

81st GENERAL ASSEMBLY

REGULAR SESSION

MAY 21, 1979

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. The hour of twelve having arrived, the Senate will come to  
3. order. Will our guests in the galleries please rise. The  
4. prayer will be offered by the Reverend Anthony Tzortzis of St.  
5. Anthony's Hellenic Orthodox Church, Springfield, Illinois.

6. REVEREND TZORTZIS:

7. (Prayer by Father Tzortzis)

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Reading of the Journal.

10. SECRETARY:

11. Friday...Friday, May the 4th, 1979, Tuesday, May the  
12. 8th, 1979, Wednesday, May the 9th, 1979, Thursday, May the 10th,  
13. 1979, Friday, May the 11th, 1979, Monday, May the 14th, 1979,  
14. Tuesday, May the 15th, 1979, Wednesday, May the 16th, 1979  
15. and Thursday May the 17th, 1979.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Senator Johns.

18. SENATOR JOHNS:

19. Thank you, Mr. President. I move that the Journals just read  
20. by the Secretary be approved unless some Senator has additions or  
21. corrections to offer.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. You've heard the motion. All those in favor indicate  
24. by saying Aye. Those opposed. The Ayes have it. The motion  
25. carries. Senator Johns.

26. SENATOR JOHNS:

27. Mr. President I move that reading and approval of the Journal  
28. of Friday, May the 18th, in the year 1979 be postponed pending  
29. arrival of the printed Journal.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. You've heard the motion. Those in favor indicate by saying  
32. Aye. Those opposed. The motion carries. Committee Reports.

33. SECRETARY:

Senator Donnewald, Chairman of the Assignment of Bills Committee

1. assigns the following House Bills to committee: Agriculture,
2. Conservation and Energy, 1919. Appropriations I, 1640, 1643,
3. 1647, 1653. Elementary and Secondary Education, 1438 and 2205.
4. Finance and Credit Regulations, 2073 and 2737. Insurance and
5. Licensed Activities, 2317. Judiciary I, 1405, 2445. Labor and
6. Commerce, 1604. Pensions, Personnel and Veterans Affairs,
7. 1023. Public Health, Welfare and Corrections, 1931. Revenue,
8. 1597, 1601, 2431. Transportation, 1229.
9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Messages from the House.

11. SECRETARY:

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

13. Mr. President - I am directed to inform the Senate  
14. that the House of Representatives has passed bills with the following  
15. titles in the passage of which I am instructed to ask the concurrence  
16. of the Senate, to-wit:

17. House Bills 202, 872, 1138, 1269, 1297, 1362,  
18. 1580, 1588, 1655, 1767, 1769, and 1771.

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

20. Mr. President - I am directed to inform the Senate  
21. that the House of Representatives has adopted the following joint  
22. resolution in the adoption of which I am instructed to ask the  
23. concurrence of the Senate, to-wit:

24. House Joint Resolution 53.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Executive. House Bills, 1st reading.

27. SECRETARY:

28. House Bill 191, Senator Merlo is the Senate sponsor.

29. (Secretary reads title of bill)

30. House Bill 192 by the same sponsor.

31. (Secretary reads title of bill)

32. House Bill 292, Senator Lemke is the Senate sponsor.

33. (Secretary reads title of bill)

1. House Bill 385, Senator Nash is the Senate sponsor.
2. (Secretary reads title of bill)
3. House Bill 420, Senator Mitchler is the Senate sponsor.
4. (Secretary reads title of bill)
5. House Bill 444, Senator Grotberg is the Senate sponsor.
6. (Secretary reads title of bill)
7. House Bill 456, Senator Sangmeister is the Senate sponsor.
8. (Secretary reads title of bill)
9. House Bill 516, Senator Vadalabene is the Senate sponsor.
10. (Secretary reads title of bill)
11. House Bill 563, Senator Sangmeister is the Senate sponsor.
12. (Secretary reads title of bill)
13. House Bill 573, Senators McMillan and Hall are the Senate sponsors.
14. (Secretary reads title of bill)
15. House Bill 608, Senator Vadalabene is the Senate sponsor.
16. (Secretary reads title of bill)
17. House Bill 625, Senator Berman is the Senate sponsor.
18. (Secretary reads title of bill)
19. House Bill...665, Senator Graham is the Senate sponsor.
20. (Secretary reads title of bill)
21. House Bill 676, Senator Vadalabene is the Senate sponsor.
22. (Secretary reads title of bill)
23. House Bill 727, Senator D'Arco is the Senate sponsor.
24. (Secretary reads title of bill)
25. House Bill 730, by the same sponsor.
26. (Secretary reads title of bill)
27. House Bill 731, by the same sponsor.
28. (Secretary reads title of bill)
29. House Bill 732, by the same sponsor.
30. (Secretary reads title of bill)
31. House Bill 733, by the same sponsor.
32. (Secretary reads title of bill)
33. House Bill 734, by the same sponsor.

1. (Secretary reads title of bill)
2. House Bill 847, Senator Hall is the Senate sponsor.
3. (Secretary reads title of bill)
4. House Bill 851, Senator Geo-Karis and Schaffer are the Senate
5. sponsors.
6. (Secretary reads title of bill)
7. House Bill 853, Senator Bruce is the Senate sponsor.
8. (Secretary reads title of bill)
9. House Bill 924, Senator Mitchler is the Senate sponsor.
10. (Secretary reads title of bill)
11. House Bill 1000, Senators Nash and Hall are the Senate sponsors.
12. (Secretary reads title of bill)
13. House Bill 108,...1008, Senator Bruce is the Senate sponsor.
14. (Secretary reads title of bill)
15. House Bill 1026, Senator Johns is the Senate sponsor.
16. (Secretary reads title of bill)
17. House Bill 1041, Senator Bruce is the Senate sponsor.
18. (Secretary reads title of bill)
19. House Bill 1042, by the same sponsor.
20. (Secretary reads title of bill)
21. House Bill 1148, Senator Shapiro is the Senate sponsor.
22. (Secretary reads title of bill)
23. House Bill 1165, Senator Vadalabené is the Senate sponsor.
24. (Secretary reads title of bill)
25. House Bill 1196, Senator Martin is the Senate sponsor.
26. (Secretary reads title of bill)
27. House Bill 1233, Senator Sangmeister is the Senate sponsor.
28. (Secretary reads title of bill)
29. House Bill 1308, Senator Wooten is the Senate sponsor.
30. (Secretary reads title of bill)
31. House Bill 2375, Senator Regner is the Senate sponsor.
32. (Secretary reads title of bill)
33. House Bill 185, Senator Daley is the Senate sponsor.
- (Secretary reads title of bill)

1. House Bill 189 by the same sponsor.
2. (Secretary reads title of bill)
3. House Bill 547, Senator Merlo is the Senate sponsor.
4. (Secretary reads title of bill)
5. House Bill 753, Senator D'Arco is the Senate sponsor.
6. (Secretary reads title of bill)
7. House Bill 756 by the same sponsor.
8. (Secretary reads title of bill)
9. House Bill 824, Senator Jeremiah Joyce is the Senate sponsor.
10. (Secretary reads title of bill)
11. House Bill 886, Senator Nash is the Senate sponsor.
12. (Secretary reads title of bill)
13. House Bill 995, Senator Lemke is the Senate sponsor.
14. (Secretary reads title of bill)
15. House Bill 1005, Senator Jeremiah Joyce is the Senate sponsor.
16. (Secretary reads title of bill)
17. House Bill 1251, Senator D'Arco is the Senate sponsor.
18. (Secretary reads title of bill)
19. House Bill 1708, Senator Lemke is the Senate sponsor.
20. (Secretary reads title of bill)
21. House Bill 1956, Senator Daley is the Senate sponsor.
22. (Secretary reads title of bill)
23. House Bill 1010, Senator Sangmeister is the Senate sponsor.
24. (Secretary reads title of bill)
25. House Bill 2472, Senator Lemke is the Senate sponsor.
26. (Secretary reads title of bill)
27. House Bill 2540, Senator D'Arco is the Senate sponsor.
28. (Secretary reads title of bill)
29. 1st reading of the bills.
30. PRESIDING OFFICER: (SENATOR SAVICKAS)
31. For what purpose does Senator Vadalabene arise?
32. SENATOR VADALABENE:
33. Yes, Mr. President. In regard to the Agreed Bill List, for instance, if...how many people...how many Senators does it take

1. to...to remove a bill off of the Agreed Bill List before I ask  
2. the question?

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. It would take five Senators.

5. SENATOR VADALABENE:

6. All right. Now, it takes five Senators, then I would like  
7. to know if I have to do it in the form of a motion and this isn't  
8. something personal for me but I think for all the Senators  
9. on the Floor of the Senate, when five people remove a bill  
10. from the list, I think...in a form of a motion, that we should know  
11. who the five Senators are who objected.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Senator, it has to be in writing with the request by the  
14. five Senators signing the letter.

15. SENATOR VADALABENE:

16. That's all right. But then I think what my...that isn't  
17. what I'm saying. I know that now. What I am saying is that  
18. any Senator who has his bill removed...in writing by five other  
19. Senators, the names of the five Senators who objected.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. They're on file with the Secretary. He...he can look  
22. at the...he can look at the letter from...at the Secretary's  
23. Office.

24. SENATOR VADALABENE:

25. Okay.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. For what purpose does Senator Maragos arise?

28. SENATOR MARAGOS:

29. Mr. President, I rise on a point of personal privilege.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. State your point.

32. SENATOR MARAGOS:

33. Up in the balcony behind me in the rear balcony is there a young  
man there?

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. For what purpose does Senator Maragos arise?

3. SENATOR MARAGOS:

4. Again, Mr. President and members of the Senate.

5. We finally found the illusive constituent who was told he

6. couldn't come on the Democratic side and that's why I thought

7. he was supposed to sit in the balcony, but I'd like to present

8. Mr. Edward Holman who is the financial Secretary of the Trinity

9. Council, 3755 in my district. He's an outstanding young citizen

10. and very active in politics and I'd like to have him stand and be

11. recognized.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Is there...is there leave to go back to the Order of House

14. Bills, 1st reading? Leave is granted. House Bills, 1st reading.

15. SECRETARY:

16. House Bill 20...222, Senator Graham is the Senate sponsor.

17. (Secretary reads title of bill)

18. House Bill 319, Senator Collins is the Senate sponsor.

19. (Secretary reads title of bill)

20. House Bill 529, Senator Knuppel is the Senate sponsor.

21. (Secretary reads title of bill)

22. House Bill 785, Senator Knuppel is the Senate sponsor.

23. (Secretary reads title of bill)

24. House Bill 786 by the same sponsor.

25. (Secretary reads title of bill)

26. House Bill 986, Senator Johns is the Senate sponsor.

27. (Secretary reads title of bill)

28. House Bill 99...House Bill 1094, Senator Maitland is the

29. Senate sponsor.

30. (Secretary reads title of bill)

31. House Bill 1096, Senator Mitchler is the Senate sponsor.

32. (Secretary reads title of bill)

33. House Bill 1135 by the same sponsor.

1. (Secretary reads title of bill)
2. House Bill 1947, Senator Rhoads is the Senate sponsor.
3. (Secretary reads title of bill)
4. House Bill 1948, by the same sponsor.
5. (Secretary reads title of bill)
6. House Bill 2321, Senator Geo-Karis is the Senate sponsor.
7. (Secretary reads title of bill)
8. House Bill 1958, Senator Becker is the Senate sponsor.
9. (Secretary reads title of bill)
10. House Bill 2322, Senator Geo-Karis is the Senate sponsor.
11. (Secretary reads title of bill)
12. House Bill 2331, Senator Knuppel is the Senate sponsor.
13. (Secretary reads title of bill)
14. House Bill 2332, Senator Davidson is the Senate sponsor.
15. (Secretary reads title of bill)
16. House Bill 2390, Senator Rupp is the Senate sponsor.
17. (Secretary reads title of bill)
18. House Bill 2634, Senator Regner is the Senate sponsor.
19. (Secretary reads title of bill)
20. 1st reading of the bills.
21. House Bill 764, Senator Rupp is the Senate sponsor.
22. (Secretary reads title of bill)
23. House Bill 1977, Senator Wooten is the Senate sponsor.
24. (Secretary reads title of bill)
25. House Bill 930, Senator Sangmeister is the Senate sponsor.
26. (Secretary reads title of bill)
27. 1st reading of the bills.
28. PRESIDING OFFICER: (SENATOR SAVICKAS)
29. For what purpose does Senator Rock arise?
30. SENATOR ROCK:
31. Thank you, Mr. President and Ladies and Gentlemen of the Senate.
32. If I can have the attention of the membership, I'd like to briefly
33. outline what the week's schedule will be. We have, as I'm sure all



1. the membership is aware, forty-four bills on 2nd reading,  
2. three hundred and ninety-seven on 3rd reading, and there are  
3. some one hundred and fifteen on the Agreed Bill List. I would  
4. hope that today if five or more members object to any bill being  
5. on that list, that they would file that objection in writing  
6. with the Secretary and those members who wish to be recorded  
7. as voting No on any of the bills on the Agreed List also file that  
8. in writing before the close of business today and we will take up  
9. the Agreed Bill List first thing tomorrow morning. The intention  
10. at this time depending on how quickly or how slowly we move is  
11. that tonight we will work until approximately 6:00 p.m.  
12. Tomorrow night, again, from nine in the morning until six in the  
13. evening. On Wednesday, we will, again, be in at 9:00 o'clock  
14. and the Republican side has requested that we break at 11:30  
15. for the purpose of a caucus. So, I'm sure that both parties  
16. will caucus at 11:30 on Wednesday until about 1:00 o'clock and  
17. then we will come back in at one and work until approximately  
18. five thirty or six and if the workload warrants, we will take  
19. a break for dinner and come back and work Wednesday night.  
20. And Thursday will begin at nine and on Friday we will begin  
21. at nine. And I just urge the membership that Friday is the deadline.  
22. There is no intent, I don't think, on anybody's part to extend  
23. that deadline. So, whatever has to be done, better...we had better  
24. get going. Further, Mr. President, on Friday last, there was,  
25. on the Order of Senate Bills, 2nd reading, Senate Bill 559.  
26. A motion to recommit was made by a member other than the sponsor  
27. and there was a roll call vote in which 28 members voted affirmatively  
28. to recommit and the Chair ruled and I was presiding, that the bill  
29. was recommitted. It seems to me not in the best interest of this  
30. Body to set that kind of precedent and I will readily admit that I  
31. think I made a mistake. 28 votes...we should require 30 votes  
32. to recommit over the objection of a sponsor. If a sponsor wishes to  
33. recommit his bill, that's one thing. But when another member

1. moves to recommit somebody's bill that's on the Calendar, it seems  
2. to me that a 30 vote requirement should be in order. So, having  
3. voted on the prevailing side, and I did vote affirmatively,  
4. I would move to reconsider the vote by which that bill was  
5. recommitted and ask that Senate Bill 559 be again, placed  
6. on the Order of 2nd reading at which...when we get to it, on that  
7. order, I'm sure an identical motion can and at that time, will be  
8. made and will be in order. But I just think the 30 vote  
9. requirement is in the best interest of orderly procedure  
10. around here.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. You've heard the motion, the motion to reconsider the vote  
13. by which 5...Senate Bill 559 was committed...recommitted to committee.  
14. All those in favor indicate by saying Aye. Those opposed.  
15. The vote is reconsidered. The bill is now on 2nd reading.  
16. Senator Rock.

17. SENATOR ROCK:

18. No, I think...yeah, as long as we place back on...it will  
19. again show up on the Calendar tomorrow on the Order of 2nd reading  
20. and we will deal with it in the due course of business.  
21. My suggestion, Mr. Chairman, there are...Mr. President, there  
22. are a few members still enroute to Springfield, but I think  
23. the division is equally divided on both sides. My suggestion is that  
24. we commence and we will begin today, as you know, on page 16  
25. with Senate Bill 758, that's the spot at which we left off last week,  
26. and attempt to move right through the Calendar. So, I would ask,  
27. Mr. President, that you ring the bell and alert the membership  
28. to the fact that we are beginning at Senate Bills, 3rd reading  
29. on Senate Bill 758.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. All right. Senator Rock. Pursuant to Senator Rock's motion, Senate  
32. Bill 559 will now be on the Order of Senate Bills, 2nd reading.  
33. Senate Bills, 3rd reading on page 16, starting with Senate Bill 5...  
758, Senator Rupp. Read the bill, Mr. Secretary.

1. SECRETARY:  
2. Senate Bill 758.  
3. (Secretary reads title of bill)  
4. 3rd reading of the bill.  
5. PRESIDING OFFICER: (SENATOR SAVICKAS)  
6. Senator Rupp.  
7. SENATOR RUPP:  
8. Thank you, Mr. President. This bill amends the Illinois Insurance  
9. Code, Senate Bill 758, and it requires that the life and the health  
10. insurance companies form a guarantee association. What this would  
11. do, the association would protect policyholders of insolvent  
12. companies. We already have this guarantee fund in effect for the  
13. insurance business, in the casualty field and in the property  
14. field. And actually, the legislation would guarantee the payment  
15. of the benefits and the continuation of coverage for life and health  
16. policies in the event an insurance company becomes solvent.  
17. I ask for a favorable roll call.  
18. PRESIDING OFFICER: (SENATOR SAVICKAS)  
19. Is there any further discussion? Senator Berning.  
20. SENATOR BERNING:  
21. Thank you, Mr. President. I have a question for the sponsor.  
22. PRESIDING OFFICER: (SENATOR SAVICKAS)  
23. He indicates he will yield.  
24. SENATOR BERNING:  
25. I...I think I understood you to say that this is now  
26. this case in some areas, is that correct?  
27. PRESIDING OFFICER: (SENATOR SAVICKAS)  
28. Senator Rupp.  
29. SENATOR RUPP:  
30. Yes, we already have the same type of guarantee  
31. arrangement in the property field and in the casualty field.  
32. And what it does is that if an insurance company goes broke,  
33. the other companies have already ahead of time, set up a guarantee

1. fund to step in and make sure that the policyholders do not get  
2. damaged in any way.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator Berning.

5. SENATOR BERNING:

6. Well, I can't deny that this obviously has been a desirable  
7. procedure, then, however, my question, I believe, would have to  
8. center around a cost. Is there any estimate as to how  
9. much this is going to cost the...the premium payer?

10. Obviously, the insurance companies are not going to pay this.

11. It's just going to be passed on by additional premium...

12. and as an adjunct to that, who holds the dollars and

13. thirdly, is there any possibility that this out, so to

14. speak, lead to a degree of irresponsibility on the part of

15. companies? In other words, they know that somebody else is going

16. to bail them out if they are derelict in the operation of their

17. industry.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator Rupp.

20. SENATOR RUPP:

21. Thank you, Mr. President. I'll try, on that particular

22. series of questions, I think the cost, there isn't any question

23. that the cost would ultimately be on the policyholder,

24. but the thrust of the thing is to protect the policyholder and

25. what this is is really basically another insurance company

26. organized in order to insure the insurance companies doing business,

27. even those...all companies will have to contribute. There are

28. different types of expenses. Some are the operating expenses, and

29. those operating expenses are contributed just...just about

30. equally. The other costs, some of the costs of setting up the

31. reserves are based on the premium volume of the individual

32. companies in the State of Illinois. So, as it is, all companies

33. are starting ahead of time, even those that you infer, might later...

1. there might be some insolvency involved, so they have been  
2. putting into this fund. I don't know that there is any more  
3. tendency on the part of a company to go busted. I don't think  
4. that this is a deliberate effort that's made by any company  
5. to do that, but it is just a protection basically, for the  
6. policyholders and this insolvency problem is one that we should  
7. face. We faced it in the other parts of the industry and  
8. there has not been an untoward number of insolvencies, but  
9. it is a real comfort when one does go broke.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Is there further discussion? Senator D'Arco.

12. SENATOR D'ARCO:

13. This is the department's bill. They came to the committee.  
14. They testified that if such a contingency does exist where  
15. a life company does go bankrupt, the policyholder should be  
16. protected against the monies that they put up as premiums  
17. for this life insurance and the cost is minimal and I don't  
18. know of any objection to the bill, Senator Berning, I don't  
19. know where you went, but I ask for a favorable vote on this.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Senator Washington.

22. SENATOR WASHINGTON:

23. If the sponsor will yield to one question.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. He indicates he will.

26. SENATOR WASHINGTON:

27. Senator Rupp, just what are the incidents of failure  
28. in dollars in the State of Illinois, say, over the past  
29. few years?

30. SENATOR RUPP:

31. I'm sorry. I cannot tell you with any degree of accuracy  
32. the number of insolvencies that have taken place. There are some  
33. limits in here as...far as to what the cost could be and would be

1. to any one individual company. The thing that they...you have to  
2. be careful about and some say, well, suppose there's a company  
3. that's already bordering on insolvency, what are you going to do?  
4. Are you going to push them into that insolvency bracket? No,  
5. there are some provisions whereby the association board of  
6. directors can make allowances and forgive some of those  
7. participations on that part. But I don't think the...I can  
8. understand your question about how many and what the need is and  
9. what the experience has been, but I think the thing  
10. that's...there's been one and you know that there has been  
11. any number, I think that you could name some yourself. It  
12. has worked. It has stepped in to protect those who should  
13. least be damaged, the policyholder. And that's what...how it  
14. works.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Senator Washington.

17. SENATOR WASHINGTON:

18. Yeah, I think it's a good concept and I support it. Incidentally,  
19. I understand that the guarantee payout nationwide was nine  
20. million dollars last year and was just wondering what percentage  
21. of that would be in Illinois? Thank you...it's a good bill.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Is there any further discussion? If not, the question is shall  
24. Senate Bill 758 pass. Those in favor vote Aye. Those opposed  
25. vote Nay. The voting is open. Have all voted who wish?

26. Have all voted who wish? Take the record. On that question the  
27. Ayes are 46, the Nays are none and none Voting Present. Senate Bill  
28. 758 having received a constitutional majority is declared passed.  
29. Senate Bill 763, Senator Sangmeister. Read the bill, Mr. Secretary.

30. SECRETARY:

31. Senate Bill 763.

32. (Secretary reads title of bill)

33. 3rd reading of the bill.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Senator Sangmeister.

3. SENATOR SANGMEISTER:

4. Thank you, Mr. President and members of the Senate. Senate Bill  
5. 763 is a product of the Sentencing Commission and it's on  
6. their recommendation that this legislation is being introduced  
7. for your consideration. The commission made a review of the State  
8. law on the subject of this bill and indicates that there...in  
9. Illinois, there is no existing prohibition on random threats  
10. to public officials. The purpose of this bill is to give some  
11. protection to those people in public office who receive threats  
12. from other individuals. You should understand that under the  
13. present law, we do have an intimidation Statute which  
14. prevents threats to obtain action or inaction by public officials  
15. but what is meant by the intimidation Statute unless somebody  
16. threatens you with the idea that you are to do something or not  
17. to do something as a public official, that amounts to intimidation  
18. but there is nothing in the law of the State of Illinois to protect  
19. any public official or a member of his family which this bill  
20. extends to except under the intimidation Statute. Therefore,  
21. I read to you very briefly, that the law would state that any  
22. person who knowingly and willfully delivers or conveys to a public  
23. official any letter, paper, writing, print, et cetera, containing  
24. any threat to take the life of or to inflict bodily harm upon  
25. the public official or a member of his immediate family commits  
26. the offense of threatening a public official. It will carry  
27. a Class 3 felony which is one to ten years. It is, of course, also  
28. probational and one additional Section 2 of the Act, states  
29. that the Department of Law Enforcement or the United States Service  
30. can also obtain certain information from the Department of Mental  
31. Health concerning the background of this individual if he ever  
32. has been treated for mental reasons. That's basically what the  
33. bill does. I think it's time that we pass something to protect

1. ourselves and our families and more in particular, our constitutional  
2. officers for the State of Illinois. I think it would make good  
3. law and I give it to you for your consideration. I would be happy  
4. to answer any questions.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Is there any further discussion? Senator Buzbee.

7. SENATOR BUZBEE:

8. Question of the sponsor, Mr. President.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Indicates he will yield.

11. SENATOR BUZBEE:

12. Is it my understanding that this applies only to written threats?

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Senator Sangmeister.

15. SENATOR SANGMEISTER:

16. Yes. Yes. I appreciate your bringing that out, Senator  
17. Buzbee. ...obviously we kept it down to writings because verbal  
18. abuses or verbal threats are not to be covered and would be too  
19. loose. It is strictly a written threat.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Senator Buzbee.

22. SENATOR BUZBEE:

23. Well, the reason I ask is that just Friday my mother received  
24. a phone call threatening my life and I'm getting a little sick  
25. and tired of that kind of junk and you know, they don't even have  
26. enough guts to...to call me to tell me they're going to kill me.  
27. They've got to call my mother to tell me...to tell her they're  
28. going to kill me. So, if you would like to...if you would like  
29. to broaden that, I'd be glad to vote for it anyway you want to  
30. put it Senator.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Senator Knuppel.

33. SENATOR KNUPPEL:

Well, Mr. Chairman and members of the Body. I feel just a little



1. differently. If somebody wants to threaten me, I meet them  
2. halfway, right in the middle of the road wherever they want to  
3. come and I think that written threats is going far enough. I love to  
4. fight. And if they want me they know where to find me.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Senator Regner.

7. SENATOR REGNER:

8. Mr. President and members. I'd just like to comment, I think  
9. this is an excellent piece of legislation because why...I read  
10. under it we could put most of the AFSCME representatives in jail.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Senator Rhoads.

13. SENATOR RHOADS:

14. Thank you, Mr. President. I just wanted to tell Senator Buzbee  
15. his mother was very gracious over the phone.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Is there any further discussion? If not, the question is...

18. Senator Netsch.

19. SENATOR NETSCH:

20. Thank you. I have one question that I am...I'm trying to piece it  
21. together and looking at the Statute right now, Senator  
22. Sangmeister, and that has to do not with the basic purpose of your  
23. bill, but with the provision about obtaining information  
24. from the Department of Mental Health, as I read it, it says  
25. that if the United States Secret Service or the Department  
26. of Law Enforcement requests information from the Department  
27. of Mental Health, relating to someone who has either  
28. threatened or...let's see, determines the disclosure of such  
29. information may be necessary to protect the life of...or the  
30. infliction of great bodily harm to a person under the protection of  
31. the Secret Service or the Department of Law Enforcement.  
32. And then it provides all of the information that may be disclosed  
33. including the diagnosis or prognosis of the recipient  
any indication of whether they've have a history of violence or

1. danger of violence and so forth. That is a fairly dramatic disclosure  
2. and a fairly dramatic breach of the usual confidentiality  
3. of Mental Health records. One of the things that concerns me is  
4. that I am not quite sure who is a person under the protection  
5. of the Department of Law Enforcement. Does that include all  
6. public officials now?

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Senator Sangmeister.

9. SENATOR SANGMEISTER:

10. Yes, it would, Senator Netsch, cover anybody who is going to be  
11. covered by this Act if it should be enacted into law and of course,  
12. the reason for that is, is if you have people making these kinds  
13. of threats on public officials, we felt it was reasonable  
14. that we find out more information and who the name of the person  
15. is, their address, their age, and the date of any admission or  
16. discharge from the department. That would tell...tell us nothing,  
17. that is us meaning the United States Secret Service or the  
18. Department of Law Enforcement, anything about that individual  
19. and we have restricted it to a diagnosis or prognosis for the  
20. recipient and any information which would indicate whether or not  
21. the recipient has a history of violence. The obvious reason being,  
22. Law Enforcement should know the history of this individual who would  
23. be sending such a threatening letter.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Is there any further discussion? Senator Berning.

26. SENATOR BERNING:

27. Just one question of the sponsor, please.  
28. Unless I missed it during the discussion, the bill provides for  
29. any person who knowingly and willfully delivers or conveys.  
30. It doesn't say writes. Now, I could viciously threaten the life  
31. of someone through a written message and give it to some innocent  
32. person to convey it and I'm wondering if you have anywhere in the  
33. Act, provided that it is the perpetrator rather than the messenger  
who would really be guilty?

1. PRESIDING OFFICER: (SENATOR SAVICKAS)  
2. Senator Sangmeister.  
3. SENATOR SANGMEISTER:  
4. Well, then that individual may be possibly guilty of a form  
5. of a conspiracy or also be involved in an attempt on this  
6. crime, but it does say any person who knowingly and willfully  
7. delivers or conveys to a public official, any letter, paper,  
8. writing. I think inherent within there is the consideration that  
9. that person also wrote it.  
10. PRESIDING OFFICER: (SENATOR SAVICKAS)  
11. ...further debate. Senator Becker.  
12. SENATOR BECKER:  
13. Point of personal privilege, Mr. President.  
14. PRESIDING OFFICER: (SENATOR SAVICKAS)  
15. State your point.  
16. SENATOR BECKER:  
17. In the gallery to my left we have a group of eighth grade  
18. students from Our Lady of Holy Mount School in Cicero. And along  
19. with them, we have their teacher, Mrs. Ellen Craft, the room  
20. mother, Mrs. Milas, and our good Father Tom Swinowski.  
21. I ask them to please rise and be recognized by the Senate.  
22. PRESIDING OFFICER: (SENATOR SAVICKAS)  
23. Is there further discussion? Senator Sangmeister may close the  
24. debate.  
25. SENATOR SANGMEISTER:  
26. Yes, thank you. One more answer to Senator Berning. If...we'll  
27. talk about that and if this Body should adopt this and send it over  
28. to the House, a clarifying word in there of writing would not hurt  
29. and we may very well do that, Senator Berning. I believe the bill  
30. has been discussed. I think it's something we should do  
31. on behalf of people that hold public office and I would solicit  
32. your favorable vote.  
33. PRESIDING OFFICER: (SENATOR SAVICKAS)  
The question is shall Senate Bill 763 pass. Those in favor

1. vote Aye. Those opposed vote Nay. The voting is open.
2. Have all voted who wish? Have all voted who wish? Take the record.
3. On that question the Ayes are 45, the Nays are 3 and 3 Voting
4. Present. Senate Bill 763 having recieved a constitutional
5. majority is declared passed. Senate Bill 764, Senator
6. Sangmeister. Read the bill, Mr. Secretary.
7. SECRETARY:
8. Senate Bill 764.
9. (Secretary reads title of bill)
10. 3rd reading of the bill.
11. PRESIDING OFFICER: (SENATOR SAVICKAS)
12. Senator...Senator Sangmeister.
13. SENATOR SANGMEISTER:
14. Yes, thank you, Mr. President and members of the Senate.
15. What this bill does is changes two words in the existing Act
16. on Supervision and it changes from immediate to three years.
17. After the discharge and dismissal under this Section, a person
18. may have his record of arrest expunged as may be provided by law.
19. The reason we're changing it from immediate expungement to that
20. of three years is because experience has shown that people have
21. been placed time and time again on supervision and the next time the
22. case comes up, the judge doesn't know that this person was placed
23. on supervision the last time because the record has already been
24. expunged. So, we're not changing the ultimate result at all. All
25. we want to do is postpone this so that judges know that time and
26. time again, certain people are getting supervision. Senator Moore
27. put an amendment on the bill to make it effective only with
28. the effective date of this Act, so anybody who has a record that is
29. to be expunged right now, still would be so. But when this would
30. become law, it would be three years rather than immediately.
31. Be happy to answer any questions.
32. PRESIDING OFFICER: (SENATOR SAVICKAS)
33. Is there any further discussion? Senator Lemke.

1. SENATOR LEMKE:

2. How would the expunging of records effect the...this thing about  
3. us knowing about Gacy and things like that? After three years,  
4. we wouldn't have any record about Gacy or anybody similar?

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Senator Sangmeister.

7. SENATOR SANGMEISTER:

8. These are only people, Senator Lemke, that are...that are placed  
9. on supervision. It's strictly those category cases that are placed  
10. on supervision. Now, if Gacy had been placed on supervision  
11. and his record was expunged immediately after that, the judge would  
12. not have any prior knowledge. That's why we want to extend  
13. this to three years. Am I making myself clear?

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Senator Lemke.

16. SENATOR LEMKE:

17. Well, why on...I think certain crimes the record should  
18. never be expunged. It should be there so we know what's happening.  
19. I mean, we can't have certain offender's records available  
20. and one of them is...is...wouldn't it be in the situation that  
21. we are with Gacy, I mean, even the Secret Service finding out that  
22. the guy was convicted of a felony...on a sex felony in Iowa.  
23. I mean, it's ridiculous. We're going to end up like Iowa and  
24. be in...have egg on our face when something happens.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Senator Carroll.

27. SENATOR CARROLL:

28. Thank you, Mr. President. Question of the sponsor, if he'll  
29. yield.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. He indicates he will.

32. SENATOR CARROLL:

33. As I understand it, Senator Sangmeister, what you're attempting  
to do is to say that when a person is placed on supervision, and only

1. in that case, then you're going to make them wait three years  
2. before he gets expunged.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator Sangmeister.

5. SENATOR SANGMEISTER:

6. Yes, in answer to Senator Lemke which is along the same line,  
7. Senator Lemke, that the present law is that he can be expunged  
8. at anytime. This is only getting it up to three years. I agree  
9. with you. As far as I'm concerned, it can stay there forever.  
10. And as to you, Senator Carroll, that's exactly correct.  
11. That's what the bill does.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Channel 20 is requesting leave permission to film the proceedings.  
14. Is leave granted? Leave is granted. Senator Carroll.

15. SENATOR CARROLL:

16. Maybe we can advise what my name is, but maybe...and I'll  
17. ask the questions all over again. Follow...right...right.  
18. Senator Collins and I would like to talk to Channel 20 for a few  
19. moments after Session to make sure that they...I am told here in  
20. Springfield they had changed the identification of each of us.  
21. But I see no sense at all, Senator Sangmeister, for a three year  
22. wait on a supervision. Very often you have a thirty day supervision  
23. on a very minor offense and now you're saying that that is  
24. going to stand for three years. I think that's contra to the intent.  
25. If you want a...you know, some delay in those cases where it's a long  
26. term supervision, maybe I could understand that. But very often  
27. a judge places a very minimal supervisory period. Sometimes for  
28. restitution or something like that and now you're saying that  
29. that's got to wait three years and I think that's contra to the  
30. intent of both supervision and the Expungement Statutes.  
31. It's not a question, it's a statement that I think this is bad in  
32. its current posture. That it's much too long a period when  
33. considering the nature of the offense that a supervisory order  
usually applies to. You know, if you wanted to do something along

1. the lines of the same period of time, that I could understand.  
2. But I see no rational basis for a three year wait.  
3. PRESIDING OFFICER: (SENATOR SAVICKAS)  
4. Senator Maragos.  
5. SENATOR MARAGOS:  
6. Will the sponsor yeild to a question?  
7. PRESIDING OFFICER: (SENATOR SAVICKAS)  
8. He indicates he will.  
9. SENATOR MARAGOS:  
10. Senator Sangmeister, what is done on those...on those  
11. where there's not guilty findings or where there's no determination  
12. of any of the acts if it's dropped, DWP'd by the State?  
13. It still remains the same as the law is now?  
14. PRESIDING OFFICER: (SENATOR SAVICKAS)  
15. Senator Sangmeister.  
16. SENATOR SANGMEISTER:  
17. This Act attempts to amend, or not attempts, it would  
18. amend, Section 563.1 which is the incidence and conditions of  
19. supervision. That's the only area that we are talking about.  
20. The present law reads, "after the discharge and dismissal  
21. under this Section, a person may have his record of arrest  
22. expunged as may be provided by law." All we are inserting in front  
23. of that sentence is two words. It says three years, so it  
24. reads three years after. And you have to take one of the  
25. philosophical approaches, either that of Senator Lemke's and myself  
26. that there oughtn't be any expungement at all, or Senator Carroll,  
27. who feels three years is too long. Three years is what's in the  
28. bill.  
29. PRESIDING OFFICER: (SENATOR SAVICKAS)  
30. Senator Maragos.  
31. SENATOR MARAGOS:  
32. However, whether anyone has been accused of misdemeanor or  
33. a felony still remains the same because...the fact we still...the  
present law states that they can have it expunged at anytime by

1. petition. So, that is not affected, that is correct...is that  
2. correct?

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator Sangmeister.

5. SENATOR SANGMEISTER:

6. Well, no one is forbidden from petitioning the...the court  
7. except now he can file that petition immediately, that is  
8. under supervision, immediately after the order has been entered.  
9. But, under this bill it would be three years and again, I repeat  
10. the reason for it is that there are so many people being placed  
11. on supervision who come back again and get supervision time and  
12. time again because when you go back for the record, there isn't  
13. any and the judges do not know that this person may have been  
14. on supervision two or three times already.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Senator Maragos.

17. SENATOR MARAGOS:

18. ...question, Senator Sangmeister. Is it three years after the  
19. supervision terminates or three years after the sentencing for  
20. 'supervision?

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. Senator Sangmeister.

23. SENATOR SANGMEISTER:

24. It's three years after the discharge and dismissal under this  
25. Section.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Is there further discussion? Senator Netsch.

28. SENATOR NETSCH:

29. Thank you, Mr. President. It seems to me that one of the important  
30. things is to realize what the ultimate disposition of these people  
31. who are placed on supervision to begin with is and these are not  
32. your...your hardest criminals, Senator Sangmeister. The language  
33. that precedes your amendment is discharge and dismissal upon  
a successful conclusion of a disposition of a supervision shall be



1. deemed without adjudication of guilt and shall not be termed a  
2. conviction for purposes of disqualification or disabilities  
3. imposed by law upon conviction of a crime. So, that what you have  
4. are people who are, first of all, whose crime is such that they are...  
5. they are eligible for the supervision to begin with and those are  
6. not Class X felons among others and secondly, who have now  
7. completed their period of supervision without apparently any  
8. problems and so who are to be, in fact, deemed not adjudicated  
9. guilty and not convicted of the original charge. And given those  
10. circumstances, it seems to me that you really destroy the whole  
11. point in usefulness of supervision by then saying that well, even  
12. though you have now fulfilled all the requirements of this category  
13. of sentence, if you will, we are going to impose an additional  
14. one on you that will make it the first one really not worthwhile  
15. and I think it's just completely contrary to the whole point  
16. of supervision and particularly when you realize that these people  
17. are ultimately adjudicated not guilty.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator D'Arco.

20. SENATOR D'ARCO:

21. Well, this is another in a series of anti-crime bills  
22. you know, that came out of George's committee and you know, I'm  
23. getting fed up with it, to tell you truth, but this is...this is  
24. an interesting one. This one pertains to people who aren't even  
25. criminals, that's why this is a good one. As Dawn said, it pertains  
26. to people who have no prior background no record at all and the  
27. judge, in his wisdom, decides to enter a disposition of supervision  
28. which means that the person is not adjudicated guilty, he's just  
29. given a slap on the wrist, so to speak, and told that he has to be  
30. good within the interim period between the time he appears in court  
31. and the date that's entered for the final disposition which may be  
32. six months or a year later. And if he is good during that period,  
33. the judge will then enter a disposition of not guilty. So,  
there really is no record at all that he should have on a rap sheet

1. or on a police record. Now, George wants to say you can't  
2. expunge that disposition for three years after the final adjudication  
3. is entered. So, that if this guy goes for a job, one year later  
4. after the judge decides to enter the disposition, then his employer  
5. says, look, you've got this supervision on your record and he  
6. says, well, yeah, you know, what can I tell you? I got in a fight  
7. with my brother and the judge reprimanded us and told us to be  
8. good and you know, don't not hire me because I've got...you know,  
9. this little problem. Well, George will say, for three years  
10. after the disposition, that employer will not hire him because  
11. he has that little problem. It's another...I don't...this bill is  
12. even worse than the others, but you know, do what you will.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Senator Bowers.

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END OF REEL

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1. PRESIDING OFFICER: (SENATOR SAVICKAS)
2. Senator Bowers.
3. SENATOR BOWERS:
4. Thank you, Mr. President. I don't want to prolong this,
5. but this bill did emanate from the Sentencing Commission and
6. there are some very good jurists on that commission including
7. Judge Fitzgerald, Chief Judge of the Criminal Court of Cook
8. County and what is happening in answer to Senator D'Arco is
9. that, of course, it's a slap on the wrist the first time, but
10. since there's no record, it's happening two, three, four and
11. five and six times because the judge who is the sentencing
12. judge simply doesn't know that this man has already gotten
13. his break two or three times before and under those circumstances
14. I don't think anyone here would think that they ought to continually
15. be able to do this and that's what happening as a practical matter
16. in the real world. I would certainly hope, at least, the people
17. on this side of the aisle would recognize that and vote for
18. this legislation. Thank you.
19. PRESIDING OFFICER: (SENATOR SAVICKAS)
20. Senator Hall.
21. SENATOR HALL:
22. Thank you, Mr. President and Ladies and Gentlemen of the
23. Senate. Senator Sangmeister, in the words of the late Senator
24. Sours, who wants this bill?
25. PRESIDING OFFICER: (SENATOR SAVICKAS)
26. Senator Sangmeister.
27. SENATOR SANGMEISTER:
28. They're on the second floor across the back of the committee
29. room. It says be enacted by the people of the State of Illinois
30. represented in the General Assembly. It's the people of the
31. State of Illinois that want this bill.
32. PRESIDING OFFICER: (SENATOR SAVICKAS)
33. Senator Hall.

1. SENATOR HALL:

2. Senator, you're being evasive. Who wants this bill?

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator Sangmeister.

5. SENATOR SANGMEISTER:

6. As Senator Bowers just indicated, this came out of the  
7. Sentencing Commission, which as Senator Bowers has indicated  
8. has a number of judges sitting and they indicated to the  
9. commission that there is...to repeat Senator Bowers again,  
10. there's just time and time again people are getting supervision.  
11. Their record is expunged. The next time they come up they  
12. get the slap on the wrist again, as Senator D'Arco refers to  
13. and again back out on supervision again. I just think and...  
14. that the judges should have some knowledge as to what the  
15. prior record of this person has been. I mean how many  
16. supervisions are we going to give somebody? On and on and on.  
17. That's the whole idea behind the bill.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator Hall.

20. SENATOR HALL:

21. You're still being evasive. I asked who wants the bill.  
22. Is it judge Sangmeister that wants this bill?

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Senator Sangmeister.

25. SENATOR SANGMEISTER:

26. No. This is no hangup with me. I...this bill was not  
27. my thought or...or it was not brought up by me. It came out,  
28. as I said, out of the Sentencing Commission, which is made up  
29. of prosecutors, defense attorneys, members from the House and  
30. the Senate, judges, everybody sits on the Sentencing Commission.  
31. They unanimously put in their report to this General Assembly  
32. that this ought to be done. This is one of the commission's  
33. bills.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)  
2. Senator Knuppel.  
3. SENATOR KNUPPEL:  
4. Well, if you can get D'Arco and Netsch on the same side  
5. of an issue, it's got to be right and if you got the judges  
6. and everybody else that don't have a job here that would like  
7. to have on the other side saying they want something, that's  
8. generally a good sign it's not needed.  
9. PRESIDING OFFICER: (SENATOR SAVICKAS)  
10. Is there further discussion? Senator Rupp.  
11. SENATOR RUPP:  
12. I have a question for the sponsor.  
13. PRESIDING OFFICER: (SENATOR SAVICKAS)  
14. He indicates he will yield.  
15. SENATOR RUPP:  
16. Did Mr. Gacey get a slap on the wrists in this?  
17. PRESIDING OFFICER: (SENATOR SAVICKAS)  
18. Senator Sangmeister.  
19. SENATOR SANGMEISTER:  
20. I have no way of knowing that, Senator Rupp. He may  
21. have been on supervision several times before this, but I  
22. have no way of knowing.  
23. SENATOR RUPP:  
24. Wouldn't the slap of the wrist been appropriate?  
25. SENATOR SANGMEISTER:  
26. If...well, some people like to describe it as a slap on  
27. the wrists and, of course, that's what supervision is, which  
28. I don't object to. I think supervision is fine but, you know...  
29. four, five, six times down the road some judge ought to know  
30. that's what happened on this guy's record. Three years will  
31. preserve that.  
32. PRESIDING OFFICER: (SENATOR SAVICKAS)  
33. If there's no further discussion, Senator Sangmeister may

1. close the debate.

2. SENATOR SANGMEISTER:

3. Thank you. The bill has been debated. It does simply  
4. what I stated it is and vote it up or down.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. The question is, shall Senate Bill 764 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 38, the Nays are 9 and  
10. 4 Voting Present. Senate Bill 764 having received the  
11. constitutional majority is declared passed. Senate Bill 773,  
12. Senator Davidson. Senate Bill 774. 775. Read the bill, Mr.  
13. Secretary.

14. SECRETARY:

15. Senate Bill 775.

16. (Secretary reads title of bill)

17. 3rd reading of the bill.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator Davidson.

20. SENATOR DAVIDSON:

21. Mr. President and members of the Senate. This bill does  
22. exactly what it says on the synopsis is that the voters list  
23. where the people...register in a school board election would  
24. be held for a year. Presently, they are not kept that long.  
25. Appreciate an affirmative vote.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Is there any further discussion? If not, the question  
28. is, shall Senate Bill...Senator Rhoads.

29. SENATOR RHOADS:

30. A question of the sponsor.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. He indicates he will yield.

33. SENATOR RHOADS:

1. Senator...which...which voter affidavits are we using  
2. here? What's the form?

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator Davidson.

5. SENATOR DAVIDSON:

6. Yes, this is, as you know, Senator Rhoads, in a school  
7. board election the poll books are not there in most instances  
8. and the voter goes in and signs the affidavit that he resides  
9. in that school district and is able to vote. It's not  
10. necessary for him to be a registered voter and this just  
11. says if the...the affidavit will be retained for a year so  
12. they can be checked and be used to check...to make sure this  
13. person was a bona fide resident of the school district.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Rhoads.

16. SENATOR RHOADS:

17. Well, it seems to me that the bill would, at best, have  
18. very limited applicability. First of all, with consolidation  
19. of elections effective January 1, 1980, we're going to have to  
20. have binder books for the school elections for awhile anyway.  
21. Secondly, the Senate has already passed a bill, who was sponsored  
22. by Senator Regner, I believe, requiring that we have registered  
23. voters in a...in a binder book for the elections until then, so  
24. what...what school elections would this be applicable to?

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator Davidson.

27. SENATOR DAVIDSON:

28. Well, I'm unaware of Senator Regner's bill about the  
29. binder books. The registration applies to any school district.  
30. I'm not aware about the Cook County area, but in any downstate  
31. district, presently as here...let me...my best is here in  
32. Springfield. There's a number of school district polling  
33. places held at one school which covers a number of normal precincts.

1. The precinct polling books are not present. You go in and  
2. sign an affidavit that I, John Davidson, reside in the boundary  
3. lines of...the School District 186 or whatever the district  
4. is for the junior college and you sign the affidavit. You  
5. don't have to be a registered voter and you're able to vote  
6. and what's brought this about is there's been some very close  
7. elections and the voter registration affidavit had not been  
8. retained by some of the districts where this possibility of a  
9. vote count and challenge had been...came about and this bill  
10. came about is saying that the people who register or sign this  
11. affidavit that this affidavit be...would be kept on file or  
12. retained for a year. It would not be destroyed.

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Senator Rhoads.

15. SENATOR RHOADS:

16. Well, I have no quarrel with what you're trying to do.  
17. All I'm saying is there won't be any more school elections  
18. from now on, at least, I don't think there will be...that will  
19. be under the affidavit method. Now, unless there will be some  
20. more this year and in 1980. Now, if that's true then it would  
21. have some...applicability, I guess.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Senator Davidson.

24. SENATOR DAVIDSON:

25. Well, about any other than a special election as far as  
26. this year for the school district elections for this year are  
27. already over with. There will be some in the Spring. As far  
28. as the consolidation of elections, I'm...as you're aware the  
29. same as I there's a number of movements around to change some  
30. of those consolidation of elections and this is to solve a  
31. problem that we're aware of.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Rhoads.,



1. SENATOR RHODES:

2. Yeah, that's what I was afraid of, Senator, but in...in  
3. light of your representation, it...it will affect 1980 I've  
4. just been informed, so I support the bill.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Is there further discussion? The question is, shall  
7. Senate Bill 77...Senator Bruce.

8. SENATOR BRUCE:

9. Well, I just wonder why we're going to keep these for  
10. a year. I don't even think we keep, according to present  
11. Statutes, election results in a General Election more than  
12. six months. If you haven't filed an election contest within  
13. ten days after the discovery, it all becomes pretty irrelevant,  
14. anyway. Why...why the burden of keeping these a year...you  
15. know...is there some particular lawsuit or something pending  
16. that you need this for?

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Davidson.

19. SENATOR DAVIDSON:

20. I...I cannot that part of it, Senator Bruce. The request  
21. was for a year and it sounded reasonable to me and that's what  
22. I responded to.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Is there further discussion? The question is, shall Senate  
25. Bill 775 pass. Those in favor vote Aye. Those opposed Nay.  
26. The voting is open. Have all voted who wish? Have all those  
27. voted who wish? Take the record. On that question, the Ayes  
28. are 46, the Nays are 2, 4 Voting Present. Senate Bill 775  
29. having received the constitutional majority is declared passed.  
30. Senate Bill 781, Senator Philip. Do you wish to call the bill,  
31. Senator? Senator Philip.

32. SENATOR PHILIP:

33. Thank you, Mr. President. I...I understand that some of my

1. fellow Senators have some amendments they would like to attempt  
2. to put on the bill. Now, I've had it on 2nd reading twice.  
3. This is going to be the last shot. I will be happy to do it  
4. one more time, but that is it. That is the final, so if you've  
5. got amendments you better have them up there. I...I would have  
6. presumed we're not going to go to 2nd reading today?

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. That is correct.

9. SENATOR PHILIP:

10. All right. We'll do it tomorrow, I'm to assume?

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Hopefully.

13. SENATOR PHILIP:

14. Thank you, Mr. President.

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. Senate Bill 784, Senator Rupp. Senate Bill 788, Senator  
17. Maitland. Read the bill, Mr. Secretary.

18. SECRETARY:

19. Senate Bill 788.

20. (Secretary reads title of bill)

21. 3rd reading of the bill.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Senator Maitland.

24. SENATOR MAITLAND:

25. Thank you, Mr. President and Ladies and Gentlemen of the  
26. Senate. The synopsis was just as the Secretary read. There is  
27. some concern around the State that...that much valuable farm  
28. land has been and is being purchased by foreign owners. There's  
29. some concern about this. The implications that we have now from  
30. states like Iowa and Minnesota where there is reporting indicates  
31. to us that it's not a serious thing yet, but still it becomes  
32. incumbent upon us to...to make an attempt to find out exactly  
33. how much land is being purchased by aliens, therefore, we feel

1. that a bill like this in Illinois might, in fact, give us a  
2. good indication of this problem if, in fact, does exist. I'd  
3. be happy to respond to any questions. I would...would appreciate  
4. a favorable roll call.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Is there discussion? Senator Wooten.

7. SENATOR WOOTEN:

8. A question of the sponsor.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. He indicates he will yield.

11. SENATOR WOOTEN:

12. Is Amendment 1 still on this bill?

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Senator Maitland.

15. SENATOR MAITLAND:

16. Yes Sir, Senator Wooten, it is.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Wooten.

19. SENATOR WOOTEN:

20. Well then, does not Amendment 1 pretty much vitiate the  
21. bill? If you permit an alien five years before he has to fill  
22. out such a report, it would seem to me that a builtin lag like  
23. that would largely defeat the purpose of the bill.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Is there further discussion? Senator Sommer.

26. SENATOR SOMMER:

27. Senator Wooten, that's my amendment and what it does is  
28. some of the large agricultural concerns in Illinois are foreign  
29. owned through a series of holding companies and they don't own  
30. any property here, but from time to time they lease a bean  
31. field for a year or two and that is to take care of concerns  
32. raised by those folks.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Is there further discussion? Well...Senator Wooten.

2. SENATOR WOOTEN:

3. If they lease a bean field for a year, then why do you  
4. need a five year delay?

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Senator Sommer.

7. SENATOR SOMMER:

8. Well, the...the agricultural leases may be...be...they're  
9. normally a year or crop year. It may be one or two. They do  
10. not do this as a practice. I'm sure, from Rock Island, you'd  
11. be familiar with that. They do not lease property over a long  
12. period, but from time to time they may need to for a year or  
13. two years, three or something like that.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Wooten.

16. SENATOR WOOTEN:

17. Well, it still seems to me that that it...that exception  
18. is...is not needed. I...I think it goes against the thrust  
19. of the bill, which is a good one. If you are not going to  
20. block such activity, I think you, at least, ought to know what's  
21. going on and I don't think that...that exception is a prudent  
22. one.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Is there further discussion? Senator Walsh.

25. SENATOR WALSH:

26. It's my understanding if the Gentleman will yield. It's  
27. my understanding that aliens now may...may hold title to real  
28. estate for up to six years. Is that correct?

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator Maitland. Senator Maitland.

31. SENATOR MAITLAND:

32. This is correct. I'm sorry, Mr. President.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Senator Walsh.

2. SENATOR WALSH:

3. Well, my...my question then is, if...if they're precluded  
4. from holding title to real estate for more than six years under  
5. the present law, how does this bill change the present law?

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Senator Maitland.

8. SENATOR MAITLAND:

9. It's my understanding that...that this particular part  
10. of the Statutes has not been enforced and , in fact, they  
11. have held it longer than that.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Senator Walsh.

14. SENATOR WALSH:

15. Well, would this bill...this bill would not permit them  
16. merely by registering to hold title to real estate for longer  
17. than six years, would it? That is to say, this bill does not  
18. liberalize the...the opportunity for foreign interest to own  
19. Illinois real estate, does it?

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Senator Maitland.

22. SENATOR MAITLAND:

23. As I understand it, Senator, this is correct. Yes.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Senator Rock.

26. SENATOR ROCK:

27. Thank you, Mr. President. A question of the sponsor, if  
28. he will yield.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. He indicates he will.

31. SENATOR ROCK:

32. Senator, can you explain to me Section 6, which is found  
33. on page 7 of the bill?

1. PRESIDING OFFICER: (SENATOR DONNEWALD)  
2. Senator Maitland. Senator Rock.  
3. SENATOR ROCK:  
4. Page 7, Section 6...Rather than read the whole thing, it  
5. seems to say that it...it refers or crossrefs to the Agricultural  
6. Foreign Investment Disclosure Act of 1978, Public Law 95-460.  
7. My question, I guess, is...I'm not familiar with that Act, but  
8. it...it would seem to be all inclusive. In other words, you  
9. are providing for a double filing, I guess, is my question.  
10. Why are we doing that?  
11. PRESIDING OFFICER: (SENATOR DONNEWALD)  
12. Senator Maitland.  
13. SENATOR MAITLAND:  
14. Senator Rock, we recognize that it might be assumed by some  
15. that this could possibly be redundant and we know that. We're  
16. not always that happy with what the Federal Government, in fact,  
17. gets done. We, therefore, feel that it's incumbent that we have  
18. something like this in place in Illinois because citizens do,  
19. in fact, show concern here and if, in fact, the Federal Govern-  
20. ment is adhering to what their guidelines are then the Director  
21. of Agriculture for the State of Illinois can use that information  
22. to solve the same purpose, but we want something in tact in  
23. Illinois to make sure that we had this knowledge of what land  
24. was being held by aliens.  
25. PRESIDING OFFICER: (SENATOR DONNEWALD)  
26. Senator Rock.  
27. SENATOR ROCK:  
28. Now, my question is, if I am a foreign or an alien and  
29. I acquire or transfer any interest in some piece of Illinois  
30. property under...except for a lease-hold, less than five years  
31. am I now required to file under this Federal law?  
32. PRESIDING OFFICER: (SENATOR DONNEWALD)  
33. Senator Maitland.

1. SENATOR MAITLAND:  
2. Yes Sir, Senator, you are.  
3. PRESIDING OFFICER: (SENATOR DONNEWALD)  
4. Senator Rock.  
5. SENATOR ROCK:  
6. Is this information readily available to me and the other  
7. ...other citizens of Illinois and...and the Director of Agriculture?  
8. PRESIDING OFFICER: (SENATOR DONNEWALD)  
9. Senator Maitland.  
10. SENATOR MAITLAND:  
11. Senator Rock, we really don't know yet. It's been in place  
12. some, probably, less than ninety days. It was effective ninety  
13. days after the President signed it.  
14. PRESIDING OFFICER: (SENATOR DONNEWALD)  
15. Senator Rock.  
16. SENATOR ROCK:  
17. Well...would it not be better to wait and see if it works?  
18. I mean why...why...we are requiring of somebody a duplicate  
19. filing again and I...you know...they are overregulating every-  
20. body around here. Why are we doing this? If the Congress saw  
21. fit to pass this thing, let's give it a chance to work. Has  
22. anybody tried to find out this information? Has anybody tried  
23. to find out who would...you know...what properties in Illinois  
24. are actual subject to this Act?  
25. PRESIDING OFFICER: (SENATOR DONNEWALD)  
26. Senator Maitland.  
27. SENATOR MAITLAND:  
28. Senator, I have not. I don't know whether anyone has or not,  
29. but in answer to your...your statement, to me it doesn't appear  
30. to be overregulation, it just...I think answers a lot of  
31. citizens in Illinois who are still asking the same question.  
32. How much land is being held by alien owners and we want to make...  
33. we want to make darn sure that Illinois has a filing and has it

1. in place.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Wooten. For the...

4. SENATOR WOOTEN:

5. ...time. Yes. I am still...Senator Sommer and Senator  
6. Maitland worried about that amendment. The lease hold interest  
7. does not necessarily have to be for a bean field. It can  
8. also be for mineral rights, can it not? And if you have a...  
9. I don't understand why, if you want to report aliens having  
10. a lease hold interest in land...in agricultural land and it  
11. could be for mineral rights as easily as it could be for  
12. agricultural rights. If you say that you want them to report  
13. and then say well, they have...it's five years before they have  
14. to report. I...I find that defeating what seems to be the  
15. purpose of the bill and since it extends to things other than  
16. renting...bean fields or buying coal rights and other things,  
17. I...by having lease hold interest in coal rights...I...I don't  
18. know why we need that five year delay and I think the amendment  
19. maims the bill.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Is there further discussion? Senator Maitland may...may  
22. close. Senator Bruce.

23. SENATOR BRUCE:

24. I have a great deal of interest in this particular piece  
25. of legislation, but the way I read the provisions on leases,  
26. I don't see why anyone who was smart enough to execute a lease  
27. couldn't evade the entire provisions of the law. You allow a  
28. sixty month lease. ABC Company totally owned by foreign  
29. interest leased the land for fifty-nine months. At the end of  
30. the fifty-nine month period CDE Corporation wholly owned by  
31. foreign interest, then owns the land. They take over the lease  
32. at the termination. That gives them five years. At the end  
33. of that five years EFG Corporation totally owned by foreign



1. interest then lease the land. All three corporations are  
2. totally owned by one family. What difference does it make?  
3. They never have to report, anyway. They just...one lease  
4. after another. You chain lease and that's it. It's all over  
5. with. No disclosures. No reporting. No anything.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Is there further discussion? Well, you...is it a  
8. question? All right. Senator Maitland.

9. SENATOR MAITLAND:

10. Well, Senator Bruce, I would submit to you that they can...  
11. they can do that today. They can do that today and...you know...  
12. so you're not eliminating that problem. I would...I would  
13. admit to that, but the fact remains...you know...we're talking  
14. about leased land here and...and that's what we're taking out.  
15. Our...

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Proceed.

18. SENATOR MAITLAND:

19. ...our concern now, Senator Bruce, as you well know, is to  
20. determine who, in fact, owns the large holdings of farm land that...  
21. that some people seem to indicate now is taking place. We want  
22. to get a handle on it.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Senator Bruce.

25. SENATOR BRUCE:

26. I can admit, Senator, that it isn't done today. My problem  
27. is having passed your Act, what difference does it make to a  
28. person who...handles the lease? There's absolutely...do you  
29. agree with me that once you only write a lease for less than  
30. five months, that you could chain lease one after another...five  
31. years, rather. Go fifty-nine months, release to another  
32. corporation, owned...totally owned by foreign interest and  
33. never have to report under this Act. That's...you know...I'm

SB 790  
5/21/79  
3rd reading

1. in favor of your legislation. I have pending legislation of  
2. my own very similar to it, but the Federal Act is fairly  
3. comprehensive. This lease, it just seems to me drives...makes  
4. the hole so big, as to make your Act completely useless.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Is there further discussion? Senator Maitland may close.

7. SENATOR MAITLAND:

8. Thank you, Mr. President. I think this legislation is of  
9. particular interest to...to all the citizens of Illinois. I  
10. would submit to you that we keep in mind, that we're talking  
11. about leases here that are...that are in agreements entered  
12. into with farmers, who are leasing ground to...to an entity  
13. for a period of time that farmers still, in fact, controls  
14. that land. He's not, after the five years, necessarily given  
15. up the right to that land. The...the bill, particularly deals  
16. with the purchase of that land. I think it's good legislation.  
17. I think it's something we...we need to...to more or less  
18. parallel Federal legislation that's now on the books and I would  
19. appreciate a...favorable roll call.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. The question is, shall Senate Bill 788 pass. Those in  
22. favor vote Aye. Those opposed Nay. The voting is open. Have  
23. all those voted who wish? Have all those voted who wish? Take  
24. the record. On that question, the Ayes are 36, the Nays are 10,  
25. 3 Voting Present. Senate Bill 788 having received the  
26. constitutional majority is declared passed. Senate Bill 790,  
27. Senator DeAngelis. Read the bill, Mr. Secretary.

28. SECRETARY:

29. Senate Bill 790.

30. (Secretary reads title of bill)

31. 3rd reading of the bill.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator DeAngelis.

1. SENATOR DeANGELIS:

2. Thank you, Mr. President and member persons of the Senate.  
3. Senate Bill 790 creates the...I'm sorry, that's the first time  
4. you caught that, Senator Netsch. Senate Bill...790 creates  
5. the category of habitual juvenile offender and requires the  
6. mandatory detention of any juvenile committing his third serious  
7. act to detention to the age of twenty-one. Last Friday I had  
8. cause to pass among you, an extensive article written by  
9. Senator Kennedy and at the same time Senator Berning passed  
10. among you an article or a letter to the editor written by a  
11. practicing psychiatrist in the City of Chicago. And what the  
12. thrust of Senate Bill 790 is, is it deals with the reality of  
13. violent crimes, violent juvenile crimes and the failure of  
14. some of the sociological assumptions that go...underline  
15. the juvenile court system. The initial thrust of the juvenile  
16. court system was based on the sociological assumption that there  
17. were no bad children, only bad parents. We have learned since  
18. that time, that that assumption was both overly simplistic and  
19. that the causes are much more complex than that. This is the  
20. first cut, at dealing with those offenders who seem to be on  
21. the scope of rehabilitation and I ask for a favorable roll call.  
22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Is there discussion? Is there discussion? Senator Netsch.  
24. SENATOR NETSCH:

25. The impression we have then, Mr. President, is that some  
26. very substantive matters were added by a amendment and we're  
27. just simply trying...some of us are trying to get a hold of  
28. those...I don't, for example, have the text of the bill in  
29. front of me right at the moment, but as I understand it, at  
30. least, from our synopsis the bill provides the amendment, not  
31. the original bill, but the amendment and there were significant  
32. matters added by amendment that trial by jury is allowed to a  
33. minor...let me slow down just a moment because we're trying to

1. find out what is in the bill right now, as a matter of fact,  
2. PRESIDING OFFICER: (SENATOR DONNEWALD)  
3. Senator Bruce.  
4. SENATOR BRUCE:  
5. At...at one time or another, I believe, this bill required  
6. ...required a jury trial, if you were going to go under this  
7. Habitual Juvenile Offender Act. Is that still in or out?  
8. That's what I want to know.  
9. PRESIDING OFFICER: (SENATOR DONNEWALD)  
10. Senator DeAngelis.  
11. SENATOR DeANGELIS:  
12. Senator Bruce, the defendant is allowed a jury trial. In  
13. fact, he cannot turn it down unless it's under advice of  
14. counsel or he requests that he not have a jury trial. It's  
15. automatic unless he requests that he doesn't have one. Yes, Sir.  
16. PRESIDING OFFICER: (SENATOR DONNEWALD)  
17. Is there further discussion? Senator Netsch.  
18. SENATOR NETSCH:  
19. I'm getting back to one of my questions, that I think  
20. has not be corrected. I gather that the...the jury trial  
21. point has been subsequently amended after the initial  
22. amendment on the Floor. I gather...  
23. PRESIDING OFFICER: (SENATOR DONNEWALD)  
24. Senator DeAngelis.  
25. SENATOR NETSCH:  
26. ...someone who is appearing without counsel could request  
27. a jury trial. Has that matter been clarified?  
28. PRESIDING OFFICER: (SENATOR DONNEWALD)  
29. Senator DeAngelis.  
30. SENATOR DeANGELIS:  
31. Yes, member person Netsch, it was...no we brought that  
32. into committee when we appeared before the committee.  
33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Senator Netsch.

2. SENATOR NETSCH:

3. One...one other point and I do not know whether this has

4. been subsequently clarified, from what point is to be measured

5. the three times, if you will, the three offenses that...that

6. constitute the habitual offender category? Has that been

7. clarified in the Statute and if so, could you point it out

8. to me?

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Senator DeAngelis.

11. SENATOR DeANGELIS:

12. As long as they're juvenile.

13. SENATOR NETSCH:

14. I'm...I'm not sure I understand that.

15. SENATOR DeANGELIS:

16. You mean what...what...when did the...

17. SENATOR NETSCH:

18. During what period of time and over how long a period

19. of time do the offenses accumulate?

20. SENATOR DeANGELIS:

21. As long as they're juveniles, Senator Netsch. In other

22. words, if they have two pending anyway now and they commit

23. their third one, they would be tried under this.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Senator Netsch.

26. SENATOR NETSCH:

27. I'm sorry. Did you say that...let's say that there is

28. a juvenile who has been charged twice before the effective

29. date of the Act, if the third one occurs after the effective

30. date of the Act, that is sufficient to trigger the Act. Is

31. that...was that your answer?

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator DeAngelis.

1. SENATOR DeANGELIS:  
2. In the bill, it has to occur after January 1st, 1980.  
3. PRESIDING OFFICER: (SENATOR DONNEWALD)  
4. Senator Netsch.  
5. SENATOR NETSCH:  
6. What has to occur after January? That's what I'm  
7. trying to find out.  
8. PRESIDING OFFICER: (SENATOR DONNEWALD)  
9. Senator DeAngelis.  
10. SENATOR DeANGELIS:  
11. The third offense.  
12. PRESIDING OFFICER: (SENATOR DONNEWALD)  
13. Senator Netsch.  
14. SENATOR NETSCH:  
15. But only the third offense so that my original hypothetical  
16. was correct that if two juvenile offenses have taken place  
17. before the effective date of the Act at ages thirteen and  
18. fourteen or twelve and eleven or whatever and a third one  
19. occurs after the effective date, then that is sufficient to  
20. trigger your mechanism. Is that correct? That is...  
21. PRESIDING OFFICER: (SENATOR DONNEWALD)  
22. Senator DeAngelis.  
23. SENATOR DeANGELIS:  
24. They would have been adjudicated as felonies, right...  
25. PRESIDING OFFICER: (SENATOR DONNEWALD)  
26. ...Senator DeAngelis.  
27. SENATOR DeANGELIS:  
28. If they had been adjudicated...if they had two prior  
29. adjudications of felonies, yes.  
30. PRESIDING OFFICER: (SENATOR DONNEWALD)  
31. All right. Senator Geo-Karis.  
32. SENATOR GEO-KARIS:  
33. Mr. President and Ladies and Gentlemen of the Senate.

1. I think this is a very good bill. We've had instances in my  
2. own community where a juvenile had murdered a woman in  
3. Missouri, for example, and come to Illinois and raped and  
4. broke the leg and arm of a seventy-nine woman and he was  
5. never checked like he should have been. Now, this...we've  
6. had a lot of juvenile crime, so much so, involving serious  
7. offenses that it's high time we did something about it to  
8. protect the public. I think that young people should learn  
9. to be responsible and when they're going to commit their  
10. third felony, they certainly should be tried as an...an  
11. adult and I think this is the purpose of the bill and I  
12. think it's...it's a needed bill. It's high time that we  
13. protect the victims a little more than we do the offenders.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Savickas.

16. SENATOR SAVICKAS:

17. Yes, Mr. President, would Senator DeAngelis yield to a  
18. question?

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. He indicates he will.

21. SENATOR SAVICKAS:

22. Senator, on your amendment you indicate that trial on  
23. such a petition shall be by a jury unless the minor demands...  
24. unless the minor demands an open court and with the advice  
25. of counsel, a trial by the court without jury. You're mandating  
26. that every juvenile case then would be by a jury trial. What  
27. would this do to our court system? What's the financial impact  
28. of this on all of our county court systems?

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator DeAngelis.

31. SENATOR DeANGELIS:

32. I don't know, Senator Savickas.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Senator Savickas.

2. SENATOR SAVICKAS:

3. Well, I think we should find out. This is...I think a

4. very pertinent part of this legislation. We are talking now

5. that every juvenile case...well, you're waiving no, but in

6. your amendment I don't have the bill here, but the amendment

7. on line 12 of your Amendment No. 1, it says trial and such

8. petitions shall be by jury unless the minor demands an open

9. court and with the advice of counsel. This means that you're

10. mandating a jury trial for every juvenile case.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Senator DeAngelis.

13. SENATOR DeANGELIS:

14. No, Senator Savickas, only those who have petitioned under

15. the Habitual Juvenile Offender category. It only applies to

16. those under a third offense, not every juvenile offender case.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Savickas.

19. SENATOR SAVICKAS:

20. Well, it doesn't say that and I think that would be

21. serious question with this...for every county in the State

22. of Illinois, not only Cook.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Is that a question?

25. SENATOR SAVICKAS:

26. Statement.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. All right. Senator Collins.

29. SENATOR COLLINS:

30. A question of the sponsor. Senator DeAngelis, along

31. this line in terms of the costs, did you get a fiscal note on

32. this to try and ascertain approximately how many juveniles will

33. fall under that category and how much it will cost in terms of



1. the correctional...State correctional institutions.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. The Chair will...if there was no request for a fiscal

4. note on the Order of 2nd reading.

5. SENATOR COLLINS:

6. No. I know that. I asked did he have any idea about

7. a costs...the cost of this.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. I think he indicated "no" earlier, but you may respond.

10. Senator DeAngelis.

11. SENATOR DeANGELIS:

12. Senator Collins, are you talking about the costs of

13. adjudication or the cost of detention?

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Collins.

16. SENATOR COLLINS:

17. Senator...Savickas asked the questions in terms of

18. adjudication. I'm asking the question now in terms of

19. incarceration and...and the correctional institutions.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Senator DeAngelis.

22. SENATOR DeANGELIS:

23. I do not have a cost for what that would be.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Senator Collins.

26. SENATOR COLLINS:

27. Another question. Does the bill...bill allow an alternative

28. if two...if...if the person...juvenile requests it that they

29. be tried as an adult. Would this provide an alternative to it?

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Senator DeAngelis.

32. SENATOR DeANGELIS:

33. Yes, it does, Senator Collins.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Knuppel.

3. SENATOR KNUPPEL:

4. Well, my...Mr. Chairman and members of the Body. My  
5. comment is probably not directed to this bill alone because  
6. I can see how anyone could get irritated if you have a juvenile  
7. there three times, but I just wonder what we're coming to here.  
8. Every other bill we vote on has to do with creating a new  
9. crime, increasing the penalty, locking them up longer, taking  
10. away probation. The last Session was known as the Class X  
11. Felony...Session and this one is going to be known as the  
12. lock them up Session, but the problem is that we don't have  
13. the jails, at least, in the counties I come from, we don't  
14. have the jails to put them in. We don't have the jails to  
15. keep them segregated in and we can't get the people to vote  
16. the money. The County of Peoria and the County of Fulton,  
17. every other county I know of, won't vote for the jails. Now...  
18. you know...what we're going to do is we're going to end up  
19. here like they were in England one time with five hundred and  
20. twelve crimes that you could be hung for...you know...as low  
21. as stealing a loaf of bread and it didn't deter crime one damn  
22. bit. Now, it's just this simple. We can go ahead here in this  
23. Body passing bill after bill after bill where a cross words  
24. assault and you go to jail for it. If somebody threatens your  
25. dear old grandmother that she's going...is going to bust you  
26. in the nose, well, you go to jail for that. Now, you're going  
27. to have juveniles going to jail. We don't have the jails to  
28. hold them. I don't know. What are we going to...do, build  
29. bull pens out in the country somewhere for them. I don't know  
30. how we're going to hold them. People won't vote for the jails.  
31. We don't have enough money to educate those that want to go to  
32. school. It's a tragic situation we're working ourselves into,  
33. Gentlemen. I don't have anything personally against this bill.

1. It's probably one of the better ones that's come up here, but  
2. we have...I think even here today, created a complexion for  
3. this General Assembly that we can't possibly finance and we're  
4. going on and on and on infinitum and we'll be back here before  
5. five years from now repealing these bills just as fast as we  
6. can because we can't afford to...to do what we...what we've  
7. set out and the goals we've set for them.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Senator Lemke.

10. SENATOR LEMKE:

11. Senator DeAngelis, I'm looking at the bill and you're  
12. talking about the minor waiving certain objections and if  
13. he doesn't waive them, then he's got to specifically waive  
14. them. In this State I think we still have a law that says you  
15. have to be a certain age to give consent to when you waive it.  
16. How come if he's a pro, say, waive anything if he doesn't  
17. have the right to consent to anything?

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator DeAngelis.

20. SENATOR DeANGELIS:

21. Well, the...the only thing that I am aware in this bill  
22. that he's waiving is that if he chooses not to have a trial  
23. by jury, he has upon the advice of his counsel, waive that right.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Senator Lemke.

26. SENATOR LEMKE:

27. I mean a minor can't...in this case you're...you're going  
28. to have to have guardians appointed to give consent because that's  
29. what we do in all other matters and I mean it's just silly to  
30. think that a minor can give consent to waive things by not doing  
31. something. Just because he has an attorney, it's usually court  
32. appointed. What's he going to do? I mean...I...I know the  
33. intent is to...to try to get these juveniles off the street when

1. they're three times or whatever they are as far as habitual  
2. juveniles, but you don't go around doing it on the basis of  
3. waiving consent. I think it should be done through the...the  
4. court system and I think they have the mechanism right now to  
5. put these kids in custody and control of the...of the State and  
6. I think this should be done through either court orders to...  
7. to giving the power to the courts to set up these juvenile  
8. places or...or what have you, but I don't think you are going  
9. to do it through consent. I am against any type of consent  
10. that a minor can give unless he's been emancipated and takes  
11. the full responsibility as an adult and...and this is where  
12. we're talking about consent. I'm not going...I can't vote on  
13. a bill that's going to say a minor can consent to things or  
14. waive things just because he has knowledge 'cause I think a  
15. minor is incompetent until he reaches majority, otherwise we  
16. should let him vote and do everything else the same as we do.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Washington. .

19. SENATOR WASHINGTON:

20. Senator DeAngelis, you have worked very hard on this bill  
21. and you may have accomodated yourself to anyone who had any  
22. useful suggestions, unfortunately, I couldn't respond. I just  
23. think it's a conflict in philisophy, but had you considered  
24. this, for example. Instead of mandating a third term, would  
25. it not have been much simpler...much simpler to have provided  
26. that or mandated that the third matter be tried in the criminal  
27. division. Wouldn't that have solved the entire problem?

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Senator DeAngelis.

30. SENATOR DeANGELIS:

31. Senator Washington, in spite of the fact that there are  
32. considerations to the opposite there are some real significant  
33. aspects of this. One...one of the evils, I think, of the

1. system is that an angry prosecutor in retribution can even  
2. on the first offense take a juvenile offender and try him as  
3. an adult and the reason that most of them do it, is because  
4. they don't really have alternatives in dealing with them and  
5. I think this provides an alternative for a more humane and  
6. better treatment than having some prosecutor who's angry  
7. because this person has appeared before them so frequently...  
8. try a fourteen year old child as an adult in an area that's  
9. calling for that kind of activity. I don't see where trying  
10. him that way is any benefit to the juvenile offender.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Senator Washington.

13. SENATOR WASHINGTON:

14. Well, as a matter of law, it's my understanding that it  
15. is not strictly the determination of the prosecutor, he has to  
16. have the consent of the juvenile court judge before he can  
17. take him to the criminal division, so it's not an ex parte or  
18. a single division...decision made by one person. We can debate  
19. the thing all ad infinitum. I happen to think that would have  
20. been a better route to take, but just briefly, you alluded to  
21. a statement about Senator Kennedy of Massachusetts. I read it  
22. and I agree with everything in it, but I think you may have  
23. confused someone...Senator Kennedy was not referring to your  
24. bill at all. He was referring to the seriousness of the  
25. juvenile problem, which everyone here recognizes and which, I  
26. think, Senator Knuppel put in direct context of money, so don't  
27. leave the impression...I know you didn't want to, that Senator  
28. Kennedy supported your bill. Secondly, the basic philosophy for  
29. treating juveniles is slightly different was not as you stated.  
30. The philosophy or the theory was that young people are more  
31. rehabilitatable than older people. I still maintain that's  
32. a good philosophy. This goes contrary to it, but I do think  
33. you've gone far afield here. I think you would have been better

1. advised and unfortunately, I didn't think of it. You would  
2. have been better advised to mandate that the third such matter  
3. be tried before the criminal division and I think you would  
4. have gotten what you wanted. As it is, it's a bad bill and  
5. I can't support it.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Is there further discussion? Senator DeAngelis may close.

8. SENATOR DeANGELIS:

9. Thank you, Mr. President. I think during the course of  
10. the discussion we might have lost sight of a few things. We  
11. are talking about serious offenders here. People who have  
12. committed the following crimes: murder, voluntary or involuntary  
13. manslaughter, rape or devious sexual assault, aggravated or  
14. heinous battery, burglary of a home or other residence intended  
15. for the use of...as a temporary or permanent dwelling place,  
16. home invasion, robbery or armed robbery or aggravated arson.  
17. We are talking about people who not only have committed three  
18. of these crimes, but at least, have been adjudicated twice  
19. of being guilty of these, which frequently doesn't happen in  
20. the juvenile court system because of the method...the two or  
21. three or four chaired method of...of adjudication. I think  
22. last night some of you may have watched "Scared Straight."  
23. I had the opportunity to converse with one of the panelists  
24. this morning on the telephone that was involved in that and I  
25. said to him, what would you think of this particular proposal  
26. and I have to tell you that one of the serious problems they  
27. run into is the serious offender who returns back to the  
28. community, shows his immunity from the law, establishes a  
29. peer prestige and goes on and commits further crime. I ask for  
30. your favorite roll call.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. The question is, shall Senate Bill 790 pass. Those in  
33. favor vote Aye. Those opposed Nay. The voting is open. Have

SB 794  
3rd Reading  
5/2/79

1. all voted who wish? Have all those voted who wish? Take the  
2. record. On that question, the Ayes are 34, the Nays are 13,  
3. 2 Voting Present. Senate Bill 790 having received the  
4. constitutional majority is declared passed. Senate Bill 791.  
5. That's to be amended, I understand. Senate Bill 793, Senator  
6. Wooten. Do you wish to call the...Senate Bill 794, Senator  
7. Nash. Read the bill, Mr. Secretary, if you can see him.  
8. ACTING SECRETARY: (MR. FERNANDES)

9. Senate Bill 794.  
10. (Secretary reads title of bill)

11. 3rd reading of the bill.  
12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Senator Nash.  
14. SENATOR NASH:

15. Mr. President and Ladies and Gentlemen of the Senate.  
16. Senate Bill 794 exempts the applicants for laborers to be  
17. employed by the Chicago Metropolitan Sanitary District from  
18. the requirement of taking a Civil Service Examination. However,  
19. this bill does not exempt such employees from Civil Service  
20. classification. What this bill does is it helps the less  
21. fortunate and the less educated from having to take a written  
22. examination to fill the jobs as laborers. Presently, the  
23. sanitary district has about forty to fifty job turnovers each  
24. year from the position of laborer and every time they have  
25. an examination there's about three thousand applicants that  
26. costs the sanitary district twelve to fifteen thousand to  
27. administer. I ask for a favorable vote on this bill.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)  
29. Senator Chew.

30. SENATOR CHEW:  
31. Senator, would you stand still for a question?

32. PRESIDING OFFICER: (SENATOR DONNEWALD)  
33. He indicates he will stand still.

1. SENATOR CHEW:  
2. In the event he does not take the examination, does that  
3. prohibit him from becoming Civil Service employed?  
4. PRESIDING OFFICE: (SENATOR DONNEWALD)  
5. Senator Nash.  
6. SENATOR NASH:  
7. No, Senator Chew, it does not prohibit him from becoming  
8. Civil Service. After they are hired by the district they must  
9. fulfill the requirements of six months probationary period.  
10. PRESIDING OFFICER: (SENATOR DONNEWALD)  
11. Senator Chew.  
12. SENATOR CHEW:  
13. And then he's eligible to become Civil Service at that  
14. point?  
15. PRESIDING OFFICER: (SENATOR DONNEWALD)  
16. Senator Nash.  
17. SENATOR NASH:  
18. Yes, Senator Chew. All this bill does it doesn't require  
19. that the laborers from taking the written Civil Service tests.  
20. What it does, it helps the less fortunate. We have problems  
21. with written examinations becoming Civil Service. It gives  
22. them the protection of Civil Service after they've fulfilled  
23. their six months probationary requirements.  
24. PRESIDING OFFICER: (SENATOR DONNEWALD)  
25. Senator Rhoads. The Chair might advise that we have one,  
26. two, three, four, five, six, seven, eight that request to speak  
27. on this bill, so use your own good judgment and let's not be  
28. repetitious. Senator Rhoads.  
29. SENATOR RHOADS:  
30. A question of the sponsor.  
31. PRESIDING OFFICER: (SENATOR DONNEWALD)  
32. He indicates he will yield.  
33. SENATOR RHOADS:



1. Senator Nash, exactly how many positions do you contemplate  
2. being covered by this and up to what salary level and so forth?

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Senator Nash.

5. SENATOR NASH:

6. Senator Rhoads, there are four hundred and sixteen laborers  
7. positions in the sanitary district. Each year there are about  
8. forty or fifty openings. Each year when they hold the Civil  
9. Service tests there are about three thousand...a minimum of  
10. about three thousand applicants. This costs the district twelve  
11. to fifteen thousand dollars to administer Civil Service tests.  
12. What this bill would do, they will not be required to take the  
13. written examination, however, they will be protected under the  
14. Civil Service requirements once they've fulfilled their  
15. probationary period.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Rhoads.

18. SENATOR RHOADS:

19. You answered the first part of my question. You said  
20. forty to fifty vacancies. The second part of my question was  
21. up to what salary level? How...how much money could one of  
22. these people be making?

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Senator Nash.

25. SENATOR NASH:

26. I don't have the exact figures, but whatever the laborers  
27. ...the minimum salary for a laborer is.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Senator Nimrod. Senator Walsh.

30. SENATOR WALSH:

31. Mr. President and members of the...of the Senate. I...I  
32. think that if the membership would just look at the description  
33. of this bill on the Calendar, it pretty much says it like it is.

1. It amends the Chicago Sanitary District Act to exempt laborers  
2. from the Civil Service examination. This would mean, Mr.  
3. President and members of the Senate, that these people could  
4. be hired at the sole discretion of the general superintendent  
5. and that it would be, in effect, restoring the patronage system  
6. for purposes of hiring laborers to the Metropolitan Sanitary  
7. District of greater Chicago. I would hope that the entire  
8. Senate would oppose this bill, but especially those on this  
9. side of the aisle. I urge a No vote.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Senator Collins. Senator...Washington. Senator Rupp.  
12. Your light was lit. Senator Mitchler.

13. SENATOR MITCHLER:

14. Mr. President and members of the Senate. I see some pit-  
15. falls in this also. Many of these positions of labor by a lot  
16. of these Viet Nam veterans that are seeking employment and  
17. unless they are given an opportunity to take the examination,  
18. they are being denied their veterans preference rights. If  
19. they are just hired outright, there's no veterans preference  
20. rights being given to the hiring of these individuals and where  
21. they take the examinations then by Statute they are required to  
22. be given these veterans preference rights and these Viet Nam  
23. veterans are seeking employment and they're being denied their  
24. rights. So this is a bad bill and a bad precedent over what is  
25. now being practiced and I would ask for a negative vote.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Senator Washington, your light is still on. Do you wish...  
28. Senator Netsch.

29. SENATOR NETSCH:

30. Thank you, Mr...thank you, Mr. President. I...I would like  
31. to ask the sponsor a question. To be absolutely clear about  
32. one thing and let me premise it by saying that I start out not  
33. totally in disagreement with one of the objectives of your bill,

1. which is I...I don't think a written examination really makes  
2. a great deal of sense for those who are applying for laborers  
3. jobs, but that is not to say that there ought not to be some  
4. basis of selectivity other than pure discretion and so my...my  
5. question is, is there anything than in the law, which directs  
6. how these people are initially to be selected because as I  
7. understand that the Civil Service protection does not come  
8. to them until after they have served for a period of six months,  
9. the probationary period. So, again my question is, is there  
10. anything in the Statute which directs how the some three thousand  
11. applicants are initially to be selected?

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Senator Nash.

14. SENATOR NASH:

15. ...I don't know if there is at the present time, but I  
16. assume that they will interview the applicants and hire the  
17. ones they think can do the job and after the six months  
18. probationary period if they do the job well, that they will  
19. attain Civil Service status.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Senator Netsch.

22. SENATOR NETSCH:

23. That I think that's the difficulty. I believe you have,  
24. in fact, answered the question and I...I'm really serious when  
25. I say this, but if your sole objective were to get rid of the  
26. written examination, I think you would have a lot of support.  
27. If it is simply to restore totally patronage rights, then,  
28. obviously some of your support is going to fall off. If you  
29. would like to go back to...to the drawing boards and figure  
30. out a substitute for a written examination, which nevertheless,  
31. gets written into the Statute so that we do eliminate the total  
32. discretion than I think you'd have a lot of us willing to help  
33. you on the bill, but I think as it is, it...it meets only one of

1. the objectives, which I find acceptable and violates the other.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Chew.

4. SENATOR CHEW:

5. For what?

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Well, turn out your light, then. Senator Nash may close.

8. SENATOR NASH:

9. In...in answer to Senator Netsch's remarks, the money

10. they're going to save in not administering this written

11. examination is going to create a couple more jobs for the

12. needy. This bill, especially, is designed to help the people

13. who do not have a formal education, that want to get a job

14. and the minute they go in for Civil Service examinations, they

15. just clamp up and can't go through with it. It's a very good

16. bill and I ask for your support.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. The question is, shall Senate Bill 794 pass. Those in

19. favor vote Aye. Those opposed Nay. The voting is open. Have

20. all those voted who wish? Have all those voted who wish? Take

21. the record. On that question, the Ayes are 24, the Nays are 27...

22. Senator Nash moves to postpone consideration. Consideration is

23. postponed...Senate Bill 795, Senator Gitz. You wish the bill read?

24. Read the bill, Mr. Secretary.

25. ACTING SECRETARY:

26. Senate Bill 795.

27. (Secretary reads title of bill)

28. 3rd reading of the bill.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator Gitz.

31. SENATOR GITZ:

32. I would call attention to the Body to the fact that the

33. amendment to Senate Bill 795, in effect, is the bill. The

1. amendment severely restricts what the original bill's intention  
2. was. It basically provides that no person who utilizes names  
3. from a list for solicitation shall represent that such  
4. solicitation is authorized by any agency or officer of State  
5. Government. I would call attention that the Comptroller has  
6. brought to the public the fact that in several occasions  
7. employees of the State of Illinois have been solicited by  
8. agents who have surmised that they are representing the State  
9. of Illinois for insurance policies and this bill is supported  
10. by the Comptroller's Office and it is also supported by the  
11. Department of Personnel Director. There are instances that  
12. have been provided to me by the Department of Law Enforcement  
13. of this solicitation. I would also call attention to the Body  
14. I have distributed a newspaper advertisement which alleges a  
15. policy which is not really State of Illinois policy.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Is there further discussion? The question is, shall  
18. Senate Bill 795 pass. Those in favor vote Aye. Just a moment.  
19. Senator Grotberg.

20. SENATOR GROTEBERG:

21. A question of the sponsor before we take the roll.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. He indicates he will respond.

24. SENATOR GROTEBERG:

25. I was just wondering if it's to prevent abuse and  
26. commercialism...you excluded labor unions, employer associations  
27. and professional associations from access to those lists. Is  
28. there any reason for that?

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator Gitz.

31. SENATOR GROTEBERG:

32. Is...

33. SENATOR GITZ:

1. All of that has been deleted if you would look at the  
2. amendment that is now an effective bill and the amendment  
3. merely provides...it does not speak to that at all. All of  
4. that has been deleted. In its new form, the bill merely  
5. provides that no one who utilizes public lists that are  
6. available through the Comptroller's Office can utilize those  
7. lists to represent themselves as being an agent of the State  
8. of Illinois. And the primary or concern, of course, has  
9. been of documented cases of insurance policies that have been  
10. offered allegedly in the name of the State of Illinois, when  
11. in fact, they're not.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Senator Grotberg.

14. SENATOR GORTBERG:

15. Oh, you...

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Is there further discussion? The question is, shall  
18. Senate Bill 795 pass. Those in favor vote Aye. Those opposed  
19. Nay. The voting is open. Have all those voted who wish? Have  
20. all those voted who wish? Take the record. On that question,  
21. the Ayes are 44, the Nays are 4. Senate Bill 795 having  
22. received the constitutional majority is declared passed. Oh, I'm  
23. advised that's his first bill. Senator, congratulations. Senate  
24. Bill 799, Senator Netsch. Do you wish the bill called? Read the  
25. bill, Mr. Secretary.

26. SECRETARY:

27. Senate Bill 799.

28. (Secretary reads title of bill)

29. 3rd reading of the bill.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Senator Netsch.

32. SENATOR NETSCH:

33. Thank you, Mr. President. The bill sounds more complicated

1. as the summary was read by the Secretary than, in fact, it is.  
2. It is a State Debt Impact Note Bill and it is the equivalent  
3. with respect to long term debt of our fiscal note requirement  
4. with respect to other legislation that has a fiscal impact. It  
5. is a recommendation of the Long Term Debt Study Committee. One  
6. of the principal findings and recommendations that was made by  
7. that committee and that was called to our attention by the  
8. Auditor General who, in fact, is the officer who should be  
9. calling such things to our attention, is that we had not  
10. provided ourselves adequately with oversight with respect to  
11. long term debt. This bill is intended to fill a major gap  
12. in the kind of information and knowledge we have when we come  
13. to act in the General Assembly. Those of us who served on the  
14. committee feel that it is an important weapon in our arsenal  
15. to be able to hold up our own head as a...an independant  
16. institution in the State's Government. I would be happy to  
17. answer questions about it.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Is there discussion? The question is, shall Senate Bill 799  
20. pass. Those in favor vote Aye. Those opposed Nay. The voting  
21. is open. Have all voted who wish? Have all those voted who  
22. wish? Take the record. On that question, the Ayes are 51,  
23. the Nays are 1. Senate Bill 799 having received the constitutional  
24. majority is declared passed. Senate Bill 800. Senator Rhoads,  
25. do you wish to call the bill? Read the bill, Mr...just a moment.  
26. Senator Netsch, for what purpose do you arise?

27. SENATOR NETSCH:

28. Thank you, Mr. President. Some of my colleagues thought  
29. I should call attention to the fact that after seven years that's  
30. the first bill I've passed in the Senate.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Is there a motion to reconsider? Senator Rhoads. Read the  
33. bill, Mr. Secretary.

1. SECRETARY:  
2. Senate Bill 800.  
3. (Secretary reads title of bill)  
4. 3rd reading of the bill.  
5. PRESIDING OFFICER: (SENATOR DONNEWALD)  
6. Senator Rhoads.  
7. SENATOR RHOADS:  
8. Thank you, Mr. President and members of the Senate. Senate  
9. Bill 800 is a companion bill to 799, which just passed. It adds  
10. some responsibilities to the duties of the Illinois Economic and  
11. Fiscal Commission providing that they will review expenditures,  
12. appropriations and authorizations, which would increase the  
13. State's long term debt. This also was a recommendation of the  
14. Joint Committee on Long Term State Debt and it provides that  
15. this report will be consolidated into a Legislative Capital  
16. Plan analysis. I'll be happy to answer any questions.  
17. PRESIDING OFFICER: (SENATOR DONNEWALD)  
18. Is there discussion? The question is, shall Senate Bill 800  
19. pass. Those in favor vote Aye. Those opposed Nay. The voting  
20. is open. Have all those voted who wish? Have all those voted  
21. who wish? Take the record. On that question, the Ayes are 51,  
22. the Nays are none, 2 Voting Present. Senate Bill 800 having  
23. received the constitutional majority is declared passed. Senate  
24. Bill 805, Senator...Senate Bill 807, Senator Egan. Do you wish  
25. the bill called? Read the bill, Mr. Secretary.  
26. SECRETARY:  
27. Senate Bill 807.  
28. (Secretary reads title of bill)  
29. 3rd reading of the bill.  
30. PRESIDING OFFICER: (SENATOR DONNEWALD)  
31. Senator Egan.  
32. SENATOR EGAN:  
33. Thank you, Mr. President and members of the Senate. Senate



1. Bill 807 amends the General Assembly Retirement System to  
2. increase the annual...increase from two to three percent and  
3. it also provides that in...in the reciprocal aspect of the  
4. State employee...or the...the General Assembly Retirement  
5. System that...that vested six years. This is the amendment  
6. we put on last week. I...I'm sure there is no controversy  
7. remaining and I ask for your favorable consideration.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Is there discussion? The question is, shall Senate Bill  
10. 807 pass. Those in favor vote Aye. Those opposed Nay. The  
11. voting is open. Have all those voted who wish? Have all those  
12. voted who wish? Take the record. On that question, the Ayes  
13. are 41, the Nays are 7, 4 Voting Present. Senate Bill 807  
14. having received the constitutional majority is declared passed.  
15. Senate Bill 811, Senator Egan. Read the bill, Mr. Secretary.

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5-21-79  
S.B. 814  
3rd reading

1. SECRETARY:

2. Senate Bill 811.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Senator Egan.

7. SENATOR EGAN:

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

9. Senate Bill...Senate Bill 811 has six provisions in the...in  
10. the bill, the first five or so are totally administrative and  
11. do not change any substance in the law. They clarify the  
12. intention. They clarify some of the provisions and...no, it's  
13. all right. And the sixth provision is the only one that has any  
14. controversy and what it does, it...it determines the amount of  
15. contributions that are required for a hold-over judge covering  
16. service after January 1st of 64 to be based on the salary of the  
17. date that he entered the plan rather than the time that he applied  
18. for credit. There is a cost impact. It is not inconsistent with the  
19. ...the...all of the other systems. The administrative aspects  
20. of the bill clarify the notice provisions for opting in or  
21. opting out of the systems and I know of no controversy. I  
22. recommend it for your favorable consideration.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Is there discussion? Question is shall Senate Bill 811 pass.  
25. Those in favor vote Aye. Those opposed Nay. The voting is open.  
26. Have all those voted who wish? Have all those voted who wish?  
27. Take the record. On that question the Ayes are 32, the Nays are  
28. 7, 4 Voting Present. Senate Bill 811 having received a constitutional  
29. majority is declared passed. Senate Bill 814, Senator Netsch, do  
30. you wish the bill read? Read the bill, Mr. Secretary.

31. SECRETARY:

32. Senate Bill 814.

33. (Secretary reads title of bill)

1. 3rd reading of the bill.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Netsch.

4. SENATOR NETSCH:

5. Thank you, Mr. President. This bill deals with the subject of  
6. so-called secret land trusts and is designed explicitly and  
7. exclusively for the problem that arises when there has been a  
8. notice or complaint of Building Code violation served and no  
9. action is taken with respect to it. As amended in committee and on  
10. the Floor, the bill provides, essentially, that within a hundred  
11. and eighty days...a hundred and eighty days, not ten days as  
12. originally showed in the bill, after a notice or complaint of  
13. violation of Building Code Ordinance has been served, and  
14. no action is taken, that is the violations are not corrected,  
15. that the names of the beneficiaries of the secret land trust will  
16. then be placed on a public record. Once the Building Code  
17. violations are corrected, then the names are subsequently  
18. removed if they have not complied initially with the one hundred  
19. and eighty day time period. This is quite essential for a number  
20. of neighborhoods and particularly for neighborhoods which are,  
21. as one might describe it, teetering on the brink, that is where  
22. it is very important that time be...that Building Code violations  
23. be caught very quickly after they are then brought to attention  
24. so that the building does not simply go downhill fast to the point  
25. where it is no longer recoverable. Now, I should make it clear  
26. that this is not a penalty in any sense. There is no fine involved,  
27. there is no criminal sentence involved. The only thing that it is  
28. designed to do is to make the people who do, in fact, benefit  
29. from the property who are the beneficial owners, somewhat more  
30. sensitive to the need to protect buildings from deterioration.  
31. And as I indicated the only penalty involved is that the names of  
32. the beneficial owners will be disclosed if one hundred and eighty  
33. days elapse and there is no correction of the Building Code violation.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Chew.

3. SENATOR CHEW:

4. Would the queen of the Senate yield for a question or two?

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Indicates she will.

7. SENATOR CHEW:

8. Dawn, I know what you're trying to do, but we've got a problem  
9. here as we so well know recently, we've had some problems with  
10. building inspectors and I would not doubt that some of these  
11. inspectors go out and find violations which really do not exist for  
12. the sole purpose of getting their first step toward jail. Now,  
13. you see this is a touchy subject because what you are saying is  
14. that we ought to reveal who the true owner is of a building  
15. once the crooked inspector goes out and finds a violation and he  
16. does not find himself being accommodated for finding that violation  
17. so it stays in the Building Code in the building office...the  
18. building department and this person possibly knows very well  
19. that no violation exists. But with some of our overreaction  
20. inspectors, this becomes a...an alleged violation against,  
21. say, a building owner. Now, there's nothing to repair and we...  
22. you know as well as I do that these things do go on in some  
23. cities. Now, how do you remedy that, Dawn? And the other  
24. question is the bill doesn't spell out what violation, whether  
25. it's an electric violation or electrical or plumbing or falling  
26. plaster or debris under the steps or...or needs new wiring. I'm  
27. thinking in terms now of a serious violation, not one that an  
28. inspector goes out and finds to find himself taking his first  
29. journey toward jail. How do you ascertain what is a violation and  
30. what is not?

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Senator Netsch.

33. SENATOR NETSCH:

1. I believe, Senator Chew, that probably the answer to both  
2. of your questions may be reflected in the terms of the existing  
3. law and let me point out because I think this is something that  
4. is...is often misunderstood. Under existing law, it provides  
5. that a trustee who has no beneficial interest, but he is the title  
6. owner, within ten days after receipt of initial written notice  
7. or complaint of violation of an ordinance relating to conditions  
8. or operations of real property affecting health or safety shall  
9. disclose the identity of every owner and beneficiary to the  
10. department or agency of such political subdivision primarily  
11. responsible. Now, all that I have just read is the existing law,  
12. not changed at all by us except to make one brief clarification  
13. provision in there, so that right now, if there is a report of a  
14. Building Code violation, and it would be the same Building  
15. Code violations that my amended language refers to, that is reported  
16. to the department or agency and...in the...whatever is the  
17. administering or enforcing agency of that particular unit of  
18. government, which, in Chicago, is the Chicago Building Department,  
19. I think, and within ten days after receipt of that notice,  
20. the law already provides that the disclosure of the beneficial  
21. owners, the same ones that I am talking about in my amendment, shall  
22. be made to the department or agency of government. The only  
23. difference, really, is that...and...and so it's the same Building  
24. Code violations and it provides the same mechanism for tracing  
25. someone who may, in fact, be the dishonest inspector that you were  
26. talking about in your initial question. The only thing really  
27. that this law does, or that the proposed bill does, is to...under  
28. a longer time period, a hundred and eighty days say that if the  
29. violation has not been corrected, then it's not enough just to tell  
30. the building department the names of the beneficial owners, the  
31. public also has a right to know them at that point.

32. PRESIDENT:

33. Further discussion? Senator Chew.

1. SENATOR CHEW:

2. Isn't there a law now that the building department or  
3. proper representation can go into court and obtain the true  
4. ownership of the building? That law is on our books now, is it  
5. not?

6. PRESIDENT:

7. Senator Netsch.

8. SENATOR NETSCH:

9. Two answers to the question. The first is, again, the existing  
10. law that I just read to you that is that the names of the  
11. beneficial owners are, in fact, made available to the enforcing  
12. department. The second is it was suggested to us during the hearing  
13. that there is a right for those beneficial owners to be disclosed in  
14. court under existing law. I...that may well be. I do not know  
15. what that provision is and no one has pointed out to me and I did  
16. check back with a number of the community groups from whom this  
17. bill had come who said that whether or not it should be required  
18. in fact, it usually is not and they are people who are in housing  
19. court quite frequently on behalf of various communities so that  
20. again, that's...I don't give you a straight answer because we could  
21. not get a straight answer. We are told, yes, it should be possible  
22. now but we do know, in fact, it does not happen.

23. PRESIDENT:

24. Further discussion? Senator Washington.

25. SENATOR WASHINGTON:

26. Mr. President, very briefly, the problem is very simple.  
27. An ordinary building owner of a building which is alleged to be  
28. in violation is subpoenaed or served and brought before the  
29. building court and they have to defend themselves and the public  
30. knows who the owner is. And the simple proposition is what right  
31. does one have to hide behind a trust arrangement and escape  
32. public view when they, in effect, are just as guilty as the person  
33. who does not avail themselves of a trust. It makes no sense  
at all. It's unfair treatment. It creates a sort of an elitist

1. operation. The net result is a lot of these buildings in trust are  
2. never fixed. It's just that simple. I makes it clear to  
3. beneficiaries of trust that if you own residential property in the  
4. City of Chicago and it is not kept up, your name will be made  
5. public after a hundred and eighty days. No big deal. I think  
6. it's a good bill.

7. PRESIDENT:

8. Further discussion? Senator Nash. All right. Any further  
9. discussion? Senator Netsch may close the debate.

10. SENATOR NETSCH:

11. Again, just very briefly. I want to make it clear that this is  
12. not a dramatic change in the law except that the name  
13. of the beneficial owner is to be put on a public register instead  
14. of just disclosed to the building enforcement agency when a  
15. hundred and eighty days have elapsed and the Building Code violation  
16. has not been corrected. It is not a penalty. It is not a fine. It  
17. is simply disclosure of the true owner of the property and that  
18. is something that we feel is very important for the preservation  
19. and protection of our communities.

20. PRESIDENT:

21. The question is shall Senate Bill 814 pass. Those in favor  
22. will vote Aye. Those opposed will vote Nay. The voting is open.  
23. Have all voted who wish? Have all voted who wish? Take the  
24. record. On that question the Ayes are 43, the Nays are 4, 1 Voting  
25. Present. Senate Bill 814 having received a constitutional  
26. majority is declared passed. 824, Senator Buzbee. On the Order of  
27. Senate Bills, 3rd reading, Senate Bill 824. Read the bill, Mr. Secretary.

28. SECRETARY:

29. Senate Bill 824.

30. (Secretary reads title of bill)

31. 3rd reading of the bill.

32. PRESIDENT:

33. Senator Buzbee.

1. SENATOR BUZBEE:

2. Thank you, Mr. President. Mr. President, this is the bill  
3. that the principal sponsors are Senators Buzbee, Carroll, Regner  
4. and Sommer. We put this bill in because we feel that, we, in our  
5. job, as spokesman on the Appropriations Committees, that we're  
6. simply not able to give adequate time and consideration to the  
7. budgetary proposals. This is the sort of stuff of which not  
8. great headlines are made, the press could care less, the public  
9. could care less, but those are the folks that get hurt because  
10. it is not done. The Governor submits his budget address to the General  
11. Assembly in March. Under present law, he is not required, then,  
12. to submit the first bills implementing that budget until the first  
13. Friday in April. The fact of the matter is that Governor Thompson's  
14. first year in office, we did not see any of those bills here in the  
15. General Assembly until the last week of April. The Republican  
16. leadership had some of them earlier than that but they were not  
17. submitted to the full General Assembly till the last week in  
18. April. Now, this last year, they were submitted the first week in  
19. April, but in effect, what that does is it gives the people's  
20. representatives some sixty to seventy days counting Saturdays and  
21. Sundays, to decide whether a Governor's proposal for spending  
22. eleven billion dollars plus, is being done in a proper manner.  
23. I don't think that's sufficient time. I think the General  
24. Assembly needs more time than that. In the Appropriations I Committee,  
25. a couple three weeks ago, Doctor Mandeville was in and in  
26. questioning, I asked him if he thought it would be a good idea  
27. if members of the General Assembly and the General Assembly staff  
28. sat in on the budgetary preparation hearings in September and  
29. October which he has with the various agency heads. He assured me  
30. we would not be welcome and I don't blame him for that, of course.  
31. This is an Executive budgetary making State. It's up to the Executive  
32. Branch to make the bugdet, but it is also very clear in our  
33. Constitution, that it is up to the General Assembly to appropriate,  
to arrange, to rearrange that budget. In fact, the appropriation



1. bills that come out should be the way that we, the direct  
2. representatives of the people, feel that it should come out.  
3. But, unfortunately, we simply do not have sufficient time to do it,  
4. under the present law. This says that two days after the Governor  
5. submits his budget, the appropriation bills implementing that  
6. budget have to be introduced. Now, there's nothing unique about  
7. that. In fact, the way the State of Illinois does is now is the  
8. unique situation. We are one of five states out of the fifty in the  
9. whole United States, that do not submit appropriation bills until  
10. one month...within one month after the Governor's Budgetary  
11. Address. As an example, twenty-five states require the bills to be  
12. submitted exactly the same time that the budget is submitted to...  
13. to the General Assembly. Two more states require the bills  
14. submission within one week after the budgetary message, one state  
15. requires it within two weeks after the budgetary message, and seventeen  
16. states have the situation where no bills are introduced until  
17. the committee has completed reviewing it's...the budget.  
18. But only five states put off submission of appropriation bills  
19. for as much as one month after the Governor's Budget Message.  
20. So, for that reason, we feel like we've got to have more time.  
21. This would give us more time. We started this year holding  
22. FY '79 spending pattern hearings in January and February, but we've  
23. got to have more time if we're going to adequately address an  
24. eleven billion dollar budget. In the Congress, they...they  
25. couldn't address the budgetary proposals adequately there and they  
26. changed the Fiscal Year. All we ask for is that the Governor  
27. submit his budgetary bills three weeks earlier than he does now.  
28. PRESIDENT:

29. Any discussion? Senator Schaffer.

30. SENATOR SCHAFFER:

31. Well, Mr. President, just one quick comment. I recall the  
32. Governor's Budget Address and I don't think the T.V. crews over  
33. in the gallery in the House...I don't think the T.V. crews in  
the galleries had had their cameras disconnected and there were

1. legislative cars heading up 55. I just wondered, the bill mandates  
2. the Governor to get us the bills. Does it mandate us to start  
3. doing something with them? What sense is it...I admit you could  
4. argue that since we haven't had them, we don't know. But we're  
5. going to look pretty foolish, Senator, if we get the bills and  
6. then we do what we do in every April which is vanish and go home  
7. and...about our sundry ways. I think we ought to get the bills  
8. earlier, but I think we also ought to hear them. I think if you  
9. want to a balanced proposal, you might not only mandate the  
10. Governor to get them to us, you might mandate us to start  
11. doing something with them instead of taking those long vacations  
12. we're so fond of in Apri.

13. PRESIDENT:

14. Further discussion? Senator Carroll.

15. SENATOR CARROLL:

16. Why, thank you, Mr. President and Ladies and Gentlemen of the  
17. Senate. As a joint sponsor, I, of course, rise in support of this  
18. legislation. And I think Senator Schaffer, once again, has missed  
19. the point and missed the boat and probably the train, the bus and  
20. about every other form of transportation. Once the bills come  
21. in, we've been very able to start dealing with them. The problem  
22. has been one, the lateness of the introduction of the legislation,  
23. and two, for all those who were with us in Approp. I when Dr.  
24. Bob was there, we found the inconsistencies between this forty-  
25. four thousand dollar a year fiction book that really belongs in the  
26. humor section of every library in the State of Illinois, as opposed  
27. to what they claim it to be and that's a budget book. If you  
28. look at this and you look at the bills that are introduced a month  
29. later, there is no longer a correlation between either expenses  
30. or income, between what we spend all this money to send out in the  
31. State and what the Governor's Budget really looks like. And when  
32. we had Dr. Bob in, we looked at all the tables, all the summaries  
33. of every department and one by one, we went through the tables and  
compared the bills introduced to what, in fact, the totals were.

1. When we were done finding the ones that were incorrect in the book,  
2. each and every one, we found there were no tables left and it  
3. absolutely makes no sense at all, to have something introduced  
4. as if it were a budget and by the time you're done, everything  
5. in it is incorrect. So the answer is either to forget the budget  
6. message, forget the budget book and look at the bills that are  
7. introduced or do as Senator Buzbee is suggesting, and have it all  
8. come in at once so at least, maybe, maybe we can look at this  
9. document that everyone around the State looks at, with some  
10. credibility that it does not now have, because then, maybe the  
11. budget, as introduced by the Governor will be about the same  
12. as the documents they give us to help us to deal with the budget.  
13. I think it's a very good approach.

14. PRESIDENT:

15. Further discussion? Senator Shapiro.

16. SENATOR SHAPIRO:

17. Well, Mr. President and Ladies and Gentlemen of the Senate,  
18. I'm sure the Governor would be for this bill if...if the point  
19. that was made by Senator Carroll would hold. In other words, if he  
20. presents a budget on March 1st and submits the bills two days  
21. later, if Senator Carroll's argument means that there's  
22. going to be no changes in the bills that he submits, then we should  
23. be for this bill overwhelmingly. But we know that the General  
24. Assembly is going to change the appropriation bills by additions  
25. or deletions and in some cases, quite drastically from what the  
26. Governor does present in his budget book. I contend that because of  
27. the so-called equal participation in our government that our Legislature  
28. had, that really, the budget message is just a format for us,  
29. a general outline for us to work on the specific bills and when  
30. they are submitted to us is practically meaningless.

31. PRESIDENT:

32. Is there any further discussion? Senator Buzbee may close the  
33. debate.

1. SENATOR BUZBEE:

2. Thank you, Mr. President. Very briefly, I would just point out  
3. to Senator Schaffer, that in fact, we have started to work  
4. four months early this year, we started in January holding  
5. appropriation hearings. The only thing was, all we had to go on  
6. was spending data from FY '79. It's been my experience  
7. in the time I've been in the General Assembly that as soon  
8. as we start getting major bills and the staff has had time to  
9. address them, we usually cannot...we cannot hold hearings the  
10. first day we get the bill because the staff has to have some time  
11. to delve into them. And a lot of times we're held up because  
12. the executive agencies refuse to cooperate with our staffs and  
13. do not get information back to us in a timely fashion. So  
14. we're just trying to speed up the process a little bit. I have no  
15. fear but what the General Assembly will get to work, do its  
16. job as soon as it has something to work with. In the appropriation  
17. committees, we put in many, many long hard hours and we just need  
18. a little bit more time to be able to do it well and I...I  
19. submit to you this is a good bill.

20. PRESIDENT:

21. The question is shall Senate Bill 824 pass. Those in favor  
22. vote Aye. Those opposed vote Nay. The voting is open. Have all  
23. voted who wish? Have all voted who wish? Have all voted who wish?  
24. Take the record. On that question the Ayes are 35, the  
25. Nays are 16, none Voting Present. Senate Bill 824 having  
26. received a constitutional majority is declared passed.  
27. Senator Geo-Karis, for what purpose do you arise?

28. SENATOR GEO-KARIS:

29. Mr. President and Ladies and Gentlemen of the Senate.  
30. I had been on the telephone and unfortunately, the...my...the  
31. instructions I left with my instructees to vote me Yes on Senate  
32. Bill 814, my instructees forgot. So, I'd like to be shown on the  
33. record if I were here, I would have been voting Yes on 814.  
...814 rather.

SB 829  
3rd Reading  
5-21-79

1. PRESIDENT:

2. The record will so indicate. 829, Senator Merlo. On the  
3. Order of Senate Bills, 3rd reading, Senate Bill 829. Read the  
4. bill, Mr. Secretary.

5. SECRETARY:

6. Senate Bill 829.

7. (Secretary reads title of bill)

8. 3rd reading of the bill.

9. PRESIDENT:

10. Senator Merlo.

11. SENATOR MERLO:

12. Thank you, Mr. President and members of the Senate. Present  
13. Illinois Law provides that a lessor of residential property  
14. containing ten or more units and who has received a security  
15. deposit from a leasee to obtain the lease, must return the  
16. deposit at the termination of the lease. The exception would be  
17. for nonpayment of rent or for damage to the property. However,  
18. the time of the passage of this bill we failed to provide a penalty  
19. provision and as a result, many of the owners of these multi-unit  
20. buildings have not complied with the law, which, of course, is  
21. very unfair. It seems to make no sense to have a law that cannot  
22. be enforced. What the amendment does, it provides a penalty of  
23. twice the amount of deposit plus reasonable attorney fees if the  
24. owner is found by court to have willfully failed to comply with the  
25. law and I ask you favorable consideration.

26. PRESIDENT:

27. Is there any discussion? If not, the question is...if not,  
28. the question is shall Senate Bill 829 pass. Those in favor will  
29. vote Aye. Those opposed will 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 48, the Nays are 4, none Voting  
32. Present. Senate Bill 829 having received a constitutional majority  
33. is declared passed. 835, Senator D'Arco. 841, Senator Hall.

1. On the Order...pardon me. On the Order of Senate Bills, 3rd reading,
2. Senate Bill 841. Read the bill, Mr. Secretary.
3. SECRETARY:
4. Senate Bill 841.
5. (Secretary reads title of bill)
6. 3rd reading of the bill.
7. PRESIDENT:
8. Senator Hall.
9. SENATOR HALL:
10. Thank you, Mr. President and Ladies and Gentlemen of the Senate.
11. This is the appropriation for the ordinary and contingent...
12. expenses of State Comptroller. The amendments have been attached
13. and I would ask for your most favorable support of this legislation.
14. PRESIDENT:
15. Is there any discussion? If not, the question is shall Senate
16. Bill 841 pass. Those in favor will vote Aye. Those opposed will
17. vote Nay. The voting is open. Have all voted who wish?
18. Have all voted who wish? Take the record. On that question the
19. Ayes are 48, the Nays are 4, none Voting Present. Senate Bill
20. 841 having received a constitutional majority is declared passed.
21. 847, Senator Nedza. On the Order of Senate Bills, 3rd reading,
22. Senate Bill 847. Read the bill, Mr. Secretary.
23. SECRETARY:
24. Senate Bill 847.
25. (Secretary reads title of bill)
26. 3rd reading of the bill.
27. PRESIDENT:
28. Senator Nedza.
29. SENATOR NEDZA:
30. Thank you, Mr. President, Ladies and Gentlemen of the Senate.
31. Just to briefly clarify what the Calendar is saying, the Illinois
32. Historic Areas Preservation Act of 1963 allowed municipalities
33. to designate as landmarks, architecturally or historically significant structures or areas. In a recent...of July of 1978 U.S.

1. Supreme Court ruling, there is some discrepancy between the present  
2. laws of the State of Illinois and the U.S. Supreme Court clarification.  
3. What this bill does is places that Act into the same interpretation  
4. as the U.S. Supreme Court. It would incorporate into the Illinois...  
5. the Supreme Court regulation for compensation for designating  
6. landmarks. If there are no questions, I'd ask for a favorable  
7. vote.

8. PRESIDENT:

9. Is there any discussion? Senator Grotberg.

10. SENATOR GROTBORG:

11. Yes, a question of the sponsor.

12. PRESIDENT:

13. Indicates he will yield. Senator Grotberg.

14. SENATOR GROTBORG:

15. Senator Nedza, I remember this bill in committee, barely and it  
16. did go out unanimously, but nobody really knew then  
17. what it did or yet even after your explanation now too  
18. well and it's not a criticism, it's a confusing concept. Is  
19. there some special piece of property involved anywhere that...that  
20. demands this kind of a bill?

21. PRESIDENT:

22. Senator Nedza.

23. SENATOR NEDZA:

24. Senator, it is...what it does, it adds one portion to it is that  
25. when the landmark councils, wherever, would designate a  
26. specific piece of property or an area as a historical site, that  
27. this, in effect, one sentence said, unless the denial of a  
28. permit application which would be the demolition for the specific  
29. structure, or the imposition of any regulation, whatever the case  
30. may be, that if it deprives that owner of any reasonable benefit,  
31. use, or return that we would be protecting that specific individual  
32. through the ownership of his property.

33. PRESIDENT:

1. Further discussion? Senator Netsch.

2. SENATOR NETSCH:

3. Thank you, Mr. President. If I could add something, Senator  
4. Grotberg, the...the way the Statute, the Illinois Municipal Code  
5. currently reads, the denial of an application for a building permit  
6. and then there's a lot of other verbiage in between, shall not  
7. be deemed to constitute a taking or damage for a public use of  
8. such property which would then entitle a...the owner of the property  
9. to eminent domain compensation and what Senator Nedza's bill does is  
10. to say that the denial of that application shall not indeed constitute  
11. a taking unless the denial of a permit deprives the owner of all  
12. reasonable beneficial use. In other words, and this is particularly  
13. important in case of our landmarks business, there are some  
14. circumstances where the owner is effectively and totally denied  
15. use of the property by virtue of the landmarks mechanism and  
16. the...I think what this is designed to say as required by the  
17. Supreme Court, is that where there is a total denial of use, then  
18. compensation may be possible. Otherwise, the denial of a building  
19. permit is in the same category as it would be normally.  
20. Isn't that fair, Senator Nedza?

21. PRESIDENT:

22. Senator Nedza.

23. SENATOR NEDZA:

24. Yes it is, Senator, and thank you very much.

25. PRESIDENT:

26. Senator Netsch.

27. SENATOR NETSCH:

28. On that basis, I think that it...it is an important provision  
29. and it does make possible a constitutional accommodation of landmarks  
30. policy with the right of people to be compensated if their  
31. property is, in fact, taken. I think it is a very important  
32. clarification in the law and I hope that you will find it possible  
33. to support the bill.



1. PRESIDENT:  
2. Senator Grotberg.  
3. SENATOR GROTBORG:  
4. Well, I have a selfish motive. I have a...the Hotel Baker  
5. where I work on weekends I've had declared a historical  
6. monument and I'm wondering yet whether this helps me or hurts  
7. me if I want to...can we still tear down a building under...if  
8. this bill passes, can you tear down a landmark?  
9. PRESIDENT:  
10. Senator Nedza.  
11. SENATOR NEDZA:  
12. Senator, if you are in possession of such property at the time  
13. that you would be deprived of a reasonable use or return, then  
14. therefore, that municipality or that society who designated as  
15. a landmark would have to compensate you for that specific  
16. piece of property. Whatever the cost may be.  
17. PRESIDENT:  
18. Senator Grotberg.  
19. SENATOR GROTBORG:  
20. Would this be true for the Wrigley mansion, too, by chance?  
21. Well, you know, we've had some concern about that, but very few people  
22. know that I am in the same bag myself as the Wrigley estate and  
23. we wanted to get that out in the open. In other words, if this  
24. passes and ultimately I would have to be...got deprived of income  
25. or value of that building, I would be compensation by the Historical  
26. Society, Hysterical Society?  
27. PRESIDENT:  
28. Senator Nedza.  
29. SENATOR NEDZA:  
30. That...Senator, by that municipality who is...empowered to designate  
31. it as a landmark.  
32. PRESIDENT:  
33. Senator Grotberg.

1. SENATOR GROTBORG:

2. It had nothing to do with the municipality. It was NIPC  
3. and the National Historical Monument group. Is Wrigley mansion  
4. a municipal declaration in Chicago?

5. PRESIDENT:

6. Senator Nedza.

7. SENATOR NEDZA:

8. That specific agency who is empowered by law to make that  
9. designation of a landmark, whoever it may be.

10. PRESIDENT:

11. Is there any further discussion? Senator Nedza may close the  
12. debate.

13. SENATOR NEDZA:

14. Thank you, Mr. President. There are...we were speaking of  
15. the Wrigley mansion and others, specifically the...it is not designated  
16. into one specific area. The Chicago Masonry Institute,  
17. the Central Illinois Landmarks and Foundation of Peoria, City  
18. of Decatur, the Des Plaines Historical Society, the Grove  
19. Heritage Association of Glenview, the McLean Historical Association  
20. of Bloomington, the Will County Cultural Arts Association of  
21. Joliet, Illinois, so it is something that has wide acceptance  
22. throughout the entire State. It's not designated for any one  
23. specific area. There is much destruction in many of the municipalities  
24. and portions of the State and if we can preserve some of the  
25. historical structures, areas, that perhaps generations to come  
26. would be able to have some advantage and see what we have  
27. grown to love through our residing through it. I ask for  
28. a favorable vote.

29. PRESIDENT:

30. The question is shall Senate Bill 847 pass. Those in favor  
31. will vote Aye. Those opposed will vote Nay. The voting is open.  
32. Have all voted who wish? Have all voted who wish? Take the record.  
33. On that question the Ayes are 48, the Nays are 4, 2 Voting  
Present. Senate Bill 847 having received a constitutional majority

1. is declared passed. 852, Senator Chew. 853, Senator Knuppel.
2. On the Order of Senate Bills, 3rd reading, Senate Bill 853.
3. Read the bill, Mr. Secretary.

4. SECRETARY:

5. Senate Bill 853.

6. (Secretary reads title of bill)

7. 3rd reading of the bill.

8. PRESIDENT:

9. Senator Knuppel.

10. SENATOR KNUPPEL:

11. Mr. Chairman and members of the Body. The bill is a very  
12. simple one. We voted an additional five million dollars for the  
13. Department of Children and Family Services to hire some three  
14. hundred child abuse workers and I can assure you that my  
15. experiences have been that most of the child...cases of child  
16. abuse happen on weekends, sixty percent of the child abuse cases  
17. are caused by, or have direct connection with the use of alcohol,  
18. most of which occurs on weekends and I've had bad experiences  
19. of trying to get a hold of people to step into those cases.  
20. The police departments, the sheriffs departments and others have  
21. to take care of it. The bill was amended in committee so it provides  
22. only that forty percent of those people dealing with child abuse  
23. cases be kept on duty over weekends. Police authorities, State  
24. police, many others work on weekends, hospitals and others.  
25. And they shouldn't just have to babysit in child abuse cases  
26. until the week...until the weekend is over and start on Monday  
27. morning. In fact, if you take from 5:00 o'clock on Friday until  
28. 8:00 o'clock on Monday morning, it encompasses approximately  
29. thirty-nine percent of the week. Thirty-nine percent of the total  
30. time in the week. In my opinion, this is good legislation. We're  
31. hiring three hundred caseworkers, they ought to be on...part of them  
32. ought to be on duty when they're needed and they couldn't be needed  
33. anymore than they are on weekends.

1. PRESIDENT:

2. Is there any discussion? If not, the question is shall Senate  
3. Bill 853 pass. Those in favor will vote Aye. Those opposed  
4. will vote Nay. The voting is open. Have all voted who wish?  
5. Have all voted who wish? Take the record. On that question the  
6. Ayes are 37, the Nays are 14, none Voting Present. Senate Bill  
7. 853 having received a constitutional majority is declared passed.  
8. On the Order of Senate Bills, 3rd reading, Senate Bill 858.  
9. Read the bill, Mr. Secretary.

10. SECRETARY:

11. Senate Bill 858.

12. (Secretary reads title of bill)

13. 3rd reading of the bill.

14. PRESIDENT:

15. Senator Buzbee.

16. SENATOR BUZBEE:

17. Thank you, Mr. President. This is one of those bills that  
18. would allow the State to sell property that is no longer  
19. needed. I join Senator Knuppel in any attempt that he wants to make  
20. in establishing a uniform procedure some way for disposing of  
21. State property so that we don't have to pass a separate bill  
22. for...for each one, but until then, we feel it's necessary to try  
23. to sell the property that was formerly used for the Southern Illinois  
24. Children's Service Center in Hurst, Illinois. There was some question  
25. in committee as to outstanding bonds against this property and to  
26. the exact size, acreagewise of the property. To the best of  
27. the Department of Administrative Service's knowledge, there is no...  
28. there are no outstanding bonds. They've checked it and there is  
29. ...the property is owned free and clear. The acreage comes to a total  
30. of 7.53 acres in three contiguous and compact parcels of .15 acres,  
31. 4.54 acres and 2.84 acres. The way the bill is set up, the Department  
32. of Administrative Services would be directed to sell and convey by  
33. quitclaim deed all the land together with buildings, appurtenances,  
and fixtures thereto, commonly known as the Southern Illinois Children's

1. Center at Hurst. The property will be sold to the highest bidder  
2. at public auction provided such bid is not less than the appraised  
3. fair cash market value. Bids for the sale shall be invited  
4. by three published advertisements, the first and last  
5. of which shall be at least twenty-one days apart in each of the  
6. following newspapers, A; the official State newspaper and so forth.  
7. Thank you, Mr. President. I'll accept a favorable roll call.

8. PRESIDENT:

9. Is there any discussion? If not, the question is shall Senate  
10. Bill 858 pass. Those in favor will vote Aye. Those opposed will  
11. vote Nay. The voting is open. Have all voted who wish? Have all  
12. voted who wish? Take the record. On that question the Ayes are  
13. 50, the Nays are 1, none Voting Present. Senate Bill 858 having  
14. received a constitutional majority is declared passed. 859,  
15. Senator Keats. No. 860, Senator Johns. On the Order of Senate  
16. Bills, 3rd reading, bottom of page 18, Senate Bill 860.  
17. Read the bill, Mr. Secretary.

18. SECRETARY:

19. Senate Bill 860.

20. (Secretary reads title of bill)

21. 3rd reading of the bill.

22. PRESIDENT:

23. Senator Johns.

24. SENATOR JOHNS:

25. Thank you, Mr. President. As members of the 80th General  
26. Assembly address substantive release for Illinois businesses  
27. I ask that you as members of the 81st General Assembly address  
28. the need and help to the members and substantive relief for  
29. the Illinois farmers. Under consideration today is Senate Bill 860.  
30. What I'm doing here today is addressing the reduction of Illinois  
31. taxes on farm machinery. We are surrounded by states who either  
32. attempt or...who either exempt farm machinery from sales and use  
33. taxes or are legislative...eliminating them. Illinois farmers  
and their related businesses, find themselves in an ever increasing

1. untenable position. Illinois is one of the few states that have  
2. not addressed relief of such for our agricultural community.  
3. The concept is endorsed by the Farm Bureau and is before you today.  
4. I would appreciate a favorable roll call.

5. PRESIDENT:

6. Is there any discussion? Senator Walsh.

7. SENATOR WALSH:

8. Mr. President and members of the Committee. This bill is similar  
9. to...members of the Senate. This bill is similar to one introduced  
10. by Senator...Senator Maitland, but I do...I do believe that this  
11. bill, and I'm not sure about Senator Maitland...Maitland's  
12. bill has a serious defect in that it...it continues in effect,  
13. the one cent municipal sales tax and abolishes the four cent  
14. State tax. Now, you will recall that the legislation that was passed  
15. last Session phased in the exemption for machinery used in the  
16. manufacture of personal property on which sales and use taxes  
17. were collected. The concept is the same here, however it differs  
18. in two very significant respects, one is there is no phase in  
19. and two is it continues, in effect, the...the municipal sales and use  
20. taxes. I think that is reason enough to oppose these bills.  
21. We'll have to see what Senator Maitland's bill provides and I think  
22. it's also important to note that we're talking about approximately  
23. thirty-two million dollars in General Revenue Funds that this  
24. would cost the State Government. I urge a No vote.

25. PRESIDENT:

26. Further discussion? Senator Rupp. Senator Nimrod. Senator...  
27. everybody's light is on. That's the only reason you're being called.  
28. Senator Maragos.

29. SENATOR MARAGOS:

30. Mr. President and members of the Senate. Last year we gave  
31. similar relief to the manufacturers of the State of Illinois and  
32. unfortunately the Department of Revenue was not satisfied with the  
33. phase in we had in the Statute, but they had to make their own  
rules and regulations and put log jams in the path of attempting

1. to put...make that law become effective. Now, this bill was in  
2. the Revenue Committee which was chaired by Senator Egan and on  
3. which I have the honor of serving and at that time we discussed  
4. this and it was amended and that bill left our committee by a vote of  
5. 10 to 0. I cannot see why there's some opposition now.  
6. Sure, it's going to affect our revenue picture, but I think in the  
7. long run, it will help our revenue picture because the income  
8. made by many of the citizens of the State of Illinois, especially  
9. on the borders of Indiana, on the borders of Missouri, the  
10. borders of Kentucky, Iowa, Wisconsin...I don't know about Wisconsin,  
11. but they don't have similar laws which tax their machinery  
12. ...would make it...make it unduly..and very competitive, unduly  
13. harsh and very competitive for our...for our citizens in Illinois  
14. who...who sell this equipment. I have quite a bit of it in  
15. my territory in the 30th district and even though Cook County is  
16. not considered, there's a lot of farm equipment being sold and they  
17. complained that they can go...that many of the customers and  
18. farmers can go across the borderline in Indiana and buy much of  
19. this machinery and deprive our local implement salesmen  
20. from such revenue. And I think it's a good bill and we should all  
21. support it.

22. PRESIDENT:

23. Senator Joyce.

24. SENATOR JOYCE:

25. Yes, Mr. President, thank you. I rise in support of this  
26. bill, also. It...it appears that the Department of Revenue  
27. people do not go and collect the...the tax from people that go across  
28. the State line and buy these implements so I think that our implement  
29. dealers are being penalized in the State of Illinois as well as the  
30. ...the agriculture producers so I would support this bill.

31. PRESIDENT:

32. Is there any further discussion? Senator Johns may close  
33. the debate.

1. SENATOR JOHNS:

2. Well, in closing, the loss of sales to other states, the loss  
3. of salaries in the closing of implement dealers around the  
4. borders of our State, we're talking about fifty-five million  
5. dollars. And I would caution the other side that the game 'being  
6. played here today and I'm going to ask for a favorable  
7. roll call. I'm going to watch very cautiously, Mr. President. Let's  
8. move it.

9. PRESIDENT:

10. The question is shall Senate Bill 860 pass. Those in  
11. favor will vote Aye. Those opposed will vote Nay. The voting is  
12. open. Have all voted who wish? Have all voted who wish?  
13. Take the record. On that question the Ayes are 35, the Nays are 5,  
14. 4 Voting Present. Senate Bill 860 having received a constitutional  
15. majority is declared passed. Senator Hall moves to reconsider,  
16. Senator Carroll moves to lie that motion upon the Table. All in  
17. favor signify by saying Aye. All opposed. So ordered. 861,  
18. Senator Johns. 861. On the Order of Senate Bills, 3rd reading,  
19. Senate Bill 861. Read the bill, Mr. Secretary.

20. SECRETARY:

21. Senate Bill 861.

22. (Secretary reads title of bill)

23. 3rd reading of the bill.

24. PRESIDENT:

25. Senator Johns.

26. SENATOR JOHNS:

27. ...ready, Mr. President. Sorry, I left the podium...the desk here  
28. just a moment. This is a bill, members of the Senate, that declares  
29. that the recovery of coal from mining waste is both an energy  
30. conservation measure, an...and aids in mine land reclamation.  
31. Senate Bill 861 will assist these coal recovery operators who are  
32. attempting to take the land that has been abandoned, take the gob  
33. and the slurry and the tailings and put this into use through  
utilities. It will do many things. For example, just a minute, Mr.



1. President, I've got quite a few conversations going around.

2. PRESIDENT:

3. Yes, may we ask Senator Merlo, Senator Newhouse, can we...Senator  
4. Johns is attempting to present a bill here. He's having a little  
5. difficulty hearing. Senator Johns.

6. SENATOR JOHNS:

7. What Senate Bill' 861 would do would allow the State to assist  
8. people who want to recover the coal that has been abandoned  
9. that lies in millions of tons upon the ground throughout the State  
10. of Illinois. This bill would allow the State to assist those people  
11. in meeting the bonding requirements. It also would aid them  
12. in securing from Federal funds that are...we are eligible for, to  
13. make small business loans, to help underwrite this. It would  
14. serve many purposes. It would reclaim the land, it would cut  
15. utility costs, it would allow us to recover a resource  
16. that is available, easily obtained, usable with good BTU  
17. often better than what we have, and because it has been about the  
18. surface and above the ground, the sulfur has been given away into the  
19. air and it often is low sulfur coal. This, again, permits  
20. its burning in our utilities and meets environmental standards.  
21. It restores the land and also often the streams that are polluted from  
22. these gob piles and slurry that are throughout my area. I might  
23. also tell you that it would aid in the...in the upgrading and  
24. beautification of our countrysides. It would promote the health  
25. and general welfare of the people and I would urge your favorable  
26. roll call upon this endeavor.

27. PRESIDENT:

28. Is there any discussion? Senator Mitchler.

29. SENATOR MITCHLER:

30. Mr. President and members of the Senate. We had a meeting  
31. down in Senator Johns's area on this and talked to people that  
32. were interested in recovering this slurry, is one of the names  
33. they call it. This to me, appears to be a case where private  
enterprise wants to get in and recover this abandoned mine material

1. and recover some of the material for useful purposes. It...  
2. it impressed me that they had the ingenuity to try to go ahead  
3. on this. This is good legislation. I think we should give Senator  
4. Johns support on this bill.  
5. PRESIDENT:  
6. Is there any further discussion? Senator Buzbee.  
7. SENATOR BUZBEE:  
8. Mr. President, thank you. I supported what Senator Johns is  
9. trying to do but because of a possible conflict, I'm going to be  
10. voting Present.  
11. PRESIDENT:  
12. Further discussion? Senator Berning.  
13. SENATOR BERNING:  
14. Question of the sponsor, please.  
15. PRESIDENT:  
16. He indicates he will yield. Senator...  
17. SENATOR BERNING:  
18. Has any thought ever been given to the utilization of these  
19. waste piles that a person sees occasionally in going down our  
20. highways? I think it's called mine slag or something of that  
21. nature. It would appear to me that this would be ideal material  
22. for base...for highway construction and yet it never occurred  
23. so far as I know. Is there any way that we can promote that either  
24. through your bill here or some other provision?  
25. PRESIDENT:  
26. Senator Johns.  
27. SENATOR JOHNS:  
28. I...I really feel like that what you are addressing is feasible  
29. under the Mine Reclamation laws of the Federal Government and as well  
30. as under this proposal because it is often this very  
31. product that has been used in many DOT tests. They are testing this  
32. throughout the United States for mixing in such forms such as  
33. asphalt. It's a combination of the...often these piles have burned  
out and there's a slag left there and coal products, byproducts.

1. Yes, Senator Berning, they are attempting to use this in research  
2. and in laboratories in a combination to make it into a highway  
3. material.

4. PRESIDENT:

5. Further discussion? Senator Nimrod.

6. SENATOR NIMROD:

7. Mr. President, Ladies and Gentlemen of the Senate.

8. As I understand this bill, I am in complete agreement with the  
9. concept because we do have a resolution that's passing, I hope,  
10. within this...both the House and the Senate. It calls for us  
11. to do something about this problem but I have a question because  
12. it seems that this approach is almost inconsistent with what we're  
13. trying to do with the resolution. Senator Johns, what we're  
14. going to be doing here is taking State money to conduct the surveys  
15. to find out what we can do and then when we find out that they're  
16. good or bad with State money then we're going to allow the private  
17. sector to get involved in this. It seems to me that we're...  
18. we're taking initiative away from the...the private sector. I think  
19. that there are surveys that are being made. There is information  
20. available. The piles can be analyzed, but I just don't believe that  
21. we ought to take State money, ten percent of this fund, we might  
22. end up generating a lot more money than we need. Is there anybody...  
23. done the estimate on this? I...I just think we're taking ten percent  
24. without knowing what we're going to be generating.

25. PRESIDENT:

26. Senator Johns.

27. SENATOR JOHNS:

28. Senator Nimrod, your fears were realized some time ago. We took  
29. the ten percent figure out of this in an amendment and we do not  
30. set aside ten percent of State money, but this is part of ten million  
31. dollars, Senator, that we're eligible for from the Federal Government  
32. and we want to take the money that's taken in the form of a severance  
33. tax, thirty-five cents from surface mines, fifteen cents per ton  
from underground mines, and we want to use this in the reclamation

1. of our gob piles, our slurry piles, our tailings and we want to  
2. use this to underwrite this...this is a good program. We want to use  
3. this to help meet the bonding requirements. We want to use this  
4. as small business type loans, loans, mind you, to get these  
5. people into this business, recover this coal, utilize this resource  
6. that would be wasted in one instance in Perry County in Senator  
7. Buzbee's area, we spent four hundred thousand dollars to cover a gob  
8. pile of good coal that several years from now we'll be trying  
9. to recover.

10. PRESIDENT:

11. Further discussion? Senator Nimrod.

12. SENATOR NIMROD:

13. Mr. President, I have no problems with what we're trying to do,  
14. but how does this bill differ from the resolution that we have up?

15. PRESIDENT:

16. Senator Johns.

17. SENATOR JOHNS:

18. Well, this is a bill and the other is a resolution urging  
19. Congress...urging Congress to meet these...the bill's request.

20. PRESIDENT:

21. Further discussion? Senator Nimrod.

22. SENATOR NIMROD:

23. Senator Johns, you still haven't explained to me, then.  
24. Are we going to Table the resolution if we're asking Congress to  
25. do something here in this case, then what we're doing are we taking  
26. this on as a State project instead of Congress? Is that what  
27. we're doing with this program? And in fact, this loan, is it...  
28. are we...is it only a loan that's involved here and it's a total private  
29. venture?

30. PRESIDENT:

31. Senator Johns.

32. SENATOR JOHNS:

33. Senator, take this lightly but I don't think that you've got what  
I would like to see the intent of the Act. Let me give you the intent

1. of the Act. It is to include coal recovery as part of our reclamation  
2. process. The coal recovery that I seek is not actual mining.  
3. It's taking the coal from the surface and utilizing it. And this is  
4. an Act to use Federal monies that we are eligible for, ten million  
5. dollars, under the Federal Mine...Severance Tax Act.  
6. I might be missing what you're trying to ask me, but I don't  
7. think so.

8. PRESIDENT:

9. Is there any further discussion? The question is shall  
10. Senate Bill 861 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 46, the Nays are 3, 2 Voting Present. Senate Bill 861  
14. having received a constitutional majority is declared passed.  
15. 861, Senator Donnewald. 870, Senator Newhouse. Senator Newhouse  
16. on the Floor? 870, Senator Newhouse. On the Order of Senate Bills,  
17. 3rd reading, Senate Bill 870. Read the bill, Mr. Secretary.

18. SECRETARY:

19. Senate Bill 870.

20. (Secretary reads title of bill)

21. 3rd reading of the bill.

22. PRESIDENT:

23. Senator Newhouse.

24. SENATOR NEWHOUSE:

25. Thank you, Mr. President, Senators. This is the County Hospitals  
26. Governing Commission Act and what it does in effect, it places  
27. tighter controls on the commission with reference to its spending  
28. and appropriations. This came out of the committee with a sizable  
29. majority and I would answer any questions and the absence of which,  
30. I'll ask for a favorable roll call.

31. PRESIDENT:

32. Is there any discussion? Senator Walsh.

33. SENATOR WALSH:

Are we considering all these bills at the same time or just...

1. PRESIDENT:  
2. That leave has not been sought. 870 is the bill under discussion.  
3. SENATOR WALSH:  
4. Well, I'm sorry. I missed the Gentleman's explanation and  
5. I...and I did not happen to serve on this committee. I wonder if  
6. you can just...does this change the composition of the Governing  
7. Commission or does it change in any way the manner in which the  
8. hospital is governed?  
9. PRESIDENT:  
10. Senator Newhouse.  
11. SENATOR NEWHOUSE:  
12. No, it doesn't Senator. As a matter of fact, this is the  
13. bill that tightens up the restrictions upon that board.  
14. Places tighter controls on it.  
15. PRESIDENT:  
16. Senator Walsh.  
17. SENATOR WALSH:  
18. In what way does it...does enable them to have any greater  
19. borrowing power. I mean, it seems like it has some fiscal...some .  
20. fiscal implication and I...I understand from our analysis here that  
21. there was some opposition from the members of the Cook County  
22. Board of Commissioners.  
23. PRESIDENT:  
24. Senator Newhouse.  
25. SENATOR NEWHOUSE:  
26. Senator, as far as I know there is agreement on each one of these  
27. bills from the...from the Governing Commission and from the County  
28. Board. If there is something otherwise that you know that I don't,  
29. I wish you would inform me.  
30. PRESIDENT:  
31. Senator Walsh.  
32. SENATOR WALSH:  
33. Well, that is the information that I have at this time, Senator,  
that the...there was opposition expressed to this bill at any rate,

1. . by members of the Cook County Board and until I'm  
2. advised otherwise, since they are the ones who...who must  
3. raise the revenue to...to operate the hospital, I would, at least,  
4. suggest, Mr. President and members of the Senate, that...that  
5. we withhold approval of this bill at this time.

6. PRESIDENT:

7. Is there any further discussion? Senator Newhouse may close  
8. the debate.

9. SENATOR NEWHOUSE:

10. Well, Senator, I...I...so far as I know, there has been no  
11. objection whatsoever and if there was, the board did not contact  
12. me. I've been in constant contact with Herman...Herman Nell  
13. who informs me if the board has any kind of objection to these  
14. bills and I...it has not come to my attention. I would just  
15. move it...ask for a favorable roll call on the bill.

16. PRESIDENT:

17. The question is shall Senate Bill 870 pass. Those in  
18. favor will vote Aye. Those opposed will vote Nay. The voting  
19. is open. Have all voted who wish? Have all voted who wish?  
20. Take the record. On that question the Ayes are 30, the Nays are 9,  
21. 4 Voting Present. Senate Bill 870 having received a constitutional  
22. majority is declared passed. 871, Senator Newhouse. Do you wish  
23. that called. Yes. On the Order of Senate Bills, 3rd reading,  
24. Senate Bill 871. Read the bill, Mr. Secretary.

25. SECRETARY:

26. Senate Bill 871.

27.

28. End of reel.

29.

30.

31.

32.

33.

1. SECRETARY:

2. ...Bill 871...

3. PRESIDENT:

4. Senator Newhouse. Hold it, Mr. Secretary. Senator New-  
5. house, for what purpose do you rise?

6. SENATOR NEWHOUSE:

7. Mr. President, I don't want any cloud over any of these  
8. bills, and I'm a little bit distressed by what just happened.  
9. I've got nothing from the County Board to say that they have  
10. any problems with these bills, and if there is, I'm going to  
11. hold them all up. Senator, do you have objection to another bill  
12. in this package? I don't want to have this kind of a hatchet  
13. fight going on.

14. PRESIDENT:

15. Senator Walsh indicates he will yield. Senator Walsh.

16. SENATOR WALSH:

17. I have the same reservations, Senator, so maybe if you  
18. want to take them out of the record until I can resolve the  
19. problem, fine.

20. PRESIDENT:

21. Senator Newhouse.

22. SENATOR NEWHOUSE:

23. Mr. President...all right, Mr. President, I...I've got no  
24. objection from anybody on the bill. Let's go with it...Vote  
25. on 871.

26. PRESIDENT:

27. On the order of Senate Bills, 3rd reading, Senate Bill 871.  
28. Read the bill, Mr. Secretary.

29. SECRETARY:

30. Senate Bill 871.

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDENT:

Senator Newhouse.



1. SENATOR NEWHOUSE:

2. Mr. President, this...Senators, this adds the Cook County  
3. Hospital Governing Commission to the provisions of the Illinois  
4. Health Facilities Authority Act. The Authority Act currently  
5. defines a health facility and a participating health institution  
6. as relating to non-profit, private institutions, place, building  
7. or agency or corporation. This did not permit the financing by  
8. the Authority for any county hospital. There are six such hospitals  
9. in the state. Cook County Hospital budget is a deficit operation,  
10. whereby its deficits are offset by the county. The Health  
11. Facilities Authority does not wish to take a position on this  
12. bill. However, according to representative, the provisions of  
13. this bill will not cause need for an additional staff. With  
14. the passage of this bill, Cook County Hospital will be able to  
15. construct a new hospital without the necessity of pursuing a  
16. county-wide bond referendum. The Governing Commission would  
17. likely be able to obtain a higher bond rating for hospital  
18. construction, with a correspondingly low interest rate, according  
19. to the commission. That's what the bill does. I'd be pleased to  
20. answer any questions on the matter. I'd ask for a favorable  
21. roll call.

22. PRESIDENT:

23. Is there any discussion? Senator Walsh.

24. SENATOR WALSH:

25. Mr. President, this bill is...different from the other in...  
26. I think it's important that the membership do take...note of  
27. what this bill provides. It extends to...Cook County Hospital  
28. the possibility of obtaining funds from the Illinois Health  
29. Facilities Authority. Now, this is a...an extensive grant  
30. that would be available from the Authority that is not now  
31. available. There is some dispute on the Cook County Board, and  
32. I think it's important that we all know that it's the Cook County  
33. taxpayers who have to foot the bill for Cook County Hospital.  
And it's Cook County Board that must levy the taxes to raise

1. the money. Now if these funds are available from the Illinois  
2. Health Facilities Authority Act, apparently in the minds of  
3. some, to either build a new hospital or significantly enlarge  
4. the existing hospital. We're taking a very broad step. Now,  
5. there are some of us who feel that I guess when I'm through, Mr.  
6. President, Senator Netsch wants recognition, there are some of  
7. us who feel that it would probably be a good idea if needy  
8. people, rather than to have a hospital specifically constructed  
9. for their use, that they be admitted to private hospitals and  
10. that private hospitals, since they are the beneficiary of public  
11. largesse, at least to the extent that they're tax-free and  
12. in some cases that they specifically receive tax funds, either  
13. through the Illinois Health Facilities Authority or other sources,  
14. that needy people be admitted to private hospitals, rather than  
15. to have a public hospital the size of Cook County Hospital. I  
16. would hope, Mr. President, members of the Senate, that we take  
17. a very close look at this bill, and that we would withhold our  
18. support. I intend to vote No.

19. PRESIDENT:

20. Further discussion. Senator Netsch.

21. SENATOR NETSCH:

22. Thank you, Mr. President. Well, I think I understand  
23. that Senator Walsh is pointing out the fact that the Health  
24. Facilities Authority has frequently been used for non-public  
25. institutions in the past, but it is also true that it does  
26. authorize the use of that funding device for certain kinds  
27. of publicly-financed institutions, and so in that sense,  
28. this is not breaking brand new ground, but I guess my comment  
29. really is, in a sense, the other side of the coin. Not too  
30. long ago, in fact one day last week, we passed a bill which  
31. made for-profit nursing homes a part of the Illinois Health  
32. Facilities Financing Authority Act, and while I fully under-  
33. stand I am capable of comprehending the difference between a  
for-profit nursing home, and a public county hospital, I, for

1. the life of me, I cannot understand why it is justified  
2. to include for-profit nursing homes under the Authority, and  
3. yet not include the Cook County Hospital or other publicly-  
4. financed institution. So for that reason, it seems to me that  
5. it does make great good sense to pass this bill, Senate Bill  
6. 871.

7. PRESIDENT:

8. Further discussion. Senator Washington.

9. SENATOR WASHINGTON:

10. Well, Senator Netsch very ably covered the issue. I assume  
11. what Senator Walsh is saying that they have pre-empted all  
12. public monies to the Public Facilities Authority, and they don't  
13. want any public institutions to be the...to get the largees from  
14. that, and that's a very strange theory. What has been happening  
15. in here in the General Assembly for the past ten years is  
16. that private industry has been competing for public funds. Now,  
17. you're going to turn around the other way and say no, we've  
18. pre-empted this entire field, and you can't have any money  
19. from that Public Health Facilities. I think it's a strange  
20. situation we've gotten ourselves into. County Hospital is  
21. a fact. It's a fait accompli. It exists. It serves thousands  
22. of needy people throughout the Cook...Cook County. It should  
23. be maintained and sustained as a viable public institution. It  
24. will not be maintained and sustained if we on this end don't  
25. insist that they pay out the welfare grants that are due them,  
26. if we don't insist that they expedite the payment of those grants,  
27. if we don't do something to shove up the necessity for capital  
28. improvements of that hospital, it's going to go to pot. I don't  
29. buy the loose theory that private industry can take care of it.  
30. They've never taken care of the health of poor people to my  
31. knowledge in my entire life. I think it's a good bill. It  
32. amazes me that we're even fighting about this thing. If the  
33. public is going to go in its pocket to preserve hospitals, why  
doesn't it first start preserving and maintaining, proliferating,

1. if you will, public health facilities. This is a very good  
2. bill.

3. PRESIDENT:

4. Further discussion. Senator Berning.

5. SENATOR BERNING:

6. Thank you, Mr. President. First a comment, and then a  
7. question. I think without indicating that I fully comprehend  
8. what this bill is doing, Senator Washington touched on what is  
9. to me, a matter of concern when he talked about proliferation of  
10. public health facilities. It seems to me that in quick  
11. examination of it, we are hereby establishing the procedure  
12. for a new health facility. Whether it's a replacement or a  
13. totally new one, I don't know, but my concern then, Senator, is  
14. according to the information I have in our analysis, the fact  
15. that the Authority can pass along the costs of the bonds to  
16. the provider. Now the providers, I'm inclined to believe,  
17. would be to a degree, the State of Illinois. How much will  
18. we be ultimately expected to provide in the way of additional  
19. funds to pay bonds and to cover the costs of operation of this  
20. proposed new facility?

21. PRESIDENT:

22. Senator Newhouse.

23. SENATOR NEWHOUSE:

24. I'm sorry. What was the question, Senator? I'm sorry, I  
25. was just back there...

26. PRESIDENT:

27. Senator Berning.

28. SENATOR BERNING:

29. You were paying just as much attention as everybody else  
30. on this Floor, so I assume the question is really pointless. My  
31. question was how much are we going to have be expected to appropriate  
32. to cover the additional costs of the bond, which is what I  
33. think is implied, according to the analysis which I have in  
front of me. Ultimately, we are going to be requested to provide

1. additional funding.

2. PRESIDENT:

3. Senator Newhouse.

4. SENATOR NEWHOUSE:

5. No, there is no additional funding in this bill, Senator.

6. None. Not a penny to the state. I...

7. PRESIDENT:

8. Senator Berning.

9. SENATOR BERNING:

10. I would like to be able to accept that as total fact,

11. that we will not be required to ever appropriate any additional

12. funding to cover the additional costs for the building and main-

13. taining of any new hospital, whether it's a new one in its

14. entirety, or a replacement for the present Cook County Hospital.

15. Are you saying, Senator, that any new construction is not going

16. to result in any increased per diem cost with the State of Illinois

17. inevitably must cover for patients, public aid patients, which

18. we have there.

19. PRESIDENT:

20. Senator Newhouse.

21. SENATOR NEWHOUSE:

22. Senator, I'm not sure at all that the two are connected.

23. We're talking about a bond issue, not...you're talking about how...

24. you're talking about...if you're asking me if the cost will never

25. rise, of course I can't tell you that. Medical costs are going

26. to rise...without question, but I don't see what the connection

27. is between the two. The rise is a normal effect of the marketplace,

28. having nothing to do with the cost of the bond.

29. PRESIDENT:

30. Senator D'Arco.

31. SENATOR D'ARCO:

32. Thank you, Mr. President. Nobody is talking about building

33. a new hospital in this bill. It is obvious that if you're under  
the Illinois Health Facility Authority, and you do float a bond,

1. you're going to get a lesser interest rate than if you have  
2. to float a bond through the County Board, which requires a  
3. referendum. Nobody's talking about building a new hospital.  
4. The only thing that may be necessary is repairing some of the  
5. existing deficiencies in the structure as it is.

6. PRESIDENT:

7. Any further discussion. Senator Berning.

8. SENATOR BERNING:

9. One last question. Am I incorrect in my understanding  
10. that there is somewhere in the appropriation process right  
11. now a thirty-seven million dollar request for the operation  
12. of the current Cook County Hospital?

13. PRESIDENT:

14. Senator Newhouse.

15. SENATOR NEWHOUSE:

16. You're absolutely correct, Senator. That has nothing to  
17. do with this bill. That's an Operating Cost bill. It was a  
18. deficit arrangement which the County Board approved, and it's  
19. gone out. It has nothing to do with this bill.

20. PRESIDENT:

21. Further discussion. Senator Walsh...Senator Philip. I'm  
22. sorry, Senator Walsh. Senator Philip.

23. SENATOR PHILIP:

24. Thank you, Mr. President. You know, I think it was very  
25. evident that Senator D'Arco kind of let the cat out of the bag.  
26. I think it's kind of obvious that they can't pass a referendum  
27. in...or they don't think they can pass a referendum in Cook  
28. County for a new hospital or an addition. They want to go through  
29. the back door and get the bonding authority, and that's the real  
30. issue here, and that's...we understand that, but you let the cat  
31. out of the bag.

32. PRESIDENT:

33. Further discussion. Senator Walsh.

SENATOR WALSH:

1. Well Mr. President, members of the Senate, just...further  
2. on what Senator Philip said. It's obviously cheaper to issue  
3. bonds, general obligation bonds pursuant to a referendum than  
4. to issue revenue bonds pursuant the Illinois Health Facilities  
5. Act, so the cost to the taxpayer would be less if the general  
6. obligation bond were issued. Furthermore, I think we should  
7. always keep in mind that the more bonds issued bearing the name  
8. Illinois Health Facilities Act or under any of the Illinois Acts  
9. authorizing either general revenue bonds or revenue bonds or  
10. general obligation bonds, it does in some way affect state  
11. interest rates, and this would, in some way, it's difficult to  
12. ascertain just how much, but it would, so it does cost the  
13. state something. I do think this bill should be defeated.

14. PRESIDENT:

15. Any further discussion. Senator Chew.

16. SENATOR CHEW:

17. Mr. President and fellow Senators, I talked to the Chairman  
18. of the Hospital Committee and the Cook County Board, and there  
19. is no objection. As a matter of fact, they favor these bills.  
20. The many, many times I have voted on projects for the various  
21. colleagues of mine here in the Senate that I knew not where  
22. they were, and didn't really become concerned, because if it  
23. were to do their district or their constituents a service, I  
24. supported it. But I've detected here over the thirteen-four-  
25. teen years, that somebody seems to think that Cook County Hospital  
26. or the Department of Public Aid is quote "a black entity". Well  
27. let me assure you that it is not. The Cook County Hospital serves  
28. those that come. We are here to give the people of the State  
29. of Illinois what is an absolute necessity. It is a necessity to  
30. correct some of the things that have been going on with the governing  
31. board. I'm quite surprised to hear Senator Walsh come down in  
32. his way of being difficult to understand what this is all about.  
33. It was properly discussed in committee, He's not on the committee,

1. but it seems to me that those of us that might have some  
2. interest in those that cannot help themselves would have at  
3. least taken the adequate time to review these bills and if  
4. there were problems with them other than political problems,  
5. then the sponsor has been available to work with any member of  
6. this Senate to correct what was wrong, if there were anything  
7. wrong. My good...friend from Deerfield, I don't think you really  
8. have any problems with it. It's just that sometimes the word  
9. Cook County Hospital scares the hell out of some of us. Well  
10. it's going to be there, and we need your help to do it. You're  
11. not doing it for Charlie Chew or Dick Newhouse or Dr. Jim Haughton,  
12. you're doing it for people that use the facility. There's no  
13. such thing as a cat in the bag, Pate Philip. Nobody let the  
14. cat out of the bag. You have dived deep in the fountain of  
15. knowledge and you can read and there's nothing in that bill  
16. or in the series of bills that's hidden, because it's all public  
17. property, and let me suggest, sir, that if you dive into the  
18. bill and if you find something that's distasteful to you,  
19. reasonable men can sit down and work out problems, but I can't  
20. work out your political problems but I can help solve the legis-  
21. lative problems for the benefit of the people of Illinois, and  
22. I would respectfully ask that this series of bills be passed  
23. out for a need. Nobody wants credit. We want the people that  
24. need service to get service, and for that, I'd ask for a  
25. favorable roll call also, Mr. President.

26. PRESIDENT:

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

29. SENATOR NEWHOUSE:

30. ...Senator Walsh, on the first bill that was called, your  
31. rationale was that the County Board had some problems with  
32. these bills. Mr. Nell of the County Board is right here with  
33. me now, Senator, and he assures me that the County Board is in  
favor of all these bills. Now if you'd like to talk to him



1. personally, here he is. Would you like that opportunity, sir?

2. PRESIDENT:

3. Senator Newhouse, can we close the debate? Senator Walsh.

4. SENATOR WALSH:

5. As long as Senator Newhouse brought it to my attention, I  
6. assume that Mr. Nell is for these bills, because I am sure the  
7. controlling members of the County Board are for these bills.

8. But since you did bring it up, I do wonder what Mr. Nell is  
9. doing on the Floor of the Senate.

10. PRESIDENT:

11. The point is well taken. Yes, Senator Newhouse.

12. SENATOR NEWHOUSE:

13. The Senator raised the question, and I sent for the individual  
14. who could answer that question and asked him to come to the  
15. Floor. Do I have that leave?

16. PRESIDENT:

17. I don't know. Is leave granted? Senator Walsh.

18. SENATOR WALSH:

19. I certainly didn't imply that you had to have leave, and  
20. I don't know that anybody without authority should ever be on  
21. the Floor of the Senate.

22. PRESIDENT:

23. Your point is again well taken. Senator Newhouse.

24. SENATOR NEWHOUSE:

25. Thank you. Roll call, Mr. President.

26. PRESIDENT:

27. The question is shall Senate Bill 871 pass. Those in  
28. favor will vote Aye, those opposed will vote Nay. The voting  
29. is open. Have all voted who wish? Have all voted who wish?  
30. Take the record. On that question, the Ayes are 30, the Nays  
31. are 6, 6 voting Present. Senate Bill 871, having received a  
32. constitutional majority, is declared passed. 873, Senator  
33. Newhouse. On the order of Senate Bills, 3rd reading, Senate  
Bill 873. Read the bill, Mr. Secretary.

1. SECRETARY:

2. Senate Bill 873.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDENT:

6. Senator Newhouse.

7. SENATOR NEWHOUSE:

8. Thank you, Mr. President, Senators. This bill requires  
9. a hospital reimbursement to be sufficient to cover a reasonable  
10. cost for all treatment granted by a hospital, including ambulatory,  
11. acute, intermediate, and chronic disease care. It authorizes  
12. hospital to submit cost-based medical assistance buildings to  
13. the Department of Public Aid, in accordance with their accreditation  
14. by the Joint Commission on the Accreditation of Hospitals. It  
15. provides for an immediate effective date. I'll answer any  
16. questions and ask for a favorable roll call.

17. PRESIDENT:

18. Is there any discussion? Senator Walsh...we have...I  
19. didn't mean to hesitate. When your light flashes, Senator  
20. Rupp's and Senator Nimrod's also flash. You are...they are  
21. apparently..you are all wired together, so to speak. Senator  
22. Walsh.

23. SENATOR WALSH:

24. Everything but our switches, Mr. President. On this bill,  
25. I would like to point out that since we do have the Rate Review  
26. Board, it's probably unnecessary to pass this legislation. Further-  
27. more, it's going to significantly increase the cost to the  
28. Department of Public Aid if this bill is passed, and the increase  
29. in expenditures would not be offset by federal matching funds.  
30. Now I'm sure the Health and Hospitals Governing Commission is  
31. for this bill, but I'm equally sure that the Department of Public  
32. Aid is opposed to this bill, because it would...cost the State  
33. of Illinois money which has not been budgeted, and I would urge  
a No vote.

1. PRESIDENT:  
2. Is there any discussion? Senator D'Arco.  
3. SENATOR D'ARCO:  
4. The only thing this bill is designed to do is to help  
5. Oak Forest Hospital, which has a nine million dollar deficit  
6. because they're treating acute nursing home patients at inter-  
7. mediate levels, and the Department is reimbursing them at the  
8. lowest level possible, even though there's matching funds available  
9. from the federal government. Now that's in line with the  
10. Governor's astute fiscal austere policy of saving money so  
11. he doesn't have to spend so much so he can get re-elected,  
12. but poor people are being jeopardized by that policy. Vote  
13. Aye.  
14. PRESIDENT:  
15. Further...any further discussion. Senator Newhouse may  
16. close the debate.  
17. SENATOR NEWHOUSE:  
18. Roll call.  
19. PRESIDENT:  
20. The question is shall Senate Bill 873 pass. Those in favor  
21. will vote Aye, those opposed will vote Nay. The voting is open.  
22. Have all voted who wish? Have all voted who wish? Take the  
23. record. On that question, the Ayes are 31, the Nays are 6, 4  
24. voting Present. Senate Bill 873, having received the constitutional  
25. majority, is declared passed. 875, Senator Newhouse. Do you  
26. wish it called? On the order of Senate Bills, 3rd reading, Senate  
27. Bill 875. Read the bill, Mr. Secretary.  
28. SECRETARY:  
29. Senate Bill 875.  
30. (Secretary reads title of bill)  
31. 3rd reading of the bill.  
32. PRESIDENT:  
33. Senator Newhouse.  
SENATOR NEWHOUSE:

1. Thank you, Mr. President. This is not a County Hospital  
2. bill. I repeat, this is not a County Hospital bill. This bill  
3. amends the Illinois Purchasing Act. It has one purpose. The  
4. Illinois Purchasing Act requires that the state agency file  
5. with the Comptroller any contract for professional artistic  
6. skills involving the expenditure of more than twenty-five  
7. hundred dollars, and what has happened on several occasions  
8. is that the state agency has failed to file the contract with  
9. the Comptroller, and through no fault of the vendors, the vendor  
10. finds that that vendor has been barred from payment by the  
11. State of Illinois. That...the law is abundantly clear upon that.  
12. It means that it puts the state in a position of becoming a  
13. deadbeat, and I think it's wrong. I would ask for a favorable  
14. roll call on it.

15. PRESIDENT:

16. Is there any discussion? If not, the question...Senator  
17. Regner.

18. SENATOR REGNER:

19. Senator Newhouse...a question?

20. PRESIDENT:

21. He indicates he will yield. Senator Regner.

22. SENATOR REGNER:

23. If I understand this rightly, what it does do, it backs  
24. off from the Purchasing Act, is that correct?

25. PRESIDENT:

26. Senator Newhouse.

27. SENATOR NEWHOUSE:

28. Yes it does, Senator. I want to answer you fully. What...  
29. the Purchasing Act is very clear and very specific about what  
30. has to be done, but what happens is that you have a number  
31. of smaller agencies who don't normally...you have a contract  
32. for three or four thousand dollars, you don't normally have a  
33. lawyer...so that when the...contract is passed back to the agency,  
that vendor considers the deal sealed. If the agency person then

1. does not file with the Comptroller, then the state simply  
2. gets the services free, and the vendor is barred. He can go  
3. nowhere to recover his money. He cannot go to the court...if  
4. he cannot go to the Court of Claims, and is barred from suing  
5. in a Circuit Court.

6. PRESIDENT:

7. Senator Regner.

8. SENATOR REGNER:

9. Would you go over that one more time, why they can't go  
10. to the Court of Claims, because that's what I thought the Court  
11. of Claims was for.

12. PRESIDENT:

13. Senator Newhouse.

14. SENATOR NEWHOUSE:

15. Yes. The Court of Claims, however, does not have equity  
16. powers. In other words, if you don't follow the letter of the  
17. law, you're out, and there is no recourse. There is no appeal.  
18. You cannot go to the Circuit Court, so they have no alternative  
19. except to interpret the letter of the law which says that that  
20. contract must have been filed with the Comptroller. So it  
21. means that the vendor, having signed the contract, having performed  
22. in good faith, not having the power to have done what the  
23. statute states, is out of his money in the state...is effectively  
24. a deadbeat.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Further questions. Senator Regner.

27. SENATOR REGNER:

28. Well, I just look at this...I think it's a weakening to  
29. the Purchasing Act far more than we should want to at this  
30. time. Possibly this suggestion, if this is for a specific  
31. contract or a specific person, maybe we should just have  
32. a bill in for that one person, the same as we used to do  
33. you know, for Veteran's Bonuses that were forgotten, but to  
weaken the Purchasing Act all the way through, I don't see

1. any need, and I think this is a bad idea.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Further discussion. Senator Carroll.

4. SENATOR CARROLL:

5. Thank you, Mr. President. Sort of a question of Senator  
6. Newhouse. My problem with reading the language of the bill is  
7. that it's not imminently clear from its face. It could provide  
8. that where a contract has in fact not been signed by the state,  
9. but only by the contractor, that in fact the contractor, if  
10. he then signs the document, the state never signs it, and he  
11. performs the services, the state has to pay him, even though  
12. they may not have intended to enter into the contract with  
13. him. I don't think the language is clear enough to say that  
14. where the state has in fact signed the contract but has merely  
15. not filed it with the Comptroller. I agree that the burden  
16. should be on the state agency, and not on the contractor once  
17. it leaves the contractor's possession, it goes back to the  
18. state. If the state in fact signs it, they should then have the  
19. burden of moving it to the next step in the process. This  
20. seems to say that there's no requirement in the state of even  
21. sign the contract, and that bothers me greatly.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Newhouse.

24. SENATOR NEWHOUSE:

25. Senator, if you'll...read the language of the Act...of  
26. the proposed amendment, what it relates back to is not the  
27. contract but the responsibility for the filing, and if you'll  
28. put those two together, then...

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Carroll.

31. SENATOR CARROLL:

32. My problem with it is it does relate but it's not clear.  
33. All right? It seems again...it is vague on the point of whether  
or not the state has ever signed the contract, and all it says

1. is once the contractor has sent it in, then the agency has  
2. the responsibility of giving it to the Comptroller, and if  
3. it does not, if the contractor performed the work, he gets  
4. paid. It still has not said that he gets paid only if the  
5. state has in fact contracted with him. I don't mind the  
6. responsibility, you know, individually, and I don't think  
7. the membership minds that the agency do the work of physically  
8. transmitting it to the Comptroller...okay.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Is there further discussion? Senator Mitchler.

11. SENATOR MITCHLER:

12. There was some mention about, Mr. President, members of  
13. the Senate, of the sponsor...there was some question about  
14. whether they should go to Court of Claims. This isn't the  
15. Medly Movers bill? No? Okay, thank you, David.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Newhouse.

18. SENATOR NEWHOUSE:

19. No Senator, this is not the Medly Movers bill. Senator,  
20. I want to respond to an earlier question in closing, and that  
21. is this...

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Before you close, is there further discussion? Senator  
24. Newhouse may close.

25. SENATOR NEWHOUSE:

26. Senator Regner raised the question which I'd...certainly  
27. like to respond to, and that is does it weaken the Purchasing  
28. Act, and I think that to an extent it does, but it seems to  
29. me there are two options, and I just don't know how many  
30. of these contracts have gone through...the contracts that were  
31. awarded to small, social service agencies that simply cannot  
32. afford a lawyer, cannot afford a Court of Claims case, which is  
33. what they'd have to go through. There were two options to this.

1. One of these was to try this approach, which would leave some  
2. responsibility on the state agency to perform. The other was  
3. to ask for equity powers within the Court of Claims. We did  
4. both. There was a feeling that to give equity powers to the  
5. Court of Claims at this point was just more than ought to be  
6. done. So we took this alternative approach, and I still think  
7. that there's something that ought to be done to permit the  
8. Court of Claims to at least look at the equities in the Act.  
9. But this is a softer approach, and I would ask for a favorable  
10. roll call on it.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. The question is shall Senate Bill 875 pass. Those in  
13. favor vote Aye, those opposed vote Nay. The voting is open.  
14. Have all voted who wish? Have all voted who wish? Take the  
15. record. On that question, the Ayes are 34, the Nays are 11, 2  
16. voting Present. Senate Bill 875, having received the required  
17. constitutional majority, is declared passed. Senate Bill 881,  
18. Senator Graham. Is Senator Graham on the Floor? Senate Bill  
19. 882, Senator Knuppel. Read the bill, Mr. Secretary, please.

20. SECRETARY:

21. Senate Bill 882.

22. (Secretary reads title of bill)

23. 3rd reading of the bill.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Knuppel.

26. SENATOR KNUPPEL:

27. Mr. President and members of the Body, this bill was  
28. requested by the County Highway Commissioner's Group. What  
29. it does is provide that any...in any election after April 3rd,  
30. 1979, creating a special road tax, that it wouldn't be necessary  
31. to vote this every five years, which is the maximum period  
32. that could be voted now, but any twenty-five people could  
33. petition at any time to have a vote on it, but absent that, rather  
than having it on the ballot every two, three, four, or five



1. years, it would stay in effect, unless petitioned by at least  
2. twenty-five voters. This bill has been requested by local  
3. township road districts and the County Highway Commissioners.  
4. It's good legislation, and I would suggest its approval.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Is there discussion? The question is shall Senate Bill  
7. 882 pass. Those in favor vote Aye, those opposed vote Nay. The  
8. voting is open. Have all voted who wish? Have all voted who  
9. wish? Take the record. On that question, the Ayes are 47,  
10. the Nays are none, 1 voting Present. Senate Bill 882, having  
11. received the required constitutional majority, is declared  
12. passed. Senate Bill 883, Senator Davidson. Senate Bill 884,  
13. Senator Davidson. Are you...if you're ready on 884, I think  
14. we can run that, if you're ready. For what purpose does Senator  
15. Maragos rise?

16. SENATOR MARAGOS:

17. Point of Personal Privilege, Mr. President.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. State your point.

20. SENATOR MARAGOS:

21. In the balcony and audience this afternoon, we have two  
22. outstanding individuals in the labor movement, and I wanted  
23. to present the new president of the American Federation of  
24. Labor and the CIO in the State of Illinois, Mr. Robert Gibson,  
25. and I think the secretary, Mr. Harold Ray, are both up there.  
26. I don't see them, but I wish they would rise.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Please stand and be recognized by the Senate. For what  
29. purpose does Senator Vadalabene rise?

30. SENATOR VADALABENE:

31. I would just like to also add to this that Robert Gibson  
32. comes from my district, Granite City, Illinois.

33. PRESIDING OFFICER: (SENATOR BRUCE)

Senate Bill 884. Read the bill, Mr. Secretary, please.

1. SECRETARY:

2. Senate Bill 884.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Davidson.

7. SENATOR DAVIDSON:

8. Bill just does exactly what it says. It's a quarter of  
9. a million dollar appropriation of Public Health for the bill on  
10. 883. I'd appreciate a favorable roll call.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. The question is shall Senate Bill 884 pass. Those in  
13. favor vote Aye, those opposed vote Nay. The voting is open.  
14. Have all voted who wish? Have all voted who wish? Take the  
15. record. On that question, the Ayes are 46, the Nays are none,  
16. 4 voting Present. Senate Bill 884, having received the required  
17. constitutional majority, is declared passed. For what purpose  
18. does Senator Buzbee rise?

19. SENATOR BUZBEE:

20. Mr. President, an inquiry. This is a companion bill to a  
21. substantive bill of 883, and yet we did not pass 883, did we?

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Davidson.

24. SENATOR DAVIDSON:

25. That's what I had said, and they said go ahead and take  
26. 884 anyway, but it is the appropriation for 883, which has to  
27. be amended.

28. SENATOR BUZBEE:

29. Mr. President?

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. For what purpose does Senator Buzbee rise?

32. SENATOR BUZBEE:

33. Well Mr. President, in light of that having voted on the  
prevailing side on 884, I move to reconsider the vote by which

1. that bill passed, until we see what happens with the substantive  
2. bill. Mr. President, I have a request in, to move to reconsider.

3. PRESIDING OFFICER: (SENATOR BUZBEE)

4. Well Senator, if you'll just hold yourself just for a  
5. moment, we may be able to resolve...

6. SENATOR BUZBEE:

7. I want to get right on with it, Mr. President. I...

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. The motion is to reconsider without any discussion. On  
10. that question, all those in favor say Aye. Opposed Nay. In the  
11. opinion of the Chair, the negatives prevail. Senator Buzbee.  
12. For what purpose do you rise?

13. SENATOR BUZBEE:

14. I would defer to Senator Davidson.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. That's what I was trying to do a moment ago, Senator.  
17. Senator Davidson.

18. SENATOR DAVIDSON:

19. I...Senator Buzbee and all people on the Floor, I brought  
20. that point up when he asked me, and I said it's the appropriation  
21. bill for 883, which is a substantive bill, which must be amended,  
22. and I...said do you want to go with it, and they said go ahead.  
23. I brought the point up. I was not trying to mislead anybody  
24. about this bill. The only thing I can say is that now if it's  
25. ...all right with you, Senator Buzbee, you have a legitimate point.  
26. When it goes over to the House, we'll just hold it there until  
27. this substantive passes or fails. As far as I know, the sub-  
28. stantive should hopefully pass. It came out of committee eleven  
29. to nothing. There's been no opposition to it, but there was  
30. a technical area in 883, which must be corrected.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Buzbee, if you'll wait just one moment, I think  
33. we will resolve this to your satisfaction. Senator Davidson.

SENATOR DAVIDSON:

1. I...think they also got a flaw when they amended...they  
2. did not amend the title, they amended it where it went, as  
3. a courtesy to the chief sponsor of the bill and to resolve  
4. all the folderol on it, I'd move to reconsider the vote  
5. by which it passed so we can take it out of the record.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. The amendment puts the appropriation in one department.  
8. The title of the bill puts the appropriation to another de-  
9. partment, and so the bill to that extent, having been now  
10. raised by a member on the Floor, the bill is incorrectly drawn,  
11. and Senator Davidson's motion is to reconsider the vote by  
12. which Senate Bill 884 passed. On that motion, those in favor  
13. say Aye, opposed Nay. The Ayes have it, and the bill will be...  
14. the motion to reconsider prevails. The bill will be...remain  
15. on the order of 3rd reading. I would just point out under  
16. the rules of the Senate that we call the bills in order, and  
17. if you didn't call 883, we still call 884, and if you wish  
18. to call 884, it is your prerogative under our rules to proceed  
19. in any manner that you wish. For what purpose does Senator  
20. Buzbee rise?

21. SENATOR BUZBEE:

22. On a Point of Personal Privilege. I...Senator Davidson,  
23. I was not by any means accusing you of trying to sneak something  
24. over. It was just simply that it had gotten past me that we  
25. had passed 883, and I just didn't think it was appropriate  
26. to pass the appropriation bill until we passed the substantive  
27. language.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senate Bill 885, Senator Davidson. Read the bill, Mr.  
30. Secretary, please.

31. SECRETARY:

32. Senate Bill 885.

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

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Davidson.

3. SENATOR DAVIDSON:

4. Mr. Oresident, members of the Senate, this bill does  
5. exactly what it says. It would allow organizations dues, payment  
6. and contributions of an employee to be withheld by written  
7. request, written request by the employee to the employer. I'd  
8. appreciate a favorable vote.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Is there discussion? The question is shall Senate  
11. Bill 885 pass. Those in favor vote Aye, those opposed vote  
12. Nay. The voting is open. Have all voted who wish? Have all  
13. voted who wish? Take the record. On that question, the Ayes  
14. are 30, the Nays are 14, 2 voting Present. Senate Bill 885,  
15. having received the required constitutional majority, is declared  
16. passed. Senator Becker requests verification of the affirmative  
17. votes, Senator? Requests verification of those who voted in  
18. the affirmative. Secretary will call those who voted in the  
19. affirmative, and will you please respond loudly enough for  
20. the Secretary to hear your response.

21. SECRETARY:

22. The following voted in the affirmative: Berman, Bloom,  
23. Bruce, Buzbee, Carroll, Collins, Davidson, Demuzio, Egan,  
24. Geo-Karis, Gitz, Hall, Johns, Jerome Joyce, Knuppel, Lemke,  
25. Maragos, McLendon, Merlo, Nash, Netsch, Newhouse, Sangmeister,  
26. Savickas, Schaffer, Sommer, Vadalabene, Washington, Wooten, Mr.  
27. President.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. ...Senator Becker, do you question the presence of any...

30. SENATOR BECKER:

31. Senator Bloom did not answer present nor did Senator Lemke.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Let's take them one at a time. Is Senator Bloom on the  
Floor?

1. SENATOR BECKER:  
2. ...Senator Bloom...  
3. PRESIDING OFFICER: (SENATOR BRUCE)  
4. Is Senator Bloom on the Floor? Strike his name, Mr.  
5. Secretary. Do you question the presence of any other member?  
6. The sponsor moves the further consideration of Senate Bill 885  
7. be postponed. The bill would be placed on the order of  
8. Postponed Consideration. Senate Bill 888, Senator Keats.  
9. Mr. Secretary, read the bill, please.  
10. SECRETARY:  
11. Senate Bill 888.  
12. (Secretary reads title of bill)  
13. 3rd reading of the bill.  
14. PRESIDING OFFICER: (SENATOR BRUCE)  
15. Senator Keats. Senator Keats?  
16. SENATOR KEATS:  
17. I was just pausing for a minute, waiting for the quiet.  
18. PRESIDING OFFICER: (SENATOR BRUCE)  
19. Can we have some order, please? Senator Keats.  
20. SENATOR KEATS:  
21. Senate Bill 888 is the repeal of the Structural Work  
22. Act, an act originally passed in 1907. In 1907, it was a  
23. good piece of legislation. In fact, in 1907, I'd have voted  
24. for the bill myself. But now, seventy-two years later, now  
25. seventy-two years later,...

26. PRESIDING OFFICER: (SENATOR BRUCE)  
27. May we have some order please. Senator Keats.  
28. SENATOR KEATS:  
29. Seventy-two years later, the act is now outdated, and  
30. is duplicative of other efforts within the area of protecting  
31. workers. What...the Structural Work Act has done in recent  
32. years has raised tremendously the costs in the construction  
33. industry, which has done several things, obviously number one,  
hurt middle-class and lower middle-class individuals attempting

1. to buy homes. Number two, it's been a particular disadvantage  
2. for minority groups who'd like to become homeowners, because  
3. the cost of housing has become so high, and number three, has  
4. kept new and minority contractors from entering the business,  
5. because the start-up costs, these being insurance costs, are so  
6. high. So, this bill is particularly oriented towards assisting  
7. small business. The working man, when this bill is repealed,  
8. is not in reality hurt, because he still has at least three  
9. options for coverage. Number one, the employee's injuries  
10. are covered already under the Workmen's Compensation Act.  
11. The safety...Number two; the safety standards in existence  
12. under the Occupational Safety and Health Act are clearly  
13. superior to the ones in this bill, and that they are more  
14. detailed and are better enforced, and number three, under  
15. Structural Liability, injured parties may already sue for  
16. negligence under the Illinois Tort Act. So, what we come  
17. down to is that this bill being repealed will lower the costs  
18. of the construction industry, lower the costs of housing for  
19. people throughout the state, and number three, will make it  
20. easier for minorities and other groups to enter the contracting  
21. field. I would appreciate your support for the repeal of this  
22. antiquated act. Thank you.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Is there discussion? Senator Maragos.

25. SENATOR MARAGOS:

26. Mr. President and members of the Senate, I rise  
27. in opposition to this bill, and I'm really surprised to  
28. see that Senator Keats is really concerned about the small  
29. minority businessman and given that as a ruse and excuse,  
30. that he's favoring this particular bill. I'd like to say  
31. to you, Ladies and Gentlemen of the Senate, that this bill...  
32. this law has been in effect since 1907, and has worked effectively  
33. to prevent or try to at least compensate the worker when he's

1. injured in this extra hazardous work that he's involved.  
2. Statistics show us, I won't give you all the statistics  
3. because many of you know that, but many times the employers  
4. or the people responsible for putting up the scaffolding do  
5. not use the proper precautions, do not take necessary means  
6. to see that the scaffold is properly structured, and which  
7. in many, many times causes injuries and severe injuries, and  
8. sometimes injuries which make the individual and the worker  
9. become a vegetable. There...the argument is going to be that  
10. now that we have a more "liberal", quote, unquote, Workmen's  
11. Compensation Act that we don't need this Scaffolding Act, and  
12. that's...there's nothing further from the truth, and if the  
13. premiums have risen, that is...means that there has been more  
14. accidents, and it means that the employers are not doing their  
15. job to protect the safety of their employees. In my practice  
16. of thirty-one years, Ladies and Gentlemen, I've never had to...  
17. prosecute a scaffolding case. In fact, I have defended them  
18. because the small employers that I have had to defend did not  
19. have enough...did not carry insurance because of their insurance  
20. counseling was very poor. However, I've found that in those  
21. cases even with the small contractors, the...we need this act  
22. because one injury could be a very fatal injury, a very severe  
23. injury for a worker, especially when those men who are working  
24. in iron work and building skyscrapers and doing other hazardous  
25. work. The nature of the scaffolding work is extra hazardous,  
26. Ladies and Gentlemen of the Senate. It is not something that  
27. they could do on the level floor, and by the nature of the...work,  
28. it becomes extra hazardous because the scaffolding is above  
29. ground many, many feet, or if there's ladders as other conditions.  
30. Therefore, I ask you-do not overcome in one fell swoop of this  
31. nature and...the work and the building up that we've done for  
32. many years to protect the worker in this state. Do not be  
33. ridden and cajoled by promises that...it's going to be cheaper  
for the contractor. I've yet to see any relief we've given,



1. whether it...lately Workmen's Compensation Act or whether we've  
2. given it in the Unemployment Insurance Act or that we'll give  
3. it now in the Scaffolding Act is going to mean reduced premiums  
4. for the...employers. In it that is a myth, and I don't want  
5. you all to be buying that as the reason for...supporting this  
6. bill. Therefore, Ladies and Gentlemen, I ask you and implore  
7. you not to support this bill at this time.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Walsh.

10. SENATOR WALSH:

11. Let's see...

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Nimrod.

14. SENATOR NIMROD:

15. Thank you, Mr. President. It seems to me that the basic  
16. issue involved in this subject and this particular bill is  
17. one that this bill does not provide one particular requirement  
18. on an employer that gives any additional safety to the employee.  
19. The Workmen's Compensation Act is a safety act in itself, and  
20. in addition to that, the Occupational Safety and Health Act,  
21. which was passed which we all know as OSHA, requires far more  
22. stringent and far more difficult safety rules than are presently  
23. involved in this so-called Scaffolding Act. The only thing  
24. that the Scaffolding Act does is after the employee has received  
25. whatever benefits that he's entitled to under workmen's compensation,  
26. he may then go to court and sue for additional money, and that's  
27. the only tool that this Scaffolding Act provides is to offer  
28. him additional returns which he can get on an obsolete act  
29. that was replaced by the Workmen's Compensation Act. So it  
30. seems to me that this passage of this bill is long overdue,  
31. and in no way are we jeopardizing the safety or the monetary  
32. return...a just return to the employee. This is a big burden  
33. on top of the contractor, once he has made the payments and  
made the settlements, then suddenly he can go to court again

1. and if he's awarded a higher amount then they have to pay  
2. that difference. Not in addition to, but the difference between  
3. what he got from the Workmen's Comp and what's awarded. It  
4. seems to me that this is a unfair imposition upon the employer,  
5. and in no way should the employee who's been justly rewarded  
6. or compensated for his accident, should be allowed additional  
7. compensation. I would think that the time has come for the  
8. passage of this bill.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Lemke.

11. SENATOR LEMKE:

12. Senator Keats, what provisions...you say that at the present  
13. time, there's no need for this under...for the safety standards  
14. and the penalties. What provisions are you referring to where  
15. the employee is taken care of?

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Keats.

18. SENATOR KEATS:

19. I believe you've heard of Workmen's Compensation and the  
20. Occupational Safety and Health Act. The standards in the  
21. Occupational Safety and Health Act are substantially more  
22. detailed and could be better enforced, and they...and they...  
23. as you and I both know, include a penalty clause for some  
24. form of willful action, and Workmen's Comp, I believe you  
25. do know enough about the subject that I needn't explain more.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Lemke.

28. SENATOR LEMKE:

29. What Occupational Safety Act do we have in Illinois? I  
30. thought that was given back to the Federal Government, and  
31. it's a very confused subject.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Keats.

SENATOR KEATS:

1. It is called the Federal Occupational Safety and  
2. Health Act. You had copies of it in committee. We don't  
3. have a state OSHA, but we certainly have a federal, and you  
4. know as well as I do that they do have inspectors.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Lemke.

7. SENATOR LEMKE:

8. Senator Keats, how many people have received the penalty  
9. provision for violations of Health and Safety Acts under  
10. Workmen's Compensation? Do you know?

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Keats.

13. SENATOR KEATS:

14. The Industrial Commission does not keep those records,  
15. and we both know it.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Lemke.

18. SENATOR LEMKE:

19. They do keep the records. There has not been an award  
20. made under that act, and what we're doing here is appealing  
21. an act, repealing an act that provides safety, so we're trying  
22. to get even with lawyers that take big fees. This is not the  
23. way. You don't repeal the safety standards and the criminal  
24. penalties for violations of Scaffolding Acts. How many people  
25. here want to go up ninety-five stories on an unsafe scaffold  
26. and not be assured that that employer is going to get weighed?  
27. How many people want to lose a leg or an arm or be a vegetable  
28. in a wheelchair or be dead and leave a widow? How many people  
29. here? We're talking about safety. We're talking about the  
30. working wounded, and it's time we realized we don't throw every-  
31. thing out because somebody else does wrong. We had an amend-  
32. ment here to try to keep the safety standards enforced. It  
33. was taken off. We tried to put an amendment here to put a  
penalty on people that willfully inviolate...willfully and

1. wantonly violate an act. That was taken off. What we're  
2. having here is a repealer of the old act, which does not  
3. reduce insurance premiums, and is just going to lead to  
4. unsafe working conditions. And we don't just talk about  
5. scaffolding in this case. We talk about mechanical contrivances,  
6. which means elevators and lifts and cranes. How many people  
7. want to work on a job site with an unsafe crane working over  
8. their head with a three thousand ton lever...load? How  
9. many people? Not one of you, because you don't work. This  
10. is what we're talking about. You want to look at a chandelier  
11. above your head? Well, imagine that chandelier being three  
12. thousand pounds, and not being inspected and not being safe.  
13. And if this act is repealed, I would say to every working man  
14. and woman in this state not to work on any job site until it's  
15. put back and enforced. You want to stop building in this  
16. state, then you start repealing an act that makes it safe  
17. for working men to go up and making him assurances that that  
18. scaffold is safe. You want to rely on the federal standards  
19. for safety? They don't even know where to put a fire hydrant,  
20. whether the fire hydrant should be three feet off the floor or  
21. ...six feet off the floor. You want to deal with the federal  
22. government? We deal with the federal government, and what  
23. do they do for us? Not a damn thing, and I'm surprised, Senator  
24. Keats, you're going to agree with federal standards when you  
25. can't even agree over what the federal government imposes on  
26. you. You believe in state's rights, well this is a state right,  
27. and this is a working man's bill, because it provides for safety  
28. and not only a working man's bill, it's a taxpayer's bill,  
29. because if these individuals do not receive money under the  
30. Scaffolding Act, they receive money under Public Aid, and we  
31. as taxpayers will pay for the widow with children of these  
32. deceased workers or these cripples. That's what we're talking  
33. about. We as taxpayers will pay the expense under Public Aid  
and Public Assistance. I urge a negative vote on this bill.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Washington.

3. SENATOR WASHINGTON:

4. Mr. President. Senator Keats...Senator Keats, I have  
5. an almost irresistible impulse today to vote with you on this  
6. bill, an almost irresistible impulse. I won't capitulate to  
7. it, but I think I have a good reason to do so. You know, we've  
8. been sending...many of us have been sending messages to the  
9. Building Trades for years, particularly in the construction  
10. field, and we've said isn't it about time you stop shutting  
11. the door on us and blocking us through the apprenticeship  
12. route and almost completely shutting off the journeyman route,  
13. so that minorities can get into these lucrative blue-collar  
14. jobs for which we are abundantly skilled like other groups.  
15. But consistently the Building Trades have shut the doors on  
16. us. I think we would be justified, every black in this hall,  
17. in voting to repeal the Scaffolding Act, because you'd at last  
18. get a message. You come down here and you say "Protect us,  
19. protect us. The scavengers are after us. The contractors  
20. want to take away our rights." And you come to us for support  
21. and invariably we give it to you because we are pro-labor to  
22. a damn fault. I'm going to maintain my pro-labor to a fault  
23. posture just a little bit longer, but I'm getting pretty sick  
24. and tired of it. I do think maintaining the Scaffolding Act  
25. has some minimal value. It is true it creates the elitist  
26. group, but it has some minimal value. OSHA simply hasn't  
27. been able to do the job of making these places safe. There's  
28. got to be some threat hanging over the heads of management  
29. to make certain they do make these job sites safer, and the  
30. Scaffolding Act serves in some way to help do that, and so  
31. for that minimal reason, I'm not going to capitulate, Senator  
32. Keats, to my irresistible impulse. I'm just going to go half-  
33. way, and vote Present. If you come back next year and things  
haven't changed, I'll go all the way.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Further discussion. Senator Collins

3. SENATOR COLLINS:

4. I would just like to echo what Senator Washington just  
5. said. However, I do have a commitment, and I too am true  
6. support of labor. This year, when I first began my legislative  
7. program, the apprenticeship program was the first bill that  
8. I'd undertaken, and I had to...I never did even file the bill,  
9. because I saw the resistance from the Craft Trades after meeting  
10. with them. However, I would just like to say, Senator Keats,  
11. the statement that he made about the antiquated law needs to  
12. repealed, and the rationale given by Senator Nimrod in terms  
13. of the Workmen's Comp. I really think that this...the Scaffolding  
14. Act does provide another avenue for those people to receive...  
15. to file for Civil damages. That's not covered under the Work-  
16. men's Comp...an additional...it would be an additional support  
17. for those people. It is needed, and I'm...therefore, I'm going  
18. to vote Aye on the bill.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Further discusssion. Senator Newhouse.

21. SENATOR NEWHOUSE:

22. Thank you, Mr. President. I'm not sure that Senator  
23. Collins reflected on the microphone the way she wants to vote  
24. on this bill. When the representatives of Labor approached me  
25. and gave me all the negatives on this bill, I asked them one  
26. question, and that is do any minorities get up on those scaffolds?  
27. And the fact is that not many get on those scaffolds. I don't  
28. know whether Senator Keats overheard that argument, but I notice  
29. that his argument was pitched in a fashion:that...would:...that made  
30. it a little bit seductive. I'll tell you something, Senator, if  
31. you come back here next year and there's no minorities on those  
32. scaffolds, you're going to get a vote. As it is today, I'm  
33. going to vote Present. I think that both sides need to do

1. something more about getting some young kids off the streets  
2. and away from the route to Stateville, where they cost us an  
3. awful lot of money. I'd rather send them to Harvard, for a  
4. little bit less. For those of you who are Princetonians,  
5. that would be all right, too. But certainly we ought to have  
6. another route for an awful lot of young people who ought to  
7. be building our cities and our institutions and who instead  
8. are watching them deteriorate because by law, by law, they  
9. cannot engage in Building Construction Trades. That sounds  
10. crazy, but that's a fact of life. Okay? And this is one of  
11. those kinds of laws. It's not the one, but by law in this  
12. state in my city, my kids cannot construct, my kids cannot  
13. build, and you keep asking why the areas are deteriorating.  
14. Well if you can't pick up a hammer and drive a nail, it's  
15. got to deteriorate. If you can't build, you destroy, and  
16. that's what we're seeing happening in our major metropolitan  
17. areas. That's what is happening in my city. If my kids try  
18. to build, they are outlaws. I hope Labor is listening, because  
19. if you come back here next year, you've got a vote if that  
20. isn't changed.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Further discussion. Senator Rock.

23. SENATOR ROCK:

24. Thank you, Mr. President, Ladies and Gentlemen of the  
25. Senate. I rise in opposition to Senate Bill 888. I think  
26. as a matter of public policy, we had better seriously consider  
27. what we're about here. We are attempting, by virtue of 888,  
28. to take away rights from the working people, and we are at  
29. the same time, relieving the employer, the contractor, of  
30. certain duties and responsibilities, and in the name of what,  
31. not in the name of sound public policy, I suggest, but in the  
32. name of lowering insurance premiums, and let me ask, I don't  
33. see any indication in the file that I have that there was any  
testimony in the Senate Labor Committee or any other committee

1. that insurance premiums would in fact be lowered. I have  
2. asked the representatives of the contractors who have spoken  
3. with me to give me some assurance in writing that this will,  
4. in fact, happen. Let the industry tell me that this will, in  
5. fact, happen. No such statement. No such indication. So it  
6. seems to me the premise upon which we're building this house  
7. of cards is simply not there. There is no direct assurance  
8. that the insurance industry will lower the premium, and yet  
9. as a matter of public policy, we intend to stand here and  
10. sit here and vote to take away fundamental rights. I suggest  
11. it's wrong, and I urge a No vote.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Further discussion. Senator Knuppel.

14. SENATOR KNUPPEL:

15. Mr. President and members of the Body, I have a lot  
16. of misgivings about the Scaffolding Act and what really gets  
17. done in the State of Illinois for the working man, or if it  
18. isn't there for the lawyers, and as many of these very complex  
19. ways of following money through...by first handling Workmen's  
20. Compensation and then taking that suit to recover for one insurance  
21. company the money that was paid out under Workmen's Compensation  
22. for some other insurance carrier, but I am moved by the argument  
23. of Senator Lemke about the criminal provisions of those people  
24. who would negligently construct these things. I am moved by  
25. the arguments of Senators Newhouse and Washington. I am very  
26. frankly on the fence about the thing. I think that probably  
27. there's something to be said on both sides, that we talk on  
28. that side about an agreed bill process. This one here is all  
29. or nothing. There is no compromise in it, and maybe there's  
30. room in here for some compromise, and I'm not...I normally  
31. don't lack the courage to vote Yes or No on a piece of legislation,  
32. but I think that in this instance, I'm going to vote Present.

33. PRESIDING OFFICER: (SENATOR BRUCE)



1. Further discussion? Senator Keats may close.
2. SENATOR KEATS:
3. Thank you, Mr. President, Ladies and Gentlemen of the Senate.
4. Senate Bill 888 will be the...certainly one of the major areas
5. as far as compensation insurance coverage that will be discussed
6. this Session of the General Assembly. In my closing I want to
7. correct several comments made and then ask for you support.
8. But I did want to stress one thing brought up by Senator
9. Washington and Newhouse. When we talked about the inability of
10. minorities to get into the work force. It seems to me, last
11. hired, first fired, happens to be a union work rule, that's
12. not a business law, that's a union work rule. Then moving
13. on, we have to talk about what workers are covered and this
14. bill deals with a very small percentage of the work force.
15. This is dealing with the highest paid and a small percentage.
16. This is not dealing with your average...your average work on
17. assembly lines, this is not dealing with a large bulk of the
18. industrial workers in the State of Illinois. In terms of
19. assisting small business, this bill would be tremendously
20. important and I know from my position, I certainly do what
21. I can to protect small business. The opponents have been
22. inaccurate in several comments they have made, saying that
23. the worker is not covered. That simply is not true, he does
24. have three areas left where he can sue. Workmen's Comp,
25. where he does receive coverage, the OSHA standards, and there
26. are no standards in this bill superior to OSHA. Let me use
27. that term again, none, and we all know there are penalty
28. provisions under OSHA where if someone is found willfully
29. negligent, they can be held accountable under the OSHA Act.
30. And the final, there is structural liability, injured parties
31. may already sue for negligence under the Illinois Tort Law.
32. You know as well as I do, that some of those...some of those
33. heavy trial lawyers who have been making half a million a year

1. on this bill, will find a way to get back into court. You  
2. needn't worry about that. And in terms of dropping insurance  
3. premiums, this has to, because this happens to be a separate  
4. form of insurance and you will simply be doing away with  
5. that part of the insurance. Now, if that doesn't cut costs,  
6. I don't know what does. And in terms of compromise, we have  
7. tried, and I want to let you know, that with the exception of  
8. Senator Lemke, who has come and talked to me, no one else has  
9. made any sincere attempt to amend this bill at all, they  
10. have simply been a No vote. So when they come to you and  
11. say, no compromise, you tell them what they're telling you  
12. is not true. I was available for discussion and no one with  
13. the exception of Senator Lemke, came to me with anything that  
14. would even resemble a proposal. So when I say to you that the  
15. workers not being left in the lurch, but we are lowering  
16. costs for everyone and I would solicit your Aye vote on this  
17. bill. Thank you.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. The question is shall Senate Bill 888 pass. Those in  
20. favor will vote Aye. Those opposed vote Nay. The voting is  
21. open. (Machine cut-off)...all voted who wish? Have all voted  
22. who wish? Take the record. On that question the Ayes are 26,  
23. the Nays are 20...for what purpose does Senator Keats arise?

24. SENATOR KEATS:

25. Postponed consideration.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. The sponsor has asked that further consideration of Senate  
28. Bill 888 be postponed. The bill will be placed on the Order of  
29. Postponed Consideration. Senate Bill...Senate Bill 892, Senator  
30. D'Arco. Liability provisions and corporations, not-for-profit  
31. health care services. Senate Bill 899, Senator Mitchler.  
32. Unclaimed lottery money. Read the bill, Mr. Secretary, please.

33. SECRETARY:

1. Senate Bill 899.

2. (Secretary reads title of bill)

3. 3rd reading of the bill.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Mitchler.

6. SENATOR MITCHLER:

7. Mr. President and members of the Senate. Senate Bill 899  
8. as amended provides that the unclaimed lottery winnings that  
9. appear after a year of being held by the Department of Revenue  
10. will be distributed to the park funds and to the forest preserve  
11. and their five conservative districts in the State. This has  
12. been amended to meet some of the objections that the others  
13. wanted to be included. I know of really no objection to the  
14. bill. Supported by the Illinois Park Districts, your forest  
15. preserve districts and these five conservative districts.  
16. I'd ask for a favorable roll call.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Is there discussion? Senator McMillan.

19. SENATOR McMILLAN:

20. Mr. President, members of the Senate. I rise in opposition  
21. to the bill. If...I just frankly believe that if there's any  
22. funding that ought to be placed somewhere because it's unclaimed  
23. that it ought to go in the General Revenue Fund for us to use  
24. in whatever purposes the Legislature might decide it ought  
25. to be used for. That's my objection to it, and would oppose  
26. it for that reason.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Further discussion? Senator Berman.

29. SENATOR BERMAN:

30. Thank you, Mr. President. I rise in opposition to the  
31. bill also. I am sure that we all have heard the argument as  
32. we go around in our districts, where is the lottery money  
33. going. They thought it was all going to go to the schools.

1. And this bill does just the opposite of what many people thought  
2. the lottery was being passed for. I think it ought to stay  
3. in General Revenue Fund and certainly not be earmarked for  
4. just for park districts. I urge a No vote.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Wooten.

7. SENATOR WOOTEN:

8. Yes, would you please explain, Senator, the effect of  
9. the amendment to this bill.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Mitchler.

12. SENATOR MITCHLER:

13. Yes, Senator Wooten, originally when the bill was put in  
14. it had the monies going in a distributive formula to the  
15. Illinois Park Districts and it was worked out with the  
16. different park districts as to the...the percentages that  
17. would be distributed. Then also in consultation they decided  
18. that they would also include the Forest Preserve Districts  
19. to be eligible for some of this funding. And five Conser-  
20. vative Districts, Conservation District, I should include  
21. them. So that's what the amendment did. It puts it in the  
22. same format as a House Bill that is being considered.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Wooten.

25. SENATOR WOOTEN:

26. Well, it seems to me you're not talking about the most  
27. important consideration in this bill or in the amendment  
28. to the bill. If my notes are correct, this adds a new provision  
29. directing that one forty-eighth of net revenues from the State  
30. Income Tax or 48.5 million be distributed to the Chicago Park  
31. District, other park districts, Cook County Forest Preserve,  
32. other forest preserves, you're not talking about lottery money  
33. now, you're talking about State Income Tax money. And I...am

1. I correctly interpreting that amendment, Senator?
2. PRESIDING OFFICER: (SENATOR BRUCE)
3. Senator Mitchler.
4. SENATOR MITCHLER:
5. No, this would come from the Park Recreation Open Spaces
6. Distributive Fund into which would be placed the unclaimed
7. lottery winnings and from that fund, they would be distributed.
8. PRESIDING OFFICER: (SENATOR BRUCE)
9. Senator Wooten.
10. SENATOR WOOTEN:
11. Are you saying that there is no money from the State
12. Income Tax, not one...one...one forty-eighth of State Income
13. Revenues go to this...go to this purpose, because that's
14. the analysis I have on the committee amendment and I just
15. wonder if it's correct or not.
16. PRESIDING OFFICER: (SENATOR BRUCE)
17. Senator Mitchler.
18. SENATOR MITCHLER:
19. This amendment was misrepresented to me, we're going
20. to take it out of the record right now.
21. PRESIDING OFFICER: (SENATOR BRUCE)
22. Is there leave to take it out of the record? Leave
23. is granted. The Bill would be taken out of the record.
24. Senate Bill 904...4, Senator Bloom. Read the bill, Mr. Secretary,
25. please.
26. SECRETARY:
27. Senate Bill 904.
28. (Secretary reads title of bill)
29. 3rd reading of the bill.
30. PRESIDING OFFICER: (SENATOR BRUCE)
31. Senator Bloom...may we have some order, please.
32. SENATOR BLOOM:
33. Yes, thank you...

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Bloom.

3. SENATOR BLOOM:

4. Thank you, Mr. President and fellow Senators. This bill  
5. amends the Consumer Fraud Act to expand the remedies to allow  
6. a person likely to be damaged or injured by a deceptive trade  
7. practice as defined in the act to bring any action against  
8. any other person who violates any other provision of the act  
9. and also adds, or any rule or regulation pertaining thereto.  
10. It was amended in committee to change the notice provisions  
11. from "may" to "shall." The background of it is, presently  
12. I used to be in the Attorney Generals Central Illinois Office  
13. and presently there are approximately twenty thousand complaints  
14. state-wide of violations and possible violations under this  
15. act and about twelve of the attorneys or specials or assistants  
16. around the State to process them. This opens it up and expands  
17. a little bit on the holding of Rice versus Snarling. If there  
18. are any questions, I'd try to answer them; if not, I'd solicit  
19. a favorable roll call.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Is there...is there discussion? Senator Carroll.

22. SENATOR CARROLL:

23. I was just questioning what that case was and what it did.  
24. Rice versus Snarl? I didn't hear you.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Bloom.

27. SENATOR BLOOM:

28. Rice versus Snarling, 1970 case involving some gals who  
29. were solicited to send their pictures to be models. You send  
30. us your picture, you get to be a model. One gal tried to bring  
31. a...she...the action was allowed on behalf of herself, but not  
32. allowed on...it was tied to that specific plaintiff instead  
33. of the class of plaintiffs.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Further questions? Senator Wooten.

3. SENATOR WOOTEN:

4. ...I gather then from this, Senator Bloom, that by putting  
5. in the definition of an interested person, that anyone could  
6. take action. Well, any...if I read the definition correctly,  
7. a person likely to be damaged or injured by a deceptive trade  
8. practice. Wouldn't that be the public at large?

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Bloom.

11. SENATOR BLOOM:

12. Well, Senator, in a philosophical sense, yes, I mean  
13. anyone can go to court. But basically, it's tied to, you  
14. have to prove to the judge that you're likely to be damaged  
15. or injured by a specific trade practice, as defined in the  
16. act. That's what I said in my description. An interested  
17. person is a person likely to be damaged. You have to prove  
18. that to the judge.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Wooten.

21. SENATOR WOOTEN:

22. Well, I'm not sure that I'm against that concept. It's  
23. ...it's just that if the deceptive practice, I don't know  
24. if that would cover such things as an ad or a poster and  
25. anybody could respond to that and thus be an interested  
26. person. I...I'm sorry that I'm not sufficiently sophisticated  
27. in this, I don't understand all the nuances of legalees,  
28. but if you're telling me that what it appears to say, is  
29. not, in fact, what it says, I'd be interested to know.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Further discussion? Senator Rock.

32. SENATOR ROCK:

33. Yes, thank you, Mr. President and Ladies and Gentlemen of

1. the Senate. I'm afraid I must personally vote No and would  
2. urge a No vote. I think we are just opening up litigation for  
3. its own sake with respect to this. Having formerly served  
4. in the office of the Attorney General as the...in that  
5. particular department, it just seems to me that when we changed  
6. this essential definition from one who suffers damage and then  
7. start including any interested person being defined as one  
8. who is likely to be damaged, that means that any litigious  
9. citizen across this State can sue just about anybody for any-  
10. thing. And it just doesn't seem to me to be sound as a matter  
11. of policy.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Bloom. Further discussion? Senator Bloom to  
14. close.

15. SENATOR BLOOM:

16. I think the...the gloss put on it by Senator Rock is  
17. not entirely correct. You have to prove to the satisfaction  
18. of the court that you're likely to be damaged. As the previous  
19. speaker well knows, anyone can go to court right now and  
20. allege anything. But there are standards and there is  
21. precedent and the act is narrowly construed and I would urge  
22. an Aye vote.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. The question is shall Senate Bill 904 pass. Those in favor  
25. vote Aye, those opposed vote Nay. The voting is open. Have  
26. all voted who wish? Have all voted who wish? Take the record.  
27. On that question the Ayes are 24, the Nays are 13, 3 Voting  
28. Present. Senate Bill 904 having failed to receive the constitu-  
29. tional majority is declared lost. Senate Bill 905, Senator  
30. Demuzio. Senate Bill 906, Senator Demuzio. Senate Bill 907.  
31. Read the bill, Mr. Secretary, please.

32. SECRETARY:

33. Senate Bill 907.



1. (Secretary reads title of bill)

2. 3rd reading of the bill.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. (Machine cut-off)...Demuzio.

5. SENATOR DEMUZIO:

6. Well, thank you, Mr. President, Ladies and Gentlemen of the  
7. Senate. Senate Bill 907 requires the State Scholarship Commission  
8. to accept applications for additional assistance grants from  
9. students that are eligible to apply for admission or reenroll-  
10. ment to an institution of higher education. These additional  
11. assistance grants are monetary awards based on student need.  
12. Currently students are required to be admitted or to be  
13. enrolled in an institution of higher education in order to  
14. apply for these grants. This bill is designed to codify the  
15. present practice of the Illinois State Scholarship Commission  
16. which is to process applications of eligible applicants. The  
17. Illinois State Scholarship Commission practice was criticized  
18. by the Auditor General in a recent management audit of  
19. the Illinois State Scholarship Commission and the Auditor  
20. General's report questioned the legality of the practice.  
21. The Scholarship Commission estimates that if they are not  
22. authorized to process applications for those students eligible  
23. to apply for financial aid, but not yet enrolled in a college  
24. or university, a considerable backlog would occur between  
25. June...and August. Senate Bill 907 would take effect upon  
26. becoming law and I don't know of any known opposition to the  
27. bill and ask for your favorable consideration.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Is there discussion? The question is shall Senate Bill  
30. 907 pass. Those in favor vote Aye. Those opposed vote Nay.  
31. The voting is open. Have all voted who wish? Have all voted  
32. who wish? Take the record. On that question the Ayes are 50,  
33. the Nays are none, none Voting Present. Senate Bill 907

1. having received the constitutional majority is declared passed.  
2. Senate Bill 908, Senator Carroll. Read the bill, Mr. Secretary,  
3. please.  
4. SECRETARY:  
5. Senate Bill 908.  
6. (Secretary reads title of bill)  
7. 3rd reading of the bill.  
8. PRESIDING OFFICER: (SENATOR BRUCE)  
9. Senator Carroll.  
10. SENATOR CARROLL:  
11. Why, thank you, Mr. President, Ladies and Gentlemen of  
12. the Senate. This is the FY '80 Ordinary and Contingent Expense  
13. Budget of the Judicial System amounting to some sixty-eight  
14. plus millions of dollars. I would ask for a favorable roll  
15. call and answer any questions. This is the OCE bill for  
16. FY '80.  
17. PRESIDING OFFICER: (SENATOR BRUCE)  
18. Is there discussion? The question is shall Senate Bill  
19. 908 pass. Those in favor vote Aye. Those opposed vote Nay.  
20. The voting is open. Have all voted who wish? Have all voted  
21. who wish? Take the record. On that question the Ayes are  
22. 50, the Nays are none, 3 Voting Present. Senate Bill 908,  
23. having received the constitutional majority is declared  
24. passed. Senate Bill 910, Senator Regner. Read the bill, Mr.  
25. Secretary, please.  
26. SECRETARY:  
27. Senate Bill 910.  
28. (Secretary reads title of bill)  
29. 3rd reading of the bill.  
30. PRESIDING OFFICER: (SENATOR BRUCE)  
31. Senator Regner.  
32. SENATOR REGNER:  
33. Mr. President, members of the Senate. This is a bill that's

1. similar to one that we've passed the last two years and the  
2. Governor has Vetoed. What I'm referring to is the mandate  
3. that the General Assembly appropriate all Federal monies that  
4. are going to be spent that...this year. The bills that we  
5. passed the last two years and there is a similar one pending  
6. right now, would affect only the Code Departments, but this  
7. bill would mandate that we appropriate all Federal dollars  
8. for the Office of Education for Elementary and Secondary  
9. Education. Ask for a favorable roll call.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Is there discussion? The question is shall Senate Bill  
12. 910 pass. Those in favor vote Aye. Those opposed vote Nay.  
13. The voting is open. Have all voted who wish? Have all voted  
14. who wish? All right. Take the record. On that question the  
15. Ayes are 53, the Nays are none, none Voting Present. Senate  
16. Bill 910 having received the constitutional majority is  
17. declared passed. Senate Bill 913, Senator Vadalabene. Read  
18. the bill, Mr. Secretary.

19. SECRETARY:

20. Senate Bill 913.

21. (Secretary reads title of bill)

22. 3rd reading of the bill.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Vadalabene.

25. SENATOR VADALABENE:

26. Yes, thank you, Mr. President and members of the Senate.  
27. Senate Bill 913 was approved out of the Executive Committee  
28. by 11 to nothing vote. It was suggested in committee that  
29. the size of the legislative membership of the Library Study  
30. Commission be reduced to 3 from the Senate and 3 from the House  
31. and the 3 from the Governor's appointments and 3 from the  
32. Secretary of State. In both cases, two from the majority  
33. party and one from the minority party. The present bill proposes

1. to recommend funding formulas for all public libraries and  
2. library systems. In Illinois there are eighteen library  
3. systems which consist of one or more tax supported library  
4. serving a minimum of a hundred and fifty thousand inhabitants.  
5. And the purpose of these systems is to help provide library  
6. services for every citizen in the State by giving assistance  
7. to existing libraries and encouraging the development of  
8. new ones. Presently the law provides a formula for funding  
9. the library systems and this money is totally funded through  
10. the State Revenues is included in the budget of the Secretary  
11. of State. The bill was drafted and supported by the Illinois  
12. Library Association and this legislation will be repealed  
13. as of July 1, 1981 and I know of no opposition to this bill  
14. and I would appreciate a favorable vote.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Is there discussion? The question is shall Senate...  
17. Senator Maragos, okay. Is there discussion? Senator Berning.  
18. SENATOR BERNING:

19. Thank you, Mr. President. Members of the Senate, it would  
20. appear on the surface that this commission has a laudable  
21. objective, but I call your attention to Section 5 which says,  
22. the commission shall have the power and duty to review and  
23. analyze funding formulas for all public libraries and library  
24. systems. In my opinion that can only mean one thing, that this  
25. commission will be serving not only at the pleasure of the  
26. library districts, but to serve their avowed purpose which  
27. has evidenced itself repeatedly before this Body with increased  
28. requests for, or I should say, with request for increases in  
29. their rate, their tax rate, always without referendum, or at  
30. best with a backdoor referendum. With all due respect to the  
31. Senate sponsor, and I have no quarrel with him, I do have  
32. quarrel with the objectives of this commission and I can see  
33. no benefit generating, only the potential for commission

1. recommendations for increased support, be it State or increased  
2. tax rates at the local level. I cannot support this and I would  
3. urge every member to take a close look at the objectives of  
4. the commission as outlined in this bill.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Is there further discussion? Senator Vadalabene may close.

7. SENATOR VADALABENE:

8. Yes, just briefly, what Senator Berning is saying is that  
9. this commission will report its findings back and then will  
10. act upon the legislation and recommendations that they propose  
11. to us and I would appreciate a favorable vote.

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18. The following typed previously.

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5-21-49  
3rd reading  
5B 4A

1. PRESIDING OFFICER: (SENATOR BRUCE)  
2. The question is shall Senate Bill 913 pass. Those in favor  
3. vote Aye. Those opposed vote Nay. The voting is open. Have  
4. all voted who wish? Have all voted who wish? Take the record.  
5. On that question the Ayes are 29, the Nays are 11...sponsor has  
6. asked that further consideration of Senate Bill 913 be postponed.  
7. It will be placed on the Order of Postponed Consideration. Senate  
8. Bill 922, Senator Egan. (Machine cut-off)...Bill, Mr. Secretary.

9. SECRETARY:  
10. Senate Bill 922.  
11. (Secretary reads title of bill)  
12. 3rd reading of the bill.

13. PRESIDING OFFICER: (SENATOR BRUCE)  
14. Senator Egan.

15. SENATOR EGAN:  
16. Thank you, Mr. President, members of the Senate. Needless  
17. to say the explanation is very short and I will try to be brief  
18. in...in expanding on it. But if you'll remember in the last  
19. Session we passed a tax exemption on manufacturing equipment  
20. and phased it in over the...over a six year period. It was at  
21. some considerable length of debate and...and about two years  
22. work that that bill passed and it...it passed quite favorably.  
23. Since the...the passage of that bill and the tax exemption on  
24. manufacturing equipment the Department of Revenue has done a  
25. great deal to restrict its effect to a almost destructive  
26. degree. And so this bill addresses itself to some of the  
27. rules and some of the criteria that the Department of Revenue  
28. has instituted in implementing the tax exemption on Manu-  
29. facturing Equipment Bill. Also the...the Joint Committee  
30. on Administrative Rules has filed official objections to the  
31. Department's rules and it's going to have to address the problem  
32. with the, that is the Department of Revenue will have to  
33. address the...the problem of...of administering the bill to

1. the Joint Committee on Administrative Rules and that which  
2. is their product. This bill is not in its entirety totally  
3. corrective. We feel that it has...gone a great deal of the  
4. way to implement the bill as it was intended by the General  
5. Assembly to be passed. Senator Mitchler has amended the bill  
6. so that it also exempts printers of newspapers and magazines.  
7. There are a few printing presses purchased by such printers  
8. in Illinois and the...the Illinois Association of Commerce  
9. and Industry has agreed to accept that amendment. There is  
10. only one thing, Senator Mitchler, I wish you'd listen to me,  
11. there's only one problem with the amendment and I am sure  
12. that it will be corrected in the House so I don't object to  
13. doing this, but I'd like everybody to be aware of the fact  
14. that the amendment...does not dovetail with the phase-in  
15. and when that's done the bill will be, in my opinion, as  
16. perfect as it can be and I ask for your favorable consideration.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Further discussion? Senator McMillan.

19. SENATOR McMILLAN:

20. Mr. President and members of the Senate. I do rise in  
21. opposition to the bill. It was...it was not easy to oppose  
22. this bill when...the machinery sales tax exemption last year,  
23. I think I was the only one who opposed it when the bill passed.  
24. Everybody likes the idea, it sounds good, it's going to solve  
25. the...the problems and keep business in the State and I...I  
26. frankly think it...it won't do that and...and I think many of  
27. us knew that last year. To be sure, many of the industries  
28. that are involved in manufacturing don't really like some  
29. of the rules and regulations which the department has put to-  
30. gether and...and I'm, I think in many cases some of their  
31. objections are well-founded, but in other cases, I think many  
32. of the industries really just want to get out from under the  
33. sales tax altogether. Now that's something which, I think, we've

1. seen from the one amendment that was added for the printing  
2. industry that...that nearly all business in the State will  
3. now begin to wake up and anything that vaguely resembles  
4. manufacturing in any way will probably be in in the House  
5. for...for several amendments and we'll probably get to the  
6. place that nearly all business qualifies in one way or  
7. the other. Frankly that doesn't bother me to the extent  
8. that I would like to eliminate the indirect taxes we all pay,  
9. the taxes that are placed on businesses that we end up paying  
10. for. But sometime we have to get to the point of realizing  
11. that if we're going to have revenue to run the State, somebody,  
12. somewhere, sometime, has got to pay for it. And I think this,  
13. even though it's well intended, is just going to continue to  
14. reduce the amount of money that's in the...the State Treasury  
15. that comes from that portion of the sales tax, which means  
16. one way or the other the rest of us are going to have to end  
17. up paying for it. I would oppose it even though I fully  
18. expect it to have deep support and probably pass.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Further discussion? Senator Buzbee.

21. SENATOR BUZBEE:

22. Thank you, Mr. President. I...I think Senator McMillan's  
23. were right on to the point, however, I...my philosophy differs  
24. from his somewhat in that respect. But I think the Mitchler  
25. Amendment has made this bill completely unacceptable. What  
26. it does, is, it allows printing press equipment to, for  
27. producing newspapers or other periodicals, the same...the  
28. same tax exemption that manufacturing equipment does, only  
29. it gives them a particular break in that it says that they  
30. can take all of that the first year instead of the six year  
31. phase-in as applies to the manufacturing equipment. It just  
32. seems to me that...that...that makes it completely unacceptable.  
33. And even with the admonition of Senator McMillan, I probably



1. would of still voted for the bill, except for that...with that  
2. amendment I'm going to have to vote No at this time.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Netsch.

5. SENATOR NETSCH:

6. Thank you, Mr. President. I just simply incorporate by  
7. reference what Senator McMillan and Buzbee said.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Mitchler.

10. SENATOR MITCHLER:

11. Mr. President and members of the Senate. It always amuses  
12. me the opposition that arises whenever there is a tax relief  
13. or some type of tax compensation back to those that are the  
14. producers. And that is exactly what the original bill was when  
15. we passed it last year. People that are producing, that are  
16. creating jobs, that are creating products that can be sold to  
17. generate additional jobs through the retail and the sales tax  
18. collected off that product when it's sold in this State. The  
19. income, the tax that's derived from those people. Now, whenever  
20. we get a new act and a department has the responsibility for  
21. administering it, there is the interpretation of the department  
22. and those people that are involved and that basically, I believe,  
23. in my opinion, is what this is about. Senator Egan sponsored  
24. the original legislation, this is trying to clean up in some  
25. of the interpretation. Now you alluded to Amendment No. 1,  
26. that would exempt machinery, such as press equipment designed  
27. and used for producing newspapers and other periodicals that  
28. have the primary of disseminating news to the public. Now  
29. this is the same as a donut machine...that produces a donut.  
30. It's machinery that is used for goods in process. And that  
31. is what the original intent of the bill we passed last year.  
32. Now the minute somebody sees that there's going to be a little  
33. lost revenue to the State, they jump up and scream because

1. they aren't going to have all the money to spend. I'll always  
2. remind you, Ladies and Gentlemen of the Senate, the cost of  
3. government will always rise to meet whatever tax funds are  
4. available. If you believe in reducing the cost of government,  
5. reduce taxes. Don't take it from them in the first place. Let  
6. them have it back there, they'll turn it over tenfold and  
7. produce jobs, produce something that's tangible, that can be  
8. sold, that'll produce additional jobs. And that's what it's  
9. all about. Don't be so greedy that you have to tax them to  
10. death and drive them out of this State of Illinois. But this  
11. is one answer and that's why that bill was a good bill last  
12. year when we put it into affect. Now let's us, we the General  
13. Assembly that produced the bill in the first place, interpret  
14. it for the Department of Revenue, not so the people back home  
15. have to run there and fight over what their interpretation  
16. is. And that's what this bill does. That's what my amendment  
17. did. Because I had constituents back home that were having  
18. problems with the interpretation with the Department of Revenue.  
19. This will clarify it in the eyes and the wisdom of the General  
20. Assembly. This is a good bill. Support it, give an Aye vote.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Berman. Senator Lemke. ...if you would move. Senator  
23. Berman.

24. SENATOR BERMAN:

25. Will the previous speaker, Senator Mitchler, yield to a  
26. question? 'Cause it's his amendment that I wish to address.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Since it is his amendment, we will, if...if there's no  
29. objection. Hearing none. Senator Berman.

30. SENATOR BERMAN:

31. Senator Mitchler, could you enunciate the rationale for  
32. giving printing press manufactures an immediate exemption  
33. instead of a phase-in exemption that everybody else has to live with.

1. PRESIDING OFFICER: (SENATOR BRUCE)  
2. Senator Mitchler.  
3. SENATOR MITCHLER:  
4. Senator Berman, I would have no objection to the phase-in  
5. as mentioned by Senator Egan and he brought that out, we're  
6. not trying to hide anything in this bill. Senator Egan brought  
7. that out on the Floor, he said we can clear it up over in the  
8. House, we're at the...the passage stage and I...I thank him  
9. for that. He called my attention to it when he was explaining  
10. the bill and that came up after we put the amendment on.  
11. PRESIDING OFFICER: (SENATOR BRUCE)  
12. Further discussion? Senator Wooten. Senator Lenke.  
13. Is there further discussion? Senator Egan may close.  
14. SENATOR EGAN:  
15. Yes, just to repeat, Mr. President and members, that the  
16. phase-in was omitted in error. That we fully intend to put  
17. that in and I'm sure that all of the supporters of the bill  
18. will be aware of that and it will be placed on and I ask for  
19. your favorable consideration.  
20. PRESIDING OFFICER: (SENATOR BRUCE)  
21. The question is shall Senate Bill 922 pass. Those in  
22. favor vote Aye. Those opposed vote Nay. The voting is open.  
23. Have all voted who wish? Have all voted who wish? Take the  
24. record. On that question the Ayes are 50, the Nays are 3,  
25. none Voting Present. Senate Bill 922 having received the  
26. required constitutional majority is declared passed. Senator  
27. Egan on Senate Bill 923. Senate Bill 932, Senator Berman.  
28. Senate Bill 937, Senator Rock. read the bill, Mr. Secretary.  
29. SECRETARY:  
30. Senate...Senate Bill 937.  
31. (Secretary reads title of bill)  
32. 3rd reading of the bill.  
33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Rock.

2. SENATOR ROCK:

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

4. This is the FY '80 appropriation for the Ordinary and Contingent

5. Expenses of the House and the Senate in the total amount of

6. twelve million, three hundred and thirty thousand dollars

7. and I would ask a favorable roll call.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Is there discussion? The question is shall Senate Bill

10. 937 pass. Those in favor vote Aye. Those opposed vote Nay.

11. The voting is open. Have all voted who wish? Have all voted

12. who wish? Take the record. On that question the Ayes are

13. 45, the Nays are 6, 1 Voting Present. Senate Bill 937, having

14. received the required constitutional majority is declared

15. passed. Senate Bill 938, Senator Rock. Read the bill, Mr.

16. Secretary, please.

17. SECRETARY:

18. Senate Bill 938.

19. (Secretary reads title of bill)

20. 3rd reading of the bill.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Rock.

23. SENATOR ROCK:

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

25. Senate. Senate Bill 938 is the FY '80 appropriation for our

26. district allowance. It is two hundred and thirty-six members

27. times seventeen thousand dollars a piece in the total amount

28. of four million, twelve thousand dollars and I would seek a

29. favorable roll call.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Is there discussion? The question is shall Senate Bill

32. 938 pass. Those in favor vote Aye. Those opposed vote Nay.

33. The voting is open. Have all voted who wish? Have all voted

1. who wish? Take the record. On that question the Ayes are 51,  
2. the Nays are 1, 1 Voting Present. Senate Bill 938 having received  
3. the required constitutional majority is declared passed. Senate  
4. Bill 939, Senator Gitz. Senate Bill 940, Senator Maragos. Read  
5. the bill, Mr. Secretary.  
6. SECRETARY:  
7. Senate Bill 940.  
8. (Secretary reads title of bill)  
9. 3rd reading of the bill.  
10. PRESIDING OFFICER: (SENATOR BRUCE)  
11. Senator Maragos.  
12. SENATOR MARAGOS:  
13. Mr...  
14. PRESIDING OFFICER: (SENATOR BRUCE)  
15. Excuse me, Senator Maragos. May we have some order, Gentlemen  
16. and Ladies. Senator Maragos is recognized.  
17. SENATOR MARAGOS:  
18. Just a minute, please. Take it out of the record, 940.  
19. PRESIDING OFFICER: (SENATOR BRUCE)  
20. Take it out of the record. Senate Bill 949, Senator D'Arco.  
21. Read the bill, Mr. Secretary, please.  
22. SECRETARY:  
23. Senate Bill 949.  
24. (Secretary reads title of bill)  
25. 3rd reading of the bill.  
26. PRESIDING OFFICER: (SENATOR BRUCE)  
27. Senator D'Arco.  
28. SENATOR D'ARCO:  
29. Thank you, Mr. President and Ladies and Gentlemen of the  
30. Senate. This is one of the series of Cook County Hospital Bills.  
31. The Health and Hospital Governing Commission is in favor of the  
32. bill. What it does, it raises the income eligibility standard  
33. for Medicaid from the present level of four thousand to the

1. Federal standard of twenty-five percent of the national average.  
2. And in doing that, it affects the two groups that would be affected  
3. under Medicaid are those between the four and five thousand  
4. dollar category and those above the five thousand dollar category.  
5. So it includes more people within the income eligibility standard.  
6. It also provides for the preregistration of people who are eligible  
7. for Medicaid. Under this bill, people who would be eligible  
8. would have, would go down to the Public Aid Office, show the  
9. documentation to prove their income is within the eligibility  
10. criteria and they would receive a card just like you and I receive  
11. from our private health carrier, indicating that we have some  
12. form of private health insurance. This, of course, would be  
13. in line with that. Also it would provide that if a person  
14. does become sick and is taken to the hospital, there would be  
15. a presumption that the documentation that would be forthcoming  
16. when he is in the hospital...hospital, would be legitimate  
17. documentation and not provide for a hundred percent audit  
18. of his eligibility to come under this income eligibility  
19. standard. That's principally what the bill does. I'd be  
20. happy to answer any questions on it.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Further discussion? Senator D'Arco, have you...have you  
23. closed on your opening comments?

24. SENATOR D'ARCO:

25. I appreciate a favorable vote. I said the income eligibility  
26. level has been frozen since 1973 because of Governor Walker and  
27. Governor Thompson and this would raise the income eligibility  
28. standards for poor working people who need medical care.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Philip.

31. SENATOR PHILIP:

32. Will the sponsor yield for a question?

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Indicates he will yield. Senator Philip.

2. SENATOR PHILIP:

3. Approximate cost?

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator D'Arco.

6. SENATOR D'ARCO:

7. Well, right now, it appears that eighty-one percent of all

8. those people who are rejected by the Department of Public Aid

9. for administrative reasons, who are eligible for Medicaid would

10. fall under the purview of this bill because the Department of

11. Human Services of the City of Chicago is presently supplying

12. the Department of Public Aid with the documentation for the

13. rejects that they don't go out and perform a field audit on

14. because their people in the department aren't doing the

15. proper jobs. So the Department of Human Services has been

16. performing that function for the department to make more

17. people who have been...ineligible, eligible because of their

18. rejection for administrative reasons.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Philip.

21. SENATOR PHILIP:

22. You know, I'm going to ask him the same question again,

23. what is the approximate cost?

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator D'Arco.

26. SENATOR D'ARCO:

27. The...the approximate cost is very difficult to determine,

28. because we don't know how many people would register or how

29. many people would be eligible. And I...I don't think it...it

30. can be much more than it is presently.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Philip.

33. SENATOR PHILIP:

1. Well...our staff indicates at minimum at least fourteen  
2. million dollars more. I'll ask you another question, Senator  
3. D'Arco. I understand that the...in the Governor's budget it's  
4. over a billion dollars in this area. Is this included in the  
5. billion?

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator D'Arco.

8. SENATOR D'ARCO:

9. No, it's not included. You know, one of the problems  
10. is that the level of reimbursement to Cook County Hospital  
11. is not at the actual cost of the per diem hospital costs  
12. that the hospital incurs. We are reimbursing at probably  
13. a level of seventeen dollars per day per patient when, in  
14. fact, the cost ranges around eighty dollars per day. And  
15. the funny part about this is, because the Governor doesn't  
16. want to spend any more money for medical costs for poor  
17. people, the Federal government will not reimburse at the  
18. fifty percent matching funds that it is...the State is  
19. eligible to ask for reimbursement from the Federal government.  
20. And it's...it's that problem that we're addressing. It's  
21. again...we're talking about the old situation, here's a  
22. Governor who wants to, you know, keep the lid on spending,  
23. I want to show the people that I'm a man of the people, you  
24. know. I'm not going to raise taxes, so how you gonna not  
25. raise taxes, cut the medical costs for these poor people  
26. that need medical care, that's one way to do it. Or there's  
27. other ways he's been doing it too, but that's just one simple  
28. way to do it. So he can go to Washington in his bright shiny  
29. cab, you know, and fool the people down there a little bit.  
30. No, he's in Japan now, I'm sorry.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Philip.

33. SENATOR PHILIP:



1. Well I...I just might remind the Senator that we're...  
2. spending on...on Public Aid on medical care a billion .2.  
3. Now, you're going to at least increase it...at least fourteen  
4. million more and our staff says maybe double that, I...I just  
5. simply...where's the money coming from?

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator D'Arco.

8. SENATOR D'ARCO:

9. We could talk of, you know, it's easy to talk about increased  
10. cost when, in fact, you haven't been allocating the proper cost  
11. for the last nine years. Now, all of a sudden, you gonna say  
12. it's going to cost fourteen million dollars. Well, if you had  
13. not frozen the eligibility standards in '73 and you've raised  
14. those standards proportionately to the amount of inflation that  
15. a working family of four incurs within the year, when he has  
16. to get sick and go to a hospital and somehow pay his medical  
17. bill, we wouldn't have this problem to begin with.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Chew.

20. SENATOR CHEW:

21. Yes, Senator Philips, I don't know where your figure came  
22. from, but let me break this down just a bit and maybe we can  
23. understand what we're saying. In the committee hearing the  
24. executive director of the Hospital Governing Board, Doctor  
25. ...Jim Horton, explained to us that the department does not  
26. show sufficient interest in finding these people and some of  
27. those persons that have applied are bilingual. And of course,  
28. what Senator D'Arco referred to is the fact that those applicants  
29. that were sent back to the Governing Board stating that they  
30. could not be found, he did, in fact, request the Department  
31. of Human Services in Chicago to double check and they found  
32. some ninety-five percent of those at the Department of Public  
33. Aid said did not exist. And those that the Department of Public  
34. Aid said that some that they found were not cooperating with

1. the Department of Public Aid and that came about because they  
2. were bilingual. This bill...this legislation would not even  
3. come near to fourteen million dollars because we're paying it  
4. it costs us so far below till the Federal government does not  
5. match because of that. So to raise the eligibility of them  
6. is...is what we need to do and not to cut back on health  
7. care for people. I don't want to say poor, but for people  
8. and that's what it's all about Senator, your staff is  
9. giving you figures that just will not come up. Now Doctor  
10. Horton testified in committee about the cost factor and  
11. that figure was never mentioned.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Further discussion? Senator...Senator Berning.

14. SENATOR BERNING:

15. Thank you, Mr. President. One comment and then I have  
16. a question. Senator, I supported the previous bill by  
17. Senator Newhouse, as I recall, which required the State to  
18. meet the actual cost of per diem patient care. I think  
19. it's elemental that the State ought to meet the cost, the  
20. result from the mandates that we place on institutions,  
21. hospitals and nursing homes, I want to add. Now, the  
22. problem I have with Senate Bill 949, Senator, stems from  
23. page 2, line 20, where it says, starting rather with 19,  
24. "the Illinois Department shall provide for and shall actively  
25. promote and solicit...registration." And then again on the  
26. bottom of page 3 where it says, "the Illinois Department  
27. shall provide for and shall actively promote and solicit  
28. prequalification." What I'm trying to emphasize, Senator,  
29. is that you are not only seeking to provide some benefits  
30. to people, but here we are asking the department to actively  
31. promote registration of people whether they want to be or  
32. not or whether they need to be or not, if there isn't enough  
33. initiative on the part of individuals to seek out what we provide

1. through the General Assembly in the way of assistance for  
2. them, then it seems to me we are going a bit too far. There's  
3. one other part of the bill which I was intrigued by and that  
4. is also on page 4. Where it points out that this is to  
5. benefit people among other reasons where they are not covered  
6. by any private health insurance program and my question to  
7. you is, why are they not covered? Why is anyone, reasonable,  
8. rational, thinking person not taking some steps to provide  
9. some protection for himself or herself and family when  
10. these costs are not prohibitive insofar as I am able to  
11. determine?

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Further discussion? Senator Berning has asked a question,  
14. Senator D'Arco.

15. SENATOR D'ARCO:

16. No...that...that was a very long question. It was...it  
17. was a three part question and the first part about actively,  
18. the department actively promoting the registration of these  
19. people. That's not what the intent of the bill is, really.  
20. The intent...the intent is so that people who are legitimately  
21. qualified to receive Medicaid don't have to, after the fact,  
22. after they're hospitalized, then they have to produce the  
23. proper documentation, which isn't a problem, but many times  
24. they don't, they can't produce it, you know, and...and they  
25. don't have the necessary documents, although they do meet  
26. the income eligibility standards. And all we're saying is,  
27. this gives the department an opportunity to have these  
28. people register upfront so they can determine before they  
29. become sick, if, in fact, they are qualified and fall with  
30. under the income eligibility standards. They can do a hundred  
31. percent field audit once the person goes to the department  
32. and says I want to register, they can go and check them out  
33. to see if, in fact, he does meet the criteria and falls under

1. the standard. It's that, you know, what...I don't think...  
2. we're really arguing about nothing. The second...the last  
3. part of your question, I forgot what it was. What was the  
4. last part of the question?

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Well, Gentlemen, Senator Berning's time has expired  
7. both in asking the question, which ran...well...

8. SENATOR D'ARCO:

9. Why don't they have private insurance? They can't  
10. afford private insurance. These are the working poor, they  
11. really can't.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator...further discussion? Senator Collins. Senator  
14. Weaver.

15. SENATOR WEAVER:

16. Thank you, Mr. President. Well, I just think we ought  
17. to point out to the membership that this bill is going to  
18. cost about fifty-six million dollars in General Revenue money.  
19. It's not matched by the Federal government, so if you can  
20. find fifty or fifty-six million dollars, why vote for this  
21. bill.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Further discussion? Senator D'Arco may close.

24. SENATOR D'ARCO:

25. It's interesting to me that the Republicans can't get  
26. their act together. Pate Philips says it's going to cost  
27. fourteen million and Senator Weaver says it's going to cost  
28. fifty-six million. Yeah...who's...who's...but you guys should  
29. get together on this bill. This is a good bill. There's no  
30. way to determine, you know, exactly, what the cost is because  
31. right now the Department of Public Aid is only accepting  
32. between thirty-two and thirty-three percent of all those  
33. people that may, and I say may because maybe they don't, but

1. may be legitimately qualified under the criteria for income  
2. eligibility. As I said, the Department of Human Services  
3. in Chicago actually has been doing field audits and taken the  
4. applications of people that are rejected by the Department  
5. of Public Aid and resubmitting them to the department with  
6. the proper documentation to show, in fact, that of the  
7. eighty-two percent that they do reject, there is somewhere  
8. between the vicinity of fifty and fifty-five percent that  
9. legitimately qualify for Medicaid assistance. But because  
10. the department does not do the field audit, they are...they  
11. are ineligible to receive that assistance. They don't spend  
12. enough time with the people to seek out the documentation.  
13. Spanish speaking people, they...they automatically disqualify  
14. them because they can't produce the documentation because they  
15. can't communicate with them in English. Well get a Spanish  
16. speaking person to go to that person's house and...and ask  
17. him in Spanish for the proper documentation. Simple things  
18. like that, functions like that that the department is not  
19. performing. Ladies and Gentlemen, I think that it's a good  
20. bill, it's going to streamline the cost factors for the  
21. Cook County Hospital and I would urge a favorable vote.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. The question is shall Senate Bill 949 pass. Those in  
24. favor vote Aye. Those opposed vote Nay. The voting is open.  
25. Have all voted who wish? Have all voted who wish? Take the  
26. record. On that question the Ayes are 26, the Nays are 26,  
27. sponsor asks that further consideration of Senate Bill 949  
28. be postponed. The bill will be placed on the Order of Post-  
29. poned Consideration. For what purpose does Senator Rock  
30. arise?

31. SENATOR ROCK:

32. Thank you, Mr. President. As earlier announced, we do  
33. intend only to work till about six o'clock so I would encourage

1. the membership to stay at least until that long. I know we  
2. have a special guest at Senator Rhoads's invitation. Before  
3. that, however, I would point out that under the preliminary  
4. ground rules for the Agreed Bill List, if five or more members  
5. object to any bill being placed on that list at all, that  
6. should be filed in writing with the Secretary prior to the  
7. close of business today so that the Calendar will accurately  
8. reflect what has transpired in terms of journalizing your  
9. particular No votes, that need not be done tonight. We would  
10. encourage that, but it need not be done. We could do it at  
11. first thing tomorrow morning. It is our intent to call that  
12. order of business first thing tomorrow morning right after we  
13. open. And that will afford the Secretary time to properly  
14. journalize your requests.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. We have some special guests with us this afternoon.  
17. Senator Coffey is recognized for introduction.

18. SENATOR COFFEY:

19. Thank you, Mr. President and members of the Senate. It  
20. is my honor to introduce a friend, a Congressman from the  
21. State of Illinois and from my Legislative District. I am  
22. proud to introduce to you Congressman Crane and his wife...  
23. here...that's here with us today.

24. CONGRESSMAN CRANE:

25. It's an honor to have the opportunity to meet with you  
26. all and I must make a confession. In forty-three years,  
27. having been born in this State, this is the first chance  
28. and time I've ever been here.

29. SENATOR RHOADS:

30. Thank you, Mr. President and members of the Senate.  
31. Congressman Dan Crane's older brother is here too. A  
32. person I first met about fifteen years ago when he was  
33. Associate Professor of History at Bradley. And when I

1. got out of the Army in '69, he said would you work on my  
2. Congressional Campaign and he's still not satisfied, he's  
3. still bucking for a promotion and he's running for President  
4. of the United States, Congressman Phil Crane.

5. CONGRESSMAN PHIL CRANE:

6. Thank you...thank you, Senator Rhoads, Mr. President,  
7. members of the Senate. It is a real bona fide honor and  
8. privilege for me to have the opportunity to visit in this  
9. Chamber today. I might say that having brother Dan down  
10. there in the Congress with me provides the second brother  
11. act in the Congress. As you know, we have the Burton boys  
12. from out in California and they are on the other side of  
13. the aisle so Dan and I are providing the counterpoise and  
14. corrective to the Burtons. But it is indeed a pleasure to  
15. visit in this historic Chamber and I might just say that  
16. notwithstanding the office I currently seek, that I have  
17. the greatest respect and also admiration for those who  
18. serve in any Legislative Body. You're the people that  
19. make the policy and I think anyone who occupies any  
20. executive position should ever be conscious of that fact.  
21. And I can assure you that if I succeed in my current endeavor  
22. I will continue to honor that historic relationship that  
23. observes that the President proposes and the Congress disposes  
24. and of course that same rule applies at the State level. It's  
25. an honor to be with you today and I think you for this chance.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Let's see Rhoads is...Senator D'Arco on the Floor? Senate  
28. Bill 950, Senator on medical costs in...jails. Read the bill,  
29. Mr. Secretary. Senate Bill 950. Senator D'Arco's bill.

30. SECRETARY:

31. Senate Bill 950.

32. (Secretary reads title of bill)

33. 3rd reading of the bill.

34. PRESIDING OFFICER: (SENATOR SAVICKAS)

35. Senator D'Arco.

1. SENATOR D'ARCO:

2. Thank you, Mr. President. What the bill does, it provides  
3. that the Hospital Commission is entitled to be...reimbursed  
4. for inpatient services rendered to pretrail detainees. Either  
5. for the confined person or from any insurance program or other  
6. medical benefit program available to persons including medical  
7. assistants under the Illinois Public Aid Code. What happens is,  
8. when a person goes into Cook County Jail and he is awaiting  
9. trial or he is taken to Cermak Hospital and he needs some  
10. medical care, even though he does qualify for one of either  
11. a private or public health reimbursement program the department  
12. in its rule making decides not to reimburse the medical  
13. provider for the level of care that the provider tenders to  
14. the patient and there is a Federal reg that does say that...if  
15. he is in within thirty days...awaiting trial he should be...  
16. the provider should be reimbursed, even though the State doesn't  
17. do that and Cook County is asking to be reimbursed 'cause they  
18. supply the doctor, they perform the service on this person, he  
19. is eligible to receive aid, just because he is a pretrial  
20. detainee there's some kind of rule or quirk in the law that  
21. says he is not eligible for that aid and I would move the...I  
22. would move passage of this bill.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Is there any further discussion? Senator Grotberg.

25. SENATOR GROTEBERG:

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

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. He indicates he will yield.

29. SENATOR GROTEBERG:

30. Senator D'Arco,...have you inquired of the Executive  
31. Office downstairs as whether they'll ever sign something like  
32. this if it does become law?

33. PRESIDING OFFICER: (SENATOR SAVICKAS)



1. Senator D'Arco.

2. SENATOR GROTBERG:

3. ...

4. SENATOR D'ARCO:

5. No, I wouldn't inquire of anything of the Executive Office  
6. downstairs.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Senator Grotberg.

9. SENATOR GROTBERG:

10. Because I'm...I'm going to support this little gem, but  
11. we passed the other one out...we passed the other one out...  
12. where the Department of Corrections will pay those bills. Do  
13. you recall that one and I'm anxious to see what happens on that  
14. one and this one...the impact of this one will not be nearly  
15. as great, I'm sure.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Is there any further discussion? If not, Senator D'Arco  
18. may close the debate.

19. SENATOR D'ARCO:

20. I assume, Senator Grotberg, because it will cost more money  
21. than is in the Governor's budget, that he will veto it.

22. SENATOR GROTBERG:

23. Yours too, right.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Was that your closing argument?

26. SENATOR D'ARCO:

27. Unless you've got something to say.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Well, the question is, shall Senate Bill 950 pass. Those  
30. in favor vote Aye. Those opposed vote Nay. The voting is open.  
31. Have all voted who wish? Have all voted who wish? Have all  
32. voted who wish? Take the record. On that question, the Ayes  
33. are 34, the Nays are 17, none Voting Present., Senate Bill 950

1. having received the constitutional majority is declared passed.  
2. Senator Rhoads, 952. Senator Egan, 956. Read the bill, Mr.  
3. Secretary.

4. SECRETARY:

5. Senate Bill 956.

6. (Secretary reads title of bill)

7. 3rd reading of the bill..

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Senator Egan.

10. SENATOR EGAN:

11. Thank you, Mr. President and members of the Senate. If  
12. you'll remember last year we passed this bill out of the Senate  
13. in the last Session, rather, 56 to nothing and it passed the  
14. House 122 to 7 and the Governor vetoed it...but I understand  
15. he's read it again and he's changed his mind, but in any event,  
16. the bill exempts a tax, which was imposed by...by case law and  
17. not by Statute, in my opinion. The Supreme Court held in 1955  
18. that a railroad user and carrier in that dual capacity must  
19. pay Sales Tax on personal property purchased within Illinois  
20. even though it's transported outside of the State. That's a  
21. double taxation. If they would give the...a...competing carrier  
22. possession of the personal property for its destination out of  
23. State, the purchaser then would not have to pay the tax. Because  
24. of the dual nature of the railroad in these circumstances, the  
25. court felt that it was justified in taxing that transaction.  
26. This bill corrects that. I understand that we now have the  
27. Executive approval...sympathy and I commend it to your favorable  
28. disposition.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Is there any further discussion? If not, the question is,  
31. shall Senate Bill 956 pass. Those in favor vote Aye. Those  
32. opposed vote Nay. The voting is open. Have all voted who wish?  
33. Have all voted who wish? Take the record. On that question,

1. the Ayes are 51, the Nays are none and none Voting Present.  
2. Senate Bill 956 having received the constitutional majority  
3. is declared passed. Senate Bill 967, Senator Lemke. Read the  
4. bill, Mr. Secretary.

5. SECRETARY:

6. Senate Bill 967.

7. (Secretary reads title of bill)

8. 3rd reading of the bill.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Senator Lemke.

11. SENATOR LEMKE:

12. What this does is amends the Senior...Citizens Disabled  
13. Personal Tax Relief Act. It revises the...eligibility requirements  
14. in the amount of grants...extends the time of filing. This bill  
15. is the same bill we passed and the Governor vetoed and failed  
16. to...we failed to get enough votes to override his veto last  
17. Session and...in the...in the Senate. The House had...had the  
18. same amount. What this does is raises the limit to fifteen  
19. thousand dollars in the amount...the grant not to exceed six  
20. hundred and fifty. I ask for its adoption.

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. Is there any further discussion? Senator McMillan.

23. SENATOR McMILLAN:

24. Mr. President and members of the Senate. I do have one  
25. problem with this bill. Senator Lemke has drafted the bill in  
26. order to open up previous years and allow the...the people to  
27. file on those years again, but it doesn't seem clear in the  
28. bill that the increased amounts that he's provided for in  
29. looking ahead, only to provide to those years ahead and it  
30. would appear that they would provide for the years in the...in  
31. the past. It's very difficult to make that absolutely clear,  
32. but it seems to me it leaves that question open and it could  
33. be a lot more costly than...than I think what was intended.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Is there any further discussion? Senator Mitchler.

3. SENATOR MITCHLER:

4. Mr. President and members of the Senate. It's my under-  
5. standing that there was an amendment on this bill but I don't  
6. see it as recorded to delete that reopening of the Circuit  
7. Breaker claims for all the prior years. Isn't that amendment  
8. still on there?

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. There's no amendment on the bill. No, Sir...That...  
11. Senator, there is no amendment.

12. SENATOR MITCHLER:

13. It's my understanding that we were going to put an amendment  
14. on to that effect. Without that on it will receive some  
15. negative votes because what it does in...in addition to the...  
16. to the increasing of the amount there, it does reopen the  
17. Circuit Breaker claims for all prior years and that's contained  
18. over on...on page 3 down lines 28 through 29. It goes way back  
19. to 1973, '74, '75, '76, '77, '78 and all the way back through  
20. December 31 of '79. That causes a great deal of confusion  
21. amongst the people because when that...when that information is  
22. put out the people that even have filed during those periods  
23. just to play safe will file claims and the department will be  
24. just deluged with it. All of these claims coming in they'll  
25. have to check back to determine if they have been paid, there  
26. will be delays in verification and you'll have nothing but  
27. confusion. Now, we got over that last year when...when it  
28. was reopened the one time and a great deal of publicity was put  
29. out to the people throughout the entire State and it was their  
30. understanding. Now, it's...it's almost going to make it  
31. impossible to vote for the bill if you're going to have reopening  
32. of those claims all the way back to 1973. Now, stop and think  
33. of the administrative. Let's hold the bill and amend that out

1. and then the bill will be in proper form so that you don't  
2. just ruin that Department of Revenue over there. They can't  
3. even keep up and administer properly the claims that come  
4. in on the annual basis, yet alone going back to 1973.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Is there further discussion? Senator Lemke.

7. SENATOR LEMKE:

8. In talking to Representative Kornowicz, this bill as it  
9. is was projected that there would be forty million dollars  
10. paid out last...but right now the number of claims that are  
11. being paid and with the way the bill is written, it would  
12. only require sixteen...sixteen million dollar loss. I mean  
13. these are claims that we told these people that they're going  
14. to get. The Governor went out and everybody solicited the  
15. senior citizens to file their claims. Then all of a sudden  
16. he vetoes the bill or amends it. Then we try to override it  
17. and we can't do it in either House. They block it, so now  
18. the senior citizens are sitting there waiting for their money  
19. and they keep writing us letters and asking us when they're  
20. going to get their grants back, so what we're trying to do here  
21. is allow those people to...those...process those...those  
22. claims that have been filed and that's what we're doing here.  
23. We're helping senior citizens. We went out and solicited their  
24. support. It was an election year. Everybody is for it. Now,  
25. we all forget about them because it's not an election year, so  
26. I think the bill, as it is, is a good bill and I think it...it  
27. should...those people should be allowed to file their claims  
28. and I ask for a favorable vote.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Wait, Senator...Senator Nimrod has sought...recognition.  
31. Senator Nimrod.

32. SENATOR NIMROD:

33. Thank you, Mr. President and Senator Lemke, I'm not sure

1. that you might or might not be aware the bill was passed last  
2. year. The Governor...we had extended that to be through  
3. December 31st. What the Governor did, in fact, was to agree  
4. with us that we would extend it until March 31st of this year  
5. you could file for 1973 Circuit Breaker and that was done on...  
6. on the initiative to do away with those back claims. Now, he  
7. was that time was extended. It was offered. I think to do it  
8. again is only to cause himback and complicate the issue. We'd  
9. like to support your bill, but I think that we're really doing  
10. it unfairly when we have already extended it. It just ended  
11. on the 31st of March of this year and I think all the claims  
12. have been out are in. They've had ample time to do them over  
13. several years and we've been doing this each time and we ought  
14. to stop now and put a bill through. If you want to increase  
15. it, that's something else. I think we can support that.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

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

19. SENATOR LEMKE:

20. Well, Senator Nimrod, that was only for one year. The  
21. Governor went out and solicited and we went out and solicited  
22. ...for the prior year, as we say, we're going to give you the  
23. cutoff date. The hangup was we had a bill here that he vetoed  
24. for fifteen thousand. We had another bill that he vetoed for  
25. twelve five or something like that that he...that Senator  
26. Davidson...it never got out of the House. There was confusion.  
27. Everything was lost in the shuffle and...and we go out and we  
28. try to get these people to file claims and this is only to allow  
29. those people that file those claims from '73...another chance to  
30. get their payment. They filed but they never got the money, so  
31. I ask for a favorable vote.

32. PRESIDING OFFICER: (SENATOR SAVICKAS).

33. The question is, shall Senate Bill 967 pass. Those in

1. favor vote Aye. Those opposed vote Nay. The voting is open.  
2. Have all voted who wish? Have all, voted who wish? Take the  
3. record. On that question, the Ayes are 35, the Nays are 14,  
4. 4 Voting Present. Senate Bill 967 having received the  
5. constitutional majority is declared passed. For what reason  
6. does Senator Johns arise?

7. SENATOR JOHNS:

8. Having voted on the prevailing side I move to reconsider  
9. the vote by which Senate Bill 967 passed.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. And Senator Carroll moves to Table that motion. All those  
12. in favor say Aye. All those opposed say No. The motion carries.  
13. Senate Bill 968, Senator Lemke. Read the bill, Mr. Secretary.

14. SECRETARY:

15. Senate Bill 968.

16. (Secretary reads title of bill)

17. 3rd reading of the bill.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator Lemke.

20. SENATOR LEMKE:

21. This bill was to provide that a governing authority such  
22. as a...a municipality or a county board may abate up to  
23. fifty percent of the real estate property taxes of business  
24. entities, which not now previously located in such county and  
25. so we...but when relocating within such county and municipality.  
26. The Department of Local Government Affairs must reimburse  
27. counties and municipalities for revenues lost as the results  
28. of of such reimbursement. What we're doing here is trying to  
29. compete with the sun belt states. We hear about the loss  
30. of business in the State of Illinois because of benefits  
31. given the working man, but we're saying here, the real reason  
32. we're losing business is that we can't compete because these  
33. states give certain county and tax benefits to these businesses

1. to relocate that. We lost Volkswagen to Pennsylvania and other  
2. companies. Not because of the benefits but because of certain  
3. tax incentives that they gave him to...gave them to be located  
4. in state and what we're saying here to business, you relocate  
5. in any county in Illinois and that county board, if they choose  
6. to can compete by giving you a fifty percent...real estate tax  
7. rebate and the business will come in and I...I assure you with  
8. this incentive to bring business into the State the money that  
9. Local Government Affairs will lose will come back fourfold by  
10. bringing new business to those counties in...in this State and  
11. and also to the local governments within the State. I ask for  
12. a favorable vote.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. In the back I'd like to introduce a former Senator, Senator  
15. Hickey just came in to visit with us. Is there further discussion?  
16. Senator McMillan.

17. SENATOR McMILLAN:

18. Mr. President and members of the Senate. I do rise in  
19. opposition of Senate Bill 968. Number one, it is unclear  
20. exactly what the cost would be because we don't know how many  
21. businesses would come in or how many businesses would move, but  
22. it is clear that if it works at all, it would be extremely  
23. costly. Number two, I haven't yet...been convinced that the  
24. property tax and the sales tax, which we discussed earlier  
25. are the real reasons why business chooses to move out of the  
26. State or do not choose to move into the State and thirdly and I  
27. think most important and we did discuss this in committee, but  
28. it seems to me this would also be an excellent opportunity for  
29. any business that doesn't like it in the city to pick up and  
30. leave the City of Chicago or Cook County and move outside and  
31. it seems to me it may, in fact, be doing just the opposite of  
32. what the sponsor intends because it doesn't say businesses just  
33. moving from outside Illinois into Illinois, it says moving into



1. a new county, which means it could be away from...from my  
2. home county or Senator Lemke's home county into Southern  
3. Illinois or any other place and it would simply take some...  
4. reduce their taxes...real estate and personal property by  
5. fifty percent, which the State would pick up. I think it  
6. would be costly. I don't think it would achieve the purposes  
7. for which it was designed and I think it might, in fact, cause  
8. business to be leaving...Cook County and other areas in search  
9. of a place where they might wish to be located instead.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Further discussion? Senator Walsh.

12. SENATOR WALSH:

13. Mr. President and members of the Senate. The...the sponsor  
14. indicated that the Department of Local Government Affairs will...  
15. will make up the...the amount of the property tax, which is  
16. abated in the...in the county to which this business moves. He  
17. does not indicate, however, who's going to make up the...the  
18. property tax, which is lost in the county from which the...the  
19. business moves and I would perceive that quite a few companies  
20. might move out of the City of Chicago, possibly into another  
21. county and, of course, the bill does not provide either who's  
22. going to make up the head tax that will be lost to the City  
23. of Chicago when these companies move from Chicago into  
24. neighboring counties, so I believe this bill, even though well  
25. intentioned should be defeated.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Further discussion? Senator Washington.

28. SENATOR WASHINGTON:

29. Yes, Mr. President, I have problems with this bill, also.  
30. I think it's a oversimplified solution to a very complex problem.  
31. I don't think this will do anything, even slowed to a dribble,  
32. to move from the great belt to the so-called sun belt. It's  
33. much more complicated than that. One of the major reasons that

1. business is moving to South is because the South is unorganized  
2. in...in the labor area and that's, in a sense, labor's fault and  
3. they better get on the case, but that's one of the major reasons.  
4. Secondly, the big corporate financial structure of this country  
5. are putting money in the sun belt and they're enticing them  
6. down there and they want them down there and just to give a cut-  
7. back on the taxes here will simply deplete the coffers of the  
8. State and not serve any useful purpose. This is a big, big  
9. problem and I, frankly, think that labor has a real strong  
10. role to play in this whole issue. If they'd stop spending  
11. their time discriminating against other people and deal with  
12. the bigger question of where they're going to invest their  
13. pensions and really do a job, maybe they could get about this  
14. business. This is a laudable purpose. I don't think it even  
15. begins to even remotely direct itself to the question and,  
16. although, I support your...your thrust and your zeal, I just...  
17. I think it's misplaced.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Is there any further discussion? If not, Senator Lemke  
20. may close the debate.

21. SENATOR LEMKE:

22. Senators, this is a...a move in the direction. It gives  
23. a small tax advantage to business to relocate in the...in the  
24. different counties in this State and we talk about business  
25. that's leaving the city, one of the biggest reasons business  
26. is leaving the city is because of obsolete plants that are six  
27. stories high and they go to new areas and build ground level  
28. plants and they can go out to those areas and build them, but  
29. I don't see this as a State where Cook County will lose business  
30. because we have a lot of vacant land where business can come in  
31. and relocate from other counties and since the labor force is  
32. in Cook County business is going to stay near their labor force.  
33. Now, this is a move in the right direction. There has been no

1. incentive to...to encourage business to build or relocate in  
2. any county in this State. This is a small way towards that and  
3. I think it does. As far as the labor problems, it's a  
4. proven fact that any industry that is big enough that has moved  
5. to these other states, the unions have followed. And the auto  
6. workers, and the mine workers, and the steel workers, and all these  
7. unions have organized in those states and have...have gone back  
8. to the same benefits. Harvester tried it and they found out  
9. that the unions organized there. Three years later they came  
10. back and they had...they had the same problems, so now they  
11. have a mutual agreement...Harvester and these other factories  
12. with labor. They found out that if they quite fighting with  
13. them and start trying to work for the benefit of the working  
14. man and getting good labor force the product is better and  
15. that's found out by National-Rockwell. They moved out of the  
16. State. People have demanded that they move back into certain  
17. ...certain areas because the labor force is there and they make  
18. quality printing press and quality...quality help, so we're  
19. not doing anything here except trying to do something to encourage  
20. business to locate in counties in this State. We're trying to  
21. say to county government if you try to compete and give tax...tax  
22. deductions we are going to help you by rebating that money  
23. because we're going to receive that corporate income tax. We're  
24. going to receive the Sales Tax and we're going to get the full  
25. benefits fourfold out of this measure. I ask for a favorable  
26. adoption.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. The question is, shall Senate Bill 968 pass. Those in favor  
29. vote Aye. Those opposed vote Nay. The voting is open. Have  
30. all voted who wish? Have all voted who wish? Take the record.  
31. On that question, the Ayes are 22, the Nays are 23, 2 Voting  
32. Present. Senate Bill 968 having failed to receive the  
33. constitutional majority is declared lost. Senate Bill 970,

1. Senator Knuppel. Read the bill, Mr. Secretary.  
2. SECRETARY:  
3. Senate Bill 970.  
4. (Secretary reads title of bill)  
5. 3rd reading of the bill.  
6. PRESIDING OFFICER: (SENATOR SAVICKAS)  
7. Senator Knuppel.  
8. SENATOR KNUPPEL:  
9. Mr. President and members of the Body. What this bill  
10. does is correct a problem that was brought about about four  
11. years ago in a Platting Act and under that Act, it required  
12. a certification by a registered professional engineer, which  
13. made it impossible for him then to get errors and omissions  
14. insurance. He became an insurer himself. It substitutes  
15. a signed statement rather than the certification. Now, there  
16. was some problems with the Illinois Agricultural Association.  
17. Those have been worked out. I've talked to Dean Sears and Gary Crites  
18. and they have an amendment that they've agreed on the language  
19. on, which they say they prefer to put on in the House. I'd ask  
20. for a favorable roll call.  
21. PRESIDING OFFICER: (SENATOR SAVICKAS)  
22. Is there any further discussion? Senator Wooten.  
23. SENATOR WOOTEN:  
24. Just a question to the sponsor. Senator, why is it  
25. necessary to delete the requirement about the statement to the  
26. effect that surface waters will not be deposited on the property  
27. of an adjoining landowner?  
28. PRESIDING OFFICER: (SENATOR SAVICKAS)  
29. Senator Knuppel.  
30. SENATOR KNUPPEL:  
31. Sir, I'm not that familiar with...with why it was necessary  
32. to do, but they worked this out with the Farm Bureau so that  
33. there's no problem. That was what part of the problem was about.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)  
2. Senator Wooten.  
3. SENATOR WOOTEN:  
4. I think...I have not seen the bill, Senator. I confess  
5. that deficiency. I'm just glancing through the analysis and  
6. it talks about construction of a subdivision and so it doesn't  
7. seem to relate to farm property, but I was just curious as  
8. to what that deletion was all about.  
9. PRESIDING OFFICER: (SENATOR SAVICKAS)  
10. Senator Knuppel.  
11. SENATOR KNUPPEL:  
12. I assume that this same liability for damages should the  
13. ...should a...should there be a...an ontoward collection of  
14. water and a disfusal of it would still apply...if the drainage  
15. laws and the common law and I don't know why the language was  
16. taken out. The common law would still apply.  
17. PRESIDING OFFICER: (SENATOR SAVICKAS)  
18. Senator Wooten.  
19. SENATOR WOOTEN:  
20. No, I've just...I imagine the law would still apply. I  
21. just wonder why the plats should no longer contain that  
22. statement...  
23. PRESIDING OFFICER: (SENATOR SAVICKAS)  
24. Further discussion? Senator Schaffer.  
25. SENATOR SCHAFFER:  
26. Senator Wooten, if I might...that language is being  
27. deleted in part is language that was inserted there several  
28. years ago when the bill was sponsored by myself in the Senate  
29. and Representative Tipsword, I believe, from Decatur at the  
30. behest of the Farm Bureau. I am uneasy about this and I...I  
31. did notice this in the law and refer it to the Farm Bureau and  
32. the Farm Bureau...the reason they're interested is the developers  
33. always kind of flush the water out into somebody's cornfield and

1. that's the plan for getting rid of it and I understand that  
2. some compromise language has been arrived at which the Farm  
3. Bureau who are the...shall we say the prime beneficiaries of  
4. this unwanted water, in most cases. The language is something  
5. they can live with. Evidently, there's some liability question  
6. that the people that draw these plats or the registered engineers  
7. are finding it difficult to get liability for that type of  
8. statement and they're looking for some relief. I think...you  
9. know...the Farm Bureau is comfortable. I'm quasi comfortable.  
10. I sure hope that everybody gets their act together over in the  
11. House, but it is something that should make us all nervous,  
12. but based on the representations of the people who are  
13. adversely affected, I'm prepared to go along with the bill at  
14. this point.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Is there further discussion? If not, Senator Knuppel  
17. may close the debate.

18. SENATOR KNUPPEL:

19. Yes, there's no need for any further discussion, I don't  
20. think. These problems have been worked out by the affected  
21. parties and I would respectfully request a favorable roll call.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. The question is, shall Senate Bill 970 pass. Those in  
24. favor vote Aye. Those opposed vote Nay. The voting is open.  
25. Have all voted who wish? Have all voted who wish? Take the  
26. record. On that question, the Ayes are 51, the Nays are none  
27. and none Voting Present. Senate Bill 970 having received the  
28. constitutional majority is declared passed. Senate Bill 971,  
29. Senator Knuppel. Read the bill, Mr. Secretary.

30. SECRETARY:

31. Senate Bill 971.

32. (Secretary reads title of bill)

33. 3rd reading of the bill.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Senator Knuppel.

3. SENATOR KNUPPEL:

4. Mr. President and members of the Body. What this bill  
5. does is increase the number of men on or people on the  
6. Industrial Commission from five to seven members. The load  
7. of the Industrial Commission has increased dramatically and  
8. at one time in the Walker administration there was...there were  
9. illnesses and other things which made it very difficult even  
10. for the commission to operate. Even now, it...it takes almost  
11. a year to...to dispose of an appeal from a decision of the  
12. arbiter. This is not fair either to the employer or the working  
13. man and by enlarging this and maintaining the political balance  
14. that does presently exist and that's what the amendment does.  
15. It will make it possible to assign opinions to more arbiters  
16. and to expedite the work of the commission.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Is there further discussion? Senator Nimrod.

19. SENATOR NIMROD:

20. Thank you, Mr. President. Senator Knuppel, has...have  
21. you discussed this with the Chairman of the Industrial Commission  
22. or the commissioners involved in it?

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Senator Knuppel.

25. SENATOR KNUPPEL:

26. No, Sir, this is my bill. I...I practiced before the  
27. Industrial Commission. I see what...what the problems are and  
28. ...and just like adding two arbiters last year. When I see  
29. something I think needs to be corrected, I take action here  
30. legislatively. I've discussed this with no one, except myself.  
31. I can see what happened, as I say, in the closing days of the  
32. Walker administration. It's still difficult because all of  
33. these arbiters are overworked or the commissioners, not the

1. arbiters, the commissioners are overworked, so are the arbiters,  
2. but they have a great number of appeals, particularly under the  
3. new Act because of the size of some of these recoveries and...and  
4. the decisions are not getting the type of attention they really  
5. need and there...this is an existing need. I have talked to some  
6. of the commissioners about it, but certainly not the chairman.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Is there further...Senator Nimrod.

9. SENATOR NIMROD:

10. Yeah, well, Senator Knuppel, in talking to the Chairman of  
11. the Commission, I did not get away that they thought that the  
12. adding any commissioners would help solve the problem and we're  
13. certainly not adding any arbitrators with this particular bill.  
14. I...I don't...I wouldn't object to it if it was going to do  
15. something, but I think the least we should do is to find out  
16. from the commission ahead of time whether or not it will relieve  
17. the load rather than just add two commissioners arbitrarily  
18. and this seems kind of foolish to me just to add them for...without  
19. having any facts or any reason for support in that position. I  
20. think the commission, at the present time, has many other problems  
21. we ought to be straightening out before we start adding more  
22. commissioners. Certainly this money is...there's about a hundred  
23. thousand dollars would be involved here and not only counting  
24. the commissioners but the court reporters and the...the secretaries  
25. and the administration that goes with it. It seems to me that  
26. we ought to check on it and see whether it's needed before we  
27. would pass this.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Senator Maragos.

30. SENATOR MARAGOS:

31. Mr. President, may I ask the sponsor a question?

32. PRESIDING OFFICER: (SENATOR SAVICKAS)

33. Yes, he indicates he will yield.



1. SENATOR MARAGOS:

2. Senator Knuppel, you've amended it to include that the...these  
3. two should be one from each major party?

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Senator Knuppel.

6. SENATOR KNUPPEL:

7. Yes. The amendment that was...that was requested in committee  
8. has been added to maintain the political and the employer  
9. employee complexion with the seven members the same as it was  
10. with the five.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Is there further discussion? If not, the question is, shall  
13. Senate Bill...Oh, I'm sorry. Senator Knuppel may close the debate.

14. SENATOR KNUPPEL:

15. Well, I just want to say one thing, that...that this bill...  
16. I've been working before the commission for about twenty some  
17. years. Rebecca Sniderman has been there too and I think I know  
18. when we do need more people on that commission to...to hand  
19. these decisions down when even after they hear a decision some-  
20. times it's two months before you get a ruling. This is good  
21. legislation. Each...each commissioner takes so many cases. They  
22. can break up the work and they can get better results.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. The question is, shall Senate Bill 971 pass. Those in  
25. favor vote Aye. Those opposed vote Nay. The voting is open.  
26. Have all voted who wish? Have all voted who wish? Take the  
27. record. On that question, the Ayes are 32, the Nays are 17,  
28. none Voting Present. Senate Bill 971 having received the  
29. constitutional majority is declared passed. Senator Walsh, for  
30. what reason do you arise? There's been a request for a verification  
31. of the roll call. Will all Senators be in their seats. Mr.  
32. Secretary...I assume that's the affirmative roll call. Mr.  
33. Secretary, read the affirmative roll call.

1. SECRETARY:
2. The following voted in the affirmative: Berman, Bruce,
3. Buzbee, Carroll, Chew, Collins, D'Arco, Davidson, Demuzio,
4. Donnewald, Egan, Geo-Karis, Gitz, Hall, Johns, Knuppel, Lemke,
5. Maitland, Maragos, McLendon, McMillan, Merlo, Nash...Nedza,
6. Netsch, Newhouse, Regner, Savickas, Vadalabene, Washington,
7. Wooten, Mr. President.
8. PRESIDING OFFICER: (SENATOR SAVICKAS)
9. Do you question the presence of any member?
10. SENATOR WALSH:
11. Chew. Senator Chew.
12. PRESIDING OFFICER: (SENATOR SAVICKAS)
13. Is Senator Chew here? Take his name off the record.
14. SENATOR WALSH:
15. Senator McLendon.
16. PRESIDING OFFICER: (SENATOR SAVICKAS)
17. Is Senator McLendon on the Floor? Strike his name.
18. SENATOR WALSH:
19. Senator Buzbee.
20. PRESIDING OFFICER: (SENATOR SAVICKAS)
21. Senator Buzbee is on...in the back talking to the pages.
22. Any further names? On that question, the Ayes are 30, the
23. Nays are 17, none Voting Present. The roll call has been
24. verified. For what purpose does Senator Rock arise?
25. SENATOR ROCK:
26. Thank you, Mr. President. I think it's now the appropriate
27. time to entertain a motion to adjourn until tomorrow morning
28. at nine o'clock. I know there are some members who have motions
29. or announcements. I would urge all the membership to be here
30. so we can get started early. We did a fairly good days work
31. today with some controversial bills and I think we can do better
32. tomorrow.
33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Senator Rock moves that we adjourn...Senator Carroll.
2. SENATOR CARROLL:
3. If the Journal would reflect, Mr. President, if you would
4. have allowed me a phone on my desk, I would have been here when
5. Senate Bills 814 and 853 passed, I would have been voting Aye.
6. The sponsors had been asked to vote me Aye, but they had forgotten,
7. so if the Journal would reflect, I would have voted Aye on 814 and
8. 853.
9. PRESIDING OFFICER: (SENATOR SAVICKAS)
10. The Journal will so indicate. Any further announcements?
11. Senator Demuzio.
12. SENATOR DEMUZIO:
13. Yes, I've been advised by the President that if the sponsor
14. of a bill from the Floor asks that the bill be removed from the
15. agreed bill list that that would not take the necessary five
16. members to...to knock the bill off. I have an easement bill
17. that needs an amendment. It's Senate Bill 723 and I'd like to
18. have leave of the Body to have that taken off the agreed bill
19. list and put back on the Order of...of 3rd reading on the
20. Calendar.
21. PRESIDING OFFICER: (SENATOR SAVICKAS)
22. Is leave granted? Leave is granted. Senator Shapiro.
23. SENATOR SHAPIRO:
24. Mr. President, I'd like the record to show that Senator
25. Don Moore is absent today due to an illness in the family. He
26. was also absent Friday for the same reason.
27. PRESIDING OFFICER: (SENATOR SAVICKAS)
28. The record will so reflect it. Senator Nash.
29. SENATOR NASH:
30. Mr...Mr. President, I want to remind the members of the
31. Senate that we have baseball practice tomorrow at Lincoln Park,
32. diamond 4, at six o'clock directly after adjournment.
33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Senator Carroll.

2. SENATOR CARROLL:

3. Let the record reflect also that Senator Daley was absent  
4. today because of an illness in the family.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Is there any further announcements? Any further business?

7. Senator Bruce.

8. SENATOR BRUCE:

9. Right. I'm told by the Department of Transportation that  
10. there is an error in Senate Bill 808, which is an easement bill and  
11. they'd like to put the amendment on in the Senate. I'd ask  
12. leave to take Senate Bill 828...I'd like leave to take that  
13. from the agreed bill list so that it could be amended.

14. PRESIDING OFFICE: (SENATOR SAVICKAS)

15. Is leave granted? Leave is granted. Is there any further  
16. business to come before the Senate? If not, pursuant to  
17. Senator Rock's motion, the Senate will stand adjourned until  
18. Tuesday morning at nine o'clock.

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