

27. End of reel.

28.

29.

30.

31.

32.

33.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)
2. Senate Bill 950. On the Order of 2nd reading, Senator
3. D'Arco.
4. SECRETARY:
5. Senator D'Arco offers Amendment No. 1.
6. PRESIDING OFFICER: (SENATOR DONNEWALD)
7. Senator D'Arco.
8. SENATOR D'ARCO:
9. Thank you, Mr. President and my fellow Senators. Senate
10. Bill 95...the amendment says that the pretrial detainees shall...
11. the reimbursement formula shall apply also to private and public
12. hospitals as well as and other than the County hospital and
13. Cook County Jail and I move for the adoption.
14. PRESIDING OFFICER: (SENATOR DONNEWALD)
15. Is there discussion? The question is shall Amendment No. 1
16. to Senate Bill 950 be adopted. Those in favor indicate by saying
17. Aye. Those opposed. The Ayes have it, Amendment No. 1 is adopted.
18. Are there further amendments?
19. SECRETARY:
20. No further amendments.
21. PRESIDING OFFICER: (SENATOR DONNEWALD)
22. 3rd reading. Do we have leave to go to the Order of 2nd
23. reading? Leave is granted. On the Order of 2nd reading, Senate
24. Bill 945. Read the bill, Mr. Secretary.
25. SECRETARY:
26. Senate Bill 945.
27. (Secretary reads title of bill)
28. 2nd reading of the bill. The Committee on Appropriations II
29. offers one amendment.
30. PRESIDING OFFICER: (SENATOR DONNEWALD)
31. Senator Carroll.
32. SENATOR CARROLL:
33. Thank you, Mr. President and Ladies and Gentlemen of the

1. Senate. On behalf of Senator Buzbee, this is a...in effect,  
2. makes it a transfer within the supplemental appropriation.  
3. The supplemental is still four hundred and fifty-three thousand,  
4. six hundred, but they found monies in various lines that we  
5. could transfer from and therefore the committee made that  
6. portion of the bill of two hundred and thirty thousand a transfer.  
7. I would move adoption of Amendment No. 1.  
8. PRESIDING OFFICER: (SENATOR DONNEWALD)  
9. Is there discussion? The question is shall Amendment No. 1  
10. to Senate Bill 945 be adopted. Those in favor indicate by  
11. saying Aye. Those opposed. The Ayes have it. Amendment No. 1  
12. is adopted. Are there further amendments?  
13. SECRETARY:  
14. No further committee amendments.  
15. PRESIDING OFFICER: (SENATOR DONNEWALD)  
16. 3rd reading. Senate Bill 946. Read the bill, Mr. Secretary.  
17. SECRETARY:  
18. Senate Bill 946.  
19. (Secretary reads title of bill)  
20. 2nd reading of the bill. The Committee on Appropriations II  
21. offers one amendment.  
22. PRESIDING OFFICER: (SENATOR DONNEWALD)  
23. Senator Buzbee.  
24. SENATOR BUZBEE:  
25. I think we ought to take this out of the record, Mr. President,  
26. because the sponsor is not here and we're going to have a fight  
27. over it, so we'll give him...give him a fair shake and wait till  
28. he gets here so we can fight fair.  
29. PRESIDING OFFICER: (SENATOR DONNEWALD)  
30. Just a moment...Senator Grotberg.  
31. SENATOR GROTBURG:  
32. A question of the Chair. When we got to 3rd, are we going  
33. to start at the beginning or start where we left off?

SB 745  
2nd Reading  
5/14/79

1. PRESIDING OFFICER: (SENATOR DONNEWALD)
2. We start at...
3. SENATOR GROTBORG:
4. I have interested people here on some bills and I want to
5. know to tell them whether or not...
6. PRESIDING OFFICER: (SENATOR DONNEWALD)
7. We start at Senate Bill 163.
8. SENATOR GROTBORG:
9. Start at 163, thank you.
10. PRESIDING OFFICER: (SENATOR DONNEWALD)
11. Senator Buzbee.
12. SENATOR BUZBEE:
13. Well I'm informed that the Republican side of the aisle
14. is the one that asked this bill be...be moved, so we're on
15. the horns of a dilemma here. First of all I'm asked to move
16. the bill and then I'm asked to hold it, so it's immaterial
17. to me, just as soon fight now as later on.
18. PRESIDING OFFICER: (SENATOR DONNEWALD)
19. Take it out of the record. On the Order of 2nd reading,
20. Senate Bill 745, Senator...Washington.
21. SECRETARY:
22. Senate Bill 745.
23. (Secretary reads title of bill)
24. 2nd reading of the bill. No committee amendments.
25. PRESIDENT:
26. Any amendments from the Floor?
27. SECRETARY:
28. Amendment No. 1 offered by Senator Washington.
29. PRESIDENT:
30. Senator Washington.
31. SENATOR WASHINGTON:
32. Amendment No. 1 to Senate Bill 745 strikes that section
33. which provides that no interest shall be paid for advance loans

1. and inserts, in lieu of that, the provision that the prime  
2. interest shall be paid on advance loans. I move its adoption.

3. PRESIDENT:

4. Senator Washington has moved the adoption of Amendment  
5. No. 1 to Senate Bill 745. Is there any discussion? If not,  
6. all those in favor signify by saying Aye. All opposed. The  
7. Ayes have it, the amendment is adopted. Further amendments?

8. SECRETARY:

9. No further amendments.

10. PRESIDENT:

11. 3rd reading. On the Order of Senate Bills 2nd reading,  
12. Senate Bill 844. Read the bill, Mr. Secretary.

13. SECRETARY:

14. Senate Bill 844.

15. (Secretary reads title of bill)

16. 2nd reading of the bill. No committee amendments.

17. PRESIDENT:

18. Any amendments from the Floor?

19. SECRETARY:

20. No Floor amendments.

21. PRESIDENT:

22. 3rd reading. On the Order of Senate Bills 2nd reading,  
23. Senate Bill 1251.

24. SECRETARY:

25. Senate Bill 1251.

26. (Secretary reads title of bill)

27. 2nd reading of the bill. No committee amendments. This bill had  
28. a request for a fiscal note which has been answered. No committee  
29. amendments.

30. PRESIDENT:

31. Any amendments from the Floor?

32. SECRETARY:

33. No Floor amendments.

1. PRESIDENT:

2. 3rd reading. Yes, Senator Collins.

3. SENATOR COLLINS:

4. I would like leave of the Body to move this bill to 3rd  
5. reading, but later bring it back to 2nd for the purpose of  
6. amendment.

7. PRESIDENT:

8. You heard the request. Is leave granted? Leave is  
9. granted. All right. On that list of bills that was previously  
10. read, those that were not called are returned to the Order of  
11. 3rd reading and there they will repose. All right, with leave  
12. of the Body, there is an emergency measure on the Order of  
13. House Bills 3rd reading. With leave of the Body we'll go to  
14. that order of business. Is leave granted? Leave is granted.  
15. You turn to page 54 on the Calendar, the Order of House Bills  
16. 3rd reading, on that order is House Bill 510. Read the bill,  
17. Mr. Secretary.

18. SECRETARY:

19. House Bill 510.

20. (Secretary reads title of bill)

21. 3rd reading of the bill.

22. PRESIDENT:

23. Senator Merlo.

24. SENATOR MERLO:

25. Thank you, Mr. President and members of the Senate. If  
26. you will recall, 510 was heard last Friday. It's a program  
27. that affects the Illinois Young Adult Conservation Corps  
28. Program administered by the Department of Conservation. They  
29. have had difficulty as far as payrolls are concerned and the  
30. department, of course, wishes now to resolve this...this  
31. problem. And they would like to exercise an option available  
32. to them under the Federal Regulations, namely to transfer the  
33. payroll process to the State of Illinois. Friday the...there

1. were two members of the Senate, namely Senator Knuppel and  
2. Senator Demuzio that questioned the benefits that would be  
3. derived to these enrollees. We have met with the...a representa-  
4. tive from the Department of Conservation and they seem reasonably  
5. assured that, or satisfied rather, that the bill is in good  
6. condition and therefore I would ask your favorable consideration  
7. of the bill.

8. PRESIDENT:

9. Is there any discussion? If not, the question is shall  
10. House Bill 510 pass. Those in favor will vote Aye. Those  
11. opposed will vote Nay. The voting is open. Have all voted  
12. who wish? Have all voted who wish? Take the record. On  
13. that question the Ayes are 47, the Nays are none, none Voting  
14. Present. House Bill 510 having received a constitutional  
15. majority is declared passed. All right, with leave of the  
16. Body we'll revert then to the Order of Senate Bills 3rd  
17. reading. We will begin where we left off last week and I  
18. would urge the membership to remember that there are over  
19. seven hundred bills on the Calendar, we may not get back.  
20. On the Order of Senate Bills 3rd reading, page 13, with  
21. leave of the Body we'll go to that order of business. Leave  
22. is granted. Senate Bill 163, Senator Wooten. On the Order  
23. of Senate Bills 3rd reading, Senate Bill 163. Read the bill,  
24. Mr. Secretary.

25. SECRETARY:

26. Senate Bill 163.

27. (Secretary reads title of bill)

28. 3rd reading of the bill.

29. PRESIDENT:

30. Senator Wooten.

31. SENATOR WOOTEN:

32. Thank you, Mr. President. I realize that there's some  
33. twelve members in the Chamber absent and...but I suppose that



1. will affect any bill that is first up. I thought we ought  
2. to at least make a start. This bill moves the primary from  
3. March to the Tuesday after Labor Day. It provides for a  
4. special election every four years for delegates to the National  
5. Convention. It is a bill not without controversy, but I don't  
6. believe that the controversy is partisan in nature. I believe  
7. we'll have people for and against this bill on both sides of  
8. the aisle. There are strong arguments for and against this  
9. move and I will give you what I think are the strongest arguments  
10. both against and for. The strongest argument I've heard against  
11. it is that it perhaps gives incumbents an edge. That if you only  
12. have to campaign for a couple of months that you really do have  
13. a commanding advantage. I don't believe that's altogether true.  
14. I believe what we might call phenomena, such as Governor Thompson,  
15. Governor Walker, other candidates in specific legislative areas  
16. will still occur and they will still ride right past the whole  
17. process and be elected. Also, please remember that the fact that  
18. the Primary is held in September does not mean that you can't  
19. start your campaign any time you want. A successful representative candi-  
20. date in our area started his campaign a full two years in advance.  
21. So you can still control your candidacy to that extent. There's  
22. also the concern that perhaps there will be such divisions  
23. expressed in a primary that you might not be able to pull the  
24. party back together in time for the General Election, that's  
25. not altogether bad. I think it makes it incumbent on political  
26. parties then to keep their houses in order. And if they can't  
27. pull it back together then the other party is going to have  
28. a fighting chance. The greatest argument in favor of this and  
29. I ask you to listen to this carefully. I am deeply concerned  
30. with the declining interest in the whole process. I think one  
31. of the reasons people are not particularly interested anymore  
32. is because the whole campaign now stretches out for a year.  
33. It's not only wearing on the candidate and you know that full well,

1. it also presents enormous problems in finance, in keeping  
2. volunteers together and building a whole base. And also it  
3. just plain bores the public. It's distressing when you're  
4. working throughout the summer after a primary to find people  
5. who are just dimly aware that something is going on and  
6. the folk wisdom that people don't pay much attention to  
7. elections until after the World Series is probably true.  
8. By focusing the whole thing in a two to four month period,  
9. I believe we'll have maximum attention, maximum participation.  
10. I've given you the broad outlines of the bill, really very  
11. simple. I'll ask for a favorable roll call and be happy  
12. to answer any questions.

13. PRESIDENT:

14. Is there any discussion? Senator Rhoads.

15. SENATOR RHOADS:

16. Thank you, Mr. President, Ladies and Gentlemen of the  
17. Senate. I rise in support of Senate Bill 163 as amended.  
18. Briefly the history is this, for some twenty years from  
19. World War II until 1964, Illinois Primaries were held in  
20. April. For two years, in '66 and 1968 we experimented  
21. with a June Primary and then in 1970 until the present time,  
22. the primary was moved back to March. The General Assembly  
23. passed a May Primary Bill in 1975 which was vetoed by  
24. Governor Walker. In addition to the advantages listed by  
25. Senator Wooten, I think there are some others. For one  
26. thing, a September Primary would not interfere with the  
27. Session of the General Assembly. Notwithstanding the fact  
28. that even numbered year sessions of the General Assembly  
29. are supposed to be limited to budgetary matters, it never-  
30. theless remains true that we are spending fifty-five to  
31. sixty legislative days even in the even numbered years  
32. during that Spring season. It is terribly difficult then for  
33. members of the General Assembly to campaign during that

1. time. I think it should be pointed out that this bill has  
2. been very carefully drafted so that the people will not  
3. have the right taken away from them to elect their presidential  
4. delegates. A very diligent effort has been made by Senator  
5. Wooten to insure that the people will retain that right and  
6. that it will cost the State as little as possible by opening  
7. up fewer polling places and by having a shorter polling hour  
8. day. This is a very carefully worked on bill. Everyone in  
9. the Senate, I'm sure, has their own opinion as to the merits.  
10. But I think the choice is probably to adopt this bill or  
11. leave the primary where it is. I think the bad weather,  
12. the lack of voter participation that Senator Wooten alluded  
13. to, the many other drawbacks of the extraordinarily long campaign  
14. season that Illinois has are very strong arguments in favor  
15. of Senate Bill 163. I urge its passage.

16. PRESIDENT:

17. Further discussion? Senator Berman.

18. SENATOR BERMAN:

19. Thank you, Mr. President, Ladies and Gentlemen of the  
20. Senate. I rise in opposition to House...to Senate Bill  
21. 163. There are many arguments pro and con, but let me direct  
22. my remarks to only one part of this bill. Usually during  
23. the month of September falls the Jewish High Holy Days.  
24. This is a period of time that extends on the Calendar for  
25. approximately eleven days. During that period of time the  
26. orthodox community in particular, and every religious minded  
27. Jew follows to some extent or another the dictates of his  
28. religion and that will, in fact, disenfranchise a very large  
29. segment of our society that has been one of the heaviest  
30. participants in the...primary process, not only Democratic  
31. but also Republican. It has been shown that the Jewish  
32. community values and very greatly participates in the Primary  
33. Election process. It is because of this problem in this

1. relationship to a September primary that I rise in opposition.  
2. I think that we would be doing a great harm to the Jewish  
3. Community by...insisting upon a...a September Primary. It is not  
4. only the elective process which could be addressed, perhaps  
5. through absentee ballot. But it is also the participation  
6. in the campaign, the participation as election judges, the  
7. participation in every segment of the primary process that  
8. would disenfranchise this segment of our community. And  
9. for those reasons I object and urge an opposition to Senate  
10. Bill 163.

11. PRESIDENT:

12. Further discussion? Senator Berning. Senator Davidson.

13. SENATOR DAVIDSON:

14. Mr. President and members of the Senate, I rise in  
15. support of this bill even though I'm the sponsor of one  
16. or the other September primary bills that calls for a convention  
17. for the delegates. This bill is better than no change at all.  
18. I've been one of those who went through a short campaign in  
19. '72 and I became a candidate the last week of August. I know  
20. that you can get the message to the people. And that it  
21. certainly gets people involved in your campaign on a short  
22. time that you do not get stretched out over a whole year.  
23. Most importantly, everybody talks about the cost of campaigns  
24. and presently when you have a...a primary fight in March  
25. the total loss of that message is null and void. You have to  
26. start from day one again when you start again in August or  
27. September. This will give you an opportunity to make the  
28. money work for you twice in the cost of this day and age of  
29. news media advertising. I urge you to vote Aye on this critical  
30. bill.

31. PRESIDENT:

32. Further discussion? Senator Netsch.

33. SENATOR NETSCH:

1. Thank you, Mr. President. First I would like to ask the  
2. sponsor of the bill a question.

3. PRESIDENT:

4. Sponsor indicates he will yield. Senator Netsch.

5. SENATOR NETSCH:

6. Senator Wooten, the...the question that was raised by  
7. Senator Berman is one that we have talked about in the past.  
8. I had a similar bill that dealt with the odd numbered year  
9. elections and I know we worked very hard to get a calendar  
10. well into the next century of the Jewish High Holidays  
11. and also had some discussion about how the bill could be  
12. accommodated to that. Could I ask, does the bill address  
13. that question?

14. PRESIDENT:

15. Senator Wooten.

16. SENATOR WOOTEN:

17. No, but I have looked into that and I have an amendment  
18. here which resolves that problem precisely and takes care  
19. of that situation. You know, it's a matter of knowing how  
20. to proceed. I wanted to see if the concept would fly in  
21. this Chamber. If so, then I think we should immediately  
22. work to get the amendment on in the House. If it is the  
23. wish of the Body that that be done first, I'd be happy to  
24. do so. But I think what I was looking for is to see whether  
25. or not you buy the concept. The amendment is ready. What  
26. it does, I think it gets around the constitutional problem.  
27. You can't provide for religious consideration with the  
28. separation of church and state. What the amendment would  
29. do would give the State Board of Elections the option of  
30. choosing the first two Tuesdays, one or the other. And we  
31. went through the Calendar and saw that by taking that approach  
32. you could avoid that problem. We can't make it mandatory  
33. because it would not be constitutional. But we can leave  
34. the option to the State Board of Elections. We have an answer

1. to that. I have a procedural question and that is whether  
2. or not we should not test the will of the Body. If the...if  
3. the Senate consents to the concept of a September primary  
4. and an election of delegates to the national convention, it'll  
5. never get out of the House or go anywhere without some provision  
6. for the people of the Jewish faith and I'm absolutely in accord  
7. of that. The reason I did not put the amendment on is because  
8. I thought it might first be proper to test the concept.

9. PRESIDENT:

10. Senator Netsch.

11. SENATOR NETSCH:

12. All right, thank you. Then on your representaion, which  
13. I take it to be that if the concept flies that that question  
14. will be addressed. Then let me address myself to the merits  
15. ...using your premise and I will do it briefly. I would rise  
16. in support of the September primary concept under those circum-  
17. stances. It seems to me that the one thing that virtually  
18. everyone is agreed upon now, is that the March primary is  
19. a disaster for everyone involved. The voters as well as those  
20. who are running for office. Once you passed that point, there  
21. are indeed arguments to be made for and against each of the  
22. other proposals. I think September primary does indeed have  
23. many arguments in its favor. And I would mention and emphasize  
24. only one that I think we really have got to face up to at some  
25. point. That is we have got to cut down on the length of time  
26. that we spend campaigning in this country and therefore on  
27. the cost and the two are directly related. I recognize that  
28. there are arguments can be made and this is not an advantage  
29. in my judgment that September primary tends to favor the  
30. incumbents. I don't think that is inevitably true. But the  
31. one thing that I think all of us know is that as the cost of  
32. campaigns continues to increase, it makes it more difficult  
33. and more costly in a very literal sense for those who do run

1. for office and seek, and would like to seek office, to under-  
2. take that burden. It seems to me that is one of the most  
3. serious disservices that we do to ourselves as a Democratic  
4. form of government. It has got to stop. Perhaps one of the  
5. most important ways to begin to cut down on that restrictiveness  
6. in who can run for public office is to shorten the length  
7. of the campaign period. We do indeed have the longest of  
8. any nation in the entire world, I believe, and hopefully  
9. in that process we will also cut down on the cost and there-  
10. fore do away with some of what has become, I think, very  
11. serious evils in our entire elective system. For that reason  
12. it seems to me that the September primary does, indeed,  
13. make a great deal of sense.

14. PRESIDENT:

15. Further discussion? Senator Mitchler.

16. SENATOR MITCHLER:

17. Mr., President and members of the Senate. I don't really  
18. know who asks for these changes in the primary date and I  
19. say that very sincerely. Because my files don't indicate  
20. that my precinct committeemen or my constituents are just  
21. overwhelmingly asking me to shift to a date in the fall of  
22. the year. Now, we've had primary elections in the Spring  
23. ever since I can remember and these have sort of been  
24. traditional dates that people that are interested in the  
25. elective process know when these dates are, the committeemen  
26. know when they are and you have a regular format of filing  
27. and when you start shifting this around, not only do you  
28. confuse the voter, but you confuse those that are engaged  
29. in the political process, namely the precinct committeemen  
30. or ward committeemen and what have you. I don't know why  
31. you should further confuse them by shifting it. Mark my  
32. word, if you shift it to September, you'll be back in here  
33. two years from now, and ask that it be shifted back to the

2. spring or June or somewhere. Under Oglivie's administration,  
3. you shifted it to June and that didn't work out and then you  
4. had to shift it back to March and you got in a jam because  
5. at the time you had a twenty-four period where you had to  
6. be a member, I mean a twenty-four month period where you  
7. had to be a member of a political party before you could  
8. change. Now, when you talk about shortening your campaign,  
9. now a lot of people accuse me of campaigning three hundred  
10. and sixty-five days a year and I do just that. I don't  
11. just get out and just before an election run around my  
12. district and say I'm Bob Mitchler. And if that's what  
13. you're trying to allude to so you can go to Florida and  
14. goof around the rest of the year, then maybe that's why  
15. you should shift it to September. So it's only, you  
16. got a couple of months before November. Campaign expense,  
17. well I probably have one of the lowest campaign budgets  
18. of anybody in the Senate. If you want to go check, you  
19. can check over across the street and down on Second Street  
20. there and you can find that out. I think that most of  
21. the people that raise the most money and spend the money  
22. find out that that's costly and they're going to attract  
23. other candidates and get in big arguments and that's your  
24. problem. You do your work and they'll reelect you, you  
25. don't do your work and they won't reelect you. And I  
26. don't see what this is all about shifting of the dates.  
27. Now, as far as March being a disaster, maybe it has been  
28. for my opponents because five times I went to a primary  
29. in March and I got renominated.. So maybe that's what  
30. the disaster is and you're worried about. But I don't  
31. know who wants this. I don't know where this comes from.  
32. But I'm a vice-chairman of my county up there in Kendall,  
33. and my political party. I've discussed this with my committeemen



1. at the meetings and I don't see them with overwhelmingly  
2. want to change this. But I find that most of the independents  
3. come in with this idea that they think it would be shifterer  
4. to shift it around. If you've been in politics very long,  
5. and I mean hard core politics in the two-party system, you'll  
6. stay to what has been tried and proven for many, many years.  
7. And if you had people that been in politics a number of  
8. years around here instead of maybe only around eight or six  
9. years, when you had people in the Senate that had been around  
10. for forty years, thirty-six years that knew what they were  
11. talking about, you wouldn't be asking for this shift in here  
12. into the fall of the year. Now let's get with it and keep things  
13. as they are and stop confusing the people back home. You're  
14. going to be dipping in their pockets for campaign contributions  
15. just as much because you use those campaign contributions all  
16. year long, not just for campaign time. If you want to put an  
17. amendment on that when the campaign is over, you turn it...all  
18. over to some charitable fund and start again the next time  
19. you run for reelection. Let's tack an amendment on like that  
20. and that'll make sense, if you think you're spending too  
21. much of the people's money. Defeat this.

22. PRESIDENT:

23. Further discussion? Senator Carroll.

24. SENATOR CARROLL:

25. Thank you, Mr. President, Ladies and Gentlemen of the  
26. Senate. I rise also in opposition to this legislation. Having  
27. heard the remarks of Senator Netsch and Senator Wooten as to  
28. the religious holiday aspect and having discussed it since  
29. their remarks with both Senator Wooten, Senator Netsch, Senator  
30. Berman and others. I find that they have not accommodated  
31. this very real situation. While I recognize, as Senator  
32. Wooten will mention that New York has had a September primary.  
33. At one time we had discussed the possibly in Illinois of having  
34. an elected school board in Chicago and I was handling legislation

1. to avoid this problem had there then been an elected school  
2. board in September, which would have occurred on a Jewish  
3. holiday. The fact that you have allowed the choosing of one  
4. of two of the first two Tuesdays in the month of September,  
5. does not in any way cure the problem because the major days  
6. of religious significance are eight days apart and would  
7. fall within the same or could fall within the same Tuesday  
8. problem. More important than that, however, is if you  
9. want what many have catch phrased as participatory democracy.  
10. To say to those of one particular faith who have an extended  
11. period of religious observation during that time of the year  
12. that you cannot in any way participate, preelection, during  
13. election because that's, in fact, what would happen. You  
14. would have closed off the electoral process and the campaign  
15. process and the participation process to those who believe  
16. with any religious fervor in the Jewish religion from parti-  
17. cipating at all in elections. And even if not, even if the  
18. election day were not itself on the Jewish holiday they would  
19. be precluded from actually engaging in campaign activities  
20. because of their belief in their religion. I don't think  
21. we want to move in that direction. I am not saying that March  
22. is the best month to me personally for an election, maybe not  
23. even to the people in my area, but to do this in September  
24. and to exclude all of those who want to participate in a  
25. campaign, I think would be doing an injustice and I think we  
26. ...should oppose this at this time.

27. PRESIDENT:

28. Further discussion? Senator Nash.

29. SENATOR NASH:

30. Mr. President and Ladies and Gentlemen of the Senate. I  
31. rise in opposition to this bill merely for the reasons already  
32. stated, but also when we had committee meetings, the State  
33. Board of Elections, the county clerks and the Board of Election

1. Commissioners all indicated it would be difficult to administer  
2. a September primary, especially in primaries where there is  
3. contests. And machines have to be impounded, there's not enough  
4. time...the cost will be prohibitive...rise quite high to order  
5. extra equipment and extra machines to accommodate any contested  
6. races. And for those reasons, the reasons already stated and  
7. the religious aspect of this, I rise in opposition and urge  
8. all the members of the Senate to vote against this bill.  
9. PRESIDENT:

10. Further discussion? Senator Washington.

11. SENATOR WASHINGTON:

12. Mr. President, I think the religious problem has been  
13. more than adequately answered by the sponsor of this bill  
14. and clearly he has indicated that an adjustment back into  
15. the latter part of August might be the final result of this  
16. bill. As I...as I look at the problem, I...I think the  
17. only justification on the concept, the only justification  
18. for an eight month span between primary and general election  
19. is presumably to give the voters enough time to consider  
20. and weigh, et cetera and so forth. Well I think that premise  
21. has been shattered because the voter simply doesn't have  
22. the attention span and there's no reason why he should have  
23. it stretching over a period of eight months. It simply doesn't  
24. work. I think short campaigns attract the attention of the  
25. voter. You...you remove, I feel, a good deal of the cost  
26. and you also certainly can generate a **much** more enthusiastic  
27. campaign in a period... a short period of three months. No  
28. matter where you place it, I think we're going to have some  
29. controversy, but I think the basic proposition is that the  
30. eight month span is simply intolerable to voters. They simply  
31. don't pay attention to it for that period of time. Consequently,  
32. I support the concept. I do feel that there can be some  
33. adjustments made along the line in terms of religious...problems.

1. And I think it's a good concept and I think we should vote  
2. for it.

3. PRESIDENT:

4.       There any further discussion? If not, Senator Wooten  
5. may close the debate.

6. SENATOR WOOTEN:

7.       Thank you, Mr. President. I like to think that I'm not  
8. an unreasonable man. I thought this matter over as carefully  
9. as...as I can and have tried to meet what I think is a serious  
10. problem in our country. It is true that we like to do things  
11. as we have done them, but there is probably no segment of  
12. our society that responds as slowly to changing times as does  
13. politics. In general that's not bad. It's good to have a  
14. conservative slant to politics, but I am seriously concerned  
15. about the decline in participation. Now maybe my thoughts  
16. are colored because I've spent most of my life in the media.  
17. But Ladies and Gentlemen, I can tell you, the present system  
18. does not generate interest, it generates skepticism and  
19. indifference. If we could concentrate our political activity  
20. into a more compact period of time, I believe we will have  
21. increased voter participation. My judgment has always been  
22. as long as the vast majority of the people vote then their  
23. decisions are not to be argued with. New York has the largest  
24. Jewish population in this country. They have a September  
25. primary, they make no provision for the high holy days, none  
26. whatsoever. I think we should, with our rules, or the House  
27. Rules stating that you can say who your sponsor is and so on.  
28. I would get a commitment from the House sponsor that we simply  
29. would not call this for a vote in the House until that question  
30. is satisfactorily resolved. In terms of the cost to county clerks,  
31. county clerks are against any change in voting, they always  
32. have been and they always will be. How do they do it in other  
33. states. New York manages, Florida manages, we'll manage too.

1. It's not a difficult problem, not on that order of difficulty.  
2. The question is, do we want to make the change. Is it worth  
3. it? I am deeply convinced that it is. I am convinced that  
4. this will do more to increase participation in the process  
5. than any other single step we can take. I am grateful for  
6. the cosponsorship on both sides of the aisle. This is not,  
7. as I have said, a partisan question. But I think it is a  
8. vital question concerning this Body, this Legislature, and  
9. the future of politics in the State of Illinois. I respectfully  
10. request an Aye vote.

11. PRESIDENT:

12. The question is shall Senate Bill 163 pass. Those in favor  
13. will vote Aye. Those opposed will vote Nay. The voting is  
14. open. Have all voted who wish? Have all voted who wish? Take  
15. the record. On that question the Ayes are 29, the Nays are 20,  
16. none Voting Present. Sponsor has requested consideration post-  
17. poned. So ordered. Yes, Senator Wooten.

18. SENATOR WOOTEN:

19. I really don't like to drag this out, but look at the  
20. totals and you'll see that the people who are...the people  
21. who are absent probably should have a voice in this. That's  
22. why I'm requesting postponed consideration and I will try to  
23. answer any questions you have between now and when it's called  
24. at that order of business. Thank you.

25. PRESIDENT:

26. Top of page 14, Senate Bill 165, Senator Vadalabene.  
27. Do you wish the bill called? On the Order of Senate Bills  
28. 3rd reading, Senate Bill 165. Read the bill, Mr. Secretary.

29. SECRETARY:

30. Senate Bill 165.

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDENT:

34. Senator Vadalabene.

1. SENATOR VADALABENE:

2. Yes, thank you Mr. President and members of the Senate.  
3. Senate Bill 165 as amended provides that alteration or falsifi-  
4. cations of information on copies of campaign financing reports  
5. obtained from the State Board of Elections or the county  
6. clerk and a publication of such false or altered information  
7. with intent to represent campaign contributions or expenditures  
8. of a candidate is a Class B misdemeanor. Provides that sale  
9. or use of information copied from campaign financing reports  
10. for the purpose of soliciting contributions or for business  
11. solitation is also a Class B demeanor. This bill was drafted  
12. by the State Board of Elections, it was amended to...to a  
13. Class B demeanor and I would appreciate a favorable vote.

14. PRESIDENT:

15. Is there any discussion? If not, the question is shall  
16. Senate Bill 165 pass. Those in favor will vote Aye. Those  
17. opposed will vote Nay. The voting is open. Have all voted  
18. who wish? Have all voted who wish? Take the record. On  
19. that question the Ayes are 47, the Nays are 1, none Voting  
20. Present. Senate Bill 165 having received a constitutional  
21. majority is declared passed. 166, Senator Vadalabene. On  
22. the Order of Senate Bills 3rd reading, Senate Bill 166. Read  
23. the bill, Mr. Secretary.

24. SECRETARY:

25. Senate Bill 166.

26. (Secretary reads title of bill)

27. 3rd reading of the bill.

28. PRESIDENT:

29. Senator Vadalabene.

30. SENATOR VADALABENE:

31. Yes, thank you, Mr. President, members of the Senate.  
32. Senate Bill 166 amends Section 3 of the Inheritance Tax and  
33. Gift Tax Act to extend the period during which no interest

1. accrues on the amount of tax due. Currently interest accrues  
2. at the rate of six percent annually, beginning ten months  
3. after the assessment of the tax. Senate Bill 166 would extend  
4. the interest free period to fifteen months. As under the  
5. current law, if no payment is made, a ten percent interest  
6. rate is imposed after the second month following the interest  
7. free period. In regard to the fiscal affects, assuming that  
8. the assessed taxes would not be remitted to the State until  
9. the close of the extended interest free period, Senate Bill  
10. 166 would cause a one time lag of up to five months in the  
11. collection of Inheritance Taxes. The amount of taxes ultimately  
12. collected would not, however, be affected and I would appreciate  
13. a favorable vote.

14. PRESIDENT:

15. Is there any discussion? Senator Knuppel..

16. SENATOR KNUPPEL:

17. Well I just...I just want to say one thing. At the time  
18. we passed Senate Bill 305 in the '79th General Assembly, I  
19. believe it was, to...could have been the 80th...to make  
20. applicable Section 2032A of the Federal Internal Revenue  
21. Code to land that was kept...land and business that is kept  
22. in a family for at least fifteen years, part of the purchase  
23. of the non-opposition of the Attorney General's Office was  
24. that if it were accelerated that the increase in revenues  
25. by acceleration at the time of filing would off set the losses  
26. by reason of application to 2032A. In light of that, I'll  
27. have to at least vote present or against the legislation  
28. because I sponsored 305, but that does...should not influence  
29. these people if they think that it's a worthwhile bill. But  
30. I personally made that arrangement, allowed that amendment  
31. to Senate Bill 305 and it was made on that basis.

32. PRESIDENT:

33. Further discussion? Senator McMillan.

1. SENATOR McMILLAN:

2. Mr. President, members of the Senate. I rise in opposition  
3. to the bill. I understand clearly and I'm sure most of our  
4. constituents would like to have any kind of a...a delay in  
5. getting this particular payment made. But there are two or  
6. three reasons why I feel that...that this bill should be defeated.  
7. Number one, we just changed in...in July of 1977 the time,  
8. and only in the last few months are the lawyers that are  
9. involved beginning to get in operation the...the procedures  
10. and so forth under that change. Number two, the Federal  
11. Law requires that the Inheritance Tax be paid in...in nine  
12. months, so the...the calculation would already be done, the...  
13. the State would...and all the machinery would need to be  
14. in operation and in fact, we already have one...one additional  
15. month to do so. In terms of confusion, in terms of all the  
16. things related with how one applies a tax of this kind in  
17. parallel with what the Federal Government is doing and given  
18. the fact that we've just made a change, that people involved  
19. are now adjusting to, I really think, even though all of  
20. the taxpayers involved might like to delay it as long as  
21. possible that it would not be in...in the best interests  
22. of administering this tax, to vote for this bill and I would  
23. call for its defeat.

24. PRESIDENT:

25. Further discussion? Senator Netsch.

26. SENATOR NETSCH:

27. Thank you, Mr. President. For all of the very persuasive  
28. reasons that Senator McMillan has just listed, I also am  
29. opposing the bill. I think it should also be noted that  
30. while, in the long run, that is over the long haul, the bill  
31. presumably does not cost the State anything. It would have,  
32. as far as we could tell, a fiscal impact in this Fiscal Year  
33. because you are, in fact, delaying for five months, the collection



1. of some approximately nine million dollars per month in  
2. inheritance taxes. So that we were advised that the effect  
3. of the bill would be that the General Revenue Fund would  
4. realize forty-five million dollars less in this Fiscal Year,  
5. even though it would not actually lose that money over a  
6. long period of time. So for that reason as well as the ones  
7. that Senator McMillan has stated, I think the bill should  
8. be opposed.

9. PRESIDENT:

10. Any further discussion? Senator Vadalabene may close  
11. the debate.

12. SENATOR VADALABENE:

13. Yes, in regard to the past previous speakers, I would  
14. now appreciate a favorable vote.

15. PRESIDENT:

16. The question is shall Senate Bill 166 pass. Those in  
17. favor will vote Aye. Those opposed will vote Nay. The  
18. voting is open. Have all voted who wish? Have all voted  
19. who wish? Take the record. On that question the Ayes are  
20. 13, the Nays are 28, 1 Voting Present. Senate Bill 166  
21. having failed to receive a constitutional majority is declared  
22. lost. 167, Senator Vadalabene. 168, Senator Nimrod. On  
23. the Order of Senate Bills 3rd reading, Senate Bill 168. Read  
24. the bill, Mr. Secretary.

25. SECRETARY:

26. Senate Bill 168.

27. (Secretary reads title of bill)

28. 3rd reading of the bill.

29. PRESIDENT:

30. Senator Nimrod.

31. SENATOR NIMROD:

32. Yes, Mr. President and Ladies and Gentlemen of the Senate.  
33. This bill deals with the remedial training program which we  
34. passed...a bill last Session which took care of the Elementary

1. and Secondary. This bill will conform with a resolution of  
2. the Board of Higher Education and all...it simply states is that  
3. in those basics, reading, writing and mathematics, that they  
4. will deemphasize that program at the university level and  
5. put that emphasis into the community colleges. We...they  
6. do have to report by 1981 to the General Assembly and  
7. I would...be glad to answer any questions, if not, would  
8. ask for a favorable roll call.

9. PRESIDENT:

10. Is there any discussion? If not, the question is shall  
11. Senate Bill 168 pass. Those in favor will vote Aye. Those  
12. opposed will vote Nay. The voting is open. Have all voted  
13. who wish? Have all voted who wish? Take the record. On  
14. that question the Ayes are 39, the Nays are 2, none Voting  
15. Present. Senate Bill 168, having received a constitutional  
16. majority is declared passed. 174, Senator Wooten. 176,  
17. Senator Sangmeister. On the Order of Senate Bills 3rd  
18. reading, Senate Bill 176. Read the bill, Mr. Secretary.

19. SECRETARY:

20. Senate Bill 176.

21. (Secretary reads title of bill)

22. 3rd reading of the bill.

23. PRESIDENT:

24. Senator Wooten. I beg your pardon, Senator Sangmeister.  
25. Senator Wooten could...could only hope. Senator Sangmeister.

26. SENATOR SANGMEISTER:

27. Thank you, Mr. President. Senate Bill 176 I have presented  
28. to this Body on...on the basis that something that people in  
29. my district and I'm sure in yours for a long time have felt  
30. and that is that Public Aid recipients, should, in some respect,  
31. earn some of the public welfare that they are receiving from  
32. tax dollars and that's what this whole bill is all about. The  
33. mechanics of the bill are, so that everyone understands it, then

1. I'll be happy to answer any questions about it, is the Department  
2. of Public Aid will be required to keep a roster of all those  
3. people who are on general assistance. Now remember, we're not  
4. talking about ADC mothers here, we are talking about those people  
5. who are on general assistance. The department would maintain  
6. a roster of all these people and if any taxing body, I don't  
7. care if it's a mosquito abatement district or whether it's  
8. your city or your village or whatever, will be able to get  
9. a list from the Department of Public Aid of those people  
10. and request that that person come to work for the taxing body.  
11. Obviously the enforcement of the bill is that if that person  
12. refuses to go to work for the taxing body they're going to  
13. lose their Public Aid check. In order to guarantee some  
14. fairness in the bill so that it would not be abused, we have  
15. some safe guards in there, for example, the major ones are  
16. that the work to be performed for the taxing district must  
17. be reasonable related to the skills of the recipient, so we  
18. don't have Public Aid people doing something that's totally  
19. out of their capability. The number of hours...it's reformed,  
20. is eight hours a day, forty hours a week. The taxing district  
21. would have to furnish transportation for the Public Aid recipient  
22. to and from the job and have to provide a meal for him or her  
23. at noon time. The committee requested that the bill be further  
24. modified, which I have done, which I think is a good amendment  
25. and that is it's kind of an incentive type of thing to the  
26. standpoint that the people on Public Aid should be earning  
27. their way. So in order to do that, we've amended the bill  
28. with the Amendment No. 1 to the extent that whatever the  
29. Public Aid recipient is receiving in the way of a welfare  
30. check that that will be credited from the taxing district at  
31. the rate of the minimum wage for the State of Illinois. And  
32. of course after the minimum wage has been eaten up, then of  
33. course a person has earned his check and if the taxing body

1. wants to carry on from there he will then have to pay them  
2. at least the minimum wage to keep the person employed. We  
3. felt this was very fair, what it really amounts to is public  
4. ...it's dignity for Public Welfare people. They can go to  
5. work and they're actually earning their welfare check. That's  
6. the concept of the bill. I think it is something that this  
7. State has needed for a long time and I would ask for a favorable  
8. roll. Be happy to answer any questions.

9. PRESIDENT:

10. Any discussion? Senator Knuppel.

11. SENATOR KNUPPEL:

12. Well, I'm going to vote for the bill and it's all very  
13. well, but how about the members of the, you know, State  
14. employees earning their salaries, what, how we going to  
15. affect that. Now when...when these people...we going to  
16. let them earn theirs, what we going to do about the Legislature.

17. PRESIDENT:

18. Any further discussion? If not, the question is shall  
19. Senate Bill 176 pass. Those in favor will vote Aye. Those  
20. opposed will vote Nay. The voting is open. Have all voted  
21. who wish? Have all voted who wish? Take the record. On  
22. that question the Ayes are 44, the Nays are none, none Voting  
23. Present. Senate Bill 176, having received a constitutional  
24. majority is declared passed. 180, Senator Schaffer. 81.  
25. 185, Senator Grotberg. On the Order of Senate Bills 3rd  
26. reading, Senate Bill 185. Read the bill, Mr. Secretary.

27. SECRETARY:

28. Senate Bill 185.

29. (Secretary reads title of bill)

30. 3rd reading of the bill.

31. PRESIDENT:

32. Senator Grotberg.

33. SENATOR GROTBORG:

1. Yes, Mr. President and members of the Senate. In my non-  
2. legal way I will try to explain what is happened that brings  
3. 185 to your attention. As we have gone through the riot  
4. follow-up in Stateville and Pontiac and others and the shakedowns,  
5. we find that the, in the Criminal Code, under the sentencing  
6. provisions that there is not sufficient remedy from inside  
7. the institution for the State's Attorney to sufficiently  
8. charge inmates who are guilty of unlawful use of weapons.  
9. They found all the weapons, but the charge is really lessor  
10. on the inside that it is on the outside and what's a misdemeanor  
11. charge to a guy who's doing life and you can't take away his  
12. good time necessarily in proportion to what the crime is.  
13. And with that respect, we bring you Senate Bill 185 that  
14. specifically lists an eleventh provision under the Unlawful  
15. Use of Weapons Act to stiffen the penalty and make it a  
16. Class X Felony to be found with one of many kinds of outlined  
17. specific weapons. And I'll be pleased to try to answer questions  
18. on the matter, but it makes unlawful use of weapons on the  
19. inside a Class X Felony.

20. PRESIDENT:

21. Is there any discussion? Senator Hall.

22. SENATOR HALL:

23. Would the sponsor yield for a question?

24. PRESIDENT:

25. Sponsor indicates he will yield. Senator Hall.

26. SENATOR HALL:

27. Senator Grotberg, what's the present penalty for this?

28. PRESIDENT:

29. Senator Grotberg.

30. SENATOR GROTBORG:

31. The present penalty Senator, is bringing contraband  
32. into a penal institution is a...okay, it does not always

33.

1. apply. The range is from misdemeanor to a Class 4, depending  
2. upon the occasion and the incident, whether it was brought  
3. in...they find them long after they're brought in, they're  
4. charging them to find out who brought them in. There's  
5. another whole criminal matter.

6. PRESIDENT:

7. Senator Hall.

8. SENATOR HALL:

9. Are you introducing this for the Department of Corrections  
10. or...or not?

11. PRESIDENT:

12. Senator Grotberg.

13. SENATOR GROTBORG:

14. I'm introducing this for the Department of Corrections  
15. and for the State's Attorneys' Association who are trying  
16. these cases. And it's not, it will have nothing to do with  
17. the cases in court now, but they have found that there is  
18. no significant remedy from here on in the future, they've  
19. learned that about weapons on the inside.

20. PRESIDENT:

21. Further discussion? Senator D'Arco.

22. SENATOR D'ARCO:

23. When you say he's guilty of a Class X...felony for  
24. unlawful use of weapons within the institution, you mean  
25. if he's...if they find a weapon under his mattress or some-  
26. thing then, I mean if they find a knife under his mattress  
27. then he can be convicted of a Class X felony. He may be  
28. doing that for his own protection. You know, he may not  
29. wanted to get raped that particular day and he may have a  
30. knife to fend off some of his fellow inmates. You ever  
31. think of that?

32. PRESIDENT:

33. Senator Grotberg.

1. SENATOR GROTEBERG:  
2. Senator D'Arco, it's only if the...only if the...  
3. PRESIDENT:  
4. Senator Grotberg.  
5. SENATOR BROTEBERG:  
6. Well, his...his is a good question, but the answer  
7. is only if the rules of constructive possession apply.  
8. PRESIDENT:  
9. Senator D'Arco.  
10. SENATOR D'ARCO:  
11. If the knife's under his mattress, you know, they may  
12. apply.  
13. PRESIDENT:  
14. Is there any further discussion? Senator Washington.  
15. SENATOR WASHINGTON:  
16. Yes, Mr. President. Senator D'Arco point is really the  
17. problem with the bill. It seems to me that this act implies  
18. that the penal institutions are run in such a way that inmates  
19. in there who simply want to go and do their time as best they  
20. can and get the hell out of there and go back into society.  
21. It assumes that those people are protected. Well, that's  
22. an invalid assumption. Simply to...to...to propound or to  
23. put additional penalties on someone who has a knife, won't  
24. even begin to solve this matter. And we in the General Assembly  
25. have to address ourself to the question. The assumption un-  
26. fortunately has gone out that our penal institutions are  
27. people with a lot of animals and that isn't true. Many of  
28. those people in there want to get out of there and get on  
29. about the business of society in a positive way. And they're  
30. obstructed from doing it by some of the tactics of some of  
31. the inmates as well as some of the correction officers. And  
32. I think we got to look at that question very seriously. I  
33. have no major problem with the bill, I don't think it means

1. anything frankly, I think it's just a crock-a-dodo, but  
2. the problem is...the problem is we've got to do something  
3. protecting inmates in those prisons. I think we should  
4. address ourself to that question. I...I apologize Senator  
5. Grotberg, I didn't mean to be facetious about your bill. I  
6. just don't think it gets to the heart of the problem.

7. PRESIDENT:  
8. Further discussion? Senator Buzbee.

9. SENATOR BUZBEE:  
10. Question of the sponsor, Mr. President.

11. PRESIDENT:  
12. Indicates he will yield. Senator Buzbee.

13. SENATOR BUZBEE:  
14. Senator, what is the current class of felony for...for  
15. possession of a...of an unlawful weapon in a prison?

16. PRESIDENT:  
17. Senator Grotberg.

18. SENATOR GROTBURG:  
19. It ranges from a misdemeanor to a Class 4 felony. It  
20. depends on the weapon, whether it's on the big list or  
21. the little list.

22. PRESIDENT:  
23. Senator Buzbee.

24. SENATOR BUZBEE:  
25. Well, what would be a Class 4 felony...punishment then?

26. PRESIDENT:  
27. Senator Grotberg. Senator Grotberg.

28. SENATOR GROTBURG:  
29. There's a long list, I'll read them to you. Blackjack...  
30. oh, what's the penalty for a Class 4 felony? One to three.  
31. I thought everybody knew that.

32. PRESIDENT:  
33. Is there any further discussion? Senator Buzbee.



1. SENATOR BUZBEE:

2. No, it's been a long time since I've had occasion to  
3. ...to use Class 4 felony, Senator Grotberg, in Appropriations  
4. Committee. I'm just wondering, why, you know, I think I'm just about  
5. as much of a hardnose as you are probably, when it comes to  
6. the handling of...of inmates of penal institutions. But I  
7. really don't understand why we want to make it a Class X  
8. felony for possession of a weapon when there's already  
9. a...a felony or...or penalties there in place for possession  
10. of an unlawful weapon in an institution and it seems to me  
11. that the...the principal problem is being able to find the  
12. person who has the weapon at the proper time and get it away  
13. from him and...and then go ahead and charge him at that  
14. point. I don't see any real sense to make it a Class X  
15. felony. I think after awhile we're going to have...purse  
16. snatching will become Class X felony if we keep on going  
17. the way we're going.

18. PRESIDENT:

19. Any further discussion? If not, Senator Grotberg may  
20. close the debate.

21. SENATOR GROTERBERG:

22. Thank you, Mr. President. In closing I would like to  
23. respond to a couple of suggestions. First of all,  
24. Senator Washington defense is a cause for remedy in this  
25. case and would not necessarily apply if the weapon is used  
26. for defense, and...and self protection, just like it is  
27. anywhere else. For Senator Buzbee, there is no...nothing  
28. on the inside, applying to unlawful use of weapons except  
29. in the...rules and regulations, no further sentencing  
30. capability is available to State's Attorneys' that try  
31. these cases. They send them back and they put in solitary  
32. a little longer or whatever the case may be or take away  
33. some good time. And it is needed and it's needed desperately

1. to try to get at some of these secreted...secreted weapons  
2. and the ones that are found and the murder and mayhem that  
3. we've been going through and I certainly would plead with  
4. you for an Aye vote on this strong bill to try to enforce  
5. and make our prisons what they are supposed to me, safe  
6. for those that are on the inside.

7. PRESIDENT:

8. The question is shall Senate...Senator Washington, for  
9. what purpose do you arise?

10. SENATOR WASHINGTON:

11. I ask leave to just briefly make a remark a second time.

12. PRESIDENT:

13. Well, he had already closed, but with leave of the Body...

14. SENATOR WASHINGTON:

15. I...I...I'm sorry, but I think that we may be laboring  
16. under a misapprehension or misconception about what this  
17. bill does. Possession, as I read the bill, is the crime.  
18. Possession of it. You don't go into the question of cause  
19. there. Senator Grotberg, I thought the gravamen of the  
20. crime in this bill was possession.

21. PRESIDENT:

22. Senator Netsch.

23.

24.

25.

26.

27.

End of Reel #2

28.

29.

30.

31.

32.

33.

1. PRESIDENT:

2. Senator Netsch.

3. SENATOR NETSCH:

4. I'm sorry. I did not realize that that was his closing  
5. statement, too. I thought he was responding. I had two  
6. questions. One, I think, relates to the point that Senator  
7. Washington just raised. I...as I...as best I can figure out  
8. what the bill now says possession is, indeed is a...the  
9. essence of the crime and self-defense is no...is no defense to  
10. possession, at least not in any way that I can see. I believe  
11. it also, Senator Grotberg, and this is a question, does include  
12. all of the forms of weapon beyond guns and knives. It has  
13. the traditional, let's see, where are we, black jack, slung  
14. shot, sand club, stun gun, pellet or BB gun, et cetera, et  
15. cetera. Is that correct? That is correct. Right.  
16. Could I ask one other question, because I cannot figure  
17. out from the copy of the bill that we have here, are you, indeed,  
18. making this a Class X felony, six to thirty years?

19. PRESIDENT:

20. Senator Grotberg.

21. SENATOR GROTBORG:

22. Yes.

23. PRESIDENT:

24. Any further discussion? Senator Berning. I thought we were  
25. closed, too.

26. SENATOR BERNING:

27. We closed to reopen, I understand, Mr. President. I...

28. PRESIDENT:

29. That is correct. Senator Berning.

30. SENATOR BERNING:

31. I'm following the others. I want to point out to those  
32. who have doubts about the importance of this by pointing out that  
33. while some might infer that it is proper for an inmate to have  
weapons for defense, that, in a true sense of the word of incarceration

1. or the intent of incarceration is totally wrong and it's...the  
2. whole thing is covered by the last two lines of the amendment.  
3. "Said device is designed or maintained for the purpose of  
4. harming another." Now, whether that's in self-defense or  
5. in offense, that still is indefensible under the terms of this  
6. Act and I think it is highly appropriate. The objective here is  
7. to keep weapons of all nature out of the hands of inmates and  
8. them from using them. And we cannot make it too punitive in  
9. my estimation and I would suggest that this is a desirable bill  
10. and I urge everyone to vote Yes.

11. PRESIDENT:

12. Any further discussion? Senator Bruce.

13. SENATOR BRUCE:

14. I would just want to point out to all the people that are  
15. talking about self-defense in this particular piece of legislation,  
16. we're talking about possession and self-defense would not  
17. be a defense at all. Once you have it, if someone slips it under  
18. your bed, hands it to you in a fight, whatever, possession is  
19. there, whether it's used for your own self-defense is irrelevant  
20. to the crime.

21. PRESIDENT:

22. Is there any further discussion? Senator Grotberg may  
23. close for the second time.

24. SENATOR GROTBORG:

25. Well, let's remember one thing, that you give up your  
26. right to keep and bear arms when you go to jail and it's  
27. going on everyday of the week and we have found it and we're trying  
28. to remedy it and if that doesn't satisfy everybody, I'm  
29. sorry, but I would deeply suggest that you give it serious  
30. thought and help us to run these jails in a manner that will  
31. keep them going the way they should and I...I hope I'm not  
32. getting angry at anyone. I'm angry on the subject having gone  
33. through it for so long. And I appreciate a favorable roll call on the  
bill.

1. PRESIDENT:
2. The question is shall Senate Bill 185 pass. Those in favor
3. will vote Aye. Those opposed will vote Nay. The voting is open.
4. Have all voted who wish? Have all voted who wish?
5. Take the record. On that question the Ayes are 42, the Nays
6. are 5, 2 Voting Present. Senate Bill 185 having received a
7. constitutional majority is declared passed. 186, Senator Berman.
8. On the Order of Senate Bills 3rd reading, Senate Bill 186.
9. Read the bill, Mr. Secretary.
10. SECRETARY:
11. Senate Bill 186.
12. (Secretary reads title of bill)
13. 3rd reading of the bill.
14. PRESIDENT:
15. Senator Berman.
16. SENATOR BERMAN:
17. Thank you, Mr. President, Ladies and Gentlemen of the Senate.
18. Senate Bill 186 is an amendment to the Condominium Act. It provides
19. that deposits made for the purchase of condominium made to the
20. developer will accrue interest at five percent per year and that
21. the interest will be credited to the purchaser at the time of the
22. closing of the deal. The purpose of the bill is to lend
23. a little bit of economic leverage to the situation that
24. we're seeing where there is really no negotiation available to the
25. purchaser of these condominiums. They are confronted with a
26. contract, required to put down a deposit. This will allow their
27. money to accrue a reasonable rate of interest, five percent
28. while the deal is pending. I urge your...your favorable vote.
29. PRESIDENT:
30. Is there any discussion? Senator Nash.
31. SENATOR NASH:
32. Question to the sponsor.
33. PRESIDENT:
- Indicates he will yield. Senator Nash.

1. SENATOR NASH:
2. Senator Berman, is that five percent or seven percent interest?
3. PRESIDENT:
4. Senator Berman.
5. SENATOR BERMAN:
6. The amendment was put on, Senator, based upon your request,
7. that it's only five percent interest and that it is a book
8. entry segregation and separate accounts are not necessary.
9. It's...those were in the amendment pursuant to the discussion
10. in committee.
11. PRESIDENT:
12. Further discussion? Senator Bowers.
13. SENATOR BOWERS:
14. Will the sponsor yield?
15. PRESIDENT:
16. Indicates he will yield. Senator...
17. SENATOR BOWERS:
18. Senator Berman, rational...as far as rationale is concerned,
19. I have a little difficulty understanding the difference between
20. this and the purchase of an ordinary single family residence
21. and we don't require interest on those deposits. What would...
22. what would distinguish this from that kind of a contract.
23. PRESIDENT:
24. Senator Berman.
25. SENATOR BERMAN:
26. I think that there's...they are two entirely different
27. markets. Today, you don't have...you have people that
28. live in condominiums that are converted by developers. They
29. are faced with the problem of moving out of or vacating premises
30. that many of them have lived into for a substantial length of
31. time. We've addressed that with other types of legislation.
32. What...what this bill tries to do is to allow them, once they
33. are confronted with the prospect of having to buy and they make

1. the decision to buy, that while that developer has in his  
2. possession their money, that is used as an earnest money  
3. deposit, or downpayment on that condominium, that the developer  
4. pay a reasonable amount of interest for the use of that money.  
5. In the single family residence market, you just don't have that  
6. problem.

7. PRESIDENT:

8. Senator Bowers.

9. SENATOR BOWERS:

10. Is there any limit on the number of units involved, number  
11. one. Number two, is this limited to people who already live  
12. in the building at the time it's converted?

13. PRESIDENT:

14. Senator Berman.

15. SENATOR BERMAN:

16. The bill, by the section that it amends, deals with the  
17. developer. So, a developer theoretically, could convert  
18. one unit, but that's usually not the case. The developer comes  
19. in and changes a...a large building, don't ask me what large  
20. is, but it's got to be something that's going to be worthwhile  
21. for the developer to step into. As to the second question  
22. was...

23. PRESIDENT:

24. Senator Bowers.

25. SENATOR BOWERS:

26. Well, I don't want to prolong it too long, but let me...  
27. let me just reiterate as far as the first question is concerned,  
28. we have what we call quadrominiums, that's...that's four units,  
29. that's certainly not very large. I assume it applies to that.  
30. The second question was, is it limited to those who already  
31. occupy the dwelling at the time of the conversion?

32. PRESIDENT:

33. Senator Berman.

1. SENATOR BERMAN:  
2. No.  
3. PRESIDENT:  
4. Any further discussion? Senator Berman, you wish to close the  
5. debate?  
6. SENATOR BERMAN:  
7. Roll call.  
8. PRESIDENT:  
9. The question is shall Senate Bill 186 pass. Those in  
10. favor will vote Aye. Those opposed will vote Nay. The voting  
11. is open. Have all voted who wish? Have all voted who wish?  
12. Take the record. On that question the Ayes are 36, the Nays  
13. are 9, none Voting Present. Senate Bill 186 having received  
14. a constitutional majority is declared passed.  
15. 188, Senator Sangmeister. On the Order of Senate Bills,  
16. 3rd reading, Senate Bill 188. Read the bill, Mr. Secretary.  
17. SECRETARY:  
18. Senate Bill 188.  
19. (Secretary reads title of bill)  
20. 3rd reading of the bill.  
21. PRESIDENT:  
22. Senator Sangmeister.  
23. SENATOR SANGMEISTER:  
24. Thank you, Mr. President and members of the Senate.  
25. In all its simplicity, this bill attempts and will do, is to  
26. put Federal banks on a parity with State banks. At the present  
27. time, this bill deals only with one type of a loan, you walk  
28. into your local State bank to make a personal loan, one time  
29. payment, say you wanted a loan of three or four thousand on  
30. your signature only. At the present time a State bank can only  
31. charge you eight percent, whereas if you go into a Federal  
32. bank, they can charge an amount equal to one percent in  
33. excess of the discount rate on ninety day commercial paper.  
We are asking that the State banks have the same rights as the



1. Federal banks because right now, State banks do not want to  
2. make these kinds of loans because they, in all...for all purposes  
3. have to make them at a loss because they're paying more on  
4. interest then they could turn around and loan their money out  
5. for and there was no opposition in committee from the Federal  
6. banks. In fact, there was no opposition from anyone on this bill  
7. and it just puts State banks and Federal banks on the same level.

8. PRESIDENT:

9. Is there any discussion? If not, the question is shall Senate  
10. Bill 188 pass. Those in favor will vote Aye. Those opposed  
11. will vote Nay. The voting is open. Have all voted who wish?  
12. Have all voted who wish? Take the record. On that question the  
13. Ayes are 47, the Nays are none, 2 Voting Present. Senate Bill  
14. 188 having received a constitutional majority is declared passed.  
15. 198, Senator Merlo. Top of page 15, Senate Bill 198. On the  
16. Order of Senate Bills, 3rd reading, Senate Bill 198. Read the bill  
17. Mr. Secretary.

18. SECRETARY:

19. Senate Bill 198.

20. (Secretary reads title of bill)

21. 3rd reading of the bill.

22. PRESIDENT:

23. Senator Merlo.

24. SENATOR MERLO:

25. Thank you, Mr. President and members of the Senate. Senate  
26. Bill 198 will, if enacted into law, make it mandatory for a judge  
27. to impose a jail sentence upon anyone convicted of battery on a  
28. senior citizen. I felt that some positive legislation should be  
29. enacted to stop those who prey upon senior citizens and to tell  
30. them that they are no longer fair game. Our present laws  
31. provide penalties of a special nature for battery on certain  
32. individuals. As a very important part of our society, the time  
33. has come when I feel that the elderly should be given the same  
consideration. The legislation proposed today makes a battery on a

1. senior citizen a Class 3 felony with a mandatory jail sentence  
2. of thirty days in jail. I feel, again, that it is our responsibility  
3. to enact something that is positive to protect these people.  
4. The committee...the bill was heard in Judiciary II with no  
5. dissenting votes and I ask your favorable approval.

6. PRESIDENT:  
7. Any discussion? Senator Knuppel.

8. SENATOR KNUPPTEL:  
9. Well, I'd like to ask the sponsor a question.

10. PRESIDENT:  
11. Indicates he will yield. Senator Knuppel.

12. SENATOR KNUPPTEL:  
13. When my granddad was...when my granddad was eighty-one  
14. years old, he busted a deputy sheriff in the eye who was  
15. sixty-five. Would that mean he would have to go to jail for  
16. thirty days?

17. PRESIDENT:  
18. Senator Merlo.

19. SENATOR MERLO:  
20. Yes, he would, John.

21. SENATOR KNUPPTEL:  
22. That's why I was afraid of.

23. PRESIDENT:  
24. Further discussion? Senator Geo-Karis.

25. SENATOR GEO-KARIS:  
26. Mr. President and Ladies and Gentlemen of the Senate. We  
27. happen to have three senior citizens housing areas in my  
28. county, in fact, my district and I can tell you that the mugging  
29. rate has been tremendous against the senior citizens and they  
30. are more helpless to defend themselves than many of us who are  
31. stronger and not as debilitated in age and...in condition  
32. physically. I think this is a very good bill and this is a bill  
33. that was also recommended by the Council of Aging. And not trying to  
be facitious, I'm not trying to protect myself, I think it is a

1. very good bill and I think we should all support it.
2. PRESIDING OFFICER: (SENATOR SAVICKAS)
3. Senator Bowers.
4. SENATOR BOWERS:
5. Would the sponsor yield to a question?
6. Senator Merlo, in committee the question came up, as the bill
7. was originally drafted, the bill...you did not have to commit
8. a harm in order to...to constitute the aggravated battery
9. and I think in committee it was suggested by Senator Egan and
10. agreed to by you that it would be amended so that that would be
11. back into the bill. Now, I haven't...I've tried to
12. track the amendment here quickly and I can't
13. see that it...rather it does or does not and I just would like
14. to know if there, in fact, has to be a harm before this automatic
15. thirty days sentence applied.
16. PRESIDING OFFICER: (SENATOR SAVICKAS)
17. Senator Merlo.
18. SENATOR MERLO:
19. Senator Bowers, if you're referring to the section that makes
20. physical contact of an insulting or provoking nature with an
21. individual, is this the section that you're referring to? This
22. was deleted from the bill.
23. PRESIDING OFFICER: (SENATOR SAVICKAS)
24. Senator Donnewald.
25. SENATOR DONNEWALD:
26. Question of the sponsor.
27. PRESIDING OFFICER: (SENATOR SAVICKAS)
28. He indicates he will yield.
29. SENATOR DONNEWALD:
30. Senator, how are we going to prove that the assailant
31. knew that the...the subject or the victim was sixty or over?
32. PRESIDING OFFICER: (SENATOR SAVICKAS)
33. Senator Merlo.

1. SENATOR MERLO:

2. That would be part of the proof or defense. In fact,  
3. it would probably be a great deterrent because you wouldn't  
4. take the chance. Take myself, I don't look like I'm  
5. sixty-seven, do I?

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator Donnewald.

8. SENATOR DONNEWALD:

9. No...

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Is there any further discussion? Senator Vadalabene.

12. SENATOR VADALABENE:

13. Yes, Senator Merlo, when you reach the age of sixty-five and  
14. some fellow legislator takes a swing at you, do you put him  
15. away for thirty days?

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Senator Merlo.

18. SENATOR MERLO: .

19. I would say in that case the penalty should be two years.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Senator Vadalabene.

22. SENATOR VADALABENE:

23. 10-4.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Further discussion? Senator Nash.

26. SENATOR NASH:

27. Are Legislators immune from arrest while in Session?

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Is there any further discussion? Senator Merlo may close the  
30. debate.

31. SENATOR MERLO:

32. Mr. President, I just ask for a favorable roll call.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is shall Senate Bill 198 pass. Those in favor vote

1. Aye. Those opposed vote Nay. The voting is open. Have all  
2. voted who wish? Have all voted who wish? Take the record.  
3. On that question the Ayes are 50, none Voting No and none Voting  
4. Present. Senate Bill 198 having received a constitutional  
5. majority is declared passed. For what purpose does Senator  
6. DeAngelis arise?

7. SENATOR DeANGELIS:

8. Mr. President, I'd like to have my vote changed on Senate Bill 188  
9. to Present for a possible conflict of interest.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. You can't change the vote, but the...the record will so  
12. indicate your concern. Senator Keats.

13. SENATOR KEATS:

14. I also wanted to announce that on Senate Bill 188, I have  
15. a conflict of interest, but I voted Aye as what I considered  
16. appropriate.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. The record will so indicate. For what purpose does Senator  
19. Geo-Karis arise?

20. SENATOR GEO-KARIS:

21. Mr. President, it just occurred to me I might have a conflict  
22. of interest too, but I voted Yes and my conflict is very, very  
23. minor, but still might...it might still be considered a conflict.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. The record will so note. Senator Buzbee, for what purpose  
26. do you arise?

27. SENATOR BUZBEE:

28. Mr. President, I don't have any conflict of interest to  
29. 188 but I would sure like to have.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Senator Bruce.

32. SENATOR BRUCE:

33. Yes, I also voted Aye and would like to express I might have  
had a conflict on 188.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)
2. Senator Berman arises for the same reason.
3. SENATOR BERMAN:
4. Same explanation, Mr. President.
5. PRESIDING OFFICER: (SENATOR SAVICKAS)
6. Same explanation. Senator Knuppel arises for the same
7. reason. Senator Hall and Senator Nash. Senator Philip. Senator
8. Egan. For what purpose does Senator Egan arise?
9. SENATOR EGAN:
10. Mr. President, having voted on the prevailing side...
11. PRESIDING OFFICER: (SENATOR SAVICKAS)
12. For what purpose does Senator Hall arise?
13. SENATOR HALL:
14. Well, I don't want you to state it wrong. I don't have a
15. conflict, but since everybody's testifying, I thought maybe
16. it would be a good time.
17. PRESIDING OFFICER: (SENATOR SAVICKAS)
18. Senator DeAngelis, for what purpose do you arise?
19. SENATOR DeANGELIS:
20. I'd like to tell Senator Buzbee that my conflict is as
21. a borrower, not as a bank owner.
22. PRESIDING OFFICER: (SENATOR SAVICKAS)
23. Senator Rhoads, for what purpose do you arise? Senator Rhoads
24. indicates he has a conflict of interest in the banking bills,
25. too. Next bill. Senate Bill 199, Senator Merlo.
26. Read the bill, Mr. Secretary.
27. SECRETARY:
28. Senate Bill 199.
29. (Secretary reads title of bill)
30. 3rd reading of the bill.
31. PRESIDING OFFICER: (SENATOR SAVICKAS)
32. Senator Merlo.
33. SENATOR MERLO:

1. Thank you, Mr. President and members of the Senate.  
2. Under present Illinois law, owners of buildings...pardon me,  
3. with twenty-five units or more who are required to place a  
4. security deposit as a condition to obtaining a lease, must  
5. pay interest on that security deposit held at the rate of  
6. five percent per year. Many Illinois renters who presently live  
7. in buildings with less than twenty-five units and who are  
8. required to give a security deposit, feel that they are victims  
9. of a grave injustice because they do not come under the  
10. provisions of our present Statute. And as a result, are  
11. deprived on any interest on their security deposit. Senate  
12. Bill 199 amends the Act relating to the payment of interest on  
13. security deposit in residential buildings and it lowers the  
14. number of units from twenty-five to ten. In my opinion, I feel  
15. the adjustment is reasonable and fair and I ask your favorable  
16. consideration. I might mention this, that this bill was heard  
17. in Judiciary I with a 10-0 vote.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Is there any further discussion? The question is shall Senate  
20. Bill 199 pass. Those in favor vote Aye. Those opposed vote  
21. Nay. The voting is open. Have all voted who wish? Have all  
22. voted who wish? Take the record. On that question the Ayes  
23. are 37, the Nays are 10 and 1 Voting Present. Senate Bill 199  
24. having received a constitutional majority is declared passed.  
25. Senate Bill 201, Senator Vadalabene. Read the bill, Mr.  
26. Secretary.

27. SECRETARY:

28. Senate Bill 201.

29. (Secretary reads title of bill)

30. 3rd reading of the bill.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Senator Vadalabene.

33. SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate.

1. Senate Bill 201 eliminates the motor fuel taxes on aviation fuel.  
2. Currently, purchasers of aviation fuel must pay the seven and  
3. a half percent gallon tax at the time of purchase then file a  
4. claim for refund with the Department of Revenue. Refunds may be  
5. claimed for any nonhighway or recreational waterway use of  
6. motor fuel. These bills would eliminate that collection and  
7. reimbursement mechanism and remove the tax from the purchase  
8. price of aviation fuel. Mr. Ted Issacs from...who is formerly  
9. with the Department of Revenue testified that this is a nuisance  
10. tax and should be eliminated and I would appreciate a favorable  
11. vote.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Is there further discussion? Senator Knuppel.

14. SENATOR KNUPPEL:

15. Well, I'd just ask the sponsor, don't we use funds to build  
16. airports, to assist airports and haven't we made grants to...  
17. a lot of airports under the Department of Transportation?

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator Vadalabene.

20. SENATOR VADALABENE:

21. Well, I suppose they do, but this does not...I don't think  
22. this money was used for that purpose. In other words, the  
23. administration costs of this...of this...of this imposed  
24. tax is approximately two to two hundred and fifty thousand dollars  
25. a year and what is left of the money that is not refunded couldn't  
26. build anything on any airport.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Senator Knuppel.

29. SENATOR KNUPPEL:

30. Well, probably I'm going to vote for the bill just because it is a  
31. nuisance situation, Senator, but...but I don't subscribe to the  
32. doctrine that if it comes out of the left pocket, it makes  
33. that much difference because if it comes out of General Revenue  
that we build airports and support them as...as we do roads, that



1. those people shouldn't in some way who use government funds for  
2. their benefit contribute toward those...toward those benefits.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator McMillan.

5. SENATOR McMILLAN:

6. I would rise in opposition to the bill, partially on the  
7. grounds that Senator Knuppel...or the questions that he's  
8. raised. But I would also indicate that...that the refund procedure  
9. on this particular tax is not a difficult one. Primarily,  
10. however, there is and will continue to be as the price of  
11. gasoline rises, a considerable opportunity for the escape  
12. of the gas tax for fuel that may, in fact, be called fuel for  
13. aircraft, but in fact, can be used for other uses.

14. I understand the frustration on the part of the people who fly  
15. small planes and those who would like to be exempt from this  
16. tax and having to apply for the refund, but for the reasons that  
17. I mentioned and the fact that as the price of gasoline goes  
18. up, we...we have more and more possibility for fraud, I would  
19. suggest a No vote on this bill.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Further discussion? Senator Moore.

22. SENATOR MOORE:

23. Thank you, Mr. President. I raise...rise in support of this  
24. bill. This bill was one of the recommendations of the Illinois  
25. Commission for Economic Development, which is a bipartisan group  
26. that is...there's five from the House, five from the Senate, seven  
27. from the...appointed by the Governor and it just does not seem in  
28. the best business climate of Illinois to charge, particularly  
29. the small airplane operators the seven and a half cents gas  
30. and then make them file an application to the Department of  
31. Revenue in order to get the money back. Why don't we just eliminate  
32. it period. The only logical, if you want to call it logical,  
33. reason is because there are airplane pilots that don't file it and

1. there's money that stays in the...in the Revenue Fund.  
2. This should be abolished. We passed this bill last year. I believe  
3. it was vetoed by the Governor, but in the interest of the small  
4. airplane owners of which I do not happen to be one, it...it  
5. just...the bureaucracy, I imagine...I don't know how much we  
6. could save in the Department of Revenue from shuffling papers  
7. and making these refunds when they're applied for. I think this is  
8. a good bill and Senate Bill 201 should receive the majority votes  
9. of this Body.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Senator Regner.

12. SENATOR REGNER:

13. I guess a lot of people thing that I'm going to get up and  
14. declare a conflict for myself and Senator Bruce, but I'm  
15. not because we pay the tax and at the end of six months, we file  
16. a form and get a refund anyway. So, there's no conflict there.  
17. Senator McMillan and I generally are in agreement on virtually  
18. everything regarding taxes and on taxes and that. However,  
19. this time I think Senator McMillan made a very serious error,  
20. he read the administration position which is absolutely  
21. ludicrous. Who would commit fraud by using aviation fuel in your  
22. car when it costs you thirty cents a gallon more?  
23. It makes no sense at all and I think this is a good bill and should  
24. be passed. He eliminates some bureaucratic jobs, that's about  
25. all you do, those that administer it.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

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

29. SENATOR VADALABENE:

30. Yes, Senator Regner cleared up the misstatement of Senator  
31. McMillan on the exorbitant price of aviation fuel and I would  
32. appreciate a favorable vote.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. The question is shall Senate Bill 201 pass. Those in  
2. favor vote Aye. Those opposed vote Nay. The voting is open.  
3. Have all voted who wish? Have all voted who wish? Take the  
4. record. On that question the Ayes are 41, the Nays are 7,  
5. none Voting Present. Senate Bill 201 having received a  
6. constitutional majority is declared passed. Senate Bill 206,  
7. Senator Bowers. Read the bill, Mr. Secretary.

8. SECRETARY:

9. Senate Bill 206.

10. (Secretary reads title of bill)

11. 3rd reading of the bill.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Senator Bowers.

14. SENATOR BOWERS:

15. Mr. President, I wonder if I could have leave of the Body  
16. to consider 206 and 208 at the same time, not to vote, but to  
17. discuss? They are companion bills.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. You've heard the motion. Is leave granted? Leave is  
20. granted.

21. SENATOR BOWERS:

22. Thank you, Mr. President. 206 and 208 are submitted to this  
23. Body as a possible tool in the area of aggravated battery  
24. to children. There are two thrusts to the bill. Aggravated...  
25. it creates a new crime of aggravated battery to a child. It  
26. makes it a Class 2, nonprobational offense or felony. Presently  
27. it's Class 3 which is a two to five sentence. It also, as far  
28. as parents are concerned, it also permits the court to enter an order  
29. of probation without a finding of guilt, or without an entry of  
30. an order of guilt so that tracking after the Cannabis Control  
31. Act after a certain period of time, the whole thing can be  
32. discharged, so, that there would not be a record in the case of  
33. a parent. Now, if there are any questions, I'll be happy to answer  
them.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Is there any further discussion? Senator Knuppel. Senator Knuppel.

3. SENATOR KNUPPEL:

4. I'd just like to know what constitutes an aggravated battery  
5. in simple terms.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator Bowers.

8. SENATOR BOWERS:

9. Well, it follows the regular Aggravated Battery Statute and it  
10. doesn't change the definition of that, Senator Knuppel. It does  
11. create additionally the terminology aggravated battery to a  
12. child. It's the same elements of the crime as aggravated battery  
13. except the recipient of the aggravated battery has to be under  
14. thirteen years of age, or I believe it's thirteen and under.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Senator Knuppel.

17. SENATOR KNUPPEL:

18. I'm not that familiar with what aggravated battery is.  
19. There's a lot of bills that go through here. Just what exactly  
20. constitutes...you know, I want to put it on the bottom of a kid  
21. sometimes once in awhile you know, that belongs to me. What...  
22. what constitutes aggravated battery of a child? If you take a  
23. switch or a belt, is that too much?

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Senator...Senator Bowers.

26. SENATOR BOWERS:

27. Senator Knuppel, I can read the definition to you, if that will  
28. help. It says that any person of the age of eighteen years and  
29. upwards who intentionally or knowingly and without legal  
30. justification and by any means causes great bodily harm or  
31. permanent disability or disfigurement to any child under the age  
32. of thirteen. I don't think that the spanking that you're talking about  
33. would qualify at all.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)  
2. Senator Knuppel.  
3. SENATOR KNUPPEL:  
4. Well, I don't know what great bodily harm is. I'll  
5. tell you, it hurt like hell when I got it done.  
6. PRESIDING OFFICER: (SENATOR SAVICKAS)  
7. Is there any further discussion? Senator Bowers may close  
8. the debate.  
9. SENATOR BOWERS:  
10. Well, I would just ask for a favorable roll call, Mr.  
11. Chairman and as far as Senator Knuppel's comment is concerned, the  
12. term...I don't have the cases in front of me. The...the term  
13. great bodily harm is used throughout the Criminal Code and has been  
14. defined in case after case. I simply would not, without having all  
15. those cases recently researched, attempt to make a more definitive  
16. definition, but I would ask for a favorable roll call.  
17. PRESIDING OFFICER: (SENATOR SAVICKAS)  
18. The question is shall Senate Bill 206 pass. Those  
19. in favor vote Aye. Those opposed vote Nay. The voting is open.  
20. Have all voted who wish? Have all voted who wish? Take the  
21. record. On that question the Ayes are 44, the Nays are  
22. 3, 1 Voting Present. Senate Bill 206 having received  
23. a constitutional majority is declared passed. Senate Bill 208,  
24. Senator Bowers.  
25. SECRETARY:  
26. Senate Bill 208.  
27. (Secretary reads title of bill)  
28. 3rd reading of the bill.  
29. PRESIDING OFFICER: (SENATOR SAVICKAS)  
30. Senator Bowers.  
31. SENATOR BOWERS:  
32. Thank you, Mr. President. This is the companion bill,  
33. but amends the probation section to take aggravated battery of  
a child other than by a parent or the spouse of a parent out of the

1. ...out of that particular provision. Ask a favorable roll call.
2. PRESIDING OFFICER: (SENATOR SAVICKAS)
3. Is there further discussion? The question is shall
4. Senate Bill 208 pass. Those in favor vote Aye. Those opposed
5. vote Nay. The voting is open. Have all voted who wish?
6. Have all voted who wish? Take the record. On that question
7. the Ayes are 46, the Nays are 2, 1 Voting Present.
8. Senate Bill 208 having received a constitutional majority is
9. declared passed. Senate Bill 209, Senator Egan. Read the bill,
10. Mr. Secretary.
11. SECRETARY:
12. Senate Bill 209.
13. (Secretary reads title of bill)
14. 3rd reading of the bill.
15. PRESIDING OFFICER: (SENATOR SAVICKAS)
16. Senator Egan.
17. SENATOR EGAN:
18. Thank you, Mr. President and members of the Senate.
19. Senate Bill 209 is a request of the State Board of Investments
20. to allow for the Executive Committee to conduct business in
21. the absence of the full board. Sometimes emergencies arise in the
22. investment process that require it and the entire membership
23. of the board has made the request. There's no dissent.
24. It also allows for the board to invest in options, a matter which
25. does have some slight controversy, but to my knowledge everybody
26. on the board wished that they had that authority in the event
27. that they...they needed it and in their sound investment practices
28. which they demonstrated for the last several months. I think
29. that it's totally justified and I ask for a favorable consideration.
30. PRESIDING OFFICER: (SENATOR SAVICKAS)
31. Is there any further discussion? Question is shall Senate
32. Bill 209 pass. Those in favor vote Aye. Those opposed vote Nay.
33. The voting is open. Have all voted who wish? Have all voted  
who wish? Take the record. On that question the Ayes are

1. 44, the Nays are 4 and none Voting Present. Senate Bill 209  
2. having received a constitutional majority is declared passed.  
3. Senate Bill 214, Senator Regner. Read the bill, Mr. Secretary.  
4. SECRETARY:  
5. Senate Bill 214.  
6. (Secretary reads title of bill)  
7. 3rd reading of the bill.  
8. PRESIDING OFFICER: (SENATOR SAVICKAS)  
9. Senator Regner.  
10. SENATOR REGNER:  
11. Mr. President and members of the Senate. This bill as  
12. originally introduced, called...or created a special speed  
13. limit in highway construction areas. The Department of Transportation  
14. in committee offered an amendment which was adopted and the bill  
15. now provides for controls of vehicles approaching highway  
16. construction and maintenance area and mandating the driver of the  
17. vehicle shall yield the right of way to any authorized person  
18. working in the construction area or any of the construction  
19. vehicles. And it does allow for better control for those areas  
20. where there is highway construction going on and the Department  
21. of Transportation supports the bill and urges its passage, as do I.  
22. PRESIDING OFFICER: (SENATOR SAVICKAS)  
23. Is there any further discussion? Senator Demuzio.  
24. SENATOR DEMUZIO:  
25. Yes, Senator Regner, what happens in those areas that are not  
26. clearly designated or marked as construction areas, how is the  
27. approaching automobile, or the driver expected to know that that  
28. is a construction area?  
29. PRESIDING OFFICER: (SENATOR SAVICKAS)  
30. Senator Regner.  
31. SENATOR REGNER:  
32. It also provides for the Department of Transportation to  
33. authorize the marking of those areas so they should be marked.  
If somebody does go in the area and starts highway construction

1. without having the area marked, well, they're flirting with  
2. disaster and problems, then. So, they should contact the  
3. Department of Transportation for authorization for the marking.  
4. PRESIDING OFFICER: (SENATOR SAVICKAS)  
5. Further discussion? Senator Hall.  
6. SENATOR HALL:  
7. Will the sponsor yield for a question?  
8. PRESIDING OFFICER: (SENATOR SAVICKAS)  
9. He indicates he will.  
10. SENATOR HALL:  
11. Senator Regner, on these highway constructions, does this  
12. just apply to just State highways or is this for any?  
13. PRESIDING OFFICER: (SENATOR SAVICKAS)  
14. Senator Regner.  
15. SENATOR REGNER:  
16. This would apply to any highways where they do have the  
17. permission for the marking of highways.  
18. PRESIDING OFFICER: (SENATOR SAVICKAS)  
19. Senator Hall.  
20. SENATOR HALL:  
21. Well, there's one other question I'd like to ask you. Now,  
22. if you're approaching a highway construction, are the signs  
23. going to be set stating what the limit speed is and how will  
24. they control the flow of it? In other words, you know, there's  
25. always...usually there's some fellow standing there and some  
26. of the times, they've even placed the...the signs in a barrel  
27. and they've moved away from it. And I'm just wondering, how  
28. will they determine whether a person is staying within that  
29. speed limit?  
30. PRESIDING OFFICER: (SENATOR SAVICKAS)  
31. Senator Regner.  
32. SENATOR REGNER:  
33. Well, I suppose, Senator Hall, the same way they do now, where  
there's an area marked now for State construction, if there is a



1. police vehicle there, you know, they could stop them and arrest  
2. them. If there is nobody there to check on them and somebody just  
3. blazes through the construction area, they do it right now.  
4. But at least it does set some controls now and the highway  
5. construction people are the ones that did ask for this legislation  
6. initially.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Is there further discussion? Senator Demuzio.

9. SENATOR DEMUZIO:

10. Rising for the second time. In the bill does it...does it  
11. clearly indicate that the construction area has to be  
12. so marked and so designated? 'Cause I can foresee  
13. many highway construction projects that are beginning or  
14. the crew gets out there late and the markings aren't up  
15. there. You know, I just...it just puzzles me as to how  
16. it's to be...how it's to be enforced in terms of whether it's  
17. marked or whether it's unmarked. I assume if it's unmarked,  
18. then this law is not applicable. Is that correct?

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Senator Regner.

21. SENATOR REGNER:

22. That would be correct because it does specify for marked  
23. areas.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Any further discussion? Senator Coffey.

26. SENATOR COFFEY:

27. I have a question of the sponsor.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. He indicates he will yield.

30. SENATOR COFFEY:

31. I might have missed this earlier, Senator, but when  
32. the...the designated speed limit, was that...do they decide  
33. what that designated speed limit is and the second question  
is where will that marking be? In other words, if that marking

1. will be down the road and I pull in from a side road, how would I  
2. be warned that there...that we were within a certain speed  
3. limit?

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Senator Regner.

6. SENATOR REGNER:

7. Well, first of all, the speed limit would be set in  
8. conjunction with the Department of Transportation, what they  
9. authorize. As far as where the marking goes, as far as I know,  
10. it would be just the same as it is right now on State highways  
11. for State construction. If it is down the road somewhere, there  
12. is no difference...there is no change in this bill from what  
13. current law now is where they mark that for State controlled  
14. highway construction.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Senator Coffey.

17. SENATOR COFFEY:

18. Well, everyone knows that the speed limit is fifty-  
19. five miles an hour out on the highway, or they should know,  
20. not that they go that speed, but that doesn't let me know  
21. when I pull in from a side road that I'm in a construction  
22. area and that that speed limit is now thirty-five miles an  
23. hour.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Senator Regner.

26. SENATOR REGNER:

27. What I would suggest we do then is have another piece  
28. of legislation, then, to change what it is now for all  
29. construction because I don't think there is any...any designation  
30. right now that has to be within a certain number of feet,  
31. you know, in closeness to the construction area. There is  
32. no change in what exists right now.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? Senator Regner may close

1. the debate.
2. SENATOR REGNER:
3. Roll call.
4. PRESIDING OFFICER: (SENATOR SAVICKAS)
5. The question is shall Senate Bill 214 pass. Those in
6. favor vote Aye. Those opposed vote Nay. The voting is open.
7. Have all voted who wish? Have all voted who wish? Take the
8. record. On that question the Ayes are 48, the Nays are
9. 1 and none Voting Present. Senate Bill 214 having received
10. the constitutional majority is declared passed. Senate Bill
11. 215, Senator Egan. Read the bill, Mr. Secretary.
12. SECRETARY:
13. Senate Bill 215 .
14. (Secretary reads title of bill)
15. 3rd reading of the bill.
16. PRESIDING OFFICER: (SENATOR SAVICKAS)
17. Senator Egan.
18. SENATOR EGAN:
19. Thank you, Mr. President and members of the Senate.
20. This bill was sponsored at the request of the Illinois State
21. Dental Society. What it does is allows dentists to advertise
22. their specialties, their office hours and their fees in newspapers
23. and authorizes the Department of Registration and Education
24. through the Dental Examining Committee to adopt rules and
25. regulations concerning the advertising. The...the bill is
26. consistent with the Statutory recent...rather recent cases that
27. have been handed down relative to advertising. The Dental
28. Society feels that it is advantageous to the profession of
29. dentistry and I know of no opposition, but I'd be happy to answer
30. any questions and if not, I commend it to your favorable
31. consideration.
32. PRESIDING OFFICER: (SENATOR SAVICKAS)
33. Is there any further discussion? Senator Wooten.

1. SENATOR WOOTEN:

2. Thank you, Mr. President. I rise in opposition to this bill.  
3. While I commend the dentists for their activity and certainly they  
4. have been more visable this year in Springfield than anytime in  
5. the past and have generally supported their programs, I am  
6. in opposition to this because it simply does not do what the  
7. bill states it does. Because of recent court decisions, dentists  
8. are now allowed to advertise...or certainly will be allowed  
9. to advertise in any medium at all. And what this bill does  
10. by saying that you permit dentists to advertise, you are really  
11. restricting the right to advertise. And I suppose it's part  
12. of a conditioned reaction. I've been in radio and T.V. and  
13. have only spent about six years in newspapers and I find it  
14. objectionable that we prop up one medium at the expense of the  
15. others, that it's somehow proper to advertise in print  
16. but not proper to advertise in radio or television. Admittedly,  
17. the latter two are more expensive and dentists and others can  
18. cover themselves by saying nobody can advertise in that  
19. medium thus, I won't have to risk the money. I don't think  
20. that's a proper approach. I believe they should be left free  
21. to advertise in any form that they wish. And if they want to  
22. restrict somehow, they should not restrict it to one of the  
23. several media open now. So, actually the bill does not expand  
24. rights, it restricts a right that is now available to all of them.  
25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Is there any further discussion? Senator Netsch.

27. SENATOR NETSCH:

28. Thank you, Mr. President. I reaffirm everything that Senator  
29. Wooten had...has said and would add two things, one is simply to  
30. underscore this sentence in the bill, if I can find it,  
31. just a moment. Such advertising shall be limited to newspapers...  
32. to newspapers of general circulation in the community in which the  
33. dentist maintains an office and then it goes on to spell out

1. what may be advertised. I think it must be understood  
2. that the bill restricts advertising, it does not expand it.  
3. Secondly, I would like to make just a brief comment on why I  
4. think this is objectionable to bring about this restriction.  
5. I think that all of the licensed professions, for many years,  
6. have used the licensing scheme not to protect the public,  
7. although there may be some incidental effect in that regard, but  
8. primarily for economic self-protection and I would list at the  
9. very top of that list my own profession, the profession of law.  
10. We have all conned ourselves into believing that anything that  
11. restricts the general availability of information about us  
12. and what we do, be it lawyers, doctors, dentists, optometrists  
13. or whatever, is somehow against the public interest.  
14. That is rarely true. It is primarily against the interest of  
15. those who already practice in the profession. I do not question  
16. the good faith of the dentists, nor do I question the good faith  
17. of some of the other professions who have come to believe  
18. that this kind of exclusionary activity really is in the public  
19. interest. But I feel very strongly that it is not. It's about  
20. time we stopped using the device of State licensing boards and  
21. State statutory enactments to protect the economic self-interest  
22. of those who are in the licensed professions. I think that this,  
23. while I am sure intended in good faith, is another in that long  
24. line of bills and I think it should be defeated.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Is there any further discussion? If not, Senator Egan may  
27. close the debate.

28. SENATOR EGAN:

29. Yes, thank you, Mr. President. I would just say that the bill  
30. is intended... currently the law prevents advertising. This  
31. ...this makes it statutory in its allowance. It streamlines the  
32. ...the...the present situation insofar as it will allow for  
33. guidelines. It places in the Department of Registration and Education  
the power to do that which will orderly allow dentists to advertise

1. and more basically and more principally, it will upgrade  
2. the professional standard which, in fact, is a good thing and  
3. I ask for your favorable consideration.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. The question is shall Senate Bill 215 pass. Those in  
6. favor vote Aye. Those opposed vote Nay. The voting is open.  
7. Have all voted who wish? Have all voted who wish? Take the  
8. record. On that question the Ayes are 43, the Nays are 4 and  
9. 1 Voting Present. Senate Bill 215 having received a constitutional  
10. majority is declared passed. Senate Bill 219, Senator Nimrod.  
11. Read the bill, Mr. Secretary.

12. SECRETARY:

13. Senate Bill 219.

14. (Secretary reads title of bill)

15. 3rd reading of the bill.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Senator Nimrod.

18. SENATOR NIMROD:

19. Yes, Mr. President and Ladies and Gentlemen of the Senate.  
20. This bill amends the Workmen's Compensation Act and it requires  
21. the employers to notify the injured workers of their right to  
22. rehabilitation service and advise them of locations. This bill  
23. was amended to provide that only those which receive compensation,  
24. in fact, are involved in this particular bill. I would be glad  
25. to answer any questions. I know of no opposition to the bill.  
26. Would ask for a favorable roll call.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Is there any further discussion? The question is shall Senate  
29. Bill 219 pass. Those in favor vote Aye. Those opposed vote Nay.  
30. The voting is open. Have all voted who wish? Have all voted who  
31. wish? Take the record. On that question the Ayes are 49,  
32. the Nays are none, none Voting Present. Senate Bill 219  
33. having received a constitutional majority is declared passed.

1. For what purpose does Senator Rock arise?

2. SENATOR ROCK:

3. Thank you, Mr. President. While we're turning the page to start on  
4. page 16, a number of the members have inquired as to the schedule both  
5. today and tomorrow. It's...I have spoken with Senator Shapiro,  
6. the Minority Leader. It is our intent to attempt to work until  
7. 6:00 o'clock tonight. We are rolling at a relatively good  
8. pace and I hope we can continue to do so. Then, as you will note  
9. on the Calendar, there are committees scheduled for 9:00  
10. o'clock tomorrow morning and then we will come into Session  
11. at noon. I would urge everybody to try to be present. We will  
12. continue right on with 2nd and 3rd reading bills and we have  
13. seven...plus...seven hundred plus bills on the Calendar to deal with  
14. and if we can do the bulk of the work this week, next week  
15. we can get down to some serious arguing.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. As we roll along, we'll start with Senate Bill 221, Senator  
18. Joyce. Read the bill, Mr. Secretary.

19. SECRETARY:

20. Senate Bill 221.

21. (Secretary reads title of bill)

22. 3rd reading of the bill.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Senator Joyce.

25. SENATOR JEROME JOYCE:

26. Thank you, Mr. President. This bill was given to me by the  
27. Illinois Association of County Superintendents of Highways.  
28. This bill would require that all counties of the State, persons  
29. appointed to county superintendents of highways be registered  
30. professional engineers. It would grandfather in the present  
31. superintendent of engineers who are not. Presently, counties  
32. with populations greater than twenty-five thousand have to do that  
33. now but there are presently thirteen counties that have superintendents

1. of highways who are not engineered...engineers, but they would be  
2. ...they would be grandfathered in. I would be happy to answer  
3. any questions.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Is there any further discussion? The question is shall Senate  
6. Bill 221 pass. Those in favor vote Aye. Those opposed vote  
7. Nay. The voting is open. Have all voted who wish? Have all  
8. voted who wish? Take the record. On that question the Ayes  
9. are 40, none Voting Nay and 2 Voting Present. Senate Bill 221  
10. having received the constitutional majority is declared passed.  
11. Senate Bill 222, Senator Coffey. Read the bill, Mr. Secretary.

12. SECRETARY:

13. Senate...Senate Bill 222.

14. (Secretary reads title of bill)

15. 3rd reading of the bill.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Senator Coffey.

18. SENATOR COFFEY:

19. Mr. President and members of the Senate. Senate Bill 222  
20. changes the Juvenile Court Act which allows the State more time  
21. within which to prosecute a juvenile offender. Presently, when a  
22. minor is picked up by the police and placed on a delinquency  
23. category, the State must bring the juvenile before the judicial  
24. officer within thirty-six hours. Presently, this excludes  
25. Sundays and holidays. This bill changes now to exclude Saturdays,  
26. Sundays and holidays. I'd ask for your favorable vote and be  
27. glad to answer any questions.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Is there any further discussion? If not, the question is  
30. shall Senate Bill 222 pass. Those in favor vote Aye. Those opposed  
31. vote Nay. The voting is open. Have all voted who wish? Have all  
32. voted who wish? Take the record. On that question the Ayes  
33. are 49, none Voting Nay and none Voting Present. Senate Bill 222  
having received the constitutional majority is declared passed.



1. On Senate Bill 226, Senator Knuppel has left for a blood check  
2. at the hospital and has requested that leave be given to come  
3. back to that order of business when he returns. Is leave  
4. granted? Senate Bill 227, Senator Geo-Karis. Read the bill,  
5. Mr. Secretary.

6. SECRETARY:

7. Senate Bill 227.

8. (Secretary reads title of bill)

9. 3rd reading of the bill.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Senator Geo-Karis.

12. SENATOR GEO-KARIS:

13. Mr. President and Ladies and Gentlemen of the Senate.  
14. This bill which was urged by both the Chicago Bar and the Illinois  
15. State Bar Association simply adds a new...subparagraph creating  
16. a rebuttable presumption...the process of ascertaining  
17. heirship that the decedent and any other person through whom  
18. heirship is traced was not the mother or father of any child  
19. born out of wedlock. This bill arose from the decision in the  
20. Trimbel case which was an Illinois case in which did give  
21. the rights of inheritance to the illegitimate children of a father  
22. as well as of the mother. And we did pass a law last  
23. year which was House Bill 2447 which did acknowledge that  
24. children could inherit from the father even if they...if they  
25. were illegitimate. I would urge a favorable consideration of this  
26. bill inasmuch as what this does is eliminate the necessity of  
27. the expense of publication because it does make the matter of  
28. whether the child was the child of...the illegitimate child  
29. of the father or mother a rebuttable presumption which could be  
30. proved at a later if there is adequate proof.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Is there any further discussion? Senator Schaffer.

33. SENATOR SCHAFFER:

If...if you would...the sponsor will yield.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)  
2. She'll yield.  
3. SENATOR SCHAFFER:  
4. I have a couple of questions. What is legitimate proof?  
5. SENATOR GEO-KARIS:  
6. Adequate proof, I believe I said. Legitimate proof would be  
7. adequate proof.  
8. PRESIDING OFFICER: (SENATOR SAVICKAS)  
9. Senator Schaffer.  
10. SENATOR SCHAFFER:  
11. What is adequate proof in this case?  
12. PRESIDING OFFICER: (SENATOR SAVICKAS)  
13. Senator Geo-Karis.  
14. SENATOR GEO-KARIS:  
15. Adequate proof would be for example, if there was a  
16. paternity adjudication against the father of the illegitimate  
17. child, the certificate of paternity would be admissible  
18. ...evidence. And if there was an acknowledgement by the father  
19. that it was the father of the child. I might say that this does  
20. not affect a father or a mother who leaves a will and exclude  
21. that particular child. This only affects the estates of fathers  
22. and mothers who die not leaving a will.  
23. PRESIDING OFFICER: (SENATOR SAVICKAS)  
24. Senator Schaffer.  
25. SENATOR SCHAFFER:  
26. What...what about the situation where there are several  
27. people claiming the honor? And how does this fit in with ERA?  
28. Is this equal to everybody?  
29. PRESIDING OFFICER: (SENATOR SAVICKAS)  
30. Senator Geo-Karis.  
31. SENATOR GEO-KARIS:  
32. As a matter of fact, by House Bill 2...2247, it make it  
33. equal to all and if there are several fathers claiming the honor,  
I think that would be wonderful for the child.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Is there any further discussion? Senator Donnewald.

3. SENATOR DONNEWALD:

4. Question of the sponsor.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. She indicates she will yield.

7. SENATOR DONNEWALD:

8. Senator, in the absense of this legislation, am I to assume  
9. that in the affidavit of heirship in a probate proceeding that  
10. as it exists now, we must show that there are...there are no  
11. illegitimate children?

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Senator Geo-Karis.

14. SENATOR GEO-KARIS:

15. My understanding is after talking to the representatives from  
16. the two bar associations, is that if a witness in an heirship  
17. proceeding responds to a question regarding the existence of  
18. illegitimate children of the decedent that he knows of none, or  
19. none to his knowledge, the court has no choice but to order  
20. publication. But if you pass my bill, you won't need publication  
21. on this item.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Is there any further discussion? If not, Senator Geo-  
24. Karis may close the debate.

25. SENATOR GEO-KARIS:

26. I respectfully urge a favorable consideration of this bill.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. The question is shall Senate Bill 227 pass. Those in  
29. favor vote Aye. Those opposed vote Nay. The voting is open.  
30. Have all voted who wish? Have all voted who wish? Take the  
31. record. On that question the Ayes are 49, none Voting No and  
32. none Voting Present. Senate Bill 227 having received the  
33. constitutional majority is declared passed. Senate Bill 234,  
Senator D'Arco. Read the bill, Mr. Secretary.

BB 234  
1/21/59

1. SECRETARY:

2. Senate Bill 234.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Senator D'Arco.

7. SENATOR D'ARCO:

8. Thank you, Mr. President and my fellow Senators.

9. All Senate Bill 234 does is say that for the windshield of a car  
10. a person will not have to pay a deductible anymore when he is  
11. provided insurance for the vehicle. It's a very simple bill and  
12. I would ask for a favorable vote.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Any further discussion? Senator Rupp.

15. SENATOR RUPP:

16. Thank you, Mr. President. I would urge a No vote on this because  
17. what it does in looking at it from the other way, it takes away  
18. from any of the individuals the right to have a deductible  
19. if you so desire. This is a mandating no deductible thing. It  
20. should and could possibly have an adverse affect on the rate,  
21. would cause an increase in the rate and also takes away the  
22. right of a choice. I ask a no vote.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Is there any further discussion? Senator D'Arco may close the  
25. debate.

26. SENATOR D'ARCO:

27. Thank you, Mr. President and my fellow Senators. The  
28. reason for this...for the bill is that people, when they do have  
29. a windshield that is cracked, they don't want to pay the  
30. deductible and they are driving on the streets with cracked  
31. windshields that could be very dangerous to themselves and to  
32. pedestrians and to other motor vehicle persons that are driving  
33. and instead of getting it fixed, they would rather forego that  
than pay the hundred or two hundred dollar deductible.

1. And this will simply exempt them from that simple provision in  
2. their policy. It's not a big note, and it's really a safety  
3. precaution for people driving and I would move for a favorable  
4. vote.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. The question is shall Senate Bill 234 pass. Those in  
7. favor vote Aye. Those opposed vote Nay. The voting is open.  
8. Have all voted who wish? Have all voted who wish? Take the  
9. record. On that question the Ayes are 25, the Nays are 20 and  
10. 1 Voting Present. Senate Bill 234 having failed to receive  
11. a constitutional majority is declared lost. Senate Bill  
12. 235, Senator Netsch. Senate Bill 236, Senator Netsch.  
13. Read the bill, Mr. Secretary.

14. SECRETARY:

15. Senate Bill 236.

16. (Secretary reads title of bill)

17. 3rd reading of the bill.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator Netsch.

20. SENATOR NETSCH:

21. Thank you, Mr. President. This bill is one of a series that  
22. resulted of the work of the special joint committee to investigate  
23. revenue losses which was a special joint House - Senate committee,  
24. otherwise known as the Mirage Investigating Committee.  
25. The bill reflects specifically recommendations number 11...numbers  
26. 11, 12, 13, 14,...no, I'm sorry, strike 14, and 21 of the  
27. committee's report. It deals with the Liquor Control Commission  
28. and basically does these several things and I would like to  
29. emphasize at the outset that the bill as originally introduced,  
30. did include some fairly significant increases in the fees for  
31. various classes of people in the liquor business. Those provisions  
32. have been eliminated from this bill. There are bills pending  
33. elsewhere including in the House that would deal with the whole  
subject of the fee level for those in the various phases of the

1. liquor business and so we decided rather than get this  
2. bill confused with that issue which is controversial, that we  
3. would rather get it out of here, let it be decided in the  
4. context of other bills and deal only with the particular provisions  
5. that are now the subject matter of this bill. Briefly, they  
6. are an increase in the penalty for the unlawful accepting of  
7. gifts from those who are part of the regulated business, a provision  
8. that authorizes the Liquor Control Commission for the first time  
9. to impose fines as well as revocation or suspension of a license,  
10. a provision which they very much sought because as they put it,  
11. in some cases, if their only option is to revoke or suspend a  
12. license, they may end up hurting the employees of the licensee  
13. who may be quite innocent of all of the activities that are indeed  
14. unlawful and so the commission itself had called this to our  
15. attention and was very interested in having this power. The  
16. next provision authorizes the commission to apply to a  
17. circuit court for a contempt order when there has been a failure  
18. on the part of a licensee to comply with a decision or order of  
19. the commission. Again, a major gap in the provisions that were  
20. available to the Liquor Control Commission and that, in their  
21. judgment, seriously interfered with their capacity to enforce  
22. the existing law, a power that they called to our attention and  
23. that the committee agreed they should have. Finally, there is  
24. a provision which makes...

25.  
26.  
27.  
28.  
29.  
30.  
31. End of reel.  
32.  
33.

1. ...clear that there is a three year Statute of Limitation  
2. on the violation of orders. The...the way the law had read before  
3. was very vague, in fact, it was within the past or the same  
4. preceding licensing period. That was a little bit difficult  
5. to apply and again, the commission called to our attention their  
6. request that they have a specific, clear-cut Statute of Limitations.  
7. That provision, incidently, was further clarified in accordance with  
8. Senator Berman's request so that again, the provisions are  
9. provisions which tighten up the capacity of the Liquor Control  
10. Commission to enforce its existing laws. They do not, in  
11. fact, really substantively change the existing laws. They are  
12. all provisions which the commission itself told us they needed and  
13. had, in some cases, sought in the past and which would, indeed  
14. help them to enforce the law as it exists. I would be happy to  
15. answer questions and solicit your support.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Is there any further discussion? Senator Daley.

18. SENATOR DALEY:

19. Mr. President and fellow Senators. Will the sponsor yield  
20. to a few questions?

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. She indicates she will.

23. SENATOR DALEY:

24. In regards to, and this is very important, you raise a penalty  
25. for any employee to receive a gift, gratuity, annulment or  
26. employment to a Class 4 felony. I believe that's one to three  
27. years?

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Senator Netsch.

30. SENATOR NETSCH:

31. That...that is correct.

32. PRESIDING OFFICER: (SENATOR SAVICKAS)

33. Senator Daley.

SENATOR DALEY:

1. Is it your intent now, not only a commission like this,  
2. but all commissions to raise penalties to a Class 4 felony,  
3. any employee, legislative commissions or executive commissions  
4. that receive any type of gift in regards to the industry?  
5. In other words, if we're only classifying the Liquor  
6. Control Commission, we have thirty or forty or sixty other commissions  
7. that this should apply to. Isn't the intent to make it  
8. applicable eventually to all the commissions?

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Senator Netsch.

11. SENATOR NETSCH:

12. It's not my intent to do that. I think that each one of them  
13. should be examined on its own. We were concerned in the Mirage  
14. Investigating Committee, with particular forms of unlawful  
15. practice that were called to our attention and one of those  
16. involved the employees of the Liquor Control Commission so that  
17. we were not concerned about all of the other commissions, only  
18. those that were specifically involved in our investigation.  
19. Not all of them, I think, incidently, Senator Daley, would be  
20. in exactly the same condition which is why I suggest that they  
21. ought to be looked at individually. It depends, really, on the  
22. extent to which there is a very high degree of the right of life  
23. and/or death over the members of the industry and that certainly  
24. is true in the case of those who are on the regulatory side of the  
25. liquor industry.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Senator Daley.

28. SENATOR DALEY:

29. But, Senator, in your bill, you say a secretary for the commission,  
30. the secretary or person appointed or employed by the commission.  
31. You could see somebody receiving a...a gift for Christmas, Easter,  
32. a bottle of whiskey, a small gift. It's a small gratuity that  
33. ...or it's a gift they're giving. It has nothing to do with the  
commission itself. I think you're really placing those individuals



1. who are working for the commission on a totally different scale.  
2. In regards to the Mirage question, the Federal Grand Jury  
3. and the State Grand...County Grand Jury has investigated the  
4. Mirage investigation and has indicted those that have violated  
5. the law in those...in regards to the Mirage scandal.  
6. In individuals whether they work for the State or the City or  
7. the Federal Government that were involved in it, they were  
8. duly indicted and set for trial, but here we're placing now a  
9. whole different standard for that...those employees. You have  
10. the Commerce Commission, you have the...you have the...a number  
11. ...you have the Public Aid Commission. We have a number of  
12. commissions here that are highly controverisal and dealing with  
13. businesses and have life or death positions over those...  
14. over the industry and I think what you're doing here is you're  
15. making the Class 4 felony and I think it's unfair to those  
16. employees. If they violated the law, the law should deal with them  
17. in regards, to the county or Federal Grand Jury. Those  
18. individuals who are...employed by the commission did not  
19. violate the law 'cause they are duly investigated.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Is there further discussion? Senator DeAngelis.

22. SENATOR DeANGELIS:

23. Mr. President, beside the points that Senator Daley made  
24. I think this bill is quite appropriately called the Mirage bill,  
25. because I think essentially it's illusionary. Senator Netsch  
26. said that there were tougher penalties than this. In lieu of  
27. suspension, this bill calls for a fine. The maximum fine that  
28. can be put in this particular instance is five hundred dollars.  
29. I would not...I would not consider that that severe if I were  
30. a tavern operator that in lieu of suspension, that I be given  
31. a five hundred dollar fine. I stand in opposition of this bill.

32. PRESIDING OFFICER: (SENATOR SAVICKAS)

33. Senator Berning.,

1. SENATOR BERNING:

2. Thank you Mr. President. I understand what the sponsor is  
3. driving at and of course, laud her for her efforts. However,  
4. the change which takes this from a misdemeanor to a Class 4  
5. felony for such things as accepting a...a gift or a gratuity  
6. and it doesn't indicate any size. A gratuity could be a little  
7. desk calendar. In my opinion, Mr. President and members of the  
8. Senate, we are going a little too far with 236. And I say  
9. that simply because as you and I well know, there are all too  
10. many hardened criminals who are out on probation, if not in  
11. total release, after committing serious offenses against  
12. fellow citizens. Now, if we aren't going to be able to attack  
13. those people in a reasonable manner and impose severe penalties  
14. on them, it seems to me it's illadvised to come down so hard on  
15. civilians be they State employees or not, for the acceptance  
16. of a mere gift. I would suggest that there should be some change  
17. in this approach and perhaps eliminate the question of  
18. receiving employment. That, of course, is a much more serious  
19. situation than accepting a small gift and I submit to the sponsor  
20. that this bill obviously has high ideals and good intent but  
21. at the present time, it is just too punitive.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Senator Walsh.

24. SENATOR WALSH:

25. Mr. President and members of the Senate. Those of us  
26. who served on the Revenue Laws Investigating Committee which  
27. some refer to as the Mirage Committee, voted unanimously in  
28. favor of this legislation. As a matter of fact, I don't know that  
29. there is any opposition to this legislation or when it was  
30. originally proposed. In response to...I'd also like to point  
31. out that the...that the Liquor Control Commission favors  
32. this bill. Now, in response to...to Senator Daley's observations  
33. that we are enumerating a new list of offenses, that is not the  
case. The bill merely provides that those which are offenses now

1. be raised from a Class 4 misdemeanor...or to a Class A misdemeanor  
2. to a Class 4 felony. It's an offense now. This is a very  
3. sensitive commission. Anybody accepting gifts serving on the  
4. Liquor Control Commission now knows that it is an offense and by  
5. passing this legislation, we would be...make it clear to them that  
6. it is an extremely serious offense. Now, insofar as the  
7. authority for the commission to levy a fine in lieu of suspension,  
8. it is felt by members of the commission that they are...they are  
9. disinclined to suspend because when a licensee is suspended, not  
10. only that licensee is hurt, but his employees are hurt. The  
11. employees of a suspended licensee are not able to earn their  
12. daily bread. So, it would seem to me, Mr. President and members  
13. of the Senate, that this is a good bill. We have to tighten up  
14. in this area and I would urge a favorable vote.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Is there any further discussion? Senator Rock.

17. SENATOR ROCK:

18. Thank you, Mr. President and Ladies and Gentlemen of the  
19. Senate. A question of the sponsor if she will yield.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. She indicates she will yield.

22. SENATOR ROCK:

23. How many employees or people are covered by Section 7?

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Senator Netsch.

26. SENATOR NETSCH:

27. I don't think I really have that information available. Let  
28. me look in my file. If you'll go onto your next question, Senator  
29. Rock. It would be the employees of the commission and I don't  
30. really know what that number is.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Senator Rock.

33. SENATOR ROCK:

Well, I happen to agree with what a prior speaker pointed out,

1. that that...that penalty provision is awfully tough. It would  
2. seem to me, for instance, that if one received a gift certificate  
3. for Marshall Field, that one would be guilty of a Class 4  
4. felony and that just seems to me to be a little ludicrous.  
5. Additionally, as Senator Walsh pointed out, I don't think  
6. anybody is opposed to affording the commission to, in lieu  
7. of suspension, or revocation impose a fine. I guess the question is  
8. can they now do that and in my opinion, having done a little  
9. research in this area, I think they have that authority. Whether  
10. or not they have chosen to exercise it, frankly, remains within  
11. the discretion of the commissioners. I don't have any problem with  
12. having them impose a fine. But the latter two provisions  
13. of this bill, I would suggest to all of you, the State Commission  
14. now seeks power to go to circuit court to hold someone in contempt  
15. and I don't really know why they need that. They have, in fact,  
16. over the licensee, the ultimate authority of a regulatory  
17. body, they can suspend or revoke or withhold the issuance of a  
18. license: So, I don't know why in the world we have to subject  
19. a licensee to contempt power. And finally, with respect to the  
20. change on page 5 to put in 3 years, I would suggest to you what  
21. you're doing. A license is issued from...on a yearly basis.  
22. And one of the criteria is whether or not in the same or the  
23. preceding license year there have been violations or allegations.  
24. You are now extending that for an additional year and I don't  
25. know the reason for that either. It just seems to me this bill is  
26. much too broad. It gives the commission much, much too...too much  
27. power in three sections of the Statute and I still don't know how  
28. many employees are covered or would be subject to a Class 4 felony  
29. for the receipt of a...of an innocent gift.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Is there any further discussion? If not, Senator Netsch  
32. may close the debate.

33. SENATOR NETSCH:

Thank you. One of the things that I think should be pointed out

1. about the provision dealing with gratuities and gifts and so forth,  
2. the prohibition, remember, is on the solicitation or acceptance  
3. of the gifts, gratuities, emoluments or employments from anyone  
4. who is regulated by the industry. Now, number one, that is  
5. exactly the way the law has been. We did not add that to the law.  
6. There is no change at all. What we did was to increase the  
7. penalty and again, in part because the commission suggested to  
8. us that...that it was having some difficulty with this provision.  
9. It may sound like a stiff penalty to some of you. I would suggest  
10. that it is something that is very much to be desired. One of the  
11. things that has been the subject of so much suspicion and distrust  
12. on the part of the population and I think it was greatly under-  
13. scored by the Mirage Investigation and findings, is when those who  
14. are the subject of a highly regulated industry as the liquor  
15. people are, find themselves in a position of entertaining,  
16. making gifts to or in some cases, accepting solicitation for  
17. gifts from those who are, in fact, their regulators. I personally  
18. think that is a practice strongly to be discouraged and not  
19. just discouraged, but absolutely flat out prohibited. The  
20. Secretary of the Liquor Control Commission said that there  
21. was no question with this kind of a provision he would be able to  
22. make his point to his employees and make it very strongly and  
23. he expected no difficulty with it. So, I think it is, indeed,  
24. a very important provision. The problem with the Statute of  
25. Limitations and again, this was a request from the Liquor Control  
26. Commission, was that it depends on the date of your license  
27. renewal, what kind of a Statute of Limitations you have applicable  
28. to you and that just doesn't make any sense at all. It could run  
29. from two years as a...at a maximum to one year and a day at a  
30. minimum. What the commission suggested and what the members of the  
31. investigating committee felt was that in fairness to everyone  
32. involved, it ought to be an absolutely clear cut, flat period and  
33. not a variable period depending on the date of your license  
renewal. Again, on the...that's on the Statute of Limitations.

1. What was the other provision? Oh, on the matter of fines, I think  
2. the important thing there was that it is not totally a in lieu  
3. of. I realize the language reads that way, but the point is,  
4. Senator DeAngelis, that it gives them an option and it is a fine  
5. based on each violation so that if you have someone with  
6. a pattern of violations, be it selling to a minor, or adding  
7. water to their bottles of liquor or whatever, you have the  
8. possibility of a fairly substantial fine building up. The  
9. commission may not always find that that is the most appropriate  
10. thing and obviously in some cases, suspension or revocation  
11. is a much more serious violation. The point is they did not have  
12. that flexibility. It was their legal opinion that they could  
13. not exercise it and they felt that it would help them a good  
14. deal in particular kinds of cases. That is something that I think  
15. also is very, very important in terms of their putting together  
16. a...a good enforcement pattern. Let me just, in summary, say that  
17. these are provisions which were recommended, as I recall,  
18. unanimously by the members of the special joint committee to  
19. investigate the so called Mirage activities. What we found  
20. was that in this particular area the Liquor Control Commission did  
21. not...was not doing an adequate job for a variety of reasons.  
22. Several of the reasons are indeed reflected in the proposed changes  
23. in the law that we have put into this bill. We have no doubt that  
24. it's going to make it a much more effective commission and help  
25. to help, not totally solve, but help to plug some of the major  
26. law violations that were revealed in the Mirage Investigation. I would  
27. solicit your support.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. The question is shall Senate Bill 236 pass. Those in  
30. favor vote Aye. Those opposed vote Nay. The voting is open.  
31. Have all voted who wish? Have all voted who wish? Take the  
32. record. Senator Netsch moves that Senate Bill 236 be placed on  
33. the Order of Postponed Consideration. Senate Bill 237, Senator

1. Netsch. We had leave to go back to the Order of Senate Bill 226  
2. for Senator Knuppel. Senator Knuppel. Senate Bill 239, Senator  
3. Vadalabene. Read the bill, Mr. Secretary.

4. SECRETARY:

5. Senate Bill 239.

6. (Secretary reads title of bill)

7. 3rd reading of the bill.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Senator Vadalabene.

10. SENATOR VADALABENE:

11. Yes, thank you, Mr. President and members of the Senate.  
12. Senate Bill 239 as amended requires a certificate of  
13. error be...to be published annually by county boards of review.  
14. At the same time the board publishes other changes in assessments.  
15. The published list must show the amount of assessment before  
16. and after action by the board. Errors covered by certificates  
17. include assessing a vacant lot as improved property assessing  
18. an incorrect number of buildings on a property or neglecting  
19. to apply homestead exemption to eligible parcels. However, in  
20. some counties, however, the certificate process has been abused  
21. by boards of review which have used them to reduce assessments  
22. the board felt were too high. And at least some counties, many  
23. such reductions were discovered to have been made on properties  
24. owned by influential persons and their associates. The intent  
25. of Senate Bill 235 is to provide a check on abuses of the  
26. certificate of error and requiring a list showing the property  
27. owners and the changes made through the...to be published. The  
28. required publication would occur within thirty days after the board  
29. of review has adjourned. I introduced this bill in March. There  
30. has been no opposition to this bill. No person has testified against  
31. the bill and I would appreciate a favorable vote.

32. PRESIDING OFFICER: (SENATOR SAVICKAS)

33. Is there any further discussion? If not...Senator  
Berning.

1. SENATOR BERNING:

2. Question of the sponsor. Do you have, Senator, any idea  
3. what the average counties' additional cost will be for this  
4. publication?

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Senator Vadalabene.

7. SENATOR VADALABENE:

8. I really don't know exactly, Senator Bering, to be  
9. honest with you. I did have the figure somewhere. It isn't that  
10. great. But in some cases, we have discovered that there is five  
11. to six to seven hundred thousand dollars in reduced assessments  
12. and I would suggest that by publishing the certificate of error  
13. that that would more than compensate the cost to the county.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Is there any further discussion? Senator Bering.

16. SENATOR BERNING:

17. Well, Mr. President and members of the Senate. I don't  
18. mean to challenge the sponsor of this legislation as to the  
19. desirability of public disclosure. However, it occurs to me  
20. that here again we are mandating a cost, however small, again  
21. on the counties with no provision for covering it by the appropriate  
22. State dollars. I question somewhat the necessity of anyone  
23. knowing or everyone knowing what the certificate of errors  
24. have totaled in the way of change. It's available at the court  
25. house in the Board of Review Office to anyone who is interested  
26. and it just occurs to me that perhaps we ought not to be  
27. burdening the county with any additional expense here unless we  
28. are willing to make an appropriation to cover it.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Is there further debate? Senator Vadalabene may close.

31. SENATOR VADALABENE:

32. Yes. There's nothing wrong with the certificate of error  
33. as long as it's not abused. The sad thing about issuing  
a certificate of error is that the assessor and the public never



1. see the ones that may...that were made on the county level.  
2. And this is a loophole that will be closed and I would inform  
3. Senator Berning that the county township officials in no way  
4. oppose this bill. Senator Gottschalk did not oppose this bill and  
5. I would appreciate a favorable vote.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. The question is shall Senate Bill 239 pass. Those in  
8. favor vote Aye. Those opposed vote Nay. The voting is open.  
9. Have all voted who wish? Have all voted who wish? Take the  
10. record. On that...on that question the Ayes are 36, the Nays  
11. are 12, none Voting Present. Senate Bill 239 having  
12. received the required constitutional majority is declared  
13. passed. Senate Bill 245, Senator Regner. Senate Bill 250,  
14. Senator Berning. Read the bill, Mr. Secretary.

15. SECRETARY:

16. Senate Bill 250.

17. (Secretary reads title of bill)

18. 3rd reading of the bill.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Berning.

21. SENATOR BERNING:

22. Thank you, Mr. President. As amended, Senate Bill 250  
23. now implements the appropriation for State pensions under  
24. Senate Bill 356. Senate Bill 250 has been amended to provide  
25. for an annual line item amendment of one half of one percent  
26. of payroll. We had originally suggested two percent which  
27. would probably have advertized the unfunded liability of  
28. our State pension systems in something like forty years.  
29. Now, we probably will come nowhere near it in a hundred years, maybe  
30. a hundred and sixty years. But it is a start, Mr. President,  
31. and members of the Senate. It is a recommendation of the Pension  
32. Laws Commission has been for several years. Most of us have  
33. been concerned over the deteriorating funded level of all of our

1. public pension systems and with this bill, we will be making the  
2. first small step toward putting our pension systems on a  
3. sound footing. If there are any questions, I'll attempt to  
4. answer.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Is there discussion? Senator Egan.

7. SENATOR EGAN:

8. Yes, thank you, Mr. President and members of the Senate.  
9. I rise in support of this bill, as I have supported the concept  
10. for a few years. For a while they were...the administration,  
11. not the present administration was appropriating less than the  
12. payout level in the system, some of which are seriously  
13. close to bankruptcy and I cite the judicial system for one.  
14. That...that is almost around only thirty percent funded, unless  
15. we reverse the trend and currently they're appropriating  
16. about the payout level. Unless we reverse that trend over  
17. the next forty, fifty, sixty years, we'll find ourselves in the  
18. same situation as they discovered themselves in New York and  
19. I urge your support.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Further discussion? Senator Weaver.

22. SENATOR WEAVER:

23. Question of the sponsor.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Indicates that he will yield. Senator Weaver.

26. SENATOR WEAVER:

27. Senator Berning, is this two percent above gross or net payout?  
28. Or is it defined in the bill?

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Berning. Senator Berning.

31. SENATOR BERNING:

32. Senator, first I think I didn't make myself clear. By  
33. the amendment it has been dropped to one-half percent and it is  
on...then on page 2, you will find line 18, where it was two

1. percent, it is now one-half percent of payroll.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Further discussion? Senator Rock.

4. SENATOR ROCK:

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

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Indicates that he will yield. Senator Rock.

8. SENATOR ROCK:

9. Senator, the idea of the bill as Senator Egan indicated, I

10. think is a salutary one. My question, frankly, goes to

11. the amendment. We are dealing with five separate sections

12. of the Pension Code which relate to the five State supported

13. systems and yet the amendment pertains, frankly, only to one

14. section.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Berning.

17. SENATOR BERNING:

18. Thank you. Senator, the first amendent was in error.

19. I did move this morning to reconsider that and Tabled Amendment

20. No. 1 and Amendment No. 2 designates each of the sections to

21. which you refer. So, it is now in proper order and does apply.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Rock. Senator Rock.

24. SENATOR ROCK:

25. I frankly, was not particularly enthralled with that rule,

26. but there is, in fact, a rule and I might suggest to the

27. Presiding Officer that those bills that were amended today perhaps

28. are...we are better advised to have them lay over.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Under our rules, it would require a twenty-four hour waiting

31. period if a bill is amended. Senator...Senator Berning.

32. SENATOR BERNING:

33. I will bring one over to the President in just a moment. And

1. I...I should say, Mr. President, that it probably is a good rule.  
2. We frequently are guilty of not adhering to it, but the  
3. fact that our...our desks get piled so high with these,  
4. I sometimes wonder if we really do appreciate having them.  
5. I...when I mentioned at the time that Amendment No. 1 was  
6. Tabled so that we could consider Amendment No. 2, which would  
7. apply to all systems, I had indicated that if anyone  
8. was interested I'd be pleased to accommodate.  
9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Berning, the problem that presents itself is under  
11. Rule 15. Any bill that is amended one day before such amended  
12. bill shall be read a third time, it would have to lay over  
13. a day and Senator Rock has raised the question of Rule 15.  
14. And it would be your option now to move to suspend the rules.  
15. Senator Berning.

16. SENATOR BERNING:

17. Mr. President, I will abide by the decision of the Body and the  
18. Chair, however, I will now take a copy of the amendment over to the  
19. President and if there is then no serious objection, I would  
20. like to move that the rules be suspended so that this bill can  
21. be considered and passed.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. We will...we will await your motion. Senate Bill 254,  
24. Senator Carroll. Read the bill, Mr. Secretary.  
25. Is there leave to take Senate Bill 250 out of the record?  
26. Leave is granted. Senate Bill 254, Senator Carroll. Read the  
27. bill, Mr. Secretary.

28. SECRETARY:

29. Senate Bill 254.

30. (Secretary reads title of bill)

31. 3rd reading of the bill.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Carroll.

1. SENATOR CARROLL:

2. Thank you, Mr. President and Ladies and Gentlemen of the  
3. Senate. Senate Bill 254 would exculpate the peer review  
4. committee members in the practice of dentistry from any acts  
5. of ordinary negligence while functioning as the committee which  
6. means that while they were reviewing work of other dentists,  
7. they would not be able to be charged with acts of ordinary  
8. negligence other than willful and wanton for that type of  
9. activity. If, however, they were actually working on patients  
10. during that review, they would still be responsible for any  
11. acts of negligence, just would any...as would any other  
12. dentist. This has come to us by both the Department of R. and E.  
13. and by the Dental Society who feels that in order to get good  
14. adequate peer review by members of their profession and to adequately  
15. police their profession, they need this type of immunity  
16. that all other professions have been able to have so that they  
17. can actually go in there and perform that function without  
18. fear of reprisal from the dentists whose acts they are reviewing.  
19. I'd be willing to answer any questions and ask for a favorable  
20. roll call.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Is there discussion? The question is shall Senate Bill 254  
23. pass. Those in favor vote Aye. Those opposed vote Nay. The  
24. voting is open. Have all voted who wish? Have all voted who wish?  
25. Take the record. On that question the Ayes are 49, the Nays  
26. are none, none Voting Present. Senate Bill 254 having  
27. received the required constitutional majority is declared passed.  
28. Senate Bill 255, Senator Geo-Karis. For what purpose does Senator  
29. DeAngelis arise?

30. SENATOR DeANGELIS:

31. For a point of personal privilege Mr. President.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. State your point.

1. SENATOR DeANGELIS:  
2. Seated in the gallery behind the Democratic part of the  
3. Senate by misdirection is the eighth grade class of The Infant  
4. Jesus of Prague coming down here for their field trip and  
5. lobbying intensely for Senate Bill 1310. I'd like to have  
6. the class stand up and be recognized, Mrs. Giddings and her class.  
7. PRESIDING OFFICER: (SENATOR BRUCE)  
8. Would our guests please rise and be recognized by the Senate.  
9. Senate Bill 256, Senator Merlo. Senate Bill 255,  
10. Senator Geo-Karis. Read the bill, Mr. Secretary.  
11. SECRETARY:  
12. Senate Bill 255.  
13. (Secretary reads title of bill)  
14. 3rd reading of the bill.  
15. PRESIDING OFFICER: (SENATOR BRUCE)  
16. Senator Geo-Karis.  
17. SENATOR GEO-KARIS:  
18. Mr. Speaker...apologize, Mr. President and Ladies and  
19. Gentlemen of the Senate. This is a bill that has been urged  
20. by both the Dental Society...Illinois Dental Society  
21. and also the Illinois Dental Hygienists Association. It's an  
22. Act...it amends the Dental Act by providing that the examining  
23. committee shall be composed of nine persons with one person  
24. being the registered dental hygienist who shall be  
25. a full voting members...member, rather, on all matters that  
26. do not relate to dentists. I urge your favorable consideration.  
27. PRESIDING OFFICER: (SENATOR BRUCE)  
28. Is there discussion? Question is shall Senate Bill  
29. 255 pass. Those in favor vote Aye. Those opposed vote  
30. Nay. The voting is open. Have all voted who wish. Have all  
31. voted who wish? Take the record. On that question the Ayes  
32. are 51, the Nays are none, none Voting Present. Senate Bill  
33. 255 having received the required constitutional majority is declared

1. passed. Senate Bill 256. Read the bill, Mr. Secretary.

2. SECRETARY;

3. Senate Bill 256.

4. (Secretary reads title of bill)

5. 3rd reading of the bill.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Merlo.

8. SENATOR MERLO:

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

10. The bill amends the Dental Practice Act and transfers the responsibility

11. for hearings and revocations, suspensions and refusals of

12. licenses from the Dental Examining Committee to a newly

13. created seven member board called the Disciplinary Board.

14. There is an increasing concern by the profession with the

15. activities of unlicensed persons as well as unqualified licensed

16. persons practicing dentistry in the seemingly ineffective

17. manner for which they are currently being investigated and

18. disciplined by the Department of Registration and Education.

19. The bill is patterned after the Medical Disciplinary Board

20. which has...which was created four years ago by the General

21. Assembly and has since its creation, shown a substantial increase

22. in enforcement activities in the medical area. I believe that

23. this is a good bill and that it will certainly serve the

24. constituency in the State of Illinois and increase public

25. protection and I urge your favorable consideration.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Is there discussion? Senator Netsch.

28. SENATOR NETSCH:

29. One question of the sponsor, please.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Indicates that he will yield. Senator Netsch.

32. SENATOR NETSCH:

33. Senator Merlo, are there any public members on the newly  
constituted board?

SB 257  
3rd reading  
5-14-79

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Merlo.

3. SENATOR MERLO:

4. The board would consist of seven members, six of them would be  
5. dentists licensed in the State of Illinois and one hygienist  
6. licensed by the State of Illinois and that would be it.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Netsch.

9. SENATOR NETSCH:

10. The...we just passed one bill that has not admittedly  
11. passed the other House yet that would increase the numbers on  
12. the board, but the makeup...the proportions would be substantially  
13. the same, which means there would...they would all be dentists  
14. or a dental hygienist, no public members, right?

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Merlo.

17. SENATOR MERLO:

18. I would like to inform Senator Netsch that what occurs is  
19. that the board would report, of course, to the Director of R. and E.  
20. which, of course is not a professional person in the area of  
21. dentistry or hygiene. And I would imagine that this would...his...  
22. the last resort would, of course, be the...the Director himself  
23. to make determinations.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Further discussion? The question is shall Senate Bill 256  
26. pass. Those in favor vote Aye. Those opposed vote Nay. The  
27. voting is open. Have all voted who wish? Have all voted who wish?  
28. Take the record. On that question the Ayes are 50, the Nays  
29. are none, 1 Voting Present. Senate Bill 256 having received  
30. the required constitutional majority is declared passed.  
31. Senate Bill 257. Read the bill, Mr. Secretary.

32. SECRETARY:

33. Senate Bill 257.

(Secretary reads title of bill)



1. 3rd reading of the bill.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Knuppel.

4. SENATOR KNUPPEL:

5. Mr. President and members of the Illinois State Senate.

6. I'm sure that a number of you are surprised to find  
7. that coyotes are a problem in the State of Illinois. But  
8. this animal has reached crisis proportions for the farmers.  
9. If you will read the material which I passed out, there are  
10. only approximately four hundred pelts taken during the 1973-74  
11. hunting and trapping season while the last statistics that have  
12. been revealed show that a year ago those proportions had risen  
13. to seven thousand pelts and I'm told by the Department of  
14. Conservation approximately ten thousand pelts last year.  
15. Now, the Department of Conservation has sat by without taking  
16. any affirmative action. All this bill does is open the hunting  
17. season on coyotes the year around. They can only be trapped during  
18. the regular trapping season as other animals because the  
19. trap can't tell the difference between a fox, a coyote or a  
20. wolf. But, a person hunting can tell the difference and it allows  
21. them to be shot or hunted the year around. I feel that this will  
22. help hold...at least hold the coyote population of the State  
23. of Illinois which...which feed on small game such as rabbits and  
24. birds. The kinds of snows we've had the last two or three  
25. winters...read an article in the Canton paper where the coyotes  
26. were so bold they even came up at Lake...Lake Wee-Ma-Tuk and were  
27. eating from the cat and dog bowls that the woman had outside  
28. for her pets. Now, this...these animals eat a lot of young pigs,  
29. sheep, chickens, just about anything that's not large enough  
30. to defend itself so they can get to it and they're creating a  
31. great amount of loss in rural areas. I think this is good legislation  
32. and should be adopted. Would respectfully request a favorable  
33. roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

1. Is there discussion? Senator Martin.

2. SENATOR MARTIN:

3. Will the sponsor yield?

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Indicates that he will. Senator Martin.

6. SENATOR MARTIN:

7. Is the coyote pelt valuable, Senator?

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Knuppel.

10. SENATOR KNUPPEL:

11. Did she ask if they had a value? Yes, they have a

12. value in the winter, Senator Martin, and that's the reason

13. I have another bill in here that would pay a bounty during the

14. summertime but during the winter, during the trapping and

15. hunting season during the winter they have a value. But

16. when the pelt is short in the summertime and many times

17. it's diseased, there...there's no value to a coyote pelt.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Martin.

20. SENATOR MARTIN:

21. Well, I...I think I knew the bill was coming up and

22. yesterday in the Sun Times there is a ad for a seam

23. stealer coyote jacket which is on sale from four hundred

24. ninety-nine dollars to two hundred and ninety-nine dollars

25. and I wondered if this bill might bring the price down to a

26. hundred and ninety-nine dollars so we can afford it on legislative

27. salaries.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator McMillan.

30. SENATOR McMILLAN:

31. I would just say to Senator Martin if...if this bill passes

32. she can go out and shoot her own and get it free.

33. PRESIDING OFFICER: (SENATOR BRUCE)

Is there further discussion? Senator Grotberg.

1. SENATOR GROTBORG:

2. Thank you, Mr. President. Just to rise in favor of this  
3. good bill. My history with coyotes goes back to my boyhood  
4. days in the State of North Dakota where we had to take the  
5. state away from the coyotes and they have never quit taking it  
6. away from the coyotes under our regulated set of...of game  
7. laws and it's about time that we understand that you can't  
8. have it both ways. You can't eat pork and beef and lamb  
9. and have wild animals eating it at the same time. It's a  
10. good bill. There's no room for sentiment in it at all.  
11. It's them or us. Let's pass it.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Is there further discussion? Senator...Senator Geo-Karis.

14. SENATOR GEO-KARIS:

15. Mr. President and Ladies and Gentlemen of the Senate. Until  
16. I heard of this bill, I...

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Can we have some order, please?

19. SENATOR GEO-KARIS:

20. Until I heard of this bill, I didn't even know we had  
21. coyotes in Illinois. First I want to thank Senator Knuppel for  
22. educating me and second, I might tell you that where I go on  
23. vacation in California every now and then which is very rare,  
24. lately, I can tell you that coyotes have a habit of luring  
25. your pet dogs out and then destroying them. So, they're not very  
26. friendly animals at all and I'd certainly urge the passage of this  
27. bill.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Further discussion? Senator Davidson.

30. SENATOR DAVIDSON:

31. Forget the humor for a minute and talk to the seriousness  
32. of this bill. Now, this bill, to those of you who are not from  
33. a farm community area, or a sheepherder like Ken McMillan,  
this bill is a vital interest to a number of legitimate people.

1. Let me cite you just two instances. Just a year ago this  
2. January or February within fifty yards of the man's house,  
3. two coyotes pulled down a newborn calf and killed it. The man  
4. was unable to get a gun and get there in time because he does  
5. have the right under the law to destroy them if he catches  
6. them in the act. Secondly, February of this year, in Montgomery  
7. County, three coyotes pulled down, killed down and ate part  
8. of a two hundred pound calf. At seventy cents a pound,  
9. presently, that's a hundred and forty dollars. That's the kind  
10. of language you people can understand, I hope. I urge  
11. you to all vote Aye on this bill.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Further discussion? Senator Knuppel may close.  
14. The question is shall Senate Bill 257 pass. Those in favor  
15. vote Aye. Those opposed vote Nay. The voting is open.  
16. Have all voted who wish? Have all voted who wish? Take  
17. the record. On that question the Ayes are 49, the Nays  
18. are none, none Voting Present. Senate Bill 257 having  
19. received the required constitutional majority is declared  
20. passed. Senate Bill 258, Senator Egan. Read the bill, Mr.  
21. Secretary, please.

22. ACTING SECRETARY: (MR. FERNANDES)

23. Senate Bill 258.

24. (Secretary reads title of bill)

25. 3rd reading of the bill.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Egan.

28. SENATOR EGAN:

29. Thank you, Mr. President and members of the Senate.  
30. What this bill does is amend the Retirement Article  
31. for the State employees system as it applies only in the reciprocal  
32. aspect of the bill with the other State supported systems.  
33. It reduces the...the number of years to vest from eight to five  
which is the same provision in the...in the Downstate Teachers and

1. in the University Teacher's Systems. It applies only to those  
2. who have reached age sixty-two and who have...are using the  
3. reciprocal part of the...the system and it has no cost  
4. consequence. Today it conceivably could cost an actuarial  
5. small figure and it's so minimal that we consider it no cost  
6. and I urge your favorable consideration.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Is there discussion? The question is shall Senate...Senator  
9. Berning.

10. SENATOR BERNING:

11. Well, Mr. President, members of the Senate. It's not often  
12. that I take issue with my good friend Senator Egan, on pension  
13. legislation but I do have to call the attention to...of the  
14. members of the Body to the Pension Laws Commission position on  
15. this which I happen to support. What we're doing here  
16. of course, is reducing the numbers of years necessary for a  
17. person to vest on a limited basis. The rest of the systems  
18. require eight years and this one does at this time also, so  
19. for that reason, and because of some additional expense which  
20. this would cost the pension systems, the feeling of the Pension  
21. Laws Commission was that this is an illadvised bill. I merely  
22. want to call that to the attention of the members.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Further discussion? Senator Rhoads.

25. SENATOR RHOADS:

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

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. He indicates that he will yield. Senator Rhoads.

29. SENATOR RHOADS:

30. Senator Egan, you fairly completely explained the...the  
31. impact of the bill on State employees. What would be the impact  
32. for those employees of a...another retirement system transferring  
33. credits in? Would they also be able to vest at five years?

PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Egan.

2. SENATOR EGAN:

3. They do now. What this does is just amend that reciprocal  
4. division of the State employees. That is three years longer than  
5. it is for the university in the Downstate Teachers and what it  
6. does is just reduce the figure to equal that figure in those  
7. systems.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Further discussion? Question is shall...Senator Egan to close.

10. SENATOR EGAN:

11. Yes, I just wanted to make it clear, Senator Berning, that  
12. the Pension Laws Commission took a look at this bill before it was  
13. amended. The bill wasn't amended They...they...we changed the  
14. bill before it was introduced. They took a look at the proposal  
15. and turned down the proposal but when we changed the language  
16. in the bill to apply only to the reciprocal portion of  
17. the Statute, we...we did not deliberate on that. Assuming that  
18. we did, or had we deliberated on it, I think I could have  
19. convinced the members that it has no cost impact and  
20. consequently, we ought to support it.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. The question is shall Senate Bill 258 pass. Those in  
23. favor vote Aye. Those opposed vote Nay. The voting is open.  
24. Have all voted who wish? Have all voted who wish? Take the  
25. record. On that question the Ayes are 22, the Nays are 16,  
26. 4 Voting Present. Senate Bill 258 having failed to receive  
27. the required majority vote is declared lost. Senate Bill  
28. 259, Senator Knuppel. Read the bill, Mr. Secretary, please.

29. ACTING SECRETARY: (MR. FERNANDES)

30. Senate Bill 259.

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDING OFFICER: (SENATOR BRUCE)

Senator Knuppel.

1. SENATOR KNUPPEL:  
2. Mr. President and members of the Body. Two years ago here  
3. we passed a bill increasing the...the salaries of court  
4. reporters for the Industrial Commission to the sum of  
5. twenty thousand dollars. That...that bill was vetoed. We had  
6. in there the provision that it would thereafter be measured  
7. by whatever scale was paid regular court reporters. It  
8. was vetoed on the basis which was difficult for me to believe,  
9. that there was an intrusion of the separation of powers,  
10. the...the Tri-part division. Nevertheless, it was vetoed.  
11. Court reporters make twenty thousand dollars a year and there's  
12. presently a bill pending in the House to raise that first  
13. to twenty-two thousand five hundred and then to the sum of  
14. twenty-four thousand. Now, I have the privilege of going  
15. to court as well as going before the Industrial Commission  
16. and I want to say this, that the court reporters for the Industrial  
17. Commission in my opinion, work much longer, harder hours and  
18. have special skills in medical terminology that many court  
19. reporters do not have. Court reporters work when there is a  
20. record to be taken. Many times, there are conferences, there  
21. are nonexparte matters in court proceedings and they put in  
22. time that's much easier to put in than a court reporter for the  
23. Industrial Commission. If...if there is any kind of a court  
24. reporter worth twenty thousand dollars a year, the...as I say,  
25. the people who report for the Industrial Commission are worth it.  
26. I think this is a worthwhile...and a salary, what the salary  
27. should have been for quite some time. Present time court  
28. reporters for the Industrial Commission make between thirteen  
29. and seventeen thousand dollars and there are twenty-four of them  
30. doing all of the heavy load of work that has to be done and it  
31. has increased remarkably since the 1975 Act...Industrial Commission  
32. Act...or the Workmen's Comp Act. I say this is good legislation.  
33. It's fair legislation. It's legislation that puts these people

1. who are certified court reporters in the same pay scale as those  
2. who report for the courts of our State and there's where they  
3. should be. I would ask for a favorable roll call.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Is there discussion? Senators Regner, Rhoads and Mitchler  
6. have sought recognition. Senator Regner.

7. SENATOR REGNER:

8. Well, Mr. President and members of the Senate. Just some comments  
9. on this bill before I urge a No vote. If this does pass, it cost  
10. about another...another hundred and fifty-two thousand dollars  
11. of monies that are not currently in the budget. Senator Knuppel  
12. did say that two years ago we passed a bill which increased  
13. the salaries of court reporters and was vetoed out by the  
14. Governor. This isn't true. We did pass a bill but it included  
15. everybody but court reporters, so we did not pass that legislation  
16. two years ago, including them. These raises that are contained  
17. in this bill would average...range from twelve and a half to  
18. thirty-eight percent increase...far in excess of the wage price  
19. guidelines of Governor...Carter. I think it's a bad...President  
20. Carter. Well, we have a Governor that's thinking that way, too,  
21. so...anyway, we're talking about a hundred and fifty plus  
22. thousand dollars of additional monies that are not in the current  
23. budget. Court reporters not only have the salaries that they do  
24. get, but they also have a dollar a page for transcribing  
25. so most of them are far in excess of twenty thousand dollars  
26. right now. If this bill passes, they will be up in the thirty  
27. thousand dollar range and I would urge the defeat of Senate Bill  
28. 259.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator...further discussion? Senator Rhoads.

31. SENATOR RHOADS:

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

33. PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Rhoads.



1. SENATOR RHOADS:
2. Senator Knuppel, how much per page do the court reporters...
3. are the court reporters now paid?
4. PRESIDING OFFICER: (SENATOR BRUCE)
5. Senator Knuppel.
6. SENATOR KNUPPTEL:
7. They're paid exactly the same...the Industrial Commission
8. reporters are paid the same as the Circuit Court reporters which is
9. a dollar a page and they do make something from that work.
10. But that is work that they put in on weekends and overtime and
11. they...they're not treated the same way as court reporters
12. because their initial salary is not the same.
13. PRESIDING OFFICER: (SENATOR BRUCE)
14. Senator Rhoads.
15. SENATOR RHOADS:
16. One other question. Senator Knuppel, if I recall correctly
17. the bill two years ago, there was an increase provided
18. for the salary of the position of executive secretary of the Industrial
19. Commission. Now, as you recall, that's the only position in State
20. Government for which there is no prohibition against outside
21. employment and there is no prohibition against political
22. activity. I'm wondering if that pay provision for the executive
23. secretary position is in this bill.
24. PRESIDING OFFICER: (SENATOR BRUCE)
25. Senator Knuppel.
26. SENATOR KNUPPTEL:
27. No, Sir. That was a separate bill. It had nothing to do with...
28. with the court reporters then. That was a separate bill where
29. we raised the arbitors, the commissioners and the secretary's
30. salary. We had another bill which raised the court reporters
31. at that time to the same amount as...as...that is the Industrial
32. Commission reporters the same amount as court reporters and it
33. was vetoed because we used court reporters as the same skills, same

SB 262  
3rd reading  
5-14-79

1. kind of work as the guide and it was...the one on salary for  
2. industrial reporters was vetoed because they said we couldn't  
3. use court reporter's salaries as a guide. That broke down the  
4. separation of powers.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Further discussion? Senator Mitchler. Further discussion?  
7. Senator Knuppel may close.

8. SENATOR KNUPPEL:

9. Well, I submit in response to...to Senator Regner that the  
10. burden of these court reporters has increased remarkably. True,  
11. they do get paid for transcripts the same as court reporters  
12. do, but that is after hours, it's on weekends, it's  
13. on vacations and we did increase the number of court reporters  
14. by two in order to try to lighten their load. Anyone who has any  
15. experience with the Industrial Commission realizes that these  
16. people work harder than court reporters work. Now, all I can  
17. say is you're going to be faced with a proposed increase for  
18. court reporters, the darlings of the circuit judges, but fair is  
19. fair. If I do the same job, I'm entitled to the same pay.  
20. These people do the same job, in fact, they do more. And if  
21. court reporters are entitled to twenty thousand dollars a year,  
22. these people are. I submit, as I said before, that this deserves  
23. a favorable roll call on the basis that what is fair for one is  
24. fair for the other.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. The question is shall Senate Bill 259 pass. Those in favor  
27. vote Aye. Those opposed vote Nay. The voting is open.  
28. Have all voted who wish? Have all voted who wish? Take the  
29. record. On that question the Ayes are 23, the Nays...sponsor  
30. has asked that further consideration of Senate Bill 259 be  
31. postponed. The bill will be placed on the Order of Postponed  
32. Consideration. Senate Bill 261, Senator Nimrod. Senate Bill 262,  
33. Senator Joyce. Read the bill, Mr. Secretary.

1. SECRETARY:

2. Senate Bill 262.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Joyce.

7. SENATOR JEROME JOYCE:

8. Mr. President, thank you. This bill now is in the form  
9. since it's been amended, that the only way that you could import  
10. spent nuclear fuel rods would be if you have a reciprocal  
11. agreement. If...if you would accept spent fuel rods  
12. from Illinois, then we will take yours from other states.

13. I...we have...we are the only state in the Union, by the way, that  
14. is accepting spent fuel rods. I think that it is a

15. ...a program that we ought to discontinue. We have a facility  
16. at Morris, Illinois, in my district that is accepting spent  
17. fuel rods from California, Connecticut and Wisconsin.

18. Now, I have no quarrel with fuel rods that are produced in  
19. Illinois being stored in Illinois. But these other States  
20. that do not permit spent fuel rods to be stored in their state  
21. and then are allowed to send them to Illinois, I find very  
22. repulsive to the people in my district in the State of Illinois.

23. Now, I would be happy to answer any questions.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Is there discussion? Senator Mitchler.

26. SENATOR MITCHLER:

27. Well, Mr. President and members of the Senate. I  
28. think this legislation is somewhat premature. The sponsor said  
29. he has no objection to the storage of the spent nuclear fuel  
30. in his district in Morris as long as it was coming from a  
31. nuclear reactor in Illinois. So, apparently, there's no danger  
32. with the storage of it or he would be prohibiting even that  
33. to be stored there and what he's objecting to is from other states,

1. shipments coming into Illinois. Well, until the Nuclear  
2. Regulatory Commission at the Federal level designates Federal  
3. storage sites for this spent nuclear fuel, we're going to have  
4. to continue with the system that we've had in effect for a  
5. number of years and have a limited number of storage sites.  
6. It...nobody likes to have anything stored in their backyard or  
7. even to a sanitary landfill, but we've examined the General  
8. Electric Operation in the...that's located just east of Morris.  
9. There appears to be no problem with that storage facility  
10. and as openly admitted as long as it comes from Illinois,  
11. it's all right. And I think that we should wait. This is  
12. really premature legislation and as we have to admit, it was all  
13. a result of the Three Mile Island incident out in Pennsylvania.  
14. Now, we have a committee from this Senate established by  
15. Senate Resolution 101 to study the safety of the transportation,  
16. the storage of this spent nuclear fuel and other nuclear fuel  
17. and until that report comes in, I think we're sort of jumping  
18. the gun on this to prohibit. We did have one shipment come into  
19. Morris, I believe it was in March, I believe it came from out in  
20. the east. They are receiving or have received in the past,  
21. spent nuclear fuel, that...these rods that come out and they're  
22. stored. I don't know how many of you have gone through the  
23. General Electric Plant near Morris where these...this spent  
24. nuclear fuel is stored, but invitations are open to you at anytime.  
25. Mr. Gene Boilen is the Manager. They'll take you through, they'll  
26. show it to you. I just conducted a tour here last...a week ago  
27. Saturday for the Greater Aurora Chamber of Commerce and the  
28. League of Women Voters and the Valley Industrial Association people,  
29. we had about twenty-five go through on that particular tour and  
30. they left there without any fear or animosity toward what is being  
31. stored there. Also, I might want to point out that at each of the  
32. nuclear plants, they do store the spent fuel. These storage  
33. facilities at the nuclear plants were primarily for...just like a  
dock storage, it was put there prior to shipment to a permanent

1. nuclear fuel storage site. The site at Morris is  
2. really a temporary site until the Nuclear Regulatory Commission  
3. at the Federal level can determine permanent sites for the  
4. storage of this fuel or a fuel processing system and until  
5. they come up with that, I think we ought to go along with the  
6. policy and not knock out a satisfactory plan that we have in  
7. effect at this time. And not to criticize Senator Joyce or  
8. Senator Demuzio, the two cosponsors of this bill, but I think  
9. it is premature and we're really jumping the gun in reaction  
10. to the Three Mile incident in Pennsylvania. Now, this has  
11. been stored there for a long time. I had it for two years in  
12. my district in 1965 and 1966 and subsequent to that, Senator  
13. Joyce and others have had that in their districts. And I  
14. would ask for a negative vote on this at this time.

15.

16.

17.

18.

19.

20.

21.

End of reel.

22.

23.

24.

25.

26.

27.

28.

29.

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31.

32.

33.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. The following Senators, Senator Joyce, for what purpose  
3. do you arise?

4. SENATOR JEROME JOYCE:

5. Well, I would like to reply to that.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Well, perhaps you should cover it in your closing comments.

8. SENATOR JEROME JOYCE:

9. All right.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. All right. Senators Nimrod, Demuzio, Wooten and Gitz have  
12. sought recognition. Senator Nimrod.

13. SENATOR NIMROD:

14. Mr. President, Ladies and Gentlemen of the Senate. It  
15. seems to me that we have set up a group of Senators here,  
16. of which Senator Joyce is the chairman of that group under  
17. Resolution 101 to actually look at this particular problem.  
18. Had it not been for the Three Mile incident, this bill would  
19. not be here today. It seems to me that our very charge by  
20. this Senate is to look at the problem and maybe...

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Excuse me, Senator Nimrod, for what purpose does Senator  
23. Joyce arise?

24. SENATOR JEROME JOYCE:

25. Yes...a point of personal privilege. I...I sponsored  
26. this bill last year, Senator, and I put this bill in long  
27. before the Three Mile Island incident.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Nimrod.

30. SENATOR NIMROD:

31. Well...nevertheless, this bill still does cover the  
32. subject of the resolution and you might have put it in  
33. before, but I just don't want emotional...emotion to carry

1. us away at this particular time and we do agree with you  
2. that it needs to be looked at. So in all seriousness, there  
3. is...we can create hysteria and we can take some action that  
4. we will be sorry for. We ought to look at the problem, there  
5. is no immediate danger of the existing practices that have  
6. been going on in this State and I would think it would be  
7. only prudent and sensible and certainly would not disrupt  
8. the present practices of our utilities and then those involved  
9. with this area, without getting some word back and making  
10. an analysis. I think that we ought to look at this and not  
11. jump into something without having some reason to do it.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Further discussion? Senator Demuzio.

14. SENATOR DEMUZIO:

15. Yes, thank you, Mr. President. I...I want to rise in  
16. support of this measure and I want to point out to Senator  
17. Mitchler, who indicated that this legislation is premature.  
18. Indeed, Senator Joyce and I both had a bill in here last  
19. year. As a matter of fact I think there was a bill that got as  
20. far as 3rd reading in this Senate last year that addressed  
21. this same subject matter. So it is, indeed, is not premature.  
22. In addition, if you are saying that it is a satisfactory system  
23. that exists in Illinois now, it's satisfactory for whom. It's  
24. satisfactory for every state in the Union that does not accept  
25. nor does it store nuclear spent rods or...or nuclear waste.  
26. The facts are, is that Illinois is the nuclear dumping ground  
27. for the entire nation without question. I don't think that  
28. anybody would...would say that we are not the largest state  
29. with nuclear waste or deposits here. The facts are is that  
30. Senator Joyces' amendment indicates that it is now reciprocal  
31. that we will accept nuclear waste from other states that accept  
32. ours. I think the bill is totally constitutional now and  
33. certainly ought to be supported and certainly ought to be

1. passed and sent over to the House.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Wooten.

4. SENATOR WOOTEN:

5. Thank you, Mr. President. Just briefly, to compliment  
6. Senator Joyce on the amendment. We have had a serious problem  
7. in this State in trying to deal with this situation and that  
8. almost every answer we come up with has threatened to be un-  
9. constitutional. The idea of reciprocity, it's a marvelous,  
10. ingenious and simple way of meeting that constitutional question.  
11. I think this gives us the instrument we've been looking for  
12. for a long time and I urge the passage of this bill.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Gitz.

15. SENATOR GITZ:

16. Thank you, Mr. President. The opponents of this measure have  
17. painted the picture that somehow it is irresponsible in light  
18. of a study group to pass such legislation. I find that hard  
19. to believe because I think the response of the General Assembly  
20. in light of recent events has been very measured and very  
21. responsible. More to the point, I do not care to reiterate  
22. the arguments that have already been made, but rather to point out  
23. a very significant point that this bill does. We have looked  
24. in vain to the Federal Government to find a possible solution  
25. for the disposal of both high level and low level radioactive  
26. waste. The Federal Government to this day, does not have a  
27. way of dealing with that and most significantly if you were  
28. to look at some of the documents, you would find that the  
29. Federal Government has suggested that it would be wise to  
30. rule out any state that has indicated displeasure in the past  
31. towards the importation of these wastes. This might be a way  
32. of saying that if we are one of the few states that is willing  
33. to receive these wastes or spent fuel cartridges as you would



1. be, that we may very well in a calling card of the Federal  
2. Government in the future. Senator Joyce has introduced a  
3. measure which I think is imminently reasonable, the idea of  
4. reciprocity. I find it incredible that a number of states  
5. that do employ nuclear power generating facilities are the  
6. very states that don't want the waste in their own back  
7. yard. As Senator Demuzio points out, why do we need the  
8. distinction of being the nations nuclear dumping ground?  
9. I think there's a lot to be said simply taking care of our  
10. own waste, which is exactly what we'd continue to do under  
11. this bill. Let the Federal Government take care of the  
12. problem elsewhere.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Knuppel.

15. SENATOR KNUPPEL:

16. Mr. President...Mr. President and members of the Body.  
17. Senator Joyce introduced this bill as it was pointed out  
18. a year ago. I think at that time the bill was clearly  
19. unconstitutional. He has made every effort to make this  
20. bill constitutional. It seems only fair to me in light  
21. of what we...what we know now about nuclear waste and the  
22. ...length of time that it takes for it to lose its dangerous  
23. propensities that...that it ought to be fair for any other  
24. state that wants to put nuclear waste here that it make  
25. available the same opportunity to our State and the people  
26. who generate nuclear power in our State. This bill does  
27. not prevent the storing of our own nuclear waste. I don't  
28. think we should be a dumping ground, either, but I do think  
29. we are a country as a whole not...not divided into parts.  
30. And if we require other parts of the United States to be  
31. as open and as free as we are, I think that's fair. I  
32. think as far as those companies who now already have contracts  
33. for the storage of nuclear waste, that this bill will not be

1. allowed to apply to those on the basis of impairment of contract,  
2. which would be...unconstitutional. Knowing that fact, all this  
3. bill is...is perspective in nature in my opinion. It's reciprocal  
4. in nature, it's fair in nature, it gives protection to those people  
5. who have this problem in their district and I am going to support  
6. ...Senator Joyce's bill because he has tried to make this bill  
7. fair in every respect and he deserves our support for that  
8. reason.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Geo-Karis.

11. SENATOR GEO-KARIS:

12. Well, Mr. President, Ladies and Gentlemen of the Senate.  
13. I live in Zion, Illinois, seven blocks west of the plant. I  
14. can tell you that my people are not so concerned about the  
15. operation of the nuclear plant, but they are concerned about  
16. the dumping ground of Illinois for other states to use for  
17. their spent fuel. I am supporting this bill because I know  
18. the wishes of my constituency and I still feel like Attorney  
19. General Scott does, that Illinois should not be the dumping  
20. ground from other states for nuclear spent fuel.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Grotberg.

23. SENATOR GROTBORG:

24. Question of the sponsor.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Indicates he will yield, Senator Grotberg.

27. SENATOR GROTBORG:

28. Senator Joyce, I kind of like the whole idea, but a...a  
29. legal implication has occurred to me. Does not General Electric  
30. have a proprietary interest in the fuel proposition in other  
31. states and this would outlaw them from shipping to their own  
32. dumping ground.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Joyce.

2. SENATOR JEROME JOYCE:

3. Well then Senator I would suggest that they put up a facility  
4. in the other states. My conclusion based on legal research from  
5. our staff is that the impairment of contracts clause would not  
6. be in effect because of the due process clause in our constitu-  
7. tion that...that overrides this...power in regarding the health  
8. and safety and comfort of the general welfare of our citizens.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Grotberg.

11. SENATOR GROTBORG:

12. I...I don't know what you said, Senator Joyce, but boy  
13. it sounded good. My concern is if they own, it would be  
14. patently unconstitutional. If they own something and it's  
15. theirs and they own the dump and then you...and they can't...  
16. they can't even ship it from another location of theirs in  
17. this State, I think we are in a legal problem.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Joyce.

20. SENATOR JEROME JOYCE:

21. Well, you know, that facility...if this law passes, you  
22. can bet will not sit empty. You know, Commonwealth Edison  
23. is going to have to build more storage facilities of their  
24. own and to store the...the nuclear waste that they generate  
25. in the State of Illinois. Now, I know why they're not  
26. storing their nuclear waste there, because the price has been  
27. too high. So I submit to you that it's probably not going  
28. to hurt Commonwealth Edison a bit if this facility is prohibited  
29. from bringing in spent fuel from other states.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Further discussion? Senator Knuppel.

32. SENATOR KNUPPEL:

33. Well since this is a legal question, I alluded to it. I

1. think that there is a serious question about impairment of  
2. contract. Be that as it may, that can be litigated...by  
3. General Electric and if...if they're correct and if...if it's  
4. the way I believe it is as opposed to the way our staff  
5. believes it is, they can continue to dump what they already  
6. have contracted for. If not, then it's still for the  
7. protection of our people. It doesn't impair our own nuclear  
8. generating one iota and we are one of the largest generating  
9. states in the union. So we'll have plenty of nuclear waste  
10. notwithstanding anything that's shipped in here. As I  
11. said before, I do think there's a question, that question  
12. can be taken care of in the courts. This law does not deal  
13. with those proposed or injure those proposed contractual  
14. rights.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Further discussion? Senator Joyce may close.

17. SENATOR JEROME JOYCE:

18. Well I think it has been duly kicked around here and I  
19. think that a...a, we can be certain that after the effective  
20. date of this act that no private firm will be allowed to  
21. enter into any contracts for the disposal of nuclear waste  
22. within our boundaries, except for those provided by law.  
23. And I would ask for a favorable roll call on this bill.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Question is shall Senate Bill 262 pass. Those in favor  
26. vote Aye, those opposed vote Nay. The voting is open.  
27. Have all voted who wish? All voted who wish? Take the  
28. record. On that question the Ayes are 43, the Nays are  
29. 4, 2 Voting Present. Senate Bill 262, having received the  
30. required constitutional majority is declared passed. Senate  
31. Bill 264, Senator Wooten. Read the bill, Mr. Secretary.

32. SECRETARY:

33. Senate Bill 264.

1. 3rd reading of the bill.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Wooten.

4. SENATOR WOOTEN:

5. Thank you, Mr. President. Senate Bill 2...264 was filed  
6. at the request of the Rock Island County Board. The County  
7. Board wants to adopt an Election Commission Forum for  
8. handling elections in Rock Island County. But they did not  
9. wish to have the appointive power repose in the Circuit  
10. Court where it does now. And since the Illinois Judiciary  
11. has suggested that they would, they are best removed from  
12. such functions. I agreed to file the bill. This would say  
13. that the appointment of members to the Election Commission  
14. would repose in the Chairman of the County Board, subject  
15. to the advise and approval of the County Board itself. In  
16. the present there is only one such commission, it's in DuPage  
17. County. I talked to former Senator Knuepfer, who is chair-  
18. man of the County Board there and he is in wholehearted  
19. support of the bill. I ask for your support and will be  
20. glad to answer any questions.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Is there discussion? Senator Rhoads.

23. SENATOR RHOADS:

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

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Indicates he will yield, Senator Rhoads.

27. SENATOR RHOADS:

28. Senator Wooten, I'm trying to recall the committee  
29. testimony. If you were, to now, form such a commission in  
30. Rock Island County, who would be...who would appoint the  
31. chairman of the commission?

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Wooten.

34. SENATOR WOOTEN:

1. I don't have my notes in front of me, I know it's a judge.  
2. I believe it's a circuit court judge. I...I believe that  
3. power reposes, I know it reposes in the Judiciary but I'm  
4. not sure just which judge is involved.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Rhoads.

7. SENATOR RHOADS:

8. Are you now trying to form such a commission and if  
9. so what...what state of development are you in?

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Wooten.

12. SENATOR WOOTEN:

13. The County Board had so resolved until they found out  
14. where the appointive power lay. They withdrew the...the  
15. resolution and asked me to file this bill.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Rhoads.

18. SENATOR RHOADS:

19. Well, aren't you going about this a little bit backwards.  
20. Shouldn't you try to form the commission first and...as  
21. you pointed out, this only affects DuPage County now.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Wooten.

24. SENATOR WOOTEN:

25. That's true, it only affects DuPage County now and we  
26. fondly hope that it'll affect us within...within the  
27. next year.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Rhoads.

30. SENATOR RHOADS:

31. Well just one final question for the benefit of the  
32. people on this side of the aisle. Would...would the judge  
33. having the appointed power, would...would he by any chance  
34. be a Republican?

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Wooten.

3. SENATOR WOOTEN:

4. You know I...and this is the truth, I really don't know.  
5. I think we have mostly Democratic judges, but I honestly don't  
6. know. I never questioned any further than they said they  
7. wanted out of the Judiciary as I read the recommendation to  
8. the Supreme Court, they said yeah, judges should be out of  
9. these questions and so I filed the bill.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Further discussion? Senator Philip.

12. SENATOR PHILIP:

13. Thank you, Mr. President, Ladies and Gentlemen of the Senate.  
14. I'm sorry, I was off the Floor of the Senate. I'm assuming  
15. this bill that transfers the authority for appointing County  
16. Elections Commissions from the Judiciary to the County Board.  
17. As you know, we're one of the few counties that has a County  
18. Election Commission, within one county. And it has worked  
19. very well under the present system. I would suggest this...  
20. to the Senator from Rock Island County that this bill only  
21. affects one county, the County of DuPage. It affects no other  
22. county. I haven't had a request for this legislation and  
23. I've talked to our chief judge, I've talked to the President  
24. of the County Board, it has worked very well in our county.  
25. My counterpart of your party is extremely happy the way it  
26. works. And I'll tell you what he has told me. It's much  
27. easier to go to the chief judge and make my request <sup>who</sup>  
28. the Democrats member should be, than to go to twenty-five  
29. Republican members on the County Board and very honestly  
30. he is correct. So I would as in good common sense and  
31. judgment, we vote this bill down.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Further discussion? Senator Gitz.

1. SENATOR GITZ:
2.       Would the sponsor yield to a question?
3. PRESIDING OFFICER: (SENATOR BRUCE)
4.       Indicates he will yield. Senator Gitz.
5. SENATOR GITZ:
6.       Senator Wooten, does this bill only apply to DuPage
7. County in its present drafting?
8. PRESIDING OFFICER: (SENATOR BRUCE)
9.       Senator Wooten.
10. SENATOR WOOTEN:
11.       That is true. And if the bill does not pass DuPage
12. County will probably always be the only county with an
13. Election Commission. I'd like to see more counties adopt
14. that form, I think there are real advantages to it.
15. PRESIDING OFFICER: (SENATOR BRUCE)
16.       Senator Gitz.
17. SENATOR GITZ:
18.       My question is this, if it only applies to one county,
19. what is the purpose of the legislation? Why is it not
20. drafted to apply to all counties if it's a good idea?
21. PRESIDING OFFICER: (SENATOR BRUCE)
22.       Senator Wooten.
23. SENATOR WOOTEN:
24.       Currently, it applies to all counties. Now, the law
25. is such that any county can form an Election Commission
26. if it wishes to. My county would like to but they frankly,
27. do not like the provision that the judge names the members
28. of the Election Commission. It's just that simple. I...I
29. believe that their assessment of that situation is correct.
30. That power should not reside in the judge.
31. PRESIDING OFFICER: (SENATOR BRUCE)
32.       Further discussion? Senator Wooten may close.
33. SENATOR WOOTEN:



SB 269  
5/14/79  
Subcommittee

1. Well I think it has all been said. The bill simply would  
2. change the appointive power for County Election Commissions.  
3. Change it from the chief judge to the Chairman of the County  
4. Board with the advice and consent of the County Board. It  
5. is requested by my county, the move is supported by ex-Senator  
6. Knuepfer of DuPage, who would then be the appointive power  
7. and I suppose it's only natural he would support it. I can  
8. understand Senator Philip's objection because he is content  
9. with the system they have now. I simply say to you that this  
10. is in line with recommendations the Judiciary have given us  
11. about removing the Judiciary from such positions. I'd request  
12. a favorable roll call.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. The question is shall Senate Bill 264 pass. Those in  
15. favor vote Aye. Those opposed vote Nay. The voting is open.  
16. Have all voted who wish? Have all voted who wish? Take the  
17. record. On the question the Ayes are 14, the Nays are 28, 2  
18. Voting Present. Senate Bill 264 having failed to receive the  
19. required constitutional majority is declared lost. Senate  
20. Bill 269, Senator Rock. Read the bill, Mr. Secretary, please.

21. SECRETARY:

22. Senate Bill 269.

23. (Secretary reads title of bill)

24. 3rd reading of the bill.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Rock.

27. SENATOR ROCK:

28. Thank you, Mr. President, Ladies and Gentlemen of the Senate.  
29. Senate Bill 269 is rather lengthy substantive amendment to the  
30. current Probate Code and it introduces a new article and a new  
31. concept. It will provide for the first time in the State of  
32. Illinois an option to those who are administering decedent's  
33. estate to have the option of an independent, that is out

1. of court probate procedure. This will, we feel, facilitate  
2. the closing of estates and cut much of the paper work and a  
3. great deal of the backlog, particularly in the County of Cook.  
4. In our Probate Courts and it eliminates, we feel, some costs  
5. because in most cases the testimony was before the Senate  
6. Judiciary Committee at seventy percent of the cases in the  
7. Cook County Probate Court really needn't be in court as  
8. much as they are. Senate Bill 269 embraces the philosophy  
9. that those who are interested in the estate, that the owners  
10. of the estate should be the ones, the ones to decide how much  
11. and what kind of supervision, court supervision, they wish  
12. to have. This independent administration it must be kept  
13. in line, is optional. Any person interested in the estate  
14. has the right at any time to terminate such administration  
15. by just requesting it of the court. This concept has enjoyed  
16. wide and active support, it's been introduced in the last  
17. couple of Sessions. It is the main plank in the annual  
18. program of the Chicago and Illinois Bar Association. We heard  
19. at length in the Senate Judiciary Committee from Chief Judge  
20. Walter Doul, who is the Judge of the Cook County Probate  
21. Division. It was, has been endorsed by the American Association  
22. of Retired Persons and the National Retired Teachers Association.  
23. I would point out that in the committee in its lengthy  
24. deliberations, four pretty...significant amendments were offered  
25. and adopted at the request of the committee. The first called  
26. for the initial mailing to contain an explanation of the whole  
27. procedure so that the heirs and legatees and devisees would  
28. know exactly what's going on. The second was a technical amend-  
29. ment to clean up some of the typing errors and the third, I  
30. think, is the most significant. It provided a cap and...and  
31. made...independent optional administration of these estates  
32. applicable only to those estates that are under one hundred and  
33. fifty thousand dollars. And it further provided that the current

1. law, with respect to the bonding and surety provisions should  
2. remain as it is. The fourth amendment, frankly at Senator  
3. Ozinga's request, called for mailing of the inventory to  
4. each interested person, even though it needn't be filed with  
5. the court. I think the law has been, the proposal has been  
6. amended to satisfy whatever objections there were. This has  
7. been a subject of much discussion in the past couple of years  
8. among the bench and the Bar Association. It is a major step  
9. forward for our State and I would urge your support.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. The following Senators have sought recognition on this  
12. question. Senators Moore, Ozinga and Sangmeister. Senator  
13. Moore is recognized.

14. SENATOR MOORE:

15. Thank you, Mr. President, members of the Senate. I rise  
16. in support of Senate Bill 269 as amended. And for the benefit  
17. of the members on this side of the aisle, there were I believe,  
18. at least three or four subcommittee and full committee hearings  
19. on this bill. There were objections that were raised by myself,  
20. Senator Ozinga, as well as other members on the committee. Amend-  
21. ments have been worked out to where, in my opinion, we now have  
22. a good bill and I would urge all members on this side of the  
23. aisle to support Senate Bill 269 as it is amended.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Ozinga.

26. SENATOR OZINGA:

27. Mr. President, members of the Senate. I would reiterate  
28. exactly what Don, Senator Moore has just said. However, there  
29. are a few little things that we did not like at a subcommittee  
30. working with the Judiciary, however, I should say that on  
31. behalf of Senator Lemke, who worked real hard as a chairman  
32. of that subcommittee. And for and on his behalf, I think that  
33. he is now satisfied. I am thoroughly satisfied, in fact, I would

1. even go a little farther than what we have by liberalizing  
2. a few more things, but keeping the person that is going to  
3. do the acting or the real work on this, what we often try  
4. to call and it should not be called, the do-it-yourself  
5. probate. Now, this bill, as it sets, I think now is in  
6. good condition and there it deserves a favorable roll call.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Sangmeister.

9. SENATOR SANGMEISTER:

10. Will the sponsor yield for a couple of questions?

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Indicates he will yield, Senator Sangmeister.

13. SENATOR SANGMEISTER:

14. I'm sorry, I have not done my homework and I think this  
15. is a very important bill, probably, obviously to anyone in  
16. the legal profession. But there is...there is a cap of a  
17. hundred and fifty thousand as you stated and that...that  
18. clarifies that part of it. But what...what shortcuts are  
19. we doing for the states under that size? I mean, are we  
20. eliminating probate altogether and doing this somewhat  
21. like the small estates affidavit, using that in lieu of  
22. probate? I don't think we're quite doing that, are we?

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Rock.

25. SENATOR ROCK:

26. No...no we're not doing that. The initial admission  
27. of the will and the probate is simplified. Any will contest  
28. ...proceeding is simplified, the claims procedures are simplified.  
29. And...and what we're suggesting is that after that initial  
30. filing, the personal representative may opt for what's called  
31. independent administration. And then all those court appearances  
32. with respect to either a reception of claims or distribution  
33. or...or the getting rid of the property, would be obviated.  
34. There would not be the necessity to go into court time after

1. time on these rather perfunctory and uncontested motions.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Sangmeister.

4. SENATOR SANGMEISTER:

5. Well, then what you're saying is all the procedures

6. will remain the same as far as what has to be done, but

7. with the cooperation of all the heirs in an estate, a lot

8. of things can be simplified. Is that a simplified answer

9. to what the bill does?

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Rock.

12. SENATOR ROCK:

13. That is correct, exactly.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Further discussion? Senator Schaffer.

16. SENATOR SCHAFFER:

17. I have to admit that I'm clearly unqualified to really

18. enter into this debate, but I just have to ask a couple

19. questions. Whenever I see a probate bill in with a bunch

20. of lawyers all telling us how wonderful it is, I start to

21. get a trifle suspicious. So at least one nonlawyer ought

22. to ask a question and...the simple question, is I think

23. from time to time we all get mail from people concerned

24. about the delay in the probate system and I don't want to

25. bring up a sore subject, but the exorbitant fees charged

26. by the legal profession for...to use a term, perfunctory

27. services. And I guess my question is, does this bill in

28. fact address those two problems. Will the consumer, and

29. I should say the...the people that get the estate have

30. their legal fees reduced and will they get this length

31. legal process cleaned up quicker as a result of this bill?

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Rock.

1. SENATOR ROCK:

2. The...the obvious answer, I think, is yes, with...with  
3. this qualification. That the statutory time with respect  
4. to the tax dates is not changed. So that the length of  
5. time from beginning to ending is not shortened in any respect.  
6. What is shortened, and...and what is obviated by this, are  
7. the needless, in the testimony of the judge, are the needless  
8. court appearances in fully seventy percent of the...of the  
9. probate proceedings, at least in the County of Cook. Additionally,  
10. there was testimony, there is testimony to the effect that the  
11. fees, in fact, will be less and will be less for the reason  
12. that the court appearances that otherwise would be required  
13. are simply no longer required, if, in fact, all the heirs  
14. and...and beneficiaries and...interested parties can agree.  
15. And...and again, the testimony is there, was there, that in  
16. seventy percent of these cases there's no reason why they  
17. can't agree. So that, as you well know, most attorneys  
18. charge by the hour and if you have to sit over in the Probate  
19. Court for two hours to handle a ten minute motion, the costs  
20. are going to go up. Absent that, a lot of this stuff can and  
21. should be done by agreement of the party. Additionally, any  
22. interested party, as it was just pointed out here, rightfully  
23. so, and I said in the beginning, can ask for at any time, he  
24. can say enough of this, let's get into court again. And you  
25. can go right back into court. So that the heirs and...and  
26. those who are interested in the estate are fully protected.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Bloom...no...Senator Bloom.

29. SENATOR BLOOM:

30. Just wanted to answer Senator Schaffer's question. Yeah,  
31. it will cut down on cost. I'm handling an estate right now  
32. where there was no will and the only asset are a couple pieces  
33. of property and there are many brothers and sisters and nephews.

1. And they all have to be noticed and they all have to sign  
2. waivers and then you do have to go...and the...the length  
3. of time of probate is because safeguards are to inhibit  
4. things where one member of the family or another gets  
5. rapacious, but where most matters they are agreed upon  
6. matters. And where you have brothers and sisters and nieces  
7. and nephews scattered into the four winds, that takes a lot  
8. more time. This would simplify matters. And I would urge  
9. all members on this side of the aisle to support this bill.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Further discussion? Senator Knuppel.

12. SENATOR KNUPPEL:

13. Well, this is the age of the consumer and unfortunately  
14. the probate lawyers of the State of Illinois have overcharged,  
15. they've been parasitical for years and years and years and they  
16. put out a bar schedule which you were supposed to be guilty  
17. of unethical practice if you violate it. They brought the  
18. situation on themselves and made the word probate a dirty  
19. word, But the concept that this is going to correct it, is  
20. erroneous. Now, I'm going to support the bill because it's  
21. the age of the consumer, we try to give them what they want.  
22. They're going to be so damn confused with the alternatives  
23. they're not going to save any money because lawyers have a  
24. way of...of holding their hand and having them come in and  
25. sign one paper or do one act and charging for it anyway.  
26. And all this is going to do is confuse. It won't save  
27. money. Today, anybody where all the heirs are adults, they  
28. do not have to probate the estate in the State of Illinois.  
29. You can get a title company to write a policy on the real  
30. estate and the...and the belief or the argument by anybody,  
31. including the Bar Association, that you...that you have to go  
32. through probate is spurious. The fact is...is the probate  
33. lawyers are behind this, the probate lawyers were behind

1. the charges and I'll guarantee you ten years from now, if  
2. I could come back and speak to you, you'll find out that this  
3. bill has only further confused the people. It makes some  
4. people think that they're going to be able to do this themselves.  
5. They're going to ass it up so badly, the people who try to do  
6. it, that the lawyers will just make one hell of a lot more  
7. money out of the assed up estates. And believe me this is  
8. true. There's an old expression among lawyers, he who hath  
9. himself as a client, hath...he who represents himself, hath  
10. a fool for a client. Now the newspapers and others and the  
11. articles in the Journal and it was admitted over at the Bar  
12. Association the other day have not correctly represented  
13. what this does. You still are going to have to file tax  
14. returns for the Federal Government, you're still going to  
15. have to file Inheritance Taxes for the State Government.  
16. People who think they can do it themselves and that they  
17. can go in and get a box, a safety deposit box released on their  
18. own, that they can sneak around and beat the government out of  
19. money are going to end up in jail. It's a misleading piece  
20. of...of legislation. But I say if they want to do it unto  
21. themselves, let them do it. The lawyers are the ones that are  
22. sponsoring this legislation and you can't believe nobody  
23. here is going to believe that these probate lawyers are going  
24. gut themselves. They'll find a way, the thing will be so damn  
25. confused they'll be so many contested matters. If you ever  
26. dealt with a family in probate, if there's enough money,  
27. they're going to fight. One is going to try to cheat another  
28. one and as a result, the lawyers have written it and they  
29. hope these people make these mistakes and the lawyers will  
30. get fat off from them.  
31. PRESIDING OFFICER: (SENATOR BRUCE)



1. Further debate? Senator Rock may close.

2. SENATOR ROCK:

3. Thank you, Mr. President. I'm not sure, Mr. President  
4. and Ladies and Gentlemen of the Senate how many more speeches  
5. in support of this I can stand. I would suggest to you that  
6. this is a legitimate effort on the part of the organized  
7. Bar of this State to meet a...a need that...that frankly  
8. exists. People are concerned and in many cases, rightfully  
9. so, with respect to the needless and often times too many  
10. court appearances, the endless dragging on of...of probate  
11. proceedings and the concomitant costs. We had introduced  
12. in this General Assembly some years ago what the Reader's  
13. Digest calls the Uniform Probate Code, which called for  
14. some extremely dramatic changes in the Probate Law as  
15. we know it. And that was rejected and I think rightfully so.  
16. Since that time, however, there has been under continuing  
17. study this kind of concept to afford on an optional basis,  
18. this kind of independent administration. In a...in an attempt  
19. a legitimate attempt, I think, by the...by the organized Bar  
20. to respond to these kinds of concerns. And I would urge a  
21. favorable vote.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. The question is shall Senate Bill 269 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? All right.  
26. Have all voted who wish? Take the record. On that question  
27. the Ayes are 51, the Nays are none, none Voting Present. Senate  
28. Bill 269 having received the required constitutional majority  
29. is declared passed. ...bill 277, Senator Graham. Read the  
30. bill, Mr. Secretary.

31. SECRETARY:

32. Senate Bill 277.

33. (Secretary reads title of bill)

1. 3rd reading of the bill.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Graham.

4. SENATOR GRAHAM:

5. Mr. President and members of the Senate. At the first  
6. glance of this bill, it might concern you just a little bit.  
7. What we're attempting to do in this bill perhaps is what the  
8. department has done and should be doing, if they're not,  
9. without statutory provisions for it. This permits the  
10. department, if a parolee is out on parole, say for instance  
11. has a job, loses his job, they have the opportunity then  
12. to put him in a half-way house rather than to let him get loused  
13. up and to be sent back to prison. We're just making legal  
14. what they should be doing now and we have saved some people  
15. from returning to Stateville as a result of that. Ask for  
16. a favorable roll...

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Is there discussion? The question is shall Senate Bill  
19. 277 pass. Those in favor vote Aye. Those opposed vote Nay.  
20. The voting is open. Have all voted who wish? Have all  
21. voted who wish? Take the record. On that question the Ayes  
22. are 45, the Nays are 3, 2 Voting Present. Senate Bill 277  
23. having received the required constitutional majority is  
24. declared passed. Senate Bill 278, Senator Regner. Read  
25. the bill, Mr. Secretary.

26. SECRETARY:

27. Senate Bill 278.

28. (Secretary reads title of bill)

29. 3rd reading of the bill.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Regner.

32. SENATOR REGNER:

33. Yes, Mr. President and members of the Senate. What this

1. bill provides is the Department of Law Enforcement build the  
2. race tracks on a Fiscal Year basis for the investigative  
3. services they provide at the tracks. Current statute calls  
4. for a monthly basis. Three years ago, the Auditor General  
5. in his audit, suggested they do it on a Fiscal Year basis  
6. which they did start this year. So what it does, it brings  
7. the statutes into compliance with what was suggested. To  
8. do it on a monthly year basis, it'll cost about ten thousand  
9. dollars more. So doing it on a Fiscal Year basis they save  
10. ten thousand dollars a year. And I'd ask for a favorable  
11. roll call.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Is there discussion? The question is shall Senate Bill  
14. 278 pass. Those in favor vote Aye. Those opposed vote Nay.  
15. The voting is open. Have all voted who wish? Have all voted  
16. who wish? Take the record. On that question the Ayes are  
17. 47, the Nays are none, none Voting Present. Senate Bill 278  
18. having received the required constitutional majority is  
19. declared passed. Senate Bill 286, Senator Regner. Read  
20. the bill, Mr. Secretary.

21. SECRETARY:

22. Senate Bill 286.

23. (Secretary reads title of bill)

24. 3rd reading of the bill.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator Regner.

27. SENATOR REGNER:

28. Mr. President and members of the Senate. This bill provides  
29. that to be eligible to vote in a school election, you be a  
30. registered voter for twenty-eight days prior to the election  
31. which is the same that it is for any other election and with  
32. consolidated elections coming up, I think this is necessary  
33. and ask for a favorable roll call.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)
2. Is there discussion? Senator Wooten.
3. SENATOR WOOTEN:
4. What is the...question of the sponsor.
5. PRESIDING OFFICER: (SENATOR DONNEWALD)
6. Indicates he will respond.
7. SENATOR WOOTEN:
8. What is the change in the present procedure and why is
9. it necessitated, Senator?
10. PRESIDING OFFICER: (SENATOR DONNEWALD)
11. Senator Regner.
12. SENATOR REGNER:
13. Well currently Senator Wooten, a person can actually
14. register to vote at the township if it happens to be open
15. or a city or wherever the morning of a school election.
16. Many times in the past it's come up that on an issue various
17. groups, one side or another will register a lot of voters
18. on the day of election going to vote and there's no way
19. to check actually whether or not that person is a registered
20. voter or would allow the school elections to use poll sheets
21. the same as they do for other elections. Right now a person
22. in a school election just signs an affidavit and it's very
23. difficult to prove whether or not they are, in fact, registered
24. voters.
25. PRESIDING OFFICER: (SENATOR BRUCE)
26. Senator Wooten.
27. SENATOR WOOTEN:
28. Well I...that's what I was waiting for you to say. That
29. right now to vote in the school board elections, you just
30. come in and sign an affidavit and vote. Can you imagine any
31. school officials anywhere in the State who'd be in favor
32. of changing that?
33. PRESIDING OFFICER: (SENATOR BRUCE)
34. Senator Regner.

1. SENATOR REGNER:

2. I haven't had any communication one way or another from  
3. school officials.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Senator Wooten.

6. SENATOR WOOTEN:

7. Well I believe they're uniformly opposed to this procedure.  
8. If there's anything they're sensitive about it's the politicizing  
9. of school board elections and the present procedure where you  
10. just come in, sign an affidavit and vote in the election is a  
11. good one. And I...I'm not aware of a single person involved in  
12. that whole process who wants it changed, that you have to be a  
13. registered voter and have a registered voters card and a poll  
14. sheet in order to participate in that election and lacking  
15. any kind of support from the people directly involved I...I  
16. certainly would be in opposition to the legislation.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Is there further discussion? Senator Rhoads.

19. SENATOR RHOADS:

20. Thank you, Mr. President. I rise in support of Senate  
21. Bill 286 to respond briefly to Senator Wooten. Senator there  
22. are...have been many election law cases involving school  
23. elections and it's been pointed out repeatedly by the attorneys  
24. involved in those cases that there is no way right now to  
25. prevent fraud in a school election. There's just no way to  
26. act...to have poll watchers, to adequately challenge the  
27. signer of an affidavit. Senator Regner...Regner has very  
28. correctly pointed out that with the coming of consolidated  
29. elections this bill simply makes sense and it is an anti-  
30. fraud measure.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Is there further discussion? Senator Regner may close.

33. SENATOR REGNER:

34. Well, Senator Rhoads did explain the one point I did want

1. to make regarding anti-fraud and I'd urge a favorable roll call.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. The question is shall Senate Bill 286 pass. Those in  
4. favor vote Aye. Those opposed Nay. The voting is open.

5. Have all those voted who wish? Have all those voted who wish?

6. Take the record. On that question the Ayes are 40, the Nays

7. are 7. Senate Bill 286 having received the constitutional

8. majority is declared passed. Senate Bill 287, Senator Egan.

9. Read the bill, Mr. Secretary.

10. SECRETARY:

11. Senate Bill 287.

12. (Secretary reads title of bill)

13. 3rd reading of the bill.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Egan.

16. SENATOR EGAN:

17. Thank you, Mr. President, members of the Senate. This  
18. Bill allows...it amends the Child Labor Law to allow fourteen  
19. and fifteen year old...year olds to work at ice skating rinks  
20. own and operated by a school district or a unit of local govern-  
21. ment. Presently, students and kids fourteen and fifteen can  
22. do the kind of work that they'll be doing at ice skating rinks  
23. if...this bill passes. They can do that kind of work, presently  
24. in...in swimming pools. And it's particularly at the request  
25. of the Village...City of Park Ridge, which is in my district.  
26. I...it passed out of the Labor Committee unanimously. I know  
27. of no objection. The Department of Labor is not opposed and  
28. I commend it to your favorable consideration.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Is there discussion? The question is shall Senate Bill 287  
31. pass. Those in favor vote Aye. Those opposed vote Nay. The  
32. voting is open. Have all those voted who wish? Have all those  
33. voted who wish? Take the record. On that question the Ayes are

20289  
3rd Reading  
5-14-79

1. 46, the Nays are none, 4 Voting Present. Senate Bill 287
2. having received a constitutional majority is declared passed.
3. Senate Bill 289, Senator Grotberg. Read the bill, Mr. Secretary.
4. SECRETARY:
5. Senate Bill 289.
6. (Secretary reads title of bill)
7. 3rd reading of the bill.
8. PRESIDING OFFICER: (SENATOR DONNEWALD)
9. Senator Grotberg.
10. SENATOR GROTBORG:
11. Thank you, Mr. President and members of the Senate.
12. Senate Bill 289 does two things in its original form. It's
13. a technical amendment to the Code of Corrections adding
14. the word or to make legal what was left out in the transcription
15. ...of the last revision of the law, it used to be in there. I
16. would like to go on to the amendment that we put on the Floor
17. on Friday. I just passed out to each of you a simple amend-
18. ment and the cover sheet is a tear sheet from a recent news-
19. paper describing the concept of House Arrest as it was envisioned
20. by a California judge. This matter came to our attention a
21. few weeks ago and we proceeded then to draft a bill, Senate
22. Bill 993, which would, in effect, make available to the courts
23. another sentencing alternative, probably the cheapest and best
24. of all. To allow the judge to sentence you to stay at home.
25. Which for some people...and levity could be considered the
26. worst sentence of all, but in general a very good alternative
27. to the law. And we had a three page very stiff amendment drafted,
28. we have taken it to the Judicial Sentencing Committee Commission
29. last week and three of the Judicial members went over that long
30. drawn out act that we had drafted. We shortened it up to what
31. you had before you, two paragraphs, which add an eleventh alterna-
32. tive to the Probation Act of the State of Illinois. And it says
33. only that number eleven, the judge may ask the defendant to

1. serve a term of home confinement. We even lost the concept of  
2. House Arrest in there...drafting of it, but I submit that it  
3. is House Arrest. In addition to any other applicable conditions  
4. of probation or conditional discharge. The condition of home  
5. confinement shall be that the offender: A-remain with the...  
6. within the interior premises of the place designated for his  
7. confinement during the hours designated by the court, that's  
8. the crucial language. Under B-it asks the court to order that  
9. the court may order that any person or agent designated by  
10. the court shall be...shall be admitted to the offender's place  
11. of confinement at any time for purposes of verifying his being  
12. there as the court so ordered. This is a new concept, but it  
13. has received some attention from the courts and they generally  
14. like it as an alternative to spending money. We often take a  
15. third time shoplifter and find sentences for her and they wind  
16. up in Dwight for about twelve thousand dollars a year each  
17. and we send the children to Children and Family Services or  
18. Public Aid for another several thousand dollars a year. There  
19. is no cheaper place to stay than in your home. If somebody's  
20. got their eye on you. And that's exactly what this bill does.  
21. I'd be delighted to try to answer questions. It's a new concept  
22. for everybody involved. The...the bench likes it. I'm sure  
23. under some alternative measures that the defendant would like  
24. to opt for this and I leave it for your discussion.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Is there discussion? Senator Knuppel.

27. SENATOR KNUPPEL:

28. Well, this is the first time I've heard of this. It sounds  
29. interesting. We have too few new ideas in this Body. Generally  
30. speaking we're chewing on hackneyed old methods of doing some-  
31. thing or redoing something that was done a few years ago. Changing  
32. the totals from twenty-five to ten or from fifteen to eighteen.  
33. Lengthening sentences, finding new types of crimes till one of



1. these days we'll be like they were in England when they had  
2. five hundred and twelve different crimes that were punishable  
3. by capital death or hanging. And I've sat here all day thinking,  
4. my Lord, you know I won't even be able to go to the bathroom  
5. before very long without constituting a crime. That's what  
6. an awful heavy percentage of the legislation on our...on our  
7. Calendar is. Now with the judge having some discretion, we've  
8. taken discretion away from him with people over sixty and  
9. children under thirteen here today. We took it away from the  
10. judge with respect to how to sentence Class X people and left  
11. that with the State's attorney. We've prescribed mandatory  
12. sentences and my personal opinion is we're going to have  
13. more people in jail than we've got...I don't know how in  
14. the hell those of us that are out working are going to support  
15. those that are in. This sounds like a...a...a good idea  
16. pregnant with some...some good benefits and saving of money.  
17. Since it's left to somebody's discretion as to whether that is  
18. a crime and as he's pointed out, somebody steals fifteen  
19. dollars worth of gloves or something out of a store and they've  
20. got a family and we take on the responsibility. Yeah, boy, we're  
21. going to punish them, you know. We do punish them, but what...  
22. what do we accomplish if it costs us fifty thousand dollars to  
23. do it for a fifteen pair...fifteen dollar pair of gloves.  
24. Gentlemen, I think it's a good idea. That's something that's  
25. rare in this Body. I'm going to support it just for that  
26. reason.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Senator Sangmeister.

29. SENATOR SANGMEISTER:

30. Yes, Mr. President and members of the Body. I wish to  
31. explain to the members of the Senate that this concept was  
32. presented by Senator Grotberg in the Judiciary Committee and  
33. we held the bill and said that it ought to go to the Sentencing

1. Commission for some review. What has happened since then  
2. is it did go to the Sentencing Commission. We had one meeting  
3. on it and Senator Grotberg's bill, which is now before us, became  
4. a vehicle to do this. I think our reaction in the committee was  
5. the same as I'm sure that you feel here on the Floor today.  
6. You know, how ridiculous can we have, something such as House  
7. Arrest. However, after you look at the concept awhile and see  
8. that this has been confined now to, as I understand it, Senator  
9. Grotberg, you've got this strictly in the Probation Section  
10. of the Criminal Code and all this is is another tool for the...  
11. for the judges. Now, the reason that I'm happen to be going  
12. along with this is the judges on the Sentencing Commission feel  
13. that this is another avenue that they ought to have to use in...in  
14. terms of probation. Obviously, there are probationable felonies  
15. as well as there are misdemeanors. however...the judges feel  
16. that obviously they would use this with only great discretion  
17. and as Senator Knuppel has indicated, they would like to have  
18. some other areas in which to have authority to confine some-  
19. body to their home. It certainly is a new concept. At first  
20. blush one would think that this is...is something we shouldn't  
21. do, but if you look at it in depth and realize that this is  
22. only going to be used in, I'm sure...very minor crimes and  
23. again we leave this to the discretion of the Judiciary and  
24. if you feel your judges will use this properly and it probably  
25. is new. It is innovated...innovative, it is something that  
26. the judges want and on that basis, because it is restricted  
27. as it is, I would support the concept.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Senator Washington.

30. SENATOR WASHINGTON:

31. Mr. President, I will very briefly echo Senators Knuppel  
32. and Sangmeister and support this innovative concept, which I  
33. think is quite good. The only problem is, in our wisdom or

1. lack of it, we've cut...the substance and most of the juice  
2. out of the bill. It could be a very useful tool, but I think  
3. as a pilot thing it perhaps should be supported. Interesting  
4. thing about this bill is that it was strongly supported by  
5. the Judiciary. Very strongly supported. And they supported  
6. it because, in effect, what we've done here in our zeal, excessive  
7. zeal, I might add, is to put a straitjacket around judges  
8. They're sitting on the firing line, they know the prisons are  
9. overcrowded, they know the conditions of these prisons, they  
10. know they're debilitating, they know that the recidivous rate  
11. is in part due to the whole darn system and they're very deeply  
12. concerned about it, but we continue to tighten the noose around  
13. their necks, give them no discretion whatsoever and make them  
14. part and parcel of a system which is just turning out the  
15. same kind of business we're trying to avoid. And their testimony  
16. was extremely impressive and they want this kind of thing. And if  
17. we, the Legislature, doesn't...don't have the wisdom to think  
18. innovatively, perhaps if we keep pressing the judges maybe the  
19. judges will press us to keep on coming up with the kind of bill  
20. that Senator Grotberg has come up with. I think it's excellent.  
21. But I think it's food for thought that the Judiciary is so much  
22. concerned with the tightening of the laws that we forced on them  
23. to administer, which they...simply can't in good conscience  
24. continue to do. I think if we get that message, if nothing else,  
25. it will be worth it. I think it's a good bill.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Senator Berning.

28. SENATOR BERNING:

29. Thank you, Mr. President. I...I would have to agree that  
30. this is innovative and I...I guess I will vote for it, but I  
31. have some real serious reservations. And I thereby would request  
32. of the sponsor his reaction. Namely, does the court then determine  
33. the hours that the individual is confined to the premises, day

1. or night or some of each?

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Grotberg.

4. SENATOR GROTBORG:

5. Yes.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Senator Berning.

8. SENATOR BERNING:

9. Then I would assume that during the other off hours, the

10. individual is not confined?

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Senator Grotberg.

13. SENATOR GROTBORG:

14. The judge may allow for him to go to work to keep his

15. family or her, to go to school, whatever. But if he violates

16. his condition of parole, Senator, he's in the slammer or she

17. just like everybody else on parole.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator Berning.

20. SENATOR BERNING:

21. What you are implying by that is that the confinement

22. period would be in the evening essentially. Now then, this

23. confined person has to admit some agent designated by the

24. court into the offenders place of confinement. Evening

25. you're confined to the bedroom.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Senator Grotberg, would you respond.

28. SENATOR GROTBORG:

29. I would...I would only ask the Senator, on a point of

30. personal privilege that he doesn't put words in my mouth.

31. I said nothing about evening, Senator Berning, pick your

32. own time. The judge will pick the time. If he can find a

33. night job for that person other than breaking and entering,

1. why sobeit.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Berning.

4. SENATOR BERNING:

5. Yes, I would be able to find a night job for that individual

6. as well as a day job, I'm pretty sure, if I could find any at

7. all. My...my point is leading...I mean I am leading up to this

8. point, Mr. President and members of the Senate. If there is an

9. individual confined, day or night or part of each in his home,

10. what advantage is that in attempting to determine whether or

11. not he's adhering to this and whether it's any benefit to

12. society unless the neighbors know about it. It would appear

13. to me that if this person to be admitted is going to be of

14. any advantage, it's going to have to be the neighbor next

15. door or across the street.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Grotberg.

18. SENATOR GROTBORG:

19. I think you will find that all sentences of this nature

20. are a matter of public record, I would hope to God the

21. neighbors know about it. It will do nothing but enforce the

22. sentence. The Police Department...the Police Departments

23. will be notified, everybody will be notified. The proper

24. authorities that will have full access to that home or that

25. place of confinement, just like the parole officers do now.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Looks like this will get...

28. SENATOR GROTBORG:

29. Probation, I mean...yeah.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. ...fifty votes because there's about four more that want

32. to address themselves to the bill. Senator Egan.

33. SENATOR EGAN:

1. Yes I...I'll be brief. I just want to say that there was  
2. a lot of serious thought given to the proposal by the, specially  
3. the...particularly the Judicial members of the Criminal Sentencing  
4. Commission. All it is is a condition of probation which judges  
5. today are afraid to use because of some case law. It...it is  
6. within the discretion of those cases that have been adjudicated  
7. for...for probation purposes and it's entirely a valid concept  
8. in the way it's structured now has the support of everybody  
9. that I know of on...on the...on the commission. We're  
10. going to hear it again before it passes out of the House and  
11. I commend it for your favoritism. That's...

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Senator Savickas.

14. SENATOR SAVICKAS:

15. Yes, Mr. President, members of the Senate. I was reading  
16. the press release by Senator Grotberg. At the bottom it says  
17. this judge in Alameda County imposed a house arrest on a  
18. Rebecca Brown convicted of manslaughter in the shooting death  
19. of her husband. Regularly employed woman, had no criminal  
20. record and the shooting indicated that her husband had been  
21. drinking and he carried a gun and they had a struggle and he  
22. died. Now this woman is going to be confined to her house  
23. arrest because she defended herself or...it's...

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Senator Grotberg.

26. SENATOR GROTBERG:

27. That is why we have a law and California doesn't even  
28. have a law. This is no law. I...called the California  
29. Legislature, there is nothing filed, the judge did it on  
30. his own, of his own volition without benefit of statute  
31. and in this case in California, that's probably a misdemeanor.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Savickas.

1. SENATOR SAVICKAS:

2. Well now with this law, if someone defended themselves, such  
3. as this woman, would they be confined to a...house arrest with  
4. this law for any period of time?

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Senator Grotberg.

7. SENATOR GROTBORG:

8. It's just one more possible condition of probation. We  
9. already have ten of them and there are probational...offenses  
10. and nonprobational offenses, one of them is not murder in the  
11. State of Illinois.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Senator Nimrod. Is there further discussion? Senator  
14. ...Grotberg may close if you wish.

15. SENATOR GROTBORG:

16. Thank you. I think the bill has had a good hearing,  
17. the Judiciary thinks since the Herrod case that we've got  
18. them in straitjackets, let's take them out.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. The question is shall Senate Bill 289 pass. Those in  
21. favor vote Aye. Those opposed Nay. The voting is open.  
22. ...those voted who wish? Have all those voted who wish?  
23. Take the record. On that question the Ayes are 46, the Nays  
24. are 2. I was short by four. Senate Bill 289, having received  
25. a constitutional majority is declared passed. Senate Bill  
26. 291, Senator Knuppel. Read the bill, Mr. Secretary.

27. SECRETARY:

28. Senate Bill 291.

29. (Secretary reads title of bill)

30. 3rd reading of the bill.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Senator Knuppel.

33. SENATOR KNUPPEL:

1. Mr. President and mebers of the Body. This bill was  
2. introduced at the request of a number of County Fair Boards  
3. who have buildings and facilities where people like to store  
4. their boats and machinery, but by the laws that existed, they  
5. had to file bonds and comply with the Department of Agriculture  
6. and it made it very difficult. And they've asked that they  
7. be allowed to store without meeting all those requirements  
8. that warehouses have to meet. The amendment that's on the  
9. bill brings it in focus with the bill in the House. They  
10. cannot engage in the storage of goods, whether it's household  
11. goods, furniture and merchandise that would normally be stored  
12. by a warehouse. But they do say that they may store those  
13. types of chattels which are approved by the Department of  
14. Agriculture, primarily personal property stored by this...  
15. these licensees shall be boats, farm machinery and other  
16. tangible personal property of that nature. And it makes  
17. it an easier task and the County Fairs can make some money  
18. from the buildings which they have on their grounds. I  
19. submit this is good legislation, it excludes them by reason  
20. of storing farm machinery and so forth. From the provisions  
21. produces some revenues so that there's more money for the  
22. County Fair and it's good legislation.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Is there discussion? Senator Ozinga.

25. SENATOR OZINGA:

26. Just a question of the sponsor.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Indicates he will yield.

29. SENATOR OZINGA:

30. Sēnator Knuppel, during the heavy winter shows of last  
31. season, there were two or three occasions which I just happened  
32. to personally witness where the entire roof of some of these  
33. sheds had collapsed and inside of one of these sheds was about



1. fifty...fifty-five boats. Now, are you saying that the owner  
2. of that shed or the county should not carry adequate insurance  
3. to cover such damage?

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End of Reel #5

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Knuppel.

3. SENATOR KNUPPEL:

4. Sir, I'm not saying they should. I'm saying that...that  
5. they would be a different type of a...lessee under the super-  
6. vision of the Department of Agriculture. I assume that they  
7. would not under those circumstances carry that same type of  
8. insurance as is carried by a warehouse, but let me say this.  
9. You know, I saw a lot of farm buildings collaspe too and if  
10. those people...those farmers that had the boats or the  
11. machinery or whatever it was in their own farm buildings  
12. they would have and you can't buy, generally speaking, you  
13. can't buy insurance on such buildings. You can buy on  
14. residence's but you can't buy on these pole type buildings  
15. that we're talking about on fairgrounds and so forth. I  
16. had a woman who had a cattle shed, a thirty thousand dollar  
17. building and the roof went down...a feeding establishment, so  
18. I would say that...that they would have to have a contract on  
19. each one of these and I assume they would have in the contract  
20. if they didn't carry insurance, a provision that the person  
21. was waiving that insurance.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Is there further discussion? The question is...Senator  
24. Knuppel may close if he wishes. The question is, shall  
25. Senate Bill 291 pass. Those in favor vote Aye. Those opposed  
26. Nay. The voting is open. Have all voted who wish? Have all  
27. those voted who wish? Take the record. On that question,  
28. the Ayes are 50, the Nays are 1. Senate Bill 291 having  
29. received the constitutional majority is declared passed.  
30. Senator...Senate Bill 292, Senator Knuppel. Read the bill,  
31. Mr. Secretary.

32. SECRETARY:

33. Senate Bill 292.

1. (Secretary reads title of bill)  
2. 3rd reading of the bill.  
3. PRESIDING OFFICER: (SENATOR DONNEWALD)  
4. Senator Knuppel.  
5. SENATOR KNUPPEL:  
6. This bill was brought about by the fact that in the  
7. State of Illinois we have about seven or eight park districts  
8. that operate airports. Under the General Port Authority  
9. where they operate airports they have authority to issue  
10. Revenue Bonds and to retire those from the receipts that  
11. they get from the facilities that they build or the air  
12. strip or whatever it may be. This was to allow those park  
13. districts the same as port districts and the language has  
14. been taken generally from the Port District Act. The  
15. authority to construct airports, landing fields and facilities,  
16. such as hangars and so forth and to charge rent on those and  
17. then pay the bonds off from the revenues. What it provides  
18. is it does provide that these Revenue Bonds can be issued  
19. for up to the amount of nine and a half percent, which would...  
20. could make them attractive to those people who would buy  
21. Revenue Bonds as opposed to General Obligations. It would  
22. be under the authority of the park...park board. I think  
23. Decatur, Joliet...I know Canton and Beardstown. There...there  
24. are other airports similarly situated that are run by park  
25. districts.  
26. PRESIDING OFFICER: (SENATOR DONNEWALD)  
27. Senator Martin.  
28. SENATOR MARTIN:  
29. Will the sponsor yield to a question?  
30. PRESIDING OFFICER: (SENATOR DONNEWALD)  
31. He indicates he will.  
32. SENATOR MARTIN:  
33. Senator, is there any protection in the bill for those

1. areas since...that also have an airport authority. I know  
2. it may seem hard to believe, but some of us come from  
3. districts where,occasionally,local governmental units  
4. fight with each other and I just wondered if...this would  
5. be the kind of thing that...for instance, in Winnebago, my  
6. park district would start an airport with my airport district  
7. with an airport and I just wondered if there's some provision  
8. in the bill that suggests that if there's an airport authority  
9. that the park district is limited or...or is there anything  
10. like this?

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Senator Knuppel.

13. SENATOR KNUPPEL:

14. This doesn't go into this, Senator Martin, at all. That...  
15. that already...whatever powers exist to create or run an  
16. airport already exist. This doesn't deal with the powers of  
17. one municipal group as opposed to another. All it says is that  
18. if you have a park district running an airport it can issue  
19. Revenue Bonds to build hangars,mechanically repair, et cetera.  
20. It doesn't deal or change what already exists. All it does  
21. is allow them to...to...to use Revenue Bonds to construct the  
22. type of facilities that would be beneficial. This came  
23. about...to my attention and I know Senator Rupp has the  
24. same problem...came to my attention because a man was retiring  
25. from the National Guard and wanted to start a shop at the  
26. Beardstown Airport where he could work on the local people's  
27. ...airplanes there and they wanted that type of a...facility  
28. but they had no way to put a building up for him and as a  
29. result they lost him. He went over to Jacksonville where  
30. they have a port authority of some kind and created his shop  
31. over there to work on airplane motors and so the  
32. people in Beardstown don't have that advantage. But it doesn't  
33. deal with giving them more power to create airports or not

1. create airports. That stays exactly as it is now.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Rhoads.

4. SENATOR RHOADS:

5. A question of the sponsor.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. He indicates he will yield.

8. SENATOR RHOADS:

9. Senator Knuppel, what is the referenda provision in the

10. bill?

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Senator Knuppel.

13. SENATOR KNUPPEL:

14. I think it's a backdoor referendum only on the Revenue

15. Bonds, Sir. The board can issue Revenue Bonds which is what

16. occurs in most instances and...and it's only...I think it's...

17. I...I haven't...I can't tell you just exactly but I have

18. the feeling someplace it was twenty-five people if they

19. wanted to have a referendum, but I don't recall, specifically.

20. It's not a direct referendum to issue the Revenue Bonds because

21. that only deals with General Obligation Bonds, generally

22. speaking.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Senator Rhoads.

25. SENATOR RHOADS:

26. Secondly, did you say that there was a specific park

27. district that had requested this bill or where did the bill

28. come from?

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator Knuppel.

31. SENATOR KNUPPEL:

32. It started...it came to my attention at the Beardstown

33. Airport but Canton and I think, Joliet and several other

1. airports...there's about seven or eight of them that are...  
2. Vandalia, I believe, airports that are run in the State of  
3. Illinois by park districts. Now all this does is give...it...  
4. it's been copied off where port districts...port authorities  
5. run airports and it gives park districts the same type of  
6. authority, only nothing new, nothing different.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Senator Rhoads.

9. SENATOR RHOADS:

10. Finally, the question of coterminous boundaries has come  
11. up. What about the...does this in any way affect the City  
12. of Chicago or the County of...with respect...County of Cook  
13. with respect to Chicago Park District?

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Knuppel.

16. SENATOR KNUPPEL:

17. Not insofar as I know. I don't know whether there's a  
18. Park District in the City of Chicago that's operating an  
19. airport or if there's one that wants to...or if, in fact,  
20. there's one that could.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Senator DeAngelis.

23. SENATOR DeANGELIS:

24. Will the sponsor yield to a question?

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. He indicates he will.

27. SENATOR DeANGELIS:

28. Senator Knuppel, what would prevent...an existing body or  
29. a park district to acquire an airport and then issue Revenue  
30. Bonds to finance it...under this particular bill?

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Senator Knuppel.

33. SENATOR KNUPPEL:

1. I did not hear the question. To issue Revenue Bonds to  
2. do what?

3. SENATOR DeANGELIS:

4. What would prevent a park district from acquiring an  
5. airport and issuing General Bonds under your bill?

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Senator Knuppel.

8. SENATOR KNUPPEL:

9. There's nothing to prevent it presently from securing  
10. an airport. Nothing like that has been changed. If they...  
11. if a park district today...I...I didn't go into that aspect  
12. of it and I'm surprised at the questions on it because all  
13. this does...I don't know which park districts are allowed to...  
14. to run airports and which ones aren't. I just know that there's  
15. seven or eight such districts in the State of Illinois. If  
16. they have the power now they will continue to have this power.  
17. It doesn't create or take away that power. Once they have an  
18. airport they have the same authority to issue Revenue Bonds  
19. that a port district would have.

20. PRESIDENT:

21. Further discussion? Senator Grotberg.

22. SENATOR GROTBORG:

23. Thank you, Mr. President. Just to remind the Body this  
24. bill went out of our Local Government Committee unanimously  
25. and they didn't all get out that easily. They...the...I  
26. would urge anybody that...on this side of the aisle to  
27. support a bill like this because they still got to go out  
28. and sell the bonds. The bond market and the prospectives  
29. will determine whether they're worth buying at all or not.  
30. This merely empowers them to seek that way of financing in  
31. this expensive money market and I think that we need...  
32. general aviation needs support like this all over the State  
33. not just north and in my district but all over the State. If the

1. park districts can pull it off, I think they should be allowed  
2. to it. I would urge an Aye vote.

3. PRESIDENT:

4. Further discussion? Senator Demuzio.

5. SENATOR DEMUZIO:

6. Yes, I just have one quick question to the sponsor. I  
7. noticed by Amendment No. 1, which was not considered in  
8. committee increases from seven to nine and a half percent the  
9. interest rate on Revenue Bonds issued by the park districts  
10. for airport purposes. Is that still in the bill?

11. PRESIDENT:

12. Senator Knuppel.

13. SENATOR KNUPPEL:

14. Well, it was considered in committee and Senator  
15. Grotberg called it to my attention and said you won't  
16. be able to sell General Revenue...rather Revenue Bonds for  
17. seven percent you should amend it upwards and I said I would  
18. place such an amendment on, so that was brought up before the  
19. committee. It is nine and a half percent. You want to  
20. remember these are Revenue Bonds. No revenue, no pay. It's  
21. not something that's General Obligation. I've went over that  
22. about four or five times now. That the taxpayer will not  
23. be obligated to pay off Revenue Bonds. It's only if they  
24. get the revenues.

25. PRESIDENT:

26. Is there any further discussion? If not, the question  
27. is, shall Senate Bill 292 pass. Those in favor will vote  
28. Aye. Those opposed will vote Nay. The voting is open.  
29. Have all voted who wish? Have all voted who wish? Take the  
30. record. On that question, the Ayes are 38, the Nays are 9,  
31. none Voting Present. Senate Bill 292 having received the  
32. constitutional majority is declared passed. 297, Senator  
33. Hall. On the Order of Senate Bills, 3rd reading, Senate Bill 297.



1. Read the bill, Mr. Secretary.

2. SECRETARY:

3. Senate Bill 297.

4. (Secretary reads title of bill)

5. 3rd reading of the bill.

6. PRESIDENT:

7. Senator Hall.

8. SENATOR HALL:

9. Thank you, Mr. President and Ladies and Gentlemen of the  
10. Senate. What this bill does, it allows the park district  
11. to levy an annual tax for the purpose of establishing a working  
12. cash fund for any four consecutive years. At present, park  
13. districts may only levy an annual tax for no more than four  
14. years, 1976 through 1980. It removes conflicts in present  
15. statutory scheme concerning reestablishing the working cash  
16. fund after a funds abolition. Now there was an amendment  
17. added on to the bill, which changed from the word "consecutive"  
18. and this...and also changed the effective date of the Act.  
19. What this bill does, is simply that with this amendment would  
20. allow park districts to levy the tax for no more than four  
21. years but would be able to choose which years the tax would  
22. be levied under current law. This was...suggested by Senator  
23. Netsch and we did that. The tax must be levied in four or  
24. five years between 1976 and 1980 and the amendment also adds  
25. an immediate effective date. Now Senator Rhoads had some  
26. problems but we worked that out, so I would recommend this  
27. as your most favorable support.

28. PRESIDENT:

29. Is there any discussion? Senator McMillan.

30. SENATOR McMILLAN:

31. Mr. President and members of the Senate. I would rise  
32. in opposition to this bill, notwithstanding, the...the  
33. arguments of Senator Hall on its behalf. It does not include

1. a provision for a...frontdoor referendum. The only referendum  
2. for this tax increase is the backdoor referendum, so I would...  
3. would oppose it on the basis of the fact that this would be  
4. a tax increase or provide for a tax increase for which there  
5. would be no frontdoor referendum.

6. PRESIDENT:

7. Any further discussion? Senator Hall may close the debate.

8. SENATOR HALL:

9. ...Senator McMillan is correct. It does have a backdoor...  
10. referendum. I ask for your most favorable support.

11. PRESIDENT:

12. The question is, shall Senate Bill 297 pass. Those in  
13. favor will vote Aye. Those opposed will 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 18, the Nays  
16. are 28, none Voting Present. Senate Bill 297 having failed  
17. to receive a constitutional majority is declared lost. 302,  
18. Senator Geo-Karis. Top of page 19. On the Order of Senate  
19. Bills, 3rd reading, Senate Bill 302. Read the bill, Mr.  
20. Secretary.

21. SECRETARY:

22. Senate Bill 302.

23. (Secretary reads title of bill)

24. 3rd reading of the bill.

25. PRESIDENT:

26. Senator Geo-Karis.

27. SENATOR GEO-KARIS:

28. Mr. President and Ladies and Gentlemen of the Senate.  
29. This bill would amend chapter 34...add paragraph 423 of the  
30. Statutes relating to...to county government, so that...by  
31. removing the requirement that agricultural land be zoned as  
32. well as used for agricultural purposes to be exempt from  
33. regulations imposed by the county board concerning construction

1. or alteration of buildings. Under the present law, counties  
2. outside the jurisdiction of Northeastern Illinois Planning  
3. Commission cannot impose building permit fees upon individuals  
4. designed to...construct agriculturally related buildings,  
5. whether or not land is zoned agriculture. However, in counties  
6. under a million population and located within the jurisdiction  
7. of the Northeastern Illinois Planning Commission permit fees can  
8. be imposed for such...construction as the land is zoned for  
9. other than agricultural use. We have many farms, parts of  
10. them may not be zoned for agricultural use but are used for  
11. agriculture and what this bill is trying to do is erase the  
12. inequities in the Statutes because the one Statute provides  
13. for the...that permits with respect to the erection, maintenance,  
14. repair alteration, remodeling and extension of buildings and  
15. structures used or to be used for agricultural purposes shall  
16. be used free of any charge. It shall be issued, rather, free  
17. of any charge and Senators...that's under the same zoning  
18. Statute of the counties and then there's another section  
19. where the...in section 423, it said used and...and zoned for  
20. agricultural purposes. All this is trying to do is eliminate  
21. the...the inequities in the Statute. I might say that this  
22. bill was requested of me by the Illinois Farm Bureau and I  
23. think most of you have gotten a letter from them supporting  
24. this bill and also I...have no objection from the Department  
25. of Local Governments and it passed out of Local Governments  
26. Committee 9 to 0. I would...appreciate a favorable consideration.  
27. There's no objection to it either from the Cook County people.

28. PRESIDENT:

29. Is there any discussion? If not, the question is, shall  
30. Senate Bill 302 pass. Those in favor will vote Aye. Those  
31. opposed will vote Nay. The voting is open. Have all voted  
32. who wish? Have all voted who wish? Take the record. On  
33. that question, the Ayes are 41, the Nays are none, 3 Voting

AB 307  
3rd reading  
5/14/79

1. Present. Senate Bill 302 having received the constitutional  
2. majority is declared passed. 305, Senator Geo-Karis. On the  
3. Order of Senate Bills, 3rd reading, Senate Bill 305. Read the  
4. bill, Mr. Secretary. Pardon me. All right. Take it out of  
5. the record. 306, Senator Netsch. 307, Senator Bloom. On  
6. the Order of Senate Bills, 3rd reading, Senate Bill 307. Read  
7. the bill, Mr. Secretary.

8. SECRETARY:

9. Senate Bill 307.

10. (Secretary reads title of bill)

11. 3rd reading of the bill.

12. PRESIDENT:

13. Senator Bloom.

14. SENATOR BLOOM:

15. Thank you, Mr. President and fellow Senators. This bill  
16. addresses the problem that we encountered on the joint committee  
17. on Administrative Rules where we would file objections to  
18. proposed rules by State agencies because they went beyond the  
19. statutory scope or, in our judgment, were arbitrary or unreasonable.  
20. This bill says after we do file an objection on that basis and  
21. if they don't follow the statutory procedure within ninety  
22. days should they go to court to enforce these rules or should  
23. they attempt to enforce these rules they do so at their peril  
24. because the burden of proof would be on them to prove that  
25. they were not arbitrary, unreasonable, capricious or beyond  
26. the scope of the Statute. I'll try to answer any questions  
27. and urge your favorable support.

28. PRESIDENT:

29. Is there any discussion? If not, the question is, shall  
30. Senate Bill 307 pass. Those in favor will vote Aye. Those  
31. opposed will vote Nay. The voting is open. Have all voted  
32. who wish? Have all voted who wish? Take the record. On  
33. that question, the Ayes are 46, the Nays are none. 1 Voting

SB 308  
5-14-79  
3rd reading

1. Present. Senate Bill 307 having received the constitutional  
2. majority is declared passed. 308, Senator Berman. On the  
3. Order of Senate Bills, 3rd reading, Senate Bill 308. Read  
4. the bill, Mr. Secretary.

5. SECRETARY:

6. Senate Bill 308.

7. (Secretary reads title of bill)

8. 3rd...3rd reading of the bill.

9. PRESIDENT:

10. Senator Berman.

11. SENATOR BERMAN:

12. I hope the bill is easier to explain than to pronounce.  
13. This is a bill that addresses a problem that arose from a  
14. Supreme Court decision known as the Skinner case. Skinner  
15. versus Reed Prentice in which the question of the obligation  
16. of different defendants in a tort action...negligence action  
17. would be resolved. In Illinois we used to operate under a  
18. procedure where that any one of a number of defendants would  
19. be totally responsible for the full judgment and that other  
20. defendants who are liable could escape responsibility if based  
21. upon who was the first to have to pay the judgment. This bill  
22. is in...has been endorsed by the State Bar Association, the  
23. Chicago Bar Association for purposes of allowing these defendants  
24. to collect from other wrong...wrong acting defendants their  
25. share of the obligation that is imposed upon them by a judgment  
26. or through a settlement procedure. It sets forth a procedure  
27. whereby one person who pays a judgment can collect a pro rata  
28. amount based upon liability from other wrongdoers. I'd be  
29. glad to respond to any questions.

30. PRESIDENT:

31. Is there any discussion? Senator Knuppel.

32. SENATOR KNUPPEL:

33. Well, I told you the lawyers would get it back, you see,

1. and whenever you say that a bill here had been endorsed by the  
2. Bar Association and whether it's...the Illinois Bar Association  
3. and then when you say it's also endorsed by the Chicago Bar  
4. Association, boys, be careful, but what will happen here, is  
5. you see, some guy pays the penalty. We have the right for...  
6. so tort-feasor to pay the whole thing and now there's two or  
7. three other involved after he pays it he can turn around and  
8. sue each one of those so it's going to increase the litigation.  
9. We were just talking about decreasing it here a minute ago  
10. with Senator Rock's bill and you know, the lawyers will get  
11. one-third of it all the way around. No wonder it's endorsed.

12. PRESIDENT:

13. Further discussion? Senator Moore.

14. SENATOR MOORE:

15. Will the sponsor yield, Mr. President?

16. PRESIDENT:

17. He indicates he will yield. Senator Moore.

18. SENATOR MOORE:

19. Senator Berman, could you explain to the Body why we  
20. use the March 1, 1978 date?

21. PRESIDENT:

22. Senator Berman.

23. SENATOR BERMAN:

24. Yes, that's the effective date of the...that the Skinner  
25. decision went into force so that what the bill does...if the  
26. bill goes into effect, let us say, on...when it becomes a  
27. law it will effect causes of action, which arose after that  
28. date. There's no problem using that date in this law because  
29. as far as litigation is concerned there's very few, if any,  
30. cases that will have, in fact, been settled or gone to judgment  
31. between March 1, '78 and the date of...the effective date of  
32. this Act.

33. PRESIDENT:

1. Further discussion? Senator Bloom.

2. SENATOR BLOOM:

3. I'd assume...assume several defendants and assume someone  
4. is made...not made a party to the underlying action and the  
5. Statute runs and a judgment is rendered against three parties  
6. responsible for the injuries only two are sued and the Statute  
7. runs, there's litigation or a settlement and the third party  
8. has never been brought before the court within the Statute  
9. of Limitations, how would this bill affect that fact setting?

10. PRESIDENT:

11. Senator Berman.

12. SENATOR BERMAN:

13. To my understanding, the...the Statute would not run  
14. as to the right of the action over. It is not based upon  
15. the original tort but as a separate cause of action for  
16. unjust enrichment that would be to...a derivative action that  
17. would be...brought based upon the Statute running from the  
18. time that the plaintiff tort-feasor filed...paid his money.

19. PRESIDENT:

20. Senator Bloom.

21. SENATOR BLOOM:

22. I...I'm sorry. There's a lot of background static here.  
23. You're saying that the cause of action accrues at the time the  
24. judgment is rendered against the two using my fact situation...  
25. the two defendants and then the action over against the third  
26. defendant who was never brought to court would start...would  
27. accrue to the other two? Is that what I understand you say?  
28. Let's...Maybe Knuppel is right.

29. PRESIDENT:

30. Any further discussion? Senator Berman, do you wish to  
31. close the debate?

32. SENATOR BERMAN:

33. This is a bill that's going to try to bring a little bit

SB 309  
3rd reading  
5-14-79

1. equity to an otherwise inequitable situation. Right now,  
2. whoever is the first to get caught is the one that has to  
3. pay the full judgment. This bill will allow everyone to  
4. participate according to their fault in any accident. It's  
5. a...it's a method of bringing a little justice to an other  
6. wise unjust situation. I solicit your Aye vote.

7. PRESIDENT:

8. The question is, shall Senate Bill 308 pass. Those in  
9. favor vote Aye. Those opposed will vote Nay. The voting is  
10. open. Have all voted who wish? Have all voted who wish?  
11. Take the record. On that question, the Ayes are 39, the  
12. Nays are 6, 5 Voting Present. Senate Bill 308 having received  
13. the constitutional majority is declared passed. 309, Senator  
14. Daley. On the Order of Senate Bills, 3rd reading, Senate  
15. Bill 309. Read the bill, Mr. Secretary.

16. SECRETARY:

17. Senate Bill 309.

18. (Secretary reads title of bill)

19. 3rd reading of the bill.

20. PRESIDENT:

21. Senator Daley.

22. SENATOR DALEY:

23. Mr...Mr. President and fellow Senators. This allows the  
24. Department of Registration and Education to suspend, revoke  
25. or refuse to issue a...a license to an administrator when the  
26. administrator at one time is employed by a nursing home that  
27. lost its license or has a financial interest in a nursing home  
28. that...that has lost its license due to problems of the  
29. Department of Public Health. I would ask for a favorable roll  
30. call.

31. PRESIDENT:

32. Is there any discussion? Senator Martin.

33. SENATOR MARTIN:



1. I would point out that this is a first in a series of  
2. three bills that is the first real reform of the Nursing Home  
3. Act since 1943 and I would hope that there will be the same  
4. votes that there were back then. They went out unanimously  
5. and from my side of the aisle I would suggest to you that  
6. this whole series of bills will indicate a total nonpartisan  
7. nature of the reform that must be a reasonable blueprint  
8. for reform.

9. PRESIDENT:

10. Any further discussion? If not, the question is, shall  
11. Senate Bill 309 pass. Those in favor will vote Aye. Those  
12. opposed will vote Nay. The voting is open. Have all voted  
13. who wish? Have all voted who wish? Take the record. On  
14. that question, the Ayes are 50, the Nays are none. None  
15. Voting Present. Senate Bill 309 having received the  
16. constitutional majority is declared passed. 310. On the  
17. Order of Senate Bills, 3rd reading, Senate Bill 310. Read  
18. the bill, Mr. Secretary.

19. SECRETARY:

20. Senate Bill 310.

21. (Secretary reads title of bill)

22. 3rd reading of the bill.

23. PRESIDENT:

24. Senator Daley.

25. SENATOR DALEY:

26. Mr. President and fellow Senators. This allows the  
27. Illinois Health Facilities Authority to issue bonds for...  
28. for profit nursing homes. Presently, they can only issue  
29. bonds for not-for-profit homes. We, in Illinois, realize  
30. that most of the homes are for profit. They are in existence  
31. today. It's a large industry. We have created it and this  
32. will allow the Illinois Health Facility Authority to review  
33. an application when a for profit home is seeking...bonding

1. authority for a...an addition or an enlargement or a new  
2. facility within their confines.

3. PRESIDENT:

4. Is there any discussion? Senator Netsch.

5. SENATOR NETSCH:

6. Thank you, Mr. President. This bill which, admittedly,  
7. is part of the package and the package being a very good one,  
8. I think has some, at least, serious questions that ought to  
9. be raised about it. The bonds are Revenue Bonds, of course.  
10. They are issued by the Illinois Facilities...Illinois Health  
11. Facilities Board and they are not full faith and credit bonds.  
12. They are not strictly Illinois bonds but one of the things  
13. that those of us who listen to long testimony from those  
14. in the bond market discovered, is that whenever we attach  
15. the name Illinois to any of our forms of bonds, we are, in  
16. effect, helping to glut the market with bonds that are  
17. attributed to the State of Illinois even though our full  
18. faith and credit is not directly involved and so that they  
19. begin to have a depressant effect on the credit rating of  
20. the State of Illinois with respect to its General Bonding  
21. Authority and, of course, that credit rating is very good  
22. now and we hope to maintain it that way. I recognize fully  
23. that the real credit involved in a bond of this sort is that  
24. of the nursing home itself. That is the only basis on which  
25. the bonds can, in fact, be sold, but again, as was pointed  
26. out to us it...they are still perceived as being part of  
27. the total Illinois contribution to the municipal bond  
28. market and that has some very serious questions to be  
29. raised about it. I also have wondered and we did hear  
30. testimony about this at...in the hearing whether those  
31. nursing homes which are for profit and which I gather do  
32. constitute in a...in a few cases, at least, maybe many cases  
33. some of the better nursing homes, the ones that do need to

1. have that...this kind of aid and would be enough of a credit  
2. risk that the bonds would be marketable could not themselves  
3. take care of their financing so that for...with some  
4. reservation about whether it really achieves the purpose  
5. that it is intended to achieve and with considerable doubt  
6. about whether we are not adding to the problems of our  
7. credit rating and our whole long term debt posture, I think  
8. those questions, at least, ought to be put on the record.  
9. PRESIDENT:

10. Further discussion? Senator Martin.

11. SENATOR MARTIN:

12. For those of us who embrace a conservative philosophy  
13. and who have great concern about the bond market and  
14. Illinois' place in it, let me reassure you that this part  
15. of the package is as necessary as 39 and 316. Quite, perhaps,  
16. the best way to compare it would be the carrot and the stick.  
17. 310 and 316 are the sticks that are necessary to and for this  
18. industry, but 310 is the carrot and that is also necessary  
19. to make the kinds of improvements that have to be made and  
20. it gives them access to a market that has to be opened and I  
21. would hope again that the same roll call from both sides of  
22. the aisle will exist on 310. This is a fine bill.

23. PRESIDENT:

24. Senator Weaver.

25. SENATOR WEAVER:

26. Just a question, Mr. President. Senator Daley, is there  
27. any limit on the amount of bonds that may be issued by this  
28. authority and do we have some control over that amount?

29. PRESIDENT:

30. Senator Daley.

31. SENATOR DALEY:

32. As I understand it's a ten million dollar limitation in  
33. a municipality. That's the highest they can go to...the Health

1. Facilities Authority. When I talked to those individuals there  
2. they said this will be per application. It's like anything  
3. else. It's like hospitals and everything else. They had  
4. applications, they fully review them, they have guidelines to  
5. follow, they're not to be used for any other purposes. There's  
6. a ten million dollar limitation in any municipality. Besides  
7. that, the Health Facilities Authority...stated that this is  
8. such a large industry, we have created it and it will be here  
9. in the future and they're increasing in numbers in...in every  
10. legislative district nursing homes and we have to do something  
11. to correct them because most of them do not close down. We  
12. never close down a facility.

13. PRESIDENT:

14. Further discussion? Senator Geo-Karis.

15. SENATOR GEO-KARIS:

16. Mr. President and Ladies and Gentlemen of the Senate. I  
17. heartily concur in supporting this bill because we have hospitals  
18. who are able to issue bonds at the present time and I think...  
19. let's not kid ourselves, nursing homes are here to stay.  
20. They're necessary and we hope they will be run well and they  
21. will need money and their credibility...is going to be the...  
22. the determining factor before they can sell their bonds, so  
23. I support this bill.

24. PRESIDENT:

25. Further discussion? Senator Wooten.

26. SENATOR WOOTEN:

27. Thank you, Mr. President. I not only embrace the  
28. conservative philosophy, but what is rarer, I, at times,  
29. practice it. We created the nursing home industry in this State  
30. when we said that the Mental Health Department could not  
31. handle geriatric cases and it has been a booming and profitable  
32. business. Most of the complaints I get in my office center  
33. on these homes and I am all for a vigorous reform but I simply

SB 316  
3rd Reading  
5-14-79

1. balk at granting them Revenue Bonding Authority. I think  
2. that's going just a bit too far.

3. PRESIDENT:

4. Any further discussion? Senator Daley may close the  
5. debate.

6. SENATOR DALEY:

7. Mr. President and fellow Senators. We have created this  
8. industry. There's nothing wrong with allowing the authority  
9. to issue Revenue Bonds. There are limitations and it is  
10. something that will help the individual nursing home residents  
11. and...and not only the owners.

12. PRESIDENT:

13. The question is, shall Senate Bill 310 pass. Those in  
14. favor will vote Aye. Those opposed will vote Nay. The voting  
15. is open. Have all voted who wish? Have all voted who wish?  
16. Take the record. On that question, the Ayes are 37, the Nays  
17. are 5, 6 Voting Present. Senate Bill 310 having received the  
18. required constitutional majority is declared passed. With  
19. leave of the Body, we'll drop down to 316, which is the third  
20. bill in this package. Is leave granted? Leave is granted.  
21. On the Order of Senate Bills, 3rd reading, Senate Bill 316.  
22. Read the bill, Mr. Secretary.

23. SECRETARY:

24. Senate Bill 316.

25. (Secretary reads title of bill)

26. 3rd reading of the bill.

27. PRESIDENT:

28. Senator Daley.

29. SENATOR DALEY:

30. Mr. President and fellow Senators. Senator Martin and  
31. myself introduced these bills in regards to a full reform of the  
32. nursing home industry. We had quite a bit of public hearings  
33. for two full nights. We redefined many of the problems that

1. we had with the bill. We sat down with the Department of  
2. Public Health, the Department of Public Aid, the Department  
3. of Mental Health and we sat down with the Governor's staff.  
4. We've sat down with the industry itself, the ones that have  
5. the better homes in Chicago and outside Chicago for changes  
6. within the bill. We've sat down with senior citizen groups  
7. and everyone that it would concern about nursing home reform.  
8. What this bill does, it...it would take you through the course  
9. of you yourself or a parent or your brother or sister who is  
10. some day going to be in a nursing home, what you do when  
11. you decide to enter that individual to a nursing home. You  
12. look to the Department of Public Health for certain  
13. responsibilities to see if they have a directory of the  
14. homes. You make sure that everyone is licensed at the home.  
15. You make sure that that resident when he enters a home does  
16. not lose their rights. Presently, when you enter a nursing  
17. home you do not have rights. You lose your rights and become  
18. like a guest. You're a tenant of that facility. This will  
19. preserve and safeguard the basic rights that you and I enjoy  
20. outside a nursing home that anyone that you know...who once  
21. they enter a nursing home will have the basic rights. In  
22. regards to licensing, it reforms the Department of Public  
23. Health to issue certain licenses to investigate...have, at  
24. least, a inspection of the nursing homes at least once a  
25. year or two or three times a year. It allows various license  
26. ...full disclosure of ownership. It deals with discharge  
27. and transfer of a...of a nursing home resident from one  
28. facility to another to make sure they have a hearing. It  
29. makes sure that violations of the State law. There will be  
30. penalties issued and fines by the Department of Public Health.  
31. Besides that, it sets out the duties of the...the administrator  
32. of the owners of the home and besides that, allows the  
33. receivership. Presently, we have a lawsuit dealing with a

1. number of homes in Chicago where everybody has seen the  
2. headlines. We don't know what we can do with those homes  
3. because first of all, the homes cannot be shut down because  
4. they're prying on the...the residents of that home. They're  
5. saying if you close this home to the State and to the residents  
6. you'll go outside onto the street. We'll send you back to  
7. Manteno. What this bill does, it allows the State or resident  
8. or a party of that home...a friend, to go into court and ask  
9. for a receivership and have the State to take over that home...  
10. the court to take over that home for a period of time to use  
11. the money and send it back into the facility for repair and  
12. anything they have to do. This is a good basic, sound bill.  
13. There's a lot of common sense. We are not looking at the...  
14. industry as a bad industry. It's an industry that we have  
15. created and will be here for the future. This is a very good  
16. bill. I would like to thank Senator Martin for her interest  
17. and what she has done to amend this bill to make sure that it  
18. will protect the residents of the nursing homes.

19. PRESIDENT:

20. Is there any discussion? Senator Martin.

21. SENATOR MARTIN:

22. Just briefly. If we, as a representative of the people,  
23. are to be judged it may be how we helped those that are not  
24. our natural...constituency...how we help those that really  
25. cannot repay us and if that is true and I think that is the  
26. way we ultimately will be judged, then this particular bill  
27. may be the most important bill you are voting on this Session  
28. because for those who are old, for...who are sick, who are,  
29. perhaps, not able in any way to take care of themselves, we  
30. are saying, we will not permit it to be possible to have you  
31. live the way no human being should live. For all of you, this  
32. vote is a vote of compassion and common sense and with Senator  
33. Daley, I seek your support.

1. PRESIDENT:  
2. Further discussion? Senator Berning.  
3. SENATOR BERNING:  
4. One question of the sponsor, please.  
5. PRESIDENT:  
6. He indicates he will yield. Senator Berning.  
7. SENATOR BERNING:  
8. I notice from my analysis that there is a requirement  
9. of a written contract for services between nursing homes and  
10. residents. Well, now many of the homes I have visited and  
11. we have a good many in my county, a number of the patients  
12. are unable to comprehend what's occurring around them. A  
13. contract to them would be meaningless. Who would...who  
14. would execute a contract in that case? A relative?  
15. PRESIDENT:  
16. Senator Daley.  
17. SENATOR DALEY:  
18. A relative or a friend or a guardian.  
19. PRESIDENT:  
20. Senator Berning.  
21. SENATOR BERNING:  
22. That is provided then so that the incompetent is not  
23. left totally without advice or guidance? Well, Mr. President,  
24. let me make one additional comment. I am sure that this is a  
25. desirable piece of legislation and all of us have been  
26. concerned over disclosures that have been in the papers over  
27. inadequate, improper and degrading treatment of patients in  
28. nursing homes, but Mr. President and members of the Senate,  
29. let me remind you that we, the legislature and we, as  
30. representatives of people as we implement the Statutes or  
31. do not implement them through the Department of Mental Health,  
32. the Department of Public Aid, the Department of Children and  
33. Family Services, the Department of Public Health have been



1. derelict because we have not insisted that the rules and  
2. regulations that we have...that have been set down by these  
3. enforcing agencies have been...that we have provided the  
4. funds to the nursing homes so that they can comply...Ladies  
5. and Gentlemen of the Senate, I have visited a great many of  
6. the homes in Lake County and I say to you, frankly, the  
7. regulations that are imposed require a tremendous financial  
8. obligation and it is, therefore, our responsibility since  
9. we police these agencies, but we are not requiring that these  
10. agencies cover the costs of per patient per day care and we  
11. cannot have care, such as obviously is going to be required  
12. here if we don't pay for it. It's as simple as that and I  
13. would...would suggest that as we get to the time of  
14. appropriations we all seriously consider that to implement  
15. this kind of legislation we are going to have to augment the  
16. appropriation.

17. PRESIDENT:

18. Any further discussion? Senator Daley, you wish to close  
19. the debate? All right. The question is, shall Senate Bill 316  
20. pass. Those in favor will vote Aye. Those opposed will vote  
21. Nay. The voting is open. Have all voted who wish? Have all  
22. voted who wish? Take the record. On that question, the Ayes  
23. are 51, the Nays are none. None Voting Present. Senate Bill 316  
24. having received the constitutional majority is declared passed.  
25. 313, Senate Netsch. 314, Senator Ozinga. On the Order of  
26. Senate Bills, 3rd reading, Senate Bill 314. Read the bill, Mr.  
27. Secretary.

28. SECRETARY:

29. Senate Bill 314.

30. (Secretary reads title of bill)

31. 3rd reading of the bill.

32. PRESIDENT:

33. Senator Ozinga.

SB 323  
3rd reading  
5-14-74

- 1. SENATOR OZINGA:
- 2. Mr. President and members of the Senate. This is what
- 3. might be termed a merely bill insofar as right now under the
- 4. Probate Act there is no provision for consent by a minor or
- 5. disabled person. This would implement the Act by allowing
- 6. a person in local parentis such as a parent or somebody
- 7. appointed as a guardian ad litem to give that consent and
- 8. therefore, negate the necessity of a waiting period for the
- 9. admission of such will to the Probate Court. I would ask
- 10. a favorable consideration of the bill.
- 11. PRESIDENT:
- 12. Is there any discussion? Senator Knuppel.
- 13. SENATOR KNUPPEL:
- 14. Well, hell we won't even need this anymore after Senator
- 15. Rock's bill.
- 16. PRESIDENT:
- 17. Any further discussion? If not, the question is, shall
- 18. Senate Bill 314 pass. Those in favor will vote Aye. Those
- 19. opposed will vote Nay. The voting is open. Have all voted
- 20. who wish? Have all voted who wish? Take the record. On
- 21. that question, the Ayes are 49, the Nays are None, none Voting
- 22. Present. Senate Bill 314 having received the constitutional
- 23. majority is declared passed. 323, Senator Knuppel. On the
- 24. Order of Senate Bills, 3rd reading...The Chair might observe
- 25. that it is approaching the hour of six. This will be the last
- 26. bill called on 3rd reading. There are a couple of motions
- 27. and a...we have to get to the Order of House Bills, 1st for
- 28. an emergency matter. On the Order of Senate Bills, 3rd reading,
- 29. Senate Bill 323. Read the bill, Mr. Secretary.
- 30. SECRETARY:
- 31. Senate Bill 323.
- 32. (Secretary reads title of bill)
- 33. 3rd reading of the bill.

1. PRESIDENT:

2. Senator Knuppel.

3. SENATOR KNUPPEL:

4. Mr. President and members of the Body. This is a sequel  
5. to the earlier bill and provides a bounty of thirty-five  
6. dollars for...for coyoteskilled out of what we would normally  
7. have...heretofore, called season, so these pelts are not worth  
8. the money and it's to encourage people to hunt them and the  
9. bounty would be thirty-five dollars each. Senator McMillan  
10. has reviewed this bill and it was amended according to his...  
11. to meet his objections.

12. PRESIDENT:

13. Any discussion? Senator McMillan.

14. SENATOR McMILLAN:

15. Mr. President and members of the Senate. I would rise to  
16. support this bill. The bounty is particularly needed because  
17. during the...the Spring, Summer and early Fall of the year, the  
18. coyote loses most it its hair and its pelt is not worth much  
19. at all. That's also a time in which...in which many of the  
20. coyotes do a great deal of their...their damage. We amended  
21. it to make sure that this was a State bounty because we felt  
22. that if it was a county bounty we would have people going  
23. from one county to another carrying bodies of dead coyotes  
24. in order to get the...the bounty and our purpose was to  
25. encourage them to be killed and not provide any county by county  
26. problems. I think it's a good bill. It deserves our Yes  
27. vote.

28. PRESIDENT:

29. The question is, shall Senate Bill 323 pass. Those in  
30. favor will vote Aye. Those opposed will vote Nay. The  
31. voting is open. Have all voted who wish? Have all voted  
32. who wish? Take the record. On that question, the Ayes are  
33. 40, the Nays are 10, none Voting Present. Senate Bill 323

1. having received the constitutional majority is declared passed.  
2. Senator Donnewald, for what purpose do you arise?

3. SENATOR DONNEWALD:

4. Well, yes, Mr. President, for the purpose...How about...  
5. for the purpose of announcing one of our colleagues in  
6. leadership on this side of the aisle has reached the tender  
7. age of something or other, Frank Savickas...39 or 44 or whatever.

8. PRESIDENT:

9. All right. With leave of the Body we will...we'll go to  
10. the Order of House Bills, 1st reading. There is a bill on the  
11. Calendar that the Chair has been informed is of an emergency  
12. nature. The administration and the minority had asked...has  
13. asked that it be moved as quickly as possible. On the Order  
14. of House Bills, 1st reading, House Bill 1081. Read the bill,  
15. Mr. Secretary.

16. SECRETARY:

17. House Bill 1081.

18. (Secretary reads title of bill)

19. 1st reading of the bill.

20. PRESIDENT:

21. Senator Coffey.

22. SENATOR COFFEY:

23. Mr. President and members of the Senate. I would like to  
24. suspend the rules to have House Bill 1081 bypass the Assignment  
25. of Bills and the Committee on Appropriations II and placed on  
26. 2nd reading.

27. PRESIDENT:

28. You've heard the motion. Senator Coffey has moved that  
29. the House Bill 1081 sent to the Order of 2nd reading without  
30. reference to committee. All those in favor signify by saying  
31. Aye. All opposed. The Ayes have it. So ordered. Any  
32. motions or announcements? Senator Washington.

33. SENATOR WASHINGTON:

1. Mr. President, the Public Health meeting for Wednesday  
2. was posted Friday and...and all House...Senate sponsors of  
3. House Bills involved have received notice. Through an  
4. inadvertance we will fall one day short of our Six Day  
5. Posting requisite, so therefore, I'm asking to suspend the  
6. posting Six Day requirement for the committee meeting of  
7. Public Health on Wednesday, May 16th to hear House Bills 190,  
8. 655, 741, 969, 1127, 1543, 1551, 1718, 1723, 1847, 1973, 164,  
9. 205, 249, 326, 345, 347, 440, 796, 1146 and for my friend,  
10. Earlean Collins, a mythical 369.

11. PRESIDENT:

12. You've heard the request. Is leave granted? Leave is  
13. granted. So ordered. Senator Nash.

14. SENATOR NASH:

15. Mr. President, I want to make an announcement. On  
16. Wednesday at six o'clock we're having baseball practice at  
17. Lincoln Park, diamond number 4. Attendance wasn't too good  
18. last Wednesday, so this week we'll expect the members to be  
19. there. We don't have too much time.

20. PRESIDENT:

21. We may not have too much time Wednesday either. Senator  
22. Wooten.

23. SENATOR WOOTEN:

24. Mr. President, those members of the Body who were apprised  
25. of a meeting, we'd like to meet in the little room behind the  
26. President's Office for the purpose of organizing that commission  
27. to look into the Department of Children and Family Services.  
28. Senators Sommer, Regner, Bloom, Schaffer, Graham. On this side  
29. Collins, Netsch, Buzbee, Johns and myself. Right away.

30. PRESIDENT:

31. All right. Senator Mitchler.

32. SENATOR MITCHLER:

33. Mr. President and members of the Senate. The SIIA Annual

1. Tennis Tournament and party Wednesday night, May 16th at eight  
2. o'clock out at the Springfield Racquet Club.

3. PRESIDENT:

4. Senator Joyce.

5. SENATOR JEREMIAH JOYCE:

6. Mr. President, the Committee on Nuclear Safety will meet  
7. right after adjournment here on the Senate Floor.

8. PRESIDENT:

9. All right. The Chair would like to observe that...since  
10. 1:15 this afternoon when we reached the Order of Senate Bills,  
11. 3rd reading, we disposed of forty-seven bills, so we have only  
12. seven hundred or so to go. Any further business or announcements?  
13. Senator Berning.

14. SENATOR BERNING:

15. Mr. President, inasmuch as we took Senate Bill 250 out of  
16. the record because of the amendment, will I have the right to  
17. come to that as first item next...or tomorrow?

18. PRESIDENT:

19. Well, that wasn't the only one...the only other one, so  
20. we'll...we'll get to that. Any further business to come before  
21. the Senate? The Chair would encourage everyone to be here at  
22. the hour of noon and...unless there's objection, Senator Bruce  
23. moves that the Senate stand adjourned until the hour of noon  
24. on Tuesday, May 15. The Senate stand adjourned.

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