

82nd GENERAL ASSEMBLY

REGULAR SESSION

JUNE 23, 1981

1. PRESIDENT:

2.           The hour of nine having arrived the Senate will please  
3. come to order. Will the members please be at their desks.  
4. And will our guests in the gallery please rise. Our prayer  
5. this morning by the Reverend Robert D. Florence, Lakeside  
6. Christian Church, Springfield, Illinois. Reverend.

7. REVEREND ROBERT D. FLORENCE:

8.           (Prayer given by Reverend Robert D. Florence)

9. PRESIDENT:

10.           Thank you, Reverend. Reading of the Journal. Senator  
11. Johns.

12. SENATOR JOHNS:

13.           Thank you, Mr. President. I move that reading and approval  
14. of the Journals of Tuesday, June the 16th; Wednesday, June the 17th;  
15. Thursday, June the 18th; Friday, June the 19th; and Monday, June  
16. the 22nd in the year of 1981 be postponed pending arrival of the  
17. printed Journal.

18. PRESIDENT:

19.           You've heard the motion as placed by Senator Johns. Any  
20. discussion? If not, all in favor signify by saying Aye. All  
21. opposed. The Ayes have it. Motion carries. It's so ordered.  
22. Message from the House.

23. SECRETARY:

24.           A Message from the House by Mr. Leone, Clerk.

25.           Mr. President - I am directed to inform the Senate  
26. the House of Representatives has concurred with the Senate in  
27. the passage of bills with the following titles, to-wit:

28.           Senate Bill...318 with House Amendment 1; 333 with  
29. Amendments 1 and 2; 334 with House Amendment 1; 335, House  
30. Amendment 1; 336 with House Amendment 1; 337 with House Amend-  
31. ments 1 and 2; 344 with House Amendments 1, 2, 4 and 5; and  
32. 791 with House Amendment 1.

33. PRESIDENT:

1. Secretary's Desk. Senator D'Arco. Senator D'Arco seeks  
2. leave of the Body to go to the Order of Secretary's Desk  
3. Resolutions. If you'll turn to page 33 on the Calendar...page  
4. 33 on the Calendar, with leave of the Body, we'll move to the  
5. Order of Secretary's Desk Resolutions. Senate Joint Resolution  
6. 52, Mr. Secretary.

7. SECRETARY:

8. Amendment No. 1 to Senate Joint Resolution 52, offered by  
9. Senator D'Arco.

10. PRESIDENT:

11. Senator D'Arco.

12. SENATOR D'ARCO:

13. Thank you,...Mr. President. Amendment No. 1...amends the  
14. resolution to extend the reporting date from...June 30th, 1981  
15. to June 30th, 1982 for the Condominium Commission and I move  
16. to adopt Amendment No. 1 to Senate Joint Resolution 52.

17. PRESIDENT:

18. Alright. Senator D'Arco has moved the adoption of Amend-  
19. ment No. 1 to Senate Joint Resolution 52. Any discussion? If  
20. not, all in favor signify by saying Aye. All opposed. The Ayes have  
21. it. The amendment is adopted. Do you wish now to take up  
22. Senate Joint Resolution 52, as amended? Alright. On the  
23. Order of Secretary's Desk Resolutions, Senate Joint Resolution  
24. 52, as amended. Senator D'Arco.

25. SENATOR D'ARCO:

26. Thank you,...Mr. President. It does what, in fact, the  
27. amendment...said it does and I'd move to suspend the rules  
28. for the immediate consideration of...Joint Resolution 52.

29. PRESIDENT:

30. Alright. Senator D'Arco has moved the adoption of Senate  
31. Joint Resolution 52. Those in favor of the adoption will vote  
32. Aye. Those opposed will vote Nay. The voting is open. Have all  
33. voted who wish? Have all voted who wish? Have all voted who wish?

1. Take the record. On that question, the Ayes are 42, the Nays  
2. are none, none Voting Present. Senate Joint Resolution 52  
3. having received the required constitutional majority is  
4. adopted. Senator Bruce.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. On the Order of Resolutions is SJR 50 sponsored by  
7. Senator Rock. Senator Rock is recognized.

8. SENATOR ROCK:

9. Thank you, Mr. President and Ladies and Gentlemen of the  
10. Senate. Senate Joint Resolution 50 would require the Commission  
11. on Intergovernmental Cooperation to hold some hearings...prior  
12. to our Fall Session to find out specifically how we are to  
13. address...if we are to address...the happenstance of...of the  
14. change from...categorical to block grants. This is a matter  
15. currently under discussion at the Federal level. It seems  
16. to me in October when we return we had best be prepared and  
17. all this would do would charge that commission...with the  
18. responsibility for holding those hearings. As you know,  
19. that commission is made up of representatives from the  
20. administration and all the constitutional officers and...  
21. members of both...both Houses...both sides of the aisle. It  
22. is felt that we, as the General Assembly, should be in a  
23. position to respond...if need be and it appears that we will  
24. have a need to respond. I know of no objection. This was  
25. put together by Representative Peters and the House Leadership  
26. and they are anxiously awaiting its arrival. I would move  
27. its adoption.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. The motion is to adopt Senate Joint Resolution 50. Dis-  
30. cussion of the motion? It will require a roll call. Those in  
31. favor will vote Aye. Those opposed will vote Nay. The voting  
32. is open. Have all voted who wish? Have all voted who wish?  
33. Take the record. On that question, the Ayes are 48, the Nays

HB 607  
Recalled

1. are none, none Voting Present. Senate Joint Resolution 50 is  
 2. declared passed. We have nine bills that are to be recalled  
 3. this morning and we will go to that order of business with  
 4. leave of the Senate. Is there leave? Leave is granted.  
 5. The bill sponsors are as follows, if you will pay attention  
 6. please: Senator Nedza, Dawson, Demuzio, Carroll, Berman, Carroll,  
 7. Carroll, Weaver and Carroll. Senator Nedza on House Bill 109.  
 8. Alright. Senator Nedza is waiting for an amendment to come  
 9. up on that one. Senator Dawson on 520. Senator Demuzio on  
 10. 607. Senator Demuzio asks leave of the Senate to return House  
 11. Bill 607 to the Order of 2nd reading for the purpose of an  
 12. amendment. Is there leave? Leave is granted. Are there  
 13. amendments, Mr. Secretary?

14. SECRETARY:

15. Amendment No. 2, offered by Senator Demuzio.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Demuzio.

18. SENATOR DEMUZIO:

19. Thank you, Mr. President. I just discussed this amendment  
 20. with...Senator Maitland. He indicates it's a...makes a...the  
 21. bill a little better. It indicates that...the farm loans  
 22. cannot be authorized...to any person who has assets of more  
 23. than a hundred thousand and with assets or liabilities in more  
 24. than three hundred thousand. It sort of tightens up the language  
 25. in terms of the loans. I know of no...opposition and move  
 26. adoption of Amendment No. 2.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. The motion is to adopt Amendment No. 2. Discussion of the  
 29. motion? All in favor say Aye. Opposed Nay. The Ayes have it.  
 30. Amendment No. 2 is adopted. Further amendments?

31. SECRETARY:

32. No further amendments.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. 3rd reading. Senator Carroll on 972. Senator Carroll  
2. asks leave of the Senate to return 972 to the Order of 2nd  
3. reading. Is there leave? Leave is granted. Are there amend-  
4. ments, Mr. Secretary? Senator...Senator Carroll is recognized.  
5. SENATOR CARROLL:

6. Thank you. The purpose for bringing it back is to Table  
7. Amendment No. 1, which brought it down to one dollar and then  
8. leave it on 2nd...after we have Tabled that amendment. It  
9. would leave it at the twenty-two thousand figure. It's been  
10. read a second time. If that's alright, so we could then leave it  
11. on 2nd and then it could still go to 3rd and pass at whatever  
12. day we move it. So, at this time...having voted on the pre-  
13. vailing side, I would move to Table Amendment No. 1.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Well, we...the motion is to reconsider the vote by which  
16. Amendment No. 1 to House Bill 972 was adopted. On the motion  
17. to reconsider, discussion? All in favor say Aye. Opposed Nay.  
18. The Ayes have it. Amendment No. 1 is reconsidered. Senator  
19. Carroll now moves to Table Amendment No. 1. On the motion  
20. to Table, all in favor say Aye. Opposed Nay. The Ayes have  
21. it. Amendment No. 1 is Tabled. Now, Senator Carroll, we'd  
22. prefer not to leave this on 2nd.

23. SENATOR CARROLL:

24. Move it.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Alright.

27. SENATOR CARROLL:

28. We...we will have a later amendment, but if you'd prefer  
29. to move it to 3rd and bring it back later, fine.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Fine. Further amendments?

32. SECRETARY:

33. No further amendments.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. 3rd reading. Senator Berman on 1049. Senator Carroll  
3. on 1365. Senator Carroll asks leave of the Senate to return  
4. House Bill 1365 to the Order of 2nd reading. Is there leave?  
5. Leave is granted. Are there amendments, Mr. Secretary, please?

6. SECRETARY:

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

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Geo-Karis.

10. SENATOR GEO-KARIS:

11. I think,...Mr. President, before Amendment No. 2 comes on,  
12. there's an amendment on the bill that, I think,...Senator Berman  
13. put on and I think he's going to ask leave to reconsider on  
14. the first one.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Berman.

17. SENATOR BERMAN:

18. Yes, last week we adopted an amendment to this. I had  
19. moved the...I had moved the adoption of that amendment. It  
20. was...improperly drafted and the Geo-Karis amendment...is to  
21. correct that. At this time, I would move to reconsider the  
22. vote by which Amendment No....1 was adopted.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. You've heard the motion. Discussion? All in favor say  
25. Aye. Opposed Nay. The Ayes have it. The vote is reconsidered.  
26. Senator Berman now moves to Table Amendment No. 1. On the  
27. motion to Table, all in favor say Aye. Opposed Nay. The Ayes  
28. have it. Amendment No. 1 is Tabled. Further amendments?

29. SECRETARY:

30. Amendment No. 2, offered by Senator Geo-Karis.

31. SENATOR GEO-KARIS:

32. Amendment No. 2, Mr. President and Ladies and Gentlemen  
33. of the Senate,...corrects the...omission that was made and

HB 1619  
2nd Reading  
Recalled  
6-23-81

1. says,...except...but not the medical records pertaining to  
2. the patient. And...and that's in quote...in parentheses,  
3. using the course of internal quality control of and...or of  
4. and I...move the passage of this amendment.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. The motion is to adopt Amendment No. 2. Discussion of  
7. the motion? All in favor say Aye. Opposed Nay. The Ayes  
8. have it. Amendment No. 2 is adopted. Further amendments?

9. SECRETARY:

10. Amendment No. 3, offered by Senator Berman.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Berman is...Senator Berman withdraws the amendment.  
13. Further amendments?

14. SECRETARY:

15. No further amendments.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. 3rd reading. 1414, Senator Weaver. 1619, Senator Carroll.  
18. Senator Carroll asks...leave of the Senate to return House  
19. Bill 1619 to the Order of 2nd reading for the purpose of an  
20. amendment. Is there leave? Leave is granted. The bill is  
21. on the Order of 2nd reading. Are there amendments, Mr. Secre-  
22. tary, please?

23. SECRETARY:

24. Amendment No. 3, offered by Senator Carroll.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Carroll is recognized.

27. SENATOR CARROLL:

28. Thank you,...Mr. President and Ladies and Gentlemen of the  
29. Senate. Amendment No. 3 is to clarify the intent of the bill,  
30. which was to add this additional charge to whatever the fees  
31. end up being for marriage and/or divorce for this...battered  
32. shelter workshop...situation. The way the bill is drafted  
33. it's not clear whether there's a total fee involved or an

1. add on fee and this is to make it absolutely clear that this  
2. is an add on fee to whatever the other filing fees end up  
3. being. I would move adoption of Amendment No. 3.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. The motion is to adopt Amendment No. 3. On the motion  
6. to adopt, discussion? All in favor say Aye. Opposed Nay.  
7. The Ayes have it. Amendment No. 3 is adopted. Further  
8. amendments?

9. SECRETARY:

10. No further amendments.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. 3rd reading. Senator Dawson, you did not wish to call...  
13. is Senator Dawson on the Floor? Alright. That concludes the  
14. recalls. We will now go to 2nd reading. Alright. 3rd reading.  
15. On page 4 of your Calendar is House Bill 373. We had stopped  
16. at that point. We will start again on House Bill 373. Senator  
17. Philip, do you wish to call 373? Read the bill, Mr. Secretary,  
18. please.

19. SECRETARY:

20. House Bill 373.

21. (Secretary reads title of bill)

22. 3rd reading of the bill.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Philip.

25. SENATOR PHILIP:

26. Yeah, Mr. President, are you sure there's enough people  
27. here this morning?

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Further explanation?

30. SENATOR PHILIP:

31. Thank you, Mr. President and Ladies and Gentlemen of the  
32. Senate. House Bill 373, as amended, amends the Liquor Control  
33. Act. It would actually prevent citizens from purchasing liquor



1. from a brewery on the site or from a distributor at his ware-  
2. house. Also it has that great amendment on it, which was  
3. put on in committee, which allows the new Illinois Center,  
4. that will be completed, we hope, shortly down in the City  
5. of Chicago to sell alcoholic beverages. Quite frankly,  
6. that's the only...three things this bill does and evidently  
7. in the past there's been some problems with...citizens buying  
8. ...liquor at the brewery and from distributors, not paying  
9. sales tax. It's always been kind of an issue between the  
10. ...producers of beer and the distributors of beer and this,  
11. ...I'm led to believe, solves both problems. So, if there  
12. are any questions, I'll be happy to answer them.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Is there discussion? Senator Simms.

15. SENATOR SIMMS:

16. A question of the sponsor.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Indicates he will yield. Senator Simms.

19. SENATOR SIMMS:

20. Senator...Senator Philip, in the case of...whereas an  
21. individual may have a...outside activity that requires...  
22. beer to be distributed from a truck type operation, where  
23. would an individual today be able to...after the passage  
24. of your bill be able to purchase that, since the only ones,  
25. basically, that have that are the distributors?

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Philip.

28. SENATOR PHILIP:

29. Gee, I wish my partner in crime, Jimmy Donnewald, was  
30. here, because he could probably answer that question. But  
31. that's a good question. We have used those...those beer trucks  
32. ourself, you know, when you...you talk to the distributor.  
33. You know what, quite frankly, I don't think it prohibits

1. that. If I remember correctly, what it does prohibit is  
2. you going and buying cases and...etcetera from them. I'm not  
3. sure that it prohibits the actual trucks.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Further discussion? Senator Simms, had you concluded?  
6. Senator Simms.

7. SENATOR SIMMS:

8. Well, my only question was...I...I was...my only...  
9. question is whether or not this would still allow this  
10. practice to go on, because, frankly,...I think there are  
11. many organizations and many different groups, whether they  
12. be political or...fraternal, that the only way that they can  
13. ...obtain...that type of...beer service is through the  
14. distributor. And it's my reading of...of the bill, and  
15. maybe it's incorrect, that that would...for all purposes  
16. prohibit that in the future and...that does have some con-  
17. cern for me.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Philip.

20. SENATOR PHILIP:

21. Yeah, I have further clarification and that is incorrect,  
22. Senator Simms. I've been told by...Bert Nickerson that...that  
23. does not happen, you can still sell it off...off the...the spigot  
24. off the truck and if that was true, I wouldn't be the sponsor  
25. of the bill, quite frankly.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Further discussion? Senator Kenneth Hall.

28. SENATOR HALL:

29. Will the sponsor yield for a question?

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Indicates he will yield. Senator Hall.

32. SENATOR HALL:

33. Senator Philip, this raises a great problem for churches

1. and other organizations when they have affairs. Do you mean  
2. to say that...or even if we have a fund raiser or something...  
3. that...that you couldn't go to a distributor and buy anything?  
4. You'd have go to...of course when I read your bill, I...it  
5. started out as being for the State Office Building. Now,  
6. this is on here. I think this raises quite a few problems  
7. here. I want you to be absolutely sure. You know, often-  
8. times we vote on something then we find out that we're  
9. not. But in answer...the question is this, I have some  
10. great reservations...churches or other groups that, it's like  
11. Senator Simms says, wants to give an affair and they would  
12. be...they might not have beer trucks. It's delivered out  
13. there in cases.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Philip.

16. SENATOR PHILIP:

17. Yeah, I guess, obviously,...there's some confusion. All  
18. this does is prevent those people from going up...to a...  
19. distributor's warehouse or a brewery and buying cases of beer  
20. off them. You would have to to to the store to do that, but you  
21. could still have them with the tapped beer with their trucks,  
22. you still could buy that service. All you're stopping actually  
23. is the retail sale of package goods.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Further discussion? Senator Vadalabene.

26. SENATOR VADALABENE:

27. Yes, I rise in support of this bill and possibly I can  
28. help Senator...Pate Philip. What this bill actually does is,  
29. it prohibits dock sales. Now, whenever they have a big function,  
30. like Shell Oil or American Legion or so forth, these people are  
31. licensees and they could deliver the fifteen or twenty kegs or  
32. whatever they want...to these different...picnics and events.  
33. This bill merely prohibits dock sales and I think a good bill  
34. and we should support it.

MB 377  
3rd reading

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Further discussion? Further discussion? Senator Philip  
3. may close.

4. SENATOR PHILIP:

5. Yeah, I'm sorry about the confusion. I...I had been led  
6. to believe that not only the retailers, the distributors and  
7. their breweries all support this. This has been an agreed  
8. bill among everybody and...oh, there's my friend Senator  
9. Donnewald, the expert on beer...and...but I assure  
10. you there is...there is no attempt other than to prevent  
11. package sales at the point of distribution and at the point  
12. of manufacture. And if it was anything to the...the contrary,  
13. I certainly wouldn't support it. So, I'd ask for your favor-  
14. able consideration.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. The question is, shall House Bill 373 pass. Those in  
17. favor vote Aye. Those opposed vote Nay. The voting is  
18. 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 30, the Nays are 12, 4 Voting Present. House  
21. Bill 373 having received the required constitutional majority  
22. is declared passed. House Bill 377, Senator Newhouse. Read  
23. the bill, Mr. Secretary, please.

24. SECRETARY:

25. House Bill 377.

26. (Secretary reads title of bill)

27. 3rd reading of the bill.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Newhouse.

30. SENATOR NEWHOUSE:

31. Thank you, Mr. President and Senators. The digest is on  
32. the money on this bill. It's intended to be solely revisory  
33. in nature in order to update obsolete Statutory language

1. relating to the public community colleges. I'd ask for a  
2. favorable roll call. Any questions, I'd be delighted to  
3. answer.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Is there discussion? Is there discussion? The question  
6. is, shall House Bill 377 pass. Those in favor vote Aye. Those  
7. opposed vote Nay. The voting is open. Have all voted who wish?  
8. Have all voted who wish? Take the record. On that question,  
9. the Ayes are 50, the Nays are none, none Voting Present. House  
10. Bill 377 having received the required constitutional majority  
11. is declared passed. House Bill 403, Senator Nedza. Read the  
12. bill, Mr. Secretary, please.

13. SECRETARY:

14. House Bill 403.

15. (Secretary reads title of bill)

16. 3rd reading of the bill.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Senator Nedza.

19. SENATOR NEDZA:

20. Yes, thank you, Mr. President and Ladies and Gentlemen  
21. of the Senate. The original bill amended the Election Code  
22. to...require election authorities to print a form on...on  
23. the...the electronic voting systems on the envelopes to...  
24. for a...provision for write-in votes. The amendments...there  
25. are two amendments to the bill. One of the amendments was the  
26. ...providing that the write-in vote shall be counted for self-  
27. avowed write-in candidates, which is similar to...House Bill  
28. 131. And the other amendment that was...applied to the bill  
29. was the absentee voting in nursing homes. This was similar  
30. to...an amendment...by...similar to Senate Bill 501, Senator  
31. Donnewald and House Bill 1668, which...Senator Netsch and  
32. Woody Bowman had. I think everyone is aware of what's in the  
33. bill. If there are no questions, I would move for a favor-  
34. able roll call.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Is there any discussion? If not, the question is, shall  
3. House Bill 403 pass. Those in favor...will indicate by voting  
4. Aye. Those opposed vote Nay. The voting is open. Have all  
5. voted who wish? Have all voted who wish? Have all voted who  
6. wish? Take the record. On that question, the Ayes are 47,  
7. the Nays are 3, none Voting Present. House Bill 403 having  
8. received the constitutional majority is declared passed.  
9. House Bill 405, Senator Sangmeister. House Bill 410, Senator  
10. Chew. Read the bill, Mr. Secretary.

11. SECRETARY:

12. House Bill 410.

13. (Secretary reads title of bill)

14. 3rd reading of the bill.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Senator Chew.

17. SENATOR CHEW:

18. Thank you, Mr. President and members of the Senate. This is  
19. a Motor Vehicle Laws bill and it...establishes throughout  
20. the three major weight tax categories. The...trucking industry  
21. would be given an accurate count on the poundage. The Secretary  
22. of State's Office is in favor of the bill, the trucking industry  
23. is in favor of the bill. I know of no known opposition and I  
24. would ask for a favorable roll call.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Is there any discussion? If not, the question is, shall  
27. House Bill 410 pass. Those in favor will vote Aye. Those  
28. opposed vote Nay. The voting is open. Have all voted who wish?  
29. Have all voted who wish? Have all voted who wish? Take the  
30. record. On that question, the Ayes are 36, the Nays are 1,  
31. and 5 Voting Present. House Bill 410 having received the  
32. constitutional majority is declared passed. Senate Bill...or  
33. House Bill 411, Senator Bloom. House Bill 422, Senator Berning.

1. Read the bill, Mr. Secretary.

2. SECRETARY:

3. House Bill 422.

4. (Secretary reads title of bill)

5. House Bill 422.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator Berning.

8. SENATOR BERNING:

9. Thank you, Mr. President and members of the Senate. House  
10. Bill 422 is a new approach to the old problem of the decontrol  
11. of small water systems. House Bill 422 has the unique ad-  
12. vantage, however, of being now supported by the Department  
13. of Public Health and the Department of Environmental Protection  
14. Agency and unless there are questions on the bill itself,  
15. I would appreciate a favorable roll call.

16.

17. (The following typed previously)

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HB 438  
3rd Reading

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Is there any discussion? If not, the question is, shall House  
3. Bill 422 pass. Those in favor will vote Aye. Those opposed vote  
4. Nay. The voting is open. Have all voted who wish? Have all voted  
5. who wish? Have all voted who wish? The Ayes are...take the record.  
6. On that question, the Ayes are 48, the Nays are none, none Voting  
7. Present. House Bill 422, having received a constitutional majority  
8. is declared passed. House Bill 438, Senator Rock. Read the bill,  
9. Mr. Secretary.

10. SECRETARY:

11. House Bill 438.

12. ( Secretary reads title of bill )

13. 3rd reading of the bill.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Senator Rock.

16. SENATOR ROCK:

17. Thank you, Mr. President, and Ladies and Gentlemen of the  
18. Senate. House Bill 438, sponsored in the House by the Speaker  
19. and here in the Senate by Senator Shapiro and I, would...would  
20. effectively remove the interest rate ceiling on...on virtually  
21. every consumer loan transaction, credit union loans, State bank  
22. loans, written contracts, mortgage loans, revolving credit loans,  
23. and installment loans. The idea being, that in a tight money market  
24. with the existing interest ceilings, money simply is not available  
25. to those who wish to avail themselves of the opportunity. And it  
26. seems to me, and some others, that we are better advised to be in  
27. a...a competitive economy, this will afford the money market that  
28. opportunity. And I would seek a favorable roll call.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Is there any discussion? Senator Berman.

31. SENATOR BERMAN:

32. Thank you, Mr. President. I rise in opposition to the bill.  
33. There's not many things that the Illinois General Assembly can do



1. to try to counter the spiral of inflation that we all live through.  
2. Most of it is determined by the fiscal policies of the Federal  
3. Government, that just prints the money and causes the inflation.  
4. But I think that this is one area that we ought to take a look  
5. at, and I understand the economics that are involved, that when  
6. there are spiraling interest rates, unless you lift the usury  
7. ceiling, the credit is not available. Well,- I would suggest to  
8. you, that perhaps in these days the credit should not be available.  
9. That this is one step that we ought to take to keep the lid on,  
10. and I know that this is contrary to the free world of economics,  
11. to the free market system, but I'm not sure that the determination  
12. of the levels of interest rate is a free market either. And I  
13. would suggest to you, that in order to try to keep a lid on these  
14. days of the inflation rate, a good way for us to start in our  
15. capacity as a General Assembly, is not to pass this bill, to vote  
16. against it, to keep the usury rates where they are. If the in-  
17. flation cools off, if rates come down, then it would make more  
18. sense. But all you're going to do, is, in Illinois, at least,  
19. with this bill, is increase the rate of inflation, cost the little  
20. guy, whether he's able to get it or not, a lot more for the credit.  
21. And I just think that this is not the time to pass this bill. We,  
22. I think, took a very strong stand on substantially the same bill  
23. a year ago, and we defeated it. I think we should defeat it again  
24. today.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Is there further discussion? Senator Gitz.

27. SENATOR GITZ:

28. I have a question of the sponsor, and then I'd like to speak  
29. to the bill.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. He indicates he will yield.

32. SENATOR GITZ:

33. Senator Rock, in the Criminal Code there is a section that

1. relates to usurious interest rates, should we pass this bill, how  
2. would one determine a usurious practice then? Since, in effect,  
3. there would be absolutely no ceiling on any of these personal  
4. loans?

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Senator Rock.

7. SENATOR ROCK:

8. I'm...I'm not sure I understood the question.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Senator Gitz.

11. SENATOR GITZ:

12. Well, in the Criminal Code of Illinois, you can be prosecuted  
13. for usurious practices, and this is generally related as the re-  
14. search and information providing needs...to just, to the fact that  
15. there is certain limits, ceilings in the State of Illinois. And  
16. I'm wondering, once this is adopted, on what basis then, you would  
17. relate that to if you were court called to make a judgment on  
18. that? And I have a follow-up question beyond that.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Senator Rock.

21. SENATOR ROCK:

22. Well, I am...I am going to assume that there probably would  
23. not, except in the instance of unlicensed persons extending credit,  
24. there probably would not be any prosecutions. Given the fact that  
25. if this is approved, there would be no effective ceiling, there  
26. would be no usury rate for those who are in the business of extending  
27. credit, those who are licensed to extend credit.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Senator Gitz.

30. SENATOR GITZ:

31. Am I to infer from that then, that conceivably, once this was  
32. adopted a juice loan could be legal, conceivably provided that  
33. it was in writing, there was no strong arm or forcible tactics in

1. use, and they were licensed then?

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Senator Rock.

4. SENATOR ROCK:

5. Under all those assumptions, I think, that's correct.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator Gitz.

8. SENATOR GITZ:

9. Thank you, Mr. President. I would now like to speak to the  
10. bill. I think everyone here understands that the United States  
11. economy and the Illinois economy has had the most difficult and  
12. unusual set of circumstances that we have ever seen probably in  
13. the last fifty years. Who, a couple of years ago would have  
14. assumed that we would see such a thing as a twenty percent prime  
15. rate of interest? I would be happy to support this bill, if the  
16. two amendments had been added yesterday, but I fear the rejection  
17. of those amendments overwhelmingly signals precisely the wrong  
18. thing in the area of public policy. Let's consider those amend-  
19. ments for a moment. We were asked to provide a two year limitation,  
20. and to go back and look at where we were, something that I think  
21. was particularly timely since Senator Luger of Indiana has intro-  
22. duced legislation at the National level, which would say that unless  
23. a State was to put back usury ceilings within three years, that  
24. they'd be gone forever. Now, there is a House resolution pending,  
25. it seems to me that this...gave us some evidence, some way to  
26. provide immediately needed relief, and yet to assume that perhaps  
27. these circumstances are unusual and that Mr. Reagan will, in fact,  
28. be successful in addressing the economy. And yet that has been re-  
29. jected. The second amendment said that if a financial institution  
30. wrongfully charged someone, that there would be some recourse for  
31. the person who is victimized to it. Now, that was Senator Chew's  
32. amendment, that too was rejected. I fear that we are going to have  
33. much to answer for once this proposal is adopted, because let's

1. face it, once usury ceilings are gone, they're going to be gone  
2. forever. And it's going to be exceedingly difficult to bring them  
3. back no matter what the isolated abuses are that are covered, no  
4. matter what the impact is. And I hope before you vote on this,  
5. that we all consider some of the things that we'll be asked to  
6. answer to when we go back home. Imagine, for a moment, a twenty-  
7. five percent increase in the sales tax for transportation, imagine  
8. what is happening when you pay more for a mortgage now in interest  
9. than you do in principal, imagine the increases in legislative  
10. pensions, and all the other goodies in this Session, and then we  
11. say, by the way. Now, there is no limitation, there is no public  
12. policy on the books of this State, that constitutes a usurious  
13. practice. At least we ought to recognize a two year sunset, and  
14. yet that seemed to be asking too much. I think that we will  
15. rue the day that we have completely taken the lid off of every-  
16. thing, whether it's credit cards, or personal loans without any  
17. consideration of the potential impact on the consumer who more  
18. and more has to rely upon loans just simply to get through each  
19. and every year, let alone the fact that major goods like housing  
20. have to be dependent upon a mortgage. I think that we would do  
21. well to very carefully consider what we are about to do in the  
22. next five minutes on this bill. And for that reason I stand in  
23. opposition, not because I don't recognize that there is a need  
24. for some temporary relief, but because this bill is all encom-  
25. passing, it goes all the way, and I think sets an extremely bad  
26. and rueful practice.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Senator Buzbee.

29. SENATOR BUZBEE:

30. Thank you, Mr. President. This is not the worst bill I've  
31. ever seen, but it's the worst bill I've ever seen Senator  
32. Rock sponsor. I...I...I can't imagine what in the world we  
33. are doing here. I, like Senator Gitz, understand the need for some

1. temporary lifting of the interest ceiling. As a matter of fact, I  
2. supported the...the lifting of the usury ceiling a couple of years  
3. ago on house loans, but this is a different breed of cat we're  
4. talking about, it's a different consumer. In the first place,  
5. I don't like...I would not like to put myself in the position  
6. of being at the mercy of the Visa credit card system, or the  
7. MasterCard credit card system to decide at any point when I have  
8. an outstanding balance that they're going to raise the interest  
9. rate on me willy-nilly. And those consumer loans are not like  
10. ...that...that Senator Gitz was talking about, they're not like  
11. the home mortgage loans. The people that take...that are consumers  
12. of those loans don't shop around for the best interest rate. We're  
13. going to see forty and fifty percent interest rates if this bill  
14. passes. This is absolutely ludicrous, again, if we need to lift the  
15. interest rate ceiling, we can do that a little bit at a time.  
16. But to completely take the interest ceiling off of every kind of  
17. conceivable loan, and especially to be sponsored by a Democrat,  
18. is beyond my comprehension. I...I just don't understand what we're  
19. doing here, this is a lousy concept, it ought to be killed. It  
20. should never have gotten this far, and...and I just don't under-  
21. stand what we're doing. I'm...I'm personally very embarrassed  
22. that it comes from our side of the aisle.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Senator...Senator Keats.

25. SENATOR KEATS:

26. Far...far be it from me to be the one who must rise to support  
27. the President of the Senate against this abuse from his own party.  
28. But despite what's said, Phil Rock should not be compared to a child  
29. molester, he's actually doing something that really is beneficial  
30. to the system. And Phil, I apologize for being the one to de-  
31. fend you, but someone has to. You know, what we're talking about  
32. right now...Phil, am I...Phil, am I helping you to death, was that  
33. the phrase? But on a...on a serious level, I mean enough kidding  
for the President, I think he's taken enough today. I mean the

1. rhetoric thus far is good populism, it sounds great, and I'm sure that  
2. in terms of local constituents, some of them reading it in the  
3. papers will be impressed that you bothered to rise and offer  
4. such platitudes, but in terms of economics, it doesn't make any  
5. sense whatsoever. You're killing people with kindness, by alleging  
6. that you're helping someone by making it substantially easier for  
7. them to bury themselves in debt, is just plain ridiculous. This  
8. sort of economic logic is the same sort of thing that has us in  
9. the problems that we have today. By holding down the real world  
10. price of a product, whether it is money being borrowed, whether  
11. it's gasoline, or whatever, you are overconsuming in that area.  
12. And as you continually hold down the price of...in this case money,  
13. you are letting the little investor, the one who really is not  
14. economically very sophisticated, borrow themselves into oblivion.  
15. If you continually make the cost of...cost of borrowing substant-  
16. ially less than it should be, you are accidentally, but still in  
17. reality, destroying the small borrower. Because as more of that  
18. money is taken up, more people get themselves into financial  
19. trouble through no real fault of their own, other than the fact  
20. they don't really understand economics, and then, those people  
21. default and make credit much more difficult to receive for other  
22. people to receive. So, that is something you have to keep in mind.  
23. One of our problems in America, today, is that too many of us live  
24. beyond our means...

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Senator, would you bring your remarks to a close. Your time  
27. has run out.

28. SENATOR KEATS:

29. I, at times, have done it myself, but for us as the Legislature  
30. to say that as a positive policy of the State, that not only to make  
31. it easier to live beyond your means, but to make it dangerous for  
32. that individual to do it by damaging their credit ratings, I think  
33. you, in the long run, should be held directly responsible for what

1. you've done to those people.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Senator Demuzio.

4. SENATOR DEMUZIO:

5. Well, thank you, Mr. President, and Ladies and Gentlemen of  
6. the Senate. I do, in fact, rise in strong opposition to House  
7. Bill 438. Some of the arguments that have been made against it,  
8. have been made by those...Senator Gitz and Senator Buzbee on our  
9. side of the aisle, and I doubt very seriously if we will hear  
10. any arguments against it from the other side of the aisle. The  
11. amendment that I offered yesterday, I think, was one that many of  
12. us could have, in fact, if it was adopted, supported House Bill 438,  
13. which would have given the business and industry, and the financial  
14. community thirty...thirty months that's necessary in order for  
15. interest rates...to make some adjustments. One of the things that  
16. I did not say yesterday, that I'd like to bring to the attention  
17. of the membership, was that recently there was a statement, that  
18. was included in the review of the Illinois Interest Act, which was  
19. conducted by the Legal Council of the Illinois Bankers Association,  
20. which was published in May of 1980. And I'd like to quote this  
21. paragraph, it says, "we believe that in comparing Illinois interest  
22. rates with those of other states, Illinois ranked very high among  
23. the other states, and possibly offered lenders the best rates  
24. available. This conclusion was based upon...analyzing Illinois'  
25. loan rates separately, and as an aggregate with the other states.  
26. In such analysis, Illinois ranked in the top ten percent of the  
27. fifty states in regard to those interest rates." Now, I indicated  
28. yesterday that on May 1st of 1980 that the...the prime rate, in-  
29. terest rates, stood at eighteen and a half percent. Today, it's  
30. around nineteen and a half percent, and someone said yesterday,  
31. perhaps even twenty. So, things have really not changed that  
32. drastically since this report had been published. And I want to  
33. reiterate, also, and call to the attention of the membership, that

1. the comment that Senator Gitz had made, and that is, that in fact,  
2. the Congress is considering House Resolution 2501, which, in fact,  
3. would permanently remove the interest rate ceilings on all consumer,  
4. business, and agriculture loans. I think if we, in the Illinois  
5. General Assembly enact this legislation, that we are acting pre-  
6. maturely, we are setting a trend. And, I, for one, do not want to  
7. go back into my district this summer and tell the voters in my  
8. district that every time you make a purchase at Montgomery Wards,  
9. or J.C. Penney, or Sears Roebuck, or purchase with your Visa card,  
10. or your American Express card, or what have you, that we've allowed  
11. the financial industry in Illinois to charge whatever interest  
12. rates that they want to, my dear friends you...you might be able  
13. to go home and explain it, but I am not. This is a bad bill, it  
14. should never, in fact, have gotten this far, and I reiterate what  
15. Senator Buzbee had said, and it ought to fail.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Senator Johns.

18. SENATOR JOHNS:

19. Well, as I read each day, it's about the dollar's strength.  
20. The dollar's strength responds to our fiscal restraint in this  
21. Nation. And when you unleash the interest rates you're going to  
22. allow those who borrow money, and that's often the...unintelligent,  
23. those that lack the will power to refrain from just continually  
24. going into debt to have the pleasures they want for today and  
25. worry about it tomorrow. Those unwaried, those lacking in in-  
26. telligence, but who live in pleasure, will continue to go towards  
27. bankruptcy, and the big boys will take over whatever they've  
28. worked so hard to try to get. Some loans go as high as twenty-  
29. one to twenty-eight percent now, and could go as high as thirty-  
30. two percent, and it all boils down to the question, are we our-  
31. brother's keeper? Should we show the restraint that some of them  
32. have the lack of will power to do so? I think we must. I vote  
33. against this bill.



1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Senator Lemke.

3. SENATOR LEMKE:

4. I wasn't going to rise in opposition, but as I sit here today,  
5. I wonder sometimes if we think about the man that works hard, and  
6. how he buys on credit. Do you think he cares about the interest  
7. rate? We're dealing with a man that buys payments, he knows that  
8. he needs an...he needs a car, and I can remember working for a  
9. finance company...when I went to school in Iowa, they used to have  
10. the so-called balloon payment, they sold the guy: payments. We  
11. had a guy that bought a 1952 car, and in 1960 he was still paying  
12. on it, he didn't even have the car. That's what you're causing  
13. here. You're going to cause the guy...all he knows is he needs  
14. a car, or his wife needs a washing machine, he's going to go out and buy  
15. that thing, and all he's going to do is pay for something and pay  
16. for something, and pretty soon we're going to dry up his purchasing  
17. power, because he's going to be paying for something he don't have.  
18. And he ain't going to have the money to buy something new. And you  
19. can talk all you want about helping the little guy making credit  
20. available to him, he doesn't care what the interest rate is, he's  
21. going to pay what...his payments going to be every month, and he's  
22. going to make that payment, and when he's out of work, he's going  
23. to miss it. And I, as an attorney, should rise in support of this  
24. thing, because this is going to increase my legal business with  
25. bankruptcies, because that's what's going to happen, everybody's  
26. going to be in bankruptcy court. And if you want that, fine,  
27. you know, we're going...we're going to help...we're going to help  
28. inflation rise some more. And the Federal Government should take  
29. it upon himself to start cutting the interest rates that are being  
30. charged by banks and insurance companies. Until the Federal  
31. Government does something to check not only wages, but interest  
32. rates, then they're going to stop inflation. But when a business-  
33. man has to borrow money for a lot...for a high interest rate, he's

1. going to charge it on the customer, that price is going up. I  
2. can't support this, I'm going to vote Present.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator Chew.

5. SENATOR CHEW:

6. Mr. President, I attempted yesterday to soften the blow of  
7. this bill through an amendment that possibly we could live with.  
8. It was defeated. Now, when we look at who sponsors this bill,  
9. it's got to say something. I don't blame Doc Shapiro for getting  
10. sick, he's...that's better than to be here to vote against it.  
11. The Speaker of the House, the former Speaker of the House, the  
12. two leaders over here. I suppose they have to pick up the trash  
13. when some...most of us would not attempt to sponsor this kind  
14. of legislation. Maybe that comes in the form of leadership, if  
15. that's what it is, far be it from me from ever wanting it. I think  
16. we're here to protect our constituents, not special interest. If  
17. this bill gets out of the Senate, as it is written, you don't have  
18. to go back and explain to your constituents that you voted for  
19. it, they'll know it before you get back home. And they'll feel  
20. the storm of the effect of this bill the minute you go out to make  
21. a purchase. In many communities in this State, you have unscrupulous  
22. business people, and they can sit back in their easy chairs  
23. and say, well, I think I'll charge you forty percent, and there's  
24. nothing to prevent him. I'm really surprised that the distinguished  
25. President of this Senate...sponsoring this kind of legislation.  
26. I try to support this legislation, sometimes I bend over backwards  
27. to support it, because I have not worked under one that I have more  
28. confidence in than I have the Senate President. But this time,  
29. Mr. President, I'm going to leave you with the greatest joy that  
30. I could have, in hoping that this bill is defeated, and you will  
31. feel the effects of it if it is defeated, and you'll keep your  
32. posture as it is now. And you won't have anything to overcome  
33. whether you intend to stay in this Senate or to seek a better office.

1. But with this hanging around your neck, as having sponsored it,  
2. you're going to have a dual purpose. And if I were you, I'd  
3. take it out of the record.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Senator Hall.

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(END OF REEL)

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1. SENATOR HALL:

2. Thank you, Mr. President, and Ladies and Gentlemen of the  
3. Senate. One of the unfortunate things in this country today,  
4. is that a person who has money is going to make more money, and  
5. the person who doesn't have any money, is just going to go the  
6. way of all flesh. You know, it's a sad occasion today, and I  
7. listened to my distinguished Senator across the aisle over there say in  
8. so many words, we have to save ourselves from ourselves. In other  
9. words, the great thing today, is we have to do something about  
10. the economy. All of us are against galloping inflation, all of us  
11. are against the environmental...and things...so many agencies we  
12. have. But the...the critical thing is this, now the way you do  
13. that, the way you bring down the interest rates, the way you get  
14. away with galloping inflation, is that we have to bring on a  
15. depression. So, what we have to do, we have to put people out of  
16. work. Now, we come along, and we're going to put a higher interest  
17. rate on them. The people who can't get loans today, and the reason  
18. they don't get loans, is because it takes everything for them to  
19. meet the bread, the rent, the lights, and things for the bare  
20. necessity of life. I'm strongly opposed to this bill.

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. Is there any further discussion? Senator Bloom.

23. SENATOR BLOOM:

24. Briefly, thank you, Mr. President. Fun is fun, but this is  
25. ridiculous. I rise in support of the bill. The Federal Credit  
26. Allocators are one of the reasons why the interest rates are so  
27. high, and...and they're trying, at the Federal level, they've  
28. finally gotten the message. And they are trying to squeeze them  
29. down. Now, we want to...those who speak against this bill, want  
30. to continue this, and basically dry up credit for all these people  
31. they are crying about, and that's ridiculous. I don't think the  
32. State should enter into this area either. We had a nice lively  
33. debate on whether they should come back in '83 to try and take the

1. ceiling off again, the majority of the Body on that question said  
2. no, let's pass the bill out, and let's make credit available at  
3. the market rates. Thank you.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Senator Netsch.

6. SENATOR NETSCH:

7. Just to recapitulate the kinds of acts that the bill applies  
8. to. I think it is well understood, but it's kind of shocking  
9. when you go through the list of them, it's the Credit Union  
10. Act, the Consumer Finance Act, the General Interest Rate Law,  
11. those provisions that apply to revolving credit accounts,  
12. the Consumer Installment Loan Act, the Motor Vehicle...Retail  
13. Installment Sales Act, and the Retail Installment Sales Act itself,  
14. all consumer loans, all the area where if there is a justification,  
15. which there is, for some restraint imposed by government, this is  
16. the area where it should be. I don't care what one businessman  
17. charges another, if they are at arms length and willing to pay.  
18. You're not talking about people on equal footing when you're  
19. talking about consumer loans, and that is what we are talking  
20. about here. Former Senator Bob McCarthy must be turning over on  
21. his tennis court. .

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Senator Joyce.

24. SENATOR JEREMIAH JOYCE:

25. Thank you, Mr. President, and members of the Body. Senator  
26. Netsch has stated most of what I was going to say. I would say  
27. to you Senator Keats, if you're trying to convince us that you're  
28. going to give it to them at twenty-two or twenty-three or twenty-  
29. four percent, what you wouldn't give him at twenty percent, I just  
30. don't believe you. I know a little bit about interest rates, and  
31. I know a little bit about how you go about obtaining loans, and I  
32. know that for a fact, that there are people in this Body who could  
33. walk into lending institutions and get money below prime. But we

1. don't represent all those people, we represent a lot of people  
2. who can't get it. And I'm going to vote No on this.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator Berning.

5. SENATOR BERNING:

6. Thank you, Mr. President, and members of the Senate. I  
7. assume that many of you feel, much as I do, that this dialogue  
8. has gone on, probably, too long. However, the impulse does ul-  
9. timately rise in most of us to respond to some of the comments  
10. that have been made by colleagues. Let me emphasize that per-  
11. sonally, I regret terribly what has been occurring in our economy.  
12. The cost of everything keeps going up eternally. But let me re-  
13. mind you, my fellow Senators, what we have been doing here in the  
14. Senate time after time after time, passing bills, many of them that  
15. favorite old saw of mine, pensions, increasing benefits which,  
16. if you stop and seriously consider, means that somebody is going to  
17. have to pay for those benefits, and who is it, the taxpayer back  
18. home. Part of that taxpaying group, part of those paying the  
19. taxes and the cost of government, necessarily has to be the bus-  
20. iness community. We are shortly going to be faced with another  
21. choice, possibly to increase the sales tax. Every business entity,  
22. those who are now being criticized as, under this bill, indefensible  
23. in their efforts to raise the sufficient revenue to operate through  
24. increased interest rates, those same people are going to have  
25. to pay all the taxes that any of our citizens do. And I remind  
26. you that they are faced with the same cost increases for products,  
27. for services, which includes labor costs. And I remind you, we don't  
28. attempt to impose any ceiling on labor costs, negotiations of one  
29. nature or another for increased labor costs are not controlled by  
30. this Body. So, I think, while Senator Gitz had a valid point...

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

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

33. SENATOR BERNING:

1. We ought to make an effort to control, we cannot control  
2. in one area. Senator Lemke is right, until we can control the  
3. costs of labor and goods, we cannot control the cost of money.  
4. That is merely a...goods in the marketplace. And so, while I repeat,  
5. I don't like to see the cost of living go up for everybody...

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator, would you please bring your remarks to a close.

8. SENATOR BERNING:

9. I urge an Aye vote on House Bill 438.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Senator Bruce.

12. SENATOR BRUCE:

13. Thank you, Mr. President, and members of the Senate. We've  
14. had a great deal of discussion about free enterprise, the free  
15. market, and market rates on interest. I don't think that anyone  
16. here is going to be opposed, given the state of the economy, the  
17. allowance of the market to operate in determining interest rates.  
18. But that is not what this bill does, and anyone who marches under  
19. that flag has missed the point. What this bill says, is there is  
20. no limit. We could have tied this to the prime rate, we could have  
21. said that any businessman can charge a hundred and fifty percent  
22. of prime, that you could charge two hundred percent of prime, you  
23. can charge the standard moody rate, you could have done anything in  
24. the world and tied this to...to ensure that the consumer is protected  
25. from being taken advantage of. But that is not what is being  
26. done here. The rates could be eighty percent on automobile loans  
27. in some areas of this State, and no one would have committed a crime.  
28. There is absolutely no limit on consumer loans in the State of  
29. Illinois once this bill is enacted and signed into law. And the  
30. State of Illinois, and we represent those citizens, have a legiti-  
31. mate right to regulate ceilings, and put ceilings on interest  
32. rates. That doesn't mean that the market doesn't operate to set  
33. the rate, but we can say what is usurious, we can say what is

1. illegal, and still allow the marketplace to operate. This bill  
2. takes off all protections, and because of that, it is wrong, and  
3. I plan to vote No.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Senator DeAngelis.

6. SENATOR DeANGELIS:

7. I cannot let some of the rhetoric that's been stated here  
8. today be unchallenged. We're back to the old dog biting the  
9. stick syndrome. The old expression that when a man hits a dog  
10. with a stick, the dog bites the stick. Now, I would support  
11. putting a limit on interest, if those people who are arguing  
12. would support having Cosentino put a limit on what he sells  
13. the money from the State of Illinois for. I would support a  
14. limit, if we put a limit on what you sell Fed funds for. I would  
15. support a limit on interest, if you would put a limit on the  
16. Federal discount rate. And I would also support a limit, if  
17. you put a limit on money market funds. But you can't turn around  
18. and restrict the end product, when you don't restrict the raw  
19. material price.

20. PRESIDING OFFICER: (SENATOR SAVICKAS).

21. Senator Collins.

22. SENATOR COLLINS:

23. Thank you, Mr. President. I move the previous question. I  
24. think everyone here knows how they're going to vote on this bill.  
25. And we should go on and get it over with.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Senator, if you would hold your motion, we have Senator Buzbee  
28. for the second time, our only speaker left.

29. SENATOR BUZBEE:

30. Thank you, I apologize speaking for the second time, but there have  
31. been a couple of remarks made that have to go...that can't go un-  
32. challenged. In the first place, the argument that we need to raise  
33. the interest rates so that funds will be available is a specious  
argument, and all of you on the other side of the aisle that plan



1. to vote for that bill, in particular know that, because you are  
2. the bankers, the folks who are working in the economic community  
3. everyday. You read the financial press, there is nowhere anywhere  
4. stated in the Wallstreet Journal, Business Week, or what have you,  
5. that indicates that funds are not available for loans to the...to  
6. the small consumer. The last time funds were not available was  
7. by...by design, by the Carter Administration in the spring of  
8. last year, when they purposefully held down credit. But since that  
9. ...that action has been taken off, funds are available at eighteen  
10. percent, and I ask you, why do you continue making the loans if  
11. you can't make a profit at the eighteen percent? That is a  
12. specious argument, and you know it. I had to be a little amused  
13. at Senator Keats' indication that we ought to take the place at  
14. the State level of the Federal Reserve Board, we ought to de-  
15. termine here, in the General Assembly, what supply of money is  
16. available, and we can do that by taking the interest rates off  
17. completely. Senator Bruce is absolutely correct, you will see  
18. eighty percent loans on automobiles on the five hundred dollar...  
19. on the five hundred dollar consumer loans that are made at the  
20. small finance companies. I'm willing to give those folks an ad-  
21. ditional interest rate, a higher interest rate on a temporary  
22. basis. But I'm not willing to give them carte blanche to allow  
23. them to charge any interest rate they want from now on into in-  
24. finity. I think this is a horrible bill.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Senator Rock may close debate.

27. SENATOR ROCK:

28. Thank you, Mr. President, and Ladies and Gentlemen of the  
29. Senate. I would only hope that my colleagues would stop apologizing  
30. for what I think is a very responsible piece of legislation. It  
31. is obviously not too popular with some. The fact of the matter is,  
32. that we in Illinois, are a large industrial State. Most of the  
33. other large industrial and financial centers of the country have,

1. in fact, done this, we ought to do this before the Federal Govern-  
2. ment preempts us, and that's going to happen, it appears. The  
3. fact is, that the free market is going to determine it, there will  
4. not be an eighty percent interest rate on the purchase of an auto-  
5. mobile, because you can go down the street, and I'm sure, under  
6. the...under a free market economy, do better than that. And  
7. that's the whole purpose, to make available, we are not dragging  
8. people, kicking and hollering, into a bank or financial institution,  
9. or a credit union, and saying you have to borrow this money. But  
10. what we are trying to do, is look at it from the other end and  
11. make money available for those who wish to avail themselves of  
12. it. The argument is not specious, consumer money is simply drying  
13. up for many of the reasons that Senator DeAngelis pointed out.  
14. When the Treasurer of this State puts out our money, the taxpayers'  
15. money, and demands, as he rightfully should, somewhere in the  
16. neighborhood of fifteen or sixteen percent return, that's a cost,  
17. and how do you expect the financial community then to lend money  
18. out at six, or seven, or four, or three, or two, or one percent when  
19. they're paying fifteen to get it. It simply doesn't make any  
20. sense. This, I think, is a responsible answer. I think this  
21. General Assembly is perfectly capable of reestablishing a limit  
22. at any time it sees fit, under the responsible circumstances.  
23. The circumstances, I suggest today, are otherwise. And I might  
24. just add, that that amendment about which a couple of the Senators  
25. bleated, did nothing more nor less than afford the opportunity for  
26. attorney's fees for the Legal Aid Society. There are remedies  
27. available to the consumers currently under the Uniform Commercial  
28. Code, under the Statutes of Illinois that are readily available.  
29. The allowance of attorney's fees is not readily available, and  
30. that's the point of that amendment. This, I think, is...is some-  
31. thing as a matter of public policy, if, in fact, we are to retain  
32. our premier position in the financial community of this country,  
33. this is something that ought to be done. And I would urge an

1. Aye vote.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. The question is, shall House Bill 438 pass. Those in favor  
4. will vote Aye. Those opposed vote Nay. The voting is open. Have  
5. all voted who wish? Have all voted who wish? Have all voted who  
6. wish? Take the record. On that question, the Ayes are 32, the  
7. Nays are 23, 2 Voting Present. House Bill 438, having received  
8. the constitutional majority is declared passed. There's been a  
9. request for a verification. Will all the Senators be in their  
10. seats. Would the Secretary please read the affirmative roll call.

11. SECRETARY:

12. The following voted in the affirmative:

13. Becker, Berning, Bloom, Bowers, D'Arco, Davidson, DeAngelis,  
14. Donnewald, Etheredge, Friedland, Grotberg, Keats, Kent, Lemke,  
15. Mahar, Maitland, McMillan, Nash, Nedza, Nimrod, Ozinga, Philip,  
16. Rhoads, Sangmeister, Savickas, Schaffer, Simms, Sommer, Thomas,  
17. Totten, Weaver, Mr. President.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator Demuzio, do you question any of the affirmative votes?

20. SENATOR DEMUZIO:

21. Senator Lemke.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Is Senator Lemke on the Floor? Senator Lemke. Senator Lemke.  
24. Strike his name from the record.

25. SENATOR DEMUZIO:

26. Senator...Dawson.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. He's standing right in front of you. Is there a question of  
29. any further Senators? The roll call has been verified, and there  
30. are 31 Yeas, 23 Nays, and 2 Voting Present. House Bill 438, having  
31. received the constitutional majority is declared passed. House Bill  
32. 441, Senator Bruce. Read the bill, Mr. Secretary.

33. SECRETARY:

H.B. 455  
3rd reading

1. House Bill 441.

2. ( Secretary reads title of bill )

3. 3rd reading of the bill.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Senator Bruce.

6. SENATOR BRUCE:

7. Thank you, Mr. President. This is a bill that was originally  
8. introduced by Representative McGrew at the request of several  
9. district members in the House, relative to those who have been  
10. receiving Federal impact aid for children attending school who  
11. are residents of a military base. We've tightened up the language  
12. here in the Senate to allow school boards. It's permissive  
13. legislation to allow school boards to levy an educational fee  
14. in the event that students are on a...on a military reservation  
15. or base, and they are not residents...domicile residents of the  
16. State of Illinois. As you know, military personnel oftentimes  
17. declare another state as their state of domicile to avoid Illinois  
18. Income Tax, and then send their children here, this is permissive  
19. legislation only, which would allow the local school board to  
20. assess an educational fee for attendance at the school. I would  
21. ask for your favorable consideration.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Is there further discussion? If not, the question is, shall  
24. House Bill 441 pass. Those in favor will vote Aye. Those opposed  
25. vote Nay. The voting is open. Have all voted who wish? Have  
26. all voted who wish? Take the record. On that question, the  
27. Ayes are 57, the Nays are none, none Voting Present. House Bill  
28. 441, having received the constitutional majority is declared  
29. passed. House Bill 455, Senator Ozinga. Read the bill, Mr.  
30. Secretary.

31. SECRETARY:

32. House Bill 455.

33. ( Secretary reads title of bill )

1. 3rd reading of the bill.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Senator Ozinga.

4. SENATOR OZINGA:

5. Mr. President, and members of the Senate. This bill reduces  
6. the time period a judgement creditor must wait to redeem real  
7. ...real property from nine to four months, and the total time  
8. period within which such judgement creditor may reduce from  
9. twelve to six months. Reduces from twelve to nine months the  
10. period in which a defendant may obtain a subsequent redemption  
11. of property by a judgement creditor. This bill cuts down the  
12. redemption period and puts the money back into flow. By this  
13. bill, Illinois...and it is known that in this day and age, Illinois  
14. presently has a longer than average redemption period. It is  
15. believed that by cutting down the redemption period for judgement  
16. creditors, the secondary mortgage market could be made more  
17. attractive, and thereby encouraging more construction. I think  
18. this is a good bill, it will aid the banks to get their money  
19. out faster, and get their homes on the market again. I would  
20. urge a favorable roll call.

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. Is there further discussion? Senator Johns.

23. SENATOR JOHNS:

24. What's it...what's it cut it down from to in time?

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Senator Ozinga.

27. SENATOR OZINGA:

28. Nine to four.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Senator Johns.

31. SENATOR JOHNS:

32. From what time to what time?

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Senator Ozinga.
2. SENATOR OZINGA:
3. Nine to four, or twelve to six.
4. PRESIDING OFFICER: (SENATOR SAVICKAS)
5. Senator Johns.
6. SENATOR OZINGA:
7. It also contains an amendment where notice must be given
8. to the defendant in clear and explicit language, giving him his
9. rights of redemption.
10. PRESIDING OFFICER: (SENATOR SAVICKAS)
11. Senator Johns.
12. SENATOR JOHNS:
13. Mr. President, and members of the Senate. We're getting
14. to be a money matter here, we're looking after big interest,
15. we're not looking after the little guy. I'm really concerned
16. that money matters continue to surface in this Senate as they
17. have this year. Everything is geared towards getting more
18. money, and taking away everything that the little guys got.
19. We'd better be searching our conscience up here pretty soon.
20. PRESIDING OFFICER: (SENATOR SAVICKAS)
21. Senator Collins.
22. SENATOR COLLINS:
23. A question of the sponsor, please.
24. PRESIDING OFFICER: (SENATOR SAVICKAS)
25. He indicates he will yield.
26. SENATOR COLLINS:
27. Senator, are...under your bill, are you saying that you're
28. reducing the period by which a bank can redeem its property from
29. nine to four months? I mean the person that can redeem. For example
30. he's delinquent, and the...the bank forecloses, he has now four
31. months in which he can...max redeem, or she can redeem the property
32. back?
33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Senator Ozinga.

2. SENATOR OZINGA:

3. That is almost correct, but the real answer to that picture  
4. is, that ordinarily, a bank or mortgage house or wherever it is  
5. that has this mortgage will be working with the creditor...with  
6. the debtor for maybe a period of two, three, four years before  
7. they even enter into a foreclosure. And...well, I was given the  
8. statistics here, which may say the...give you the instruction  
9. or the amount of time. I was told, and it's strictly from the  
10. Illinois Savings and Loan League, that there are only about five  
11. out of ten thousand mortgages that are foreclosed. Secondly,  
12. that there were only twenty-four, out of three thousand mortgages  
13. that were foreclosed that were redeemed. In other words, what  
14. I'm saying, is that ninety-nine percent of the time, people are  
15. not going to redeem anyway. And what this does, it holds up the  
16. title, they cannot...the courts cannot issue a title until after  
17. twelve months now. What it would be then, by reducing this  
18. period, it would reduce it to nine months.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Senator Collins.

21. SENATOR COLLINS:

22. The problem, I think, that you seem to be overlooking, is  
23. the fact that in a time of high unemployment, there are many  
24. people who have struggled over the years, and have paid mortgages  
25. on their homes, but who have temporarily lost their jobs, and  
26. would not be able to redeem the property within that small length of  
27. time. And if, in fact, the banks have been working with them,  
28. or the lending institution, trying to help them along, as you  
29. say, then why do you need this bill?

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Senator Ozinga.

32. SENATOR OZINGA:

33. The ultimate is, that after everybody has given up, it's  
a matter of how long do we have to wait before we can put this

1. piece of property on the market again. And you will not do it  
2. under the present law for a period of, at least, twelve months.  
3. Under this bill, it could be done within six months. Ordinarily,  
4. what happens, if a person has been working with a bank, they  
5. will rewrite the mortgage and start over fresh. Under the  
6. present time, that's almost an impossibility because of your  
7. high rates. Therefore, usually, they will work out an arrange-  
8. ment within the bank. Now, all of this is done prior to the  
9. institution of the foreclosure procedure. I have yet to find  
10. anybody in the financial world, or even in our own situation  
11. back home, that if a person is willing, fine, that can be worked  
12. out, but it's the unwilling person that will let the financial  
13. institution hang, and finally abandons the house, now you've got  
14. to wait a whole year in order to get that house back on the  
15. market.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Senator Collins.

18. SENATOR COLLINS:

19. Well, I find that some of that...the problem, is with the...  
20. the initial loan from the institution in the first place, be-  
21. cause they allow many people to make loans, particularly as  
22. it relates to the Federal FHA homes, that can't qualify financially  
23. for the homes in the first place. And so it is a deliberate  
24. plan on their part, knowing full well from the beginning that  
25. the people cannot afford the home, and they will have to fore-  
26. close on the home. And now you're saying, let us make it  
27. easier and faster for them to take the home away. I think it's  
28. a bad idea.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Senator Geo-Karis.

31. SENATOR GEO-KARIS:

32. Mr. President, and Ladies and Gentlemen of the Senate. This  
33. bill was debated before the Judiciary I Committee, and the amendment



1. was put on by Senator Ozinga, I believe was put on at the express  
2. request of some of us members. I think we...when you talk about  
3. the little guy, you'd better think of the little guy who is an  
4. older person, who has invested his money in a mortgage, and  
5. doesn't get the return, and he's on social security and depending  
6. on the returns from the mortgage that he may invest it in. I  
7. think, if you're going to protect people, you have to consider  
8. the consciousness, the effort, and the ability, and the...the  
9. drive...the...the intention of the party who has a mortgage. I  
10. hold a mortgage myself, so I know, I mean, I'm the mortgagor, I own it.  
11. What I'm trying to say is, we have to be fair to both people.  
12. We cannot look at people just...and say, well go ahead, we'll give you  
13. all the time in the world, let the property run down, don't  
14. worry about it, we'll give you more breaks. I think it's time  
15. we take care of the...conscientious person, and also the person  
16. who does invest his hard earned money, and this does not in-  
17. clude banks, this is not just for banks, this is for other people,  
18. and little people who save their money to give it as mortgages  
19. and depend on those mortgages for their income. I rise in  
20. favor of the bill.

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. Senator Sangmeister.

23. SENATOR SANGMEISTER:

24. Thank you, Mr. President, and members of the Senate. To  
25. put this a little bit in perspective. I think the thing that  
26. has to be understood is, in a lot of areas of the State of  
27. Illinois, and particularly in our urban areas, there are  
28. many homes that are laying around deteriorating in the neighborhood,  
29. vandalism occurring on them, because nobody wants to buy them,  
30. because who's going to buy a home when there's a long out-  
31. standing redemption period. And the twelve months is just  
32. absolutely too long, and we're asking to...to reduce that to  
33. a reasonable amount. I think it also should be pointed out

1. that there are thirty-three states in the United States, thirty-  
2. three states that have no redemption at all. And also you  
3. should remember that, you know, the savings and loan or the  
4. bank is not jumping in there immediately when somebody is in  
5. default. Usually they've been in default three, four, five  
6. months sometimes before the savings and loan or bank decides  
7. they're even going to foreclose. Then you go through the fore-  
8. closure proceeding itself, which takes several more months  
9. before that period of redemption even starts running. It  
10. doesn't start running until the sale occurs. So, you're talking  
11. about well over the twelve month period we now have. This  
12. reasonable reduction certainly will facilitate the job the way  
13. it should be done, it will allow banks and savings and loans  
14. to get this property back on the market, and will help some of  
15. our blighted neighborhoods. It's a good bill, it ought to  
16. be passed.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Senator Buzbee.

19. SENATOR BUZBEE:

20. I find myself, twice, already this morning, and it's not  
21. even eleven o'clock yet, rising on the same side of an issue  
22. with Senator Johns, that doesn't happen too often. We are...  
23. we are not normally on the same side of issues too often. But  
24. I'm...I'm beginning to feel like he does, what in the world are  
25. we doing, we're...we're...we keep'trying to make it more difficult  
26. for people, for people to...to live in this world. As I under-  
27. stand this, you're going to reduce it down now to four months  
28. where...where redemption can be made by the judgement creditor,  
29. and then the defendant only has six months, presently they have  
30. twelve to come back and...and...and get their house back. But  
31. now we're going to reduce it to six months. The bill itself  
32. reduced it from twelve to nine, and then an amendment was put  
33. on which reduced it to six, even further. I don't understand

1. what we're doing, it seems to me that...that...that the banks  
2. and the bankers, and the money lenders, and the money changers  
3. have got us by the throats, and we just keep doing what we...  
4. what...what they want us to do. I...I don't understand this  
5. at all, I think this is a very bad idea.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator Johns.

8. SENATOR JOHNS:

9. Yes, I rise for the second time, because there's so many  
10. thoughts coming into my mind about this. I can't see that banks  
11. are losing any money today, if you look at the banks, they're  
12. all rebuilding, they're building new structures, adding on,  
13. expanding at unprecedented rates. Lending institutions are  
14. trying to find ways to...to utilize their money to keep it from  
15. going to Uncle Sam. It reminds me of that old saying when I  
16. was a kid in the coal fields at...there was a saying that said,  
17. them that's got, gets, and them that ain't, can't, and that  
18. really fits this picture. If you look on into the future of  
19. this General Assembly, this next ten days, you see House Bill  
20. 209 coming at us, and there again to benefit the big boys, you're  
21. going to raise the judgment interest from six to ten percent.  
22. You're going to gouge that little guy again. Now, I've just  
23. come through another strike in the coal fields, and as far as  
24. I'm concerned, we're second highest in unemployment in the  
25. Nation, and we're driving the little guys back against the wall,  
26. and you're going to have rebellion one day, you're going to  
27. have it right out in the streets. You're going to cut all these  
28. people off of CETA, you're going to cut them off all these pro-  
29. grams where they're trying to earn their way and make a living  
30. and learn an occupation, and then you're going to hit them with  
31. this again. What are we up to, Ladies and Gentlemen of the  
32. Senate? You'd better be thinking, because when you reap what  
33. you're going to sow, you're going to say why didn't I give some

1. consideration to that guy that's hard pressed when I'm living  
2. so affluently.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. If there's no further discussion, Senator Ozinga may close  
5. debate.

6. SENATOR OZINGA:

7. Well, I suppose I would usually just ask for a favorable  
8. roll call. But when it comes to talking about this compassion  
9. for the little guy, that is probably one of the reasons that  
10. I have stood so fast against branch banking. Because we...  
11. ninety percent of the banks are community minded. These mort-  
12. gages are made within the community, the bank will work as long  
13. as we have, in our place, worked as long as three, four years  
14. with a debtor to try to help him out, to get him squared away,  
15. and even refinance in some instances so the payments are made  
16. easier. However, there is a limitation, and we here in Illinois  
17. have one of the longest, as was brought out by Senator Sangmeister,  
18. this is all true, and I believe that this is a reasonable, equi-  
19. table bill for everybody concerned. And I would urge your favorable  
20. ...roll call.

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. The question is, shall House Bill 455 pass. Those in favor  
23. will vote Aye. Those opposed vote Nay. The voting is open. Have  
24. all voted who wish? Have all voted who wish? Have all voted  
25. who wish? Take the record. On that question, the Ayes are 35,  
26. the Nays are 14, none Voting Present. House Bill 455, having  
27. received the constitutional majority is declared passed. For  
28. what purpose does Senator Vadalabene arise?

29. SENATOR VADALABENE:

30. Yes, on a point of personal privilege.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. State your point.

33. SENATOR VADALABENE:

HB 477  
3rd Reading

1. On the Floor of the Senate today, is the Appellate Court  
2. Judge, Moses Harrison, and the Clerk of the Appellate Court,  
3. Walter Simmons. And I want them to be recognized.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Would they rise and be recognized. They're standing with  
6. Senator Donnewald. House Bill 477, Senator Gitz. Senator Gitz.  
7. Read the bill, Mr. Secretary.

8. SECRETARY:

9. House Bill 477.

10. ( Secretary reads title of bill )

11. 3rd reading of the bill.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Senator Gitz.

14. SENATOR GITZ:

15. Thank you, Mr. President, and members of the Senate.  
16. I think that all of us have observed in the news media, and  
17. throughout the State, various case examples of child abuse and  
18. neglect. In fact, the House sponsor of this bill was the  
19. observer to one such case in Quincy which is familiar to  
20. most of us, a week ago, some of us probably read about the  
21. fact of a child who was actually starved to death. This bill  
22. seeks to expand the definitions of abuse, to eliminate some  
23. of the inconsistencies in the present law, and to define  
24. what are some of the prima facie assumptions in any child  
25. abuse hearing. And I will quickly summarize them. This adds  
26. to the definition of neglected or abused minor, whose parent  
27. or other person responsible for the child's welfare does not  
28. provide proper necessary care, education as required by law,  
29. or his necessary medical, other remedial care recognized under  
30. the State of Illinois. It says, who is without proper care  
31. due to the death or mental or physical disability of the parent,  
32. guardian, or custodian. It also defines those who are abused  
33. to include a minor under the age of eighteen, whose parent or

H.B. 486  
3rd reading

1. person responsible for the minors, and this has been amended  
2. actually in Amendment No. 1, who's in the same family or house-  
3. hold, and it includes sex offenses in this definition. It also, in  
4. terms of evidence defines what will constitute prima facie ev-  
5. idence of abuse or neglect. And it finally lays out procedures  
6. in terms of the hearing of proof and abuse and neglect. I  
7. believe that in its final amended form, that this rewrite of  
8. these codes will be extremely helpful to the necessary pro-  
9. tection of our minors and youth in this State, and I think it  
10. will also eliminate some of the present legal confusion.

11. PRESIDENT:

12. Any discussion? If not, the question is, shall House Bill  
13. 477 pass. Those in favor will vote Aye. Those opposed will vote  
14. Nay. The voting is open. Have all voted who wish? Have all  
15. voted who wish? Have all voted who wish? Take the record. On  
16. that question, the Ayes are 56, the Nays are none, none Voting  
17. Present. House Bill 477, having received the required consti-  
18. tutional majority is declared passed. On the Order of House  
19. Bills 3rd reading, House Bill 486. Read the bill, Mr. Secretary.

20. SECRETARY:

21. House Bill 486.

22. ( Secretary reads title of bill )

23. 3rd reading of the bill.

24. PRESIDENT:

25. Senator Demuzio.

26. SENATOR DEMUZIO:

27. Thank you, Mr. President. House Bill 486 is a bill that  
28. was developed by the...in the House, a task force on children  
29. in need. Four additional bills that were also developed are  
30. on the Agreed Bill List, or have passed the Legislature. What  
31. this bill purports to do, is that it...apparently is in relation-  
32. ship to an appellate...Illinois Appellate Court decision which  
33. had ruled against the Department of Children and Family Services,

HB 143  
3rd Reading

1. which is commonly called now the Parington case. What the bill  
2. does, it provides that upon the execution of an irrevokable  
3. consent to adoption or to where...parental rights for the pur-  
4. poses of adoption have been terminated, such persons shall not  
5. be given preference in a subsequent readoption proceeding re-  
6. lated to the child. I am certainly not an attorney, although  
7. I don't believe that there is any opposition to this bill, and  
8. I would ask for your favorable consideration.

9. PRESIDENT:

10. Any discussion? Senator Chew. All right. If not, the  
11. question is, shall House Bill 486 pass. Those in favor will  
12. vote Aye. Those opposed will vote Nay. The voting is open.  
13. Have all voted who wish? Have all voted who wish? Have  
14. all voted who wish? Take the record. On that question, the  
15. Ayes are 57, the Nays are none, none Voting Present. House  
16. Bill 486, having received the required constitutional majority  
17. is declared passed. Senator Chew, for what purpose do you arise?

18. SENATOR CHEW:

19. Purpose of leave to Table a bill:

20. PRESIDENT:

21. That is always in order. Where is the bill?

22. SENATOR CHEW:

23. On 3rd reading, Senate Bill 143. House Bill, Mr. President,  
24. I'm sorry.

25. PRESIDENT:

26. Top of page 18, on the Agreed Bill List, Senator Chew moves  
27. to Table House Bill 143. Any discussion? If not, all in favor  
28. signify by saying Aye. All opposed. The Ayes have it. The  
29. motion carries. House Bill 143 is Tabled. On the Order of  
30. House Bills 3rd reading, back on page 5, Senator Davidson,  
31. House Bill 496. Read the bill, Mr. Secretary, please.

32. SECRETARY:

33. House Bill 496.

1. ( Secretary reads title of bill )

2. 3rd reading of the bill.

3. PRESIDENT:

4. Senator Davidson.

5. SENATOR DAVIDSON:

6. Mr. President, and members of the Senate. It does exactly  
7. what it says on the Calendar. This is the bill from the State  
8. Board of Education. Those school districts who run their own  
9. school bus systems do not have the opportunity to take indirect  
10. cost, those who contract do. There is the limit of 2.5 percent.  
11. It has unanimous support out of the Education Committee. I  
12. appreciate a favorable vote.

13. PRESIDENT:

14. Any discussion? If not, the question is, shall House Bill  
15. 496 pass. Those in favor will vote Aye. Those opposed will vote  
16. Nay. The voting is open. Have all voted who wish? Have all  
17. voted who wish? Have all voted who wish? Take the record.  
18. On that question, the Ayes are 55, the Nays are 2, none Voting  
19. Present. House Bill 496, having received the required consti-  
20. tutional majority is declared passed. 497, Senator Berman.  
21. On the Order of House Bills 3rd reading, House Bill 497. Read  
22. the bill, Mr. Secretary.

23. SECRETARY:

24. House Bill 497.

25. ( Secretary reads title of bill )

26. 3rd reading of the bill.

27. PRESIDENT:

28. Senator Berman.

29. SENATOR BERMAN:

30. Thank you, Mr. President. House Bill 497 is a change in the  
31. Public Transportation Formula, and Gifted Education Reimbursement  
32. Formula to include a factor in the school district's equal assessed  
33. valuation to address the first...the corporate personal property



1. tax assessments and replacement tax. This bill in the present  
2. form is in line with the recommendations of the State Board of  
3. Education and the School Problems Commission. I'd be glad  
4. to respond to any questions.

5. PRESIDENT:

6. Any discussion? Senator Bruce.

7. SENATOR BRUCE:

8. Thank you, Mr. President. As the sponsor of the Corporate Personal  
9. Property Tax Replacement Bill, I rise in strong opposition to  
10. this bill. For any...any of you who have a downstate school  
11. district outside the City of Chicago, and the County of Cook,  
12. this is going to cost you six and one-half million dollars, is  
13. going to be transferred out of your school districts into  
14. Senator Berman's school district. Six and one-half million  
15. dollar shift in this one bill. I remind you that we're  
16. talking about a twenty-one million dollar increase in the  
17. School Aid Formula, and of that, we're going to give more  
18. to Chicago, six and a half million dollars, than all the school  
19. districts in the State. I know Senator Davidson may very well  
20. stand in...in support of this bill, and I don't know what  
21. deals or arrangements have been made, but I can tell you that  
22. you're going to take, and no one will deny that you're going  
23. to take six and one-half million dollars out of downstate  
24. schools and give it to the City of Chicago. We have worked  
25. very hard to balance the formula in the State so that Chicago  
26. and all the school districts share equitably in the new money.  
27. But when you shift this kind of money it is not fair, this  
28. bill should not be called today, there are problems with it  
29. that can be ironed out. But to shift this much money on one  
30. bill, throws out of balance the entire School Aid Formula  
31. process. Now, they tried to run this bill in the House, and  
32. could not get it out, could not get it out, and the sponsor  
33. in the House put it in the form that it would pass, and it

1. did not shift the money. It came over to this...this Body, and  
2. the sponsor knowing that he could not pass it out of the House,  
3. amended it into that form, and that is what Senator Berman has  
4. before us. It won't pass out of the House again, it is a fruitless  
5. act to shift six and a half million dollars. We have worked on  
6. the formula, this bill gums it up. I would ask for a negative  
7. vote.

8. PRESIDENT:

9. Further discussion? Senator Davidson.

10. SENATOR DAVIDSON:

11. Mr. President, and members of the Senate. Senator Bruce  
12. is absolutely right, I do rise in support of this bill. Now  
13. we worked on this agreement last spring, a year ago, for several  
14. weeks. Chicago could have had thirty million dollars, we worked  
15. out a three year phase-in, and the School Formula which is before  
16. us, in whatever shape it is, has a change in the Title 1 weighting  
17. effect which takes seven million dollars away from Chicago, out  
18. of the General Revenue Fund, and the Common School Fund, and puts  
19. it into the School Formula for the rest of us. This puts six  
20. and a half million back in out of the corporate personal re-  
21. placement tax. I'll tell you, if we hadn't worked out this agree-  
22. ment, for a three year phase-in, Chicago could have walked off  
23. with thirty million dollars last year. None of you talked about  
24. that, the School Problems Commission, people involved in this  
25. worked on it. The formula which went out has it at this level  
26. when it went out to every school district in the State of Illinois.  
27. You know the kind of money they're supposed to receive, if we  
28. fund it at the level of the fifteen six six point nine four  
29. cents per floor. I urge an Aye vote. This puts it back in  
30. the exact position that it was when it came out of the School  
31. Problems Commission, and it was introduced in the House, and  
32. then it was tinkered with. We're living up to the agreement that  
33. we worked out in a compromise last spring, a year ago, for a

1. three year phase-in. I urge an Aye vote.

2. PRESIDENT:

3. Further discussion? Senator Bruce.

4. SENATOR BRUCE:

5. Well, I would just point out to you, that Senator Davidson,  
6. the fact you phase-in a six and a half million dollar loss doesn't  
7. mean any less of a loss. And for you gems that are on the  
8. School Problems Commission, you know, you guys keep giving the  
9. money all the way from downstate schools, and I applaude you  
10. for trying to do that all the time. And the second thing is,  
11. we write the formula, and I don't think because we write a  
12. fair formula that somehow takes money away from the City of  
13. Chicago when they don't deserve it, we can pass a formula that  
14. is...is a lot different than what we have. Now, the deal was,  
15. that we would pass the formula out, and it would run that way,  
16. this shifts six and a half million dollars, it ought not to.  
17. If this bill passes, we're going to have some real problems  
18. with the formula, we're going to have real problems with school  
19. funding. No one is going to shift six and a half million dollars  
20. out of my school systems in downstate Illinois without paying  
21. for it somewhere along the line.

22. PRESIDENT:

23. Further discussion? Senator Berman may close.

24. SENATOR BERMAN:

25. Thank you, Mr. President, Ladies and Gentlemen. This is  
26. not a shift, I want to make very clear. The bill that you are  
27. voting on today, is in keeping with the agreement that was made  
28. last year, and the money flows the same way it did last year  
29. under this bill. In fact, if this bill went the way Senator  
30. Bruce is suggesting, it would be a shift. This is in keeping  
31. with the commitment that was made last year. Now, I would  
32. say, again, in correction of Senator Bruce, this is not for  
33. Senator Berman's school district, the major part, of course,

1. regards Chicago, but let me point out to you, Gentlemen from...  
2. and Ladies from suburban Cook County, this hurts your school  
3. districts to the extent of two million dollars, and it is  
4. a shift away, a No vote is taking two million dollars away  
5. from suburban Cook County Districts and sending it downstate  
6. contrary to what was agreed upon last year. The bill in the  
7. present posture, is in keeping with the agreement that was  
8. worked out, that we passed last year on a political decision  
9. regarding the corporate personal property tax replacement,  
10. where that money came from and where the corporate personal  
11. property tax replacement is generated from. It's coming...to  
12. a great degree from Cook County taxpayers, Cook County  
13. businesses, and this bill before you today, maintains that  
14. commitment. I would point out to you further, that with the  
15. School Aid Formula that Senator Bruce talked about, Chicago  
16. has compromised, compromised substantially, we would have gotten  
17. fifty cents of every new dollar, but we have moved back to the  
18. traditional thirty-one percent level that we have presently been  
19. in. Now, we would be hurting the Cook County School Districts  
20. and the Chicago School District if we don't vote for this bill  
21. because we have compromised in order to keep faith with past  
22. precedent as far as the flow of dollars, both as to School Aid  
23. Formula and corporate personal property tax replacement. I urge  
24. an Aye vote.

25. PRESIDENT:

26. The question is, shall House Bill 497 pass. Those in favor  
27. will vote Aye. Those opposed will vote Nay. The voting is open.  
28. Have all voted who wish? Have all voted who wish? Have all  
29. voted who wish? Take the record. On that question, the Ayes are  
30. 29, the Nays are 27, none Voting Present. The sponsor requests  
31. that further consideration be postponed. So ordered. If I  
32. can have the attention of the membership while it's quiet. I  
33. would like to introduce a very...a couple of very special guests.  
Seated down in the well of the Chamber, the former Mayor of

1. Chicago, the Honorable Mike Bilandic and his lovely wife Heather.  
2. Mike. It gives me a great deal of pleasure, he came in right  
3. at the time of the School Aid Formula as he has for many years,  
4. to introduce to you our...our former colleague and former President  
5. of the Senate, the Assessor of the County of Cook, the Honorable  
6. Tom Hynes. Tom.

7. FORMER SENATOR HYNES:

8. ( Remarks by Senator Hynes )

9. PRESIDENT:

10. 499, Senator Nash. 503, Senator Bowers. 508, Senator  
11. McLendon. On the Order of House Bills 3rd reading, the bottom  
12. of page 5, Senate...House Bill 508. Read the bill, Mr. Secretary.

13. SECRETARY:

14. House Bill 508.

15. ( Secretary reads title of bill )

16. 3rd reading of the bill.

17. PRESIDENT:

18. Senator McLendon.

19. SENATOR MCLENDON:

20. Mr. President...Mr. President, and members of the Senate.  
21. This bill amends the Public Aid Code. It provides that the Illinois  
22. Department of Aid shall include a balanced representation of the  
23. following individuals on the State-wide advisory committees and  
24. county welfare service committees: (A) public aid recipients;  
25. (B) service providers; (C) representatives of community and  
26. welfare advocacy groups; (D) representatives of local governments  
27. dealing with Public Aid; and representatives of the general public.  
28. It stipulates that professional advisory committees do not need...  
29. contain balanced representation of individuals cited above.  
30. It grants the court permission to set aside portions of an  
31. individuals wages and child support...for child support, and  
32. for support of the spouse. I know of no opposition to the bill,  
33. and I ask the Senate approve of...of Senate Bill 508.

1. PRESIDENT:

2. Any discussion? Senator Demuzio.

3. SENATOR DEMUZIO:

4. Yes...thank you, Mr. President. I just have a...a question  
5. of the sponsor, if...if he will yield?

6. PRESIDENT:

7. Sponsor indicates he will yield. Senator Demuzio.

8. SENATOR DEMUZIO:

9. I...Senator McLendon, I don't have the bill in front of  
10. me, but I see there is a provision in the staff analysis that  
11. allows for the...the County Welfare Services Committee to be  
12. appointed by the Illinois Department of Public Aid. Is that  
13. the way in which they are currently appointed? It was my  
14. understanding that the members of the local county committee  
15. were appointed by the county board, and if so, this would  
16. be a...significant departure from previous practices.

17. PRESIDENT:

18. Senator McLendon.

19. SENATOR MCLENDON:

20. I understand that the bill...the appointment is in the  
21. same manner as it was before.

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(Following typed previously)

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HB 514  
3rd Reading  
6-23-81

- 1. PRESIDENT:
- 2. Senator Demuzio. Any further discussion? If not, the
- 3. question is shall House Bill 508 pass. Those in favor will
- 4. vote Aye. Those opposed will vote Nay. The voting is open.
- 5. Have all voted who wish? 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 1, none Voting Present. House Bill
- 8. 508, having received the required constitutional majority
- 9. is declared passed. Senator Bloom. On the Order of House
- 10. Bills, 3rd reading, House Bill 514. Read the bill, Mr. Secretary.

- 11. SECRETARY:
- 12. House Bill 514.
- 13. (Secretary reads title of bill)
- 14. 3rd reading of the bill.

- 15. PRESIDENT:
- 16. Senator Bloom.

- 17. SENATOR BLOOM:
- 18. Thank you, Mr. President and fellow Senators. This bill
- 19. does essentially two things. First it provides that where the
- 20. title to a specific property is held individually by one
- 21. spouse, no interest vests in the other spouse unless and until
- 22. a petition for dissolution is filed. The other thing it does,
- 23. is it changed...changes the standard used for change of
- 24. custody of children from what has proved to be in divorce courts,
- 25. almost...a clear and present danger to the kid. It goes back
- 26. to the best interests of the child. The language was worked
- 27. out with the...judge in charge of...Judge Flack, in charge
- 28. of the Domestic Relations Division of the County of Cook.
- 29. I'll answer any questions, otherwise...there he is:...otherwise
- 30. seek a favorable roll call.

- 31. PRESIDENT:
- 32. Any discussion? Senator Gitz.
- 33. SENATOR GITZ:

1. Question of the sponsor.

2. PRESIDENT:

3. Sponsor indicates he'll yield. Senator Gitz.

4. SENATOR GITZ:

5. Senator, there are two Supreme Court decisions...one  
6. was in June 4th of 1981, in re the Marriage of Rogers  
7. and the other was Kowinski versus Kowinski. It's indicated  
8. in our analysis that this bill is going to create some  
9. changes in terms of this precedence that have been set in  
10. case law. Could you kind of elucidate what exactly we're  
11. doing here and how it would change this.

12. PRESIDENT:

13. Senator Bloom.

14. SENATOR BLOOM:

15. All right, briefly. In essence...that...in my remarks  
16. I referred to the standard use for the change of custody of  
17. kids. What you have now is, let's say one...one...the non-  
18. custodial ex-spouse seeks to have custody changed. The standard  
19. now used is, you have to have some kind of clear or...clear  
20. and present danger to the kids, okay. The...prior...before  
21. the '77 Act passed, it was the best interests of the children.  
22. This bill would take it back to the best interests of the  
23. kids, because you'll have situations where it might be in  
24. the best interests in the long run of the child to transfer  
25. custody, but the way the present act is written, you have  
26. to have a showing of essentially, a clear and present danger,  
27. okay. The language that was worked out with the...chief  
28. judge of the domestic relations court, says you...then to  
29. find out what is the best interests of the kids, you have  
30. to establish it by clear and convincing evidence. So that  
31. you don't encourage people going to court to change custody,  
32. just saying it's in the best interests and then go fifty-one  
33. yards down the field. Now, the other case involves when is



1. property, marital property, and when isn't it. And in essence,  
2. I forget which one it was, but the...the house was in one  
3. spouse's name and it was before the marriage, yet the...the  
4. other spouse, the wife had contributed services, et cetera.  
5. This clears up the language and says, where a marriage breaks  
6. down and a party litigant goes to court when the petition is  
7. filed, then the other spouse has an interest in the property.

8. PRESIDENT:

9.           Senator Gitz.

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END OF REEL

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1. SENATOR GITZ:

2. My questions primarily relate to the interest in property.  
3. Now, please explain where I am missing the point. Senator  
4. Bloom, it seems to me that the bill, with the amendment,...  
5. it grants a property right to the non-title holding spouse  
6. when the suit is filed and then in the next sentence it seems  
7. to state that the title-holding spouse is free to transfer,  
8. assign or convey the property himself without joinder of the  
9. signature of the other party. I don't understand how in one  
10. time...or one sentence we can grant that non-title  
11. holding spouse certain rights and yet contradict it,  
12. apparently, in the next sentence. I'm referring specifically  
13. to...page 2. It says the...however where the title is  
14. specific property is held individually by one spouse, nothing  
15. in this subsection shall be construed to give the other spouse  
16. any title to or any interest in their property until, and this is  
17. the important part,...until a petition for dissolution or  
18. declaration of...invalidity has been filed. It goes on to  
19. say then in line 9, an interest in marital property shall not  
20. encumber the property so as to restrict its transfer, assign-  
21. ment or conveyance by the titleholder unless specifically  
22. enjoined from so doing. Now, the legal briefs that we have  
23. suggest that there is indeed some legal problems and confusion  
24. by that language. And if I'm missing something, I would  
25. really like to know what I am.

26. PRESIDENT:

27. Further discussion? Senator Geo-Karis.

28. SENATOR GEO-KARIS:

29. Would the sponsor yield?

30. PRESIDENT:

31. Indicates he'll yield, Senator Geo-Karis.

32. SENATOR GEO-KARIS:

33. This is the bill,...Senator,...that,...if I recall correctly,

1. is the one which will allow a modification of a child custody  
2. within two years. Isn't that right?

3. PRESIDENT:

4. Senator Bloom.

5. SENATOR BLOOM:

6. Yes, it...it...that and...the issue that...Senator Gitz  
7. and I were trying to discuss.

8. PRESIDENT:

9. Senator Geo-Karis.

10. SENATOR GEO-KARIS:

11. Mr. President and Ladies and Gentlemen of the Senate, I  
12. rise to speak in support of this bill because the other  
13. issue addressed in this bill is the issue that was addressed  
14. in my bill, Senate Bill...147, that passed both Houses and  
15. with...with one amendment in the House, which related to the fact  
16. where there was a property...transfer between spouses,  
17. it should not be considered taxable transfer. Because at  
18. the present time...Kowinski versus Kowinski, the case cited by  
19. our colleague on the other side, has held that...the  
20. current law did not create any interest in any non-title  
21. holding spouse until entry of the judgment. And consequently,  
22. if you wanted to give...if a spouse wants to give the house  
23. to his wife...without taxable consequence, he can't do it.  
24. But if this bill is passed, just like...Senate Bill 147,  
25. at least the Internal Revenue of the United States will look  
26. at the...the policy of the State and might decide, well,  
27. it's not a taxable transfer. So, I speak in favor of the  
28. bill.

29. PRESIDENT:

30. Further discussion? Senator Bruce. Further discussion?  
31. Senator Gitz.

32. SENATOR GITZ:

33. Well, Mr. President, not to delay the proceedings, but we

1. were in the middle of a couple of questions on this bill and  
2. I specifically asked a question of the sponsor relating to  
3. due process in the conveyance of title and I would appreciate  
4. an answer to that...question.

5. PRESIDENT:

6. Senator Bloom.

7. SENATOR BLOOM:

8. I'd be more than happy to answer. Essentially under  
9. U.S. v. Davis transfers of...non-marital property between  
10. spouses...to satisfy some kind of property settlement during  
11. a divorce are taxable. The Davis Court said they look to  
12. State law to ascertain exactly how that worked. Kowinski  
13. basically said that under our Act that the present...Marriage  
14. and Dissolution Act did not create any interest in the non-  
15. title holding spouse, Senator Gitz, until judgment is entered.  
16. This language is put in to avoid an unjust result in terms of  
17. the Federal Income Tax. In other words, the language that  
18. concerned you, if you read it, it said that the interest vest  
19. at the time...at the time the petition is filed and it shall  
20. vest and exist only during the pendency of the suit. It is  
21. narrowly drawn to satisfy...to satisfy U.S. versus Davis and  
22. to try and avoid a taxable transfer. Because where the  
23. property is transferred, you will have property settlements  
24. in dissolution matters where a...a spouse...the property is  
25. divided up and then the spouse has to pay a tax on it and  
26. that's just basically unjust and that's what this language  
27. seeks to...alleviate.

28. PRESIDENT:

29. Any further discussion? If not, the question is, shall  
30. House Bill 514 pass. Those in favor will vote Aye. Those opposed  
31. will vote Nay. The voting is open. Have all voted who wish?  
32. Have all voted who wish? Have all voted who wish? Take the  
33. record. On that question, the Ayes are 43, the Nays are 7,

HB 515  
3rd Reading

1. 2 Voting Present. House Bill 514 having received the required  
2. constitutional majority is declared passed. 515, Senator  
3. Bloom. On the Order of House Bills 3rd reading, the bottom  
4. of page 5, House Bill 515. Read the bill, Mr. Secretary.

5. SECRETARY:

6. House Bill 515.

7. (Secretary reads title of bill)

8. 3rd reading of the bill.

9. PRESIDENT:

10. Senator Bloom.

11. SENATOR BLOOM:

12. Thank you, very much. This provides that any person  
13. living separate and apart from his or her spouse, without  
14. fault, may institute an action for reasonable support and  
15. maintenance. You do have situations where the marriage breaks  
16. down and the parties separate and after awhile...especially  
17. if...the...the woman may want to go to court and...and seek  
18. support and maintenance. It also provides that a judgment  
19. of legal separation may be converted to a judgment for dis-  
20. solution on the motion of either party after two years, pro-  
21. viding the parties are still living separate and apart. It  
22. also addresses...residency requirement and...and says that  
23. parties seeking redress in our courts...need only have  
24. residence rather than domicile. It also...permits a return  
25. to the awarding of alimony or maintenance in gross. And it  
26. allows the continuance of maintenance...by agreement. Currently  
27. the obligation to pay maintenance is terminated on the death  
28. of either spouse or remarriage or cohabitation. This bill  
29. would allow the parties to otherwise agree. And also currently,  
30. unless the parties otherwise agree in writing, the custodian  
31. may determine the child's upbringing unless the court finds  
32. endangerment to the kid's physical health or significant  
33. impairment. This bill reduces the standard for court limitation

1. and goes to the best interest standard, which was used in the  
2. prior act. I'll try and answer any questions, otherwise urge  
3. a favorable roll call.

4. PRESIDENT:

5. Any discussion? Senator Geo-Karis.

6. SENATOR GEO-KARIS:

7. Mr. President, Ladies and Gentlemen of the Senate. This  
8. bill was well debated in the Senate Judiciary I Committee  
9. and I can tell you that...what Senator Bloom says is absolutely  
10. right, we should have the...reinstitution of alimony in gross  
11. it's been very difficult not to have it and those of you  
12. who practice divorce law would know that. And I might tell  
13. you, also, that this bill is a good improvement on the Divorce  
14. and Dissolution Act that was passed in 1980. And I rise in  
15. support of it.

16. PRESIDENT:

17. Further discussion? Senator Collins.

18. SENATOR COLLINS:

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

20. PRESIDENT:

21. Indicates he'll yield, Senator Collins.

22. SENATOR COLLINS:

23. Senator Bloom, you were kind of mumbling there at first  
24. and I didn't quite hear. Did you say that if two people live  
25. separately, in separate domiciles for a period of two years,  
26. that would be grounds then for a divorce for dissolution of  
27. marriage?

28. PRESIDENT:

29. Senator Bloom.

30. SENATOR BLOOM:

31. No, I did not say that. I said a judgment of legal separation,  
32. which is a...a...a judicially recognized act. In other words,  
33. the judge says you can petition right now under our act for

1. legal separation. If, after two years, either party may on  
2. motion, go back to court and said, look, we're not getting  
3. back together, the marriage has broken down, could we  
4. have a judgment of dissolution. Then the judge may award it...  
5. if...he finds grounds.

6. PRESIDENT:

7. Senator Collins.

8. SENATOR COLLINS:

9. ...Well, then actually you answered my question and it's...  
10. and it's yes. The other point in terms of alimony...are they...  
11. do you have any conditions there of when the alimony ends?

12. PRESIDENT:

13. Senator Bloom.

14. SENATOR BLOOM:

15. Yes. I...I misspoke on the...dissolution, I...I have...I  
16. have the old bill in my file...the separate and a part was taken out.  
17. The continuance of maintenance may continue by agreement under  
18. this. Presently, if the other spouse dies, remarries or cohabits  
19. with another, the party paying maintenance can cease so doing.  
20. This...this allows them to continue on.

21. PRESIDENT:

22. Senator Collins.

23. SENATOR COLLINS:

24. What...what...what if the other spouse, the receiver, gets  
25. a job making more money than...than the person who's paying...  
26. what happens then?

27. PRESIDENT:

28. Senator Bloom.

29. SENATOR BLOOM:

30. Generally, if the wife goes out and gets a job and gets  
31. paid more than the husband, the husband can go to court and  
32. petition to seek the court to reduce his maintenance. But the  
33. parties have to go...and the parties do, those of us who practice

1. this aspect of law. The parties from time to time seek to  
2. modify based on changed circumstance can go to court and say,  
3. dear court, circumstances have changed, she's making more  
4. money than I am and the court weighs the evidence. He might  
5. find that she...she has the kids and her expenses are more  
6. and he won't change them or he will.

7. PRESIDENT:

8. Further discussion? Channel 3 News has requested  
9. permission to shoot some film. Is leave granted? Leave  
10. is granted. Senator Sangmeister.

11. SENATOR SANGMEISTER:

12. Will the sponsor yield?

13. PRESIDENT:

14. Indicates he'll yield, Senator Sangmeister.

15. SENATOR SANGMEISTER:

16. Senator Bloom, I don't understand the significance of  
17. one part of your legislation and that is where the two are  
18. living separate and apart for two years and then can go back  
19. to the court and say, you know, things are not getting along,  
20. you can do that right now, what's all the waving about?

21. PRESIDENT:

22. WAND-TV Channel 17 also requests permission to film. Is  
23. leave granted? Leave is granted.

24. SENATOR SANGMEISTER:

25. Well...well...

26. PRESIDENT:

27. Yes, Senator...Sangmeister...I wasn't...Senator Bloom.

28. SENATOR BLOOM:

29. Yes...the limited no-fault provision was taken out. And I  
30. misspoke, I was...I was looking at the...the bill as it was  
31. originally introduced. Limited no-fault provision is out, George.

32. PRESIDENT:

33. Senator Sangmeister.



1. SENATOR SANGMEISTER:

2. Let's get that straight for the record, then, because it  
3. did appear that there was a limited no-fault if the people  
4. could come back after two years and just say, hey, we can't  
5. make it, give us our divorce. You say that is not in the  
6. bill now, is that correct?

7. PRESIDENT:

8. Senator Bloom.

9. SENATOR BLOOM:

10. That is correct and I apologize to the Body.

11. PRESIDENT:

12. Further discussion? Senator Egan.

13. SENATOR EGAN:

14. Yes, a...a question of the sponsor.

15. PRESIDENT:

16. Indicates he'll yield, Senator Egan.

17. SENATOR EGAN:

18. The question is, how has that been removed? The bill has  
19. not been amended, that was part of the original bill, right?

20. PRESIDENT:

21. Senator Bloom.

22. SENATOR BLOOM:

23. I once again apologize to the Body, Amendment No. 1 in  
24. the House took it out. Okay. I have it right here if you  
25. want to look at it, Bob, it's out. And I apologize for using  
26. a House Bill instead of a bill...a Senate Bill. I said I apologize  
27. for using the House Bill instead of the House Bill in the Senate  
28. that...that was in my folder. It's out, Bob...and the amendment  
29. was offered by Greiman.

30. PRESIDENT:

31. Further discussion? Senator Demuzio.

32. SENATOR DEMUZIO:

33. Well, I'd like to hear another explanation of the whole  
34. bill now, what's in and what's out and who's over there and

1. who's over here.

2. PRESIDENT:

3. Further discussion? Senator Collins.

4. SENATOR COLLINS:

5. I...I'm still confused. And...you know, you keep answering...  
6. you says yes and then you says no and then you says yes and  
7. then you said no, and that's three times. So, I want to know,  
8. and that was the good part of the bill, that if two people  
9. had lived separately, legally separated for a period of two  
10. years, could they then go in and petition the court and that  
11. was adequate grounds for dissolution of marriage? Now, answer  
12. that.

13. PRESIDENT:

14. Senator Bloom.

15. SENATOR BLOOM:

16. No. You want to see the amendment?

17. PRESIDENT:

18. Any further discussion? Senator Bloom may close.

19. SENATOR BLOOM:

20. All right, Senator Demuzio wanted a recapitulation. This  
21. bill provides that the party seeking dissolution need only  
22. have residence, rather than domicile. It permits a return  
23. to the awarding of maintenance in gross. It allows the contin-  
24. uation of maintenance by agreement and it...and it conforms to  
25. 514 which went to the best interest standard...the best interest  
26. standard in terms of what the custodian may do...the custodial  
27. spouse may do with the kids. It's important and it will facilitate  
28. the administration of matrimonial law. And I'd urge its  
29. adoption.

30. PRESIDENT:

31. The question is shall House Bill 515 pass. Those in favor  
32. will vote Aye. Those opposed will vote Nay. The voting is open.  
33. Have all voted who wish? Have all voted who wish? Have all voted  
34. who wish? Take the record. On that question the Ayes are 46,

HB 520  
3rd Reading

1. the Nays are 5, 1 Voting Present. House Bill 515, having  
2. received the required constitutional majority is declared  
3. passed. Top of Page 6, on the Order of House Bills 3rd reading,  
4. House Bill 520. Read the bill, Mr. Secretary.

5. SECRETARY:

6. House Bill 520.

7. (Secretary reads title of bill)

8. 3rd reading of the bill.

9. PRESIDENT:

10. Senator Dawson.

11. SENATOR DAWSON:

12. Mr. President, Ladies and Gentlemen of the Senate. House  
13. Bill 520 removes the jurisdiction of the Illinois Department  
14. of Transportation over barge fleeting areas. Open for any  
15. questions.

16. PRESIDENT:

17. Any discussion? Senator Demuzio.

18. SENATOR DEMUZIO:

19. Thank you, Mr...thank you, Mr. President. I have caused to  
20. have filed an amendment to this bill and I was under the impression  
21. that Senator Dawson had agreed to bring this bill back to the  
22. Order of 2nd reading to...to...so I could take a run at that  
23. amendment. And the amendment is filed with the Secretary and  
24. it was on the call back list this morning. I would like to  
25. know from the Chair what...what the posture is now...this...of this  
26. bill.

27. PRESIDENT:

28. It was on the call...recall list this morning, I am told,  
29. and the sponsor did not wish to call it back. So it is on  
30. the Order of 3rd reading. Senator Demuzio.

31. SENATOR DEMUZIO:

32. I'd like to ask the sponsor a question, if I may.

33. PRESIDENT:

1. Indicates he'll yield, Senator Demuzio.

2. SENATOR DEMUZIO:

3. Senator Dawson, would you, in fact, bring this bill back  
4. in order that I might make a run at the amendment?

5. PRESIDENT:

6. Senator Dawson.

7. SENATOR DAWSON:

8. Senator Demuzio, the amendment that you have here is about  
9. twenty to twenty-five pages. It does not really pertain to  
10. what this bill was designed to do or try to do with it. It's  
11. a barge tax amendment and I do not wish to bring it back. If  
12. it was filed before, when it was on 2nd reading, I would have  
13. more than gladly gone ahead with it, but it does not pertain...what  
14. the bill is trying to do as far as I'm concerned and I do  
15. not wish to bring it back.

16. PRESIDENT:

17. Further discussion? Senator Gitz.

18. SENATOR GITZ:

19. Mr. President, I'd like to address some questions to the  
20. sponsor.

21. PRESIDENT:

22. Indicates he'll yield, Senator Gitz.

23. SENATOR GITZ:

24. Senator, you and I had several discussions about what this  
25. bill is intending to do and not to do. The language in this  
26. bill says notwithstanding any provision in this act to the contrary,  
27. the Department of Transportation shall have no power to promulgate  
28. rules or regulations or to issue or deny permits with respect  
29. to barge fleeting areas in rivers, et cetera. My first question  
30. is, is it your intention in this bill to alter in any way the  
31. present permit process for their authority to grant dredging  
32. permits to create barge fleeting areas?

33. PRESIDENT:

1. Senator Dawson.

2. SENATOR DAWSON:

3. House Bill 520 does not remove any of the authority from  
4. IDOT from barge dredging and if they refuse a permit for dredging  
5. then they would not be allowed to put a barge fleeting area in  
6. that area.

7. PRESIDENT:

8. Senator Gitz.

9. SENATOR GITZ:

10. Would you clarify then, the process that will be at hand  
11. and how you see it working.

12. PRESIDENT:

13. Senator Dawson.

14. SENATOR DAWSON:

15. What House Bill 520 would do, would remove IDOT granting  
16. permission for a barge fleeting area if it's just pertaining  
17. to the barge fleeting and no other circumstances involved with  
18. it. But they also do have the prerogative that the...when  
19. the Army Corps of Engineers, before they do issue a permit,  
20. they have open hearings...can be requested and IDOT or anyone  
21. else, any concerned party has the right to go before them  
22. and state that their position on that...fleeting area.

23. PRESIDENT:

24. Senator Gitz.

25. SENATOR GITZ:

26. In line 7, this relates to, "for the purpose of this  
27. paragraph barge fleeting areas means a facility to fixed  
28. site." Would you explain to me, since this is not defined  
29. in the bill, what constitutes a fixed site?

30. PRESIDENT:

31. Senator Dawson.

32. SENATOR DAWSON:

33. A fixed site would be an area where the barge would be

1. secured in a safe manner...with the...jurisdiction of the Army  
2. Corps of Engineers and the U. S. Coast Guard designating that  
3. those barges are secured in a safe navigable manner.

4. PRESIDENT:

5. Senator Gitz.

6. SENATOR GITZ:

7. For...for example, it's not at all uncommon for a barge  
8. to be tied up along a bank for some period of time. Now, if  
9. this was tied up for, let's say a week, would that constitute a  
10. fixed site?

11. PRESIDENT:

12. Senator Dawson.

13. SENATOR DAWSON:

14. If the Army Corps of Engineers would have to designate  
15. that, anybody can tie a barge anyplace and you cannot call  
16. it a...that they have the jurisdiction to do that. There are  
17. certain areas, where, along the waterways where they say you're  
18. not allowed to tie up barges or any...navigable...vessel for  
19. any particular reason, but this...is only pertains to an area  
20. that is designated by the Army Corps of Engineers as a fleeting  
21. area.

22. PRESIDENT:

23. Further discussion? Senator Gitz. Can you bring your remarks  
24. to a close.

25. SENATOR GITZ:

26. Yes, Mr. President. I only hope that the Body does take  
27. a close look at the book...this bill. I think that...when I  
28. talked to the Army Corps of Engineers, they were somewhat nervous  
29. about a complete abrogation of State responsibility. I have  
30. reviewed with the sponsor the rules and regulations that are  
31. sought to be promulgated and were under discussion by Water  
32. Resources. Rules and regulations, incidentally, Ladies and  
33. Gentlemen, that I'm sure will have to come before the Joint

1. Committee on Administrative Rules. I fully understand some  
2. of the frustrations and problems that the barge fleet owners  
3. may have, but I think that there is other means that we can  
4. deal with those problems. I don't want to see a lot of  
5. new rules and regulations promulgated that probably are going  
6. to inhibit the free flow of commerce either. But this bill  
7. does more than simply put some dampers on it, it completely  
8. eliminates all of the State's participation, including that  
9. which would protect our shorelines. I merely ask that we  
10. think very carefully about what we're about to do before  
11. we proceed.

12. PRESIDENT:

13. Further discussion? Senator Vadalabene.

14. SENATOR VADALABENE:

15. Yes, Senator Dawson, could you...

16. PRESIDENT:

17. Indicates he'll yield, Senator Vadalabene.

18. SENATOR VADALABENE:

19. Okay. Does your bill, in regards to historic sites and  
20. along the Great River Road in the...in my district, would your  
21. bill permit the barge fleeting companies to locate along those  
22. historic and beautiful sites?

23. PRESIDENT:

24. Senator Dawson.

25. SENATOR DAWSON:

26. The only way they would be able to tie up along there, is  
27. if the Army Corps of Engineers would issue them a permit to  
28. do so. And before they would do that, I'm quite sure that  
29. your group would take and make application to appear before  
30. their hearings and state your case on it.

31. PRESIDENT:

32. Senator Vadalabene.

33. SENATOR VADALABENE:

1. Yes, I too rise in opposition to this bill. This takes away  
2. the authority of the State of Illinois to go into a conference  
3. with the Army Corps of Engineers in regard to some of the  
4. historic sites along the Mississippi River and the Great  
5. River Road. I believe this is a bad precedent, I believe we  
6. ought to keep some of the power in the State of Illinois and  
7. sending all the power out to Washington is a big mistake.

8. PRESIDENT:

9. Further discussion? Senator Demuzio.

10. SENATOR DEMUZIO:

11. Well, I apologize for rising the second time, however, I  
12. was not done the first time. The...I think Senator Vadálabene  
13. and Senator Gitz have hit the nail on the head. It seems to  
14. me we're going in the opposite direction. We're removing the  
15. State of Illinois from the permit process in terms of regulating the  
16. barge fleeting areas and resting that totally and solely and  
17. only with the Federal Government. I think that is not the  
18. way in which the Federal Government, I think today, perceives  
19. the role of the states. It appears that they would like to  
20. see the states exercise more authority and I am absolutely  
21. strongly opposed to this bill. Senator Dawson, your reluctance  
22. to bring this bill back to the Order of 2nd reading, the amend-  
23. ment that I was going to offer was the barge tax, which would  
24. have gone a long way to solving some of the Road Fund problems  
25. and Motor Fuel Tax Fund problems that Senator Sangmeister had  
26. envisioned several months ago. And I would suggest to you  
27. that if this...bill should manage to get out of the Senate  
28. that we are just going in the opposite direction and that  
29. we ought to...be retaining our State's right and not letting  
30. those rights be...retained by and exercised by the Federal  
31. Government. So, I am totally and strongly opposed to House  
32. Bill 520.

33. PRESIDING OFFICER: (SENATOR BRUCE)



1. Further discussion? Senator Davidson.

2. SENATOR DAVIDSON:

3. Mr. President and members of the Senate. I rise in support  
4. of this bill. One little item which no one's talked about, they  
5. say that, yes, the Department of Transportation will be denied  
6. the idea of permitting for fleeting. Someone talked about  
7. fill, riprap shoreline, I want to tell you, just pick up the  
8. bill and read it. Section 18, which is not touched, says  
9. the State Department of Transportation, Waterways Division,  
10. et cetera, whatever the correct name is, it's unlawful to make  
11. any fill or deposit rock, earth, sand, other material, bilge  
12. wash..wears, breakwater, bulkheads, jetty, causeways, harbor  
13. or mooring facilities. And when I asked the man from DOT in  
14. committee, what's a mooring facility, he said, well, they  
15. tie some of the barges up to a tree. And I said, isn't that  
16. a...mooring facility, he said yes. And then I said, you still  
17. have control over it, which he reluctantly said yes. The  
18. other thing they haven't told you about, the Statute has been  
19. in effect since 1911. It's only been in the last one or  
20. two years that DOT's began to use the permit for fleeting  
21. and extra paper work, delay time, prior times...they have  
22. stamped, approved, whatever you want to call it, whatever  
23. the Corps of Engineers have recommended. This bill will  
24. certainly go a long way to help you who talk about cost,  
25. any delay is going to increase the transportation costs of  
26. all the coal, the fuel oil and all the umpteen other many  
27. things that come up the river by barge. This is a good bill,  
28. I urge you to vote Aye.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Further discussion? Further discussion? Senator Dawson  
31. may close.

32. SENATOR DAWSON:

33. Mr. President, Ladies and Gentlemen of the Senate. I ask

MESS...  
2/2/81

1. for a favorable roll call on this bill because I feel we are  
2. ...we are asking to eliminate the duplication of services. I  
3. have a letter here in my file here where a person from the  
4. State of Illinois applied to the Illinois Department of  
5. Transportation for a permit just to see what they'd state  
6. back to them and they sent a copy of the Army Corps of  
7. Engineers letter with it and the letter sent back to them  
8. from the Illinois Department of Transportation said that  
9. they could find out no permit required for the purpose of  
10. this installation of a barge fleeting area. So evidently in  
11. 1976, IDOT didn't even know that they had to take and issue  
12. a permit on this..issue here. And I ask for a favorable roll  
13. call on this piece of legislation.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. The question is shall House Bill 520 pass. Those in favor  
16. vote Aye. Those opposed vote Nay. The voting is open. Have  
17. all voted who wish? Have all voted who wish? Take the record.  
18. On that question the Ayes are 39, the Nays are 15, 1 Voting  
19. Present. House Bill 520, having received the required constitutional  
20. majority is declared passed. House Bill 525, Senator Bloom.  
21. Read the bill, Mr. Secretary, please.

22. SECRETARY:

23. House Bill 525.

24. (Secretary reads title of bill)

25. 3rd reading of the bill.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Bloom.

28. SENATOR BLOOM:

29. Well, thank you, very much, Mr. President and fellow Senators.  
30. House Bill 525, presently, is identical with Senate Bill 224 which  
31. passed out of this Chamber 53 to nothing. Essentially...essentially,  
32. it provides for the deregulation of some day care homes and centers  
33. serving less than three children and the elimination of unnecessary  
34. licensing categories...

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. ...Senator Bloom...Senator Bloom, if you'd wait just a moment.  
3. May we have some order, please. If we can take our conferences  
4. off the Floor, clear the aisles, find our...Pages can find a  
5. seat somewhere in the Chamber. Senator Bloom.

6. SENATOR BLOOM:

7. ...And the elimination of unnecessary licensing categories  
8. and definitions and it strengthens certain licensure enforcement  
9. provisions. You may recall Committee Amendment No. 1, as I said,  
10. made the language identical to Senate Bill 224. Senator D'Arco's  
11. amendment removed an objectionable...provision and we also defeated  
12. ...the church...the church amendment and to those of you who  
13. supported the church amendment, the bill that embodied that  
14. concept, I understand, has passed out of the House. I know  
15. of no objections and I'd urge a favorable roll call and I'll  
16. answer any questions.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Is there discussion? Senator Schaffer.

19. SENATOR SCHAFFER:

20. If...if the Senator would yield for two questions. It's my  
21. understanding that the intent of the bill, as amended, is to  
22. exempt people caring for three or fewer children from any  
23. licensing requirements, is that correct?

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Bloom.

26. SENATOR BLOOM:

27. We have to get on record, yes. And Senator Schaffer has  
28. another question.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Schaffer.

31. SENATOR SCHAFFER:

32. It is also my understanding that homes which are exempt from  
33. licensing requirements would not lose any benefits to which

1. they would otherwise be entitled, even if they choose not to
2. apply for licensure?
3. PRESIDING OFFICER: (SENATOR BRUCE)
4. Senator Bloom.
5. SENATOR BLOOM:
6. Yes.
7. PRESIDING OFFICER: (SENATOR BRUCE)
8. Further discussion? Senator Rock.
9. SENATOR ROCK:
10. Thank you, Mr. President, I...merely want...wish to rise
11. in support of House Bill 525, as amended. We had some lengthy
12. discussions when the bill was at the amendment stage. Senator
13. D'Arco's amendment cleared up a problem for many of us. I
14. think the bill is in excellent shape and I...I would urge an
15. Aye vote.
16. PRESIDING OFFICER: (SENATOR BRUCE)
17. Further discussion? Senator Bloom may close.
18. SENATOR BLOOM:
19. Thank you, very much. Roll call, please.
20. PRESIDING OFFICER: (SENATOR BRUCE)
21. The question is shall House Bill 525 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? Take the record.
24. On that question the Ayes are 55, the Nays are none, none
25. Voting Present. House Bill 525, having received the required
26. constitutional majority is declared passed. House Bill 534,
27. Senator Geo-Karis. Read the bill, Mr. Secretary, please.
28. SECRETARY:
29. House Bill 534.
30. (Secretary reads title of bill)
31. 3rd reading of the bill.
32. PRESIDING OFFICER: (SENATOR BRUCE)
33. Senator Geo-Karis.

1. SENATOR GEO-KARIS:

2. Mr. President and Ladies and Gentlemen of the Senate. House  
3. Bill 534, as amended in the Senate, requires the court to order  
4. the party against whom a proceeding is brought for collection  
5. of delinquent child support to pay the custodial parent's costs  
6. and attorney's fees. But as amended, it says that the court...  
7. if the court finds that the said failure to pay child support  
8. was without cause or justification. I...those of us who've  
9. had much experience in this field know that a lot of people  
10. who don't have the money and yet they don't get their child  
11. support...end up as...taking it from the State and what have  
12. you with public aid. I think this would be a great improvement  
13. in the law and I urge its favorable consideration.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Is there discussion? Is there discussion? Senator Buzbee.

16. SENATOR BUZBEE:

17. Question of the sponsor. Who...who is the...is there an  
18. intermediary, who is the collector? Is...is the circuit clerk  
19. required to...to do any of this collecting or...how...how...how  
20. is...how is this enforced?

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Geo-Karis.

23. SENATOR GEO-KARIS:

24. The circuit court does not do the collecting. The...if...if  
25. ...right now, Senator, the circuit courts are, under law, allowed  
26. to collect pay...to receive the payments, but they're not the  
27. ones who enforce the collections. The...the collection is done  
28. by order...by prior law, that...that...

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. May we have some order please. Senator Buzbee...may we  
31. have some order. Senator Geo-Karis.

32. SENATOR GEO-KARIS:

33. The present law provides for the circuit court clerk, you know,

1. to receive child support payments. What this does, it says, in  
2. effect, that where they become delinquent, for example, and the  
3. custodial parent sues to collect the child support and is there-  
4. fore obligated to pay attorney's fees and court costs, like filing  
5. fees and so forth, the court may tax them against the delinquent  
6. payer only if the failure to pay child support was without  
7. cause or justification, that's what it means. But technically  
8. speaking, I suppose you could say the circuit court collects  
9. the money, but they don't enforce it. It's just a matter of  
10. collection, which is already set forth under Statute, you know,  
11. part of the Statute in this State. All this does is say that  
12. the court, if he finds, for example, supposing someone is  
13. delinquent in paying child support just because he's darn careless.  
14. All right, the court finds that he had no good excuse for  
15. failing to pay child support and the...petitioner...have to  
16. get an attorney to file a petition, instead of that petitioner,  
17. whose limited income is paying all the costs and attorney's fees,  
18. the court can justify them against the delinquent payer who  
19. did it...without good reason.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Buzbee.

22. SENATOR BUZBEE:

23. Mr. President, I think the Senator has answered my question,  
24. but I wasn't able to hear her. I would request either that  
25. you get some more order or that the...electrician turn up her  
26. microphone just a little bit. I'm really, truly, having difficulty  
27. hearing her, but...let...let me ask, who is the enforcer?

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Geo-Karis.

30. SENATOR GEO-KARIS:

31. Once the court orders the...payment of these costs and attorney's  
32. fees, then it's a form of a judgment against the delinquent payer.  
33. And then the attorney who represents the petitioner has to go  
34. forward with it...to...to collect it, that's it.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Buzbee.

3. SENATOR BUZBEE:

4. My...my concern is that you are not putting any more of  
5. a burden on the circuit clerk than they already bear.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Geo-Karis.

8. SENATOR GEO-KARIS:

9. Senator, honestly, there isn't any additional burden, it's  
10. up to the petitioner and their attorney to go forward and  
11. collect the money, once it's awarded against the delinquent  
12. payer.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Further discussion? Further discussion? The question is  
15. shall House Bill 534 pass. Those in favor vote Aye. Those  
16. opposed vote Nay. The voting is open. Have all voted who  
17. wish? Have all voted who wish? Have all voted who wish?  
18. Take the record. On that question the Ayes are 51, the Nays  
19. are 3, none Voting Present. House Bill 534, having received  
20. the required constitutional majority is declared passed.  
21. House Bill 541, Senator Lemke. Read the bill, Mr. Secretary,  
22. please.

23. SECRETARY:

24. House Bill 541.

25. (Secretary reads title of bill)

26. 3rd reading of the bill.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Lemke.

29. SENATOR LEMKE:

30. What this bill does is removes the archaic method of one  
31. trustee conveying to a...a straw middle man and then conveying  
32. to a trustee, this allows one trustee to convey to another  
33. trustee. It's just a clean up measure and I think it's a good bill,

HB 542  
3rd reading

- 1. and it'll save a lot of recording of unnecessary documents.
- 2. I ask for it's adoption.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Is there discussion? Is there discussion? The question  
 5. is shall House Bill 541 pass. Those in favor vote Aye. Those  
 6. opposed vote Nay. The voting is open. Have all voted who  
 7. wish? Have all voted who wish? Take the record. On that  
 8. question the Ayes are 55, the Nays are none, none Voting Present.  
 9. House Bill 541, having received the required constitutional  
 10. majority is declared passed. House Bill 542, Senator Lemke.  
 11. Senator Lemke. Read the bill, Mr. Secretary, please.

12. SECRETARY:

13. House Bill 542.

14. (Secretary reads title of bill)

15. 3rd reading of the bill.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Lemke.

18. SENATOR LEMKE:

19. All this...does, is any person that's confined to a city,  
 20. county or State jail or institution may be required to reinstitute  
 21. such...reimburse such a...a facility...can...may...require  
 22. reimbursement for the cost of their stay. I think it's a good  
 23. bill, and I ask for it's adoption.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Is there discussion? Is there discussion? The question  
 26. is shall House Bill 542 pass. Those in favor vote Aye. Those  
 27. opposed vote Nay. The voting is open. Have all voted who  
 28. wish? Have all voted who wish? Take the record. On that  
 29. question the Ayes are 53, the Nays are none, none Voting Present.  
 30. House Bill 542, having received the required constitutional  
 31. majority is declared passed. House Bill 572, Senator DeAngelis.  
 32. Read the bill, Mr. Secretary, please.

33. SECRETARY:



HB 572  
2nd Reading

1. House Bill 572.

2. (Secretary reads title of bill)

3. 3rd reading of the bill.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator DeAngelis.

6. SENATOR DeANGELIS:

7. Thank you, Mr. President, members of the Senate. House  
8. Bill 572 allows the juvenile court...

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. May we...excuse me Senator DeAngelis, may we have some order,  
11. please. If we would take our conferences off the Floor. Senator  
12. DeAngelis.

13. SENATOR DeANGELIS:

14. Thank you, Mr. President. House Bill 572 clears up what  
15. happens to be some disagreement among the juvenile court  
16. judges regarding dispositional orders. What it does, it  
17. allows the dispositional orders that currently exist to  
18. be taken in conjunction with other orders in there, rather  
19. than taken separately. In addition, there was an amendment  
20. put on at the request of the State's Attorney of Cook County  
21. to clarify the definition of parent for the purposes of  
22. publication and notification.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Is there discussion? Is there discussion? The question  
25. is shall House Bill 572 pass. Those in favor vote Aye. Those  
26. opposed vote Nay. The voting is open. Have all voted who  
27. wish? Have all voted who wish? Take the record. On that  
28. question the Ayes are 54, the Nays are none, none Voting  
29. Present. House Bill 572, having received the required  
30. constitutional majority is declared passed. 576, Senator  
31. Lemke. Read the bill, Mr. Secretary, please.

32. SECRETARY:

33. House Bill 576.

HB 580  
2nd Reading

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 does, is changes the offense of harrassment of  
7. jurors from a Class A misdemeanor to a Class III felony. I  
8. ask for its adoption.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Is there discussion? Is there discussion? The question  
11. is shall House Bill 5...House Bill 576 pass. Those in favor  
12. vote Aye. Those opposed vote Nay. The voting is open. Have  
13. all voted who wish? Have all voted who wish? Take the record.  
14. On that question the Ayes are 53, the Nays are none, none  
15. Voting Present. House Bill 576, having received the required  
16. constitutional majority is declared passed. House Bill 580,  
17. Senator Maitland. Read the bill, Mr. Secretary, please.

18. SECRETARY:

19. House Bill 580.

20. (Secretary reads title of bill)

21. 3rd reading of the bill.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Maitland.

24. SENATOR MAITLAND:

25. Thank you, Mr. President, Ladies and Gentlemen of the  
26. Senate. House Bill 580 very closely resembles Senate Bill  
27. 220, which passed out of this Body some weeks ago. It  
28. does provide that nurses' aides and orderlies and nurse  
29. technicians may proficiency out of the required training  
30. session that they are required to have. A...an additional  
31. facet of...of this legislation does allow for the...resident's  
32. guardian, representative or immediate family may also be  
33. involved in the procedures to perfect...protect the resident's  
34. funds.

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. Is there discussion? Senator Marovitz.
3. SENATOR MAROVITZ:
4. The sponsor yield?
5. PRESIDING OFFICER: (SENATOR BRUCE)
6. Indicates he will, Senator Marovitz.
7. SENATOR MAROVITZ:
8. Senator Maitland, does this bill have the same amendment
9. on it that we put on, on the Senate Bill in an agreed amendment
10. before it left committee?
11. PRESIDING OFFICER: (SENATOR BRUCE)
12. Senator Maitland.
13. SENATOR MATTLAND:
14. Yes, Sir, Senator Marovitz, it's identical.
15. PRESIDING OFFICER: (SENATOR BRUCE)
16. Senator Marovitz. Further discussion? Further discussion?
17. The question is shall House Bill 580 pass. Those in favor
18. vote Aye. Those opposed vote Nay. The voting is open.
19. Have all voted who wish? Have all voted who wish? Take
20. the record. On that question the Ayes are 49, the...51, the
21. Ayes are 51, the Nays are 3, 1 Voting Present. House Bill
22. 580, having received the required constitutional majority
23. is declared passed. House Bill 581, Senator Vadalabene.
24. Read the bill, Mr. Secretary, please.
25. SECRETARY:
26. House Bill 581.
27. (Secretary reads title of bill)
28. 3rd reading of the bill.
29. PRESIDING OFFICER: (SENATOR BRUCE)
30. Senator Vadalabene.
31. SENATOR VADALABENE:
32. Yes, thank you, Mr. President and members of the Senate.
33. House Bill 581 is a clarification in...Liquor Control Act.

1. It removes the requirement that applicants for liquor licenses  
2. disclose whether persons indirectly interested in their  
3. business are public officials. And what we are determining  
4. by this legislation is, for instance, if you have a son working  
5. in a supermarket that dispenses liquor, he cannot run for  
6. public office. So what we are removing is the word, "indirectly"  
7. from the Act so that people who are not licensees can seek  
8. public office. The Liquor Control Commission has taken a  
9. look at this bill and has no problems with this clarifying  
10. language and I ask for a favorable vote.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Is there discussion? Senator Mahar.

13. SENATOR MAHAR:

14. Thank you, Mr. President, members of the Senate. Will  
15. the sponsor yield for a question or two?

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Indicates he will yield. Senator Mahar.

18. SENATOR MAHAR:

19. Yes, Senator Vadalabene, how does this work with a  
20. village trustee, an alderman or a mayor? What...how does  
21. it affect them?

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Vadalabene.

24. SENATOR VADALABENE:

25. Well, a village trustee or a...a mayor...in his case, for  
26. instance, if he works for a supermarket and they dispense  
27. liquor, he's indirectly involved and he's not the licensee,  
28. he could seek office.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Mahar.

31. SENATOR MAHAR:

32. If I were a mayor and I was also a bartender in a local  
33. tavern, could I continue to hold my job as a bartender in

1. that tavern? And I were a mayor or an alderman?

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Vadalabene.

4. SENATOR VADALABENE:

5. If you were a mayor or an alderman, I don't think you  
6. would want to be a bartender.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Mahar.

9. SENATOR MAHAR:

10. You...you might be surprised. My...I might like to speak  
11. to the bill, Mr. President. I'm...I don't have a copy in  
12. front of me and...and the analysis, but it seems to me  
13. unless the bill specifically delineates what a local official  
14. can do and particularly a mayor or a village president, there  
15. would be a serious conflict of interest. And since, as we  
16. all know, the village president, the county board president,  
17. has very definite powers in the area of...of liquor, or liquor  
18. licenses, and has real strong control over the operation.  
19. It seems to me it would be a very difficult position to  
20. have the mayor of the community have some direct interest  
21. in a local liquor establishment which he or she may license,  
22. and cause some real problems. So, I think we ought to take  
23. a very careful look at this legislation unless it has some  
24. delineating language which would clearly define the position  
25. of the mayor, it probably ought to be held for some further  
26. amendment.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Further discussion? Further discussion? Senator Vadalabene  
29. may close.

30. SENATOR VADALABENE:

31. Yes, I...I believe that the Statute would protect the...the  
32. licensee in that regard where a mayor would have direct interest  
33. in that and so he would be ineligible to...to...to be a bartender.

HB 598  
3rd reading

1. However, we're talking about the many people..for instance,  
2. a truck driver, who hauls beer or a truck driver who hauls..  
3. who hauls liquor. He is indirectly involved and consequently  
4. he cannot seek public office. This is where we're attempting  
5. to clear up the clarifying language and the Illinois Liquor  
6. Control Commission is in support of this bill. And I would  
7. ask for a favorable vote.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. The question is shall House Bill 581 pass. Those in  
10. favor 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 38, the Nays are 10, 4 Voting Present. House  
14. Bill 581, having received the required constitutional majority  
15. is declared passed. House Bill 598, Senator Vadalabene. Read  
16. the bill, Mr. Secretary, please.

17. ACTING SECRETARY: (MR. FERNANDES)

18. House Bill 598.

19. (Secretary reads title of bill)

20. 3rd reading of the bill.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Vadalabene.

23. SENATOR VADALABENE:

24. Yes, thank you, Mr. President and members of the Senate.  
25. House Bill 598, as amended, amends the Downstate Teacher's  
26. Retirement Article of...of the Pension Code. What the bill  
27. does, is the provision that any portion of an annual salary  
28. exceeding twenty percent of the previous annual salary is  
29. excluded from computation of retirement benefits. The  
30. employee has doubled the...the...his...contribution, increased  
31. it from three percent to six percent. The Pension Laws  
32. Commission reports that this proposal would impose no cost  
33. impact on the system and is in favor of the passage of this  
34. bill. And I ask for a favorable vote.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Is there discussion? Senator Egan.

3. SENATOR EGAN:

4. Yes, just to rise in support of the bill. After...Mr.  
5. President and members of the Senate. The original bill has  
6. been completely changed and the bill that is now before  
7. the Body is completely acceptable and I urge your approval.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Berning.

10. SENATOR BERNING:

11. Thank you, Mr. President. I also rise in support of  
12. the bill and...and commend Senator Vadalabene for the  
13. amendments which he offered which conformed to the requests  
14. of the Committee on Insurance and Pensions and does make  
15. this a defensible bill.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Further discussion? Senator Johns.

18. SENATOR JOHNS:

19. Just like to be shown as a hyphenated cosponsor, that's  
20. how much I think of it. I'd like leave.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Is there leave? Is there leave? Leave is granted. The  
23. question is shall House Bill 598 pass. Those in favor  
24. vote Aye. Those opposed vote Nay. The voting is open.  
25. Have all voted who wish? Have all voted who wish? Take  
26. the record. On that question the Ayes are 56, the Nays  
27. are none, none Voting Present. House Bill 598 having  
28. received the required constitutional majority is declared  
29. passed. For what purpose does Senator Bloom arise?

30. SENATOR BLOOM:

31. Point of personal privilege.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. State your point, Senator.

1. SENATOR BLOOM:

2. Yes, seated in the President's gallery is the widow  
3. of one of my predecessors, Mrs. Clyde Trager, and with her are...  
4. she is also our County Chairwoman...and...and with her are...are  
5. two good workers, Jean Kestock and Priscilla. And I wonder if  
6. all three of them would stand and be recognized by the Senate.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Would our guests in the galleries please rise and be  
9. recognized by the Senate. For what purpose does Senator  
10. Weaver arise? House Bill 600, read the bill, Mr. Secretary,  
11. please.

12. SECRETARY:

13. House Bill 600.

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

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Weaver.

18. SENATOR WEAVER:

19. Thank you, Mr. President, I was just trying to be ready  
20. when you got ready. House Bill 600 expands the powers of  
21. the counties and allows them to purchase prairie land for  
22. preservation. It allows park police to enforce the general  
23. laws of the State and it also allows the counties to expend  
24. county funds to prevent the institutionalization of the  
25. elderly. We have given this power to townships a year or  
26. so ago in the counties now, we'd like to have that same  
27. power. If there are any questions, I'd try to answer it,  
28. otherwise I'd appreciate a favorable roll call.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Further discussion? Further...discussion? The question  
31. is shall House Bill 600 pass. Senator Simms, did you have...  
32. Senator Simms.

33. SENATOR SIMMS:



1. Senator Weaver yield? Senator, you mentioned police  
2. powers, is this only pertaining to the counties or are we  
3. dealing also with park districts?

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Weaver.

6. SENATOR WEAVER:

7. Park police.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Simms.

10. SENATOR SIMMS:

11. Park...park district police? Is...this in contrast to  
12. the legislation that we passed a couple years ago, Senator,  
13. that limited the power of the park district police only  
14. to the property...only to park district property, or is  
15. this going to now reverse itself, and encompass the entire  
16. park district? A couple of years ago, we had a problem  
17. that this legislature changed whereby the...park district  
18. police had powers throughout the entire park district  
19. and in some cases in some areas throughout the State they  
20. were going beyond what was reasonably expected and abused  
21. those police powers outside of park district property.  
22. Are we...are we now reversing that decision of the earlier  
23. Legislature by limiting their power strictly to the park  
24. district property itself?

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Weaver.

27. SENATOR WEAVER:

28. I really...that was an amendment put on this bill in the  
29. House and I really can't answer you, Senator...Senator Simms.  
30. I'm trying to look at the bill to see...I think probably...  
31. on Amendment No. 1 adopted in the House, it says, of the State,  
32. so I imagine that would include enforcement of all State  
33. laws within their jurisdiction.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Simms.

3. SENATOR SIMMS:

4. Well...two years ago when the legislation was passed, we  
5. limited the power to their police power to...to the park  
6. district property unless they were summoned or directed  
7. by the sheriff or another appropriate law enforcement  
8. agency. The problem was, these park district police  
9. were setting up their own radar units, issuing tickets  
10. on...State roads, county roads, that were...did not run  
11. through their individual park district and it became  
12. a source of revenue for the park district. Consequently,  
13. it was being abused, greatly abused, and the Legislature...  
14. I was...legislation that I handled in the House and...I  
15. believe Senator Martin did in the Senate.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Weaver.

18. SENATOR WEAVER:

19. I think on Page 4 on line...17, "such police protection  
20. shall be conservators of the peace within such park or  
21. recreational areas and shall have such...have powers to  
22. make arrest on view of the offense or upon warrant for  
23. a violation. So it's...I think it's still confined to  
24. the recreational area or park, but enforce the State laws  
25. within those areas.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Simms.

28. SENATOR SIMMS:

29. Well, it...it...it's the legislative...it's the legislative  
30. intent that their powers are going to be...are going to be  
31. confined to the park district property. Am I correct  
32. Senator Weaver?

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Weaver.

2. SENATOR WEAVER:

3. On line 18 it says, "within such park or recreational  
4. area."

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Further discussion? Further discussion? The question  
7. is shall House Bill 600 pass. Those in favor vote Aye.  
8. Those opposed vote Nay. The voting is open. Have all  
9. voted who wish? Have all voted who wish? Take the record.  
10. On that question the Ayes are 55, the Nays are none, none  
11. Voting Present. House Bill 600, having received the required  
12. constitutional majority is declared passed. ...House Bill 636,  
13. Senator Gitz. 607 was recalled today, Senator. Senator Demuzio.  
14. SENATOR DEMUZIO:

15. 5...House Bill 520, Mr. President was also on the call  
16. back Calendar this morning and we proceeded with it. But I'd  
17. like a ruling from the Chair as to what...what the ruling is.  
18. PRESIDING OFFICER: (SENATOR BRUCE)

19. It has been the ruling of the Chair that bills recalled  
20. and amended, cannot be called on that same legislative day.  
21. House Bill 520 was not, in fact, recalled. There was a request  
22. for a recall, but it was not recalled nor was it amended. We  
23. have also, if the bill is not amended, we go ahead and consider  
24. it if it's sponsored. But this bill was, in fact, recalled and was,  
25. in fact, amended, it meets both tests. 636, Senator Gitz. Read  
26. the bill, Mr. Secretary, please.

27.  
28.  
29.  
30.  
31.  
32.  
33.

END OF REEL

1. SECRETARY:

2. House Bill 636.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Gitz.

7. SENATOR GITZ:

8. Thank you, Mr. President and members of the Senate. This  
9. legislation is not unfamiliar to us. This legislation would  
10. require a...or allow...rather...teachers who are not covered  
11. by a collective bargaining agreement to elect to be paid over  
12. either a ten or twelve month period annually. I would re-  
13. iterate once again that teachers are the only ones in this  
14. State that can labor over a nine month period, but a school  
15. board can say, I'm sorry you're going to be delayed in your  
16. payment. I think that this is simply a matter of fairness.  
17. Now, some of my colleagues are going to say this is a matter  
18. of local control. I would remind you that under the regular  
19. Labor Laws of this State no one who works for a construction  
20. company or for a private business could be treated in the same  
21. way. I would also remind you that it is not at all unusual for  
22. school teachers to start at a salary which will be of ten  
23. thousand dollars and some cases less. We wonder why there are  
24. people that are hard pressed to find someone to teach industrial  
25. arts. It's this kind of regressive situation that predominates  
26. in certain school districts that I, frankly, think should be  
27. addressed. I offer this bill to you simply because I think  
28. it is only fair that when people are not subject to unemploy-  
29. ment compensation, that they are not going to be...able to  
30. make that decision that they ought to be given the latitude  
31. to be paid for when they have worked. It is a very simple  
32. bill. It is a matter of simple justice.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Is there discussion? Is there discussion? Senator  
2. Maitland.

3. SENATOR MAITLAND:

4. Thank you, Mr. President. As I've done in the past, I  
5. rise once again in opposition to House Bill 636. I guess for  
6. a number of reasons, but most importantly it can possibly  
7. cause a very serious cash flow...problem within some...some  
8. school districts if they would elect to do this. Secondly,  
9. obviously, boards of education now have the right and some  
10. do agree to do this. So, the local control facet is...is taking  
11. place and is working. I would also remind the Body that  
12. relative to the cash flow problem, it is possible that in  
13. some school districts, should this kind of legislation pass,  
14. we could, at one point, be making fourteen month payment  
15. within a...within one fiscal period, which increases the  
16. cash flow problem. I believe this is a matter that's taken  
17. care of by local school boards and for that reason I think House  
18. Bill 636 should be once again defeated.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Further discussion? Senator Weaver.

21. SENATOR WEAVER:

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

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Indicates he will yield. Senator Weaver.

25. SENATOR WEAVER:

26. It's come to my attention, Senator Gitz, that some teachers  
27. on ten month contracts file for unemployment insurance for the  
28. other two months. Is that possible under this...under the laws?

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Gitz.

31. SENATOR GITZ:

32. Senator Weaver, every...person in legal counsel that I've  
33. consulted said that is not legal at this day.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Weaver.

3. SENATOR WEAVER:

4. Well, I have heard from a pretty good authority that it  
5. has been done and it continues to be done. That those on ten  
6. month contracts get unemployment insurance for the other two  
7. months.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Gitz.

10. SENATOR GITZ:

11. Well, that is without any precedence that I'm aware of,  
12. Senator Weaver, and when I talked to the Department of Labor  
13. they said, no, that...that was not...within order. Now, it  
14. may be that in some particular instance...that people are not  
15. following those guidelines. And I would further add...gra-  
16. tuitously, Senator Weaver, that I, frankly, don't think  
17. that whether a person is paid on a ten month basis, they  
18. should be eligible for unemployment compensation. And should  
19. there be any confusion with that in the future, I would  
20. be happy to help you address that situation.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Further discussion? Senator Geo-Karis.

23. SENATOR GEO-KARIS:

24. Would the sponsor yield for a question?

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Indicates he will yield. Senator Geo-Karis.

27. SENATOR GEO-KARIS:

28. Senator, are you saying that your intention in this bill  
29. is not to provide for unemployment compensation benefits for  
30. two months, if we are...if we were to vote for a...a ten month  
31. payment a...an option of...collecting their pay at ten months  
or twelve months?

32. PRESIDING OFFICER: (SENATOR BRUCE)

33.

1. Senator Gitz.

2. SENATOR GITZ:

3. Yes, Senator Geo-Karis. Although this is not directly  
4. in the bill, it is my understanding that is addressed in the  
5. law, but just for the record, to establish it in the record  
6. as legislative intent, clearly that is not our intention.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Geo-Karis.

9. SENATOR GEO-KARIS:

10. And this bill, I don't believe has any amendments, Senate amendments,  
11. ...is that correct...I mean, it's still in the original form?  
12. It just provides payments for ten months or twelve months,  
13. the alternative. Well, in that event, Mr. President and Ladies  
14. and Gentlemen of the Senate, and predicated on the expressed  
15. statement of the...Senate sponsor to this bill that the...there's  
16. no intention...to collect two months unemployment if the teacher  
17. has that option, I also think that can be covered in the con-  
18. tracts of the school where the intention is set forth. I'll  
19. speak in favor of the bill.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Further discussion? Senator Nimrod.

22. SENATOR NIMROD:

23. Thank you, Mr. President and Ladies and Gentlemen of the  
24. Senate. I think this idea of the unemployment compensation  
25. for teachers under various contractual arrangements had been  
26. discussed in previous years and we did have a very serious  
27. problem with this. And evidently what this bill will do will  
28. introduce...this problem again. Because as long as you're  
29. under a twelve month contract, and, in fact, if you pay...if  
30. you receive that over a ten month period,...you're ineligible  
31. for unemployment compensation. But if, in fact, you do take  
32. a ten month contract...or a nine month contract, then you  
33. do become eligible for unemployment compensation. So, this

1. bill is going to make them eligible and it's going to cause an  
2. additional burden...to those school districts, well, I think  
3. this is the wrong approach. This problem has been settled  
4. before. It seems to me that this problem ought to be handled  
5. locally...on the distribution of the money and, in fact,...I...I'm  
6. ...I'm not sure what we're doing about introducing other problems  
7. beside unemployment compensation, but...it seems that I would  
8. urge the defeat of this bill.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Just for a momentary break, we would like to introduce  
11. our Secretary of State, Mike Howlett and one of our great...  
12. one of our great leaders...and great Senators, Marshall  
13. Korshak. Senator Marovitz.

14. SENATOR MAROVITZ:

15. Well, I think,...you can't introduce two members of the  
16. Three Musketeers and leave out the third member. One of  
17. our great citizens of the State of Illinois, the City of  
18. Chicago, great attorney, Jimmy O'Keefe...Jimmy O'Keefe.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Senator Buzbee.

21. SENATOR BUZBEE:

22. Thank you, Mr. President. To...to speak on the subject.  
23. In the first place...we are having that...that Statute that  
24. has been referred to researched. I'm of the opinion that this  
25. will not, in any way, allow a teacher to draw unemployment  
26. compensation. I think that...that subject was addressed by  
27. the Federal Government...about two or three years ago when all  
28. this controversy and hassle started across this country.  
29. The teachers were drawing unemployment comp. on the summer-  
30. time and I don't think that is going to be allowed at all,  
31. but we are researching that part. But it seems beyond my  
32. belief that somebody would say, you work for nine months,  
33. but we're...we're going to pay you over a period of twelve



1. months as a requirement of the law of the State. Now, if the  
2. person that works for nine months prefers to be paid for  
3. twelve months, then fine, sobeit. But if they want to be  
4. paid in ten months, as opposed to twelve months, they  
5. ought to have that privilege. It is their money and what's  
6. happening is the school districts keep their money and draw  
7. interest on it and that's a good deal for the school districts,  
8. but it's just not fair. If the person says, I want to go in  
9. the summertime and work on construction or work in some part-  
10. time job and earn extra income, but I want to be paid for my  
11. nine months of work...I want to be paid in a ten month period,  
12. then we ought to allow them to do that by Statute. Certainly  
13. it's...it's a good deal for the school districts. They get  
14. to keep...if you are a school teacher, they get to keep your  
15. money in interest bearing accounts and dribble it out to you  
16. over a period of twelve months. Now, the school...most of  
17. the school teachers that I'm familiar with would prefer to  
18. have their money paid over twelve months because they're working  
19. wives or they are...they are working single women or  
20. are working men who have families that are afraid that they  
21. might not be able to get another job in the summertime, so  
22. they request to be paid over twelve months. But if they  
23. want to be paid over ten months for nine months work, it's  
24. their money. It's not the school district's money. They  
25. signed a contract for X number of dollars for nine months  
26. of work. They ought to be allowed to receive their pay in  
27. the time frame in which they're doing the work. And to say  
28. that arbitrarily willy-nilly we're going to say to you, you  
29. cannot be paid any faster than over a twelve month period  
30. is simply using their money to make the school district  
31. interest. That's not fair, there is no other job in the world  
32. that...that requires that and we should not require it of school  
33. teachers. When you start looking at school teachers' salaries

1. as a second income, it's not a bad salary that most of them  
2. make after they've gotten twenty years experience and...and  
3. a Masters degree and so forth, they finally get up to where  
4. it's a fairly decent salary. But if you're trying to support  
5. a family on that salary by yourself...by itself, especially  
6. with that education and with that number of years experience,  
7. they're almost as badly paid as Legislators. I submit to  
8. you that this is a good bill and we ought to pass it.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Further discussion? Senator Savickas.

11. SENATOR SAVICKAS:

12. Yes, Mr. President and members of the Senate, I'd just  
13. like to remind this Body that many of these proponents for  
14. this are the ones that wanted the Legislative members...to  
15. have their salary divided up in twelve equal payments, that  
16. they didn't want them to receive it...as they dictated,  
17. you know, the one time. So, I just thought I'd enter this  
18. into the record...and I'm sure that...Senator Gitz probably  
19. would have voted that the Legislative members could not  
20. receive their salary the way they wished and now he's a  
21. great proponent for...this proposal.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Further discussion?

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Senator Bruce.

26. SENATOR BRUCE:

27. Thank you, Mr. President. I...every year when we have  
28. this bill someone always gets up and says, my God, if we pass  
29. this bill teachers are going to be eligible for unemployment  
30. comp. and every year I get up and say that's not true. Senator  
31. Sommer and I fought that bill out three or four, five years  
32. ago and so today, so that we can once and for all bury that...  
33. red herring, I looked up Chapter 48, and I appreciate Senator

1. Savickas giving me the chance to just to have...one run  
2. through. And let me just read it to you so that we don't  
3. have any questions. Senator Weaver, wherever that unemploy-  
4. ment...compensation office is, get a hold of the...the office  
5. manager, give his name to the Director of Department of  
6. Labor and have him discharged from duty. Because...let me  
7. just show you how clearly the Statute is and has been since  
8. 1977. In case he misses it, it's in big, black bold type.  
9. It says,...under Section 6-12, it says, academic personnel  
10. ineligibility between academic years or terms. Now, if he  
11. doesn't catch that...if he doesn't see that in the big,  
12. black bold print, he can go down and read Section 1 that  
13. says, an individual shall be ineligible for benefits on the  
14. basis of wages for services...in employment in an instruc-  
15. tional, research or prinicipal administrative capacity performed  
16. for an educational institution for any week which begins  
17. after December 31st, 1977, during a period between two  
18. successive academic years. That's it. Now, if that means  
19. a teacher can get unemployment, I don't see how he does,  
20. but if they have a problem in your unemployment comp. area,  
21. have them call me, I'll read this section to them. It says  
22. they're ineligible. Academic personnel are ineligible for  
23. benefits between academic years. Don't hide behind that.  
24. It has nothing to do with anything except keeping money of  
25. people who have worked for it and are not paid for it.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Senator DeAngelis.

28. SENATOR DEANGELIS:

29. A question of the sponsor.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Indicates he will yield.

32. SENATOR DEANGELIS:

33. Senator Gitz, your bill calls for those school districts

1. that are not covered by...collective bargaining agreements.
2. Does the State of Illinois recognize collective bargaining
3. agreements for education?
4. PRESIDING OFFICER: (SENATOR SAVICKAS)
5. Senator Gitz.
6. SENATOR GITZ:
7. Well, clearly,...Senator DeAngelis, all of those school
8. districts that do have collective bargaining agreements,
9. there is no...law or court which has thrown them out.
10. PRESIDING OFFICER: (SENATOR SAVICKAS)
11. Senator DeAngelis.
12. SENATOR DEANGELIS:
13. Senator Gitz, that was not my question. What I'm asking
14. you is, does the State of Illinois recognize collective
15. bargaining agreements for education?
16. PRESIDING OFFICER: (SENATOR SAVICKAS)
17. Senator Gitz.
18. SENATOR GITZ:
19. Let me respond with a question. When you say recognize,
20. what do you mean by your use of the term, recognize collective
21. bargaining agreements?
22. PRESIDING OFFICER: (SENATOR SAVICKAS)
23. Senator DeAngelis.
24. SENATOR GITZ:
25. Do we allow them to exist, yes. Do we hold them in
26. contempt of court, no.
27. PRESIDING OFFICER: (SENATOR SAVICKAS)
28. Senator DeAngelis.
29. SENATOR DEANGELIS:
30. Does it recognize them by Statute?
31. PRESIDING OFFICER: (SENATOR SAVICKAS)
32. Senator Gitz.
33. SENATOR GITZ:

1. Yes.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Senator DeAngelis.

4. SENATOR DEANGELIS:

5. Then I would like to ask what the purpose of Senate Bill  
6. 646 was?

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Senator Gitz.

9. SENATOR GITZ:

10. Well, I think that, frankly, the question before us is  
11. on House Bill 636. What is the nature of your inquiry? What  
12. are you driving at?

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Senator DeAngelis.

15. SENATOR DEANGELIS:

16. Well, what I'm indicating,...I do not agree with your  
17. opinion regarding the recognition of collective bargaining  
18. by Statute. So, your bill, essentially, forces every school  
19. district in the State of Illinois to accept this.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Is there further discussion? If not, Senator Gitz may  
22. close debate.

23. SENATOR GITZ:

24. Mr. President, very quickly, I, frankly, am somewhat  
25. surprised and confused at the level of debate in terms of  
26. extraneous issues that have nothing to do with the basic  
27. issue. The question before you is whether teachers should  
28. be treated as second class citizens and differently than any-  
29. one else. Nothing to do with unemployment compensation,  
30. it has nothing to do with the local control issue and these...  
31. school districts are inhibiting bad times, not because of  
32. these agreements, but because of a host of factors that are  
33. local origin and their finances in the School Aid Formula.

1. I think that the minimum thing that we can do is to allow them  
2. the same opportunity that anyone else in any other occupation...  
3. be able to do. And I solicit a favorable roll call.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. The question is, shall House Bill 636 pass. Those in  
6. favor will vote Aye. Those opposed will vote Nay. The voting  
7. is open. Have all voted who wish? Have all voted who wish?  
8. Have all voted who wish? Take the record. On that question,  
9. the Ayes are 38, the Nays are 16, 1 Voting Present. House  
10. Bill 636 having received the constitutional majority is de-  
11. clared passed. While we're tabulating the votes,...we'd like  
12. to recognize one of our...well, two of our ex-Senators that  
13. are walking around the Floor now, Morgan Finley, our...  
14. Circuit Court Clerk, and Judge McGloon, another great  
15. Senatorial leader. Judge McGloon. Senator Rock.

16. SENATOR ROCK:

17. Thank you, Mr. President and Ladies and Gentlemen of the  
18. Senate. As you are all aware, we have been invited by the  
19. Illinois State Bar Association, who are in their annual  
20. convention here in Springfield,...the two hundred members of  
21. the Bar Association Assembly are waiting for us at this moment  
22. at the Centennial Building in the Hall of Flags to provide  
23. lunch and...I'm sure, some lively discussion. At 1:30 this  
24. afternoon we will have the...on the east steps out in the  
25. front, we will have the unveiling of the statue memorializing  
26. Richard J. Daley. There's a reception immediately thereafter  
27. in the Office of the Secretary of State and I hope all will  
28. be in attendance at both events. And on that basis, I would  
29. move you, Mr. President, that we stand in recess until the  
30. hour of three o'clock, three o'clock this afternoon.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. You've heard the motion. All in favor. The Senate stands  
33. in recess till the hour of three.

1. RECESS

2. AFTER RECESS

3. PRESIDENT:

4. Alright. Pursuant to the recess, the Senate will come  
5. to order. Senator Donnewald, for what purpose do you arise?

6. SENATOR DONNEWALD:

7. Well, yes, Mr. President,...I think we're all aware that  
8. there are several receptions in order and...many of the  
9. members are not present. And in order to...I don't think  
10. that we can conduct any more business...Senate business  
11. this...this afternoon and,...I, therefore, would...suggest  
12. that we start tomorrow morning at nine o'clock and with the  
13. ...House Bill 654, which is on page 7 of this Calendar,  
14. and...I would make the motion that we do adjourn to...  
15. nine o'clock on June the 24th...9:00 a.m.

16. PRESIDENT:

17. Alright. Senator Donnewald has moved that the Senate  
18. stand adjourned until Wednesday, June 24th at the hour of  
19. 9:00 a.m. All in favor signify by saying Aye. All opposed.  
20. The Ayes have it. The Senate stands adjourned.

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