

1. PRESIDING OFFICER: (SENATOR GRAHAM)

2. The Senate will be in order. The Senate will be
3. in order. The prayer will be given by Dr. Kenneth R.
4. Ahlstrand, Grace Lutheran Church, Springfield, Illinois.
5. Reverend.

6. (Prayer by Dr. Ahlstrand,
7. of Grace Lutheran Church,
8. Springfield, Illinois)

9. Thank you Reverend. Reading of the Journal, Senator
10. Soper.

11. SENATOR SOPER:

12. Mr. President, I move that we postpone the reading
13. of the Journal and the approval of the Journals of
14. May 21st, 22nd, 23rd, 24th and 25th, pending the arrival
15. of the printed Journals.

16. PRESIDING OFFICER: (SENATOR GRAHAM)

17. You've all heard the motion of Senator Soper. All
18. in favor will signify by saying aye. Opposed. The ayes
19. have it, the motion carries. Committee Reports. You
20. have another subject, end of the Journals.

21. SECRETARY:

22. (Secretary reads report from Standing Committee)

23. PRESIDING OFFICER: (SENATOR GRAHAM)

24. Messages from the House.

25. SECRETARY:

26. (Secretary reads Messages from the House)

27. PRESIDING OFFICER: (SENATOR GRAHAM)

28. We will now be on the order of House Bills on 1st
29. reading. And Senator Rock, perhaps if some of our Senators
30. are not here yet, you and I may be able to give them some-
31. thing to do when they arrive. House Bills, 1st reading.
32. Yes, will the Secretary call the bills, please.

33. SECRETARY:

1. HB 464, Representative Stone. HB 496, Representative
2. Douglas. HB 509, Representative McMaster. HB 510,
3. Representative McMaster. HB 518, Representative McMaster.
4. HB 540, D. L..Houlihan. HB 541, Representative Blades.
5. HB 544, REpresentative Rayson, HB 545, Representative
6. Mugalian. HB 546, Representative Mugalian. HB 579,
7. Representative Rayson. HB 580, Representative Rayson.
8. HB 602, Representative Barnes. HB 620, Representative
9. Philip.
10. PRESIDING OFFICER (SENATOR MOHR):
11. Let's give that to Senator Knuepfer.
12. SECRETARY:
13. HB 620 (Secretary reads title of bill).
14. 1st reading of the bill.
15. HB 630, Representative Gibbs. HB 645, Representative
16. Lemke. HB 646, Representative Lemke. HB 649, Representative
17. Hart.
18. PRESIDING OFFICER (SENATOR MOHR):
19. Johns, Senator Johns.
20. SECRETARY:
21. HB 649 (Secretary reads title of bill).
22. 1st reading of the bill.
23. HB 668, Representative R. L. Dunne. HB 669, Representative
24. Keller. HB 721, Representative Leinenweber. HB 722,
25. REpresentative Leinenweber. HB 723, Representative
26. Murphy. HB 725, Representative W. D. Walsh. HB 741,
27. Representative R. K. Hoffman, SENator Mohr.
28. (Secretary reads title of bill)
29. 1st reading of the bill.
30. HB 751, Representative R. H. Holloway.
31. PRESIDING OFFICER (SENATOR GRAHAM):
32. Senator Johns, you want Representative Holloway's bill?
33. That is, 751. You would take that. Senator Johns.

1. SECRETARY:
2. HB 751 (Secretary reads title of bill)
3. 1st reading of the bill.
4. HB 754, Representative D. L. Houlihan. HB 760 and
5. 761, Representative Yourell.
6. PRESIDING OFFICER (SENATOR GRAHAM):
7. How about you Senator Carroll? Don't you want
8. those bills?
9. SECRETARY:
10. HB 770, Representative Waddell.
11. PRESIDING OFFICER: (SENATOR GRAHAM):
12. That should go to Senator Schaffer. Do you want
13. that bill, Senator? Senator Waddell's bill, 770. Senator
14. Schaffer.
15. SECRETARY:
16. HB 770 (Secretary reads title of bill)
17. 1st reading of the bill.
18. HB 780,...HB 780, Representative Brummet. HB 802.
19. Representative Choate.
20. PRESIDING OFFICER (SENATOR GRAHAM):
21. Senator Walker, don't stant up, you'll get a bill.
22. Senator Harris, has Senator Choate talked to you? Anything
23. about SB 802, HB 802, 1st reading. That's ... let's give
24. that to Senator Howard Mohr, or someone on Appropriations.
25. Senator Weaver's on Appropriations. Howard Mohr, it's
26. all right to give it to Weaver, too. Senator Weaver's on Appro-
27. priations. Give it to Senator Weaver.
28. SECRETARY:
29. HB 802 (Secretary reads title of bill)
30. 1st reading of the bill.
31. HB 819, Representative B. B. Wolfe. HB 823,
32. Representative Yourell. HB 830, Representative Juckett.
33. PRESIDING OFFICER: (SENATOR GRAHAM)

1. Graham.
2. SECRETARY:
3. HB 830 (Secretary reads title of bill)
4. 1st reading of the bill.
5. HB 831, Representative Juckett. HB 847, Representative
6. North. HB 847 (Secretary reads title of bill)
7. 1st reading of the bill.
8. HB 849, Representative Fennessey. HB 850,
9. Representative Walters.
10. PRESIDING OFFICER (SENATOR GRAHAM):
11. Senator Bartulis, do you want...
12. SECRETARY:
13. HB 857, Representative Stone.
14. PRESIDING OFFICER (SENATOR GRAHAM):
15. Knuppel.
16. SECRETARY:
17. HB 857 (Secretary reads title of bill)
18. 1st reading of the bill.
19. HB 879, Representative Matijeovich.
20. PRESIDING OFFICER : (SENATOR GRAHAM)
21. Who picked up 875? 875. Skipped over that. 879
22. will be Senator Wooten.
23. SECRETARY:
24. HB 879 (Secretary reads title of bill)
25. 1st reading of the bill.
26. 875, Representative Merlo.
27. PRESIDING OFFICER (SENATOR GRAHAM):
28. I think that will be Senator Romano. Right, Senator
29. Rock?
30. SECRETARY:
31. HB 875 (Secretary reads title of bill)
32. 1st reading of the bill.
33. HB 880, Representative, R. Dunn.

1. PRESIDING OFFICER (SENATOR GRAHAM):
2. Knuppel. Johns. Let's have a little order. Senator
3. Berning, for what purpose do you seek recognition?
4. SENATOR BERNING:
5. Mr. President, HB 879, I will take that one.
6. PRESIDING OFFICER (SENATOR GRAHAM):
7. That was given...that was given to Wooten. Did
8. Matijevich ask you to...well, I imagine it should go to
9. Berning, cause Berning is his Senator. He's probably made
10. contact with him. 879 will show Senator Berning.
11. SECRETARY:
12. HB 880, Representative...
13. PRESIDING OFFICER (SENATOR GRAHAM):
14. 880 to Senator Knuppel.
15. SECRETARY:
16. HB 880 (Secretary reads title of bill)
17. 1st reading of the bill.
18. HB 913, Representative Polk. HB 947, Representative
19. Barry.
20. PRESIDING OFFICER (SENATOR GRAHAM):
21. Which one do you want, Senator? 913.
22. SECRETARY:
23. HB 913 (Secretary reads title of bill)
24. 1st reading of the bill.
25. HB 947...
26. PRESIDING OFFICER (SENATOR GRAHAM):
27. That will probably go to Senator Hynes. Shapiro.
28. SECRETARY:
29. (Secretary reads title of bill)
30. 1st reading of the bill.
31. PRESIDING OFFICER (SENATOR GRAHAM):
32. Senator Shapiro.
33. SENATOR SHAPIRO:

1. Mr. President, Members of the Senate. I would
2. like leave of the Senate for the suspension of the rules so
3. that this...these two bills, 947 and 948 can be referred
4. to 2nd reading without reference to committee. An emergency
5. does exist, and the emergency is the fact that a small
6. school district lost over 59% of their assessed valuation
7. due to an adverse ruling of the assessor, and this is
8. a one shot deal. It has been cleared by the leadership
9. on both sides of the aisle. And I would ask for a suspension
10. of the rules.

11. PRESIDING OFFICER: (SENATOR GRAHAM)

12. You have heard request by the Senator from Amboy,
13. all in favor of his request, is leave granted to advance
14. HB 947 and 948 to the order of 2nd reading without reference
15. to a committee? All in favor signify by saying aye. Opposed.
16. The ayes have it, the bills will be advanced to 2nd reading.

17. SECRETARY:

18. HB 948 (Secretary reads title of bill)
19. 1st reading of the bill.

20. HB 963, Representative Matijevich.

21. PRESIDING OFFICER (SENATOR GRAHAM):

22. Senator Berning.

23. SECRETARY:

24. HB 963 (Secretary reads title of bill)
25. 1st reading of the bill.

26. HB 969, Representative Juckett. HB 972, Representative
27. Day. HB 999, Representative Skinner.

28. PRESIDING OFFICER (SENATOR GRAHAM):

29. Senator Schaffer.

30. SECRETARY:

31. HB 1008 and 1009, Representative R. K. Hoffman.
32. HB 1082, Representative Tipword. HB 1134, Representative
33. Tuerk. HB...

1. PRESIDING OFFICER (SENATOR GRAHAM):
2. I wonder if Senator Sours wouldn't be interested
3. in that. We'd better not try it.
4. SECRETARY:
5. HB 1204, Representative Stedelin. HB 1218,
6. Representative Bradley. HB 1240, Representative
7. R. K. Hoffman.
8. PRESIDING OFFICER (SENATOR GRAHAM):
9. Let's give that to Senator Knuepfer, cause he needs
10. some work to do.
11. SECRETARY:
12. HB 1240 (Secretary reads title of bill)
13. 1st reading of the bill.
14. HB 1462, Representative Juckett.
15. HB 1462 (Secretary reads title of bill)
16. 1st reading of the bill.
17. HB 1624,
18. PRESIDING OFFICER (SENATOR GRAHAM):
19. Buzbee.
20. SECRETARY:
21. HB 1624 (Secretary reads title of bill)
22. 1st reading of the bill.
23. HB 1625 (Secretary reads title of bill)
24. 1st reading of the bill.
25. HB 1672, Representative Sangmeister.
26. PRESIDING OFFICER (SENATOR GRAHAM):
27. Senator Bell.
28. SECRETARY:
29. HB 16...
30. PRESIDING OFFICER (SENATOR GRAHAM):
31. Senator Bell.
32. SECRETARY:
33. HB 1672 (Secretary reads title of bill)

1. 1st reading of the bill.
2. PRESIDING OFFICER (SENATOR GRAHAM):
3. Mr. Secretary, did anyone pick up these bills? If
4. not, Senator Knuppel will take them.
5. SECRETARY:
6. HB 518 (Secretary reads title of bill)
7. 1st reading of the bill.
8. PRESIDING OFFICER (SENATOR GRAHAM):
9. That's Senator Knuppel.
10. SECRETARY:
11. HB 645 (Secretary reads title of bill)
12. 1st reading of the bill.
13. HB 723 (Secretary reads title of bill)
14. 1st reading of the bill.
15. PRESIDING OFFICER (SENATOR GRAHAM):
16. That was Senator Knuppel's. Any of the other Senators
17. on the Floor after you've scanned House Bills on 1st reading
18. might you be desirous of...Senator Bell.
19. SENATOR BELL:
20. Yes, Mr. President, I'd like to be assigned HB 721
21. and 722.
22. PRESIDING OFFICER (SENATOR GRAHAM):
23. We'll be happy to do that. While we're finding the
24. bills for information of those Senators present, plans
25. are today to work straight through until 5:00. So, you
26. can be prepared to order some food or something at lunch
27. time or when you desire. But we're intending to work
28. until 5:00 and then adjourn.
29. SECRETARY:
30. HB 721 (Secretary reads title of bill)
31. 1st reading of the bill.
32. HB 722 (Secretary reads title of bill)
33. 1st reading of the bill.

1. PRESIDING OFFICER (SENATOR GRAHAM):
2. Senator Kenneth Hall, 602. HB 602.
3. SECRETARY:
4. HB 602 (Secretary reads title of bill)
5. 1st reading of the bill.
6. PRESIDING OFFICER (SENATOR GRAHAM):
7. Any of the other Senators interested? We're attempting
8. while our membership increases to assign House Bills on
9. 1st reading. Can we have our legal pad on the Secretary's
10. desk for the purpose of you attaching your names and indicating
11. thereby a bill that you might be interested in at the
12. House. Senator Sours, I...we had a bill. Senator
13. Sours, would you take a look at HB 1134 on 1st reading
14. and see if you're in that. Senator Sours will take
15. HB 1134, thank you Senator.
16. SECRETARY:
17. HB 1134 (Secretary reads title of bill)
18. 1st reading of the bill.
19. PRESIDING OFFICER (SENATOR GRAHAM):
20. Any other Senators gracious enough to reduce the size
21. of this list? Senate Bills, 2nd reading. Turn your Calendars
22. to Senate Bills, 2nd reading and I presume it's on the
23. first page, my Calendar's cut up. Don't call..55.
24. SECRETARY:
25. SB 283, Senator McCarthy.
26. PRESIDING OFFICER (SENATOR GRAHAM):
27. Yes, advance.
28. SECRETARY:
29. SB 283 (Secretary reads title of bill)
30. 2nd reading of the bill. No committee amendments.
31. PRESIDING OFFICER (SENATOR GRAHAM):
32. Are there any amendments from the Floor? 3rd
33. reading.

1. SECRETARY:
2. SB 285, Senator Bruce.
3. 286, Senator Bruce.
4. PRESIDING OFFICER (SENATOR GRAHAM):
5. What about those Senator Rock? Neither of those
6. have committee amendments. Can...can we not advance them
7. and then, read them a 2nd time, SB 285.
8. SECRETARY:
9. SB 285 (Secretary reads title of bill)
10. 2nd reading of the bill. No committee amendments.
11. PRESIDING OFFICER (SENATOR GRAHAM):
12. Are there amendments from the Floor? 3rd reading.
13. SECRETARY:
14. SB 286 (Secretary reads title of bill)
15. 2nd reading of the bill. No committee amendments.
16. PRESIDING OFFICER (SENATOR GRAHAM):
17. Any amendments from the Floor? 3rd reading.
18. SECRETARY:
19. SB 295, Senator Netsch. SB 632, Senator Savickas,
20. SB 664, Senator McBroom. SB 1165, Senator Mitchler.
21. PRESIDING OFFICER (SENATOR GRAHAM):
22. Senator Rock. Senator Rock.
23. SENATOR ROCK:
24. Yes, Mr. President while we have a lull here, I'd
25. like the Journal to reflect that Senator Ray Welsh is
26. absent today due to a death in the family, he's
27. attending the family funeral.
28. PRESIDING OFFICER (SENATOR GRAHAM):
29. The Journal will so show. Thank you Senator.
30. Senators, if...if someone at this point in time might have
31. a bill on 3rd reading that you would be desirous of
32. returning to the order of 2nd for the purpose of considering
33. an amendment, this would be a wonderful time to go into

1. that procedure. Any of the Senators on the Floor have a
2. bill on 3rd reading that they want to call back to 2nd
3. reading for the purpose of amendment? Next order of
4. business will be...we have some congratulatory Resolutions.
5. Hours Joint Resolutions, we could take this brief moment
6. to have the Secretary indicate to us the content of these
7. Resolutions and see if we have any interest in those, or
8. disinterest. If the Senate will be in order.

9. SECRETARY:

10. The first one is...

11. PRESIDING OFFICER (SENATOR GRAHAM):

12. Please, we're trying to make a determination on
13. some Resolutions that will save us some time later on
14. today.

15. SECRETARY:

16. House Joint Resolution 51 is a congratulatory
17. Resolution. It extends congratulations to Dr. Lloyd S.
18. Michael.

19. PRESIDING OFFICER (SENATOR GRAHAM):

20. Didn't Senator Conolly ask..

21. SECRETARY:

22. ...of Evanston, Illinois.

23. PRESIDING OFFICER (SENATOR GRAHAM):

24. That would be Senator Glass. That would be Senator
25. Bradley Glass if it is...do you know anything? Have you
26. ...have you Senator Rock, Have you had a copy and an oppor-
27. tunity to view this Resolution? Perhaps you could some...

28. SECRETARY:

29. He's a member of the Illinois State Scholarship
30. Commission. Congratulating him...

31. PRESIDING OFFICER (SENATOR GRAHAM):

32. Congratulating him for what, there...

33. SECRETARY:

1. Upon his retirement from the Commission.

2. PRESIDING OFFICER (SENATOR GRAHAM):

3. His retirement. Senator, I'll handle that for Senator

4. Glass. And ask for the suspension of the rules for

5. the immediate adoption of this Resolution. All in favor

6. of the...suspension will signify by saying aye. Opposed.

7. The ayes have it, the rules are suspended. All in favor

8. of the adoption of the Resolution signify by saying aye.

9. Opposed. The ayes have it and the Resolution is adopted.

10. We have...Senator Berning is the sponsor of Senate

11. Resolution, House Resolution, Joint Resolution No. 53.

12. It commends Richard M. Foss, Mundelein, Illinois

13. retired, eight years a mayor, Mayor of Mundelein upon

14. his retirement. Senator Berning. Yes. Retirement

15. of the Mayor of Mundelein for eight years of service.

16. Senator Berning moves for the suspension of the rules

17. for the immediate adoption of the Resolution. First

18. on the motion to suspend, all in favor signify by saying

19. aye. Opposed. The ayes have it and the rules are

20. suspended. Senator Berning now moves for immediate

21. adoption of the Resolution, all in favor will signify

22. by saying aye. Opposed. The ayes have it and the

23. Resolution is adopted. Senator Conolly has indicated

24. an interest in House Joint Resolution No. 52. It's

25. a death memorial for a Mrs. Bales who was born in South

26. Australia and came to Zion in 1904. Member of Zion,

27. Illinois...Senator Conolly moves suspension of the

28. rule for the immediate consideration. All in favor of

29. the suspension of the rules signify by saying aye.

30. Opposed. The rules are suspended. All in favor of the

31. immediate adoption of the Resolution will signify by

32. saying aye. Opposed. The ayes have it and the Resolution

33. is adopted. We'll now go to the order of Senate Bills, 3rd

1. reading. First bill to be called will be SB 1005, to
2. be read a 3rd time.
3. SECRETARY:
4. SB 1005 (Secretary reads title of bill)
5. 3rd reading of the bill.
6. PRESIDING OFFICER (SENATOR GRAHAM):
7. Senator Harris, Mr. President.
8. SENATOR HARRIS:
9. Mr. President, Members of the Senate.
10. PRESIDING OFFICER (SENATOR GRAHAM):
11. We're now on passage state, Gentlemen, Ladies.
12. SENATOR HARRIS:
13. Mr. President, Members of the Senate. SB 1005
14. was a bill that was requested by the Illinois Valley
15. Regional Port District. It now meets the objections that
16. the Environmental Protection Agency had in connection
17. with it. It does add some additional power to that
18. Port authority and the amendment that Senator Partee
19. asked me to adopt last week, limits the effects of
20. this exclusively to the activity of this Port District.
21. I know of no objection to it now by anyone. Would be
22. happy to respond to any question about it, and would
23. urge a favorable roll call.
24. PRESIDING OFFICER (SENATOR GRAHAM):
25. Any debate? The question is shall SB 1005 pass.
26. And the Secretary will call the roll.
27. SECRETARY:
28. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
29. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
30. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
31. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
32. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
33. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,

1. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
2. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
3. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
4. Weaver, Welsh, Wooten, Mr. President.
5. PRESIDING OFFICER (SENATOR GRAHAM):
6. Davidson, aye. Schaffer, aye. Netsch, aye.
7. On this question the yeas are forty-three, the nays
8. are none. The bill having received the constitutional
9. majority required is therefore declared passed. SB 1006,
10. Senator Harris...Senator Kosinski, for what purpose do you rise?
11. Senator Kosinski.
12. SENATOR KOSINSKI:
13. Mr. President, Senator it is a great honor for me
14. this morning to introduce to you one of our very fine
15. teachers, Sister Bonitta from St. Josephina High School.
16. Sister. Thank you, Mr. President.
17. PRESIDING OFFICER (SENATOR GRAHAM):
18. Senator Harris, did you want to call 1006?
19. SENATOR HARRIS:
20. Yes. SB 1006...
21. PRESIDING OFFICER: (SENATOR GRAHAM):
22. Wait until we read it.
23. SECRETARY:
24. HB 1006 (Secretary reads title of bill)
25. 3rd reading of the bill.
26. SENATOR HARRIS:
27. SB 1006 cures two problem areas in the Ethics Act.
28. The second I will touch on first, and that is it adds
29. Section C to provide for a requirement for a person who
30. is elected to public office as a write-in candidate to
31. file his statement within 30 days of the official
32. announcement of his election. This is an existing void
33. in the Ethics Act, and it's cured by this addition of this

1. Section. The other matter dealt with in the bill is the
2. matter of nominations requiring Senate confirmation that
3. the...at the time the Governor forwards the nomination
4. letter to the Senate that also at the same time a copy
5. of the ethics statement of that nominee shall be forwarded
6. to the Senate. We think that this cures the problem
7. that existed back in January this year where we had the
8. dual situation of a new administration and a new act
9. in which we were not all completely familiar. This
10. clearly sets out that those two matters, the nomination
11. and the ethics statement should be forwarded simultaneously
12. to the Senate. I would be happy to respond to questions.
13. Otherwise, request a favorable roll call.

14. PRESIDING OFFICER (SENATOR GRAHAM):

15. Any discussion? Senator Netsch.

16. SENATOR NETSCH:

17. Will the sponsor yield to a question?

18. PRESIDING OFFICER (SENATOR GRAHAM):

19. He indicated that he will.

20. SENATOR NETSCH:

21. I understand the part that you just described, that
22. is when the name is submitted to the Senate, the ethics
23. statement comes along with it at the same time that the
24. name is submitted. The part of this bill that I do not
25. understand is immediately prior to that. A person whose
26. appointment is subject to confirmation shall file a
27. statement with the Secretary of State and with the person
28. by whom he's nominated at the time he advises the person
29. making the nomination of his consent to be considered for
30. the appointment. And I'm sorry, I just don't know when
31. that is. When does a person consent to be considered?

32. PRESIDING OFFICER (SENATOR GRAHAM):

33. Senator Harris.

1. SENATOR HARRIS:

2. That was very carefully drafted so that there was
3. not some precise time limitation involved in a person
4. contacted by the Governor to serve in this capacity that
5. a person might be able, in a nonspecific number of days, to
6. evaluate his decision whether to accept the nomination
7. by the Governor or not. In other words, if we said,
8. ten days precisely and a person contacted by a Governor
9. to serve in a capacity requiring Senate confirmation.
10. There are those occasions where it may go beyond, in
11. other words, this is an imprecise kind of relationship.
12. Contacted by a Governor to give thought to this
13. important decision of accepting the responsibility, in
14. many cases, there are personal problems and matters
15. that have to be worked out, so that what we have said
16. in this first sentence here is that at the time the
17. person consents to the nomination, to the person making
18. the nomination, he is required to file with the Secretary
19. of State that ethics statement. But that's not precisely
20. structured in this language. We think it is operative
21. and provides for that flexibility and it was evaluated
22. with no objection on the part of the Governor's Office
23. to this language. I...I hope that answers your question.

24. PRESIDING OFFICER (SENATOR GRAHAM):

25. Senator Netsch.

26. SENATOR NETSCH:

27. May I just pursue it a moment, Senator Harris?

28. SENATOR HARRIS:

29. Certainly.

30. SENATOR NETSCH:

31. You mean that when someone has been...the offer of
32. an appointment has been discussed with someone and it
33. being talked about back and forth and all. That is not

1. the moment in time. But when that person comes back
2. to the Governor and says, yes, I consent to be nominated
3. as Director of Public Health and you may submit my name.
4. At exactly that moment he is to submit...

5. SENATOR HARRIS:

6. On that...on that date, the date that he advises
7. the person making the nomination, in this case the Governor,
8. and...and he responds, and acknowledges, then he on that
9. date files with the Secretary of State his ethics state-
10. ment. In the meantime he will have been alerted by
11. the Governor's Office of this provision which prior to
12. now has been a vague, imprecise matter and we don't put
13. a specific time cut off in here either. But at that moment,
14. at that moment in time, that he advises the Governor that
15. he accepts the offer made, then on that date he will also
16. equip the Governor with a copy of the ethics statement
17. and file with the Secretary of State the required ethics
18. statement. That's...that's what is attempted to be
19. achieved here.

20. SENATOR NETSCH:

21. I might just comment then that I still see some
22. great difficulty with that as a concept, in some cases,
23. because I think it's often a kind of talking back and
24. forth process and I can visualize that at some point a
25. Governor might say well, gee, you know I should know
26. by 5:00 today, because if not, then I've got to contact
27. thus and so, who is also under consideration, and so
28. at five minutes of five he called and the person said,
29. ok, I think I've worked out all the problems, let's go.
30. Well, you know, is that the moment in which he's also supposed
31. to get this on file with...

32. SENATOR HARRIS:

33. I think...very frankly Senator I think what we're

1. trying to do here is to...put that person on notice that
2. he...while he always had this obligation, it was fuzzy
3. and vague as far as the ethics act is concerned. We are
4. saying here that when he formally accepts the offer of
5. a nomination, that he can structure that, at five minutes to
6. five or at ten minutes in the morning the following day
7. and be prepared to when he notifies the Governor that he
8. is going to accept the nomination on...at that point in
9. time also, and...and certainly in that informal discussion
10. with the...guideline provided by this bill, there will
11. be that communication that presently does not exist about
12. the requirement for meeting the provisions of the ethics
13. act. We think this cures an existing, very ambiguous
14. problem.

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. Senator Walker, for what purpose do you rise?

17. SENATOR WALKER:

18. Thank you, Mr. President and behalf of Senator Hall
19. from Bloomington and being a former resident of Lincoln
20. I would like to introduce a group behind me and I might
21. explain it, Senator Hall is on a phone call at the present
22. time. A group from Hartsburg-Emden High School at
23. Hartsburg, Illinois. They're behind me in the balcony.

24. PRESIDING OFFICER (SENATOR GRAHAM):

25. Senator Nimrod, for what purpose do you rise?

26. SENATOR NIMROD:

27. Question to the sponsor.

28. PRESIDING OFFICER (SENATOR GRAHAM):

29. Senator Harris indicates he will yield.

30. SENATOR NIMROD:

31. This...this bill does not mean that a person who
32. has been recommended by the Governor then must in fact
33. bring along his ethics statement as a fact of it acting

1. as a receipt. Would he have been subject to either
2. nonacceptance as a result of the time that when you in-
3. dicated he had accepted that that was the time element.

4. SENATOR HARRIS:

5. I...I didn't hear the last part of your...

6. SENATOR NIMROD:

7. The time element that I'm saying...

8. PRESIDING OFFICER (SENATOR GRAHAM):

9. Gentlemen, we're having just a little acoustics
10. problem, please.

11. SENATOR NIMROD:

12. When he acknowledges to the Governor that he has...
13. that he will accept, that is the time when he then
14. should be filing his ethics statement and not at the
15. time as when he is being heard before the Executive
16. Committee.

17. SENATOR HARRIS:

18. Well, yes, both...the answer to both questions is
19. involved here. At the time he acknowledges the acceptance
20. of the nomination offered by the Governor to him, he
21. forwards to the Secretary of State and the Governor a
22. copy of his ethics statement. Then when the Governor
23. forwards to the Senate the nomination, that nomination
24. is accompanied by a copy of the ethics act...of the
25. ethics statement of that nominee. There are two...two
26. acts involved.

27. SENATOR NIMROD:

28. I guess what I'm saying then, is a person could be
29. rejected for not having filed his ethics statement
30. even though his name had been recommended by the Governor,
31. which I see no problem with, I just want to make sure
32. I've got that straight.

33. SENATOR HARRIS:

1. Well, that's the situation that took place on several
2. occasions in January of this year. This attempts to lay
3. out some guidelines to be followed that will avoid that
4. problem in the future.

5. SENATOR NIMROD:

6. But they still could be rejected.

7. SENATOR HARRIS:

8. Oh, yes. Certainly. Sure.

9. PRESIDING OFFICER (SENATOR GRAHAM):

10. Senator Palmer.

11. SENATOR HARRIS:

12. Or, affirmed.

13. PRESIDING OFFICER (SENATOR GRAHAM):

14. Senator Palmer.

15. SENATOR PALMER:

16. Mr. President, Members of the Senate, I would just
17. like to rise to say that I heartily approve of the provisions
18. of this bill. And, I've done a little research on this
19. matter, and just like President Harris has said, the
20. ethics act is a new act and there are many circumstances
21. that we did not foresee at the time we passed this act.
22. And the provisions in bill 1006 are necessary and proper,
23. and I...I urge that every Senator vote for this bill.

24. PRESIDING OFFICER (SENATOR GRAHAM):

25. Senator Kenneth Hall.

26. SENATOR KENNETH HALL:

27. Yes, Mr. President, I'd like to ask a question.
28. Now, I want to be crystal clear on this. In other words
29. are you telling me if I'm out of the city for instance
30. and the Governor phones me and says that I want to place
31. you in the position in State Government. All right, now
32. and I accept the. Maybe, that I'm not able to get here
33. for a day or so, what happens then?

1. SENATOR HARRIS:

2. Well, that's the very reason why this language
3. is not expressed in precise ... in point of time. But it
4. says that at the time you make the determination...the
5. decision to notify the Governor that you accept, then
6. at that time you file with the Secretary of State and
7. the Governor a copy of your ethics statement. Now, the
8. discussion in the past were vague insofar as...as that
9. experience. We are attempting here to set a point in
10. time that is not expressly set on...you know, five days
11. or ten days or anything like that, but during the informal
12. discussions between the nominee and the Governor. There
13. is no requirement to file the ethics statement but there
14. is an indication here in this new paragraph that we're
15. putting in that...that it will be a requirement at the
16. time you make the decision to accept. So that...we don't
17. want to precisely make it. Now the situation that you've
18. described where a person is out of the State and contacted
19. by the Governor would not be affected at all until you
20. make the final decision to say to the Governor, yes, I
21. accept. But under the provision of the Governor, yes, I
22. would have time to consider that and work it out. When
23. you made a decision then the effect of this new paragraph
24. would be operative.

25. PRESIDING OFFICER (SENATOR GRAHAM):

26. Senator Kenneth Hall. Any further discussion? The
27. question is shall SB 1006 pass. On that question the
28. Secretary will call the roll.

29. SECRETARY:

30. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
31. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
32. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
33. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,

1. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
2. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
3. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
4. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
5. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
6. Weaver, Welsh, Wooten, Mr. President.
7. PRESIDING OFFICER (SENATOR GRAHAM):
8. On this question the yeas are thirty-eight, the
9. nays are none. The bill having received its required
10. constitutional majority is therefore declared passed.
11. We have a noncontroversial bill, right in the same
12. column that we could get off this Calendar, I think.
13. Do we have leave of the Body, and I don't choose to skip
14. around, but I think we have some more members than may be
15. here at 8:30. Do I have leave of the Body to call SB 804?
16. Is leave granted? Leave is granted. We will read SB 804
17. a 3rd time.
18. SECRETARY:
19. SB 804 (Secretary reads title of bill)
20. 3rd reading of the bill.
21. PRESIDING OFFICER (SENATOR GRAHAM):
22. Any discussion? Senator Regner will explain his
23. bill.
24. SENATOR REGNER:
25. Yes, Mr. President, Members of the Senate. This
26. bill was heard in the Transportation Committee and an
27. amendment was put on the Floor that puts it in a
28. form that the State Police now endorse it. And what it
29. does, it requires the usage of your headlights on an
30. automobile during certain inclement weather conditions
31. which would require the continuous use of windshield
32. wipers also. And I would ask for a favorable roll call.
33. PRESIDING OFFICER (SENATOR GRAHAM):

1. Any further discussion? Question is shall SB 804

2. pass. Secretary will call the roll.

3. SECRETARY:

4. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,

5. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,

6. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth

7. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,

8. Latherow, McBroom, McCarthy, Merritt, Mitchler,

9. PRESIDING OFFICER (SENATOR GRAHAM):

10. Senator Mitchler.

11. SENATOR MITCHLER:

12. Do I understand the sponsor of this bill to explain
13. this bill correctly when he said that whenever you have to
14. use the windshield wipers on your automobile you have to turn
15. your lights on?

16. PRESIDING OFFICER (SENATOR GRAHAM):

17. Senator Regner.

18. SENATOR REGNER:

19. Yes, in the amendment...the original bill that's
20. all that's said, Senator Mitchler, but the amendment stated
21. that during inclement weather conditions, in other words
22. if it's raining such or snowing that you have to have your
23. windshield wipers on, you have to have your headlights on too.

24. PRESIDING OFFICER (SENATOR GRAHAM):

25. Senator Mitchler.

26. SENATOR MITCHLER:

27. Well, this is a ridiculous thing that then...then
28. the manufacture of the automobile should be required that
29. when you turn on your windshield wipers it automatically
30. turns on your headlights. But to require somebody that...
31. you could be stopped by a policeman because you don't
32. have your headlights on, you've got your windshield wipers
33. on in certain weather, that's pure insanity. I'm going to

1. vote no.

2. PRESIDING OFFICER (SENATOR GRAHAM):

3. Continue the roll.

4. SECRETARY:

5. Howard Mohr, Don Moore, Netsch, Newhouse, Nimrod,

6. Nudelman, Ozinga, Palmer, Partee, Regner, Rock, Roe,

7. Romano, Saperstein, Savickas, Schaffer, Scholl, Shapiro,

8. Smith, Sommer, Soper, Sours, Swinarski, Vadalabene,

9. Walker, Weaver, Welsh, Wooten, Mr. President.

10. PRESIDING OFFICER (SENATOR GRAHAM):

11. Senator Course desires to ascertain how he is

12. recorded.

13. SENATOR COURSE:

14. How am I...

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. Aye. You're recorded...

17. SENATOR COURSE:

18. Record me present for the moment, would you?

19. PRESIDING OFFICER (SENATOR GRAHAM):

20. Senator Course wants his vote changed from aye to

21. present.

22. SENATOR COURSE:

23. Now, Mr. President...how am I recorded as voting?

24. How am I recorded?

25. PRESIDING OFFICER (SENATOR GRAHAM):

26. You were recorded as voting aye, and I thought the

27. request was to be recorded as voting present.

28. SENATOR COURSE:

29. That is correct. Now, Mr...I'd like to explain my

30. vote, Mr. President.

31. PRESIDING OFFICER (SENATOR GRAHAM):

32. You have the Floor.

33. SENATOR COURSE:

1. Mr. President, Members of the Sente, I did oppose
2. this bill in committee and then after talking with the
3. State Police, they are not going to start arresting people
4. if there's a sun shower and it rains for just maybe a half
5. a minute and you're forced to put your windshield wipers
6. on. It doesn't mean that you have to put your lights on
7. at that time. They are going to use all discretion in
8. enforcing this law. But, when we get a dark day and
9. it starts to rain and people are forced to put their
10. headlights on, then they think it is advisable to put
11. their...the automobiles should have their headlights on,
12. too. I think this is a good bill. And the State Police
13. said they would use every discretion and...in enforcing
14. this law. Thank you.

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. Would you like to be recorded aye now Senator?
17. Votes aye. Could we have some order please? Senator
18. Buzbee, aye. Senator Regner asks for a call of the
19. absentees. The absentees will be called.

20. SECRETARY:

21. Bell, Berning, Bruce, Carroll, Chew, Clarke,
22. Donnewald, Glass, Kenneth Hall, Hynes, Johns, Keegan,
23. Knuepfer, Netsch, Newhouse, Nudelman, Palmer, Partee,
24. Rock, Romano, Saperstein, Savickas, Schaffer, Sommer,
25. Sours, Swinarski, Vadalabene, Weaver, Welsh.

26. PRESIDING OFFICER (SENATOR GRAHAM):

27. On this question the yeas are twenty, the nays
28. are ten. The bill having failed to receive the required
29. constitutional majority therefore is declared lost.
30. Looking through our Calendar and attempting to call some
31. bills that we possibly could get off the Calendar,
32. looking now at SB 1049 of Senator Wooten. Do you desire
33. to have that bill called? He...Senator Wooten.

SB 1049
3rd Reading
5-22-73

1. SENATOR WOOTEN:

2. Mr. President, since these three bills, 1049, 1050,
3. 1051 are nonpartisan but extremely important I would like
4. to call them when we have a full attendance, a reasonably
5. close to full attendance. Not sure where we stand now.

6. PRESIDING OFFICER (SENATOR GRAHAM):

7. SB 1049.

8. SECRETARY:

9. SB 1049 (Secretary reads title of bill)

10. 3rd reading of the bill.

11. PRESIDING OFFICER (SENATOR GRAHAM):

12. Senator Wooten.

13. SENATOR WOOTEN:

14. Well, Mr. President, I distributed to all members of
15. the Senate last Thursday an outline of these three bills, which
16. begin with 1049. Some statements relative to the Supreme Court
17. decisions relating to abortion, some editorial comments, some
18. analysis and I hope that everyone has had an opportunity to
19. look this material over. Unfortunately, this comes up
20. so quickly I'm having to scramble for material now.

21. PRESIDING OFFICER (SENATOR GRAHAM):

22. That's all right, you have time Senator.

23. SENATOR WOOTEN:

24. But, the...the first bill, I believe all of the...
25. Sections are explained. I would like to explain that I
26. accepted these bills with great reluctance initially. They
27. were drafted by the Illinois State Medical Society, the Illinois
28. Hospital Association, the Department of Public Health.
29. Like many others, I was loathe to have my name associated
30. with any bill that had the word abortion in it unless it
31. consisted of conscience clause exemptions. However, after
32. looking the matter over very carefully and realizing that
33. the bills which were in the hopper at that time in the

1. Senate were probably not going to pass. I further realized
2. that we would have...we perhaps would be in a situation
3. where we would have no regulations relating to abortion.
4. Now, while I am ethically opposed to abortion and
5. I realize that we may differ on this particular aspect,
6. I would like to point out that what this law intends
7. to do is to regulate abortion to bring it under some
8. kind of restriction but only within the bounds
9. clearly marked out by the Supreme Court. I feel it is
10. futile for us to pass legislation which will be declared
11. unconstitutional. I am reluctant to do anything to
12. encourage the spread of abortion. I think this is
13. legislation on which we can stand in some kind of
14. acceptable middle ground. I would like to point out
15. that there is what I consider a very serious defect
16. in the definition, but this goes back to the Supreme
17. Court and we are powerless to do anything about it, and
18. that is the three trimesters. I think every physician
19. or everyone, who like myself has had some background in
20. embryology and physiology knows that the selection of
21. the second trimester terminal date as six months is
22. unrealistic. Twenty weeks is more nearly the accurate
23. figure. I know because I have a son who was born at
24. about that period of time, and he is a healthy youngster
25. today, so I know...I know myself from my own experience
26. and my background that that definition is wrong. But
27. I would point out, that in that case as in so many others,
28. we are absolutely caught on the Supreme Court decision.
29. I think we can talk at great length about how much we
30. deplore or for some how much we applaud this decision.
31. But what I propose to do in this legislation is merely
32. to regulate abortions in the State of Illinois in a way
33. that is acceptable to the great mass of people. And you've

1. had an opportunity to read that material and look it
2. over. I'll be very happy to answer questions. I might
3. note that I put a couple of amendments on this bill, and
4. the first one would occur on page 2, down around line 17,
5. Section B, second trimester. It has to do with measures
6. for life support available. I added to that available
7. and utilized if there is any sign of viability in the
8. fetus. Now, this goes a little bit beyond the Supreme
9. Courts original decision, but still it seems to me that
10. personally I have a compelling interest in keeping that
11. language in there. Second, some legal authorities have
12. began to speak about the State's compelling interest,
13. developing as the fetus develops, and third, there is the
14. severability clause in here, if for some reason there is
15. objection to that language, it can be stricken. I've
16. also added a new Section 8, which is a ban on experimenta-
17. tion of the fetus. There's been some very unhappy results
18. of this sort of thing in England that we would certainly
19. like to circumvent in this country. And I'll be happy
20. to answer any question.

21. PRESIDING OFFICER (SENATOR GRAHAM):

22. Senator Sours.

23. SENATOR SOURS:

24. Senator Wooten, will probably need a little help
25. on this, so maybe I can intervene. This is a good bill.
26. It had an extensive hearing in Judiciary and what...there
27. are no theological embellishments for those who want to
28. follow the Supreme Court case literally, as I want to.
29. As the matter now stands without this bill, without this
30. becoming the law, abortion is not a medical act. It...
31. and because it is not by definition a medical act, it
32. cannot be controlled. And that would suggest that there
33. are any number of non-medical people today in the absence

1. of this law performing abortions. And when I say non-
2. medical, I mean people who have no knowledge, who have
3. no formal education, and are simply making a racket out
4. of it. This is a good bill. I know of nothing wrong
5. with it, and it does merit the support of both sides.

6. PRESIDING OFFICER (SENATOR GRAHAM):

7. Is there further discussion? If not, the question
8. is shall SB 1049 pass. The Secretary will call the roll.

9. ACTING SECRETARY (MR. WRIGHT):

10. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
11. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
12. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
13. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
14. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
15. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
16. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
17. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
18. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
19. Weaver, Welsh, Wooten, Mr. President.

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. Carroll, aye. Buzbee, aye. Palmer, aye. Johns,
22. aye. On this question the yeas are thirty, the nays are
23. none, voting present is four. The bill having received
24. a constitutional majority is therefore declared passed.
25. Senator Johns moves that having voted on the prevailing
26. side, the vote by which this bill was passed be recon-
27. sidered. And Senator Carroll moves to Table the motion of
28. Senator Johns. All in favor of the motion of Senator
29. Carroll will signify by saying aye. Opposed. The
30. ayes have it and Senator Carroll's motion prevails.
31. SB 1049 is declared passed. Next bill will be SB 1050,
32. the Secretary will read it a 3rd time by title.

33. SECRETARY:

1. SB 1050 (Secretary reads title of bill)

2. 3rd reading of the bill.

3. PRESIDING OFFICER (SENATOR GRAHAM):

4. Senator Wooten.

5. SENATOR WOOTEN:

6. This bill goes a step further in amending the
7. Medical Practices Act relating to abortion. It...what
8. it does is say that the performance of an elective
9. abortion, that is one consented to by the woman and the
10. doctor, may only be done in a hospital, an ambulatory-surgi-
11. cal treatment center, or in such facilities supported by
12. the State, the Federal government, a university or college.
13. Now, there are two amendments to this. I was a little
14. worried about the language in line 20 and 21 on
15. page 1. The bill originally said performance of an
16. elective abortion except in the case of an emergency.
17. We're back to that problem of dealing with what is an
18. emergency. I had that language stricken from the bill,
19. because I have what I think is a legitimate fear that
20. emergency could be so widely interpreted that we could
21. in effect keep the kitchen abortions going because
22. someone could claim it was an emergency. We have also
23. added an amendment to permit fee splitting. This comes
24. from experience in New York where reports are that some
25. abortion referral agencies will split fees with doctors.
26. I think it is on the face of it unethical behavior and
27. we have moved in the amendment to counteract that. This
28. bill is perhaps the simplest, most straightforward of
29. all three. I'd be happy to answer any questions.

30. PRESIDING OFFICER (SENATOR GRAHAM):

31. Any discussion? Senator Berning.

32. SENATOR BERNING:

33. Senator Wooten, I seem to have two amendments that

1. were distributed, but I only have one as having been
2. adopted. Where do we stand on this?

3. PRESIDING OFFICER (SENATOR GRAHAM):

4. Senator Wooten.

5. SENATOR WOOTEN:

6. I believe both should have been adopted. Is that
7. the record?

8. PRESIDING OFFICER (SENATOR GRAHAM):

9. We'll check the record. Senator Berning, the Secretary
10. indicates there were two amendments adopted. One in com-
11. mittee and one from the Floor. Any further discussion?
12. Question...Senator Shapiro.

13. SENATOR SHAPIRO:

14. Mr. President, I'm wondering if the sponsor will yield
15. to a question?

16. PRESIDING OFFICER (SENATOR GRAHAM):

17. He indicates that he will.

18. SENATOR SHAPIRO:

19. Senator Wooten, the...the first bill now established
20. standards and that's for hospitals, and would this second
21. bill designate other facilities that could be regulated
22. beyond the hospital?

23. PRESIDING OFFICER (SENATOR GRAHAM):

24. Senator Wooten.

25. SENATOR WOOTEN:

26. Yes, and this is the subject of SB 1051, the ambulatory-
27. surgical treatment center. According to this...to this bill
28. abortions could only be performed in those two places. Now,
29. let me explain the reasoning for that. Dealing in the
30. first bill about all we could say was that abortions must
31. be performed by physicians and then setting forth some
32. limitations by second and third trimester. But we
33. attempt to take this a step further to insure that all

1. abortions are done in hospitals or ambulatory-surgical
2. treatment centers. This is extremely important and I
3. think we'll outline it in greater detail when we get down
4. to 1051, because while an abortion can be a relatively
5. simple operation, at lease one fatality has occurred within
6. the last two weeks of a woman who hemorrhaged after
7. receiving an abortion and died before she could receive
8. proper care. Although it appears to be a simple operation,
9. it isn't. And you must have adequate safeguards and we
10. attempt to put these into the medical practices act.
11. And I imagine doctors and hospital associations will
12. have their own regulations relative to this. The
13. important thing is to put all kinds of safeguards around
14. this procedure.

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. Senator Shapiro.

17. SENATOR SHAPIRO:

18. One further question then. Then without...these
19. two bills, the second and third bill in the series, then
20. these so-called clinics could continue to operate.
21. Because the first bill does not set any standards for the
22. operation of a clinic beyond the reach of a hospital. I
23. that correct?

24. PRESIDING OFFICER (SENATOR GRAHAM):

25. Senator Wooten.

26. SENATOR WOOTEN:

27. That's exactly correct.

28. PRESIDING OFFICER (SENATOR GRAHAM):

29. Senator Sours.

30. SENATOR SOURS:

31. I...I probably ought to explain Mr. President, Senators,
32. to the other members of the Chamber that there was a
33. problem and there still is with reference to the expense.

1. Now, statistically I believe we can believe that the...
2. the indigent we'll call them the poor people, have more
3. abortions than others. Now, to put them into a hospital
4. at \$200 a day or more, with all the tests and all that,
5. would be creating a situation where the State would ul-
6. timately have to pick up the entire tab in many cases. Now,
7. I think as the time goes on we ought to find some way other
8. than hospitals, maybe the ambulatory clinic might be
9. the answer. But it doesn't do much good to fatten up
10. the hospitals with a large number of abortion patients
11. who cannot pay. So probably the next bill is a step in
12. the right direction. And there ought to be other locations
13. too. Because the State cannot afford to pick up all the
14. tab on this. Somewhere in the very economy of things
15. the patients or the putative father in many cases ought
16. to be put on the hook.

17. PRESIDING OFFICER (SENATOR GRAHAM):

18. Senator Wooten. Any further discussion? Senator
19. Berning.

20. SENATOR BERNING:

21. May I just ask for a definition of an ambulatory-
22. surgical treatment center? Is it something like a
23. check cashing piece of equipment?

24. PRESIDING OFFICER (SENATOR GRAHAM):

25. Senator Wooten.

26. SENATOR WOOTEN:

27. Well, that's the problem with having to do it in
28. three bills Senator. Each bill deals with a separate item,
29. and the third bill has to do with the ambulatory-surgical
30. treatment center, which is a center for the performance
31. of minor surgery that does not require an overnight stay.
32. This by the way is an attempt to attack the very problem
33. alluded to by Senator Sours, the tremendous expense of

1. a hospital stay. Such centers are not limited to abortions.
2. They can do all sorts of minor surgery, but I think the
3. proper place to discuss that is in 1051. It is awkward
4. to have it referred to in 1050, but I don't know how else
5. to get around it.

6. PRESIDING OFFICER (SENATOR GRAHAM):

7. Chair might observe that 1050 is the one under
8. discussion. Any further discussion? The question is
9. shall SB 1050 pass. On that question the Secretary
10. will call the roll.

11. SECRETARY:

12. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
13. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
14. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
15. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel,

16. PRESIDING OFFICER (SENATOR GRAHAM):

17. Senator Knuppel.

18. SENATOR KNUPPEL:

19. Mr. President and Members of this Body. I feel that I
20. have to explain my vote because I stand here today with a
21. very, very, very heavy heart. I think we're talking about
22. something that to me is morally repulsive, abortion at
23. any stage, because philosophically I can find life com-
24. menses at only time, and that's conception. Sure, the
25. Supreme Court has said it's all right. I don't think if
26. the Supreme Court legalized murder that I would think it
27. was all right. I don't think it's in keeping with the
28. moral fibers that this country has known since its
29. inception, that it's a Christian nation, and to just
30. make it easy to give a clinical atmosphere in which to
31. commit murder whether it's with a gun, a knife, or a
32. button hook, I cannot be a part of it. Too many people,
33. friends, neighbors and others who I know were conceived

1. out of wedlock or were unwanted children. Many of our
2. great men in history were so conceived. And just because
3. the Supreme Court says that it's all right, doesn't mean
4. morally that I have to find that it's all right and I
5. have to help provide an easy means to do it, nor a cheap,
6. nor an economical means to do it. Surely there may be
7. those who will still have abortions, who won't go to good
8. and sterile and clean places to have these, hospitals
9. and the like. I don't think it's my duty as Senator
10. here to make it easier or more sterile to commit an
11. act that I personally within my very heart and soul
12. feel is morally wrong. So my vote of necessity on this
13. issue and on the previous one I didn't vote, but I am
14. going to vote no if I had voted on the other one, my
15. vote, also, would have been no.

16. SECRETARY:

17. Kosinski, Latherow, McBroom, McCarthy, Merritt,
18. Mitchler, Howard Mohr, Don Moore, Netsch, Newhouse,
19. Nimrod, Nudelman, Ozinga, Palmer, Partee, Regner, Rock,
20. Roe, Romano, Saperstein, Savickas, Schaffer, Scholl,
21. Shapiro, Smith, Sommer, Soper, Sours,

22. PRESIDING OFFICER (SENATOR GRAHAM):

23. Senator Sours.

24. SENATOR SOURS:

25. It appears that Senator Wooten needs a little more
26. help on this. Now, whether..whether you agree or
27. whether you disagree with the pronouncement of the United
28. States Supreme Court, it is nevertheless the law of the
29. land. And if that is going to be the law and remain
30. the law at least until it's changed by another perhaps
31. United States Supreme Court decision, then we had better
32. provide for it. I...I have the feeling that perhaps some
33. of the theological concepts are entering in this roll

1. call. And I do not mean to suggest that the United
2. States Supreme Court or I are pagans, but the way the
3. law is now, these bills are necessary and for that reason
4. they ought to be supported by both sides, whether you
5. agree with the Court or not. They are necessary if going
6. we're going to have sepes or anti-sepes. Deaths or
7. living. I'm going to vote aye.

8. SECRETARY:

9. Swinarski, Vadalabene, Walker, Weaver, Welsh, Wooten,
10. PRESIDING OFFICER (SENATOR GRAHAM):

11. Senator Wooten.

12. SENATOR WOOTEN:

13. Mr. President in explaining my vote, I fear there
14. is a misconception occurring right now as regard to
15. this bill. In the first bill we set down the definitions
16. that were...let's say we brought our definitions in line
17. with the Supreme Court ruling. I would like to remind
18. you that I added language of my own to the original bill
19. providing for the viability of the fetus in the second
20. trimester, because as I said I have a son who was born
21. in this time frame. Now, what we're attempting to do in
22. the second bill is to keep the language of the first bill
23. from being hallow, unless we amend the Medical Practices
24. Act then that care that I would like to exercise for
25. the life of the fetus is wasted. We simply must have
26. the Medical Practices Act amended in consonance with
27. the first one. Otherwise we still have left the door
28. considerably open for abortion mills. As I say the
29. ...the care I was trying to exercise in the second
30. trimester is to begin to give some weight to the right
31. to life of the unborn child. But if we deny in Medical
32. Practices Act, access to a hospital or a clinic which
33. is sufficiently staffed and equipped to keep that kid

1. alive, well then we're...I think we have voted rather
2. badly. These two bills must go hand in hand. It is not
3. enough to make a legal definition and then to keep the
4. Medical Practices Act tied so that we have an essential
5. conflict between them. I would urge you to reconsider
6. this matter, as I said, I believe this to be the simplest
7. bill of all. And the most easily defensible. I would
8. ask you please to look at the language of the bill, its
9. intent and reconsider. And I would request the absentees
10. be polled after this roll call.

11. PRESIDING OFFICER (SENATOR GRAHAM):

12. There's been a request...I'm sorry.

13. SENATOR NEWHOUSE:

14. Mr. President.

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. Senator Newhouse, for what purpose do you rise?

17. SENATOR NEWHOUSE:

18. How am I recorded Mr. President?

19. PRESIDING OFFICER (SENATOR GRAHAM):

20. You are recorded as voting aye.

21. SENATOR NEWHOUSE:

22. Then, Mr. President, I'm recorded voting aye?

23. PRESIDING OFFICER (SENATOR GRAHAM):

24. You are recorded as voting aye.

25. SENATOR NEWHOUSE:

26. Good. This is a good bill. I want to make certain

27. I'm on it.

28. PRESIDING OFFICER (SENATOR GRAHAM):

29. Now, there has been a request for a call of the absentees.

30. The absentees will be called.

31. SECRETARY:

32. Bartulis, Bruce, Chew, Conolly, Course, Daley,
33. Donnewald, Dougherty, Harber Hall, Kenneth Hall, Hynes,

1. Keegan, Kosinski, Don Moore, Nudelman, Ozinga, Palmer,
2. Partee, Rock, Romano, Savickas, Soper, Swinarski,
3. Vadalabene, Walker, Welsh, Wooten.

4. PRESIDING OFFICER (SENATOR GRAHAM):

5. Senator Wooten has asked that we take this action
6. out of the record. Is leave granted? Leave is granted,
7. it will be taken out of the record. Well, we...leave
8. is granted. It is taken out of the record. All right,
9. I don't presume that we should proceed further. Next
10. bill, it looks like, if the sponsor is on the Floor that
11. we might be able to act upon we're... Is Senator Latherow
12. on the Floor? Senator Latherow. Senator Newhouse.

13. SENATOR NEWHOUSE:

14. If Senator Latherow's off the Floor we...we've
15. an agreement on an amendment and if it's the pleasure of
16. this Body I'd just as soon...I'd like to recall SB 402
17. from 3rd reading back to 2nd for the purpose of the
18. amendment that Senator Latherow has. It's presently
19. on the Secretary's desk. I'm perfectly willing to wait
20. Mr. President, but I thought this might expedite things...

21. PRESIDING OFFICER (SENATOR GRAHAM):

22. I'm waiting...I'm waiting to. Senator Newhouse
23. has requested leave of the Body to return SB 402 from
24. the order of 3rd reading to that of 2nd reading for the
25. purpose of considering an amendment that he and Senator
26. Latherow have agreed upon. Is leave granted? SB 402 is
27. now on 2nd reading.

28. SECRETARY:

29. Amendment No. 1 by Senator Latherow.

30. PRESIDING OFFICER (SENATOR GRAHAM):

31. Senator Latherow will explain his amendment.

32. SENATOR LATHEROW:

33. Mr. President, the fee for these trucks, milk trucks

1. has been licensing and so on has been changed from \$3 to
2. \$20 and Senator Newhouse and I and the Department of Public
3. Health got together, talked it over, and thought that
4. probably \$15 would be sufficient. And that's what the
5. amendment does, sets it at \$15. I move the adoption of the
6. amendment.

7. PRESIDING OFFICER: (SENATOR WEAVER)

8. All in favor signify by saying aye. Opposed nay.
9. The amendments adopted. Any further amendments? 3rd
10. reading. 1082, Senator Latherow.

11. SENATOR LATHEROW:

12. Mr. President, the Environmental Protection Agency
13. and the municipalities are attempting to work an amendment
14. out. They were supposed to have had it to me this morning.
15. So, I'll just have to bypass it. If they don't get it
16. today, well, that's it.

17. PRESIDING OFFICER: (SENATOR WEAVER)

18. Committee Reports. Senator Harris.

19. SENATOR HARRIS:

20. Mr. President, I'd like to have the attention of
21. the Senate. We...if we could revert to the order of
22. committee reports, I would explain that we have a report
23. in which the Rules Committee would like to proceed with
24. some clean up of a series of fifteen bills which the
25. Secretary can read. All of the sponsors of these bills
26. have been contacted and they are willing to have this
27. list of sixteen, or I'm sorry, fifteen bills, Tabled.
28. Then in addition we have had placed on your desks, two
29. other lists which I think appropriate action at this
30. time should be forthcoming and that is to adopt these
31. committee reports. The first list is a list of bills
32. in committee that are exempt from the May 25th deadline,
33. and the other list of bills now on the Calendar. It's

1. essential that we formalize this action. The bills on
2. the Calendar that are exempt from our May 25th dead-
3. line. This action is necessary in order to preserve
4. the viability of this...these two lists of bills insofar
5. as our Rule 5, cutoff date deadlines are concerned. If
6. we might proceed with this first of all. The Rules
7. Committee would like to report that there has been
8. clearance from the sponsors to Table Senate Bills 114,
9. 115, no, I'm sorry, I'm reading the wrong list. I'm
10. sorry. The list of bills to be Tabled are Senate Bills
11. 55, 57, 63, 71, 139, 202, 337, 493, 566, 890, 1090,
12. 1091, 1092, 1093 and 1099. I would then move as Chair-
13. man of the Committee on Rules that this list of fifteen
14. bills be Tabled. These all have been cleared with the
15. sponsor.

16. PRESIDING OFFICER (SENATOR WEAVER):

17. All in favor signify by saying aye.

18. SENATOR HARRIS:

19. Mr. President, I have just been informed that Senator
20. Latherow has asked that SB 598 be included in this list to
21. be Tabled. SB 598.

22. PRESIDING OFFICER (SENATOR WEAVER):

23. All in favor signify by saying aye. Opposed nay.

24. The bills are Tabled.

25. SENATOR HARRIS:

26. Then if the Secretary then could Journalize the
27. two lists of bills, the bills in Committee and the bills
28. on the Calendar, this will then...there is one additional
29. bill that should be added on the list of the bills in
30. Committee, and that's SB 920 to be exempted from Rule 5,
31. for the May 25th deadline. It was added. Ok, I...I
32. have an early list. It is on your lists, so. All right.
33. So the appropriate motion then I think would be that as

1. Chairman of the Committee on Rules, these two lists of
2. bills be exempted from the operation of rule 5 insofar
3. as final action by the Senate on the May 25th deadline.
4. And I so move.

5. PRESIDING OFFICER: (SENATOR WEAVER)

6. Senator McCarthy.

7. SENATOR McCARTHY:

8. Yes, just...this, I guess my own ignorance, Senator
9. Harris. On the bills on the Calendar that would be
10. exempt from the 25th, is there an exemption date now?
11. New exemption date?

12. PRESIDING OFFICER: (SENATOR WEAVER)

13. Senator Harris.

14. SENATOR McCARTHY:

15. Or a new limited date?

16. SENATOR HARRIS:

17. We, we will continue to exempt...appropriation bills
18. beyond Friday of this week. We hope to deal with finality
19. of Senate Bills of general identification by Friday of
20. this week.

21. PRESIDING OFFICER: (SENATOR WEAVER)

22. Senator McCarthy.

23. SENATOR McCARTHY:

24. Well, that is to say on the general identification
25. unless there's something else done by the Rules Committee,
26. these bills will be dead or passed by this Friday.

27. SENATOR HARRIS:

28. Yes.

29. SENATOR McCARTHY:

30. Yes.

31. SENATOR HARRIS:

32. That's correct.

33. SENATOR McCARTHY:

1. All right, now a second question. This is a personal
2. matter sort of. How do I get on that list on bills
3. exempted in committee? Or, if you don't care to answer
4. that, I think...

5. SENATOR HARRIS:

6. Well, there has been opportunity, presumably expressed
7. in each of our caucuses over the past two or three weeks
8. that Members were to contact their respective leader-
9. ship and this is list that is the product of the information
10. that fed in from those contacts. Bills in committee that
11. are being exempted.

12. PRESIDING OFFICER (SENATOR WEAVER):

13. All in favor of the motion, signify by saying aye.
14. Opposed nay. The motion is carried. Senator Rock, do
15. you want to handle 1100 for Senator Keegan ?

16. SECRETARY:

17. SB 1100 (Secretary reads title of bill)
18. 3rd reading of the bill.

19. PRESIDING OFFICER (SENATOR WEAVER):

20. Senator Rock.

21. SENATOR ROCK:

22. Thank you Mr. President, Ladies and Gentlemen of
23. the Senate. SB 1100 is sponsored by Senator Keegan. It
24. has the support of the Illinois Municipal League. As
25. I understand it, if the village opts for something other
26. than the...or opts for strong mayoral form of government,
27. at the present time two elections are necessary. One
28. to opt for it, or one to get rid of the old one to take
29. on the new. This would call for having one single
30. election, having the rejection of the old form and the
31. adoption of the new form placed on the same ballot, the
32. same election, stated as separate propositions. I know
33. of no opposition to the bill, and I would ask a favorable

Handwritten notes:
3/21/20
5-2-20

1. roll call.

2. PRESIDING OFFICER (SENATOR WEAVER):

3. Is there any discussion? The question is shall
4. SB 1100 pass, and on that question the Secretary will
5. call the roll.

6. SECRETARY:

7. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
8. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
9. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
10. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
11. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
12. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
13. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
14. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
15. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
16. Weaver, Welsh, Wooten, Mr. President.

17. PRESIDING OFFICER (SENATOR WEAVER):

18. Carroll, aye. Course, aye. Palmer, aye. Buzbee,
19. aye. Roe, aye. McBroom, aye. Merritt, aye. On that
20. question the yeas are forty-seven, the nays are three.
21. SB 1100 having received a constitutional majority is
22. declared passed. SB 1128, 1128, Senator Knuepfer.

23. SECRETARY:

24. SB 1128 (Secretary reads title of bill)
25. 3rd reading of the bill.

26. PRESIDING OFFICER (SENATOR WEAVER):

27. Senator Knuepfer.

28. SENATOR KNUEPFER:

29. This...this bill establishes the first rules and
30. regulations in Illinois Statues for the provision of so-
31. called HMO's or Health Maintenance Organizations. These
32. are organizations that charge a specific fee, regardless
33. and...and regardless of whether you're sick or not, their

1. job in a fact, is to keep you well. It's a venture into
2. the area of preventative medicine, as far as possible
3. rather than the post...the problem of curing people
4. once they do become ill. The mechanism established
5. is to provide that the power is in the Department of
6. Insurance, but to provide the Director of Public Health
7. with the power to establish regulations. We had some
8. fairly extensive hearings on this. Following those
9. hearings we added some amendments. The amendments
10. in effect address themselves to protecting the client.
11. The amendments address themselves to the problem of
12. resolving grievances, to the problems of internal quality
13. ...care, the quality control rather. And as well to the
14. problem of initial capital. It appears that there has
15. been some trouble in this respect. I do not know of
16. any opposition to these bills. The Department of
17. Public Health tells me they are still working on some
18. amendments that will be introduced in the House at
19. this point. I told them we were most receptive to them.
20. I think it is an area that needs licensing. It is probably
21. the fastest growing field in medicine and it ought to
22. be brought under some kind of State regulation and
23. that's what this proposes.

24. PRESIDING OFFICER: (SENATOR WEAVER)

25. Is there any discussion? Question is, shall
26. SB...Senator Netsch.

27. SENATOR NETSCH:

28. Mr. President, just one question of the sponsor.
29. May I just clarify one thing? You said that you are
30. still in negotiations with the Department of Public
31. Health with respect to amendments, and that you will
32. attempt to work some matters out to their satisfaction,
33. with the idea of placing them on the bill when it reaches

1. the House. Is that correct?

2. PRESIDING OFFICER (SENATOR WEAVER):

3. Senator Knuepfer.

4. SENATOR KNUEPFER:

5. I didn't say I was negotiating with them I said
6. I was receptive. I told them three weeks ago that I
7. was receptive. I haven't heard anything from them in
8. three weeks, so I really don't know whether they're
9. seriously proposing amendments or not. But I am most
10. receptive to anybody's amendments in the House.

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Senator Netsch.

13. SENATOR NETSCH:

14. I...I mentioned that because I had occasion to
15. discuss this briefly with Dr. Lashoff this morning, and
16. she finds most parts of the bill, as I understand it,
17. quite acceptable. But felt there were some places where
18. it did need to be clarified and was hopeful that those
19. amendments still could be placed on. I don't think she
20. realized that it was about to be called on 3rd reading.
21. If that's agreeable with you, then I think it's...Thank
22. you.

23. PRESIDING OFFICER (SENATOR WEAVER):

24. The question is shall SB 1128 pass. And on that
25. question the Secretary will call the roll.

26. SECRETARY:

27. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
28. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
29. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
30. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
31. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
32. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
33. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,

1. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
2. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
3. Weaver, Welsh, Wooten, Mr. President.

4. PRESIDING OFFICER (SENATOR WEAVER):

5. Regner, aye. Palmer, aye. Nudelman, aye. Mitchler,
6. no. Walker, no. Savickas, just...Wooten, aye. Senator
7. Savickas, for what purpose do you rise?

8. SENATOR SAVICKAS:

9. While you're totaling up the roll call, Mr. President,
10. I'd just like to know that I noticed a tape recorder going
11. up here in the balcony and I was wondering if it was with
12. the approval of the Chair?

13. PRESIDING OFFICER (SENATOR WEAVER):

14. Yes, that is, I'm informed Senator. Senator Newhouse.

15. SENATOR NEWHOUSE:

16. Mr. President, I deliberately waited until the end
17. of the roll call to explain my vote which I want to be
18. recorded as present. I am all for this concept, and
19. I think the Senator knows that. What I would like to
20. get in is some kind of an amendment that assures that
21. a supermarket operator won't come in and put all the
22. doctors out of business tomorrow morning. Thank yo .

23. PRESIDING OFFICER (SENATOR WEAVER):

24. On that question the yeas are thirty-six, the nays
25. are four, and one present. SB 1128 having received a
26. constitutional majority is declared passed. SB 1135.
27. Senator Knuppel.

28. SECRETARY:

29. SB 1135 (Secretary reads title of bill)
30. 3rd reading of the bill.

31. PRESIDING OFFICER (SENATOR WEAVER):

32. Senator Knuppel.

33. SENATOR KNUPPEL:

1. Mr. President, Members of the Body, SB 1135 is
2. designed to correct the situation which existed with
3. respect to the Constitutional Convention delegates
4. wherein they served the people of the State of Illinois
5. but the time which...during which they served they were
6. not allotted or allowed a method by which to use this
7. for a pension. Many of these people have served in
8. the General Assembly or have been school teachers, or
9. served the State in other capacities. This bill is
10. designed to allow them two years for their service in
11. the Constitutional Convention upon their contribution
12. of their share as an employee of the State of Illinois
13. and interest at the rate of 4% per annum from January 1,
14. 1970. This bill would allow them then to add this to
15. whichever pension plan they participated in. Mr.
16. Wineburg with the Pension Commission appeared in favor
17. of this and said that it was comparable to a term in
18. the General Assembly and that it would in no way
19. disturb or upset the pension system in the State of
20. Illinois. I personally would like to see you render
21. a favorable vote on this bill.

22. PRESIDING OFFICER (SENATOR WEAVER):

23. Is there any discussion? Senator Harris.

24. SENATOR HARRIS:

25. Well, it's my understanding Mr. President, and
26. Members of the Senate that the Pension Laws Commission
27. did not endorse this. They are very lukewarm about it.
28. This is a unique provision. while the bill does provide
29. for nonduplication it is a matter that I think deserves
30. further study by the Pension Laws Commission. And that's
31. the information that has reached me. That they really
32. would prefer to defer action on this at this time and
33. give them more time to evaluate it. I'm not going to

1. support this and I just raise the question that it's
2. at least, if it in time does become an appropriate measure
3. for the General Assembly to respond to, it's ahead of
4. its time and hasn't had sufficient study by the Pension
5. Laws Commission. I intend to oppose the bill.

6. PRESIDING OFFICER (SENATOR WEAVER):

7. Is there any...Senator Fawell.

8. SENATOR FAWELL:

9. Well, I...have to apologize to Senator Knuppel,
10. because he did come to me quite some time ago and ask
11. me to prepare an amendment in regard to a question I
12. had, and I never got around to doing it. But the one
13. point I...that I did bring out in the Pensions Committee
14. and about which I would like to have clarification is
15. on the second page where it talks about service credit.
16. And it...it states that service credit...service credit
17. shall not be granted under this section until the person
18. applying for credit has paid into the system a contribution
19. determined by applying the employee contribution rate
20. in effect at the end of 1969 to the amount of compensation
21. he received as a member of the Sixth Illinois Constitutional
22. Convention. And my...my point was that I felt one ought to
23. contribute on the basis whatever the legislative salary
24. was at that time, if the legislative salary was higher
25. than what the...the salary of members of the Illinois
26. Constitutional Convention may have been. That I felt
27. that to be fair one ought to contribute on that basis,
28. rather on the basis of the...the compensation as a member
29. of the Illinois Constitutional Convention. Frankly, at
30. this point I can't recall exactly what that was, whether it was
31. higher or lower. I suppose it was higher, no problem.
32. If it was lower, I could see a...an inequity.

33. PRESIDING OFFICER (SENATOR WEAVER):

1. Senator Knuppel.

2. SENATOR KNUPPEL:

3. In answer to the question which has been posed by
4. Senator Fawell, I ... you have articulated much better
5. the question here than you did in committee, because I
6. didn't fully understand the question. And, now, I do. And
7. as you know, I came to you and said, can you make it
8. explicit. I certainly would have no objection to having
9. the bill provide instead of...on the amount of money
10. which they've had, but to have it correspond because
11. this goes to a lot of different, I think there's eight
12. or ten or twelve different pension plans here that have
13. the contribution at the rate of...if it's going to be in the
14. legislative branch for example there's more than twenty
15. of the Constitutional Convention delegates who have served
16. in the General Assembly, and I have no objection and I
17. would be willing to take it out of the record at this
18. time to attempt to meet the objection. I am not trying
19. to push anybody...anything pass anyone. And, If...if that's
20. what it requires to gain your support, I'd be happy to
21. hold it and take it back to 2nd reading for an amendment.
22. And...this is in answer to his question, he had the Floor.

23. PRESIDING OFFICER (SENATOR WEAVER):

24. Senator Fawell.

25. SENATOR FAWELL:

26. Well, I...I think it would be a...that would remove
27. a clear inequity and I think it would pertain to any of
28. the funds that would be involved, that person would
29. have to contribute, apply the rate against a particular
30. compensation which...which was at that time in being in
31. regard to the particular fund. I...I don't know what
32. action you might want to take. I couldn't vote for the
33. bill unless that amendment were in there. But I think

1. with that in there, I think it's a fair...it's asthen
2. it's certainly as equitable as it can be. Then the concept
3. is clear.

4. PRESIDING OFFICER (SENATOR WEAVER):

5. Senator Knuppel, what's your pleasure on this?

6. SENATOR KNUPPEL:

7. I think some other people have some questions that
8. may help me make this bill...

9. PRESIDING OFFICER (SENATOR WEAVER):

10. Senator Nimrod.

11. SENATOR NIMROD:

12. Mr. President, I'd like to make a comment pertaining
13. to this. I think those members who served in the
14. Constitutional Convention neither expected nor anticipated
15. any reward after they had been elected to serve the
16. public. I think they did so justly and they did so willingly.
17. They sought office and were elected, and it seems to me
18. that it's wrong to provide a windfall after an act has
19. taken place and this is certainly discriminatory since
20. it only provides for those who are working in government.
21. I think this is the wrong approach and a wrong procedure,
22. and I cannot support such a measure.

23. PRESIDING OFFICER (SENATOR WEAVER):

24. Senator Course.

25. SENATOR COURSE:

26. Yes, Senator Knuppel, would you yield to a question,
27. please?

28. PRESIDING OFFICER (SENATOR WEAVER):

29. He indicates that he will.

30. SENATOR COURSE:

31. Were these delegates paid a salary?

32. PRESIDING OFFICER (SENATOR WEAVER):

33. Senator Knuppel.

1. SENATOR KNUPPEL:

2. The delegates were paid a per diem and a salary.
3. The total compensation for those who attended at
4. least for a hundred days, and I think that includes all
5. of them, because they had a very high attendance record
6. comes to \$12,500 for the time they were in Session.

7. PRESIDING OFFICER (SENATOR WEAVER):

8. Senator Course.

9. SENATOR COURSE:

10. In lieu of the regular salary, you mean \$12,000
11. ...\$12,500 expense?

12. PRESIDING OFFICER (SENATOR WEAVER):

13. Senator Knuppel.

14. SENATOR KNUPPEL:

15. They received \$12,500 as salary. Part of it was
16. paid at \$75 per day, for a hundred days, which makes
17. \$7,500 and the balance of it was paid as a salary. It
18. was kind of a unique bill that passed here in the General
19. Assembly authorizing it, and the total compensation, with-
20. out reference to \$32 a day, which our \$32 a day is now
21. patterned after, was \$12,500.

22. PRESIDING OFFICER (SENATOR WEAVER):

23. Senator... Is there any further discussion? Question
24. is shall SB 11...excuse me. Senator Knuppel.

25. SENATOR KNUPPEL:

26. In view of the statements of Senator Fawell, I
27. certainly want to be fair. I mean this is not the idea,
28. it's to give these people the same kind of consideration that
29. we received. I'm sure that sometime here in the General
30. Assembly voted itself a pension. And they had been
31. elected without that intention at that time too. So
32. I don't believe that that argument is very valid. As
33. far as Senator Harris' remarks I believe that these

SB 1169
3rd reading

1. people may want more time. They didn't disclose this to
2. me. In fact Mr. Wineburg appeared, said that this was
3. acceptable and I would not have expected him to testify
4. if it had not been. Now this is news to me, based on
5. his statements and Senator Fawell's, I'd like to have
6. it taken out of the record and I'll try to call it at
7. a later time.

8. PRESIDING OFFICER (SENATOR WEAVER):

9. It will be taken out of the record. SB 1169, Senator
10. Schaffer.

11. SECRETARY:

12. SB 1169 (Secretary reads title of bill)
13. 3rd reading of the bill.

14. PRESIDING OFFICER (SENATOR WEAVER):

15. Senator Schaffer.

16. SENATOR SCHAFFER:

17. SB 1169 merely enacts Article 9, Section 90, of the
18. 1970 Constitution establishing a debt ceiling for casual
19. deficits and failures in revenue. This bill is a comptroller
20. bill. There's some additional changes, changing the
21. term State Auditor to Comptroller. I don't believe it's
22. controversial. It went through Revenue Committee unanimously.
23. Merely implements the new Constitution.

24. PRESIDING OFFICER (SENATOR WEAVER):

25. Is there any discussion? The question is shall SB 1169
26. pass. And upon that question the Secretary will call
27. the roll.

28. SECRETARY:

29. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
30. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
31. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
32. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
33. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard

1. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
2. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
3. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
4. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
5. Weaver, Welsh, Wooten, Mr. President.
6. PRESIDING OFFICER (SENATOR WEAVER):
7. Mitchler, aye. Scholl, aye. Carroll, aye. Smith,
8. aye. On that question the yeas are forty-two and the
9. nays are none. SB 1169 having received a constitutional
10. majority is declared passed.
11. SECRETARY:
12. SB 1179 (Secretary reads title of bill)
13. 3rd reading of the bill.
14. PRESIDING OFFICER (SENATOR WEAVER):
15. Senator Merritt.
16. SENATOR MERRITT:
17. Yes, Mr. President. Actually when we consider
18. SB 1179 it really must be considered along with SB 1180.
19. and SB 1181 which is the appropriation bill. I under-
20. stand the appropriation bill will not probably be heard
21. today but you have to at least consider the three bills
22. in that concept because each one relates to the other.
23. This is an outgrowth...these three bills are an out-
24. growth of SB 915 which attempted to do this all under
25. one bill, and as we all know you cannot have substitutive
26. legislation in...in just the one bill and also include
27. an appropriation in it. So, therefor, if and when 1179,
28. 80 and 81 are passed, why it will be my intention to
29. Table SB 915. I might add to begin with that this is
30. an outgrowth of several years study of our Commission
31. for Economic Development of which we have in the Senate,
32. three Democrat members at the present time, Senator
33. Partee, Senator Dougherty, Senator Johns; two Republican

1. members, Senator Weaver and myself. After considerable
2. amount of discussion with the Appropriation staff on
3. both the Democrate side and the Republican side together
4. with the Capital Development Bond Board and our executive
5. director of our commission, we met with Amos Watts of
6. Chapman and Cutler in Chicago last week, whereupon came
7. the introduction of these three bills we're talking
8. about today. So they do have unanimous bipartisan
9. support. Basically, what they do are provide for
10. containerization facilities, cargo handling facilities,
11. in Chicago...at the Calumet harbor, Chicago Regional
12. Port District. If we're certinly going to keep pace
13. with other posts not only on the coast but on the Great
14. Lakes, we have to face this problem of having the necessary
15. cargo handling facilities. This would have been done
16. long ago, I feel certain, under not only Governor Ogilvie,
17. but perhaps Governor Kerner, if it did not have to be financed
18. out of current revenues. These bills provide that they
19. can be financed out of the Capital Development Bond
20. fund and as a rather unique concept in the State, because
21. it also provides for a 50% payback each year out of
22. current revenues, until after 18 years time the entire
23. money has been repaid to the State of Illinois. Certainly,
24. this is a concept that we could agree in, in this type
25. of a situation. SB 1179 addresses itself to the first
26. problem and that is amending the Capital Development
27. Bond Act increasing that...the amount of bonds to be
28. issued by \$5,000,000 from \$561,131,000 up to \$566,131,000.
29. I know of no opposition to the bill. It's been cleared
30. with leadership on both sides. It is a bill in the best
31. interest of our shipping, for our export facilities in
32. Illinois. It will be repaid, and I would ask for a most
33. favorable roll call vote.

1. PRESIDING OFFICER (SENATOR WEAVER):

2. Is there any discussion? Senator Dougherty.

3. SENATOR DOUGHERTY:

4. Mr. President, Members of the Senate, all that
5. Senator Merritt said regarding these bills is true. It
6. is vitally necessary that these bills pass for the reason
7. that...there's been a new concept in transocean shipping.
8. They've gone from the old cargo concept to container-
9. ization which prevents theft and makes for more expeditious
10. handling of...of cargo and the Chicago Regional Port
11. District needs this in order to build the facilities
12. and the money will be repaid. I urge a favorable
13. consideration of this bill...these three bills....and

14. PRESIDING OFFICER (SENATOR WEAVER):

15. Any further discussion? The question is shall
16. SB 1179 pass. And upon that question the Secretary
17. will call the roll.

18. ACTING SECRETARY (MR. WRIGHT):

19. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
20. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
21. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
22. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
23. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
24. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
25. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
26. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
27. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
28. Weaver, Welsh, Wooten, Mr. President.

29. PRESIDING OFFICER (SENATOR WEAVER):

30. Walker, aye. On that question the yeas are forty-
31. four, the nays are three. SB 1179 having received a
32. constitutional majority is declared passed.

33. ACTING SECRETARY (MR. WRIGHT):

1. SB 1180 (Secretary reads title of bill)

2. 3rd reading of the bill.

3. PRESIDING OFFICER (SENATOR WEAVER):

4. Senator Merritt.

5. SENATOR MERRITT.

6. Yes, Mr. President, Members of the Senate. This
7. is the second bill in the series which does what it says,
8. amends the Capital Development Board Act. It authorizes
9. the Board to provide the cargo handling facilities to
10. regional port districts. Requires that 50% of the gross
11. receipts from the use of the facilities to be paid to
12. the State until the amount expended by the State is
13. repaid. I think we had enough explanation on this out
14. of the former bill, and I won't belabor the point unless
15. there are any questions. I'd appreciate a favorable roll
16. call.

17. PRESIDING OFFICER (SENATOR WEAVER):

18. Is there any discussion? The question is shall
19. SB 1180 pass. And on that question the Secretary will
20. call the roll.

21. ACTING SECRETARY (MR. WRIGHT):

22. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
23. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
24. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
25. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
26. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
27. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
28. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
29. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
30. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
31. Weaver, Welsh, Wooten, Mr. President.

32. PRESIDING OFFICER (SENATOR WEAVER):

33. On that question the yeas are forty, and the nays are

1. four. SB 1180 having received a constitutional majority
2. is declared passed. 1185, Senator Shapiro.

3. ACTING SECRETARY (MR. WRIGHT):

4. SB 1185 (Secretary reads title of bill)
5. 3rd reading of the bill.

6. PRESIDING OFFICER (SENATOR WEAVER):

7. Senator Shapiro.

8. SENATOR SHAPIRO:

9. Mr. President, Members of the Senate, SB 1185 is
10. a supplemental appropriation for the Pension Laws Commission
11. in the amount of \$7,000. The Commission for the first
12. time in its history has run short of funds and this
13. amount is necessary to carry it to the end of the
14. fiscal year, and I would urge a favorable vote.

15. PRESIDING OFFICER (SENATOR WEAVER):

16. Is there any discussion? The question is shall SB 1185
17. pass, and upon that question the Secretary will call the
18. roll.

19. ACTING SECRETARY (MR. WRIGHT):

20. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
21. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
22. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
23. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
24. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
25. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
26. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
27. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
28. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
29. Weaver, Welsh, Wooten, Mr. President.

30. PRESIDING OFFICER (SENATOR WEAVER):

31. Davidson, aye. Merritt, aye. Newhouse, aye.
32. On that question the ayes are forty-eight, the nays are
33. none. SB 1185 having received a constitutional majority

1. is declared passed. SB 113...1136, Senator Sours.

2. ACTING SECRETARY (MR. WRIGHT):

3. SB 1136 (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDING OFFICER (SENATOR WEAVER):

6. Senator Sours.

7. SENATOR SOURS:

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

9. this bill does exactly no more and no less than what is

10. noted in the syllabus on the list of bills we have on

11. 3rd reading today. I won't bother to read it. You're

12. either for the bill or you're against it. But I would

13. heartily recommend, thirty votes on this side.

14. PRESIDING OFFICER (SENATOR WEAVER):

15. Is there any discussion? Senator Rock.

16. SENATOR ROCK:

17. Well, Mr. President, Members of the Senate, I rise

18. in opposition to this measure. It is probably one of

19. the most regressive measures we'll have on the Calendar

20. and I would ask Senator Sours if he'll yield, the

21. eternal question, who wants this bill?

22. PRESIDING OFFICER (SENATOR WEAVER):

23. Senator Sours. Senator Rock asked you who wants

24. this bill, Senator Sours.

25. SENATOR SOURS:

26. All right. For one the Attorney General, I under-

27. stand is enthusiastic about this bill.

28. PRESIDING OFFICER (SENATOR WEAVER):

29. Senator Rock.

30. SENATOR ROCK:

31. Well, I think...I just wanted that for the purpose

32. of the record. I think a bill passed out of here a week or

33. so ago, giving the Attorney General the power to convene a

1. state wide grand jury. And now on the other hand he is
2. in favor of that, and now on the other hand he is saying
3. that anytime you're testing the constitutionality of...of
4. a revenue bill or the revenue legislation, it must be
5. done in Sangamon County. Now, I don't see any sense to
6. that, and I would urge all the thinking members of rise
7. in opposition to this bill.

8. PRESIDING OFFICER (SENATOR WEAVER):

9. Any further discussion? Senator Hynes.

10. SENATOR HYNES:

11. Mr. President, a question. What is the meaning of
12. State enacted? If I could perhaps put the question
13. differently. If the Illinois General Assembly enacted
14. a measure which allowed the forest preserve district
15. in some county in the State of Illinois to levy a tax,
16. let's say on real estate, and a question was being raised
17. by a local resident of that county as to the validity
18. of the tax, would that suit have to be filed in Sangamon
19. County? Since, it seems to me it would be a State enacted
20. revenue measure.

21. PRESIDING OFFICER (SENATOR WEAVER):

22. Senator Sours.

23. SENATOR SOURS:

24. Senator, I don't know. I think you're really stretching
25. a point by your...the example you've just stated. And,
26. of course, you can make any good bill, carry it on to its
27. ridiculous conclusion, which I think you're trying to do.

28. PRESIDING OFFICER (SENATOR WEAVER):

29. Senator Hynes.

30. SENATOR HYNES:

31. Well, I think the...the question was a perfectly
32. legitimate one. And I think it's the answer that's
33. ridiculous and indicates what really is behind the bill.

1. I still have not received an answer to that question,
2. and I think it's a very significant one. It does not
3. say any law relating to State revenue, it says a State
4. enacted revenue measure, which would seem to me to
5. clearly be any law that would deal with revenue, enacted
6. by the General Assembly, and that would include local
7. taxing laws in most cases. So that all of these suits
8. would have to be filed in Sangamon County. And I don't
9. think that's even what the sponsor intends.

10. PRESIDING OFFICER (SENATOR WEAVER):

11. Senator Sours.

12. SENATOR SOURS:

13. Not quite Senator. Just those touching upon the
14. constitutionality. Just those.

15. PRESIDING OFFICER (SENATOR WEAVER):

16. Senator Knuppel.

17. SENATOR KNUPPEL:

18. I feel that the bill is far too general. Just recently
19. we had decisions rendered by the Cook County court with refer-
20. ence to personal property taxes and the escrowing of those
21. taxes. I think this is so inclusive it's limited...or
22. it isn't even limited to whether it's revenue raising
23. or revenue removing, or...nor is revenue defined in
24. any way. And I just feel that we get good decisions
25. sometimes out of other circuit courts. Certainly the
26. Circuit Court of Sangamon County and the members thereof
27. are not the only judges in the State of Illinois who
28. have the brilliance or the ability to decide these
29. questions. In fact, it might be, at sometime in the
30. future that in the Circuit Court of Sangamon County, there
31. may be a dearth of such talent, a lack of such talent,
32. whichever it may be. And I just can't see this...that
33. it should be decided solely and exclusively in one

1. county. I feel the judges in my circuit are as able,
2. and if I wanted to raise the question on behalf of a
3. client that I should have the same right and the same
4. form of convenience that another lawyer might have
5. who just happened to live in Sangamon County. And
6. I think everybody's entitled to a form of convenience.
7. And I would suggest to you fellows who are lawyers
8. to say that a client comes in, when you're no longer
9. in the General Assembly, or one of your friends wants
10. to raise the constitutionality of such a question that
11. he should have to come here when he might file it in
12. some other jurisdiction where he understands, or the
13. judge understands, or he feels they would better under-
14. stand the issue. I feel this is bad legislation, it's
15. being far too general without sufficient definition.

16. PRESIDING OFFICER: (SENATOR WEAVER)

17. Any further discussion? The question is shall
18. SB 1136 pass, and upon that question the Secretary will
19. call the roll.

20. SECRETARY:

21. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
22. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
23. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
24. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
25. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
26. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
27. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
28. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
29. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
30. Weaver, Welsh, Wooten, Mr. President.

31. PRESIDING OFFICER: (SENATOR WEAVER)

32. Regner, aye. Course, no. Been a request for a
33. call of the absentees. The absentees will be called.

1. SECRETARY:

2. Chew, Fawell, Keegan, Palmer, Partee, Scholl,
3. Sours, Walker, Vadalabene, Welsh.

4. PRESIDING OFFICER (SENATOR WEAVER):

5. Smith, you are not recorded, I'm sorry. On that
6. question the ayes are twenty-nine, and the nays are
7. twenty-four. SB 1136 having failed to receive a
8. constitutional majority is declared lost. 1137.

9. SECRETARY:

10. SB 1137 (Secretary reads title of bill)
11. 3rd reading of the bill.

12. PRESIDING OFFICER (SENATOR WEAVER):

13. Senator Sours.

14. SENATOR SOURS:

15. Mr. President, Ladies and Gentlemen of the Senate, this,
16. too, is a bill that is explained in detail by the des-
17. cription in the syllabus. No more and no less. I'd
18. appreciate thirty votes. It's a good bill because there
19. have been instances where justice has failed, and people
20. in the Chamber know about it.

21. PRESIDING OFFICER (SENATOR WEAVER):

22. Is there any discussion? Senator Rock.

23. SENATOR ROCK:

24. Yes, Mr. President, Ladies and Gentlemen of the
25. Senate, I rise in opposition to this bill. It deserves
26. the same...or worst fate than the last. This would say
27. to the taxpayers of our State that if you folks in
28. Pulaski County or Alexander County or Rock Island
29. County care to file a suit against any State officer
30. or any agency you have to come to Sangamon County. We
31. won't entertain it in your own county. I think it
32. deserves a no vote, and I urge the same.

33. PRESIDING OFFICER (SENATOR WEAVER):

1. Senator Fawell.

2. SENATOR FAWELL:

3. I...I didn't have a chance to express myself in
4. regard to the last bill, and was my fault. But...
5. excuse me, Senator Sours, do you have a question? But
6. I think that with all due respect to the sponsorship
7. on this bill to say that any declaratory judgment suit
8. or injunction suit or protest payment suit brought against
9. the State of Illinois, you'd have to come to Springfield.
10. Now, it may be that in Cook County, justice has failed
11. in the eyes of some. And I think I could well agree with
12. that. But it hasn't in DuPage County and I think that
13. when our constituents understand that when you represent
14. a client, for instance, in regard to a retail sales tax
15. problem and tell him that we have to travel to Sangamon
16. County in order to be able to obtain justice here, then
17. things have really gotten to a very sad state of affairs.
18. I think the course of action ought to be if we feel,
19. as some apparently do that one cannot obtain justice
20. in the Cook County judicial system, and I'm not passing
21. judgment one way or the other as I express myself here.
22. It is not to...to take an action like this and way, well,
23. the only place you can go is to the circuit court of
24. Sangamon County. That...that just isn't reasonable,
25. and I don't think it's being fair to all the other
26. circuit courts throughout the State of Illinois who I
27. think can give justice and are giving justice to their
28. business clients. And I repeat, Ladies and Gentlemen of
29. this Body, that when some of your business clients
30. wake up and realize that a piece of legislation like
31. this has passed and they have to...they undoubtedly are
32. of the opinion on many occasions that the views of the
33. State of Illinois in regard to...let's say a sales tax

1. balance that is allegedly due and owing to them. And if
2. they find out that after having fought all the bureaucracy
3. one has to fight, and then they're told that now in order
4. to go into the court system one has to go to the Sangamon
5. Circuit Court. It just doesn't make...make sense. With
6. all due respect to the Attorney General, I understand
7. desires this legislation, I can't in good conscience
8. support it. And I am going to vote no when the roll call
9. comes.

10. PRESIDING OFFICER (SENATOR WEAVER):

11. Senator Sours.

12. SENATOR SOURS:

13. Not that it matters, because I think the Senator
14. decides he's not going to support the bill then he finds
15. some vacuous reason but let me make this comment. How
16. about countryside liquors, Senator? For a few starters.
17. Did you ever hear of that? I'm addressing my inquiry
18. to Senator Fawell. Have you ever heard of the country-
19. side liquor's case? Well, Senator there are several
20. million dollars due the State of Illinois today because
21. the sales tax wasn't paid and never collected. Now
22. how's that for a starter? Let's take a few more. You
23. know as well as I do that there are certain areas in
24. this State where the judges go up through the chairs.
25. It's a situation of "cronyism." Justice is a blind goddess,
26. and a lot blinder perhaps than you're willing to admit.
27. Now I see nothing wrong with having an absolutely neutral
28. forum which would be Sangamon County. You talk about
29. convenience, how about convenience for the State of
30. Illinois when the...when the docket in Cook County is
31. three and four years behind. What are you talking
32. about? Call the roll, if I get twenty-nine votes, let
33. it go down. Just so we know who voted against it.

1. PRESIDING OFFICER: (SENATOR WEAVER)

2. The question is shall SB 1137 pass. Upon that
3. question the Secretary will call the roll.

4. SECRETARY:

5. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
6. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
7. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
8. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
9. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
10. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
11. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
12. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
13. Sommer, Soper, Sours

14. PRESIDING OFFICER: (SENATOR WEAVER)

15. Senator Sours.

16. SENATOR SOURS:

17. The litigants dream, oh for a bench trial in Cook
18. County. I vote aye.

19. SECRETARY:

20. Swinarski, Vadalabene, Walker, Weaver, Welsh, Wooten,
21. Mr. President.

22. PRESIDING OFFICER: (SENATOR WEAVER)

23. On that question the ayes are twenty-eight, the
24. nays are twenty-two, SB 1137 having failed to receive
25. the constitutional majority is declared lost. SB 2,
26. Senator Berning. SB 2.

27. SECRETARY:

28. SB 2 (Secretary reads title of bill)
29. 3rd reading of the bill.

30. PRESIDING OFFICER: (SENATOR WEAVER)

31. Senator Berning.

32. SENATOR BERNING:

33. Thank you Mr. President, Members of the Body. This

1. bill was amended to meet what I felt was the objection
2. on the part of some because the administration of it
3. imposed a little bit of a burden on the Clerks of the
4. Circuit Courts. They now are entitled to a 2% fee
5. for the processing of these claims. The bill itself
6. is really very simple. It imposes a surcharge if
7. you will on fines imposed for infractions of our
8. statutes. The fine schedule is embodied in the bill.
9. In other words, this requires the user to pay. The
10. violator contributes to the funding of the local law
11. enforcement officer's training program and this seems
12. to be a completely defensible position. I would solicit
13. a favorable roll call. If there are questions, I will
14. attempt to answer them.

15. PRESIDING OFFICER (SENATOR WEAVER):

16. Senator Dougherty.

17. SENATOR DOUGHERTY:

18. Mr. President, Members of the Senate. While this
19. seems to be a very laudable bill and I'm in agreement
20. that it is, nevertheless it imposes an undue hardship
21. upon the Clerk of the Circuit Court of Cook County.
22. Proposes that there would be added a surcharge for every
23. fine collected from a traffic violator or from a criminal
24. violator. I would point out to you that the Clerk of
25. the Court has numerous duties to do. There are any
26. number of judges in Chicago that work in the traffic court
27. alone and in Cook County, not only in the City of
28. Chicago. For instance, the total number of fines
29. collected in Cook County by the Clerk of the Circuit
30. Court and his staff amounted to \$18,000,000 last year.
31. It amounted for 75,000 moving violations, traffic
32. violations. That amounted to...there was 1,174,521
33. parking violations. There was 286,000 moving violations.

1. And in the suburbs there were 138,000 moving violations,
2. for a total of 1,599,000 cases that were processed.
3. The Clerk is up to his neck in work right now. As
4. laudable as this bill may be it is a terrific burden
5. on the Clerk of the Circuit Court of Cook County and
6. it cannot be...these duties cannot be imposed upon him
7. for the terrific magnitude. For instance, in the
8. parking violations where the fines run from 3 to \$10
9. the Clerk would have to go through the entire routine
10. to determine whether or not the police officer making
11. the arrest would have to...we would have to change our
12. tickets for the reason for a parking violation where
13. they list the fine we'd have to include this. It's
14. an undue burden both on the police department and on
15. the Clerk of the Circuit Court. And I urge you, I
16. have these figures here for anyone that wants to see
17. them. I have copies of them. I ask that this bill be
18. defeated.

19. PRESIDING OFFICER (SENATOR WEAVER)

20. Any further discussion? The question is shall
21. SB 2 pass. And on that question the Secretary will
22. call the roll. Senator Berning, do you care to close
23. debate?

24. SENATOR BERNING:

25. Let me just respond briefly and summarize by
26. saying that without sophisticated computer system today
27. it should really present no problem to anybody to
28. handle an additional record keeping procedure. In
29. addition to that let me just comment that our current
30. appropriation for the law enforcement officers train-
31. ing program was 2,700,000. Apparently the Governor is
32. not going to increase the appropriation and we are
33. unable to meet the commitments we would like to

1. make for the training of the policemen, for the various
2. municipalities, and in the adoption of a bill...of this
3. bill, we could perhaps generate perhaps four and a half
4. million dollars annually in revenue to fund the local
5. law enforcement officers training program. That's the
6. reason for the bill. I urge your vote.

7. PRESIDING OFFICER (SENATOR WEAVER)

8. The question is shall SB 2...? Upon that question
9. the Secretary will call the roll.

10. SECRETARY:

11. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
12. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
13. Dougherty.

14. PRESIDING OFFICER (SENATOR WEAVER)

15. Senator Dougherty.

16. SENATOR DOUGHERTY:

17. Not only is this an undurable an unendurable burden
18. on the Clerk of the Circuit Court of Cook County, but
19. I don't think this bill is constitutional. When I say
20. it is a burden on the Clerk he will have to go through
21. every one of these fines that may be opposed. And
22. ...determine the amount of money that must be added
23. while the defendant's in court. It would delay pro-
24. ceedings. And God only knows that the time that is
25. confused in the traffic clerks of Cook County...just
26. impossible to work with this bill. I vote no.

27. SECRETARY:

28. Fawell, Glass, Graham, Harber Hall, Kenneth Hall,
29. Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
30. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
31. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
32. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
33. Saperstein, Savickas, Schaffer, Scholl,

1. PRESIDING OFFICER: (SENATOR WEAVER)

2. Senator Schaffer.

3. SENATOR SCHAFFER:

4. I..I feel I must comment on two points here. One,
5. all that propaganda I heard when the incumbent circuit
6. clerk of Cook County ran for re-election about his
7. computerization program. It sounded good during the
8. campaign, but it doesn't sound like it's all that functional
9. right now. And two, I would point out to my friends
10. of the other side that this would create more patronage
11. jobs in Mat Danaher's office. And I detect a certain
12. inconsistency in your position over there. I vote aye.

13. SECRETARY:

14. Scholl, Shapiro, Smith, Sommer, Soper, Sours,
15. Swinarski, Vadalabene, Walker, WEAVER, Welsh, Wooten,
16. Mr. President.

17. PRESIDING OFFICER: (SENATOR WEAVER)

18. Merritt, aye. Regner, aye. Smith no. Roe,
19. aye. Glass, aye.

20. SENATOR BERNING:

21. Would you call the absentees?

22. PRESIDING OFFICER: (SENATOR WEAVER)

23. The absentees will be called.

24. SECRETARY:

25. Chew, Course, Harber Hall, Hynes, Johns, Keegan,
26. Knuppel, Newhouse, Nudelman, Partee, Romano, Saperstein,
27. SAVICKAS, Swinarski, Vadalabene, Welsh.

28. PRESIDING OFFICER: (SENATOR WEAVER)

29. Senator Berning they...

30. SENATOR BERNING:

31. Mr. President the...the time seems to be at hand
32. for making that difficult decision. Do we clear the
33. Calendar, or do we not? In explaining my vote, I have

1. not voted yet. I have not voted yet. In explaining
2. my vote, just want to emphasize that while we give a
3. degree of lip service to what is good and what is not
4. good, we aren't always motivated entirely by what should
5. be for the best good for the most of our citizens.
6. For that reason it's my firm conviction that this is
7. defensible, justifiable legislation and I want to res-
8. pectfully be voted aye.

9. PRESIDING OFFICER (SENATOR WEAVER):

10. On that question the yeas are twenty-nine. The
11. nays are thirteen. SB No. 2 having failed to receive
12. the constitutional majority is declared lost. 114,
13. Senator Knuppel.

14. SECRETARY:

15. SB 114 (Secretary reads title of bill)
16. 3rd reading of the bill.

17. PRESIDING OFFICER (SENATOR WEAVER):

18. Senator Knuppel.

19. SENATOR KNUPPEL:

20. Mr. President, Members of the Body, this bill is
21. designed for the State of Illinois to undertake re-
22. clamation of some 40 to 50,000 acres of devastated and a-
23. bandoned land stripped prior to 1961 when Illinois first
24. enacted its Reclamation Laws for lands that were being sur-
25. faced mined. This bill is very similar to the bills that
26. were discussed in...and the bill which was passed out of
27. here by a vote of forty-two to three last year and the
28. bill that was supported by Governor Ogilvie and Representa-
29. tive Nowlan in the Illinois House of Representatives. The
30. bill has been amended since committee to take out the pro-
31. vision which would have required the State to pay tax
32. on lands while held for reclamation purposes. This is
33. a good bill. This morning on the way here I was

1. listening to the radio and they were telling about
2. Iceland now wants to enforce 50 mile limits on fishing,
3. and the dwindling supply of area on the earth producing
4. food requires, that we make use of these lands either
5. for recreation or for production. It's a shame that
6. they should remain in this condition. The people had
7. the benefit of low cost power during the time of the
8. reclamation. There is no other way that these lands
9. will ever be reclaimed except by some...by private
10. industry and that may be far too long in coming. There's
11. been no indication nor no inclination on the part of
12. the mining companies to reclaim these lands and place
13. them in the productive wealth of our nation. I would
14. ask for a favorable roll call on this proposition.
15. Thank you.

16. PRESIDING OFFICER (SENATOR MOHR)

17. Senator Glass.

18. SENATOR GLASS:

19. Will the Senator yield for a question, Mr.
20. President?

21. PRESIDING OFFICER (SENATOR MOHR):

22. He indicates he will.

23. SENATOR GLASS:

24. Thank you. Senator Knuppel, I remember in Committee
25. this bill was discussed, and I don't remember who made
26. the statement but I think it was generally agreed that we're
27. talking here about lands that many people think is
28. worthless land, that is it's not good for anything
29. now and it needs to be reclaimed. And that being the
30. case, I know it's my feeling and I think the feeling
31. of some other members of the Committee that rather
32. than have the State condemn this land that in the
33. first instance we give the State an opportunity to

1. have the land given to it, so that we...we were discuss-
2. ing an amendment that would call for the land to be given
3. to the State and see how much land the State could get
4. in that manner rather than having the State go out and
5. condemn it because I think once you get into the area
6. of condemning the land and the State's paying for it
7. that even though you and I may think it's worthless, there
8. will be some value attached to it and monies paid for it.
9. And I wonder was that amendment considered?

10. PRESIDING OFFICER (SENATOR MOHR):

11. Senator Knuppel.

12. SENATOR KNUPPEL:

13. Mr. President, Senator Glass, this was discussed
14. by a few, two or three people. However, there were others
15. that I talked to who felt that this would destroy the
16. very efficacy of the Act itself. Now, there were other
17. things such as the taxes with the person who proposed
18. the amendment, I compromised the issue and said I was
19. willing to take out the tax thing, but I felt that to...
20. to provide in this Act that they could only reclaim those
21. lands that were given to them would make the Act use-
22. less. It would take the very guts out of it. They are in
23. a position under this Act that they can accept lands. I
24. would hope that those officials would go out and conduct
25. a vigorous campaign to solicit the gift of these lands.
26. But there is no requirement and I...I'm afraid that to
27. pass this and say that the only lands that we would accept
28. for reclamation would be those that were given to us,
29. would in effect then stymie us in what would be given
30. to us would be the lands that could not possibly be
31. reclaimed with any hope of recouping our money. While
32. there are lands in these...in these lands or in these
33. abandoned lands that might be reclaimed for recreational

1. residential and other purposes and resold where we could
2. recoup the money or by having the power to do this we
3. would in a sense blackmail or induce the coal companies
4. to reclaim those lands which would be profitable them-
5. selves, while no such inducement would exist if we would
6. only accept those lands that were given to us.

7. PRESIDING OFFICER: (SENATOR MOHR)

8. Senator Glass.

9. SENATOR GLASS:

10. Well, very briefly I would like to speak in opposition
11. to the bill in that case. I was one of those few that
12. felt and I continue to feel that this would cost the
13. State an inordinate amount of money. The representation
14. was made that we were talking about worthless lands that
15. have not been reclaimed by the mining companies. If the
16. State is going to reclaim them and is going to pay the
17. taxes on them this is going to cost a substantial amount
18. of money. I think the...the proper approach is to determine
19. how much land will be donated to the State for this purpose.
20. I therefore would urge a no vote on the bill.

21. PRESIDING OFFICER: (SENATOR MOHR)

22. Any further discussion? The question is...Senator
23. Knuppel, do you want to close the debate...or...

24. SENATOR KNUPPEL:

25. Mr. President and Members of this Body. I appreciate
26. Senator Glass' sentiments. I talked to members of the
27. Agricultural Committee both last year and this year. I
28. think most of the people feel that to so provide in the
29. bill would make it a useless act. And if that were true,
30. it would be better that it be defeated. Now, this is
31. has been too long wanting and if we're to reclaim land
32. and make it valuable, we have to get started on it. Studies
33. and delays while we proposition people for gifts notwith-

1. standing, this only postpones the inevitable because some
2. day if this land is to be productive for residential or
3. any other purposes we have to be in a position to reclaim
4. it.

5. PRESIDING OFFICER (SENATOR MOHR):

6. The question is shall SB 114 pass, and on that question
7. the Secretary will call the roll.

8. ACTING SECRETARY (MR. WRIGHT):

9. Bartulis, Bell, Berning, Bruce, Buzbee,

10. PRESIDING OFFICER (SENATOR MOHR):

11. Senator Buzbee.

12. SENATOR BUZBEE:

13. Mr. President in explaining my vote, I have some
14. reservations about this bill. But I flew to Springfield
15. this morning from my District in Carbondale and I was
16. watching once again as I have many times the rape of the
17. land that some of the old strip mining companies did
18. back twenty, thirty and forty years ago. And even though
19. I have some reservations about this particular bill, I
20. think it's the best thing we've got at the time, and I
21. vote aye.

22. ACTING SECRETARY (MR. WRIGHT)

23. Carroll, Chew, Clarke, Conolly, Course, Daley,
24. Davidson, Donnewald, Dougherty, Fawell, Glass, Graham,
25. Harber Hall, Kenneth Hall, Hynes, Keegan, Knuepfer, Knuppel,
26. Kosinski, Latherow, McBroom, McCarthy, Merritt, Mitchler,
27. Howard Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
28. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
29. Saperstein, Savickas, Schaffer, Scholl, Shapiro,
30. Smith, Sommer, Soper, Sours, Swinarski, Vadalabene,
31. Walker, Weaver, Welsh, Wooten,

32. PRESIDING OFFICER (SENATOR MOHR):

33. Senator Wooten.

1. SENATOR WOOTEN:

2. Mr. President, I was one of those who gave Senator
3. Knuppel most trouble on this bill when it was first pro-
4. posed. And I have prepared amendments to meet several
5. objections I have to the bill and finally offered one
6. to Senator Knuppel which was introduced and accepted.
7. My reservation is that partly from an old Puritan
8. ethic. I did not like the provision providing that we
9. could purchase this land and thus enable those who had
10. destroyed it and really deprived all of us of the value
11. of this land. I didn't want to see them profit from it
12. by being able to sell it. I understand though that...I
13. know it's a serious problem and I have agreed to go along
14. with this bill although I'm going to be voting a different
15. way on the appropriation. I want to get the legislation
16. on the books, but I am principally interested in giving
17. these mining companies an opportunity to unload land
18. that they say is...they would just as soon get rid of
19. and give to us. I want to see if they do give it to
20. us. And I'm going to vote oh...pardon me, I'm going
21. to vote yes on this particular measure.

22. ACTING SECRETARY (MR. WRIGHT):

23. Mr. President.

24. PRESIDING OFFICER (SENATOR MOHR):

25. Request to call the absentees.

26. ACTING SECRETARY (MR. WRIGHT):

27. Bartulis, Bell, Berning, Bruce, Chew, Clarke, Course,
28. Davidson, Harber Hall, Keegan, Knuepfer, Knuppel, Latherow,
29. McBroom, Merritt, Mitchler, Howard Mohr, Don Moore, Netsch,
30. Nimrod, Partee, Regner, Savickas, Shapiro, Sommer, Soper,
31. Sours, Swinarski, Vadalabene, Walker, Weaver, Welsh.

32. PRESIDING OFFICER (SENATOR MOHR):

33. Course, aye. Vadalabene, aye. The sponsor wishes

1. to put that on postponed consideration. SB 124, Senator
2. Berning.

3. SECRETARY:

4. SB 124 (Secretary reads title of bill)

5. PRESIDING OFFICER: (SENATOR MOHR)

6. Senator Berning.

7. SECRETARY:

8. 3rd reading of the bill.

9. SENATOR BERNING:

10. Thank you Mr. President. This is an agreed bill.

11. It's a motor vehicle law study commission sponsored bill.

12. I know of no opposition to it at this point, and I'd

13. appreciate a favorable roll call.

14. PRESIDING OFFICER: (SENATOR MOHR)

15. Any further discussion? The question is shall SB 124

16. pass and on that question the Secretary will call the

17. roll.

18. SECRETARY:

19. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,

20. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,

21. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth

22. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,

23. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard

24. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,

25. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,

26. Saperstein, Savickas, Schaffer, Scholl, Shapiro. Smith,

27. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,

28. Weaver, Welsh, Wooten, Mr. President.

29. PRESIDING OFFICER: (SENATOR MOHR)

30. Course, aye. Davidson, aye. Nimrod, aye. Vadalabene,

31. aye. Mitchler, aye. Graham, aye. Swinarski, aye. Palmer,

32. aye. Bruce, aye. Course, aye. Wooten, aye. Johns, aye.

33. On that question the yeas are forty-one, the nays are none.

1. SB 124 having received a constitutional majority is
2. declared passed. SB 131, Senator Ozinga.

3. SECRETARY:

4. SB 131 (Secretary reads title of bill)

5. 3rd reading of the bill.

6. PRESIDING OFFICER (SENATOR MOHR):

7. Senator Ozinga.

8. SENATOR OZINGA:

9. Mr. President, Members of the Body, SB 131 and 132
10. are both Chicago Bar Association, Illinois State Bar
11. Association bills, as recommended by them. All that this
12. bill does, it amends the Chancery Act. Broadens the powers
13. and discretions of the court to authorize the sale of
14. real estate clear of puture interest or power of
15. appointment and to place the sale of said proceeds in
16. trust for parties holding such interest. And I would
17. appreciate a favorable roll call.

18. PRESIDING OFFICER (SENATOR MOHR):

19. Any further discussion? Senator Rock.

20. SENATOR ROCK:

21. Well, Mr. President, Members of the Senate, I opposed
22. this bill in the Judiciary Committee and I oppose it
23. here today. I think we're dealing with a subject that
24. is a little complex, but the thrust of this bill is that
25. it gives the court to divest one of a future interest,
26. and I think that's a little too much power to give the
27. court. I oppose this bill.

28. PRESIDING OFFICER (SENATOR MOHR):

29. Any further discussion? Senator Ozinga may close
30. the debate.

31. SENATOR OZINGA:

32. Well, the only thing that we're trying to do here
33. is rather than have property haning with a cloud, untitled,

1. is to clear the title and place the proceeds , whatever
2. it may be worth in escrow for the future interest of
3. such party that might be acceptable to such future
4. interest title. I would appreciate a favorable roll
5. call as would the both Bar Associations.

6. PRESIDING OFFICER: (SENATOR MOHR)

7. The questin is shall SB 131 pass and on that
8. question the SEcretary will call the roll.

9. SECRETARY:

10. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
11. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
12. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
13. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
14. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
15. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
16. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
17. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
18. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
19. Weaver, Welsh, Wooten, Mr. President.

20. PRESIDING OFFICER: (SENATOR MOHR)

21. Soper, aye. Sommer, aye. Bell, aye. Request to
22. call the absentees. Call the absentees. On that question
23. the yeas are thirty, the nays are seven. SB 131 having
24. received a constitutional majority is declared passed.
25. SB 138, Senator Glass.

26. SECRETARY:

27. SB 138 (Secretary reads title of bill)
28. 3rd reading of the bill.

29. PRESIDING OFFICER: (SENATOR MOHR)

30. Senator Glass.

31. SENATOR GLASS:

32. Mr. President and Senators, SB 138 applies to Cook
33. County only and would move the date for collection of taxes

1. forward in two installments to March 1st and September 1st.
2. The purpose of this bill is to bring the tax dollars
3. into the governmental agencies earlier so that they
4. do not run out of money in Cook County. Now, this is
5. a very acute problem in Cook County with the numerous
6. school districts and other local taxing districts.
7. The school districts in particular are forced to by
8. tax anticipation warrants because of their tax monies do
9. not come in early enough in the year for them to meet
10. their obligations. As a result of having to purchase
11. these tax anticipation warrants virtually millions of
12. dollars are paid out by the taxpayers in interest on
13. those warrants every year. Furthermore, if the monies
14. had been in and available to the taxing bodies to invest,
15. the taxing bodies would earn interest on the money. So
16. that this bill addresses both of those problems and
17. moves that delinquency date forward while keeping
18. the present system for collecting taxes in tack, as you
19. may hear from...in the debate on this bill, there is an
20. issue that has been pending in the Legislature for the
21. past two years over whether we should split the bill
22. into the tax collecting procedures into four installments
23. or retain the present two installments. I would urge
24. you to support this bill which has now come out of the
25. Revenue Committee. It was assigned to a subcommittee,
26. headed by Senator Nimrod with Senators Clarke and Course
27. also members. Hearings were held in Chicago and an
28. amendment was attached to the bill which puts it in
29. its present form. Whether you believe in...in four
30. installments or two installments I would urge that we
31. not let any more time go by without making this much
32. needed improvement for collecting taxes for all of our
33. taxing bodies in Cook County and saving millions of

1. dollars that we can bring about with this bill. I
2. would be happy to answer any questions and earnestly
3. urge your aye vote on SB 138.

4. PRESIDING OFFICER (SENATOR MOHR):

5. Senator Nimrod.

6. SENATOR NIMROD:

7. Mr. President, Members of the Senate. I rise in
8. support of this bill and as Senator Glass has stated
9. I was appointed as a chairman of the subcommittee
10. in the Committee on Revenue along with Senator Course
11. and Senator Clarke. What I think is important to
12. keep in mind here is that this...we did not necessarily
13. pick this bill as the answer, but we did result...as
14. a result of our committee hearing and a discussion did
15. agree that a bill of this type will provide the means
16. of eliminating the sale of the tax anticipation warrants.
17. I think what is important here is that there will be
18. millions of dollars saved to...by the local taxpayers.
19. Now, regardless where they're from, the biggest unit
20. which we found tax them...the taxing unit that had the
21. problem of course are the schools. The local govern-
22. ment basically receiving the revenue sharing funds both
23. from the Federal government and the State do not have
24. that acute need as was necessary before. But the schools
25. definitely we found that by having a date set as of
26. March 1st, that this would eliminate the necessity of
27. selling tax anticipation warrants for them. They do not
28. have a problem of needing their sales during the year.
29. They do need, however, the money...I mean, during the
30. summer, because they're off school. So their big load
31. begins in the fall. And if we leave the date for the
32. second collection as September 1st, there's a six month
33. period. Regardless of whether you're for a two payment

1. or a four payment, or a ten payment, I think the important
2. thing is that this vehicle, this particular bill solves
3. the problem. And I think that's what we should get at,
4. that we should take the ...a step forward in the right
5. direction in providing this means. Now, this would mean
6. then that the payments would begin in...be made, the first
7. payment would be due on March 1st, based on an estimated
8. tax bill. It has come to practice that about twenty to
9. thirty percent of the revenues received on tax bills
10. will begin to come in in February. And we have found
11. that as a result of hearings that there were...there were...
12. the...there was not the necessity for selling any tax
13. anticipation warrants before that time. So this means
14. that this bill certainly solves the problem and certainly
15. meets the needs. Now, we should go ahead and implement
16. this particular bill and pass this legislation and if
17. there are changes that are necessary in the future, we
18. can attend to it. It does solve the problem. It will
19. save millions of dollars. And I think it's a vehicle
20. which will also be satisfactory and acceptable by the
21. taxpayer. Now, there have been a number of editorials
22. urging us to do this and I would also ask all the Senators
23. to support this particular bill with a...positive vote
24. for this bill.

25. PRESIDING OFFICER (SENATOR MOHR):

26. Senator Course.

27. SENATOR COURSE:

28. Thank you, Mr. President, Members of the Senate. I
29. rise to oppose this bill. It's true we did hear SB 143
30. and 138 in the subcommittee appointed by the...Chairman
31. of the Revenue Committee. And we heard extensive testimony
32. from township supervisors, township treasurers, village
33. financial directors. And they were all in agreement that

1. the important thing was that we facilitate the collection
2. of taxes. They weren't, however, all in agreement that it
3. should be in two installments, three installments, or
4. four installments. Being the minority member on the sub-
5. committee I went with the four installments bill which
6. was introduced by Senator Dougherty. Now the four install-
7. ment bill we thought was more...a better bill for the simple
8. reason that it made the collection of the...the bills
9. would be mailed December the 1st of the previous year.
10. They would be payable...the first installment would be
11. paid in 16 and 2/3%, January 15. Second installment,
12. March the 15th. The third installment, May the 15th. Now
13. this would be based on 50% of the previous years' tax
14. paid. We thought this was advisable for the simple
15. reason that many people have obligations, that they
16. have made at Christmas time. They bought numerous items.
17. The various merchandising houses give people thirty days
18. credit without...without paying any interest. These bills
19. would come due the...February the 1st, around the last
20. part of January. We have seasonal workers who many
21. times are out of work at this time of the year and it's
22. difficult for them to get the...raise the money to pay
23. the taxes. And it's for this reason that I oppose this
24. legislation. Now, we all as I say, are in agreement that
25. the important thing was...was to facilitate the collection
26. of taxes regardless of whether it was one, two, three,
27. four, five or six installments, we didn't care. But
28. we...the important thing is to get the money into the
29. taxing bodies as soon as possible. Well, we think our
30. bill is the better of two bills. Now, that's a
31. matter of opinion and it's up to you people on the Floor
32. of the Senate to decide that. There is, however, another
33. vehicle in the subcommittee that's...Representative

1. Shea has a bill in...in the subcommittee. It's HB...343,
2. which provides for the four installment payment of...of
3. property taxes. We would like to go along with this.
4. It's going to make it easier on the taxpayer. It's going
5. to bring the money into the municipalities when they
6. need the money. It's not going to give them a lot of
7. money to play with. It's going to bring the money in
8. as they need it. And we think this is the important
9. thing, if we give the municipalities a lot of money
10. at one time, they're inclined to spend the money at
11. one time and then have to go to tax anticipation warrants
12. on bonds later on. I would urge those on my side
13. of the aisle...would oppose SB 138 and see if we can
14. get the House bill out of the Committee and work on that
15. bill. We are in agreement, Ladies and Gentlemen, that
16. something should be done and the subcommittee did make a
17. recommendation that the special subcommittee be formed
18. to study the entire property tax structure in Illinois
19. and report back in...to the full committee with recom-
20. mendations and suggestions in the 74th Session of the
21. General Assembly. Thank you, Ladies and Gentlemen.

22. PRESIDING OFFICER (SENATOR MOHR):

23. Senator Soper.

24. SENATOR SOPER:

25. The sponsor answer a few questions? What's the
26. ...what's the final date for collection of taxes in the
27. County at this time?

28. PRESIDING OFFICER (SENATOR MOHR):

29. Senator Glass.

30. SENATOR GLASS:

31. You mean the second installment, Senator?

32. SENATOR SOPER:

33. The second installment.

1. SENATOR GLASS:

2. I believe that's September 1st.

3. SENATOR SOPER:

4. September 1st? You're going to advance...and the
5. first date at this time is...is May 1st.

6. PRESIDING OFFICER (SENATOR MOHR):

7. Senator Glass.

8. SENATOR GLASS:

9. The first date is supposed to be May 1st. However,
10. I believe this year it's going to be July 1st because
11. the bills came out late. Under SB 138 the delinquency
12. date would be March 1st. Bills would be sent out in
13. advance of that time on an estimated basis, so there
14. would be no reason for delay, thereby insuring the taxes
15. would come in on March 1st. The first installment.

16. PRESIDING OFFICER (SENATOR MOHR):

17. Senator Soper.

18. SENATOR SOPER:

19. Now, unless you advance the last date and you advance
20. the first date to before March 1st, you're not going to
21. do much good with these bills. Cause the big taxpayers
22. are going to hold out until the last day to pay the bills.
23. They don't all pay their bills like the Town of Cicero.
24. Cicero, we come in about 92% and the Bohemians come in
25. with the tax money in their hands and before it gets
26. too damp so they can't unfold it, they pay the full tax
27. bill on the first day. And we impose on our industry
28. in town to pay the tax bills on the first available day.
29. In fact...fact here a couple of weeks ago when the bills
30. came out the people were waiting in line at the town
31. hall in order to pay...at the banks, we don't collect
32. them at the town hall now since the collectors went out
33. of business. But I think we should advance these dates.

1. But if you retain the September 1st idea, you see, your
2. tax anticipation warrants are issued on 75...you can
3. issue 75% of your taxable income in tax anticipation
4. warrants. And you can't in any way collect 75% of your
5. taxes on...on the first...first day is March 1st. Is that
6. the first day to collect taxes or is that the...is that
7. the penalty day?

8. PRESIDING OFFICER (SENATOR MOHR):

9. Senator Glass.

10. SENATOR SOPER:

11. Penalty day?

12. SENATOR GLASS:

13. That's the delinquency date, so you can collect them
14. as soon as the bills come out, February 1st, I...be the
15. date for that.

16. SENATOR SOPER:

17. Presumably you wouldn't collect a nickel or...you
18. wouldn't collect very much money before the 1st of March.
19. The...if you collected half your taxes at that time, you
20. still would be short on your tax anticipation warrants.
21. I'd like to see this advanced. And the whole theory...
22. behind four...four collections days on the first half
23. was the fact that on the sixteenth or fifteenth day
24. of January all the savings and loans would come in and
25. pay...and pay...pay their bills, and pay at least 50%
26. of their bills. I don't think they take it in quarterly
27. installments. But the person that didn't have the money
28. because of the fact that we're advancing this could cut
29. up his...his first payment in four payments and would
30. give him a chance to be able to acclimate himself to...
31. to advance payments. But I think that the...that the
32. final date or the last date to pay should be advanced, too.
33. And so that we can finally get this thing like some states do,

1. some states have...some...some state have the...have your
2. collection for your...your taxes the year that the taxes
3. ...that the taxes are due. For instance, '72 taxes wouldn't
4. be collectable in '73. You'd pay them...you'd pay for them
5. in '72, the beginning of the year. And you'd get your
6. bill which is like the State of Michigan. You receive
7. a bill for your '73 taxes in...in December, and if you
8. don't pay them before January 1st of '73, there's a
9. penalty. Now, we...we've gone on the...on the...the
10. collection of taxes for a year that's already gone
11. by. I know it's difficult to bring it all the way back
12. but unless we...we proceed to...to drastically change
13. this, we're going to be in the same bind at all times, and
14. I think that you'll have to do something with your bill
15. in the House, in order to advance that September 1st.

16. PRESIDING OFFICER (SENATOR MOHR):

17. Senator Glass.

18. SENATOR GLASS:

19. I was going to close the debate Mr. President, but
20. if Senator Dougherty has a comment I'll hold it until
21. he is finished.

22. PRESIDING OFFICER (SENATOR MOHR):

23. Senator Dougherty.

24. SENATOR DOUGHERTY:

25. Mr. President, Members of the Senate. I was the
26. Senate sponsor of SB 143, four payment bill if you will.
27. And I'm in agreement with Senator Course and I'm also in
28. agreement with the many things that Jim...Senator Soper
29. said. I would like to direct the Senate's attention to
30. one thing. HB 343 is still in Committee, in the Revenue
31. Committee and it's...already has passed the House. It
32. provides for the four payment plan that...and it answers
33. the suggestion made by Senator Soper that the date for the

1. payment of the last installment is July the 15th, so you
2. will have completed your tax cycle by July the 15th, the
3. money will be at hand, will be collected. Therefore, I
4. would say this, that we better take HB 343 which has
5. already passed the House and support that rather than
6. this HB 138.

7. PRESIDING OFFICER (SENATOR MOHR):

8. Senator Glass may close the debate.

9. SENATOR GLASS:

10. Thank you, Mr. President. In closing debate, I would
11. like to point out to the membership all of those that are
12. following the debate on this and seriously interested
13. in tax reform in Cook County that there are none of the
14. objections, I repeat none of the objections made by any
15. of the opponents that haven't been answered in this bill.
16. I say that very seriously. The four payment installment
17. date has no merit whatever. Now, the...the reason given
18. by George Dunn, President of the County Board, by Senator
19. Dougherty and Senator Course and others in favor of four
20. installments is that it will take too big a bite that two...
21. installments will take too big a bite out of some of the
22. taxpayers who can't afford it too early in the year. Let
23. me answer that in two ways. First of all by far the
24. vast majority of real estate taxes are held in escrow by
25. savings and loans in Cook County, so it will be the savings
26. and loans that will be making that installment. Secondly,
27. for those relatively few people that in fact would be
28. hard pressed to come up with the money right after Christmas,
29. the subcommittee has recommended and I have accepted an
30. amendment to move that date to March 1st. So it eliminates
31. that objection. So I submit to you that four installments
32. in principle are unsound. We are just making those tax-
33. payers who like to come down and pay their bills in person

1. to come down four times a year. We are costing what a
2. Cook County Treasurer, Bernard Korzen estimates would be
3. about two million dollars a year in additional administrative
4. costs to the taxpayers of Cook County to go to four
5. installments and I think we're accomplishing nothing.
6. But I say to you even if you are concerned and you still
7. feel that four installments are better, the four installment
8. bill is in Committee, and you may not get a chance to
9. vote on it this Session. This is a bill that's on 3rd
10. reading and should be passed to provide meaningful relief
11. for the many school districts in...in Cook County. I...
12. I earnestly solicit your support. The...the argument made
13. by Senate Soper that the second date of September 1st
14. ought to be moved up was investigated by the Committee,
15. and they found in their hearing that that was not necessary
16. that if the first date was moved up that would save the
17. money desired. So I...I do, I urge your support for
18. SB 138.

19. PRESIDING OFFICER (SENATOR MOHR):

20. The question is, shall SB 138 pass? And on that
21. question the Secretary will call the roll.

22. SECRETARY:

23. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
24. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
25. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
26. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
27. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
28. Mohr, Don Moore, Netsch, Newhouse,

29. PRESIDING OFFICER (SENATOR MOHR):

30. Senator Newhouse. Senator Netsch.

31. SENATOR NETSCH:

32. Thank you Mr. President. I'm going to vote a
33. reluctant yes. I was a co-sponsor of the four installment

1. bill. I still think it is a preferable idea. I'm not
2. totally persuaded by the one weak and one just barely
3. strong argument that Senator Glass just made against
4. it. But I...I hear him and I recognize that we may not
5. get a four installment bill and there is no question
6. that something has got to be changed on this and so
7. I think to borrow an old Paul Powell expression, I'd
8. rather have this than nothing at all. But I do hope
9. that when the four installment bill gets to the Floor,
10. if it does, either the House or Senate version, that
11. some of you on that side will also listen carefully to
12. the arguments in its behalf.

13. SECRETARY:

14. Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Partee,
15. Regner, Rock, Roe, Romano, Saperstein, Savickas, Schaffer,
16. Scholl, Shapiro, Smith, Sommer, Soper, Sours, Swinarski,
17. Vadalabene, Walker, Weaver, Welsh, Wooten, Mr. President.

18. PRESIDING OFFICER (SENATOR MOHR):

19. Request to call the absentees. Senator Newhouse.

20. SENATOR NEWHOUSE:

21. Thank you Mr. President, I'm going to vote a reluctant
22. aye on this bill. And I wonder if Mr. President, for the
23. moment if you'll call me on account of point of personal
24. privilege when the roll call is completed. I'd appreciate it.

25. PRESIDING OFFICER (SENATOR MOHR):

26. Senator Walker. Senator Walker wants to be recorded
27. aye. On that question the yeas are thirty-one, the nays
28. are none, one voting present. SB 138 having received a
29. constitutional majority is declared passed. Senator
30. Course. Senator Glass.

31. SENATOR GLASS:

32. Mr. President, having voted on the prevailing side,
33. I move that the vote by which SB 138 passed be reconsidered.

1. PRESIDING OFFICER (SENATOR MOHR):

2. I did...Senator Course, I did recognize, I'm sorry.

3. SENATOR COURSE:

4. Well, I did...I did want to vote Mr. President,

5. and explain my vote. But you have thirty-one votes, so

6. I'll vote no.

7. PRESIDING OFFICER (SENATOR MOHR):

8. Senator Glass.

9. SENATOR GLASS:

10. I would renew my motion, Mr. President.

11. PRESIDING OFFICER (SENATOR MOHR):

12. Senator Glass moves to reconsider the vote by which

13. SB 138 passed. Senator Nimrod moves to Table, all those

14. in favor signify by saying aye. Opposed. The ayes

15. have it. SB 146, Senator Ozinga. I'm sorry, Senator

16. Newhouse.

17. SENATOR NEWHOUSE:

18. Thank you Mr. President. I'll be brief. I rise

19. on a point of personal privilege. Just a moment there

20. was in the balcony behind us students from the Betsy

21. Ross school which is in Senator Partee's district. We

22. were doing business and I didn't want to ask for the

23. mike at that time. But I do have at my desk from Senator

24. Partee's District Pamela Murray and Emily Youngblood

25. from that class who are respectively the Mayor, the

26. President and Vice-President of that class. And I'd like

27. to recognize them in lieu of not having recognized that

28. class. Thank you Mr. President, Gentlemen.

29. PRESIDING OFFICER (SENATOR MOHR):

30. Thank you. We...do appreciate Senator not inter-

31. rupting the roll call, and I hope that others will take

32. note. Senator Ozinga, SB 146.

33. SECRETARY:

1. SB 146 (Secretary reads title of bill).

2. 3rd reading of the bill.

3. PRESIDING OFFICER (SENATOR MOHR):

4. Senator Ozinga.

5. SENATOR OZINGA:

6. Mr. President, Members of the Body. This is a bill
7. that might rightfully be called the Smiley bill. This is
8. the bill that amends the Motor Fuel Tax Law to provide a
9. monthly allotment of \$500,000 to the Grade Crossing Protection
10. Fund. Now the reason that this is up this time is thanks to
11. some tremendous work in Congress by Congressman Klucgyorski
12. on the Safety Act and with this bill he has been able to get
13. some six hundred million dollars worth of funds to the State
14. for additional safety crossing protections. Therefore, Mr.
15. Chairman, Mr. President, I would appreciate a most favorable
16. roll call.

17. PRESIDING OFFICER (SENATOR MOHR):

18. Any further discussion? The question is shall SB 146
19. pass, and on that question the Secretary will call the
20. roll.

21. SECRETARY:

22. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
23. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
24. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
25. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
26. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
27. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
28. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
29. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
30. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
31. Weaver, Welsh, Wooten, Mr. President.

32. PRESIDING OFFICER (SENATOR MOHR):

33. Bartulis, aye. Weaver, aye. Knuepfer, aye. Smith,

1. aye.. Senator Knuepfer.

2. SENATOR KNUEPFER:

3. On a matter of personal privilege while the Clerk

4. is tallying the votes. In the balcony to your right is

5. a group...

6. PRESIDING OFFICER (SENATOR MOHR):

7. Bell, aye. Can we finish that?

8. SENATOR KNUEPFER:

9. Sure. I...

10. PRESIDING OFFICER (SENATOR MOHR):

11. Anybody else wish to be recorded? All right,

12. Senator Knuepfer.

13. SENATOR KNUEPFER:

14. Now, on the matter of personal privilege. I was

15. just trying to take some time that I thought was wasted.

16. There are a group of students from my community, the

17. community of Lombard in your balcony to the right, and I

18. would ask that they stand and be recognized.

19. PRESIDING OFFICER (SENATOR MOHR):

20. On that question the yeas are forty-three, the

21. nays are one. SB 146 having received a constitutional

22. majority is declared passed. SB 155, Senator Palmer.

23. SECRETARY:

24. SB 155 (Secretary reads title of bill)

25. 3rd reading of the bill.

26. PRESIDING OFFICER (SENATOR MOHR):

27. Senator Palmer.

28. SENATOR PALMER:

29. Mr. President and Members of the Senate. SB 155 allows

30. the assessor to take in consideration the gross rental in-

31. come rather than the valuation of the property on sub-

32. sidized property where the agency that grants the subsidy

33. supervises the rental income, and thereby allows them

1. to take the gross rental income in consideration in
2. his assessment. Now the FHA, HUD and the Illinois
3. Housing Development Authority programs provide workable
4. methods for housing for low and moderate income residents.
5. But these have become unworkable for tenants and
6. developers because of the increase excessive tax
7. assessments. Unless measures are taken to reduce the
8. tax burdens of these developments the programs face a
9. real possibility of termination. Excessive real estate
10. taxes on subsidized housing properties would result in
11. defaults and foreclosures, will have an undesirable
12. social effect on substantially reducing reasonable
13. desirable housing available to low income families.
14. It therefore becomes important and necessary that sub-
15. sidized housing be assessed based on a gross rental
16. income rather than on evaluation. So all this bill
17. does, Ladies and Gentlemen, is allows the assessor to
18. take the income into consideration when he makes the
19. assessment, because it is impossible for...or as a matter
20. as the law is today he must assess the same as the
21. building next door that is not subsidized. Where the
22. property next door is under no regulation from any
23. agency telling them how much rent they can charge,
24. whereas a subsidized property is under regulations
25. by either HUD or the Illinois Housing Authority. I
26. see I have a question there. Senator Clarke.

27. PRESIDING OFFICER (SENATOR MOHR):

28. Senator Clarke.

29. SENATOR CLARKE:

30. Can you tell you...Senator how this bill differs
31. from Senator Partee's bill on the same subject?

32. PRESIDING OFFICER (SENATOR MOHR):

33. Senator Palmer.

1. SENATOR PALMER:

2. Partee's bill I understand provides a definite
3. percentage of gross income that the assessor must take
4. into consideration. However my bill does not set any...
5. any level of percentage. The...the assessor has more
6. ...more permissiveness under this bill. All we're asking
7. here is that the assessor take into consideration...
8. because of the unique...unique property.

9. PRESIDING OFFICER (SENATOR MOHR):

10. Senate Clarke.

11. SENATOR CLARKE:

12. Well, now as I read your bill it just says used
13. for rental housing. Any...any real property acquired
14. with the aid of a subsidy from any public funds. Was
15. Sandburg Village, built with any public funds?

16. PRESIDING OFFICER (SENATOR MOHR):

17. Senator Palmer.

18. SENATOR PALMER:

19. ...it's a separate development...program. It's
20. not under the same program because the rentals there
21. are not controlled, Senator Clarke. My...the bill...
22. SB 155 applies itself only to those properties where
23. the rents are controlled. In other words, where the
24. agency says you cannot charge more than such and such.
25. And also, Senator Clarke, the tenants are also scheduled.
26. In other words, the...you...they allow you to take in only
27. certain families of...of certain income. In other words,
28. they control the families you rent to and also control
29. the amount of rent. Sandburg Village is not that type
30. of a development.

31. PRESIDING OFFICER (SENATOR MOHR):

32. Senator Clarke.

33. SENATOR CLARKE:

1. And you're saying that that section in the bill
2. actually provides that...limits it to that type of
3. housing.

4. PRESIDING OFFICER (SENATOR MOHR):

5. Senator Palmer.

6. SENATOR PALMER:

7. It is limited or controlled, I should say.

8. PRESIDING OFFICER (SENATOR MOHR):

9. Senator Netsch.

10. SENATOR NETSCH:

11. Mr. President I would like to speak on behalf of
12. Senator Palmer's bill. This is a problem that is not
13. unique to Chicago and not unique to our area, but it
14. is a problem which I think we both, Senator Palmer and
15. I, have seen a great deal of evidence of. I think there
16. is no question that if subsidized low and moderate income
17. housing is...to continue to survive and literally
18. survive as well as play any future role in the housing
19. market in any of our urban or rural areas for that
20. matter that something is going to have to be done to make
21. the property tax work more reasonably with respect to this
22. property. I think this is a step in the right direction.
23. We know that it's a difficult thing to administer, but
24. it certainly is not impossible and it's very important.
25. I did want to make one point about the constitutional
26. questions because I know they have been raised on the
27. several occasions when we have considered bills like
28. this. If this were a classification of real estate it
29. could be done if at all only in counties over 200,000
30. population. And even there would...there might be some
31. difficulties and of course only Cook County is classifying
32. at the present time. There is one other way which the
33. General Assembly can have something to say about the

1. valuation of real estate and that is by defining what
2. indeed is the assessed valuation and that is available
3. to the General Assembly pursuant to Section 4-A of
4. Article 9 of the new Constitution. There is no way
5. one can predict constitutionality with accuracy. I...
6. I do feel that it is a totally defensible position
7. that Senator Palmer's bill represents a definition of
8. assessed valuation an area in which the General Assembly
9. does have competence and I think on that basis it is
10. defensibly a constitutional bill. Its importance is
11. without question. And I would urge support for it
12. also.

13. PRESIDING OFFICER (SENATOR MOHR):

14. Senator Rock.

15. SENATOR ROCK:

16. Yes, Mr. President, Members of the Senate, I
17. rise in opposition to SB 155. I have suggested to
18. Senator Palmer that I would oppose SB 866 which is
19. Senator Partee's bill. In my judgment they are un-
20. constitutional, it does call for a classification and
21. unless it's limited to counties of in excess of \$200,000
22. there is no question but that it's unconstitutional.
23. In addition to that I think we're taking a step that
24. we needn't take. The County of Cook in fact classifies
25. real estate. The County of Cook in fact takes these
26. factors into account when it makes the assessments.
27. The County of Cook is not contrary to Senator Netsch's
28. opinion the only County in the State that classifies
29. real estate. But I think what we're doing here is we
30. are setting ourselves up as the assessing authority.
31. We are saying that when you assess property you had
32. better take A, B, C and D into account. I think the
33. assessor can do this now. I think he is doing this now

1. in the County of Cook. And to try to apply this concept
2. state-wide, I think is unconstitutional.

3. PRESIDING OFFICER (SENATOR MOHR):

4. Senator Fawell.

5. SENATOR FAWELL:

6. Well, I would rise in support of the bill, too. I'm
7. not sure, Senator Rock may be correct, about the con-
8. stitutionality. I...I can't say that I've given any
9. real deep thought on the question. But I do know this,
10. that, for example, in regard to homes, low income rental
11. units for elderly throughout Illinois, you have a very
12. severe problem because of the way in which at least our
13. Department of Local Government is construing the exemptions
14. that these entities are not, although restricted to couples
15. for instance that are over 65 and do not have income of
16. more than \$5,000 per year, nevertheless the State of Illinois
17. has not construed these to be charitable organizations, or
18. beneficent corporations. So that as a result they are
19. paying real estate taxes which just about eliminate
20. their ability to be able to continue in business, and I
21. think that to here instruct and make clear to the assessor
22. what I think Senator Rock is correct in saying, the assessor
23. really should take this into consideration in determining
24. the fair cash market value or assessed value of the real
25. estate. But the fact is that on many occasions they don't.
26. And we have a situation that I...of which I know for
27. instance where the real estate tax bill on a two million
28. dollar low-income housing unit for elderly in the
29. suburban area, the board of directors of this not for
30. profit corporation are paying \$50,000 per year in real
31. estate taxes. It just about is forcing them to appeal
32. to HUD now to have to go higher on their rentals or
33. simply go out of business. And I think that this is at

1. least a step in the right direction. I'd like to see
2. us go further and clarify to the Department of Local
3. Government Affairs in regard to some of these entities
4. that are restricted for over the amortization life
5. of their mortgage loan, for instance, for forty
6. years to have restricted low income rentals that they
7. ought to really be looked upon as beneficent corporations
8. and thus tax exempt. But again, the Department of
9. Local Government Affairs sees fit usually to reverse
10. any decision of the Board of Review in counties in
11. regard to this question. So at least I think we can
12. take this step and point out that inasmuch as you have
13. some real estate that is restricted for some forty years
14. or whatever the length of the mortgage may be, for instance,
15. in regard to a HUD loan. That at least we ought to
16. take into consideration the restrictions in regard to
17. the income that that property can produce which ought
18. to have a detrimental effect, lowering of the value
19. of the assessment. So I...I think that this bill is
20. constitutional and I...I know it's a step in the right
21. direction. And at least I would support the same.

22. PRESIDING OFFICER (SENATOR MOHR):

23. Senator Harris.

24. SENATOR HARRIS:

25. Mr. President, I just want to make the observation
26. that as between SB 866 and SB 155 the one that is
27. framed in a much tighter and more direct language is
28. SB 866. And while I'm not in a position to state
29. categorically that we would demonstrate inconsistency
30. by voting for both bills, I do urge a word of caution
31. about that possibility. There certainly are different
32. issues raised by the two. And the question of con-
33. stitutionality about 155 as relating to classification

1. in regard to assessment, I think is a very real concern.
2. I would say further that as a result of the amendment
3. adopted on 866 it, thereafter, is directed more to the
4. question of levy and I think cures that question of
5. classification within assessments. So I would just
6. make the observation that I don't feel at all in a
7. position to be able to support 155, but do recognize the
8. need for this kind of relief, legislatively, and would
9. urge that the alternative to failing to support 155
10. and recognizing the importance of this issue is to
11. support 866 as amended. That's a position I'm going
12. to take on it, and I would urge my members to...fellow
13. members of the Senate to...value the observation
14. contained in these comments of mine and urge you to
15. react accordingly.

16. PRESIDING OFFICER (SENATOR MOHR):

17. Any further discussion? Senator Palmer may close
18. the debate.

19. SENATOR PALMER:

20. Relative to the constitutionality, I have reviewed
21. that question. I would just...just like to read the
22. Constitution which is very simple and direct to the point.
23. The Revenue Article provides subject to such limitations
24. as the General Assembly may hereafter prescribe by law,
25. counties with a population more than 200,000 may classify
26. or to continue to classify real property for purposes
27. of taxation. Now that's exactly what...this is doing.
28. It says subject...I will repeat because I...there was...
29. I...I felt that I was interrupting another meeting here.
30. Subject to such limitations as the General Assembly may
31. hereafter prescribe by law, and I feel with that provision
32. in the Constitution this SB 155 is not unconstitutional.
33. I also would like an answer to Senator Rock, where he stated

1. that the assessor does and would like to do and follow
2. this procedure. I agree with him, they would like to
3. do it. But they also would like to have something to
4. back them up rather than law suits. I would like to
5. call attention to this Body that there have been two
6. law suits filed in Cook County, Woodlawn Gardens and
7. Belmont Towers, where decrees have been entered under
8. this very subject whereby the County Treasurer was
9. ordered to return several hundred thousand dollars by
10. agreement, by an agreed decree. In other words the
11. assessor has agreed to do this. He has realized that
12. the assessment is wrong and that he should not assess
13. this type of unique property the same as he assesses
14. a property that is not restricted as to their rental.
15. And...therefore he, in my opinion and research is asking
16. for something on the books to allow him to do exactly
17. what 155 is...is permitting him to do. There is no...in
18. answer to Senator Harris, there is no absolute direction
19. or demand here. They're permitting him to take into
20. consideration the gross rental income in arriving at
21. his assessment. That's all this bill...asks...and I
22. ask for a favorable roll call.

23. PRESIDING OFFICER (SENATOR MOHR):

24. The question is shall SB 155 pass. And on that
25. question the Secretary will call the roll.

26. SECRETARY:

27. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
28. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
29. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
30. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
31. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
32. Mohr, Don Moore, Netsch, Newhouse,

33. PRESIDING OFFICER (SENATOR MOHR):

1. Senator Newhouse.

2. SENATOR NEWHOUSE:

3. Mr. President, Senators. I was not familiar with this
4. bill until...before today, but one of the developments
5. mentioned is a development that's in my District, that's
6. the Woodlawn Gardens. Very briefly the Woodlawn Gardens
7. is a housing development that was put together in an area
8. that had deteriorated so badly that it became sort of
9. a national scandal. And that development was put together
10. over a period of seven years. I worked on it when it
11. first started out. And I was one of those who was in
12. and out as a matter of fact, because it took so long to
13. put it together. But that put an awful lot of families
14. of moderate income into some decent housing in my district
15. and I can attest to that. And the facts of life are now
16. that that particular housing development is on the verge
17. of bankruptcy...And had I known that this bill was in,
18. I certainly would have asked Senator Palmer to become a
19. co-sponsor on it. And I want to urge that you vote
20. favorable on...legislation such as this. And I want
21. to vote aye on it Mr. President, a vote by and ask my
22. fellow Legislators to vote likewise. And I would like
23. to ask leave as a matter of fact to become a co-sponsor
24. on this bill.

25. SECRETARY:

26. Nimrod, Nudelman, Ozinga, Palmer, Partee, Regner,
27. Rock, Roe, Romano, Saperstein, Savickas, Schaffer, Scholl,
28. Shapiro, Smith, Sommer, Soper, Sours, Swinarski, Vadalabene,
29. Walker, Weaver, Welsh, Wooten, Mr. President.

30. PRESIDING OFFICER (SENATOR MOHR):

31. Senator Palmer.

32. SENATOR PALMER:

33. Mr. President, I...I haven't voted yet.

1. PRESIDING OFFICER (SENATOR MOHR):
2. Senator Palmer.
3. SENATOR PALMER:
4. I just want to advise the Senate, this is not my
5. first bill in case they think this is. I'd like to
6. have that put on postponed consideration. I may put
7. an amendment on that to straighten that.
8. PRESIDING OFFICER (SENATOR MOHR):
9. Is this your big bill, Senator?
10. SENATOR PALMER:
11. No, I have bigger ones.
12. PRESIDING OFFICER (SENATOR MOHR):
13. Request to postpone consideration. Is Senator
14. Donnewald on the Floor? SB 179, Senator Glass.
15. SECRETARY:
16. SB 179 (Secretary reads title of bill)
17. 3rd reading of the bill.
18. PRESIDING OFFICER (SENATOR MOHR):
19. Senator Glass.
20. SENATOR GLASS:
21. Well, Mr. President, Senators, SB 179 would apply
22. to Cook County only and would put Cook County in the
23. same condition as all the rest of the counties in the
24. State with regard to the township school treasurer.
25. Cook County is the only county in which there is a
26. separate office of township school treasurer to invest
27. the funds for the various school districts, and keep
28. accounting records for them. This bill came to me
29. originally as a result of a request from various school
30. boards and school administrators who feel that this
31. service is no longer needed, that they do this accounting
32. work anyway so there is a duplication of services and
33. cost to them. And that the investment of funds which the

1. school treasurer engages in can also be handled by them
2. cooperatively. And so that they can do as an effective
3. job as the present school treasurer. Other school districts
4. however, in other parts of Cook County feel they will...
5. they wish to continue using the school treasurer. As
6. a result of that, the bill would make use of the township
7. school treasurer optional with each school district.
8. And where the...the district wishes to continue using
9. the services of the treasurer, it may do so, but where
10. as in many cases the districts feel they wish to perform
11. this function themselves and thereby save tax dollars
12. for their district, they'll be able to do that. I
13. would make only one other comment and then take any
14. questions there are. And that is that although the
15. ...the school treasurers themselves are very heavily
16. against the bill, and may have contacted many of you,
17. I submit also that most of the school districts in the
18. County are in favor of it. I would remind you that with
19. regard to the accounting work and the function that the
20. school treasurer performs of supervising the work of
21. the schools and acting as kind of an auditor or check
22. of them that there must be audits anyway of all the school
23. records, and so this in many instances is really just
24. an added cost. I would urge your support for SB 179.
25. Be happy to answer any question.

26. PRESIDING OFFICER (SENATOR MOHR)

27. Senator Don Moore.

28. SENATOR DON MOORE:

29. Thank you, Mr. President, Members of the Senate. I
30. rise in opposition to this awful bill. Presently in
31. suburban Cook County we have twenty-seven school treasurers.
32. In effect what we're going to have if this bad bill becomes
33. legis...or becomes law, we will have some 150 school treasurers.

1. Now in my township, we have a township school treasurer, he's
2. a CPA. I think we pay him something like \$20,000 a year.
3. We have data processing equipment that all of the records
4. of all of the schools in the...in the township are kept.
5. We're completely computerized. I can...can foresee that
6. there will be 150 of these treasurers at some \$20,000
7. each because this would be a prime piece of patronage
8. for every school district in the suburban area of Cook
9. County. And right off the top of my head that comes out
10. to about three million dollars. I think this is a bad
11. bill. I think the effort by saying that well this is just
12. permissive, the school...local school boards do not have
13. to do this if they don't want to is just a lot of bologna.
14. You know darn well that every school district if they
15. have the opportunity to take over their own accounting,
16. their own investment of funds, they're going to do it.
17. I urge a no vote on this awful bill.

18. PRESIDING OFFICER (SENATOR MOHR):

19. Senator Soper.

20. SENATOR SOPER:

21. Trouble with a piece of legislation like this,
22. Senators is that when you explain the permissiveness,
23. say well, the Board wants to do it they can do it, if
24. they want to consolidate, they can consolidate. But in
25. the investment of funds, for instance, the district I
26. come from, township treasurer can invest funds, short-
27. term notes and draw interest on these funds. Now, if
28. the school board would name one of its members as a
29. treasurer, the sponsor would make you believe that this
30. person would work for no compensation at all. In fact,
31. after...after you get into the proposition you'll find
32. out that they...find out there's a lot of work. There's
33. no check or balance on this person. Now, if you have a

1. business manager and he's handling funds, he's writing
2. the checks, these checks are countersigned by the town-
3. ship treasurer. In other words, he has a check and balance
4. on everything that goes through. There's not a transfer
5. of funds without statutory authority from one fund to
6. another, an excessive transfer, without a transfer back,
7. because the township treasurer has a bond, and if he vio-
8. lates that bond he's called before the Bar to...to satisfy
9. this transfer of funds without due authority. But if
10. you had...if you didn't have a check and balance and
11. you have the treasurer in a school and this treasurer
12. decided that he just wanted to transfer the funds from
13. one fund to another, and he'd say, well, later on I'll
14. have some funds, and I'll transfer them back, and he
15. did this excessively. What do you do after that? For
16. instance, funds to the Education Fund is deplete and you're
17. going to the...if you're going to your Working Cash Fund,
18. you deplete that, and you transfer from the Building Fund.
19. This...this could cause a lot of trouble. And I think
20. that this is a bad concept. And I think this bill
21. should be defeated.

22. PRESIDING OFFICER (SENATOR MOHR):

23. Any further discussion? Senator Glass may close
24. the debate.

25. SENATOR GLASS:

26. In closing the debate, Mr. President, I'm not
27. unmindful of the way that some of my colleagues have
28. described this bill. And I want you to know that
29. they're entirely mistaken. What this bill does, if
30. it's such a bad bill, is do for Cook County what the
31. rest of the State presently has. In fact, it doesn't
32. go that far. Cook County is the only County that still
33. has the township school treasurer. All of the other

1. counties have eliminated the office. So I suggest to
2. you that if it's such a bad bill, why has the rest of
3. the State eliminated this office. I would also urge
4. that this is local control and local decision making
5. at its best. If the people that are elected to the
6. local school boards in the operation of their govern-
7. mental functions decide they can perform this function
8. with somebody already on the staff, or that their accounting
9. procedures already are providing for it, they have been
10. elected to do the job, why not let them make that option.
11. I urge your support for SB 179..

12. PRESIDING OFFICER (SENATOR MOHR):

13. The question is shall SB 179 pass. And on that
14. question the Secretary will call the roll.

15. SECRETARY:

16. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
17. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
18. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
19. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
20. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
21. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
22. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
23. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
24. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,

25. PRESIDING OFFICER (SENATOR MOHR):

26. Senator Walker.

27. SENATOR WALKER:

28. It's times like this, Mr. President, Members of the
29. Senate, that I like to arise, because I'm assured that
30. my articulateness and astuteness isn't going to influence
31. any votes and I wish some of the others would take note
32. when they get up at this time on a roll call to explain
33. their vote. But in voting no I would like to say that

1. Nobel Pumpfer was very much opposed to this bill as I
2. recall he was Superintendent up there fore some 28
3. years. Bob Hanrahan was opposed to it. And I under-
4. stand that Markwick is opposed to it. I don't know
5. where Brad got the bill, but it's such a good bill that
6. I'm going to vote no. Thank you.

7. SECRETARY:

8. Weaver, Welsh, Wooten, Mr. President.

9. PRESIDING OFFICER (SENATOR MOHR):

10. On that question the yeas are ten, the nays are
11. twenty-six. SB 179 having failed to receive the con-
12. stitutional majority is declared lost. SB 192,
13. Senator Berning.

14. SECRETARY:

15. SB 192 (Secretary reads title of bill)
16. 3rd reading of the bill.

17. PRESIDING OFFICER (SENATOR MOHR):

18. Senator Berning.

19. SENATOR BERNING:

20. Mr. President, I know that Senator Dougherty would
21. like to have the privilege of calling this bill back to
22. 2nd reading for the purpose of attempting an amendment.
23. I don't see him on the Floor? Could we pass over this
24. and come back to it?

25. PRESIDING OFFICER (SENATOR MOHR):

26. Why...take it out of the record. We'll come back
27. to it when Senator Dougherty's on the Floor. SB 194,
28. request to hold that one, Senator Swinarski. SB 205,
29. Senator Sours. Senator Sours, SB 205.

30. SECRETARY:

31. SB 205 (Secretary reads title of bill)
32. 3rd reading of the bill.

33. PRESIDING OFFICER (SENATOR MOHR):

1. Senator Sours.

2. SENATOR SOURS:

3. Mr. President, Ladies and Gentlemen of the Senate,
4. this is a bill that one can be for sentimentally, or
5. philosophically, and perhaps be against it for the same
6. reasons. It prohibits the denial or discharge of any
7. person from public employment due to his membership or
8. the absence of his membership in a labor organization,
9. or due to his payment or nonpayment of financial support
10. to a labor organization. Now, while the Sergeant at Arms
11. is ringing the bell, I'd like to suggest that we're now
12. talking in a limited sense about public employment. We're
13. not talking about U. S. Steel, Standard Oil, Caterpillar
14. Tractor Company, Olin Industries, International Harvester,
15. none of the big fellows. We're talking about public
16. employment. I want to be brief and yet I would like to
17. suggest that we're talking about tax money. Certainly
18. there would be a reverberation if large businesses were to
19. fail because of protracted strikes and all that goes into
20. labor relations today in the private sector of the economy.
21. We are now talking about only public employment. You
22. either like the bill, or you don't. I think it would be
23. a position of courage to support it because we're talking
24. Gentlemen and Ladies, about our tax money -- And tax money
25. only. Some have the belief that tax money is easy money.
26. I'm inclined especially on April 16th each year, or the
27. 30th day of June when the real estate taxes are due in
28. Peoria to consider tax money very, very hard money. I'd
29. appreciate 30 votes.

30. PRESIDING OFFICER (SENATOR MOHR):

31. Any further discussion? The question is shall
32. SB 205 pass. And on that question the Secretary will
33. call the roll.

1. SECRETARY:

2. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
3. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
4. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
5. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
6. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
7. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
8. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
9. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
10. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
11. PRESIDING OFFICER: (SENATOR MOHR)

12. Senator Walker.

13. SENATOR WALKER:

14. I'm trying to make my own list today Mr. President,
15. thank you, members of the Senate. I have before me two
16. communiques here, one from the Illinois State Federation
17. of Labor, the other from the Illinois Manufacturers
18. Association. The Illinois State Chamber, the Associated
19. Employers, the IRMA, Chicago Association of Commerce
20. and Industry, the Coal Operators, the Mechanical Contractors.
21. Needless to say, labor is a proponent, the other group
22. that I just read is an opponent. It's...peculiar to
23. watch when legislation like this sets...such as this
24. is introduced and watch some of you so-called independents
25. on both sides of the aisle start unbuckling your belts,
26. when labor tells you what to do. You're independent as
27. you can be until legislation as this comes up which
28. would save the taxpayers some money. The times like
29. this you seem to forget the interest of the taxpayers.
30. and listen to what my good friend Stan has to say. I
31. think it's a good bill. I think it should receive 30
32. votes, if for no other reason to show that some of us
33. still haven't lost our independence when labor cracks

1. the whip. I vote aye.

2. SECRETARY:

3. Weaver, Welsh, Wooten, Mr. President.

4. PRESIDING OFFICER (SENATOR MOHR):

5. Merritt, aye. Request to call the absentees.

6. SECRETARY:

7. Bruce, Buzbee, Chew, Course, Kenneth Hall, Hynes,

8. Johns, Keegan, Kosinski, McBroom, Merritt, Newhouse,

9. Partee, Romano, Savickas, Shapiro, Smith, Sommer, Sours.

10. PRESIDING OFFICER (SENATOR MOHR):

11. Senator Sours.

12. SENATOR SOURS:

13. Would you please number me among the courageous

14. I vote aye.

15. PRESIDING OFFICER (SENATOR MOHR):

16. On that question the yeas are twenty-two. The nays

17. are twenty-six. Two voting present. SB 205 having

18. failed to receive a constitutional majority is declared

19. lost. Go back to SB 192, Senator Berning. Senator

20. Berning, did you want to bring that back for an amendment

21. or discuss an amendment? Just wanted Senator Dougherty on

22. the Floor.

23. SECRETARY:

24. SB 192 (Secretary reads title of bill)

25. 3rd reading of the bill.

26. PRESIDING OFFICER (SENATOR MOHR):

27. Senator Berning.

28. SENATOR BERNING:

29. Thank you, Mr. President, Members of the Body. SB 192

30. will allow for the imposition of a use tax on mobile homes,

31. thereby providing some necessary revenue for schools,

32. municipalities and other local taxing districts. It is

33. a critical measure. It has been amended to meet most if
not all objections, and I would appreciate a favorable

1. roll call. I know that Senator Dougherty would like to
2. be recognized.

3. PRESIDING OFFICER (SENATOR MOHR):
4. Senator Dougherty.

5. SENATOR DOUGHERTY:
6. Mr. President, Members of the Senate. It's true
7. I asked Senator Berning if I might call the bill back
8. to the order of 2nd reading for the purpose of offering
9. the usual home rule amendment. You are objecting to
10. moving it back, Senator?

11. PRESIDING OFFICER (SENATOR MOHR):
12. Senator Berning.

13. SENATOR BERNING:
14. Well, Mr. President and Members of the Body, in all
15. due respect to my good friend on the other side, I would
16. have to reject the home rule amendment. This would destroy
17. the bill. It would subject the occupant of a mobile home
18. to double taxation both by municipalities and by counties.
19. We all recognize that these people must bear their fair
20. share but by paying once through enactment of a county
21. ordinance that ought to be sufficient. Therefore, I
22. would resist the amendment and do not want the bill...
23. taken back to 2nd reading.

24. PRESIDING OFFICER (SENATOR MOHR):
25. Senator Dougherty.

26. SENATOR DOUGHERTY:
27. Well, Mr. President and Members of the Senate, I
28. think you're all aware of my philosophy concerning the
29. so called home rule amendment. I come from a home rule
30. city, a home rule county and in one sense every time I
31. offer this amendment, I'm offering it on behalf of
32. everyone of the 25...the cities and municipalities
33. of over 25,000 population. I again repeat, I would like to

1. recall it back for the purpose, and Senator Berning says
2. he will reject it, why let's go on that issue.

3. PRESIDING OFFICER (SENATOR MOHR)

4. Senator Soper.

5. SENATOR SOPER:

6. Mr. President, Members of the Senate, I think
7. this is one of the most important bills that would come
8. before the Senate to help schools and municipalities
9. insofar as taxes are concerned. We've eliminated the
10. personal property tax. Now mobile homes are no longer
11. taxed. They should bear their fair share and burden of
12. the taxation for schools, and municipalities. We had
13. extensive meetings on this subject in Local Government.
14. We had a subcommittee. We talked this thing over with
15. the mobile home owners and the municipalities. If, in
16. all due respect to Senator Dougherty we put the home
17. rule amendment on this, it would be double taxation on
18. these mobile homes. We've come to a formula that's
19. fair. Under this formula where the mobile home is
20. located in the county and in the township or the school
21. district the formula that's used in the taxation of
22. real estate tax, that formula is awarded to the local
23. districts, the school district, the sanitary district,
24. the municipalities, the county, they all get their fair
25. share of this tax. Now most of the occupants of mobile
26. homes are either real young couples that can't afford
27. a home, or senior citizens. We couldn't afford to
28. double tax these people. In other words, if we did
29. that, we would be unfair to the home owners in the same
30. way that we would be unfair to a real estate owner
31. that could be taxed on the real estate in the county
32. where it's situated or the municipality and then tax
33. the improvement with double taxation, a county tax and

1. a local tax under home rule. Now if we want to take
2. care of the school districts and implement them and
3. give them the fair share of this tax money, this is
4. what we have to do. And if we don't do this, then
5. we're going to eliminate the taxing of these mobile
6. homes that should pay their fair share in it, educating
7. their children paying for the streets, the sidewalks,
8. the alleys and or anything else that goes on in the
9. community for the sewer service, for the water service,
10. for their lights, for their police protection and I
11. say that this is the fairest bill and this is something
12. that will bring necessary tax money to all municipalities
13. without double taxation. I urge your support on this
14. bill, and I think it's something that we must do at
15. this time. Thank you.

16. PRESIDING OFFICER (SENATOR MOHR):

17. Senator Rock.

18. SENATOR ROCK:

19. Just point of inquiry Mr. President. Are we...
20. has Senator Berning agreed in fact to take the bill
21. back to 2nd reading for the purpose of offering an
22. amendment?

23. PRESIDING OFFICER (SENATOR MOHR):

24. No, he has declined Senator.

25. SENATOR ROCK:

26. He declined that, ok. Then my question Mr.
27. Chairman or Mr. President, as I read this bill under
28. that Section of the Constitution we are limiting the
29. power of the home rule unit. And I would ask the Chair
30. for a ruling as to how many votes are required for
31. passage? Article 7, Section 6, Subsection G.

32. PRESIDING OFFICER (SENATOR MOHR):

33. Senator...

1. SENATOR HARRIS:

2. Well, Mr. President I don't see this as a limitation
3. at all. It's power added to home rule units to impose
4. this tax on...it's not a limitation at all, it seems to
5. me. This certainly ought to be a 30 vote requirement.

6. PRESIDING OFFICER: (SENATOR MOHR)

7. This subject came up the other day Senator Rock, as
8. I remember it and a lot of thought and study went into
9. it and it was determined that 30 votes would be needed,
10. and I would again rule 30 votes. Is there further dis-
11. cussion? Senator Buzbee.

12. SENATOR BUZBEE:

13. Thank you Mr. President, I have two questions of
14. the sponsor. I guess they're in the form of a comment
15. and a question. I'm all in favor of taxing mobile homes,
16. I have several of them in my district. And it's putting
17. quite a burden on my counties right now in not being able
18. to collect taxes on these mobile homes. But as I under-
19. stand the bill if I bought a new mobile home, let's say
20. a 12 x 60 for \$5,000 and if my neighbor bought a new
21. mobile home 12 x 60 for \$10,000, and there is that big
22. of a variance in price differences on them, we would
23. both be taxed at the same rate and in fact that tax
24. would continue at the same rate even as these mobile
25. homes got older and older and older and the rates went
26. down there would still be the same rate on the variance
27. price. So my question is why couldn't we tax these
28. mobile homes on something like an assessed evaluation
29. where we would assess the mobile homes, take into
30. consideration, its age, its size and its quality.
31. That's question number one.

32. PRESIDING OFFICER: (SENATOR MOHR)

33. Senator Berning.

1. SENATOR BERNING:

2. Senator let...let me just point out to you that
3. we cannot assess these as real estate unless they are
4. affixed to the land. And most of them are not. That
5. being so, we cannot assess them by valuation or we
6. will be imposing an ad valorem tax and that then would
7. be the same as a personal property tax which has been
8. eliminated. There is no other way to tax these than
9. on some such designation as a space tax, privilege tax,
10. or call it what you will.

11. PRESIDING OFFICER (SENATOR MOHR):

12. Senator Buzbee.

13. SENATOR BUZBEE:

14. Ok. Well, I guess my next question then would be...
15. that makes question number 1 - A. My next question would
16. be why don't we tax them in the form of a license let's
17. say where there's built into the license fee a particular
18. evaluation or something. I just don't...I think what
19. we're doing is hurting the little man here who buys...
20. who can only afford to buy a \$5,000 mobile home as
21. opposed to the person who buys a 10 or a \$12,000 one.
22. Because he's having to pay the same tax rate as that...
23. as that guy with the bigger rate. And the second question,
24. I'll go ahead and throw this one out. The second
25. question is, in my county the assessments are made
26. one year to be paid for the following year. Is that...
27. is that not true pretty well everywhere? You're taxed
28. one year to be paid next year. And in my county we
29. have, pardon the expression, but a mobile, mobile home
30. group and they're moving in and out quite a bit. And
31. I think my county is going to lose a considerable amount
32. of taxing...taxes through their ability to move out before
33. they ever have to pay their tax bill. Again, I go back

1. to the why we couldn't we sell a license on a particular
2. mobile home; so that we can collect the money right
3. then and so that we can take into consideration the
4. difference in evaluation?

5. PRESIDING OFFICER (SENATOR MOHR)

6. Senator Berning.

7. SENATOR BERNING:

8. I'll attempt to...pardon me, I'll attempt to answer
9. those all at one time. When you talk about a license,
10. this is normally a State prerogative; and I submit that
11. you with your Cadillac pay the same \$30 license that
12. I do with my Ford, perhaps. So that, there you do not
13. get the valuation that you're talking about, difference
14. in valuation equalized. You pay the same license. So
15. that is one of the justifications for this particular tax.
16. Admittedly, sometimes, some person is going to have
17. a more luxurious mobile home, but we cannot, cannot tax
18. on the basis of value, then it is an ad valorem tax. The
19. only thing we can do is on the basis of, the only thing
20. we can do is tax on the basis of livability, and that's
21. square footage. The other thing that you talked about
22. was the in and out. We have attempted to cover that
23. in the amendment, if you have Amendment No. 1, says
24. that the treasurer within 30 days after mailing the
25. tax bills to the address of record. We think we are
26. as tight in this as we can be. The bills are bills...
27. sent out when the mobile home enters the park or is
28. placed. It's up to the assessing...official or the mobile
29. home operator to notify the clerk, the county clerk.

30. PRESIDING OFFICER (SENATOR MOHR)

31. Senator Buzbee.

32. SENATOR BUZBEE:

33. Well, the Cadillac and Ford analogy was a beautiful

1. one. They are designed to put a young Senator down, and
2. in his proper place, I understand that. However, if your...
3. if my \$20,000 home were to be assessed at the same value
4. as your \$85,000 home because it's the same square footage,
5. I would be raising a little bit of cane, I think. As I
6. understand, you say that this tax bill, this tax assessment
7. now will go out within 30 days after a mobile home moves
8. into the park and they're to pay it within so many days,
9. after that, is that right?

10. PRESIDING OFFICER (SENATOR MOHR):

11. Senator Berning.

12. SENATOR BERNING:

13. That is correct. This is a current taxer, it is not
14. that year or year and a half delay which is historic with
15. real estate tax. This is taxable and collectable when
16. the unit enters the park, or on a private site.

17. PRESIDING OFFICER (SENATOR MOHR):

18. Senator Hall.

19. SENATOR HARBER HALL:

20. Mr. President, I can think of hardly any piece of
21. legislation before the General Assembly this year that is
22. of more importance to fair and equitable government, in
23. this case, taxation of the people, than SB 192. There's
24. no other piece of legislation that directs itself to the
25. proper assessment of taxes to people who should properly
26. pay it. It would be in my financial interest to see that
27. this bill didn't pass, to be against it, to be opposed
28. to it, because I...I do have some interest in mobile
29. home parks. But this is not equity taxation. And the
30. people who live in these mobile homes, and I submit that
31. this is a method of living that is going to be more
32. acceptable as the years go on. And they must pay their
33. fair share, and to give an example of the size tax that

1. they would pay, using Senator Buzbee's figure of a
2. mobile home 60 X 12. A brand new one would only be...
3. pay a...of tax of slightly over \$100. That is for a per-
4. manent family-type mobile home which is in effect
5. really not mobile at all, in most cases they stay there
6. for years and even when the families move the mobile home
7. stays there. But when I go back in my district and
8. talk to the members of the County Board and talk to
9. the school people, they say you must pass a piece of
10. legislation that requires the proper payment of taxes
11. on these mobile homes. And I think it would be absolutely
12. a disaster if this General Assembly failed to do that.
13. This is not my preferred method. I would like to see
14. them taxed as real estate. However, Senator Berning
15. headed a commission that studied this up and down the
16. State and he came up with this bill. It will do the
17. job, and I believe it's incumbent upon us to vote
18. favorably on it.

19. PRESIDING OFFICER (SENATOR MOHR)

20. Any further discussion? Senator Berning may close
21. the debate.

22. SENATOR BERNING:

23. Just one parting comment. There is provision for
24. a reduced rate of taxation on persons falling in the
25. senior citizens' category. I submit that it is a necessary
26. piece of legislation. I earnestly solicit your favorable
27. vote.

28. PRESIDING OFFICER (SENATOR MOHR)

29. The question is shall SB 192 pass. And on that
30. question the Secretary will call the roll.

31. SECRETARY:

32. Bartulis, Bell, Berning, Bruce, Buzbee,

33. PRESIDING OFFICER (SENATOR MOHR)

1. Senator Buzbee.

2. SENATOR BUZBEE:

3. Well, Mr. President as I have expressed here I
4. some real problems with this bill because I think we
5. are hurting the little guy. But for the time being,
6. I know that they're not being taxed at all. And that's
7. certainly not fair either. So I vote a reluctant yes
8. on this. And I am going to talk to Senator Berning
9. about it and see if sometime in the future we might
10. be able to do something to...to bring about...stop
11. this inequity in the taxation. Thank you.

12. SECRETARY:

13. Carroll, Chew, Clarke, Conolly, Course, Daley,
14. Davideon, Donnewald, Dougherty, Fawell, Glass, Graham,
15. Harber Hall, Kenneth Hall, Hynes, Johns, Keegan, Knuepfer,
16. Knuppel, Kosinski, Latherow, McBroom, McCarthy, Merritt,
17. Mitchler, Howard Mohr, Don Moore, Netsch, Newhouse,
18. Nimrod, Nudelman, Ozinga, Palmer, Partee, Regner, Rock,
19. Roe, Romano, Saperstein, Savickas, Schaffer, Scholl,
20. Shapiro, Smith, Sommer, Soper, Sours, Swinarski,
21. Vadalabene, Walker, Weaver, Welsh, Wooten, Mr. President.

22. PRESIDING OFFICER: (SENATOR MOHR)

23. Roe, aye. Netsch, aye. Saperstein, aye. Vadalabene,
24. aye. Berning, aye. On that question the yeas are thirty-
25. nine, the nays are none. SB 192 having received a con-
26. stitutional majority is declared passed. SB 218,
27. Senator Ozinga.

28. SECRETARY:

29. SB 218 (Secretary reads title of bill)
30. 3rd reading of the bill.

31. PRESIDING OFFICER: (SENATOR MOHR)

32. Senator Ozinga.

33. SENATOR OZINGA:

1. Mr. President, Members of the Senate, this...SB 218
2. will...license and set proper standards for the Auto-
3. matic Sprinkler Contractors, Journeymen and apprentice.
4. The design, installation and maintenance of automatic
5. sprinkler systems has become increasingly complex in
6. recent years. The demands for such systems has increased
7. ~~due to in part to~~ the requirements of many public and
8. private agencies concerned with fire prevention and
9. also with safety. SB 218 will help to insure the automatic
10. sprinkler systems will be designed and installed properly
11. by allowing only those who have been properly trained and
12. experienced to perform such jobs. The cost to the State
13. of Illinois of administering this law will be fully covered
14. by the revenues received from the license fees of the
15. sprinklers contractors and journeymen. This is a bill that
16. I'm sure most of you have been talked to by ex-Senator
17. Gottschalk and I would appreciate a favorable roll call.

18. PRESIDING OFFICER (SENATOR MOHR)

19. Any further discussion? The question is shall SB 218
20. pass. And on that question the Secretary will call the
21. roll.

22. SECRETARY:

23. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
24. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
25. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
26. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
27. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
28. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman, Ozinga,
29. Palmer, Partee, Regner, Rock, Roe, Romano, Saperstein,
30. Savickas,

31. PRESIDING OFFICER (SENATOR MOHR)

32. Senator Savickas.

33. SENATOR SAVICKAS:

1. I know I'm a little late, but I would appreciate
2. if the sponsor could answer a question. Well, two
3. questions. One was, who installs these sprinkler
4. systems now, is the plumbers that do this?

5. PRESIDING OFFICER: (SENATOR MOHR)

6. Senator Ozinga.

7. SENATOR OZINGA:

8. It could be anybody that installs them right now,
9. it isn't of necessity anybody. But this would make it
10. a regular license contractor or fitters. Now, the
11. board that would be on this would be two fitters and
12. two contractors, plus a secretary appointed by the
13. Director.

14. PRESIDING OFFICER: (SENATOR MOHR)

15. We are on roll call. One more question, Senator.

16. SENATOR SAVICKAS:

17. Well, then it's obviously that you're talking about
18. the pipe fitters are doing installing the now in Cook
19. County. Have they...are they in favor of this bill?

20. SENATOR OZINGA:

21. ...object to it.

22. SENATOR SAVICKAS:

23. Pardon me.

24. SENATOR OZINGA:

25. They don't object to it. You see, the city could
26. also pass an ordinance the same thing as what you've
27. got right now for safety purposes. I have heard no
28. objection, Senator.

29. SENATOR SAVICKAS:

30. Thank you.

31. SECRETARY:

32. Schaffer, Scholl, Shapiro, Smith, Sommer, Soper,
33. Sours, Swinarski, Vadálabene, Walker, Weaver, Welsh,

1. Wooten, Mr. President.

2. PRESIDING OFFICER: (SENATOR MOHR)

3. Buzbee, aye. Johns, aye. Swinarski, aye. In casting...

4. I'm not recorded, is that right Mr. Fernandes. Senator

5. Ozinga in casting my vote, I'll vote aye, but it was

6. my understanding in committee we were going to amend

7. this to include some public members, so we wouldn't have

8. the special interest group here. And I would ask that

9. that be done in the House. I vote aye. On that question

10. the yeas were forty-one, the nays were none. SB 218

11. having received a constitutional majority is declared

12. passed. SB 235, Senator Knuepfer.

13. SECRETARY:

14. SB 235 (Secretary reads title of bill)

15. 3rd reading of the bill.

16. PRESIDING OFFICER: (SENATOR MOHR)

17. Senator Knuepfer.

18. SENATOR KNUEPFER:

19. This bill had some fairly extensive hearing^s over

20. quite a period of time in Local Government committee. It

21. did receive an amendment which was proposed by Senator

22. Dougherty and it was acceptable to me, it applies generally

23. to special district government. It directs itself to the

24. problems posed by boundary conflict within governmental

25. units. And I would be happy to answer any questions if

26. anybody has some.

27. PRESIDING OFFICER: (SENATOR MOHR)

28. Any further discussion? The question is shall SB 235

29. pass. And on that...Senator Fawell.

30. SENATOR FAWELL:

31. Senator, can you give me the...what's the genesis of

32. this bill? What...from whence did it come?

33. PRESIDING OFFICER: (SENATOR MOHR)

1. Senator Knuepfer.

2. SENATOR KNUEPFER:

3. This is...excuse me, this is a bill that came out of...
4. was authored originally by the urban area affairs commission.
5. It is incidently protected by referendum proceedings so nothing
6. can happen without a passage at referendum. So the boundary
7. board will simply make recommendations. The decision must
8. be affirmed by referendum. But the Urban Area Affairs
9. Commission is the one that authored the bill:

10. PRESIDING OFFICER: (SENATOR MOHR)

11. Senator Fawell.

12. SENATOR FAWELL:

13. The...the State entity then doesn't have the power to
14. force a particular area to go one way or the other on this.

15. PRESIDING OFFICER: (SENATOR MOHR)

16. Senator Walker.

17. SENATOR WALKER:

18. I'm sure the sponsor will yield to a question.
19. Has the Illinois Municipal League been consulted about
20. this senate bill, Senator Knuepfer?

21. PRESIDING OFFICER: (SENATOR MOHR)

22. Senator Knuepfer.

23. SENATOR KNUEPFER:

24. Senator, they have been very well aware of this bill.
25. I really sincerely do not know whether they have taken
26. a position. I think they're neutral on it. They didn't
27. come out as an opponent, and to the best of my knowledge
28. they have not been a proponent. It does not effect
29. municipalities. AS amended it only applies to special
30. districts now, so I would think they would tend to have
31. a neutral position on the bill, Senator.

32. PRESIDING OFFICER: (SENATOR MOHR)

33. Senator Walker.

1. SENATOR WALKER:

2. I was looking at a recent release here and I
3. understand the Municipal League appeared in committee
4. as an opponent of the bill. Have you heard any
5. difference since then Senator Knuepfer?

6. PRESIDING OFFICER (SENATOR MOHR):

7. Senator Knuepfer.

8. SENATOR KNUEPFER:

9. You said they were an opponent or a proponent?

10. PRESIDING OFFICER (SENATOR MOHR)

11. Senator Walker.

12. SENATOR WALKER:

13. The...member of the staff informs me that it was
14. amended to take care of the Municipal League's objection,
15. SSenator Knuepfer. Thank you.

16. PRESIDING OFFICER (SENATOR MOHR)

17. Senator Knuepfer, did you...Senator Rock.

18. SENATOR ROCK:

19. Just one question perhaps it's already been answered. But
20. Senator made reference to a referendum, I was just wondering,
21. Section 8 where the powers and duties of the board are delineat-
22. ed. It says under B to review and approve or disapprove peti-
23. tions for new incorporations. If in fact there is a disapproval
24. at that point is that submitted then to a referendum?

25. PRESIDING OFFICER (SENATOR MOHR):

26. Senator Knuepfer.

27. SENATOR KNUEPFER:

28. Senator a part of that language has been...that
29. language has been totally deleted. I...I'm sorry I
30. hadn't talked to you. I've talked to Senator Dougherty
31. and some other people on that. The language has been
32. deleted so that now it only applies to the formation

33.

1. of a special district. It no longer relates to municipalities
2. and that was what I was trying to get across to
3. Senator Walker.

4. PRESIDING OFFICER: (SENATOR MOHR)

5. Any further discussion? Do you wish to close the
6. debate, Senator?

7. SENATOR KNUEPFER:

8. I think I've probably did in answering the questions,
9. and unless there are further questions, I would appreciate
10. a favorable roll call.

11. PRESIDING OFFICER: (SENATOR MOHR)

12. All right. The question is shall SB 235 pass, and
13. on that question the Secretary will call the roll.

14. SECRETARY:

15. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
16. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
17. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
18. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
19. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
20. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
21. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
22. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
23. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
24. Weaver, Welsh, Wooten, Mr. President.

25. PRESIDING OFFICER: (SENATOR MOHR)

26. Course, aye. Newhouse, aye. Knuepfer, aye. Nudelman,
27. aye. Hynes, aye. Senator Fawell.

28. SENATOR FAWELL:

29. I just want to briefly explain my vote, which is
30. going to be no. As I...I read this bill you cannot
31. incorporate a park district for instance without getting
32. the consent of this new board. And I...I think that
33. a board such as this in regard to boundary disputes

1. of existing districts would...would be a step in the right
2. direction. I...I'm not quite ready to say that the State
3. ought to be in a position to approve the creation of park
4. districts, for instance, which this would apply to. If I'm
5. mistaken, I would stand corrected. And...for that reason
6. I...I would want to be recorded as no on this bill.

7. PRESIDING OFFICER (SENATOR MOHR):

8. Senator Graham.

9. SENATOR GRAHAM:

10. In support of Senator Fawell's analyzation, what
11. I think we might be doing here and if we are attempting
12. to do this, the purpose is laudatory. If that is to
13. remove or to attempt to forego the increasing of any more
14. entities in the State of Illinois, that is laudable.
15. But I think this bill could be interpreted so that if
16. a park district wanted to form a park district and wanted
17. to establish their boundaries, they would have to go to
18. this authority, thusly to the State to do something that
19. they should be able to do at home. I think on the one
20. hand the purpose of this bill may be good, but I just
21. have a real fear of us running to the State every time
22. we want to form a municipal park district back home and
23. I think some of those who have voted in the affirmative
24. ought to think about this, and I'm going to be voting
25. in the negative. Vote no.

26. PRESIDING OFFICER (SENATOR MOHR)

27. On that question the yeas are thirty-five. The
28. nays are four. SB 235 having received a constitutional
29. majority is declared passed. SB 236, Senator Knuepfer.

30. SECRETARY:

31. SB 236 (Secretary reads title of bill)
32. 3rd reading of the bill.

33. PRESIDING OFFICER (SENATOR MOHR):

1. Senator Knuepfer.

2. SENATOR KNUEPFER:

3. This is another bill that was essentially authored
4. by the Urban Area Commission. It does not apply to
5. Cook County. Cook County is a home rule county and
6. has their own mechanisms for arriving at that. This
7. bill applies to only non-home rule counties. It basically
8. is directed at an urban problem at a County such as Lake,
9. a County such as DuPage, where many citizens are living
10. in unincorporated areas and essentially in need of urban
11. services. This bill provides a mechanism for the county
12. government to provide those urban services. Those urban
13. services will be provided only by petition and by a
14. referendum vote of the people, so that there will be
15. no taxation without a referendum vote. I think it's a
16. good bill. In fact, I'm sure it is. It is an...it
17. is an implementation of that Section of the new
18. Constitution which suggested that counties ought to
19. be able to provide these kinds of special services.
20. There is some substantial economies in counties being
21. able to do it. And if there are no questions...Senator
22. Rock has a question. I will be happy to answer it.

23. PRESIDING OFFICER (SENATOR MOHR):

24. Senator Rock.

25. SENATOR ROCK:

26. Yes, Mr. President, if the sponsor will yield? Where
27. Senator Knuepfer, does it say in this legislation it does
28. not apply to the...a home rule unit?

29. PRESIDING OFFICER (SENATOR MOHR)

30. Senator Knuepfer.

31. SENATOR KNUEPFER:

32. Section 20, this Act does not apply to any county
33. which is a home rule unit.

1. PRESIDING OFFICER (SENATOR MOHR):

2. Senator Rock.

3. SENATOR ROCK:

4. Well you are then attempting, as I understand,
5. to implement Section 7 of the Constitution, Subsection 6,
6. for that special taxing district, as applied only to
7. non-home rule units. The reason I'm asking as you well
8. know, we have had a bill pass the Senate and the House
9. bill is now over here providing for implementation of this
10. Section. The thing I object to in this, frankly is that
11. at least as it pertains to a home rule unit we are on the
12. one hand giving the home rule units certain powers and
13. on the other hand by legislation such as this we are
14. bringing back government by referendum. I do not believe
15. in government by referendum frankly.

16. PRESIDING OFFICER (SENATOR MOHR):

17. Senator Knuepfer.

18. SENATOR KNUEPFER:

19. Well, Senator this bill originally was drafted,
20. applied both to home rule units and non-home rule
21. units. To home rule units there was no question...there
22. was no referendum, the decision to be made by the governing
23. Body. In non-home rule units the referendum procedure
24. was followed. Now, at the suggestion of Senator
25. Dougherty and Mr. Schwartz we took out that provision
26. applying to home rule units so that there would be no
27. conflict between that bill and the bill that Senator
28. Welsh gave us. So that this bill now, although it
29. originally applied to both kind of units, is, now only
30. a single purpose bill, and is now only a non-home rule
31. bill. It seems to me that there is a very substantial
32. case to be made for referendums in the non-home rule
33. unit and that's what this calls for. But, it does not

1. deal in any way, shape or form with the home rule unit
2. which is dealt with in Senator Welsh's bill although it
3. did originally.

4. PRESIDING OFFICER (SENATOR MOHR)

5. Any further discussion? Senator Fawell.

6. SENATOR FAWELL:

7. I...again, Senator apologize...for not being familiar
8. with this piece of legislation. But as I look at Section
9. 7 in regard to tax levy, it states the board may impose
10. special levies in accordance with the provisions of Sub-
11. section A and B of this Section within any general
12. or local urban services area, or urban services furnished
13. by the county. But, as I understand it you have indicated
14. that there can be no new taxes without referendum, is
15. that correct in a...so this would take care of the situation,
16. for instance, where you...have some township roads that
17. might be not repaired and no one under the present cir-
18. cumstances is capable of raising the funds to do it and
19. the county could by having a referendum in that particular
20. area raise the funds to do something like this.

21. PRESIDING OFFICER (SENATOR MOHR):

22. Senator Knuepfer.

23. SENATOR KNUEPFER:

24. Yes, but it has to be by referendum. The county
25. could not do it by its own leave. It would have to
26. form a district within the county, there would have to
27. be a mechanism such as the petition or Resolution of
28. the County Board. That question would then have to
29. go to referendum and the people would have to affirma-
30. tively support at the referedum, the tax and the special
31. service that they desire.

32. PRESIDING OFFICER (SENATOR MOHR):

33. Senator Fawell.

1. SENATOR FAWELL:

2. The reason I...question it is that in Section 7
3. it states that the ordinance, resolution or petition
4. establishing an urban service or services for a local
5. urban services area shall specify the special levy
6. and rate to finance the service, and it...as you read
7. that Section it would appear that simply by passing
8. the ordinance and specifying the rate, you do have a
9. tax rate without the necessity of any referendum. And
10. I'll take your word for it, you obviously know what
11. the provisions are in here, but it just made me a bit
12. nervous and...read that Section that it looked almost
13. as though there was a discretionary right in the county
14. board to be able to do so and as you well know in DuPage
15. for some strange reason the people turned down the home
16. rule authority. I am not quite sure yet why. And...
17. it seemed to perhaps some of that authority was
18. being granted by this bill. But if the referendum
19. is there, I would gather it would be all right.

20. PRESIDING OFFICER (SENATOR WEAVER):

21. Is there any further discussion? Senator Glass.

22. SENATOR GLASS:

23. Senator Knuepfer, I was wondering if there is
24. any kind of protection in the bill within the mile and
25. a half outside of the corporate limits of a municipality
26. where they do have some jurisdiction.

27. PRESIDING OFFICER (SENATOR WEAVER):

28. Senator Knuepfer.

29. SENATOR KNUEPFER:

30. Well, the only provision for that in the bill is
31. ...no, there is no provision for that in the bill. There
32. is a provision that upon annexation all of the services
33. are immediately turned over to the municipality so that

1. unless the county...unless the municipality desires it
2. will not find that it is competing with a municipality
3. after annexation for the same kinds of urban services.

4. PRESIDING OFFICER (SENATOR WEAVER):

5. Senator Glass.

6. SENATOR GLASS:

7. Well, I wonder...wonder how feasible that would be
8. in the case of water or sewer supply. Do you mean the
9. annexed territory would somehow then be hooked into
10. the municipal water supply and disconnected from the
11. county?

12. PRESIDING OFFICER (SENATOR WEAVER):

13. Senator Knuepfer.

14. SENATOR KNUEPFER:

15. That is correct with one exception, that the municipality
16. might desire, I don't know whether you're familiar with
17. so called lake side plan which...has been adopted in
18. California where municipalities can contract with counties
19. or with private institutions. Now, the municipality
20. might desire to contract, if it happened to be in a sub....
21. special watershed or something with the county to
22. provide that service, but if it did not do that, then
23. that service would be performed by the municipality.
24. We...I...we did not want competing units of government,
25. county and municipality, competing with one another for
26. services. When it is an unincorporated area in an urban
27. area, they do need some special services and this bill
28. directs itself to that. But when it becomes a part of
29. municipality, then those services are most properly
30. performed by the municipality short of a desire on the
31. part of the municipality to contract with the county.

32. PRESIDING OFFICER (SENATOR WEAVER):

33. Senator Berning.

1. SENATOR BERNING:

2. This bill obviously meets an unmet need, and I am
3. glad to support it. There is just one question that I
4. wanted to clarify with the sponsor. How does this effect
5. the HB 1440, I think it was, that we have...we passed in
6. the last Session providing for roads. Is that bill treated
7. separately, or have you incorporated that in here?

8. PRESIDING OFFICER (SENATOR WEAVER):

9. Senator Knuepfer.

10. SENATOR KNUEPFER:

11. That was a special assessment bill, I believe, Senator.
12. This bill does not relate to special assessments, only
13. to services and taxes for it was not that a special assess-
14. ment? This does not give powers...counties powers of
15. special assessment.

16. PRESIDING OFFICER (SENATOR WEAVER):

17. Senator Berning.

18. SENATOR BERNING:

19. How...how is the tax then? Is it not a special assessment,
20. if it's only on...

21. PRESIDING OFFICER (SENATOR WEAVER):

22. Senator Knuepfer.

23. SENATOR KNUEPFER:

24. In the same you vote for a levy for education or for
25. schools or for anything else. You vote at referendum on
26. the question and the rate.

27. PRESIDING OFFICER (SENATOR WEAVER)

28. Any further discussion? The question is shall
29. SB 236 pass. Upon that question the Secretary will
30. call the roll.

31. ACTING SECRETARY: (MR. WRIGHT):

32. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
33. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,

1. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
2. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
3. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
4. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
5. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
6. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
7. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
8. Weaver, Welsh, Wooten, Mr. President.

9. PRESIDING OFFICER: (SENATOR WEAVER)

10. Newhouse, aye. Carroll, aye. Graham, no. Request
11. to call the absentees. The absentees will be called.

12. ACTING SECRETARY: (MR. WRIGHT)

13. Bartulis, Bruce, Chew, Clarke, Conolly, Daley,
14. Donnewald, Fawell, Glass, Hynes, Johns, Keegan, Knuppel,
15. Latherow,

16. PRESIDING OFFICER: (SENATOR WEAVER)

17. McBroom, aye.

18. ACTING SECRETARY: (MR. WRIGHT)

19. McCarthy, Howard Mohr, Don Moore, Nimrod, Ozinga,
20. Partee, Regner, Rock, Romano, Savickas, Soper, Sours,
21. Vadalabene, Walker, Welsh,

22. PRESIDING OFFICER: (SENATOR WEAVER)

23. On that question the ayes are thirty-one, the nays
24. are five.... SB 236 having received a constitutional
25. majority is declared passed.

26. ACTING SECRETARY: (MP WRIGHT)

27. SB 237 (Secretary reads title of bill)
28. 3rd reading of the bill.

29. PRESIDING OFFICER: (SENATOR WEAVER)

30. Senator Knuepfer.

31. SENATOR KNUEPFER:

32. SB 237, the last one is also a product of the Urban
33. Area Affairs Commission which was created originally under

1. Governor Kerner, and later followed through the four years
2. of Governor Ogilvie. This bill addresses itself again
3. to urban problems and only urban problems and it
4. addresses itself to problems that cross county lines.
5. It is not...it does not relate to any kind of services
6. within a county or within a smaller area, but there are
7. certain kinds of services that may be needed that cross
8. county lines in the major metropolitan districts of the
9. State of Illinois. The bill provides four mechanisms
10. for allowing the people to secure those services. I
11. can go into those mechanisms in detail, sufficient to
12. say that all of those mechanisms are protected by the
13. referendum and nothing can be accomplished without a
14. referendum vote of the people. It applies only as I
15. have suggested in areas in which there are more than
16. one county. One county cannot use this mechanism in
17. the bill. It's as I suggested, an urban bill. I have
18. explained it in generalities, if you want the details,
19. I will be happy to try and go into that one.

20. PRESIDING OFFICER (SENATOR WEAVER):

21. Senator Glass.

22. SENATOR GLASS:

23. Senator Knuepfer, with respect to the referendum,
24. must that be a referendum that passes in each of the
25. counties served, separately?

26. PRESIDING OFFICER (SENATOR WEAVER)

27. Senator Knuepfer.

28. SENATOR KNUEPFER:

29. Yes, and both must accept it, for it to be a viable
30. referendum. If one accepts, and the second rejects even
31. though the total...the total may be greater in acceptance,
32. still the rejection on the part of the one knocks it
33. out.

1. PRESIDING OFFICER (SENATOR WEAVER)

2. Any further discussion? Senator Wooten.

3. SENATOR WOOTEN:

4. I don't know under what heading this comes, but this
5. seems to be a fairly substantial bill and I noticed that
6. our numbers have been dwindling. We have less than forty
7. members on the Floor. Unless we're dealing with agreed
8. bills, is there any point in proceeding with this small
9. a number in the Chamber?

10. PRESIDING OFFICER (SENATOR WEAVER)

11. Well, Senator we've been managing to pass some bills,
12. we've beat some bills, so I think we'll continue on as
13. best we can. Is there any further discussion. The
14. question is shall...Senator barning.

15. SENATOR BERNING:

16. Well, I must apologize to the sponsor, I have not
17. had an opportunity to read this bill, but the question
18. arises immediately in the establishment of a...an overriding
19. layer of government what happens to the underbodies?
20. What becomes of the municipality? What becomes of the
21. counties, the townships? And as I interpret this, this
22. is a metro form of operation, is that not true?

23. PRESIDING OFFICER: (SENATOR WEAVER)

24. Senator Knuepfer.

25. SENATOR KNUEPFER:

26. Well, if this comes about through the referendum
27. proceedings, Senator and the form of the service in which
28. the new government is asked by the people...the service
29. by which the new government is asked by the people to
30. perform is one that is presently performed on some level
31. or another by a present unit, I think that's your question.
32. The answer is those would then be absorbed whatever is
33. ...is presently being performed. In most cases I would think

1. it would be performed by...the service, that the first kinds
2. of services to come into being, would be those who...that
3. presently did not exist, either...in either a single county
4. area.

5. PRESIDING OFFICER (SENATOR WEAVER):

6. Senator Berning, do you have a further question?

7. SENATOR BERNING:

8. Well, then you are saying that this becomes a...a
9. new level of government, a metropolitan concept and absorbs
10. the underlying layers of government. And have you made
11. provisions for the transfer of assets and liabilities
12. then? That's covered in this bill? One of the things that
13. of course immediately becomes apparent is that this is a
14. concept that has some backing by those with whom I have
15. differed in the past, and I'm just curious as to whether or
16. not opening the door too wide is appropriate at this time.
17. I'm...

18. PRESIDING OFFICER (SENATOR WEAVER):

19. Senator Knuepfer.

20. SENATOR KNUEPFER:

21. Well, I...I think the answer to that Senator, there
22. are some...for example, in the whole area...of pollution con-
23. trol, air pollution control in particular. For you to solve
24. the problem in Lake County but not to solve it in conjunction
25. with us in DuPage County leaves the problem really unsolved
26. because our air goes where your air goes. There are some
27. kinds of services that have to be performed by...I'm not
28. suggesting a general purpose government, and this bill
29. doesn't say that, but the bill says there are some kinds
30. of services that simply cannot stop at county lines. And
31. air pollution is one that I cited, and in those...in those
32. kinds of services, perhaps transit is another one. In
33. those kinds of services there has to be some kind of a

1. mechanism to set up a general unit to provide those
2. services over a multi-county area and these are the
3. alternatives. It provides the four alternatives solutions
4. for setting up those kinds of services. Now, I'm sure
5. it isn't going to be applied in the school area, I'm
6. sure it isn't going to be applied in many other areas,
7. but...but the two suggested, transit and air pollution
8. might be very...might be very effective application
9. of this concept, where a county government is simply
10. too small a unit of government to really encompass the
11. whole metropolitan area.

12. PRESIDING OFFICER: (SENATOR WEAVER)

13. Is there any further discussion? Senator Graham.

14. SENATOR GRAHAM:

15. I'd like to ask the sponsor a question or two.

16. PRESIDING OFFICER: (SENATOR WEAVER)

17. He indicates he'll yield.

18. SENATOR GRAHAM:

19. Senator Knuepfer, in effect what you can do is
20. set up a metropolitan government so to speak comprising
21. two or more counties in effect, could you not? I'm not
22. sure he can even hear the question.

23. PRESIDING OFFICER: (SENATOR WEAVER)

24. Senator Knuepfer.

25. SENATOR KNUEPFER:

26. You can set up a service unit that...that encompasses
27. two or more counties under the provisions of this bill
28. by referendum in each...in each of the separate counties.
29. That's correct.

30. SENATOR GRAHAM:

31. All right. Let me ask you this question. Up in the
32. northwest passage where I come from, I'm a borderline
33. in about five counties. Suppose four of them decided

1. but McHenry did not. What happens to McHenry then?

2. PRESIDING OFFICER (SENATOR WEAVER):

3. Senator Kneupfer.

4. SENATOR KNUEPFER:

5. That referendum has to pass by an affirmative vote
6. in each county before that county is involved in it, so
7. that it is not, I asked somebody else that...asked that
8. question and the answer is very simply, the total vote
9. is...is no criteria. The vote in each county determines
10. whether that county is in or is out of the proposed service
11. plan.

12. PRESIDING OFFICER (SENATOR WEAVER):

13. Senator Graham.

14. SENATOR GRAHAM:

15. Senator is this...aren't these products of the old
16. Merriam Commission so to speak?

17. PRESIDING OFFICER (SENATOR WEAVER):

18. Senator Knuepfer.

19. SENATOR KNUEPFER:

20. Yeah. Bob Merriam and Ed Wilson were the two co-
21. chairman of this commission, the Urban Area Affairs
22. Commission. This is the product of...of that commission.

23. SENATOR GRAHAM:

24. Now Mr. President, and Members, I think the sponsor
25. is well intentioned in his sponsorship of these bills.
26. And there perhaps is sometime down the road a need for
27. this type of legislation. I've heard much of this around
28. here this year, but I happen to have a feeling that this
29. is a legislation whose time has not yet arrived. I think
30. what in effect we are doing and some of the gentlemen
31. here who have had a considerable amount of opposition
32. throughout the years, by people indicating their opposition
33. to metropolitan government, and they have listened to those

1. 'people who oppose metro government. But in voting for
2. these bills they are voting for a larger thing than we
3. ever thought metro government would be, and we're voting
4. for a metro-county government. I think maybe another
5. twenty years down the road, these might be good bills,.
6. But in this case, and in the third case in this series
7. of bills, I'm going to be constrained to vote no.

8. PRESIDING OFFICER: (SENATOR WEAVER)

9. Is there any further discussion? Senator Knuepfer,
10. do you care to close the debate?

11. SENATOR KNUEPFER:

12. Well, in closing the debate, the only thing I'm
13. going to say is this creates no new general government.
14. This does not create a so-called metro-government, at
15. all. It creates the same kind of thing as the Sanitary
16. District that crosses from one county into another, except
17. it creates...it's a special purpose government the same as
18. a sanitary district is a special purpose government. It
19. does not in any way, shape or form, or can it become a
20. general purpose government to create a unit larger than
21. the county. It is directly only at services that simply
22. cannot be formed by...performed by a unit of government
23. as small as a county. It must be performed effectively
24. by a larger unit, and that is a special purpose government,
25. not the...not a general purpose. I...I'm not sure what
26. we're suggesting when we're saying that this is twenty
27. years down the road, that in effect you're saying that
28. this is a good bill twenty years from now, but it's a
29. bad bill today. I can only suggest to you Senator that
30. this provides a mechanism for creating these kinds of
31. things. We're presently wrestling with a problem that
32. exists right today that might be solved under this,
33. and that is transit. This is a general mechanism for

1. solving those kinds of things, and whats more, that general
2. mechanism under these bills is protected by referendum,
3. whereas that general mechanism might not be protected
4. by referendum if it comes through another route. So, so
5. be it. I would appreciate your consideration of what
6. Senator Wooten has described as a kind of substantive.
7. bill.

8. PRESIDING OFFICER: (SENATOR WEAVER)

9. The question is shall SB 237 pass. And on that question
10. the Secretary will call the roll.

11. ACTING SECRETARY: (MR. WRIGHT)

12. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
13. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
14. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
15. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
16. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
17. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
18. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
19. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
20. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
21. Weaver, Welsh, Wooten, Mr. President.

22. PRESIDING OFFICER: (SENATOR WEAVER)

23. Roe, no. Johns, aye. Donnewald, aye. On that question
24. the ayes are sixteen, the nays are four, one present.
25. SB 237 having failed to receive the constitutional
26. majority is declared lost. 238.

27. ACTING SECRETARY: (MR. WRIGHT)

28. SB 238 (Secretary reads title of bill)
29. 3rd reading of the bill.

30. PRESIDING OFFICER: (SENATOR WEAVER)

31. Senator Knuepfer.

32. SENATOR KNUEPFER:

33. This adds one section to a bill that Senator Graham

1. authored at the last Session of this Legislature, and
2. that was to involve the State in flood plain control.
3. And the Section is a very simple one. All it says is
4. no person or corporation public or private may alter
5. the contours of land within the flood plain area that
6. is defined in the bills previously established by Senator
7. Graham, except pursuant to a permit from that department.
8. It applies only to counties of 250,000 or over and it
9. adds that one additional Section. It's to prevent the...
10. the problem very simply that we have in Lake and DuPage
11. County and in some of the other counties. The flood
12. plain is acquire, is filled up, buildings go on it,
13. consequently what happens, I come down here and say to
14. you we need more money for Salt Creek, and we're getting
15. it in very miniscule amounts, but we are getting some.
16. But if we continue to build on the flood plain, in
17. the urban areas we're going to have more and more flooding
18. and the flooding is going to be more and more severe,
19. and this adds simply one additional little control to a
20. much larger piece of legislation which was authorized by
21. Senator Graham.

22. PRESIDING OFFICER (SENATOR WEAVER):

23. Senator Graham.

24. SENATOR GRAHAM:

25. Once again, the sponsor has a laudable proposition
26. here, and I too marched down this flood plain path that
27. was two years ago, Senator. And I can only say that even
28. on a smaller scale we couldn't get anyone's attention.
29. I would doubt that on a larger scale that you would do
30. any better. My bill, the only thing it didn't do and
31. I don't see that this bill does it either, is provide
32. for the monies to or set up an agency which will be
33. responsible for the attainment of the maps and all the

1. hydrolic studies and everything that necessarily must go
2. with the legitmate survey of an area to determine if in
3. fact it is a flood plain. My bill is on the books. We
4. don't have all those possibilities. Yours doesn't provide
5. it either. And I'm only going to say until we get an
6. executive branch of government that is willing to assume
7. the responsibility somewhere in this bureaucracy, to
8. establish in Northeastern Illinois, to be specific, the
9. criteria and gather together which will establish, if
10. analyzed a flood plain in many areas, then these...this
11. kind of legislation is only clobbering up the statute
12. books. I don't think that we should go, perhaps at this
13. point, much farther ahead on the control of flood plains
14. until we have an indication that we're willing to do the
15. things that should be done. And all I've suggested to
16. executives is that they would have one man check with the
17. metropolitan sanitary district, the North Salt Creek
18. watershed, Conservation Corps, the U. S. Engineers, the
19. Cook County Forest Preserve District and the DuPage
20. County Forest Preserve District and find out how many
21. studies they already have. We are up to our hips in
22. studies, and we are not even up to the tops of our shoe
23. soles in willingness to initiate what we do have on the
24. books and all you hear is; gosh, we'd better get another
25. task force, we'd better get another study. We've got
26. the studies, all we have to have is someone that has the
27. guts to put together the material that's now on the books
28. and say, this is in fact a flood plain, we declare
29. it so and we are going to restrict building or construction
30. on this until those who wish to develop this land have
31. created the necessary flood control precautions that
32. would protect the people downstairs...downstream from
33. these flood plains areas. I think that perhaps we should

1. start with what is on the books now. It is in a smaller
2. scope to be sure. We haven't even proven that we can
3. initiate and enforce that and until they prove that they're
4. willing to go with the current public law, I'm not willing
5. to give them any other burdens that they don't care to
6. consider. I intend to oppose this bill.

7. PRESIDING OFFICER (SENATOR WEAVER)

8. Is there any further discussion? Senator Knuepfer.

9. SENATOR KNUEPFER:

10. Well, Senator I...I'm perfectly...I think we're
11. going in the same direction. I'm perfectly in accord
12. with what you suggested and I hope that the State would
13. enforce this. As a matter of fact, I have another bill
14. coming in this flood plain package that permits the
15. Department of Waterways to delegate this power to local
16. governments so that if the Executive in the State, if
17. the Department in the State of Illinois does not do
18. this, at least we on the local level will have that
19. possibility of having the power delegated to us. Senator,
20. I...I live very close to Salt Creek. I know your problem,
21. I see truckload after truckload dumped on to that
22. Salt Creek every year, every day when I drive by there
23. they're dumping more fill in. That's creating additional
24. and more serious problems, while Bussy Woods is being
25. constructed we will have...by the time that gets done,
26. our flooding is going to be more severe than it would
27. have been without Bussy Woods, simply because of the
28. fact that by filling in the flood plain, putting new
29. roofs on, putting new asphalt on, we're pouring more
30. water off. I think this is a desirable power. I'm
31. with you. I wish somebody would use the power, but
32. this is the power that has got to be used and this in
33. combination with the other bill that I will presently

1. introduce to you, which at least will allow the county
2. to do it if nobody else wants to do it at the State
3. level. I think at least it will give us in DuPage
4. County and some of you in Lake and maybe in Cook the
5. power to say, well at least if the State won't help us,
6. we'll take care of our own problem. And I would ap-
7. preciate a favorable roll call.

8. PRESIDING OFFICER (SENATOR WEAVER):

9. Senator Graham.

10. SENATOR GRAHAM:

11. Just in closing, I read farther in the bill than
12. perhaps than some people...I...I think I might agree
13. to this, Senator. I don't think you're really doing
14. anything innovative, but I do agree that you're not
15. doing any damage to the bill now...the statutes now
16. on the books. So I might remove my violent no to
17. a weak no or present. You are not doing any damage
18. to 277 now.

19. PRESIDING OFFICER (SENATOR WEAVER)

20. Is there any further discussion? If not, the
21. question is shall SB 238 pass. Upon that question
22. the Secretary will call the roll.

23. SECRETARY:

24. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
25. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
26. Dougherty, Fawell, Glass,

27. PRESIDING OFFICER (SENATOR WEAVER):

28. Senator Glass.

29. SENATOR GLASS:

30. Mr. President, Senators, very briefly I would urge
31. the support of this bill. I know of no problem in the
32. northwestern suburban area of Cook County which is in my
33. district that is greater, more emotional, more significant

1. to the residents out there at this time than flooding.
2. And if this bill, as I think it will, will add any
3. further control of the impervious services that are
4. going up in that area, I say let's pass it and let's
5. encourage its enforcement. I vote aye.

6. SECRETARY:

7. Graham, Harber Hall, Kenneth Hall, Hynes, Johns,
8. Keegan, Knuepfer, Knuppel, Kosinski, Latherow, McBroom.
9. McCarthy, Merritt, Mitchler, Howard Mohr, Don Moore,
10. Netsch, Newhouse, Nimrod, Nudelman, Ozinga, Palmer,
11. Partee, Regner, Rock, Roe, Romano, Saperstein, Savickas,
12. Schaffer, Scholl, Shapiro, Smith, Sommer, Soper, Sours,
13. Swinarski, Vadalabene, Walker, Weaver, Welsh, Wooten,
14. Mr. President.

15. PRESIDING OFFICER (SENATOR WEAVER):

16. McBroom, aye. Bruce, aye. Request to call the
17. absentees. The absentees will be called.

18. SECRETARY:

19. Chew, Clarke, Conolly, Course, Daley, Donnewald,
20. Dougherty, Graham, Hynes, ...Hynes, Johns, Keegan, Knuppel,
21. Kosinski,

22. PRESIDING OFFICER (SENATOR WEAVER):

23. Donnewald, aye.

24. SECRETARY:

25. McCarthy, Howard Mohr, Don Moore, Newhouse, Nudelman,
26. Ozinga, Palmer, Partee, Rock, Romano, Savickas, Scholl,
27. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
28. Welsh.

29. PRESIDING OFFICER (SENATOR WEAVER):

30. President Harris.

31. SENATOR HARRIS:

32. Mr. President, I don't know whether, I guess I am recorded,
33. but I just want to urge the members who are remaining silent,

1. I don't think there is any issue that in critical periods
2. of...of water problems and floods doesn't bring in to
3. public attention our need to respond affectively,
4. legislatively on this issue. Besides, the appropriations
5. process after the damage created by development in
6. flood plain areas has already been done. I think this
7. is a very responsible measure that Senator Knuepfer has
8. proposed here, and I would just urge those who have remained
9. silent on the call of the absentees that can support it to
10. join because this is very sound legislation.

11. PRESIDING OFFICER (SENATOR WEAVER):

12. On that question the ayes are thirty-three, and the
13. nays are one. SB 238 having received a constitutional
14. majority is declared passed. Senator Knuepfer.

15. SENATOR KNUEPFER:

16. I'm wondering if I can ask leave to go out of order
17. and take SB 240 before 239 since 240 pertains to the
18. discussion that I just had with Senator Graham, and then
19. I'll come back to 239.

20. PRESIDING OFFICER (SENATOR WEAVER):

21. SB 240.

22. SECRETARY:

23. SB 240 (Secretary reads title of bill)
24. 3rd reading of the bill.

25. PRESIDING OFFICER (SENATOR WEAVER)

26. Senator Knuepfer.

27. SENATOR KNUEPFER:

28. This directs itself to the question that Senator
29. Graham and I were just indulging in a colloquy on.
30. And what it says in effect, that if the State of Illinois
31. does not wish by funding these kinds of programs, this
32. kind of a program of flood plain study to...to provide
33. the mechanism for implementing Senator Graham's bill,

1. then the State of Illinois, Division of Waterways,
2. Department of Transportation may delegate to the county
3. board this power. So that if you can't do it,...if
4. you don't decide to do it at the State level, please
5. delegate your authority to us and let us take on the
6. job. Somebody has got to do it and if you won't do
7. it at the State level, we'd like to have your authority
8. to do it. You have the power at any time to take back
9. that authority, but until such time as you do, give
10. it to us. That's simply all the bill says.

11. PRESIDING OFFICER: (SENATOR WEAVER)

12. Senator Latherow.

13. SENATOR LATHEROW:

14. Thank you Mr. President. I wonder if the sponsor
15. would yield to a question.

16. PRESIDING OFFICER: (SENATOR WEAVER)

17. He indicates he will.

18. SENATOR LATHEROW:

19. When you're speaking in this particular one that
20. they can delegate the powers to the Department of Public
21. Works in a county, how many counties have department
22. of public works in the State of Illinois?

23. PRESIDING OFFICER: (SENATOR WEAVER)

24. Senator Knuepfer.

25. SENATOR KNUEPFER:

26. To the best of my knowledge there is something less
27. than twenty, Senator Latherow.

28. PRESIDING OFFICER: (SENATOR WEAVER)

29. Senator Latherow.

30. SENATOR LATHEROW:

31. Would a county highway department be classified as
32. a...under this...to put a county with a county highway
33. department under this act.

1. PRESIDING OFFICER (SENATOR WEAVER)

2. Senator Knuepfer.

3. SENATOR KNUEPFER:

4. Well, I think a department of public works is
5. the proper name, and a highway department would not be,
6. under this bill, would not fall within this preview.
7. May I just suggest there was a reason for this, for putting
8. in the Department of Public Works. Because a department
9. in order to...to perform this kind of a mission there
10. has to be some local competency. Now the judge of that
11. competency is twofold. One, the department of transporta-
12. tion and second, the fact that a county has a department
13. of Public Works they therefore, in general would have some
14. competency in resolving these kinds of problems. This
15. is not a bill for every county.

16. PRESIDING OFFICER (SENATOR WEAVER):

17. Senator Latherow.

18. SENATOR LATHEROW:

19. Well, Mr. President and Members of the Senate, I
20. hesitate to rise in opposition to this, but as long as
21. I'm not perfectly clear on the fact that the counties in
22. my district are excluded from this particular piece of
23. legislation, I'll have to oppose it. I don't particularly
24. believe that we should delegate from the State of Illinois
25. to the departments where they...wherever they might be
26. in any particular county, the full rights of control
27. of all the rivers, lakes and streams within the area.
28. I think this is a portion that we have stepped around
29. and tried to step into from almost every direction.
30. And I hesitate to say that I can be any other way but
31. opposed to this legislation.

32. PRESIDING OFFICER (SENATOR WEAVER):

33. Is there any further discussion? Senator Knuepfer,

1. you care to close debate?

2. SENATOR KNUEPFER:

3. I think everything has been said that can be said
4. about the bill. I would appreciate your consideration
5. of the bill. I think it will be an important tool for
6. those of us who are plagued by some extraordinarily
7. severe flooding problems in...and the tool will effectively
8. say well, if nobody else is going to do, we'll get the
9. job done locally. And I would appreciate your consideration
10. and a favorable roll call.

11. PRESIDING OFFICER: (SENATOR WEAVER)

12. The question is shall SB 240 pass, And on that
13. question the Secretary will call the roll.

14. SECRETARY:

15. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
16. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
17. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
18. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
19. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
20. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
21. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
22. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
23. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
24. Weaver, Welsh, Wooten, Mr. President.

25. PRESIDING OFFICER: (SENATOR WEAVER)

26. Berning, aye. Been a request to call the absentees.
27. The absentees will be called. Gentlemen, if you'd give your
28. attention to the Secretary for just a minute, it would
29. be very helpful.

30. SECRETARY:

31. Bruce, Carroll, Chew, Clarke, Conolly, Course,
32. Daley, Donnewald, Kenneth Hall, Johns, Keegan, Knuppel,
33. Kosinski, Howard MOhr, Don Moore, Netsch, Newhouse, Nudelman,

1. Ozinga, Palmer, Partee, Rock, Romano, Saperstein, Savickas,
2. Scholl, Smith,

3. PRESIDING OFFICER (SENATOR WEAVER):

4. Scholl, aye.

5. SECRETARY:

6. Smith, Sommer, Sours, Swinarski, Vadalabene, Walker,
7. Welsh, Wooten.

8. PRESIDING OFFICER (SENATOR WEAVER):

9. On that question the yeas are twenty-six. The nays
10. are three. One present. SB 240 having failed to receive
11. a constitutional majority is declared lost. 239, Senator.

12. SECRETARY:

13. SB 239 (Secretary reads title of bill)

14. 3rd reading of the bill.

15. PRESIDING OFFICER (SENATOR WEAVER):

16. Senator Knuepfer:

17. SENATOR KNUEPFER:

18. This directs itself to another problem that is
19. strictly an urban problem, and the bill applies only
20. to counties of 100,000 or over. It addresses itself
21. to two kinds of problems, and let me give you an
22. illustration of one problem. A group of people are
23. living in an unincorporated area and they get their
24. water from wells. Along comes a brand new shopping
25. center, puts a well down that provides a million gallons
26. per day and the home owners no longer have any water.
27. That has happened in my county, that has happened in
28. other places, and the mechanism provided in this bill
29. for resolution of that problem is to authorize that
30. allocation in the event of an emergency to be made by
31. county boards. The second problem that exists is the
32. problem of, in the developing areas people forget to
33. cap their wells. What happens when they forget to

1. cap their wells? Well, what happens is...cap their
2. wells that is when urban water comes along and when
3. the water mains come along. What happens is that pollution
4. tends to run into those uncapped wells. Our County
5. Department of Public Works would like the authority
6. to go in and cap those wells and it's just as simple
7. as that. I think they ought to have that authority.
8. The State has some authority in this area but like the
9. flood plain act it hasn't been used at all. So I'm only
10. suggesting this, that nobody else is going to do it,
11. let us cap these wells so that we can prevent the
12. pollution of the same strata that we're taking water
13. from. Now then those two problems these...this bill
14. is addressed and I would be happy to answer any questions.

15. PRESIDING OFFICER (SENATOR WEAVER):

16. Is there any discussion? Senator Donnewald.

17. SENATOR DONNEWALD:

18. Yes, Mr. President, this particular bill I do
19. object to. I don't think it's needed. Number one,
20. the sandstone probably or limestone where the water
21. comes from, if they were to deepen that same well,
22. the water supply probably would be adequate. Now,
23. as to the plugging and the pollution of an abandoned
24. well, I think that jurisdiction is properly with the
25. State and should stay there. And I do on that and
26. several other reasons oppose the passage of this
27. proposed legislation.

28. PRESIDING OFFICER (SENATOR WEAVER):

29. Is there any further discussion? Senator Harber
30. Hall.

31. SENATOR HARBUR HALL:

32. Would the sponsor yield for a question?

33. PRESIDING OFFICER (SENATOR WEAVER):

1. He indicates he will.

2. SENATOR HARBER HALL:

3. Senator, would this particular bill be of any particular
4. assistance to those rural residents who desire a water
5. system, period. Outside of the area of a single well.
6. Would it be any assistance in this line, like a community
7. water system or a rural water system.

8. PRESIDING OFFICER: (SENATOR WEAVER)

9. Senator Knuepfer.

10. SENATOR KNUEPFER:

11. No, this wouldn't but the one other bill that we
12. just passed out of the Body which authorized counties
13. to provide this service, upon petition would be the
14. mechanism for enabling rural residents to get together
15. and form a water system and have the county operate that
16. system for them. But I don't think this particular bill
17. would do that.

18. PRESIDING OFFICER: (SENATOR WEAVER)

19. Is there any further discussion? The question is
20. shall...Senator, excuse me Senator.

21. SENATOR KNUEPFER:

22. Just a moment in closing debate. I...I just like
23. to respond to Senator Donnewald's objection. Certainly
24. Senator I recognize that people can go deeper. The problem
25. is that the people you're making go deeper are the small,
26. individual home owners who can't afford to go any deeper.
27. Obviously the big shopping center comes in there and
28. they're going to take everything they can get and they
29. do take everything they can get. They can go to any
30. depth. It makes no difference to them. But the people
31. you dry out is the little bit of home owner there, and
32. he's the guy that suffers and says I don't have any more
33. water in my well because this new demand has suddenly

1. taken everything out of there. Secondly, I would agree
2. with you that there is authority as between the depart-
3. ment of Mines and Minerals and I think one other division
4. to cap wells. But nobody has ever given them the money
5. to come around in a county such as mine or in Lake County
6. or in any of these others to do the job. Consequently
7. the job doesn't get done, we keep on polluting the wells.
8. And all I'm asking here for is exactly the same kind of
9. a thing I previously said. If you won't do it at the
10. State of Illinois, just give us the authority and let us
11. be responsible for getting the job done.

12. PRESIDING OFFICER: (SENATOR WEAVER)

13. The question is shall SB 239 pass and on that
14. question the Secretary will call the roll.

15. SECRETARY:

16. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
17. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
18. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
19. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
20. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
21. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
22. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
23. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
24. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
25. Weaver, Welsh, Wooten, Mr. President.

26. PRESIDING OFFICER: (SENATOR WEAVER)

27. Been a request to call the absentees. The absentees
28. will be called...

29. SENATOR KNUEPFER:

30. Call the absentees. If you don't want the bill,
31. it's all right. If you...appreciate your support.

32. SECRETARY:

33. Bruce, Buzbee, Carroll, Chew, Clarke, Conolly,

1. Course, Daley, Kenneth Hall, Hynes, Johns, Keegan, Kosinski,
2. McCarthy, Howard Mohr, Netsch, Nimrod, Nudelman, Ozinga,
3. Palmer, Partee, Rock, Romano, Saperstein, Savickas,
4. Smith, Sommer, Sours, Swinarski, VAdalabene, Walker,
5. Welsh.

6. PRESIDING OFFICER: (SENATOR WEAVER)

7. Walker, aye. Buzbee, aye. On that question the
8. ayes are twenty-five, the nays are six, SB 239 having
9. failed to receive a constitutional majority is declared
10. lost.

11. SECRETARY:

12. SB 241 (Secretary reads title of bill)
13. 3rd reading of the bill.

14. PRESIDING OFFICER: (SENATOR WEAVER)

15. Senator Knuepfer.

16. SENATOR KNUEPFER:

17. Well, I...I, the 241, 242 and 243 ought to be
18. considered as a package. It takes all three bills
19. to do what I want to do here. This provides an additional
20. option for county government. And this provides the
21. option of allowing them to have their elections either
22. at the regular primary and the regular general election,
23. or upon the special dates that are presently extant in
24. the statutes. This bill, my county board is very much
25. interested in the bill. It will save them a half million
26. dollars. It doesn't mandate anything, but it provides
27. that permissive authority. I wonder if I can have a
28. knock or two. It does permit the caucus system which
29. presently exists if the counties...if the parties want
30. to select their candidate by caucus. I'm asking for this
31. for my county board and I'm sure there are some others
32. although as I noted it is totally permissive, it doesn't
33. mandate anything. I would be happy to answer any question.

1. PRESIDING OFFICER (SENATOR WEAVER):

2. Is there discussion? The question is shall SB 241
3. pass. And on that question the Secretary will call the
4. roll.

5. SECRETARY:

6. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
7. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
8. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
9. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
10. Latherow, McBroom, McCarthy,

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Senator Course, aye. Senator Course.

13. SECRETARY:

14. Merritt, Mitchler, Howard Mohr, Don Moore, Netsch,
15. Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Partee,
16. Regner, Rock, Roe, Romano, Saperstein, Savickas, Schaffer,

17. PRESIDING OFFICER (SENATOR WEAVER):

18. Senator Schaffer.

19. SENATOR SCHAFFER:

20. I'm quite frankly quite amazed that this bill is
21. not receiving virtually every vote in this Body, although
22. as I look at the empty chairs it partially explains it.
23. This bill would allow us to consolidate two...from four
24. elections to two if we wanted to, if the county board
25. wanted to. This would save the taxpayers of my county
26. \$100,000. I'm absolutely amazed this bill isn't going
27. through with a tremendous vote. It's strictly optional,
28. it doesn't force a thing on anyone. We've beaten virtually
29. every attempt to give county government some more money,
30. now we're beating...now we're trying to shove another ex-
31. pense on to them. I earnestly appeal to you for an aye vote on
32. this bill. This is a good bill. It doesn't gore anybody's ox.
33. It doesn't rock anybody's boat. It just saves the taxpayers
some money.

1. SECRETARY:

2. Scholl, Shapiro, Smith, Sommer, Soper, Sours,
3. Swinarski, Vadalabene, Walker, Weaver, Welsh, Wooten,
4. Mr. President.

5. PRESIDING OFFICER: (SENATOR WEAVER)

6. Buzbee, aye. Newhouse, aye. Hynes, aye. Ozinga,
7. aye. Latherow, aye. On that question the ayes are
8. thirty-five, the nays are three. SB 241 having
9. received a constitutional majority is declared passed.

10. SECRETARY:

11. SB 242 (Secretary reads title of bill)
12. 3rd reading of the bill.

13. PRESIDING OFFICER: (SENATOR WEAVER)

14. Senator Knuepfer.

15. SENATOR KNUEPFER:

16. No explanation. If you'll just provide the same votes.
17. It's a package of the same bill, as I...as we just discussed.
18. I would appreciate your favorable vote on this and 243
19. before you leave the hall, if possible.

20. PRESIDING OFFICER: (SENATOR WEAVER)

21. The question is shall SB 242 pass. And on that
22. question the Secretary will call the roll.

23. SECRETARY:

24. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
25. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
26. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
27. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
28. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
29. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
30. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
31. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
32. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
33. Weaver, Welsh, Wooten, Mr. President.

1. PRESIDING OFFICER: (SENATOR WEAVER)

2. Glass, aye. Kosinski, aye. Regner, aye. Davidson,
3. aye. Course, aye. Buzbee, aye. Bruce, aye. Walker,
4. aye. On that question the yeas are thirty-five, the
5. nays are two. SB 242 having received a constitutional
6. majority is declared passed.

7. SECRETARY:

8. SB 243 (Secretary reads title of bill)
9. 3rd reading of the bill.

10. PRESIDING OFFICER: (SENATOR WEAVER)

11. Senator Knuepfer.

12. SENATOR KNUEPFER:

13. Part of the same package. I would appreciate a
14. favorable roll call.

15. PRESIDING OFFICER: (SENATOR WEAVER)

16. Is there any discussion? The question is shall
17. SB 243 pass. And on that question the Secretary will
18. call the roll.

19. SECRETARY:

20. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
21. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
22. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
23. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
24. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
25. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
26. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
27. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
28. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
29. Weaver, Welsh, Wooten, Mr. President.

30. PRESIDING OFFICER: (SENATOR WEAVER)

31. Kenneth Hall, aye. Johns, aye. Bruce, aye.
32. On that question the ayes are thirty-eight, the nays
33. are two. SB 243 having received a constitutional majority

1. is declared passed. 293.

2. SECRETARY:

3. SB 293 (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDING OFFICER (SENATOR WEAVER)

6. Senator Buzbee.

7. SENATOR BUZBEE:

8. Yes, thank you Mr. President. Mr. President, this is
9. a bill that has been in this Chamber before. Senator
10. John Gilbert introduced it in the last Session. I want
11. to emphasize that that Senator John Gilbert introduced
12. it in the last Session. And unfortunately it did not get
13. passed. We heard this bill in committee. It received
14. twelve positive votes, no negative and one present. The
15. purpose of the bill is to develop and expand programs
16. by which educational, recreational and other individual
17. needs are met pursuant to community involvement. What
18. it does is, it's the lighted school house concept where
19. a community is using the resources for which it has paid.
20. By that we simply mean that different programs can be
21. used in the schoolhouses including greater use of educational
22. facilities, enrichment programs for all age groups,
23. educational programs for all ages, recreational programs
24. for the entire community, coordination of agencies to
25. solve community problems. Mr. President, this bill would
26. bring the State of Illinois under the umbrella of the
27. Federal Community Education Act, and I'm quoting from...

28. PRESIDING OFFICER (SENATOR WEAVER):

29. Continue Senator.

30. SENATOR BUZBEE:

31. Thank you. I'm quoting now from Senator Church
32. and Senator Williams when they passed SB No. 2689
33. in the United States Senate which is now the Community

1. Education Act. In just about every municipality of the
2. United States, the largest single investment of public
3. funds in physical facilities is the total public school
4. plant. These buildings usually within walking distance
5. of the residents of the neighborhood which they serve
6. are also frequently among the best and newest facilities
7. in the area. It is a shameful waste to use such public
8. facilities only part of the day, five days a week, 39
9. weeks a year. And solely for the formal education of
10. youngsters. The traditional school operating limited
11. hours and serving only the young is an extravagance that
12. modern America cannot abide. Community education program
13. I feel like that I...

14. PRESIDING OFFICER (SENATOR WEAVER);

15. Gentlemen, let's break up that caucus back there,
16. Senator Graham and Daley. Continue, Senator.

17. SENATOR BUZBEE:

18. Thank you. Community education program includes
19. adult education programs, health programs, recreational
20. programs, vocational programs, academic programs, enrich-
21. ment programs. It involves schools, churches, civic
22. organizations, agencies, business industry and govern-
23. ment. I have a letter here from the Evanston Recreation
24. Board, signed by Mr. Richard C. Art, President. Evanston,
25. of course, already has a community education program, and
26. it says that SB 292 and 293 have been presented by your-
27. self and other Senators and it's to this end that the
28. Evanston Recreation Board would like to support you in
29. your efforts to have the bills passed. I think this is
30. legislation which we badly need in the State of Illinois,
31. and I would ask for a favorable roll call.

32. PRESIDING OFFICER (SENATOR WEAVER):

33. Is there any discussion? Senator Soper.

1. SENATOR SOPER:

2. Senator Buzbee...Mr. President, SENator Buzbee,
3. there are a few words here that I...I don't seem to
4. understand. Say educational programs, I sort of under-
5. stand those things. Recreational programs, what would you
6. class as recreational programs that these directors
7. shall concern themselves with and the training of these
8. directors.

9. PRESIDING OFFICER: (SENATOR WEAVER)

10. Excuse me, Senator Buzbee.

11. SENATOR BUZBEE:

12. Yes, Senator Soper this is such things as I know
13. you have seen the public service announcement on television
14. where the...the ghetto children, or it doesn't have to
15. be ghetto children, it can be children of an upper class
16. neighborhood for that matter, who go to the playground on
17. Saturday, the school playground to use the basketball
18. courts or the tennis courts or whatever only to find
19. those facilities locked because the school board cannot
20. afford the insurance and the personnel to maintain
21. these things during off school hours. And this sort
22. of a program would have an active community education
23. director who would see that these types of facilities
24. are...you can use these facilities all the time on
25. weekends and evenings and so forth.

26. PRESIDING OFFICER: (SENATOR WEAVER)

27. Senator Soper.

28. SENATOR SOPER:

29. You mentioned a few other programs there. Didn't
30. get them all, but here you say, community education program,
31. means those services provided to individuals through
32. increased agency cooperation, neighborhood councils,
33. and community education directors. Now, this...this act

1. that you have, you want to train certain people to do
2. these things, is that what you want to appropriate
3. this money for?

4. PRESIDING OFFICER (SENATOR WEAVER):

5. Senator Buzbee.

6. SENATOR BUZBEE:

7. Yes sir, Senator, You've got to think of this
8. bill in connection with the Federal Act. The Federal
9. Act as it presently is on the United States statute
10. books would allow these types of training programs for
11. these educational directors to...this fund, this money
12. would be funded by the Federal government to various
13. universities throughout the State of Illinois, and
14. in our case, to train these directors. Now, I don't
15. have the final version of the bill in front of me, but
16. I have a rough version here, so I'm not sure what page
17. it is on the bill. But you'll notice that it says all
18. applications must be received by the Superintendent by
19. April 1, etc., the Superintendent shall approve or
20. reject all applications for these applications approved
21. the Superintendent shall grant to the applicant an amount
22. which may be 20,000 or less in the initial year of
23. an approved application, 15,000 or less in the second
24. year an applicant obtains program approval and 10,000
25. or less for any additional year beyond the second year
26. an applicant obtains program approval from the Super-
27. intendent. Grant monies may be used for salaries of
28. directors and coordinators or for any other aspect of
29. the program approved by the Superintendent.

30. PRESIDING OFFICER (SENATOR WEAVER):

31. Senator Soper.

32. SENATOR SOPER:

33. Now, would this be under direct control of the

1. ...you're going to use school buildings, is that right?
2. You want to use school buildings for this. You say that
3. school buildings are used eight or nine months a year.
4. You want to use school buildings for this program.
5. SENATOR BUZBEE:
6. Yes that would be one building...
7. SENATOR SOPER:
8. One building, other public buildings that are used...
9. SENATOR BUZBEE:
10. Pardon me.
11. SENATOR SOPER:
12. Sporadically. Just school buildings going to be used
13. for this purpose.
14. SENATOR BUZBEE:
15. Well, no, I don't envision it as being just school
16. buildings. It would be...probably recreational boards
17. and so forth. When they set up the community education
18. council why they would try to bring all these various
19. groups into play into the thing so that they could use
20. for senior citizens recreational facilities and for
21. training programs and so forth. It would be kind of
22. an umbrella concept of getting the whole community to
23. where we're using our public facilities that we have
24. now where they're for the most part just being used
25. a few hours a day, a few months out of the year now.
26. PRESIDING OFFICER (SENATOR WEAVER)
27. Senator Soper.
28. SENATOR SOPER:
29. Now, the only thing that concerns me about this,
30. is where you...you get Federal participation in some
31. of these programs and you have a facility that's a
32. local facility that's governed by a local governing
33. board, then they lose all control of this thing and

1. ...and all you have is an input of a lot of money and a...
2. and a ...what I call it an exput, the things you get out
3. of these things that you put into is...is really nothing.
4. All...all they put is a lot of people on boards of
5. directors or they train certain people and the local
6. people are excluded and not included in the participation
7. and the determination of what should go on in those places.
8. And...and they make work, and in the end, your people
9. say this is Federal money. And it's not going to cost
10. the local people anything. I'm not against people
11. participating, I'm not against old people, I'm not against
12. young people, I'm not against participation by the locality
13. in any of these programs. But when you exclude the people
14. that really have the...have the responsibility of maintain-
15. ing the...maintaining the facilities, and it costs a lot
16. of money to maintain facilities with local taxes. And
17. then you tell the people that this isn't going to cost
18. anything because this is a Federally subsidized program,
19. or State subsidized program, or a...or a municipal sub-
20. sidized program because of a precinct, then the people
21. lose all concept. If they're the ones that have to make
22. the determination of...of what it costs. They say it's
23. not going to cost us anything. And if the thing doesn't
24. produce something, then it isn't worthwhile. We have
25. more of these programs going out, where...where we lose
26. local control. And...and then the local...the local tax...
27. the people in the locality have to pay for all the
28. repairs and the...and the...and the maintenance of the
29. program, beside educating or having a lot of new
30. directors that are educated in this thing or programs
31. whereby they feel that they're receiving something for
32. nothing and all they receive for it is a...a community
33. that's got a lot of activity going on. That's not really

1. activity, but a lot of money being paid out because of
2. the fact that we pay Federal money and it doesn't cost
3. us anything. That's the only thing I'm opposed to.
4. I'm not against human beings, I'm not against school
5. children, I'm not against old people, I'm not against
6. colored people, I'm not against white people. I'm for
7. all people.

8. PRESIDING OFFICER (SENATOR WEAVER):

9. Senator Harris.

10. SENATOR HARRIS:

11. Mr. President, I just want to add my voice of suspicion
12. about the eventual fiscal impact of starting one more pro-
13. gram here. We appropriate a tremendous amount of money to
14. the Department of Local Governmental Affairs. We do all
15. kinds of things for municipalities and communities. We
16. have provided for local...certainly insofar as the munici-
17. palities themselves are concerned in recent years, a great
18. ...of fiscal assistance. They share in the operation of
19. the income tax act. I'm just quite wary of the ultimate
20. growth of this kind of new program that is provided for, I
21. think, in an appropriation of \$450,000 to begin with and
22. while the purpose is laudable, I have great fear and sus-
23. picion about the ultimate development of this. And I just
24. can't support this bill.

25. PRESIDING OFFICER (SENATOR WEAVER):

26. Senator Sours.

27. SENATOR SOURS:

28. I've been listening rather attentively, Mr. President,
29. Senators. I'd like to ask Senator Buzbee a question.
30. And the question would be, how many dollars are we talking
31. about today, or 1974, and then, how many dollars are we
32. talking about at such time as what has been called
33. euphemistically seed money has been withdrawn.

1. PRESIDING OFFICER: (SENATOR WEAVER)

2. Senator Buzbee.

3. SENATOR BUZBEE:

4. Yes, Mr. President. I don't know which question to
5. answer first. I think maybe I ought to go back to Senator
6. Soper's question first, by saying that I...I did not
7. adequately explain the Federal involvement. Because
8. the Federal government has nothing to do with the community
9. education program itself. I quote now from Title I,
10. Community Education Centers grants, from the Federal bill.
11. Section 101, (a): ... The Commissioner shall make grants
12. to institutions of higher education to develop and establish
13. programs in community education which will train people
14. as community school directors. That's the Federal govern-
15. ments only involvement. I agree with you completely that
16. people are misled sometimes, saying well, it's the Federal
17. government doing it and it does not cost us anything. I
18. know that everytime any government does anything it costs
19. you and I something. I think your position is admirable,
20. that you are not against the people. I am not against the
21. people either, but I do think that this particular little
22. thing is the only Federal government involvement. From
23. that point on it will be strictly the State and the local
24. government. In response to Senator Sours question, the
25. appropriation bill which is a companion bill for this, this
26. year and I...by the way has not appeared before the
27. Appropriations Committee yet, is \$350,000 for this
28. year. And there will be an amendment put on there of
29. approximately \$40,000 for administrative purposes by
30. OSPI. As to what the...as to what the appropriation
31. would be next year, Senator Sours, I don't know at this
32. point, because it's according to how many communities
33. decide that they want to participate in this. One thing

1. that will be happening is the grant that's made to the
2. ...to the each community will be going down each year.
3. But, of course, we could probably expect more communities
4. to be involved in this in the future, which would logically
5. follow that the amount of total dollars would be going up
6. each year.

7. PRESIDING OFFICER (SENATOR WEAVER):

8. Senator Sours.

9. SENATOR SOURS:

10. You know I have the feeling this is something SIU
11. is interested in too, and I am not against SIU. But in
12. my tenure here, I've seen millions ratholed including
13. the construction of a place for the President, which I
14. refer to as the Taj Mahal. Now, Senator, we've had
15. enough of these boondoggles. This is something we should
16. absolutely, remittingly discourage from now on out.
17. When we talk about Federal seed money, and Title 1, 2,
18. 3 and 4, I'm thinking of the Gentlemen in Chicago who
19. was dispensing Title (1) money in a \$310 red leather
20. chair. And if anything is inconsistent, that's it. This
21. is a bill that ought to fail, and anything like it.

22. PRESIDING OFFICER (SENATOR WEAVER)

23. Is there any further discussion? Senator Buzbee,
24. close debate.

25. SENATOR BUZBEE:

26. Well, I think that's a valid criticism, Senator Sours,
27. and I respect your opinion on it. However, I think that
28. we are probably wasting a lot of taxpayers dollars right
29. now in having those school buildings open only five days a
30. week, 39 weeks out of the year. This is a program that will
31. allow us to keep those buildings open at night, will allow
32. us to keep them open during the summer when we have
33. children, old people, the maimed, halt, and the blind if

1. you will, who have need of programs and do not have a
2. facility to hold those programs in, so I think this
3. would be a big saving of the taxpayers' dollars in the
4. long run. By letting us get these programs into existing
5. facilities, and I don't know about you, but my wife is
6. a school teacher and it bugs the heck out of me everytime
7. I go by that school building and think of all the dollars
8. that we're paying into building those types of edifices
9. to set, to set there if you will to be used only eight
10. hours a day, except when the high school basketball
11. team wants to use it at night. So I think this is a
12. program that would allow us to use these types of
13. facilities, and get our taxpayers' dollars worth. And
14. I'd appreciate a favorable roll call. Thank you.

15. PRESIDING OFFICER: (SENATOR WEAVER)

16. The question is shall SB 293 pass. Upon that question
17. the Secretary will call the roll.

18. SECRETARY:

19. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
20. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
21. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
22. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
23. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
24. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
25. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
26. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
27. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
28. Weaver, Welsh, Wooten, Mr. President.

29. PRESIDING OFFICER: (SENATOR WEAVER)

30. Senator Buzbee.

31. SENATOR BUZBEE:

32. Well, Mr. President, it seems I got more votes in
33. committee than I did on the Floor, almost. I would like to add,

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1. yes, SIU will set up such a program, in explaining my
2. vote Mr. President. SIU will set up such a program,
3. the University of Illinois is all set to go in setting
4. up such a program, I understand. I think Normal...
5. Normal...the University...Normal, Illinois can set up
6. such a program. Eastern, Western, Northern all the other
7. State schools and I don't believe that it's just a boon-
8. doggle for SIU. My vote is aye.

9. PRESIDING OFFICER: (SENATOR WEAVER)

10. On that question the ayes are sixteen, the nays are
11. ten. SB 293 having failed to receive a constitutional
12. majority is declared lost. 321, Senator Berning. Excuse
13. me, I passed 303, Senator Regner.

14. SECRETARY:

15. SB 303 (Secretary reads title of bill)
16. 3rd reading of the bill.

17. PRESIDING OFFICER: (SENATOR WEAVER)

18. Senator Regner.

19. SENATOR REGNER:

20. Mr. President, Members of the Senate, this bill simply
21. says that the records which are required to be kept by
22. the local assessment officers be public records and be
23. open to the public...for inspection during their normal
24. working hours. It also provides that the local assessment
25. officer may charge a reasonable fee for the copying of
26. any of these records.

27. PRESIDING OFFICER: (SENATOR WEAVER)

28. Is there any discussion? Senator Rock.

29. SENATOR ROCK:

30. Yes, Mr. President, if the sponsor will yield. I
31. know this is another one of those catch phrase motherhood-
32. type bills that we allow people to go in and see the
33. assessors records. How does this differ from the current

1. law? If it does.

2. PRESIDING OFFICER: (SENATOR WEAVER)

3. Senator Regner.

4. SENATOR REGNER:

5. Senator Rock, if there is current law, I just wonder
6. why we get many complaints from various of our citizenry
7. complaining that they can't get the information they want
8. from either their county or their township tax assessor.
9. So, what I'm doing is this, providing a very simple...two
10. line bill in here to make it mandatory that these records
11. be public records and open.

12. PRESIDING OFFICER: (SENATOR WEAVER)

13. Senator Course. Senator Rock, did you have any further
14. questions? Senator Course.

15. SENATOR COURSE:

16. Thank you Mr. President, Members of the Senate. I
17. did raise some objections in the Revenue Committee and
18. sponsor of this legislation was gracious enough to consent
19. to the amendment and I thought the bill was put in the
20. proper shape that our side of the aisle can support it,
21. so for that reason I'm going to vote aye on this bill.
22. I think it's a good piece of legislation.

23. PRESIDING OFFICER: (SENATOR WEAVER)

24. Any further discussion? The question is shall
25. SB 303 pass. And upon that question the Secretary will
26. call the roll.

27. SECRETARY:

28. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
29. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
30. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
31. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
32. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
33. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,

1. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
2. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
3. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
4. Weaver, Welsh, Wooten, Mr. President.
5. PRESIDING OFFICER (SENATOR WEAVER):
6. McBroom, aye. Glass, aye. Senator Newhouse, aye.
7. Buzbee, aye. On that question the ayes are forty-one,
8. the nays are none. SB 303 having received a constitutional
9. majority is declared passed. 321.
10. SECRETARY:
11. SB 321 (Secretary reads title of bill)
12. 3rd reading of the bill.
13. PRESIDING OFFICER (SENATOR WEAVER):
14. Senator Berning.
15. SENATOR BERNING:
16. Thank you, Mr. President and Members of the Body.
17. SB 321 I am sure is familiar to nearly everyone on
18. the Floor. We have had several conferences. We have
19. had amendments offered, and have accepted amendments
20. which I now think puts the bill in shape so that we have
21. reasonable hope of support from most of the members of
22. the Body. Without going into discussion, unless there
23. is question, I would merely suggest that our amendment
24. accommodates the members of the other side of the aisle,
25. as well as some question on this side, so I would
26. appreciate now a favorable roll call.
27. PRESIDING OFFICER (SENATOR WEAVER):
28. Senator Wooten.
29. SENATOR WOOTEN:
30. Yes, Senator, my reservations about 321 were not
31. to be handled really by an amendment. But rather that I
32. doubted that the legislation is needed at all. Those who
33. are currently employed in a hospital in Chicago are

1. working successfully. According to the one amendment, I don't
2. believe anything has been changed to limit the number of
3. physician's assistants which can work under the supervision
4. of a physician engaged in a clinical practice of medicine
5. and so, in other words, you can have any number, you can
6. almost fill a hospital with physician's assistants.
7. There's some question as to whether or not these men
8. ought not become nurses. I think, as I said in committee,
9. there's a very laudable purpose behind the bill. And that
10. is to give employment to corpsmen, medics, returning from
11. Viet Nam who have perhaps seen more serious surgery than
12. many doctors and perhaps have performed under great stress
13. some very...let's say they've learned medicine in a hurry.
14. But I question whether or not we really need to go this
15. extend to find them employment. That was my objection
16. to the bill in the beginning, and that objection
17. remains.

18. PRESIDING OFFICER (SENATOR WEAVER):

19. Senator Smith.

20. SENATOR SMITH:

21. Mr. President, Members of the Senate. First, I want
22. to agree with Senator Berning with regard to the fact
23. that many, many discussions have been had between the
24. good Senator and Members of this side of the aisle,
25. including myself. The older members will recall that
26. the last Session the Majority Whip, or Minority, I
27. don't know which, Senator Coulson had this bill and
28. it was not defeated. He held it on the Calendar by
29. some means or another and it died at the close of the
30. Session. Now, for this side of the aisle I had perhaps
31. fifteen or sixteen amendments. First, may I say to
32. my friends on this side of the aisle that a number of
33. assistants are limited. The doctors are limited to

1. one assistant. I will read the particular amendment that
2. so states. No more than one physician's assistant shall
3. be employed by a physician at any one time. I didn't
4. call it by number, I just read the amendment. You said
5. several, and I wanted to read the amendment that took
6. care of that. I see, well, you rebut me on that. I'm
7. going to re-read this particular amendment because the
8. Senator will shortly read another. But in Section 5,
9. it states that no more than one...am I reading it right,
10. Senator Berning? No more than one physician's assistant
11. shall be employed by a physician at any time. That's
12. correct, is it not, and that was the agreement that we
13. have.

14. SENATOR BERNING:

15. That is Amendment No...in Amendment No. 2, yes.

16. SENATOR SMITH:

17. Now...with regards to the optometrists and some
18. fourteen or fifteen other professions, this particular
19. amendment that I'm now going to read has been submitted
20. to him and they have all agreed that this amendment is
21. satisfactory. The Department shall not adopt any rule
22. or regulation which allows a physician's assistant to
23. perform an act, task or function primarily performed in
24. the lawful practices of a licensed health care profession.
25. The some fourteen or fifteen amendments that I had
26. with regards to this bill, they were submitted because
27. men and ladies in these several professions objected to
28. the fact that their studies profession was, they claimed,
29. being invaded. This amendment was agreed to, and they
30. have in writing submitted their complete agreement with
31. this amendment. I've discussed this amendment as the
32. Senator can tell you, at length with the leadership
33. on this side of the aisle. He is satisfied. I did not

1. discussit with the assistant...

2. PRESIDING OFFICER (SENATOR WEAVER):

3. Gentlemen, let's be...let's give Senator Smith our
4. attention, please. Continue Senator.

5. SENATOR SMITH:

6. I merely wish to say Mr. President, that I agree
7. in full with the Senator that the bill is in a position
8. now that satisfied the various and sundry groups that
9. were present to object to it in its original form. And
10. with that I conclude.

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Senator Sours.

13. SENATOR SOURS:

14. Mr. President, Senators, as I understand this, this
15. is to take some of the onus and burden off of the
16. practicing physician who's pretty...who's worked pretty
17. much out...out of ordinary these times anyway. Now, as
18. I ...as I recall Senator Coulson had a bill similar to
19. this. Now, unless this amendment changes it drastically
20. this was a good bill then, it's a good bill now. And
21. ought to pass.

22. PRESIDING OFFICER (SENATOR WEAVER):

23. Senator Davidson.

24. SENATOR DAVIDSON:

25. Mr. President, and Ladies and Gentlemen of the Senate,
26. I'd like to rise in support of this bill as amended.
27. Senator Smith well documented the meetings that went
28. on, that got all the different health care professions
29. which were concerned with this bill in together and
30. the health care facilities, such as the hospitals and
31. etc. who were concerned in this. Now, we all reached
32. an agreement. It is now in good order that everyone
33. can support, and would give the harried physician an

1. opportunity to have an able physician's assistant provided
2. he is trained to do that to help meet the health care
3. needs of the people in his area. And I urge all of you
4. to vote for this bill, as amended.

5. PRESIDING OFFICER: (SENATOR WEAVER)

6. Senator Kenneth Hall.

7. SENATOR KENNETH HALL:

8. Thank you, Mr. President. Would the sponsor yield
9. to a question?

10. PRESIDING OFFICER: (SENATOR WEAVER)

11. He indicates he will.

12. SENATOR KENNETH HALL:

13. Senator, when this bill was heard the last time,
14. last Session, the question was asked of this physician's
15. assistant that if a doctor was going to operate on
16. person, what assurance does he have that this patient
17. is not turned over to his assistant and the assistant
18. performs the operation rather than the doctor?

19. PRESIDING OFFICER: (SENATOR WEAVER)

20. Senator Berning.

21. SENATOR BERNING:

22. Senator, that very simply would be your and mine and
23. that patient's or any patients' confidence in his physician.
24. The bill says very specifically that no assistant can
25. assume any of the prerogatives of a doctor, assume the
26. title of a doctor, charge for being...for providing
27. services, but functions completely and only under the
28. direct supervision and legal responsibility of a
29. physician.

30. PRESIDING OFFICER: (SENATOR WEAVER)

31. Senator Hall.

32. SENATOR KENNETH HALL:

33. But Senator, what I'm trying to get, if I'm the doctor

1. and I have an assistant. What assurance does the patient
2. have after he's put under the anesthetic that this operation
3. wasn't performed by the assistant? Is there anything in
4. here that keeps the assistant from doing the operation?
5. PRESIDING OFFICER (SENATOR WEAVER):

6. Senator Berning.

7. SENATOR BERNING:

8. There isn't anything that gives the assistant the
9. right to do it, but you and I as a patient would be under
10. the same apprehension I assume about any nurse.

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Senator Schaffer.

13. SENATOR SCHAFFER:

14. Well, I think I rise in support of this bill and I
15. think there's one fact which has not really been made clear
16. here. This is not a bill to employ unemployed verterans
17. who have medical training. Quite frankly, these gentlemen
18. can find jobs elsewhere. This bill is an attempt to utilize
19. the tens of thousands of dollars that we have spent on
20. each one of these gentlemen to train them in the medical
21. field. We have a crying need for help, particularly in
22. the rural areas and in the inner city for medical help.
23. It is an absolute travesty and waste of the taxpayer's
24. money to spend hundreds, yes, millions of dollars to
25. train these individuals and then when they return from
26. the service, even if they want to, then prohibit them
27. from entering the medical field. I think this is a good
28. bill. I think it deserves a good vote.

29. PRESIDING OFFICER (SENATOR WEAVER):

30. Senator Don Moore.

31. SENATOR DON MOORE:

32. Well, in as much as everybody that has spoken seems
33. to be in favor of this bill Mr. President, I move the

1. previous question.

2. PRESIDING OFFICER: (SENATOR WEAVER)

3. All in favor signify by saying aye. Opposed nay.

4. Motion carries. Senator Berning may close debate.

5. SENATOR BERNING:

6. Roll call, Mr. President.

7. PRESIDING OFFICER: (SENATOR WEAVER)

8. The question is shall SB 321 pass, and on that question

9. the Secretary will call the roll.

10. ACTING SECRETARY: (MR. WRIGHT)

11. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,

12. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,

13. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth

14. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,

15. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard

16. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,

17. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,

18. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,

19. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,

20. Weaver, Welsh, Wooten, Mr. President.

21. PRESIDING OFFICER: (SENATOR WEAVER)

22. McBroom, aye. Harber Hall, aye. Roe, aye.

23. SENATOR BERNING:

24. Mr. President.

25. PRESIDING OFFICER: (SENATOR WEAVER)

26. Senator Berning.

27. SENATOR BERNING:

28. Mr. President, I am somewhat disappointed at the lack

29. of response. I emphasize that the bill has been amended

30. to meet all objections. I would earnestly solicit those

31. who have held...withheld their vote to cast an aye for

32. this. This is progressive, forward looking legislation,

33. and I would appreciate a favorable roll call. And I...

1. would you call the absentees please, Mr. President.
2. PRESIDING OFFICER (SENATOR WEAVER):
3. Request for the absentees. The absentees will be
4. called.
5. ACTING SECRETARY (MR. WRIGHT):
6. Bell, Berning, Bruce, Buzbee, Carroll, Chew,
7. Course, Daley, Kenneth Hall, Keegan, Knuppel, Kosinski,
8. Latherow, McCarthy, Mitchler, Newhouse, Nudelman, Ozinga,
9. Palmer, Partee, Rock, Romano, Saperstein, Savickas,
10. Soper, Swinarski, Vadalabene, Welsh.
11. PRESIDING OFFICER (SENATOR WEAVER):
12. Mitchler, aye. Vadalabene, no. On that question
13. the ayes are thirty-one, the nays four and one present.
14. SB 321 having received a constitutional majority is
15. declared passed. Senator Glass.
16. SENATOR GLASS:
17. Having voted on the prevailing side, I move to
18. reconsider the vote by which SB 321 passed.
19. PRESIDING OFFICER (SENATOR WEAVER):
20. Senator Glass moves to Table, or...Senator Glass
21. moves to reconsider, Senator Berning moves to Table.
22. All in favor signify by saying aye. Opposed nay. The
23. motion carries. The motion is Tabled.
24. SECRETARY:
25. SB 326 (Secretary reads title of bill)...
26. PRESIDING OFFICER (SENATOR WEAVER):
27. Senator Conolly, 326.
28. SECRETARY:
29. SB 326 (Secretary reads title of bill)
30. 3rd reading of the bill.
31. PRESIDING OFFICER (SENATOR WEAVER):
32. Senator Conolly.
33. SENATOR CONOLLY:

1. Mr. President, this bill merely make's the Illinois
2. Income Tax Act conform with the Federal Income Tax
3. Act and allows the tax only upon the recipient of alimony.
4. I explained this in committee, and explained it incorrectly.
5. The Department of Revenue did not oppose it. They did give
6. me a technical amendment, in favor of it. It is...will
7. put the...as I say, the alimony only on the recipient of
8. the alimony...the tax on the recipient. And right now it's
9. paid by both grantor and the recipient. And I think it's
10. only fair that this money is earned only once, it should
11. be taxed only once. And therefore, I'd ask you at this
12. time to approve this bill that makes it agreeable and
13. conform with Federal Income Tax.

14. PRESIDING OFFICER (SENATOR WEAVER):

15. Senator Clarke.

16. SENATOR CLARKE:

17. Mr. President and Members of the Senate. I'd like
18. to say a few words about this bill because we had a
19. similar House Bill in the Revenue Committee a week ago,
20. and defeated it after thorough discussion. I think this...
21. the case was not quite understood when this bill was
22. up before the Revenue Committee, but the fact of the
23. matter is that it would cost the State of Illinois, the
24. Department of Revenue a million dollars approximately
25. because as the Senator did indicate the tax is now paid
26. by the ex-husband and the ex-wife. And rightly so,
27. because they're two separate taxpayers, they're not
28. one family. I can give you many examples of income that
29. is double taxed so to speak. And I think that's not the
30. important thing. I can think of many more worthwhile
31. deductions, if we want to start giving deductions or
32. credits on the income tax for tuitions, for real estate
33. taxes, for many things, that really ought to be done,

1. except that, as I stated many times, we've got a fairly
2. new income tax. We've got a \$1,000 deduction per individ-
3. ual, and we get an increasing amount of revenue as the
4. economy grows. And if we start chipping away at that
5. income tax, it's not going to be too long before we
6. have to raise the rate. And I think that this is a bad
7. bill. I think it's a bad precedent to start. And I
8. think that we should vote no.

9. PRESIDING OFFICER (SENATOR WEAVER):

10. Senator Knuppel.

11. SENATOR KNUPPEL:

12. Well, here in the last three days to my amazement,
13. we've passed more bad bills and defeated more good bills
14. than I thought was possible. This is a good bill. And
15. I agree with Senator Conolly that the income is earned
16. only once, it ought to be taxed only once. But I don't
17. hold much hope for the bill, after watching this pen
18. of biting sows in here the last three days.

19. PRESIDING OFFICER (SENATOR WEAVER):

20. Is there any...Senator Soper.

21. SENATOR SOPER:

22. Mr. President, Members of the Senate, now if there's
23. an income, a tax should be paid on the income, no matter
24. who has the income. Now, if a husband is decreed by court
25. order to pay alimony, that alimony is taxable to the
26. recipient. Now it's easy to say that the husband pays
27. ...who pays the alimony should pay the tax, because of
28. the fact that if he adds the amount of the alimony which was
29. decreed by court to this income, he will pay a higher
30. tax, and therefore the State of Illinois will receive more
31. money. Now, I...I ask this one question. I'm not divorced,
32. I don't pay alimony, but if we're going to be fair,
33. and if this thing's going to be equitable and it's going

1. to charge taxes on money that...that's earned or due
2. and not on the...on the...on the probability or possibility
3. of earning more money for the State or for the Federal
4. government, then we should say that all monies that are
5. earned and paid out should be paid...the tax should be
6. paid by those where the money originally comes to. Then
7. ...then you would take all possible situations where you...
8. where you...pay for your rent of a business, or you
9. pay for...you pay for your secretary, you pay your secre-
10. tary wages and that's deductible as a cost of doing
11. business. To say let the...the gentlemen that has the
12. business pay the whole tax and not let the secretary pay
13. any tax, because after all, he made the money originally.
14. Now, that would be unduly...unfair. I think in this case
15. sure, we could say the husband should pay them...pay
16. the money on the tax because he...would have more money
17. and would pay a higher tax. But that's not the way the
18. business goes. The one that...ultimately receives the money
19. should pay the tax. That's the only fair proposition here.
20. I'll support this bill.

21. PRESIDING OFFICER (SENATOR WEAVER):

22. Senator Partee.

23. SENATOR PARTEE:

24. Well, Mr. President and Members, I voted for this
25. bill in committee because it was based on the representation,
26. and I think an honest representation of the sponsor,
27. that there would not be any revenue loss. We have had
28. occasion since then to check it, and the Department of
29. Revenue says there would be a one million dollar loss.
30. I guess it would be obvious and apparent to all of us
31. that if the recipient of the alimony did not pay State
32. taxes, it certainly would mean...Senator Soper, I listened
33. to you, could you listen to me? Maybe...it would mean,

1. of course, if the recipient did not reside in Illinois,
2. or did not pay taxes in Illinois, certainly there could
3. not be a shift of the taxes from one person to another.
4. But more than that the Department says that the bill
5. does not shift the loss of taxes to the receiver. And
6. under this situation we just don't feel we're in a
7. position to go with a million dollars of tax loss under
8. this basis. This was, of course, what was contemplated
9. that we wouldn't have these kinds of chipping away when
10. the income tax came in. And we voted for the kind of
11. tax which had, I think, stability and if you go in with
12. this kind of a deduction there will be others and others
13. and others and finally the law will have absolutely
14. no import and will have absolutely no meaning in the
15. context of raising the necessary dollars to support
16. our various institutions. I would suggest to the sponsor
17. of this bill that he hold it until he could get possibly
18. some satisfaction from the Department of Revenue that
19. there wouldn't be a tax loss. And I think under that
20. basis the concept doesn't disturb me, but the tax loss
21. does. And under...in this present condition, I, like
22. Senator Clarke, am going to have to vote in opposition
23. to the bill.

24. PRESIDING OFFICER (SENATOR WEAVER):

25. Is there any further discussion? Senator...Senator
26. Merritt.

27. SENATOR MERRITT:

28. Mr. President, I wonder if Senator Conolly would
29. yield to a question. I'm slightly confused, I...I would
30. assume that the argument of loss Senator comes because
31. of the person paying the alimony, being in a higher tax
32. bracket, and after all if it's going to be a deduction,
33. to him it must be income to the person receiving it and

1. she perhaps or he whichever the case may be, in a lower
2. income bracket. Now, is that...I'm confused. Can you
3. straighten it out for me?

4. PRESIDING OFFICER (SENATOR WEAVER):

5. Senator Conolly.

6. SENATOR CONOLLY:

7. Senator Merritt, Senator Partee was correct, and
8. I alluded to it...in my opening remarks that I did,
9. unknowingly represent this to be slightly different
10. in front of the committee. And in further checking
11. I found out that at the present time, both the person
12. by order of the court who pays the alimony and the
13. recipient, both pay the tax. They both pay the same
14. amount, it's 2 and 1/2% either way, because as you know,
15. we have a flat rate income tax in the State of Illinois.
16. The loss of revenue in...not as...I don't like to
17. call this deduction, I just don't think that you should
18. tax the same earnings twice. That this is earned by an
19. individual and it is no benefit to him if passed on
20. to another person by court order. So the...loss would
21. be on an estimated amount, which I'm not sure how good
22. the records of the Department of Revenue are, but I would
23. have to agree that there is some amount of those who
24. are receiving...who are paying alimony would no longer
25. have to pay tax on the alimony. Now, I don't have the
26. figures. I only have a few friends of mine that I know...
27. I am not paying alimony now. I only have a few friends of
28. mine that are paying alimony. I have no idea what amount
29. this is. The Department of Revenue just says it's a million
30. dollars. I can't be sure about that. But I think it's
31. the principle here that we're paying twice on the same
32. earnings.

33. PRESIDING OFFICER (SENATOR WEAVER):

1. Senator Merritt.

2. SENATOR MERRITT:

3. In other words, the State at the present time, the

4. Department of Revenue is really collecting on both. It

5. doesn't become a deduction to the one that pays it currently,

6. although under Federal law it does. So really, in

7. reality the State is collecting a double amount of

8. money.

9. PRESIDING OFFICER (SENATOR WEAVER):

10. Senator Conolly.

11. SENATOR CONOLLY:

12. Mr. President, I think this has been debated adequately.

13. I think you understand the measure. And I would appreciate

14. very much favorable roll call on this matter.

15. PRESIDING OFFICER (SENATOR WEAVER):

16. The question is, shall SB 326 pass. Upon that question

17. the Secretary will call the roll.

18. SECRETARY:

19. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,

20. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,

21. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth

22. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,

23. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard

24. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,

25. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romanc,

26. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,

27. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,

28. Weaver, Welsh, Wooten, Mr. President.

29. PRESIDING OFFICER (SENATOR WEAVER):

30. Senator Conolly.

31. SENATOR CONOLLY:

32. There seems to be very many empty seats. Maybe

33. you could ring the bell and call the absentees on this

1. very important measure.

2. PRESIDING OFFICER (SENATOR WEAVER):

3. Request for the absentees. The absentees will be

4. called.

5. SECRETARY:

6. Bruce, Buzbee, Carroll, Chew, Course, Donnewald,

7. Dougherty, Fawell, Harber Hall, Kenneth Hall, Hynes,

8. Johns, Keegan, McBroom, McCarthy, Merritt, Mitchler,

9. Netsch, Newhouse, Nudelman, Palmer, Partee, Rock, Romano,

10. Saperstein, Savickas, Shapiro, Smith, Swinarski, Welsh.

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Carroll, aye. McBroom, aye. On that question

13. the ayes are thirty-two, the nays are four. SB 326

14. having received a constitutional majority is declared

15. passed. Senator Sours. Senator Clarke, excuse me.

16. SENATOR SOURS:

17. Mr. President...

18. PRESIDING OFFICER (SENATOR WEAVER):

19. Excuse me just a minute Senator. Senator Clarke,

20. for what purpose do you rise?

21. SENATOR CLARKE:

22. I'd like to have verification of the ayes on that.

23. PRESIDING OFFICER (SENATOR WEAVER):

24. Verification has been requested. Secretary will

25. verify the aye vote.

26. SECRETARY:

27. The following voted in the affirmative. Bartulis,

28. Bell, Berning, Buzbee, Carroll, Conolly, Daley,

29. Davidson, Glass, Knuepfer, Knuppel, Kosinski, Latherow,

30. McBroom, McCarthy, Merritt, Howard Mohr, Don Moore,

31. Newhouse, Nudelman, Ozinga, Regner, Roe, Saperstein,

32. Savickas, Schaffer, Scholl, Sommer, Soper, Sours,

33. Vadalabene, Walker, Weaver.

1. PRESIDING OFFICER (SENATOR WEAVER):
2. Senator Clarke. Senator Glass on the Floor? Senator
3. Glass is here. Back by...back row. Senator Sours.
4. SENATOR SOURS:
5. Mr. President, Senators, I should like refer to
6. SB 323 which I move to have Tabled.
7. PRESIDING OFFICER (SENATOR WEAVER):
8. Excuse me just one minute, Senator. The roll has
9. been verified, and is verified that the vote is thirty-
10. two voting in the affirmative. Senator Sours, excuse
11. me.
12. SENATOR SOURS:
13. Mr. President, I should like to refer to SB 323,
14. which is a bill I filed to protect some of my animal
15. friends. You know if the dogs had a god, it would
16. certainly be a dog and not a human. But I find there
17. is...it's about ten years ahead of its time. So, I'm
18. going to move to Table it.
19. PRESIDING OFFICER (SENATOR WEAVER):
20. Senator Sours moves to Table SB 323. All in
21. favor signify by saying aye. Opposed nay. It is
22. Tabled. Senator Roe.
23. SENATOR ROE:
24. Mr. President, Members of the Senate, Friday I
25. indicated that today I would have a motion to make.
26. I do at this time. Having voted on the prevailing
27. side, make a motion for reconsideration of the vote
28. on SB 777. I would, at this time, also ask leave of
29. the Body to put over consideration on this motion
30. until our next legislative day, namely tomorrow. I
31. would ask unanimous consent for that purpose.
32. PRESIDING OFFICER (SENATOR WEAVER):
33. Is there leave? Leave is granted.

1. SENATOR HARRIS:

2. Mr. President, I would like to have the attention
3. of the Senate. We have distributed a committee schedule
4. for the remainder of the week which you all have.
5. Additionally, I want to announce that the Senate itself
6. will meet on a schedule as follows. Now, if you will give
7. me your attention then questions will not be raised.
8. The Senate will meet tomorrow from 10:00 until 4:00.
9. On Thursday, from 10:00 until 5:30. And on Friday
10. we will come in at 9:00 and work until we can dispose
11. of those bills that have to be acted upon this week.
12. Tomorrow the Senate schedule will be from 10:00 until
13. 4:00. Thursday from 10:00 until 5:30. Friday we
14. will convene at 9:00 and work until the Calendar is
15. disposed of in relation to those bills which have to
16. be acted upon this week.

17. PRESIDING OFFICER (SENATOR WEAVER):

18. Are there any other announcements? There will
19. be a Republican caucus immediate after adjournment.
20. Senator Latherow.

21. SENATOR LATHEROW:

22. No Agriculture, Conservation and Ecology tonight.

23. PRESIDING OFFICER (SENATOR WEAVER):

24. Senator Mitchler.

25. SENATOR MITCHLER:

26. Mr. President, Members of the Senate, due to the
27. Floor work as far as the Senate is concerned, Industry
28. and Labor Committee will not meet this week.

29. PRESIDING OFFICER (SENATOR WEAVER):

30. Senator Palmer.

31. SENATOR PALMER:

32. SB 1186 which was filed Friday, I would like to move that
33. it be advanced to 2nd reading without reference to committee.

1. PRESIDING OFFICER (SENATOR WEAVER):
2. Is there leave? Leave is granted. Senator Graham.
3. Excuse me, you have to discharge the committee yet, Senator
4. Palmer. What committee is this assigned to?
5. SENATOR PALMER:
6. What's your question?
7. SENATOR GRAHAM:
8. I would like...I would like to know what the bill does.
9. SENATOR PALMER:
10. This bill addresses itself to a grace period for
11. the filing of disclosure statements under the ethics
12. bill.
13. PRESIDING OFFICER (SENATOR WEAVER):
14. Senator Palmer have you talked to the Chairman of
15. the Committee?
16. SENATOR PALMER:
17. I didn't hear that Mr. President.
18. PRESIDING OFFICER (SENATOR WEAVER):
19. Have you talked to the Chairman of the Committee
20. about discharge?
21. SENATOR PALMER:
22. Yes, I have. And there's no objection to having
23. it advanced without reference.
24. PRESIDING OFFICER (SENATOR WEAVER):
25. Senator Graham.
26. SENATOR GRAHAM:
27. That...that bill might still be in my Committee...was
28. it out? It went to Judiciary.
29. PRESIDING OFFICER (SENATOR WEAVER):
30. Senator Soper.
31. SENATOR SOPER:
32. Gentlemen, Ladies, Senate, Local Government will
33. not meet this week.

1. PRESIDING OFFICER (SENATOR WEAVER):

2. Senator...Senator Palmer moves to discharge Judiciary
3. Committee from further consideration of SB 1186. Is there
4. leave? Leave is granted. 2nd reading then. Senator Graham.

5. SENATOR GRAHAM:

6. I move the Senate now stand adjourned until 10:00 in
7. the morning.

8. PRESIDING OFFICER (SENATOR WEAVER):

9. All in favor signify by saying aye. Opposed nay.

10. We are adjourned.

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