

80TH GENERAL ASSEMBLY

GENERAL SESSION

JUNE 30, 1978

1. PRESIDING OFFICER: (SENATOR KENNETH HALL)

2. Reading of the Journal.

3. SENATOR JOHNS:

4. I move that reading and approval of the Journals of  
5. Thursday, June the 22nd, Friday, June the 23rd, Saturday,  
6. June the 24th, Sunday, June the 25th, Monday, June the 26th,  
7. Tuesday, June the 27th, Wednesday, June the 28th and Thursday,  
8. June the 29th in the year 1978 be postponed pending arrival  
9. of the printed Journals.

10. PRESIDING OFFICER: (SENATOR KENNETH HALL)

11. You've heard the motion. All in favor say Aye. Opposed  
12. Nay. So ordered. Senator Demuzio, do you desire recognition?

13. SENATOR DEMUZIO:

14. Yes, I was wondering whether or not Senator Johns could  
15. give those dates again, I...I think I missed them.

16. PRESIDING OFFICER: (SENATOR KENNETH HALL)

17. Message from the House.

18. SECRETARY:

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

20. Mr. President - I am directed to inform the Senate  
21. that the House of Representatives refused to recede from  
22. their...from Amendment No. 1 to a bill with the following  
23. title:

24. Senate Bill 1786. They request a First Committee of  
25. Conference and the Speaker has appointed the members on  
26. the part of the...of the Conference on the part of the House.  
27. This is Senator Hynes' bill.

28. PRESIDING OFFICER: (SENATOR KENNETH HALL)

29. Senator Rock.

30. SENATOR ROCK:

31. Thank you, Mr. President. I would move that the Senate  
32. accede to the request of the House and that a Conference  
33. Committee be appointed.

1. PRESIDING OFFICER: (SENATOR KENNETH HALL)  
2. You've heard the motion. All in favor say Aye. Opposed  
3. Nay. The Senate accedes...accedes to the request of the  
4. House. And the Secretary will so notify. Senator Netsch.  
5. SENATOR NETSCH:  
6. Thank you, Mr. President. With respect to Senate Bill  
7. 771, I would move to accede to the request of the House  
8. of Representatives for a Conference Committee with respect  
9. to that bill.  
10. SECRETARY:  
11. Senator Netsch, we...we don't have a message from  
12. House requesting a Second Conference.  
13. PRESIDING OFFICER: (SENATOR KENNETH HALL)  
14. Senator Netsch.  
15. SENATOR NETSCH:  
16. I'm not sure I heard you, Mr. Secretary...the...  
17. PRESIDING OFFICER: (SENATOR KENNETH HALL)  
18. We don't...we don't have a message from the House.  
19. SENATOR NETSCH:  
20. You don't have a message?  
21. SECRETARY:  
22. No, we don't have a message on 771.  
23. SENATOR NETSCH:  
24. Oh, well I have a copy of the message on 771 on my  
25. desk. I assumed that it had been received by you. Pardon?  
26. PRESIDING OFFICER: (SENATOR KENNETH HALL)  
27. Message from the House.  
28. SECRETARY:  
29. A Message from the House by Mr. O'Brien, Clerk.  
30. Mr. President - I am directed to inform the  
31. Senate that the House of Representatives refused to recede  
32. from their Amendments 1, 2 and 3 to a bill with the following  
33. titles:  
34. Senate Bill 771. And request a Committee of...First

1. Committee of Conference and the Speaker has appointed the  
2. members on the part of the House.

3. PRESIDING OFFICER: (SENATOR KENNETH HALL)

4. Senator Netsch.

5. SENATOR NETSCH:

6. Thank you, Mr. President. Now, I will request that  
7. the Senate accede to the request of the House for a  
8. Conference Committee on Senate Bill 771.

9. PRESIDING OFFICER: (SENATOR KENNETH HALL)

10. The question is shall the Senate accede to the request  
11. of the House that a Conference Committee be appointed. All  
12. in favor say Aye. Opposed Nay. The motion carries and the  
13. Senate accedes to the request to appoint a committee, a  
14. Conference Committee. The Senate will come to order.  
15. Message from the House.

16. SECRETARY:

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

18. Mr. President - I am directed to inform the  
19. Senate that the House of Representatives has refused  
20. to recede from Amendment No. 2 to a bill with the  
21. following title:

22. Senate Bill 1523. They have requested a First Committee  
23. of Conference and the Speaker has appointed the members on  
24. the part of the House.

25. PRESIDING OFFICER: (SENATOR KENNETH HALL)

26. Senator Regner.

27. SENATOR REGNER:

28. Mr. President, members of the Senate. I move that we  
29. accede to the request of the House and the Conference Com-  
30. mittee be reported on Senate Bill 1523.

31. PRESIDING OFFICER: (SENATOR KENNETH HALL)

32. The question is shall the Senate accede to the request  
33. of the House and a Conference Committee be appointed. All

1. in favor signify by saying Aye. Opposed Nay. The motion  
2. carries and the Senate accedes to the request to appoint  
3. a Conference Committee. For what purpose does Senator  
4. Harold Washington arise?

5. SENATOR WASHINGTON:

6. Mr. President, on Senate Resolution 446, the resolution  
7. commending Senator Collins on her forthcoming marriage,  
8. I inadvertently forgot to ask leave to have all Senators  
9. joined as cosponsors. And I now ask leave for all Senators  
10. to join as cosponsors on Senate Resolution 446.

11. PRESIDING OFFICER: (SENATOR KENNETH HALL)

12. Is leave granted? Leave is granted. The Senate will  
13. come to order. Messages from the House.

14. SECRETARY:

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

16. Mr. President - I am directed to inform the Senate  
17. the House of Representatives has concurred with the Senate  
18. in the passage of a bill with the following title:

19. Senate Bill 1583 with House Amendments 1, 2, 3, 5, 36  
20. and 37.

21. A like message on Senate Bill 1592 with House Amendment  
22. No. 3.

23. A like message on Senate Bill 1595 with House Amendments  
24. 1, 2 and 4.

25. PRESIDING OFFICER: (SENATOR KENNETH HALL)

26. Senator Hynes.

27. SENATOR HYNES:

28. Mr. President and members of the Senate. If I might  
29. have your attention for just a moment. We are distributing  
30. now a Supplemental Calendar No. 1 which lists all of the  
31. Conference Committee Reports that have been filed with  
32. the Secretary and are ready for action by the full Senate.  
33. And along with it we are distributing a printout from

1. the Legislative Information System that describes the bill  
2. involved in each Conference Committee report and all of  
3. the amendments that are included in the reports. So that  
4. when a Conference Committee is called up for a vote, you  
5. can refer to the printout and it will tell you in...in  
6. total what the...the Conference Committee report contains.  
7. You will notice that the printout we are giving you now  
8. is marked No. 1 as is the Supplemental Calendar and as  
9. the day goes on we will distribute Supplemental Calendar  
10. No. 2 and Supplemental Printout No. 2 and so on. So  
11. that you...you will need all of the...the print outs  
12. and Calendars in order to have a complete list of everything  
13. that is before the Senate. But this should enable you to  
14. have the necessary information to vote intelligently on  
15. these Conference Committee reports. We are also distributing  
16. the Calendar for the fall. And it calls for us to come back  
17. to Springfield for the Fall Session, the Veto Session on  
18. Tuesday, November 14th. So that will also be distributed  
19. this morning. But I call you attention to the fact that  
20. there will be Supplemental Calendars and printouts being  
21. distributed periodically throughout the day so you ought  
22. to keep those together in a folder so that you have the  
23. necessary information to be able to act on the bill...the  
24. bills that will be before us.

25. PRESIDING OFFICER: (SENATOR KENNETH HALL)

26. Resolutions. Resolution Consent Calendar. Mr. Secretary,  
27. has any objections been filed on the Resolution Consent Calendar?

28. SECRETARY:

29. No objections have been filed.

30. PRESIDING OFFICER: (SENATOR KENNETH HALL)

31. No objections having been filed, the question is shall  
32. Resolutions 437 through 470 be adopted? And HJR 79. Those  
33. in favor signify by saying Aye. Opposed Nay. The Ayes have

1. it and the resolutions are...that have just been read are  
2. adopted. Senator Hynes.

3. PRESIDENT:

4. Mr. President and members of the Senate. I would like  
5. to call your attention to the fact that we have two Supplemental  
6. Calendars No. 1. We are becoming so highly organized and  
7. efficient here. One is printed and contains those  
8. Supplemental Concurrences that are before us, the other  
9. contains the Conference Committees. And I...I believe that  
10. when the future supplementals come that they will be on  
11. the same...the same Calendar. The Senate will please come  
12. to order. If I may have your attention. It is our hope  
13. to dispose of some of the matters on our Calendars now  
14. and then we will take a recess so the Conference Committees  
15. can meet again and the members will have an opportunity  
16. for lunch, if they are not on those Conference Committees.  
17. We have several requests for resolutions to be called  
18. and I would ask any member having a resolution on the  
19. Secretary's Desk if he wishes it to be called to be  
20. prepared. On the Secretary's Desk on the Order of Resolutions,  
21. Senate Resolution 211, Senator Berning. Senate Resolution  
22. 340, Senator Lemke. Senate Resolution 396, Senator Lane.  
23. Senator Lane.

24. SENATOR LANE:

25. Thank you, Mr. President and members of the Senate.  
26. Senate Resolution 396 resolves that he Senate Committee  
27. on Insurance and Licensed Activities is authorized to  
28. conduct hearings to determine the effect of a writer  
29. that Blue Cross, Blue Shield has attached to its policies.  
30. The writer concerns refusal to pay for medical procedures  
31. deemed not medically necessary by Blue Cross, Blue Shield.  
32. Mr. President, I do have an amendment to this resolution.  
33. It has been filed.

1. SENATOR HYNES:  
2.        Would you explain the amendment, Senator?  
3. SENATOR LANE:  
4.        The amendment uses the legal name of the Chicago Blue  
5. Cross, Blue Shield because there is...somewhat of a conflict.  
6. There's also a Company known as the Rockford Blue Cross,  
7. Blue Shield and we definitely want to make that distinction.  
8. PRESIDENT:  
9.        Is there any discussion? Senator Lane has moved the  
10. adoption of Amendment No. 1 to Senate Resolution 396.  
11. Is there any discussion? If not, all those in favor of  
12. the adoption of the amendment signify by saying Aye.  
13. Opposed. The Ayes have it. The amendment is adopted.  
14. Are there any further amendments, Mr. Secretary?  
15. SECRETARY:  
16.        No...no further amendments.  
17. PRESIDENT:  
18.        Senator Lane, on the resolution, as amended.  
19. SENATOR LANE:  
20.        Yes, Mr. President, if there are no questions, I move  
21. for the adoption of the resolution.  
22. PRESIDENT:  
23.        Is there any discussion? If not, Senator Lane moves  
24. the adoption of Senate Resolution 396. All those in favor  
25. of the motion signify by saying Aye. Opposed. The Ayes  
26. have it. The resolution is adopted. Senate Resolution  
27. 400, Senator Buzbee. Senate Resolution 413, Senator  
28. Clewis. Senator Clewis.  
29. SENATOR CLEWIS:  
30.        Mr. President and members of the Senate. Resolution  
31. 413 addresses itself to the preemption of the...freedom  
32. of the press. This resolution expresses our disagreement  
33. with the...

1. PRESIDENT:  
2.       Excuse me, Senator Clewis. I believe there's...no,  
3. we adopted the amendment. I'm...excuse me. We adopted  
4. the amendment to the resolution.  
5. SENATOR CLEWIS:  
6.       Which amendment?  
7. PRESIDENT:  
8.       There is an amendment to the resolution which was  
9. adopted. It hasn't? Okay, the Chair was incorrect,  
10. there is no amendment on the Secretary's Desk. None  
11. was offered, none has been adopted. Senator Clewis.  
12. SENATOR CLEWIS:  
13.       Again, Mr. President, it addresses itself to the  
14. Supreme Court decision regarding the Stanford Daily  
15. Newspaper, the raid that took place upon that office  
16. and in general expresses our disagreement with the  
17. Supreme Court decision infringing on freedom of the  
18. press.  
19. PRESIDENT:  
20.       Is there any discussion? Senator Clewis has moved  
21. the adoption of...of Senate Resolution 413. Senator  
22. Rhoads.  
23. SENATOR RHOADS:  
24.       It...is it your intention to have a roll call on this?  
25. PRESIDENT:  
26.       If there is a request.  
27. SENATOR RHOADS:  
28.       I'm requesting one, please.  
29. PRESIDENT:  
30.       Senator Berning.  
31. SENATOR BERNING:  
32.       I'd like to ask a question of the sponsor.  
33. PRESIDENT:



1. Indicates he will yield.

2. SENATOR BERNING:

3. Senator, this resolution, of course, comes as a  
4. somewhat of a surprise to me personally, not being  
5. aware of it. Not serving on the proper committee.  
6. Let me just ask what...where does this impinge on or  
7. where does the Supreme Court ruling impinge on freedom  
8. of the press? Would you clarify that?

9. SENATOR CLEWIS:

10. Yes, I will identify that. The Supreme Court ruling  
11. allows police departments or authorized personnel with  
12. the...with a subpoena and without prior notice to go in  
13. and confiscate the records in a newspaper office. Many  
14. of these records are considered confidential files by  
15. the news media. It would be an infringement on their  
16. rights if this confidentiality was violated and at  
17. least the court should have taken into consideration  
18. the need for prior notice.

19. PRESIDENT:

20. Senator Berning.

21. SENATOR BERNING:

22. Are you saying that a police officer armed with a  
23. subpoena and seeking records from a newspaper office  
24. by his actions or with the actions of the court in  
25. issuing a subpoena is violating the freedom of the  
26. press? Is that what you are implying here?

27. PRESIDENT:

28. Senator Clewis.

29. SENATOR CLEWIS:

30. In many cases, yes.

31. SENATOR BERNING:

32. Well, Mr. President, I guess I am not able to fully  
33. comprehend what it is that we are attempting to do here.

1. If the court...in our system of this governmental process,  
2. is empowered to issue subpoenas for the acquisition of  
3. records, be it from a newspaper or from me as a taxpayer or  
4. from any entity within the confines of the United States.  
5. I find it difficult to understand how that can be construed  
6. as a violation of the individuals rights, one's civil rights,  
7. the right of privacy or the freedom of the press or freedom  
8. of speech. The...the connotation escapes me, Mr. President,  
9. and I'm troubled by this. And I am not able to fully  
10. reconcile my concerns with the explanation of the justification  
11. for the resolution.

12. PRESIDENT:

13. Senator Berman.

14. SENATOR BERMAN:

15. Thank you, Mr. President. I think that some explanation  
16. is necessary so that we understand what I believe is the  
17. gist of the resolution and the problem with the Supreme  
18. Court decision. There is a difference between a subpoena  
19. and a search warrant. A...a newspaper is not above the  
20. requirement of responding to a subpoena. A subpoena is  
21. a document that's issued by the court, served on the  
22. party to whom it's addressed and it's a court order to  
23. produce certain documents. What that does is to give the  
24. person to whom it's directed, the opportunity to gather  
25. the material, review it, and if there's some basis for  
26. objecting to the order to produce the documents, that  
27. person can go into court and ask that the subpoena be  
28. quashed for certain reasons. For example, if there  
29. are documents that I am required to produce pursuant  
30. to subpoena that I believe are personal to me and may  
31. incriminate me, I can go in and ask that the subpoena  
32. be quashed on the grounds that it tends to incriminate  
33. me and under the Fifth Amendment I would...they would

1. be privileged. I don't have to produce them. Illinois, several  
2. years ago, passed a law dealing with the confidentiality of  
3. news sources. And they have a...a qualified privilege, the  
4. newspeople, under Illinois law that allows certain types of  
5. news sources to be beyond the realm of discovery unless  
6. it falls into certain qualifications. The Supreme Court  
7. decision said that under certain circumstances, a policeman  
8. can walk into a newspaper unannounced and pursuant to a  
9. search warrant, which does not give advance notice to the  
10. party, seize documents. That's the gist of the difference.  
11. This is not...the Supreme Court is not allowing subpoenas,  
12. the Supreme Court has allowed a search warrant, which does  
13. not give advance warning. And therefore, the possibility  
14. of certain documents being, in fact, privileged, is put  
15. in jeopardy. The police, for example, will have seized  
16. those documents and may, in fact, learn of the contents  
17. of those documents without a court having the opportunity  
18. to rule on whether those documents should or should not  
19. be divulged. And therefore I stand in support of...of  
20. Senator Clewis' resolution because I think that this is an  
21. infringement upon the free press and upon their rights  
22. under the First Amendment. And I think that all of  
23. us as citizens some of...some days we agree with the  
24. press and some days we disagree with the press, but  
25. their ability to operate unfettered and be subject to  
26. our brickbats and the pressures of the market place,  
27. i.e., the Daily News that folded because there wasn't  
28. enough revenue being generated. I think those pressures  
29. are the legitimate pressures that a newspaper should  
30. operate under and not the pressure of possible police  
31. seizure of documents which they are not intitled to.  
32. And therefore I rise in support of the resolution.  
33. PRESIDENT:

1. Senator Knuppel.

2. SENATOR KNUPPEL:

3. Well, Mr. President and members of the Body, I speak  
4. in opposition of this resolution. It's another piece of  
5. tomfoolery that we waste our time with in this Body. We  
6. manufacture tissue paper. I'm sure there's no Supreme  
7. Court Justice in the United States who hardly even knows  
8. who we are or maybe does and maybe Stevens does, but none  
9. of the rest of them even know one member of this Body.  
10. And we set ourselves up, I think that it's a violation  
11. of the separation of...of...of powers between the Executive,  
12. the Legislative and the Judicial. And since when did the  
13. press, who always depicts us as such ineffectual oafs, need  
14. our help. You've never seen a cartoon by any newspaper  
15. making you look intelligent or as if...as if you knew  
16. anything or could help them in any way. And here you  
17. want to rush in and say, oh, look at me. Well, maybe  
18. you'll get some good press, that's what Senator Berman  
19. was looking for the other day and as I told him, you'll  
20. never win a perfuming contest with a skunk. But here he  
21. is back today, sucking around after the press. Now, gentlemen,  
22. they don't need our help, they don't...ninety-nine percent  
23. of the time they don't want our help. More than that the  
24. Supreme Court don't even know who in the hell we are. Why  
25. appear ridiculous to them. This is a bunch of garbage.

26. PRESIDENT:

27. Senator Netsch.

28. SENATOR NETSCH:

29. I find myself in the position of agreeing with, I think,  
30. every word that Senator Berman said and with, believe it or  
31. not, one of the thoughts that I think Senator Knuppel was  
32. about to say, but not with most of his verbiage, as usual.  
33. The...the decision is a disturbing one and I think Senator

1. Berman has adequately explained why it is a disturbing  
2. decision. I find it also a little bit disturbing, Senator  
3. Clewis, when we start passing resolutions in this Body  
4. dealing with our views toward every United States Supreme  
5. Court opinion. There are several over the last several  
6. decades that I don't think I would like to have submitted  
7. to this kind of a popularity poll, I would be somewhat  
8. fearful of the results. So that, I think, it...it is  
9. a little troublesome that...that we start telling the  
10. court how to read the Constitution, even though they  
11. may be reading it inadequately...in this respect.

12. PRESIDENT:

13. Senator Lemke.

14. SENATOR LEMKE:

15. Just a question. Are we exempt from being served  
16. warrants or the public? They can serve a warrant, is  
17. that right, Senator Clewis? On most of the public, in  
18. going to your home and search it? The police?

19. PRESIDENT:

20. Senator Clewis.

21. SENATOR CLEWIS:

22. I think, Senator Lemke, that you would be best qualified  
23. to answer that question.

24. PRESIDENT:

25. Senator Lemke.

26. SENATOR LEMKE:

27. My understanding of warrants is that they have to go  
28. to court and show reasonable cause, no matter who it is.  
29. And I don't think the press is any further exempt than  
30. the private citizen who has a home. If the...if the press  
31. is going to be exempt from the service of warrant, then we  
32. should exempt all private...citizens from warrants. This  
33. is very simple. We don't know the circumstances and what

1. the reasonable cause was for the police to make the warrant  
2. and to get it and go and seize the...the newspapers. But  
3. I know in the past there has been some reporters sitting in  
4. jail for refusal to cooperate with Grand Juries or even  
5. testify in court. There's no privilege given to the press  
6. to withhold evidence or to be parties to a fraud against  
7. the public and...and to keep criminals from...from being  
8. out of justice. That...that privilege is given to the  
9. government. To...to have witnesses to turn against State  
10. evidence. I don't see any press men talking about the  
11. violations of this Body of what went on in the House  
12. when one of the members, without notice to any of the  
13. Legislators in the House of Representatives or in this  
14. Senate, were wiretapped by the Federal Government and  
15. to gather evidence and to invade our premises here. I  
16. didn't see the press coming and rallying against that  
17. violation of separation of powers and interference by  
18. the Federal Government in the State process. And I didn't  
19. see the Supreme Court stand up to protect that process,  
20. even though maybe some of those members might have  
21. been found guilty, I think that everybody in this Chamber  
22. has a privilege...of...has their own rules and regulations  
23. ...in the Senate, in the House, that anybody that has a  
24. wire tap placed on them by any government exempt, should get  
25. up before this Senate and say they're wired so that we  
26. will know. And if they're...if we don't know they're  
27. wired, then I don't think they should be allowed in  
28. this Chamber. And if they're found to be in this Chamber  
29. wired, then the press should say it's a violation of the  
30. separation of Federal and State powers. And the violation  
31. of...the administrative...of the Judiciary coming in and  
32. interfering in the legislative process. Or the...or the  
33. ...Executives interfering in here. I don't go for anybody

1. on a telephone conversation without making people aware  
2. that the press is on the other end or somebody else is  
3. listening in. I think this is an invasion of a privilege  
4. between a communication on the phone and it should be  
5. made aware. And I don't go for anybody, even the Chief  
6. Executive in this State or this Country to have the press  
7. sitting in their office while they're talking to me on  
8. the phone. Cause as far as I'm concerned this is the  
9. law that the press sneaks to. And there has been incidents  
10. where the press have engaged in bribery. Why aren't I...  
11. why aren't they processed and prosecuted just like a average  
12. citizen who tries to bribe somebody. And why ain't they  
13. sued on the basis of entrapment because that's what they're  
14. doing. The press is no more privileged than anyone else.  
15. If they want a privilege, then let them go to court and  
16. prove that privilege. But there's been given certain  
17. professions and certain things privilege. And even that  
18. has been interfered with. And that's the...that's the  
19. process of...minister or priest with his...with his  
20. parishioner. They even have...interfered with that,  
21. the Federal Government. So why is the press so exempt  
22. when it says here that you got to have a search warrant,  
23. you got to have reasonable cause. And we haven't read  
24. this case yet and why should we go in and protect the  
25. press or say we're for them when there's no...when we  
26. don't know if there was reasonable cause given or not.  
27. We don't even know nothing about this newspaper. Is it  
28. a daily, is it a big daily, or is it a college paper or  
29. what? What do we know what's their doings.

30. PRESIDENT:

31. Senator Lemke, would you conclude your remarks.

32. SENATOR LEMKE:

33. So I...I'm...I know the sponsor has...has done work

1. on this, but I cannot support this in any way and I'm not...  
2. I'm not asking...whatever you want to do, but I can't support  
3. on the basis that the press is no more privileged than...the  
4. average citizen in this State.

5. PRESIDENT:

6. Senator Leonard.

7. SENATOR LEONARD:

8. I'm always intrigued how we get off the subject on  
9. this. We are not asking for special privileges for the  
10. press. Let's talk about what...what is involved here.  
11. We're talking not about the press being able to engage  
12. in criminal activities. Nobody's talking about the press  
13. running a book. What we're talking about is investigative  
14. reporting and we all have a stake in the ability of the  
15. press to do that. As elected officials there is an  
16. adversary situation between ourselves and the press, it's  
17. supposed to be that way, it is a counter balance. And I  
18. still believe that the odds are weighed in our favor. We  
19. have all followed the adventures of Woodward and Bernstein  
20. and the Watergate Affair. The really miraculous thing  
21. about that was that it was ever unraveled considering  
22. how inadequately funded the investigation was, it's  
23. marvelous that two reporters could ever dig up those  
24. kind of facts. I've been involved in investigative  
25. reporting. Most publications, most broadcasting units  
26. aren't as well funded as the Mirage situation in Chicago  
27. where you could do it for a matter of months. Usually  
28. it is, what can you go out and find this afternoon or  
29. I'll give you two days to see what you can dig up. And  
30. if you can't do that we put you back on the police. You  
31. usually are dealing with a situation, everybody in town  
32. knows authorities are turning their head on it and you  
33. have to quickly be able to make a phone call, go out get



1. a story, come back, and show some copy. If we allow the  
2. police then to come in and seize that material, you dry  
3. up the ability of the press to investigate and that's a  
4. very vital function. No, they don't need our help. They...  
5. the press as a group does not need the help of the Legislature  
6. as a group, but I would say that everybody in this room also  
7. is a citizen and as a citizen, we have a definite interest  
8. in seeing that the press is vibrant, is...has the right to  
9. be irresponsible at times and I most strongly urge support  
10. of this resolution.

11. PRESIDENT:

12. Senator Clewis may close the debate.

13. SENATOR CLEWIS:

14. Mr. President, Ladies and Gentlemen of the Senate. In  
15. his dissenting opinion Justice Stewart stated, "we are  
16. here to uphold a Constitution and our Constitution does not  
17. explicitly protect the practice of medicine or business or  
18. banking from abridgment by the government. It does however  
19. explicitly protect the freedom of the press." And I submit  
20. here today that if we lose the freedom of press today or  
21. the freedom of press is subject to abridgment by the  
22. government, what freedom shall we lose tomorrow. And I would  
23. appreciate a favorable roll call on this resolution.

24. PRESIDENT:

25. A roll call has been requested. The question is on the  
26. adoption of Senate Resolution 4...413. Those in favor will  
27. vote Aye. Those opposed will vote Nay. The voting is open.  
28. Have all voted who wish? Have all voted who wish? Take  
29. the record. On that question the Ayes are 34, the Nays are  
30. 4, 3 Voting Present. Senate Resolution 413 is adopted. For  
31. what purpose does Senator Lemke arise?

32. SENATOR LEMKE:

33. For roll.

1. PRESIDENT:

2. Senator Lemke has requested a verification of the affirmative  
3. votes. The Secretary will call the...the roll for those who  
4. voted in the affirmative.

5. SECRETARY:

6. The following voted in the affirmative: Berman, Bruce,  
7. Buzbee, Carroll, Chew, Clewis, Coffey, Collins, D'Arco,  
8. Davidson, Demuzio, Donnewald, Guidice, Kenneth Hall, Hickey,  
9. Johns, Joyce, Ziomek, Lane, Leonard, McMillan, Maragos,  
10. Merlo, Netsch, Newhouse, Rock, Rupp, Sangmeister, Savickas,  
11. Shapiro, Vadalabene, Washington, Wooten, Mr. President.

12. PRESIDENT:

13. Senator Lemke. You question...

14. SENATOR LEMKE:

15. You question...

16. SENATOR LEMKE:

17. How many votes does this need to pass?

18. PRESIDENT:

19. Majority.

20. SENATOR LEMKE:

21. When you say a majority, you mean thirty or you mean just  
22. enough?

23. PRESIDENT:

24. A...majority of those voting.

25. SENATOR LEMKE:

26. Then not to embarrass some of the members that are not  
27. here, I'm not going to call this, but I hope the press will  
28. recognize the fact that I'm doing this because I think it's  
29. an outrageous thing for the press to come in here and do  
30. this and then criticize us when other people have voted switches  
31. on other bills. There's people in here that have...are not  
32. here and I will not embarrass them as far as that goes. But  
33. I hope the press mentions in their article that they might

1. have thirty-four votes on there, but I don't think there's  
2. thirty-four people present here to vote for their thing.  
3. And if they were here, I think a lot of them would vote  
4. against them.

5. PRESIDENT:

6. The resolution is adopted. Do we have leave to go to the  
7. Secretary's Desk to the Order of Concurrence for the purpose  
8. of Senator Weaver making a motion to nonconcur so that a...a  
9. Conference Committee can be established. Leave is granted.  
10. On the Order of Concurrence, Senate Bill 1595, Senator Weaver.  
11. Senator Weaver has...

12. SENATOR WEAVER:

13. ...1 and 4 and nonconcur in House Amendment No. 2 on  
14. Senate Bill 1595.

15. PRESIDENT:

16. Senator Weaver...Senator Weaver...Senator Weaver, Senator  
17. Carroll is not on the Floor. Would you object to taking this  
18. out of the record just momentarily. We...we have an agreement  
19. with the Chairman and the minority spokesman that we will...

20. SENATOR WEAVER:

21. Well this is the action that Senator Carroll wished for  
22. me to take, but...I'll be glad to take it out of the record.

23. PRESIDENT:

24. If we could so that the Majority spokesman and the  
25. Chairman will be aware of these things as they occur.  
26. On the Secretary's Desk on the Order of Resolutions.  
27. House Joint Resolution 49, Senator Berman. House Joint  
28. Resolution 77, Senator Demuzio. Senator Demuzio.

29. SENATOR DEMUZIO:

30. Thank you, Mr. President, members of the Senate. House  
31. ...House Joint Resolution 77 establishes a joint committee  
32. to study the budgeting process as it relates to the General  
33. Assembly. It establishes a membership of three House members

1. appointed by the Speaker, three by the Minority Leader, three  
2. by the President of the Senate, three by...the Minority Leader  
3. in the Senate as well and the committee is to study the budgeting  
4. process by...utilizing the staffs of both the Revenue and the  
5. Appropriations Committees in each House and to report its  
6. findings to the General Assembly in January of 1979. I move  
7. for the adoption of the resolution.

8. PRESIDENT:

9. Is there any discussion? If...if not Senator Demuzio  
10. moves the adoption of House Joint Resolution 77. All those  
11. in favor signify by saying Aye. Opposed. The Ayes have  
12. it. The resolution is adopted. House Joint Resolution 82,  
13. Senator Clewis. For what purpose does Senator Netsch arise?

14. SENATOR NETSCH:

15. Thank you, I'm sorry, Mr. President, but just with respect  
16. to House Joint Resolution 77. At one earlier stage when a  
17. resolution was being passed creating some form of a special  
18. joint committee that might be utilizing funds of the State  
19. even though it did not have to have a separate appropriation.  
20. The suggestion was made that we'd always followed the  
21. procedure of having a roll call vote just to avoid any  
22. possible questions later on. I raise that only because  
23. I assume that this committee, whose purposes I strongly  
24. support will probably be utilizing State funds, at least  
25. through utilizing staff.

26. PRESIDENT:

27. Senator Netsch, I think your point is well taken.  
28. We have, in fact, done that even though our rules do  
29. not require it and it perhaps is not technically correct  
30. and therefore I...I think we should have a roll call with  
31. leave of the Body on...the adoption of House Joint Resolution  
32. 77. And therefore, the question is, the adoption of House Joint  
33. Resolution 77. Those in favor of the adoption will vote

1. Aye. Those opposed will vote Nay. The voting is open.  
2. Have all voted who wish? Have all voted who wish? Take  
3. the record. On that question the Ayes are 32, the Nays  
4. are 14, 2 Voting Present. House Joint Resolution 77 is  
5. adopted. House Joint Resolution 82, Senator Clewis. Senator  
6. Clewis.

7. SENATOR CLEWIS:

8. Mr. President and members of the Senate. House Joint  
9. Resolution 82 requests that the Energy Resources Commission  
10. initiate a study and conduct hearings to assist local school  
11. districts in determining and implementing cost saving methods  
12. and programs to conserve...fuel resources in the daily  
13. operations of their school facilities. This can be done  
14. within the existing budget of the Energy Commission. As a  
15. matter of fact, there's a strong possibility that it may  
16. attract some Federal money to the Resources Energy Commission  
17. and I would urge its favorable adoption.

18. PRESIDENT:

19. Is there any discussion? Senator Soper.

20. SENATOR SOPER:

21. What...thank you, Mr. President. What's the cost on  
22. this...resolution?

23. PRESIDENT:

24. Senator Clewis.

25. SENATOR CLEWIS:

26. The commission has in its budget line items to conduct  
27. ...to cover the expenses of conducting meetings. Again, it's  
28. been estimated that this...we'd be talking probably in the  
29. area of about four thousand dollars.

30. PRESIDENT:

31. Senator Soper.

32. SENATOR SOPER:

33. Well, you and I know that you couldn't...you couldn't

1. get that commission to go to McDonald's for four thousand  
2. dollars if you took this all over the State. Now, I think  
3. you're underestimating this and I want to say this. When  
4. you call this resolution, when you put the votes upon that  
5. board, I'm going to ask for a verification.

6. PRESIDENT:

7. ...discussion? Senator Grotberg.

8. SENATOR GROTBORG:

9. Mr. President and members. I'm reminded, about a year  
10. ago I think we statutorily authorized or at least urged the  
11. Capital Development Board to do exactly this and they are  
12. the ultimate repair and...and construction people of all  
13. the schools of Illinois and I think if the really, Senator  
14. Clewis, that the...the mandate is meaningless as far as the  
15. commission would be concerned. It will be a lot of busy  
16. work and there isn't an expert on the commission regarding  
17. this. Unless there happens to be a Senator or a Representative  
18. on the commission that's an engineer.

19. PRESIDENT:

20. We have a request from Channel 17 in Decatur to...to film  
21. the proceedings. Is leave granted? Leave is granted.  
22. Senator Mitchler.

23. SENATOR MITCHLER:

24. Mr. President and members of the Senate. I believe the  
25. Energy Resources Commission has already undertaken...this type  
26. of a program, not only to serve these school buildings, but all  
27. of them through the Capital Development Board and through the  
28. Institute of Environmental Quality. I don't really think that  
29. the resolution is...is necessary. Perhaps Senator Knuppel  
30. would be able to elaborate a little more. He was Chairman  
31. of the Commission, I believe, when this was brought up.  
32. Senator Knuppel, can you enlighten us any as to what progress  
33. the commission has already done in this regard?

1. PRESIDENT:  
2. Senator Clewis. Senator Knuppel.  
3. SENATOR KNUPPEL:  
4. ...resolutions. I vote No on all resolutions.  
5. PRESIDENT:  
6. Senator Maragos.  
7. SENATOR MARAGOS:  
8. Mr. President and members of the Senate. I was going  
9. to ask Senator Knuppel...I don't care how he votes, but  
10. I know from his being a past chairman of that commission  
11. whether they are able to handle this...project or not. How  
12. he feels about it personally is something else, but can he  
13. enlighten us at least to the extent whether they can do it  
14. or not?  
15. PRESIDENT:  
16. Senator Knuppel.  
17. SENATOR KNUPPEL:  
18. Hello. Hello. As I said, I'm going to vote No. I  
19. just don't believe in resolutions. We were mandated to  
20. do certain things when we were created, I think we're  
21. doing...as good a job as we can do on that. I'm very  
22. disappointed in many, many things in the energy field  
23. without making busy work. Such as the use of Western  
24. Coal instead of Illinois Coal. The inability of the  
25. President of the United States, Jimmy Chipmunk, to come  
26. up with an Energy Program. We've had, I don't know  
27. how many projects in the State of Illinois that we've  
28. directed our attention toward without much success. In  
29. this area I think most of it's going to be done, as has  
30. been pointed out through either Capital Development or...or  
31. through the OEA. OEA's Office, Office of Education. I...I  
32. ...I'd just, I'm left cold by it, I don't know just exactly  
33. what it...what's intended to do or what the purpose is

1. more than what's been...been being done.

2. PRESIDENT:

3. Senator Clewis.

4. SENATOR CLEWIS:

5. From the...withdraw it from the record, please.

6. PRESIDENT:

7. All right. Take it from the record. Senator Bruce,

8. would you take the Chair for a moment, please.

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End of Reel #1

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1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Hynes.

3. SENATOR HYNES:

4. Mr. President and members of the Senate. If I may have  
5. your attention. I have an important announcement to make and  
6. I...I think it will help us to move through the business of the  
7. day. First of all, we are distributing a revised Supplemental  
8. Calendar No. 1 which combines the two Supplemental Calendars  
9. No. 1 that we had distributed earlier and so we are now on  
10. track with Supplemental Calendar No. 1 which lists both the  
11. concurrences and the Conference Committee Reports that are  
12. pending before us on the same document. Secondly, I propose  
13. in a moment to move that the Senate stand in recess until 2:30.  
14. We have worked it out with the House that from 2:30 until 4:00  
15. Conference Committees will not meet and both Houses will be in  
16. Session to adopt the Conference Committees in order to defeat  
17. the Conference Committee Reports that are before the respective  
18. Houses. So we will recess now until 2:30. I would urge you  
19. to try to complete any of the Conference Committees that you  
20. are presently working on and have those reports here so they  
21. can be acted upon at 2:30. And from 2:30 until 4:00 we will  
22. be in Session on the Floor and we will handle these Conference  
23. Committee Reports and concurrences. So I would ask all of  
24. the members to please be here at 2:30 so that we can begin  
25. because we do have a substantial amount of work. Some of  
26. these items are relatively controversial and will take some  
27. time. So if there are no further announcements Mr...Mr. President,  
28. I would move that the Senate stand in recess until the hour of  
29. 2:30.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. You've heard the motion. Those in favor indicate by  
32. saying Aye. Those opposed. The Ayes have it. The Senate  
33. stands in recess until 2:30 p. m.

34. (RECESS)

1. (AFTER RECESS)

2. PRESIDENT:

3. The Senate will please come to order. Messages from  
4. the House.

5. SECRETARY:

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

7. Mr. President - I am directed to inform the Senate  
8. that the House of Representatives has adopted the following  
9. Joint Resolution in the adoption of which...I am instructed  
10. to ask the concurrence to-wit:

11. House Joint Resolutions 95, 96 and 99.

12. PRESIDENT:

13. Executive. On the Secretary's Desk on the Order of  
14. Resolutions is Senate Resolution 400, Senator Buzbee. Senator  
15. Buzbee was in a Conference Committee when we went through that  
16. order before. Is leave granted to go to the Order of Resolutions?  
17. Senate Resolution 400? Leave is granted. Senator Buzbee.

18. SENATOR BUZBEE:

19. Thank you, Mr. President. This expresses...this resolution  
20. expresses the concern of the Senate with the erosion of salaries  
21. paid the university employees and the disparities in salaries  
22. paid to the faculty and Civil Service employees and requires  
23. the Board of Higher Education report by January 10th, '79,  
24. the specific policies adopted by the colleges and universities  
25. for distributing their funds and the changes in salary levels.  
26. This was a resolution that was cosponsored with me by Senator  
27. Carroll, Senators Regner and Sommer and Senator Shapiro and  
28. Senator Hynes because of our concern about what's been happening  
29. with disparities in university salaries and it passed the  
30. Executive Committee unanimously. I would ask for a favorable  
31. vote.

32. PRESIDENT:

33. Is there any discussion? If not, the question is on

1. Senator Buzbee's motion to adopt Senate Resolution 400.  
2. All those in favor signify by saying Aye. Opposed. The Ayes  
3. have it. The resolution is adopted. ...does Senator Vadalabene  
4. arise?

5. SENATOR VADALABENE:

6. Yes, I would like to have leave to be a...cosponsor of  
7. that resolution that just was adopted.

8. PRESIDENT:

9. You heard the request. Is leave granted? Leave is  
10. granted.

11. SECRETARY:

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

13. Mr. President - I am directed to inform the Senate  
14. that the House of Representatives refused to concur with  
15. the Senate in the adoption of Amendment No. 1 to a bill  
16. with the following title:

17. House Bill 3220. Senator Weaver is the sponsor of this  
18. bill.

19. PRESIDENT:

20. Senator Weaver.

21. SENATOR WEAVER:

22. Thank you, Mr. President. Senate Amendment No. 1 to  
23. House Bill 32 was that Assumed Name Amendment that Representa-  
24. tive McClain in the House wanted on this bill. It ran into  
25. a little flack, so I would move that the Senate recede from  
26. House Amendment No...from Senate Amendment No. 1 to House  
27. Bill 3220.

28. PRESIDENT:

29. We have a request for television filming. Is leave  
30. granted? Leave is granted. Senator Rock, on the Motion  
31. to recede.

32. SENATOR ROCK:

33. Thank you, Mr. President. Senator Walsh, that's the

1. reason I got up because we have a request for television  
2. coverage and here I am again. I...I rise in support of  
3. the motion to recede from Senate Amendment No. 1 as Senator  
4. Weaver so accurately said. Representative McClain had a  
5. problem with the Business Corporation Act that he attempted  
6. to alleviate. It did, in fact, jeopardize the passage of  
7. this bill. House Bill 3220 in its pristine form I think  
8. is absolutely necessary and I would urge support for  
9. Senator Weaver's motion.

10. PRESIDENT:

11. Is there any discussion? If not, the question is  
12. shall the Senate recede from Senate Amendment No. 1 to  
13. House Bill 3220. Those in favor will vote Aye. Those  
14. opposed will vote Nay. The voting is open. Have all  
15. voted who wish? Have all voted who wish? Take the  
16. record. On that question the Ayes are 50, the Nays  
17. are none, 1 Voting...Present. The Senate does recede  
18. from Senate Amendment No. 1 to House Bill 3220 and the  
19. bill having received the required constitutional majority  
20. is declared passed. Senator Nimrod. Message from the  
21. House.

22. SECRETARY:

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

24. Mr. President - I am directed to inform the Senate  
25. that the House of Representatives refused to recede from  
26. their Amendments 6, 7, 9, 11, 12, 13 and 14 to a bill with  
27. the following title:

28. Senate Bill 1861. They request a First Conference  
29. Committee and the Speaker of the House has appointed the  
30. members of the conference.

31. PRESIDENT:

32. Senator Nimrod.

33. SENATOR NIMROD:

1. Yes, I would...call for a conference.

2. PRESIDENT:

3. Senator Nimrod has moved that the Senate accede to  
4. the request of the House and a...Conference Committee  
5. be appointed. All those in favor signify by saying Aye.  
6. Opposed. The Ayes have it. The motion carries and the  
7. Senate accedes to the request to appoint a Conference  
8. Committee. On the Second Supplemental Calendar are  
9. Senate Bills...take it out of the record. ...from the  
10. House.

11. SECRETARY:

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

13. Mr. President - I am directed to inform the Senate  
14. that the House of Representatives has refused to recede  
15. from their Amendments Numbers 1 and 3 to a bill with  
16. the following title:

17. Senate Bill 82. Ask for a First Conference Committee,  
18. the Speaker has appointed the members of the...Conference  
19. Committee on the part of the House.

20. PRESIDENT:

21. Senator Regner.

22. SENATOR REGNER:

23. I did this once already, but I'll do it again. I  
24. move that the Senate accede to the wishes of the House  
25. and that a Conference Committee be reported on Senate  
26. Bill 82.

27. PRESIDENT:

28. Senator Regner has moved to accede to the request of  
29. the House that a Conference Committee be appointed as to  
30. Senate Bill 82. All those in favor of the motion signify  
31. by saying Aye. Opposed. The Ayes have it. The motion  
32. carries and the Senate accedes to the request of the  
33. House to appoint a Conference Committee. On the Second

SB 250  
Conf Comm R.  
6/30/78

1. Supplemental Calendar are Senate Bills 250, Senator Netsch,
2. 252, Senator Netsch, 253, Senator Daley, 255, Senator Daley.
3. The Chair is informed that the Conference Committee Reports
4. are ready and that the sponsor is ready. Senator Netsch
5. asks leave to handle 253 and 55 for Senator Daley. Is leave
6. granted? Leave is granted. Senate Bill 250, First Conference
7. Committee Report, Senator Netsch.

8. SENATOR NETSCH:

9. Thank you, Mr. President. The First Conference Committee  
10. Report to Senate Bill 250 does several basic things. One,  
11. it picks up and includes the three amendments that were  
12. placed on Senate Bill 250 in the House. House Amendments  
13. 1, 8 and 19. 1 and 8 made some substantive changes, although  
14. not major recasting of the basic code, and a number of technical  
15. changes and clarifications of language. Amendment No. 19,  
16. which I suspect some of you may have heard something about,  
17. I will come back to in a moment, did make a substantive  
18. change. It is included in the Conference Committee Report.  
19. The rest of the Conference Committee Report and the primary  
20. reason that we needed to go to Conference Committee was  
21. that in the course of the amending, both by the Joint  
22. Committee in the Senate and again in the House, there were  
23. a number of provisions that got somewhat out of wack and  
24. that we needed to do some clarifying and cleaning up of  
25. language in Senate Bill 250. The...the only, I think it's  
26. fair to say the only substantive changes that are incorporated  
27. in the Conference Committee Report other than those amendments  
28. that were placed on by the House, involve a limitation of  
29. the total time period that continuances can be granted in  
30. court hearings. We discovered that there was no such  
31. limitation and it appeared that a court could keep someone  
32. in limbo for a long period of time and so we placed a  
33. fifteen day limitation. We limited the Attorney Generals

1. defense of department employees to civil actions, which we  
2. think is in accordance with existing law. And we did redefine  
3. and hopefully strengthen the definition of restraint and  
4. seclusion. Both of those definitions had bothered all of  
5. us for some period of time. And in conjunction with the  
6. department at the last...in the last day or so we finally  
7. worked out a...definition of restraint and seclusion which  
8. seems to be acceptable to everyone. I should say that in  
9. the form in which they now are cast, these bills not only  
10. have the approval of, I think, most if not all members of  
11. the Joint House-Senate Committee. They have the strong  
12. ...this bill has a strong support of the Department of  
13. Mental Health and Developmental Disabilities. It now  
14. has the support of the Illinois State Psychiatric Association  
15. and the Illinois State Medical Society and while it is with a...  
16. a greater degree of reluctance, I'm also authorized to say  
17. that the...the...the Illinois State Psychological Association  
18. now supports it, although they have made it very clear that  
19. they will continue to work for changes in...with respect to  
20. their roll in the procedures that they sought from us and  
21. did not fully obtain. We had a long hearing with them this  
22. morning and at the...at the conclusion of it, they did make  
23. clear that while they disagreed with a major decision we  
24. made with respect to certification, that they have, as they  
25. have right along supported the package. And I...I might add  
26. because I think it is very important to do so, that we owe  
27. a great deal of thanks to the psychologists and their  
28. association because they have indeed been highly supportive  
29. and highly helpful to us throughout the period of attempting  
30. to work out this very, very important package of bills.  
31. With that I would strongly urge your acceptance of the Confer-  
32. ence Committee Report and will be happy to answer any questions.  
33. PRESIDENT:

1. Senator Maragos.

2. SENATOR MARAGOS:

3. Mr. President and members of the Senate. Having worked  
4. with Senator Netsch and especially Senator Daley who unfortun-  
5. ately cannot be with us to propose these measures to us, for  
6. the last year I can say to you that this is the best package  
7. we could get out and this Committee Report is not satisfactory  
8. to me, but is the most possible thing we do in view of the House's  
9. opinion and the...and the psychologist position. 'Cause this  
10. morning during the hearing, the Committee Report hearings,  
11. we asked the House members if they thought they could get  
12. any changes out through the House beside what the Committee  
13. Report shows and they said no. And for that reason, I am  
14. also supporting the Committee Report because that's the  
15. possible, the best possible report we can make at the  
16. present time. I echoed the remark of Senator Netsch that  
17. maybe next year we will be working more diligently to  
18. see if we can make some changes to get this certification  
19. process differently. Thank you very much and I ask for  
20. your support.

21. PRESIDENT:

22. Senator Ozinga.

23. SENATOR OZINGA:

24. Question of the sponsor or whoever wants to answer it.

25. PRESIDENT:

26. Indicates she will yield.

27. SENATOR OZINGA:

28. During the last hour, hour and a half, I have received  
29. a number of calls from psychologists wanting us to either  
30. restore or do something. What does this actually do now with  
31. reference to the psychologists and why are they so indignant  
32. right now in wanting it restored?

33. PRESIDENT:



1. Senator Netsch.

2. SENATOR NETSCH:

3. Senator Ozinga, this...is probably the only real area  
4. of dispute that has been involved in the code over the last  
5. week or so and it is basically a dispute between the psychiatrists  
6. and the psychologists. One just brief to...to put it in perspective.  
7. In...under existing law, there are two certificates for involuntary  
8. commitment. And I add that it is only the involuntary commitment  
9. procedure, which is a very small part of the total commitments  
10. that we are talking about. Under existing law, the...the two  
11. certificates must be completed by...a physician, one of whom  
12. must be a psychiatrist. In the Governor's Commission Recommen-  
13. dation, on which these bills were placed, the recommendation  
14. was that the one certificate be completed by a...a physician  
15. or a qualified examiner, which then included psychologist.  
16. The second by a psychiatrist. The joint committee went some-  
17. what, well quite a bit beyond, the recommendation of the  
18. Governor's Commission and included in the second certificate  
19. not only psychiatrists but clinical psychologists. That is  
20. when the storm broke. It is that one provision that we have  
21. restored to the form in which it appeared in the Governor's  
22. Commission's original recommendations. It is true that several  
23. of us would have preferred not to make that concession. It  
24. was, very frankly, a political judgment that to attempt to  
25. pass a total revision of the Mental Health Code over the  
26. strong opposition of the Illinois State Psychiatric Association  
27. and the Illinois State Medical Association, was, to put it  
28. mildly, difficult and put us in a...a vulnerable position  
29. when it came to action by the Governor later. That was why  
30. we made that concession. Now, just to finish it quickly,  
31. we have remained with the provision as it was adopted in  
32. the House so that a psychiatrist must be involved on one of  
33. the certificates. The psychologists do not like that provision.

1. I understand and sympathize and will, at a later time, probably  
2. support their position. But we felt we could not change it  
3. back now. Nevertheless, their spokesman before our Conference  
4. Committee this morning said at the conclusion of the hearing  
5. when we said, no, we are going to leave it as it is. They  
6. said, we want to make it clear that despite our disappointment  
7. and disagreement with that decision, we have, as we have all  
8. along strongly support this package so long as you understand  
9. we will continue to work for changes in it at a later date  
10. in the certifying process.

11. PRESIDENT:

12. Senator Ozinga.

13. SENATOR OZINGA:

14. ...psychologists cannot now certify. Is that right?

15. PRESIDENT:

16. Senator Netsch.

17. SENATOR NETSCH:

18. No, they may still participate in...there are two certificates.  
19. On the first certificate, clinical psychologists or qualified  
20. examiners absolutely may participate. If one of those groups  
21. participates on one of the certificates then a...a second  
22. certificate must be done by a psychiatrist. We have eliminated  
23. the...the hierarchical order of the two certificates. A  
24. psychiatrist on one, a clinical psychologist on the other,  
25. and we have retained a provision which goes beyond the  
26. Governor's Commission recommendation in that the clinical  
27. psychologist may be one of the two mental health professionals  
28. who can testify as an expert in court. The clinical psychologist  
29. and the psychiatrist. We think that is a major breakthrough.  
30. A major recognition of their extremely important contribution  
31. in this area.

32. PRESIDENT:

33. Senator Wooten.

1. SENATOR WOOTEN:

2. Thank you, Mr. President. I think someone just ought  
3. to put it bluntly. The doctors continue to identify self-  
4. interest with public interest and if they can't have their  
5. way in this bill, they apparently will move enough votes  
6. to keep...keep the revision from going through altogether.  
7. And in view of that attitude, we have no choice but to  
8. accede to the Conference Committee Report and see if we  
9. cannot get reason to prevail somewhere further down the  
10. line.

11. PRESIDENT:

12. Senator Rhoads.

13. SENATOR RHOADS:

14. Question the sponsor.

15. PRESIDENT:

16. Indicates she will yield.

17. SENATOR RHOADS:

18. Senator Netsch, in the debate on the passage of this  
19. bill the first time through, I asked you about the ability  
20. of the...of the institution to restrict phone calls and  
21. other communication of the patients. Now, as I read this  
22. bill, you said unimpeded private and uncensored communication,  
23. mail, telephone and visitation maybe and you have added the  
24. word, reasonably, restricted by the facility. Now, is there  
25. ...is there a provision in here that he must...that the insti-  
26. tution must justify this as...as in the case of justifying  
27. the physical restraint?

28. SENATOR NETSCH:

29. I believe...Senator Rhoads I'm trying to check the  
30. amendment, I...I think we may have taken the word reasonably  
31. out. We did in most places where, excuse me, where it appeared  
32. in those connections and if we did not, then...we...we probably  
33. could have. Hold on just a minute. Could you tell me what

1. section you're reading from, 'cause there's several that  
2. deal with this subject.

3. PRESIDENT:

4. Senator Rhoads.

5. SENATOR RHOADS:

6. Yes, Senator Netsch, on Page 3 of the Conference  
7. Committee Report on line 97, rather, strike that, line 95.  
8. Now, I don't know...first...first question is, is reasonably  
9. anywhere defined and secondly does the...does the institutional  
10. director have to define or...or give some justification for  
11. impeding communication? Now you exempt communication to  
12. attorneys and members of the General Assembly and so forth,  
13. but if you'll recall the debate on...on passage the first  
14. time, we asked you about telephone calls. And what is  
15. their...what justification can they use for restricting  
16. telephone calls? I...I think...what my concern here is  
17. that I think that's a pretty arbitrary matter to leave  
18. in the hands of...of the director of the institution.

19. SENATOR NETSCH:

20. The...look at the rest of the section though, Senator  
21. Rhoads. I think it clearly defines the only justification  
22. for imposing that restriction. Only in order to protect the  
23. recipient or others from harm, harassment or intimidation.  
24. And even so notice of the restriction must be given to all  
25. ...recipients upon their admission. It is defined and limited  
26. by that standard of imposition.

27. PRESIDENT:

28. Senator Rhoads.

29. SENATOR RHOADS:

30. Well, speaking on the merits of the committee, then,  
31. what would...would you all want to do that together one  
32. time. There we go. Speaking on the merits of the bill,  
33. I think that's pretty subjective, Senator Netsch. I...I

1. understand a lot of compromise has gone into this, but you  
2. give an awful lot of power over the lives of these people  
3. to the directors of those institutions and reading this  
4. bill, if I ever had a friend or relative or loved one in  
5. ...in one of those institutions, I wouldn't want them to  
6. be subjected to that kind of...of control over their  
7. lives.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Senator Netsch.

10. SENATOR NETSCH:

11. I...I would point out, I...I will assume that was a  
12. question and would point out Senator Rhoads that under  
13. existing law there is no restriction at all on what may  
14. be done to limit or otherwise impede outside communication.  
15. This is indeed a strengthening of the right and a firm affirmative  
16. statement of that right with a very narrow restriction that  
17. can be imposed by those who...who have that power. And with  
18. the advocacy help, it should be reasonably implemented also.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Senator Vadalabene.

21. SENATOR VADALABENE:

22. Yes, Mr. President and members of the Senate. Would the  
23. sponsor yield to a question, please.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Indicates she will.

26. SENATOR VADALABENE:

27. Yes, Senator Netsch, I have just a short question and  
28. I would like a brief answer, if possible, because I don't  
29. understand it when you get, you know, too drawn out. The  
30. question I have, and I...if I'm trying to do it by memory,  
31. Amendment No. 19, was that adopted? Just a yes or a no.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Netsch.

34. SENATOR VADALABENE:

1. I think that dealt with the psychiatrist or the psychologist.

2. SENATOR NETSCH:

3. Yes, it was adopted in the House. I explained that a few

4. moments ago.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Senator Vadalabene.

7. SENATOR VADALABENE:

8. Yes, now you said you met with some of the psychologists

9. and or psychiatrist or they were in a meeting with you today.

10. Has Amendment No. 19 been resolved? Just a yes or no.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Senator Netsch.

13. SENATOR NETSCH:

14. I think it's fair to say yes. I'm sure it depends on

15. your point of view, but the answer, I think is a fair yes.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Vadalabene.

18. SENATOR VADALABENE:

19. Yes...just...just...you know, all morning I've been

20. getting calls from...from different psychiatrists and

21. psychologists who state, oppose Amendment No. 19. They

22. do not say oppose Amendment...or House Bill or Senate

23. Bill 250, they say oppose the amendment. And I don't

24. know how I can support the bill and oppose the...oh,

25. the House recedes from House Amendments 1, 8 and 19.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Senator Netsch.

28. SENATOR NETSCH:

29. Now I don't want to mislead you on that though. We

30. receded from the House Amendments, but they are picked up

31. and incorporated in a single amendment which is the

32. Conference Committee Report. So that which you know as

33. Amendment No. 19 is...is still in Senate Bill 250.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Vadalabene.

3. SENATOR VADALABENE:

4. Yes, then just briefly, if I support your bill, I would  
5. also be supporting Amendment No. 19 of which they are opposed  
6. to, is that correct?

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Senator Netsch.

9. SENATOR NETSCH:

10. Let me answer it once more, Senator Vadalabene. It  
11. is correct that the Illinois State Psychological Association  
12. and many of its members do oppose and did oppose Amendment  
13. No. 19. When we told them this morning that we felt we  
14. could not change the bill at this stage and eliminate  
15. Amendment No. 19, their two spokesmen, Dr. Bruce Bennett  
16. and Dr. Holland, who were there with us in Conference  
17. Committee this morning said at the conclusion of our  
18. Conference Committee, we want you to know that despite  
19. our disagreement with Amendment No. 19 and our pledge  
20. to work in the future to change that that we do support  
21. this package of bills. We have from the beginning. We  
22. think they represent very major important changes in the  
23. whole mental health concept. They still do not like Amend-  
24. ment No. 19, but they are not willing to have the entire  
25. package which...to which they have made a very substantial  
26. commitment go down simply because they do not like Amend-  
27. ment 19. I would say, incidently, that I think it was an  
28. act of real statesmanship on their part and one for which  
29. I am very grateful.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Senator Vadalabene.

32. SENATOR VADALABENE:

33. So what you are saying is then that possibly in January

1. when we come back there will be something resolved in...in  
2. regard to Senate...or this Amendment No. 19?  
3. PRESIDING OFFICER: (SENATOR DONNEWALD)  
4. She indicates she said yes. Senator D'Arco.  
5. SENATOR D'ARCO:  
6. Thank you, Mr. President. Will the sponsor yield for  
7. a question?  
8. PRESIDING OFFICER: (SENATOR DONNEWALD)  
9. Indicates she will.  
10. SENATOR D'ARCO:  
11. Dawn, as I understand this, the clinical psychologists  
12. is a qualified examiner under the provisions of the bill.  
13. Is that correct?  
14. PRESIDING OFFICER: (SENATOR DONNEWALD)  
15. Senator Netsch.  
16. SENATOR NETSCH:  
17. Not...not exactly, Senator D'Arco. In the original  
18. definition of qualified examiner in...under the Governor  
19. Commission Report, clinical psychologists were included.  
20. One of the major recognitions we made of their profession  
21. was to pull them out of qualified examiners, give them  
22. a separate status and their own statutory definition for  
23. the first time. That was something they very much wanted.  
24. That is still in the bill.  
25. PRESIDING OFFICER: (SENATOR DONNEWALD)  
26. Senator D'Arco.  
27. SENATOR D'ARCO:  
28. Then, as far as the first admission is concerned, the  
29. clinical psychologist can certify that person to be admitted  
30. into the institution. Is that correct?  
31. PRESIDING OFFICER: (SENATOR DONNEWALD)  
32. Senator Netsch.  
33. SENATOR NETSCH:



1. An involuntary admission requires two certificates, a...a  
2. clinical psychologist is fully authorized to sign one of them  
3. and to testify in court. That is correct.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Senator D'Arco.

6. SENATOR D'ARCO:

7. But you're saying that the second...in the second certificate  
8. you need a psychiatrist to certify the patient and a clinical  
9. psychologist does not qualify in the second instance, the  
10. second certification, to do that. Is that correct?

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Your time is fleeting. Senator Netsch.

13. SENATOR NETSCH:

14. We have eliminated the time sequence for the two certifi-  
15. cates, but one of the two must be signed by a psychiatrist.  
16. The other might be a clinical psychologist and very often will  
17. be.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator D'Arco.

20. SENATOR D'ARCO:

21. Well, I...I know that Senator Daley, who is the chief  
22. sponsor of this legislation was not in favor of eliminating  
23. the clinical...psychologist as a person who would qualify  
24. to certify a patient as to be admitted into a hospital  
25. on the second certificate. And when this bill went to the  
26. House, they took out that provision and they did a big...the  
27. psychiatrists, I mean, did a big, big lobbying effort over  
28. there being the professionals that they are and being concerned  
29. with their authority as opposed to the welfare of the patient  
30. involved, they convinced some Legislators in the House to  
31. take out the psychologist as a person who is qualified and  
32. I know the lobbying effort over there was truly, truly, intense  
33. and it's a battle of the professionals. But the welfare of  
34. the the patient is being thrown to the wayside by this

1. bill and I don't believe in the theory that because it's  
2. the best we can get, then let's go along with it because  
3. if we can't do it in this report then let them go on another  
4. Conference Committee Report and put it back in where it  
5. belongs.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Senator Guidice. Senator Graham.

8. SENATOR GRAHAM:

9. Mr. President, I only want to suggest, if the...if the  
10. lawyers are through with their filibuster, I move the  
11. previous question.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. There are two speakers that request to be heard.  
14. Senator Collins, do you wish to speak to this? Proceed.

15. SENATOR COLLINS:

16. Mr. President and members of the Senate. As Senator  
17. Maragos said, I too was opposed to the change in the bill,  
18. in 250. However, a lot of people have worked and put in  
19. a lot of time on that bill, there's been a lot of discussions.  
20. There are problems with that bill. And to request another  
21. Conference Committee Report, we are not going to solve  
22. those problems. They're going to be many other people  
23. upset about what happens in it. And I think to all fairness to the people  
24. that have worked very hard and all of the hearings that we've  
25. been through over the past...six months, that you would at  
26. least accept this Conference Committee Report with our word  
27. that we will come back and make and put the necessary amend-  
28. ments on it next year. And I move for a favorable roll call.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator Netsch may close.

31. SENATOR NETSCH:

32. Thank you, Mr. President. I really would like to put  
33. this in perspective. This is a major and widely accepted

1. revision of the entire Mental Health Code. There is  
2. virtually...oh, there are some minor disagreements on  
3. some minor points, but in terms of its importance and its  
4. progressive nature, it is supported by all of the professionals  
5. involved, the Department of Mental Health, the citizen groups,  
6. the groups who have patients in the institutions and virtually  
7. everyone. The battle between the psychiatrists and the  
8. psychologists is one of those unfortunate ones that the  
9. Legislature finds itself occasionally caught in the middle  
10. between two competing groups. It is a minute part of the  
11. total picture in this code. It involves only the...the  
12. two certificates on involuntary commitments. Seventeen  
13. thousand or more of the annual admissions are voluntary.  
14. The whole bill is cast in terms of encouraging voluntary  
15. admissions. This is a very minor part of the entire package.  
16. The psychologists themselves have gained enormously from  
17. this bill. I think both in recognition of that and in  
18. recognition of the important principles that are incorporated  
19. in it. They have indicated that they will support it. It  
20. would be unfortunate if it were to be cast aside on a  
21. minor point where there is no disagreement about the basic  
22. merits. I would urge your favorable support.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. The question is shall the Senate adopt the Conference  
25. Committee Report on Senate Bill 250. Those in favor vote  
26. Aye. Those opposed Nay. The voting is open. ...voted who  
27. wish? Have all those voted who wish? Take the record.  
28. On that question the Ayes are 45, the Nays are 7, 3 Voting  
29. Present. And the Senate does adopt the Conference Committee  
30. Report on Senate Bill 250 and the bill having received the  
31. required constitutional majority is declared passed. Senate  
32. Bill 252, Senator Netsch.

33. SENATOR NETSCH:

1. Thank you, Mr. President. Senator Nimrod and Senator  
2. Daley and the rest of us on the Joint Committee are all  
3. cosponsors of this. I will explain if you would like,  
4. Senator Nimrod, the Conference Committee Report. It  
5. is almost entirely clarifying in nature. There were  
6. a couple of substantive amendments that were added by  
7. the House. One, clarifying and redefining the venue  
8. provision and...the rest of it essentially was a matter  
9. of...of just simply cleaning up language so that it  
10. read better. The...the amendments that are in the Con-  
11. ference Committee Report in addition to the House Amend-  
12. ment are literally clarifying and clean up amendments.  
13. This is the bill incidently that makes major...makes  
14. a major change in a sense of...for the first time  
15. authorizing the concept of a limited guardian. It's  
16. something that those who have been involved with the  
17. mentally retarded and the developmentally...disabled  
18. have long wanted. I would move adoption of Conference  
19. Committee Report No. 1 to Senate Bill 252.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Is there discussion? Senator Nimrod.

22. SENATOR NIMROD:

23. Yes, thank you, Mr. President. And Senator Netsch  
24. is perfectly correct in saying these amendments...the  
25. House Amendments were acceptable to us and we were ready  
26. to concur in them, but in order to keep this whole package  
27. together, we agreed to have the nonconcurrence in order  
28. to go in the conference. Otherwise these amendments  
29. were acceptable to us in the first place and I certainly  
30. would move for the adoption of this Conference Committee  
31. Report.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Is there further discussion? Senator Netsch, if you

SB 252  
Conf. Comm. Repts.  
6-30-78

1. wish to close or vote. All right. The question is shall  
2. the Senate adopt the Conference Committee Report on Senate  
3. Bill 252. Those in favor vote Aye. Those opposed Nay.  
4. The voting is open. Have all those voted who wish? Have  
5. all those voted who wish? Take the record. On that question  
6. the Ayes are 53, the Nays are 1, and the Senate...and 1...  
7. just a moment...the Senate does adopt the Conference Committee  
8. Report on Senate Bill 252 and the bill having received the  
9. constitutional majority is declared passed. Senator Demuzio,  
10. for what purpose do you arise?

11. SENATOR DEMUZIO:

12. To put...yes, Mr. President, I'd like the record to  
13. reflect that had I been on the Floor, I would have voted  
14. in favor of Senate Bill 252.

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. The electronic device will so record. Senator Netsch,  
17. for what purpose do you arise?

18. SENATOR NETSCH:

19. I would like the record to reflect that I was on the  
20. Floor and I was so busy writing the vote down, I forgot  
21. to vote myself and obviously would have voted yes.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Ah...the record will so show. Senate Bill 253,  
24. Senator Netsch.

25. SENATOR NETSCH:

26. Thank you, Mr. President. This again is...this is  
27. the so-called Advocacy Bill and the most of the changes  
28. in substance...most of the changes in substance were  
29. made either in the bill before it left the Senate or in  
30. House Amendment No. 1. Again the primary purpose of  
31. sending the bill to Conference Committee, was to have  
32. an opportunity to develop some clarifying amendments  
33. and to clean up some language that had gotten a little

1. bit mixed up as the bill had been amended through both  
2. Houses. The...it has...except for one point that I should  
3. call attention to, the...the House Amendment No. 1, which  
4. is incorporated in the Conference Committee Report did  
5. change the appointment of the commission that oversees  
6. the advocacy services removed the Supreme Court and the  
7. Legislature as...as appointing authorities in accordance  
8. with the wishes of the House. That is now incorporated  
9. in the bill also. I would move adoption of Conference  
10. Committee Report No. 1 to Senate Bill 253.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Is there discussion? Senator...Senator Nimrod.

13. SENATOR NIMROD:

14. Senator Netsch, just a...I've been unable to get a  
15. good look at this Conference Committee Report. Senate  
16. Amendment 6 which put on the one percent...you couldn't  
17. exceed the one percent appropriation. Is that still  
18. in the bill and if it is, where is it?

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Senator Netsch.

21. SENATOR NETSCH:

22. The answer is that it is still in the bill. Now let...  
23. yes, it is in Section 35, "the annual appropriation for the commission  
24. shall not exceed one percent." That was Senator Schaffer's  
25. Amendment and we have not touched that.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Senator Guidice.

28. SENATOR GUIDICE:

29. Thank you, Mr. President. Will the sponsor yield?

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Indicates she will.

32. SENATOR GUIDICE:

33. In regarding Section 11 now, Senator Netsch, are we

1. going back to the concept that we had prior to the Committee  
2. hearing in Judiciary regarding what the attorney would be  
3. able to do for these particular individuals?  
4. PRESIDING OFFICER: (SENATOR DONNEWALD)  
5. Senator Netsch.  
6. SENATOR NETSCH:  
7. No, we haven't changed that.  
8. PRESIDING OFFICER: (SENATOR DONNEWALD)  
9. Senator Guidice.  
10. SENATOR GUIDICE:  
11. Well in Section 11 now we're talking about referral by  
12. contracting for legal services and...and what type of  
13. service? Where do we describe the services as what's going  
14. to be done?  
15. PRESIDING OFFICER: (SENATOR DONNEWALD)  
16. Senator Netsch.  
17. SENATOR NETSCH:  
18. I...I'm not sure I heard your question. Did you say  
19. where do we describe what they may contract for?  
20. PRESIDING OFFICER: (SENATOR DONNEWALD)  
21. Senator Guidice.  
22. SENATOR GUIDICE:  
23. The services that would be made available to the patient.  
24. PRESIDING OFFICER: (SENATOR DONNEWALD)  
25. It's rather difficult for the conservation to proceed  
26. between the two persons debating. Will the Senate be in  
27. order. Senator Netsch.  
28. SENATOR NETSCH:  
29. I think your objection had been to the...language about  
30. generalized legal services, which was dropped and has not  
31. been restored. So that the service shall make available  
32. or provide legal counsel and representation to recipients  
33. in Judicial proceedings and so forth. The...the point that

1. you had raised, as I recall, was that it sounded as if the  
2. service was to take care of all of their legal services,  
3. personal, otherwise, some that might be closing a mortgage  
4. or whatever that might be unrelated to their...their problem  
5. with respect to mental health services. That language was  
6. deleted and has not been restored.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Senator Ozinga.

9. SENATOR OZINGA:

10. What is the estimated cost of this new section or  
11. department, whatever you might call it?

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Senator Netsch.

14. SENATOR NETSCH:

15. The fiscal note has indicated about 1.5 million  
16. dollars, seventy-five percent of which is reimbursable  
17. by...through Title 20. I might say, I think that while,  
18. of course, we have to accept the department's fiscal note,  
19. there were several components in it that I think were  
20. greatly over stated. They...as I recall, they computed  
21. every telephone call at two dollars and fifty cents a  
22. call or something of that sort.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Senator Ozinga.

25. SENATOR OZINGA:

26. Is this then what might be called start-up money?

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Senator Netsch.

29. SENATOR NETSCH:

30. I...I couldn't hear you. What kind of money?

31. SENATOR OZINGA:

32. Is...starting-up money or...or getting the...

33. SENATOR NETSCH:



1. Oh, no. The...

2. SENATOR OZINGA:

3. If this is one of those that will probably be one  
4. and a half million the first year and a hundred million  
5. the second year and about a million and a half more each  
6. succeeding year. Is that about not right?

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Senator Netsch.

9. SENATOR NETSCH:

10. No, that is not correct, and that was the point of  
11. Senator Schaffer's amendment. There was concern expressed  
12. that this kind of thing could grow like Topsy. It is  
13. not intended to do that. We think we now have it structured  
14. so that that cannot happen. But just to make sure, Senator  
15. Schaffer offered the amendment, which is still in the bill,  
16. which puts a very low cap on the amount that can be spent  
17. on this kind of service.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator Schaffer.

20. SENATOR SCHAFFER:

21. Well, just briefly, Senator Ozinga, it's one percent  
22. of General Revenue for the department. They can't exceed  
23. one percent of the General Revenue Funds spent by the  
24. Department of Mental Health as far as our General...General  
25. Revenue Appropriation to support this new agency. That, I  
26. think, is within reasonable guide lines and as the agency  
27. as envisioned in this act should not exceed that. It will  
28. grow with the department, but it will not become a monster.  
29. Although we did not prohibit it from receiving Federal  
30. Funds incase the Feds decide to rain money on us, which I  
31. rather doubt.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Is there further discussion? Senator Netsch may close

SB 255  
Conf. Com. Re.  
6/30/78

1. or have a vote. All right. The Question is shall the  
2. Senate adopt the Conference Committee Report on Senate  
3. Bill 253. Those in favor vote Aye. Those opposed Nay.  
4. The voting is open. ...voted who wish? Have all those  
5. voted who wish? Take the record. On that question the  
6. Ayes are 43, the Nays are 8, 1 Voting Present. The  
7. Senate does adopt the Conference Committee Report on  
8. Senate Bill 253 and the bill having received the constitu-  
9. tional majority is declared passed. 255, Senator Netsch.  
10. SENATOR NETSCH:

11. Thank you, Mr. President. This is the Confidentiality  
12. Act which was, again has been widely accepted by everyone  
13. involved. There was no basic disagreement with the Amend-  
14. ments No. 1 and 2 that the House made. The point of the  
15. Conference Committee again was to provide an opportunity  
16. for some clarifying, streamlining and technical changes.  
17. The bill is in essentially the same form as it was at  
18. a prior time and it does both make uniform the therapist  
19. privilege, control access by the patient and authorized  
20. access by the patient to his records and deal totally  
21. with the question of confidentiality of those records.  
22. I would move adoption of Conference Committee Report  
23. No. 1 to Senate Bill 255.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Is there discussion? The question is shall the  
26. Senate adopt the Conference Committee Report on Senate  
27. Bill 255. Those in favor vote Aye. Those opposed Nay.  
28. The voting is open. ...voted who wish? Have all those  
29. voted who wish? Take the record. On that question  
30. the Ayes are 52, the Nays are none. The Senate does adopt  
31. the Conference Committee Report on Senate Bill 255 and  
32. the bill having received a constitutional majority is  
33. declared passed. Senate Bill 1562, Senator Hickey. Senator

1. Hickey.

2. SENATOR HICKEY:

3. ...President. Senate Bill 1562 simply allows local

4. health departments to seek an injunction which they've

5. not been able to do before. Heretofore, it's only been the...

6. the State Public Health Department. It was amended here

7. to provide for a notification of the...of the State Public

8. Health Department when this was being done by a local

9. health department and also in the House to be sure that

10. it did not refer to...

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Just a moment, Senator. Will the Sergeant-at-Arms

13. clear the aisles of all unauthorized persons. Will the

14. members please be in their seats. Proceed.

15. SENATOR HICKEY:

16. ...It also prohibits the Department of Public Health

17. or local departments of health from seeking injunction

18. and the Circuit Court from granting injunction before

19. July 1st, 1980 with reference to any department's rule

20. or regulation requiring the certification of one or more

21. persons in food service sanitation. That was the...the

22. amendment put on in the House and the Conference Committee

23. recommends that...that both remain and that the bill be

24. passed.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Is there discussion? Senator Rhoads.

27. SENATOR RHOADS:

28. Senator Hickey, is this a year old Conference Committee

29. Report?

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Senator Hickey.

32. SENATOR HICKEY:

33. It's not...it's not a year old, but that second...what?

SB 1790  
conf. comm. report  
6-30-78

1. PRESIDING OFFICER: (SENATOR DONNEWALD)
2. Senator Rhoads.
3. SENATOR RHOADS:
4. 1977?
5. PRESIDING OFFICER: (SENATOR DONNEWALD)
6. Senate...Senator Hickey.
7. SENATOR HICKEY:
8. I'm sorry, that's in error. No it...it was the Conference
9. Committee was yesterday.
10. PRESIDING OFFICER: (SENATOR DONNEWALD)
11. Do we have leave to change the report on its face?
12. Leave is granted. Is there further discussion? All right,
13. the question is shall the Senate adopt the Conference Committee
14. Report on Senate Bill 1562. Those in favor vote Aye. Those
15. opposed Nay. The voting is open. ...all those voted who wish?
16. Have all those voted who wish? Take the record. On that
17. question the Ayes are 51...53, the Nays are none. Senate
18. bill 1562, the Senate does adopt the Conference Committee
19. Report on Senate Bill 1562 and the bill having received the
20. required constitutional majority is declared passed. Senate
21. Bill 1790, Senator Berman. Senator Berman.
22. SENATOR BERMAN:
23. Thank you, Mr. President. I move for acceptance of
24. Conference Committee Report No. 1 on Senate Bill 1790.
25. The Conference Committee Report does two things. Number
26. one, it addresses and provides the basic property tax
27. relief for all Illinois residences. The exemption is
28. similiar to that that we had in Senate Bill 1783 sponsored
29. by Senate President, Tom Hynes. It is the one thousand
30. dollar increase exemption to the Homestead Exemption that
31. will apply to each quadrennial assessment. The provisions
32. in the Conference Committee Report indicate that it will
33. apply to owner occupied homes, it will not apply to large

1. apartment buildings. It is a method by which the inflationary  
2. trend will be averted in its impact upon local property  
3. taxes. The second part of the Conference Committee Report  
4. relates to the validation of assessment publication dates.  
5. This was originally addressed in Senate Bill 1678 by Senator  
6. Donnewald. It...validates certain publications of tax  
7. assessments that were skipped based upon a...an opinion of  
8. the Attorney General that had advised the local assessors  
9. that it was advisory language in the Statute rather than  
10. mandatory. After this was done, a Supreme Court decision  
11. indicated that it was, in fact, mandatory and the impact  
12. was that all of these assessments were put into jeopardy.  
13. That's many thousands and thousands of dollars...many  
14. thousands of dollars of local...local tax revenue that  
15. was put in jeopardy that is...cleared up by the second  
16. portion of Conference Committee Report on Senate Bill 1790.  
17. I'll be glad to respond to any questions. Ask for your  
18. affirmative vote.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Is there discussion? Senator Glass.

21. SENATOR GLASS;

22. Question of the sponsor, if he will yield, Mr. President.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Indicates he will.

25. SENATOR GLASS:

26. Senator Berman, as I understood your explanation, there  
27. is, in effect, nothing new in this report. That is it in-  
28. corporates virtually verbatim, the bill that passed over-  
29. whelmingly sponsored by Senator Hynes. And then it also  
30. has a...a validation of certain prior years taxes or  
31. assessments. Can you indicate if that portion also was  
32. a Legislation that was acted on by this Body?

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Senator Berman.

2. SENATOR BERMAN:

3. Yes, the...17...1783 language, the Homestead Exemption

4. language is...is almost identical, no substantive changes.

5. In 1678 there has been some refinement that was suggested

6. to us by the Assessors Association. The...substance is

7. the same, the technical language is not word for word, there

8. was some question that was raised regarding the validation

9. language, but the purpose and the object is exactly the

10. same and that is to validate the...the assessments that

11. were not published.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Senator Glass.

14. SENATOR GLASS:

15. And those...those are the only two items in the report.

16. Is that correct?

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Berman.

19. SENATOR BERMAN:

20. ...Yes. The original language of 1790 was accomplished

21. through another bill so that that language has been entirely

22. deleted. The only two things are the items which I've mentioned.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Senator Hickey.

25. SENATOR HICKEY:

26. Thank you, Mr. President. I rise in support of this

27. Conference Committee Report. Many downstate counties stand

28. to lose tremendous amounts of money unless this bill is

29. passed and I...I urge a Yes vote.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Senator Bowers.

32. SENATOR BOWERS:

33. Well, Mr. President, I just want to rise and call this

1. Body's attention to the fact that as far as the Homestead  
2. Exemption is concerned, that was contained in 1783, Senate  
3. Bill 1783, I believe that was the number. We sent it over  
4. to the House. They refused to call it in the House and  
5. I think this Body ought to know why they refused to call  
6. it in the House. There were some amendments on that  
7. bill that would have granted immediate tax relief. That  
8. would have reduced the multiplier from thirty-three and  
9. a third to twenty-nine and a half. Now you can call this  
10. tax relief, but the fact remains that it's not going to  
11. have any effect until 1980. Because that's when the...the  
12. quadrennial assessment affect is going to be felt. Now  
13. in addition to that there is on the Calendar House Bill  
14. 2570. That also has an amendment on the Secretary's Desk,  
15. but you refuse to call that. So you're kidding yourselves  
16. if you think you're giving the taxpayers any immediate  
17. relief and that's what they're crying for and you ought to  
18. call 2570 or you should have called 1783 in the House and  
19. I'm surprised you didn't have the nerve to.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Berning.

22. SENATOR BERNING:

23. Thank you, Mr. President and members of the Senate.  
24. I too would like to rise to comment on what, in my opinion,  
25. is an unfortunate procedure as epitomized by what is in  
26. front of us right now. In the inordinate rush that...and  
27. crush that faces us in the closing hours, amendments of  
28. great significance, be they desirable or not, are foisted  
29. upon us with little or no opportunity on the part of the  
30. majority of the members to fully understand and appreciate  
31. them. Now, I submit that the amendment which is allowing  
32. the one thousand dollar adjustment in increased assessed  
33. valuation, has some minimal merit. As I mentioned on the

1. Floor of this Body when that original bill was under consider-  
2. ation I think it is a very small step. But the fact that this  
3. bill faltered in its original form and is now incorporated  
4. in a bill replacing the original intent, is in a degree,  
5. unfortunate and unfair as far as some of the rest of us are  
6. concerned, who had equal, if not greater interest in providing  
7. help for the beleaguered taxpayers back home. Had I known that  
8. the potential existed to incorporate this amendment into  
9. this bill, I would have, at least, been appearing and urging  
10. that serious consideration be given to one or both of my  
11. proposals which never got the light of day and consequently  
12. were never before this Body, but which truly would have  
13. provided serious, defensible, fair and immediately effective  
14. relief for the beleaguered real estate taxpayers back home.  
15. Thank you, Mr. President.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Channel 20 is seeking leave to shoot some silent film.

18. Is leave granted? Leave is granted. Senator Knuppel.

19. SENATOR KNUPPEL:

20. Well, I have a question of the sponsor.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Sponsor indicates he will yield. Senator Knuppel.

23. SENATOR KNUPPEL:

24. And if he'll just...if he'll just be succinct about  
25. the thing. I mean Berman is one of the, you know, he's  
26. got verbal diarrhea more than most people. I just want  
27. answers to the question. You...you reduce this one...the  
28. assessment one thousand dollars, is that correct?

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Senator Berman.

31. SENATOR BERMAN:

32. No.

33. PRESIDING OFFICER: (SENATOR ROCK)



1. Senator Knuppel. Senator Knuppel.

2. SENATOR KNUPPEL:

3. I asked him a question. I said what is correct then,

4. that's the way I understand what he said.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senator Berman.

7. SENATOR BERMAN:

8. There's a thousand dollar reduction from any increase

9. in the assessment.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Knuppel.

12. SENATOR KNUPPEL:

13. Now, will you tell me what the hell good that does if

14. they want to increase the rate. What really makes the

15. difference is the levy your local group puts on. What

16. the assessed value is doesn't make any difference. If

17. my school district wants to raise sixty-thousand dollars,

18. and that's what it takes, they just...they just increased

19. the...the amount of the levy as long as they stay within

20. the statutory amount and it doesn't make a bit of difference

21. what the assessed value is. This is as phony as hell.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Senator Donnewald.

24. SENATOR DONNEWALD:

25. Mr. President and members of the Senate. This particular...

26. Conference Committee Report does contain what I feel is a very,

27. very necessary piece of legislation for all of the downstate

28. counties because of the decision made by the Supreme Court, as

29. Senator Berman so ably stated. It is an absolute necessity

30. and I would certainly urge the support of the membership.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Any further discussion? Senator Hynes.

33. SENATOR HYNES:

1. Mr. President and members of the Senate. I rise in  
2. support of this Conference Committee Report. It contains  
3. two important features. The second, Senator Donnewald  
4. addressed himself to and it deals with validation of  
5. taxes in many of the downstate counties. And it is an  
6. extremely important bill as far as local revenue in many  
7. areas downstate is concerned and I think this is something  
8. that ought to be done by this General Assembly. The  
9. second incorporates the provisions of Senate Bill 1783,  
10. which I was the principal sponsor of in the Senate. And  
11. that bill in its simplest terms would provide an exemption,  
12. a Homestead Exemption, which is constitutional, in contrast  
13. to many of the other proposals for tax relief on...in the  
14. assessment process that have been considered in this  
15. General Assembly. It would provide a Homestead Exemption  
16. of up to one thousand dollars on residential property,  
17. at the time of a quadrennial reassessment for any increase  
18. that might result from that reassessment. And therefore  
19. it is an effort to put a brake on the inflation that has  
20. been hitting us in the residential area throughout this  
21. State. That has been the source of the protest and concern  
22. that has...that triggered the situation in California and  
23. this is an effort to do something about it. It will provide  
24. relief to taxpayers, but at the same time it will not erode  
25. or cut into the existing tax base. It does not reduce the  
26. existing tax base, it simply puts the break on future  
27. growth and assessment. I think it is a reasonable approach.  
28. It has been endorsed by the Taxpayer's Federation and by  
29. several newspapers, including the Chicago Tribune and others.  
30. I think that it...I think that it is an effort to provide  
31. some relief from the escalating inflation that has caused  
32. so much...so many problems in the residential real estate  
33. market with respect to taxation. It does provide relief,

1. it is an important bill. The only change from the form  
2. it left the Senate is a technical change to satisfy many  
3. of the downstate assessors as to how it would be implemented.  
4. And we are now told that it can be implemented with existing  
5. machinery and equipment and personnel. So it is workable,  
6. it is relief, it is important. With respect to the Conference  
7. Committee as a whole, I think it merits the support of this  
8. General Assembly and I would urge a favorable vote.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Any further discussion? Senator Soper.

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End of Reel #2

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1. SENATOR SOPER:

2. Thank you, Mr. President. Now, we have to...we have sort of  
3. an impasse here on a couple of bills, join two together, it's  
4. the First Conference Report. I think these things should be  
5. separated. I understand that we've got some problems downstate  
6. with the...with the assessors, so forth. Well, let's...let  
7. that come and go on it's own...on it's own merits. This other  
8. proposition ought to rise or fall on its own. It seems that Knuppel  
9. has some problems with this thing and I can understand what his  
10. problems are and I think I have the same problems with it.  
11. I don't want to kid somebody that they're going to get something  
12. and wait till the next quadrennial to come out and say they're  
13. going to get something and they're really not going to get anything.  
14. So, I...I suggest that we let this go to a Second Conference  
15. Report and maybe we can solve the problems.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Further discussion? Senator Glass.

18. SENATOR GLASS:

19. Thank you, Mr. President. In...in strong support of what  
20. Senator Soper has just said, I would like to point out to the  
21. Body that there is a bill on...on 2nd reading, House Bill  
22. 2570 in this Body that was never called. There is one of  
23. these bills, 1783 that Senator Berman has indicated the  
24. provisions have been inserted in the Conference Committee  
25. Report is sitting over in the House. Now, the reason why,  
26. in my judgment, those bills have not been called is that  
27. Senator Bowers has an amendment on the desk to those bills  
28. that would lower the thirty-three and a third percent  
29. assessed valuation State-wide to twenty-nine and a half  
30. percent. And that is a piece of legislation that would indeed  
31. provide local tax relief. That's a provision that ought to be --  
32. in these Conference Committee Reports if we're going to adopt them  
33. and provide some relief at the local level. That...that is a  
significant measure that...that has not been...it has not had a

1. chance to be called. It's...as I say, it's waiting as an  
2. amendment to House Bill 2570 which wasn't called and 1783  
3. in the House. I think we ought to...ought to send this to a  
4. Second Conference Committee Report and see if we can't get some  
5. real meaningful tax relief for our local real estate taxpayers.  
6. PRESIDING OFFICER: (SENATOR ROCK)

7. Any further discussion? Senator Maragos.

8. SENATOR MARAGOS:

9. Mr. President and members of the Senate. In arising in support  
10. of this report, I'd like to state that nothing in this Committee  
11. Report included any other item that was not fully discussed..  
12. by the Senate Revenue Committee and by the Senate itself.  
13. We passed it out unanimously. We are not responsible...what  
14. happened in the House and these ideas of Senator Bowers, which have  
15. been put on in the form of amendment, may be good, but they  
16. have not been fully discussed in this Session. Let us not wait  
17. and use excuses why we should not give relief as it comes now and  
18. we are able to handle at this time. I would like to state that  
19. you may say, Senator Glass, that we'll wait four years, but there  
20. are some quadrants in Cook County and in other areas that will  
21. get immediate relief the coming year. Let us not wait and...and  
22. wring our hands and say we cannot do anything. Here is the  
23. place and here is the time. Let us speak up boldly that we are  
24. giving relief and let us support this report.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Is there any further discussion? Senator Berman may close  
27. the debate.

28. SENATOR BERMAN:

29. Thank you, Mr. President. Both concepts in this...in this  
30. report...in this Conference Committee Report have been approved  
31. by this Senate overwhelmingly. I ask that we be consistent and  
32. continue to support the good measures that are in this Conference  
33. Committee Report.

1. PRESIDING OFFICER: (SENATOR ROCK)
2. Question is shall the Senate adopt the Conference Committee
3. Report on Senate Bill 1790. Those in favor will vote Aye.
4. Those opposed will vote Nay. The voting is open. Have all
5. voted who wish? Have all voted who wish? Take the record. On that
6. question the Ayes are 41, the Nays are 4, 6 Voting Present.
7. The Senate does adopt the Conference Committee Report on Senate
8. Bill 1790 and the bill having received the required constitutional
9. majority is declared passed. Senator Berman.
10. SENATOR BERMAN:
11. I would ask leave, Mr. President, to allow Senator Hynes
12. to be joined as a principal cosponsor on this bill.
13. PRESIDING OFFICER: (SENATOR ROCK)
14. You've heard the request. Is leave granted? Leave is granted.
15. Senator Mitchler. How about on 933? We ready on that?
16. Conference Committee Report, House Bill 933.
17. SENATOR MITCHLER:
18. Mr. President and members of the Senate. House Bill 933,
19. as amended, would provide and the Conference Committee Report
20. provides an increase in the exemption presently provided
21. for the specially adapted housing to meet the needs of the
22. disabled veteran. This is Representative DiPrima's bill that
23. we had to put into Conference Committee to iron a few things out.
24. It now seems to be in the proper form. It's laid around here
25. awhile. Now, I would appreciate a favorable roll call and adoption
26. of the Conference Committee Report. It has been adopted in the House.
27. PRESIDING OFFICER: (SENATOR ROCK)
28. Is there any discussion? Senator Walsh.
29. SENATOR WALSH:
30. Will the Gentleman yield?
31. PRESIDING OFFICER: (SENATOR ROCK)
32. Indicates he will yield. Senator Walsh.
33. SENATOR WALSH:

1. Senator, I don't have this Conference Committee Report in  
2. front of me, but it increases the exemption from fifteen to  
3. thirty thousand dollars, is that correct?

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Mitchler.

6. SENATOR MITCHLER:

7. From fifteen thousand, yes. To thirty thousand, yes.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Walsh.

10. SENATOR WALSH:

11. Mr. President and members of the Senate. Senator Mitchler  
12. has indicated that this bill has already passed the House or  
13. the House has already concurred in the Conference Committee  
14. Report so the action which we take at this time is especially  
15. significant. The exemption which would be given to the homeowner  
16. is thirty thousand dollars. In the County of Cook which has a  
17. sixty...sixteen percent level of assessment, you would have a  
18. house that is worth approximately a hundred and eighty thousand  
19. dollars being off the tax rolls. Now, this exemption is granted  
20. not on the basis of need, but only on the basis that the  
21. person who owns it happens to have at one time during her life  
22. been married to a disabled veteran. It doesn't seem to me that  
23. we should grant an extension...excuse me, an...an exemption of  
24. this amount, a homeowner having a house valued at a hundred and  
25. eighty thousand dollars to...to anyone except on the basis of  
26. need. Now, as some of you may recall that this issue was debated  
27. just one year ago, at which time we defeated the motion to adopt  
28. the Conference Committee Report. This is the second report.  
29. It's the same issue one year later. Let's put it to rest now once  
30. and for all. I urge a No vote.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. There any further discussion? Senator Mitchler may close  
33. the debate.

SENATOR MITCHLER:

1. Mr. President and members of the Senate. House Bill  
2. 933 involves only the totally disabled veteran. Now, if this  
3. exemption were extended across the board to everyone that fell in  
4. that category, it would be a tremendous amount of money.  
5. But the few people that will get benefit from this increase in  
6. legislation and as it is contained in the Conference Committee  
7. Report is minimal. Now, I don't want to say it's to take care  
8. of just one or two because it is adapted so that it will take  
9. care of that category. It would be estimated that not more than  
10. fifteen could possibly come under this. Now, this is very  
11. minimal and I don't want it to be blown up to the fact that  
12. it would extend across the board like to everybody involved in a  
13. taxation. If it was that type, I would not be sponsoring it.  
14. Senator...Representative DiPrima has explained it to many of  
15. you individually and I would appreciate a favorable roll call  
16. and adoption of this Conference Committee Report. Thank you.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Question is shall the Senate adopt the Conference Committee  
19. Report on House Bill 933. Those in favor will vote Aye.  
20. Those opposed will vote Nay. The voting is open.  
21. Have all voted who wish? Have all voted who wish? Have all  
22. voted who wish? Take the record. On that question the Ayes  
23. are 36, the Nays are 6, 5 Voting Present. The Senate  
24. does adopt the Conference Committee Report on House Bill 933  
25. and the bill having received the required constitutional  
26. majority is declared passed. Yes, Senator Wooten, for what  
27. purpose do you arise?

28. SENATOR WOOTEN:

29. On a point of personal privilege. I don't know if this  
30. has been covered before, certainly not when I was on the Floor,  
31. but speaking of veterans, we have a veteran of our own wars  
32. here, a distinguished gentleman whose fit and happy condition  
33. makes me believe perhaps he knows better than we do, Senator Clifford  
Latherow.



HB 2842  
6/30/78  
Conf Com

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Where is Senator Latherow? For...for one of the few times  
3. during his distinguished career, he's on the right side of the  
4. aisle. Senator Ozinga, for what purpose do you arise?

5. SENATOR OZINGA:

6. Personal privilege.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. State your point.

9. SENATOR OZINGA:

10. As long as Senator Latherow was mentioned, I have here on  
11. my desk a platter of venison sausage which Cliff and I were out,  
12. if you remember last November, we came late to the Session, we  
13. did happen to shoot a deer which is the...I have had the head  
14. mounted. It is on display in my office in room 307, but any of you  
15. that would like to try a piece of venison sausage, it's here  
16. available. Thank you.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Lane. Senator Sam, 2842. Conference Committee  
19. Report, House Bill 2842.

20. SENATOR VADALABENE:

21. Yes, am I ready?

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Yes, this is on page 1 of the Supplemental Calendar,  
24. Conference Committee Report on House Bill 2842, Senator  
25. Vadalabene.

26. SENATOR VADALABENE:

27. Yes, Mr. President and members of the Senate. House Bill  
28. 2842 is a bill that was amended here in the House in regard to the  
29. licensing of churches and schools when they have their special  
30. events. This was the bill that Senator Berning amended which was  
31. actually the bill. However, what happened over into the House,  
32. they put...an attempt was made to put additional amendments on the  
33. Conference Committee Report of which we refused and so we adopted

1. the Conference Committee Report in the present state of which the  
2. bill left the Senate. So, I would move at this time, for  
3. an adoption and a favorable vote of the First Conference  
4. Committee Report to House Bill 2842.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Any discussion? Senator Glass.

7. SENATOR GLASS:

8. One question of the sponsor, if he will yield.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Indicates he will yield. Senator Glass.

11. SENATOR GLASS:

12. For clarification, Senator Vadalabene, the bill  
13. is now in the exact shape as it was when the Senate passed  
14. it, is that correct?

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Senator Vadalabene.

17. SENATOR VADALABENE:

18. Yes, that is correct.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Any further discussion? The question is shall the Senate  
21. adopt the Conference Committee Report on House Bill 2842.  
22. Those in favor will vote Aye. Those opposed will vote Nay.  
23. The voting is open. Have all voted who wish? Have all voted who  
24. wish? Take the record. On that question the Ayes are 47, the  
25. Nays are 2, 2 Voting Present. The Senate does adopt the Conference  
26. Committee Report on House Bill 2842 and the bill having received  
27. the required constitutional majority is declared passed.

28. Page 1 of Supplemental No. 2. Conference Committee Report on...with  
29. respect to House Bill 2929. On the Order of Conference Committee  
30. Reports, House Bill 2929, Senator McMillan.

31. SENATOR McMILLAN:

32. House Bill 2929 in Conference Committee maintained the  
33. provisions of the bill as passed out of the Senate. In addition  
to that, the Conference Committee Report now includes a provision

1. which was the...basically House Bill 3117, sponsored by  
2. Representative Houlihan which passed the House unanimously  
3. and by accident, I understand, was not given consideration  
4. in the Senate. What this does is deal with property that has been  
5. ...had back taxes not paid and has been taken over by a  
6. municipality or county and demolished and what it does is  
7. indicate that after that time, the county clerk shall be notified  
8. that the taxes are no longer applying to it. It also has  
9. provisions in it that would prevent the original owner from  
10. coming back after the demolition has been done and after the  
11. taxes have been forgiven and...and get ownership of the  
12. property again. It has the agreement of all that have been  
13. involved in it and I would move adoption of House...of the  
14. Conference Committee Report No. 1 on House Bill 2929.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Any discussion? Senator Joyce.

17. SENATOR JOYCE:

18. Yes, Mr. President. Thank you. I, too, would urge the  
19. adoption of this amendment. It has the farm hold harmless tax in  
20. it, too. Thank you.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. The question is shall the Senate adopt the Conference  
23. Committee Report on House Bill 2929. Those in favor will vote  
24. Aye. Those opposed will vote Nay. The voting is open.  
25. Have all voted who wish? Have all voted who wish? Take the  
26. record. On that question the Ayes are 54, the Nays are none,  
27. none Voting Present. The Senate does adopt the Conference  
28. Committee Report on House Bill 2929 and the bill having received  
29. the required constitutional majority is declared passed.

30. Page one of the Supplemental, Senator Rupp, are you...okay.  
31. House Bill 3225. Page one of Supplemental No. 2. Conference  
32. Committee Report with respect to House Bill 3225, Senator Rupp.

33. SENATOR RUPP:

HB 2775  
Adoptive of conf.  
Comm. Report  
6/29/78

1. Thank you, Mr. President. I do move to adopt the Conference  
2. Committee Report. What it does is to ask us that we recede from  
3. Senate Amendment No. 1 to the House Bill 3225. What that was  
4. was where we created a commission and they are putting it back in  
5. later on. I'll come back to that. We also want to concur  
6. in Senate Amendment...the House does concur in Senate Amendments  
7. No. 2 and No. 3. And then House Bill 3225 is further amended  
8. where they...instead of a commission, they are creating a  
9. temporary joint Hazardous Waste Study Committee and that committee  
10. ...ten members of the General Assembly appointed as the regular  
11. split, three House members appointed by the Speaker and so forth.  
12. The committee will study the problem of the disposal, transportation  
13. and containment of hazardous waste and low yield radioactive  
14. wastes in the State. I ask that we concur and adopt the  
15. Conference Committee Report.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Is there any discussion? If not, the question is shall the  
18. Senate adopt the Conference Committee Report on House Bill  
19. 3225. Those in favor will vote Aye. Those opposed will vote  
20. Nay. The voting is open. Have all voted who wish?  
21. Have all voted who wish? Take the record. On that question  
22. the Ayes are 52, the Nays are none, 1 Voting Present. The Senate  
23. does adopt the Conference Committee Report on House Bill  
24. 3225 and the bill having received the required constitutional  
25. majority is declared passed. Page 1 of Supplemental No. 2,  
26. House Bill 2775, Conference Committee Report with respect to House  
27. Bill 2775, with leave of the Body, will be handled by Senator  
28. Sangmeister. Senator Sangmeister.

29. SENATOR SANGMEISTER:

30. Thank you, Mr. President. The concensus of the  
31. Conference Committee was that we should put in some of the  
32. safeguards that were discussed here on the Floor and if you...  
33. if you understand the bill that you're on, this is the

1. Child Abduction bill and we have now got the safeguards in there  
2. that whoever takes the child, for example, if you've got a  
3. court order from another state that is protecting you or from any  
4. other jurisdiction within the State of Illinois that you're  
5. completely protected and not subject to a criminal violation of the  
6. law and that was what the big hangup was on the bill and that's  
7. been corrected and would ask for a favorable roll.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Any discussion? Senator Bowers.

10. SENATOR BOWERS:

11. Well, there was some question raised in committee. Would the  
12. Gentleman yield to a...to a question?

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Indicates he...indicates he will yield. Senator Bowers.

15. SENATOR BOWERS:

16. There was some question raised in committee about...about  
17. notice. In other words, some court orders are entered and  
18. ...custody orders and the other party doesn't have any notice  
19. of those orders. Is that protection built in here?

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Sangmeister.

22. SENATOR SANGMEISTER:

23. Senator Bowers, it now states that it's an affirmative  
24. defense that after the court order awarding custody of the  
25. child to another was entered, the defendant obtained custody  
26. of the child pursuant to the order of a court which had jurisdiction  
27. over the person of that child and which had been advised of the  
28. prior court order.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Senator Bowers.

31. SENATOR BOWERS:

32. Well, I...I read that language, but I don't think it covers  
33. the...the thought I had and that has to do with an exparty  
order and they are entered many times, as you know, at least in

1. our jurisdiction, where they spouse goes in and gets a temporary  
2. order of custody, the defendant may not even know about  
3. it and he comes and snatches the child and I don't see anything  
4. in here that keeps him from being a felon under those  
5. circumstances.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Senator Glass.

8. SENATOR GLASS:

9. Thank you, Mr. President. I think he would be protected,  
10. if I'm not mistaken, Senator Sangmeister, by the other  
11. provision in the bill that would enable him to submit the  
12. child of the jurisdiction of the court within seventy-two  
13. hours. So, isn't that right? As soon as he does receive  
14. notice of the order, he has seventy-two hours to submit to the  
15. jurisdiction of the court that issued it?

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Sangmeister.

18. SENATOR SANGMEISTER:

19. To answer your question, the offense is now defined  
20. as a person commits child abduction when with intent to  
21. violate a court order awarding custody with intent, I...I  
22. think, Senator Bowers, it may be not the epitome of  
23. everything that ought...that maybe ought to be there, but I  
24. really thing that protects a person because if he has no notice  
25. that the other spouse has been awarded by...that custody,  
26. why, I don't think that he's in violation of the...the Criminal  
27. Code.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Any further discussion? Senator Sangmeister, do you wish to  
30. close?

31. SENATOR SANGMEISTER:

32. No. Would just ask for a favorable roll.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. The question is shall the Senate adopt the Conference  
2. Committee Report on House Bill 2775. Those in favor will vote  
3. Aye. Those opposed will vote Nay. The voting is open.  
4. Have all voted who wish? Have all voted who wish? Take the  
5. record. On that question the Ayes are 52, the Nays are 2,  
6. none Voting Present. The Senate does adopt the Conference  
7. Committee Report on House Bill 2775 and the bill having  
8. received the required constitutional majority is declared passed.  
9. Senator Lane, how about 2808? Page one of the Supplemental  
10. No. 1, Conference Committee Report on House Bill 2808,  
11. Senator Lane.

12. SENATOR LANE:

13. Thank you...thank you, Mr. President and members of the  
14. Senate. House Bill 2808 is corrective legislation...legislation  
15. pertaining to the...the collection of taxes and demolition  
16. ...demolition expenses prior to receiving...or providing  
17. certification of that loss. What happened, the Senate put  
18. an amendment on which would restrict the...the provisions to  
19. the perils of fire. The House didn't accede to that...with that  
20. amendment and therefore, we went into Conference Committee  
21. and I think we should broaden the coverage to include the  
22. windstorm and hail along with fire. Therefore, I recommend  
23. that we recede from Senate Amendment No. 1 and concur with the  
24. Conference Committee Report.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Is there any discussion? Before we proceed, United Press  
27. International has requested leave to take still photographs.  
28. Is leave granted? Leave is granted. Any further discussion?  
29. Then, the question is shall the Senate adopt the Conference  
30. Committee Report on House Bill 28...I beg your pardon. Senator Soper.  
31. As soon as I mention the cameras.

32. SENATOR SOPER:

33. Thank you, very much. I didn't know. I said no on that.

1. We just heard something about a bill that we just passed here that  
2. took care of...of demolition and so forth. Does this concern  
3. self...with the same subject matter or did they...that other  
4. Conference Committee Report, did they include that in this  
5. the payment after buildings are torn down, somebody wants to get the  
6. lot back and so forth, the taxes are excused? This...do the same  
7. thing, Senator Lane, or...

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Lane.

10. SENATOR SOPER:

11. I didn't get your...you know, you're talking about fire and  
12. a few hail storms and everything else and demolition. I don't  
13. know what you said.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Lane.

16. SENATOR LANE:

17. Yes, well, the reason I was talking about fire, the Senate  
18. Amendment restricted that...those loses to the perils of  
19. fire and excluded and restricted it...restricted windstorm and hail  
20. from the provisions in the bill.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Soper.

23. SENATOR SOPER:

24. All right. These are different bills, then. I see, thank you.  
25. very much.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Any further discussion? The question is shall the Senate  
28. adopt the Conference Committee Report on House Bill 2808.  
29. Those in favor will vote Aye. Those opposed will vote Nay. The  
30. voting is open. Have all voted who wish? Have all voted who  
31. wish? Take the record. On that question the Ayes are 52, the Nays  
32. are none, none Voting Present. The Senate does adopt the  
33. Conference Committee Report on House Bill 2808 and the bill  
having received the required constitutional majority is declared



1. passed. Senators Hall and Washington, 3351 and 2843.  
2. Okay. Page one, Supplemental No. 1. Conference Committee  
3. Report with respect to House Bill 2843. Representative  
4. McGrew, might I ask you to move over? Thank you. Page one,  
5. Supplemental No. 1, House Bill 2843, Senator Washington.

6. SENATOR WASHINGTON:

7. Thank you, Mr. President. 2843 is the annual appropriation  
8. for the Legislative Reference Bureau. The Senate put three  
9. amendments on and they were controversial. Senate Amendment 1  
10. is the Hynes amendment. Senate Amendment 3 is a revision of that  
11. and as to those two amendments, there's no controversy.  
12. Senate Amendment 2 cut back the proposed additional  
13. drafters for the Reference Bureau and increased the annual  
14. wage increase from...to 8.2 percent. The Conference Committee  
15. unanimously agreed to leave the wage increase at 5.5  
16. but to phase in two additional employees which are absolutely  
17. necessary for the forthcoming Session of the General Assembly.  
18. As you can see from the memo I passed out several days ago, that  
19. the workload in that Reference Bureau is amounting...tremendous  
20. proportions. And it will be unable for this agency to gear  
21. up accurately without those two additional employees.  
22. The Conference Committee was unanimous...members of that  
23. Conference Committee included Representative Carroll and  
24. Representative Regner. I ask for adoption of the Conference  
25. Committee Report No. 1 to House Bill 2843.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Is there any discussion? If not, the question is shall the  
28. Senate adopt the Conference Committee Report on House Bill  
29. 2843. Those in favor will vote Aye. Those opposed will vote  
30. Nay. The voting is open. Have all voted who wish? Have all  
31. voted who wish? Take the record. On that question the Ayes  
32. are 56, the Nays are none, none Voting Present. The Senate  
33. does adopt the Conference Committee Report on House Bill 2843  
and the bill having received the required constitutional majority

1. is declared passed. Senator Hall about 3351.

2. Senator Donnewald.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. House Bill 3351, Senator Kenneth Hall.

5. SENATOR KENNETH HALL:

6. Thank you, Mr. President and Ladies and Gentlemen of the  
7. Senate. First, Mr. President, I would like to have leave of the  
8. Body to put today's date as the date that this Conference  
9. Committee Report was submitted because it was...the date was  
10. left off...

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Is there leave? Leave is granted.

13. SENATOR KENNETH HALL:

14. Thank you, Mr. President and Ladies and Gentlemen of  
15. the Senate. Conference Committee...House Bill 3351 was the  
16. East St. Louis Land Conveyance and Senator Rhoads put an  
17. amendment on for Ogle County Land Conveyance. Now,  
18. the...it recommended that the House concur in Senate Amendment  
19. No. 1. Senate...and further recommends that the land  
20. conveyed by Senate Amendment No. 1 exclude a highway right of  
21. way. Senate Amendment No. 1 concerns a land conveyance to the  
22. Oregon Park District in Ogle County, the description of the land-  
23. fill to exclude a highway right of way from the conveyance.  
24. Therefore, DOT requested that a Conference Committee correct  
25. this error. This was done and I would ask that we concur with  
26. ...with Conference Committee to House Bill 3351.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Is there discussion? Question is shall the Senate adopt  
29. the Conference Committee Report on House Bill 3351. Those in  
30. favor vote Aye. Those opposed Nay. The voting is open.  
31. Have all those voted who wish? Have all those voted who wish?  
32. Take the record. On that question the Ayes are 51, the Nays are none.  
33. The Senate does adopt the Conference Committee Report on House

1. Bill 3351 and the bill having received the required constitutional  
2. majority is declared passed. House Bill 2885, Senator Rock.

3. SENATOR ROCK:

4. Thank you, Mr. President, Ladies and Gentlemen of the Senate.  
5. The Conference Committee Report on House Bill 2885, that is the  
6. bill you will recall, that is the annual appropriation for the  
7. judicial system of this State in the total amount now of some  
8. fifty-three million dollars. The Conference Committee Report  
9. recommends that the House concur with Senate Amendment No. 1  
10. and that House Bill 2885 be further amended to accommodate the  
11. probation subsidy bill passed by Senator Bloom and further  
12. would add some sixty-three thousand dollars to provide a three  
13. percent raise for the Appellate Court law clerks.  
14. I would solicit a favorable vote and recommend that the Senate do  
15. adopt the Conference Committee Report on House Bill 2885.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Is there discussion? The question is shall the Senate  
18. adopt the Conference Committee Report on House Bill 2885.  
19. Those in favor vote Aye. Those opposed Nay. The voting is open.  
20. Have all those voted who wish? Have all those voted who wish?  
21. Take the record. On that question the Ayes are 53, the Nays are  
22. none. The Senate does adopt the Conference Committee Report on  
23. House Bill 2885 and the bill having received the required  
24. constitutional majority is declared passed. The Senate will  
25. stand at ease.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Page one of Supplemental No. 1. The Senate will come to order.  
28. Senate Bill 1595, Senator Sommer. On the Order of the Secretary's  
29. Desk, Concurrence. Senator Sommer.

30. SENATORSOMMER:

31. Mr. President, I'd ask leave to handle this for Senator Weaver  
32. who is not present.

33. PRESIDING OFFICER: (SENATOR ROCK)

Is leave granted? Leave is granted.

1. SENATOR SOMMER:  
2. I would move to nonconcur...  
3. PRESIDING OFFICER: (SENATOR ROCK)  
4. Senator...  
5. SENATOR SOMMER:  
6. ...move to nonconcur in House Amendments 1, 2, and 4  
7. to Senate Bill 1595.  
8. PRESIDING OFFICER: (SENATOR ROCK)  
9. Senator Sommer has moved to nonconcur with House Amendments  
10. 1, 2, and 4 to Senate Bill 1595. Is there any discussion? If not,  
11. all in favor signify by saying...Senator Coffey.  
12. SENATOR COFFEY:  
13. Question of the sponsor.  
14. PRESIDING OFFICER: (SENATOR ROCK)  
15. Indicates he will yield.  
16. SENATOR COFFEY:  
17. Those amendments, what do they deal with?  
18. PRESIDING OFFICER: (SENATOR ROCK)  
19. Senator Sommer.  
20. SENATOR SOMMER:  
21. Senator Coffey, these are amendments that apply, apparently,  
22. to the Fire Marshall's Office and it's thought that we should  
23. enter a Conference Committee on these.  
24. PRESIDING OFFICER: (SENATOR ROCK)  
25. All right. Senator Sommer has moved to nonconcur with House  
26. Amendments No. 1, 2, and 4 to Senate Bill 1595. Is there any  
27. discussion? If not, all in favor signify by saying Aye. All  
28. opposed. The Ayes have it. The Secretary will so inform  
29. the House. Any further business or announcements? There are a  
30. number of Conference Committees scheduled to meet at 5:00  
31. p.m. and at 6:00 p.m. The Senate will stand in recess  
32. for the purpose of those Conference Committees and for  
33. those who are not attending for dinner until the hour of 7:00  
o'clock.

SB 1861  
6/30/78

1. RECESS  
2. AFTER RECESS  
3. PRESIDING OFFICER: (SENATOR DONNEWALD)  
4. A Message from the House.  
5. SECRETARY:  
6. A Message from the House by Mr. O'Brien, Clerk.  
7. Mr. President - I am directed to inform the Senate  
8. that the House of Representatives has refused to adopt  
9. the...the First Conference Committee on House Bill 297.  
10. PRESIDING OFFICER: (SENATOR DONNEWALD)  
11. Senator Knuppel.  
12. SENATOR KNUPPTEL:  
13. Mr. Chairman, I would move that we appoint a Second  
14. Conference Committee.  
15. PRESIDING OFFICER: (SENATOR DONNEWALD)  
16. Is there discussion? If not, Senator Knuppel moves that a  
17. Second Conference Committee be appointed to...House Bill  
18. 297. Those in favor indicate by saying Aye. Those  
19. opposed Nay. The Ayes have it. The motion carries. The Secretary  
20. will so inform the House. Senator Netsch on the Floor?  
21. A Message from the House. Conference Committee Report. ...  
22. Bill 1861, Senator Nimrod.  
23. SENATOR NIMROD:  
24. Thank you, Mr. President and Ladies and Gentlemen of the  
25. Senate. On Senate Bill 1861, we had moved to not concur  
26. in the amendments because of some technical problems of the House  
27. Amendments that were put on and what has happened is all  
28. ten members of the Conference Committee have signed their report  
29. and this is the reorganization bill of the Institute for  
30. Environmental Quality and the Division of Energy in bringing them  
31. together and this...this bill is in good shape and I would  
32. certainly move for the acceptance of the concurrence in the  
33. Conference Committee Report.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Is there discussion? Senator D'Arco.

3. SENATOR D'ARCO:

4. I don't want to waste the time of the Senate,  
5. but I am the Chairman of this fantastic committee and I really  
6. want to congratulate Senator Nimrod. Fortunately, his  
7. foresight in this...in this area is not carried over into the  
8. unemployment comp area. But, be that as it may, I think it's  
9. a good bill. It consolidates the energy related agencies  
10. into one executive agency and it gives the Division of Energy  
11. and BED a new life with new regs to make it...that's it.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Senator Demuzio.

14. SENATOR DEMUZIO:

15. Yes, will the sponsor yield for a question?

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Indicates he will. Senator...

18. SENATOR DEMUZIO:

19. I think it's...

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. ...Senator D'Arco, will you submit to a question?

22. SENATOR DEMUZIO:

23. He's not the sponsor, is he?

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Oh, I'm sorry. Senator Nimrod.

26. SENATOR DEMUZIO:

27. Well, I'll be glad to pose the question to Senator D'Arco as well.  
28. The...I'm just curious. Is there anything at all in here that the  
29. institute...a Solid Waste Management Task Force? Are you doing  
30. anything in the area of Hazardous Waste or Toxic Waste or  
31. are you just concerned about the burning of the energy and taking  
32. care of all of the power and what have you and not concerned about  
33. what happens to the...to the rest of the...the waste?

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Nimrod.

3. SENATOR NIMROD:

4. In all seriousness, Senator Demuzio, I think that because of  
5. this move and this consolidation, that we're going to be able to do  
6. some research in that field because I think your idea of solid  
7. waste and the others are, in fact, energy related. And  
8. they do have the opportunity to do some research and development  
9. in this area and I think that you will find that this will be  
10. of benefit to the area that you're interested in.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Senator Demuzio.

13. SENATOR DEMUZIO:

14. Well, are there...are there any funds for this specific  
15. purpose within the Division of Energy for this year and  
16. if so, to...to do that very thing that you have alluded to and if  
17. so, how much and what's...what's the specific charge of...of...  
18. of the committee?

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Senator Nimrod.

21. SENATOR NIMROD:

22. Well, I'm sure, Senator Demuzio, that you're aware of  
23. the responsibilities of the Institute for Environmental  
24. Quality and their area, of course, is to environmentally  
25. do research work. In this particular bill, it also allows them  
26. to use the utility fund which amounts to some six hundred and  
27. fifty thousand dollars to be able to use that on the basis  
28. of energy related fields. So, I...I think that even though there  
29. are no specific outlines for these items, that area to which you  
30. are interested is one of them that may be considered by this  
31. group and I'm sure that if you talk to Director Beal who is  
32. going to head this group, I'm sure that there can be included in  
33. that particular area.

PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Senator Demuzio.

2. SENATOR DEMUZIO:

3. Well, I, again, want to point out that I've seen a  
4. ...a great deal of...of things that have occurred around in the...  
5. in this Session of the General Assembly that pertain itself  
6. to helping to solve the energy problem and I see the Energy  
7. Resources Commission doing a fine job in this area, but I don't  
8. see as much emphasis on...of the solid waste or the hazardous  
9. waste and I would think that this is definitely a step in the  
10. right direction and I certainly would hope that Chairman  
11. D'Arco will heed my words of wisdom very carefully and address  
12. himself and his committee to the problems that we have had in this  
13. Session in regards to...to waste.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator D'Arco.

16. SENATOR D'ARCO:

17. Well, I appreciate that and I understand now that the  
18. ...IEQ's budget and the Division of Energy's budget has just been  
19. transferred to the Commission on Natural Resources, so whatever  
20. appropriation monies will be utilized for that purpose could be  
21. utilized to investigate the waste problem as well and do research  
22. in that area. I know Senator Demuzio is very interested in energy  
23. and I didn't vote for one of his bills and next Session, I promise  
24. I'll vote for it, Vince.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Is there further discussion? Senator Demuzio.

27. SENATOR DEMUZIO:

28. Well, I would be delighted to make a...a speech against this  
29. proposal to put it back into a different Conference Committee and  
30. give you the opportunity to vote on something that was defeated in  
31. Session if...you know, if the...if that's your desire.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Is there further discussion? Senator Nimrod may close.

SENATOR NIMROD:



1. I...I would certainly ask for a favorable roll call, Mr.  
2. President and Ladies and Gentlemen of the Senate.  
3. And I think this is an excellent beginning and a good  
4. compromise on this whole program.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. All right. The question is shall the Senate adopt the  
7. Conference Committee Report on Senate Bill 1861. Those in  
8. favor vote Aye. Those opposed Nay. The voting is open.  
9. Have all those voted who wish? Take the record. On that  
10. question the Ayes are 55, the Nays are none. The Senate does  
11. adopt the Conference Committee Report on Senate Bill 1861  
12. and the bill having received the required constitutional majority  
13. is declared passed. The Senate will stand at ease.

14. A Message from the House.

15. SECRETARY:

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

17. Mr. President - I'm directed to inform the Senate  
18. that the House of Representatives concurred with the Senate in the  
19. passage of a bill with the following title:

20. Senate Bill 1864 together with House Amendment  
21. No. 15. Senator Regner is the sponsor of this bill.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Senator Regner.

24. SENATOR REGNER:

25. Mr. President and members of the Senate. House Amendment 15  
26. added expenditure authority received since the bill left the  
27. Senate of a million point one dollars and reduced other Federal  
28. funds by eight million dollars including seven million point  
29. seven to East St. Louis, balance the State which will be handled  
30. by the Federal Government and it reallocated funds to use the  
31. cost allocation plan and I would move that the Senate concur in  
32. House Amendment 15 to Senate Bill 1864.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

SB 771 #1  
R. #1  
6-30-78

1. Is there discussion? Question is shall the Senate  
2. concur in House Amendment 15 to Senate Bill 1864. Those in  
3. favor vote Aye. Those opposed Nay. The voting is open.  
4. Have all those voted who wish? Have all those voted who wish?  
5. Take the record. On that question the Ayes are 50, the Nays  
6. are 1. The Senate does concur in House Amendment 15 to Senate  
7. Bill 1864 and the bill having received the required  
8. constitutional majority is declared passed. Senate Bill 1592,  
9. Senator Bloom. Senator Bloom.

10. SENATOR BLOOM:

11. Thank you, Mr. President. I would move that the  
12. Senate concur. The House sent it back with one amendment and they  
13. added ten thousand dollars for contractual services for the  
14. Illinois Teacher's Retirement System for the purpose of a study  
15. in relation to health insurance for retired teachers. I...

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Is there discussion? The question is shall the Senate...  
18. just a moment. Senator Coffey.

19. SENATOR COFFEY:

20. Mr. President, the last two Conference Committee Reports  
21. I haven't had on my desk. Have they been passed out? Thank you.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Is there discussion? The question is shall the Senate  
24. concur in House Amendment No. 3 to Senate Bill 1592. Those in  
25. favor vote Aye. Those opposed Nay. The voting is open.  
26. Have all those voted who wish? Have all those voted who wish?  
27. Take the record. On that question the Ayes are 52, the Nays are none,

28. 1 Voting Present. The Senate does concur in House Amendment  
29. No. 3 to Senate Bill 1592 and the bill having received the  
30. required constitutional majority is declared passed. On  
31. page one of the Supplemental No. 3, Senate Bill 771, Senator  
32. Netsch. Conference Committee Reports.

33. SENATOR NETSCH:

1. Thank you, Mr. President. I would move that the Senate adopt  
2. Conference Committee Report No. 1 to Senate Bill 771.  
3. This is the bill that, in its basic provisions, included the  
4. so-called Child Pornography Statute and two, it was attached by  
5. amendment in the House a newly defined offense of home  
6. invasion. There were questions raised about the definition of the  
7. latter crime, when the matter was first presented to the Senate  
8. and the Senate declined to go along with the original amendment.  
9. The bill now does...as reported in the Conference Committee  
10. Report, does two things. It does include the basic Child  
11. Pornography Statute. We did eliminate one subsection of it which  
12. was thought to be too vague and perhaps constitutionally  
13. questionable. Secondly, it...we took the...the Statute that was  
14. passed last year that was signed last year as a result of the  
15. Governor's Amendatory Veto, the offense of child pornography  
16. which was defined more in terms of obscenity and raised the  
17. level of offense to make it coincide with that in the now  
18. newly defined indecent liberties section and thirdly, changes  
19. were made in the definition of home invasion to meet questions  
20. that were raised on the Floor by Senator Rock and Senator  
21. Knuppel. I will be happy to answer any questions.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Senator Guidice.

24. SENATOR GUIDICE:

25. Thank you, Mr. President. Will the sponsor yield to a  
26. question, please?

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Indicates she will.

29. SENATOR GUIDICE:

30. I know we used a lot of examples yesterday. I'm going to use  
31. another example today. If I fight in the street with a particular  
32. individual and...let's not even use the word fight...I attack  
33. an individual on the street, that's a simple battery, isn't it,

1. Senator Netsch?

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Netsch.

4. SENATOR NETSCH:

5. Yes, I...it might depend on the degree of mayhem  
6. committed. I suppose it could go into the category of either  
7. aggravated assault or heinous battery as defined by Senator  
8. Egan.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Senator Guidice.

11. SENATOR GUIDICE:

12. Well, no, now what we're talking about is a simple  
13. battery. I'm not talking about a heinous batter or anything  
14. else. I'm talking about, you know, just hitting you and doing it  
15. that way. It's a Class A misdemeanor. Isn't that correct?

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Netsch.

18. SENATOR NETSCH:

19. I think that is correct.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Senator Guidice.

22. SENATOR GUIDICE:

23. Well, I'm not going to let you think about that because that's  
24. what it is. That's exactly what it is. Now...now that same  
25. thing carries through and we have an argument on the street  
26. and we get into these fisty cuffs and you run into your house  
27. and I'm thinking it over outside for a second and I get angry  
28. with you and I run into your house and I do the same thing that  
29. I would do on the street. Now, you're going to tell me that's a  
30. Class X felony and this is a heinous type crime that we were  
31. protecting the public against last year when we passed that  
32. great Act? Now,...now, it's become Class X so where he would spend  
33. year, now we're going to do six, is that correct?

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Netsch.

3. SENATOR NETSCH:

4. Reading from the Statute as it is now proposed,  
5. when a person without authority knowingly enters the dwelling  
6. place of another knowing that one or more persons is  
7. present, and intentionally causes any injury to any person or persons  
8. within such dwelling place, that constitutes the crime of home  
9. invasion. And I would suggest to you that you have presented a  
10. very different element by the home invasion aspect of it. Now, it  
11. is possible that...I suppose that the particular circumstance  
12. that you've described might be charged that way, if it were just  
13. several people who started a fight outside and continue it inside.  
14. I would also suggest to you that if that were really the  
15. circumstance, that it would not be charged as a home invasion.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Guidice.

18. SENATOR GUIDICE:

19. Mr. President, members of the Senate. I think we're on a very,  
20. very serious subject here and I think you should be alert to  
21. it. You know, we talked about last year this...this Class X  
22. thing and we...we put in a number of offenses that we're going  
23. to be charged with to put somebody away for six years. This is the  
24. problem with this kind of legislation. Because now we're going  
25. to find in this particular instance where a simple battery  
26. on the street becomes a Class X felony. If we do it here, the next  
27. step next year is somebody else in a Conference Committee without  
28. the formal use of the committee or the like will find another  
29. element or some other crime that wasn't quite that bad but we'll  
30. put that in and call it Class X, too. What we do by doing something  
31. like this is to defeat the whole purpose of the supposed  
32. Class X thing, Senator Savickas. That's what we do when  
33. we do this. Well, I want you to believe it because I really honestly

1. can tell you that the dilution of this type of a...Senator  
2. D'Arco even wants you to listen. Could we have a little order...

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Senator, your time is about expired.

5. SENATOR GUIDICE:

6. Well, not if you don't hear me, it doesn't expire.

7. And I think that you ought to get on this, Senator Donnewald,  
8. and Senator Savickas wants...but the fact of the matter is, are  
9. we going to dilute this, are we going to make it just another  
10. ...another thing so we can come up with a Class Q felony  
11. next year and we'll call these all Class P crimes and this is the  
12. really super bad ones. It's not going to be six years next year,  
13. but it will be eight years next year for Class D or something else.  
14. We have to watch what we're doing in this kind of legislation  
15. and you can't do it in a Conference Committee. You have to do it  
16. through the procedures of a committee and where there is a full  
17. hearing on this. This is still bad legislation. I support  
18. your pornography aspect of this, Senator Netsch, but when you  
19. start getting into these backdoor things with Class X and then...  
20. and start finding other ways of doing it, I think it's a bad,  
21. bad precedent.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Senator Lemke.

24. SENATOR LEMKE:

25. Well, my...

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Just a moment, Senator.

28. SENATOR LEMKE:

29. ...Mr. President and members of...

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Will the Senate...will the Senate...will the members...

32. will the members please be in their seats. Will the Sergeant-

33. at-Arms clear the aisles. Can we cut out the conference...the caucuses

1. ...the mini-caucuses. We've had enough of those. Proceed.

2. Senator Lenke.

3. SENATOR LEMKE:

4. Mr. President and members of the Senate. This is a good  
5. piece of legislation. Number one, it...it takes care of child  
6. pornographic literature. It also takes care of what I consider  
7. one of the hideous crimes and that's invading somebody's  
8. home. If somebody invades my house or anybody's house, I think the  
9. crime should be a very serious crime because that's our house  
10. and this is our place of living. And I don't think that making  
11. this a Class X felony makes it any harsher on a criminal  
12. who invades a house and commits a armed attack or battery on  
13. somebody within their own home. I think it's wrong to oppose  
14. this and I think this is good legislation and I think this is  
15. something people want and we need in this State and in this  
16. country. It's some balanced law and order to protect us while  
17. we're in our house because we're not protected on the streets because  
18. the judiciary leaves people out so I ask for favorable adoption of  
19. this Conference Committee Report.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Senator Glass. Senator Bowers.

22. SENATOR BOWERS:

23. Well, Mr. President, as you know, a number of us had serious  
24. question about this legislation when it was first proposed.  
25. I was kind of concerned because these matters were not being  
26. referred to the commission. However, I've worked on this Conference  
27. Committee with the Chairman of the Sentencing Commission and I think  
28. he's agreeable to it. I signed the Conference Report. I think as the  
29. legislation has been cleaned up and it has been cleaned up, there  
30. are a number of issues, or at least two very serious issues that were  
31. raised the last time it was up. It is acceptable legislation. I would  
32. also like to advise this Body that I think I can say in all fairness  
33. the Governor of this State is in favor of this legislation. Through

1. his legislative aide, they've contacted me and asked that we try  
2. to work it out and see if we couldn't get it passed this Session  
3. because it is a serious problem. Under those circumstances,  
4. I'm going to support it and I would hope this side of the aisle  
5. would do the same.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Senator Collins. Senator Collins.

8. SENATOR COLLINS:

9. I'd like to say that...echo what Senator Guidice has said.  
10. The question that Senator Guidice raised is just as serious  
11. as those questions that was raised last night, I think. I don't  
12. see the real emergency for this legislation right now, particularly  
13. if you're talking about mandatory sentences of people without  
14. carefully thinking out what you're doing. Senator Netsch  
15. don't have the answers. I think the first part of that bill dealing  
16. with child pornography is a very good bill and I would suggest  
17. to Senator Netsch that she call for a second committee report,  
18. take that part off the bill and then let's pass the child  
19. pornography part and then come back next year when you  
20. have time to study that and be very...seriously consider  
21. what you're putting in it when you're talking about a Class  
22. X felony.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Senator Egan.

25. SENATOR EGAN:

26. Thank you, Mr. President, members of the Senate.  
27. I would rise to support the inclusion into the child pornography  
28. portion of the bill, that portion which Senator Netsch has felt  
29. free to include and very comfortable with, as I understand, the  
30. home invasion law. It's a very simple concept. We have resisted  
31. any change in the substantive Criminal Code only because we wanted  
32. to study those things in the Criminal Sentencing Commission  
33. and have more time at it. After careful consideration, it's not



1. really a massive concept. The...the language was
2. refined, the bill is in very good shape. I think it has the
3. approval of the majority. I commend it to your favorable consideration.
4. Thank you.
5. PRESIDING OFFICER: (SENATOR DONNEWALD)
6. Senator Berman.
7. SENATOR BERMAN:
8. Will the sponsor yield? Senator Netsch...
- 9.
10. End of reel.
- 11.
- 12.
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1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Indicates she will.

3. SENATOR BERMAN:

4. In reading the Conference Committee Report on home invasion  
5. the combination of armed with a dangerous weapon is linked to  
6. causing physical injury with the word or. Could you  
7. address yourself to why it does not provide and? The reason  
8. I ask that question is because I would have no difficulty  
9. in supporting a Class X penalty for home invasion when you have  
10. an armed intruder who, with the combination of being armed,  
11. causes injury. But here you could have a person who  
12. invades the home and causes injury without being harmed.  
13. And I wonder whether this, in fact, should be in that category  
14. of Class X, the highest level of nonClass X felony, I think  
15. certainly would suffice. Could you address yourself to the reason  
16. why it is or rather than and?

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Netsch.

19. SENATOR NETSCH:

20. Let me be sure I understand which or you are referring to,  
21. Senator Berman. Is it the or at the end of line 235?

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Senator Berman.

24. SENATOR BERMAN:

25. It's the or at the end of line 238, although it's not  
26. numbered.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Senator Netsch.

29. SENATOR NETSCH:

30. That is a second, in fact, a second ground of the offense and  
31. it does not require the...be armed with a dangerous weapon.  
32. What is does say is that if the other elements of the offense, that  
33. is the entering the house without lawful authority, takes place and

1. then someone is pummeled with whatever might be available,  
2. either picked up in the house or simply even the use of...  
3. physical personal force, that that is as serious as the  
4. offense when committed by someone who has actually entered  
5. with a weapon in hand.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Senator Berman.

8. SENATOR BERMAN:

9. Well, thank you, Mr. President. On...on the motion,  
10. this is one of the problems that you find yourself in...in  
11. debating this that you seem to be defending the indefensible.  
12. And I want it made clear that I'm not condoning home invasion.  
13. but the issue really here...the issue here is really whether it  
14. should be a Class X felony and the way this reads, if a  
15. person enters a home and has reason to know that one or more persons  
16. is present and there is physical and intentional injury in that home,  
17. that becomes a Class X felony. I don't believe that was the  
18. intention of Class X. I believe that if you combine armed with  
19. a dangerous weapon, invasion of the home and physical injury,  
20. I think you would be in the realm of Class X. But without  
21. all three of...being combined, in my opinion, I think you are  
22. diluting the importance of Class X. And I know that many of us  
23. had great dilemma with Class X and I think it should be of the  
24. highest severity of crime and I think that where this...the  
25. way this is phrased where you have a person in your home causing  
26. physical injury, that to me is not Class X. I cannot support  
27. the motion for concurrence if we're going to keep Class X as  
28. severe as I believe it should be.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator...I don't know that that was a question. Was it a  
31. question or a statement, Senator? Senator Knuppel. Senator  
32. Sangmeister.

33. SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. I fail to

1. see all the concern that we have over the way this particular  
2. home invasion has been worded. For a long time, there has been the  
3. old saying that a man's castle is his home. I suppose we now have  
4. to change that to a person's castle is his home. But any way  
5. you cut it, it's your home. I don't know why we have all the  
6. bleeding hearts for people that come into your home, whether it be  
7. day or night and want to assault you or your family. I don't  
8. care if I had to fight with the guy out in the street, if  
9. he pursues me inside my house with a baseball bat, he's got  
10. no damn business in my house. Who are we trying to protect  
11. with this issue? It should be at least a Class X felony.  
12. If we can't be safe in our homes, where else can we be  
13. safe. This bill ought to be law.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Is there further discussion? Senator...Senator Guidice  
16. for the second time around. Will the Senate please be in order.  
17. Will the Senate...and if you can't hear me, you can't hear  
18. anything. Will the Senate please be in order.

19. SENATOR GUIDICE:

20. Thank you, Mr. President. I...I think Sangmeister as a  
21. past prosecutor was very good and like...and I think it also should  
22. be brought to the attention of the...of the Body that this  
23. leads to another little dilemma that we've had and another  
24. problem that we've had in the past. And it's called plea  
25. bargaining. Now, who do we attack when we talk about plea  
26. bargaining, Senator Washington? Who do we attack when we do  
27. it, Senator Newhouse? Who do we attack, Senator D'Arco?  
28. We attack the poor people again because these people come  
29. up and we'll say we're going to put you on Class X unless you  
30. plea bargain down to these other matters so the people  
31. won't even get a fair hearing and a fair trial. Take this into  
32. account and take that into consideration what you're talking  
33. about. Because again, to put these crimes in into a Class X thing

1. just leads to that, it leads to more misconceptions of the  
2. justice and of the court system itself. You're doing a bad  
3. thing here.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Senator Netsch may close.

6. SENATOR NETSCH:

7. I would like to suggest that while I was not a defender  
8. of creating the Class X category to begin with. If you are talking  
9. of internal consistency, Senator Guidice and Senator  
10. Berman, the crime that is defined here in either of its  
11. paragraphs is a crime of personal violence. It is the crimes  
12. of personal violence for the most part that were put into the  
13. Class X category. That is true whether you are talking about  
14. the first subparagraph when the person who invades is armed with  
15. a dangerous weapon, which certainly is...on a par with armed  
16. robbery and I would suggest perhaps even considerably worse than armed  
17. robbery which is a Class X crime...

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Just...just a moment, Senator. May...will the Senate please  
20. be in order. This sounds like the first Monday of the first  
21. week of the Session, that's how noisy it is. Now, could we please  
22. have some quiet. Very. Proceed.

23. SENATOR NETSCH:

24. Thank you, Mr. President. The point that I am making is  
25. that if your objection is to Class X, that is one thing. If  
26. you are speaking of the internal consistency of making this a  
27. Class X crime, I think that the internal consistency is there.  
28. In both paragraphs, it is defined...it is defined as a crime  
29. of personal violence and that is the Class X category. I would  
30. remind the members also that there is still a basic provision  
31. on this bill which deals with a definition of child pornography  
32. in a form in which the Senate has on a number of occasions, indicated  
33. that it would like to have adopted. I would move the adoption of  
Conference Committee Report No. 1 to Senate Bill 771.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. The question is shall the Senate adopt Conference Committee  
3. Report No. 1 on Senate Bill 771. Those in favor vote Aye.  
4. Those opposed Nay. The voting is open. Have all those voted who  
5. wish? Have all those voted who wish? Take the record.  
6. On that question the Ayes are 48, the Nays are 2, 4 Voting  
7. Present. The Senate does adopt the Conference Committee Report  
8. on Senate Bill 771 and the bill having received a required  
9. constitutional majority is declared passed. On the Order of  
10. Conference Committee Reports, Supplemental No. 3 Calendar,  
11. Senate Bill 1786, Senator Hynes.

12. SENATOR HYNES:

13. Mr. President and members of the Senate. The Conference  
14. Committee Report, in essence, says that the Senate shall concur in  
15. House Amendment No. 1 to Senate Bill 1786. We did not concur  
16. when the amendment was here on the Secretary's Desk because there  
17. was a technical error in it and we therefore sent it back to  
18. Conference Committee to correct it. But substantively, what the  
19. amendment...well, first of all, let me begin, this is the  
20. reverse mortgage bill which would allow financial institutions  
21. to make loans to senior citizens based upon existing equity  
22. in their home for the purpose of paying real estate taxes. It is  
23. an important innovative concept that would allow those senior  
24. citizens who are being threatened with loss of their homes because of  
25. inability to pay taxes, to in effect, borrow equity and in...  
26. particularly in cases where there has been rampant  
27. inflation, which has caused real estate taxes to go up and  
28. has resulted in a great deal of equity growth. And that  
29. loan would be paid out in reverse, that is to say the full  
30. principal would not be paid out in the beginning, it would be paid  
31. out in installments and then it would be paid back upon  
32. death or sale. The House amendment requires first that all  
33. of the joint tenants...that in the case of joint tenancy, all

1. must be sixty-five or older. It eliminates the requirement of a  
2. ...that it be a first mortgage and it amends the Usury Act to...  
3. to provide that the reverse mortgage loans will be included  
4. therein with the ordinary interest rates and makes these loans  
5. subject to the Mortgage Foreclosure Act unless there is a conflict  
6. with the rules set up by the Commissioner of Savings and Loans or  
7. Banks. We worked with the Commissioner of Banks and Savings and  
8. Loans and with Representative Conti in the House and others  
9. on this amendment and it is the combined judgment that this does,  
10. in fact, approve the bill...improve the bill which was  
11. overwhelmingly supported here in the Senate and I would move  
12. the adoption of the Conference Committee Report.

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Is there discussion? The question is shall the Senate  
15. adopt the Conference Committee Report on Senate Bill 1786.  
16. Those in favor vote Aye. Those opposed Nay. The voting is open.  
17. Have all those voted who wish? Have all those voted who wish?  
18. Take the record. On that question the Ayes are 53, the Nays are none.  
19. The Senate does adopt the Conference Committee Report on Senate  
20. Bill 1786 and the bill having received the required  
21. constitutional majority is declared passed. On Supplemental  
22. Calendar No. 3, House Bill 562, Senator Regner. Do you wish to  
23. proceed, Senator? Senator Merlo, for what purpose do you arise?

24. SENATOR MERLO:

25. To ask leave to handle this bill for Senator Regner. He's asked  
26. me to do so.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Do we have leave? Leave is granted. Proceed.

29. SENATOR MERLO:

30. Mr. President and Ladies and Gentlemen of the Senate.  
31. I move that the Senate adopt the Conference Committee Report  
32. on House Bill 562. The bill itself directs itself to the  
33. elimination of the double library tax situation and the Conference

1. Committee Report makes three changes. First, that the Senate recede  
2. from Senate Amendment No. 1. This would return the bill to the  
3. posture where a township is required to abate its library tax  
4. on property within a municipality and the municipality would  
5. be required to pay the township one half of the taxes collected  
6. on property which is within both the municipality and the  
7. township. Secondly, the amendment to the section dealing with  
8. library bonds is deleted and this would result in the bill only  
9. addressing itself to the issue of double taxation. And third, it  
10. adds an immediate effective date. It...it was approved unanimously  
11. by the members of the Conference Committee and I move, Mr. President,  
12. that we adopt the Conference Committee Report.

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Is there discussion? The question is shall the Senate adopt...  
15. just a minute. Senator Grotberg.

16. SENATOR GROTBORG:

17. Yes, Senator Merlo, would you explain once again  
18. the deletion that goes with the...the bond responsibility  
19. no longer follows the change and then who pays off the bonds  
20. is my concern.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Senator Merlo.

23. SENATOR MERLO:

24. No, this...this...the...entirely deletes that subject.  
25. on page two, three and four of the Act and it no longer exists.  
26. I'm talking about the bonding powers as far as the municipalities  
27. or the townships are concerned.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Senator Grotberg.

30. SENATOR GROTBORG:

31. I'm not talking about the bonding power. As I recall this  
32. Act, it's a procedure to abolish township...a district, is that  
33. correct?



1. PRESIDING OFFICER: (SENATOR DONNEWALD)  
2. Senator Merlo.  
3. SENATOR GRÖTBERG:  
4. As I recall this bill, it's a new procedure to discontinue  
5. a library district and phase it into another.  
6. SENATOR MERLO:  
7. No, no it is not. All we're attempting to do here is to do  
8. away with the double taxation that exists, where, for instance,  
9. a municipality wholly or partly exists in a township where they  
10. both have taxes that affect libraries. And we're attempting to do  
11. away with that double taxation. Nothing more. The rest has all  
12. been deleted. This is the way I understand it.  
13. PRESIDING OFFICER: (SENATOR DONNEWALD)  
14. Senator Bowers.  
15. SENATOR BOWERS:  
16. Will the sponsor yield to a question?  
17. PRESIDING OFFICER: (SENATOR DONNEWALD)  
18. Indicates he will.  
19. SENATOR BOWERS:  
20. Under the present posture of the bill, then, I...I take it that  
21. if a township and a city or both have bonds, the...the bondholders  
22. have to continue paying them and I understand that. I don't  
23. think you could change that. But now what happens in this  
24. situation if the township for instance, issues new bonds?  
25. Who pays off the new bonds, just the unincorporated area?  
26. PRESIDING OFFICER: (SENATOR DONNEWALD)  
27. Senator...Senator Merlo.  
28. SENATOR MERLO:  
29. I would say the entity, of course, that took on the original  
30. responsibility of the bond, I would say.  
31. PRESIDING OFFICER: (SENATOR DONNEWALD)  
32. Senator Bowers.  
33. SENATOR BOWERS:

HB 2554  
e.e.R.  
6-30-78

1. I'm not quite sure I made my point clear. If the  
2. township decides...or township library district decides to issue  
3. bonds, will the...will the voters or the people who live  
4. within the municipal boundaries have to contribute to the payoff  
5. of those bonds?

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Senator Merlo.

8. SENATOR MERLO:

9. Senator Bowers, the answer is no.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Is there further discussion? The...the question...the  
12. question is shall the Senate adopt the Conference Committee  
13. Report on House Bill 562. Those in favor vote Aye. Those  
14. opposed Nay. The voting is open. Have all those voted who wish?  
15. Have all those voted who wish? Take the record. On that question  
16. the Ayes are 51, the Nays are none. The Senate does  
17. adopt the Conference Committee Report on House Bill 562  
18. and the bill having received the required constitutional  
19. majority is declared passed. House Bill 2554, Senator  
20. Maragos. Proceed.

21. SENATOR MARAGOS:

22. Mr. President and members of the Senate. House Bill 2554  
23. is the elections bill, has to do with the implementation of  
24. consolidation of elections. The Conference Committee Report,  
25. which has been adopted, or as has been presented, has made  
26. several changes from the manner by which it left the Senate.  
27. It now shows only a one year extension of the deadline...of the  
28. effective date and is...has some other changes regarding the  
29. aldermanic elections in Chicago which was not provided for  
30. originally because of the...or any aldermanic and mayoral  
31. city throughout the State of Illinois. It is in a fine shape,  
32. I believe at this present time and I ask for your support.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? Senator Glass.

1. SENATOR GLASS:

2. Will the sponsor yield for a question?

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Indicates he will.

5. SENATOR GLASS:

6. Senator Maragos, so that we know how this report differs  
7. from the way House Bill 2554 left the Senate, you have indicated  
8. that it's a one year delayed effective date rather than two.

9. Would you...would you indicate specifically the other changes?

10. I didn't...you indicated something about a mayoral election in

11. Chicago. What...how does that differ from what was in

12. the bill when it passed the Senate?

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Senator Maragos.

15. SENATOR MARAGOS:

16. It is not the mayoral election, it's the aldermanic  
17. elections throughout the State of any cities that have  
18. mayoral and aldermanic forms of government. This does not mean  
19. commissioner forms of government, it means aldermanic forms of  
20. government. Now, the...right now...as 2554 and as the present  
21. Statutes are under the new Consolidation Act, there is no  
22. provision for vacancies in the aldermanic elections.

23. In other words, if someone dies or resigns from office in the

24. aldermanic elections, he can go on...they can do it by

25. appointment for more than two years...more than really twenty-

26. eight months which is unprecedented even...any other

27. form of vacancy and therefore, they thought they would be

28. corrective and...and I would...use the term the independent

29. force of Chicago wanted this in the consolidation implementation

30. bill and therefore, it was agreed to in the House and we put it on

31. in the Conference Committee. The only other is the seven o'clock

32. appointment...seven...seven o'clock closing has also been taken

33. out. That's the difference...the way the bill left the...that is now...  
left the Senate.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)  
2. Just a moment. Do we have leave to...for permission for  
3. Channel 20 to photograph the proceedings? Leave is granted.  
4. Senator Glass.  
5. SENATOR GLASS:  
6. Just again to clarify, then, I note that by the report  
7. the Senate recesses from Senate Amendments 5 and 7 and from  
8. what you say, I assume that one of those is the seven  
9. o'clock closing date for voting...or seven...yeah, 7:00 p.m.  
10. closing time. What is the other one then, that we're recessing  
11. from?  
12. PRESIDING OFFICER: (SENATOR DONNEWALD)  
13. Senator Maragos.  
14. SENATOR MARAGOS:  
15. Yeah. The other is the two year extension of the deadline  
16. ...it's now to the one year. So, we're recessing from...as...  
17. in fact, 2554, when it came out of committee, out of the Elections  
18. Committee with the amendments on it which were defeated on  
19. 2nd reading, is now in the same shape it was when it left the  
20. committee except for the aldermanic. It now has a one year  
21. extension and the six o'clock closing.  
22. PRESIDING OFFICER: (SENATOR DONNEWALD)  
23. Senator Glass.  
24. SENATOR GLASS:  
25. Well, by way of argument, I...I know this is a controversial  
26. issue, but I am convinced that this will never be implemented  
27. in one year. I think it is a mistake not to leave the two year  
28. in and I think that you should go back and take another crack  
29. at it and try to get a two year.  
30. PRESIDING OFFICER: (SENATOR DONNEWALD)  
31. Senator Rhoads.  
32. SENATOR RHOADS:  
33. Thank you, Mr. President and members of the Senate. I rise in

1. support of adoption of Conference Committee Report No. 1.  
2. To begin with, Senate Amendment No. 5 was an amendment which was  
3. offered by Senator Netsch dealing with the residency requirement  
4. for members of the Chicago Board of Election Commissioners.  
5. That amendment was taken out in the Conference Committee. It has  
6. since been picked up in another bill which we will be getting to  
7. later, House Bill 1264, with a two year residency requirement in  
8. the State. So, that...that's what happened to Senate Amendment  
9. No. 5. Senate Amendment No. 7 was the one year delayed effective  
10. date which has carried twice in this Chamber. For the first time,  
11. it carried on Senate Bill 1419 and the second time on this bill.  
12. Now, Senator Glass, I'd like to point out to you that the  
13. practical effect of that delayed effective date is to place this into  
14. December the 1st, 1979. Therefore, no municipal elections  
15. will be covered under this until the year 1981. The same  
16. effect is achieved by a two year delayed effective date  
17. to December 1st, 1980. The only change is that we would be  
18. picking up some referendums and some school people in the year 1980  
19. so I think this is a...a good compromise. We also compromised on  
20. the 7:00 p.m. for municipal elections because with the delayed  
21. effective date, that won't become effective until 1981 either.  
22. So, I think this is a good compromise support...report. It's  
23. already passed the House and I urge its adoption.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Is there further discussion? Senator Maragos.

26. SENATOR MARAGOS:

27. Mr. President, all I can say, we've come with a compromise  
28. that is the best...the circumstances and we were...and I also should  
29. state that the House has endorsed the one year amendment which  
30. I did not think they would do and I think we should go with this  
31. bill...this...this report at this time and I ask for your  
32. support.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

SB 1419  
concurrency  
6-30-78

1. Question is shall the Senate adopt the Conference Committee  
2. Report on House Bill 2554. Those in favor vote Aye. Those  
3. opposed Nay. The voting is open. ...voted who wish? Take the  
4. record. On that question the Ayes are 46, the Nays are 7.  
5. The Senate does adopt the Conference Committee Report on House  
6. Bill 2554 and the bill having received the required  
7. constitutional majority is declared passed. Do we have leave  
8. now to proceed now to our regular Calendar, page 5,  
9. Secretary's Desk, Concurrence as to Senate Bill 1419? Senator...  
10. leave is granted. Senator Maragos.

11. SENATOR MARAGOS:

12. I would like Senator Rhoads to pay attention, if he will,  
13. please. Senator Rhoads.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Rhoads, Senator Maragos.

16. SENATOR MARAGOS:

17. In my promise at the Conference Committee Report yesterday,  
18. we stated that I would not call Senate Bill 1419 till  
19. the House Bill 2554 had an opportunity to be fully implemented  
20. and it was. At this time now I ask for concurrence  
21. on Senate Bill 1419. The only difference between this 1419  
22. and House Bill 2554 is the fact that 1419 has the two year  
23. extension as to the effective date of the bill.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Senator Rhoads.

26. SENATOR RHOADS:

27. Well, yes, there is one other difference and that relates to the  
28. Chicago aldermanic vacancy amendment which is not in 1419, but  
29. for those of you who want a two year delayed effective date, this  
30. bill has it in it. We're going to send them both to the Governor and  
31. let him choose one to sign. So, you can continue your lobbying.  
32. So, I would support this concurrence motion.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Is there further discussion? The question is shall the Senate  
2. concur...shall the Senate concur in House Amendments 1, 2, 3,  
3. 4, 5, 6, and 7 and 8 to Senate Bill 1419. Those in favor vote  
4. Aye. Those opposed Nay. The voting is open. We have a technical  
5. problem. The Senate will stand at ease momentarily. The mechanical  
6. monster has been revived. The voting is open. Have all those  
7. voted who wish? Have all those voted who wish? Take the  
8. record. On that question, the Ayes are 42, the Nays are  
9. 9. The Senate does concur in House Amendments 1, 2, 3, 4, 5, 6,  
10. 7, and 8 to Senate Bill 1419 and the bill having received the  
11. required constitutional majority is declared passed.  
12. House Bill 2950, Senator Collins. Proceed.

13. SENATOR COLLINS:

14. I move the adoption of Conference Committee Report No. 1  
15. to Senate...House Bill 2950. In discussing this bill, I did make  
16. a commitment on the Floor to Senator Guidice that I would...  
17. clarify the language in reference to the receiver gaining  
18. access to a building to allow the utility companies to go in and  
19. investigate. I think we satisfied that concern and I  
20. move for adoption.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Is there discussion? Is there discussion? The question is  
23. shall the Senate adopt the Conference Committee Report on  
24. House Bill 2950. Those in favor vote Aye. Those opposed  
25. Nay. The voting is open. Have all those voted who wish?  
26. Have all those voted who wish? Take the record. On that question the  
27. Ayes are 45, the Nays are 1, 1 Voting Present. The Senate does  
28. adopt the Conference Committee Report on House Bill 2950 and the  
29. bill having received the required constitutional majority is declared  
30. passed. House Bill 2981, Senator Nimrod. House Bill 2986, Senator  
31. Ozinga. Proceed, Senator. Proceed.

32. SENATOR OZINGA:

33. Okay. This is the ordinary and contingent expenses of the  
Department of Financial Institutions and as compromised by the

1. Department of Insurance. Piggyback, by the Department of  
2. Insurance. I move for the adoption of the Committee Report.  
3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Is there discussion? The question is shall the Senate  
5. adopt the Conference Committee Report on House Bill 2986.  
6. Those in favor vote Aye. Those opposed Nay. The voting is open.  
7. Have all those voted who wish? Have all those voted who wish?  
8. Take the record. On that question the Ayes are 53, the Nays are  
9. none. The Senate does adopt the Conference Committee Report on  
10. House Bill 2986 and the bill having received the required  
11. constitutional majority is declared passed. Is Senator Nimrod  
12. on the Floor? House Bill 2981, Senator Nimrod. Proceed.

13. SENATOR NIMROD:

14. ...that Senator Regner and Senator Carroll wanted to speak  
15. on this. I would move for concurrence of the Conference Committee  
16. Report.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Is there discussion? Senator Carroll.

19. SENATOR CARROLL:

20. Thank you, Mr. President, Ladies and Gentlemen of the Senate.  
21. I rise to...

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. I don't think...I don't think it helped a bit.  
24. We'll...we'll...we'll just stand at ease until we have quiet.  
25. ...can hear, you can proceed. If they can hear, you can proceed.  
26. Proceed.

27. SENATOR CARROLL:

28. Why, thank you, Mr. President, Ladies and Gentlemen of the  
29. Senate. As Senator Nimrod indicated, I did rise...wish to speak on  
30. this and it's against the Conference Committee Report of which I  
31. am not a signator. Senator Regner and myself and many others  
32. have felt that the Arts Council had been asking for much too  
33. much money this year. This is General Revenue monies. About a year



1. ago, they came in at a million dollars and this year, they came  
2. in at a million nine. Nine hundred thousand increase over what  
3. they asked for a year ago. Now, we gave them more money last  
4. year even, than they asked for by creating ethnic art. That's  
5. been increased as has personal services and the general  
6. grant item. In committee, I thought we were more than generous  
7. in giving them about a three hundred and fifty thousand dollar  
8. increase over last year's spending. Some thirty, thirty-  
9. five percent, which I think is more than ample increase of  
10. General Revenue funds. Additionally, we have no idea how they  
11. spend this money. We would like from them a grant by grant or  
12. topic by topic line item approach so that we do know how  
13. their grants are being divided amongst the various categories  
14. they could divide them. I personally think that this is much  
15. too much in General Revenue dollars for us to be spending on this  
16. type of project, although I think that the Arts Council does  
17. do good work. I just don't think we should be doubling their  
18. budget in one year and I would hope we would have substantial  
19. opposition to this Conference Committee Report.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Senator Regner.

22. SENATOR REGNER:

23. Mr. President and members of the Senate. I rise in...  
24. rise in total support of Senator Carroll's statement.  
25. The first I saw of this report, it was when it was laid  
26. on my desk and as he said, it cut out everything that the Senate  
27. did as far as consideration on the Arts Council and restored  
28. every dime that was taken out that we, in the Senate, thought was too  
29. much money at the time and I would urge a no vote on this  
30. Conference Report.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Senator Mitchler. We have about five already on the board.  
33. Senator Mitchler.

1. SENATOR MITCHLER:

2. Thank you, Mr. President. I've been rather critical of the  
3. Illinois Arts Council because I think it's one of the  
4. luxuries that we could enjoy in State government and no one  
5. certainly should oppose the arts and the development thereof,  
6. but in a time when the money is tight, you do at your home,  
7. you cut out going to the show and the theatre, and all of the  
8. frills and Senator Carroll, I certainly believe what you said  
9. and if they are coming in for more money at a time when we're  
10. tightening up, this would be one of the first items that we would  
11. eliminate in it's entirety...it's entirety, if we had to really  
12. cut the budget. This is out of General Revenue money and it's  
13. taking money away from the needed things, the number one  
14. priority things like schools, education of the children and this is  
15. not really the education of the children, it's the perpetuation  
16. of the arts and selfaggrandizement of those that have achieved  
17. learning how to play the piano and the violin and a few other  
18. things. I've looked into it and I'm going to oppose this along  
19. with, I hope, all other members.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Senator Soper.

22. SENATOR SOPER:

23. Thank you, Mr. President. Now, about ten years ago in  
24. 1968, the...we got a lot of conferences on the Floor.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. I'm...I'm fully aware of that, Senator. I've been trying to  
27. break them up all evening and will the Sergeant-at-Arms and the  
28. Assistant Sergeant-at-Arms clear the aisles, stop the Conference  
29. Committees and will the members please be in their seats.  
30. All unauthorized people please retire to the rotunda or the  
31. gallery. Now...

32. SENATOR SOPER:

33. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Now, have they done it?

2. SENATOR SOPER:

3. Thank you, Mr. President. Thank you. About ten years ago,  
4. the Arts Council came forward and I remember Hudson Sours and  
5. I sat next together and they came in with a budget at that time.  
6. I really don't remember whether it was twenty-five thousand  
7. or fifty thousand dollars. You were out in DuPage County shooting  
8. rabbits at that time. Now, it was either twenty-five or fifty  
9. thousand. Now, this is ten years later and I think this budget that  
10. they're asking for is over two million dollars. We predicted  
11. that that little thing that they said oh, well, you've got to...  
12. you know, we...we believe in the arts and we believe in...  
13. we believe in things besides meat and potatoes and people have  
14. to live by...by the dancing society and a few other things, but  
15. I'll tell you what this is. This is a real ripoff. With this kind  
16. of money in ten years, you realize that if...if everyone of our  
17. budgets...

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Just...just a minute, Senator. I tried to break up the  
20. caucuses, I couldn't do it. I want to tell you I had a little  
21. ear examination last week and I lost all but fifteen percent in  
22. my right ear and I don't think I lost any of it because it's  
23. very noisy.

24. SENATOR SOPER:

25. Well, let's...

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. All right. Proceed.

28. SENATOR SOPER:

29. Thank you, very much. Take that off my time. Give me the  
30. green light again. We've been trying to get this thing.  
31. You know, this is a couple of million dollars and we'd like to  
32. talk...

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

Give you one more minute.

1. SENATOR SOPER:

2. Thank you, very much, Sir. Thank you, Mr. President.

3. Now, when you start with fifty thousand dollars and in ten years,  
4. if everyone of our budgets went from fifty thousand dollars to two  
5. million something and let's see now, fifty thousand, ten  
6. times a hundred thousand is a million dollars, that's twenty  
7. times, that's forty times, forty-five or fifty times, fifty  
8. times the budget, even at that time our budget was two billion  
9. dollars for two years which was a billion dollars a year, so we would  
10. have a budget now of twenty-one or twenty-two billion dollars.  
11. It's only eleven. Now, should the Arts Council and all that  
12. flip-flop get more than our schools, Mental Health, senior  
13. citizens? I see Senator Hickey over there, she's dying with this  
14. thing. She's wondering how she's going to answer this  
15. question. We don't all have rich lawyers that have all that...  
16. that good business out there in Rockford, you know.  
17. I'm just a little pecky lawyer out here in Cicero and  
18. we don't have those high class customers. I've got a one man  
19. office and that's me and when I'm not there, I don't make a buck.  
20. Thank you, very much, Mr. President, but I'd say this. When you  
21. get forty times the amount in ten years, it's about time that  
22. we look at this thing. Thank you, very much, Mr. President.  
23. Right on.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Senator Sommer.

26. SENATOR SOMMER:

27. Mr. President, members. I would indicate to you that this is  
28. at the level in the current Conference Committee  
29. Report that the Governor submitted it at. It is the  
30. Governor's recommendation. However, there was no meeting of  
31. this Conference Committee. A sheet was simply passed around  
32. and all of the House members signed it. They've passed it in the  
33. House. If we pass it here, it's final action. Only one Senator

1. signed it, Senator Lemke.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Grotberg. Senator Grotberg.

4. SENATOR GROTBORG:

5. Am I to...thank you, Mr. President. Am I to believe that  
6. Senator Carroll is the sponsor of this motion? Are you the  
7. sponsor of this motion? Who was it? Senator Nimrod? If this  
8. is final action, how come nobody has mentioned the seven  
9. million eight hundred and ninety-four thousand dollar racing  
10. board budget that's in this same thing? We don't have a copy of  
11. the amendment that you're talking about in the Conference  
12. Report. We don't have a copy of the Conference Report. It's  
13. very difficult for me, a fine artist of the first class, to vote  
14. on this bill when I don't know what you did. If you're deleting  
15. Senate Amendment No. 2 or the House restored it or what happened,  
16. but then I have a thing about racing. I would just as soon  
17. vote against the Racing Board but I'd like to vote for the Arts  
18. Council. Where does that leave me?

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Senator Philip.

21. SENATOR PHILIP:

22. Thank you, Mr. President and Ladies and Gentlemen of the  
23. Senate. You know, Senator Soper doesn't have a very good memory or  
24. he has a convenient memory but I was here when the Illinois  
25. Arts Council was created and I think they had a sixty thousand  
26. dollar budget. And that doesn't bother me too much. They were  
27. created to go out into the private sector and encourage people  
28. to donate money towards art. That's what the Illinois Arts  
29. Council was created for, to go out into the private sector and  
30. encourage people and citizens to support art and donate money.  
31. Well, you know what has happened? All we are is a handout agency.  
32. Now, all they do is you come to the Art Council. If we think  
33. it's worthwhile, we give you money. It's simply a handout agency.

1. And I'm sorry about that. The original concept was excellent.  
2. If we were smart in this General Assembly and obviously we are not,  
3. we would have a matching fund. All the money you raise,  
4. we will match and then we would have them under the gun,  
5. Ladies and Gentlemen of this Senate. And if you've got any kind of  
6. a conscience, and I'm for art. Hell, I'm as arty as hell.  
7. I paint my...my fence. I have a fence I paint. I paint the bedrooms,  
8. et cetera. I'm artier than hell. But let me tell you one  
9. thing. This is an A number one ripoff. A number one ripoff.  
10. And we ought to turn it down. If...they do not deserve it.  
11. PRESIDING OFFICER: (SENATOR DONNEWALD)  
12. Senator Glass.  
13. SENATOR GLASS:  
14. Well, I'm...are there...I'm prepared to move the previous  
15. question, Mr. President, unless you have other speakers.  
16. PRESIDING OFFICER: (SENATOR DONNEWALD)  
17. There are other speakers.  
18. SENATOR GLASS:  
19. All right.  
20. PRESIDING OFFICER: (SENATOR DONNEWALD)  
21. Senator Hickey.  
22. SENATOR HICKEY:  
23. Thank you, Mr. President and fellow members. I'm delighted  
24. for once to be on the side of Senator Lemke and the Governor and  
25. Senator Sommer. I'd like to say that as far...I'd like to say that  
26. as far as Illinois is concerned in the escalation of budgets,  
27. maybe this has grown a little fast. But we're really late  
28. bloomers in this field. I'm not sure that what I may say here may  
29. make much of a dent. But I've said it before on this Floor and  
30. this is my last opportunity to say it again, that the difference  
31. between a barbarian society and a civilized one is support of the  
32. arts and the barbarians have spoken before. I'm now speaking for  
33. the civilized and I urge your support of this Conference Committee  
Report.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Is there further discussion? Senator Soper for the second time  
3. around.

4. SENATOR SOPER:

5. Thank you, very much, Mr. President. But for the barbarians,  
6. you know, the civilized society always has barbarians to  
7. get the spear and go out and get the deer and get the meat.  
8. They sit out in the cave and say it's cool here, it's air  
9. conditioned in the summer and we're protected against the cold in the  
10. winter. So, it's poor barbarians who deliver all the wherewithal,  
11. get...get the Arts Council and they're in the cave drawing  
12. pictures. Now, if you want pictures, you want meat, you've got to  
13. make your decision.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Newhouse.

16. SENATOR NEWHOUSE:

17. Will the sponsor yield to a question, please?

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Indicates he will.

20. SENATOR NEWHOUSE:

21. Is the Racing Board Appropriation in this bill?

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Senator Nimrod.

24. SENATOR NIMROD:

25. Yes, Senator Newhouse. What's happened is we concurred in the  
26. amendments for the...there was no argument in the House about the  
27. Racing Board and they concurred in that. The only one that we did  
28. not do was, of course, was the nonconcurrence in the Arts  
29. Council. So,...but the Racing Board is a part of it and there's  
30. been no question about that.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Senator Newhouse.

33. SENATOR NEWHOUSE:

I'm not sure whether my position now is parliamentary or

1. privilege or just what. I would just like to comment on this  
2. juxtaposition. I'd certainly like to see the Arts Council get their  
3. money. I've got some problems with the Racing Board. That's one  
4. of the few organizations that I know of that we write and ask the  
5. executive director for the answers to some very simple questions  
6. and simply never get a courtesy of a reply. And I would love to  
7. hold that Racing Board bill, love to kill it. Can you tell  
8. me, Mr. President, how I can split a vote and get the Arts  
9. Council out and keep the Racing Board in?

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Too late.

12. SENATOR NEWHOUSE:

13. Too late. Then, I would suggest that they go back to the  
14. drawing board and separate those two and give us the opportunity  
15. to express ourselves on each separately.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Knuppel.

18. SENATOR KNUPPEL:

19. Well, Vivian Hickey was comparing the barbarian society and  
20. the civilized ones and she said something about late bloomers.  
21. That's the difference. Bloomers.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Senator Washington.

24. SENATOR WASHINGTON:

25. Thank you, Mr. President. I wish to echo Senator Newhouse's  
26. position. I have some unreadiness relative to the Racing Board  
27. bill. I think we should know something about what's going on in that  
28. Racing Board. When we passed the 1975 Racing Board Act,  
29. the new Act, we expanded very tremendously the number of dates  
30. which would be available to racing track applicants or applicants  
31. for racing track dates. And many of us did it with an  
32. eye toward hoping that at least the board would do something  
33. at least toward the area of negotiation in making these dates  
available to qualified minority combines. At that time, the board



1. was under Representative...former Representative Scariano.  
2. And he did a magnificent job, in my opinion, of negotiating with the  
3. various boards because the affirmative action language  
4. in the Racing Act was rather weak. He did a magnificent job  
5. of expanding the minority opportunities within the field.  
6. The present chairman of that board has seen fit to reverse  
7. that procedure a hundred and eighty percent and she maintains  
8. that they have no color of authority to do that. Well aside from  
9. the fact that I disagree with her on that, she has not given us  
10. the courtesy of a simple response to a request addressed to her  
11. by twenty of your General Assembly members. This is a very  
12. serious, serious problem. The people in my community, I can't  
13. give you the dollar figure, but they put a substantial amount of  
14. money into that...the racing tracks each year. May we have  
15. just a bit of order.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Will the Senate...just a moment. Will the members please  
18. be in their seats.

19. SENATOR WASHINGTON:

20. We put a...

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Just...just a moment, Senator. We'll...we'll wait until they're  
23. quiet. Proceed.

24. SENATOR WASHINGTON:

25. We put a substantial amount of money into the coffers  
26. that which goes to the Agriculture Premium Fund, et cetera  
27. and so forth. For years we have been discriminated against in  
28. terms of the mutual clerks at the various racetracks. I don't  
29. think we've got a half of one percent of any color in there.  
30. The back tracks are in horrendous condition. We're getting no  
31. consideration from the board. I'll be very candid with you.  
32. We had an amendment waiting for the OTB bill to come up because we  
33. were going to stick it on there. And regardless to whether I

1. supported OTB or not, that was going to be the course to lead  
2. around that bill. This is a serious business. We cannot get an  
3. accounting from the director. We're getting no consideration  
4. ...tremendous amount of money that we put in and I've come to the  
5. conclusion, it's a waste of time to...to pursue this thing  
6. legislatively and I'm going to spend a good deal of time over the  
7. summer trying to devise some means whereby people from my  
8. community will manifest a gigantic boycott against the racetrack  
9. industry because I think it's just plain stupid on our part  
10. to continue to pour money into that industry which has  
11. spent willy-nilly throughout the entire State for the benefit  
12. of 4-F clubs, et cetera and so forth and so on which  
13. is good. We get nothing in return in terms of jobs. We get  
14. nothing in terms of racing dates which would put some of our  
15. people to work and pour money into our community and yet and still  
16. we can get no consideration from the director from the Racing  
17. Board. I am going to have to vote No and like Senator Newhouse,  
18. I'm sorry that we haven't been able to divide the question. I think  
19. what we're doing is being somewhat irresponsible in putting  
20. directors in charge of agencies, giving them seven and eight  
21. million dollar budgets, permitting them to give as best they  
22. can and with magnificent, gigantic public relations campaigns  
23. to get people to come to the racetrack and then turn around and  
24. crassly, conspiratorily deny a substantial group of his patrons  
25. from getting recompense from it. I'm against the bill. I support  
26. the Arts Council. But I think it's a very, very bad...it's in  
27. bad taste to put these two together. I'm going to vote No on this  
28. as a protest against what is going on in that Racing Board.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator Grotberg.

31. SENATOR GROTBORG:

32. For a second time, Mr. President.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

Yes...

1. SENATOR GROTBERG:

2. I've been sitting here looking up and we just did that, right?  
3. And I suppose we're looking at about a million dollars if we  
4. had to replace it. I know it cost us about three hundred and  
5. fifty thousand to restore it and that's just one room in  
6. this Capitol Building in the State of Illinois and if you think  
7. that people like that come along anymore for nothing  
8. you're wrong. Someone has to nurture the arts and everytime  
9. this bill comes up in the General Assembly for my six years  
10. I look up and vote Aye.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Senator Nimrod may close.

13. SENATOR NIMROD:

14. Mr. President and Ladies and Gentlemen of the Senate. I might  
15. say to Senator Newhouse and to Senator Washington that...

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Just...just a moment. Senator Graham.

18. SENATOR GRAHAM:

19. Mr. President, I might suggest to the members, if they  
20. don't hear their constituents back home when they get there  
21. any better than they're hearing you today, they're in a hell of a  
22. lot of trouble.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. I agree completely. Senator Nimrod.

25. SENATOR NIMROD:

26. Yes, thank you, Mr. President. I can say to Senator Newhouse  
27. and Senator Washington that all these appropriation bills were  
28. piggyback and it seems to me at the time this bill was passed  
29. that we should have then spoken about the Racing Board.  
30. And it's too bad because we have too little votes to pass the Arts  
31. Council which has other people saying No for various reasons  
32. to have gentlemen such as you to withhold your votes. I'm a little  
33. concerned as to what would happen in this particular bill because I

1. I think our emotions are probably running away with us and we're  
2. not thinking very logically. I think it's a logical, practical  
3. approach that the Appropriations Committee, Senator Philip, you're  
4. my seatmate, but I would appreciate it if you would kind of maintain  
5. a little order, would you please?

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Senator Philip, your seatmate requests that you be in  
8. your seat.

9. SENATOR NIMROD:

10. At this particular point, what I'm referring to is that  
11. there was a fifty percent cut in the advance and as far as the  
12. remarks about the meeting that was held, I sent for Representative  
13. Barnes and I asked her whether or not there was a meeting that was  
14. called and there was a meeting in Room 400. Now, I'm sponsor of  
15. this bill, as far as the Senate is concerned and I was not included in  
16. the...in the Conference Committee, so I just want you to know that  
17. I don't know about calling some of these people whose feelings  
18. might be a little hurt. I can only tell you that what they're  
19. doing is restoring what the House had cut out and that was  
20. fifty percent of the increase. It seems to me that we are here at  
21. the eleventh hour and the only thing that I can tell you is that  
22. for us to be held up on a minor issue such as this and trying to  
23. let our frustrations out on the Arts Council, that I would  
24. suggest that we band together and pass this bill out in concurrence  
25. since we know that if we're unhappy with some of these  
26. commissions and some of these boards, the eleventh hour is not the  
27. time to change them. We have opportunity to put in our sunset  
28. legislation. We have opportunity to dissolve these groups and not  
29. wait until you get a Conference Committee Report and if we had  
30. looked at every other bill that came across our desks today on a  
31. Conference Committee, I'm sure we would not have passed more than  
32. two bills. So, I would say that...I would say that in this case  
33. I am asking each of you to join...

PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Senator, your time has expired.

2. SENATOR NIMROD:

3. Thank you, Mr. President. To join me and pass these bills...  
4. the appropriation bills which have been heard and have it taken  
5. care of.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Just...Senator Buzbee. State your point.

8. SENATOR BUZBEE:

9. How long do you intend to let him talk?

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. I...he's just concluded.

12. SENATOR BUZBEE:

13. Well, I suggest we get on with the business as he's requested and  
14. vote the thing and vote the way we want to do with it and shut him  
15. up.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. All right. The...the question is shall the Senate adopt Conference  
18. Committee Report...just a moment. The question is shall the  
19. Senate adopt the Conference Committee Report on House Bill  
20. 2981. Those in favor vote Aye. Those opposed Nay. The voting  
21. is open. Have all those voted who wish? Have all those  
22. voted who wish? Take the record. The...on that issue...on that vote  
23. the Ayes are 27, the Nays are 25, 2 Voting Present. The  
24. Conference Committee Report is not adopted and the Secretary  
25. shall so inform the House. Senator Maragos, for what purpose  
26. do you arise?

27. SENATOR MARAGOS:

28. For a purpose of a comment.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Personal privilege. State your point.

31. SENATOR MARAGOS:

32. The Illinois Arts Council had done to it tonight with the  
33. Racing Board...what Mary Orkis had done to it by Mr. Medley.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Nimrod, for what purpose do you arise?

3. SENATOR NIMROD:

4. Yes, Mr. President, I would ask that the Chair...ask for a

5. Second Conference Committee on House Bill 29...

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. The...the question is shall the Senate accede to the...shall

8. the...shall the Senate request a Second Conference Committee.

9. Those in favor say Aye. Those opposed Nay. The Ayes have it.

10. The Secretary shall so inform the House. Senator Mitchler,

11. for what purpose do you arise?

12. SENATOR MITCHLER:

13. Point of personal privilege.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. State your point, Sir.

16. SENATOR MITCHLER:

17. Mr. President and members of the Senate. Senator

18. Grotberg pointed out that if we look up we see this million

19. dollar art decoration that we just restored and so I did. I took

20. the time to look up and I happened to look up sort of above

21. the press box up here and I see you know, we're only in about the

22. first year and a half. All the paint is peeling off. I see a big

23. hole in the plaster and Senator Grotberg, if this is what the

24. Art Council is responsible for, I'm glad I voted No.

25.

26.

27.

End of reel.

28.

29.

30.

31.

32.

33.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Vadalabene, for what purpose do you arise?

3. SENATOR VADALABENE:

4. Thank you, Mr. President, for being so calm, cool and  
5. collected in that question. I have an announcement to make and  
6. also I wanted to tell Senator Nimrod that I sponsored the Illinois  
7. Arts Council bill for six consecutive years and you feel like  
8. you're a battering ram when they get done with you, don't you,  
9. Senator Nimrod? Now, let me give you my announcement.  
10. Senator Sam has started on a new streak. He has a loss now  
11. of nineteen out of twenty losses. He's on his next  
12. streak of losses of one.

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. On the Order...Senator Nimrod, for what purpose do you  
15. arise?

16. SENATOR NIMROD:

17. I...I just wondered if the battering ram would like the bill  
18. back.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. On the Order of Secretary's Desk, page 5 of the Calendar,  
21. Senate Bill 1570, Senator Grotberg.

22. SENATOR GROTBORG:

23. What bill is this, Mr. President?

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Senate Bill 1570. On the Order of Concurrences.  
26. Will the Senate please be in order.

27. SENATOR GROTBORG:

28. Yeah, well, I move the adoption of this...

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. This is a concurrence, Senator.

31. SENATOR GROTBORG:

32. Let's do it.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? This bill is on page 5 of the regular

1. Calendar, Senate Bill 1570.
2. SENATOR GROTBORG:
3. Yes, Mr. President.
4. PRESIDING OFFICER: (SENATOR DONNEWALD)
5. On the Order of Concurrences. Is there discussion?
6. SENATOR GROTBORG:
7. I...this fine bill. Yes, Mr. President.
8. PRESIDING OFFICER: (SENATOR DONNEWALD)
9. Senator Grotberg.
10. SENATOR GROTBORG:
11. Yes, this is the Court of Claims appropriation, Mr.
12. President and members of the Senate, and the House amendment
13. restored twenty-eight thousand dollars which happens to be the
14. salary of the Director of the Court of Claims. If we don't
15. put him back in, there will be no salary for any director of the
16. Court of Claims and I would appreciate the...a favorable
17. roll call on Senate Bill 1570.
18. PRESIDING OFFICER: (SENATOR DONNEWALD)
19. Is there discussion? Senator Demuzio.
20. SENATOR DEMUZIO:
21. Well, I...ask the sponsor a question. How much was the
22. Director of Court of Claims earning until this...House took
23. its action?
24. PRESIDING OFFICER: (SENATOR DONNEWALD)
25. Senator Grotberg.
26. SENATOR GROTBORG:
27. He was paid by the Secretary of State and I think in the
28. neighborhood of twenty-eight thousand dollars, Senator Demuzio.
29. He's now been transferred from the Secretary of State to the
30. Court of Claims.
31. PRESIDING OFFICER: (SENATOR DONNEWALD)
32. Is there further discussion?
33. SENATOR GROTBORG:
- And transfer is a modest word.



1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Is there further discussion? The question is shall the Senate  
3. concur in House Amendments No. 1 and 2 to Senate Bill  
4. 1570. Those in favor vote Aye. Those opposed No. The voting  
5. is open. Have all those voted who wish? Have all those voted  
6. who wish? Take the record. On that question the Ayes are  
7. 44, the Nays are 8. The Senate does concur in House Amendments  
8. 1 and 2 to Senate Bill 1570 and the bill having received  
9. the required constitutional majority is declared passed.  
10. The Senate will stand at ease.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Is there leave to go to the Order of Resolutions?  
13. Leave is granted. Resolutions. For what purpose does Senator  
14. Leonard arise?

15. SENATOR LEONARD:

16. Mr. President, I'd like leave of the Body to extend the  
17. reporting date on the Ozone Committee, the Senate's Ozone  
18. Committee, and extend it to the end of the year. And I...

19. SECRETARY:

20. Senate Resolution 471 offered by Senator Leonard.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Leonard. Senator Leonard moves the adoption of  
23. ...moves to suspend the rules for the immediate consideration and  
24. adoption of Senate Resolution 471. Is there leave? Leave is  
25. granted. On the motion to adopt 471. All in favor say Aye.

26. Opposed Nay. The Ayes have it. Senate Resolution 471 is adopted.

27. I would alert the members of the Senate that...there has been  
28. passed out a Supplemental No. 4 Senate Calendar dated at

29. 9:00 o'clock this evening, containing five bills. It will be on  
30. your...on your desks. Is there leave to go to the Order of

31. Secretary's Desk, Nonconcurrences? Leave is granted.

32. On page 6 of your Calendar is House Bill 1081. Senator

33. Schaffer.

1. SENATOR SCHAFFER:

2. Mr. President, 1081 is a bill that would provide for the  
3. appointment of a precinct committeeman or removal after he moves  
4. out of his precinct.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. May we have some order, please. Will the members please  
7. clear the aisles.

8. SENATOR SCHAFFER:

9. Senate Amendment No. 1 would have provided for the appointment  
10. of a precinct committeeman from outside the boundaries of he  
11. precinct after the primary, after the county convention. That  
12. is evidently not acceptable to the House. I think primarily in  
13. view of the Breslin decision, I'd like to try that again next year,  
14. but I would like to see the bill proceed. Consequently, I move that  
15. we recede from Senate Amendment No. 1 to House Bill 1081.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Is there discussion? Is there discussion? The question is  
18. shall the Senate recede from Senate Amendment No. 1 to House Bill  
19. 1081. Those in favor vote Aye. Those opposed vote Nay. The  
20. voting is open. Have all voted who wish? Have all voted who wish?  
21. Take the record. On that question the Ayes are 52, the Nays are  
22. none, none Voting Present. The Senate recedes from Amendment  
23. No. 1 to House Bill 1081 and the bill having received the  
24. required constitutional majority is declared passed. For what  
25. purpose does Senator Lemke arise?

26. SENATOR LEMKE:

27. I would like to make a motion to take from the Executive  
28. Committee House Joint Resolution 99. Representative Antonovych  
29. would like me to take it from Executive and have placed on the  
30. Calendar so we can consider this matter. It just came over from  
31. the House and Boris is over here and we'd like...

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Lemke, have you spoken with the Chairman of the

1. Executive Committee and the Minority Spokesman of that committee?

2. SENATOR LEMKE:

3. I'm the Vice-Chairman and I don't think it's a controversial  
4. resolution.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Well, our custom and practice has been that the Chairman  
7. and Minority Spokesman be contacted. That allows us to  
8. proceed more quickly. Perhaps you should check with those  
9. two gentlemen and we can go without any kind of difficulty.  
10. Is there leave to go to the Order of Messages from the House?  
11. Leave is granted. Messages from the House.

12. SECRETARY:

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

14. Mr. President - I am directed to inform the Senate  
15. that the House of Representatives refused to adopt the First  
16. Conference Committee on House Bill 3113.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. For what purpose does Senator Lemke arise?

19. SENATOR LEMKE:

20. If we have a lull here, I have Senate Resolution  
21. 340 which we could adopt.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. All right. Is there leave to go to the Order of Resolutions?  
24. Leave is granted. On the Order of Resolutions. Page 4 of  
25. your regular Calendar is Senate Resolution 340. Senator  
26. Lemke is recognized. May we have some order, please.

27. SENATOR LEMKE:

28. What this resolution does is urges the Federal Communications  
29. Commission and the United States House of Representatives  
30. Subcommittee on Communication and Broadcasting Chaired  
31. by Representative Lyonel VanDeerlan, to investigate NBC's  
32. refusal to broadcast a segment of the Lutheran Hour and to see  
33. if there was an invasion of the constitutional rights of  
freedom of religion by the press. I ask for its favorable adoption.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Lemke moves the adoption of Senate Resolution 340.

3. Is there discussion? All in favor say Aye. Opposed Nay.

4. The Ayes have it. Well, let's have a roll call on that one, then.

5. The question is shall the Senate adopt Senate Resolution 340.

6. Those in favor will vote Aye. Those opposed will vote Nay.

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

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

9. 25, the Nays are 9, 1 Voting Present. Senate Resolution

10. 340 is adopted. For what purpose does Senator Mitchler arise?

11. SENATOR MITCHLER:

12. Mr. President...Mr. President, on the Order of Resolutions

13. I am going to move to have House Joint Resolution 101

14. discharged from the Senate Executive Committee. I've spoken to

15. Senator Wooten and cleared with the Minority and Majority

16. Spokesmen and also Senator Rock. So, my motion at first is to

17. discharge House Joint Resolution 101 from the Senate Executive

18. Committee and have it advanced to the Floor for the purpose of

19. passage.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. The motion is that the Senate Committee on Executive

22. be discharged from further...for what purpose does Senator...

23. Senator Hall was up first. Senator Kenneth Hall.

24. SENATOR KENNETH HALL:

25. Would you please tell us what the resolution does.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Mitchler.

28. SENATOR MITCHLER:

29. Yes, the resolution declares opposition to alteration by the

30. United States Congress of provisions of Federal law for

31. preferential hiring of veterans, the veterans preference.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Further discussion? Senator Graham.

1. SENATOR GRAHAM:

2. Just wanted to put the record straight. For the Gentleman from  
3. Oswego, I'm the Minority Spokesman of Executive and he hasn't  
4. talked to me about it.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Can we take that out of the record, Senator Mitchler,  
7. for a moment? Can we take it from the record, Senator?  
8. With your leave, Senator, we'd like to take it...take it from the  
9. record. For what purpose does Senator Lemke arise?

10. SENATOR LEMKE:

11. Representative Antonovych...has an agreement. He talked  
12. to Senator Wooten and Senator Graham on House Joint Resolution  
13. 99 on my motion to take from the Executive Committee and put it on  
14. the Order of the Calendar.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator, we're off that order of business. We will get back  
17. to it. Senator Glass. On...on 1575, are you ready to proceed  
18. with that?

19. SENATOR GLASS:

20. I...yes.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Excuse me, then. Senator Carroll, are we ready on the  
23. Lieutenant Governor's appropriation, Senate Bill 1575?  
24. But you are ready to proceed? Senator Glass.  
25. Is there leave to go to the Order of Secretary's Desk on the  
26. Order of Concurrences? Leave is granted. Senate Bill 1575.  
27. Senator Glass.

28. SENATOR GLASS:

29. I'd ask leave to take that out of the record and hold it for  
30. awhile.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Is there leave to take it from the record? Leave is  
33. granted. Senator Roe on the Floor? Senator Berman, on the Order of

1. Nonconcurrences is House Bill 2946. We ready to...is there  
2. leave to go to the Order of Nonconcurrences? Leave is granted.  
3. On the Order of...on page 6 of your regular Calendar is House  
4. Bill 2946. Senator Berman.

5. SENATOR BERMAN:

6. Thank you, Mr. President. House Bill 2946 has two portions  
7. in it. The first portion was noncontroversial. It dealt with the  
8. reimbursment under the Orphanage Act under special education.  
9. The second part is where the problem arose, dealt with the  
10. extention of the time period for the special education building  
11. fund tax levy. When the bill came over to the Senate, the Senate  
12. put on Amendment No...Senate Amendment No. 1 that was offered  
13. by Senator Glass, that broadened this special education building  
14. fund tax to allow it to be used for all general purposes dealing  
15. with special education, not only with building purposes.  
16. The Senate...strike that, the House rejected that as being a  
17. nonreferendum tax extention. We've discussed it with the  
18. principal sponsor of the bill, Representative Pierce in the  
19. House. Senator Glass and I and the other members of the committee  
20. that adopted the amendment felt that we didn't want to  
21. jeopardize the first portion of the bill so, I now move that we  
22. recede from Senate Amendment No. 1 to House Bill 2946.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Is there discussion on the motion to recede? The  
25. question is shall the Senate recede from Amendment No. 1 to House  
26. Bill 2946. Those in favor vote Aye. Those opposed vote Nay.  
27. The voting is open. Have all voted who wish? Have all voted  
28. who wish? Take the record. On that question the Ayes are  
29. 53, the Nays are none, none Voting Present. The Senate recedes  
30. from Senate Amendment No. 1 to House Bill 2946 and the bill  
31. having received the required constitutional majority is declared  
32. passed. Call the attention of the membership to the fourth  
33. Supplemental Calendar on Conference Committee Reports. Senate Bill  
82, Senator Regner. Are we ready to proceed?

1. SENATOR REGNER:

2. Mr. President and members of the Senate. Senate Bill 82  
3. was introduced and it passed this Senate...

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Regner, if you'll wait a minute, maybe we can get  
6. some order. May we have some order, please. Will the gentlemen  
7. please take their conferences off the Floor. Can we have the  
8. attention of the Body. Senator Regner.

9. SENATOR REGNER:

10. Mr. President and members of the Senate. Senate Bill  
11. 82 passed the Senate early last year and went to the House and at  
12. that time, was a very simple bill which prohibited the carrying  
13. of guns on campuses. It has come back to us with that  
14. plus a little bit extra. And it's a three time loser bill  
15. and if there are any questions, I'm going to defer to my legal  
16. council, my seatmate, Senator Bowers. And I move that we concur  
17. ...or that we vote in favor of the Conference Committee  
18. Report No. 1 on Senate Bill 82.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. All right. Is there discussion? Senator D'Arco.

21. SENATOR D'ARCO:

22. Mr. President, Ladies and Gentlemen of the Senate.  
23. What is in this bill is the three time loser provision  
24. which provides that when a person is convicted of a third  
25. offense, he is then sentenced to lifetime in prison  
26. if the category of offenses were Class X offenses.  
27. This bill was passed last Session with a proviso that it would  
28. not be prospective in nature but rather...strike that, it would  
29. be prospective in nature so that the provisions would not take  
30. effect until the bill, in fact, became law. Now, what the  
31. sponsor of the bill wants to do is change that provision  
32. to make it retroactive so that if a person, in fact, did commit  
33. two prior offenses, that fall under the category, if he commits  
an offense tomorrow, he can be sentenced as a three time loser

1. under this bill. Roman Kosinski, the sponsor of this bill,  
2. came to our committee, Judiciary II. We voted them down at that  
3. time. We felt that the law was adequate the way it was  
4. written last Session and we shouldn't have passed the bill.  
5. Then he takes an innocuous criminal bill and he puts it in a  
6. Conference Committee Report like it's a piece of garbage.  
7. But that's not what it is. We're talking about people's  
8. lives here. Don't vote for this bill.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Netsch.

11. SENATOR NETSCH:

12. Thank you, Mr. President. I think Senator D'Arco has now  
13. described the content of the bill. I would remind the Senate  
14. of several things. One, when House Bill 1500 was passed last  
15. year, it did and still does include a so called three time  
16. loser provision. In accordance with the then wishes of the Governor  
17. of the State, that three time loser provision was made  
18. prospective only. That is the offenses had to be committed  
19. after the effective date of the Act. That was the way the  
20. Governor then wanted the bill and we agreed with him and  
21. adopted it in that form. I gather he may have changed  
22. his mind in the interim which is not an unusual occurrence.  
23. But I think he was right the first time. It is  
24. of some constitutional doubtfulness whether you can, indeed,  
25. take crimes which may have occurred as long as, I don't know if they  
26. have the ten year provision in there now or not, but at least  
27. ten years ago and if they've left that out, twenty or so years  
28. ago and make them the basis for a...

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. For what purpose...continue, Senator Netsch. I...the Chair  
31. apologizes.

32. SENATOR NETSCH:

33. Oh...thank you, and make them the basis for a sentence which  
I think you should understand very clearly. The sentence is



1. except where the death penalty is imposed, anyone adjudged  
2. an habitual criminal shall be sentenced to life imprisonment  
3. and shall never be released other than by Executive clemency.  
4. This is a provision under which someone goes to the penitentiary  
5. no matter what the time span of the three crimes committed  
6. and although they must all be in Class X category or murder,  
7. no matter how really heinous the particular crimes were.  
8. They...it might have been a drug conviction at a time when the  
9. person was young and involved in drug problems. That can  
10. result in a conviction of life imprisonment with no possibility  
11. of release ever, ever, ever. That is an extremely tough  
12. penalty. It is absolutely unconscionable when it is not made  
13. entirely prospective. I think it is a...a very bad bill.  
14. The...as Senator D'Arco pointed out, Judiciary II defeated  
15. a...an exact same bill, when Senator Kosinski presented to it...  
16. presented it to us a short while ago. That is exactly the  
17. fate that this bill should have. I would really urge you, do not  
18. enact what I think is an extremely badly drawn and very,  
19. very unfortunate piece of legislation.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator...for what purpose does Senator Guidice arise?  
22. State your point.

23. SENATOR GUIDICE:

24. How many signatures are needed on a Conference Report,  
25. Mr. President?

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Standard rule would be six would be required.

28. SENATOR GUIDICE:

29. There are only five signatures on this report, Mr. President.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator, the copy filed with the Secretary of the Senate  
32. has six signatures; Senators Regner, Egan, Bowers, House members  
33. Kosinski, Byers and Polk, Ben Polk. For what purpose does Senator  
Guidice...Senator Guidice.

1. SENATOR GUIDICE:

2. All right. On the copies that have been distributed before  
3. us, we have Regner, ...I...I can't tell, it looks like Egan and  
4. then I have three House members on this, Mr. President and this  
5. has been distributed to the membership.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Well, Senator Bowers signed in blue ink and Xerox Company  
8. makes it difficult to copy, perhaps that is the...Senator...Senator  
9. Guidice, are you satisfied that...okay. Discussion on the motion to  
10. adopt Conference Committee Report. Senator Sangmeister.

11. SENATOR SANGMEISTER:

12. Thank you, Mr. President and members of the Senate.  
13. I've heard this bill with this amendment on it being d scribed  
14. as garbage. I would rather say to you this will probably be  
15. the best piece of legislation, if it is passed, and I certainly  
16. urge that it be, that will come out of this Session.  
17. Those of us that have worked with the Habitual Criminal Act  
18. over the years were very happy when it was finally put back  
19. in the last Session in House Bill 1500. It was not put in the  
20. way we wanted it to put in because we had a compromise with  
21. members at that time to even get the Act back into House Bill  
22. 1500. This amendment will put the Habitual Criminal Act into  
23. the State law the way it belongs. There's no reason why we should  
24. have to hang around here for ten years the way the Act is  
25. presently drafted, before it becomes active. Most of us know that  
26. on the first conviction, there's a possibility of probation  
27. and on the second conviction, probably some time. How many  
28. times do with have to go with a Habitual Criminal Act?  
29. In my opinion, the Home Invasion Act was important and I believe  
30. this is also very important. The habitual criminal...from...you've  
31. heard from your constituents, must be taken off of our  
32. streets. This Act will do it. I strongly urge an Aye vote.

33. PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Mitchler. Senator Mitchler.

1. SENATOR MITCHLER:

2. Mr. President and members of the Senate. Senator D'Arco

3. me to the fact that in the First Conference Committee

4. on Senate Bill 82, everything after the enacting clause of

5. Senate Bill 82 has been deleted. And what we have here

6. is an entirely new bill. Now, here it is about twenty minutes

7. to ten on the final day and we have presented through a Conference

8. Committee Report an entirely new bill. And as I can see and

9. hear, it's a...somewhat controversial. It...Senator Sangmeister

10. points out that it's a good bill and I certainly would believe him

11. and because I know of the type of legislation that he's interested

12. in in the Criminal Code amendments. But, to bring in a bill like

13. this at this late hour, I think is wrong. I think that in five

14. months, it could be introduced in December, prefiled, it could

15. be considered if it has all that merit, it could be disposed of

16. very quickly in the early part of next Session. But just the

17. principle...just the principle of bringing up a brand new bill in

18. ...in less than three hours before you're going to adjourn

19. in the final day of the Session, is wrong. That's devious

20. tactics. Now, whether you have a good bill or a bad bill, it's

21. wrong. It's almost as bad as trying to sneak and what they did

22. with Memorial Day, changing it by amending a bill.

23. Vote No.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Further discussion? Senator Guidice.

26. SENATOR GUIDICE:

27. Thank you, Mr. President and members of the Senate. I'm

28. going to once again reiterate some of the arguments that were made

29. here. We already have a three time loser bill.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Guidice, may I just interrupt you?

32. SENATOR GUIDICE:

33. You sure can.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. WCIA...or Channel 20 has requested leave to shoot  
3. silent film. Is there leave? Leave is granted. Thank you,  
4. Senator Guidice. I didn't think you would mind.

5. SENATOR GUIDICE:

6. The fact of the matter is we already have a three time loser  
7. bill. This was presented before the Body last year. We decided not  
8. to be retroactive. The whole idea of it was to be prospective  
9. in nature. Now, we come back again and we say, well, we're going  
10. to sneak it in this time in the Conference Report...this Class  
11. X thing again. I wasn't for it in the inception. I'm not for it  
12. now. I get a kick out of the fact though, in the bill itself it carries  
13. or possesses a rifle, shotgun or other firearm in a building in...  
14. on a university. We...made that Class X, by the way. So...  
15. since we didn't make that Class X, let's try retroactively to make  
16. three felony conviction go into this Class X legislation which  
17. is bad...this is bad...this is even worse because it's back-  
18. door.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Lemke.

21. SENATOR LEMKE:

22. Mr. President and members of the Senate. This is an emergency  
23. bill. We're talking about people here that we shouldn't feel sorry  
24. for. We're talking about criminals that play the ballgame.  
25. We give them probation the first time, the second time. This is  
26. the third strike and you're out of the game, you're out of  
27. society and should be put away for life. This is an emergency  
28. bill. People are being harmed by these criminals. People and our...  
29. our constituency are being harmed everyday. No one should feel sorry  
30. for a three time loser. No one. This is the third crime he committed  
31. and it's a major crime. People want law and order in this country.  
32. It's claimed everyday. A man that's committed a third crime should  
33. be put away, away from society. So he can't commit the fourth and the  
fifth and the sixth. The people want this and it's an emergency.

1. I ask for an Aye vote on this Conference Committee vote.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Glass.

4. SENATOR GLASS:

5. Thank you, Mr. President. There's no question that Senator  
6. Lemke is right, that a three time loser ought to be put  
7. away, but I don't think that we ought to be enacting retroactive  
8. legislation. I could certainly support a Conference Committee  
9. Report that made this effective if all the crimes were committed  
10. after the effective date. It isn't as though a person convicted of  
11. a felony is going to go free in any event. He's going to be  
12. sentenced as he should be, to a serious prison term. But I...  
13. I think we'd be well advised if this Conference Committee Report  
14. were defeated and a second one were written, identical except that  
15. all the convictions had to occur after the effective date of this  
16. Act.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Further discussion? Senator D'Arco.

19. SENATOR D'ARCO:

20. Thank you, Mr. President. I agree with Senator Glass.  
21. I believe that there should be a three time loser bill and we have  
22. a three time loser bill and that's what the law says now.  
23. But you can't create a situation where a man may have committed  
24. two prior crimes twenty years ago and because he commits  
25. an aggravated battery tomorrow, tell that man because of a quirk  
26. in the law, you have to go to jail for your life. We shouldn't do  
27. that, Ladies and Gentlemen. And that's what this bill would do.  
28. And I ask you not to vote for this Conference Committee Report.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Further discussion? Senator Collins.

31. SENATOR COLLINS:

32. Question of the sponsor.

33. PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Collins.

1. SENATOR COLLINS:

2.           What time period are you talking about? Are you talking about  
3. twenty years, thirty years, five years or...no time limit?  
4. Is...is that an accurate statement that Senator D'Arco made?

5. PRESIDING OFFICER: (SENATOR BRUCE)

6.           Senator Regner.

7. SENATOR REGNER:

8.           There is no time limit.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10.          Senator...Senator Collins.

11. SENATOR COLLINS:

12.          That's absurd.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14.          Further discussion? Senator Regner may close.

15. SENATOR REGNER:

16.          Just...very short, Ladies and Gentlemen of the Senate.

17. If you would ask the people in the State of Illinois if they  
18. favor this kind of legislation, it would be by an overwhelming  
19. majority would say yes because there are people who are scared to  
20. walk the streets and they're sick and tired of seeing habitual  
21. criminals roaming the streets and I would suggest that you vote  
22. Yes for the people in the State of Illinois.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24.          The question is shall the Senate adopt the Conference Committee  
25. Report on Senate Bill 82. Those in favor vote Aye. Those  
26. opposed vote Nay. The voting is open. Have all voted who wish?  
27. Have all voted who wish? Take the record. On that question the  
28. Ayes are 25, the Nays are 23, 1 Voting Present.

29. The Senate fails to adopt the Conference Committee Report on  
30. Senate Bill 82. For what purpose does Senator Regner arise?

31. SENATOR REGNER:

32.          Mr. President, I'd like to request a Second Conference  
33. Committee be reported...be appointed.

PRESIDING OFFICER: (SENATOR BRUCE)

1. The question is shall the Senate request a Second  
2. Conference Committee. Those in favor say Aye. Opposed  
3. Nay. The Ayes have it. Second...the Senate accedes to the  
4. request for a Second Conference Committee. On the Order of  
5. ...the regular Calendar page 6, is Senate Bill 1617 on the  
6. Order of Concurrences. Senator Davidson is recognized.

7. SENATOR DAVIDSON:

8. Mr. President, I'd move that the Senate concur in the  
9. House Amendments 1 and 3 to Senate Bill 1617. Amendment No.  
10. 1 was sponsored by Representative Dan Houlihan which  
11. took the ten thousand to twelve thousand dollar limit for the  
12. people who have rebate on the sales tax on medicine. Amendment  
13. No. 3 was by Representative Skinner and took the ten thousand  
14. income limit to fifteen thousand limit and took the cap off of  
15. what they could receive which in essence says anybody under  
16. fifteen thousand dollars income would not pay more than four  
17. percent of their income for real estate taxes. Appreciate a...

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Is there discussion? Is there discussion? The question is shall  
20. the Senate concur in House Amendments 1 and 3 to Senate Bill  
21. 1617. Those in favor vote Aye. Those opposed vote Nay.  
22. The voting is open. Have all voted who wish? Have all voted who  
23. wish? Take the record. On that question the Ayes are 52, the  
24. Nays are 2, none Voting Present. The Senate does concur in House  
25. Amendments 1 and 3 to Senate Bill 1617 and the bill having received  
26. the required constitutional majority is declared passed.  
27. Now return to the...to the Supplemental Calendar No. 4.  
28. Senator Regner on 1523. Senator Regner is recognized.

29. SENATOR REGNER:

30. Mr. President and members of the Senate. This is the  
31. appropriation for the Illinois State Scholarship Commission.  
32. Amendment was put on in the Senate to reduce the director's  
33. salary to thirty-seven thousand dollars and put it in a separate  
line item. The Conference Committee Report breaks out the separate

1. line item and puts it in the personal services and at a rate  
2. of forty-seven thousand and I would move the adoption  
3. of Conference Committee Report No. 1 on Senate Bill 1523.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Is there discussion? Senator Egan.

6. SENATOR EGAN:

7. Just to check, Senator Regner, that it's forty-seven thousand?  
8. That's the amount appropriated? Thank you.

9. SENATOR REGNER:

10. Yes.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Thank you, Senator Regner for the record. Is there  
13. discussion? The question is shall the Senate adopt the Conference  
14. Committee Report on Senate Bill 1523? Those in favor vote Aye.  
15. Those opposed vote Nay. The voting is open. Have all voted who wish?  
16. Have all voted who wish? Take the record. On that question the  
17. Ayes are 51, the Nays are 2, none Voting Present. The Senate  
18. does adopt the Conference Committee Report on Senate Bill 1523  
19. and the bill having received the required constitutional majority  
20. is declared passed. Senator Savickas on the Floor? Is Senator  
21. Savickas on the Floor? House Bill 1264, the Conference Committee  
22. Report thereon, Senator? Senator Savickas.

23. SENATOR SAVICKAS:

24. Yes, Mr. President. As soon as...I would at this time move  
25. for adoption of the Conference Committee Report to House Bill  
26. 1264. Senator Moore has just informed me that it passed the House  
27. by 177 votes. So,...and the Digest is basically...it's the  
28. grandfathering in of the State Board of Election employees that  
29. were in employment before January 1st, of 1978. It removes  
30. also the ten year residency requirement for members of municipal  
31. and county boards of election commissioners, requiring instead that  
32. an appointee be a two year resident of the State and a resident  
33. of the municipality or county having the board of election:



1. commissioners. And it permits the circuit court judge to waive  
2. for good cause, a two year State residency. And it also required  
3. that a person appointed to fill a vacancy in the Office of  
4. Clerk of Circuit Court to be that of the same political  
5. affiliations as his predecessor. I would move...

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Further...further...is there discussion? Senator Rhoads.

8. SENATOR RHOADS:

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

10. As it left the Senate, House Bill 1264 grandfathered in all  
11. the employees of the State Board of Elections so that they would  
12. not have to take another personnel code examination.

13. The agreement concerning the creation of the new State Board of  
14. Elections was that all the employees would be under the Personnel  
15. Code. This violates that agreement to some extent, although it  
16. rolls back the qualifying period to January 1st of 1978.

17. I rise in opposition to the Conference Committee Report.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Is there further discussion? The question is shall the Senate  
20. adopt the Conference Committee Report on House Bill 1264. Those  
21. in favor vote Aye. Those opposed vote Nay. The voting is open.  
22. Have all voted who wish? Have all voted who wish? Take the  
23. record. On that question the Ayes are 31, the Nays are 21, none  
24. Voting Present. The Senate does adopt the Conference Committee  
25. Report on House Bill 1264 and the bill having received the  
26. required constitutional majority is declared passed.

27. House Bill 2987, Senator Davidson. Senator Davidson is recognized.

28. SENATOR DAVIDSON:

29. Yes, Mr. President and members of the Senate. I would move  
30. to concur in the Conference Report. This bill was amended to put  
31. the Administrative Services budget into it and when it was in the  
32. Senate, we amended a million four hundred thousand out of the  
33. budget. The Conference Committee put a hundred and three thousand

1. back into that. As far as I know, the rest of the bill is the same  
2. as we sent it out of the Senate. I'd move we concur in the  
3. Conference Committee Report.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Is there discussion? The question shall the Senate adopt the  
6. Conference Committee Report on House Bill 2987. Those in  
7. favor vote Aye. Those opposed vote Nay. The voting is open.  
8. Have all voted who wish? Have all voted who wish? Take the  
9. record. On that question the Ayes are 51, the Nays are none,  
10. none Voting Present. The Senate does adopt the Conference Committee  
11. Report on House Bill 2987 and the bill having received the  
12. required constitutional majority is declared passed. House Bill  
13. 3394, Senator Shapiro. 3394, Senator. Senator Shapiro is  
14. recognized.

15. SENATOR SHAPIRO:

16. Mr. President and Ladies and Gentlemen of the Senate.  
17. The First Conference Committee Report appears to be totally  
18. inadequate in restoring the...some of the money that was cut out  
19. so I would urge that the Senate not adopt the First Conference  
20. Committee Report on 2987. The portion of the bill that I'm  
21. referring to applies to the Department of Personnel.  
22. The number on the board is wrong.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Is there discussion? Senator Maragos is recognized.

25. SENATOR MARAGOS:

26. Will the sponsor tell us what other agencies are in the bill  
27. at the present form?

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Shapiro.

30. SENATOR SHAPIRO:

31. Senator Maragos, there is a...an appropriation of a hundred  
32. and forty-four thousand from BED for payment of some land that the  
33. State took about ten years ago, holds title to and the courts

1. have ruled that the State now has to pay that money since all the  
2. legal work and everything has been settled.  
3. PRESIDING OFFICER: (SENATOR BRUCE)  
4. Is there further discussion? Senator Newhouse.  
5. SENATOR NEWHOUSE:  
6. The sponsor yield to a question, please?  
7. PRESIDING OFFICER: (SENATOR BRUCE)  
8. Indicates that he will yield. Senator Newhouse.  
9. SENATOR NEWHOUSE:  
10. Senator, what portion of this...of this amendment...what is the  
11. amendment you're not about to adopt?  
12. PRESIDING OFFICER: (SENATOR BRUCE)  
13. Senator Shapiro.  
14. SENATOR SHAPIRO:  
15. What was...what was the question?  
16. PRESIDING OFFICER: (SENATOR BRUCE)  
17. Gentlemen, if we can have some order. Can we clear the aisles.  
18. Will the members please take their conferences off the Floor.  
19. Senator Newhouse, would you please repeat your question.  
20. SENATOR NEWHOUSE:  
21. Yes, I'm sorry. Can you hear me, Senator? I'm sorry  
22. I missed that portion that you...that...that you had recommended  
23. that we not adopt. Would you tell me what that is, please?  
24. PRESIDING OFFICER: (SENATOR BRUCE)  
25. Senator Shapiro.  
26. SENATOR SHAPIRO:  
27. Senator Newhouse, Conference Committee Report merely restores  
28. five of the ten employees that were cut from the Equal Employment  
29. Opportunity Department of the...Department.  
30. PRESIDING OFFICER: (SENATOR BRUCE)  
31. Senator Newhouse.  
32. SENATOR NEWHOUSE:  
33. Well, Mr. President, Senators, this is the instance where...of

1. the agency that we're asking to enforce the...the rights of  
2. persons who feel as if they've been treated unfairly  
3. within departments and the hooker on this is that all it does,  
4. if it does anything, it gives the employee the right to fight over  
5. a period of time, to...at a minimum...at a maximum get back into  
6. the same unpleasant situation he was in before. Now, this seems  
7. to me to be little enough to do for those persons who are  
8. employed by this State. The bill doesn't go to the heart of the  
9. problem. It doesn't talk about the people who make the decisions  
10. that are unfair who carry on the unfair practices. So, it seemed  
11. to me that the very least we can do for our employees is to give them  
12. this minimal kind of protection. What has happened in the past is  
13. that as with FEP, these agencies have been underfunded so that  
14. they cannot do their jobs. Now, if this State is going to operate  
15. as a fair employer and if this State is concerned about the morale  
16. of its employees, it seems to me that this minimal investment and it  
17. is a minimal investment, ought to be made at this time and at this  
18. place and I would argue for the adoption of Conference Committee  
19. Report.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator...is there discussion? Senator Regner.

22. SENATOR REGNER:

23. Yes, just in a response to Senator Newhouse. Senator Newhouse,  
24. we have no trouble with what's being added in. However,  
25. the Conference Committee Report for the Department of Personnel,  
26. we do not feel, is complete yet. The EEO Office is going to go in  
27. but many other things have to go in also. And what you're arguing  
28. for will be included in a Second Conference Committee Report  
29. along with some other problems that still exist within that  
30. department.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Further discussion? Senator Newhouse.

33. SENATOR NEWHOUSE:

1. Mr. President, in that case, I withdraw my objection. I  
2. will take the word of the sponsors that this will happen.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Washington.

5. SENATOR WASHINGTON:

6. Well, I'm inclined to accept his word, too, but tell us in  
7. detail what it is you want to insert in this particular bill for  
8. the Department of Personnel.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Shapiro or Senator Regner? Which...which of the  
11. Senators wish to reply to the question? Senator Shapiro.

12. SENATOR SHAPIRO:

13. Mr. President, the House has already refused to adopt  
14. this First Conference Committee Report so it doesn't make any  
15. difference what we do here. It has to go to a Second  
16. Conference Committee.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Well, to save the paperwork and the Journalizing of it,  
19. is there leave to take this from the record? Leave is granted.  
20. For what purpose does Senator Lemke arise?

21. SENATOR LEMKE:

22. Representative Antonovych's House Joint Resolution 99, take  
23. that from committee.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Is there leave to go to the Order of Motions? Senator Lemke  
26. moves to discharge Senate Committee on Executive from further  
27. consideration of House Joint Resolution 99. All in favor say  
28. Aye. Opposed Nay. The Ayes have it. The Senate Committee on  
29. Executive is discharged from further consideration of HJR 99.  
30. Senator Lemke moves the adoption of HJR 99.

31. SENATOR LEMKE:

32. No, no. Take it from committee. Executive.

33. PRESIDING OFFICER: (SENATOR BRUCE)

It's on...it will be placed on the Order of...on the Calendar.

SB 763  
Conf. Com. Report

1. Can I have the attention of the membership. We have received  
2. Conference Committee Reports on Senate Bills 736 and 1555  
3. and we will consider those reports at this time. They are not  
4. on your Supplemental Calendar. We do not anticipate  
5. publishing another Calendar today. But the Conference Committee  
6. itself has been distributed to the membership. But they will not  
7. appear on any Supplemental Calendar. For what purpose does  
8. Senator Egan arise? On...

9. SENATOR EGAN:  
10. 7...736.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senate Bill 736. Senator Egan is recognized.

13. SENATOR EGAN:

14. Thank you, Mr. President and members of the Senate.  
15. Wherever you are.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Perhaps if you talk...

18. SENATOR EGAN:

19. Senate...Senate Bill 736 is the tax incentive bill that  
20. contains...I'll be as brief as I can, four major principal  
21. parts to the bill. Number one, the phase-in which has been totally  
22. agreed to over a six year period...phase-in the amount of  
23. exemption, yearly until after six years, the total exemption  
24. Statewide will be four percent and it allows the local governments  
25. to opt out, to refuse to grant an exemption as it were, in the  
26. same degree as the State is granting and the local governments  
27. are in the bill. They...there is an exemption unless they,  
28. by ordinance or meeting, decide that they will not grant the  
29. exemption. And if they do grant it, if they don't opt out, it will  
30. be phased-in percentagewise the same as the State will phase-in  
31. its participation. Number three, there is a...there was a rebate  
32. provision in the bill as it was amended in the House and as  
33. originally passed whereby rather than have a sale exempt from the

1. beginning, the buyer would make application to the Department of  
2. Revenue for a rebate and be granted that if he was covered in their  
3. opinion. That provision has been removed from the bill by the  
4. Conference Committee Report. That is the major revision in the...  
5. in the report, in the Conference Committee Report and number four,  
6. the...the language relative to replacement and repair parts has  
7. been deleted so that the law is the same as it exists today for those  
8. parts. The bill...the Conference Committee Report has been signed  
9. by all of the members. I think there is total unanimity. I am  
10. informed that it is satisfactory now to the Executive and I commend  
11. it to your favorable consideration.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Is there discussion? Senator Glass.

14. SENATOR GLASS:

15. Well, Mr. President, I would simply second what Senator  
16. Egan has said. I thought the Conference Committee efforts were  
17. good, having heard all...all views and putting together, I think,  
18. a pretty good compromise solution and I would urge a favorable  
19. roll call.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Further discussion? The question is shall the Senate  
22. adopt the Conference Committee Report on Senate Bill 736.  
23. Those in favor vote Aye. Those opposed vote Nay. The voting is  
24. open. Have all voted who wish? Have all voted who wish?  
25. Take the record. On that question the Ayes are 55, the Nays are  
26. none, none Voting Present. The Senate does adopt the Conference  
27. Committee Report on Senate Bill 736 and the bill having  
28. received the required constitutional majority is declared passed.  
29. Senate Bill 1555, is Senator Lane on the Floor? Senator Lane is  
30. recognized on Senate Bill 1555.

31. SENATOR LANE:

32. Thank you, Mr. President and members of the Senate.  
33. The First Conference Committee Report incorporates the provisions of

1. House Amendment No. 1 which deleted the provisions of Senate  
2. Amendment No. 2. Senate Amendment No. 2 gave the Board of  
3. Higher Education statutory authority to review the Illinois  
4. State Scholarship Commission budget recommendations,  
5. scholarship programs and request for appropriations transfers.  
6. The First Conference Committee Report also establishes  
7. salary range for the executive director of the ISSC of forty-  
8. four thousand to forty-seven thousand. That was reflected in the  
9. bill that Senator Regner had, Senate Bill 1523. The salary  
10. was established at forty-seven thousand. Senator Regner was a  
11. member of the committee that put the Senate amendment on  
12. originally and agreed to take it off with that proviso.  
13. I move that we accept the Conference Committee Report.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Is there discussion? The question is shall the Senate  
16. adopt the Conference Committee Report on Senate Bill 1555.  
17. Those in favor vote Aye. Those opposed vote Nay. The voting is  
18. open. Have all voted who wish? Have all voted who wish?  
19. Take the record. On that question the Ayes are 56, the Nays are  
20. 1. The Senate does adopt the Conference Committee Report on  
21. Senate Bill 1555 and the bill having received a constitutional  
22. majority is declared passed.

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End of reel.



1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Is there leave to go to the Order of Concurrences?

3. Leave is granted. Senate Bill on your regular Calendar,

4. page 5 is Senate Bill 1587. Senator Davidson.

5. SENATOR DAVIDSON:

6. Mr. President, members of the Senate. I move to concur  
7. in House Amendment 2, 3, and 8 to the Senate Bill 1587,  
8. the reappropriation bill for Capital Development. Amendment  
9. No. 2 was money for police station, No. 3 was for Department  
10. of Conservations projects and No. 8 deleted the project from  
11. Conservation. Appreciate a favorable roll call. The project  
12. that was deleted was in Senator Weaver's project...district.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. All right. Is there discussion? Senator Demuzio.

15. SENATOR DEMUZIO:

16. Yes, thank you, Mr. President. Senate Amendment No. 2  
17. in the reappropriation bill had deleted the project of the  
18. State Police Headquarters for Litchfield. Representative Kane  
19. in the House restored by House Amendment No. 2 the funding  
20. for the Litchfield Police Headquarters. As you well know  
21. there has been some discussion and some differences as to  
22. ...of opinion as to what the intent of the Legislature was  
23. last year and the fact that we had appropriated those funds  
24. for Carlinville. In Senate Bill 1601 Senate Amendment 9  
25. which was put on in the House...Senate Appropriations  
26. Committee appropriated three hundred and thirty-five thousand  
27. dollars for Carlinville. The House has seen fit to also to  
28. concur in that and so at this particular time, the agreement  
29. is from the Governor's Office that both of these actions would  
30. be on his desk and that we would have the opportunity to submit additional  
31. facts and information before any additional or final decision  
32. is made. Is that correct, John, did I say that correctly  
33. and I think that's the agreement and with that I also will

1. support the concurrence.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Is there further discussion? The question is shall  
4. the Senate adopt the Conference Committee...oop, the question  
5. is shall the Senate concur in House Amendments 2, 3 and 8  
6. to Senate Bill 1587. Those in favor vote Aye. Those opposed  
7. vote Nay. The voting is open. Have all voted who wish?  
8. Have all voted who wish? Take the record. On that question  
9. the Ayes are 55, the Nays are none, 1 voting Present. The  
10. Senate does concur in House Amendments 2, 3 and 8 to Senate  
11. Bill 1587 and the bill having received the required constitutional  
12. majority is declared passed. Message from the House.

13. SECRETARY:

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

15. Mr. President--I am directed to inform the Senate that  
16. the House of Representatives has refused to recede from their  
17. Amendments 1, 2, and 4 to a bill with the following title:

18. Senate Bill 1595. Request a First Conference...  
19. Committee of Conference. The Speaker has appointed the  
20. members on the part of the House.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Weaver moves to accede the request...accede to  
23. the request of the House. All in favor say Aye. Opposed Nay.  
24. The Ayes have it. The House will be so informed.

25. SECRETARY:

26. A like message on...no, this is a new message. Message  
27. from the House by Mr. O'Brien, Clerk.

28. Mr. President--I am directed to inform the Senate that the  
29. House of Representatives refused to adopt the First Conference  
30. Committee Report on House Bill 3394 and request a Second  
31. Committee of Conference to consider the difference between the  
32. two Houses on Amendments 2 and 3. The Speaker has appointed  
33. the members of the Second Conference Committee on the part of

the House.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Shapiro moves that the Senate accede to the  
3. request of the House that a second Conference Committee be  
4. appointed. Is there discussion? All in favor say Aye.  
5. Opposed Nay. The Ayes have it. The Secretary will so  
6. inform the House. Will the pages go to the...Sergeant-  
7. at-Arms desk please. Two pages go to the Sergeant-at-  
8. Arms desk. May I have the attention of the members. Will  
9. the Senate come to order please. For what purpose does  
10. Senator Shapiro arise?

11. SENATOR SHAPIRO:

12. To call a Conference Committee Report on House Bill  
13. 3237.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. The Senate will come to order. Will the members please  
16. take their conference off the Floor. Will the members please  
17. clear the aisle. House Bill 3237. Senate Bill 3237. The  
18. Conference Committee thereon...under consideration is House  
19. Bill 3237. Senator Shapiro is recognized.

20. SENATOR SHAPIRO:

21. Well, Mr. President and Ladies and Gentlemen of the  
22. Senate. House Bill 3237 as it left the Senate appropriated  
23. approximately seven million dollars from various funds for  
24. salary increases for certain State employees for Fiscal Year  
25. 1978. In other words this bill is a supplemental and has to  
26. be passed by this evening. The Senate...the House refused to  
27. accept the amendment with the instructions to the Senate that  
28. it be placed in a Conference Committee which we did today.  
29. The purpose of putting it in a Conference Committee was to see  
30. just exactly how much money would be needed. It was ascertained  
31. that approximately forty...thirty-four million dollars might be  
32. needed to provide the ten dollars per employee per ten million  
33. dollars that the State's General Revenue Fund money was above

1. the predictions of a year ago. Since there will be approximately  
2. two percent of personal services line items lapsing that will  
3. provide ten million of the needed money for the pay raises.  
4. This appropriation as is now before us in the Conference Committee  
5. Report Number 1 contains monies in the amount of 23.9 million  
6. which will round out the...the total amount to the 34 million.  
7. If there are any questions I will attempt to answer them. Other-  
8. wise I would urge a favorable vote on the Conference Committee  
9. Report.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Is there discussion? Senator Hynes.

12. SENATOR HYNES:

13. Mr. President and members of the Senate. I rise in support  
14. of the motion to adopt this Conference Committee Report. The  
15. amount involved at the present time is some 10 million dollars  
16. below the amount at which the bill was introduced. It is the  
17. best estimate that the conferee and staff were able to come  
18. up with in terms of what it will cost to fund these obligations  
19. and any amount that might be a surplus will be simply refunded  
20. to the...the State Treasury as a lapse so I would urge the  
21. members to support it.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Carroll.

24. SENATOR CARROLL:

25. Thank you, Mr. President and Ladies and Gentlemen of the  
26. Senate. People have asked whether I'm rising in support or  
27. against and I guess support but I think, for the record, we  
28. should indicate that BOB as of around noon today  
29. indicated that from State sources our revenue was up about a  
30. hundred million dollars from all sources and so that before  
31. and after adjustments we will have some figure to deal with  
32. which they cannot assure us yet is the figure in which to  
33. fund the entire contract but they do know for purposes of how

1. much we're spending that we are, at least, that much over the  
2. original projection of the Governor as Senator Shapiro indicated  
3. with the 10 million dollar lapse in personal services even if  
4. the adjusted figure is at the maximum there will be enough in  
5. here to fund the entire contract and if not these funds will  
6. also lapse. So it looks like we're in a lot better shape than  
7. we've been led to believe and, therefore, I think this is within  
8. our fiscal responsibility.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Further discussion? Senator Berning.

11. SENATOR BERNING:

12. Just a question of the sponsor. The supplemental payments  
13. are for whom and why?

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Was that a question? Senator Shapiro.

16. SENATOR SHAPIRO:

17. They're for all State employees who are under the Personnel  
18. Code and who are under the collective bargaining contract in  
19. the Executive Branch of Government.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Berning.

22. SENATOR BERNING:

23. Are these same people covered by the blanket 5.5 percent  
24. compensation increase?

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Shapiro.

27. SENATOR SHAPIRO:

28. Senator Berning, this has nothing to do with the 5.5 percent  
29. pay raise. This has to do with the on the come money that was  
30. written into the contract a year ago by the Governor's Office  
31. with the agent.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Berning.

1. SENATOR BERNING:

2. That may be the prelude to this but my question still  
3. is are these people still being benefited by a 5.5 percent  
4. compensation increase?

5. PRESIDING OFFICER:(SENATOR BRUCE)

6. Senator Shapiro.

7. SENATOR SHAPIRO:

8. Well yes, they will get the 5.5 plus this if there is  
9. excess funds above and beyond what's projected a year ago on...  
10. at midnight tonight.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Berning.

13. SENATOR BERNING:

14. Then, Mr. President, and members of the Senate. I just  
15. want to speak briefly to the point. We are faced now with a  
16. decision that was predicated upon some kind of commitment made  
17. a year or more ago. The idea was to attempt to mollify the  
18. employees unions by saying to them if the State's income goes  
19. up then we will provide additional compensation for you. Now  
20. I submit to you, Ladies and Gentlemen, this is indefensible  
21. for this reason. We have in every instance so far as I know  
22. included a so-called cost of living increase of 5.5 percent for  
23. all of our employees and for the simple reason that in my  
24. judgment this in itself is not totally warranted. This is in  
25. addition to step and merit increases which the employees are  
26. entitled to under the Personnel Code and it's the feeling  
27. on my part that simply because we suddenly find ourselves  
28. with a surplus it is unwarranted to divest ourselves of it  
29. when our citizens back home are still complaining bitterly  
30. about the heavy tax load. Couldn't we just say to them, we will  
31. cut the spending even in a small case and add to a very miniscule  
32. surplus which we must carry of about a hundred million dollars  
33. in our checkbook balance. Mr. President and Ladies and Gentlemen

1. of the Senate, our fellow citizens expect some consideration  
2. from us, some exercise in responsibility and if we in our  
3. largess can justify a blanket five and a half percent increase which  
4. many of our fellow citizens, the taxpayers back home do not  
5. benefit from a similar increase, this issue before us now then  
6. ought to be rejected.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Nimrod.

9. SENATOR NIMROD:

10. Yes, a question to the sponsor, Mr. President.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. He indicates he will yield. Senator Nimrod.

13. SENATOR NIMROD:

14. Does...does this bill in any way, Senator Shapiro, have any  
15. wording in it other than the appropriation for this amount of  
16. money or does it tie us into any kind of future contracts or  
17. commitments?

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Shapiro.

20. SENATOR SHAPIRO:

21. Well, Senator Nimrod, it does have language that guarantees  
22. that after the amount of money as determined by the Bureau of  
23. the Budget...such...those sums shall be transferred by the State  
24. Comptroller to the necessary line items of the various agencies  
25. in their Fiscal Year 1978 appropriations upon a receipt of a  
26. certified list of eligible employees in the Bureau of the Budget.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Nimrod.

29. SENATOR NIMROD:

30. Yeah, that's just...that's for this year only. This coming  
31. year only.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Shapiro.

1. SENATOR SHAPIRO:

2. Yes for '78 it will lapse on September 30th.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Further discussion? Senator Mitchler.

5. SENATOR MITCHLER:

6. Mr. President and members of the Senate. If I'm not  
7. mistaken and correct me if I'm wrong, under the Walker  
8. administration there was an Executive Order number 6, I believe  
9. the number was, that went into a collective bargaining with the  
10. public employees under that Executive Branch of Government.  
11. That Executive order was continued under the Thompson  
12. administration, I believe it was Executive Order 3, I could be  
13. wrong on these numbers, and in the bargaining with the State  
14. employees under jurisdiction of the Executive Branch this  
15. agreement was made for pay increases and when pay increases  
16. are granted that means an appropriation is necessary. Now  
17. this was a commitment before the Illinois General Assembly. The  
18. Legislative branch of Government provided those appropriation  
19. and those funding and funds for those pay raises achieved  
20. through collective bargaining in the Executive Branch of  
21. Government. Now they didn't have the money and so they based  
22. it on this idea that if the money was available it would be  
23. forthcoming. Now this is the first time that this has come  
24. before this Body in this form. Now be careful what you're  
25. doing. If you give an affirmative vote on this you're given a  
26. carte blanche authority to the Executive Branch of Government  
27. or whoever it might be to enter into collective bargaining  
28. negotiations not only for working conditions but for salaries  
29. and other compensation forms and then hand the bill to the  
30. Legislative Branch and say here you pay it. Now that's a wrong.  
31. It was wrong under the Walker administration. It's wrong under  
32. the Thompson administration and this Body should not condone two  
33. wrongs and this is the first time we have had it presented to us



1. where we have to actually confront it. I'm not going to support  
2. it and I'd urge my colleagues to do likewise and not support  
3. this.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Buzbee.

6. SENATOR BUZBEE:

7. Thank you, Mr. President. I just wanted to point out to  
8. Senator Berning that we are forced into taking this action  
9. now because of a...agreement that was made between Governor  
10. Thompson last June and those union employees involved so if  
11. you don't like it, Senator, why you ought to talk to the man  
12. on two.

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the following typed previously.

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Sen. Edwin Dennis  
6/23

#6

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Further discussion? The question is shall the Senate  
3. adopt the Conference Committee Report on House Bill 3237.  
4. Those in favor vote Aye. Those opposed vote Nay. The  
5. voting is open. Have all voted who wish? Have all voted  
6. who wish? Take the record. On that question the Ayes  
7. are 46, the Nays are 6, 1 Voting Present. The Senate does  
8. adopt the Conference Committee Report on House Bill 3237.  
9. The bill having received the required constitutional  
10. majority is declared passed. On Supplemental Calendar  
11. No. 1, Conference Committee Report on House Bill 1803.  
12. Senator Davidson is recognized.

13. SENATOR DAVIDSON:

14. Yes, Mr. President and members of the Senate. I'd  
15. recommend that the Senate adopt Conference Committee  
16. No. 1 on House Bill 1803. The Conference Committee makes  
17. two changes from what this bill was when it went to  
18. Conference Committee. One, and then now includes the  
19. Chicago teachers as well as the downstate teachers, State  
20. employees and university employees and it removed the  
21. half percent additional contribution by the present  
22. employees. And the reason why the half a percent was  
23. removed, in the opinion of we who signed this Conference  
24. Committee report of which eight out of the ten of us  
25. did, was the present half a percent that has been contri-  
26. buted by the employees. There's eighty-five million  
27. dollar surplus for the special annuity which is the  
28. two percent which will now be three percent. Fund for  
29. the State employees, twenty-six and a half million in  
30. the universities, ninety-five and a half million  
31. downstate teachers, eighty-one million in the Chicago  
32. teachers. With seven years experience, that's the  
33. kind of reserves that's been built up at the present

1. half a percent income that is contributed by the employees.  
2. The interest now on that surplus funds, reserve funds, at  
3. an average of six percent more than make up what the cost  
4. that this additional one percent would be. The average  
5. by what the half a percent by all the employees in the  
6. four systems today with the interest that's being earned  
7. on the reserve amount to two and a half times the percent  
8. of the pay out and there's no need for an additional  
9. half a percent for this special reserve fund. I urge  
10. a favorable vote.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Is there discussion? The question is shall the  
13. Conference...Senator Egan.

14. SENATOR EGAN:

15. Thank you, Mr. President. As I look around, it  
16. doesn't look like a Little Big Horn and I don't have  
17. yellow hair, but I sure know how George Armstrong Custer  
18. felt when he was standing. Well, let me just say that  
19. since 1945 we've been spending money on a commission  
20. that has studied our pension laws and has reported yearly  
21. to the General Assembly. It has taken positions on these  
22. matters. It has long standing policy in this area and  
23. it simply says that you gotta pay or the fund someday  
24. will go bankrupt. The quarter of a percent that was  
25. added to the universities has been deleted by the Con-  
26. ference Committee. At least we were going to get a  
27. quarter of a percent before we got the Conference Committee,  
28. now we don't even get that. There was none for the State  
29. teachers. The downstate teachers were put in on the amend-  
30. ment in the Senate and there was no contribution rate  
31. that there was and that's been removed. And now the Chicago  
32. teachers. So as I look around the...the Indians are  
33. gathering. And I can only say fellows that I'm going to

1. fight, only because of the principle involved. Now you  
2. can use all the mirrors you want, John. In some future  
3. day the Federal Government is going to come back to  
4. Illinois and say fellows, you did an irresponsible job  
5. with you pension funding and consequently we're taking  
6. over. There's a bill there now. We tried to prevent  
7. the bill from passing in two different sessions with  
8. success. With this kind of action we're going to lose.  
9. Now let me just say that the actuarial principle is  
10. very sound. We're talking about a twenty thousand  
11. dollar a year employee contribution of fifty dollars  
12. a year. That's all I'm going to tell you.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Further discussion? Senator Harber Hall.

15. SENATOR HARBER HALL:

16. I also rise to...oppose the confirmation of the  
17. committee on this because this is a typical example  
18. of what is happening all over this country in respect  
19. to pensions. New York has gone broke primarily because  
20. of pensions for their city employees. This State is  
21. not exactly in good condition in respect to pensions,  
22. and here we are. I voted once when the contribution  
23. of the teachers, and that's all they asked for, Ladies  
24. and Gentlemen of the Senate, they asked for this bill  
25. providing they paid and now we have taken out their  
26. contribution. It's wrong, it's going to jeopardize  
27. the validity of the...the entire State Pension Systems  
28. and all of them if we begin this operation now with  
29. these teachers and the State employees. It a very  
30. bad precedent, we should defeat this Conference Committee  
31. Report and send them back to the drawing board.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Weaver.

1. SENATOR WEAVER:

2. Thank you, Mr. President. I think that we're being  
3. very frugal in giving annuitants a little bit of an  
4. increase. If some of you on the Pension Laws Committee  
5. and most of us in the General Assembly had been more  
6. concerned about our statutory obligations in funding  
7. the pension system for the last thirty or so years,  
8. we wouldn't be in the shape we're in tonight. So, if  
9. you're going to point the...finger at anybody, point  
10. the finger at those of us in the General Assembly who  
11. have failed to appropriate sufficient dollars for  
12. the employer's contribution for many, many years.  
13. Shame, shame.

14. PRESIDENT:

15. Mr. President and members of the Senate, may I have  
16. a little order. I'm confused.

17. PRESIDENT:

18. Senator Mitchler is entitled to order.

19. SENATOR MITCHLER:

20. The letters I get from the teachers tell me that  
21. their pension system is under-funded, that...that  
22. they can't get the benefits out. And now I hear a  
23. statement made that you got an eighty-five million  
24. dollar surplus and you want to distribute this surplus  
25. and give them greater increases annually, commencing  
26. January 1st, 1979. Now are these teachers being told  
27. the wrong thing that causes them to write me letters  
28. and tell me that I'm irresponsible and that I'm not  
29. funding and their pension system is going broke. Those  
30. are the letters I get and you get them too. Now you're  
31. standing before me and making a statement that there's  
32. an eighty-five million dollar surplus and there's enough  
33. to divvy up the pie and increase to three percent annual

1. increases in their pension to the annuitants. Now if that's  
2. what you're telling me, somebody has certainly got me confused.  
3. And I wish you'd prepare a letter then, Senator Davidson, and  
4. sign your name first and then I'll sign my name afterwards  
5. so I can reply to these teachers and tell them they've got  
6. a big surplus laying there and they're not underfunded. And  
7. we're going to slice the pie up and handout. Now, they've  
8. been writing me those letters ever since I've been down  
9. here. And Senator Weaver you just said that we haven't  
10. been funding it. Well then how do they get the surplus,  
11. if we haven't been funding them? Is it just out of theirs?  
12. Yes, I'm confused, and if they've got this interest, then  
13. let's tell them they've got it and stop these letters  
14. coming to me and saying that we're...we're not providing.  
15. And let's divide the whole thing up and start all over  
16. again. I had a widow, she was in the eighties, call in  
17. and told me the salary that she was...the pension that  
18. she was getting. And on that she must be living on  
19. bread and milk. She has no dependents because back  
20. in those days, Senator Netsch, you know, they didn't  
21. allow a teacher to teach and get married. They were fired  
22. the next month. And so they were all spinsters and so she  
23. has no children to support her. But you've come a long  
24. way, baby. So, and she asked me, but when I told her  
25. that at your low pension I can get you food stamps and  
26. some Public Aid because you're so low, and she almost  
27. threw the phone at me from wherever she was calling.  
28. I want to help these people too, but I don't want to be  
29. confused to the point of having them tell me that their  
30. pension system is broke and I'm not funding it and then  
31. someone say they got an eighty-five million dollar surplus  
32. and we can increase them them three percent starting the  
33. first of the year. You write the letter and sign your name

1. first and then I'll sign it after you so I can reply to  
2. these people.

3. PRESIDENT:

4. Senator Berning.

5. SENATOR BERNING:

6. Thank you, Mr. President and members of the Senate.  
7. I would respectfully urge that you stop just a moment  
8. and consider very, very carefully what we're being asked  
9. to do here. And let me preface my...remarks by saying  
10. to you or quoting to you from the Department of Insurance,  
11. April 1st, '77, report of examination of the Public  
12. Employees Pension Funds, "the aggregate, unfunded obligations  
13. of the many funds have now reached the unprecedented amount  
14. of seven billion, thirteen million, plus." Now, that was  
15. a year ago, seven billion. Bearing that in mind, now Ladies  
16. and Gentlemen, I call your attention to the quick estimate  
17. that approval of the Conference Committee Report on House  
18. Bill 1803 will add at least two hundred million dollars  
19. of unfunded liability. With that in mind, Ladies and  
20. Gentlemen, let me proceed to point out to you that there  
21. is no such thing as something for nothing. Somebody  
22. has to pay and in a pension system it is either paid now  
23. or will be paid later. Some of you have had the unfortu-  
24. nate experience of having called to your attention the huge  
25. tax increase that was imposed by Congress to cover the  
26. unfunded liability. Yes, the total bankrupt state of  
27. Social Security. And why was that...that fund in the  
28. serious state that it was. Benefits were offered without  
29. anything to cover the expense or nowhere near enough.  
30. Now, to get to the question at hand, on these particular  
31. funds, yes, in the one fund, in the downstate teachers,  
32. there the Statute does say that the half a percent which  
33. is being contributed shall be maintained in a separated

1. account. But in none of the other systems is that spelled  
2. out, Mr. President, and Ladies and Gentlemen of the Senate.  
3. So I submit to you that if we, in a moment of impetuoussness,  
4. submit to this demand for the four systems when there is  
5. potentially justification for one. We will have established  
6. a very serious precedent for all the other funds. And bear  
7. in mind that these are not all the funds that we have. There  
8. are several more who will justifiably be coming before us  
9. with the same request. Now, bearing in mind that all of  
10. these systems vary in a funded level of from thirty, the  
11. low thirties, to the upper forties. Vastly below the  
12. recommended sixty-five percent to be actuarially sound.

13. PRESIDENT:

14. Senator Berning, would you conclude your remarks please.

15. SENATOR BERNING:

16. I just...I just want to call your attention to this  
17. aspect of the total picture. You and I are faced with a  
18. question of covering monthly expenses and you, very likely,  
19. have the responsibility of planning for your monthly  
20. payments for car, boat, airplane, house, other obligations.  
21. You plan to have a certain amount of money to cover those  
22. checks, but your checkbook balance may look exceptionally  
23. high just before these checks are issued and your wife  
24. then writes a check for thirty-five hundred dollars to  
25. buy a fur coat or something. That totally destroys your  
26. balance. Puts you in the situation of being unable to meet  
27. your expenses. Now, somewhat the same situation prevails  
28. here. It is...it is unreasonable to say that these funds  
29. should be earmarked because the total fund is underfunded  
30. and we ought not to further impair it, Mr. President and  
31. Ladies and Gentlemen of the Senate. I respectfully request  
32. that this Conference Committee be rejected, hopefully we  
33. would go back into a Second Conference Committee and  
34. could agree on at least the quarter percent, which the



1. universities offered when they first approached us.

2. PRESIDENT:

3. Senator Rock.

4. SENATOR ROCK:

5. Thank you, Mr. President, Ladies and Gentlemen of  
6. the Senate. I too rise in opposition to the Conference  
7. Committee Report on House Bill 1803. I don't think there's  
8. a person in the assembly who would not love to and will, in  
9. fact, vote for increased benefits for retiree annuitants.  
10. It's a wonderful thing to be done and it should be done.  
11. The question is who's going to pay for it. We are confronted  
12. each and every Session with the clamor from all the State  
13. supported...retirement systems for more benefits. Every-  
14. body wants to retire at an earlier age, twenty-five and  
15. out, thirty and out, regardless of upper age. Higher  
16. percentage of base salary upon retirement whether early  
17. or late. Enlarged or lesser disability provisions. And  
18. all these benefits are wonderful things. The question is  
19. who's going to pay for it. We have set up a system  
20. whereby we require contributions from employees, we our-  
21. selves pay into our fund for the benefits that we will  
22. someday receive and that our colleague annuitants are  
23. receiving right now. We just cannot allow a system  
24. whereby we with grandiose splendor hand out benefits  
25. willy-nilly and worry about the cost later. It's  
26. irresponsible and we should not allow it to happen.  
27. I urge a no vote.

28. PRESIDENT:

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

31. SENATOR DAVIDSON:

32. Mr. President and members of the Senate. Just like  
33. to say three things. One, the Downstate teachers Fund  
34. is separate by Statute, Senator Mitchler and there is ninety-

1. five and a half million dollars in that...

2. PRESIDENT:

3. Excuse me, Senator Davidson, before you...Senator Bruce  
4. was on the list and had asked to speak and I...I overlooked it.  
5. Would you mind deferring so that he may...Senator Bruce.

6. SENATOR BRUCE:

7. Thank you, Mr. President, members of the Senate. I  
8. hope that we are all talking about the same matter, but  
9. I'm not sure that we are. We are talking about increasing  
10. from two...two percent to three percent for the State,  
11. for State funded systems, State employees, university  
12. retirement, downstate teachers and Chicago teachers, the  
13. increase in their retirement benefits. Now we've heard  
14. a great deal about unfunded liability. Well, we haven't  
15. paid anything substantially on the unfunded liability for  
16. the last thirty years. I don't see any movement in this  
17. Legislature to pay anything this year and I don't think  
18. we're going to pay anything on it in years to come.  
19. We are on a policy of paying out current requirements  
20. each year. So the old bugaboo of unfunded liability  
21. doesn't sell with me, it's been before this Legislative  
22. Body for thirty years and we haven't done anything  
23. about it. Now what is this benefit going to cost  
24. the State of Illinois. It's going to cost about two  
25. hundred and twenty-five thousand dollars next year. It  
26. will cost five hundred thousand dollars in these systems  
27. each year thereafter. These increases do not go up on  
28. the...on the pension each year. It's...they go up on  
29. the base pension as you retire. If you retire at one  
30. hundred dollars the first year out, you get a hundred  
31. and two dollars, the next year you get a hundred and four  
32. dollars. It does not increase. It's based on the base  
33. retirement pension. Now this is going to cost two

1. hundred and twenty-five thousand, then five hundred. This  
2. year in the Downstate Teacher's Retirement System, for this  
3. benefit alone, we have a ninety-five million dollar reserve.  
4. In the universtiy system, there's a twenty-five million  
5. dollar reserve, in State employees there's an eighty-five  
6. million dollar reserve and for the Chicago Teacher's System,  
7. there's an eighty-one million dollar reserve. Well how  
8. were these reserves developed. They were developed in  
9. nineteen...since 1969 when we agreed with these four  
10. systems that we would add an additional one cent to  
11. fund the two cents that are required already by law.  
12. Now we find that as the salaries have gone up, they  
13. are paying a greater portion into this particular  
14. reserve fund. These funds cannot be used for any other  
15. purpose. They cannot be used to...depress or decrease  
16. the unfunded general liability of any of these pension  
17. systems. There's a ninety-five million dollar surplus  
18. that can only be used for one thing and that is to  
19. fund the two cent kicker that comes each year. We are  
20. saying that that ought to go to three cents. For example,  
21. the State employees presently are paying ten and a half  
22. percent of their salary into their pension system and  
23. after they retire they get a two percent increase per  
24. year, not on...not on their pension, but on what their  
25. pension was as they retired. I don't think it's asking  
26. too much, having seen what the effects of inflation have  
27. been since 1969 to the present, that we increase that  
28. to three percent and we have the money without any  
29. additional requirement on the employees. I ask for your  
30. favorable consideration of the Conference Committee Report.

31. PRESIDENT:

32. Senator Davidson may close the debate.

33. SENATOR DAVIDSON:

1. Mr. President and members of the Senate. I think it's  
2. been all said why this could be paid with any additional  
3. contribution. Quick...just real quick summary on the  
4. downstate employees alone. Their half percent brings in five  
5. million dollars a year. They got approximately  
6. a hundred million dollars in reserve at six percent interest,  
7. that's eleven million dollars. The payout is three million  
8. dollars this year. This new additional one percent to them  
9. would cost, for this half year, 'cause it doesn't kick in  
10. till January 1st, about two hundred and twenty-five thousand  
11. dollars. We're putting in eleven million dollars growth,  
12. we're paying out three and a quarter million dollars and  
13. that's going to continue to go up. I think it's best  
14. said in the staff analysis in this sentence. Since the  
15. reserves may not, and I repeat, may not be used to retire  
16. other unfunded liabilities and since these reserves  
17. will actually increase at an annual rate that exceeds the  
18. unfunded liability of this particular benefit, there would  
19. appear to be no further need, no further need for any further  
20. employee contribution at this point in time. I urge a Yes  
21. vote.

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25. the following typed previously.  
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26-1583  
S. 1583  
S. 1583

1. PRESIDENT:

2. The question is, shall the Senate adopt the Conference  
3. Committee Report on House Bill 1803. Those in favor will vote  
4. Aye. Those opposed will vote Nay. The voting is open. Have  
5. all voted who wish? Have all voted who wish? Take the record.  
6. On that question, the Ayes are 43, the Nays are 12, None Voting  
7. Present. The Senate does adopt the Conference Committee Report  
8. on House Bill 1803 and the bill having received the required  
9. constitutional majority is declared passed. On the Secretary's  
10. Desk on the Order of Concurrence is Senate Bill 1583, Senator  
11. Schaffer.

12. SENATOR SCHAFFER:

13. Mr. President, Senate Bill 1583 is the Division of Vocational  
14. Rehabilitation. It left the Senate at sixty-five million dollars.  
15. The House saw fit to add, I believe, six amendments. It came  
16. back to the Senate at three billion, one hundred and forty-one  
17. million, six hundred and thirty-one dollars. Just a minor  
18. amendment. Sort of inflationary. I should also tell you that  
19. it includes the Medley Mover Amendment for those of you who  
20. are interested in such things. I'd be happy to answer any  
21. questions. It...may very well be the single biggest appropriation  
22. bill ever voted upon by the Illinois General Assembly for those  
23. of you who are interested in your conservative ratings. Three  
24. billion, one hundred and forty-one million dollars.

25. PRESIDENT:

26. Senator Schaffer has moved that...Senator Schaffer has  
27. moved that the Senate concur in House Amendments 1, 2, 3, 5, 36  
28. and 37 to Senate Bill 1583 and the question is, does the Senate  
29. concur in House Amendments 1, 2, 3, 5, 36, 37 to Senate Bill  
30. 1583. Those in favor will vote Aye. Those opposed will vote  
31. Nay. The voting is open. Have all voted who wish? Have all  
32. voted who wish? Take the record. On that question, the Ayes  
33. are 32, the Nays are 19, None Voting Present. The Senate does

1. concur in House Amendments 1, 2, 3, 5, 36 and 37 to Senate Bill  
2. 1583 and the bill having received the required constitutional  
3. majority is declared passed. On the Secretary's Desk, on the  
4. Order of Concurrence, is Senate Bill 1575. Senator Glass.

5. SENATOR GLASS:

6. Thank you, Mr. President and Senators. I'm going to move  
7. to concur with Amendment No. 1 to Senate Bill 1575 which restores  
8. thirty-four thousand one hundred dollars for the Lieutenant  
9. Governor's Senior Citizen Program. He is the Chairman of the  
10. Technical Advisory Committee on the Aging and the House added  
11. these funds back in and I would, therefore, move to concur with  
12. House Amendment No. 1 to Senate Bill 1575.

13. PRESIDENT:

14. Senator Netsch.

15. SENATOR NETSCH:

16. Senator Glass, do I understand that this is the appropriation  
17. for the Lieutenant Governor?

18. PRESIDENT:

19. Senator Glass.

20. SENATOR GLASS:

21. That is correct, Senator Netsch, but I would advise you  
22. that the House Amendment which was attempted to be added to this  
23. bill removing the...the Lieutenant Governor's telephones was  
24. defeated in the House.

25. PRESIDENT:

26. Senator Netsch.

27. SENATOR NETSCH:

28. That's a pity.

29. PRESIDENT:

30. Senator Carroll.

31. SENATOR CARROLL:

32. Thank you, Mr. President and Ladies and Gentlemen of the  
33. Senate. What the House Amendment did do was restore some cuts

1. we had made here in the Senate and those cuts were based on the  
2. testimony in the Appropriations Committee that this was A,  
3. a new program and B, in the opinion of many of us, duplicative  
4. of what we have a whole department to do. We have a Department  
5. on Aging. It was created to give people answers to questions  
6. and help with programs for seniors and I will only tell one  
7. little story of a little old lady in my district who said to  
8. me, in effect, don't do me any more favors. As it is now,  
9. I would hope to live long enough to be transferred by  
10. the State operator from agency to agency to agency to agency  
11. to agency to get an answer to a simple question. There are  
12. thirty-two places that she was once transferred to on the phone  
13. to try and get an answer to a simple question. All we're  
14. doing now is adding another one to further confuse the  
15. seniors as to what the State's responsibility is. Let us  
16. either abolish the Department of Aging and let one person  
17. have it, that's fine but since we've made the decision by  
18. government organization and reorganization to create the  
19. Department of Aging, then the Department of Aging is the  
20. proper conduit and already has a similar enough program  
21. and is much more simple and much more responsible for the  
22. seniors to know that there is one place to go and not to  
23. waste money duplicating that and I think for the sake of that  
24. little old lady who was trying to get an answer to her question  
25. and is still hanging onto the telephone, we should oppose  
26. concurrence in this amendment.

27. PRESIDENT:

28.       Senator Berman.

29. SENATOR BERMAN:

30.       Thank you, Mr. President. This is a appropriation bill  
31. that I agree with Senator Carroll on. Let me share with you  
32. another area where I think that the operation of the Office  
33. of Lieutenant Governor was misused. Governor Thompson appointed

1. the Lieutenant Governor to head up a commission called  
2. Commission on State Mandated Programs. We met for a number  
3. of times and there were public members on this commission  
4. as well as legislative members. The commission under the  
5. chair of the Lieutenant Governor wasted many weeks in  
6. preparing recommendations by staff for the commission to act  
7. upon. At the final meeting which was about two weeks before  
8. the deadline for this commission, a staff report was submitted  
9. to the commission and it was the vote of the commission  
10. that the commission be extended in time because the testimony  
11. and the conclusions could not be reached based upon the recom-  
12. mendations of staff and the commission voted to extend it and  
13. voted not to make a report. The lieutenant Governor  
14. promised the members of the commission to abide by that ruling.  
15. And he submitted a request that the commission made that the  
16. time frame for a report be extended. The Governor never  
17. acted on that request and rather, the Lieutenant Governor  
18. issued his own report under the guise of the commission's  
19. report, drawing his own conclusions and not the conclusions  
20. of the commission. I think that was a breach of ethics  
21. as well as a breach of propriety with the public members as  
22. well as legislative members of that commission. I'm going  
23. to vote No on this appropriation.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Further discussion? Senator Glass may close the debate.

26. SENATOR GLASS:

27. Thank you, Mr. President, ladies and gentlemen of the  
28. Senate. By way of closing debate I would remind the Body  
29. in issue here is merely a thirty-four thousand one hundred  
30. dollar amendment, however, it is extremely important to  
31. many of our State's elderly and senior citizens. The Lieutenant  
32. Governor has been the chairman of the Technical Advisory  
33. Committee on Aging, overseeing all of the State's programs



1. for the elderly. These programs are very successful and  
2. I...I submit to you, definitely should...should be continued.  
3. We've had a lot of mail in support of them and I would urge  
4. a favorable roll call.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Question is shall the Senate concur in House Amendment  
7. No. 1 to Senate Bill 1575. Those in favor will vote Aye.  
8. Those opposed will vote Nay. The voting is open. Have  
9. all voted who wish? Have all voted who wish? Have all voted  
10. who wish? Take the record. On that question the Ayes are 40  
11. the Nays are 4, 1 voting Present. The Senate does concur  
12. in House Amendment No. 1 to Senate Bill 1575 and the bill  
13. having received the required constitutional majority is  
14. declared passed. On the Order of Conference Committees,  
15. the Conference Committee Report with respect to House Bill 3374,  
16. Senator Buzbee.

17. SENATOR BUZBEE:

18. Thank you, Mr. President. I...Senator Schaffer, I hope  
19. it's his bill...

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Oh I beg your pardon. Senator Schaffer.

22. SENATOR SCHAFFER:

23. Mr. President, members of the Senate. This is the Public  
24. Health budget. In the Conference Committee Report we go into  
25. detail but after concurrence the budget is at eighty-seven  
26. million four thirty-one. I think we have total unanimity  
27. on the Conference Committee but I think it's a fairly reasonable  
28. compromise that the department can live with or almost the  
29. whole department can live with.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Question is shall the Senate adopt the Conference Committee  
32. on House Bill 3374. Those in favor will vote Aye. Those  
33. opposed will vote Nay. The voting is open. Have all voted who

1. wish? Take the record. On that question is Ayes are 45,  
2. the Nays are 8, 1 Voting Present. The Senate does adopt  
3. the Conference Committee Report on House Bill 3374 and  
4. the bill having received the required constitutional majority  
5. is declared passed.

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HB 3177  
6/30/78  
Clerk Room

1. PRESIDING OFFICER: (SENATOR ROCK)

2. On the Order of Conference Committee Reports, the Conference  
3. Committee Report with respect to House Bill 3177, Senator  
4. Savickas. Senator Savickas.

5. SENATOR SAVICKAS:

6. ...and members of the Senate. I would move now that  
7. the Conference Committee Report on House Bill 3177 be  
8. adopted.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. The question is shall the Senate...any discussion?  
11. Senator Nimrod.

12. SENATOR NIMROD:

13. What...well, I think we ought to have the amendment  
14. explained...

15. PRESIDING OFFICER: (SENATOR ROCK)

16. All right. Senator Savickas.

17. SENATOR SAVICKAS:

18. Yes, Mr. President and members of the Senate. It increases  
19. the qualifying wage requirement from the present one thousand  
20. dollars over a year to fourteen hundred dollars and it increases  
21. the amount which must be earned outside the highest quarter of  
22. earnings from the present two seventy-five to three hundred  
23. and fifty dollars. It increases the disqualification period  
24. for persons who voluntarily quit from the present eight weeks  
25. to nine weeks. It increases the disqualification period for  
26. persons discharged for misconduct from six weeks to nine  
27. weeks, a fifty percent increase. It increases the disqualification  
28. period for persons refusing suitable work from the present six  
29. weeks to nine weeks. It's estimated that these provisions  
30. alone would provide an extra ten and a half million dollars  
31. into the trust fund. It has the repealer language for  
32. the question on the certification for the credits to the  
33. municipality. We feel that this repealer language would bring

1. us in conformity with the Federal regulation and the Federal  
2. telegram. It...that...that is the basic concerns of the House  
3. Conference Committee.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Mitchler.

6. SENATOR MITCHLER:

7. Mr. President, are we discontinuing the distribution of  
8. the Conference Reports? Now, the last several ones I have not  
9. had a Conference Report on my desk. I appreciate, Senator Savickas,  
10. you gave an honest and well explained explanation. I'm not  
11. criticizing you, but I'd like to have something in front of me  
12. so that I could follow it and if it may...means holding back a  
13. little while, I...I think that's in order. But we can't  
14. vote on something we don't have. Had I known and had that  
15. report of that last one where Medley Movers was in there for  
16. sixty-two thousand dollars, I...I would have voted No twice.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Glass.

19. SENATOR GLASS:

20. Will the sponsor yield for a question?

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Indicates he will yield. Senator Glass.

23. SENATOR GLASS:

24. Senator Savickas, as a result of this proposed Conference  
25. Committee Report, what will be the total additional cost  
26. to the Unemployment Insurance Fund of the...of the State by  
27. virtue of the bill if it passes in this form?

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Savickas.

30. SENATOR SAVICKAS:

31. Well, you asked me that question in two different ways.  
32. The total bill and the Conference Committee Report, the result  
33. of the Conference Committee Report will mean that there  
are about ten and a half million dollars will go into the

1. State...or into the trust fund.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Glass.

4. SENATOR GLASS:

5. Well, then, as I understand it, however, that will still  
6. mean an overall increase in the debt of the fund. And I wonder  
7. if you could give...if that is correct, would you please indicate  
8. what the amount will be if the bill does pass in this form  
9. since this would be final action by the Senate.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Savickas.

12. SENATOR SAVICKAS:

13. Well, it's only a guesstimate, because BES does not  
14. have accurate figures and all they can do is really guess,  
15. their estimate is somewhere around thirty-eight million dollars  
16. for the benefit provisions of the married man with a spouse  
17. and children and that's the basic provision that you're concerning  
18. yourself with, a provision that should have been taken care  
19. of two years ago. It wasn't. Last year that provision would  
20. have cost us twelve million dollars. This year it's costing  
21. another twenty-seven million dollars extra because of inflation.  
22. Next year, if this provision has been put on, I'm sure it will  
23. go up to probably seventy million dollars. But these are  
24. guesstimates from BES and there is no available supporting  
25. data that...concur either if they're correct or not.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Further discussion? Senator...Senator Glass.

28. SENATOR GLASS:

29. Mr. President and Senators. To speak to the bill itself  
30. with this...this amendment which we have just been handed, I  
31. think most of the Body, when we voted 3177 out of here with, I think  
32. 53 to nothing vote with 3 Present votes, was a compromise  
33. measure which, however, would have done some...done some good

1. for the State and for the business climate in Illinois. It  
2. would have reduced our costs and moved us toward reducing the  
3. debt which is now nine hundred and forty-six million dollars to the  
4. Federal Trust Fund. What Senator Savickas is telling us, that  
5. this Conference Report has reversed that trend and will, in fact,  
6. cost us now an additional thirty-eight million. This is totally  
7. unacceptable. It is a Conference Committee Report which would  
8. represent a cave-in of this Body totally to the labor position and  
9. I think it...it would be a disaster to pass this Conference  
10. Committee Report. I strongly urge a negative vote.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Further discussion? Senator Harber Hall.

13. SENATOR HARBER HALL:

14. Would the sponsor yield for a question?

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Indicates he will yield. Senator Hall.

17. SENATOR HARBER HALL:

18. Senator Savickas, I heard you mention nonconformance  
19. with the Federal regulations in respect to this. I wonder if  
20. you can explain exactly in the Conference Committee Report  
21. since we did not, on the minority side, participate in the  
22. development of this report. I wonder if you can explain for the  
23. Republican members and particularly for the members on this  
24. Conference Committee, exactly what it is you have in this long  
25. and complicated Conference Committee Report that it is in non-  
26. conformance with the Federal regulations.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Savickas.

29. SENATOR SAVICKAS:

30. I have never felt it was in nonconformance but we have  
31. included the provision that the telegram from Washington  
32. requested that the repealer clause in there, the savings clause  
33. that if they do find it in nonconformity, that it would be

1. automatically excluded from our law, therefore, keeping the  
2. rest of it in conformity with Federal regulations and I would,  
3. at this point, mention that most of us do know what this does.  
4. We know what the amendments have done, what the Conference  
5. Committees have been working on and I would suggest that we  
6. limit our debate, limit our questions and proceed for a vote  
7. on this bill.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Channel 3 and Channel 20 have requested permission to film  
10. at the bewitching hour. Is leave granted? Leave is granted.  
11. Senator Hall.

12. SENATOR HARBER HALL:

13. Thank you, Mr. President. Senator Savickas, I appreciate  
14. your admonition to pass this bill without suitable debate on it.  
15. However, this is one of the major items to be considered in this  
16. General Assembly. It's one that's of great interest to many,  
17. many people up and down the State of Illinois. And it's been  
18. before us for a number of years and to pass a Conference  
19. Committee Report that was just placed on this desk and which I  
20. was just handed five minutes ago, would be rather foolhardy, but  
21. let me begin and warn the people who...

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Senator, would you conclude your remarks.

24. SENATOR HARBER HALL:

25. Thank you, but this is a complicated bill, Mr. President.  
26. I would suggest to the Republican members, then, Mr. President,  
27. that they listen and pay attention to what I'm about to read.  
28. I am reading from a telegram addressed to dear Governor Thompson.  
29. "This is to bring to your attention serious issues of conformity...

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Would you conclude your remarks, Senator.

32. SENATOR HARBER HALL:

33. ...with Federal law.

PRESIDING OFFICER: (SENATOR ROCK)

1. Will you conclude your remarks.

2. SENATOR HARBER HALL:

3. This is a telegram to the Governor saying if you pass  
4. this law, it will cost...

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Your time has expired. Senator Hynes.

7. SENATOR HYNES:

8. Mr. President, I move the previous question.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. The previous question has been moved. All in favor signify  
11. by saying Aye. All opposed. The Ayes have it. The question is  
12. moved. The question is shall the Senate adopt the Conference  
13. Committee Report on House Bill 3177. Those in favor vote Aye.  
14. Those opposed vote Nay. The voting is open. Have all voted  
15. who wish? Have all voted who wish? Take the record. On that  
16. question the Ayes are 32, the Nays are 17, 1 Voting Present.  
17. The Senate does adopt the Conference Committee Report on House  
18. Bill 3177 and the bill having received the required constitutional  
19. majority is declared passed. Senator Hall. There's been a  
20. request for a verification. Senator Harber Hall has requested  
21. a verification. Will the members please be in their seats.  
22. The Secretary will read the affirmative votes.

23. SECRETARY:

24. The following voted in the affirmative: Berman, Bruce, Buzbee,  
25. Carroll, Chew, Clewis, Collins, D'Arco...

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Mr. Secretary, Mr. Secretary. Slow down.

28. SECRETARY:

29. ...Demuzio, Donnewald, Egan, Guidice, Kenneth Hall,  
30. Hickey, Johns, Joyce, Knuppel, Ziomek, Lane, Lemke, Leonard,  
31. ...

32. PRESIDING OFFICER: (SENATOR ROCK)

33. We are on a verification.



1. SECRETARY:  
2. ...Maragos, Merlo, Netsch, Newhouse, Rock, Sangmeister,  
3. Savickas, Vadalabene, Washington, Wooten, Mr. President.  
4. PRESIDING OFFICER: (SENATOR ROCK)  
5. Question the presence of any member, Senator Hall?  
6. SENATOR HARBER HALL:  
7. Is Senator Berman on the Floor?  
8. PRESIDING OFFICER: (SENATOR ROCK)  
9. Senator Berman is in his seat.  
10. SENATOR HARBER HALL:  
11. Is Senator Bruce present?  
12. PRESIDING OFFICER: (SENATOR ROCK)  
13. Senator Bruce is present.  
14. SENATOR HARBER HALL:  
15. Senator Buzbee. I'd like to see a hand.  
16. PRESIDING OFFICER: (SENATOR ROCK)  
17. Senator Buzbee.  
18. SENATOR HARBER HALL:  
19. Senator Carroll.  
20. PRESIDING OFFICER: (SENATOR ROCK)  
21. Senator Carroll is in his seat.  
22. SENATOR HARBER HALL:  
23. Senator Chew.  
24. PRESIDING OFFICER: (SENATOR ROCK)  
25. Senator Chew is in his seat. The roll call has been verified.  
26. The Ayes are 32, the Nays are 17, 1 Voting Present and the bill  
27. having received the required constitutional majority is declared  
28. passed. Senator Lemke moves to reconsider the vote. Senator  
29. Carroll moves to have that motion lie upon the Table.  
30. All in favor signify by saying Aye. All opposed. The Ayes  
31. have it. Senator Rhoads, for what purpose do you arise?  
32. SENATOR RHOADS:  
33. I...I demand a roll call on the motion to Table the...the

1. motion to reconsider. I demand a roll call on that motion.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Buzbee.

4. SENATOR BUZBEE:

5. Mr. President, we've already passed that Order  
6. of Business. You've already made your point.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. That is correct.

9. SENATOR BUZBEE:

10. You've already made your ruling.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Senator Nimrod.

13. SENATOR NIMROD:

14. Yes, Mr. President. You have done some things here tonight  
15. that have really disappointed a great number of us and it's  
16. all in vain because the House has ruled that they cannot  
17. vote on this issue because it was not put on the Table  
18. over there one hour ahead of time so they're not going to have  
19. a chance to vote until they get a hundred and seven votes.  
20. But at least they're acting fairly. When...when we had...when  
21. we had a close of our debate here, we had several lights  
22. that were on and as is the custom and our tradition here,  
23. you read the list of names of those people that still have to  
24. speak and then we proceed. And you refused to do that. I think at  
25. this time you ought to probably rule yourself that you were out  
26. of order and reconsider that particular vote.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Harber Hall.

29. SENATOR HARBER HALL:

30. Now, Mr. President, I've been around here awhile, about as long  
31. as you have, Mr. President, and really I've seen this kind of  
32. treatment in committee meetings and I saw it two years ago when  
33. you rushed this stuff through us before in a committee hearing  
that...where you voted out a bill that the minority didn't even

1. get a chance to read and was sixty pages long. But I've never  
2. seen this kind of conduct on the Floor of the Senate. It is  
3. truly a very...it's very disappointing to see this kind of  
4. activity at this hour of the night and on this important  
5. occasion. I was about to read a letter to the Governor, Mr.  
6. President, that warned that the State of Illinois could be  
7. fined seven hundred and fifty million dollars on which they  
8. would have to tax business in this State to pay if nonconformant...  
9. nonconfirmation legislation such as this were to pass  
10. and they referred to this bill by number, the specific number  
11. that we heard. Now, you cut me off, Mr. President, before I got  
12. anymore than four...four or five words out of this...out of this  
13. telegram and it...it was a personal reflection on my ability  
14. and...and my right to address this important problem to the  
15. entire Senate. I believe that I am owed an apology, Mr. President  
16. and I sincerely mean that. But, I don't care about the  
17. apology. The trouble is we now have the possibility of a very  
18. difficult law and a very expensive law.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Hynes.

21. SENATOR HYNES:

22. Mr. President, I would suggest that we move onto the next  
23. Order of Business. The Chair has...the Chair has ruled...  
24. the Chair has ruled and Senator Rhoads was previously asking  
25. for a motion...for a roll call on the motion to reconsider and  
26. the motion before the Body was a motion to Table on which was  
27. carried and I think we are onto the next Order of Business and  
28. I think we ought to get with it.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Senator Shapiro.

31. SENATOR SHAPIRO:

32. Well, Mr. President, I think the action here points up  
33. very well as to who dominates this General Assembly. I want to

1. point out to you that there were at least three or four people  
2. on this side who wanted to speak on this issue. I also want to  
3. point out to you that you cut off the verification before  
4. it was completed. I think that this action tonight is going to  
5. cost several people over there their seats in the General  
6. Assembly this next fall.

7. PRESIDING OFFICER: (SENATOR ROCK)

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

9. SENATOR RHOADS:

10. Thank you, Mr. President, members of the Senate. I move to  
11. take the motion to reconsider on House Bill 3177 from the Table.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. That motion is out of order. It has already been laid upon  
14. the Table. Yes, Senator Mitchler.

15. SENATOR MITCHLER:

16. Yes, Mr. President. I rise on a point of personal  
17. privilege.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. State your point, Sir.

20. SENATOR MITCHLER:

21. Mr. President, Senator Rock. When Senator Harber Hall  
22. started to talk, you immediately put on a yellow light.  
23. That was noticed by a number of us on this side of the aisle.  
24. We attempted to call it to your attention. You did not recognize  
25. us. The amount of...the amount of time that was allotted to Senator  
26. Hall...Harber Hall in making his remarks is recorded. And  
27. certainly if you...when you get that recording and that printout  
28. and you read that you will know that he was not granted  
29. his full allotment of time. You erred. You put on a yellow  
30. light so that you had...you had it all planned to cut off the  
31. debate before midnight. We went around and I personally  
32. contacted Senators on this side of the aisle, they punched  
33. their light that they wanted to speak on this question and you,  
when somebody rose up and said move the question...the rules of

1. this Senate are that we grant those that have been recorded  
2. on your board the opportunity to speak, but you just took and  
3. just pushed them aside and Senator Rock, that is very  
4. devious tactics for you to conduct as President of the Senate and  
5. I want it to be so recorded for the record and let everybody  
6. know how you conducted yourself in the Chair on orders from  
7. probably President Hynes who was the devious man that was doing  
8. the calling from over there on that side of the aisle.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Hynes.

11. SENATOR HYNES:

12. Mr. President, I am not going to engage in ad omnium debate  
13. with the Senator from Oswego, but I would like to say this, that  
14. it seems to me rather strange that someone can admit on the  
15. record that he was organizing a filibuster and then claim  
16. that those that were participating in the filibuster, and that's  
17. all that it was, should be allowed to succeed in that effort.  
18. I think that this Senate has run in a very fair and orderly  
19. fashion. Every member that has wanted to speak, has been able  
20. to speak and that was true this evening. I think that the  
21. ...the matter was debated. The action is final and I think we  
22. ought to move onto the next Order of Business or else  
23. we should recess until tomorrow.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. 3392, Senator Ziomek.

26.

27. End of reel

28.

29.

30.

31.

32.

33.