

82ND GENERAL ASSEMBLY

REGULAR SESSION

MAY 19, 1981

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. The hour of nine having arrived the Senate will come to
3. order. Prayer by the Reverend Anthony Tzortzis, Saint Anthony's
4. Hellenic Orthodox Church, Springfield, Illinois.

5. REVEREND ANTHONY TZORTZIS:

6. (Prayer given by Reverend Tzortzis)

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Reading of the Journal, Senator Johns.

9. SENATOR JOHNS:

10. Mr. President, I move that reading and approval of the
11. Journals of Thursday, May the 14th, Friday, May the 15th, and
12. Monday, May the 18th, in the year 1981, be postponed pending
13. arrival of the printed Journal.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. You've heard the motion. Discussion? All in favor say
16. Aye. Opposed Nay. The Ayes have it. The motion prevails.
17. Senator Johns. For what purpose does Senator Hall arise?

18. SENATOR HALL:

19. Thank you, Mr. President. I want the Journals to show,
20. as of yesterday, that Senator Newhouse was absent due to an
21. emergency at a hospital in his district.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. All right. Senator Maitland.

24. SENATOR MAITLAND:

25. Thank you, Mr. President, and Ladies and Gentlemen of
26. the Senate. Senator Bowers was absent last week due to illness,
27. and we'd like to have the Journal reflect that absence, also.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. All right, thank you. It will be reflected in our Journals.
30. House Bills 1st reading.

31. SECRETARY:

32. House Bill 19, Senator Rhoads is the Senate sponsor.

33. (Secretary reads title of bill)

1. 1st reading of the bill.
2. House Bill 22, Senator Marovitz.
3. (Secretary reads title of bill)
4. 1st reading of the bill.
5. House Bill 65, Senators Thomas and Sangmeister.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. House Bill 103, Senator Berman.
9. (Secretary reads title of bill)
10. 1st reading of the bill.
11. House Bill 109, Senator Nedza.
12. (Secretary reads title of bill)
13. 1st reading of the bill.
14. House Bill 114, Senator Marovitz and Rhoads.
15. (Secretary reads title of bill)
16. 1st reading of the bill.
17. House Bill 142, Senator Berman.
18. (Secretary reads title of bill)
19. 1st reading of the bill.
20. House Bill 145, Senator Marovitz.
21. (Secretary reads title of bill)
22. 1st reading of the bill.
23. House Bill 146, Senator Philip.
24. (Secretary reads title of bill)
25. 1st reading of the bill.
26. House Bill 154, Senators Berman and Marovitz.
27. (Secretary reads title of bill)
28. 1st reading of the bill.
29. House Bill 159, Senators Gitz and Degnan.
30. (Secretary reads title of bill)
31. 1st reading of the bill.
32. House Bill 174, Senator Marovitz.
33. (Secretary reads title of bill)

1. 1st reading of the bill.
2. House Bill 183, Senator Collins.
3. (Secretary reads title of bill)
4. 1st reading of the bill.
5. House Bill 196, Senator Maitland.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. House Bill 203, Senator Kent.
9. (Secretary reads title of bill)
10. 1st reading of the bill.
11. House Bill 237, Senator Grotberg.
12. (Secretary reads title of bill)
13. 1st reading of the bill.
14. House Bill 270, Senators Berman and D'Arco.
15. (Secretary reads title of bill)
16. 1st reading of the bill.
17. House Bill 276, Senator Mahar.
18. (Secretary reads title of bill)
19. 1st reading of the bill.
20. House Bill 284, Senator Vadalabene.
21. (Secretary reads title of bill)
22. 1st reading of the bill.
23. 285, Senator Hall.
24. (Secretary reads title of bill)
25. 1st reading of the bill.
26. House Bill 289, Senators Bruce and Becker.
27. (Secretary reads title of bill)
28. 1st reading of the bill.
29. House Bill 291, Senator Marovitz.
30. (Secretary reads title of bill)
31. 1st reading of the bill.
32. House Bill 301, Senator Becker.
33. (Secretary reads title of bill)

1. 1st reading of the bill.
2. House Bill 305, Senator Maitland.
3. (Secretary reads title of bill)
4. 1st reading of the bill.
5. House Bill 326, Senator DeAngelis.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. House Bill 334, Senator Maitland.
9. (Secretary reads title of bill)
10. 1st reading of the bill.
11. House Bill 339, Senator Nega.
12. (Secretary reads title of bill)
13. 1st reading of the bill.
14. House Bill 341, Senator Berning.
15. (Secretary reads title of bill)
16. 1st reading of the bill.
17. House Bill 349, Senators Egan and Sangmeister.
18. (Secretary reads title of bill)
19. 1st reading of the bill.
20. House Bill 378, Senator Sangmeister.
21. (Secretary reads title of bill)
22. 1st reading of the bill.
23. House Bill 390, Senator Marovitz.
24. (Secretary reads title of bill)
25. 1st reading of the bill.
26. House Bill 393, Senator Berman.
27. (Secretary reads title of bill)
28. 1st reading of the bill.
29. House Bill 396, Senator Sangmeister.
30. (Secretary reads title of bill)
31. 1st reading of the bill.
32. House Bill 410, Senators Chew and Coffey.
33. (Secretary reads title of bill)

1. 1st reading of the bill.
2. House Bill 419, Senator Sangmeister.
3. (Secretary reads title of bill)
4. 1st reading of the bill.
5. House Bill 430, Senator Thomas.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. House Bill 439, Senator Nash.
9. (Secretary reads title of bill)
10. 1st reading of the bill.
11. House Bill 440, Senator Coffey.
12. (Secretary reads title of bill)
13. 1st reading of the bill.
14. House Bill 448, Senator Marovitz.
15. (Secretary reads title of bill)
16. 1st reading of the bill.
17. House Bill 449, by Senator Marovitz.
18. (Secretary reads title of bill)
19. 1st reading of the bill.
20. House Bill 455, Senator Ozinga.
21. (Secretary reads title of bill)
22. 1st reading of the bill.
23. House Bill 483, Senator Demuzio.
24. (Secretary reads title of bill)
25. 1st reading of the bill.
26. House Bill 486, Senator Demuzio.
27. (Secretary reads title of bill)
28. 1st reading of the bill.
29. House Bill 487, by Senator Demuzio.
30. (Secretary reads title of bill)
31. 1st reading of the bill.
32. House Bill 488, Senator Demuzio.
33. (Secretary reads title of bill)
- 1st reading of the bill.

1. House Bill 496, Senator Davidson.
2. (Secretary reads title of bill)
3. 1st reading of the bill.
4. House Bill 497, Senator Berman.
5. (Secretary reads title of bill)
6. 1st reading of the bill.
7. House Bill 501, Senators Keats and Lemke.
8. (Secretary reads title of bill)
9. 1st reading of the bill.
10. House Bill 508, Senator McLendon.
11. (Secretary reads title of bill)
12. 1st reading of the bill.
13. House Bill 513, Senator Bloom.
14. (Secretary reads title of bill)
15. 1st reading of the bill.
16. House Bill 515, Senator Bloom.
17. (Secretary reads title of bill)
18. 1st reading of the bill.
19. House Bill 525, Senator Bloom.
20. (Secretary reads title of bill)
21. 1st reading of the bill.
22. House Bill 534, Senator Geo-Karis.
23. (Secretary reads title of bill)
24. 1st reading of the bill.
25. House Bill 571, Senator Berning.
26. (Secretary reads title of bill)
27. 1st reading of the bill.
28. House Bill 572, Senator DeAngelis.
29. (Secretary reads title of bill)
30. 1st reading of the bill.
31. House Bill 604, Senator Netsch.
32. (Secretary reads title of bill)
33. 1st reading of the bill.

1. House Bill 616, Senator McMillan.
2. (Secretary reads title of bill)
3. 1st reading of the bill.
4. House Bill 617, Senator Lemke.
5. (Secretary reads title of bill)
6. 1st reading of the bill.
7. House Bill 622, Senator Marovitz.
8. (Secretary reads title of bill)
9. 1st reading of the bill.
10. House Bill 639, Senator Philip.
11. (Secretary reads title of bill)
12. 1st reading of the bill.
13. House Bill 643, Senator DeAngelis.
14. (Secretary reads title of bill)
15. 1st reading of the bill.
16. House Bill 649, Senator Berning.
17. (Secretary reads title of bill)
18. 1st reading of the bill.
19. House Bill 651, Senator Rhoads.
20. (Secretary reads title of bill)
21. 1st reading of the bill.
22. House Bill 655, Senator Nedza.
23. (Secretary reads title of bill)
24. 1st reading of the bill.
25. House...
26. PRESIDING OFFICER: (SENATOR BRUCE)
For what purpose does Senator Johns arise?
27. SENATOR JOHNS:
28. Is it out of order to join in sponsorship of that particular
29. bill at this time, Mr. President?
30. PRESIDING OFFICER: (SENATOR BRUCE)
31. Which one, Senator?
32. SENATOR JOHNS:
- 33.

1. 655, I believe.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. You want to go as a joint sponsor?

4. SENATOR JOHNS:

5. A hyphenated co-sponsor.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Is there leave on 655? Leave is granted.

8. SENATOR JOHNS:

9. Is that out of order, Mr. President?

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. No, that's fine, we can go one...one joint, that's it.

12. SENATOR JOHNS:

13. Okay, thank you.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. All right, Senator Johns asks leave to be joined as a joint
16. sponsor. Is there leave? Leave is granted.

17. SECRETARY:

18. House Bill 669, Senator Nimrod.

19. (Secretary reads title of bill)

20. 1st reading of the bill.

21. House Bill 681, Senator Davidson.

22. (Secretary reads title of bill)

23. 1st reading of the bill.

24. House Bill 688, Senator Marovitz.

25. (Secretary reads title of bill)

26. 1st reading of the bill.

27. House Bill 694, Senator Berman.

28. (Secretary reads title of bill)

29. 1st reading of the bill.

30. House Bill 695, Senator Berman.

31. (Secretary reads title of bill)

32. 1st reading of the bill.

33. House Bill 696, Senator Berman.

HB 681
introduced
5/19/81

1. (Secretary reads title of bill)
2. 1st reading of the bill.
3. House Bill 722, Senator Lemke.
4. (Secretary reads title of bill)
5. 1st reading of the bill.
6. House Bill 723, Senator Dawson.
7. (Secretary reads title of bill)
8. 1st reading of the bill.
9. House Bill 735, Senator Nimrod.
10. (Secretary reads title of bill)
11. 1st reading of the bill.
12. House Bill 780, Senator Nash.
13. (Secretary reads title of bill)
14. 1st reading of the bill.
15. House Bill 781, Senator Nedza.
16. (Secretary reads title of bill)
17. 1st reading of the bill.
18. House Bill 787, Senator Bruce.
19. (Secretary reads title of bill)
20. 1st reading of the bill.
21. House Bill 800.
22. (Secretary reads title of bill)
23. And that's sponsored by Senator Nash.
24. House Bill 814, Senator Berman.
25. (Secretary reads title of bill)
26. 1st reading of the bill.
27. House Bill...815, Senator Degnan.
28. (Secretary reads title of bill)
29. 1st reading of the bill.
30. House Bill 821, Senator Bloom.
31. (Secretary reads title of bill)
32. 1st reading of the bill.
33. House Bill 835, Senator Vadalabene.

1. (Secretary reads title of bill)
2. 1st reading of the bill.
3. House Bill 868, Senator Johns is the Senate sponsor.
4. (Secretary reads title of bill)
5. 1st reading of the bill.
6. House Bill...House Bill 874, Senator Berman.
7. (Secretary reads title of bill)
8. 1st reading of the bill.
9. House Bill 910, Senator Bloom.
10. (Secretary reads title of bill)
11. 1st reading of the bill.
12. House Bill 904, Senator McLendon is the Senate sponsor.
13. (Secretary reads title of bill)
14. 1st reading of the bill.
15. House Bill 975, Senator Marovitz.
16. (Secretary reads title of bill)
17. 1st reading of the bill.
18. House Bill 985, Senator Buzbee.
19. (Secretary reads title of bill)
20. 1st reading of the bill.
21. House Bill 991, Senator Degnan.
22. (Secretary reads title of bill)
23. 1st reading of the bill.
24. House Bill...House Bill 1033, Senator McLendon.
25. (Secretary reads title of bill)
26. 1st reading of the bill.
27. House Bill 1047, Senator Jeremiah Joyce.
28. (Secretary reads title of bill)
29. 1st reading of the bill.
30. House Bill 1049, Senator Berman.
31. (Secretary reads title of bill)
32. 1st reading of the bill.
33. House Bill 1077, Senator...Kent.

1. (Secretary reads title of bill)
2. 1st reading of the bill.
3. House Bill 1184.
4. (Secretary reads title of bill)
5. 1st reading of the bill. Senator Sangmeister is the Senate sponsor of the bill.
6. House Bill 1235, Senator Maitland.
7. (Secretary reads title of bill)
8. 1st reading of the bill.
9. House Bill 1297, Senator Berman.
10. (Secretary reads title of bill)
11. 1st reading of the bill.
12. House Bill 1367, Senator Berman.
13. (Secretary reads title of bill)
14. 1st reading of the bill.
15. House Bill 1377, Senator Mahar.
16. (Secretary reads title of bill)
17. 1st reading of the bill.
18. House Bill 1391, Senator Lemke.
19. (Secretary reads title of bill)
20. 1st reading of the bill.
21. House Bill 1447, Senator DeAngelis.
22. (Secretary reads title of bill)
23. 1st reading of the bill.
24. House Bill 1450, by Senator DeAngelis.
25. (Secretary reads title of bill)
26. 1st reading of the bill.
27. House Bill 15...excuse me...36, Senator Degnan.
28. (Secretary reads title of bill)
29. 1st reading of the bill.
30. House Bill 1608, Senator Nedza.
31. (Secretary reads title of bill)
32. 1st reading of the bill.
33. House Bill 1678, Senator Demuzio.

1. (Secretary reads title of bill)

2. 1st reading of the bill.

3. House Bill 1689, Senator Jeremiah Joyce.

4. (Secretary reads title of bill)

5. 1st reading of the bill.

6. House Bill 1750, Senator Nimrod.

7. (Secretary reads title of bill)

8. 1st reading of the bill.

9. House Bill 1838, Senator Keats.

10. (Secretary reads title of bill)

11. 1st reading of the bill.

12. House Bill 746, Senator Etheredge.

13. (Secretary reads title of bill)

14. 1st reading of the bill.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Rock.

17. SENATOR ROCK:

18. Thank you, Mr. President and Ladies and Gentlemen of the
19. Senate. If I can have your attention for just a moment, as
20. we now begin on Senate Bills 3rd reading on page 10, for
21. the past four or five days Senators Weaver and Bruce have been
22. attempting to put together the Agreed Bill List. The bills that
23. they have agreed upon...under the direction of Senator Shapiro
24. and myself...the printout is being run at this moment and I'm
25. told...by Senators Bruce and Weaver there are roughly ninety-nine
26. bills that appear to be, at least, of little or no controversy
27. and could be adequate subjects for an Agreed Bill List. Talk
28. to Senator Weaver, will you? The Transportation Package is not
29. on there, by the way. In any event, the...the plan is, if...if
30. it meets with the approval of the Body, that those will...those
31. lists will be distributed today. And the bills...will then be
32. segregated on the Calendar and will show up on the Calendar as
33. an Agreed Bill List tomorrow and we will vote on that list on

1. Friday. And we will follow the same procedure as we have in
2. the past, that if any six members...wish to knock a bill off
3. that list,...that is their right, and if any member wishes
4. to be recorded as in the negative...all he has to do is before
5. noon on Friday submit that indication in writing to the Secre-
6. tary so that...it can be properly journalized. In the meantime,
7. as we're going through the list...it would behoove us, I
8. think, to skip those bills that are on the Agreed Bill List
9. and we will so indicate as we go along so that they can be
10. properly segregated on the Calendar. It will save us, I
11. think, an immense amount of time. I'm sure you're all aware
12. that the House last night...extended its deadline, so that they
13. can be in a position to send us even more bills. So, we have...
14. we have fifty pages of 3rd reading bills, and I suggest, Mr.
15. President, if there are no questions, again, we will have an
16. adequate opportunity. The committees will meet tomorrow morning,
17. we will commence Session at eleven o'clock. There are two
18. committees scheduled to meet, and both chairmen have indicated
19. they can, in fact, be finished by eleven o'clock, so we will
20. commence Session at eleven o'clock. So, you will have adequate
21. time, I think, to take a look at the list, and indicate your
22. negative vote, if any, or if six get together and decide that
23. some bill should not be on there, I'm sure there's plenty of
24. time for that. But we will aim at noon on Friday to vote that
25. list, that will afford the Secretary and his staff the opportunity
26. over the weekend to get everything properly journalized. If
27. there are no questions, Mr. Secretary...I mean, Mr. President,
28. I suggest we start at page 10 with Senate Bill 1.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Philip.

31. SENATOR PHILIP:

32. Thank you, Mr. President, and Ladies and Gentlemen of the
33. Senate. Wouldn't it make a little more sense, President Rock, to

1. wait until we had that list of...that so-called Agreed Bill
2. List before we went to 3rd readings? If I remember correctly,
3. we have some bills on 2nd reading, and some things that have
4. to be brought back for amendment that are on 3rd. It would
5. seem that would make a little more sense.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Rock.

8. SENATOR ROCK:

9. Well, frankly, you know...again, if a bill...what's your
10. concern, if a bill gets knocked off that it will somehow lose
11. its place? Senator Weaver and I discussed that with Senator
12. Shapiro, and it seems to me that if a bill gets knocked off
13. we can give that one preference in calling it.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. That has been the procedure in the past, that if there's
16. a bill that a sponsor has not called because it was on the Agreed
17. List...Senator Philip, the other problem is, that the Enrolling and
18. Engrossing is...is presently overloaded with the work we did
19. yesterday on 2nd reading. We...we couldn't physically get any
20. more recalls done today, anyway, the typewriters are just clogged.
21. So, we're going to have to go to 3rd reading just to...to keep
22. our paper flow going. Is there leave to go to the Order of
23. Senate Bills 3rd reading? Leave is granted. Page 10 of your
24. Calendar, is Senate Bill 1. Senator Egan. Read the bill, Mr.
25. Secretary, please.

26. SECRETARY:

27. Senate Bill 1.

28. (Secretary begins title of bill)

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. For what purpose...excuse me. For what purpose does
31. Senator Savickas arise?

32. SENATOR SAVICKAS:

33. Well, Mr. President, you're going to be moving on Senate

SB 1
3rd Reading

1. Bills 3rd reading, and I would ask leave at this point to be
2. allowed to be a hyphenated co-sponsor of Senate Bill 27 with
3. Senator Nega.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Is there leave? Leave is granted. Read the bill...well...
6. for what purpose does Senator Geo-Karis arise?

7. SENATOR GEO-KARIS:

8. I'd like to, Mr. President, and Ladies and Gentlemen of the
9. Senate, I'd like to be added as a co-sponsor to House Bill 1.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. All right, all you have to do is just tell the Secretary.
12. For what purpose does Senator Egan...you're already the sponsor,
13. Senator. Senator Egan.

14. SENATOR EGAN:

15. I would very much like to be given leave of the Body to be
16. a co-sponsor of Senate Bill 868.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. All right, just to remind the Body, again, before we start
19. doing this, all you have to do is just tell the Secretary if you
20. want to be a sponsor. We're going to start off, the day is getting..
21. nine-thirty. Senate Bill 1.

22. SECRETARY:

23. Senate Bill 1.

24. (Secretary reads title of bill)

25. 3rd reading of the bill.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Egan on Senate Bill 1.

28. SENATOR EGAN:

29. Thank you, Mr. President, and members of the Senate. Senate
30. Bill 1 creates the crime of exploitation of a child, a crime which
31. currently does not exist and a crime which certainly is being
32. perpetrated, and one which I think should be punished, and I
33. hope prevented. Senate Bill 1, Ladies and Gentlemen of the Senate,

1. has a little bit of a history, and I'd like, if you would to
2. bear with me for a few minutes so that I could explain the history
3. as briefly as I can. But because of the...of the current criticism
4. of some practice in the investigative reporting in television, I
5. do want to commend Channel 5, NBC News in Chicago for a...for an
6. excellent, excellent job in investigative reporting relative to
7. exploitation of children. They have a document of some...two video
8. tapes that runs, oh, about an hour of so, that they aired in set-
9. ments of fifteen or twenty minutes apiece over seven or eight
10. newscasts, a thorough depiction of what the crime is supposed
11. to punish and prevent, hopefully. Particularly, I do want to
12. mention two names, Doug Longdeany is the principal investigative
13. reporter on Channel 5 NBC News, and incidentally, don't...don't
14. get the idea that I'm removing the pox, I just want to...I want
15. to give praise where praise is due. Rick Samuels has newscast
16. the segments over a period of some seven or eight newscasts, and
17. the whole package, if you could ever get a chance to look at,
18. would, I'm sure, be edifying just to see what a crew can, in
19. fact, do. Not only did they do...did they run into tremendous
20. technical electronic problems in their investigative reporting,
21. but tremendous danger, they were placed in situations where they
22. could very easily have lost their lives in the investigation.
23. And it is...it really is, believe me, heavy stuff. They did a
24. fantastically wonderful job in...in filming the exploitation of
25. young women, and I...they're not really young women, they're
26. little girls that for one reason or another leave home and are
27. preyed upon by a parasitical element that is unbelievable unless
28. you were to actually see some of these video tapes, perhaps it
29. would be very difficult for the average to believe. In any
30. event, the current Criminal Statutes are very, very vague and
31. do not give the tools to the State's Attorneys to prosecute
32. the type of parasites that need the prosecution that this bill
33. will provide. Exploitation of a child was, in the original form,

1. set at eighteen years of age, and we reduced it to sixteen
2. whereas currently thirteen is the age. So that the thinking
3. is that the age sixteen is one which is practical, one which
4. will provide the greatest coverage, and one which has the
5. opinion and the judgment of some of the investigators, who
6. incidentally were conducting an investigation concurrently at
7. the same time that NBC News was having its investigation. The
8. Legislative Investigation Commission also did a great in-depth
9. study of the crime of exploitation of children. Ron Ewing and
10. his staff did an excellent job, convinced me that some of the
11. changes that were put in Amendment No. 1 were necessary. And
12. together with Senator Bowers who, I very greatly appreciate
13. handling all of the load that he has handled in furthering Senate
14. Bill 1 to the point where it is, and in the spirit of bi-partisan-
15. ship has, I'm sure endeared the hearts of the other side of the
16. aisle, which I'm sure they don't need much prodding. But in any
17. event, the Governor did want a piece of the action, and Senator
18. Bowers, we're going to give it to him. But...

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Egan, your time has expired.

21. SENATOR EGAN:

22. Oh, all right. Well, in any event, because of the...because
23. of the...the lack of time, and because of the heavy
24. we have, it's been very, very difficult to get these films in
25. front of you. And I wish that you'd take the opportunity to
26. take a look at them. And I would hope that because of the work
27. that's been done on the bill, and because of the people who have
28. asked that some of the technical changes be made, and because
29. of the amount of work that has gone into it, that we get a un-
30. animous vote, and I appreciate very much, and very sincerely your
31. support.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Is there debate? Is there debate? The question is, shall

1. ...the question is, shall Senate Bill 1 pass. Those in favor
2. vote Aye. Those opposed vote Nay. The voting is open. Have
3. all voted who wish? Have all voted who wish? Have all voted
4. who wish? Take the record. On that question, the Ayes are 56,
5. the Nays are none, none Voting Present. Senate Bill 1, having
6. received the required constitutional majority is declared passed.
7. Senate Bill 14 is on the Agreed List. Senate Bill 16, Senator
8. Berning. Before we go to that...Senator Berning. Read the bill,
9. Mr. Secretary. Before we go to that, the Guard has indicated that
10. there is a grey Corvette parked in the Senate parking area with
11. its lights on, on the north drive. A grey Corvette. Senate Bill
12. 16, Mr. Secretary.

13. SECRETARY:

14. Senate Bill 16.

15. (Secretary reads title of bill)

16. 3rd reading of the bill.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Berning.

19. SENATOR BERNING:

20. Thank you, Mr. President. Members of the Senate, Senate
21. Bill 16 as originally introduced, established a commission for the
22. express purpose of gathering information and data on the Agent
23. Orange Victims primarily who are veterans of the Vietnam conflict.
24. The bill has been amended to now make it a legislative commission
25. at the suggestion of the chairman of the committee before which
26. the bill was...heard, we have included four members from each
27. Body, the Senate and the House. There is a maximum time frame
28. for the commission to complete its investigation and report, there
29. is a self-destruct section which limits the activity to two years.
30. The purpose of the commission, Mr. President, and member of the
31. Senate, is to provide a forum and a sounding board for the victims
32. of the Agent Orange defoliation use in Vietnam and to some degree
33. here in the United States. There is evidence mounting daily

1. that exposure, excessive exposure, at least, to this toxicant
2. has produced serious adverse health effects. There is already
3. a body of information available to us through the Vet Line Hot
4. Line Organization, we would like to continue the accumulation of
5. data for the express purpose of generating the amount of interest
6. and, if you will, pressure to induce the Federal Government to
7. take the action which it rightfully should take in the interest
8. of these, our fellow citizens. I would respectfully request an
9. Aye vote on Senate Bill 16.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Is there discussion? Senator Mahar.

12. SENATOR MAHAR:

13. Thank you, Mr. President, and members of the Senate. Would
14. the sponsor yield for a question or two? Apparently he will.
15. My...my question, Senator is, is there's a great deal of work
16. being done at the Federal level now on Agent Orange, the Air
17. Force is in one and a half years of a five year study. I under-
18. stand there is Federal Statutes requiring that things be done.
19. I'm wondering what this commission can do in addition to what
20. is being done at the Federal level.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Berning.

23. SENATOR BERNING:

24. We hope to join those other states which have already em-
25. barked on such a program to reach our own citizens, to compile the
26. data that we feel is necessary to impress upon the Federal Govern-
27. ment and particularly the Veterans Administration, that there is
28. a responsibility there as well as a dire need on the part of these
29. veterans.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Mahar.

32. SENATOR MAHAR:

33. Well, I certainly have no objection to doing whatever we can

1. to solve a problem that was created in the Vietnam War, it
2. just seemed that...that we don't have the...the tools that the
3. Federal Government has and that we're proceeding along the same
4. lines. The fact that we're pressuring them to move, I think is
5. good, but the question of what we can do is the question I had
6. in my mind.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator...Senator Geo-Karis. And before we start Senator,
9. Channel 20 has requested permission to film the proceedings. Is
10. there leave? Leave is granted. Senator Geo-Karis.

11. SENATOR GEO-KARIS:

12. Mr. President, and Ladies and Gentlemen of the Senate. I
13. speak in favor of this bill. I've had parents of young Vietnam
14. veterans who tell me that the VA has kind of turned deaf ears
15. on some of these cases involving the Agent Orange, and if nothing
16. else, perhaps we can alert the VA to do a better service for our
17. veterans. I think they're entitled to it, it's a horrible thing,
18. and I think it's the least we can do. And I speak in favor of
19. the bill.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Further discussion? Further discussion? The question is,
22. shall Senate Bill 16 pass. Those in favor vote Aye. Those opposed
23. vote Nay. The voting is open. Have all voted who wish? Have
24. all voted who wish? Take the record. On that question, the Ayes
25. are 47, the Nays are 5, 2 Voting Present. Senate Bill 16, having
26. received the required constitutional majority is declared passed.
27. Senate Bill 17, Senator Berning. Read the bill, Mr. Secretary,
28. please.

29. SECRETARY:

30. Senate Bill 17.

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Berning.

2. SENATOR BERNING:

3. Thank you, Mr. President, and members of the Senate. Senate
4. Bill 17 really seeks to validate what is already an existing
5. practice among our County Treasurers. The bill was intro-
6. duced at the request of the CountyTreasurers' Association, and
7. very simply extends the penalty date from the first of the month
8. to the fifth of the month, and the explanation for the need of
9. that is that many people, particularly the older and retired
10. people, have their Social Security checks coming on the first
11. of the month or they have, if they're fortunate enough to have
12. money on deposit they have their interest due on the first of
13. the month and it is impossible for them to make their tax pay-
14. ment on the first of the month. So, this simply moves the date,
15. the penalty date, back to the fifth of the month. As I said,
16. what it really is doing is validating a practice which already
17. is occurring rather extensively throughout the State of Illinois,
18. and the County Treasurers would like to have their actions validated
19. by an amendment to the Statute. If there are any questions I'll
20. attempt to respond, Mr...President.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Is there debate? Senator Savickas.

23. SENATOR SAVICKAS:

24. Yes, Senator Berning, would this affect the cash flow in
25. any way for the County Treasurers by moving it back five days?
26. Would they lose the interest on the money that they collect?

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Berning.

29. SENATOR BERNING:

30. I can't see that it would have any material effect, Senator
31. Savickas, there are always going to be those people who will pay
32. in advance. There are some people who have money on deposit, and
33. able to make their payments even before the penalty date. But

1. most County Treasurers will have their money in transit for a
2. day or two at the...at the very least, and sometimes more at
3. the very worst, and I can't see that it's going to have any
4. material impact, but it will have a laudable effect for our
5. people who...who depend on their checks and/or interest on the
6. first day of the month.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Further discussion? Senator Rock.

9. SENATOR ROCK:

10. Thank you, Mr. President, and Ladies and Gentlemen of the
11. Senate. I rise in opposition to Senate Bill 18. Admittedly
12. any time you have a penalty date or a due date, it is a date
13. certain and one that is to, all intents and purposes rather ar-
14. bitrary. But it seems to me not in our best interest to come
15. down and...and keep moving the penalty date or the due date
16. back. I would suggest, as it has been done in the past that
17. the...some County Treasurers do, in fact, have the authority to
18. afford a day or so of grace, or a day or so of leeway, but to
19. Statutorily set a...a penalty date back, it seems to me, creates
20. more confusion than it...than it solves any...any given problem.
21. The sale of tax anticipation warrants, the cash flow, all these
22. things have to be taken into consideration, and it just seems
23. to me that this bill should not receive our support.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Further discussion? Further discussion? Senator Berning
26. may close.

27. SENATOR BERNING:

28. Thank you, Mr. President. Let me repeat that the primary
29. motivation here is to accommodate our senior citizens who are
30. already hard pressed to meet their expenses. It seems uncon-
31. scionable to require them to either go and draw money from a
32. small savings account or borrow money and pay interest on it,
33. because they haven't as yet received their Social Security check.

1. There isn't going to be any serious deleterious effect on any
2. County Treasurer's cash flow. As I indicated to you, many of them
3. are already doing this out of their empathy for the conditions
4. under which our senior citizens live. They would like to be
5. validated, and for that reason, this bill was introduced at their
6. request. Ladies and Gentlemen of the Senate, five days is not
7. a big change in the penalty date, and it is the first change
8. in the penalty date in all of my experience in the Illinois
9. Senate, and I have an idea in the...it's the first change that's
10. ever been suggested. It's for a laudable purpose to accommodate
11. our senior citizens, and I respectfully request an Aye vote ,
12. Mr. President.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. The question is, shall Senate Bill 17 pass. Those in favor
15. vote Aye. Those opposed vote Nay. The voting is open. Have all
16. voted who wish? Have all voted who wish? Take the record. On
17. that question, the Ayes are 31, the Nays are 19, 1 Voting Present.
18. Senate Bill 17, having received the required constitutional
19. majority is declared passed. Senate Bill 19, Senator Collins.
20. alcoholism need of supervision. No. Senator Collins, Senate
21. Bill 20. Senate Bill 21, Senator Berning. Actuarial statements
22. and pension codes. Read the bill, Mr. Secretary, please. No.
23. Senator Berning.

24.
25.
26.
27. (END OF REEL)
28.
29.
30.
31.
32.
33.

1. SENATOR BERNING:

2. I'm sorry. That one has to be brought back to 2nd reading.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Alright. Senate Bill 23, Senator Lemke. ...read the bill,
5. Mr. Secretary, please.

6. SECRETARY:

7. Senate Bill 23.

8. (Secretary reads title of bill)

9. 3rd reading of the bill.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Lemke.

12. SENATOR LEMKE:

13. All this amendment does is insert in the Human Rights Act
14. national origin and ancestry. And Senator Berman's adds religion.
15. I ask for its favorable consideration.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Is there debate? The question is, shall Senate Bill 23
18. pass? Those in favor vote Aye. Those opposed vote Nay.
19. The voting is open. Have all voted who wish? Have all voted
20. who wish? Take the record. On that question, the Ayes are 50,
21. ...the Nays are 1, 2 Voting Present. Senate Bill 23 having
22. received the required constitutional majority is declared
23. passed. For what purpose does Senator...Egan arise?

24. SENATOR EGAN:

25. Yes,...Mr. President and members of the Senate, I would
26. like...permission of the Body to be listed as a hyphenated co-
27. sponsor of that bill. I meant to do it earlier. I'm sorry.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Is there leave? Leave is granted. Senate Bill 26, Senator
30. Lemke. Joint tenancy property...occupancy. Read the bill, Mr.
31. Secretary, please.

32. SECRETARY:

33. Senate Bill 26.

1. (Secretary reads title of bill)

2. 3rd reading of the bill.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Lemke.

5. SENATOR LEMKE:

6. What this bill does is amends the...Inheritance Tax Act
7. to give the...surviving...spouse an additional eighty thousand
8. dollar exemption on property held jointly. I ask for its
9. favorable adoption.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Is there discussion? Is there discussion? Senator
12. Bowers.

13. SENATOR BOWERS:

14. I don't want to take a lot of time, but in case there's
15. any reservations about this, I think it's a heck of a good
16. idea and would hope we would support it. It...I would point
17. out that in...for those who are concerned about the revenue
18. loss, obviously, there is going to be some revenue loss. It's
19. going to be a...particularly delayed one, however, in the sense
20. that,...as you know, collections under...under this particular
21. tax are delayed until a considerable time after death. The
22. effective date here is next year, so we're talking about two
23. or three years down the road. It's not an immediate impact as
24. far as the...State revenue is concerned. In addition to that,
25. I should point out that...as far as the exemption itself is
26. concerned, we haven't had any basic increase for a number of
27. years and the...the...as between husband and wife, it certainly
28. seems to me that this is logical and reasonable. And I would
29. hope we would support it.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Further debate? Senator Sangmeister.

32. SENATOR SANGMEISTER:

33. Yes, a question of the sponsor.

SB 27
2nd Reading

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. He indicates he will yield. Senator Sangmeister.

3. SENATOR SANGMEISTER:

4. Looking at the Digest, or at least...the Digest is wrong,
5. you're not...you're not doing it for a joint...

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Lemke.

8. SENATOR LEMKE:

9. What we did is...Senator Bowers amended it, and we put a
10. cap on it, eighty thousand dollars. So, it's not just jointly
11. held property, it's, you know, not...it's an eighty thousand
12. dollar cap. That would mean that if a husband and wife owned the home,
13. their home would have to be about a hundred and sixty thousand
14. dollars under the exemption.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Further debate? Senator Lemke may close.

17. SENATOR LEMKE:

18. This...this is a good bill, I think it's something that
19. most people have been waiting for, and I think it's a start on
20. the...on showing the people that we're doing something in taking
21. away Inheritance Tax in certain situations where it's harmful.
22. And I think this is a good amendment, I think it's a start, and
23. it doesn't take that much income out of the State of Illinois, it
24. is not the loss of revenue. So, I ask for its favorable adoption.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. The question is, shall Senate Bill 26 pass. Those in favor
27. vote Aye. Those opposed vote Nay. The voting is open. Senator
28. Savickas. Have all voted who wish? Have all voted who wish?
29. Take the record. On that question, the Ayes are 55, the Nays are
30. none, 2 Voting Present. Senate Bill 26, having received the re-
31. quired constitutional majority is declared passed. Senate Bill
32. 27, Senator Nega. Read the bill, Mr. Secretary, please.

33. ACTING SECRETARY: (MR. FERNANDES)

1. Senate Bill 27.

2. (Secretary reads title of bill)

3. 3rd reading of the bill.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Nega.

6. SENATOR NEGA:

7. Yes, the purpose of this bill is to prevent people who have
8. been given bond, a bail bond was set, to have it decreased. These
9. people get out on bail and they commit other crimes. The other
10. part of the bill is, we all realize that crime is rampant in the
11. United States, one of every three households is involved in a
12. crime. Gun laws are not enforceable, gun registration is un-
13. enforceable, so the reason I have presented this bill is to make
14. sure we punish these people, and make it a deterrent for crime
15. when they use a gun illegally. And I ask for your favorable
16. consideration.

17. PRESIDENT:

18. Any discussion? Senator Johns.

19. SENATOR JOHNS:

20. Of the sponsor, please. Senator Nega...

21. PRESIDENT:

22. Sponsor indicates he will yield. Senator Johns.

23. SENATOR JOHNS:

24. The other...the other day on the Gun Control Bill I...I
25. said that one of the alternatives was to have a mandatory sentence
26. of one year for illegal use of a handgun, and then I said on the
27. second offense, three years. I think you're working along these
28. lines, am I correct?

29. PRESIDENT:

30. Senator Nega.

31. SENATOR NEGA:

32. Right.

33. PRESIDENT:

1. Senator Johns.

2. SENATOR JOHNS:

3. If that's true, I would like to be shown as a hyphenated
4. co-sponsor of this bill, because...

5. PRESIDENT:

6. Further discussion?

7. SENATOR JOHNS:

8. If you, you know...if there's not leave, why you can...

9. PRESIDENT:

10. Further discussion? The question is, shall Senate Bill 27
11. pass. Those in favor will vote Aye. Those opposed will vote Nay.
12. The voting is open. Have all voted who wish? Have all voted who wish?
13. Have all voted who wish? Take the record. On that question, the Ayes are 53,
14. the Nays are 1, 1...none Voting Present. Senate Bill 27, having
15. received the required constitutional majority is declared passed.
16. 31, Senator Vadalabene. On the Order of Senate Bills 3rd reading,
17. Senate Bill 31. Read the bill, Mr. Secretary.

18. SECRETARY:

19. Senate Bill 31.

20. (Secretary reads title of bill)

21. 3rd reading of the bill.

22. PRESIDENT:

23. Senator Vadalabene.

24. SENATOR VADALABENE:

25. Yes, thank you, Mr. President, and members of the Senate.
26. Senate Bill 31 as amended, amends the Act concerning coterminous
27. cities and townships. Senate Bill 31 requires in a city that
28. is coterminous with a township that before annexation of ter-
29. ritory in an adjacent township can occur, a referendum must be ap-
30. proved by a majority of the voters of both townships. This bill
31. ...this bill has been amended extensively, it was held on 2nd
32. reading to satisfy most of the objections, and if there's any
33. questions in regard to the bill I would yield to...to Senator Gitz
34. who...his amendment changed the bill quite considerably.

1. PRESIDENT:

2. Any discussion? If not, the question is, shall Senate Bill
3. ...I beg your pardon, Senator DeAngelis.

4. SENATOR DeANGELIS:

5. A question of the sponsor.

6. PRESIDENT:

7. He indicates he will yield. Senator DeAngelis.

8. SENATOR DeANGELIS:

9. Senator Vadalabene, how does this differ from what the law
10. currently is?

11. PRESIDENT:

12. Senator Vadalabene.

13. SENATOR VADALABENE:

14. Well, as I indicated, I should refer to Senator Gitz who
15. amended the bill extensively now, however, if I can answer it,
16. prior to this legislation a coterminous township and city could
17. just annex it, as...as far as they wanted without..without stopping.
18. But Senator Gitz...I would appreciate it if you would refer to him,
19. now.

20. PRESIDENT:

21. Senator Gitz.

22. SENATOR GITZ:

23. Thank you, Mr. President, and members of the Senate. It is
24. Amendment No. 2 which made some substantial changes in the bill.
25. What currently happens in certain select cities throughout the
26. State, they have a coterminous boundary for both the city and
27. for townships, and they are able to annex territory whether it is
28. a factory, whether it's vacant, whether it's residential, and the
29. township boundary automatically changes with it. In the Local
30. Government Committee there was considerable opposition to this
31. concept because we foresaw many problems specifically with whether
32. it inhibited the cities' annexation power. With Amendment No. 2,
33. if it is residential property which is in question, by filing the

1. necessary annexation papers they can do exactly what they do
2. now. And under this amendment, and the bill in its present form,
3. the difference between what happens today, and what would happen
4. with the adoption of the bill, is if that property to be annexed
5. was vacant or commercial or industrial, the city could go ahead
6. and annex, but the original township boundary would remain in
7. place unless the referendum provisions were put into effect.
8. PRESIDENT:

9. Further discussion? Senator Berning.

10. SENATOR BERNING:

11. Thank you, Mr. President. First, I'd like to point out
12. to the Senate sponsor and the Amendment...2 sponsor that on
13. page 2, line 3 there is a technical error. The word form,
14. undoubtedly, should be from. Then speaking to the amend-
15. ment itself, Mr. President,...I have...great reservations
16. about the provision starting with line 23, where there is
17. the inference that because property is...a part of a developed
18. subdivision, the prerogative should be to...by the annexing
19. ...entity to be able to annex that without any particular...
20. limitations. The inference being that industrial or business
21. property is perhaps more desirable in the...in the eyes of
22. the township in which it currently exists. However, I submit
23. to you that any cannibalization of one township by another
24. has a deleterious effect. And I would respectfully suggest
25. that rather than going the route that's been suggested, we
26. should further amend this and I must apologize to the Senate
27. sponsor that the amendment I had requested from the Reference
28. Bureau was not available in time to give him the necessary time
29. to digest it. We would like to...request the opportunity to
30. go into it further, but I respect the right of the Senate
31. sponsor to proceed with the bill as amended. However,...I
32. repeat that Amendment No. 2 has some...serious, questionable
33. provisions by exempting residential property.

1. PRESIDENT:

2. Further discussion? Senator Buzbee.

3. SENATOR BUZBEE:

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

5. PRESIDENT:

6. Indicates he will yield, Senator Buzbee.

7. SENATOR BUZBEE:

8. The referendum would have to pass in both townships. Is
9. that correct, Senator?

10. PRESIDENT:

11. Senator Vadalabene.

12. SENATOR VADALABENE:

13. Yes, by a majority of those voting.

14. PRESIDENT:

15. Senator Buzbee.

16. SENATOR BUZBEE:

17. ...even without...if one of the townships votes No, the
18. city would still have the authority to annex anything other
19. than residential property. Is that...it that correct? Even
20. if one of the townships votes No on the referendum?

21. PRESIDENT:

22. Senator Vadalabene.

23. SENATOR VADALABENE:

24. Yes.

25. PRESIDENT:

26. Senator Buzbee.

27. SENATOR BUZBEE:

28. Well, let me...let me...let me ask this question then. Is
29. this...the same kind of bill that Senator Donnewald had a couple
30. of years ago...or three or four years ago which would allow the
31. city to...to annex coterminous property?

32. PRESIDENT:

33. Senator Vadalabene.

1. SENATOR VADALABENE:

2. I don't recall...I don't think that Senator Donnewald had
3. any coterminous...areas in his district. I don't recall his
4. bill.

5. PRESIDENT:

6. Senator Buzbee.

7. SENATOR BUZBEE:

8. Thank you, Mr. President.

9. PRESIDENT:

10. Further discussion? Senator Ozinga.

11. SENATOR OZINGA:

12. A question of the sponsor.

13. PRESIDENT:

14. Indicates he will yield. Senator Ozinga.

15. SENATOR OZINGA:

16. Senator, how many townships are coterminous with a city?

17. PRESIDENT:

18. Senator Vadalabene.

19. SENATOR VADALABENE:

20. I think there is approximately twelve now. I think there
21. was nineteen or twenty, but the...the other eight or nine are locked in.
22. So there's approximately twelve.

23. PRESIDENT:

24. Senator Ozinga.

25. SENATOR OZINGA:

26. Okay. I would guess that this must be for some specific
27. township. Could you tell us which one?

28. PRESIDENT:

29. Senator Vadalabene.

30. SENATOR VADALABENE:

31. Yes, I would suggest that they are probably for the twelve
32. remaining, who are...who are slowly being annexed completely by
33. these twelve cities.

1. PRESIDENT:

2. Senator Ozinga.

3. SENATOR VADALABENE:

4. Let me...let me answer that. It's a bill that...has the
5. endorsement and the sponsorship of the...of the Illinois town-
6. ship officials. This is their product and this is their bill
7. and it has caused some problems with the different townships
8. throughout the State.

9. PRESIDENT:

10. Senator Ozinga.

11. SENATOR OZINGA:

12. My only question...my only question in my mind was, is
13. there some specific township that is having problems?

14. PRESIDENT:

15. Senator Vadalabene.

16. SENATOR VADALABENE:

17. Yes, there is some specific townships. I would...I would
18. think all twelve of them, but to be more specific, Granite City.
19. Chouteau Township in Granite City is having problems,...Godfrey
20. Township,...with the City of Alton is having problems,...you
21. know, I can't name the other townships, but...you pinned me
22. down to two of them and I gave you two and I can't give you
23. the other ten without further comment.

24. PRESIDENT:

25. Further discussion? Senator Davidson.

26. SENATOR DAVIDSON:

27. Senator Vadalabene, I don't know whether this goes to
28. you or Senator Gitz, but with the amendment that you exempted
29. the vote not necessary on residential, I understand, but
30. presently there's a number of planned development projects
31. which are both residential, business, and commercial, a
32. very substantial...item in development today. Would this...
33. would a planned development unit be involved in having to go to

1. a referendum vote?

2. PRESIDENT:

3. Senator Vadalabene.

4. SENATOR VADALABENE:

5. First of all, I'm going to refer that to Gitz, but...we
6. did amend the bill so that it would be a majority of those,
7. for instance Springfield,...voting against some little town-
8. ship outside...outside of Springfield. So we did amend it
9. so...so that if you had a serious consideration...the voters
10. in Springfield, which are, I don't know how many you have, but
11. you're about ninety thousand, I don't know what your town-
12. ship...those little townships are, you have a pretty good
13. wedge of defeating any type of legislation like this. It
14. has been watered down considerably and if Senator Gitz wants
15. to respond further he can.

16. PRESIDENT:

17. Senator Gitz.

18. SENATOR GITZ:

19. I think the answer to Senator Davidson's question,...
20. first of all, Senator Davidson, my interpretation would be
21. that it would be the zoning. If it was considered residential,
22. and that was how it was zoned, I think that that would take
23. care of your problem. But here is the language, if this
24. was ever to be disputed that would really govern, in page 2,
25. line 23. Where the territory annexed by the city is residential
26. in character, emphases in character, rather than vacant,
27. industrial, or commercial, it shall become disconnected from
28. the adjacent township and annexed to the township which was
29. coterminous with the city, without having the proposition to
30. annex submitted to the voters in the townships.

31. PRESIDENT:

32. Senator Davidson.

33. SENATOR DAVIDSON:

1. I understand that part. My question is on a planned
2. development unit, or PUD, you got residential, business and
3. commercial, all part of the same thing, the residential
4. being the biggest part of it, not all of it. And the zoning
5. is an integral part, also the city services being an integral
6. part. Does or does it not come under the referendum require-
7. ment? Is there any limitation if it's more than fifty percent
8. residential? Does it...does it go to the vote or not go to
9. the vote? Or if any commercial in it, does it go to the
10. vote or not go to the vote?

11. PRESIDENT:

12. Senator Gitz.

13. SENATOR GITZ:

14. There is no percentage provision in it. The governing
15. ...language in that case would be, is residential in character.
16. And my interpretation would be that if it was...over fifty
17. percent residential,...then that territory would be annexed
18. without it going to a referendum. It seems to me that...
19. if you want further clarification, we could so amend this
20. legislation in the House.

21. PRESIDENT:

22. Any further discussion? Senator Bowers.

23. SENATOR BOWERS:

24. Just to follow up a little bit on Senator Davidson's
25. questioning, who makes the determination? I don't find any-
26. thing in here that gives anybody the power to decide whether
27. or not it's "residential" in character. So, who decides
28. whether there's going to be a referendum or not?

29. PRESIDENT:

30. Senator Gitz.

31. SENATOR GITZ:

32. Mr. President and members of the Senate, on page 1 it says
33. whenever a city is coterminous with a township annexes

1. any territory other than such territory as is residential
2. in character in adjacent township, the City Clerk shall file
3. a certified copy of the resolution or ordinance of the city
4. annexing such territory with the proper election authority,
5. which election authority shall submit to the voters of the
6. townships the proposition to disconnect such territory from
7. the adjacent township and to annex it to the township which
8. was coterminous with the city.

9. PRESIDENT:

10. Senator Bowers.

11. SENATOR BOWERS:

12. So, I take it the answer is the election authority makes
13. the determination. Is that what we're saying?

14. PRESIDENT:

15. Senator Gitz.

16. SENATOR GITZ:

17. Well, the Township Clerk,...obviously, the forms and...
18. they're going to annex have to be filed with them. And this
19. language would mean that when it is filed with them they have
20. the responsibility at the next election, assuming the character
21. of that property, to put it to referendum.

22. PRESIDENT:

23. Senator Bowers.

24. SENATOR BOWERS:

25. Okay. Now, going on in the real world,...as you know,
26. Senator Gitz, we have a series...we go...we go a whole year
27. here, for instance, or until the next election, so that all of
28. the annexations are going to be submitted in one referendum.
29. Will they be submitted on one ballot or are there going to be
30. a series of twenty or thirty ballots, assuming there are that
31. many annexations, and I think the testimony was there probably
32. would be. Will there be twenty or thirty ballots...that's
33. presented the same election or will it all be on one ballot?

1. PRESIDENT:

2. Senator Gitz.

3. SENATOR GITZ:

4. Senator Bowers, there is nothing in the language of this
5. bill which would speak directly to that problem. I think you
6. could interpret it either way. And perhaps, you would want
7. to clarify it. I don't see any reason, frankly, why this
8. couldn't be done as one ballot and you would have next to that
9. the propositions in which they voted on. But, you know, it
10. would...it would be determined by the township involved. For
11. example, in my home community there are some four or five town-
12. ships there that are coterminous with that city, or not
13. coterminous but adjacent to it. And, obviously, it's only
14. the voters of Silver Creek Township that are going to vote on
15. a referendum involving them. It's not going to be the people
16. in Harlem Township. But in each case, the city would be a
17. part of that referendum process, so they would be voting on
18. each and everyone of them.

19. PRESIDENT:

20. Senator Bowers.

21. SENATOR BOWERS:

22. The thing that bothers me, I'm assuming, quite frankly,
23. that there have to be separate...separate ballots. Now, if
24. that's not the case, okay, but assuming it is and, you know,
25. you have an annexation in the real world, then the next annexation
26. ...for contiguity depends on the first one and the third one
27. depends on the first two and I've tried to figure out what's
28. going to happen if number one loses and the other two win.
29. Because then you're going to have, in effect, a...a non-
30. annexation for property that was...was the contiguity factor for
31. the remaining property. And it seems to me that there are
32. that plus, you know, I can give you four or five other instances
33. that...that are problems created by this legislation and I

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1. think we've created more problems than we've solved. That's
2. all I'm trying to point out. Thank you.

3. PRESIDENT:

4. Any further discussion? Senator Vadalabene may close.

5. SENATOR VADALABENE:

6. Roll call.

7. PRESIDENT:

8. The question is shall Senate Bill 31 pass? Those in favor
9. will vote Aye. Those opposed will vote Nay. The voting is
10. open. Have all voted who wish? Have all voted who wish? Have
11. all voted who wish? Take the record. On that question, the
12. Ayes are 29, the Nays are 25, none Voting Present. Senate
13. Bill 31...the sponsor requests that further consideration be post-
14. poned. So ordered. Senate Bill 32, Senator Vadalabene.
15. On the Order of Senate Bills 3rd reading, Senate Bill 32. Read
16. the bill, Mr. Secretary.

17. SECRETARY:

18. Senate Bill 32.

19. (Secretary reads title of bill)

20. 3rd reading of the bill.

21. PRESIDENT:

22. Senator Vadalabene.

23. SENATOR VADALABENE:

24. Yes. Thank you, Mr. President. Out of the frying pan
25. into the skillet. On May 1st, Senate Bill 32 passed the Illinois
26. Higher Education Committee 5 votes to 2. And this bill is
27. directed to students who do not want to attend a post-secondary
28. two or four year school. These students seek employable skills
29. in one year or less to enable them to earn a living for them-
30. selves and, in many cases, support a family in the shortest time
31. possible. And they seek "freedom of choice" as provided in the
32. Higher Education Assistant Law to attend one of the twenty-nine
33. accredited proprietary institutions of their choice and to

1. participate in the Illinois Monetary Award Program, July 1, 1982.
2. And since these students typically attend only one year, they
3. require only one award. And, therefore, four times as many
4. students can be assisted. I'd like to repeat that. Four
5. times as many students can be assisted in comparison to only
6. one four year graduate for the same amount of money. For twenty
7. years these students have been excluded from the Illinois Monetary
8. Award Program, despite the fact that they attend colleges and
9. schools recognized by the Illinois State Scholarship Commission
10. and the United States Department of Education. And currently
11. twenty-six states assist students attending proprietary insti-
12. tutions and these schools contribute to the economy by paying
13. taxes and helping Illinois businesses. They have produced
14. employable graduates in some schools for over one hundred years,
15. enabling them to become self-supporting citizens. And many
16. of these students were formerly drawing from state welfare
17. program, such as Public Aid and unemployment compensation.
18. Senate Bill 32 asks for equal treatment and not additional
19. appropriations. These students ask for the same opportunity
20. as anyone else to participate in this program for whatever
21. funds are available and I would appreciate a favorable vote.

22. PRESIDENT:

23. Any discussion? Senator Becker.

24. SENATOR BECKER:

25. Thank you, Mr. President and members of the Senate. I
26. received an invitation to tour six of these schools in the
27. City of Chicago. I took advantage of that invitation and as
28. I stand before you today, I assure every member of this General
29. Assembly, never in my life have I witnessed our younger people
30. as motivated as they are in all six of these schools learning
31. computer work, shorthand, typing, court reporting, arts. Industry
32. throughout the State is waiting for them upon graduation. Re-
33. gardless of the color of our skin, I'd like everyone to know

1. these youngsters, their dress alone, their discipline in
2. this one year and two year course is just unbelievable. To
3. know that the schools are closed on a Saturday and the children
4. are seeking entrance to be able to use the typewriters to
5. better their skills, to be employable after a period of ten,
6. eleven, or twelve months. I wish to God that we would have
7. used CETA money, the millions and billions that we have wasted
8. in the United States watching men rest on shovels and brooms
9. and put it to good use and give these children the opportunity
10. of attending these schools, while it's true they don't intend
11. to go to a two year or a four year course at Circle or Chicago
12. or downstate, but they do want to work. They want to get off
13. the welfare rolls, they want to stay off Public Aid and I
14. say that when we vote today we should alert our Scholarship
15. Committee to give consideration, knowing full well that we
16. just voted a bill down on three million dollars in additional
17. monies to the Scholarship Fund. Let's alert the Scholarship
18. Committee that here are the needy not the greedy. Let's put
19. them to work and let's save the taxpayers of the State of
20. Illinois billions of dollars. I ask for a favorable roll call
21. vote on this bill.

22. PRESIDENT:

23. Further discussion? Senator Nega.

24. SENATOR NEGA:

25. I want to remind you that there is no extra cost to the
26. taxpayers. Yet, keep in mind that these students' parents are
27. taxed for education purposes. Students should be given the
28. choice to select their school. Let us educate these students
29. to get jobs after graduation and enter into the taxpayer world.
30. I ask for a favorable vote.

31. PRESIDENT:

32. Further discussion? Senator Rupp.

33. SENATOR RUPP:

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

2. PRESIDENT:

3. Sponsor indicates he will yield, Senator Rupp.

4. SENATOR RUPP:

5. I have an explanation here and it indicates that...this
6. would apply to nationally accredited proprietary institutions
7. for resident students. We have some in our district that I
8. thought would apply, but that would eliminate. We have...in
9. Central Illinois we have some of the...very fine...schools that
10. provide this help...and training, but they are not for resident
11. students. And I'm wondering if that is...an incorrect...
12. impression I have or...the bill even reads that way, too, for
13. resident students.

14. PRESIDENT:

15. Senator Vadalabene.

16. SENATOR VADALABENE:

17. Senator Rupp, I can't answer that question. I...the
18. schools I visited in Chicago with Senator Nimrod and with
19. Senator Newhouse...and I was chairman of the sub-committee,
20. that was last year's bill and then we came in with this one,
21. I was not...apprized of any residential...proprietary schools.
22. And I know you found it someplace in the bill or you wouldn't
23. be asking me.

24. PRESIDENT:

25. Senator Rupp.

26. SENATOR RUPP:

27. I find it...thank you, Mr. President...I find it in the
28. explanation and I find it in this little bill analysis that
29. was passed around with...your name on it. So, I'm wondering
30. if...I might not be questioning the...the idea, but we do have
31. some situations in Central Illinois where the youngsters go
32. home every night and the training is just as good and just as
33. valid. And I'm wondering if these in Chicago actually have a

1. residential hall. If they do not, it would seem that this would
2. exclude it.

3. PRESIDENT:

4. Senator Vadalabene.

5. SENATOR VADALABENE:

6. Yes, my attorney to the rear on my left, Senator Bruce,
7. says you have to be a resident of the State of Illinois.

8. PRESIDENT:

9. Further discussion? Senator Newhouse.

10. SENATOR NEWHOUSE:

11. Thank you, Mr. President and Senators. I...I...I support
12. this bill. It's a good concept. I do have one problem though
13. and that is that we had discussed a...a...a two year require-
14. ment...on...on this...on the institutions that would benefit
15. from this bill and I would hope that that's tacked on in
16. the House. There has to be some method by which we distinguish
17. ...one institution from another. And we certainly would not
18. want to...include in this...measure some of the schools that
19. have a six week training program and so forth,...because while
20. ...there is no additional cost to this, the fact is that we're
21. going to be cutting into the total ISSC dollar. Let's make...
22. have no illusions about that part of it. So, it would seem
23. to me that,...Senator, certainly, that amendment ought to go
24. on before...it proceeds to the Governor's Desk.

25. PRESIDENT:

26. Further discussion? Senator Egan.

27. SENATOR EGAN:

28. Yes, thank you, Mr. President and members of the Senate.
29. Sam, unlike...unlike the...your pan bill that I voted for, I
30. must respectfully disagree with you on this one and I...I hope
31. you'll bear with me for a minute. These proprietary schools,
32. Senator, are for profit organizations that now will take about
33. ten percent from the...the...Awards Program from the State,

1. which is, at this point,...simply not enough money to do the
2. job for the students who are enrolled in...in the private
3. schools in the State. All of which...I am...at best...
4. knowledgeable...are not for profit. Now, the problem is that
5. ...I don't for a minute disagree with Senator Newhouse that
6. there's a need...or Senator...Nega that there is a need...in...
7. in many instances for financial assistance for the...students
8. in proprietary institutions and...I am informed that there is
9. such available money, presently. Students enrolled today...
10. get the National Direct Student Loans, Supplemental Education
11. Opportunity Grants,...and...one other Federal assistant pro-
12. gram all amounting to about ten million dollar...ten billion
13. dollars...ten million, I'm sorry, ten million dollars, which
14. amounts to a grant per student presently, at least in 1980,
15. of almost a thousand dollars. Now, what you're going to do
16. here is take money from the Financial Aid Program which is
17. drastically low and give it to people that can otherwise afford
18. to attend these proprietary institutions that are for profit
19. organizations. And what you're doing is...is really robbing
20. the people who deserve what they're not really getting, but
21. entitled to today. And if you want to do it, I would suggest
22. you create a different fund and tax it separately and...and
23. proceed that way as the...as the schools of higher education
24. have done presently. For that reason, Mr. President, I must
25. ...definitely ask...that you vote against the bill. Thank you.

26. PRESIDENT:

27. Further discussion? Senator Gitz.

28. SENATOR GITZ:

29. Mr. President and members of the Senate, I would merely
30. point out as we each deliberate on this bill that we think
31. very carefully through what we are asking of the Scholar-
32. ship Commission in the coming year. The other day we sent
33. a bill out of here to keep our word good in terms of our

1. present awards that is supposedly going...the attempt will
2. be made to deduct it from next year's budget. Now if this
3. bill becomes immediately operational, we add another
4. 2.9 million dollars to the budget. Conceptually,
5. I have no problem with anyone having access to this to
6. further their training, but it seems to me that if we're
7. going to vote for this kind of legislation then we better
8. be prepared to bite the bullet to provide the additional
9. resources. I was not aware until yesterday, for example,
10. when I chatted with the executive director of the commission
11. that this year alone, they have already raised the parental
12. income eligibility. That is some three million dollars
13. worth of burden I'm told. They also raised the students'
14. work portion of it. Now, if this follows the trend in which in
15. tight money times and high unemployment that more people are
16. going to be in our universities, there will be more strain
17. on those resources than ever before. And before we adopt
18. this kind of legislation, it seems to me that we should do
19. everything we can to see that that Scholarship Commission
20. budget is going to be adequately funded and to take care of
21. our present awards first and then add to that burden in the
22. future as resources are more available.

23. PRESIDENT:

24. Further discussion? Senator Johns.

25. SENATOR JOHNS:

26. Well, Mr. President and members of the Senate, I...I
27. listened in committee to the testimony on this bill and it
28. really staggered us to hear the tuitions that are charged
29. by the proprietary school, sometimes two and three times
30. as high as our public schools. That bothered me a great deal.
31. The second thought was, if we continue to expand our present
32. scholarship type of programs, we're going to just tell the
33. public schools that we need them less and less and you're going

1. to give incentives or encouragement to more and more people
2. opening schools to pursue this kind of endeavor. The Scholar-
3. ship Commission, to my knowledge, and I voted against the ex-
4. pansion the other day, cannot handle the present workload.
5. So, now we're going to pile more and more on them. I'm...
6. I'm simply discouraged by this kind of approach. I think our
7. school systems are good and are offering the programs in
8. the proprietary schools and I cannot support this kind of
9. endeavor.

10. PRESIDENT:

11. Further discussion? Senator Berning.

12. SENATOR BERNING:

13. Thank you, Mr. President. Just for purpose of clarification.
14. It's been brought to my attention that on page 2, line 10 where
15. it refers to resident students...that is to differentiate be-
16. tween Illinois resident students who are taking advantage of
17. a...proprietary institution versus a correspondence school.
18. This does not...qualify a student for tuition for a corre-
19. spondence school. Further then, Mr. President, while, yes,
20. some students for the normal...academic courses are going to
21. be,...or academic schools are going to be...unable to get fund-
22. ing, it seems to me that these also are students who are de-
23. serving of our attention, they are our fellow citizens and
24. what is perhaps equally as important, after the two years or
25. in some cases one year, they are going to be out working and
26. will become taxpaying citizens rather than sitting in school
27. for another two to three or four years. I think this is a
28. good concept and I urge support.

29. PRESIDENT:

30. Further discussion? Senator Marovitz.

31. SENATOR MAROVITZ:

32. Will the Senator yield to a question?

33. PRESIDENT:

1. Indicates he will yield, Senator Marovitz.

2. SENATOR MAROVITZ:

3. Sam, I may have inadvertently...not heard...a comment
4. earlier, but has the Illinois State Scholarship Commission
5. taken a position on this bill?

6. PRESIDENT:

7. Senator Vadalabene.

8. SENATOR VADALABENE:

9. If they've taken a position they haven't written to me.

10. PRESIDENT:

11. Senator Marovitz.

12. SENATOR MAROVITZ:

13. You have no independent knowledge of any position that
14. they have on this or whether they are for or against this bill,
15. or...how they feel this will affect the appropriation of their
16. scholarships?

17. PRESIDENT:

18. Senator Vadalabene.

19. SENATOR VADALABENE:

20. I've just been informed that they are against the bill.

21. PRESIDENT:

22. Further discussion? Senator Bruce.

23. SENATOR BRUCE:

24. Well, thank you, Mr. President and members of the Senate.
25. Many people have spoken on this bill and I rise in opposition
26. to it and everyone has said it's a good proposal and...and it
27. is. But our job here as Legislators...is to take a look at
28. good proposals and weed out many of them. If we passed every
29. good proposal that is available to us, we would bankrupt the
30. State of Illinois very quickly. Last year...last week we had
31. a long debate on whether or not we ought to remove a little more
32. than three million dollars or add to the budget of the Scholar-
33. ship Commission to handle...some people who are being asked to

1. return money from the...to the State Scholarship Commission and
2. then take that same amount of money out of next year's budget,
3. which is going to put a severe strain on many students al-
4. ready in school. And I think that although several Senators
5. stood and said this does not cost anything, I think that we
6. should have listened very closely to what Senator Egan said
7. and that is it's going to take about ten percent of the total
8. awards away from students who are presently in public and private
9. colleges. And this bill opens and changes the way we are funding
10. scholarships in the State of Illinois. It is the first time
11. we have ever said that public money ought to go, by grant, to
12. a profit making organization. As good as they may be, as good
13. as the students may be when they come out, as many dollars in
14. taxes as they pay, we are opening the State Treasury and saying
15. for you who make a profit we will give you State money. Now, the
16. whole idea and the reason for the existence of all these pro-
17. prietary institutions is the fact that the public colleges
18. and the public universities and the private colleges and
19. universities have not filled a need in court reporting, in
20. diesel mechanics, or whatever they are teaching. The fact
21. is the public schools are not meeting that need and a private
22. entrepreneur said there is a profit to be made in training
23. court reporters and open a court reporting school. It is
24. not right that they should now come to the State Treasury
25. and say, I have students that we would like to have scholar-
26. ships for. That's not part of the deal. That was not part
27. of the bargain when we did the master planning for all...
28. the colleges done by the Board of Higher Education where
29. we say courses are going to be offered and not offered. It
30. just seems to me that we ought to say to those who make a
31. profit, if you want to return some of your profit to those
32. students to have scholarships that's your obligation. If
33. you want to reduce your tuition so that more can attend, that

1. is your solution. The solution is not to raise tuition and
2. come to the State Treasury and ask for scholarship, thereby
3. increasing your profit, and...and ten percent of the awards
4. are what we're talking about today and that's a significant reduction...
5. and the people probably most in need of assistance and I rise
6. in reluctant opposition to Senate Bill 32.

7. PRESIDENT:

8. Further discussion? Senator Collins.

9. SENATOR COLLINS:

10. Thank you, Mr. President and members of the Senate. We
11. heard a long talk about cost in here and the strain and additional hard-
12. ship that this bill would put on the Illinois Scholarship...
13. Commission. Quite frankly, I support wholeheartedly the
14. concept of public education. I also recognize that the Illinois
15. Scholarship Commission is in serious financial condition
16. at this time. But that's not what we're discussing here. We're
17. not even talking about additional monies. We're talking about
18. allocating a percentage of the existing money, be it three
19. dollars or three million dollars, to what I consider to be,
20. and most of the students enrolled in those programs consider
21. to be, an investment in the future of this State. Those
22. students who enrolled in those...colleges enroll for the
23. sole purpose of becoming productive citizens and to get off
24. of the welfare rolls. The whole question before us is, what
25. does education mean? Why do we even bother about sending
26. people to college or even high school, today, when over
27. fifty percent of who graduate can't even find a job to take
28. care of themselves and eventually end up someday into the
29. social service system of which we have to allocate money to
30. provide services for them. To sit here and to say simply
31. because they are proprietary schools, that we should not...
32. support them is a very poor excuse. If the public universities...
33. is not going to respond to critical and legitimate needs of

1. its students, then I see no reason why the students should
2. have to enroll there. And I can see that it is only fair
3. for those people who wish to go to a school that will pro-
4. vide immediate skills for employment that it is our respon-
5. sibility to make sure that they enroll in those schools,
6. regardless...to whether or not they are public or private.
7. And I rise in support of this bill.

8. PRESIDENT:

9. Further discussion? With leave of the Body Channel 3
10. News has requested permission to shoot some film. I under-
11. stand they heard that Senator Nedza wished recognition.
12. Senator Nedza.

13. SENATOR NEDZA:

14. Thank you, Mr. President. I'll be very brief. We...
15. with respect to all of the Senators' thoughts on this partic-
16. ular bill, if you were to go through your Calendar, you'll
17. find a variety of bills addressing themselves to pension in-
18. creases for educators, salary increases, grants for...educa-
19. tional institutions and what have you. The only thing that
20. I would say in...casting your vote for this particular bill
21. is that you're truly the...Scholarship Commission has had some
22. financial difficulties, three million dollars. But I would
23. say that our investment in the children that are going to these
24. various...educational institutions, what cost are we willing
25. to pay for their education as opposed to taking care of every
26. other thing that we have in this...Calendar? I urge your
27. support for this bill and I move the previous question.

28. PRESIDENT:

29. Further discussion? Senator Vadalabene may close.

30. SENATOR VADALABENE:

31. Yes, thank you, Mr. President and members of the Senate.
32. I think...Senator Berning in...in effect has answered...Senator
33. Rupp's question that resident student means they can...they

1. attend class and not correspondence school. But just let me
2. say to Senator Bruce and to Senator Egan and to Senator Gitz
3. ...the issue here is the eligibility of a student...access of
4. choice. Now we hear no money for you, no money for you, the
5. argument from the IBHF, and yet appropriations have reached
6. nearly a hundred million dollars and over a hundred thousand
7. awards. Perhaps it is time we begin to look at the student...
8. and rather at the dollar award and it's time we start some
9. place. Senator Johns...Senator Johns, the issue is access
10. and choice. And this was apparent when Senator Johns asked
11. why our students did not attend the University of Illinois
12. for court reporting and the student replied she would like
13. to attend the institution of her choice and a four year uni-
14. versity does not teach court reporting. And I could go on and
15. on. And Senator Newhouse, the current law on the two year
16. program, students attending the schools are not required to
17. take a two year program. Therefore, it is a mythical stand-
18. ard that is truly not performed. And also allied health
19. schools are currently exempt from two year requirements
20. due to the character of their institutions. And Mr. President
21. and members of the Senate, I'm not going to read all these
22. letters and we have stacks and stacks of them. These are
23. people who are on Public Aid, drawing unemployment compensation,
24. who are now in gainful employment because of these proprietary
25. schools. And let's quit talking about the dollar and start
26. taking care of these students who want to go out and quit being
27. on the tax doles. And I move for a favorable vote.

28. PRESIDENT:

29. The question is, shall Senate Bill 32 pass? Those in
30. favor will vote Aye. Those opposed will vote Nay. The voting
31. is open. Have all voted who wish? Have all voted who wish?
32. Have all voted who wish? Take the record. On that question,
33. the Ayes are 29, the Nays are 23, 3 Voting Present. The

1. sponsor requests that further consideration be postponed. So
2. ordered. 33, Senator Lemke. On the Order of Senate Bills 3rd
3. reading, Senate Bill 33. Read the bill, Mr. Secretary.

4. SECRETARY:

5. Senate Bill 33.

6. (Secretary reads title of bill)

7. 3rd reading of the bill.

8. PRESIDENT:

9. Senator Lemke.

10. SENATOR LEMKE:

11. What this...bill simply does is makes the first Monday in
12. March...to be known as Casimir Pulaski Day throughout the State,
13. which will be recognized by the school children and by the...the
14. banks in closing. I think...Pulaski was born on March 4th,...
15. 1748 and came to America in the colonial days and gave his
16. life for freedom in the Revolutionary War. Casimir Pulaski
17. is not only a symbol of the Polish people, but all Slavic-
18. American people and he is a typical example of those that came
19. to the great melting pot and...protected our Country from
20. tyrants and was a true soldier of liberty. I ask for your
21. support of this bill.

22. PRESIDENT:

23. Further discussion? Senator Egan.

24. SENATOR EGAN:

25. Thank you, Mr. President and members of the Senate. In
26. behalf of St. Patrick, I rise in support of this bill.

27. PRESIDENT:

28. Further discussion? Senator Davidson.

29. SENATOR DAVIDSON:

30. The old adage,fools Russia and where angels fear to tread
31. it's normally not...bright to get up and oppose one of the Polish
32. national heroes, but for some reason this bill does a little
33. more because we've got a bill here that does away with the Governor

1. talking about State holidays. This bill then would kick in
2. and become a holiday for a school. It will add cost for the
3. State. For the State employees it cost 7.9 million
4. dollars for every State holiday we have. It affects the
5. School Code even more, because we have with the change from
6. the...we had from the President's order on the hostage day,
7. we changed that, Senator Berman has a bill which has to do
8. with the Governor doing away with...period. This would affect.
9. We got enough holidays that we're reminding to. This makes
10. it mandatory. In prior years this bill has...came to the
11. Education Committee and died there. It went to a different
12. committee this time. I urge a No vote on this bill.

13. PRESIDENT:

14. Further discussion? Senator Thomas.

15. SENATOR THOMAS:

16. Thank you, Mr. President and Ladies and Gentlemen of the
17. Senate. I think not only is this a good idea, I think we
18. should find three hundred and sixty-four more ethnic groups
19. and then we can keep the schools and the banks closed all
20. year long.

21. PRESIDENT:

22. Any further discussion? Senator Lemke may close.

23. SENATOR LEMKE:

24. This bill does not make it a mandate, it is up to the
25. Governor to make it a holiday for those days. He...he has
26. the...it's in his power if he feels that the...he doesn't
27. have the money to do it, he does not have to make that day
28. a holiday. All it says is that we want it as...as...if he
29. does declare it as a holiday that...the schools and the banks
30. will close on that day. Now, maybe...somebody will say...
31. says something about other ethnic holidays, this is not just
32. another ethnic holiday. Casimir Pulaski is an important fellow
33. to the State of Illinois. He is so important that we named a

1. county after him, we named a city after him, and...and why
2. is he important? Even in...in Southern United States he is
3. very important. They recognize him. They built a statue to
4. him. He died to save...he saved Washington, he died...he saved
5. the City of Savannah, he made it possible for Illinois,...people
6. that came from Virginia, they came to Illinois to find the
7. State...who founded the State, he made it possible so they could
8. be free in this State. Now, Casimir Pulaski is just not one
9. ordinary Pole or Slavic hero. And I wish...the late Hudson...
10. Senator Hudson Sours was here, he could explain to you that
11. he is a true example of Eastern Europeans that came here to
12. help...America free. And he was a...true example of what this
13. Country is all about and I think it's a good bill and I think
14. it's deserving of those...community. As we say...you know...we
15. all should look to our heritage, but especially to those people
16. who are most important to this Country and Casimir Pulaski was
17. most important to this Country. Because if it wasn't for him,
18. George Washington would have been wiped out and there would be no
19. country. He came here without any payment and saved Washington
20. at Brandywine from being...when he was on the retreat from being
21. captured. So, therefore, he's a very important individual.
22. He's not just an ethnic person, he's a...an American who of
23. noble birth in Europe...who gave up that birth to come here to
24. fight and die for this Country. And he died at the age of
25. thirty-two. A very young man. So I ask for its favorable
26. adoption.

27. PRESIDENT:

28. The question is, shall Senate Bill 33 pass? Those in
29. favor will vote Aye. Those opposed will vote Nay. The voting
30. is open. Have all voted who wish? Have all voted who wish?
31. Have all voted who wish? Take the record. On that question,
32. the Ayes are 29, the Nays are 21, 1 Voting Present. Further
33. ...the sponsor requests that further consideration be postponed.
34. So ordered.

1.

2. 42, Senator Maitland. On the Order of Senate Bills 3rd reading,
3. Senate Bill 42. Read the bill, Mr. Secretary.

4. SECRETARY:

5. Senate Bill 42.

6. (Secretary reads title of bill)

7. 3rd reading of the bill.

8. PRESIDENT:

9. WAND TV, Channel 17, also wishes permission to film. Is
10. leave granted? Leave is granted. Senator Maitland.

11. SENATOR MAITLAND:

12. Thank you, Mr. President, and Ladies and Gentlemen of the
13. Senate. Senate Bill 42, creates the Drug Paraphernalia Control
14. Act. As you might recall last year this legislation was introduced,
15. and failed in the House. We've come back this year with a much
16. tighter version, a version that addresses itself primarily to the
17. commercial trafficking of drug paraphernalia. The bill shall set about
18. the task of simply doing away with head shops in the State of
19. Illinois. It just seems to me that the drug problem in this State
20. ...and in other states as far as that's concerned, have become so
21. severe, that we simply must stop the commercial trafficking of the
22. drug paraphernalia. Opponents will tell you that it simply drives
23. the drug, or will drive the drug paraphernalia underground, and
24. yes, that's probably true, and I think that's where it...it clearly
25. deserves to be. But I think we make a mockery of the system, if
26. we prohibit drugs, and we do, and should, and yet allow the commercial
27. trafficking of these devices.

28. PRESIDENT:

29. Any discussion? Senator Sangmeister.

30. SENATOR SANGMEISTER:

31. Thank you, Mr. President, and members of the Senate. Admit-
32. tedly this is probably one of the toughest areas in criminal law
33. to try to define what is drug paraphernalia, and what isn't. And

1. you can attack this bill as much as you want to, you're going to
2. find faults with it. You can take a look at the description of
3. what is paraphernalia and poke holes into it, but I would say
4. this, that we have done everything in committee, Senator Maitland
5. has worked hard, to tighten this up as closely as we can. I think
6. this is as good as you'll find anywhere in the United States, and
7. I think it's down to a basic philosophy. Either you do as Senator
8. Maitland said, you have some feeling that we ought to do away with
9. this kind of equipment, as long as we have illegal drugs, or you
10. don't. But the bill, I think, is drawn as tightly as it can be,
11. and I rise in support of it.

12. PRESIDENT:

13. Senator Joyce. Jeremiah. Oh, I beg your pardon. Senator
14. Thomas.

15. SENATOR THOMAS:

16. Thank you, Mr. President. I also rise in support of this bill.
17. I don't know how many members of this Chamber have had opportunity
18. to go into ahead shop or perhaps even a record shop, a tee-shirt
19. store, where this type of paraphernalia is sold. It seems a
20. little ridiculous that on the one hand we, in the State of Illinois,
21. outline a whole list of drugs which are illegal, not one person in
22. this room would condone the illegal usage of these drugs, and yet
23. if you take your children into a number of record stores or tee-
24. shirt shops, and there on open display are literally shelves of
25. stainless steel coke spoons, power hitters, bonges, and a variety
26. of paper rollers, it is absolutely ludicrous to stand by and
27. watch those types of items be retailed when on the other hand we
28. come down so strongly on the illegal usage of drugs. One of the
29. opponents to this bill, and this individual did not appear in
30. committee, but has argued that this will do nothing to cut down
31. the usage of drugs in the State of Illinois. Unfortunately, that
32. is one hundred percent correct. That is not the intent of this
33. bill, however, it is to somehow allow us to be consistent as

1. responsible people in the State of Illinois, to bring in line
2. the whole area of paraphernalia sold for one express purpose,
3. and that is to be used in conjunction with illegal drugs. And
4. I support this bill wholeheartedly.

5. PRESIDENT:

6. Further discussion? Senator DeAngelis.

7. SENATOR DeANGELIS:

8. A question of the sponsor. Senator Maitland, will this...
9. I'm in full support of the bill.. Does this supersede any local
10. ordinance that might be more severe than what's in this Act?

11. PRESIDENT:

12. Senator Maitland.

13. SENATOR MAITLAND:

14. Senator DeAngelis, as long as the local ordinance is of equal
15. strength, it will, yes...it will not, I'm sorry. It will not.
16. Or greater, right.

17. PRESIDENT:

18. Further discussion? Senator Netsch.

19. SENATOR NETSCH:

20. Thank you, Mr. President. To oppose this bill would be, I
21. suppose, something like opposing apple pie and motherhood, but
22. I think one point should be made. The number of the agencies
23. that are involved in attempting to cure and stamp out drug abuse
24. have not supported legislation dealing with drug paraphernalia.
25. The reasons are twofold, one is that there have been a number of very
26. serious legal constitutional questions about the validity. I am
27. aware, Senator Maitland, that you have made some changes in the
28. bill from last Session, and it probably is closer to being valid
29. than it was at that time. But that is an area of...of uncertainty
30. that certainly hangs over it. I think much more important though,
31. is a concern that the enactment of a State-wide Drug Paraphernalia
32. Law will have the effect of diverting law enforcement and other
33. forces that are attempting to deal with the basic problem, which

1. is the drugs, from that objective. The...for example, the Dangerous
2. Drugs Advisory Council and Commission have...they don't...actively
3. oppose this, no one could oppose the idea that this is an offensive,
4. ugly kind of business, and that it...it is intended to be a temp-
5. tation to lure people into the use of drugs. But the fact re-
6. mains, that without the drugs themselves, the paraphernalia is
7. useless, because these shops are going to be visible out front,
8. and because they are offensive, the concern is that a lot of the
9. law enforcement techniques and numbers will be diverted to just keeping
10. them closed down one after another at the expense of going at
11. that which is really the problem and that is the drugs themselves.
12. For that reason, the Dangerous Drugs Advisory Council and other
13. drug enforcement agencies in the country have not supported this
14. kind of legislation. It's not a matter of active opposition
15. as I said, it's a matter of feeling that it is diversionary, that
16. it leads us in the wrong direction, and that we don't have really
17. enough of the tools to take care of those problems which we ought
18. to be taking care of right at the present time. For that reason,
19. I...I think that point should be known. Their...their suggestion
20. has always been, that if a given local community would like to
21. engage...would like to pass an ordinance and divert its own re-
22. sources to this, they should be permitted to do so, but it should
23. not be on a State-wide basis.

24. PRESIDENT:

25. Further discussion? Senator Rhoads.

26. SENATOR RHOADS:

27. Thank you, Mr. President, and members of the Senate. I
28. rise in support of Senate Bill 4...42, and to respond, Senator
29. Netsch, last year when this was considered, the Dangerous Drugs
30. Council pointed out among other things that you could get the
31. same type of paraphernalia in a drug store, and to some extent
32. that's true. But as Senator Thomas pointed out, most of these
33. shops are not primarily engaged in the business of records or

1. tee-shirts, that's the come-on, the records are very low priced,
2. the tee-shirts are very low priced, that is just the...the front,
3. so to speak, for the actual business of promoting the sale of the
4. paraphernalia itself. I have the same concerns that you do, Senator
5. Netsch, but the problem is, that a failure on the part of the Senate to
6. act in this area almost condones the environment in which these...
7. in which this drug paraphernalia is sold. I agree with you, and
8. I'm sensitive to the kinds of constitutional problems you're raising
9. here. But it seems to me, that the...the more imprudent part
10. of public policy in this case, is a failure to act rather than to act
11. and perhaps go a little overboard and make a mistake. But I think on
12. balance this is a good bill.

13. PRESIDENT:

14. Further discussion? Senator Geo-Karis.

15. SENATOR GEO-KARIS:

16. Mr. President, and Ladies and Gentlemen of the Senate. I
17. might have been inclined to agree with the Senator on the other
18. side, except that recently I had a discussion with Doctor Robert
19. Gilkason, who is an MD who's specializing in the effects...researching
20. the effects of marijuana, for example. And I learned to my sur-
21. prise that in marijuana was far more dangerous than even alcohol
22. because marijuana the...side ability of marijuana stays in the
23. body longer, and destroys more cells. In view of that, I feel
24. that if this bill were passed, I think maybe the young people
25. can be alerted to the dangers more so...and be prohibited from
26. making a mess out of their bodies. And therefore I speak in
27. support of the bill.

28. PRESIDENT:

29. Further discussion? Senator Gitz.

30. SENATOR GITZ:

31. Well, Mr. President, and members of the Senate. Senator
32. Maitland will recall one year ago that I was one of a very handful
33. of people who stood in opposition to this bill. I stood in

1. opposition because the provisions of that bill were so broad
2. reaching that the pipes on Senator Demuzio's desk would have
3. probably came under it. But in that last year I noticed two
4. things have occurred. First of all, this bill is in a different
5. form than it was a year ago. And secondly, Senator Maitland,
6. you may be interested to know that over the summer I did some
7. research on this, and frankly, I don't know of any high school
8. student who, if they went into a head-shop down at Penny Lane, or
9. in any community, and they abound, couldn't be struck with a certain
10. amount of irony or duplicity in the fact that on one hand we
11. outlaw the substance, but on the other hand you can walk into
12. any city over ten thousand practically, and find some table that
13. is going to have all of these appurtenances there for your purchase
14. And Senator Netsch, I would suggest that if this diverts some
15. law enforcement resources to close down some of these shops,
16. and to indicate that we are serious about not simply, having the
17. open drug society, I don't think that that would be a bad develop-
18. ment whatsoever. I do think it is kind of hypocritical that we
19. have the laws on the books, and then we turn our head in the other
20. direction...that we say well they're just fine upstanding business-
21. men, sell whatever you want. I think it sets the wrong tone
22. of what our public policy is all about. And Senator Maitland,
23. I think you have a good piece of legislation, and I certainly
24. intend to support it.

25. PRESIDENT:

26. Senator...any further discussion? Senator Maitland may close.

27. SENATOR MAITLAND:

28. Thank you, Mr. President. Senator Netsch, I appreciate very
29. much your comments. The very people that you are concerned about,
30. the local law enforcement people who are going to have to enforce
31. this Act are the ones who have been the strongest in support of it.
32. They have indicated a problem, the fact that we're making it a
33. State-wide law is because where you have communities that are in

1. close proximity to each other, one community can enact the law and
2. another one can't, and that again makes a mockery of the system.
3. I appreciate the favorable responses to Senate Bill 42. We have
4. tightened it tremendously. We more clearly spell out those items
5. that are paraphernalia, we more clearly spell out those items that
6. are not paraphernalia. I think it's needed legislation, and I
7. would appreciate your strong support of it.

8. PRESIDENT:

9. The question is, shall Senate Bill 42 pass. Those in favor
10. will vote Aye. Those opposed will vote Nay. The voting is open.
11. Have all voted who wish? Have all voted who wish? Have all voted
12. who wish? Take the record. On that question, the Ayes are 54, the
13. Nays are none, none Voting Present. Senate Bill 42, having
14. received the required constitutional majority is declared passed.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. On Senate Bill 50, Senator Walsh. Read the bill, Mr. Secretary.

17. SECRETARY:

18. Senate Bill 50.

19. (Secretary reads title of bill)

20. 3rd reading of the bill.

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. Senator Walsh.

23. SENATOR WALSH:

24. Mr. President, and members of the Senate. Senate Bill 50 is
25. accurately described in your Calendar. It provides for the set-
26. off of debts owed to the State against tax refunds or credits owed
27. by the State. This would...would give the Department of Revenue
28. the authority to effect collection procedures for delinquent debtors
29. such as people indebted to the Scholarship Commission, retailers
30. indebted to the Lottery Commission. I believe this is a good
31. measure, and it received the unanimous support of the...of the
32. Revenue Committee, and I urge your support.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Is there further discussion? Senator Rock.

2. SENATOR ROCK:

3. Thank you, Mr. President, and Ladies and Gentlemen of the
4. ...Senate. A question of the sponsor.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. He indicates he will yield. Senator Walsh.

7. SENATOR ROCK:

8. Senator, does the Department of Revenue now have any like
9. authority?

10. SENATOR WALSH:

11. No, it does not.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Senator Rock.

14. SENATOR ROCK:

15. My understanding for instance, is that you will recall when
16. we transferred the operation of Cook County Hospital at the re-
17. quest of the administration, back to the County of Cook, there
18. was some money due and owing. My understanding is, that that is being
19. paid back by virtue of receipt of lesser amounts in terms of Medic-
20. aid and Medicare reimbursement. Is...is that now...well my
21. question is, what's the need for this, if they're doing this
22. right now?

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Senator Walsh.

25. SENATOR WALSH:

26. I'm not familiar with...with the matter to which you
27. refer, but it would appear that if...if they have that authority
28. they would have it by some specific statutory grant that the
29. Legislature gave them. The only...the only authority for set-
30. off that exists now is through the...is through the Comptroller.
31. The...the...the Department of Revenue does not have any such
32. authority.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Senator Rock.

2. SENATOR ROCK:

3. Well, again, then my question is, if the Comptroller has
4. this authority why is it necessary that we invest the Department
5. of Revenue with this kind of authority?

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator Walsh.

8. SENATOR WALSH:

9. The...the problem is, for example, there's a case where the...
10. where the...there's a retailer druggist that is indebted to the
11. ...to the Lottery, State Lottery for...as a...as a retailer...
12. selling lottery tickets. The...the Comptroller has...has not
13. agreed to deduct the payments made to that provider under the
14. Medicaid, now, there's...there's just one example. Another
15. problem is, that to the extent the Comptroller's Office is being
16. utilized for set-off, the Comptroller does so only after a warrant
17. is written. This would provide...this bill would provide that
18. the Department of Revenue, which is responsible for collecting
19. revenue in the State of Illinois, it would seem to me, that they're
20. the ones who should oversee the whole procedure of effecting
21. the collection of debts due the State. The Lottery Commission
22. is one to which this Body has addressed itself for some time.
23. The...the Lottery is one that just came to my attention, but the
24. ...there...a taxpayer's delinquent on...on sales tax, and they may
25. be getting income tax refunds, there just isn't any central
26. authority for this procedure. And it would seem to me that this
27. is the agency in which it belongs. I might add, in the committee,
28. oddly enough, the Comptroller's Office testified in favor of the
29. bill, and the Department of Revenue testified in opposition to
30. the bill.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Senator Rock.

33. SENATOR ROCK:

1. Well, I happen to agree with the Department of Revenue.
2. And I'm sorry the committee did not choose to do so. It seems
3. to me to invest this kind of power or authority in a department,
4. as opposed to an elected Constitutional Officer, is simply a mis-
5. take, we should not go this far. There are adequate means to
6. now have set-offs, to now make sure that heretofore uncollectable
7. debts are collected through the Office of the Comptroller. And
8. I think this just gives too much authority to the Department of
9. Revenue. And for that reason, I stand in opposition to Senate Bill
10. 50.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Is there further discussion? If not, Senator Walsh may
13. close debate.

14. SENATOR WALSH:

15. Mr. President, and members of the Senate. This is the...
16. is the first I've heard of opposition other than that expressed
17. by the Department of Revenue in committee. The Revenue Committee,
18. as I've indicated, voted this bill out unanimously. It would seem
19. to me that we should take whatever means we can to effect collection
20. of debts due the State. There has been a serious shortcoming
21. in that regard to date, and I don't know why we can't have the
22. Department of Revenue, which as I've said, should be responsible
23. for obtaining maximum State revenue, see to the collection of
24. debts due the State. I urge your support.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. The question is, shall Senate Bill 50 pass. Those in favor
27. will vote Aye. Those opposed vote Nay. The voting is open. Have
28. all voted who wish? Have all voted who wish? Have all voted
29. who wish? Take the record. On that question, the Ayes are 27,
30. the Nays are 23, 1 Voting Present. Senate Bill 50, having failed
31. to receive a constitutional majority is declared lost. Senate
32. Bill 51, Senator Walsh. Senate Bill 53, Senator Coffey. Read
33. the bill, Mr. Secretary.

1. SECRETARY:

2. Senate Bill 53.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Senator Coffey.

7. SENATOR COFFEY:

8. Yes, Mr. President, and members of the Senate. Senate Bill
9. 53, deals with the Vehicle Code. Changes for purpose of clarifi-
10. cation, provisions relating to motor vehicle mirrors, materials,
11. objections, or...suspended in such fashion to interfere with vision
12. of the driver through a windshield or windows of the vehicle. This
13. bill was put in to deal with a problem that, especially law en-
14. forcement, was having with...with either mirrored objects or other
15. objects which distracts the vision of a officer when stopping a
16. vehicle and approaching the vehicle, being able to see in and
17. see if there was any problems when they entered this vehicle. This
18. ...what it does, it says that no distraction can be put on either
19. the front windshield or the passenger...or opposite the passenger
20. windshield. I'd be glad to answer any questions you might have
21. relating to this bill.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Is there any discussion? Senator Chew.

24. SENATOR CHEW:

25. This bill is the results of a long study of the Motor Vehicles
26. Laws Commission, and it brings it into conformity with the Vehicle
27. Codes. So, there is no opposition to it, and it is...clarifies the
28. language and it ought to be passed with a record vote.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Is there further discussion? If not, Senator Coffey may
31. close debate.

32. SENATOR COFFEY:

33. I just ask for a favorable roll call.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. The question is, shall Senate Bill 53 pass. Those in favor
3. will 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 55, the Nays are none, none Voting
6. Present. Senate Bill 53, having received the constitutional maj-
7. ority is declared passed. Senate Bill 54, Senator Collins. Read
8. the bill, Mr. Secretary. No. Senate Bill 59, Senator Nash.
9. Senate Bill 60. Senate Bill 61. Senate Bill 60, Senator Nash.
10. Read the bill, Mr. Secretary. Oh. Senate Bill 61, Senator
11. Collins. Senator, you have 61 and 62. Senate Bill 61, Senator
12. Collins. Read the bill, Mr. Secretary.

13. SECRETARY:

14. Senate Bill 61.

15. (Secretary reads title of bill)

16. 3rd reading of the bill.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Senator Collins.

19. SENATOR COLLINS:

20. Thank you, Mr. President. Senate Bill 61 is an attempt to
21. respond to a very critical problem of children of parents who are
22. arrested or...or incarcerated after the commission of a crime.
23. We did conduct some public hearings in the State last Fall and
24. the first of this year. We did have one of those hearings out
25. at Menard Prison, and we interviewed those inmates who were parents
26. and we found from all of the inmates that the most critical issue
27. that confronted them was what happened...or what was not happening
28. to their children as it...related to the care and protection of
29. their children. The bill simply says that the arresting...once
30. a person is arrested, and the arresting officer finds that he or
31. she is a single parent, and if he has reason to believe that that
32. child will be neglected or abused in some way, that he will im-
33. mediately report to the Department of Children and Family Services.

1. The same thing applies to a judge after conviction, the judge
2. then will instruct the probation officers to contact the Department
3. of Children and Family Services to make sure that these children
4. ...a service plan is provided and care would be arranged for
5. the protection of these particular children. So, I...I will be
6. happy to answer any questions. And I would appreciate a favorable
7. roll call.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Is there any discussion? Senator Grotberg.

10. SENATOR GROTBORG:

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

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. She indicates she will yield.

14. SENATOR GROTBORG:

15. Is there a cost factor estimated on this, Senator?

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Senator Collins. Senator Collins.

18. SENATOR COLLINS:

19. Hello. Okay. No, it is not. The Department of Children
20. and Family Services has the responsibility now for all children
21. in need of supervision. And I see no reason why it should be
22. an additional cost. One of the primary problems with...of these
23. children, is that there were...no single agency in the State re-
24. sponsible for coordinating of services and care for these children.
25. So, it is under the Department of Children and Family Services,
26. and that's where they should be.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Senator Grotberg.

29. SENATOR GROTBORG:

30. Further question. Senator, has the Director of Children and
31. Family Services agreed with this concept?

32. PRESIDING OFFICER: (SENATOR SAVICKAS)

33. Senator Collins.

1. SENATOR COLLINS:

2. To my knowledge, he did not disagree.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator Grotberg.

5. SENATOR GROTBORG:

6. Well, Mr. President, and fellow Senators. Just briefly, I
7. think from an appropriation and a cost standpoint, I do have a
8. major concern. On the other hand, I've been aware of the com-
9. mission and the committee, that I think Senator Collins has
10. been a part of, they've been to Dwight Penitentiary, and interviewed
11. the women. They've been here and there and everywhere, there is
12. a problem with children of people that are in jail. I don't know
13. what the cost will be, but I think that if we can, by Statute
14. strengthen the role of minors in need of supervision as it pertains
15. to children of incarcerated or arrested people, we probably should
16. do it. And I would support the legislation.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Is there further discussion? Senator DeAngelis.

19. SENATOR DeANGELIS:

20. Thank you, Mr. President. I'am in full support, and I
21. attended the hearings down at Dwight which called to our attention
22. this particular problem. However, I do have one problem with
23. the bill, and I'd like to address a question of the sponsor, please.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. She indicates she will yield.

26. SENATOR DeANGELIS:

27. Senator Collins, I do not have the bill before me, but it's
28. been indicated to me that there is...there are some immunization
29. procedures that are involved in this bill. Are they still in the
30. bill?

31. SENATOR COLLINS:

32. No, we...if you will recall, we did leave the bill in committee,
33. and there was...a committee worked out the problems with the bill.

1. Technical problems.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Senator DeAngelis.

4. SENATOR DeANGELIS:

5. Well, I...I was not in that committee. The immunization
6. parts are out of the bill? Is that correct? Okay.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Senator Collins. Senator Geo-Karis.

9. SENATOR GEO-KARIS:

10. Mr. President, and Ladies and Gentlemen of the Senate. I
11. rise in support of the bill as amended because as amended all
12. the bill does is become a simple custodial interrogation bill
13. intended to apprise the authorities if arrestees' children are
14. abused or untended. I think it's a good and worthwhile bill,
15. the immunity provision is not in the bill after the amendment
16. was put on. And I rise in support of it.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Senator Coffey.

19. SENATOR COFFEY:

20. Yes, Mr. President. A question of the sponsor.

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. She indicates she will yield.

23. SENATOR COFFEY:

24. I might have missed this in your discussion a while ago, but
25. what now, under this bill, what would happen if a person was
26. arrested, taken into the police department, do they ask them these
27. questions? Is...these questions asked if they have children at
28. home or do they...what happens? How do they know there's children
29. that's uncared for in the home?

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Senator Collins.

32. SENATOR COLLINS:

33. Either the...the...the...the arrestee can say that she has

1. children at home or the...the arresting officer could ask her
2. if there are children at home.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator Coffey.

5. SENATOR COFFEY:

6. Then if the person arrested says, you know, that they have
7. two children at home, they would make that report at the police
8. station there, be contacted...Children and Family Services for
9. investigation, or...to...or to pick those children up?

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Senator Collins.

12. SENATOR COLLINS:

13. Yes, if...if...if the arrestee says that he or she has
14. children at home, and there's no one to take care of them in the
15. immediate family, at that point, then the arresting officer could
16. contact DCFS to let them know that here children will be left
17. without supervision.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator Coffey.

20. SENATOR COFFEY:

21. Another question I have that bothers me somewhat, who...who
22. gives...is there...is there an affidavit signed to give them
23. permission to pick those children up, or how do they do that now?
24. In other words, if...if the mother wanted the children picked up
25. and cared for in some manner, do they sign a...an affidavit giving
26. them that right? Or does...can they just go in and pick those
27. children up and take them to a foster home or whatever?

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Senator Collins.

30. SENATOR COLLINS:

31. Turn me on. The Department of Children and Family Services
32. right now, has the authority to go and pick up abandoned children,
33. or children left without supervision.

1. SENATOR COFFEY:

2. Then...then if...if they...okay, let's say, they, for some
3. reason, either through the mother or through the officer find out
4. the children have been abandoned, they pick those children up,
5. they put them into a foster home, or a temporary foster home for
6. so many days under some kind of supervision, until what time this
7. person...is either dismissed of charges or released?

8. SENATOR COLLINS:

9. Mr. President, I can't...the noise level is too high for me
10. to even hear him, but I will try and respond to his question.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Gentlemen, would you break up the conference to Senator
13. Collins' left. Senator Taylor, conference. Senator Carroll.

14. SENATOR COLLINS:

15. Okay. Under...under the existing law, DCFS, if they go in
16. and they...if the children are left without supervision, and they
17. go in, they go through normal court procedures before the place-
18. ment and they place those children into a foster home. Or they
19. can take a voluntary custody which is signed by the mother or the
20. other father. If not, if the children are left alone, then they
21. have to go through the regular court procedure. Time frame on that,
22. I don't know, but they can place the children in temporary shelter
23. care, or custody of a foster home until such time...the court has
24. made some kind of disposition or order as to what's going to
25. happen to those kids.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Senator Coffey.

28. SENATOR COFFEY:

29. Then...then you're saying the only thing this bill does,
30. actually..it's under the same provisions that Children and Family
31. Services have now. The only thing this does is make them re-
32. sponsible to pick those children up. Nothing else has changed
33. in the bill.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Senator Collins.

3. SENATOR COLLINS:

4. Well, one of the...I think some of the problems, DCFS had
5. no way of really knowing when the children were left alone after
6. a parent had been arrested. So, what we're trying to do, is making
7. sure to involve the arresting officer and the judge before sen-
8. tencing so that they will know that these are children in need
9. of supervision, and the possibility that they could be neglected
10. or abused in some way.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Senator...Senator Bruce, at Senator Rock's desk.

13. SENATOR BRUCE:

14. Thank you, Mr. President, and members of the Senate. I
15. rise in support of this legislation. I...I hope that everyone
16. reads Amendment No. 1, and all this bill now states is, that if
17. a person is arrested, and states that he is a sole parent, that
18. two things, two people have to report as they now have to report
19. under the minors in...need of supervision or dependent neglected
20. children, that that report be filed immediately, not within forty-
21. eight hours, immediately. And it just requires the arresting
22. officer to notify DCFS that, I've picked up someone and their
23. children are there without supervision, and if the judge is apprised
24. of that, the judge has to tell the probation officer to immediately
25. notify the Department of Children and Family Services that there
26. are children in need of supervision. I think the bill makes good
27. sense. It is right in line with the legislation we presently
28. have on neglected and dependent children. And it just requires
29. the arresting officer and the judge to make an immediate report
30. to the Department of Children and Family Services that a person
31. has been arrested who was the sole parent of children who are now
32. in need of supervision. And what the Department of Children and
33. Family Services does, is totally within their domain. They may, in

1. fact, pick them up. The child may be old enough, sixteen, seven-
2. teen years old, that they just send a worker out on a day to day
3. basis, a week to week basis. If the children are young they
4. may put them in a foster home, but all of that will be determined
5. by the Department of Children and Family Services. All this
6. legislation does, is require that they get notice that something
7. ought to be done, not that anything will be done, but just that
8. they are on notice that, in fact, children are without supervision
9. and...are in need of supervision. I rise in support of the leg-
10. islation.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Is there further discussion? Senator Ozinga.

13. SENATOR OZINGA:

14. Two..two questions of the sponsor.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. She indicates...

17. SENATOR OZINGA:

18. Number one, does this bill apply to a parental child, or does
19. it apply to any children that might be living in the same household
20. with that woman or man?

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. Senator Collins.

23. SENATOR COLLINS:

24. If that woman or man has custody over whatever children are
25. living in the household, that would apply to them also.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Senator Ozinga.

28. SENATOR OZINGA:

29. ...this could apply to a half a dozen or a dozen children
30. that are living in that same household or room with the person that
31. is arrested, is that right?

32. PRESIDING OFFICER: (SENATOR SAVICKAS)

33. Senator Collins.

1. SENATOR COLLINS:

2. Well, if they've got a half a dozen kids or whom they have
3. legal custody of, why not.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Senator Ozinga.

6. SENATOR OZINGA:

7. When you say legal custody, you're talking about a child
8. that has been put there under an order of the courts or just
9. left there with the parent...with the person?

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Senator Collins.

12. SENATOR COLLINS:

13. I'm talking about legal custody. Legal custody, be it adopted
14. child, or be it a foster...I mean that...that that parent has
15. legal custody over.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Senator Ozinga.

18. SENATOR OZINGA:

19. I suppose there could be a dozen ways of defining legal
20. custody. In other words, if a tramp on the street leaves a child
21. in a house, that is legal custody providing that one accepts and
22. the other one gives. However, this bill also mandates, does it
23. not, it is not just a permissive deal, it's a mandate of the
24. Children and Family Service to take care of these children?

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Senator Collins.

27. SENATOR COLLINS:

28. They have a mandate already. This does not add anything to
29. the law as it relates to their responsibility. They already
30. have that mandate.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Is there further discussion? If not, Senator Collins may
33. close debate.

1. SENATOR COLLINS:

2. I ask for a favorable roll call.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. The question is, shall Senate Bill 61 pass. Those in favor
5. will vote Aye. Those opposed will vote Nay. The voting is open.
6. Have all voted who wish? Have all voted who wish? Have all voted
7. who wish? Take the record. On that question, the Ayes are 46,
8. the Nays are 7, none Voting Present. Senate Bill 61, having
9. received the constitutional majority is declared passed. We have
10. a request by Senator Etheredge...Senator Etheredge here...who
11. has with him the Illinois Junior Miss of 1981, and he wishes to
12. introduce her to the Senate. Do we have leave? Senator Etheredge.
13. SENATOR ETHEREDGE:

14. Mr. President, and Ladies and Gentlemen of the Senate. We're
15. honored to have with us today the Illinois Junior Miss of 1981,
16. Miss Linda Kofoid, she is a resident of the 39th Legislative
17. District, I'm very happy to say. She is a senior at...Joliet
18. West High School, she is a member of the National Honor Society,
19. and co-captain of the Cheerleading Team at Joliet West. She is
20. a member of the National Honor Society, an outstanding young woman,
21. and who will...who was selected from more than four hundred con-
22. testants for the title of Illinois Junior Miss. I'm very pleased
23. to present her to you this afternoon, and ask her to say a few
24. words.

25. MISS LINDA KOFOID:

26. (Remarks by Miss Linda Kofoid)

27. SENATOR ETHEREDGE:

28. We also have with us this afternoon Mr. Ron Rafter who's
29. the State Chairman of the Illinois Junior Miss Program and his
30. wife, Mrs. Rafter.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. For what purpose does Senator Bruce arise?

33. SENATOR BRUCE:

1. Thank you, Mr. President, and members of the Senate. If
2. I might have your attention, we are...we do have the Agreed Bill
3. List, it is now printed out of the Digest, it will show you all
4. the amendments. It is going to be distributed now, and I would
5. just like to go through the procedure with you one more time. If you
6. have any objections to any of those bills on the Agreed Bill List,
7. six Senators in writing make an objection can have the bill re-
8. moved from the Agreed Bill List. We will have it on the Calendar
9. printed tomorrow, we will take a vote on it Friday afternoon. If
10. you wish to be recorded in the negative, your vote must be to the
11. Secretary by noon on Friday. If you do not put your negative
12. vote in by noon you will be recorded in the affirmative on all
13. the bills on the Agreed List, and they will...they are printed
14. and will be distributed immediately.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. On Senate...Senator Rhoads.

17. SENATOR RHOADS:

18. A question of Senator Bruce. Senator, in the past it was
19. also possible to be recorded in the negative on all bills on the
20. Agreed Bill List because it does require a roll call. Is that
21. correct?

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Senator Bruce.

24. SENATOR BRUCE:

25. If you wish to be recorded negatively on every bill, put every
26. bill in the negative. All I said, is that all your negative votes
27. have to be in by Friday and if you wish to be recorded No on the
28. entire Agreed Bill List, give the Secretary the entire Agreed Bill
29. List and tell him you want to vote No. That's the procedure.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Senator Rhoads.

32. SENATOR RHOADS:

33. In the past the procedure also has been to have a roll call...

1. Are you saying there will be no record vote whatsoever on that
2. Agreed Bill List?

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator Bruce.

5. SENATOR BRUCE:

6. There will be a record vote on every bill. All right, we
7. will not take...

8. SENATOR RHOADS:

9. All right, how do...how do you adopt the Agreed Bill List,
10. tell me that.

11. SENATOR BRUCE:

12. The procedure has been in the past, that the Secretary reads
13. all the bills on...on the Agreed Bill List a third time, at the
14. end of that reading we take one roll call which applies to every
15. bill. If you wish to be recorded in the negative, all you would
16. have to be...would be vote No on that when you'd...in every sit-
17. uation you would be recorded in the negative. I don't know of
18. anybody that does that, perhaps you do. That's a new one for
19. me, but the main thing is, that you would vote in the affirmative on the
20. Floor and if you had like twobills or three that you wanted to
21. be recorded in the negative, indicate that in writing to the
22. Secretary and the Journal will reflect your negative vote. But
23. we will take only one roll call on the ninety-nine bills.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Is there any other...Senator Weaver.

26. SENATOR WEAVER:

27. A question of Senator Bruce. Senator Bruce, those bills
28. that are knocked off by...will they be given special dispensation
29. to go back on a special call so that they get a shot at them?

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Senator Bruce.

32. SENATOR BRUCE:

33. Senator Rock's intention is, that if any bill is removed, we

SB 62
3rd reading

1. will get to that business first thing on Thursday...or, at least,
2. on Thursday when we get to 2nd...to 3rd reading. So, we will...
3. they will get priority in the treatment since they're not being
4. called today.

5. SENATOR WEAVER:

6. Very good.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. ...any further questions? Any discussion? Senate Bill 62,
9. Senator Collins. Read the bill, Mr. Secretary.

10. SECRETARY:

11. Senate Bill 62.

12. (Secretary reads title of bill)

13. 3rd reading of the bill.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Senator Collins.

16. SENATOR COLLINS:

17. Thank you, Mr. President, and Ladies and Gentlemen of the
18. Senate. Senate Bill 62 is an attempt to respond to one of the
19. most critical issues and problems that faces our youth today,
20. and that is the whole issue of teen pregnant...among unmarried teen-
21. agers. In the State of Illinois there has been a rapid increase
22. in teen pregnancies and the lowering of the age from age eleven
23. up to nineteen. Approximately fifty-five percent of all teenagers
24. between the age of eleven and nineteen gives birth to children
25. and forty-seven percent of those are unmarried teenagers. What
26. this bill attempts to do, is to make it compulsory for those
27. students to attend school until the compulsory age of sixteen.
28. Now, some may raise the question that it is already compulsory
29. to attend school to the age of sixteen. The law itself is rather
30. silent as it relates to those young ladies after giving birth to
31. a...children. We find, however, that for a combination of reasons,
32. and problems, that approximately sixty percent of those giving
33. birth under sixteen does not return back to school. That is a

1. very serious problem that...threatens not only the future of
2. those young ladies, but the survival of our State as a whole.
3. What this bill does, it makes it mandatory for them to attend
4. school until they're sixteen years of age. It also lowers the
5. GED requirement to seventeen years of age, and that is not new,
6. because we did pass legislation here two years ago, I think, that
7. would allow juveniles incarcerated into juvenile institutions to
8. take that GED at age seventeen and would also allow those in the
9. armed forces to take that GED at age seventeen. By doing so, you
10. would provide an opportunity for these young mothers and males to
11. enter into vocational and other kinds of job related programs that
12. requires as a prerequisite, a high school diploma. So, that they
13. can be able to develop some kind of skills to become productive
14. citizens and get off of the welfare rolls. I'll be happy to
15. answer any questions. I would appreciate a favorable roll call.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Is there any discussion? If not, the question is, shall
18. Senate Bill 62 pass. Those in favor will indicate by voting
19. Aye. Those opposed will vote Nay. The voting is open. Have
20. all voted who wish? Have all voted who wish? Have all voted
21. who wish? Take the record. On that question, the Ayes are 50,
22. the Nays are 2, 1 Voting Present. Senate Bill 62, having received
23. the constitutional majority is declared passed. As a point of
24. information, we've been on Senate Bills 3rd reading for the last
25. two hours, this is the thirteenth bill that we've taken action on.
26. Senate Bill 63, Senator Berning. Read the bill, Mr. Secretary.

27. SECRETARY:

28. Senate Bill 63.

29. (Secretary reads title of bill).

30. 3rd reading of the bill.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Senator Berning.

33. SENATOR BERNING:

1. Thank you, Mr. President, and members of the Senate. As
2. amended, Senate Bill 63 is a very simple bill, it provides an
3. ...an exception to the Unlawful Use of Weapons section of Chapter
4. 38, and says simply, "that the exception will be an object containing
5. noxious liquid gas or substance, designed solely for personal
6. defense carried by a person eighteen years of age or older."
7. As an example of what we're discussing, let me call your attention
8. to this little aerosol unit, that...that's one of the paradoxes
9. Senator. You and I can go into any number of places and buy one
10. of these, the merchant can sell it, but it is illegal to carry
11. it. I submit, Mr. President, and Ladies and Gentlemen of the
12. Senate, that this little gadget can be a significant tool in
13. self-defense, particularly in the hands of the senior citizens,
14. and in the hands of the ladies. I see it as a defensible ex-
15. ception to the Unlawful Use of Weapons Act, and I would certainly
16. urge your approval for the use of this unit. Thank you, Mr.
17. President.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Is there any discussion? Senator Netsch.

20. SENATOR NETSCH:

21. Senator Berning, if I might, one question, which I believe
22. was not asked directly in committee. As the bill is now structured
23. would this also cover Mace?

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Senator Berning.

26. SENATOR BERNING:

27. I assume that when you say substance, that could be interpreted
28. that way. The intention is, the tear gas. But at the suggestion
29. of my various advisors, it was included as noxious liquid gas
30. or substance. I assume that that could be interpreted to be Mace.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Is there further discussion? Senator Jeremiah Joyce.

33. SENATOR JEREMIAH JOYCE:

1. Question.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. He indicates he will yield.

4. SENATOR JEREMIAH JOYCE:

5. How does that stuff work, Karl?

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator Berning.

8. SENATOR BERNING:

9. I demonstrated it in committee. I would be hesitant to dem-
10. onstrate it here. It's a very simple little gadget...shall I
11. try it on him?

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. There's been a suggestion to bring it right down and show
14. Senator Joyce. Is there further discussion? If not, Senator
15. Berning may close debate.

16. SENATOR BERNING:

17. Roll...roll call, Mr. President.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Question is, shall Senate Bill 63 pass. Those in favor will
20. vote Aye. Those opposed will vote Nay. The voting is open. Have
21. all voted who wish? Have all voted who wish? Take the record.
22. On that question, the Ayes are 54, the Nays are 1, none Voting
23. Present. Senate Bill 63, having received the constitutional
24. majority is declared passed. Senate Bill 70, Senator Lemke.
25. Senate Bill 77, Senator Lemke. Senate Bill 80, Senate Bill 82.
26. Read the bill, Mr. Secretary.

27. SECRETARY:

28. Senate Bill 82.

29. (Secretary reads title of bill)

30. 3rd reading of the bill.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Senator Lemke.

33. SENATOR LEMKE:

1. What this bill now does with the amendment..the amendment
2. is actually the bill. It's a phase-in bill, it...phase...in with
3. minimum wage over a period of time. Every employer should pay
4. the minimum wage...the Act...the minute it takes effect, they
5. pay two-sixty. On April 1st of '82 , they pay two-ninety,
6. January 1st of '83 they pay three-fifteen. This is a phase-
7. in of the minimum wage over a period of time where it ultimately
8. phases in the minimum wage over a four year period. I ask for
9. its adoption.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Is...any questions? Senator Keats.

12. SENATOR KEATS:

13. Thank you, Mr. President. As Minority Spokesman of Labor
14. and Commerce, I was going to say, this bill passed the Labor and
15. Commerce Committee on a five to four vote. The four Republicans
16. voted No, but not even all the Democrats voted for the bill, it
17. was that bad. Excuse my kidding, Gentlemen. What this really
18. does, is when we're...the final amendment phases in the lower
19. trigger for overtime pay for variousrestaurant employees, et
20. cetera, movie theatre employees. What you're really doing is
21. not only changing the minimum wage which will leave people
22. unemployed and yet at the same time, you're now increasing
23. coverage in certain areas, particularly restaurants, movie theatre
24. employees, you're changing the hours involved. And so what you're
25. in reality doing, is both raising and broadening something that is
26. well-known to create unemployment. I would have to say from a
27. practical point of view, at the Federal level they're refusing
28. to increase this, and I would think at the State level we would
29. be making a serious mistake if we were to take a position that
30. would cause greater unemployment in the marginal employment areas.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Is there further discussion? If not, Senator Lemke may
33. close debate.

1. SENATOR LEMKE:

2. Let me assure you, this does not...the Federal minimum wage
3. is much greater than our minimum wage is right now. Two years
4. ago I sat down with the restaurant people, with the Chamber of
5. Commerce, and with the thing...but the unions, in their wisdom,
6. killed this bill because they wanted it all. And I sat down and
7. hammered this out, and at that time, the Restaurant Association...
8. they have no objection to it, the Chamber had no objection to it,
9. this was a phase-in. And the reason for phasing it in, is every
10. time the Federal Government raises the rate we're going to be
11. lagging behind because we keep falling behind. And one day, the
12. membership is going to have to face the problem of raising the
13. minimum wage either fifty cents or a dollar an hour, and then
14. everybody's going to scream like they did on unemployment comp.
15. What we're doing here is phasing it over a gradual period so
16. each business will get it on a gradual basis. And it's only
17. about twenty cents to thirty cents a year. So, I mean it's not
18. very much, and you're not going to feel it. It's not going to
19. cause unemployment. And I think it's a good bill as it is now.
20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. The question is, shall Senate Bill 82 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? Have all voted
24. who wish? Take the record. On that question, the Ayes are 20,
25. the Nays are 33, none Voting Present. Senate Bill 82, having
26. failed to receive a constitutional majority is declared lost.
27. Senate Bill 84, Senator Egan. Read the bill, Mr. Secretary.
28. SECRETARY:

29. Senate Bill 84.
30. (Secretary reads title of bill)
31. 3rd reading of the bill.

32. PRESIDING OFFICER: (SENATOR SAVICKAS)
33. Senator Egan.

1. SENATOR EGAN:

2. Thank you, Mr. President, and members of the Senate. Very
3. simply, Senate Bill 84 provides that the death penalty may be
4. imposed for the murder of a paramedic. Presently, only peace
5. officers, firemen killed in the course of performing their official
6. duties are covered. And there is a question whether or not in some
7. instances a paramedic, in fact, is a fireman, in the performance
8. of his official duties. And in some instances, paramedics are
9. definitely not firemen, and it was felt that they, in the course
10. of their official duties, if they are killed, which recent news
11. coverage has indicated may happen because of some of the dangerous
12. situations in which they find themselves, they should, likewise,
13. be protected by that punishment of the offender. And I...would
14. answer any questions, but I would seek your favorable consideration.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Is there any debate? Senator Chew.

17. SENATOR CHEW:

18. Possibly, clarification from the sponsor. Recently, a
19. paramedic that was participating in the firemens' strike in Chicago
20. had a desire to become a fireman. And because he took part in
21. the strike he was not eligible to become a fireman. Now, you
22. say in some cases paramedics are firemen, in some cases they
23. aren't firemen. Now, since this bill is directed primarily to
24. Chicago and possibly Cook County, why, if they are not firemen
25. or police officers, who's idea was it to make this mandatory
26. sentence?

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Senator Egan.

29. SENATOR EGAN:

30. Well, if they, in fact...Charlie, if they, in fact, are
31. firemen, then they are covered, but some paramedics are not, in
32. fact, firemen. I think most paramedics are not firemen. This
33. came to my knowledge, and surprisingly to my knowledge, and that's

1. why I introduced the bill. I think that they should be afforded
2. the same protection.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator Chew.

5. SENATOR CHEW:

6. Senator, what about an ambulance driver that drives for a
7. private firm who has to go into the same kinds of situations that
8. a paramedic goes into, "dangerous areas," any area in which he goes
9. in, is a danger if the right person is there at the wrong time.
10. I don't think it ought to be a situation that we would discriminate
11. against people that are doing a public service under the conditions
12. that a paramedic is to save lives and to communicate with a com-
13. munication system, and to administer medication as far as his
14. knowledge goes. He's not a doctor, he's a first-aid administer,
15. and you have the same kinds of people on private ambulances, plus
16. the fact you have the driver. So, if we're going to talk on the
17. danger, maybe your bill ought to be amended to involve all persons
18. that are in that kind of vehicle performing that kind of service. I
19. don't see where paramedics should be inclusive and other personnel
20. that work in that, or those areas would be excluded from it. I
21. ...I just think it's...it's a discriminatory practice to so do it,
22. and I could not support it under its present structure. If you
23. want to amend it, and put in Senators and Representatives and
24. paramedics and Senate Presidents, and et cetera, et cetera, that
25. would cover most of us, but I think that's just really a silly
26. idea. And it emanated from...two paramedics went into a Chicago
27. housing project and refused to go up to service the patient, simply
28. because it was in a housing project. There were no dangers in-
29. volved, neither one was touched nor threatened, but they refused
30. to go until a...police had been called to escort them to the origin
31. of the original call, which I think is a real silly kind of thing
32. to do when we're talking about possibly the life or death of an
33. individual. Now, that's the origin of your bill, and I just don't
think we ought to take the time up of this Body trying to pacify
a precious few on something that never happened.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Senator Simms.

3. SENATOR SIMMS:

4. Would the sponsor yield for a question? Senator Egan, is
5. this applicable only in...Chicago or Cook County or would this
6. also be applicable downstate for the volunteer paramedics?

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Senator Egan.

9. SENATOR EGAN:

10. State-wide.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Is there further discussion? If not, Senator Egan may
13. close debate. Senator Netsch.

14. SENATOR NETSCH.

15. Senator Sangmeister strongly urged me to make this comment.
16. For those of us who are opposed to the death penalty we really
17. should be very grateful to Senator Egan and some others of
18. you because you are now putting the Death Penalty Bill, year
19. by year, into a shape where it is almost certain to be
20. declared unconstitutional. If I had any sense at all, which
21. I don't on this subject, I would vote Yes on...this bill, which
22. obviously will pass anyway. But it is...it has really gotten
23. to be ludicrous and the only thing that is good about it, is
24. that it almost assures that one of these days, you're going
25. to go too far and the whole death penalty will be declared
26. unconstitutional. Thank you, Senator Egan.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Senator...Senator Lemke.

29. SENATOR LEMKE:

30. Well, I think that this is a good bill.. Having...having
31. one of my friends shot and...shot at...while he was a paramedic
32. and...and in this thing...is hazardous. I think this...this bill
33. is necessary because we have a problem in certain areas in the

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1. State where they cannot...these paramedics can't go in, they
2. can't carry a gun, they got to wait for police protection
3. and they are shot at. And anybody that shoots at a paramedic
4. that comes to the scene to rescue somebody that's in need of
5. ...of emergency help, medical assistant, should be under
6. the death penalty and take that consequence. I ask for
7. a favorable vote.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Is there further discussion? If not, Senator Egan
10. may close the debate, again.

11. SENATOR EGAN:

12. Well, thank you, Mr. President, members of the Senate.
13. And relative to the origin of the bill, it came about as
14. a result of a test case before the Illinois Supreme Court
15. and the problem arises when some paramedics, in fact, are
16. firemen and are covered and some are not. We wish to afford
17. the same protection for all paramedics and...Senator Netsch,
18. if I may ask her a question. What is being ludicrous, is
19. that ludicrous or what would you call it?

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. The question is shall Senate Bill 84 pass. Those in
22. favor will vote Aye. Those opposed will vote Nay. The voting
23. is open. Have all voted who wish? Have all voted who wish?
24. Take the record. On that question the Ayes are 48, the Nays
25. are 8, 2 Voting Present. Senate Bill 84, having received
26. the constitutional majority is declared passed. Senate Bill
27. 85, Senator D'Arco. Read the bill, Mr. Secretary.

28. SECRETARY:

29. Senate Bill 85.

30. (Secretary reads title of bill)
31. 3rd reading of the bill.

32. PRESIDING OFFICER: (SENATOR SAVICKAS)

33. Senator D'Arco.

1. SENATOR D'ARCO:

2. Thank you, Mr. President. What this bill provides is
3. that in the grant contract between the RTA and the CTA, any
4. fares charged for...and or, the rates and schedules of public
5. transportation provided by the CTA shall not be a term or
6. condition of that grant. And the reason we want to do this
7. is to give the CTA more autonomy in deciding the rate that
8. they're going to charge for public transportation and the
9. route schedules that they want to initiate, as opposed to
10. route schedules and rates that the RTA wants to initiate.
11. The reason this bill arose is a...a concept which is known
12. as zone fares and Representative Ronan, on my right here,
13. could tell you all about zone fares, 'cause he debated the
14. bill in the House when Representative O'Brien presented
15. it there. But...here...but, no we don't do that here...
16. but...and...so what we're trying to do here is give the
17. CTA more autonomy. So if they want to differentiate between
18. fares based on geographical location, they can do that. If
19. they want to have express routes from one outer city location
20. into the inner city with an express route without any stops,
21. they can do that. If they want to keep the senior citizens'
22. monthly fare passes at the rate that they feel it should be,
23. they can do that and the RTA will not interfere in those
24. decisions. So I...ask that you pass this good bill.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Is there any discussion? Senator Rhoads.

27. SENATOR RHOADS:

28. Mr. President and members of the Senate. It seems to
29. me that this bill moves in...in exactly the opposite direction
30. from the way we should be moving. If the RTA is to continue
31. to exist at all, it, in fact, needs more authority to oversee
32. some of the operations of the CTA, which after all, is the
33. big money loser in the system. That would include labor contracts,

1. routes, fares and so forth. Now, it seems to me it would make
2. a lot more sense to take the City Council of Chicago out of
3. the picture altogether in terms of the placement of routes.
4. So many of these routes are based on politics and not based
5. on economic need or on the needs of the...transportation needs
6. of the...of the citizens involved. If, by some miracle, this
7. bill got out of the Senate, I...I can imagine what the House
8. would do to it. So, why don't we kill it now and save them
9. the time.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Senator Collins.

12. SENATOR COLLINS:

13. ...Thank you, Mr. President. Senator D'Arco's...I under-
14. stand what you are trying to do, but I think that given the fact
15. that we're having so many problems trying to work out some kind
16. of effective agreement for the whole transportation system
17. that this bill should not be acted upon, isolated from whatever
18. total package that can be worked out, if it's possible to work
19. out something. So, for that reason, I think it is bad timing
20. for this particular bill.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Further discussion? Senator Coffey.

23. SENATOR COFFEY:

24. Yes, Mr. President and members of the Senate. I rise
25. in opposition to this bill and I would like to point out
26. to the...at least the members in the collar counties, if...if
27. they think they've got a bad situation now, they're certainly
28. going to have a worse situation under this provision. Given
29. the fact, in calendar year 1980, there was in excess of three
30. hundred and eighty-one million shortfall between the fare box
31. and operating expenses of the CTA, I think would be enough
32. reason not to give them more authority to make these types
33. of decisions. I'd ask at least this side of the aisle to
34. oppose this bill.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Netsch.

3. SENATOR NETSCH:

4. Thank you. Senator D'Arco, you have presented some of
5. us with a dilemma. I happen to think that the concept of
6. zone fares is a very wise one and I am somewhat shocked
7. that it has not been tried before, it should be. If you
8. had mandated the RTA, CTA or anyone else, to...at least
9. to consider zone fares, if not actually to put them into
10. effect, I would have found the bill very appealing. I was not
11. conscious until I looked at the language here that your
12. language in this bill is so broad that it would, in fact,
13. have exactly the effect to which Senator Rhoads has referred
14. and that is a move in exactly the opposite direction. What
15. we need is an honest Regional Transit Authority which does
16. have the power to determine a lot of things so that it is
17. a...an honestly regional transportation system. This
18. language would completely eliminate that power in RTA and
19. I think is very much a move in the wrong direction. Although
20. I would strongly support any other device that you have that
21. would require the consideration of zone fares.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Lemke.

24. SENATOR LEMKE:

25. I...you know, just to give a comment, I think it is a
26. good bill. And Mark Rhoads said something about the City
27. Council not setting the routes, the House, in their infinite
28. wisdom, just said that the CTA should be given to the City
29. Council of Chicago to run. And I think it was one of the
30. suburbanites that did that from your area or some...near there.
31. And I, you know, I think it's a good bill. I think this bill
32. will stimulate ridership on the CTA and that's what's
33. important. I think we have to get people using the CTA and
34. not using their automobiles and that's what this bill is going

1. to do, it's going to save energy, it's going to cut down
2. on it and I think more people will use the...the buses
3. to get to and from downtown in the loop or to their job. If
4. they know what their fare is going to be then they'll know
5. what their rates are going to be. And I think it's a good bill.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Further discussion? Senator Chew.

8. SENATOR CHEW:

9. Thank you. In talking to the Chairman of CTA, he supports
10. this legislation and I have visited some cities where zone
11. fare is in effect and I think it's a good measure and this
12. would, in fact, give the Chicago Transit Authority the authority
13. to enact that kind of service if they so deem necessary. I
14. don't want to talk about what the House did last night or
15. yesterday or over the week-end or since it's got its new
16. Speaker, but apparently their action was to give us back the
17. CTA and to eliminate any subsidies from the State. And yet
18. the City of Chicago furnishes the State with more money, generally,
19. than all these other little hick towns scattered throughout
20. Illinois. And every time someone makes the statement about
21. what Chicago is, they carefully do not mention that Chicago
22. is really the backbone of the State of Illinois. And if we
23. didn't have Chicago, we'd probably annex the rest of this
24. farm land to Indiana and Iowa and just put those of you
25. that don't like Chicago in the Hoosier State or send some of
26. you down to Missouri and let you be shown. And we are capable
27. of taking the responsibility on the fare box and for your
28. information, you new ones that weren't in existence when
29. we created the Regional Transit Authority, for your information,
30. the Chicago Transit Authority operated prior to the Regional
31. Transit Authority. And I might add, no agency owed them several
32. million dollars as the RTA does, in fact, owe the CTA in hard
33. cold cash. The Chicago Transit Authority, for those of you

1. that are near the Iowa border, is an agency of city government,
2. it's an entity of RTA by our creation. It needs to opt out of that
3. crippled RTA and I don't mind sharing the responsibility of
4. the CTA shouldering its responsibility and one of the respon-
5. sibilities that the CTA has, ought to be and should be, to set
6. its own fares without the dictates of a city planner who
7. knows nothing about transportation and the Chairman of the
8. RTA is not a trained transportation expert. And there are
9. members of the RTA that really don't know Chicago's boundaries
10. or anything else about it, they're busy taking care of their
11. collar counties. And since the RTA was created, McHenry County
12. or its esteemed representative, has always wanted to opt out.
13. Now, we know you going to get this chance this time, so just
14. give CTA that authority, Sir, to take care of their own
15. business. We will decide about where the subsidy comes
16. because we know those people over in the House would pass
17. a bill to abolish the Legislature, some of them damn near
18. did in the last election.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Chew, would you bring your comments to a close?

21. SENATOR CHEW:

22. No.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. The TV cameras are off, Senator.

25. SENATOR CHEW:

26. Oh, I get enough TV without those local stations, I...I
27. take care of that at home. But, Mr. President, I'm finished
28. and I would hope that Senator Netsch, who is an outstanding
29. Chicagoan, a legal scholar with the best repute, my girlfriend
30. in...in Springfield, and many other good things, would...give
31. a vote for this Dawn, we need you Sugar.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Further debate? Further debate? Senator D'Arco may close.

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1. SENATOR D'ARCO:

2. Thank you, Mr. President. Dawn, we need you Sugar, we
3. really do. No, I think it's a good bill, it's been discussed
4. enough and I would ask for a favorable vote.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. The question is, shall Senate Bill 85 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? Have all
9. voted wish? Take the record. On that question the Ayes are
10. 21, the Nays are 34, 2 Voting Present. Sponsor moves that
11. further consideration of Senate Bill 85 be postponed. It will be
12. placed on the Order of Postponed Consideration. Senate
13. Bill 87, Senator. Read the bill, Mr. Secretary.

14. SECRETARY:

15. ...Senate Bill 87.

16. (Secretary reads title of bill)

17. 3rd reading of the bill.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator D'Arco. May we have some order, please. Senator
20. D'Arco.

21. SENATOR D'ARCO:

22. Thank you, Mr. President. As you know, what Senate Bill 87
23. does is a prohibition on the sale and possession of handguns
24. in the State of Illinois. And I attempted previously to
25. amend the bill, to make it more palatable for the Senators
26. and...and that didn't work and I have a feeling that this bill
27. is not going to pass. But, I just want to indicate to you
28. some facts about the bill. In Japan, there are as many
29. murders in a year as there are in two days in the United
30. States. Some people say the reason for that is because of
31. our cultural differences, because we...we have the wild
32. west, the western part of the United States where guns are
33. a tradition and...and Japan has a different cultural tradition
34. and that's why they have such a low murder rate. There were

1. eight hundred and ninety-nine murders in Cook County last
2. year and I'd love to see the statistics from the police
3. departments and the Department of Law Enforcement and they
4. always indicate how the murder rate went down five percent,
5. you know, so, two less people were killed. Or the murder
6. rate went up, in fact, the murder rate did go up although
7. more serious crime like rape and...aggravated battery and
8. armed robbery did go down. But crime is increasing in the
9. suburbs, according to these statistics, so the suburbanites,
10. maybe you should take heed of this because in the city we
11. have a tremendous problem and I know that in the...in the
12. rural areas of the State and in the suburban areas, your
13. problems aren't as great as far as crime is concerned as
14. our problems are in the city. You know, it's a funny thing,
15. I wanted to pass this bill as a symbol, as a suggestion, as
16. an idea to the Federal Government that Illinois is one State
17. in the Union that truly believes that handgun control on
18. a national level is necessary and essential if we are going
19. to solve the crime problem in this country. Senator Johns
20. got up on Senator Maitland's bill, I'm sorry, on Senator
21. Nega's bill, and said, you see, I'm voting for Senator
22. Nega's bill which would eliminate the reduction and the
23. bail that a person gets when he is charged with a criminal
24. offense, because, he said, that's going to deter crime.
25. Mandatory sentencing he said, is what we need. We don't
26. need gun control, we need mandatory sentencing. Now, we
27. have a lot of bills that address mandatory sentencing in
28. this Chamber and they're all going to pass and we all know
29. they're all going to pass and what is that going to do to
30. reduce crime? Absolutely nothing. We passed Class X Felony
31. legislation and what did that do to reduce crime? Absolutely
32. nothing. We pass more legislation to make it tougher to
33. commit crimes in this State than any state in the Union

1. and people still commit crimes and people will continue to
2. commit crimes. You're doing an injustice to the people of
3. the State of Illinois. And I know your constituents back home
4. want handguns and I can understand that. But I live in the
5. inner city of the City of Chicago and people are afraid to
6. walk the streets at night. Someday, something is going to
7. be done to solve this problem, I don't know when. But, God
8. willing, someday something will be done.

9. PRESIDENT:

10. Further discussion? Before that, Channel 20 requests
11. permission to also film. We have 3 and 17. Channel 20, leave
12. is granted. Further discussion? Senator Egan.

13. SENATOR EGAN:

14. Thank you, Mr. President and members of the Senate.
15. Senator D'Arco you indicate that you understand why people
16. downstate want handguns and I, for one, want to say that I
17. don't understand that at all. I go hunting as much as anybody
18. in the Body. I hunt downstate, I hunt up in Canada, I hunt
19. all over the country. I was on the 3rd Division Pistol Team
20. when I was in the infantry. I'll challenge anybody in down-
21. state Illinois to a match with a 45 Colt automatic. I cannot
22. understand why in the hell anybody needs a handgun outside
23. of Chicago, where they use them to kill people. If you
24. need protection, you can use a 30/30 any day you need, you
25. can have machine guns on your farms. Why do you need handguns?
26. I don't understand it. Senator D'Arco, I agree with you, that
27. we're doing a disservice to the people of this State when
28. we bow to the hysterical wishes of the nonsensical who wish
29. to have handguns for no legitimate reason. This bill has
30. carved out exemptions for sportsmen, I'm sure it could go
31. further and carve out exemptions for collectors. For people
32. that want to shoot handguns and let the rampant murders continue
33. you lost me.

1. PRESIDENT:

2. Further discussion? Senator Coffey.

3. SENATOR COFFEY:

4. Well, Mr. President and members of the Senate. I'm
5. sorry to stand up because I didn't think it was necessary,
6. but after the last speaker mentioning he didn't understand
7. why handguns are necessary. Maybe he needs to visit some
8. of our correctional institutions where they are making
9. handguns in our prisons...and they don't even supposedly
10. have the equipment to make those handguns. So for us to
11. abandon handguns from out of the hands of sportsmen, people
12. that like to use them for show and other reasons, certainly isn't
13. going to stop the crimes in the streets. We can't even
14. stop the crimes in our prisons. So this bill is not going
15. to do the job. I hope that the members on this side of the
16. aisle as well as the other side, votes this bill down, it's
17. a bad bill.

18. PRESIDENT:

19. Further discussion? Senator Rhoads.

20. SENATOR RHOADS:

21. Mr. President and members of the Senate. I rise, reluctantly,
22. in opposition to Senate Bill 87 as it is now written. And I
23. say reluctantly, advisedly, because I had supported Senator
24. D'Arco's Amendment No. 3, which I think would have made this
25. bill more reasonable, more enforceable and so forth. As it
26. is currently written, however, it does provide for an outright
27. ban on possession and sale. And I...I just don't think it's an
28. enforceable or a workable bill. But I would say...make again the
29. challenge that I made to...the opponents of this bill in the
30. discussion on Amendment No. 3. I think that the National Rifle
31. Association, gun clubs and others, have a responsibility to
32. come forward with their solution to the problem, what will they
33. accept? If they can't live with Senate Bill 87 or they couldn't

1. even live with the more moderate form as it was presented
2. in Amendment No. 3, what can they accept. Now, I understand,
3. since that debate, that the...I am advised by Representative
4. Cullerton that the NRA has come forward and endorsed House
5. Bill 19, which is a mild alteration on the unlawful use of
6. weapons. But something clearly is needed in the urban areas
7. with respect to control of handguns and I think NRA and...and
8. other groups have a special responsibility to help solve this...
9. problem.

10. PRESIDENT:

11. Further discussion? Senator Collins.

12. SENATOR COLLINS:

13. Thank you, Mr. President. I really don't think that we
14. are debating Senate Bill 87 here. I think the whole question
15. is, and Charlie Chew put it in perspective when we were attempting
16. to amend Senate Bill 87. Senator D'Arco recognized the reality
17. that an outright ban on the sale of guns manufactured and sale
18. of guns in Illinois would not have any real impact. For that
19. reason he agreed to accept a more reasonable approach which
20. was tighter and stricter handgun control regulations in the
21. State of Illinois. Extracting some of the provisions from
22. Senate Bill 488, of which he incorporated in Senate Bill...in
23. Amendment No. 3, after that amendment failed, we attempted to
24. put intact Senate Bill 488, which without a doubt, was a very
25. good hand control measure. We had a lot of eloquent speakers
26. here who got up and talked about all kinds of things that
27. had no relationship to the bill and as a matter of fact, I
28. had to bow to one because he did a terrific job on killing
29. that bill. The issue here is whether or not the State of
30. Illinois will say to the people, we will not adopt any gun
31. control regulations in this State. I cannot support 87, but
32. I do feel that we must, before the Session ends, do something
33. for the people of this State to...deter crime.

1. PRESIDENT:

2. Further discussion? Senator Marovitz.

3. SENATOR MAROVITZ:

4. Thank you very much, Mr. President, Ladies and Gentlemen
5. of the Senate. Seems very ludicrous to me with all the events
6. going on around the world that a Legislative Body can stand
7. up and refuse to make a positive, affirmative statement against
8. the use of handguns because of a group of lobbyists who have
9. a large mailing list and a lot of money to spend on Congressional
10. and Legislative Bodies and place the fear and the wrath of God
11. in the voters and all of the elected officials. That really
12. seems ludicrous to me. No one is standing up here, Senator
13. D'Arco or anyone else is standing up here and saying, if you
14. pass Senate Bill 87, that's going to solve the crime problem,
15. that's going to keep people from getting killed with handguns.
16. No one is saying that, no one would be that ludicrous. Except
17. passing this legislation certainly will be a help, certainly
18. down the road but we're not going to be able to take the guns
19. away from people who have them, but it will be a long term
20. step in the right direction and I think all of us believe
21. that any step in the right direction, in view of the events
22. in the world, is a step that we have to take. We are here
23. to legislate and do things that are in the best interests,
24. the health and welfare of all the citizens of this State.
25. Gun clubs, hunters, pistol collectors, they can all be exempted
26. from this bill and they will be exempted from this bill if
27. we pass Senate Bill 87. But if we don't stand up and say
28. that the time has come to do something about what's going
29. on in our State, in our country and in the world. This is
30. a statement, more than anything else, this is a statement
31. and it should be a statement to the NRA that no longer are
32. we going to be ruled by a small group of people with a lot
33. of money and a big mailing list.

1. PRESIDENT:

2. Further discussion? Senator Netsch.

3. SENATOR NETSCH:

4. Thank you, Mr. President. In addition to applauding
5. the moving appeal made by Senator D'Arco and also by Senator
6. Egan, may I add just one somewhat new point that I think has
7. not been fully underscored. It is true that the guns kill
8. our constituents and many of them are involved in the perpetration
9. of crime. But it is also true that there are, as I recall the
10. figure, some two thousand people who are accidentally killed
11. by handguns every year in this country, most of them are
12. children. On their behalf also, may we plead with you to
13. give us some control over handguns.

14. PRESIDENT:

15. Further discussion? Senator Geo-Karis.

16. SENATOR GEO-KARIS:

17. Mr. President, Ladies and Gentlemen of the Senate. I
18. think the only effective gun control bill that can exist is
19. one that will increase the penalties for those who commit
20. crimes with a gun. Now, in my area, there was a poll taken
21. of the home...show where five hundred people said..in response
22. to a question, "are you in favor of a gun control law that
23. allows law-abiding citizens to have a gun in their homes
24. for protection against home invaders." Seventy percent said
25. yes, twenty-one percent no, nine percent had no opinion. I
26. am not going to support any bill that will prevent a law-abiding
27. citizen from having a gun to protect himself or his family
28. or his home while criminals can run around and get them,
29. forge them out of welding machines and what have you, and
30. then have my people murdered. I absolutely will not, I am
31. just as much in favor of gun control but valid gun control.
32. And the NRA does not own me, I made my position known to the
33. committee and I'm still consistent about it and, therefore,

1. much as I regret that I have to do it and...I love the sponsor
2. dearly, I have to oppose the bill.

3. PRESIDENT:

4. Further discussion? Senator Johns.

5. SENATOR JOHNS:

6. Mr. President, as I mentioned the other day, ten years
7. ago there was forty million people owned handguns, ten years
8. later, sixty million people own handguns. Now, there's ten
9. thousand people killed a year by handguns, that means one
10. out of every six thousand might use a handgun to kill a
11. person. Now, that's a small percentage and you're going
12. to try to register and control sixty million handgun owners
13. across the United States. It would cost four billion dollars
14. to do so. Now, why does a person buy a gun? He buys it for
15. a...just as Senator Geo-Karis said, to protect his life and
16. his property. That is a God given right to life that they're
17. trying to protect. This is a...a serious erosion of the second
18. amendment, the right to bear arms. As I said before, when
19. this country was founded, the militia was built upon those
20. who owned guns, took care of them, kept them in good shape
21. and knew how to use them. Now, I said also...Senator Rhoads
22. said, what's the alternative, I said the alternative is simply
23. this, you make a mandatory sentence of one year for the
24. illegitimate use of a handgun. If it's murder, that's another
25. situation, which we'd take care of. The second offense is three
26. years, mandatory sentence that relieves the judges...of the
27. right to declare anything less than that sentence. Now, the
28. second thing that bothers me, is that my good friend, Senator
29. D'Arco said the last time, that this is the first step in
30. the control of handguns. I tell you this, and you know it,
31. that government itself cannot control this and it's just
32. one way of gathering information to later take care of all the
33. guns and conscript them and take them into custody. The police

1. today are training women, now you think about this, all of
2. you Ladies, the police today are training women all over the
3. United States in the...in the use of a handgun, 'cause most
4. criminals, rapes and murders and et cetera, think that a
5. woman is a patsy. But if she's got an equalizer and that's
6. what I call it, it makes a different situation entirely.
7. Now, the State of New York for example, has the most strict
8. gun controls of all the states in the nation. Guess what,
9. their crime rate soared. Now, the Pope was shot and somebody
10. asked me, a reporter said, Senator, how do you feel about
11. the United States, isn't it getting to be terrible? I said,
12. wait a minute, that happened in the Vatican Square. Now
13. you tell me that that's a reflection on the United States.
14. Now, the Pope's leaders on nationwide television said, that
15. the Pope said, now listen to this, he will be back in the
16. public...because there is absolutely no protection against
17. a demented person. Hinkley, who shot the President, traveled
18. to get to him, Agca or whatever his name is, traveled to
19. get to the Pope. Those people are going to try so the...
20. the prosecution of criminals is what the American people want,
21. they don't want handgun control, they vote against it every time
22. So, I'm telling you this, don't put it in the hands of government,
23. in the sense that you're trying to do it, but make criminal
24. prosecution the answer. Because when you outlaw guns, the guns
25. are going to come into the hands of the outlaws 'cause they're
26. going to peddle them all over the country. As I said, there's
27. no protection from a demented person. I'm totally and...
28. against this control that you're trying to build.

29. PRESIDENT:

30. Further discussion? Senator Totten.

31. SENATOR TOTTEN:

32. Thank you, Mr. President, I move the previous question.

33. PRESIDENT:

34. Well, there are three others who have indicated they wish

1. to speak. If you'd withhold that, the Chair would be grateful.
2. Senator Newhouse.

3. SENATOR NEWHOUSE:

4. Thank you, Mr. President, Senators. I'm sure that everyone
5. knows how they're going to vote on this bill. There's one thing
6. that I think is rather troubling and that is this, we keep making
7. the distinction between downstate and metropolitan areas and
8. so forth and I'm not sure that distinction is valid at all.
9. I can remember on my grandfather's farm in Guston, Kentucky
10. that the Saturday Night Special was used with equal enthusiasm
11. in those primitive areas. I think...I don't know what kind
12. of accounting is done or who does the reporting. I don't
13. know if anyone has ever done a breakdown in those deaths and
14. maimings from guns that would separate out the crimes of passion,
15. that would separate out the accidents. I would suggest to
16. you all, however, that they are substantial. There is in...
17. the...the smaller town, as I remember it, a...a system that...
18. that simply overlooks certain things that are kind of in the
19. family. This includes feuds as a matter of fact. So that
20. to get the statistics it seems to me, would be a pretty tough
21. job, unless one were very, very...enthusiatic about it. I
22. would suggest to you that the problems of the inner city are
23. not that isolated from the problems of downstate and I would
24. suggest to you with the technology being what it is, that it
25. doesn't make a heck of a lot of difference where you live, that
26. this problem is going to move around with whatever a person
27. has in mind. So, I'd simply like to make the point that,
28. if you look very closely at what's happening in your own back
29. yard, you might very well find out, you got a real problem.
30. And that problem is something that some...that someone is
31. going to have to deal with at some..at some point. I
32. don't think this bill solves all the problems, but it's a bill

1. that steps in the right direction and I certainly support it.

2. PRESIDENT:

3. Further discussion? Senator Bruce.

4. SENATOR BRUCE:

5. Thank you, Mr. President and members of the Senate. I
6. would just like to clear up a few things that have been said today.
7. Why do you need a handgun, well, mainly it's home and business
8. protection. The Statutes of the State of Illinois presently,
9. yes Dawn, it is, in fact I'm not sure you were here, but we
10. have an exemption in the present Statute which allows a person
11. legally to carry a concealed weapon upon his person when you
12. are in three places in Illinois and it's the only place you
13. can legally carry a handgun today, in your home, upon your
14. land and your place of business. If you want to carry a
15. concealed weapon in those places in Illinois, you can legally
16. do it, you could not legally have one here on the Floor of
17. the Senate today, you could not have one around you in your
18. office unless that's your place of business. It seems to
19. me that this bill says just the exact opposite of that. It
20. says you cannot protect your home, you cannot protect your land
21. or your business using a handgun. Senator Egan indicated that
22. we are going to be hysterical and nonsensical. I don't believe
23. that. I don't believe that people that live in my part of the area
24. are hysterical and nonsensical when they may live up to fifteen,
25. twenty-five, thirty miles away from the nearest law enforcement
26. facility. We're not talking about having a station house
27. fifteen blocks from your home, we're talking about a twenty-five,
28. thirty-five, forty-five minute run. In my areas, the county
29. sheriffs after dark, become the law enforcement officials
30. for our counties. In Richland, and almost the thirteen counties
31. I represent, you'd be lucky to have more than two guys on
32. duty on a night shift, in which most of this trouble occurs.
33. And to say that a guy living out in the rural area cannot have
34. a handgun is just not making good sense. And the question becomes

1. then, if you can have a long gun, rifle or shotgun, why do
2. you need a handgun. Well, it's a little difficult to...to
3. have a shotgun in a drawer and it's a little difficult to
4. have those concealed about your body as you walk out when
5. people drive into your driveway at your farm, late at night.
6. But, it just seems to me infinite good sense that you can
7. ...carry about your body, something to protect yourself in
8. the rural areas. And frankly, I...I don't know about burglars
9. in our...in your area or the cities, but I don't think you're
10. going to have as many burglaries occurring if every...if that
11. burglar knew you were breaking into an armed home. I frankly
12. think that would stop a lot of burglaries if they knew that
13. the person behind that door, had a handgun. And so, to say
14. that that's somehow going to harm people, I think it
15. would stop crime in some of the areas. They're just not going
16. to be breaking down doors if they knew the person had a gun.
17. Finally as to gun control and its effect, everyone wants to
18. talk about the President and the Pope. Washington D. C. has
19. one of the most strict gun control...legislation on the books
20. and the President was shot there. In Italy they have
21. the...probably the strictest one in Europe and the Pope was
22. shot in Italy. As to the NRA opposition, I don't understand
23. in a democracy why people are criticized for expressing their
24. views. If there is another lobby or anti-gun lobby that
25. wants to write me letters, fine. I'll open them, reply to
26. them just as I have to the people who have written to me in
27. opposition to this bill. You say the NRA has raised a lot
28. of money, what does that reflect? It reflects probably the
29. fact that many of the people in this country don't want to
30. have handgun control and they are willing to pay for it,
31. advertise that point and influence legislation, that's a
32. very democratic process and the NRA ought not to be criticized
33. for exercising the rights that are given under our Constitution.

1. I rise in opposition to this bill.

2. PRESIDENT:

3. Any further discussion? If not, Senator D'Arco may close
4. the debate.

5. SENATOR D'ARCO:

6. Thank you, Mr. President. As to what Senator Bruce is
7. indicating...I offered Senator Collins' amendment that would
8. say that people could have guns if they got a permit to do
9. so and there would be no reason for them not to have a permit
10. to do so, but he resisted that amendment also. So his arguments
11. are a bit weak because he's just against any handgun registration
12. or any handgun legislation at all and there's no way that you
13. can convince someone like that to take a different position.
14. Senator Johns said that we need mandatory legislation on gun
15. convictions. If you look at the Statutes today, you have
16. armed violence. Armed violence says that if you commit a forceable
17. felony with a handgun it's a Class X Felony. I mean, we got the
18. law to do that now. Does that stop people from committing
19. murders or armed robberies? No, it doesn't stop anybody.
20. We've got a law known as home invasion. If you enter somebody's
21. home unauthorized with a gun, it's a Class X Felony. You...we
22. don't have any higher level of felony than a Class X. So those
23. arguments don't hold any water either. You know, I want to
24. thank Senator Egan because he's a former marine, he's a former
25. hunter, he's a former sportsman, he knows all about guns and
26. when he voted in committee to get this bill out, I was shocked.
27. And I want to thank him for helping me in committee, and Senator
28. Joyce for helping me in committee and every Senator in the
29. committee that voted for this bill so that the public...at least
30. we can get it in a public form and attention can be given to
31. this bill as it deserves. Senator Netsch brought out a great
32. point, children that are killed by handguns. I read an article
33. where an Ohio man was showing his twelve year old daughter how

1. to use a gun properly and in the process he shot and killed
2. her. He's got to live with that for the rest of his life.
3. As far as Senator Geo-Karis' argument about black marketing
4. of handguns goes, it works in England, it works in Japan,
5. they seem to be able to control the accessibility of handguns
6. there. But you don't want to give it a shot in Illinois or
7. more importantly on the Federal level. Ladies and Gentlemen,
8. one day we'll live in peace and harmony and this won't be an
9. issue anymore and I'm going to live to see that day.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. The question is shall Senate Bill 87 pass. Those in
12. favor vote Aye. Those opposed vote Nay. The voting is open.
13. Have all voted who wish? Have all voted who wish? Take the
14. record. On that question the Ayes are 16, the Nays are 38,
15. 4 Voting Present. Senate Bill 87, having failed to receive
16. the required constitutional majority is declared...lost.
17. Senate Bill 88, Senator D'Arco. Read the bill, Mr. Secretary,
18. please.

19. SECRETARY:

20. Senate Bill 88.

21. (Secretary reads title of bill)

22. 3rd reading of the bill.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator D'Arco.

25. SENATOR D'ARCO:

26. Thank you, Mr. President. What this does is raise the
27. mandatory retirement of circuit judges from seventy to seventy-
28. five. And we've been losing some very good judges in the
29. Cook County Circuit due to early retirement. Judge Cavelli
30. had to retire, and then they gave him the status of...of Judge
31. Emeritus because they put him back on the bench because
32. of his effectiveness. We had other very good and able judges
33. having to retire. There was one that would settle cases at

1. a fifty percent rate instead of going to trial and he had
2. to retire. And we need this bill to raise the retirement
3. age, it hasn't been raised in awhile and I would move to pass
4. this bill.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Is there discussion? Is there discussion? The question
7. is shall Senate Bill 88 pass. Those in favor vote Aye. Those
8. opposed vote Nay. The voting is open. Have all voted who wish?
9. Have all voted who wish? Take the record. On that question
10. the Ayes are 42, the Nays are 8, 4 Voting Present. Senate
11. Bill 88, having received the required constitutional majority
12. is declared passed. Senate Bill 89, Senator Lemke. Read the
13. bill, Mr. Secretary, please.

14. SECRETARY:

15. Senate Bill 89.

16. (Secretary reads title of bill)

17. 3rd reading of the bill.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Lemke.

20. SENATOR LEMKE:

21. What this bill does, is...it allows terminated employees
22. to continue their insurance under certain conditions. They
23. have to be working there three months. There is a thirty...
24. they have to do it in...thirty-one days after they leave
25. and so forth. I think the way it's written now, it's a
26. good bill. It was a compromise bill with the...group
27. insurance companies and...and other people. I think the way the
28. bill is amended now, it's a good bill, it gives people
29. ...the coverage when a...when there's a major plant close-up
30. to pay the premiums directly to the insurance company. Keep
31. this insurance alive until...they get another job.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Is there discussion? Senator Keats.

1. SENATOR KEATS:

2. Thank you, Mr. President and Ladies and Gentlemen of the
3. Senate. Senate Bill 89 passed the Labor and Commerce Committee
4. on a partisan roll call of 7 to 4. But I want to stress that that
5. vote had nothing to do with the merits of the legislation. It
6. had to do with some minor altercations that occasionally take
7. place in that committee. This bill in actual analysis really
8. is not a bad piece of legislation. While it does extend the
9. insurance, it is at no cost to the company and there are, at this point,
10. no known opposition. What it does say, is someone who is laid
11. off or for other reasons is unemployed, they must pay for their
12. own insurance. It sets a time limit and it avoids the fact that
13. the family would be put in a rather...dangerous position with
14. this person being unemployed and they would have no health
15. insurance. So since it really doesn't cost anyone other than
16. the individual who would have the medical insurance involved,
17. it probably is not unreasonable. I personally intend to support
18. it.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Further discussion? Further discussion? Senator Lemke
21. may close.

22. SENATOR LEMKE:

23. I ask for a favorable vote.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. The question is shall Senate Bill 89 pass. Those in favor
26. vote Aye. Those opposed vote Nay. The voting is open. ...who
27. wish? Have all voted who wish? Take the record. On that
28. question the Ayes are 53, the Nays are none, none Voting Present.
29. Senate Bill 89, having received the required constitutional
30. majority is declared passed. Senate Bill 100, Senator Jeremiah
31. Joyce. Read the bill, Mr. Secretary, please.

32. SECRETARY:

33. Senate Bill 100.

1. (Secretary reads title of bill)

2. 3rd reading of the bill.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Joyce.

5. SENATOR JEREMIAH JOYCE:

6. Thank you, Mr. President, members of the Senate. Senate
7. Bill 100 is very simple in its concept, perhaps not so in
8. its application. Provides that the State may elect trial by
9. jury in those cases where the defendant waives his right to
10. a trial by jury. Puts Illinois criminal procedure on the
11. same basis with respect to jury trials on the same basis
12. as the Federal system. I ask for a...favorable roll call.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Is there discussion? Is there discussion? The question
15. is shall Senate Bill 100 pass. Senator Savickas.

16. SENATOR SAVICKAS:

17. Question of the sponsor.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Indicates he will yield. Senator Savickas.

20. SENATOR SAVICKAS:

21. Is this...is this the bill where, if you, as a defendant
22. waive a jury trial and go before...just before the judge and
23. allows the State's Attorney, like we have in the Federal law,
24. the ability to demand a jury trial?

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator...Jeremiah Joyce.

27. SENATOR JEREMIAH JOYCE:

28. I believe that's what I said when I was explaining it, yes.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Savickas.

31. SENATOR SAVICKAS:

32. Yes, Senator I didn't hear your explanation. I...I don't know...
33. I, from what I've seen, the experience with some of our Federal

1. system, in the last case in particular, Senator Terzich that had
2. gone up, wanted to go before a bench trial, they demanded a jury
3. trial and he was fortunate enough to persuade the jury. They
4. usually...the juries now, with the emotionalism for...convicting
5. people, with or without the evidence...I don't know, I...I think
6. we ought to have a little discussion on it.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Further discussion? Senator D'Arco.

9. SENATOR D'ARCO:

10. Well, thank you, Mr. President. I think Senator...Savickas
11. really reiterated the point when...Representative Terzich
12. was acquitted and the bribe trial that he was charged with...
13. the judge, Judge Layton, indicated at that time that the only
14. reason this guy was tried in the first place, was because
15. he was a State Representative. If he was any ordinary citizen,
16. the prosecutor would have never tried him anyway. But because
17. he was a State Representative, they tried him. He spent thousands
18. of dollars in defense of the charge against him and fortunately
19. he was acquitted. Now, what this bill does, is give the prosecutor
20. the option of getting a jury trial when the defendant decides
21. he doesn't want a jury trial, but he'd rather be tried by a
22. judge. The judge is more knowledgeable on the law, the judge
23. can ascertain and detect the factual situation in a more
24. experienced and legal manner than a jury can and the judge
25. is in a better position sometimes to determine the difference
26. between factual and legal issues. So for those reasons, the
27. defendant may want to be tried by a judge. This would take
28. that option away from the defendant. He would no longer
29. be able to be tried by a judge. if the prosecutor decided
30. that he wanted to ask for a jury trial. I don't know where
31. we're going...I know where we're going, I mean, when I say
32. I don't know, we're going way, way, way, away someplace.
33. You know, the individual rights of defendant..are becoming

1. lessened and lessened and the rights of prosecutors are
2. becoming greater and greater. Now, maybe that's where we
3. want to go, fine. Well, if there ever was a bill to do that, if
4. you want to take away the rights of a defendant, this is the
5. bill to do it.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. ...Further discussion? Senator Berman.

8. SENATOR BERMAN:

9. Thank you, Mr. President. I think this is a very dangerous
10. bill. It is a dramatic departure from the traditional approach
11. to criminal justice that we've had in this State since its
12. beginning. From a practical level, it's a very dangerous bill
13. and let me tell you why. The difference in time to try a
14. jury case versus a bench trial is substantial. And that...that time
15. element translates into the cost of providing an adequate defense
16. for a person charged with a crime. If you're talking about a
17. person that can afford a private attorney who may charge five
18. hundred or a thousand dollars for a bench trial, you multiply
19. that fee by five or ten times to involve himself in a jury
20. trial because it will be five or ten times longer to try that
21. case. And if you think there's a delay in speedy trials, which
22. there is a delay, of people charged with crimes, you haven't
23. seen anything yet until this bill would be passed. Because
24. the State's Attorney to bring pressure, to bring pressure, for
25. guilty pleas would ask for many more jury trials, the defendant
26. would have no choice if he believes himself innocent, but to
27. submit to a jury trial. And if you think you have one year
28. and two year and longer delays in our jury system now, in the
29. criminal trial system now, multiply that by two and three times
30. if this bill passes. It is a denial of, I think, equal protection
31. to the poor, to the person that can't afford thousands of dollars
32. for private attorneys. It will jam the criminal justice system.
33. I don't think this is the time or the place to vote for this bill.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Further discussion? Senator Bowers.

3. SENATOR BOWERS:

4. Mr. President, just briefly, I would rise in support
5. of this legislation and I would point out to the members of this
6. side of the aisle that this was part of the Governor's package,
7. this proposal that he submitted. I happened to have carried
8. that bill in committee and for some of the strange reasons
9. in committee that bill was killed. This is exactly the same
10. bill. I don't think we ought to rest on this side of the aisle
11. on pride of sponsorship. It seems to me the idea is good. And
12. for those on the other side who are crying about the criminal
13. defendant, who's getting such a raw deal, I would point out
14. to them that this has been in the Federal system for years
15. and years and nobody has seemed to think it's so terrible
16. there. I don't know why it becomes so bad when we're talking
17. about it in the State of Illinois. It's a simple procedure,
18. the State ought to be entitled to a jury trial in those cases
19. where they feel the judge is not willing to give the State
20. a fair trial. It's fairness on both sides of the...of the
21. situation and it seems to me that we ought to support it,
22. particularly on this side of the aisle. Thank you.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Further discussion? Senator Egan.

25. SENATOR EGAN:

26. ...Yes, thank you, Mr. President. Well, I...I respectfully
27. disagree with Senator Bowers insofar as the need for the bill.
28. In my experience, the only time that the State has ever wanted
29. a jury trial is when there was a Republican State's Attorney
30. in Cook and he didn't trust the judiciary. At least that's
31. what he wanted to say. Now, all he had to do was take a change
32. of venue, and that's all you have to do. The State is entitled
33. to a change of venue. And we don't have that situation now, we

1. have a Democratic State's Attorney in Cook County and he
2. doesn't want this bill either. I think it's absolutely
3. unnecessary. And because I want to be consistent and I voted
4. against it in the past, it really doesn't, in fact, make any
5. difference other than somebody's public relations, some
6. Republican that comes along in the future and becomes State's
7. Attorney in Cook, otherwise nobody is going to use it. So
8. we're wasting our time. Please vote No.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Further...Senator Collins.

11. SENATOR COLLINS:

12. Question of the sponsor.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Indicates he will yield, Senator Collins.

15. SENATOR COLLINS:

16. Yes, Senator Joyce, what is the objective of this bill?

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Joyce.

19. SENATOR JEREMIAH JOYCE:

20. Well, Senator Collins, I think the objective has been
21. stated and restated here in discussion. The objective of the
22. bill is to provide, in those situations where the State feels it
23. cannot get a fair trial from the...a judge to...to elect to
24. have a jury hear the questions of fact. I would think if...if
25. you are...if you are wondering where you should be on this in
26. terms of your constituency, you should probably be with Senator Savickas.

27. PRESIDING OFFICER: (Senator Bruce)

28. Senator Collins.

29. SENATOR COLLINS:

30. Well, unfortunate...I don't know...I don't...I don't
31. have to vote with Senator Savickas to represent my constituents.
32. I...I am concerned about some of...what I think have been some
33. valid criticisms raised here and I'm concerned about the cost
34. of a trial to the poor, which is very important to the

1. people of my district. Even now, they cannot afford qualified
2. attorneys and if you think that's not true, all you have to
3. do is go out to Stateville or some of the correctional institutions
4. and you'll see who is incarcerated out there. And that's simply because
5. they do not have the money to afford qualified attorneys. So
6. if this is another layer to...to impose another burden on them,
7. then...then I think it's a bad idea.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Further discussion? Is there further discussion? Senator
10. Joyce may close.

11. SENATOR JEREMIAH JOYCE:

12. Ask for a favorable roll call.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Joyce.

15. SENATOR JEREMIAH JOYCE:

16. I...I asked for a favorable roll call.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Okay. The question is shall Senate Bill 100 pass. Those
19. in favor vote Aye. Those opposed vote Nay. The voting is open.
20. (Machine cut-off)...voted who wish? ...all voted who wish? Have
21. all voted who wish? Take the record. On that question the Ayes
22. are 33, the Nays are 15, 3 Voting Present. Senate Bill...100,
23. having received the required constitutional majority is declared
24. passed.

25.

26.

27.

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33.

End of Reel

1. Senate Bill 105, Senator Jeremiah Joyce.

2. SENATOR JEREMIAH JOYCE:

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

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. I'm sorry. Read the bill, Mr. Secretary, please.

6. SECRETARY:

7. Senate Bill 105.

8. (Secretary reads title of bill)

9. 3rd reading of the bill.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Jeremiah Joyce.

12. SENATOR JEREMIAH JOYCE:

13. Thank you, Mr. President, and members of the Senate. Senate
14. Bill 105 would require mandatory sentencing in those situations
15. where a firearm is involved with the commission of a forceable
16. felony. The bill has been amended from felony to forceable felony.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Is there discussion? Is there discussion? The question is,
19. shall Senate Bill 105 pass. Those in favor vote Aye. Those opposed
20. vote Nay. The voting is open. Have all voted who wish? Have
21. all voted who wish? Take the record. On that question, the Ayes
22. are 55, the Nays are 1, none Voting Present. Senate Bill 105,
23. having received the required constitutional majority is declared
24. passed. Senate Bill 108. Senator Joyce, do you wish to call that?
25. Read the bill, Mr. Secretary, please.

26. SECRETARY:

27. Senate Bill 108.

28. (Secretary reads title of bill)

29. 3rd reading of the bill.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Jeremiah Joyce.

32. SENATOR JEREMIAH JOYCE:

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

1. simply what this bill seeks to address is those situations where
2. a Circuit Court Judge goes on the Federal bench and remains on
3. the Federal bench during that period of time in which he becomes
4. eligible for a pension having had...having served as a Circuit
5. Court Judge. The present law does not permit that.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Is there discussion? Senator Rhoads.

8. SENATOR RHOADS:

9. Senator Joyce, can you name anybody who might be included
10. in the category you just mentioned?

11. SENATOR JEREMIAH JOYCE:

12. Sure.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Jeremiah Joyce.

15. SENATOR JEREMIAH JOYCE:

16. I'll give you this week's favorite, Judge Aspen.

17. SENATOR RHOADS:

18. Anyone else?

19. SENATOR JEREMIAH JOYCE:

20. I'm...I'm not familiar with...

21. SENATOR RHOADS:

22. Could...could you tell us where the bill came from? Who
23. requested the bill? Never mind, don't answer that.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Jeremiah Joyce. Is there further discussion? Senator Berning.

26. SENATOR BERNING:

27. Thank you, Mr. President. Well, there is a very small cost
28. involved with this particular bill. It is a...justifiable and
29. laudable bill, and I would urge the members on this side to support
30. it.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Further discussion? The question is, shall Senate Bill 108
33. pass. Those in favor vote Aye. Those opposed vote Nay. The

SB 116
3rd Reading

1. voting is open. Have all voted who wish? Have all voted who
2. wish? Have all voted who wish? Take the record. On that
3. question, the Ayes are 42, the Nays are 7, 3 Voting Present.
4. Senate Bill 108, having received the required constitutional
5. majority is declared passed. Senate Bill 110, Senator Maitland.
6. Senate Bill 115, Senator Netsch. For what purpose does Senator
7. Sangmeister arise?

8. SENATOR SANGMEISTER:

9. If you will excuse the intrusion for just a moment, but
10. we have Saint Mary's Grade School from the garden spot of Will
11. County, the Village of Mokena with us, and I'd like them to
12. stand in the gallery and be recognized by the Senate.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Would our guests please rise and be recognized by the Senate.
15. 115, Senator Netsch. Senate Bill 116, Senator Netsch. Read
16. the bill, Mr. Secretary, please.

17. SECRETARY:

18. Senate Bill 116.

19. (Secretary reads title of bill)

20. 3rd reading of the bill.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Netsch.

23. SENATOR NETSCH:

24. Thank you, Mr. President. Senate Bill 116 as amended is
25. similar to, although not identical, with a bill that the Senate
26. passed by a very substantial vote last Session, and then it got
27. tied up over in the House. It's principal purpose is to amend
28. the Retail Installment Sales Act and the Motor Vehicle...Retail
29. Installment Sales Act to provide a right of redemption for those
30. who have defaulted on an installment sales contract but are sub-
31. sequently in a position to right that default and otherwise would
32. be put in an unconscionable position. Under the laws that pre-
33. sently exist, it is possible for someone to make a down payment

1. on something that is being purchased on contract, make a number
2. of payments on that contract, miss one or two often, for circum-
3. stances that are beyond control, like loss of a job, or a temporary
4. layoff, and end up losing the...that item which was being
5. purchased, typically a motor...motor car, all of the down payment,
6. all of the payments to date, and even suffer the possibility of
7. a deficiency judgment being entered against that person. It is
8. unconscionable, and particularly now, where there are a lot
9. of people who are unemployed, or laid-off for periods of time,
10. it's creating a great deal of hardship. This bill would permit
11. that right of redemption for those who paid thirty percent, and
12. eliminate that deficiency judgment. I will be happy to answer
13. questions, if not, I would ask that we once again support the
14. principle of this bill as we did last Session.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Is there...is there discussion? Senator Egan.

17. SENATOR EGAN:

18. Yes, I'd like to ask a question of the sponsor, if I may.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Indicates she will yield. Senator Egan.

21. SENATOR EGAN:

22. Is...does...I'm in total agreement with the purport of the bill,
23. but as I understand it, there is a provision that requires the
24. payment of attorney's fees by the defendant in cases of violation
25. of the...the provision. Is that correct?

26. SENATOR NETSCH:

27. No, I think, probably the...what you are referring to is
28. that when someone has defaulted, and is seeking to take advantage
29. of the right to redeem, one of the things that they must do is
30. to make the seller hold. That is, we are not putting any undue
31. hardship on the seller or the holder of the paper, as the case
32. may be, and so we condition the right of redemption on a...if
33. you'll look on the first page of the bill, paying the unpaid amount

1. and tendering performance, which is necessary, in effect, to make
2. the seller hold, including any reasonable costs or fees incurred
3. by the holder in the retaking of the goods. I would not expect
4. that normally that would include attorney's fees, but it's thought
5. generally to cover those matters that...often they pay professionals
6. to go out and retake the car, and those costs would have to be
7. repaid by the person who was redeeming.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Further discussion? Senator Egan.

10. SENATOR EGAN:

11. Well, I don't object to that, but if in the...if in the
12. process, an attorney is hired and litigates for whatever necessary
13. reason, replevin or whatever, is that attorney's fee charged to the
14. automobile dealer?

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Netsch.

17. SENATOR NETSCH:

18. Well, the way the language is, any reasonable costs or fees in-
19. curred by the holder in the retaking of the goods, and it seems
20. to me that that could be sufficient to include the attorney's fees,
21. although again, that is typically not part of the pattern, Senator
22. Egan.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Egan.

25. SENATOR EGAN:

26. All right, but the point is, that if, in fact, attorneys
27. can recover their fee, then we are promoting litigation which
28. I really don't want to do. Everything else in the bill I ap-
29. plaud, except that possibility. If you will carve that away,
30. you...you have my...you have my support.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Netsch.

33. SENATOR NETSCH:

1. I...I think, Senator Egan, nothing really has changed
2. in the procedures that take place on default in that respect.
3. Again, someone has made payments, then reaches a period where
4. they go into default. Typically what happens, and typically
5. we're talking about an automobile, is that the seller or holder
6. of the paper goes out and almost immediately repossesses the auto-
7. mobile. And then may or may not be willing to negotiate with
8. the holder...or with the purchaser of the car, often they do
9. not, which, of course, is what the bill is designed for. But
10. it usually does not get involved in that kind of litigation at
11. that point, that is it's...it's the people themselves who are
12. involved in it, and I...I...we didn't...that question really
13. has not arisen simply because that is not the standard practice.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Egan.

16. SENATOR EGAN:

17. Well, I...I don't want to belabor it, but I...the point I'm
18. trying to make is, that if we encourage litigation by allowing attorney's
19. fees, I think that we're making a mistake, because that doesn't
20. accomplish the purpose and the intent of the bill. I would ask
21. that if we could carve that out wherever you wish, in the House,
22. if you just would...would bear with me I...then you have my
23. undying support.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Further discussion? Senator...I have...Senators DeAngelis,
26. Berning, and Johns. Senator DeAngelis.

27. SENATOR DeANGELIS:

28. Thank you, Mr. President, and members of the Senate. Senator
29. Netsch and I have had frequent disputes regarding good intents
30. and bad implementation, and I think this bill probably points
31. out the worst of it. Senator Netsch, I presume you're trying
32. to help the person that's made an installment sale...an installment
33. purchase, and is unable to meet their payments. First of all, I

1. think there are many people in this General Assembly who are
2. quite familiar with banking, I know of no bank that would...
3. repossess upon the missing of one payment or even two payments,
4. and probably not even till the third or fourth payment. The point
5. is, under this law, what you're doing, is you're saying to some-
6. body who's been in default for three to five or six months, if
7. you come up with the balance in a period of fifteen days...
8. Senator Netsch, are you listening?

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Yes, can we give Senator... Senator DeAngelis.

11. SENATOR DeANGELIS:

12. What you're doing here is, you're giving the authority
13. or you're going to tell a person who has missed four to six
14. payments, that after the vehicle is repossessed that within fifteen
15. days, if you come up with all that money you can get your
16. vehicle back. Now, I would submit to you, if that person
17. had that kind of money, or a...portion of that money, the
18. vehicle wouldn't be repossessed in the first place, because most
19. banks would be quite willing to take a partial payment for back
20. due installments, and you're requiring them to make a full payment
21. on all the back installments. So, I don't think that your leg-
22. islation is going to accomplish anything in helping the people
23. that you think you're helping.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Further discussion? Senator Berning.

26. SENATOR BERNING:

27. Thank you, Mr. President. I'd like to pose a question to
28. the sponsor.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Indicates she will yield. Senator Berning.

31. SENATOR BERNING:

32. Senator, in the first section on page 1, where you provide
33. that under an installment contract the buyer may elect either to

1. repossess or accept voluntary surrender of the goods and release
2. the buyer from further obligation. That does not seem to me
3. to be quite equitable; if...or the second option is...or to proceed
4. to recover judgment by the balance of...for the balance of the
5. indebtedness. If a holder is unable to effect collection, and
6. confronts the buyer then with a seriously delinquent account,
7. under this, it appears to me, that that holder would be required
8. to do one of two things, either accept the...the item, let's say
9. an automobile and waive all further rights to collection, or
10. leave the automobile with the individual, and attempt to
11. proceed through court action. I remind you that there is...there
12. is nothing that depreciates faster than an automobile. And
13. it is incumbent upon the holder to keep the account current
14. if for no other reason than to be sure that the investment, that
15. the holder has in the contract, is protected by the diminishing
16. balance. Do I misinterpret this, or are you making it almost
17. impossible for the holder here to really protect himself?

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Netsch.

20. SENATOR NETSCH:

21. I think the provision you're referring to, Senator Berning,
22. is the so-called election of remedies, which, in a different form,
23. had been in prior versions of...of the Act. The election of
24. remedies is, I think, by now a part of the law of probably twenty-
25. five to thirty states around the country. And what it says, in
26. effect, is that the...the seller is given a choice, either re-
27. take the goods or...and not sue for the deficiency judgment or
28. continue to seek the payments.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Berning.

31. SENATOR BERNING:

32. Then...then you are saying, yes, that if a...a buyer is in
33. serious default, he has the option of surrendering and being totally

1. absolved and the holder must admit and accept that or run the
2. risk of a judgment, which he then probably can't collect. It
3. seems to me that's a poor choice. It would appear that every-
4. thing is weighted in favor of the delinquent purchaser in this
5. case.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Further discussion? Senator Johns.

8. SENATOR JOHNS:

9. Thank you, Mr. President. A question of the sponsor, please.
10. Senator Netsch, is there anyplace in the bill, that says that the
11. buyer has to inform the seller...I mean the seller has to inform
12. the buyer of his rights to this fifteen...days grace period? Be-
13. cause if I see it right, where I come from, there's a lot of people
14. on fixed incomes, poor, illiterate, all kinds of problems, and those
15. people are the ones that usually get behind. If you show them
16. that, one, they might encounter attorney fees, two, they have
17. fifteen days in which to do this, I think it would behoove you
18. to try to work that into the bill, if you could, so that they would
19. understand what they are up against. And I applaud your bill,
20. I think it's a step in the right direction.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Netsch, response?

23. SENATOR NETSCH:

24. Yes...to respond to the question part. There is nothing in
25. these sections which are before you, which are amendments to the
26. existing law. I will check for you, Senator Johns, there may
27. well be a provision in the basic Retail Installment Sales...Re-
28. tail Installment Sales Act and the Motor Vehicle Retail Installment
29. Sales Act which do require that the...the buyers be notified of
30. some of their rights. I cannot conjure it up right at the moment,
31. but I will check, that may be covered in other sections.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Further discussion? Senator Nimrod. No. Senator Netsch

1. may close.

2. SENATOR NETSCH:

3. Thank you. Again, I...I would remind the Senate that a
4. similar, but not identical version of this was passed last Session
5. and it...its principal purpose is to provide the right of redemp-
6. tion on default, and I would point out, that that has been by
7. amendment, limited to cases where the buyer has paid thirty per-
8. cent of the sales price. It is only a fifteen day period, and
9. particularly to Senator DeAngelis, the...the point is, that it
10. is without acceleration of the total balance due. You're quite
11. right, if...if we did not treat that point, it would probably
12. be a useless right that we were giving. But the whole point of
13. it is, that it is without the ballooning, without the ac-
14. celeration of the total balance due. And that is why it does
15. prove to be an effective right. It will not be available to
16. everyone as a practical matter, but for a number of people who
17. have been caught by the Retail Installment trap that..that many are
18. caught by, it will be, we think, extremely helpful and will save
19. a lot of hardship on them, and as a matter of fact, a lot of
20. hardship, in fact, on some of the sellers. I would solicit
21. your support.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. The question is, shall Senate Bill 116 pass. Those in favor
24. vote Aye. Those opposed vote Nay. The voting is open. Have all
25. voted who wish? Have all voted who wish? Have all voted who
26. wish? Take the record. On that question, the Ayes are 32, the
27. Nays are 22, none Voting Present. Senate Bill 116, having received
28. the required constitutional majority is declared passed. Senate
29. Bill 119, Senator Marovitz. Senate Bill 122, Senator Collins.
30. Yes. Read...read the bill, Mr. Secretary, please. 122.

31. SECRETARY:

32. Senate Bill 122.

33. (Secretary reads title of bill)

3rd reading of the bill.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Collins.

3. SENATOR COLLINS:

4. Thank you, Mr. President. Senate Bill 122 addresses a very
5. serious problem for many residents, throughout the State of Illinois,
6. dealing with the problem of having their heat terminated during
7. the bitter cold winter months. Although the Illinois Commerce
8. Commission developed a plan for winter shut-offs, in essence it's
9. like a Catch 22, because it requires first of all, in order to be
10. able to enter into a deferred payment plan, that the...that the
11. customer has to first come up with a deposit. That is impossible,
12. in the first place, if the people have a deposit, they can apply
13. that toward their bill. What this bill does is very simple, and
14. I also thank the committee members for working on it for...on
15. an amendment to make sure that we're talking about residential
16. customers. It inhibits the utility companies from shutting off
17. essential services, heating services, during the winter months for
18. any reason. I ask for a favorable roll call.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Is there discussion? Is there discussion? The question is,
21. shall Senate Bill 122 pass. Those in favor vote Aye. Those...
22. Senator Nimrod, did you wish...Senator Nimrod.

23. SENATOR NIMROD:

24. Thank you, Mr. President. A question of the sponsor, if I
25. may.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Indicates she will yield. Senator Nimrod.

28. SENATOR NIMROD:

29. We already have laws on the books that prohibit the utilities
30. from cutting off the utility...any time the temperature reaches below
31. thirty-two degrees. For all practical purposes, for almost seven
32. months out of the year, the utility company cannot collect its
33. money whether it's a good or a bad account, and in fact many people

1. who are not making payments, delay their payments until the
2. end of that period and then make one payment. What added pro-
3. visions does this provide which they don't already have? And I
4. think that the utility company is under a great stress in this
5. area. What does this bill do that is not already involved in
6. the law?

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Collins.

9. SENATOR COLLINS:

10. It does a lot more than...than the existing law. First of
11. all, from December 1st until April 1st, it prohibits the utility
12. companies from shutting off utilities. Now, under the existing
13. law what can happen, like you see the temperature goes up and
14. down now, you're talking about the date that once the temperature
15. drop down...I mean once the temperature rises, yes, they can, shut
16. it off, but the next day it can get down to twenty degrees. They're
17. not going to go back out and shut your utilities...on. So, what this
18. does, unless the person...for no other reasons with the exception
19. of...a person refuses to enter into a deferred payment plan, can
20. they shut off the...essential heating services from December 1st
21. to April 1st. That's the difference.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Nimrod.

24. SENATOR NIMROD:

25. Thank you, Senator Collins. It seems to me then, that all
26. we're doing...because right now it has to be three days in a row
27. before they can come out on a particular area, and a weekend is
28. exempt, so it's a five day protection. It seems to me that any-
29. one that is behind on their payments and who has had ample time to do
30. it and does not make some provisions for taking care of it, either
31. in general assistance or other ways, there are so many areas
32. that we're doing, and all this does is provide another means
33. for someone to find some legal way of not paying their bills.

1. I do not believe that this, in any way, assists those that are
2. truly in need. And I would rise in opposition to this bill.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Further discussion? Further discussion? Senator Collins
5. may close. Oh, Senator Maitland. On this bill, Senator?

6. SENATOR MAITLAND:

7. Yes, Sir.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Maitland.

10. SENATOR MAITLAND:

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

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Indicates she will yield. Senator Maitland.

14. SENATOR MAITLAND:

15. Senator Collins, my concern in committee, as you recall, was
16. relative to a...a...a previous year's bill. And...and...and where
17. we were here, in other...what we're saying is, they...they...they
18. could still owe that bill, and yet for the present winter then
19. enter into a deferred payment contract and...and the power would
20. be back on, or the utility would be back on. That was my concern.
21. Is...is that not still the case? They could still owe the previous
22. year's bill.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Collins.

25. SENATOR COLLINS:

26. You...I'm not clear on what...what you're saying.

27. SENATOR MAITLAND:

28. What...what we're...what we're saying here is that their
29. power can come back on if they enter into a deferred payment contract,
30. the power could have been shut off because of non-payment of last
31. year's bill. So, what you're saying is that if they...if they enter
32. into a deferred payment contract, the power can come back on.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Collins.

2. SENATOR COLLINS:

3. No. No, this is not...if...if...if they allow them to owe
4. them a half a year, up to December 1st, and they refuse to shut
5. the utility off, and if, for example, in February that accumulated
6. bill...no they can't shut them off. But I would think that they
7. would have shut them off prior to December 1st if it's a back bill
8. from...from the year before.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Maitland.

11. SENATOR MAITLAND:

12. Well, again, I understand that, but...but can they not now
13. have the power turned back on if they enter into this contract?

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Collins.

16. SENATOR COLLINS:

17. No. We're talking about not turn-ons, but shut-offs. If
18. it is not shut off prior to December 1st, unless the person re-
19. fused to enter into a deferred payment plan for that period, we're
20. talking about December 1st to April 1st, it has nothing to do with
21. the previous year's bill.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Maitland.

24. SENATOR MAITLAND:

25. Okay, thank you. And then finally, all they have to do is
26. enter into the contract, but it says nothing about paying, making
27. the payments, in the contract.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Collins.

30. SENATOR COLLINS:

31. The...the...the Illinois Commerce Commission established
32. rules and regulations for how the contract is to be drawn. And...
33. and...and I...I understand that they supported this amendment, they

1. helped to draft this amendment. So, I...I don't see the problem.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Maitland.

4. SENATOR MAITLAND:

5. Well, it...it just simply says that you can't shut the power
6. off if they agree to enter into...into the deferred contract plan.

7. It says absolutely nothing about payment.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Collins.

10. SENATOR COLLINS:

11. I sorry, I was interrupted.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Maitland, she was interrupted. Would you mind repeating
14. your question?

15. SENATOR MAITLAND:

16. Well, my question is, all it says is that they have to enter into
17. a deferred payment contract, says nothing about making the payments.

18. In other words, as long as they enter into the agreement, whether
19. or not they make the payments or not, you can't shut the power
20. off.

21. SENATOR COLLINS:

22. No that...that is not true. If...a contract is a contract,
23. under the existing rules of the Illinois Commerce Commission, just
24. like any other contract, if you violate your contract then that's
25. justification for shutting you off.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Maitland.

28. SENATOR MAITLAND:

29. Well, Senator, the bill doesn't say that. It simply says
30. you can't terminate the...the utility if they enter into that
31. contract. That's the only obligation they have, is to enter into
32. the contract.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Further...further discussion? Is there further discussion?
2. Senator Collins may close.

3. SENATOR COLLINS:

4. I'll ask for a favorable roll call.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. The question is, shall Senate Bill 122 pass. Those in favor
7. vote Aye. Those opposed vote Nay. The voting is open. Have all
8. voted who wish? Have all voted who wish? Have all voted who wish?
9. Take the record. On that question, there are 24 Ayes, and 25
10. Nays, 1 Voting Present. The sponsor asks that further consideration
11. of Senate Bill 122 be postponed...it will be placed on the Order
12. of Postponed Consideration. 123, Senator Collins. Senator Collins,
13. 123? Read the bill, Mr. Secretary, please. Senate Bill 123.

14. SECRETARY:

15. Senate Bill 123.

16. (Secretary reads title of bill)

17. 3rd reading of the bill.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Collins.

20. SENATOR COLLINS:

21. Yes, thank you, Mr. President. This...Senate Bill 123 is a
22. bill that passed this Chamber last year...no, the year before last,
23. and somehow got bogged down in the...in the House committee. What
24. the bill simply does is adds spousal rape under the existing
25. Illinois Rape Statute. Currently...a man cannot be convicted
26. of rape...charged with rape if he rapes his...wife. It also makes
27. sure that we're talking about cases where a dissolution of marriage
28. is in the process, and they have filed in a legal court for a
29. divorce or a legal separation. It separates...it makes it a
30. Class 2 Felony for this kind of rape, and a Class X Felony which
31. exists for all other kinds of rape. I ask for a favorable roll
32. call.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Is there discussion? Senator Marovitz. Excuse me, Senator.
2. Senator Rupp.
3. SENATOR RUPP:
4. Thank you, Mr. President. I would a...a point of personal
5. privilege.
6. PRESIDING OFFICER: (SENATOR BRUCE)
7. State your point.
8. SENATOR RUPP:
9. In the gallery we have some very fine youngsters from the
10. sixth grade in Shelbyville, Illinois. I would like to welcome them
11. to the Senate.
12. PRESIDING OFFICER: (SENATOR BRUCE)
13. Would they please rise and be recognized by the Senate.
14. Senator Marovitz.
15. SENATOR MAROVITZ:
16. Thank you, very much, Mr. President. Just to point out re-
17. garding this legislation, there was a point up...brought up during
18. the committee hearings about the necessity of the husband and
19. the wife living separate and apart when this action was brought,
20. that was not in the bill, it was put into the bill on 2nd reading,
21. it is part of the bill. So that the...the partners would have
22. to be living separate and apart in different dwellings at the
23. time of the action.
24. PRESIDING OFFICER: (SENATOR BRUCE)
25. Further discussion? Senator Collins may close.
26. SENATOR COLLINS:
27. For those of you who feel that this is not a real serious
28. problem, you should talk to some of the...the females who for-
29. tunate...were able to demand that their husbands contribute to the
30. support of the children, and in some instances to their support
31. while they were not working. Where the husband comes into the
32. house at will and simply because he has to pay child support in
33. some cases, he forces the woman to have sexual intercourses with

1. him against her will. And this is what this bill is all about,
2. and I feel that rape is rape, whether you are married, divorced,
3. or otherwise. And no man has the right to force himself upon a
4. woman. I ask for a favorable roll call.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. The question is, shall Senate Bill 123 pass. Those in favor
7. vote Aye. Those opposed vote Nay. The voting is open. Have all
8. voted who wish? Have all voted who wish? Have all voted who
9. wish? Take the record. On that question, the Ayes are 54, the
10. Nays are none, none Voting Present. Senate Bill 123 having received
11. the required constitutional majority is declared passed. For
12. what purpose...Senate Bill 124, Senator Friedland. Oh, it's
13. on the Agreed Bill List, right. 125, Senator Sangmeister. That
14. isn't on the...read the bill, Mr. Secretary, please.

15. SECRETARY:

16. Senate Bill 125.

17. (Secretary reads title of bill)

18. 3rd reading of the bill.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Senator Sangmeister.

21. SENATOR SANGMEISTER:

22. Thank you, Mr. President, and members of the Senate. Senate
23. Bill 125, if enacted into law,would...would put into the RTA Act
24. ...the terminology and the rights that should have been in there
25. when we passed it in 1973. The right to disconnect, in my opinion,
26. is basic with most taxing bodies. If you'll look at the Statute,
27. you can get out of a library district, you can even get out of
28. a mosquito abatement district. But there's no way under the
29. present legislation that you can opt out of the...the RTA..
30. Certainly we should have the right to do that. Obviously,I have
31. filed this legislation as I have in the past,in an effort to try
32. to do something for the constituents that I represent, and I suppose,
33. I don't see Senator Chew on the Floor, but I expect I come from

1. one of those hick towns that he referred to, but hick town or
2. otherwise, we are deserving of some rights and some recognitions
3. also. What this legislation simply does, is it allows
4. a county or a township by filing a resolution with the county board
5. or the township board of trustees to opt out of the RTA. And
6. also for those of you of Cook County that are concerned about it,
7. it says any county can opt out. If Cook County wants to opt out,
8. they can as well. That's basically what the bill does, and I
9. would hope that for the first time on this Floor, that this bill would
10. receive favorable support.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

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

13. SENATOR GEO-KARIS:

14. Mr. President, and Ladies and Gentlemen of the Senate. I'm
15. glad that this bill is on the Floor because one of the greatest
16. gripes that my county has had, is that they've never had the right
17. to opt out. Maybe if they have the right to opt out they may not
18. even exercise it. It does provide for a referendum, and I think
19. it's a very good bill, and I urge support of it, because believe
20. me, they've been so bitter that maybe this will erase some of the
21. bitterness toward the six county transportation system.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Senator Schaffer.

24. SENATOR SCHAFFER:

25. Well, to the surprise of no one, I also rise in support of
26. this bill, I think it's an excellent concept. There are some...
27. probably thirty-five or forty RTA plans floating around. I don't
28. think any of us knows exactly where we're going to end up, but
29. I think there is a general consensus in all of those plans that
30. some of the outlying areas really, perhaps, do not belong in,
31. and perhaps should be given the chance to get out. I've been
32. very happy to see that, I believe it was in Senator Rock's plan,
33. it was in the Governor's plan, it's been in virtually all the

1. plans. I'd like to see this bill go forward. I don't know what
2. the eventual answer will be, this...but I think this concept will
3. probably be part of that eventual answer, and I'd like very
4. much to see this bill get a lot of support from both sides of
5. the aisle, but particularly this side.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator Mahar.

8. SENATOR MAHAR:

9. Thank you, Mr. President, and members of the Senate. I'd
10. like to ask the sponsor a question or two. Senator Sangmeister,
11. I can understand counties opting out and particularly the outlying
12. counties. I have some concerns about townships opting out, particu-
13. larly in Cook County. Is this correct, that they can opt out?

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Senator Sangmeister.

16. SENATOR SANGMEISTER:

17. Yes, that's correct, Senator. And one of the reasons that
18. it's in there, is because various Legislators from the Cook County
19. area have indicated to me that they want their townships to have
20. the right to opt out.

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. Senator Mahar.

23. SENATOR MAHAR:

24. Well, yes, if...if a township like Thornton Township opts-out,
25. the township I live in, which is right in the heart of...next
26. to Chicago, and above, Bloom Township which is above...north of
27. Will County, what effect is that going to have, who's going to
28. pick up the liability, and what's going to happen to the trans-
29. portation system if they, in effect, opt out?

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Senator Sangmeister.

32. SENATOR SANGMEISTER:

33. The only other question would be, is some local mass-transit

1. district would have to be created, if the people in that area feel
2. that strongly about mass transit, that they'll have to do something
3. to create their own district. I don't have the exact answer to that
4. either. But I will tell you Senator, that if the people in Thornton
5. Township feel they want no part of this, they ought to have the
6. right to get out. Let's express the will of the people we rep-
7. resent.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Senator Rhoads.

10. SENATOR RHOADS:

11. Mr. President, and members of the Senate. I rise in support
12. of the bill. As Senator Keats so eloquently put it a little while
13. ago regarding a Labor and Commerce Committee vote, there was a
14. temporary misunderstanding and four of us in the committee, my
15. three downstate colleagues voted No at my request, and I think
16. those misunderstandings have been cleared up, and I would hope
17. that members on this side would support the bill.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator Joyce.

20. SENATOR JEROME JOYCE:

21. Thank you, Mr. President. In the district that I represent
22. I have five townships in Will County that see absolutely nothing
23. from the RTA. The...the bitterness there is...is just unbelievable,
24. and this would give them a chance to...to opt out. They have
25. paid their dues for 10 these many years and received nothing in
26. return. So, I would support this legislation also.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Senator Davidson.

29. SENATOR DAVIDSON:

30. Just wanted to say that, Senator Rhoads is a well-spoken
31. individual, but he doesn't speak for me in that committee, I
32. voted No because whenever I hear Charlie...Senator Chew make a
33. motion Do Pass on an opt-out RTA Bill for Senator Sangmeister due

1. to the track record we had for the last seven years dealing with
2. this Legislature, I'm immediately on my defensive and the best case
3. was a No vote, and I still think that's the best case, a No vote.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Is there further discussion? Senator Rock.

6. SENATOR ROCK:

7. Thank you, Mr. President, and Ladies and Gentlemen of the Senate.
8. I intend to vote Aye on...on Senate Bill 125, but I will just
9. point out to the sponsor, and for those of you who are in a
10. position now to wave the flag back home, what, in fact, will happen
11. when your county or your township opts out, and that's the only
12. fault I see in this bill. The...the bill that I have does provide
13. some cleanup mechanism. In other words, what are we to do,
14. frankly, with the commuter rails, are they to stop at the county
15. line or the township line when people opt out? And what about
16. the bus service to feed to the commuter rails, is that just..goes
17. by the boards? And what happens to the tax that's collected?
18. None of those problems or...or answers are contained in this leg-
19. islation. So, for that reason, I think it's...it...it needs sub-
20. stantial amendment, but if, in fact, McHenry and Will and Lake
21. and everybody wants to get out, my attitude is, frankly, you're
22. welcome to it.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

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

26. SENATOR SANGMEISTER:

27. Well, in answer to Senator Davidson, obviously you can see
28. from hearing from the President of the Senate and from...from
29. Senator Chew, that there are some enlightened people over on this
30. side of the aisle, and I hope that that does mean that we'll have
31. some additional votes. But in any respect, let's give one for the
32. hicks.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. The question is, shall Senate Bill 125 pass. Those in favor
2. will vote Aye. Those opposed will vote Nay. The voting is open.
3. Have all voted who wish? Have all voted who wish? Have all voted
4. who wish? Take the record. On that question, the Ayes are 48, the
5. Nays are 4, none Voting Present. Senate Bill 125, having received
6. the constitutional majority is declared passed. Senate Bill 126,
7. Senator Sangmeister. Read the bill, Mr. Secretary.

8. SECRETARY:

9. Senate Bill 126.

10. (Secretary reads title of bill)

11. 3rd reading of the bill.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Senator Sangmeister.

14. SENATOR SANGMEISTER:

15. Senator Carroll filed a...an amendment to this bill, and
16. when it was filed, it was not in proper order so we're going to
17. have to amend that amendment. Is...is...is it in order now to
18. move that back from 3rd to 2nd to put on another amendment?

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. It's been the practice today not to recall any of the bills.

21. SENATOR SANGMEISTER:

22. Not to recall until we go to that order of business?

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Right.

25. SENATOR SANGMEISTER:

26. Okay, we'll have to hold it because it's not right.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Senate Bill 128, Senator Bloom. Read the bill, Mr. Secretary.

29. SECRETARY:

30. Senate Bill 128.

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Senator Bloom.

2. SENATOR BLOOM:

3. Thank you, very much. This bill comes from the Illinois
4. State Bar Association, and it does exactly what the Calendar
5. says it does. I would answer any questions you have, otherwise
6. urge a favorable roll call.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Is there any discussion? If not, the question is, shall
9. Senate Bill 128 pass. Those in favor will vote Aye. Those opposed
10. will vote Nay. For what purpose does Senator Bruce arise?

11. SENATOR BRUCE:

12. Go ahead.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. The voting is open. Have all voted who wish? Have all voted
15. who wish? Have all voted who wish? Take the record. On that
16. question, the Ayes are 51, the Nays are none, none Voting Present.
17. Senate Bill 128, having received the constitutional majority is
18. declared passed. Senate Bill 135, Senator Bloom. Read the bill,
19. Mr. Secretary.

20. SECRETARY:

21. Senate Bill 135.

22. (Secretary reads title of bill)

23. 3rd reading of the bill.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Senator Bloom.

26. SENATOR BLOOM:

27. Thank you, very much, Mr. President, and fellow Senators.
28. This bill is identical to Senate Bill 618, which passed out of here
29. with forty-eight affirmative votes in the last Session. Essentially
30. it provides an added tool to felony assistance in State...State's
31. Attorney's Offices. And it allows the court, at its discretion,
32. to consider the juvenile record of a defendant in bail determination,
33. and in...for impeachment purposes. In essence, if the factual

1. basis on when the...on which the adjudication was made would have
2. been a felony then it can be used for impeachment purposes. I'll
3. answer any questions you have, otherwise I'd ask for a favorable
4. roll call.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Is there any discussion? If not, the question is, shall
7. Senate Bill 135 pass. Those in favor will vote Aye. Those opposed
8. vote Nay. The voting is open. Have all voted who wish? Have
9. all voted who wish? Have all voted who wish? Take the record.
10. On that question, the Ayes are 52, the Nays are 2, none Voting
11. Present. Senate Bill 135, having received the constitutional
12. majority is declared passed. Senate Bill 138, Senator Schaffer.
13. Read the bill, Mr. Secretary.

14. SECRETARY:

15. Senate Bill 138.

16. (Secretary reads title of bill)

17. 3rd reading of the bill.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator Schaffer.

20. SENATOR SCHAFFER:

21. Mr. President, this bill solves a problem that was created
22. by the passage of another bill a couple of years ago. We have
23. in my part of the world, things called non-dedicated sub-divisions,
24. and these are sub-divisions that were platted at the turn of the
25. century in the early twenties, up till about 1930 actually, and
26. we had previously provided that the counties could use Motor
27. Fuel funds to help bring these roads up to county standards so
28. that they could be brought into the Public Road System. We in-
29. advertently had these roads so helped, brought into the County
30. Road System. All this bill does, is say that those roads so
31. upgraded have...can be put into the township system. These are
32. generally small sub-division roads who really have no business
33. in the county system. The township officials support the bill,

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1. the counties support the bill. There was, for the members on this
2. side of the aisle, a letter put out by a township road commissioner
3. in Cook County, not realizing the bill does not affect Cook County.
4. I understand from the township officials he has been...the bill
5. has been explained to that Gentleman. I don't believe there is
6. any opposition. I'd be happy to answer any questions.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Is there any discussion? If not, the question is, shall
9. Senate Bill 138 pass. Those in favor will vote Aye. Those opposed
10. vote Nay. The voting is open. Have all voted who wish? Have
11. all voted who wish? Take the record. On that question, the
12. Ayes are 54, the Nays are none, none Voting Present. Senate Bill
13. 138, having received the constitutional majority is declared passed.
14. Senate Bill 139, Senator Keats. Read the...read the bill, Mr.
15. Secretary.

16. SECRETARY:

17. Senate Bill 139.

18. (Secretary reads title of bill)

19. 3rd reading of the bill.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Senator Keats.

22. SENATOR KEATS:

23. Thank you, Mr. President, and Ladies and Gentlemen of the
24. Senate. This is a bi-partisan bill sponsored by myself, Senator
25. Mahar, Senator Sangmeister, Senator Buzbee. What it does, is
26. say that military recruiters are given equal access to high school
27. and college facilities. It does not give them any special privi-
28. leges, you don't have to notify them any differently, it just
29. says if you're allowing in a recruiter from International Harvester
30. or someone like that, you would let in a military recruiter so
31. that students would have equal...or equal opportunities offered
32. to them in all the career fields. The one amendment on it...or
33. two amendments, one was technical, the other clarified specifically

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1. that nothing extra need be done for these particular groups. I'd
2. be happy to answer any questions. It came out of committee nine
3. to one.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Is there any discussion? If not, Senator Keats moves...I'm
6. sorry. If not, the question is, shall Senate Bill 139 pass. Those
7. in favor will vote Aye. Those opposed vote Nay. The voting is
8. open. Have all voted who wish? Have all voted who wish? Take
9. the record. On that question, the Ayes are 53, the Nays are 1,
10. none Voting Present. Senate Bill 139, having received the con-
11. stitutional majority is declared passed. Senate Bill 147,
12. Senator Geo-Karis. Read the bill, Mr. Secretary.

13. SECRETARY:

14. Senate Bill 147.

15. (Secretary reads title of bill)

16. 3rd reading of the bill.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Senator Geo-Karis.

19. SENATOR GEO-KARIS:

20. Mr. President, and Ladies and Gentlemen of the Senate. Senate
21. Bill 147 as amended, it attempts to correct an inequity that's
22. existing now in the cases of divorce...if we...and relative to
23. property disposition between spouses. And what this bill says,
24. that where property transferred between spouses...in the divorce
25. action, it is not considered a taxable event. This is to satisfy
26. in part and whole as we hope the case of the...there was a
27. Supreme Court case in Illinois that until...otherwise and the Interanl
28. Revenue has taken a position in two other states where there is
29. legislation on the books saying that they're not taxable transfers,
30. where, for example, if a husband wants to give a house to the wife,
31. presently he'll have to pay tax...capital gain, but this bill
32. will say he does not. And I ask favorable consideration to
33. correct that inequity, since it's a transfer between spouses in

1. a divorce action.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Is there any discussion? If not, the question is, shall
4. Senate Bill 147 pass. Those in favor will vote Aye. Those opposed
5. vote Nay. The voting is open. Have all voted who wish? Have
6. all voted who wish? Take the record. On that question, the
7. Ayes are 52, the Nays are none, none Voting Present. Senate Bill
8. 147, having received the constitutional majority is declared
9. passed. Senate Bill 148, Senator Totten. Read the bill, Mr.
10. Secretary.

11. SECRETARY:

12. Senate Bill 148.

13. (Secretary reads title of bill)

14. 3rd reading of the bill.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Senator Totten.

17. SENATOR TOTTEN:

18. Thank you, Mr. President, and Ladies and Gentlemen of the
19. Senate. Senate Bill 148 indexes the Illinois personal exemption
20. on the Income Tax by the rate of inflation. The effect of the bill
21. is, if...if for example, inflation...the inflation rate was ten
22. percent, the Illinois exemption would go from one thousand to
23. eleven hundred dollars. The proposal was brought forth to correct
24. an inequity in the present tax law. In 1969 when we instituted
25. the Illinois State Income Tax we gave a tax advantage to all the
26. people of the State of a thousand dollars. Because of inflation,
27. that tax advantage has eroded to the...to today when it is only worth
28. four hundred and forty-five dollars. If we had indexed the exemption
29. from the time of the institution of the tax, that exemption today would
30. be worth a little over twenty-two hundred dollars. In effect,
31. what we have done is reaped the harvest of inflation by robbing
32. the taxpayers of the State by the vehicle of an inflation tax.
33. Senate Bill 148, is a measure to correct that inequity and that

1. injustice. It would...the cost of administering this particular
2. measure of tax relief is negligible in that only the department
3. would have to indicate the new exemption on the form. It is one
4. of the few measures of...of tax relief that this Body has con-
5. sidered that not only costs nothing to administer, but also is
6. most fair for everybody who pays the tax. I would point out
7. also, that because this exemption hits hardest...or the inflation hits
8. hardest at those of fixed incomes, and those of large families,
9. this indexing would correct and would help those people who fall
10. in that broad group most. I would respectfully request your
11. support for Senate Bill 148, and would be happy to answer any
12. questions.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Is there any discussion? Senator McMillan.

15. SENATOR MCMILLAN:

16. Mr. President, and members of the Senate. I rise in support
17. of this bill. I can't think of any greater injustice done to the
18. taxpayer than the fact that his effective tax rate on the State
19. level increases each year simply because of inflation. I believe
20. that indexing this exemption is the one means for the taxpayer of
21. having some protection against that unvoted for, but still ever
22. present real tax rate increase.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Senator Collins.

25. SENATOR COLLINS:

26. Thank you, Mr. President. I also introduced a tax indexing
27. bill, however, that bill included an increase in the standard de-
28. ductions for those people making ten thousand dollars or less. I
29. think this kind of indexing bill will give a...a more advantage
30. to the higher income bracket than the lower income bracket. If,
31. in fact, however, that your side of the aisle wishes to give this
32. kind of tax break during a time when the Governor is screaming about
33. inadequate sources of revenue, deficits, and all of the other

1. complaints that he has about spending this year, and budget cuts, if you're
2. willing to pass it out, I'm going to vote for it. But I left my
3. bill in committee after the Governor's speech about austerity, and
4. the great problems of the State going bankrupt, because I wanted
5. to be fiscally responsible. But I'm going to vote for this bill,
6. and I hope you send it to his desk.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Senator Netsch.

9. SENATOR NETSCH:

10. Thank...thank you, Mr. President. This is my day for opposing
11. apple pie. I am voting against it, and I probably will be the
12. only one on the Floor that...who does, but let me suggest a couple
13. of things to you. One is, that this is the first of a number of
14. bills that will be before you that have come out of the Revenue
15. Committee among others, the total cost of which in State revenues,
16. this Legislative Session, is somewhere in the neighborhood of two
17. hundred and fifty million dollars. Now, this particular bill is
18. ...has a modest cost in Fiscal Year 1982 of 39.6 million dollars,
19. and a cost in Fiscal Year 1983 of 80.2 million dollars. I'm really...
20. been very surprised that we have not heard anything from the
21. administration which appears to have some very severe fiscal problems
22. that have to be solved by cutting most of the social programs and
23. most of the local government funded programs and yet shows no
24. ...interest at all in the other side of the ledger of which this
25. is one very expensive part. I would vote against it for that reason
26. alone. But let me suggest to you, that there really is a reason
27. why of all the forms of tax relief, this one is probably not the
28. most critical in this State right now. No one disputes the at-
29. tractiveness of indexing in general, it clearly does have a good
30. deal of justification. But where it is most important, and most
31. defensible, is in a state or jurisdiction where you have grad-
32. uated rates on the Income Tax. For example, under the Federal
33. Income Tax where the inflated base of income does, in fact, boost

1. you up into a higher bracket, and,so you,in a sense get double
2. whammied by it. In Illinois, we have a flat rate Income Tax
3. and while...it is true, you are still playing...paying on an
4. inflated base in one sense of the word, it is...you are not being
5. further penalized by being moved up into a larger bracket. So
6. that most of those students who are strong advocates of indexing
7. in general,point out at the same time, that...that indexing is
8. really not that important in a state where...or any jurisdiction
9. where there is, in fact, a flat rate Income Tax. So, that if
10. anyone is looking for a rationalization for voting against it,
11. and I...I don't sense that many of you are looking very hard
12. right at the moment, that, I think, really is a...a very strong
13. reason why it is not that important now. But apart from that,
14. remember that this is the first of many bills which very likely
15. will be voted out of the Senate, and altogether are going to
16. cost the State somewhere in the neighborhood of two hundred to
17. two hundred and fifty million dollars in revenue next year, which
18. was not part of anyone's budget planning.

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23. (END OF REEL)
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1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Senator Bloom.

3. SENATOR BLOOM:

4. Thank you, Mr. President. As a co-sponsor and as the
5. the principal sponsor of this kind of legislation four years
6. ago, I rise in very strong support. And in response to...
7. some of the prior speakers who...want to be "physically" respon-
8. sible, I'd say...I'd say that the price tag given on all of
9. those bills coming out of Revenue two hundred and fifty million
10. dollars is one-sixtieth, that is one over sixty, of the entire
11. State budget, even if all these things passed. And I would
12. suggest, very strongly, that this thing should have passed
13. four years ago. Thank you, very much.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Senator Hall.

16. SENATOR HALL:

17. Thank you, Mr. President and Ladies and Gentlemen of the
18. Senate. Senator Netsch has really touched...on some questions
19. I was going to ask. Will the sponsor yield for a question?

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Indicates he will.

22. SENATOR HALL:

23. Senator Totten,...if you...since we do have a flat rate,
24. with the cost that this is going to do, do you feel that this
25. is going to cut out some of the programs that the Governor
26. says...that it will be more of a cut than what he anticipates
27. right now with the loss of this revenue?

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Senator Totten.

30. SENATOR TOTTEN:

31. That's a hard question to answer. The estimated...savings
32. to the taxpayer rather than cost to the State...is between
33. thirty and forty million dollars. It seems to me that there

1. would have to be, ...if, in fact, we passed it...the House passed
2. it and the Governor signed it, ...then we would have to find
3. the thirty million to forty million dollars...either some
4. place by reallocating...resources within here. I would
5. anticipate that would have to be done.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator Hall.

8. SENATOR HALL:

9. There's one other question. Do you realize it'll go
10. in '83 to eighty million? It'll double what it is right now.

11. SENATOR TOTTEN:

12. On present, ...yes, I do. If you continue at inflation
13. rates like we are now, ...there will be additional revenues
14. returned to the taxpayer. The question is not whether the
15. State can afford it, really, it's whether the taxpayers can
16. afford to be paying through this inflation tax.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. We have the following speakers left: Senator Rhoads,
19. Schaffer and Senator Rock. Senator Rhoads.

20. SENATOR RHOADS:

21. Mr. President, in response to the remarks of Senator Collins,
22. the exemption would be the same for all individuals regardless
23. of their income, so...the exemption would be multiplied by the
24. same rate of inflation and it would be the same for everyone.
25. In response to Senator Netsch, I think what I heard her saying
26. was because this would be a better bill at the Federal level
27. or in states which have Graduated Income Taxes, therefore, we
28. ought not to have it here. It's a little difficult to follow
29. that kind of logic. Yes, it would be a better bill in those
30. situations, but it's...it's a good bill here too. Secondly,
31. Senator Netsch said that...the cost of this program, Senator
32. Hall alluded to the cost of the program. What do you mean
33. cost? What do you mean cost? This is money that belongs to

1. the taxpayers to begin with. It's their money. It's not our
2. money. This isn't a program where we're...doling out money to
3. ...to people who didn't have it before. We're taking money
4. away from people. It's their money, it's not our money. So
5. any...pretentiousness on the Illinois Department of Revenue
6. that this is going to cost them something, their whole per-
7. spective is warped. It doesn't...the money doesn't belong
8. to them. It belongs to the taxpayer. This isn't even tax
9. "relief". It is simple fairness, simple equity. We're not
10. giving them back something that they're not entitled to.
11. We're giving them back something that...that is their's by
12. right.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Senator Schaffer.

15. SENATOR SCHAFFER:

16. Well, obviously, this bill is very attractive particularly,
17. I guess, to those of us on this side of the aisle and...it's
18. going to be very tough to vote against it and I suspect very few
19. people will, in fact, vote against it, including myself. But
20. one of the other things that most of us like to talk about on
21. the campaign trail, is the concept that occasionally gets
22. mentioned around here. It's called a balanced budget. And
23. I believe that Senator Totten and...and others are sincere.
24. I believe Senator Totten would cut...make the cuts necessary
25. to fund this and other forms of tax relief. But I kind of
26. wonder if...if this Body and the Body across the way are really
27. going to do that. And I hate to talk about fiscal responsibility,
28. but somewhere along the line...we are going to have to try
29. and balance the budget in this State. And I suspect the plan,
30. of course, is to send all of these bills to the Governor and
31. then he can veto them and we can put out press releases de-
32. nouncing him. But I don't know how responsible that is. All
33. I know is in Appropriation Committee we have a hard time taking

1. a few bucks away from NIPC, I don't know where we're going
2. to come up with the two hundred and sixty million dollars in
3. cuts to fund all this tax relief. Senator Totten has a list
4. of...suggestions and perhaps we ought to take a long, hard look
5. at it. But I think those of us who do vote for this...at the
6. very least, then have a responsibility to start looking around
7. for places we can cut the money out of the budget and I hope
8. we don't lose sight of that fact.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Senator Rock.

11. SENATOR ROCK:

12. Thank you, Mr. President and Ladies and Gentlemen of the
13. Senate. I rise in opposition to Senate Bill 148. Aside from
14. the fact as alluded to by Senator Netsch, that under any eco-
15. nomic theory indexing is more appropriate where you have a
16. Graduated Income Tax as opposed to a flat rate, such as we
17. have here in Illinois, I don't think, frankly, our perspective
18. is warped because, as Senator Rhoads indicated, we are on a
19. yearly basis required, mandated, if you will, to estimate
20. revenue for this State and to stay within our estimated revenue
21. when it comes to expenditures. So think it's fair to say that
22. if 148 passes the estimated revenue for FY '82 will be forty
23. million dollars less and for FY '83 it will be eighty million
24. dollars less than it would otherwise have been absent this
25. bill. We are required by law to estimate revenue. Additionally,
26. nobody has pointed out, yet,...that the savings to the individual,
27. the tax relief, if you will, to the individual, amounts to only
28. and I say only...with everything I can muster, only twenty-
29. five dollars a year, somewhere between, depending on what
30. percentage of consumer price indexing you come down on,
31. somewhere between twenty-five and forty dollars a year. Now,
32. in order to accomplish that, which I suggest to you the tax-
33. payers of this State will never see or understand or recognize,

1. we costing the State of Illinois, in their estimated revenue,
2. forty million this year and eighty million next year. I
3. think economically it's bad, politically it's bad, socially
4. it's bad and for all those reasons I would urge a No vote on
5. Senate Bill 148.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Is there further discussion? If not,...Senator Buzbee.

8. SENATOR BUZBEE:

9. I have a question of the sponsor. My question is right
10. along the same line of reasoning that Senator Rock just...
11. used. And that is,...first of all let me...let me ask about
12. the basics of the bill. You are with...with the one thousand
13. dollar exemption now, you would go to what exemption...personal
14. exemption next year?

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Senator, I'd like before he leaves the Floor, recognize
17. our Governor. He just walked out the back door. Governor
18. Thompson.

19. SENATOR TOTTEN:

20. No sooner do I get a bill on 3rd reading and the Governor
21. is up here.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Well, he's walking...he was walking to the wash room,
24. so don't worry about it. Senator Totten.

25. SENATOR TOTTEN:

26. The question was, what would be the exemption next year?

27. SENATOR BUZBEE:

28. For next year, right.

29. SENATOR TOTTEN:

30. Okay. If the inflation rate was thirteen, take for example, the
31. ...one thousand dollar exemption would be indexed by that thirteen
32. percent so it would be thirteen hundred dollars. Ten percent
33. would bring it to eleven hundred, so it would be eleven-thirty.

1. SENATOR BUZBEE:

2. So it would be eleven hundred and thirty dollars next
3. year.

4. SENATOR TOTTEN:

5. Right.

6. SENATOR BUZBEE:

7. What...what index are you using? Are you using the CPI or
8. some other index or what?

9. SENATOR TOTTEN:

10. Yeah. It's the CPI, I believe it's all items as defined
11. by the Bureau of Labor Statistics.

12. SENATOR BUZBEE:

13. Well, of course, you are very much aware, Senator, probably
14. more so than anybody else in this room, that the CPI is the
15. falsest kind of index for the determination of the actual rate of
16. inflation. And in fact, the current Reagan Administration is trying
17. to figure out and so is the Congress, trying to figure out
18. some of their more valid...inflationary rate instead of the...
19. instead of the CPI, because that builds in interest rates, it
20. builds in...building...building...rates and so forth, which
21. most of us are simply not dealing in real estate right now.
22. So that's...that's the biggest inflator in the CPI, as a matter
23. of fact. But my next question then goes, again, goes along with
24. Senator Rock's reasoning. And that is, let's assume you're...for
25. ...for...for...for easy figuring, let's...let's assume that ten
26. percent, which would go then...the deduction would go from one
27. thousand dollars to eleven hundred dollars per individual. A
28. family of four, then, that would be a forty-four hundred dollar
29. personal exemption. If that family of four, let's say, has
30. a forty thousand dollar income,...they would have received...
31. they would have been paying tax on thirty-six thousand dollars
32. ...prior, now they will pay tax on thirty-five thousand six
33. hundred. Correct? Yes. That is correct. 'Cause it's...it's...

1. one hundred dollar increase for each personal exemption,
2. assuming a ten percent inflator. Correct? Senator, am I...
3. am I correct, Senator Totten?

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. He's shaking his head yes.

6. SENATOR BUZBEE:

7. Okay.

8. SENATOR TOTTEN:

9. Well, it's your example...

10. SENATOR BUZBEE:

11. Okay. Yeah, I know...

12. SENATOR TOTTEN:

13. ...that I've worked out. Yeah.

14. SENATOR BUZBEE:

15. Okay. I'm just trying to work through a...a for instance.

16. That's true. The adjusted gross income is going to screw up
17. my example. But the fact of the matter is, that...the extra

18. four hundred dollars of exemption...at two and a half percent
19. ...is going to save you...twenty...twenty-five...

20. SENATOR TOTTEN:

21. I've got an example here.

22. SENATOR BUZBEE:

23. Yeah,...well, why don't you go through it, Senator? That'll
24. be better than my trying to...

25. SENATOR TOTTEN:

26. Okay.

27. SENATOR BUZBEE:

28. ...dug...dug this thing up.

29. SENATOR TOTTEN:

30. Let me, if I may, then, just go through an example. You
31. have to figure on the adjusted gross income. If, for example,
32. you had an...you had a family with two exemptions,...with an
33. adjusted gross income in 1969 of ten thousand dollars, they

1. would be paying taxes of a hundred and seventy-five dollars.
2. If you indexed and if...and if you assume that the salary had gone
3. up by the rate of inflation over the intervening eleven years,
4. they would have an income in 1981, adjusted gross income, of
5. twenty-two thousand four hundred and seventy dollars. Without
6. indexing the personal exemptions, they would pay four hundred
7. and eighty-six dollars in taxes. If you had indexed over the
8. intervening years, they would be paying three hundred and
9. ninety-three dollars. So, that is approximately a ninety
10. dollar savings...ninety-three dollar savings over the eleven
11. years if we had indexed, but more importantly their effective
12. tax rates would have remained the same. We have increased them
13. because we haven't indexed.

14. SENATOR BUZBEE:

15. Okay, Senator, I think that's...that's a very good example
16. and...and your...your attack at the problem is a...is a good
17. strategic one, because you go back and say, if we had done
18. all of this eleven years ago, we didn't do it eleven years
19. ago. We're starting now from day one, starting with the
20. indexing. So that next year...if...if you use that same person
21. who's making twenty-two or twenty-four thousand dollars with
22. that...with the two exemptions, the increased tax relief or
23. undue tax liability, or however you want to call it, will be
24. minuscule. It will be fifteen or twenty dollars and it'll
25. increase fifteen to twenty dollars, according to whatever the
26. ...the...the inflator rate that we...settle on every year, it'll
27. be fifteen to twenty dollars each year. And, again, you know,
28. this, in a way...in a way this reminds me of the tax relief
29. scheme that was here under a previous Governor a few years
30. ago when he wanted to send a check to everybody in the State
31. for ten dollars. You know, what...what the...what the tax-
32. payer is going to get back is absolutely nothing compared to
33. the...the increased burden on the State in lost revenue. I

1. know it's...will probably be politically popular to vote for
2. this, but...if we were a...a Graduated Income Tax state
3. I would be...more prone to vote for your legislation. But
4. given the fact that we are a flat rate,...I think that the
5. amount of savings that the taxpayer is going to get is going
6. to be too small...for what we lose in...in...in revenue for the
7. State. So for that reason I'm going to vote No on your bill.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Further discussion? Senator Rock.

10. SENATOR ROCK:

11. Yes. Thank you, Mr. President and Ladies and Gentlemen
12. of the Senate. I apologize for rising a second time, but I
13. misspoke earlier. I gave the bill, frankly, too much credit.
14. If we...if you take a ten percent growth in the CPI, you
15. currently enjoy, we currently enjoy, we taxpayers, based on
16. eleven million exemptions in this State, we currently save, by
17. virtue of that exemption, twenty-five dollars. We do not pay
18. twenty-five dollars because of that exemption. Under this
19. theory next year we would save an additional two dollars and
20. fifty cents. So we are affording eleven million point six
21. exemptions an additional two dollars and fifty cents out of
22. the largess of our hearts, which they won't understand, at
23. a cost of roughly thirty million dollars to this State with
24. a tight fiscal budget, with everybody clamoring for more money
25. whether it's Children and Family Services or Corrections or
26. Public Aid or Education and where are you going to get that
27. revenue? You might just as well send every taxpayer in the
28. State a check for two dollars and fifty cents and say thank you,
29. very much. This economic theory should be where there is a
30. Graduated Income Tax, not a flat rate. I think the bill is a
31. bad idea, it has been consistently killed over here and I'm
32. a little surprised, frankly, that it got out of the Revenue
33. Committee. I urge a No vote.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Is there further discussion? If not, Senator Totten may
3. close debate.

4. SENATOR TOTTON:

5. Thank you, Mr. President and Ladies and Gentlemen of the
6. Senate. Proponents of this measure have never purported
7. that the first year's tax relief would be significant. In
8. fact, the President is probably close to accurate. But the
9. compounding of indexing over a period of years does...does
10. have a significant effect. But more importantly, the present
11. unindexed Illinois Tax System has resulted and is resulting
12. in an effective tax increase for Illinois taxpayers every
13. year. That increase is accomplished without a vote of this
14. Body and provides a windfall to the State. The State should
15. not be a partner to inflation. We ought to disengage ourselves
16. from that partnership and become foes. Tax indexing is a way
17. to do it and it...it gets us out of the inequity and dishonesty
18. of the present system. I would appreciate a favorable vote.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. The question is, shall Senate Bill 148 pass? Those in
21. favor will vote Aye. Those opposed will vote Nay. The voting
22. is open. Have all voted who wish? Have all voted who wish?
23. Have all voted who wish? Take the record. On that question,
24. the Ayes are 33, the Nays are 15, 6 Voting Present. Senate
25. Bill 148 having received the constitutional majority is de-
26. clared passed. For what purpose does Senator Rock arise?

27. SENATOR ROCK:

28. I would like a verification of the affirmative vote.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. A verification has been requested. Will all Senators be
31. in their seats? And will the Secretary verify...will the Secre-
32. tary read the affirmative votes.

33. SECRETARY:

1. The following voted in the affirmative: Becker, Berman,
2. Berning, Bloom, Bruce, Coffey, DeAngelis, Degnan, Demuzio,
3. Etheredge, Friedland, Geo-Karis, Johns, Jeremiah Joyce, Jerome
4. Joyce, Keats, Kent, Lemke, Mahar, Maitland, McMillan, Nimrod,
5. Ozinga, Philip, Rhoads, Rupp, Sangmeister, Savickas, Simms,
6. Sommer, Thomas, Totten, Vadalabene.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Senator Rock. The affirmatives have been verified and
9. the Ayes are 33, the Nays 15, and 6 Voting Present. For
10. what purpose does Senator Rhoads arise?

11. SENATOR RHOADS:

12. Having voted on the prevailing side on Senate Bill 148,
13. I move to reconsider the vote by which it passed.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Senator Rhoads moves to reconsider the vote. Senator
16. Geo-Karis moves to Table. Those in favor indicate by saying
17. Aye. The motion is Tabled. Senate Bill...154, Senator Sang-
18. meister. Read the bill, Mr. Secretary.

19. SECRETARY:

20. Senate Bill 154.

21. (Secretary reads title of bill)

22. 3rd reading of the bill.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Senator Sangmeister.

25. SENATOR SANGMEISTER:

26. Mr. President and members of the Senate, there's really
27. no need for a lot of debate on this. You can vote this as
28. your conscience...directs you to do. All this does is moves
29. from four percent to six percent the amount of money that counties
30. get back out of the Illinois Inheritance Tax. If you feel that
31. we ought to do something for your counties and give them an
32. extra two percent on the tax they collect, you vote Aye. If you
33. don't believe the counties ought to get it, you vote No. I

1. would certainly request a favorable vote.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Is there any discussion? Senator McMillan.

4. SENATOR MCMILLAN:

5. Mr. President and members of the Senate, I would rise
6. in opposition to this bill, which takes from the amount of
7. revenue that the State receives from the Inheritance Tax and
8. gives it to the counties. I'm strongly opposing any effort
9. this Session that would take from the counties and local
10. units of government revenue such as that from the Income Tax
11. and give it to the State. I think we should also reject any
12. effort that would shift the balance in...in the other direction
13. at this time when the State can't afford it. I would oppose
14. this...this bill.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Senator...Netsch.

17. SENATOR NETSCH:

18. In connection with this bill, I think one other point
19. ought to be made and that is that there is another bill on
20. the Calendar, I think it's Senator Ozinga's bill, on behalf
21. of a...Legislative Audit Commission, which...would redo
22. the structuring of the administration of the Inheritance
23. Tax and would at the same time give, what I consider revenue
24. sharing, to the counties of the full six percent. It makes
25. a lot more sense at that point, because the State would, in
26. effect, be picking up the interest previously earned by
27. counties, but which would, under Senator Ozinga's bill, be earned
28. by the State. That, it seems to me, is full justification
29. for increasing the county share of what is a form of county
30. revenue sharing. But to do it except in that context, it
31. seems to me does not make sense and I would urge opposition
32. to the bill.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Senator Johns.

2. SENATOR JOHNS:

3. Well, as I understand it, this would give us two percent
4. more. It would mean about two to three million dollars more per
5. county for the hundred and three counties. Now, downstate
6. where I come from, all of our counties are in dire financial
7. straits because of the mandates by the State Government
8. and by this General Assembly. So, I think it's only fair
9. that we ought to pay for those mandates. So I urge a favorable
10. vote on this particular bill.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

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

14. SENATOR SANGMEISTER:

15. Yes. I'm sorry that I did not mention the cost in this.
16. ...Senator Johns is correct. It's not three million, it's two
17. million dollars. I think we ought to give the chance for the
18. Governor to say whether or not he wants county Governments to
19. have that. If he doesn't, he'll veto it, we'll never over-
20. ride it, but let's at least give the county Governments a first
21. shot at a couple million dollars to spend back home.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. The question is, shall Senate Bill 154 pass. Those in
24. favor will vote Aye. Those opposed will vote Nay. The voting
25. is open. Have all voted who wish? Have all voted who wish?
26. Take the record. On the question, the Ayes are 39, the Nays
27. are 15, none Voting Present. Senate Bill 154 having received
28. the constitutional majority is declared passed. For what
29. purpose does Senator Sommer arise?

30. SENATOR SOMMER:

31. Mr. President, I would like to introduce one of our more
32. esteemed former members, who is sitting over here, Senator Cliff
33. Latherow.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Senator Latherow, please rise and be recognized. Senate
3. Bill 156, Senator Sangmeister. Read the bill, Mr. Secretary.

4. SECRETARY:

5. Senate Bill 156.

6. (Secretary reads title of bill)

7. 3rd reading of the bill.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Senator Sangmeister.

10. SENATOR SANGMEISTER:

11. Yes, Mr. President and members of the Senate, again, a
12. very simple proposition for you to...to vote on and that is
13. whether or not we should mandate sprinkler systems in the
14. schools...public schools for the...State of Illinois. I,
15. frankly, think we ought to do this. The fiscal cost to the
16. State of Illinois, because this is a mandated program, we're
17. going to have to pay for it if you vote for it, is up to...
18. the fiscal note, I believe, was ten million dollars over a three
19. year period, so I suppose if you divide...construction out
20. evenly over the three year period, you're talking about three million
21. dollars a year for the safety of our school children. I think
22. it's an important thing. I...there can be an argument made as
23. to whether sprinklers protect buildings or they protect schools
24. ...the school children. I...I think certainly the latter is true,
25. obviously it would protect the buildings as well. I think
26. it's important,...I think we ought to do it and would request
27. a favorable roll.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Is there further discussion? Senator Davidson.

30. SENATOR DAVIDSON:

31. Mr. President and members of the Senate, I rise in opposition
32. to this bill. This bill was amended as it should have been,
33. it removed those towns which water pressure didn't...wasn't

1. sufficient to take care of the sprinkler system. This bill
2. really came out of the fact there was one fire in a school
3. in Senator Sangmeister's district and I can appreciate his
4. concern. But I don't want his concern in his local district
5. to lay a liability of ten million plus dollars on the rest
6. of us throughout the State. Sprinklers will save buildings.
7. It won't save children. Children are mobile, they're going
8. to be out of that...dear old building before the sprinkler
9. is going to kick in, in most instances, when the temperature melts
10. the safety to kick the sprinkler in. Now, Life Safety Code
11. is already in force, this is asking for another ten million
12. dollars spread over a three year phase-in, a 3.3
13. million a year. It's unnecessary. You all say you want local
14. government to handle their problems. Alright. Local school
15. boards are local governments, they're responding under the
16. Life Safety Code, which we've already passed and I think
17. this is a bill that is ill-founded. I urge a No vote.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Is there further discussion? Senator Buzbee.

20. SENATOR BUZBEE:

21. I have a...yeah, every bill we have this year seems to be
22. an apple pie, and...motherhood and flag bill. Who can be
23. against keeping kids from burning up in schools? Except that...
24. I think that Senator Davidson's point is a very good one. We
25. have an Illinois Mandated Acts...Law now, also, and I'm
26. wondering when each one of these schools start to install
27. their sprinkler system because we have mandated it...aren't
28. we going to have to pay for all of it? None of that should
29. be...charged to the local property taxpayer should it?

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Senator Sangmeister.

32. SENATOR SANGMEISTER:

33. This bill calls for complete reimbursement by the State

1. of Illinois. There's...there's...no part of the sprinkler
2. system will be paid by local taxes. We are paying for it,
3. no question about it.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Senator Buzbee.

6. SENATOR BUZBEE:

7. Well, I...I have an example in my community and I imagine
8. it's pretty well true of communities across this State that there
9. are a lot of old school buildings...that when they were
10. originally built did not have sprinkler systems in them.
11. Do you have any idea of what the cost of this is going to be?

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Senator Sangmeister.

14. SENATOR SANGMEISTER:

15. Well, you have to understand the bill is structured that
16. we're not requiring every...don't misunderstand this legis-
17. lation, and that's for the rest of the Senators as well. We're not
18. mandating that every school has got to have sprinkler systems.
19. This is only for new schools or for substantial reconstruction,
20. whereby you're rebuilding the school. Then you have to put
21. them in. This is not a mandate that every school is going to
22. have to put in sprinkler systems.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Senator Buzbee.

25. SENATOR BUZBEE:

26. Well, is...is...I assume this is going to be bondable
27. type expenditures. It's...it will not be general revenue,
28. I would assume. Is that correct?

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Senator Sangmeister.

31. SENATOR SANGMEISTER:

32. Well, I believe that to be right. This comes under whatever
33. the Capital Development Board would...would be

1. specifications that would have to be written in, so...and
2. they sell bonds for that so I presume you're right.

3. SENATOR BUZBEE:

4. Well, wouldn't they under Fire Safety Codes...wouldn't
5. they already...have to be...this kind of requirement laid upon
6. them under Fire Safety Codes...Life Safety Codes?

7. SENATOR SANGMEISTER:

8. We checked into that and the answer is no.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Is there further discussion? Senator Rock.

11. SENATOR ROCK:

12. Thank you, Mr. President. A question of the sponsor if
13. he'll yield.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. He will yield.

16. SENATOR ROCK:

17. What is the effect, if any, Senator, of Amendment No. 2?

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator Sangmeister.

20. SENATOR SANGMEISTER:

21. ...Amendment No. 2 was put on, as...as Senator Davidson
22. indicated,...we have communities throughout the State of Illinois
23. that do not have an adequate water system that could sustain this.
24. And, certainly, we wouldn't want a mandate on those school
25. districts that would have to put in a whole new water system or
26. go to the city or village that they're involved in that does
27. not have an adequate supply and rebuild their entire water
28. system so that there would be pressure to operate the systems.
29. So, we do have to exempt those schools...that do not have an
30. adequate water system.

31. SENATOR ROCK:

32. Well,...my question is, how many?

33. SENATOR SANGMEISTER:

1. I'm sorry, Senator, I don't...I don't know how many that
2. would be. I really don't.

3. SENATOR ROCK:

4. Well, I think, you know, that...that points out what I
5. think is a fatal flaw in...in this legislation that we are
6. at one time mandating that all the school buildings...new or
7. reconstructed will have a sprinkler system except in the
8. determination of who, it doesn't say, except where there's
9. not an adequate water supply. That seems to me...it would be patently
10. discriminatory. If the idea is a good one for the school
11. children of this State, it ought to apply evenhandedly
12. across the State and if we have to redo the water supply
13. under the Mandates Act, let's do it. I mean, the idea is
14. either a good one or it's not a good one.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

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

18. SENATOR SANGMEISTER:

19. Well, that exception was not put in there to...to...for
20. only...for the one purpose and that is the cost of that would
21. be, I imagine, prohibitive. But, I'm sorry that I don't have
22. the facts for you as to how many districts that covers. I
23. doubt if there's very many districts. We've got to go into the
24. very rural areas of our State where that would be applicable and
25. I don't think it's an unreasonable...exemption whatsoever. And
26. ...you know, I...I still think it's good legislation and like I
27. told you, you've got to make the determination. It's your vote that
28. says whether or not we should have school sprinklers, but I tell
29. you, I think you'd feel a lot more comfortable back in your
30. districts, as I would have been, when...as...Senator Davidson is
31. correct, and I do hope, Senator, I'll soon have a bill that you
32. can agree with, but I would have felt a lot better and I was
33. very surprised that under the Life and Safety Code and under

SB 167
3rd Reading

1. our law of the State of Illinois that we build a school that
2. we don't require sprinklers like we required in practically
3. every building code in the State of Illinois, requires res-
4. taurants and other public buildings to have sprinklers and
5. yet in our schools...and the safety of our children, we don't
6. think that's important. I sure do. I think you ought to too and
7. vote Aye.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. The question is, shall Senate Bill 156 pass? Those in
10. favor will vote Aye. Those opposed vote Nay. The voting is
11. open. Have all voted who wish? Have all voted who wish?
12. Have all voted who wish? Take the record. On that question,
13. the Ayes are 16, the Nays 29, 3 Voting Present. Senate Bill
14. 156 having failed to receive a constitutional majority is
15. declared lost. Senate Bill 167, Senator Netsch. Read the
16. bill, Mr. Secretary.

17. ACTING SECRETARY: (MR. FERNANDES)

18. Senate Bill 167.

19. (Secretary reads title of bill)

20. 3rd reading of the bill.

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. Senator Netsch.

23. SENATOR NETSCH:

24. Thank you, Mr. President. This bill does one thing. It
25. makes...available when the issue of insanity is raised as a
26. defense in a criminal prosecution, the prior mental records
27. of the one who has raised the defense. It was called to my
28. attention by an Assistant State's Attorney originally in DuPage
29. County who pointed out that we do under...various protections
30. allow the disclosure of mental health records when that issue
31. is specifically raised in civil cases and in certain adminis-
32. trative cases, but for some reason we do...did not permit it
33. when we wrote the Confidentiality Act in criminal cases. I

1. looked back into it, realized that it was purely an oversight
2. and that there is no justification for not permitting access,
3. in effect, by the prosecution, to those records when insanity
4. is raised as a defense in a criminal case. I believe that
5. all the State's Attorneys in the State of Illinois are strongly
6. in support of the bill and I would urge your support also.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Is there further discussion? Senator Berman.

9. SENATOR BERMAN:

10. A question of the sponsor.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. She indicates she will yield.

13. SENATOR BERMAN:

14. The...synopsis talks about the records. Where...where
15. is the right of calling the therapist as a witness? Are we
16. just going to allow in the written record without right of
17. cross examination?

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator Netsch.

20. SENATOR NETSCH:

21. No, the...the bill deals, really, only with that part of
22. the Confidentiality Statute that relates to records. It does
23. not attempt to cover all the avenues. The section is records
24. and communications may be disclosed in a civil or administrative
25. proceeding in which the recipient introduces his mental con-
26. dition or any aspect of his services received for such condi-
27. tion and so forth. That is the way the existing law read. This
28. does nothing except to add the word criminal to that sentence.
29. So, whatever the circumstances are with respect to the access
30. to cross examination they are no different here than they
31. would be under civil or administrative proceedings.

32. PRESIDING OFFICER: (SENATOR SAVICKAS)

33. ...is there further discussion? If not, Senator Netsch

1. may close debate.

2. SENATOR NETSCH:

3. Now, I think it's very important for adequate prosecution
4. of criminal proceedings in which insanity is raised as a
5. defense. I should add, also, that the bill has been looked at
6. very carefully over the last year and a half by those who are very
7. protective of the confidentiality of prior mental health
8. records and they have no objection to it also. But to the best
9. of my knowledge, there is no one who stands in objection to
10. it in its present form. And it does close a major gap in the
11. law.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. The question is, shall Senate Bill 167 pass? Those in
14. favor will vote Aye. Those opposed vote Nay. The voting is
15. open. Have all voted who wish? Have all voted who wish? Have
16. all voted who wish? Take the record. On that question, the
17. Ayes are 52, the Nays are none, 1 Voting Present. Senate
18. Bill 167 having received the constitutional majority is de-
19. clared passed. Senate Bill 168, Senator Berning. Read the
20. bill, Mr. Secretary.

21. SECRETARY:

22. Senate Bill 168.

23. (Secretary reads title of bill)

24. 3rd reading of the bill.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Senator Berning.

27. SENATOR BERNING:

28. Thank you, Mr. President and members of the Senate. Senate
29. Bill 168, many of you will recall, was before us two years ago.
30. This is a rerun. It's a very simple bill. It simply requires
31. a beneficiary under the unemployment insurance program to report
32. in person at a state employment office at least every other
33. week. Now, the...reasoning for this goes back to what has

1. become a serious abuse in my opinion and, obviously, that of
2. many of you since we passed it unanimously last year, where
3. many people are in the so-called sun belt areas vacationing
4. and all that they are required to do is send in a little card
5. which suffices for the...continued qualification for their
6. unemployment compensation check. With our State Unemploy-
7. ment Compensation...Fund now indebted to the Federal Govern-
8. ment to something like a billion dollars, it seems to me
9. that this is a reasonable step toward trying to close up
10. some of the loopholes that have caused this deficit. I
11. respectfully request a favorable roll call, Mr. President.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Is there any discussion? Senator Keats.

14. SENATOR KEATS:

15. Thank you, Mr. President. This bill went through the
16. Senate Labor and Commerce Committee, it passed the committee
17. ten to nothing with no dissenting votes and what it really
18. does is close some loopholes. It will save us some money
19. without significant inconveniences and when you know the Labor
20. and Commerce Committee can get together ten to nothing, it
21. tells you something about the bill and we would certainly
22. appreciate your support for this legislation.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Is there further discussion? If not, Senator Berning
25. may close debate.

26. SENATOR BERNING:

27. Roll call, Mr. President.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. The question is, shall Senate Bill 168 pass? Those in
30. favor will vote Aye. Those opposed vote Nay. The voting is
31. open. Have all voted who wish? Have all voted who wish? Take
32. the record. On that question, the Ayes are 54, the Nays are none,
33. none Voting Present. Senate Bill 168 having received the

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1. constitutional majority is declared passed.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senate Bill 171, Senator Demuzio. Read the bill, Mr.
4. Secretary, please.

5. SECRETARY:

6. Senate Bill 171.

7. (Secretary reads title of bill)

8. 3rd reading of the bill.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Demuzio.

11. SENATOR DEMUZIO:

12. Yes. Thank you, Mr. President and Ladies and Gentlemen
13. of the Senate. Senate Bill 171...the material in the past
14. years around here has been rather controversial, however...
15. I have struck...somewhat...of a compromise with the...Envi-
16. ronmental Protection Agency. One that I don't necessarily
17. concur with entirely, but yet it is one that moves us in the
18. right direction in the area of recycling and doing other pro-
19. cesses that hold...hazardous material harmless. What we have
20. done, now, to make it...palatable to everyone, and I'm quite
21. surprised it's not on the Agreed Bill List, is to delay the
22. ...implementation of the prohibition against landfilling...
23. for...the recycling effort until January the 1st of 1987,
24. which is a five year implementation period to put industry
25. and business on notice. And the second important thing, I
26. guess,...at the least at this perspective is that it is not a shall...provision.
27. It is one that says that the EPA may grant authorization for
28. land disposal only after the generator has reasonably
29. demonstrated that the waste cannot be reasonably recycled.
30. And that's, basically, what the bill does. We put the
31. language into the Statute this year, I'll be back next year
32. in order to...to effectuate some additional changes, but I
33. would ask for the support of the Senate today and...and be

1. able to answer and entertain any questions that the membership
2. may have.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. The question is on the passage of Senate Bill 171. Is
5. there discussion? Senator Grotberg.

6. SENATOR GROTEBERG:

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

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Indicates he will yield. Senator Grotberg.

10. SENATOR GROTEBERG:

11. ...Senator, I don't have the amendments to that...bill.
12. What specifically was...one amendment or two amendments or...

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Demuzio.

15. SENATOR DEMUZIO:

16. It was a committee amendment, as I recall correctly. I
17. have it in front of me, it's a very short paragraph. It says,
18. "That commencing January the 1st of 1987 a hazardous waste
19. stream may not be deposited in a permanent hazardous waste
20. site unless specific authorization is obtained from the
21. agency."

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Grotberg.

24. SENATOR DEMUZIO:

25. That is now the bill.

26. SENATOR GROTEBERG:

27. Thank you.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Further discussion? Further discussion? The question
30. is, shall Senate Bill 171 pass? Those in favor vote Aye.
31. Those opposed vote Nay. The voting is open. Have all voted
32. who wish? Have all voted who wish? Take the record. On that
33. question, the Ayes are 53, the Nays are 4, none Voting Present.

SB 172
3rd Reading

- 1. Senate Bill 171 having received the required constitutional
- 2. majority is declared passed. Senate Bill 172, Senator Demuzio.
- 3. Read the bill, Mr. Secretary, please.

4. SECRETARY:

5. Senate Bill 172.
6. (Secretary reads title of bill)

7. 3rd reading of the bill.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Demuzio.

10. SENATOR DEMUZIO:

11. Thank you,...very much, Mr. President and Ladies and Gentle-
12. men of the Senate. Senate Bill 172 bears the name of several
13. individuals on both sides of the aisle. It was agreed to in
14. committee that all of the landfill bills would be put into a
15. ...into one bill and, in fact, they are...all repose in Senate Bill
16. 172 at the current time. To be brief and...then ask...or be
17. able to answer any questions, let me just say that the thrust
18. of this bill indicates that there are no permits that will be
19. ...no permits for the development or construction of any pol-
20. lution control facilities will be granted by the agency unless
21. the applicant submits proof to the agency that the location
22. of the facility has been approved by the county board of the
23. county or the governing board of a municipality in which the
24. facility is to be located. Notice provisions to members
25. of the Illinois General Assembly are still embedded in this
26. bill as...at the request of Senator Mahar and...I would ask
27. for support of the Senate today and...stand ready to answer
28. any questions that the membership may have.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Is there discussion? Is there discussion? Senator
31. Nimrod.

32. SENATOR NIMROD:

33. Yeah. A...a question of the sponsor, Mr. President.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Indicates he will yield. Senator Nimrod.

3. SENATOR NIMROD:

4. Senator, can you tell me what the opposition here seems
5. to be from even EPA...of a company such as Caterpillar, which
6. I do not consider a polluter,...waste management groups, the Illinois
7. Manufacturers' Association,...and then there is a statement
8. here from a professional engineer? What's their opposition
9. to this particular bill if it seems to be so good?

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Demuzio.

12. SENATOR DEMUZIO:

13. Well, Senator, no one has contacted me in relationship to
14. their opposition to this bill. It is my understanding that
15. the EPA is in support of such a measure and...perhaps you
16. might want to...look to some of your colleagues on your side
17. of the aisle and...and...and ask them. But as of this moment,
18. I have not had any communications from any of those to which
19. you refer in opposition to this legislation.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Further questions, Senator Nimrod?

22. SENATOR NIMROD:

23. Yeah. I understand that they were...opposed to the bill
24. before it was amended, but there's been no comment of whether
25. or not they're opposed to it since then and...I would assume
26. then that there's still opposition...it seems a bill like this
27. of this magnitude should not be hanging this way indicating these
28. ...this kind of opposition to the bill.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Mahar.

31. SENATOR MAHAR:

32. Thank you, Mr. President and members of the Senate. I rise
33. in support of this legislation as one who has worked for some

1. period of time trying to get some local control in landfill
2. siting. I think some of the opposition that may be...evi-
3. dence...of the previous speaker is some that...might have been
4. before the Supreme Court made the decision, which said that...
5. in home rule communities, home rule counties and...and
6. municipalities that there is concurrent jurisdiction in the
7. siting of landfills. This bill, I think, is a composite
8. of the thinking of several members of the General Assembly.
9. It is a result of a great deal of discussion between the EPA,
10. between the...municipalities and between the Municipal League and
11. ...I think we've arrived at a conclusion that we've been long
12. seeking and that we should get some support and I know that
13. many towns, particularly in...in my area and throughout the
14. State of Illinois, are going to be very much concerned about
15. having this type of legislation on the books. I urge your
16. support.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Berning.

19. SENATOR BERNING:

20. Just one question of the sponsor. Senator, what would be
21. the situation with a recalcitrant county board's continual re-
22. fusals to approve a site? The disposition then of waste becomes
23. something of a problem. Is there any kind of...forced arbi-
24. tration or some sort of penalty that would...mandate a de-
25. cision...or...underwriting of a decision to move the waste
26. to a neighboring county? How would you...address that?

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Demuzio.

29. SENATOR DEMUZIO:

30. On page 10 of the amendment it indicates that...if there
31. is no final action by the county board or of the municipality
32. in which the site is to be located...then after one hundred
33. and twenty days the filing of the request for the site approval

1. that the application is then deemed to be considered...approved.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Berning.

4. SENATOR BERNING:

5. Thank you. I did not have the amendment. I didn't realize
6. there was anything more than the...original two pages of the
7. bill.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator DeAngelis. May we have some order please, Ladies
10. and Gentlemen? Senator DeAngelis.

11. SENATOR DEANGELIS:

12. Thank you, Mr. President. A question of the sponsor please.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Indicates he will yield. Senator DeAngelis.

15. SENATOR DEANGELIS:

16. Senator Demuzio, this is an "or" situation, it is not an "and"
17. situation. Correct?

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Demuzio.

20. SENATOR DEMUZIO:

21. That is correct.

22. SENATOR DEANGELIS:

23. Well,...where is that different than from today? Do not
24. the landfills require some kind of permit, whether from the
25. municipality or from the...local governing body?

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Demuzio.

28. SENATOR DEMUZIO:

29. Well, the...home rule municipalities exercise concurrent
30. jurisdiction, whereby non-home rule municipalities do not. By
31. ...by the Supreme Court decision.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator DeAngelis.

1. SENATOR DEANGELIS:

2. Well, maybe I'm a little confused, but...home...non-home
3. rule units have zoning permits also.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. May we have some order? Senator Demuzio.

6. SENATOR DEMUZIO:

7. But local zoning does not apply.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator DeAngelis.

10. SENATOR DEANGELIS:

11. Well, I'm just reading through this amendment, but...it
12. states in there specifically, somewhere in this amendment, that
13. they have to have zoning approval by either the municipal
14. government or the county government.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Alright. Further discussion? Senator Geo-Karis.

17. SENATOR GEO-KARIS:

18. Mr. President and Ladies and Gentlemen of the Senate, there
19. was a case that was...decided by a divided opinion Worth...
20. the City of Worth versus Carlson. And in that case, by just
21. one vote more in the Supreme Court it said that the EPA could
22. get the...grant the permit even if the local authorities did
23. not grant it. This happened in my area, where...a very nice
24. residential area was used for a waste landfill. It's deplor-
25. able, it's a mess and they've taken waste from out of State,
26. I think this is a very good bill and I urge your favorable support.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Further discussion? Senator Jerome Joyce.

29. SENATOR JEROME JOYCE:

30. Thank you, Mr. President. As chairman of the committee
31. that this bill went through, I'd like to commend the...the
32. sponsors of the various bills in the committee...for their
33. cooperation in...in developing this one comprehensive bill

SB 176
3rd Reading

1. that is sorely needed in the State of Illinois. I think
2. they...all of them are to be commended for working together
3. to...to put out this one effort and I would urge a favorable
4. vote.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Further discussion? Senator DeAngelis, did you have
7. your question answered? Do you have further questions?
8. Alright. Further discussion? Senator Demuzio may close.

9. SENATOR DEMUZIO:

10. Well, thank you, Mr....President and Ladies and Gentlemen
11. of the Senate. I think Senator Joyce put it very well in his
12. summation of the efforts of everyone that was involved in de-
13. veloping this legislation. Obviously, perhaps some more...
14. refinement needs to be made. If...if it needs to be made,
15. let's do it in the House and ask for your favorable support
16. today. Thank you.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. The question is, shall Senate Bill 172 pass? Those in
19. favor vote Aye. Those opposed vote Nay. The voting is open.
20. Have all voted who wish? Have all voted who wish? Take the
21. record. On that question, the Ayes are 55, the Nays are none,
22. none Voting Present. Senate Bill 172 having received the re-
23. quired constitutional majority is declared passed. Senate Bill
24. 176, Senator Hall. Read the bill, Mr. Secretary, please.

25. SECRETARY:

26. Senate Bill 176.

27. (Secretary reads title of bill)

28. 3rd reading of the bill.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Hall.

31. SENATOR HALL:

32. Thank you, Mr. President and Ladies and Gentlemen of the
33. Senate. This bill, 176, has to do with an Act relating to a tax

1. credit to which breweries are entitled. At one time Illinois
2. had sixty-one breweries, presently there are only two breweries
3. remaining in Illinois, Pabst in Peoria and Stag in Belleville.
4. The rest have either cleared...closed or moved out of the
5. State. In May of 1979 Stag Brewery ended its business operation
6. leaving only Pabst in Peoria. The shutdown put two hundred
7. and fifty employees of Stag in the employment lines at an
8. estimated cost to the State of Illinois of over one million
9. dollars in salaries and much more, also, with...services and...
10. related things to it. The metro east area has lost approx-
11. imately ten thousand manufacturing jobs and the closing of
12. this brewery in 1979 created a severe shock wave in Belleville
13. community. The importance of the reopening of Stag Brewery
14. and its continued...moderation and expansion is of vital im-
15. portance to the economic welfare...and the surrounding communities.
16. I will let...Senator Bloom talk about Peoria in a minute.
17. Since these are the only two breweries that manufactur beer
18. in Illinois that employ Illinois people and that pay Illinois
19. property taxes and income taxes, it is vital to their economic
20. well being that they be allowed to qualify for the excise
21. tax credit...presently in the Statute. When a brewery closes,
22. has a severe shock, unfortunately, breweries cannot be easily
23. transformed to accommodate the entire industrial complex. It
24. is likely to remain as a non-productive member of their economic
25. community. Not only does unemployment increase, but related
26. industries which supply production material also feel the
27. financial pinch for lost sales. There is the similar...may
28. I have some order please...

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Could we have some order please? We seemed to be doing just
31. fine until just...ten minutes ago and we're starting to get a
32. little out of hand. If we just...keep a little order.

33. SENATOR HALL:

1. ...to forestall the closing of additional breweries, many
2. states, such as Indiana, Kentucky, Iowa, Wisconsin, and Minne-
3. sota, have enacted special tax exemption programs. And in
4. 1977 we did likewise for the Peter Hamm Brewery in Chicago.
5. And this legislation merely makes the credit available to
6. the two remaining breweries and reduces the credit per brewery.
7. I would ask your most favorable support and now I yield to
8. Senator Bloom.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Further discussion? Senator Bloom.

11. SENATOR BLOOM:

12. Senator Hall, you used up almost the entire sheet. I
13. just...just this one point that I think should not be lost.
14. And that is, in addition to the Statutory overhead that we
15. impose on the private sector,...the last two breweries re-
16. maining in the State have a gallonage tax and this would be
17. a tax credit and the revenue impact is minimal,...under five
18. hundred thousand. The Peoria Heights Pabst Plant...with six
19. hundred...teamsters and...two hundred clerical people,...it would
20. be helpful. I'd appreciate a favorable roll call. Thank you.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Further discussion? The question is, shall Senate Bill 176
23. pass? Those in favor vote Aye. Those opposed vote Nay. The
24. voting is open. Have all voted who wish? Have all voted who
25. wish? Have all voted who wish? Take the record. On that
26. question, the Ayes are 34, the Nays are 21, none Voting Present.
27. Senate Bill 176 having received the required constitutional
28. majority is declared passed. Senate Bill 179, Senator Berning.
29. Read the bill, Mr. Secretary, please.

30. SECRETARY:

31. Senate Bill 179.

32. (Secretary reads title of bill)

33. 3rd reading of the bill.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Berning.

3. SENATOR BERNING:

4. Thank you, Mr. President, and members of the Senate. Senate
5. Bill 179 was introduced at the request of the Illinois Rural Rec-
6. reational Enterprise Association. It's a corrective amendment to
7. the legislation which we passed here in this Body about four or
8. five years ago. With the amendment, we have...which was offered
9. by the Department of Agriculture, we have eliminated any...opposition
10. that I am aware of. If there are any questions, I'll attempt to
11. answer, if not, I would appreciate a favorable roll call.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Is there discussion? The question is on the passage of Senate
14. Bill 179. Those in favor will vote Aye. Those opposed will vote
15. Nay. The voting is open. Have all voted who wish? Have all voted
16. who wish? Take the record. On that question, the Ayes are 54,
17. the Nays are 2, none Voting Present. Senate Bill 179, having
18. received the required constitutional majority is declared passed.
19. Senate Bill 181, Senator Maitland. Read the bill, Mr. Secretary,
20. please.

21. SECRETARY:

22. Senate Bill 181.

23. (Secretary reads title of bill)

24. 3rd reading of the bill.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Maitland.

27. SENATOR MAITLAND:

28. Thank you, Mr. President, and Ladies and Gentlemen of the
29. Senate. Senate Bill 181 raises to the seventieth percentile within
30. the various groupings throughout the State the level of reimbursement,
31. to nursing homes for Public Aid patients. I think presently
32. Illinois ranks about forty-eighth in its payments to Public Aid
33. patients in...in the nursing homes. And what we find happening in

1. this State, quite frankly, is that the private pay patients are
2. subsidizing the Public Aid patients, and this simply has to stop.
3. I know all of you have received letters from...from private pay
4. patients who object to having to pay for this subsidization, and
5. what I'm concerned about is...is possibly down the road nursing
6. homes in the private sector will simply refuse to take Public Aid
7. patients. And I think the one thing the State doesn't want to do
8. is to be involved in the nursing home business. And if we don't
9. recognize this inequity, I'm afraid this is exactly where we're
10. going to be.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Is there discussion? Senator Simms.

13. SENATOR SIMMS:

14. Well, Mr. President, and Ladies and Gentlemen of the Senate.
15. I would rise in support of this legislation. I think it's in-
16. cumbent upon the State that with the growing number of individuals
17. that are reaching the age where they have to have nursing care in
18. a home, that it's evident that the nursing home reimbursement in
19. the State of Illinois, perhaps is at the lowest of any in the Nation.
20. And also, the problems as serving on the Legislative Investigating
21. Commission, when the nursing home industry was investigated, the
22. greatest problem resulted in the reimbursement factor from the
23. Department of Public Aid. The problem is, the level of care directly
24. or indirectly, no matter which way you want to evaluate it, reflects
25. upon the reimbursement factor. Places that are understaffed, one
26. of the basic reasons was that they were not receiving a fair amount
27. of reimbursement for their services. So, as Senator Maitland has
28. so very carefully and so correctly indicated, we are going to have
29. to face this problem and the only way to face this problem with a
30. sense of fairness and judgment, and that's to increase the percentage
31. factor. And I would urge a very favorable vote for Senate Bill 181.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Further discussion? Senator Marovitz.

1. SENATOR MAROVITZ:

2. Thank you, very much, Mr. President. I rise in support of
3. this measure. About a year and a half, two years ago, we had a
4. strike, several nursing homes in and around the Chicago area. The
5. operators came down, and on the reasons they struck was because...
6. the level of reimbursement. And they said that they could continue
7. to operate but that if they did indeed continue to operate, they
8. would have to drop the level of care substantially in order to come
9. out financially. I think this is long overdue, and I commend
10. Senator Maitland. I think it's necessary, and I would urge an
11. Aye vote.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Further discussion? Senator DeAngelis.

14. SENATOR DeANGELIS:

15. Thank you, Mr. President. During the...the meetings of the
16. Legislative Audit Commission, it was discovered that the Depart-
17. ment of Public Aid has a rather complex system, and the point
18. system by which it gives incremental revenues to nursing homes.
19. I have a question of the sponsor.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Indicates he will yield.

22. SENATOR DeANGELIS:

23. Senator Maitland, this only applies to the base rate, correct?
24. It does not have anything to do with the point system?

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Maitland.

27. SENATOR DeANGELIS:

28. Then I would urge its support.

29. SENATOR MAITLAND:

30. ...is correct.

31. SENATOR DeANGELIS:

32. Thank you.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Further discussion? Senator...Vadalabene.

2. SENATOR VADALABENE:

3. Yes, thank you, Mr. President. Just briefly, Senate Bill
4. 950 does that identical thing that...Senate Bill 181 that Senator Maitland
5. is sponsoring. Since there were two identical bills, we got our
6. heads together and agreed that he should take this bill, and I
7. rise in support of it. And I Tabled mine.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. All right. Is there further discussion? Senator Maitland
10. may close.

11. SENATOR MAITLAND:

12. Mr. President, I just would appreciate a favorable roll call.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. The question is, shall Senate Bill 181 pass. Those in...
15. for what...Senator Vadalabene.

16. SENATOR VADALABENE:

17. Yes, I wanted to say, that I want to be joint sponsor of
18. his bill since I Tabled mine.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Is...is there leave to join Senator Vadalabene as joint co-
21. sponsor? Leave is granted. All right, the question is, shall
22. Senate Bill 181 pass. Those in favor vote Aye. Those opposed
23. vote Nay. The voting is open. Have all voted who wish? Have
24. all voted who wish? Take the record. On that question, the Ayes
25. are 56, the Nays are none, none Voting Present. Senate Bill 181,
26. having received the required constitutional majority is declared
27. passed. Senate Bill 182, Senator Johns. Yes. Read the bill,
28. Mr. Secretary, please.

29. SECRETARY:

30. Senate Bill 182.

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Johns.

2. SENATOR JOHNS:

3. Thank you, Mr. President, and members of the Senate. Senate
4. Bill 182 is a very simple idea, it means to the Illinois Coal
5. Industry, and I say Illinois, and I underline Illinois, probably
6. everything. It means to the United Mine Workers and the Progressive
7. Mine Workers, everything. It means to Illinois coal which is
8. under eighty percent of the surface of this great State, every-
9. thing. It means to...non-western coal, a great deal of problems.
10. It means that western coal coming into Illinois would cease to be
11. permitted in the way of the cost of transportation allowed in the
12. making of consumer rates by our utilities. It's probably one
13. of the most important bills to me of this Session, and to all
14. those that hold Illinois and its huge coal resources dear. For
15. example, we're paying today about twenty dollars and ninety-one
16. cents a ton to haul a competitive product into Illinois. It
17. means much like the Federal Government in the sense that we are
18. pouring billions of dollars out of the country to Saudi Arabia, and
19. we're pouring billions of dollars out of Illinois to western states.
20. It means that we're doing this in severance taxes, in employment,
21. in the benefits that go forth with employment. It means a great
22. deal in returning Illinois to the forefront in coal production.
23. Senate Bill 132...182 would make Illinois more competitive be-
24. cause it would say to the Illinois utilities, put the scrubbers
25. on, put the things to work that meet the requirements. If you
26. say no to this, you're saying no to your State. Because you're
27. saying utilities don't have to provide the means wherewith to
28. burn Illinois coal. It's a great incentive for the utilities
29. to do so, without it, they're not going to do so. And I would
30. appreciate a favorable roll call on this particular bill, Ladies
31. and Gentlemen of the Senate.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Is there discussion? Senator Maitland.

1. SENATOR MAITLAND:

2. Thank you, Mr. President, and Ladies and Gentlemen of the
3. Senate. Senator Johns, as I've indicated to you on many occasions
4. before, I understand your concern. I too, like everyone else
5. in this Body want to burn Illinois coal, but Senator, you and
6. I both know you just don't go across the street and buy a scrubber
7. and put it on, it just isn't done that way. The cost of scrubbers
8. is tremendous. You build a scrubber for each and every individual
9. case. The longevity of those scrubbers is questionable. There
10. are tremendous costs, there's going to come a time in our history
11. when we're going to use Illinois coal and use it extensively, the
12. time has not yet come. Soon we shall be able to desulfurize coal
13. below the ground. The need for scrubbers will not be there. I
14. hope as you do that that time comes soon, but right now the utilities
15. have to burn foreign coal until such time as the Federal Government
16. gets off their duff and until technology is such that we can burn
17. Illinois coal and burn it efficiently. I rise in strong opposition
18. to this bill.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Further discussion? Further discussion? Senator Becker.

21. SENATOR BECKER:

22. A question of the sponsor.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Indicates he will yield. Senator Becker.

25. SENATOR BECKER:

26. Senator Johns, how many jobs do you feel this will create?

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Johns.

29. SENATOR JOHNS:

30. There's about twenty thousand coal miners in Illinois, I would
31. say that it would have a good chance of adding fifty percent in the
32. way of production and employment in hardly any time at all.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Becker.

2. SENATOR BECKER:

3. ...the cost of these scrubbers be to industry?

4. SENATOR JOHNS:

5. They vary, Senator. They vary a great deal, it depends on
6. the engineering, and the technology that's available to each par-
7. ticular private utility, and to whom they hire. Sometimes they hire
8. the right people, sometimes they don't, but there is technology
9. available that will help burn Illinois coal. We've seen it many,
10. many times, in fact, I think Gulf Oil has it right now. But I
11. don't think they're ready to release it.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Becker.

14. SENATOR BECKER:

15. I believe the cost, Senator Johns, is going to be in the
16. neighborhood of one billion dollars.

17. SENATOR JOHNS:

18. Are you talking, Senator, about all utilities in Illinois...

19. SENATOR BECKER:

20. All utilities and scrubbers, to create the jobs that you're
21. referring to.

22. SENATOR JOHNS:

23. Senator, if we don't, the cost to the Illinois coal industry
24. will be several many, many times that amount.

25. SENATOR BECKER:

26. And the cost to the consumer, I don't think the consumer
27. is going to be very happy with.

28. SENATOR JOHNS:

29. Two or three cents per month, Senator.

30. SENATOR BECKER:

31. And I stand in opposition to the bill.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Further discussion? Senator Johns may close.

1. SENATOR JOHNS:

2. Ladies and Gentlemen of the Senate. It's a critical time
3. in our history, you've got to make up your minds as to whether
4. or not you want to help Illinois to develop its coal resources
5. or whether you want to wait till the utilities make up their mind
6. as to whether or not they're going to burn Illinois coal. It's
7. as simple as that, we've urged them to look at problems, they've
8. sought rate increases for years on projected levels which the
9. consumers have never reached in the use of the utility. Just re-
10. cently, the American Bar Association has proved that one utility
11. and the Illinois Commerce Commission have been lax in the process
12. of setting rate regulations and rate increases that...that..the
13. ICC has utilized the data put forth by the utilities in the de-
14. termination of their rates. Now, let's not kid ourselves, the
15. utilities have a great deal of influence in this General Assembly,
16. I've known it for years, and I have never backed away from a fight
17. with them, and I won't. Because what I see is this, Illinois
18. could be at the forefront in the employment of its people, and
19. the allied spinoff of all the money that would come into our
20. Treasury we would relieve a lot of people on general assistance,
21. Public Aid rolls, we could relieve ourselves of a lot of the
22. failure to collect income taxes and sales taxes by the employment
23. of all these people. Somebody said, I think, Senator Maitland,
24. the day will come. No it won't, it won't unless this General
25. Assembly decides it has got to come, because we've been putting
26. it off for years and years, and we are shirking our responsibility
27. to our own citizens, and we're encouraging the use of non...of
28. non-Illinois coal, of western coal. What you're saying is, you
29. would druther put money in the pockets of the employees in Montana,
30. Colorado, Wyoming, et cetera. You would rather pay utilities who
31. own that western coal for the transporting of that coal to Illinois,
32. than you would to have your own people employed. It's darn near
33. like Mutiny on the Bounty, because you're saying no to Illinois and

1. yes to western coal producing states. We can burn Illinois coal,
2. as a member of the Energy Resource Commission and a charter member,
3. every time I've heard this, we've been dedicated to coal and the
4. development of coal. And you say, let the Federal Government come
5. forth with the regulations, well they didn't with Allis Chalmers.
6. As the members of the Energy Resource Commission knows, that
7. they never came forth, it took AllisChalmers and the State of
8. Illinois on a non-Federal participating deal to build it and it's
9. going to produce low BTU gas from coal. But Ladies and Gentlemen...
10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Johns, your time has expired.

12. SENATOR JOHNS:

13. I thank you, Mr. President. I urge you to give me a vote
14. on this, because it means lives and livelihood for Illinois, be-
15. cause it means young people will be able to stay here and occupy
16. jobs. The great exodus from Southern Illinois because we don't have
17. any jobs down there as you do in the northern regions to hold our
18. young people. And these are good jobs, and I urge you to give
19. me a favorable vote.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. The question is, shall Senate Bill 182 pass. Those in favor
22. vote Aye. Those opposed vote Nay. The voting is open. Have
23. all voted who wish? Have all voted who wish? Have all voted
24. who wish? Take the record. On that question, the Ayes are 21,
25. the Nays are 27...the sponsor requests that further consideration
26. of Senate Bill 182 be postponed. It will be placed on the Order
27. of Postponed Consideration. Senate Bill 186, Senator Marovitz.
28. Read the bill, Mr. Secretary, please.

29. SECRETARY:

30. Senate Bill 186.

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDENT:

1. Senator Marovitz.

2. SENATOR MAROVITZ:

3. Thank you, very much, Mr. President. Senate Bill 186 covers
4. a category of camps and migrant laborers that are presently not
5. covered. These are smaller camps with one to ten migrant workers
6. in them, and would allow the Department of Public Health to in-
7. spect them for only minimum standards. And those minimum standards
8. and I...I repeat they are minimum different standards from the
9. other camps, just that they have adequate drinking water, structur-
10. ally sound shelters, and washtubs for bathing and laundry. The
11. Farm Bureau is not in opposition to this legislation, and it would
12. just allow these small camps with one to ten workers to have min-
13. imum safety standards, and minimum sanitary standards. And I
14. would ask for your favorable consideration of this legislation.

15. PRESIDENT:

16. Any discussion? Senator Keats.

17. SENATOR KEATS:

18. Thank you, Mr...thank you, Mr. President, and Ladies and
19. Gentlemen of the Senate. This bill came out of the Senate Labor
20. and Commerce Committee seven - nothing, I'm the one who moved Do Pass,
21. so you figure it can't be controversial despite the topic. The
22. minimum standards are so reasonable that I was even surprised.
23. It should pass almost unanimously.

24. PRESIDENT:

25. Further discussion? Senator Schaffer.

26. SENATOR SCHAFFER:

27. May...may I ask the sponsor what he defines as a...a labor
28. camp?

29. PRESIDENT:

30. Senator Marovitz.

31. SENATOR MAROVITZ:

32. Well, a migrant labor camp, is one that...where...where
33. migrant...where...anywhere from one to ten migrant laborers

1. are working. Now, if you want...want a definition of a migrant
2. laborer, I probably am not capable of giving you a fine de-
3. finition. But presently, four or more families are covered by
4. the Act, and ten or more individual workers. There's a loop-
5. hole so that one to ten workers are not covered, this covers
6. that loophole.

7. PRESIDENT:

8. Further discussion? I'm sorry, Senator Schaffer.

9. SENATOR SCHAFFER:

10. Well, if I am a farmer, and I have a couple nephews that
11. live in the city and they want to come out and work in the summer
12. and I have them upstairs in the spare bedroom, am I running a
13. labor camp, am I going to have to have inspectors come in and...
14. and inspect that bedroom and go through all that?

15. PRESIDENT:

16. Senator Marovitz.

17. SENATOR MAROVITZ:

18. If I gave you a definitive answer to your hypothetical
19. example I wouldn't be being fair to you because I don't...I don't
20. have the expertise to tell you whether that hypothetical you gave
21. me would be covered under the Migrant Labor Camp Law.

22. PRESIDENT:

23. Further discussion? Senator Joyce.

24. SENATOR JEROME JOYCE:

25. Yes, a question of the sponsor, Mr. President.

26. PRESIDENT:

27. Indicates he will yield. Senator...Senator Joyce.

28. SENATOR JEROME JOYCE:

29. Yes, how long do they have to remain at this...this farm or
30. what have you to be considered a camp?

31. PRESIDENT:

32. Senator Marovitz.

33. SENATOR MAROVITZ:

1. Operated less than twenty-one calendar days per year.

2. PRESIDENT:

3. Senator Joyce.

4. SENATOR JEROME JOYCE:

5. Less than twenty-one calendar days per year. What is...you
6. know, like is that an overnight, would that be considered a camp
7. if it was overnight or two nights?

8. PRESIDENT:

9. Senator Marovitz.

10. SENATOR MAROVITZ:

11. If...if it was a one or two or three nights for the purposes
12. of growing crops, and they had one to ten workers, it would be
13. considered a camp.

14. PRESIDENT:

15. Senator Joyce. Senator Marovitz.

16. SENATOR MAROVITZ:

17. These camps today, under that example, if they have four
18. families, or they have ten workers or more under that same example
19. are subject to very strict conditions, presently, under the present
20. law.

21. SENATOR JEROME JOYCE:

22. Well, what I'm concerned about is if it's just for one or
23. two nights as the migrant workers move through an area picking
24. tomatoes or maybe cleaning out bean fields or what have you, if
25. it is just for a night or two, you know, I'm wondering if we're
26. getting into something that we wouldn't know how to handle.

27. PRESIDENT:

28. Senator Marovitz.

29. SENATOR MAROVITZ:

30. In answer to that question, if it's just for a night or two
31. all we're saying, and that's why they are minimum standards, that
32. there should be..."safe water. A drained shelter protecting
33. the occupants from the elements," and that would be...a tent,

1. would include that. That's how minimum these standards are.
2. We're not talking about, you know...ventilation or anything like
3. that.

4. PRESIDENT:

5. Further discussion? Senator Marovitz may close.

6. SENATOR MAROVITZ:

7. I just would...would ask for a favorable roll call. I think
8. the standards are so minimum that...that really nobody could
9. object: And they're the kind of standards that anybody should be
10. willing to comply with.

11. PRESIDENT:

12. The question is, shall Senate Bill 186 pass. Those in favor
13. will vote Aye. Those opposed will vote Nay. The voting is open.
14. Have all voted who wish? Have all voted who wish? Have all voted
15. who wish? Take the record. On that question, the Ayes are 35,
16. the Nays are 7, 1 Voting Present. Senate Bill 186, having received
17. the required constitutional majority is declared passed. 189,
18. Senator Netsch. On the Order of Senate Bills 3rd reading, Senate
19. Bill 189. Read the bill, Mr. Secretary.

20. SECRETARY:

21. Senate Bill 189.

22. (Secretary reads title of bill)

23. 3rd reading of the bill.

24. PRESIDENT:

25. Senator Netsch.

26. SENATOR NETSCH:

27. Thank you, Mr. President. This is known as a Prompt Inspection
28. Bill, it is similar to a bill that passed the Senate last Session
29. with forty-four votes. It is intended to provide that when a
30. notice of a violation of a housing code is filed, there shall be
31. an inspection...I'm sorry, when a complaint has been filed, there
32. shall be an inspection within twenty-one days. The bill is really
33. aimed at the City of Chicago, although the amendments were worked

1. out with the cooperation of some of the Representatives from
2. Chicago. The twenty-one day requirement is not a problem really
3. in any other part of the State, they are, as far as we can tell,
4. all well within the twenty-one days. There are times and areas
5. where it has been a problem in Chicago. The reason for the amend-
6. ment which excludes a home rule municipality, which has enacted
7. a building code that provides for exactly the same standard as
8. this bill does, is that if indeed Chicago or any other home rule
9. municipality wants to enact its own ordinance which is at less
10. days required than this bill, that is fine with us, so long as
11. they meet at least the minimum that is provided in this bill.
12. There is...in no other respect is there an exclusion of Chicago
13. because, indeed, Chicago is the primary target, if you will, of
14. the bill. I will be happy to answer questions.

15. PRESIDENT:

16. Any discussion? Senator Bowers.

17. SENATOR BOWERS:

18. ...would the sponsor yield to a question?

19. PRESIDENT:

20. Indicates she will yield. Senator Bowers.

21. SENATOR BOWERS:

22. Senator Netsch, is there a definition of the word complaint?
23. I'm sorry, I don't have the bill in front of me, and I've forgotten,
24. but if...if somebody just calls in the building department and
25. says, hey, there's something wrong with this building, do they
26. have to go out everytime they get such a telephone call?

27. PRESIDENT:

28. Senator Netsch.

29. SENATOR NETSCH:

30. The...I don't think the word complaint itself is...well it
31. is indirectly defined, I think, Senator Bowers. One of the Sections says
32. "upon receipt of a complaint alleging that a dwelling privately
33. or publicly owned fails to comply with the local building code, or

1. other applicable law relating to sanitation, health, and safety,
2. the Building Code Department shall conduct an inspection within
3. the specified period of time." And there is also a definition
4. of code violation.

5. PRESIDENT:

6. Senator Bowers.

7. SENATOR BOWERS:

8. I'm sorry, I guess I didn't really track you...quite that
9. well. If...if for instance, someone's got it in for the landlord
10. and he simply decides to make a call every week to the Building
11. Department, complaining about something in the building, does
12. that automatically mean that they have no choice, but they have
13. to go out and investigate each one within a specified...limited
14. period of time?

15. SENATOR NETSCH:

16. I suppose in theory that could happen, but the...the way
17. the language is worded, there must be an allegation that there
18. is a violation of a particular provision of the Building Code,
19. or other applicable law that relates to sanitation, health, or
20. safety. And if...and there is a record that is required to be
21. kept of all that transpires, and it seems to me that if you would
22. get that kind of a repetitive situation, that the...the requirement
23. to respond to each of those is, in a sense, going to evaporate be-
24. cause they have already conducted the inspection pursuant to the
25. first complaint. And there is no additional complaint, or no additional
26. allegation that would support it. No, it's...it's...

27. PRESIDENT:

28. Senator Bowers.

29. SENATOR BOWERS:

30. One more question, and then I'll quit. Is this subject to
31. the State Mandates Act?

32. PRESIDENT:

33. Senator Netsch.

1. SENATOR NETSCH:

2. No, there was no indication that it was. And I think it
3. would not be. The...actually, if someone has got a building code
4. right now, they are required to...to enforce it, and to inspect
5. on what...some form of a regular basis. What this does particularly,
6. is to put a time limit on it. And, again, that was directed primar-
7. ily at flagging enforcement for a period of time, most notably in
8. Chicago. Chicago, itself, I might say, is trying, and believes that
9. it is well within the twenty-one days now, but this is an attempt
10. to make sure that that...at least, the twenty-one day period is
11. maintained in inspections in that area.

12. PRESIDENT:

13. Further discussion? Senator Mahar.

14. SENATOR MAHAR:

15. Thank you, Mr. President, and members of the Senate. Will
16. the sponsor yield for a question?

17. PRESIDENT:

18. Indicates she will yield. Senator Mahar.

19. SENATOR MAHAR:

20. Does the bill or the amendment call for any penalties, I
21. don't...

22. PRESIDENT:

23. Senator Netsch.

24. SENATOR NETSCH:

25. No, it does not. And we were totally conscious of that,
26. Senator Mahar. The reason why is, that it becomes a little difficult
27. to decide on whom the penalty should fall. The main purpose that
28. is achieved by...the main objective that is realized by the bill,
29. is in effect as a weapon to be used by those in a community who
30. are being ignored in terms of the deterioration of some of their
31. housing stock, they can, at least, bring pressure to bear on the
32. Building Department to comply with what is the mandate, if you
33. will, of this bill, the time mandate.

1. PRESIDENT:

2. Senator Mahar.

3. SENATOR MAHAR:

4. Well, it seems to me that we're getting into a harassing
5. procedure here, and would serve no useful purpose. And if it
6. doesn't really apply to Chicago where you intended, it will
7. probably end up applying in suburbia where it's not intended.

8. PRESIDENT:

9. Further discussion? Senator Collins.

10. SENATOR COLLINS:

11. A question of the sponsor.

12. PRESIDENT:

13. Indicates she will yield. Senator Collins.

14. SENATOR COLLINS:

15. Yes, Senator Netsch, I don't know whether you recall it,
16. I do have a similar bill, but I'm...I'm a little confused here,
17. and getting back to one of the other speaker's questions, who
18. makes the complaint, the tenant, or for example a community
19. organization, a group that see a property, a building deteriorating
20. that's occupied within a block and that that group can, in fact,
21. make a complaint to the Building Department? Or are you talking
22. about a tenant?

23. PRESIDENT:

24. Senator Netsch.

25. SENATOR NETSCH:

26. No, it is not limited to a tenant. The purpose of it, really,
27. is that where a neighborhood is on the brink, where there may
28. be some deteriorated buildings that could tip the neighborhood
29. into a generally declining attitude, that the individuals who
30. live next door, tenant in the building, a community group, if
31. it is concerned about such matters, and hopefully there are
32. communities where that is the case, could file the complaint.
33. That is true, basically, under the existing circumstances. But

1. ...but the bill does not specify that it can be only a tenant.

2. PRESIDENT:

3. Senator Collins.

4. SENATOR COLLINS:

5. The...the other concern, Senator Netsch, that I...that I
6. feel that...that your bill is not going to have any real impact
7. and I would be concerned about your taking a look at some of the
8. provisions in the bills that I introduce, and I think they are
9. in the Rules Committee...the Committee on Assignment of Bills,
10. that will put some teeth into it so that if, in fact, we're
11. dealing with...one of the real problems of...of declining neigh-
12. borhoods where you have a lot of low income people and Public Aid
13. recipients, is the fact that Public Aid will, in fact, pay rent
14. into a...rent for an apartment in a building that does not meet
15. building standards at all in the City of Chicago. So, if you
16. were concerned about it, and...and we could do something about
17. the fact that they could no...they could no longer enter into
18. a lease or a contract in a building that did not meet building
19. standards, under those circumstances, and in...in instances where
20. you have people just renting not on Public Aid, that they, in fact,
21. would have some kind of recourse to take the rent and fix up the
22. building themselves, then you could have some...some impact. But
23. I'm afraid that what you're trying to do here is not going to have
24. any impact at all.

25. PRESIDENT:

26. Further discussion? Senator Nash.

27. SENATOR NASH:

28. Will the sponsor yield for a question?

29. PRESIDENT:

30. Indicates she'll yield. Senator Nash.

31. SENATOR NASH:

32. Senator Netsch, do you own, or have you ever owned an apart-
33. ment building in the City of Chicago where you dealt with the

1. Building Department on the lines along where you're...trying to do with
2. this bill?

3. PRESIDENT:

4. Senator Netsch.

5. SENATOR NETSCH:

6. No.

7. PRESIDENT:

8. Senator Nash.

9. SENATOR NASH:

10. Well, I have. And I've dealt with the Building Department,
11. whenever there was a complaint by a tenant. They were there in
12. less than twenty-one days, and most of the calls were harassment
13. calls. And I have to agree with Senator Mahar, this is nothing
14. but a harassment bill. And I urge the defeat of this bill.

15. PRESIDENT:

16. Further discussion? Senator Bruce.

17. SENATOR BRUCE:

18. I just wonder, how many votes is it going to take to pass
19. this one, in the sense that if a home rule unit did in..not in
20. fact, have an inspection requirement except in twenty-five days,
21. it would be, in fact, a restriction. So, unless we poll every
22. home rule unit that has a zoning ordinance, would it not be a
23. restriction upon a home rule unit? And if they did have presently
24. a twenty-one day limit and wanted to go to twenty-five tomorrow,
25. does that not restrict their power to do so?

26. PRESIDENT:

27. Yes. And the Chair is prepared to rule since you so kindly
28. asked, that under Article VII, Section 6, Sub-Section G, the
29. bill as presented and as amended is preemptive, and as such will
30. require an extraordinary vote of this Chamber. Senator Savickas.
31. You...you'll get the opportunity to close.

32. SENATOR SAVICKAS:

33. Mr. President, that was my question.

1. PRESIDENT:

2. Good. Further discussion? If not, Senator Netsch may close.

3. SENATOR NETSCH:

4. First of all, may I suggest with all due deference, Mr.
5. President, that your ruling is incorrect. There is no preemption
6. in this bill. It sets a minimum standard and that is not a part
7. of the preemption section. And I'm sorry, I...

8. PRESIDENT:

9. Well, I...I'd just refer you to Section G, where it says, "the
10. General Assembly may by a law approve by the vote of three-fifths
11. of the members elected to each House, may deny or limit the power
12. to tax and any other power or function of a home rule unit not
13. exercised or performed by the State." The State does not have
14. a building code, nor does it have building inspectors. Senator
15. Netsch.

16. SENATOR NETSCH:

17. And if you would look back through the history of those
18. sections, you would find that this bill sets minimum standards,
19. and that is not considered preemption. I make that point only
20. because that is very important in terms of other legislation that
21. we have in the past, enacted with a majority vote, and I'm sure
22. will in the future. So, I...I do very seriously suggest that that
23. is not the correct ruling. Let me briefly reply to two points.
24. Senator Mahar, it is not true that the bill doesn't apply to Chicago,
25. it does indeed apply to Chicago. All that it does say, is that
26. if Chicago or any other home rule unit enacts an ordinance which
27. has, at least, the twenty-one day requirement in it, then that...that
28. ordinance would in effect, be the one that it would operate under.
29. But it does, in fact, apply to Chicago at the present time. And to
30. Senator Collins, let me suggest that the kinds of provisions that
31. you are talking about are quite complimentary and consistent with
32. this bill. There is no mutual exclusivity, this is simply a
33. prompt inspection bill. There are a variety of other ways in which

SB 192
3rd Reading

1. the attempt by, let's say the State, to pay rental on deteriorated
2. premises can be handled. The two are not mutually exclusive.
3. Again, I...I would suggest that it's a relatively simple idea,
4. it is that if there is to be a building code enforcement program,
5. then critical to that, is that inspections take place promptly
6. before a neighborhood begins to decline. That is all that the
7. bill does. It was approved by the City of Chicago, and I think
8. will have no adverse effect in any other part of the State, which
9. I believe...do meet the twenty-one day requirement.

10. PRESIDENT:

11. Senator Sangmeister, for what purpose do you arise?

12. SENATOR SANGMEISTER:

13. Well, thank you...it is a great day for Will County, we've
14. got a lot of the school districts here. Just leaving the balcony, is Homer
15. 33C from again, wonderful Will County. We would like to acknowledge
16. their presence. Welcome.

17. PRESIDENT:

18. Senator Netsch, the Chair will stand by its ruling even in
19. the face of a constitutional expert. The question is, shall Senate
20. Bill 189 pass. Those in favor will vote Aye. Those opposed will
21. vote Nay. The voting is open. Have all voted who wish? Have
22. all voted who wish? Have all voted who wish? Take the record.
23. On that question, the Ayes are 11, the Nays are 33, 7 Voting
24. Present. Senate Bill 189, having failed to receive the required
25. constitutional majority is declared lost. 192, Senator Thomas.
26. On the Order of Senate Bills 3rd reading, Senate Bill 192. Read
27. the bill, Mr. Secretary.

28. SECRETARY:

29. Senate Bill 192.

30. (Secretary reads title of bill)

31. 3rd reading of the bill.

32. PRESIDENT:

33. Senator Thomas.

1. SENATOR THOMAS:

2. Thank you, very much, Mr. President, and Ladies and Gentlemen
3. of the Senate. What we've attempted to do with Senate Bill 192
4. is offer some assurances to pregnant mothers, that they can expect
5. to carry that child full term without fear of aggravated assault
6. ..assault resulting in the loss of that child. This particular
7. concept has been tried several times in the last few years, and
8. in putting our proposal together we took a look at some of the
9. reasons why other ideas have failed. We have ran this by various
10. people who have registered opposition in the past, and we think
11. what we have come up with now, courtesy of a committee amendment
12. and a Floor amendment, is the type of language necessary and
13. the type of language that the Illinois Supreme Court, in the
14. People vs. Greer, suggested that the General Assembly take a look
15. at last year. We're pleased to tell you that some of the groups
16. who have traditionally opposed this bill are not opposing it now.
17. I'm speaking because of the fact that we do definitely address
18. the Illinois Abortion Law so that the people who are for pro-choice
19. are not in opposition to this. We are also not impeding the
20. language of some of the goals and ideas of the pro-life people,
21. as a result, they are not in opposition to this. And so we're
22. very pleased that the language we've come up with, we think is
23. compatible to...to the basic concept of guarding the safety of
24. women who are carrying their children. And I ask for a favorable
25. vote.

26. PRESIDENT:

27. Any discussion? Senator Rhoads.

28. SENATOR RHOADS:

29. Well, it's...it's a great bill, there's nothing wrong with
30. this bill, it's a very good bill. Were it not the Senator's first
31. bill, I would vote green right away.

32. PRESIDENT:

33. Further discussion? If not, the question is, shall Senate

1. Bill 192 pass. Those in favor will vote Aye. Those opposed
2. will vote Nay. The voting is open. Have all voted who wish?
3. Have all voted who wish? Have all voted who wish? Have all
4. voted who wish? Take the record. On that question, the Ayes
5. are 52, the Nays are 2, none Voting Present. Senate Bill 192,
6. having received the required constitutional majority is declared
7. passed. 1...199, Senator Philip. On the Order of Senate Bills
8. 3rd reading, Senate Bill 199. Read the bill, Mr. Secretary.

9. SECRETARY:

10. Senate Bill 199.

11. (Secretary reads title of bill)

12. 3rd reading of the bill.

13. PRESIDENT:

14. Senator Philip.

15. SENATOR PHILIP:

16. Thank you, Mr. President, and Ladies and Gentlemen of the
17. Senate. Senate Bill 199 as amended extends the property tax home-
18. stead exemption to people who have a hundred percent disability.
19. The proof of disability shall be claimed and determined by the
20. Department of Revenue. The people who would qualify are people
21. who now receive it under Social Security, or if a physician
22. would...a physician would examine them and they would qualify under
23. the Federal standards. This affects, in the State of Illinois,
24. about fifty-eight thousand seven hundred and six people. It's
25. limited to people who have a one hundred percent disability and
26. who's annual incomes are under thirty thousand dollars a...a year.
27. The cost to the State of Illinois would be 6.5 million. Would
28. break down per person who has a hundred percent disability of
29. about a hundred and ten dollars a year. I'd be happy to answer
30. any questions.

31. PRESIDENT:

32. Any discussion? Senator McMillan.

33. SENATOR MCMILLAN:

1. Mr. President, and members of the Senate. I do rise in...
2. opposition to the bill. It's very difficult to oppose any bill
3. that's going to provide some relief for the people that this bill
4. attempts to serve. I think it's only safe to point...only wise
5. to point out, however, that the cost may, in fact, be, at least,
6. twice as much as was indicated. And I think that is the point
7. that ought to be kept in mind in considering whether or not to
8. vote for this particular bill.

9. PRESIDENT:

10. Further discussion? Senator Collins.

11. SENATOR COLLINS:

12. A question of the sponsor.

13. PRESIDENT:

14. Indicates he will yield. Senator Collins.

15. SENATOR COLLINS:

16. How do you define a hundred percent disability?

17. PRESIDENT:

18. Senator Philip.

19. SENATOR PHILIP:

20. It's defined in the Federal Statutes, and if you qualify under
21. Social Security you'd be qualified here in the State of Illinois.
22. It's already defined.

23. PRESIDENT:

24. Senator Collins.

25. SENATOR COLLINS:

26. So, that if I, which I am, a victim of chronic high blood
27. pressure, and my doctor prohibits me from working, and my husband
28. makes less than thirty thousand, would I qualify for this...

29. PRESIDENT:

30. Senator Philip.

31. SENATOR PHILIP:

32. If Social Security, the Federal Social Security declared
33. you or your husband as being a hundred percent...with a hundred

1. percent disability, then you would qualify. Or if you would go
2. to a doctor in Illinois, and he would sign a statement saying
3. that you are a hundred percent, he'd have to...present to the
4. Department of Revenue a form and they then would determine if you
5. qualify, if you don't under Social Security.

6. PRESIDENT:

7. Any further discussion? Senator Schaffer.

8. SENATOR SCHAFFER:

9. If someone was qualified under Social Security and was a
10. millionaire would they still qualify for this?

11. PRESIDENT:

12. Senator Philip.

13. SENATOR PHILIP:

14. No. You can only have an income of thirty thousand dollars
15. a year.

16. PRESIDENT:

17. Further discussion? Senator Geo-Karis.

18. SENATOR GEO-KARIS:

19. Mr. President, and Ladies and Gentlemen of the Senate. If
20. anyone's had any experience with Social Security disability, we
21. had a man dying of cancer and they denied him disability. So,
22. believe me, I think this is a good bill, and I...I think...I
23. commend Senator Philip for having it, and I speak in favor of it.
24. And I'd like to be added as a...as a co-sponsor.

25. PRESIDENT:

26. Senator Savickas.

27. SENATOR SAVICKAS:

28. A question of the sponsor.

29. PRESIDENT:

30. Indicates he will yield. Senator Savickas.

31. SENATOR SAVICKAS:

32. Yes, Senator Philip, it was my understanding in committee
33. when we heard this, that you're able to get a double exemption under

1. this bill if you are sixty-five years of age and receive permanent
2. disability. Is this correct? Wasn't it vague, or...I forgot
3. the answer in the committee on that.

4. PRESIDENT:

5. Senator Philip.

6. SENATOR PHILIP:

7. Senator, you never asked the question in committee.

8. PRESIDENT:

9. Senator...Senator Philip.

10. SENATOR PHILIP:

11. The answer to the question would be, yes. But now we're
12. only talking about in cash to that person who would be sixty-
13. five years of age making under thirty thousand dollars a year
14. and having a hundred percent disability, you're talking about a
15. hundred and ten dollars off of their real estate tax. That's
16. what you're talking about. And quite frankly, it isn't very
17. much.

18. PRESIDENT:

19. Senator Savickas.

20. SENATOR SAVICKAS:

21. Well, you've got me a little perplexed, if he's a hundred
22. percent disabled how is he making thirty thousand dollars a year?

23. PRESIDENT:

24. Senator Philip.

25. SENATOR PHILIP:

26. Well, I'm sorry about that, Senator, but there are some people
27. that have a hundred percent disability that have some very unusual
28. creative talent. They could be writers, composers, your...your
29. father or mother could leave you millions of dollars, and you
30. could make it off of interest. And, what we're saying, if your
31. income is more than thirty thousand dollars a year, you shouldn't
32. be entitled to it.

33. PRESIDENT:

1. Further discussion? Senator Bruce.

2. SENATOR BRUCE:

3. Just...just want to point out to Senator Philip, that they
4. would not qualify under this Act, having taken several hundreds
5. of these cases before Administrative Law Judges, that would be
6. gainful employment, and they would not be eligible for Social
7. Security. So, none of those people would apply, you'd have to
8. have thirty thousand dollars worth of unearned income. They
9. cannot be able to engage in any gainful employment to be eligible.

10. PRESIDENT:

11. Any further discussion? Senator Philip may close.

12. SENATOR PHILIP:

13. Thank you, Mr. President, and Ladies and Gentlemen of the
14. Senate. This idea came to me from a person who has a hundred
15. percent disability in my district, complaining that they were
16. on a very limited...income, their real estate taxes were high. They
17. just...our tax bills in DuPage County just came out this month,
18. he's had almost a twelve percent increase. He has a very limited
19. income, and he says why shouldn't I, if I have a hundred percent
20. disability, and am fifty-one years old, receive some kind of a
21. homestead exemption. And I said, I don't know why you shouldn't
22. either. And I think we all ought to vote Aye.

23. PRESIDENT:

24. The question is, shall Senate Bill 199 pass. Those in favor
25. will vote Aye. Those opposed will vote Nay. The voting is open.
26. Have all voted who wish? Have all voted who wish? Have all
27. voted who wish? Take the record. On that question, the Ayes
28. are 37, the Nays are 10, 1 Voting Present. Senate Bill 199,
29. having received the required constitutional majority is declared
30. passed. 206, Senator Nash. Senator Nash. Senator Nash for
31. the third time. 206. Senator Nash, do you wish the bill called?
32. On the Order of Senate Bills 3rd reading, Senate Bill 206. Read
33. the bill, Mr. Secretary.

SB 207
3rd reading

1. SECRETARY:
2. Senate Bill 206.
3. (Secretary reads title of bill)
4. 3rd reading of the bill.
5. PRESIDENT:
6. Senator Nash.
7. SENATOR NASH:
8. Mr. President, and Ladies and Gentlemen of the Senate. I
9. yield to my co-sponsor, Senator Geo-Karis, on this bill.
10. PRESIDENT:
11. Senator Geo-Karis.
12. SENATOR GEO-KARIS:
13. Senate Bill...Mr. President, and Ladies and Gentlemen of the
14. Senate. Senate Bill 206 amends the Child Pornography Section
15. of the Criminal Code. And it...it changes the definition of the
16. sexual conduct to include the lewd exhibition of the genitals or public
17. area of any person regardless of age rather than the exhibition
18. of only post-pubertal human genitals or public...areas. We're
19. tired of these people who are sick, sick, sick, and exploit
20. children with child pornography. And we urge your favorable
21. consideration of this bill.
22. PRESIDENT:
23. Is there any discussion? If not, the question is, shall
24. Senate Bill 206 pass. Those in favor will vote Aye. Those
25. opposed will vote Nay. The voting is open. Have all voted who
26. wish? Have all voted who wish? Have all voted who wish? Take
27. the record. On that question, the Ayes are 56, the Nays are none,
28. none Voting Present. Senate Bill 206, having received the required
29. constitutional majority is declared passed. 207, Senator Nash.
30. On the Order of Senate Bills 3rd reading, Senate Bill 207. Read
31. the bill, Mr. Secretary.
32. SECRETARY:
33. Senate Bill 207.

1. (Secretary reads title of bill)

2. 3rd reading of the bill.

3. PRESIDENT:

4. Senator Nash.

5. SENATOR NASH:

6. This is the companion bill to 206, and I again yield to

7. Senator Geo-Karis.

8. PRESIDENT:

9. Senator Geo-Karis.

10. SENATOR GEO-KARIS:

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

12. This bill requires film processors who knowingly receive or handle

13. child pornography to deliver such pornography to the State's

14. Attorney. It immunizes the...processors from civil liability

15. ...for complying with this section, and failure to comply with

16. this section is a petty offense. It's a very worthwhile bill,

17. because it's an effort to stop this indiscriminate use of child...

18. children for sexual gratification to the expense of the child.

19. I urge favorable consideration.

20. PRESIDENT:

21. Any discussion? Senator Bloom.

22. SENATOR BLOOM:

23. Will the sponsor yield to a question?

24. PRESIDENT:

25. ...yes, sponsor indicates she will yield. Senator Bloom.

26. SENATOR BLOOM:

27. How are we going to enforce this one?

28. PRESIDENT:

29. Senator Geo-Karis.

30. SENATOR GEO-KARIS:

31. If the commercial film processor receives child pornographic

32. film and does not deliver it to the local State's Attorney, and

33. he's caught at it, he is subject to a fine.

1. PRESIDENT:

2. Senator Bloom.

3. SENATOR BLOOM:

4. Is there...is there a time period, I mean, I...I...I...

5. PRESIDENT:

6. Senator Geo...I beg you...Senator Bloom.

7. SENATOR BLOOM:

8. Is there a time period within which this has to be done?

9. I mean, I just don't follow, where's the enforcement mechanism
10. here?

11. PRESIDENT:

12. Senator Geo-Karis.

13. SENATOR GEO-KARIS:

14. If I recall correctly, Senator Bloom, there is no particular
15. time period, and since it would be a petty offense, it would
16. come under the Misdemeanor Statute, which does have
17. a time period, I think, of eighteen months.

18. PRESIDENT:

19. Further discussion? Senator Rhoads.

20. SENATOR RHOADS:

21. Senator, I'm not familiar enough with how the film processors
22. process the films. Do they have to visually inspect this? You...
23. you use the word knowingly receive this film. Do they look at
24. all films that are processed now, including home movies, that
25. sort of thing?

26. PRESIDENT:

27. Senator Geo-Karis.

28. SENATOR GEO-KARIS:

29. It's my understanding when a...when there's a film processor,
30. they process a film, they run it through to see if it's coming
31. out, if it's not coming...if it's coming out all blank, they
32. can report that the film is all blank. If they process it through
33. and they naturally see it, to see whether it's coming through

1. with figures or not.

2. PRESIDENT:

3. Further discussion? Senator Bruce.

4. SENATOR BRUCE:

5. Well, Senator, I guess all of us are going to vote for
6. this but I...I wonder if you can tell me what happens to the
7. guy who comes throughout Southern Illinois as we do, picking
8. up film all over, and taking it to processors in St. Louis and
9. Evansville mainly, some in Decatur, he becomes a film processor,
10. what happens if you mail this, does not the postman become, since
11. he receives compensation, does he not also become a film processor?

12. PRESIDENT:

13. Senator Geo-Karis.

14. SENATOR GEO-KARIS:

15. Well, technically is that's true but under this bill, it's only
16. the one who sees it. So, if comes...if it goes on computer where he
17. doesn't see it, he's not liable, he's not liable to report. But
18. I think we have an incumbent duty upon us to try and discourage
19. any kind of film pornography of children wherever we can.

20. PRESIDENT:

21. Senator Bruce.

22. SENATOR BRUCE:

23. Well, we all agree with that, Senator, no one's going to
24. stand up and say we're for child pronography. The question is, are
25. I think Senator Bloom has touched on it, is exactly in our haste
26. to do this, should we not take a look at it and make some definitional
27. changes that make the bill have some sense. Film processor in-
28. cludes anybody who handles this, and that's what your Act says,
29. who handles photographic film, negatives, slides, movies, et cetera,
30. et cetera, et cetera, from the time it leaves the customer. So,
31. the guy that picks it up is liable. All he does is just transport
32. the stuff around. Now, under...under the Criminal Code of the
33. State of Illinois, he gets involved in conspiracy. And all he

1. is, is just Joe Doe who picks up the stuff in Olney and drives it
2. to the Pixie laboratory in...in Evansville, Indiana, that's where
3. a great deal of ours goes. Now, it just seems to me we ought
4. to tighten up the definition. Secondly, your Act says that the
5. State's Attorney is the one who makes the determination, if it
6. is not child pornography, he returns it. But who makes the det-
7. ermination that it is child pornography? And you do...and your
8. Act, Senator, before you respond, is absolutely silent on that
9. point, absolutely.

10. PRESIDENT:

11. Senator Geo-Karis.

12. SENATOR GEO-KARIS:

13. This is a bill that was...that came out of the investigations
14. of the Legislative Investigating Commission on the sexual...ex-
15. ploitation of children. And on page 1 of the bill, in paragraph
16. B, it says, any film...processor who knowingly receives or handles
17. what appears to be child pornography as defined by the Section
18. 11-28 of the Criminal Code of 1961, et cetera. So, he has to
19. knowingly receive this thing, and knowingly know it. Otherwise, if
20. he doesn't, he's not liable. But there are people who...who
21. are film processors who go ahead and process films right...one
22. after another for these child pornographers, and this is what
23. we want to stop. If he takes it to the State's Attorney, and
24. the State's Attorney determines it's not child pornography, then
25. there's nothing to be done. I think it's a good bill, and I think
26. it's...it's a worthwhile effort on the behalf of the Legislative
27. Investigation Commission from the great research in the subject
28. on sexual...exploitation of children, and I think it's worth a try,
29. and I recommend its passage.

30. PRESIDENT:

31. Senator Bruce, you want to try again? Senator Bruce.

32. SENATOR BRUCE:

33. If the answers get any longer, I'm going to rent the hall by the

1. hour. I...I would just point out, Senator, all of us again are
2. absolutely, five hundred percent against child pornographers,
3. people who deal in child pornographers, people who deal in films,
4. slides, portrayals of any kind of child pornography, we're all
5. with you on this bill. The problem is the bill as drafted just
6. doesn't get it. And I would also point out to you and for anyone
7. who votes for this, and I plan to, and if I could vote twice, Senator,
8. I'd vote twice or three times, is that you have excluded from
9. civil liability anyone who...who...who deals in child pornography,
10. and they submit it to the authorities. If someone in my community
11. thinks that one of my constituents is dealing with child pornog-
12. raphy and he just says, Joe Jones is dealing in child pornography
13. goes to the newspapers, submits it to anybody he wants to, says
14. whatever he wants to, to anybody he wants to, your bill says that
15. guy is free from any civil liability as long as he happens to
16. be a film processor, and that includes the kid who works out
17. at the high school processing the newspaper, the Tiger Rag in
18. Olney. It says any film processor who, in good faith, complies
19. with this section shall be immune from civil liability for damages
20. caused to anyone. And so Senator, you've just let anybody that you
21. want to go around and libel and slander you as it relates to
22. child pornography, and they are free from any civil liability
23. whatsoever. Fine bill, I'll vote for it twice.

24. PRESIDENT:

25. Further discussion? Senator Sangmeister.

26. SENATOR SANGMEISTER:

27. Well, yes, I think, you know, we've passed out a couple
28. of child pornography bills, and we're all...want to be on the
29. right side on this issue, but I must say, we ought to take a
30. careful look at this one. It did come out of my committee,
31. I...I'm not apologizing for that, I was not in the committee
32. at the time it came out. But, Christ, when you got to...at that
33. time Senator Joyce was chairing the committee. Anyway the point

1. being is, I don't know what you're doing to your local State's
2. Attorney with this bill, because if I'm a film processor, I'm
3. going to make sure that my hands are clean so I'm going to
4. run to the State's Attorney with every piece of film that could
5. any way be close, if...you know, here's a family taking a picture
6. of their three year old waddling across the lawn with no bottoms
7. on, that might be child pornography, and I'm going to take it
8. to the State's Attorney to get it cleared. I...I just think the
9. bill is well-intended, it's an area that something needs to be
10. done in, but boy it's got to be tightened up an awful lot, and
11. unfortunately the Judiciary Committee did not do that.

12. PRESIDENT:

13. Further discussion? Senator Nash..

14. SENATOR NASH:

15. Mr. President, and Ladies and Gentlemen of the Senate. We're
16. getting a little carried away with this bill. All this bill does
17. ...all right, to backtrack a little bit, if anybody is familiar
18. with movies and developing movies, when they develop a piece
19. of film, they have a machine that they view with and check and
20. they can see very clearly if it's a child that the parents photographed,
21. or if it's child pornography. There's no question about it. It's
22. a very good bill, and I urge your support.

23. PRESIDENT:

24. Any further discussion? Senator Geo-Karis may close.

25. SENATOR GEO-KARIS:

26. Ladies...Mr. President, and Ladies and Gentlemen of the
27. Senate. This bill specifically provides that any film processor
28. has to...who reports it has to be in good faith. So, consequently
29. I think it eliminates one of the arguments. I would like to have
30. a...favorable consideration because, believe me, it's a necessary
31. bill considering all the pornography literature and movies that
32. are coming out.

33. PRESIDENT:

1. The question is, shall Senate Bill 207 pass. Those in
2. favor will vote Aye. Those opposed will vote Nay. The voting
3. is open. Have all voted who wish? Have all voted who wish?
4. Have all voted who wish? Take the record. On that question,
5. the Ayes are 48, the Nays are 3, 1 Voting Present. Senate Bill
6. 207, having received the required constitutional majority is
7. declared passed. 208, Senator Berning. On the bottom of page
8. 16, Senate...on the Order of Senate Bills 3rd reading, Senate
9. Bill 208. Read the bill, Mr. Secretary.

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15. (END OF REEL)
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SB 214
3rd Reading
5-19-81

1. SECRETARY:

2. Senate Bill 208.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDENT:

6. Senator Berning.

7. SENATOR BERNING:

8. Thank you, Mr. President and members of the Senate. This
9. is a...an administration bill. It was brought to me by the
10. Civil Service Commission. It does provide for witness fees and
11. travel expenses for persons who are subpoenaed in connection with
12. a Civil Service Commission Hearing. It's also supported
13. by the Department of Personnel because it does then clarify
14. the... Statute as to the issuing of subpoenas and the Civil
15. Service...the Department of Personnel would be guided by
16. the same Statutory provision. It is similar to the...provision
17. now in existence under the Illinois Human Rights Act. I know
18. of no opposition and Mr. President I would appreciate a favorable
19. roll call.

20. PRESIDENT:

21. Is there any discussion? Any discussion? If not, the
22. question is shall Senate Bill 208 pass. Those in favor will
23. vote Aye. Those opposed will vote Nay. The voting is open.
24. Have all voted who wish? Have all voted who wish? Have all
25. voted who wish? Take the record. On that question the Ayes
26. are 49, the Nays are none, 1 Voting Present. Senate Bill
27. 208, having received the required constitutional majority
28. is declared passed. 212. 214, Senator Davidson. On the Order
29. of Senate Bills 3rd reading, top of Page 17, Senate Bill 214.
30. Read the bill, Mr. Secretary.

31. SECRETARY:

32. Senate Bill 214.

33. (Secretary reads title of bill)

1. 3rd reading of the bill.

2. PRESIDENT:

3. Senator Davidson.

4. SENATOR DAVIDSON:

5. Mr. President and members of the Senate. This is a
6. tough bill. It's going to do away with the opportunity of a
7. person when they're convicted on home burglary for the first
8. time, the possibility of getting probation. This is going
9. to cause a mandatory four to fifteen year sentence. This
10. came about when the State's Attorney locally came to me last
11. summer and due to the offenses we have had, this has support
12. of the Illinois State's Attorneys Association. This was amended
13. in committee so that it does apply only to a residential burglary
14. and it's a four to fifteen year mandatory sentence. Many of
15. you got letters in support of this and I would urge a favorable
16. vote.

17. PRESIDENT:

18. Is there any discussion? Senator Buzbee.

19. SENATOR BUZBEE:

20. Well, I...I think probably, Senator, it would be a lot simpler
21. if you'd just...if you would...if you would, yeah, throw away
22. the key to start with and secondly then let's get the...let's
23. get the hatchet out and start cutting off their hands and arms
24. like it was proposed in the House with a particular piece of
25. legislation. You know, we're all against crime and criminals,
26. but the fact of the matter is that with...the correctional
27. facilities that we have in this State today, the Director of
28. the Department of Corrections, has indicated in testimony that
29. by July of this year, he will reach his maximum bed capacity.
30. By the winter of about 1984 or 5 we're going to be some twenty-
31. five hundred over. Now, we just can't build prisons fast enough
32. quite frankly, to keep up with the population that the director
33. now knows we're going to have. So if I understand your bill, the

1. first time somebody burglarizes a house, you're going to put
2. him in the big house, you're going to put him behind the
3. slammer, put him in the slammer for four to fifteen years.
4. Now, I'm...I'm hopeful that that will stop home burglaries,
5. I don't think that it will. I have voted for almost every one
6. of Senator Sangmeister's pieces of legislation which established
7. Class X. Class X originally was designed for the...the
8. serious corporal type crimes...and for the habitual criminal.
9. And now we're to the point, if you're going to lock them up
10. for four to fifteen years, if somebody breaks in my apartment
11. here in Springfield while I'm gone and takes out my little
12. clock radio, which would probably be best for me because
13. it's not a very good one anyhow. But then he's going to go
14. to the big house for four years, minimum, fifteen years maximum.
15. Now, I don't know where he's going to sleep when he gets to the
16. big house or where we're going to lock him up, because there
17. ain't going to be any bed space for him, if you'll pardon
18. my down-home...pronunciation. I...I think that the time has
19. come that we...use Class X for what it was designed. My goodness
20. ...if we...if we put everybody in that...that goes into a house
21. or an apartment for four to fifteen years, you're going to be
22. so crowded with...with people in there forever, that we're
23. never going to be able to...to build prisons fast enough. Only
24. costs about twenty thousand dollars a year right now, by the
25. way...to keep somebody in prison. I submit that my clock
26. radio isn't worth eighty thousand dollars.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Is there further discussion? Senator Hall.

29. SENATOR HALL:

30. Will the sponsor yield for a question?

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Indicates he will.

33. SENATOR HALL:

1. Senator Davidson, who did you say wanted this?

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Senator Davidson.

4. SENATOR DAVIDSON:

5. The...the State's Attorneys' Association were the first
6. ones who talked to me about it, the people want it. I'll
7. read you a letter that tells you why you'll want it. This
8. is from Southern Illinois, Senator Buzbee. This is from a
9. lady who wrote this letter on March the 28th, after she saw
10. it in a newspaper. "Aside from what we lost in cash and
11. valuables the thing that's most...most unnerving to us
12. all is the fact that someone has been through our personal
13. belongings and...but when I stay home unexpectedly with
14. a sick child, I'm afraid all day of what might happen if they
15. decide to break in today and found us here." The people want
16. this, I can give you a stack of letters this high that responded
17. from the news articles. The State's Attorneys' Association
18. supports it. For...other information when you talk about the
19. first time, Senator Buzbee, every home burglar who is convicted
20. has an average of fifteen to thirty home burglaries before
21. he's caught the first time. Under the present law, if he
22. hadn't been convicted, you'd give him probation. So he gets
23. another fifteen or thirty and I hope to heck it's not your
24. house or your wife that they break into.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Senator Hall.

27. SENATOR HALL:

28. Well, that...that was a long explanation, but I just wanted
29. to ask, how did you arrive at this...penalty, how did you arrive
30. at that penalty?

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Senator Davidson.

33. SENATOR DAVIDSON:

34. I arrived at the penalty with, after consultation with
35. Judiciary I, 'cause I want to tell you when I put the bill

1. in it was a hell of a lot tougher than this one is. The bill
2. called for six...to fifteen and if you...robbed somebody
3. over fifty or with the intent to rape, you got fifteen to thirty.
4. But Judiciary I wouldn't buy that, but they did buy four to
5. fifteen. That's why the bill is at four to fifteen.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator Hall.

8. SENATOR HALL:

9. Well, all of us want to see something...curbed but I
10. think you're going to an extreme in this matter. Now, I...I'm
11. not condoning burglary and I hope that...I know no one else
12. is here, but you're going to an extreme in this. I think your
13. penalty is too harsh, Senator.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Senator Collins.

16. SENATOR COLLINS:

17. Question of the sponsor.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. He indicates he will yield.

20. SENATOR COLLINS:

21. Does this include juvenile...offenders also?

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Senator Davidson.

24. SENATOR DAVIDSON:

25. No, it does not.

26. SENATOR COLLINS:

27. Even...where is it...is it indicated in, I...I looked
28. for it here and I don't see all exclusion.

29. SENATOR DAVIDSON:

30. Juvenile Court Act doesn't have determining sentencing
31. in it.

32. SENATOR COLLINS:

33. But I still think, Senator, that you would have to make

1. that exclusion when you just said, burglary.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Senator Davidson.

4. SENATOR DAVIDSON:

5. If it...if it's a juvenile and he's prosecuted under the
6. ...Juvenile Act and there's no determining sentencing under
7. the Juvenile Act then this would not apply, would it not. So
8. to put it back in here, it would be excess language.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Senator Collins.

11. SENATOR COLLINS:

12. I think this...I...I think Senator Buzbee and Senator
13. Hall put their finger on it. I...I, you know, I think we're
14. wasting an awful lot of time here worried about every year
15. how many groups of people that we going to lock up, classifications
16. of people. Maybe within the next five years we'll figure out
17. a way to lock all of us up, or whoever is left down here and
18. then we won't have the problem anymore. The reality is that
19. we refuse to want to deal with the real problems out there and
20. the causes of crime. And each year we pass legislation, the death
21. penalty, Class X, the three time loser and the habitual criminal
22. and...and on and on and on. And we're not curbing crime or
23. burglaries, you going to continue to have crime and burglaries
24. on the streets. And by doing this, you're just wasting the State's
25. money. And for God sakes, there's no place to put the ones that
26. we have now. As a matter of fact, they're turning them out on
27. the streets, those who shouldn't be turned back on the streets.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Senator Bruce.

30. SENATOR BRUCE:

31. Mr. President and members of the Senate. I suppose in
32. all these bills we all want to vote with the angels. But I
33. think, Senator, you've gone just one step too far with this

1. one and you're going to lose me on this one. There is a time
2. when we have criminal laws that we have to worry about the rights
3. of the normal citizen versus the rights of the criminals. And
4. we have for the last ten years that I've been here certainly
5. taken a good lick at criminals and we are trying everyday
6. to make sure that the criminal process falls harshly on those who
7. want to engage in illegal conduct as we define it in the
8. Legislature here. But you have gone beyond that distinction
9. that is between the normal citizen and the criminal and confused
10. what I consider the difference between persons and property.
11. And you have said that it is very important that property and
12. persons be somehow put on a very different scale. We're
13. not talking about invading a home in which someone is present
14. because that is home invasion and if you make any threat against
15. those people you have the possibility of facing a Class X
16. Felony. You are talking about the invasion of my home when
17. my wife or my children are not there. He steals a twelve
18. dollar radio and goes off to the penitentiary for four years,
19. at least. And Senator, you have confused persons with property.
20. And I don't think we ought to say that that person has no
21. rights, that we can just cast him away along with the radio.
22. That there is a point in which, yes, home invasion where someone
23. is present and they are, in fact, threatened, we can be very
24. harsh. But we are only talking about protecting the rights
25. of that radio or that set of silver and balancing that against
26. sending a person, a live person, to jail for four years. And
27. I think that you have misdrawn the distinction. And this bill
28. ought not to pass.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Senator Sangmeister.

31. SENATOR SANGMEISTER:

32. Well, thank you. I rise only because I'm getting a little
33. joshing over on this side as to how this...how this bill got out.

1. Well...I'll tell you. ...That's right, I was there, damn right
2. I was there, I voted for it. I'll tell you one thing, there's
3. a lot of frustration that Senator Davidson is talking about
4. and you understand, Senator, I'm rising in favor of your bill,
5. you only arise to oppose mine, I wanted to indicate that to
6. you. But besides that, there's a lot of frustration in this
7. country over what's happening in our homes and this bill
8. vents that frustration. Now, if you think this bill is bad
9. now, you ought to have seen it when it first came in. There
10. was...this thing has been substantially reduced, whether you
11. believe that or not, you know. For example, it is now limited
12. to homes, when it first came into committee it applied to
13. anything, business property, whatever...yes, and it was...also
14. senior citizens were an extra category that was added. Plus
15. at the request of Senator Bowers, we've amended this down
16. so that good time now applies to this, before you couldn't
17. even get good time. So you see we have really watered it
18. down to a certain point and I'd say, vent your frustrations
19. and vote Aye.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Senator Geo-Karis.

22. SENATOR GEO-KARIS:

23. Mr. President, Ladies and Gentlemen of the Senate. Briefly,
24. I think it's pretty bad when someone has to violate another...
25. person's house knowingly without authority. And I'm not going
26. to have any sympathy for people who keep doing these things
27. 'cause like Senator Sangmeister said, the people are...the good
28. people are sick and tired of this stuff. We've had...an eighty-
29. seven year old woman raped and strangled by...people who went in to rob
30. and kill. So I certainly speak in favor of this good bill.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Senator DeAngelis.

33. SENATOR DeANGELIS:

1. Thank you, Mr. President. I think one thing that should be pointed
2. out, Senator Bruce, you have a good...you have a good argument
3. about property versus people, however...most people that commit
4. residential burglaries don't know whether they're going to
5. commit a home invasion or a residential burglary because
6. they don't know whether somebody is in there or not. And it
7. is only by chance that it's a residential burglary instead
8. of a home invasion. I don't know if any of you have ever had
9. the experience of having your home burglarized, but it's a
10. rather traumatic experience to walk into your home and find
11. that everything has been thrown about, precious things have
12. been stolen and the amount of disruption and trauma that
13. it creates on your family life and your children thereafter.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Senator Chew.

16. SENATOR CHEW:

17. ...Is this Senator Davidson's bill? First bill, well,
18. let me tell you something, to get absolutely serious. The
19. bill should have come through committee as it was originally
20. designed. Most people that live in Chicago have experienced
21. that sad day of walking home and finding most of the things
22. that they have labled for...labored for over the years, taken
23. through home burglaries. I've had the experience. The home
24. guard industry didn't get wealthy until burglars started
25. invading homes. And in the various communities you go through
26. in Chicago, you see burglary doors, windows, all kinds of
27. alarms. People have become so self-safety conscious until
28. we've had some fires and people have been trapped in these
29. homes because of the burglary bars. If one invades your home
30. he ought to go to jail, it ought to be mandatory. Whether
31. he takes a twelve dollar radio or a two dollar watch, the
32. fact is that he has no business there. And if we are here
33. trying to protect these little criminals, then we should

1. go out and help them break in homes and be right at home.
2. Now I live in a congested community, not necessarily a ghetto,
3. and we have some homes in our community that's valued at two
4. and three hundred thousand dollars. And I dare say, you can talk to
5. five people and not have four burglaries as their experience.
6. And if we don't tighten up these laws, we aren't doing anything
7. but giving them more leverage to go in and take things that
8. you own. And as a group of lawmakers, this kind of thing
9. shouldn't even be debated, it ought to automatically pass.
10. So, if you got twenty-nine votes over there, I'll be your thirtieth.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Senator Newhouse.

13. SENATOR NEWHOUSE:

14. Thank you, Mr. President. We're talking about a very serious problem. But
15. there's several comments that I...I'd like to make and one is this. When you
16. talk about home burglaries, you're talking about several different
17. classes of people. You're talking about vicious criminals
18. on the one hand, you're talking about junkies on another
19. hand and you're talking about kids on the third hand. Do you
20. want to treat them all right, I think not...alike, I don't
21. think so. But further than that, I wonder if you really
22. want to put into prison a person who has committed a crime
23. against property and then let out on early release because
24. you don't have the room, some vicious criminals who have done
25. physical harm to people and there's no question that they're going
26. to repeat that physical harm to people again. I...don't under-
27. estimate the scope of the problem, it's a very serious one,
28. but it may call for perhaps looking at the restructuring of the
29. Criminal Code. We got some serious decisions to make. Do we
30. want to spend the money to build more jails, to hire more stuff?
31. Do we really want a Department of Corrections or do we want
32. a penal institution, there's a difference between the two. And
33. the fact is we may want some of both, but it seems to me that

1. those are the decisions we're going to have to make sooner or
2. later and while we can't make them on this bill, I think that
3. before we vote on this bill, we need to understand that those
4. are the options that face us. I'm...I'm...I'm...I'm convinced,
5. Senator, that there is sentiment for the bill that you described.
6. I'm convinced that there is sentiment for the bill as it first
7. came into the committee, there's no question about that. But
8. our responsibility then is to look further than that sentiment
9. at the real consequences of what we do. And...and we may, in
10. fact, be putting into prison some people who don't belong there,
11. and as a consequence we may be putting out on the streets, some
12. people who don't belong there. Think about it.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Senator Buzbee.

15. SENATOR BUZBEE:

16. Thank you, Mr. President, I apologize for the second time.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Oh..if I would have known that, I wouldn't have recognized
19. you. We have two other Senators on the first...

20. SENATOR BUZBEE:

21. I...I know that...I...oh, okay, I'll wait my turn, Mr.
22. President.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Senator Joyce.

25. SENATOR JEREMIAH JOYCE:

26. Thank you, Mr. President, members of the Senate. Very
27. briefly, part of the commentary that took place at the Judiciary
28. Committee dealt with what happens in the real world. And what
29. happens in the real world is, we do not put first time burglars
30. who steal people's radios, burglarize people's homes and take
31. their radios, in the penitentiary. They're not even tried for
32. burglary, they're tried for other crimes, criminal damage to
33. property, criminal trespass...to land, these types of crimes.

1. We're talking about people here who make their living burglarizing
2. residential properties and we...we...we are talking about people
3. because there's some discretion on the part of the prosecutor.
4. And there's...members of this Body who have worked as State's
5. Attorneys and Assistant State's Attorneys who will verify
6. what I say and that was brought out in committee. We are talking
7. about people who make their living burglarizing residential
8. properties and we are saying that they should go to jail, it's
9. that simple.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Senator Thomas.

12. SENATOR THOMAS:

13. Thank you, Mr. President. Without belaboring the point,
14. I'll take just twenty seconds. One of the things that Senator
15. Davidson said, made a lot of sense. These are not people, who
16. just on a lark, break into a house for the first time. Often-
17. times they have broken into perhaps fifteen, twenty, thirty
18. homes before they get caught and that's an important thing.
19. But I think most importantly, we've spent several weeks now,
20. including in Committee on Judiciary II and here on the Floor
21. today, we have debated the handgun issue to ad infinitum.
22. And the fact remains that one of the easiest ways and the
23. most oftentime ways that handguns get in the hands of the
24. wrong people is through the break-in of apartments and homes
25. where the honest people have weapons at home, not for the use of
26. harming anyone, but for protecting themselves, but through
27. a home break-in this is where these people are obtaining
28. shotguns, knives and handguns. There have been two instances
29. in my district alone where a gun dealer in East Moline had
30. fifty-seven weapons taken from his home, he was a gun dealer,
31. one of those weapons was used in a homicide in Galesburg. I
32. support this bill.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Senator Becker.

2. SENATOR BECKER:

3. Thank you, Mr. President. I call for the previous question.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Senator, if you'd hold the motion. We have two speakers,
6. we have Senator Buzbee for the second time and Senator Rock,
7. I think for the first time. Senator Rock.

8. SENATOR ROCK:

9. Thank you, Mr. President, Ladies and Gentlemen of the
10. Senate. I rise in opposition to Senate Bill 214. I think
11. we have seen in this State and across the nation, that the
12. laws that are best enforced are those that are reasonable.
13. This, in my judgment, is unreasonable. To mandate four
14. to fifteen nonprobationary for a crime of this sort, when
15. it is already a Class II Felony and if one commits and gets
16. convicted of a second one, you don't get probation anyway.
17. It seems to me just...just to be...if this is the only way
18. we can vent our frustration, I suggest we find a different
19. way. This is unreasonable and I would urge a No vote.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Senator Buzbee, for the second time.

22. SENATOR BUZBEE:

23. Thank you, Mr. President. I have in front of me the
24. budget request for the Department of Corrections operation
25. for FY '82. The request is two hundred fifty-nine million,
26. seven hundred seventy-three thousand, seven hundred dollars.
27. Now, that's what we are...currently the operational costs
28. of our Department of Corrections. That does not include
29. the capital costs of building those prisons. As I indicated
30. in earlier...in earlier discussion on the Floor, the Director
31. of the Department of Corrections has testified that by 1986,
32. he needs four new seven hundred and fifty bed facilities to
33. be able to handle the population that is coming into the

1. Illinois Prison System, the Illinois Department of Corrections,
2. under current laws. A lot of discussion has gone on as to
3. what happens when somebody breaks into a home and rapes
4. or somebody breaks in and attacks an individual. That is
5. already a Class X Felony. We already, under current law,
6. lock them up and keep them there. But when you have, as I
7. said to you earlier, twenty thousand dollars a year is
8. approximately what it costs to incarcerate an individual in
9. the Illinois Department of Corrections. Now, we saw what
10. happened in one situation, in Pontiac, where the riot that
11. took place there and because of that and because of Federal
12. Court orders, the Director of the Department of Corrections
13. is letting...felons out on the street in a...in a...in a
14. early release program just to...be able to have bed space
15. to bring...to take care of the new folks coming in. That
16. riot in Pontiac has already cost the taxpayers of the State
17. of Illinois according to the director's testimony and this
18. is a conservative figure, he says, that riot has cost the
19. taxpayers of the State of Illinois, sixty, 60 million dollars
20. in new capital construction, additional operational costs
21. for additional security guards and prosecution and defense
22. costs. So, we're going to be building, we just added another
23. nine million to the Department of Corrections so they can
24. open up the three new facilities that are coming on line
25. this year, at Centralia, Hillsboro and Moline. It's going
26. to cost eighteen million dollars a year just to operate
27. those three facilities. We've got to build at least four
28. new seven hundred and fifty bed facilities given just current
29. Illinois criminal law. By 1986 we have to build four new
30. facilities. So, just get prepared for the cost folks, if
31. you're going to take...put a...a convicted, first time
32. convicted burglar. You know, and all of this argument about
33. he commits fifteen or twenty before he's ever caught, well

1. I thought that in the...in the United States of America you
2. were...you were innocent until proven guilty. If we catch him
3. one time and convict him one time, we're going to lock him
4. up for a minimum of four years for perhaps the theft of a
5. radio and that's going to cost us...eighty thousand dollars
6. just to keep him there. That doesn't include what it's
7. going to cost just to have to build a new prison to...to
8. house him. I think it's a bad concept.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Senator Chew, for the second time.

11. SENATOR CHEW:

12. Mr. President, as a member of this Body, I think I have
13. heard it all. Senator Buzbee has said, in effect, let us
14. not put them in jail until we build enough facilities. So
15. let them out there and do their thing, let them burglarize
16. your homes, let us not convict them because we don't have
17. facilities to keep them captured. Well, if it costs the
18. taxpayers sixty million or billion dollars to put criminals
19. in jail, what do you think the cost is of the merchandise
20. that's stolen in these home burglaries. So the homeowner
21. suffers, I assume he's not a taxpayer or his loss doesn't
22. count. We cannot afford to justify crime simply because
23. the State does not have sufficient facilities to put
24. criminals away. If you got to build some wire fences and
25. put them in there and get enough guards to keep them in
26. there, let's do it. We don't have to have all these modern
27. facilities to put one of these little crooks in jail. And
28. to tell me that you're not going to...you don't want to put
29. them in jail because you don't have the facilities, in my
30. opinion, is doing nothing but cuddling crime. Come to Chicago
31. and live up there two weeks in some of those neighborhoods
32. and by God you'll come down here and change your mind, Senator.
33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Senator Egan.

2. SENATOR EGAN:

3. Well, right on, Charlie, I agree. And I...let me say this,
4. if I may Mr. President and members of the Senate. Unless we
5. prevent crime, it will happen and this is just another way
6. to prevent it. If we keep saying, fellows you can do what
7. you want to do because we can't put you away, they're going
8. to keep doing what they want to do. If we don't stop it
9. here, then it will continue. As far as I'm concerned, you
10. can make it a Class X Felony, for all of you fellows that
11. really have sympathy for somebody that breaks into your
12. house in the middle of the night.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. ...There's no further discussion, Senator Davidson may
15. close debate.

16. SENATOR DAVIDSON:

17. Mr.President, members of the Senate, normally I'd
18. ask for a favorable roll call and be quiet, but there's a
19. few things...to be answered. Senator Chew answered part of
20. it already, but the whole intent of this bill is one bottom
21. line, and that's to discourage life endangering entry into
22. a home. That's what the bottom line is. Now...I hope Franklin
23. County is in your district, Senator Buzbee, 'cause this letter
24. that I responded to is from that lady about...I'm going to give
25. to you to answer. The whole thrust of this came about last
26. summer when my neighbor, whose house apparently...had been
27. watched, went to the hospital to pick up her husband who
28. was being discharged from a heart attack. Drove in her
29. driveway, opened the front door and saw chaos. Fifty some
30. odd years of marriage went down the drain with everything
31. they'd hauled out when they kicked in the backdoor. This
32. couple are now in their middle seventies. You can walk
33. past their sidewalk today and ~~stop~~ hard and they go into shock.

1. Fortunately, the man didn't go into another heart attack, but
2. he went into shock, which took the medical care. ...Then the
3. State's Attorneys' people came in support of it. The whole
4. thrust of this, Ladies and Gentlemen, is to get that person
5. out of circulation and keep him out. You're convicted him once.
6. Let's talk about the cost, the social cost, to that individual
7. for the next year or three years, that's not going to sleep.
8. The whole thrust is to get that person, whoever it is that's
9. doing this. I always thought your home was your castle and
10. this is, by golly, what it's all about, let's get that person
11. off the street. And that's what it's all about. Please vote
12. Yes.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. The question is shall Senate Bill 214 pass. Those in
15. favor will vote Aye. Those opposed vote Nay. The voting is
16. open. Have all voted who wish? Have all voted who wish?
17. Have all voted who wish? Take the record. On that question
18. the Ayes are 41, the Nays are 15, 1 Voting Present. Senate
19. Bill 214, having received the constitutional majority is
20. declared passed. Senate Bill 215, Senator Schaffer. Read
21. the bill, Mr. Secretary. For what purpose does Senator Vadalabene
22. arise?

23. SENATOR VADALABENE:

24. Yes, I...I'm rising on a point of personal privilege and
25. I want Senator...

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. State your point.

28. SENATOR VADALABENE:

29. ...Senator DeAngelis to listen to this story. And I...

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Senator Chew.

32. SENATOR VADALABENE:

33. ...we had the gun bill and now we had this...this bill

1. here and I didn't want to make the statement before...before
2. this bill was voted on. About two weeks ago in my home, about
3. two o'clock in the morning, we had...there was a tremendous
4. thump against the window and it seemed like someone was breaking
5. in. And in...and my wife and I both woke up and we both heard
6. the noise and we both got up and I told her not to turn on
7. the lights. And I have in my closet a twelve gauge shotgun
8. hanging here and a sixteen brownie hanging here and I reached
9. and unzipped the twelve gauge shotgun and reached up and got
10. one of the shells, over the...over the...on the shelf, one
11. of the sixteen gauge shells and put it in a twelve gauge
12. shotgun..yeah, you're laughing. Now, you know, I run into
13. my wife four or five times with a jammed shotgun and you
14. talk about DeAngelis' frustration and panic, you ought to
15. have seen me with that twelve gauge shotgun with a sixteen
16. gauge shell in it and couldn't do anything...and the gun is
17. still jammed. And I just want to let you know that there's
18. some problems even though you're home with a jammed shotgun.
19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Senator, if you'd keep us informed on the progress of
21. the gun, we'd appreciate it. Senate Bill 215, Senator Schaffer.
22. SECRETARY:

23. Senate Bill 215.

24. (Secretary reads title of bill)
25. 3rd reading of the bill.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Senator Schaffer.

28. SENATOR SCHAFFER:

29. This bill doesn't have anything to do with house breaking
30. or jammed shotguns, it simply would allow the Regional Trans-
31. portation Authority to be sued in any of the six counties it
32. serves. As amended, at Senator Berman...suggested, it does
33. not allow someone to shop around, they have to be a resident
34. in the county they...the suit is brought in. For some reason

1. when the act was originally enacted, they were restricted to
2. Cook County. We'd like to see people be able to sue from
3. whatever county they happen to live in and not have to travel
4. to some other county. I believe it got out of committee with a
5. unanimous vote. I don't know of any opposition. Be happy
6. to answer any questions.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Is there any discussion? Senator Rock.

9. SENATOR ROCK:

10. Thank you, Mr. President, Ladies and Gentlemen of the
11. Senate. I rise in opposition to Senate Bill 215 and I suppose
12. this is just another example, let's wave the flag and take
13. out our frustration again. This is an amendment to the
14. Civil Practice Act and it is the law of this State, that
15. a corporation, public or private, if it's to be sued, is
16. to be sued in the principal place of business. You can't
17. sue the State of Illinois, for instance, anywhere that you
18. wish. You sue in Springfield or in Chicago. And the bill...
19. the law reads that actions must be brought against a public...
20. municipal governmental or quasi-municipal corporation in
21. the county in which its principal office is located, period.
22. The change in the law now says, except in the case of the
23. RTA, sue them anywhere you want.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Is there further discussion? If not, Senator Schaffer
26. may close debate.

27. SENATOR SCHAFFER:

28. Well, Senator Rock, frankly, I'm not going to debate
29. law with you, I'm smarter than that. But to simply put,
30. I think if a resident of Will County or Lake County or
31. McHenry has a... a legal action, they shouldn't have to go
32. to another one. I don't know of any other unit of government
33. where this prevails. I think we're talking about a very unique

1. situation. Frankly, it was something that was put into the
2. act originally. We amended that particular section of the
3. law so we didn't amend the RTA Act so that I wouldn't be
4. accused of trying to run a vehicle bill through for other
5. purposes. Obviously, the mood of this Body seems to have
6. changed since earlier this year. Maybe I could have amended
7. that section. That's why the amendment was in the particular
8. section you cite simply because it is something that has stuck
9. in the craw of those of us in the other counties. And it
10. is kind of a negative reflection on our judicial systems.
11. I would appreciate a favorable roll call. I think it's only
12. fair and just and I might point out that there are backlogs
13. in Cook County and perhaps this would help serve...solve
14. those problems.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. The question is shall Senate Bill 215 pass. Those in
17. favor will vote Aye. Those opposed will vote Nay. The
18. voting is open. Have all voted who wish? Have all voted
19. who wish? Take the record. On that question the Ayes are
20. 34, the Nays are 18, Present 1. Senate Bill 215, having
21. received the constitutional majority is declared passed.
22. Senate Bill 217, Senator Geo-Karis. Senate Bill 218, Senator
23. Simms. Read the bill, Mr. Secretary.

24. SECRETARY:

25. Senate Bill 218.

26. (Secretary reads title of bill)

27. 3rd reading of the bill.

28. SENATOR SIMMS:

29. (Machine cut-off)...Mr. President, Ladies and Gentlemen
30. of the Senate. Senate Bill 218 amends the Local Records Act
31. to make certified audits made by the Auditor General, Auditor
32. ...County Auditor or other audits of certified public accountant
33. audits of units of government shall be made available for public

1. inspection upon receipt. This basically insured that audit
2. reports on the receipt and the use of public funds by govern-
3. mental units shall be available for public inspection. The
4. bill received no opposition in committee and I would solicit
5. a favorable vote.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Is there any discussion? If not...Senator DeAngelis.

8. SENATOR DeANGELIS:

9. Question of the sponsor.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. He indicates he'll yield.

12. SENATOR DeANGELIS:

13. May I ask why home rule units were exempted from this?

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Senator Simms.

16. SENATOR SIMMS:

17. This was the amendment that was offered in committee by...
18. the committee chairman and that portion was eliminated.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Further debate? If not, the question is shall Senate
21. Bill 218 pass. Those in favor will vote Aye. Those opposed
22. vote Nay. The voting is open. Have all voted who wish? Have
23. all voted who wish? Take the record. On that question the Ayes
24. are 54, the Nays are none, none Voting Present. Senate Bill
25. 218, having received the constitutional majority is declared
26. passed. Senate Bill 219, Senator Grotberg. Read the bill, Mr.
27. Secretary.

28. SECRETARY:

29. Senate Bill 219.

30. (Secretary reads title of bill)

31. 3rd reading of the bill.

32. PRESIDING OFFICER: (SENATOR SAVICKAS)

33. Senator Grotberg.

1. SENATOR GROTBORG:

2. Thank you, Mr. President, fellow Senators. A couple
3. of years ago we amended the Dram Shop Act to allow university
4. student centers and faculty centers along with several other
5. public institutions to dispense, receive and sell alcoholic
6. beverage. The big pitch then was for conventions and...and...and
7. seminar types of things at the university centers. The hotel-
8. motel industry and I remember speaking against the bill at the
9. time, has had a grave concern that they are losing productive
10. convention business to tax free organizations such as...the
11. universities and Senate Bill 219 is an attempt to narrow the
12. playing field a little bit on that and the original bill
13. indicated that any convention or meeting on a university site
14. qualifying for the Dram Shop privilege would have to have been
15. sponsored by an organization of the faculty or student body
16. or alumni thereof. The amendment that was placed on it to
17. make it acceptable to both the hotel-motel restaurant industry
18. and the universities now indicates that the participants in
19. those conventions or seminars in cultural, political or
20. educational activities held in such facilities. Political
21. was added so Senator Sam can have his fund-raiser at Edwardsville,
22. I believe. And provided further that faculty or staff of the
23. State university members or members of an organization be
24. in the sponsorship of those meetings, rather than the official
25. organization themselves. It's a little watered down version of
26. what we would have liked from the standpoint of the Convention
27. Bureau and the trade...the innkeeper hospitality trade in
28. Illinois but it's an agreed amendment process and I would be
29. glad to answer questions, otherwise ask for a favorable roll
30. call.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Is there any discussion? Senator Berning.

33. SENATOR BERNING:

1. Yes, a question of the sponsor please.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. He indicates he will yield.

4. SENATOR BERNING:

5. Are we by passing this bill inadvertently implying that
6. an organization of students, now obviously an organization
7. of students is a group composed of individual students, and
8. when we say an organization of students must be a participant
9. in any such activity where alcoholic beverages are going to
10. be sold, are we left-handedly saying that students, per se,
11. are eligible to partake of alcoholic beverages without any
12. restrictions?

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Senator Grotberg.

15. SENATOR GROTBERG:

16. Oh, sorry, I couldn't see my light. Senator Berning,
17. your question is well put, the original bill said all of that.
18. The amendment says only that it would be a member of those
19. organizations of students, alumni, faculty or staff of the
20. State university, members only, not officially...organizations.
21. you know, not...not...the official organization doesn't have
22. to be a participant in the seminar or conference, but at
23. least members of official organizations have to be involved.
24. You know, I don't know what school you graduated from, but
25. if you're an alumni of Northern Illinois University and you're
26. a member of the Alumni Club, you can come out and have a
27. seminar or a meeting at NIU and qualify for such a privilege.
28. The students have always been involved ever since we passed
29. the bill.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Is there further...Senator Berning.

32. SENATOR BERNING:

33. Well, if it were alumni and faculty, there could be little
34. if any question, but when we say students and we just recently

1. raised the drinking age, it appears to me that we may be
2. inadvertently endorsing the concept of underaged persons
3. participating and utilizing alcoholic beverages with this
4. provision.

5. SENATOR GROTBORG:

6. Not...not really, Senator. The...the original bill
7. was silent on that whole spectrum of who could be involved,
8. so everybody was involved. Actually, we've narrowed it down
9. to specific classes of people and if they're underage they
10. can't be involved anyway, period. So, the...the bill is
11. self-enacting on that particular concern of yours.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Is there further discussion? Senator Berning. Senator
14. Buzbee.

15. SENATOR BUZBEE:

16. Thank you, Mr. President. Senator Grotberg, in a lot of
17. university communities, the only facility big enough in the
18. community to have a convention or to have a meeting of...of
19. any size is the University Student Center. And I don't know
20. of any of those facilities that are used in any manner that
21. would conflict with...with the private industry that the
22. Hotel and Motel Association and then...and the bars, saloons
23. and taverns in those towns. Usually what happens, they have
24. a...a function, a dinner or something like that with a thirty
25. minute or an hour cocktail party beforehand and then they
26. go right into the dinner, then when the dinner is over, that's
27. it. Now, if I understand your bill, it would restrict the...the
28. sale of...of alcoholic beverages for such things as political
29. functions or for...there are a lot of conferences as an
30. example, a lot of conferences held in...in university facilities
31. that are not university connected at all. They are industry
32. related or...or interest group related of one...one fashion
33. or another. They go in and contract with the university to

1. use one of the rooms, or a couple of the rooms in the Student
2. Center, the university makes money out of it and it's good
3. for the...good for the community. Because those folks then
4. end up going and staying that night in a local motel and
5. spending their money in the restaurants and the...and the
6. ...the bars of the local community. I would hate to see you
7. restrict just because the sponsor of one of these events
8. was not a member of the Alumni Association...or not...not
9. a member of the faculty or not a member of the student body that
10. ...that they would not be able to...to have such a function
11. as this. And let me...let me ask you a question now. I
12. am a member of the Alumni Association at Southern Illinois
13. University, would that qualify me then to have a political
14. fund raising event where alcoholic beverages could be sold
15. if I wanted?

16. SENATOR GROTBORG:

17. Absolutely, you are included in this bill under those
18. conditions.

19. SENATOR BUZBEE:

20. ...Okay, but there are a lot of people who, like I said,
21. come to Carbondale or to other university communities in this
22. State to have meetings, to sponsor meetings, but they are not...
23. they are not members of the Alumni Association. And...and I
24. think that your...your bill would, in fact, be counterproductive
25. because you're going to preclude those folks from having that
26. forty-five minute cocktail party before dinner and then going
27. out afterwards and spending money at the local motel bar.

28. SENATOR GROTBORG:

29. That's...you...you're catching on...you're...you're...

30. SENATOR BUZBEE:

31. What I'm saying is, I think it's counterproductive because
32. they're going to say, well I'm not going to come down to that
33. university community then and spend...and spend the money

1. in that hotel.

2. SENATOR GROTBORG:

3. ...If you'll let me in there, Senator, I appreciate
4. what you're saying, but up until two years ago, they couldn't
5. do it at all.

6. SENATOR BUZBEE:

7. I understand that.

8. SENATOR GROTBORG:

9. And...believe you me, there are a lot of hard working
10. hospitality people out in the real world trying to hustle
11. a buck in these declining days of this economy and the one
12. thing we don't need is tax exempt organizations like State
13. universities ripping off the little bit that there is. We've
14. tried to find an accommodation so that bona fide organization
15. members can at least come home to alma mater and have a...have
16. a cocktail hour before their dinner. And...any meeting
17. that wants to be held there can do it as they always have, except
18. they can't participate in...the dispensing of alcoholic beverages.
19. I think it's a good compromise, incidentally, because we...we in
20. the hospitality trade wanted to go a little further and we
21. met some of the objections and we worked at length with the...
22. with the Board of Regents, the Board of Governors and all of
23. those people to get it watered down to this effect. They got
24. most of what they wanted, we got some of what we wanted. And
25. it...to that degree, I can...fairly state, it's an agreed
26. amendment with the Board of Higher Education and that group.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Any further discussion? Senator Coffey.

29. SENATOR COFFEY:

30. Question of the sponsor.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. He indicates he will yield.

33. SENATOR COFFEY:

1. Senator, the reason for this amendment, is this...has
2. this been created by university towns? Has there been problems
3. or complaints coming from university communities?

4. SENATOR GROTEBERG:

5. Absolutely. Every Holiday Inn and every Ramada Inn and
6. every place that has a meeting facility and most university
7. towns have some, have suffered somewhat by the wide open act
8. that we passed a couple of years ago, which simply stated,
9. that with respect to a facility for a conference and convention
10. type activities, period, they could come and have the...the
11. privilege of serving...alcoholic beverages. This narrows it
12. just enough to make it worthwhile.

13. SENATOR COFFEY:

14. Well, maybe you're making reference to Triple T. We
15. have a Holiday Inn, Triple T owns several...understand, one of
16. them is in Charleston, Eastern Illinois University community.
17. I...when they came to town, we was happy when they came to
18. town, we thought they were going to provide a service, and
19. all they gave so far in that community is food poisoning to
20. the Mayor and his wife, myself and many other people and now
21. you're wanting to close the facility at the university. We only have
22. two chances, the Triple T, Holiday Inn in Charleston or Eastern
23. Illinois University and we either get food poisoning or we
24. can't go to the university. And if Triple T is one that is
25. making these kind of things and I've discussed this before, they've
26. complained, said that...they...they own about seventeen of these
27. and they're all up and down the State that I know of and I under-
28. stand they own some in some other countries or some other
29. states. But if they want to...if they want to provide a service
30. in our community or others, then they ought to make sure they
31. know how to provide the service. Now their kitchen leaks,
32. their kitchen is dirty, they have served in several functions,
33. I've been there. The last one I was at, half way through the

1. service of about four hundred people, they ran out of food
2. with two hundred yet to serve. These are the kind of problems
3. continuously we've had: The university has never competed with
4. them, always wanted to back the Holiday Inn, but the Holiday
5. Inn hasn't showed much faith. And for us to take this away
6. for that kind of service to our community, we have no one else
7. that can provide a service unless Triple T wakes up and decides
8. to...give some kind of service.

9. SENATOR GROTBORG:

10. For your sake I...for your sake, I hope they're listening,
11. you know, and maybe the health authorities can do something
12. about it, but...

13. SENATOR COFFEY:

14. ...I...I, the Mayor and others have wrote letters not only
15. to...to Public Health Department, also to Triple T. We have
16. never had a response yet.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Senator Kent.

19. SENATOR KENT:

20. Senator Grotborg, in case of...say Sangamon State University
21. in their theatre, if the symphony was there, could they not serve
22. liquor...at their intermission or beforehand?

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Senator Grotborg.

25. SENATOR GROTBORG:

26. Certainly, if it's an official university function and
27. the university is involved. All of that is in this, that's what
28. it's all about.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Is there any further discussion? If not, Senator Grotborg may close debate.

31. SENATOR GROTBORG:

32. I...I thank you all for the intense dialogue on this matter.
33. It really is...not a big problem. The...the...as foreseen by
34. the hospitality industry, we just don't want the public

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1. university systems, which at taxpayer's expense...expense
2. and student fee expense have built some rather sizable
3. wonderful meeting arrangements. And they were built in an
4. honest approach to academic life to meetings and...they usually
5. open their doors to everybody. But in many communities in
6. this State, they can tap off a very meaningful part of the
7. hospitality business which is a big business in the State
8. of Illinois and one that we're all trying to promote. I
9. would not want to see any of the catering facilities in
10. Springfield go under because of anything going on at Sangamon
11. State University, for instance, or in any other town in
12. Illinois. And this is...this is the closest that we've
13. gotten to the subject and I would just ask for a favorable
14. roll call for the taxpayers of Illinois...

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. The question is...

17. SENATOR GROTBORG:

18. ...the taxpaying private enterprise system. Thank you.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. The question is...the question is shall Senate Bill 219
21. pass. Those in favor will vote Aye. Those opposed vote Nay.
22. The voting is open. Have all voted who wish? Have all voted
23. who wish? Have...have all voted who wish? Have all voted
24. who wish? Take the record. Senator Grotberg asks leave to
25. postpone consideration. Is leave granted? Leave is granted.
26. Senate Bill 220, Senator Maitland. Read the bill, Mr. Secretary.

27. SECRETARY:

28. Senate Bill 220.

29. (Secretary reads title of bill)

30. 3rd reading of the bill.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Senator Maitland.

33. SENATOR MAITLAND:

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

1. When 220 was introduced, it was a drastic change and in committee
2. the reaction reflected that. There was much opposition to the
3. legislation and we worked diligently for several weeks to make
4. the changes necessary that would be acceptable to...to all
5. concerned. Needless to say, once we arrived at a...an agreement,
6. and that's contained in the legislation now, all of the opposition,
7. and I mean every bit of the opposition, agreed with the amendment
8. as we have it. We made drastic changes in that we now allow
9. the nurse's aides to proficiency out and also provide relief to
10. students who will be also serving as nurse's aides. I know of
11. no opposition to the bill...in its present form.

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1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Is there any further discussion? If not, the question is
3. shall Senate Bill 220 pass? Those in favor will vote Aye. Those
4. opposed vote Nay. The voting is open. Have all voted who wish?
5. Have all voted who wish? Have all voted who wish? Take the
6. record. On that question, the Ayes are 52, the Nays are 1,
7. none Voting Present. Senate Bill 220 having received the con-
8. stitutional majority is declared passed. Senate Bill 221,
9. Senator Sangmeister. Read the bill, Mr. Secretary.

10. SECRETARY:

11. Senate Bill 221.

12. (Secretary reads title of bill)

13. 3rd reading of the bill.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Senator Sangmeister.

16. SENATOR SANGMEISTER:

17. Thank you, Mr. President and members of the Senate. If
18. you recall back under the Walker Administration, there was a
19. lack of cash flow...in the State of Illinois and as a result
20. we accelerated the sales tax payments by a number of our re-
21. tailers in the State of Illinois. What this legislation does
22. is, it deletes all that language in the Act that accelerated
23. the payments and put it back to right where it was. There
24. will be people who will argue on this bill, but that this is a
25. seventy million dollar loss to the State of Illinois. Nothing
26. could be further from the truth. If anything, it is a seventy
27. million dollar cash flow loss. There is no money that is due
28. the State of Illinois that you're not going to get. But it's
29. about time that we did something for our retailers and put them
30. back where they were when we didn't have a cash flow problem.
31. And in addition, you talk about bureaucracy, it's my under-
32. standing that if this legislation becomes law that we could
33. save our retailers something like ninety-eight thousand forms

1. that will not have to be filed weekly as they presently do.
2. No question it helps the retailers, no question it's the re-
3. tailers' bill and I think it's just and I think it's fair and
4. I think we ought to put them back where they were before.
5. After all, they're the tax collectors for us, for the State of
6. Illinois. I don't think we should put any further hardship on
7. them than we...than we did under that particular legislation
8. that requires them to estimate what their taxes are going to
9. be, then they've got to come back and adjust for that previous
10. month and wait for refunds. You know, it's...it's unnecessary.
11. Let's...let's do something for our retailers.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Is there further discussion? Senator Netsch.

14. SENATOR NETSCH:

15. Thank you, Mr. President. I rise in opposition to this
16. bill and I would point out two facts. One is that the re-
17. tailers who are affected by the present acceleration program
18. are those who gross about two and a half million dollars a
19. year and up. Estimated, about two thousand of them in the
20. State. So that we are not talking about the smallest retailers
21. who are affected by the acceleration right now. We have already
22. on several occasions eliminated them from the acceleration pro-
23. gram. Secondly, while it is true that the only possible long
24. range loss of funds would be the State's loss of interest by
25. not having the money earlier, that, incidentally could be con-
26. siderable, but that is not really the point. Senator Sangmeister
27. is quite right in saying that ultimately the...seventy...sixty
28. to seventy million dollars will be picked up year by year by
29. year, but the point is that this is a very tight year. We are
30. in the process of having to slash millions...hundreds of millions
31. of dollars from the State budget and it seems to me that this
32. is a most inopportune time to pass a bill that will cost Fiscal
33. Year '82 about sixty to seventy million dollars. Whether or

1. not it is appropriate at some point to...undo the acceleration
2. program, and I'm not sure that it really is that important in
3. any event, but if it is, this is not the time to do it. And
4. again, I would admonish you this is a sixty to seventy million
5. dollar revenue loss in this fiscal year even though the money
6. ultimately is not lost. It is not lost for all time. It
7. seems to me that because we are not talking about the smallest
8. retailers who might be hurt by the acceleration program that
9. it is...absolutely inappropriate to pass this bill now.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Senator McMillan.

12. SENATOR MCMILLAN:

13. Mr. President and members of the Senate, I rise in oppo-
14. sition to this bill. This bill is probably one of the best
15. ideas that's come before this Session of the Legislature,
16. but it has come at the worst possible time. Senator Sang-
17. meister is right in that the State will not be the long term
18. loser. But the fact of the matter is, the year that is ahead
19. is a tight fiscal year for every recipient of government
20. services in the State. If we do not enact this bill, we're
21. talking about the size...a sizable amount of funds which
22. might make it possible for some of our schools, which under
23. the aid formula that's being circulated may lose from one-
24. fifth to one-half of the State aid they were getting. We
25. can't correct inequities like that if we grant this particular
26. tax relief. We're going to be shorting people who are get-
27. ting funds for health and other services, we might not have
28. to cut so deeply if we could save for expenditure next year
29. the money that we're talking about in...in this bill. We
30. passed a bill out of here on indexing, it's considerably less
31. money than what we're talking about in this bill, many of us
32. are interested in inheritance tax relief for elimination al-
33. together. We simply can't do those things which are wise and

1. which many of us prefer if we take from the amount of money
2. that's available to the State to spend this year, the sixty
3. or seventy or eighty million dollars involved in this particular
4. bill. It's a good idea, but it needs to wait until next
5. year.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator Walsh.

8. SENATOR WALSH:

9. Mr. President and members of the Senate,...just briefly
10. to...adopt the remarks of the two prior speakers. This may
11. be a good idea, but it's definitely an idea whosetime has not
12. yet come. We're in...a very difficult cash flow problem
13. here in the State of Illinois and I know that...everyone is
14. going to want to be able to cash his travel checks when Joey
15. and Mario get around to giving them to us, so we...we should
16. defeat this...we should defeat this legislation. It's eighty
17. million dollars that just is not there. If we...should act
18. on this it should be at a time when we have the money in the
19. ...treasury and I urge a No vote.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Senator Friedland.

22. SENATOR FRIEDLAND:

23. Thank you, Mr. President...and Ladies and Gentlemen of
24. the Senate. I rise in support of this measure. I can go into
25. each one of your districts and point out merchants to you,
26. perhaps a hardware store, where the State buys goods from them.
27. And you talk about slow pay, you ought to try to collect from the
28. State sometimes as ome of...those retailers and managers do. This only
29. restores equity that assists them and...I would urge your sup-
30. port of this important measure.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Is there further discussion? Senator Bruce.

33. SENATOR BRUCE:

1. Right. I just wonder if someone can answer, when this
2. was passed in '74, I think it was 1003, we passed it and we
3. increased the contribution rate because we accelerated the
4. payments in...at that time. I noticed in the bill that we
5. don't take that off. We...we...we...they keep a two percent
6. collection fee for filing and collecting the money for us
7. and as I recall six years ago we upped that from one and a
8. half percent to two percent because they were doing extra
9. work. Now that we're taking off the work, I notice we're
10. not reducing back the collection fee. Can anyone tell me
11. if that's the way I remember it, that it's correct? 'Cause
12. it seems to me it seems to be a windfall now to the...to...
13. retailer, which maybe we want to give him that windfall,
14. but we ought to understand that we...we increased his fee
15. for collecting it and now we're taking off the duty...of
16. collecting but we're leaving on that extra little...gimme.
17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. It doesn't seem like there's any volunteer for your
19. question. Senator Netsch indicates that she wishes to
20. answer that question. Senator Netsch.

21. SENATOR NETSCH:

22. You're right, Senator Bruce.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

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

26. SENATOR SANGMEISTER:

27. Well, I don't know who is right on that and all of a
28. sudden we're saying this is a big windfall for the retailers
29. of the State of Illinois. I don't see any windfall. These
30. people are the people that are out there collecting our taxes
31. for us. We keep talking about the bureaucracy that we have
32. and all the forms in government that people have to fill out
33. and here is a chance to do something for these people who have

1. been doing something for us for a long time. I think...it's
2. very interesting to see some of the opposition from across
3. the aisle, you know, I...I remember the...the debate and the
4. attack on the Walker Administration as to what they were doing
5. when they put this in. But apparently now the Thompson Admin-
6. istration is all in favor of saving what...what...Governor
7. Walker enacted. I think we did an injustice to the retailers
8. at that time. Again, this is not a loss of one cent of revenue
9. to the State of Illinois. It might even save some revenue in
10. the Department of Revenue as far as the employees are going to
11. have to review ninety-eight thousand less forms that may be
12. going through. A lot of different ways to look at this, I
13. think the time has come that we do something in this area and
14. I would request a favorable vote.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. The question is, shall Senate Bill 221 pass. Those
17. in favor will vote Aye. Those opposed vote Nay. The voting
18. is open. Have all voted who wish? Have all voted who wish?
19. Have all voted who wish? Take the record. On that question,
20. the Ayes are 23, the Nays are 25, none Voting Present. Senate
21. Bill 221 having...failed to receive a majority vote is declared
22. lost. For what purpose does Senator...Vadalabene arise?

23. SENATOR VADALABENE:

24. Yes, as a point of personal privilege. I was talking to
25. our outstanding State Representative Eugenia Chapman in regard
26. to picking up a bill and I voted backwards, in other words I
27. voted with...I voted with my back turned and the bill passed
28. 52 Ayes and 1 Nay and...and that 1 Nay was mine. However, had
29. I voted forward, I...would have voted Aye and I want the record
30. to show that.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Well, Senator, the record will so show that you...

33. SENATOR VADALABENE:

2022 H
3rd Reading
5-19-81

1. Senate Bill 220.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. ...want to keep moving forward.

4. SENATOR VADALABENE:

5. Senate Bill 220, Senator Maitland's bill.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. The record will so indicate. Senate Bill...

8. SENATOR VADALABENE:

9. Right. And Eugenia Chapman, will you please leave me
10. now?

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Senate Bill 224, Senator Bloom. Read the bill, Mr.
13. Secretary.

14. SECRETARY:

15. Senate Bill 224.

16. (Secretary reads title of bill)

17. 3rd reading of the bill.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator Maitland. I mean Senator Bloom.

20. SENATOR BLOOM:

21. Thank you, very much, Mr. President and fellow Senators.
22. Appreciate your attention. This bill does pretty much what
23. it says on your Calendar. It...basically, when it was intro-
24. duced...it was to reform the Day Care Act of 1969 and I'd like
25. to...congratulate the chairman of the committee and staff on
26. both sides of the aisle,...because...this bill did...turn out
27. to be a battleground between the Christian schools and...day
28. care licensing people. And thanks to patience and reason-
29. ableness and understanding an amendment was fashioned...that
30. I described in some detail on 2nd reading the week before last,
31. which satisfied all parties. As a matter of fact,...Miss
32. Branstetter of...the...association...said it was...the Illinois
33. Association for the Education of Young Children said it was...

1. ninety percent of what she wanted. I would answer any questions
2. you may have, otherwise, urge a favorable roll call.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Is there any discussion? If not, the question is shall
5. Senate Bill 224 pass. Those in favor will vote Aye. Those
6. opposed vote Nay. The voting is open. Have all voted who
7. wish? Have all voted who wish? Have all voted who wish? Take
8. the record. On that question, the Ayes are 53, the Nays are
9. none, none Voting Present. Senate Bill 224 having received
10. the constitutional majority is declared passed. For what pur-
11. pose does Senator Rock arise?

12. SENATOR ROCK:

13. I just want to let Senator Bloom know I was going to
14. speak in favor of this. I was distracted by Senator Buzbee.
15. Probably it's a good thing I didn't, Pres.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senate Bill 226, Senator Marovitz. Senator Marovitz do
18. you wish to...read the bill, Mr. Secretary, please.

19. SECRETARY:

20. Senate Bill 226.

21. (Secretary reads title of bill)

22. 3rd reading of the bill.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Marovitz.

25. SENATOR MAROVITZ:

26. Thank you, Mr. President and Ladies and Gentlemen of the
27. Senate. Senate Bill 226 merely grants...tenants subject to a
28. condominium conversion the right to access and inspect the
29. premises so that...they would have an idea of what their assessments
30. would be in the future should they decide to exercise their
31. option and buy. The right to access and inspection is subject
32. to reasonable limitations. I've discussed this with the...
33. Illinois Association of Realtors, they are in support of the

1. bill and I would ask for a favorable roll call.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Is there discussion? Is there discussion? The question
4. is, shall Senate Bill 226 pass? Those in favor vote Aye. Those
5. opposed vote Nay. The voting is open. Have all voted who
6. wish? Have all voted who wish? Take the record. On that
7. question, the Ayes are 53, the Nays are none, none Voting Pre-
8. sent. Senate Bill 226 having received the required consti-
9. tutional majority is declared passed. Senate Bill...for
10. what purpose does Senator Buzbee arise?

11. SENATOR BUZBEE:

12. On a point of personal privilege, Mr. President.
13. Senator Nimrod and I are going to be taking off very shortly
14. to...testify in Washington in front of a Congressional House
15. Subcommittee. We've been requested to come there by Congress-
16. man Madigan on the...impact of the rewrite of the Federal
17. Clean Air Act as it pertains to the Illinois Coal Industry
18. and for that reason we will not be here until sometime to-
19. morrow afternoon. So just to...protect ourselves when our
20. names are not reflected tomorrow on votes on bills, we'd like
21. to indicate that's where we are and we'll be back tomorrow
22. afternoon.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. The Journal will reflect the absence of Senator Buzbee
25. and Senator Nimrod on official business. Senate Bill 229,
26. Senator Savickas. For what purpose does Senator Rock arise?

27. SENATOR ROCK:

28. Thank you, Mr. President and Ladies and Gentlemen of the
29. Senate. I would, again, ask leave in an attempt to accommodate
30. the membership with respect to the bills that were recalled
31. and amended, the substantive bills, I had suggested to the...
32. Ladies up in Enrolling and Engrossing that they work on the
33. appropriation bills a little later. These bills are not yet

SB 243
2nd reading

1. ready, so I would ask that we skip them until tomorrow. Just
2. a matter of mechanics trying to get the amendments put to-
3. gether and I've asked them to do the substantive bills first
4. and...and then the appropriation bills.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Alright.

7. SENATOR ROCK:

8. There is no controversy that I am aware of. We'll just
9. delay them until tomorrow.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Alright. 242, Senator Carroll. Is Senator Carroll on
12. the Floor? Alright. Well, with leave we'll get back to that as soon
13. as he returns. Senator Grotberg, on 243, do you wish to...
14. read the bill, Mr. Secretary and we'll get back to Senator
15. Carroll in a moment. 243.

16. SECRETARY:

17. Senate Bill 243.

18. (Secretary reads title of bill)

19. 3rd reading of the bill.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Grotberg.

22. SENATOR GROTBORG:

23. Thank you, Mr. President and fellow members. Senate Bill
24. 243 is,...I believe, identical to the bill that we passed out
25. of here last year, authorizing the method of execution
26. and capital punishment in Illinois to change from the electric
27. chair to lethal injection. And it has caused, of course, comment
28. ...in its original...passage two years ago. It has since be-
29. come a method of execution for the State of Oklahoma and for
30. the State of Texas. I have spoken at length with the Directors
31. of the Corrections Department of those two states,...there are
32. some one hundred and forty people on death row in Texas. I
33. believe we have...how many on death row in Illinois? A good

1. thirty-six or forty. And if and when the Supreme Court ever
2. rules there should be some...progress in getting rid once and
3. for all of the people that are...so deserving of the capital
4. punishment. The method has not changed from the bill of two
5. years ago. It is an ultrashort acting barbiturate injected
6. in a continuous injection and the...death would occur probably
7. quicker than with the electric chair. I'd be...probably be
8. better off answering any questions,...otherwise, I would
9. ask for those of you who would go with me in the fact that
10. society probably should just get on with the business of
11. putting people away...and getting...rid of the...of the
12. barbaric methods of execution. That is the full thrust of
13. this bill.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Is there discussion? Senator Hall.

16. SENATOR HALL:

17. Will the sponsor yield for a question?

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Indicates he will yield. Senator Hall.

20. SENATOR HALL:

21. Yes. How did you arrive to use this chemical, Senator?

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Grotberg.

24. SENATOR GROTBORG:

25. There are a number of chemicals that can be used, but...
26. the...this came out of the Oklahoma Statute and also the Texas
27. Statute, a direct lift of...of the words and...the serious
28. poisoning usually occurs...when it takes about five to ten
29. times the oral hypnotic dose that you get when you go to your
30. dentist or to something else. Very easily controlled. We do
31. it with animals all the time. I have an amendment to electrocute
32. dogs if this fails, so that...

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Kenneth Hall.

2. SENATOR HALL:

3. Well, if...if this fails and a person cannot...and if this
4. doesn't prove to be legal...lethal drug, is he free then? You
5. can't...execute a person twice for the same crime. So what
6. happens?

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Grotberg.

9. SENATOR GROTEBERG:

10. I don't think that...your statement is necessarily...
11. your assumption is not necessarily correct. The execution
12. is to be carried out until death and that is the standing
13. part of the Capital Punishment Act. And if we have to do
14. it over and over again to get it right...it would be no
15. different than a faulty electric chair. But so far, we have
16. not had any fault in either one.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Further debate? Senator Collins.

19. SENATOR COLLINS:

20. A question of the sponsor.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Indicates he will yield. Senator Collins.

23. SENATOR COLLINS:

24. Senator Grotberg, what would be the difference in the cost
25. of the use of the electric chair versus the drug?

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Grotberg.

28. SENATOR GROTEBERG:

29. From an economic standpoint, I would presume that this
30. would be much more reasonable and to pursue your line of...
31. questioning, if I may anticipate your next question, in Texas
32. they have had it all set up and they've had a dry run. They
33. took the existing death house, removed the electric chair, kept

1. the wall behind which the executioners stand for the electric
2. chair...where they have several switches and...these...nobody
3. knows who pulls the hot switch. They have...they would bring
4. the condemned prisoner from his cell in a hospital gurney
5. strapped, roll him to the chamber and insert the needle in
6. a vein in his arm and three tubes would go behind the same
7. wall where the executioner used to stand with one hot bottle
8. and one blank bottle or two blank bottles and all would be
9. released at the same time without anyone knowing which one
10. of the executioners injected the lethal substance in the
11. Gentlemen or Lady's veins.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Further discussion? Senator Collins.

14. SENATOR COLLINS:

15. Yeah. If you can't determine that...that it saves money
16. in any kind of real way, then what difference does it make how
17. you administer the death...punishment?

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Grotberg.

20. SENATOR GROTEBERG:

21. Senator, that's a matter of philosophy. I have proposed
22. for some time that society need not be concerned with the side
23. show of spectacular methods of smoking them out, burning them,
24. eyeballs exploding, hanging, shooting, and all of the violent
25. means of taking a life. Let's quietly snuff them out. Cost
26. wise, there's no electrical bill connected with this. It's
27. a little vial that probably sells for a total of fifty cents
28. worth of juice...

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Can we have some order please? Senator Grotberg.

31. SENATOR GROTEBERG:

32. I detect your string is being pulled by some playful play-
33. mates over there, but go ahead.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Collins.

3. SENATOR COLLINS:

4. Well, Senator, I, you know,...for those of you who
5. support the...the death penalty, I thought one of the primary
6. reasons for that was...because you felt that it was a deter-
7. rent to crime. I don't quite understand...this...so-called
8. humanitarian act, you know, murder is murder and if we're
9. going to...we are society in a state that believe and condone
10. murder. And that's what we do when we administer the death
11. penalty, be it through illegal...legal injections or through
12. the electric chair, the guillotine, or however you cut it.
13. And as long as we do that we're going to have crime in the
14. streets and we will never rid ourselves of crime until we,
15. as a state, set an example that it is not an eye for an eye
16. oratooth for a tooth.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Geo-Karis.

19. SENATOR GEO-KARIS:

20. Mr. President and Ladies and Gentlemen of the Senate, I,
21. who never was for the death penalty, am definitely for it. But I
22. also feel there is a more humane way than the electric chair.
23. Certainly, we take the life away...we take the life away from
24. someone who was a Judy who strangled and raped a mother and
25. drowned her two children and I'm going to sit...sit by and
26. watch that fellow get any more mercy. He didn't give her any
27. mercy. He didn't give those children any mercy and I feel
28. that these vicious, murderous creeps have no business being
29. in existence when they don't care about the life of other people.
30. This is a very humane way and I'm happy to be a co-sponsor
31. with Senator Grotberg and it's a cheaper way and I'll tell
32. you another thing, it conserves energy and believe me these
33. murderous, vicious creeps don't deserve to exist.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Mahar. Now, Gentlemen and Ladies,...we're still
3. going to try to get out of here by six o'clock and if we
4. will confine ourselves to the bills at hand we will have a
5. chance to do that. Senator Mahar.

6. SENATOR MAHAR:

7. One last question for the sponsor. In...in this day of
8. economy,...I'm wondering what we're going to do with the present
9. chair, which is wired and ready to go?

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Further discussion? Further discussion? Senator Johns.

12. SENATOR JOHNS:

13. Well, there he goes taking away the need for Illinois
14. coal to produce electricity.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Further discussion? Further discussion? Senator...
17. Grotberg, briefly.

18. SENATOR GROTBORG:

19. Thank you, Mr. President. Very briefly in...response
20. to a couple of questions. I'll tell you who the capital punish-
21. ment deters. It deters that condemned prisoner. He's not
22. going to be around anymore. That's one, we've got about thirty-
23. five more and I hope they go very soon. The...my motivation
24. for this bill is exactly as I have said it is. To hell with
25. the sideshow, let's put them away. Those of you who do not
26. believe in capital punishment, and I know there are some on
27. this Floor and that's your privilege, but I've heard your
28. debate, I am...convinced that once the anticapital punish-
29. ment folk lose the grisly image of the electric chair and
30. the more exotic means of taking lives, that they have lost
31. part of their cause. And that is the way my mail has been
32. running. It's what beat the thing in the House last year.
33. I think we've got a new group of House members. And we've

1. had some violent crimes and some death penalty convictions in
2. the last two years. I would only hope and pray that you would
3. help me get on with the job and maybe we'll find a judge that
4. will actually...let us start this process if they don't have
5. to deal with the electric chair. There are no technical prob-
6. lems. They have all been solved. I'd appreciate a favorable
7. roll call.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. The question is, shall Senate Bill 243 pass. Those in
10. favor vote Aye. Those opposed vote Nay. The voting is open.
11. Have all voted who wish? Have all voted who wish? Have all
12. voted who wish? Take the record. On that question, the Ayes
13. are 41, the Nays are 7, 1 Voting Present. Senate Bill 243
14. having received the required constitutional majority is de-
15. clared passed. Senate Bill...Senator Carroll, you were off
16. the Floor and there was leave. Leave to return to 242?
17. Read the bill, Mr. Secretary, please.

18. SECRETARY:

19. Senate Bill 242.

20. (Secretary reads title of bill)

21. 3rd reading of the bill.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Carroll.

24. SENATOR CARROLL:

25. Thank you, Mr. President and Ladies and Gentlemen of the
26. Senate. Senate Bill 242 is an attempt to put back into the
27. law something that was there before the Blues Brothers changed
28. their provision under the Illinois Statutes. We had provided
29. that there would be freedom of choice some four or six years
30. ago, which meant that a person could choose the type of care
31. that they wished and it could be a non...use of a drug type
32. of care. This basically applies to a chiropractic type service.
33. After we passed that legislation, the Blues Brothers took

1. themselves out of that particular Act that we had amended,
2. I mean by that Blue Cross-Blue Shield, and they put them-
3. selves into another Act leaving out that paragraph. This
4. would put back in that freedom of choice which offers a
5. less costly type of service to the people of Illinois. Some-
6. thing I might add, we do have in our own State policy and I
7. think since we had had it in and they had moved to another
8. Act, this is merely just putting it back in. I would ask
9. for a favorable roll call and answer any questions.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Is there debate? Is there debate? Senator Davidson.

12. SENATOR DAVIDSON:

13. Not debate, but under the...Constitution and Rules if
14. you have a conflict of interest, you're supposed to declare
15. it before you vote on a bill and I'm sure I will have a
16. conflict of interest in this bill if it becomes law, which
17. I pray it does, 'cause I plan on voting Yes. I would like
18. to also speak in support of the bill. It is an opportunity
19. ...basic opportunity to give that person who buys this kind
20. of coverage or freedom of choice where they want to...want
21. to go and have them being reimbursed for expense for an
22. office call at whichever physician that they choose, all
23. three of us who are licensed under the Medical Practice Act.
24. I urge a Yes vote.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Further discussion? The question is, shall Senate Bill
27. 242 pass. Those in favor vote Aye. Those opposed vote Nay.
28. The voting is open. Have all voted who wish? Have all voted
29. who wish? Take the record. On that question, the Ayes are
30. 47, the Nays are 2, none Voting Present. Senate Bill 242
31. having received the required constitutional majority is de-
32. clared passed. Senate Bill 244, Senator Sangmeister. Senate
33. Bill 249, Senator Mahar. Read the bill, Mr. Secretary, please.

SB 249
3rd Reading

1. SECRETARY:

2. Senate Bill 249.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Mahar.

7. SENATOR MAHAR:

8. Thank you, Mr. President and members of the Senate. Senate
9. Bill 249 creates the Precious Metal Act. This bill is a re-
10. sult of a great deal of work...by several groups and...as a
11. result of some long discussion in committee has several features
12. I'd like to...tell you about. It requires that the purchaser
13. of precious metals or decorative objects, grab jewelry must
14. register with the chief of police or if it's unincorporated
15. with the...sheriff of the county. The person who...purchases
16. precious metals cannot have been convicted of a felony in the
17. last...ten years. The purchaser must...keep books and records
18. for a period of five years, he must maintain an established
19. place of business, he must identify the seller. There are
20. some exceptions to the legislation. Transactions between
21. dealer and dealers are exempt, transaction between dealers
22. and financial institutions are exempt, and transactions be-
23. tween dealers and people, jewelers, for example if...someone
24. is turning in some gold to have it redone in the form of
25. a ring or as a part of a purchase on some new item that is
26. exempt. Now, why do...why do we have this legislation before
27. us? There's been a tremendous increase in crime and, of
28. course, we've had debated legislation earlier about...home
29. burglaries and break-ins. In 1977 in Illinois, that's ex-
30. clusive of Chicago, there was ten million eight hundred
31. thousand dollars worth of...of lost items. In 1980 that has
32. risen to thirty-four million one hundred thousand dollars.
33. That's exclusive of Chicago. The bill is supported by law

1. enforcement throughout the State, it's supported by the retail
2. merchants and the numismatic and precious metals people also
3. support the bill. Be happy to answer any questions and I
4. ask for your support.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Is there discussion? Senator Jerome Joyce.

7. SENATOR JEROME JOYCE:

8. Yes, Mr. President, will the sponsor yield?

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Indicates he will yield. Senator Joyce.

11. SENATOR JEROME JOYCE:

12. Yes, Senator Mahar,...what is the minimum...that...we're
13. talking about here?

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Mahar.

16. SENATOR MAHAR:

17. You...are you talking about the penalty, Senator?

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator...Jerome Joyce.

20. SENATOR JEROME JOYCE:

21. No, the minimum value...the minimum dollar amount on a...

22. SENATOR MAHAR:

23. Well, there is no minimum dollar amount per se. I
24. think you're referring to, maybe, a question that you brought
25. up in...committee in which you said if your wife bought a
26. spoon...would she have to register. I...I don't think that's
27. really covered. We're talking about dealer transactions
28. really, established dealer. A person who is an established dealer,
29. he has a place of business which he owns or he leases or he
30. has a lease of at least ninety days if he's in a larger
31. operation and doesn't really apply to the individual collector,
32. who might...be...selling or purchasing one single item.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Joyce.

2. SENATOR JEROME JOYCE:

3. Yes, well, if there is no minimum and if a person lives

4. ...they also have to report...to the local policing body.

5. Is that not right? The serial...you know, they have to report
6. the...object, its description?

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Mahar.

9. SENATOR MAHAR:

10. They must keep a record which is available to the
11. police at reasonable hours.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Joyce.

14. SENATOR JEROME JOYCE:

15. If a person is in the...not in a municipality but out
16. in a county,...they have to...also report, then they would
17. have to keep that for the sheriffs...

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Mahar.

20. SENATOR MAHAR:

21. If the person is doing business in the...unincorporated
22. area of the county, it would be the sheriff of that county.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Joyce.

25. SENATOR JEROME JOYCE:

26. So then if a person, say, bought a...a spoon or whatever
27. if...if they were an antique dealer or a trader or what have
28. you and if they bought a five dollar item they would have to
29. report that and if they lived in an unincorporated area they
30. would have to report that to the sheriff's office?

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Mahar.

33. SENATOR MAHAR:

1. No, I...I don't think that is any different than any
2. normal transaction in which you would buy or trade or bargain...
3. be...for any item, whether it might be a used car or whatever.
4. I don't visualize that that's part of this...of this bill at all.
5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Joyce.

7. SENATOR JEROME JOYCE:

8. Well, it seems that if...if you bought one...if a dealer
9. would buy one spoon from...the general public then she would
10. be covered or they would be covered?

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Mahar.

13. SENATOR MAHAR:

14. If the dealer...I'm...I'm sorry, would you repeat that?

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Joyce.

17. SENATOR JEROME JOYCE:

18. If the dealer bought one spoon or one five dollar item,
19. three dollar, two dollar item...from the general public then
20. they would be...they would come under this Act?

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Mahar.

23. SENATOR MAHAR:

24. Yes. If it...whatever a dealer purchases...would be re-
25. quired to go under the Act. If it's...if it's an item listed
26. in the...in the bill which includes a spoon or a candleholder or
27. whatever.

28. SENATOR JEROME JOYCE:

29. Well, it...just...it seems to me that this is...is pretty
30. stringent. I...I...I like the idea and...and we're all con-
31. cerned about the...the...precious metals, but I think that we
32. are...are overstuffing what we intend to do here. I think that
33. ...that...we, you know, if you keep a record of every single
34. two dollar purchase and have to report it to the sheriff's office

1. if you live in an unincorporated area, it could...it would
2. be just prohibitive for anybody to do any trading.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Further discussion? Senator Collins.

5. SENATOR COLLINS:

6. Yeah. Senator Mahar, I...I recall this bill in...in com-
7. mittee and I thought we talked about amending this bill to deal
8. with...the problem that you were mostly concerned about and
9. that was to stop the fly-by-night dealers from coming in and
10. purchasing what...what you considered to be a lot of stolen
11. items. And how does this bill now protect...address that
12. problem?

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Mahar.

15. SENATOR MAHAR:

16. Well, number one, a motel room or hotel room is not con-
17. sidered a place of business...which, I think, covers something
18. that you were referring to in committee in which people
19. renting motel rooms for a week or something like that and
20. purchase metals. That would be outlawed in the bill. Or the
21. person who announces in the newspaper that they're buying
22. materials in a parking lot, the northeast corner on Saturday,
23. so and so. Now, you...you must register and...that...that type
24. of activity would be illegal and subject to prosecution.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Collins.

27. SENATOR COLLINS:

28. So then this would...eliminate like flea market sales
29. where...the sale of everything goes on in...in some of the
30. large flea markets?

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Mahar.

33. SENATOR MAHAR:

1. One of the exemptions is the normal trade show, dealer
2. to trade show. That's one of the exemptions in the bill.
3. I thought I mentioned that. Maybe I didn't. But if you be-
4. long to a club in which you go to a flea market or a trade show,
5. that established procedure is exempt.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Further discussion? Senator Rock. Senator Rock.

8. SENATOR ROCK:

9. Thank you, Mr. President and Ladies and Gentlemen of the
10. Senate. I rise in opposition to Senate Bill 249 for a couple
11. of reasons. First, in this age of a new Republican Adminis-
12. tration the country, apparently, is clamoring for deregulation
13. and we come along and say that anybody who wants to buy any-
14. thing from anybody has to first register with the chief of
15. police or with the sheriff before he can buy anything. Are
16. we attempting to register the fence? To answer the fact that
17. there are...there's ten million dollars in stolen property
18. trafficking around...the County of Cook or the hundred and
19. two counties the fences aren't going to register anyway. So
20. all we're going to do is slap big government again on the
21. backs of the people who are in the business of buying antiques
22. or buying art objects. Furthermore, I point out and I would
23. ask the Chair to rule as to the preemptive feature, in my
24. judgment, of Section 8 of the bill as amended.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. ...Section 8 states, "that no home rule unit as defined in
27. Article VII of the Illinois Constitution may amend or alter in
28. any way change the regulation or registration of purchase...of
29. persons engaged in the business of purchasing from the general
30. public secondhand decorative objects." And later on in that
31. same section it says, "the regulation of such business is an
32. exercise of exclusive state power which may not be exercised
33. concurrently by a home rule unit." It's the ruling of the

1. Chair that this is a preemptive bill. It preempts the right of
2. home rule units and...will require a three-fifths affirmative
3. vote for passage.

4. SENATOR ROCK:

5. Well, for those two reasons, Mr....President and Ladies
6. and Gentlemen of the Senate, I urge a No vote.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Further discussion? Senator Mahar to close debate.

9. SENATOR MAHAR:

10. Thank you, Mr. President. First of all, you don't have
11. to report the things that you purchase, you just have to keep
12. a record of the things that you purchase and if there's any
13. question, law enforcement does have the privilege of...talking
14. to you about them and you have to keep those records. This...
15. in this type of situation where you have...the problem through-
16. out the State of Illinois it's not something that's...concerns
17. only one small area. I think there ought to be uniformity,
18. particularly in the metropolitan areas, as to the type of laws
19. that you have because of the movement of people. Therefore,
20. it seems to me that a uniform law is the appropriate thing.
21. Now, in regard to antique dealers and in regard to people who
22. are in this business, they have...they support this concept.
23. They support this bill. We have...worked for some number of
24. months with law enforcement and law enforcement wants some type
25. of legislation because of the amount of items that are
26. being stolen and what is being trafficked through the various
27. stores and various agencies. And the numismatic people want
28. the bill, the retail merchants want the bill, we have reworked
29. the bill so they have no objections to it. And it seems to me
30. when you've got a segment of business and you have law enforce-
31. ment that's in favor of this type of thing, we certainly ought
32. to support it and I would ask that you would give me a favorable
33. vote.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. The question is, shall Senate Bill 249 pass? Those in
3. favor vote Aye. Those opposed vote Nay. The voting is open.
4. Have all voted who wish? Have all voted who wish? Have all
5. voted who wish? Take the record. On that question, the Ayes
6. are 24, the Nays are 26, 1 Voting Present. Senate Bill 249
7. having failed to receive the constitutional majority is de-
8. clared lost. Senate Bill 253, Senator Demuzio. Read the
9. bill, Mr. Secretary, please.

10. SECRETARY:

11. Senate Bill 253.

12. (Secretary reads title of bill)

13. 3rd reading of the bill.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Demuzio.

16. SENATOR DEMUZIO:

17. Yes,...thank you, Mr. President. Very simply this bill
18. will allow the State Treasurer to count guaranteed student
19. loan monies as collateral when determining a bank's accepta-
20. bility as a receiver of State monies. The rationale is that
21. the credit of the Federal Government guarantees each loan
22. against the...borrower's default and Amendment No. 1 was put
23. on at the request of the State Treasurer...providing that...
24. the State Treasurer may accept student loans as security for
25. deposits not insured by the FDIC for which the principal amount
26. dispersed has not been reduced or for which the amortized
27. principal payment is not due and I ask for your favorable
28. support.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Is there discussion? Is there discussion? The question
31. is, shall Senate Bill 253 pass. Those in favor vote Aye. Those
32. opposed vote Nay. The voting is open. Have all voted who
33. wish? Have all voted who wish? Take the record. On that

1. question, the Ayes are 55, the Nays are none, none Voting Pres-
2. ent. Senate Bill 253 having received the required constitutional
3. majority is declared passed. Senate Bill 255, Senator Nimrod.
4. Read the bill, Mr. President...Mr. Secretary, please.

5. SECRETARY:

6. Senate Bill 255.

7. (Secretary reads title of bill)

8. 3rd reading of the bill.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Nimrod.

11. SENATOR NIMROD:

12. Thank you, Mr. President and Ladies and Gentlemen of
13. the Senate. Senate Bill 255 deals with a problem that some
14. of these small business vendors on...stamp machines...on
15. postage stamp machines are having. Over the past ten years
16. many municipalities have chosen to license these postage
17. vendors in Illinois for additional revenue. Of course, this
18. is clearly in...violation of...of the...Act from the Consti-
19. tution, which says that licensing...may...for vending machines
20. for purposes of additional revenue. The problem has been
21. that...some twenty or thirty of these units...villages, an
22. example of that was the Village of...of Villa Park for example
23. put in a...license fee of fifteen dollars one year and then
24. the next year they raised it to seventy-five dollars and...
25. my particular constituent, who had a number of these machines,
26. removed all of them because none of them really net over the
27. ...over the forty or fifty dollars a year for the machine.
28. This is a service that's provided and...and...presently news-
29. papers are exempt and we have been asked to put this bill up
30. to exempt the...this particular licensing procedure, which has
31. caused them a great deal of problems. I would be glad to
32. answer any questions, if not, I would ask for a favorable roll
33. call.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Is there discussion? Senator...Senator Savickas.

3. SENATOR SAVICKAS:

4. Yes,...Mr. President, it's my understanding...that this
5. would be preemptive and if it is, could you give me a ruling on
6. how many votes it would need?

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. It is the ruling of the Chair that under Illinois...the
9. Illinois Constitution home rule units of government have the
10. power to require business licenses or registration and that
11. this includes the licensing of postage stamp vending machines
12. for regulatory purposes. This...bill explicitly states that home
13. rule units cannot, in fact, license those business machines
14. and is, therefore, preemptive and...will require a three-fifths
15. affirmative vote. Further discussion? Senator Rock.

16. SENATOR ROCK:

17. Thank you, Mr. President. I rise in opposition to Senate
18. Bill 255 and I would just refer the membership to the State
19. Mandates Act fiscal note, which has been filed along with this
20. bill, in the opinion of the Department of Commerce and Community
21. Affairs it does constitute a...tax exemption mandate for which
22. reimbursement is required under the State Mandates Act and the
23. State Mandates Review Office is unable to estimate the amount
24. of reimbursement required. They guessed them at about fifty
25. thousand dollars annually, but they are truly unable to. I
26. think it's an area in which we should not tread and I would urge
27. a No vote.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Further discussion? Senator Nimrod.

30. SENATOR NIMROD:

31. Mr. President, I have no...no...I was aware that this
32. was going to be preemptive, but I was not aware about the State
33. Mandates Act and I thought this was not...and the figures I have

Handwritten notes in the top left corner, including "S-19-81" and other illegible scribbles.

1. are much lower than that and I'd be glad to put that up for
2. a record since it's an estimate figure. I would like to
3. take this from the record so that I can come up with an actual
4. figure on that so we can...if I might have leave to do that.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Is there leave to take it from the record? Leave is
7. granted. Senate Bill 256, Senator Totten. Read the bill,
8. Mr. Secretary, please.

9. SECRETARY:

10. Senate Bill 256.

11. (Secretary reads title of bill)

12. 3rd reading of the bill.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Totten.

15. SENATOR TOTTEN:

16. Thank you, Mr. President and Ladies and Gentlemen of the
17. Senate. Senate Bill 256 is a deregulation measure, which as
18. the Senate President pointed out a few bills ago, is the area
19. we probably ought to be taking. What it does is allow...it
20. ...it amends the Public Utilities Act and the RTA Act to follow
21. people who may want to enter the transportation market to
22. enjoy the same exemption that the RTA enjoys...and that is
23. to be exempt from that Act so that we can provide some alternate
24. means of transportation if people so choose to do at a
25. minimum of cost. Be happy to answer any questions.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Further...is there discussion? Senator Savickas.

28. SENATOR SAVICKAS:

29. Yes,...Mr. President,...will the sponsor yield to a
30. question?

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Indicates he will yield. Senator Savickas.

33. SENATOR SAVICKAS:

1. It's my understanding under this bill that you can just
2. buy a bus or buy a truck...whatever and form a bus company
3. of your own and not have the municipality or have...the
4. backing of State law and be exempt from any regulation. Is
5. this correct?

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Totten.

8. SENATOR TOTTEN:

9. You would have to have a...vehicle that...meets the
10. requirements...of being a safe vehicle, you would have to have
11. a valid driver's license and so on. But what it does, if
12. you and I...presently, you and I are...cannot enter the trans-
13. portation market without some very costly procedures, such
14. as hiring lawyers to appear before the ICC and so on. It
15. would exempt us from that provision, that's all.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Savickas.

18. SENATOR SAVICKAS:

19. Well, no. What I'm getting at is not to enter into
20. ...the...RTA field, but...anybody under this bill then would
21. be able to go out and buy a bus and say they are a...public
22. transportation carrier and run their bus down the street and
23. pick up passengers...without any regulation, just drive it
24. down the street.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Totten.

27. SENATOR TOTTEN:

28. That's precisely right. Today you are prevented from doing
29. that. We have a monopoly at taxpayers' expense. What this bill
30. does is to allow someone to enter into the market without the
31. restriction so that we have alternative transportation modes
32. within the region. It's a deregulation of the industry.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Alright. Senator Savickas.

2. SENATOR SAVICKAS:

3. Well, just to comment then, ...we've had this experience
4. in Chicago with jitney cabs and now we're going to have jitney
5. buses weaving in and out of the traffic trying to fight for
6. a passenger that's standing on the corner. This is un-
7. believable. I...I would suggest that this bill should go
8. back where it came from and recycle the paper which it
9. was drawn on.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Further discussion? Senator Geo-Karis.

12. SENATOR GEO-KARIS:

13. Will the sponsor yield for a question?

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Indicates he will yield. Senator Geo-Karis.

16. SENATOR GEO-KARIS:

17. If I understand this bill correctly, you are asking that
18. the RTA, for example, be exempt from the Public Utilities
19. Act?

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Totten.

22. SENATOR TOTTEN:

23. They are already exempt from the Public Utilities Act.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Geo-Karis.

26. SENATOR GEO-KARIS:

27. Well, that's what I thought, because that's what I re-
28. call from the original RTA bill. Then what is the difference?
29. ...it isn't quite clear in my mind what you're asking for.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Totten.

32. SENATOR TOTTEN:

33. What the bill says is that if the RTA enjoys that exclusion

1. from the Public Utilities Act, why not allow others who may
2. want to enter the transportation market in the RTA region
3. the same opportunity?

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Further discussion? Senator Jeremiah Joyce.

6. SENATOR JEREMIAH JOYCE:

7. Yes...yes, I would just...like to comment on the...effi-
8. ciency of jitney transportation systems...those of...those of
9. ... those of you in the Chamber who are familiar with the jitney
10. cab operations, I think, could attest to the fact that jitney
11. is...I, myself, don't see any problem with having jitney
12. buses.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Further discussion? Senator Keats.

15. SENATOR KEATS:

16. Thank you, Mr. President. I wanted to comment. As far
17. as the deregulation side, you know, there's a great deal
18. of experience with this in mass transit. In fact, our
19. Nation's capital, that does very little right, does handle
20. this fairly well in terms of their deregulation of the cab
21. industry. And they have a jitney system there based on
22. zone fares. Anyone who has ever lived in Washington, as I
23. used to, have found that their system works far better than
24. ours. And I want to tell you a difference. In Chicago and
25. in some areas such as that where you have tightly regulated
26. cabs, you have a couple of companies that control the industry.
27. Now, if you go to Washington, D.C. about eighty percent of
28. the cab owners happen to be minorities, because they're no
29. longer forced out of the market. They are allowed to compete
30. in the free enterprise system which keeps them off welfare
31. and gives them an honest chance to earn a living and support
32. their families. Washington, D.C. has been very successful
33. doing that. In Chicago you'd be well aware that those who

1. own the cab companies do not happen to be minorities and happen
2. to be very careful about who they give their cabs to. If
3. there's one area that would give an individual a chance to
4. break into the free enterprise system through basic hard work
5. and long hours, this is where it's at. This bill is not
6. beneficial simply...simply to the consumer, but is awfully
7. beneficial to the small businessman or the person who's
8. never had their own business who would like to have an
9. honest chance to start out for themselves. As long as they've
10. got a safe means of conveyance, they have got the ability
11. to join the market and I think we should support the legis-
12. lation.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Rock.

15. SENATOR ROCK:

16. Thank you, Mr. President. A question of the sponsor if
17. he'll yield.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Indicates he will yield. Senator Rock.

20. SENATOR ROCK:

21. To whom would this apply or to what mode of transportation
22. would this deregulation or exemption apply?

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Totten.

25. SENATOR TOTTEN:

26. I believe under the...provisions in the bill, this
27. would apply to anyone wanting to enter the transportation
28. market within the RTA region.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Rock.

31. SENATOR ROCK:

32. Well, specifically, my question is what mode of trans-
33. portation? Is this own and operate your own taxicab, own

1. and operate your own bus, own and operate your own train...what
2. mode of transportation are we talking about?

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Totten.

5. SENATOR TOTTEN:

6. It would be bus, cab.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Rock.

9. SENATOR ROCK:

10. Well, let's assume for the moment it applies only to
11. buses and cabs. I would, again, suggest, Mr. President, as
12. with the last couple of bills, that this is, obviously, pre-
13. emptive. The...the cities and villages...across this
14. State...do, in fact, have local ordinance requirements with
15. respect to the licensure of taxicabs, in particular. I
16. think the Commerce Commission has some regulation with re-
17. spect to the operation of buses, but I think...this is another,
18. apparently, effort at venting one's frustration. We will,
19. apparently, solve the transportation problem in the six county
20. region by having...a number of unlicensed and unregulated
21. cabs and buses and, perhaps, trains running loose or running
22. amuck through the...streets and byways of the villages with-
23. out proper routes, without proper fare structures, without
24. anything, just turn them loose and everybody own and operate
25. their own bus. I think it will require an extraordinary vote
26. and I hope it gets an extraordinarily negative vote and I
27. would urge a No vote.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Is there further discussion? Just stand at ease just
30. for a second on the preemption question. Alright. If I
31. might have the attention of the Body, before the Body is
32. Senate Bill 256, which relates to amending the Public
33. Utilities Act to the State of Illinois and exempting from

1. coverage and regulation by the Act concerning public utilities,
2. the Transportation Agency defined as the Regional Transporta-
3. tion Authority created on or after January the 1st, 1981.
4. It is the ruling of the Chair that the authority is not pre-
5. emptive, however, there's nothing in the Act that would...would
6. not allow a home rule unit to, in fact, regulate any trans-
7. portation agency that was developed since you have removed
8. from exclusive state jurisdiction the right of the State to
9. regulate that public utility known as the Regional Transportation
10. Authority. Require thirty votes for passage. Further de-
11. bate? Senator Totten, had you closed? Senator Totten.

12. SENATOR TOTTEN:

13. Thank you, Mr. President and Ladies and Gentlemen of the
14. Senate. It's really a tragedy that when public transportation
15. systems are failing all over the country that we are trying to
16. turn our back to some viable alternatives. Experts have cited
17. the failure of private transportation systems as being over-
18. regulation. When we are faced with a failure in our own State,
19. to turn our backs on an alternate mode of transportation would
20. seem quite ludicrous when cities and states all over the
21. country are looking to the free market or to deregulation in
22. the industry of transportation to help solve that...many of
23. their problems. There are areas in the City of Chicago that
24. go without transportation. Passage of Senate Bill 256 would
25. provide a unrestricted entry into the marketplace of trans-
26. portation so that all the peoples of the RTA region would have
27. that availability. This bill deserves your Aye vote.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. The question is, shall Senate Bill 256 pass? Those in
30. favor vote Aye. Those opposed vote Nay. The voting is open.
31. Have all voted who wish? Have all voted who wish? Have all
32. voted who wish? Take the record. On that question, the Ayes
33. are 33, the Nays are 20, none Voting Present. Senate Bill 256

1. having received the required constitutional majority is de-
2. clared passed.

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END OF REEL

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SB 257
2nd Reading

2. Senate Bill 257, Senator Davidson. Read the bill, Mr.
3. Secretary, please.

4. SECRETARY:

5. Senate Bill 257.

6. (Secretary reads title of bill)

7. 3rd reading of the bill.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Davidson.

10. SENATOR DAVIDSON:

11. Mr. President, and members of the Senate. Could I have
12. your attention?

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. If we might have some attention in the Body, please. Senator
15. Davidson.

16. SENATOR DAVIDSON:

17. Mr. President, and members of the Senate. Senate Bill 257
18. is the same as Senate Bill 1810 that went out of here last year
19. with a fifty-five to one vote, with one exception. When we put
20. the amendment on that the Department of Revenue wanted last year,
21. they goofed up the amendment so bad they amended two different
22. chapters which made it therefore unavailable to be signed. It
23. was vetoed accordingly. There is...this bill lets those individuals
24. who want to buy the necessary equipment, parts or kits to make
25. ethyl alcohol on the farm for consumption on the farm, that that
26. equipment would be exempt from the sales tax. Presently, equip-
27. ment that you buy to produce ethyl alcohol for resale is
28. exempt from sales tax. All this says, if you're going to produce
29. it, use it in your own farm equipment on the farm, not for resale,
30. it's exempt. Appreciate a favorable roll call.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Is there discussion? The question is, shall Senate Bill 257
33. pass. Those in favor vote Aye. Those opposed vote Nay. The

SB 267
3rd Reading

1. voting is open. Have all voted who wish? Have all voted who
2. wish? Take the record. On that question, the Ayes are 55, the
3. Nays are none, none Voting Present. Senate Bill 257...on that
4. question the Ayes are 55, the Nays are none, none Voting Present.
5. Senate Bill 257, having received the required constitutional
6. majority is declared passed. Senate Bill 263, Senator Hall.
7. Senate Bill 267, Senator Marovitz. Separate agreement. Read
8. the bill, Mr. Secretary, please.

9. SECRETARY:

10. Senate Bill 267.

11. (Secretary reads title of bill)

12. 3rd reading of the bill.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Marovitz.

15. SENATOR MAROVITZ:

16. Thank you, very much, Ladies and Gentlemen, and Mr. President.
17. This bill allows parties by written agreement, to extend the ob-
18. ligation to pay future maintenance beyond the death, remarriage,
19. or conjugal cohabitation of one of the parties. It is a product
20. of the Chicago Bar Association and the Illinois State Bar Assoc-
21. iation. The IRS looks to State laws as to whether payments are
22. periodic in nature, and whether or not there's a taxable transfer.
23. And this would indicate that rather than have separate contracts,
24. which is presently the case, this...the agreements could be put
25. within a divorce decree...decree and be enforceable. And I would
26. ask for a favorable roll call on this bill.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Discussion? The question is, shall Senate Bill 267 pass.
29. Those in favor vote Aye. Those opposed vote Nay. The voting is
30. open. Have all voted who wish? Have all voted who wish? Take
31. the record. On that question, the Ayes are 54, the Nays are none,
32. none Voting Present. Senate Bill 267, having received the required
33. constitutional majority is declared passed. Senate Bill 269,

SB 269
3rd Reading

1. Senator Berman. Read the bill, Mr. Secretary, please.

2. SECRETARY:

3. Senate Bill 269.

4. (Secretary reads title of bill)

5. 3rd reading of the bill.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Berman.

8. SENATOR BERMAN:

9. Thank you, Mr. President, and Ladies and Gentlemen of the
10. Senate. Senate Bill 269 creates the Compensation Review Board.
11. With the amendments that have been put onto the bill, the board
12. consists of twelve members appointed, three each by the Legislative
13. Leaders of each House. This board is required to hold public
14. hearings subject to the Open Meetings Act, take testimony. The
15. membership of the board cannot be any present or former members
16. of the Executive, Legislative, or Judicial branches of government,
17. and cannot be a registered lobbyist. Their recommendation must
18. be subject to an affirmative vote of seven votes of the commission.
19. They will hold public hearings, and they have a criteria to
20. determine the basis upon which salary levels of the Legislative,
21. Judicial, and Executive branches of government will be determined.
22. Those criteria are the skill required, the time required, the
23. opportunity for other earned income, the value of such services
24. in the private sector, and the economy of the State of Illinois.
25. There is a reporting date required for...from the board, that
26. reporting date will outlaw...lame duck legislative pay raises.
27. Within thirty days after the filing of their report, each House
28. of the legislative...of the Legislature will have the opportunity to
29. disapprove or reduce proportionately the recommendations of the
30. board. I submit this for your consideration, I'd be glad to
31. respond to any questions.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Discussion? Senator Rhoads.

1. SENATOR RHOADS:

2. Thank you, Mr. President, and members of the Senate. I
3. have very mixed emotions about this bill, but I do plan to vote
4. in favor of it. I would have much preferred the bill, had Senator
5. McMillan's amendment been adopted at the amendment stage. And
6. Senator Berman and I had profound philosophical differences over
7. the backdoor versus frontdoor method of approving these reports
8. of the Pay Commission. On the other hand, he has made substantial
9. progress in this bill, their anti-lame duck provision is included,
10. there is now a prohibition by virtue of Senator Sommers' amendment
11. that would prohibit former Legislators or lobbyist registered under
12. the Lobbyiest Registration Act from serving on the commission.
13. And frankly I guess I'm just throwing in the towel, I think
14. this may be the only way that we can rationally consider these
15. pay raises in the future. It...the opportunity would be afforded
16. to disapprove so there could be and probably would be in most
17. cases, I'm now convinced, a roll call vote. So, with...with those
18. reservations, I do plan to vote in favor of the bill.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator McMillan.

21. SENATOR MCMILLAN:

22. Mr. President, and members of the Senate. I rise in opposition
23. and I won't belabor the point, because we did discuss the matter in
24. great detail when an amendment was offered which would have made
25. it such that if any raises are to be enacted, it would be done by
26. a positive act of a majority of the members of the Legislature,
27. rather than to place it in the other alternative where it, in fact,
28. takes a majority to disapprove it. There are people who in the
29. past served in the capacity of being very capable Legislators who
30. were turned out of office at the last election, not specifically
31. because they voted for a pay raise, I think the people understand
32. that we have to decide on the matter of salaries for Legislators,
33. for judges, and for members of the Executive branch of government.

1. But they were turned out of office precisely because of the manner
2. in which the pay raises were enacted. Here we go again providing
3. a mechanism which will allow pay raises without any vote, and
4. certainly without any evidence of a majority support of the
5. members of this Legislative Body. I enjoy the benefits of a
6. salary like everybody else, deciding on the matter of salaries
7. for Legislators is the most difficult job any Legislator has,
8. but we were not elected to make easy decisions. We were elected
9. to make the hard ones, the easy ones don't need to be brought
10. to this Body. And I think given the public's scorn for the way
11. the Legislature has acted in the past, I really think it's un-
12. conscionable for us to set up a procedure which would allow our-
13. selves, the Executive branch, and the Judicial branch to receive pay
14. raises without formally taking a positive act to do so.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Geo-Karis.

17. SENATOR GEO-KARIS:

18. Will the sponsor yield for a question?

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Indicates he will yield. Senator Geo-Karis.

21. SENATOR GEO-KARIS:

22. Supposing this bill were to pass, and supposing after the
23. board made a recommendation for a change in salary, one member
24. of the General Assembly disapproves of the report and files a
25. disapproval...a motion for disapproval. Will that one person
26. be allowed to be given the credence of having a vote from the
27. General Assembly to either accept or reject the board's recom-
28. mendation?

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Berman.

31. SENATOR BERMAN:

32. Yes, any one person can file a motion to disapprove and that
33. will be called just like any other resolution, and you will have

1. a roll call vote on it.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Geo-Karis.

4. SENATOR GEO-KARIS:

5. Will her motion or his motion be subject to a vote as to
6. whether to approve of her motion, or disapprove of her motion, to
7. make a query and bring it to the full attention of the General
8. Assembly?

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Berman.

11. SENATOR BERMAN:

12. I...I thought I answered it. If you file a resolution for
13. disapproval, that resolution must be acted upon, you know, by
14. the Legislature. I'm...is that your question, I'm not sure...

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Geo-Karis.

17. SENATOR GEO-KARIS:

18. Well, my question, and perhaps I'm not making myself very clear
19. at this hour, what I'm saying is, supposing I filed such a re-
20. solution, does that make it necessary for the House and the Senate
21. then to go into the merits of the recommendations for pay raises
22. by the board, or does that mean the resolution should be...would
23. be voted up or down, my resolution?

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Berman.

26. SENATOR BERMAN:

27. Geo, I don't understand the question, I'm sorry.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Geo-Karis.

30. SENATOR GEO-KARIS:

31. I'll try it once more. All right, supposing I filed a re-
32. solution asking that the...that the recommendations of the board
33. be brought to the whole Assembly for a vote, would my resolution

1. be subject to be set aside, that's what I want to know.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Berman.

4. SENATOR BERMAN:

5. I...I think it's subject to the same parliamentary procedures
6. as any other item before this Body. I believe because of the nature
7. of it, I am confident that there would be debate on your motion
8. and there would be a roll call vote. And that is where we all
9. take our stand.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Further discussion? Senator...Senator Kenneth Hall.

12. SENATOR HALL:

13. Thank you, Mr. President, and Ladies and Gentlemen of the
14. Senate. That I want to commend Senator Berman for introducing
15. this type of legislation. I've been here a number of years, and
16. I have never failed to vote for a pay raise at any time. But I
17. want to tell all of you here that when you say we're not making
18. the decision, we're making the decision today, for any of you
19. who think that we're not making the decision, we make a decision
20. when we pass this bill. Now, it's very strange how that we can
21. come and...Congress does this now, everybody was claimed that we...
22. when there comes a problem, this will get the fellows who like
23. to run to cover where that they should stand up and be counted.
24. Now is the time to do it, I think this is the proper way, he's
25. amended it to take out any of the objections. I'm certainly going
26. to support this.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Bloom.

29. SENATOR BLOOM:

30. Thank you, Mr. President. Would the sponsor yield to a
31. question?

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Indicates he will yield. Senator Bloom.

1. SENATOR BLOOM:

2. Senator Berman, how would the question be put to the Body,
3. if at all?

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Berman.

6. SENATOR BERMAN:

7. It would probably be in a...either a motion filed or a re-
8. solution filed to disapprove, that's one choice. Or proportionately
9. reduce, in other words I could file...if I thought that the pay
10. levels were too high, I could file a motion to proportionately
11. reduce by let's say ten percent, twenty percent the recommendations,
12. that would be filed and be subject to the vote on...on the Floor
13. of each House.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Bloom.

16. SENATOR BLOOM:

17. Okay, I think you partially answered my second question,
18. which would be, would this be handled like Executive Orders on
19. a take it or leave it basis?

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Berman.

22. SENATOR BERMAN:

23. Yes, there's only two options in the bill. You can either
24. disapprove the recommendation or reduce the recommendations.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Bloom.

27. SENATOR BLOOM:

28. And how many votes to prevail?

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Berman.

31. SENATOR BERMAN:

32. Thirty in this Body and eighty-nine in the House.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Bloom.

2. SENATOR BLOOM:

3. But the mechanism, it would be take it as...take it or leave
4. it, in the...in the sense of an Executive Order as I understand
5. the response. Take thirty votes or eighty-nine to disapprove,
6. and it's still backdoor. I...I fear that we're still slow
7. learners. Thank you.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Collins.

10. SENATOR COLLINS:

11. Yes, I'm a little confused here about the procedures here,
12. because I think those are some very serious questions. However,
13. I support the concept, Senator Berman, and I had drafted a bill
14. myself, but I don't think it was quite as complicated as...as your
15. bill and I thought when I agreed to withhold my bill and support
16. yours that...that at some point that you had worked out procedures
17. so that whatever recommendations from that committee would actually
18. go through the legislative process, be it through Executive Order
19. so that there could be hearings, and so that there could
20. be amendments to adjust the...down with the amount of salary
21. recommended. But I...you don't...based on what I hear, you don't
22. have the process in there by which to present to the Body the
23. recommendations of the committee.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Further discussion? Senator Mahar.

26. SENATOR MAHAR:

27. Thank you, Mr. President, and members of the Senate. It's
28. kind of hard for me to understand how we can handle the difficult
29. problems of government to make decisions on RTA as we're going to
30. be making, we made all day today on various things, ERA, abortion,
31. gun control, and everything else. But we don't have guts enough
32. to go in the pay raise. We use all kinds of methods to try to
33. come about a pay raise. Now, I voted along like Senator Hall for

1. every pay raise since I've been down here. And I would continue
2. to vote for a pay raise, and the thing that people don't like
3. back home is the...what we've had in the past, the lame duck principle.
4. But what we have here is we've accomplished a lame duck principle
5. but we're using a backdoor method to approve a pay raise. Now,
6. it seems to me that if we're worthy of a pay raise, what we ought
7. to be doing is going through the procedure, having recommendations
8. made by a committee, having a time certain, and then a positive
9. vote in this Body. I am positive...as I stand right here, that
10. this bill is designed to slip this thing through by one or two
11. people objecting and never getting a chance to have their objections
12. heard on the Floor of the Senate or the Floor of the House. The
13. people who should be up front is the Leadership who goes out and
14. says we're going to have to have a pay raise, we vote on it at
15. the appropriate time which is well ahead of elections, and people
16. will not oppose that. They haven't opposed it in the past, they
17. won't oppose it in the future. You've got to do it not just before
18. the election, or not after the election, you've got to do it
19. up front when you do your other appropriations. And I would hope
20. that we would reconsider this particular bill.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Further discussion? Senator Chew.

23. SENATOR CHEW:

24. I'm over here at my friend's mike, he wants to sit in my chair
25. because it has a lot of seniority. Mr. President, my fifteen years
26. in this Body has caused me to see several people who have fought
27. everything pertaining to a pay raise, but on the other hand I
28. have never seen down in the Comptroller's Office or the Treasurer's
29. Office where those persons who violently opposed anything with
30. the name pay raise ever attempting to give back to the State what
31. they did not want. So, consequently those of us who continue to
32. say we're coming in the backdoor, it's just not true. Now, one
33. of the distinguished Senators said, the way we handled the last

1. pay raise, several people were not re-elected. What he should have
2. been saying to be accurate, was that...we're so poorly paid, till
3. several people didn't want to be re-elected, so consequently they
4. didn't run for re-election. We don't hold bi-ennium Sessions, if
5. we have any other kind of business back home you can't properly
6. run it. The lawyers can't practice law, the funeral directors
7. can't bury the dead, because we're down here so much, and those
8. of us that have committed to serve in this Body ought to be paid
9. whether it's by commission, by a direct vote. I, too, have
10. supported any pay raise that has come on this Floor. And as far
11. as the people back home, I think I represent a district that is
12. as intelligent as any other district, and as well off. And they
13. sent me down here to represent them in the Senate, and what I
14. do, they don't question it. I don't keep my ears down on this
15. Floor because if I did, I couldn't stand prone to listen to what
16. they were saying. I am the Senator from the 29th Senatorial
17. District by the grace of my voters, and I have not been thrown
18. out of office yet. And I have given a vote where I deemed a vote
19. necessary. So, those of you that are opposed to this method,
20. will you kindly write a letter to the Comptroller and ask him
21. not to issue a check after this bill becomes law. And I will bet
22. you that there is not one in this room that would agree to refuse
23. a pay raise if it is granted. So, since you're twenty-one years
24. old, why don't you quit rubberbanding it and stand up and be
25. a man regardless to how it comes. Some of you are going to pre-
26. tend to dislike it. Mitchler never voted for a pay raise, hell
27. he got defeated, what was his problem. And there were several
28. others that got defeated that never voted for a pay raise. But
29. he always took it. So, don't say that people got defeated because
30. of the pay raise. The Governor got re-elected after he backed off
and then backed on again.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Chew, your time has expired.
33.

1. SENATOR CHEW:

2. People aren't...

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. If you would bring your...

5. SENATOR CHEW:

6. Why has it expired?

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Well, because we have a rule in this Body that each member
9. can speak five minutes, and you've spoken five minutes.

10. SENATOR CHEW:

11. I haven't spoken five minutes, I wouldn't know what to say
12. for five minutes. Four and a half, Senator. I'll bring it to
13. a close, I respect you as President, temporarily. But...don't
14. vote for it if you don't want it, and then publish it in the paper
15. when you go back home. I did not vote for the pay raise, please
16. elect me. That doesn't work back there if you've got sensible
17. people that's voting for you, you do what you know you need to do
18. down here for the benefit of what is going on down here. This is
19. where the buck stops. You can't pass it anywhere else.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator DeAngelis.

22. SENATOR DeANGELIS:

23. Thank you, Mr. President. I, too, have mixed emotions about
24. this bill. But I am going to rise in support of it for several
25. reasons. First of all, I think there are a couple of distortions
26. that have been made on the Floor. One, is we have talked about
27. up front proposals, well, some of the very people that I have heard
28. talk about that, Senator Rhoads made a valiant effort in Executive
29. Committee to do that, and those very same people that talked about
30. up front also voted No in committee on that particular up front
31. proposal. Secondly, the distortion that a minority would, in fact,
32. accomplish the pay raise. Yes, I guess if people laid off their
33. buttons and didn't vote, it would be possible, but I think the press

1. would be perceptive enough to know that those who chose to
2. vote Present on the disapproval or chose not to vote were equally
3. as flagrant in their duties in voting for or against as those
4. who might choose to either vote for the disapproval or vote
5. against the disapproval.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Further discussion? Senator Geo-Karis for a second time.

8. SENATOR GEO-KARIS:

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

10. I, too, have had mixed emotions, but going through the bill, I
11. see there are public hearings available, there will be a possibility
12. for emotion...a resolution to be filed disapproving the commission's
13. report, and if that happens then the responsibility will still
14. be in the Legislature, and if they vote in favor of the dis-
15. approval, fine, if they don't then they still have the onus of
16. responsibility. And therefore, I too, am going to be constrained
17. to vote for this in view of the fact that we do have the opportunity
18. to be responsible. That's the only thing I'm asking for, that
19. we don't avoid our own responsibility to the public. If we vote
20. for the approval of the commission report for a higher salary,
21. then we're responsible, if we don't vote for it we're still re-
22. sponsible either way.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Further discussion? Senator Berman may close. Senator
25. Rock, I'm sorry. Senator Rock.

26. SENATOR ROCK:

27. Thank you, Mr. President, and Ladies and Gentlemen of the
28. Senate. I will be very brief. In 1972, I believe it was, Senator
29. Glass and I co-sponsored a similar measure which did not receive
30. at that time favorable support, but I think a number of things
31. have transpired since that time. And the way the bill is now
32. constructed, the commission is to report to the General Assembly
33. in May when we are in the height of Session, we will have a

1. thirty day period within which to respond, which will bring us
2. to the first of June, and I think everybody will know where every-
3. body is standing. The fact of the matter is, that the Cabinet
4. Officials, and the Constitutional Officers, and yes, the Judiciary
5. is vastly and ashamedly underpaid in this State. And we had
6. better do something about it. This provides, I think, a sensible
7. mechanism to address that problem, and I would urge an Aye vote.
8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Further discussion? Senator Berman may close.

10. SENATOR BERMAN:

11. I want to just address the people that have talked about
12. backdoor. This process is more open, will involve more public
13. participation than any of the pay raises that I have seen in
14. the thirteen years that I've been in this Body. What we have
15. done is either lame duck raises or slid through an appropriation
16. bill without any public hearings whatsoever. This will involve
17. the public. It will be public participants on the board, and
18. you and I will still have to bite the bullet, because you bet your
19. sweet life there will be a roll call on the question of pay raises.
20. I urge your support for this up front, open, bill.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. The question is, shall Senate Bill 269 pass. Those in
23. favor vote Aye. Those opposed vote Nay. The voting is open.
24. Have all voted who wish? Have all voted who wish? Have all
25. voted who wish? Take the record. On that question, the Ayes
26. are 34, the Nays are 20, none Voting Present. Senate Bill 269,
27. having received the required constitutional majority is declared
28. passed. Senate Bill...for what purpose does Senator Rock arise?

29. SENATOR ROCK:

30. Thank you, Mr. President, and Ladies and Gentlemen of the
31. Senate. In accord with my earlier discussions with Senator Shapiro,
32. I think this is a logical place, and a good time to stop for today.
33. That was our sixty-fifth bill, we have remaining on the Calendar

1. some six hundred more, so don't go away mad, we've got more to do.
2. The Committees of Judiciary II and Executive Appointments will
3. meet tomorrow morning at 8:30 a.m. and we will convene
4. the Session at 11:00 a.m. sharp. In the meantime I
5. hope everybody remembers to take their printout of the Agreed
6. Bill, and take a look through it and see if there's anything that
7. you do not agree with. The Revenue Committee on Friday will be
8. cancelled so that we will start the Session on Friday morning,
9. again at 9:00 a.m. and hopefully work at least a full half a day.
10. But tomorrow we will reconvene at 11:00 a.m. after the two
11. committees meet at eight-thirty. I congratulate you on a good
12. day's work.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. All right, Senator Rock, we have six resolutions we'd like
15. to get on the Consent Calendar. Is there leave...leave to go to
16. the Order of...Senator Rock.

17. SENATOR ROCK:

18. On...on that order of miscellaneous business, I have one rereferral
19. that has been cleared with both sides, it's House Bill 1458, it
20. was assigned to the Committee on Higher Ed., we missed House
21. Amendment No. 1, which struck everything including the title, and
22. it really belongs in Elementary and Secondary Ed., and I would
23. move that that bill be rereferred from Higher Ed. to Elementary.
24. House Bill 1458, I think Senator Maitland is the sponsor.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. You've heard the motion. Discussion? All in favor say Aye.
27. Opposed Nay. The Ayes have it. The bill is...

28. SENATOR ROCK:

29. One...one other matter, pursuant to our rules, I have received
30. a request in writing from Representative Zeke Giorgi with respect
31. to House Bill 1652, 1652, he requests that Senator Timothy Simms
32. be shown as the Senate sponsor of House Bill 1652. I would ask
33. that we honor that request.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senate...sponsor of House Bill 1652 will be Senator Simms.
3. Is there leave to go to the Order of Resolutions? Leave is
4. granted. Resolutions.

5. SECRETARY:

6. Senate Resolution 186, it's commendatory by Senator DeAngelis.
7. Senate Resolution 187, by Senator Dawson, it's congratulatory.
8. Senate Resolution 188, by Senator DeAngelis, it congratulatory.
9. Senate Resolution 189, by Senators Rhoads, Davidson, and
10. Shapiro, it's congratulatory.

11. And Senate Resolution 190, by Senator Ozinga, and all Senators,
12. and it's a death resolution.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Resolutions Consent Calendar. Announcements. Senator
15. Sangmeister.

16. SENATOR SANGMEISTER:

17. Yes, I hope the Judiciary II Committee members are listening,
18. I've been prevailed on by several members of the committee that
19. we only have ten or eleven bills, that instead of meeting at eight-
20. thirty in the morning, they would like to meet at nine-thirty.
21. So, anybody that has a House Bill, Senator McMillan, I know you're
22. one, the committee will convene at nine-thirty, not at eight--
23. thirty. And I hope the committee members are hearing this. And
24. also my committee clerk.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Judiciary II will meet at nine-thirty as opposed to eight-
27. thirty tomorrow morning. Further business to come before the
28. Senate? Any further announcements? Senator Rupp moves that the
29. Senate stands adjourned until the hour of eleven on May the 20th.
30. On the motion to adjourn until eleven o'clock, all those in favor
31. say Aye. Opposed Nay. The Ayes have it. The Senate stands ad-
32. journed until eleven o'clock tomorrow morning.

33.