

81st GENERAL ASSEMBLY

MAY 17, 1979

REGULAR SESSION

1. PRESIDENT:

2. The hour of 12 having arrived, the Senate will please  
3. come to order. Will our guests in the Gallery please rise.  
4. Prayer this afternoon is by the Reverend Anthony Tzortzis St.  
5. Anthony's Hellenic Orthodox Church, Springfield, Illinois. Father...

6. REVEREND TZORTZIS

7. (Prayer by Reverend Tzortzis)

8. PRESIDENT:

9. Thank you, Father. Reading of the Journal. Senator Johns.

10. SENATOR JOHNS:

11. Thank you, Mr. President. I move the reading and approval  
12. of the Journals of Friday, May the 4th, Tuesday, May the 8th,  
13. Wednesday, May the 9th, Thursday, May the 10th, Friday, May the  
14. 11th, Monday, May the 14th, Tuesday, May the 15th, and Wednesday,  
15. May the 16th, in the year 1979 be postponed, pending arrival of  
16. the printed Journals.

17. PRESIDENT:

18. You've heard the motion. All in favor signify by saying Aye,  
19. all opposed. The Ayes have it. It is so ordered. Committee  
20. Report.

21. SECRETARY:

22. Senator Donnewald, Chairman of Assignment of Bills, assigns  
23. the following House Bills to Committee: Appropriations I-  
24. 1682. Elementary and Secondary Education- 685. Executive- 194  
25. and 2175. Judiciary I- 321. Local Government- 2024, 2671.  
26. Public Health, Welfare and Corrections- 705. Reorganization  
27. of State Government- 921. Transportation- 983, 1296, 1325 and  
28. 1564. Senator Wooten, Chairman of the Executive Committee,  
29. reports out the following House Bills- 316, 317, 458, 472,  
30. 546, 612, 794, 849, 1304, 1559 with the recommendation Do  
31. Pass. House Bill 193, with the recommendation Do Not Pass.  
32. Senate Resolutions 85 and 137, recommend adoption. Senate  
33. Joint Resolutions 29, 33 and 42, recommend adoption. Senate

1. Joint Resolution 40, recommend adoption as amended. House  
2. Joint Resolution 23, 25, 26, 27, 30 and 40, recommended Do  
3. Adopt.

4. PRESIDENT:

5. Message from the House.

6. SECRETARY:

7. Message from the House by Mr. O'Brien, Clerk. Mr. President,  
8. I am directed to inform the Senate that the House of Representatives  
9. has passed bills of the following titles, the passage of which  
10. I'm instructed to ask concurrence of the Senate to-wit:  
11. House Bills 2321, 2322, 2331, 2375, 2390, 2431, 2445.

12. PRESIDENT:

13. House Bills 1st reading.

14. SECRETARY:

15. House Bill 519, Senator Knuppel is the Senate sponsor.

16. (Secretary reads title of bill)

17. House Bill 543, Senator Nash is the Senate sponsor.

18. (Secretary reads title of bill)

19. House Bill 569, Senator Mitchler is the Senate sponsor.

20. (Secretary reads title of bill)

21. House Bill 707, Senator Knuppel is the Senate sponsor.

22. (Secretary reads title of bill)

23. House Bill 795, Senator Maitland is the Senate sponsor.

24. (Secretary reads title of bill)

25. House Bill 843, Senator Davidson is the Senate sponsor.

26. (Secretary reads title of bill)

27. House Bill 910, Senator Grotberg is the Senate sponsor.

28. (Secretary reads title of bill)

29. House Bill 911, Senator Collins is the Senate sponsor.

30. (Secretary reads title of bill)

31. House Bill 976, Senator Knuppel is the Senate sponsor.

32. (Secretary reads title of bill)

33. House Bill 978, Senator Geo-Karis is the Senate sponsor.

1. (Secretary reads title of bill)
2. House Bill 985, Senator Bowers is the Senate sponsor.
3. (Secretary reads title of bill)
4. House Bill 1181, Senator Lemke is the Senate sponsor.
5. (Secretary reads title of bill)
6. House Bill 1201, a bill for enacting...Senator Regner
7. is the Senate sponsor.
8. (Secretary reads title of bill)
9. House Bill 1244, Senator Sangmeister is the Senate sponsor.
10. (Secretary reads title of bill)
11. House Bill 1310, Senator Philip is the Senate sponsor.
12. (Secretary reads title of bill)
13. House Bill 1315, Senator Knuppel is the Senate sponsor.
14. (Secretary reads title of bill)
15. House Bill 1326, by the same sponsor.
16. (Secretary reads title of bill)
17. House Bill 1350, Senator Davidson is the Senate sponsor.
18. (Secretary reads title of bill)
19. House Bill 1352, by the same sponsor.
20. (Secretary reads title of bill)
21. House Bill 1425, Senator Netsch is the Senate sponsor.
22. (Secretary reads title of bill)
23. House Bill 1560, Senator Geo-Karis is the Senate sponsor.
24. (Secretary reads title of bill)
25. House Bill 1600, Senator Johns is the Senate sponsor.
26. (Secretary reads title of bill)
27. House Bill 1625..35, Senator Bloom is the Senate sponsor.
28. (Secretary reads title of bill)
29. House Bill 1677, Senator Merlo is the Senate sponsor.
30. (Secretary reads title of bill)
31. House Bill 1851, Senator Bruce is the Senate sponsor.
32. (Secretary reads title of bill)
33. House Bill 1885, Senator Coffey is the Senate sponsor.
- (Secretary reads title of bill)

1. House Bill 1888, Senator Davidson is the Senate sponsor.
2. (Secretary reads title of bill)
3. House Bill 1889, by the same sponsor.
4. (Secretary reads title of bill)
5. House Bill 1921, Senators Weaver and Merlo are the Senate
6. sponsors.
7. (Secretary reads title of bill)
8. House Bill 1941, Senator Knuppel is the Senate sponsor.
9. (Secretary reads title of bill)
10. House Bill 1975, by the same sponsor.
11. (Secretary reads title of bill)
12. House Bill 2160, Senator D'Arco is the Senate sponsor.
13. (Secretary reads title of bill)
14. House Bill 2161, Senator Nash is the Senate sponsor.
15. (Secretary reads title of bill)
16. House Bill 2171, Senator Philip is the Senate sponsor.
17. (Secretary reads title of bill)
18. House Bill 2191, Senator D'Arco is the Senate sponsor.
19. (Secretary reads title of bill)
20. House Bill 2203, Senator DeAngelis is the Senate sponsor.
21. (Secretary reads title of bill)
22. House Bill 2280, Senator Knuppel is the Senate sponsor.
23. (Secretary reads title of bill)
24. House Bill 2294, Senator Netsch is the Senate sponsor.
25. (Secretary reads title of bill)
26. House Bill 2296, Senator Coffey is the Senate sponsor.
27. (Secretary reads title of bill)
28. House Bill 2323, Senator Knuppel is the Senate sponsor.
29. (Secretary reads title of bill)
30. House Bill 2324, by the same sponsor.
31. (Secretary reads title of bill)
32. House Bill 2327, Senator Knuppel is the Senate sponsor.
33. (Secretary reads title of bill)

1. House Bill 2422, by the same sponsor.
2. (Secretary reads title of bill)
3. House Bill 2467, Senator Maragos is the Senate sponsor.
4. (Secretary reads title of bill)
5. House Bill 2484, Senator Vadalabene is the Senate sponsor.
6. (Secretary reads title of bill)
7. House Bill 2522, Senator Maragos is the Senate sponsor.
8. (Secretary reads title of bill)
9. House Bill 2645, Senator McMillan is the Senate sponsor.
10. (Secretary reads title of bill)
11. 1st reading of the foregoing bills.

12. PRESIDENT:

13. All right, Ladies and Gentlemen of the Senate, if I
14. might have your attention for a moment. We are pleased to
15. have with us today one who is the recipient of a substantial
16. award from the Lewis and Clark Community College, at the
17. recommendation of the President and the Board of Trustees.
18. He had conferred upon him the Honorary Degree of Doctor of
19. Jurisprudence, so from now on, we will have to pay a little
20. more attention to him. I would like to introduce to
21. you our newest Doctor of Jurisprudence, the Honorable Sam
22. Vadalabene. Senator Knuppel, for what purpose do you rise?

23. SENATOR KNUPPEL:

24. I assume he minored in Pugilism?

25. PRESIDENT:

26. With this degree goes the rights, honors and privileges
27. pertaining thereto, and it was given under the seal of the
28. Community College District No. 536 in the State of Illinois
29. on the 16th day of May, 1979. Congratulations, Senator
30. Vadalabene. All right, Sam, you'd better say something.

31. SENATOR VADALABENE:

32. Ah..President Rock and my colleagues here in the Senate,
33. this was truly a great honor last night. We're having a lot
- of fun here today, but there was over 400 graduates, and there

1. was approximately 2000 people in the auditorium, and I was  
2. given its highest honor. Now to you people here on the  
3. Floor of the Senate that are non-lawyers, there is a chance  
4. for you. Just keep working. And to you Senators who are  
5. lawyers, eat your heart out. I am planning on opening a  
6. law firm this summer. I am going to talk to Senator  
7. DeAngelis and Senator Nash and Senator D'Arco to represent  
8. the law firm. I'm going to take them alphabetically- Vadalabene,  
9. DeAngelis, D'Arco and Senator Nash, and then I'm going to have  
10. an investigative unit of Senator Merlo and Senator Demuzio,  
11. so we'll be all set to go in business sometime after we adjourn.  
12. But anyway, thank you for having a little fun with me today.  
13. I am extremely honored. God bless each and every one of you.

14. PRESIDENT:

15. Yes, Senator Nimrod, for what purpose do you rise?

16. SENATOR NIMROD:

17. Mr. President, I..I we going to have Senator Vadalabene  
18. to wear the gown and robe all day in the Senate today? Is that  
19. acceptable?

20. PRESIDENT:

21. That's not acceptable dress. He gets to keep it though,  
22. he tells me.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. For what purpose does Senator Rock rise?

25. SENATOR ROCK:

26. Thank you, Mr. President, Ladies and Gentlemen of the  
27. Senate. If I can have the attention of the membership. I  
28. would like, at this point, to afford somewhat of a status  
29. report and indicate some modifications in the schedule for  
30. this and next week. As you probably heard by now, the House  
31. is planning to work on Saturday and come in again on Monday.  
32. Hopefully, if we can accomplish what I hope we can, there will  
33. be no necessity for us to follow that suit. We will start

1. today on 3rd readings where we left off yesterday, which is  
2. at page 16. Senate Bill 563, by Senator Maragos, and just  
3. continue right through the calendar until about 6 o'clock  
4. tonight again. Tomorrow, we will come in at 9:00 A.M., and  
5. we will go to the order of 2nd reading, including the  
6. appropriation bills. The Appropriations Chairmen and Minority  
7. Spokesmen have indicated that they are ready to put on the  
8. amendments and move those bills to passage stage. We will  
9. attempt, tomorrow, to finish by about 1 o'clock to afford  
10. everyone an opportunity to spend the weekend at home. Additionally  
11. for next week, I am suggesting that all the committees that  
12. were heretofore scheduled be cancelled, and there were only  
13. 5 committee meetings scheduled, so I don't think it would  
14. be any..have any untoward effect if we did not have a committee  
15. meeting. And so we will come in on Monday, May 21 at the hour  
16. of noon, and work until 6 or 7, go in on Tuesday from 9 until  
17. 6, Wednesday from 9 until 6, Thursday from 9 until 5, and  
18. Friday from 9 until as long as it takes. I have been and am  
19. still reluctant to impose upon the membership any evening hours,  
20. and I certainly don't want to..I..I don't like that chicken  
21. that we have been getting for the past few years, and I  
22. certainly don't intend to do that. So if in fact an evening  
23. meeting is indicated or is felt to be necessary, that will  
24. be done after an appropriate dinner break. We have additionally,  
25. Senator..through the office of Senator Shapiro and my own office,  
26. have attempted to put together kind of an agreed, non-contro-  
27. versial list of bills. I think we will have approximately 60  
28. or 65 bills on that list, which we propose to distribute to  
29. the membership tomorrow for your perusal, and then if we can,  
30. we would like to attempt to adopt that and vote on those bills  
31. the first thing Tuesday morning, so that would afford the  
32. membership the weekend and Monday to indicate to the Secretary  
33. in writing, either their objection..the member's objections to

1. that bill being on the list, or how they wish to vote on it,  
2. if the member...wishes to vote No on a given bill, he  
3. can indicate that..that No vote will be properly Journalized.  
4. We have, at the present time, one hundred and fifteen bills  
5. on the order of 2nd reading, and four hundred and ninety-three  
6. on the order of 3rd. It seems that if we can work at a half-  
7. way reasonable pace, we should be able to complete the entire  
8. calendar once through on Tuesday, and that will afford us  
9. Wednesday, Thursday and Friday to run back again through the  
10. calendar. I've spoken with Senator Shapiro, who is the sponsor  
11. of the Road Program, and the concomitant Department of Trans-  
12. portation Appropriation Bill, and we will call that for possible  
13. amendments to be submitted by myself and by Senator Shapiro,  
14. either on Tuesday or on early Wednesday, so that everyone will  
15. have an opportunity to express themselves with respect to the  
16. Road Program. I would also suggest that as we move through the  
17. calendar, you kind of keep an eye out and look ahead, because  
18. we are not going..we unfortunately cannot afford the luxury  
19. of going back, so that if we get to your bill, and you are  
20. not present, we will just go right by you, and then you will  
21. have to wait for the 2nd time around, so it's going to require  
22. a little closer attention to the Floor and a little..we  
23. are going to require that you stay in your seat as much as  
24. possible, because we intend to move just as quickly as possible  
25. in order to attempt to give all of the members an opportunity to  
26. address their bills. I would suggest at this point now that  
27. we start on the order of 3rd reading at page 16, unless there  
28. are any questions or further discussion.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Senator Graham, for what purpose do you rise?

31. SENATOR GRAHAM:

32. A question of the President. Senator Rock, a couple of  
33. bills yesterday were amended, and were placed in the order  
of 3rd reading, and they're down in the very low numbers.



SB 563  
3rd Reading  
5-17-79

1. Are we going to get those on the way, or are we going to  
2. wait to get back to them? They were called back and amended.  
3. One was 529..

4. SENATOR ROCK:

5. Yeah. My suggestion is that if..that we just proceed  
6. with 563 and go right on through and we will have been through  
7. once if my calculations are halfway correct, by Tuesday, and  
8. we'll afford everybody an opportunity to get back at them,  
9. Senator, but we just can't keep going back. We'll..

10. SENATOR GRAHAM:

11. This is one of my nothing bills I want to present,  
12. Senator...

13. SENATOR ROCK:

14. It may well be on the consent calendar.

15. SENATOR GRAHAM:

16. It should be.

17. SENATOR ROCK:

18. Yeah. That's the other thing I forgot to mention, and  
19. I would like to mention, at this point, that the Chair..the  
20. Podium calendar indicates, and I'm sure that the Minority  
21. Leader has a calendar, which indicates which bills are on  
22. or are proposed to be on that agreed list, and if possible,  
23. we..we could probably save some time by skipping those as  
24. we move through the calendar today. It's really not necessary.  
25. If somebody feels strongly about calling their bill, we're  
26. certainly not going to try to have them do otherwise, but if  
27. ...if it is on the agreed list, I wish the Chair would so  
28. indicate, and then perhaps we can move on to the next order.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Is there any further discussion. If not, we will  
31. start on Senate Bills, 3rd reading, on the bottom of page 16, with  
32. Senate Bill 563, Senator Maragos. Read the bill, Mr. Secretary.

33. SECRETARY:

Senate Bill 563.

1. (Secretary reads title of bill)  
2. 3rd reading of the bill.  
3. PRESIDING OFFICER: (SENATOR SAVICKAS)  
4. Senator Maragos.  
5. SENATOR MARAGOS:  
6. Mr. President, members of the Senate. We discussed  
7. the bill extensively yesterday afternoon just before adjournment,  
8. and instead of taking a vote at the request of the President,  
9. we took it out of the record so we could adjourn in time for  
10. the purposes that the President wanted. At this time, I wish  
11. to ask for a roll call on the bill, unless there are any further  
12. questions, in..because I thought that we already discussed it.  
13. Senator Rhoads, the Minority Spokesman in the Elections Committee,  
14. wanted to say a few words on it. If you would at this time.  
15. PRESIDING OFFICER: (SENATOR SAVICKAS)  
16. Senator Rhoads.  
17. SENATOR RHOADS:  
18. Thank you, Mr. President, members of the Senate. I do  
19. rise in support of Senate Bill 563. Yesterday, questions were  
20. raised by Senator Schaffer, Senator Davidson, and others on the  
21. Republican side, with respect to the amount of money that could  
22. be contributed in a single year without disclosure, and they  
23. correctly pointed out that \$149 could be contributed in one  
24. 6 month reporting period, and another \$149 in the second  
25. period for a total of \$298. That is what the bill does, so  
26. if you don't like that, don't vote for the bill. I..it doesn't  
27. happen to bother me, so I'm going to vote for the bill.  
28. PRESIDING OFFICER: (SENATOR SAVICKAS)  
29. Is there further discussion? Senator Netsch.  
30. SENATOR NETSCH:  
31. Thank you. I think at least we are now agreed about the  
32. effect of the bill. I had read it also yesterday afternoon, and  
33. I think there is no question that effectively, it increases the..

1. the limit for the amounts which have to be disclosed in detail  
2. from \$150 to \$300. I know that there is inflation, and that  
3. there can be argument about what is the right amount, but it  
4. does seem to me absolutely clear that \$300 is..is too high,  
5. and that that really does go against the grain of the original  
6. Campaign Disclosure Act in a very significant sense, so for  
7. that reason, I will oppose the bill.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Is there further discussion? Senator..Bruce.

10. SENATOR BRUCE:

11. Well, a question of the sponsor, so that I understand...

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. He indicates he will yield.

14. SENATOR BRUCE:

15. In any 12-month period, it is possible under your legislation  
16. to have made two \$149 contributions and not appear on a report,  
17. is that correct?

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator Maragos.

20. SENATOR MARAGOS:

21. If they are what they call non-transferable contributions,  
22. that is correct. In other words, if it is a political committee  
23. or someone else who gives you the contribution, it would still  
24. not be, but that is correct for individual contributions.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Senator Bruce.

27. SENATOR BRUCE:

28. So what we've done is divided the year in such a manner  
29. as to allow a \$298 contribution without appearing on any report.  
30. Is that correct?

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Senator Maragos.

33. SENATOR MARAGOS:

Was that in the form of a question or was that a comment? I'm sorry I

1. didn't hear the question. Please repeat it.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Senator Bruce.

4. SENATOR BRUCE:

5. It would be possible to make...as long as you made it  
6. in two separate 6 month reporting periods, a contribution of  
7. \$298 and not appear on anybody's report, is that correct?

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Senator Maragos.

10. SENATOR MARAGOS:

11. That is correct, except that I would like to state this-  
12. assuming you made a contribution in January 1st of a year now,  
13. under the present act, and come July 2nd of the same year,,  
14. which we...fall under the 2nd year's period, we still could  
15. do the same thing under the present act. It just happens that  
16. the reporting..the bill was not intended in any way to increase  
17. any problem, except to make it more convenient that the 60-day  
18. period after the...after the election, and thereby making it  
19. more convenient for all of us...make it easier for the Department..  
20. the Board of Elections. It is a Board of Elections bill,  
21. because they wanted to make it easier for themselves to ad-  
22. minister the act, and there was no...and if it happened to be  
23. that this other fact became as a surcease or a windfall, then  
24. so be it, but you can do the same thing today in one way if  
25. you want...if you want to have..if that was the intent of  
26. the contributor.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Senator Bruce.

29. SENATOR BRUCE:

30. Thank you, Mr. President and members of the Senate.  
31. Given the explanation just made, I..I stand in opposition  
32. to this legislation. I think it's good that we're going to  
33. make 6-month reports. I happen to be involved in..in a  
campaign in which federal requirements were involved and we file every 90

1. days and continue to do so. The Federal Government won't  
2. even let you go out of operation until you've proved to them  
3. all debts are paid, all outstanding obligations and all the  
4. records are filed. In addition to that, you file a 10-day  
5. pre-election report and a 30-day post-election report. This  
6. whole idea that you can't..you need 6 months to file it, folks,  
7. just isn't there, and the Congressional campaign in which I  
8. was involved, \$680,000 was expended. All of us filed those  
9. reports, including the one which fell 10 days after the March  
10. 21st Primary and the 90-day report, falling on the same day.  
11. We filed two separate reports that day, because as you know  
12. the Federal Government doesn't bend very easily, and we file  
13. a 90-day report and a 10-day post-election report on the same  
14. day to the same group, in two separate forms. It seems to me  
15. the Federal Law requires you to report every expenditure over  
16. 100 bucks, and every contribution over \$100. They can do it at  
17. the Federal Level. It's a little bit of a problem, but given  
18. the ..amount of money that's being spent on elections, I  
19. don't think it's unreasonable to say that a guy that contributes  
20. \$298 ought to have to disclose that, and if this is going to  
21. raise the limit to \$150 in two 6-month periods, I will oppose  
22. that legislation.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Senator Graham.

25. SENATOR GRAHAM:

26. Mr. President, members of the Senate. Since we had a  
27. lecture on how to get elected to the Congress, I think we  
28. ought to assume a couple of things. The opposition to this  
29. bill is assuming first that someone is going to get two con-  
30. tributions of \$149. Also, they're assuming that somebody in  
31. the Senate can be bought for \$298, and I resent those inferences  
32. and let's go on and pass the bill.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Senator Geo-Karis.

2. SENATOR GEO-KARIS:

3. Would the sponsor yield to a question?

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. He indicates that he will.

6. SENATOR GEO-KARIS:

7. Your bill would in no way eliminate reporting the  
8. amounts received, isn't that right?

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Senator Maragos.

11. SENATOR MARAGOS:

12. That is correct, Senator Geo-Karis. It just happens  
13. that the..it happens that the 6-month report will take  
14. place of the 60-day report, and it will be a semi-annual  
15. report rather than an annual report for the convenience of  
16. the Board of Elections.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Senator Geo-Karis.

19. SENATOR GEO-KARIS:

20. Mr. President, I would like to speak in favor of the  
21. bill for the following reason; I have a campaign treasurer  
22. who's quite a busy man, and I'll tell you I rue the day  
23. that I helped pass that original bill, because it is quite  
24. onerous, but I can tell you that if I didn't have a devoted  
25. treasurer like whom I do have, I would be in a mess, and I  
26. think if we can make it a little bit easier for our campaign  
27. treasurers, I think it would be a step in the right direction.  
28. No one can be bought for \$298 or \$300 or \$1000. If they can,  
29. pity the day that they're sitting in the legislature, and I'd  
30. like to speak in favor of that bill.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Senator Davidson.

33. SENATOR DAVIDSON:

Yes, I'm not sure but what Senator Geo-Karis may have

1. asked my same question, but Senator Maragos, Senator  
2. Bruce said you don't have to show that-that's not correct.  
3. You have to show the money that is contributed, but you do  
4. not have to reveal the name. Isn't that the essence?

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Senator Maragos.

7. SENATOR MARAGOS:

8. That is correct. The substance..Substantive Law does  
9. not change...that it is any different now.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Senator Mitchler.

12. SENATOR MITCHLER:

13. Well Mr. President, members of the Senate, I don't think  
14. that any of our constituents have ever written to us and asked  
15. us to see a sheet on what campaign contributions we got. I  
16. doubt if any of your constituents took the time to go over  
17. to the State Board of Elections to review your campaign con-  
18. tributions. The press will review it, and that's open to them  
19. if they want it, and what's the difference if you have to report  
20. it in one 6 months or the next 6 months? You have a tough  
21. enough time to get the..that first \$149 in anyway. I move  
22. the previous question.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. You've heard the motion. There was one Senator left on  
25. the board. For the second time, Senator Bruce...er, Buzbee.

26. SENATOR BUZBEE:

27. Thank you. This is not the second time, Mr. President.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Second time for Senator Bruce. First time for Senator  
30. Buzbee..

31. SENATOR BUZBEE:

32. ...Oh...I just wanted to make one quick point, in that  
33. I completely concur with what has been said that nobody's  
going to be bought for \$298. The reason I'm opposed to the

1. bill, and I favor what Senator Maragos is attempting to do  
2. in making it semi-annual reports. But, we all know that it  
3. doesn't really make any difference what the truth of the  
4. matter is. It doesn't really make any difference what in  
5. actuality is. What makes a difference is what appears to  
6. be. What the press indicates appears to be happening, and  
7. what the public perceives as..that..as appearing to be  
8. happening is what they in fact end up believing a lot of  
9. times, and if we start to change at this point and to..  
10. increase the amounts that can be contributed without disclosure,  
11. it's going to appear to the public that we're somehow or  
12. another trying to hide something. And for that reason, that's  
13. why I oppose this bill, because of the appearance. And in  
14. this day, when there is little or no confidence in government  
15. in general, and in elected politicians and state legislators  
16. in particular, I think the appearance that we try to present  
17. needs to be as positive as possible. For that reason, I'm  
18. going to vote No on the bill.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Is there further discussion? Senator Bruce, for the  
21. second time. He was the last one on our list before the  
22. Motion for...

23. SENATOR BRUCE:

24. Just so that Senator Graham and everyone understands,  
25. and Senator Buzbee expressed my views, I did not, in any of  
26. my comments, imply that anyone is going to be bought here for  
27. \$298. My point is that anybody that makes that expenditure  
28. and gives that to a campaign, that ought to be known by name,  
29. That's all. I'm not saying if anyone draws that implication,  
30. I apologize for that, but we ought to know every \$298 contributor-  
31. we ought to know every \$100 contributor to campaigns in Illinois.  
32. That's all. What the fellow does with it and how he's influenced  
33. by it is between you and your contributor.

PRESIDING OFFICER: (SENATOR SAVICKAS)



88-566  
3rd reading  
5-17-79

1. Is there any further discussion? If not, Senator  
2. Maragos may close the debate.

3. SENATOR MARAGOS:

4. Mr. President, members of the Senate. I..just one  
5. remark that I would like to state in closing, and that is  
6. that when the law was enacted originally \$150 went a lot  
7. further then a..even \$298 goes today. I don't think the  
8. issue should be what the amount is. If they can get away  
9. with \$298. But I think that we should make it easier for  
10. ourselves and for the Board of Elections who have requested  
11. the bill, to administer the act more easily and more fairly,  
12. and at the same time, more justly. And therefore, I ask for  
13. your support.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. The question is shall Senate Bill 563 pass. Those in  
16. favor vote Aye, those opposed vote Nay. The voting is open.  
17. Have all voted who wish? Have all voted who wish? Take  
18. the record. On that question, the Ayes are 30, the Nays are  
19. 19, and one voting Present. Senate Bill 563, having received  
20. the constitutional majority, is declared passed. Senate Bill  
21. 566, Senator Bloom. Read the bill, Mr. Secretary.

22. SECRETARY:

23. Senate Bill 566.

24. (Secretary reads title of bill)

25. 3rd reading of the bill.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Senator Bloom.

28. SENATOR BLOOM:

29. Thank you, Mr. President, fellow Senators. This bill  
30. raises the mandatory retirement age to 70, and it brings the  
31. Illinois Statutes in line with the Federal Law, governing teachers.  
32. Senator Berman put on an amendment..Senator Berman put on an  
33. amendment yesterday, so it covers both Chicago and Downstate.  
Try and answer any questions. Otherwise, I'd ask for a roll

1. call.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Is there any further discussion? If not, the question  
4. is shall Senate Bill 566 pass. Those in favor vote Aye,  
5. those opposed vote Nay. The voting is open. Have all voted  
6. who wish? Have all voted who wish? Take the record. On that  
7. question, the Ayes are 47, the Nays are 2, and none voting  
8. Present. Senate Bill 566, having received the constitutional  
9. majority, is declared passed. Senate Bill 567, Senator Maitland.  
10. Read the bill, Mr. Secretary.

11. SECRETARY:

12. Senate Bill 567.

13. (Secretary reads title of bill)

14. 3rd reading of the bill.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Senator Maitland.

17. SENATOR MAITLAND:

18. Thank you, Mr. President and Ladies and Gentlemen of the  
19. Senate. Senate Bill 567 does exactly as the Secretary has  
20. indicated. It now will...will permit Consumer Education to  
21. be taught in the final three years of high school. There was  
22. overwhelming testimony...the School Problems Commission...that  
23. it was felt that it was better for young people to receive this  
24. Consumer Education close to the time in which they would be  
25. graduating from high school. And as I indicated, there was  
26. overwhelming support for this...I think that this is a good  
27. requirement..a better requirement than what we now have for  
28. local school districts, and I would as for a favorable roll  
29. call.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Is there any further discussion? Senator Nimrod.

32. SENATOR NIMROD:

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

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. He indicates that he will yield.

2. SENATOR NIMROD:

3. Senator Maitland, outside...I mean, if they want this,  
4. I really don't know why..why a Consumer Program we're mandating  
5. on a Curriculum Program. I don't understand it.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator Maitland.

8. SENATOR MAITLAND:

9. Senator Nimrod, this is now a mandate and what we're  
10. trying to do is loosen up the mandate a little bit and make  
11. this mandate more acceptable to local school districts.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Is there any further discussion? If not, the question  
14. is shall Senate Bill 567 pass. Those in favor vote Aye, those  
15. opposed vote Nay. The voting is open. Have all voted who  
16. wish? Have all voted who wish? Take the record. On that  
17. question, the Ayes are 49, the Nays are 1 and none voting  
18. Present. Senate Bill 567, having received the constitutional  
19. majority, is declared passed. For what purpose does Senator  
20. Geo-Karis rise?

21. SENATOR GEO-KARIS:

22. I thought I put a "Yes" on, and I guess my switch was  
23. locked, and I can't get it open, and I would like the record  
24. to reflect I would've voted "Yes" on the bill.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. The record will so show. Senator Rhoads, would you  
27. assist Senator Geo-Karis?

28. SENATOR GEO-KARIS:

29. Boy, you're strong....

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Senate Bill 568, Senator Bloom. Read the bill, Mr. Secretary.

32. SECRETARY:

33. Senate Bill 568.

(Secretary reads title of bill)

3rd reading of the bill.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Senator Bloom.

3. SENATOR BLOOM:

4. Thank you, Mr. President and fellow Senators. First,  
5. this is not branch banking. Anytime Bloom and Carroll and  
6. Weaver and Rock are all on the same bill. It addresses a  
7. problem in my community where a bank moved after a department  
8. store closed down and left the downtown area. The bank purchased  
9. the property and moved there. It was a block away when they  
10. found themselves out of compliance with the law. This bill  
11. states provided, however, that in the case of an operating  
12. facility limited to 1500 feet from the main banking present  
13. should the maintaining bank seek to relocate its main premises  
14. and the commissioner finds that the convenience and needs of  
15. the public are better served by such a move, and in this  
16. case, to help downtown. The relocation may be approved, subject  
17. to an exception of the 1500 feet limit on the second facility,  
18. but not to exceed 750 feet, and it only applies to the main  
19. banking house. I'll try and answer any questions. Otherwise,  
20. I'd solicit a favorable roll call.

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. Is there any further discussion? If not, the question  
23. is shall Senate Bill 568 pass. Those in favor vote Aye, those  
24. opposed vote Nay. The voting is open. Have all voted who  
25. wish? Have all voted who wish? Take the record. On that  
26. question, the Ayes are 55, the Nays are none, and none voting  
27. Present. Senate Bill 568, having received the constitutional  
28. majority, is declared passed. Senate Bill 574, Senator D'Arco.  
29. Read the bill, Mr. Secretary.

30. SECRETARY:

31. Senate Bill 574.

(Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Senator D'Arco.

2. SENATOR D'ARCO:

3. Thank you, Mr. President, fellow Senators. Senate  
4. Bill 574 amends the Insurance Code by providing that a bank  
5. holding company may not act as an insurance agent or broker.  
6. The reason we need this bill is to clarify an interpretation  
7. of the Statute by the Department of Insurance, Section 506  
8. of their rules and regs, presently prohibits subsidiaries  
9. and affiliates of State and National banks from selling  
10. insurance in cities over a population of 5,000. Bank  
11. Holding Companies are interpreted by the Department of  
12. Insurance as being a subsidiary or an affiliate. This bill  
13. simply clarifies that interpretation.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Is there any further discussion? If not, the question  
15. is shall Senate Bill 574 pass. Those in favor vote Aye, those  
16. opposed vote Nay. The voting is open. Have all voted who wish?  
17. Have all voted who wish? Take the record. On that question,  
18. the Ayes are 48, the Nays are none, and three voting Present.  
19. Senate Bill 574, having received the constitutional majority,  
20. is declared passed. Senate Bill 592, Senator Egan. Read the  
21. bill, Mr. Secretary.

22. SECRETARY:

23. Senate Bill 592.

24. (Secretary reads title of bill)

25. 3rd reading of the bill.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Senator Egan.

28. SENATOR EGAN:

29. Thank you, Mr. President, members of the Senate. The  
30. description on the bill is simply that, and nothing more. I  
31. ask for your favorable consideration.

32. PRESIDING OFFICER: (SENATOR SAVICKAS)

33. Is there further discussion? Senator Walsh.

1. SENATOR WALSH:

2. Well, yes. I thought the gentlemen might tell us a little  
3. bit about it and why we need it. I..my recollection of this  
4. bill is that it doubles the interest rate that would be charged  
5. in the event of...unpaid taxes, and I think it applies only to..  
6. local governments, and not to the state, so you'd...where the  
7. interest rate is now one percent per month, 12 percent per  
8. year for unpaid Real Estate taxes, this bill would provide  
9. for a two percent per month or 24 percent per year. I don't  
10. know why government should be able to get three times the  
11. usurious rate of interest, that is provided for in our  
12. State Statutes, and furthermore, it's my understanding  
13. that the provisions have..the income tax and sales tax, etc.,  
14. that any liability to the State of Illinois is one percent,  
15. rather than two percent per month. So I would hope we take  
16. a good look at this and I would urge a No vote.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Is there further discussion? Senator Newhouse.

19. SENATOR NEWHOUSE:

20. Thank you, Mr. President. Senator, I can see where this  
21. might be applicable to..in certain categories, but what do  
22. we do about the elderly person on fixed income whose property  
23. is paid for, and about whom we read continuously losing their  
24. homes under the present system. About five years ago, I had  
25. a matter come before me, and brought it down before this Body.  
26. A lady who did not speak English, she spoke Lithuanian only,  
27. who did not, in fact, have the capacity to understand precisely  
28. what was going on in a very complicated tax procedure. She  
29. lost her home under those tax proceedings, and the lawyer who  
30. took her house from her agreed to sell the \$18,000 house back  
31. to her for 20. I would hate to see that kind of person on  
32. fixed income involved in a procedure where you double the  
33. penalty on taxes, which they may temporarily be unable to pay.

1. Is there an answer to that question? Is there a dis-  
2. tinction being made?  
3. PRESIDING OFFICER: (SENATOR SAVICKAS)  
4. Senator Egan.  
5. SENATOR EGAN:  
6. No, this applies to those people who do not pay their  
7. Real Estate Tax, Senator. It's just a matter of philosophy.  
8. If you think that that's all right not to pay your Real Estate  
9. Tax then you don't penalize those who don't. If you think it's  
10. wrong to not pay your Real Estate Tax then you penalize those  
11. who don't pay it. It's simply that, and nothing more.  
12. PRESIDING OFFICER: (SENATOR SAVICKAS)  
13. Senator Newhouse.  
14. SENATOR NEWHOUSE:  
15. Then Senator, I want you to know I come down on the side  
16. of the widows who cannot pay temporarily because of the fixed  
17. income. I come down on that side.  
18. PRESIDING OFFICER: (SENATOR SAVICKAS)  
19. Senator Egan.  
20. SENATOR EGAN:  
21. Yeah, well I do too.  
22. PRESIDING OFFICER: (SENATOR SAVICKAS)  
23. Is there any further discussion? Senator Newhouse.  
24. SENATOR NEWHOUSE:  
25. You come down differently, though, Senator.  
26. PRESIDING OFFICER: (SENATOR SAVICKAS)  
27. Senator Bowers.  
28. SENATOR BOWERS:  
29. Well I'd like to rise in support of Senator Egan's bill.  
30. It seems to me that when this tax went into effect, or this  
31. penalty went into effect years ago, and the effective loanable  
32. interest rate was around five percent, we doubled it as far  
33. as the penalties are concerned. Now if you want to go out  
and borrow money today, you're going to pay ten to twelve

1. percent, and it makes it cheaper to let your taxes go  
2. delinquent than to go borrow the money to pay it, and I  
3. don't think that's right, and I think that it happens to  
4. be a good measure and I intend to support it. Thank you.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Is there any further discussion? Senator Nimrod.

7. SENATOR NIMROD:

8. Mr. President, it seems to me that a bill of this type  
9. can only cause an add to inflation. It seems to me a twelve  
10. percent interest charge and the loss of your property is a  
11. pretty severe penalty to start with, and I think if government  
12. starts charging 24 percent, you'll find the private credit  
13. people starting to charge 24 percent, and we're just causing  
14. ourselves a lot of problems. This is evidently an attempt  
15. to get some tax money, but I think there are other ways of  
16. being more direct.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Senator Davidson.

19. SENATOR DAVIDSON:

20. A question to the sponsor.

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. He indicates that he will yield.

23. SENATOR DAVIDSON:

24. Senator Egan, is there any option on this if it's a  
25. day late. It's now one percent for, or twelve percent com-  
26. puted over the month, is there any option on this, and secondly,  
27. if the tax is not paid and it goes to bid, are the people..the  
28. variable bid still allowed? In other words, that person who's  
29. buying the tax bid the amount of interest that he will pay...this  
30. can be from...if this becomes law, could be 24 percent down  
31. to as low as one percent, is that not correct?

32. PRESIDING OFFICER: (SENATOR SAVICKAS)

33. Senator Egan.

SENATOR EGAN:



1. It raises it monthly, from one to two. 1  
2. PRESIDING OFFICER: (SENATOR SAVICKAS)  
3. Senator Davidson.  
4. SENATOR DAVIDSON:  
5. The second part of the question- it does not change  
6. the variable bid by the person who wants to buy the tax when  
7. the treasurer sells the tax at the tax sale in November. Normally,  
8. it's October or November. This does not change the opportunity  
9. of the tax buyer to make a variable bid.  
10. PRESIDING OFFICER: (SENATOR SAVICKAS)  
11. Is there further discussion? Senator Chew.  
12. SENATOR CHEW:  
13. Yeah, a question to the sponsor.  
14. PRESIDING OFFICER: (SENATOR SAVICKAS)  
15. He indicates that he will yield.  
16. SENATOR CHEW:  
17. Senator Egan, who organized the idea that it should be  
18. increased to two percent? Who wants the bill?  
19. PRESIDING OFFICER: (SENATOR SAVICKAS)  
20. Senator Egan.  
21. SENATOR EGAN:  
22. The schools, and all of the people who benefit from the  
23. amount of money that we collect in Real Estate Taxes and where  
24. that money is spent.  
25. PRESIDING OFFICER: (SENATOR SAVICKAS)  
26. Senator Chew.  
27. SENATOR CHEW:  
28. Senator, the schools in the State of Illinois are almost  
29. in a position to rob people, and there hasn't been a school in  
30. the State of Illinois who has come to you and asked you anything  
31. about raising the penalty on real estate. You know that, as well  
32. as I do. Now, you're not answering my question. I'm trying to  
33. ascertain, sir, whether that Cook County wants it, or some other

1. county wants it, or what is the purpose of it. It's a  
2. devastating bill. As it is, there is absolutely no lee-  
3. way in paying taxes...we did go into it not long ago to  
4. set up a different payment plan to bail government out of  
5. the dilemma in which they were in, but as a property owner  
6. myself, and I do own rental property, and I believe my  
7. rental property is what we call Deluxe Rental Property.  
8. But by the same token, we have to look at the people that  
9. cannot even pay fuel bills today. We have people in...especially  
10. in Chicago, that are walking away from rental properties because  
11. of the high tax assessments because of the high fuel cost,  
12. and because people cannot pay certain rentals to keep up with  
13. the cost of operating a building. Now a Real Estate tax is  
14. arbitrary anyway. It's set by government as what one pays,  
15. according to an assessment, and it's under investigation as  
16. of now in Cook County, because it's alleged and I believe it's  
17. true, that certain people in the County have been over-taxed  
18. because of certain areas that they live in, and it does create  
19. a hardship. Doctor Davidson, if you are late twelve hours  
20. in paying your taxes, that one percent does apply, and I  
21. can give you examples where buildings that bring in \$10,000  
22. a year as rental property, got a tax assessment of \$4,000.  
23. Right in Chicago! And now, to saddle that property-owner  
24. who has tried to produce and maintain property for the benefit  
25. of others, he'll be saddled with the additional penalty, simply  
26. because some bureaucrat decided that we will charge him an  
27. extra percent, and if he doesn't pay, we will get our property  
28. scavengers, and a lot of lawyers...are property scavengers  
29. in Chicago and properties are sold every day. Just last week,  
30. Cook County Treasurer and Assessor's Office..the Cook County  
31. Assessor's Office devised a new means of selling property where  
32. people have not paid taxes for a couple of years. They do not  
33. take into consideration that that person may not have been  
able to pay the fuel bill in that period of time. They do not

1. take into consideration other than the redeemable period  
2. which is two years, and the method of notifying these property  
3. owners is so obsolete...I tell you, you and I wouldn't want  
4. to deal with it, and of all of the efforts that have been  
5. made, County Assessors aren't interested in the property  
6. procedure of notifying these property owners that the properties  
7. are going on the auction block, because many of them are in  
8. collusion with those goddamn lawyers that buy that property.  
9. It's exactly what happens. That's exactly what happens, and  
10. it happens in Cook County. We've got law firms...

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Senator....

13. SENATOR CHEW:

14. ...that do nothing but specialize in buying that property,  
15. and by God, they know about it before the average citizen. And  
16. what we're doing, we're encouraging counties..

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Senator...

19. SENATOR CHEW:

20. ...to charge an extra penalty so they can feed that information  
21. in by a pipeline to these law firm's that's buying up the  
22. property, and poor people that cannot pay their taxes, poor  
23. people that cannot pay their taxes, tend to lose their homes.  
24. I know of several cases, and life is hard out there...

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. ...Senator, your time has expired. I think...

27. SENATOR CHEW:

28. ...and anybody who votes for this bill shouldn't even  
29. be sitting in a seat down here, representing a constituency.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Senator Collins.

32. SENATOR COLLINS:

33. The few times that I have to agree with Senator Chew.  
Senator Chew is absolutely right, and I can say, Senator

1. Newhouse, I didn't have one case this year where they sold  
2. it from 19 and he tried to sell it back to her for a couple  
3. thousand dollars different. I had three cases in my office  
4. where they actually tried to triple the price, and they were  
5. involved, in fact, in making sure that they did not get the  
6. notices on the taxes. This bill, Senator Chew, you ask, is  
7. to..benefit the tax scavengers in the City of Chicago, and  
8. that's what's happening. They're buying up the property  
9. in the black community.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)  
11. Senator Maragos. Senator Maragos.

12. SENATOR MARAGOS:  
13. Mr. President, members of the Senate. In arising in  
14. support of this bill, pardon..? Since..Mr. President, since  
15. I'm not on the seashore, I'm not going to say anything further.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)  
17. Is there further discussion? Senator Wooten.

18. SENATOR WOOTEN:  
19. Just to advise Senator Egan that Senator Vadalabene  
20. will be glad to take his case.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)  
22. Is there further discussion? Senator Egan may close.

23. SENATOR EGAN:  
24. Mr. President, ..I feel so bad. I move to table the  
25. bill.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)  
27. Senator Egan moves to table Senate Bill 592. All in favor  
28. indicate by saying "Aye". Those opposed, the Ayes have it  
29. the bill...Senate Bill 592 is tabled. Senate Bill, Senator  
30. Vadalabene, for what purpose do you rise?

31. SENATOR VADALABENE:  
32. I just won my first case.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)  
Senate Bill 593, Senator Bloom dash Knuppel. Senate Bill

1. 597, Senator Berning. Read the bill, Mr. Secretary.

2. SECRETARY:

3. Senate Bill 597.

4. (Secretary reads title of bill)

5. 3rd reading of the bill.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Senator Bloom. I mean, Senator Berning.

8. SENATOR BERNING:

9. Thank you, Mr. President. Senate Bill 597 is a bill that  
10. was introduced at the request of the Department of Personnel, and  
11. the purpose is to delete reference to competitive promotional  
12. examinations in the code, thereby providing greater latitude  
13. and flexibility in carrying out the State's promotional program.  
14. In 1977 Supreme Court decision, namely Mathis vs. Foster, resulted  
15. in the implementation of a competitive person...promotional  
16. examination program, effective September 1, '78, which has  
17. added significantly to the workload and costs of the Department  
18. of Personnel, created additional paperwork, and has not necessarily  
19. resulted in improved promotional opportunities. If this com-  
20. petitive promotional program is allowed to continue, the cost  
21. will increase considerably to the Department, and I respectfully  
22. suggest that this bill be passed, Mr. President. I'll attempt  
23. to answer any questions.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Senator Buzbee.

26. SENATOR BUZBEE:

27. Thank you, Mr. President. I..I'm a little bit confused. I  
28. really...

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. ...Just a moment. I think we're all confused and quite  
31. noisy. Will the Senate please be in order? Will the Sergeant-  
32. at-Arms, both of them, clear the aisles of all unauthorized  
33. personnel?

SENATOR BUZBEE:

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Thank you...

PRESIDING OFFICER: (SENATOR DONNEWALD)

No, just a minute.

SENATOR BUZBEE:

You're not charging this against my time, are you?

PRESIDING OFFICER: (SENATOR DONNEWALD)

No. Not yet. Proceed.

SENATOR BUZBEE:

Thank you, Mr. President. I'm a little bit confused, because seven years ago, during my first year in this Senate, I served on a sub-committee which was chaired by Senator Berning, and we went all over the State of Illinois holding hearings on the Personnel Code, and the thrust of the then-majority, the Republican majority, was that the then-governor, the Democrat Dan Walker, was violating the personnel code through various and sundry ways and hiring Democrats instead of..instead of going through the normal personnel procedure, and of promoting Democrats, etc... And now I find this same Senator Berning is sponsoring a bill which, if I understand it, would do away with the competitive examinations for promotion, and I'm wondering, Senator, is this a way of perhaps promoting one's friends in a department without..or perhaps one..people of the same political persuasion, without their having to take a competitive examination to see if they're qualified for the promotion?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berning, on Senator...

End of Reel #1

1. ...on Senator Buzbee's time.

2. SENATOR BERNING:

3. All right. I...thank you, Mr. President. I...I would  
4. like to be able to say to the good Senator, that yes, this was  
5. a tool or an avenue for the Republicans to maybe get even  
6. or catch up with the Democrats, but that's not true. The purpose  
7. of the bill, which, incidently, is the result of the  
8. Department of Personnel, relates to promotional examinations and  
9. lists. The purpose is to delete all reference to competitive  
10. promotional examinations, thereby providing greater latitude  
11. and flexibility in carrying out the State's promotional program  
12. to require that all promotions must be on a competitive basis  
13. as was the conclusion reached by the Supreme Court, appears  
14. unnecessarily restrictive. There are, for example, instances  
15. where a noncompetitive promotion might be quite appropriate.  
16. Further, the court mandated competitive promotional examination  
17. has added significantly to the current workload and staffing  
18. costs. It has also resulted in some rather bazaar  
19. situations, for instance, a single employee has filed more than  
20. one hundred separate promotional examination requests. The whole  
21. purpose, Mr. President and members of the Senate, is to streamline  
22. the operation of the department without impinging on the rights  
23. of anybody.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Senator Berning, you've used up all of Senator Buzbee's  
26. time. Senator Buzbee.

27. SENATOR BUZBEE:

28. I thought that was what the good Senator was trying to do  
29. and he...you read...you read very well, Senator. I applaud you.  
30. I would like to say I think he was making a closing argument  
31. there and...and it's not time to go to the jury yet. We're just  
32. still asking questions. What I would like to know is, if  
33. you eliminate the competitive factor in promotions, does that mean

1. that we're going to allow agencies to promote at will and in fact,  
2. will that not allow agency directors who are currently Republicans  
3. to promote their friends, regardless and will not have the  
4. competitive situation in...in competing for promotions?

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Senator Berning.

7. SENATOR BERNING:

8. Senator, the succeeding bill, I think when we get to that,  
9. will respond to your question. No, there is no intent to bypass  
10. anyone who is qualified.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Senator Buzbee.

13. SENATOR BUZBEE:

14. Well, I think I'm going to be opposed to the bill. I don't  
15. think, I know I am because we have funny ways of perhaps  
16. getting some bills passed and others not passed in this Legislature  
17. and the next one may not pass, so I'm going to vote No on this  
18. one just in case.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Senator Berning. Senator Berman.

21. SENATOR BERMAN:

22. Thank you, Mr. President. I just wanted to comment on the  
23. bill. I listened to the arguments of the sponsor. He talks  
24. about that competitive examinations are restrictive, that the bill  
25. eliminating competitive examinations will give greater flexibility  
26. to carrying out administration policies. It will streamline  
27. personnel policies. All of those things to me, are translated in  
28. a word that the sponsor on the other side of the aisle is always  
29. shouting is a bad word, but this really just puts patronage right  
30. into the hiring and promotion policies of the State.  
31. I'm glad to see that Senator Berning has finally come around and  
32. recognized the merit of patronage.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Hall. Is there further discussion? Senator Berning



1. may close.

2. SENATOR BERNING:

3. Just to repeat, there is no intention to eliminate  
4. competitive examinations and while they may be quite  
5. appropriate for entrance purposes, their utilization in  
6. promotional setting is questionable particularly when there  
7. are other more relevant means for determining suitability  
8. for promotion including job performance. Mr. President,  
9. I respectfully request a favorable roll call.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. The question is shall Senate Bill 597 pass. Those in  
12. favor vote Aye. Those opposed Nay. The voting is open.  
13. Have all those voted who wish? Have all those voted who wish?  
14. Take the record. On that question the Ayes are 27, the Nays  
15. are 22. Senate Bill 597...Senator Berning requests that  
16. consideration be postponed. Consideration will be postponed.  
17. Senate Bill 602, Senator Savickas. Read the bill, Mr.  
18. Secretary.

19. SECRETARY:

20. Senate Bill 602.

21. (Secretary reads title of bill)

22. 3rd reading of the bill.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Senator Savickas.

25. SENATOR SAVICKAS:

26. Yes, Mr. President and members of the Senate.  
27. Senate Bill 602 changes the Chicago Park District's bonding  
28. power from three-quarters of one percent to .95 of one percent  
29. of assessed valuation. And this will keep our park  
30. improvement bonding power limitation at the same eighteen  
31. million dollars that was originally proposed against  
32. real estate valuation and this is with no increase in the  
33. tax obligation of real estate property owners anymore than  
existed prior to the Supreme Court decision which removed our tax

1. base on personal property from our bonding authority and left  
2. us with a predicament...

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. You may proceed. Senator...

5. SENATOR SAVICKAS:

6. Take it out of the record.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Take it out of the record. Senate Bill...Senator Berning,  
9. for what purpose do you arise?

10. SENATOR BERNING:

11. Well, just because I could not adequately explain Senate Bill  
12. 597...

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Senator, as to 598, you're on the agreed bill...proposed  
15. Agreed Bill List.

16. SENATOR BERNING:

17. Oh, thank you.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senate Bill 613, Senator Regner. Senate Bill 614, Senator  
20. Regner. Senate Bill 616, Senator Schaffer. Do you wish the bill  
21. called, Senator? Read the bill, Mr. Secretary.

22. SECRETARY:

23. Senate Bill 616.

24. (Secretary reads title of bill)

25. 3rd reading of the bill.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Senator Schaffer.

28. SENATOR SCHAFFER:

29. Senate Bill 616 simply provides that the computer tapes  
30. that most of our county clerks are now using are, in fact, available  
31. to candidates and office holders for noncommercial political  
32. uses. It complies with an Attorney General's opinion, and I  
33. think clarifies the Statewide situation. Be happy to answer  
any questions. Appreciate a favorable roll call.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)  
2. Is there discussion? Senator Wooten.  
3. SENATOR WOOTEN:  
4. Just to have you explain the impact of the amendment,  
5. Senator Schaffer.  
6. PRESIDING OFFICER: (SENATOR DONNEWALD)  
7. Senator Schaffer.  
8. SENATOR SCHAFFER:  
9. Well, the...we put the amendment on, legal staff advised me,  
10. to one, indicate that we were not trying to in ex post facto  
11. way, shut down anybody who already had gotten these lists or  
12. tapes before the...the law was passed and also to define commercial  
13. purposes so that it wasn't so rigidly confined that any office  
14. holder who wanted to use a tape, had to go out and buy  
15. a computer and do all the work himself. Obviously, a service  
16. unit could do the work for you. That's the purpose of the amendment.  
17. PRESIDING OFFICER: (SENATOR DONNEWALD)  
18. Senator Rock.  
19. SENATOR ROCK:  
20. Thank you, Mr. President and Ladies and Gentlemen of the Senate.  
21. I rise in opposition to Senate Bill 616 as amended. It seems to me  
22. that to mandate that the county clerks shall furnish to individuals  
23. at their request at a reasonable cost, copies of this is just  
24. much too much. Now, you can build in as many safeguards as you wish  
25. which you have legitimately attempted to do by virtue of Amendment  
26. 1. But it just seems to me to open this wide open...we are doing  
27. everything possible, frankly, to encourage people to register  
28. to vote and now we are saying by this legislation, that anybody  
29. that's got the wherewithal can by a copy of the registered voter  
30. list. It would seem to me that we are...the effect of this will be to  
31. discourage people from registering to vote and I think that's a mistake  
32. and I do not think that copies of the county clerk's records  
33. whether magnetic tape or anything else, ought to be available  
for sale.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Is there further discussion? Senator Rhoads.

3. SENATOR RHOADS:

4. Thank you, Mr. President and Ladies and Gentlemen of the  
5. Senate. I rise in support of Senate Bill 616 and would only  
6. comment that I think Senator Rock is...is overreacting.  
7. This information is now available in more primitive forms.  
8. In the County of Cook, it's available on poll sheets, in  
9. other counties it's available in other forms. But we are now  
10. in a modern era where people do need computer tapes in order  
11. to adequately get the information they desire. It is public  
12. information. It belongs in the public domain. These tapes  
13. were made available to the Secretary of State last year when he  
14. fulfilled his constitutional mandate of sending out information on  
15. the proposed constitutional amendments. Incidentally, that was a  
16. very costly process. These tapes could not reasonably be used  
17. directly for political purposes simply because the lists  
18. are done by individuals rather than by families or by street  
19. address, so it is not feasible, really, to use it for a...for  
20. a direct political mailing of that type. But this information is  
21. public information and should be available to the public.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Is there further discussion? Senator Schaffer may close.

24. SENATOR SCHAFFER:

25. Well, I thank Senator Rock about his compliment  
26. on how we drafted the bill in terms of attempting to solve the  
27. problem. I would only echo Senator Rhoads' comment that this  
28. information, is in fact, available and if someone wishes to  
29. us it, they can. This bill would not add to that problem.  
30. In fact, I think it would perhaps cut down on that problem.  
31. But I would suggest to those of you in the Senate, all of us  
32. are up for election, all of us understand the election process,  
33. perhaps better than the average person on the street and as our

1. counties get deeper and deeper into computers, the only way  
2. a candidate can, in fact, truly have a grasp on the election  
3. process and getting a fair shake on the election process  
4. is to have complete and open access to the computers. I think  
5. this bill is a step in the right direction. I don't believe  
6. there's any partisan implications. I think it helps  
7. everybody involved. Most of the county clerks in the State  
8. currently have this policy. I think the bill puts an Attorney  
9. General's opinion into law, a good one, and I'd appreciate a  
10. favorable roll call.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. The question is shall Senate Bill 616 pass. Those in  
13. favor vote Aye. Those opposed Nay. The voting is open.  
14. ...voted who wish? Take the record. On that question the Ayes  
15. are 29, the Nays are 12, 3 Voting Present. Senator Schaffer  
16. requests that the bill be...placed on the Order of Postponed  
17. Consideration. Consideration is postponed. Senate Bill 618  
18. Senator Bloom. Read the bill, Mr. Secretary.

19. SECRETARY:

20. Senate Bill 618.

21. (Secretary reads title of bill)

22. 3rd reading of the bill.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Senator Bloom.

25. SENATOR BLOOM:

26. Thank you, Mr. President and fellow Senators. This bill  
27. amends the Juvenile Court Act to allow the State to use prior record  
28. of a juvenile either in impeachment when the defendants  
29. take the stand, or in setting bond. It's the best way to describe  
30. it. I answer any questions you have. I can give the complete  
31. background with the case law and the fact that the juvenile  
32. can impeach...defendant can impeach someone using their juvenile  
33. record. But, this gives the State the same...same chance.  
It's a good bill. I'd encourage your support.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)  
2. Is...is there discussion? Is there discussion? Question is  
3. shall Senate Bill 618 pass. Those in favor vote Aye. Those  
4. opposed Nay. The voting is open. Have all those voted who wish?  
5. Have all those voted who wish? Take the record. On that question  
6. the Ayes are 48, the Nays are none. Senate Bill 618 having  
7. received a constitutional majority is declared passed.  
8. Senate Bill 619, Senator Jeremiah Joyce. Senate Bill 622,  
9. Senator Daley. Read the bill, Mr. Secretary.  
10. SECRETARY:  
11. Senate Bill 622.  
12. (Secretary reads title of bill)  
13. 3rd reading of the bill.  
14. PRESIDING OFFICER: (SENATOR DONNEWALD)  
15. Senator Daley.  
16. SENATOR DALEY:  
17. Mr. President and fellow Senators. This bill arises from  
18. a recent appellate court decision whereby it stated illegally  
19. used weapons could not be destroyed if a defendant was not  
20. convicted of the offense of unlawful possession or use.  
21. What's happening today is the police department has to return  
22. all the guns to the street gang members and everybody else if  
23. they're not convicted of unlawful use of...or possession of the  
24. weapon. What this bill does, number one, it declares that  
25. any weapon confiscated by the police is a nuisance. Number two,  
26. it permits the police to destroy the weapons...conviction of the  
27. defendant. It requires a stolen weapon to be returned to its  
28. lawful owner. It's a good bill. It's supported by the Rifle  
29. Associations and it came out of Judiciary with a unanimous roll  
30. call.  
31. PRESIDING OFFICER: (SENATOR DONNEWALD)  
32. Senator D'Arco.  
33. SENATOR D'ARCO:  
Will the sponsor yield for a question?

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. He indicates he will.

3. SENATOR D'ARCO:

4. Let us assume situation where the police go into  
5. somebody's house and take a weapon that is legally registered,  
6. both State and by the municipal government, take it and they  
7. charge him with unlawful use of weapons. He goes before a judge  
8. and he's acquitted. And that...now, this may be a very expensive  
9. weapon, it may be a high powered rifle that he uses for hunting  
10. or it may be a pistol that his grandfather gave to him or  
11. some other such thing. Now, you're saying that automatically  
12. you're charged and not convicted with unlawful use of weapons,  
13. the police will confiscate and destroy that weapon?

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Daley.

16. SENATOR DALEY:

17. No. First of all, in your example, they would have to...they  
18. would have to have a lawful search warrant. Number two, if...  
19. if it's in your home and you have a license for it or you're  
20. registered, they do not take it. You can go into court by replevin.  
21. This only deals with the problem where the police departments  
22. are having...arresting, especially, younger people with sawed  
23. off shotguns, just a little larger than sawed off shotguns,  
24. all types of possession of hand guns. Number one, they will return  
25. it to the individual if he is a lawful owner. You have to be the  
26. lawful owner. If it's...if he's not the lawful owner, it's  
27. stolen, it goes back to the lawful owner...they stole that  
28. weapon.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator D'Arco.

31. SENATOR D'ARCO:

32. The law now is that if you're the lawful owner of a gun  
33. and you go before a court and you're acquitted on a charge of

1. unlawful use of weapons, you get your gun back. You sign a  
2. court order and you take that order to the police inventory  
3. pond and they will release your gun. So, you know, what I'm  
4. trying to do is protect the guy who has a gun legally  
5. and is unlawfully charged or wrongfully charged with unlawful  
6. use of a weapon, you know, that could be a very valuable gun.  
7. It could be a five hundred dollar gun, it could be a thousand  
8. dollar gun, it could be a two thousand dollar gun. You are going  
9. to, you know, inadvertently, not inadvertently, indiscriminately  
10. destroy the gun regardless of the circumstances whether the guy  
11. is right or wrong.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Senator Daley.

14. SENATOR DALEY:

15. Senator, you're completely wrong.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Chew.

18. SENATOR CHEW:

19. Well, Senator Daley, try this one on me. Do I understand this  
20. bill to say that if you are arrested and a gun is found, whether  
21. it's in your home or on your person or in your automobile,  
22. that if you are acquitted on the charge, that the gun  
23. is, in fact, returned to you regardless of what kind of gun it  
24. is?

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator Daley.

27. SENATOR DALEY:

28. The gun will be returned if you are the lawful owner of the  
29. gun. If you...

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Senator Chew.

32. SENATOR CHEW:

33. I'm only speaking of the owner of a gun, Senator, who would



1. be lawfully the owner of the gun, but now...it's returned?  
2. Well, you know, I come from Chicago, as you do, and that isn't  
3. exactly the way it's done in Chicago. If a police officer  
4. picks you up and you have a gun in your car, they charge you with  
5. unlawful use of a weapon. The police department...if the court  
6. finds you not guilty and discharges your case, one of the most  
7. difficult things on earth is to get that gun returned to you.  
8. I don't care how many times you have registered it, they just  
9. do not return that gun. Now, there have been charges and I think  
10. rightfully so, that the courts make no decision that that owner  
11. can, in fact, get that gun returned and what has happened, the  
12. owner of that gun is grateful for having had his case discharged  
13. and he doesn't really ask for the gun back. Now, why is it that  
14. your...your...your bill doesn't mandate the court in a case of  
15. this kind, to inform the owner of a...the legal owner of  
16. a gun, that he can, in fact, sign a writ or replevin or  
17. whatever it is and the police department will get that gun.  
18. Now, the other question, Senator, the...the Chicago Police  
19. Department have a habit of keeping those guns for a period of  
20. time and then they melt them down where they cannot be used  
21. and some of these guns are rightfully due back to the owner.  
22. Would you have an objection if your bill had an amendment on it  
23. that would mandate the courts in a case of that kind,  
24. to give an order, just as they the discharge order, to give an  
25. order that...that...lawfully owner of that gun could get it back?

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Senator Daley.

28. SENATOR DALEY:

29. Under present law, the lawful can receive the gun back.  
30. He gets the gun back under this bill. What this bill is pertaining  
31. to is a 1977 appellate court decision that held that an illegally  
32. used weapon could not be destroyed if a defendant was not  
33. convicted of the offense of unlawful possession or use and this is  
all it pertains to. This bill...it's a good bill. What's happening

1. today is they're returning the weapons and it's under law they  
2. have to return the weapons to those that have been arrested if  
3. they're not found guilty on unlawful possession or use. The  
4. State's Attorney has been dropping the charges, for higher charge,  
5. there's plea bargaining. This is what's happening. This is the  
6. practice.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Is there further discussion? Well, now, we've got  
9. several...you're time is...yes it has. All right. Proceed.

10. SENATOR CHEW:

11. Senator, I'm still asking you would you permit an amendment  
12. that would mandate the court because the court is not mandated  
13. now to make any effort to inform police departments that they  
14. must return that gun. Would you mind an amendment that would  
15. so state?

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Daley. :

18. SENATOR DALEY:

19. Under this bill it does. It says if you...if you  
20. have lawful possession of the gun, it's returned to you.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Senator D'Arco.

23. SENATOR D'ARCO:

24. I...I really hate to disagree with my distinguished colleague,  
25. Senator Daley, but the bill does not say that if you are not  
26. convicted, the weapon is returned to you. What the bill does say  
27. is that a certificate that the nondestruction thereof is necessary  
28. or proper to serve the ends of justice if that certificate in  
29. forthcoming, then the judge, in his discretion, could decide  
30. to return the weapon to you. But the bill also indicates  
31. that the weapon may be confiscated and put in the laboratory  
32. and experimentation can be forthcoming on that weapon. The problem  
33. of a stolen weapon, and I am in complete accord with Senator  
Daley. I think that if a man has a stolen weapon, that weapon should

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1. be confiscated. But the problem is that he may have his  
2. own weapon and it may be valuable to him and the judge  
3. can destroy and confiscate that weapon even though he is legally  
4. entitled to return it to the defendant.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. All right. Senator Jeremiah Joyce.

7. SENATOR JEREMIAH JOYCE:

8. My understanding of...of this bill is that we are  
9. shifting the burden of responsibility for showing lawful ownership.  
10. If you have a situation, as I understand it, where a U.U.W.  
11. charge is not prosecuted, then the burden of responsibility  
12. as to possession of the weapon is on the court presently to  
13. return that via writ of replevin. If you have a situation  
14. under this bill the owner of the weapon will have the responsibility  
15. to come in and show, in fact, that he did have lawful  
16. possession or lawfully own the weapon. That's all this bill seems  
17. to me to be doing.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator Daley may close if he wishes.

20. SENATOR DALEY:

21. I would ask for a favorable roll call.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. The question is shall Senate Bill 622 pass. Those in  
24. favor vote Aye. Those opposed Nay. The voting is open.  
25. Have all those voted who wish? All those voted who wish?  
26. Take the record. On that question the Ayes are 46, the Nays are 1.  
27. Senate Bill 622 having received a constitutional majority  
28. is declared passed. Senate Bill 624, Senator Bruce. Senate  
29. Bill 625, Senator Bruce. Senate Bill 629, Senator Bruce. Senate  
30. Bill 630. Senate Bill 635, Senator Weaver. You're on the preferred  
31. list, Senator. Read the bill, Mr. Secretary.

32. SECRETARY:

33. Senate...Senate Bill 635.

1. (Secretary reads title of bill)

2. 3rd reading of the bill.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Senator Weaver.

5. SENATOR WEAVER:

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

7. Senate Bill 635 would allow a banking establishment to move  
8. across the street and establish an addition to their main  
9. banking facility without being considered a branch. At present,  
10. they're allowed to move across an alley, but the Commissioner  
11. of Banks has found several situations where it's desirable to allow  
12. main banking establishments to move across the street and  
13. ...instead of just an alley. So, this is what it would do.  
14. It would allow them to move across the street, change the Statutes from  
15. alley to street and still be considered the main banking facility  
16. and not a branch. If there's any...

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Is there...is there discussion? The question is shall Senate  
19. Bill 635 pass. Those opposed...those in favor vote Aye.  
20. Those opposed vote Nay. The voting is open. Have all those voted  
21. who wish? Have all those voted who wish? Senate Bill 642, Senator  
22. Regner. Oh, I'm sorry. On that question...on that question as to  
23. Senate Bill 642, the Ayes are 47, the Nays are none, 2 Voting  
24. Present. Senate Bill 642 having received a constitutional  
25. majority is declared passed. Now, we go to Senate Bill...I'm sorry.  
26. The bill...the Chair stands corrected. That is Senate Bill 635  
27. having received a constitutional majority is declared passed.  
28. Senate Bill 642. Read the bill, Mr. Secretary.

29. SECRETARY:

30. Senate Bill 642.

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Regner.

1. SENATOR REGNER:

2. Mr. President and members of the Senate. This bill authorizes  
3. multiple year lease contracts and lease purchaser installment  
4. purchase for telecommunications, duplicating and/or electronic  
5. data processing equipment. The contracts are required to have a  
6. clause for termination or cancellation of the contract if the  
7. General Assembly does not make an appropriation. The bill  
8. provides that the Department of Administrative Services is  
9. responsible for approving or executing such contracts for those  
10. agencies responsible to the Governor and allows the institutions  
11. of higher education and other constitutional officers to participate  
12. in these multi-year contracts. The National Association for State  
13. Information Systems indicates similar program in Oregon  
14. recently resulted in about a forty-one percent savings in total cost  
15. if we do have the multi-year contracts. If there are any questions,  
16. be...able to answer them, but I would solicit a favorable roll call  
17. on this bill.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator Wooten.

20. SENATOR WOOTEN:

21. Senator Regner, I did not, as a matter of fact, I do not have  
22. a copy of the amendment, but it...it looks, at least, on the  
23. surface, that you might have incorporated Senate Bill 640, which  
24. was defeated in committee, to 642. What exactly did your amendment do?

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator Regner.

27. SENATOR REGNER:

28. I don't remember what 640 was, Senator Wooten, but I didn't  
29. want to include anything else. What I did by the amendment was  
30. exclude certain things. It removes the...the amendment removes the  
31. authorization for multi-year contracts for EDP software programs.  
32. All it provides for is hardware.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Wooten.

1. Is there only one amendment on this bill or is there  
2. ...are there not, in fact, two?  
3. PRESIDING OFFICER: (SENATOR DONNEWALD)  
4. Senator Regner.  
5. SENATOR REGNER:  
6. There are two. The second one was a technical  
7. amendment that was asked for by the Comptroller's Office.  
8. PRESIDING OFFICER: (SENATOR DONNEWALD)  
9. Senator Wooten.  
10. SENATOR WOOTEN:  
11. Adds land, highway, waterway construction to the list of  
12. permanent improvements which were excluded in the requirements  
13. of no contracts of...what's that got to do with hardware?  
14. Have I got the wrong information?  
15. PRESIDING OFFICER: (SENATOR DONNEWALD)  
16. Senator Regner.  
17. SENATOR REGNER:  
18. The...the language to those references clarifies the limitations  
19. of multi-year contracts to exclude construction and land purchases  
20. and items that are normally subject to reappropriation process  
21. and that was the Comptroller's amendment.  
22. PRESIDING OFFICER: (SENATOR DONNEWALD)  
23. Senator Wooten.  
24. SENATOR WOOTEN:  
25. Okay. That's...I misread it. You're exactly correct. The bill  
26. is in good shape. Thank you, Senator.  
27. PRESIDING OFFICER: (SENATOR DONNEWALD)  
28. Is there further discussion? The question is shall Senate Bill  
29. 642 pass. Those in favor vote Aye. Those opposed Nay. The voting  
30. is open. Have all voted who wish? Have all those voted who wish?  
31. Take the record. On that question the Ayes are 49, the Nays are  
32. 2, 2 Voting Present. Senate Bill 642 having received a  
33. constitutional majority is declared passed. I note that we have a  
former Senator and former President of the Senate with us today,

1. Senator Bill Harris. Stand up and take a bow. Senate Bill 651,  
2. Senator Vadalabene. You were on the proposed Agreed Bill List  
3. Senator Geo-Karis. Read the bill, Mr. Secretary.

4. SECRETARY:

5. Senate Bill 651.

6. (Secretary reads title of bill)

7. 3rd reading of the bill.--

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Senator Vadalabene.

10. SENATOR VADALABENE:

11. Yes, thank you, Mr. President and members of the Senate.  
12. This bill places the bank for savings and loan associations  
13. in its own Act removing it from the Banking Act. The bank was  
14. chartered in 1966 to provide services to Illinois State  
15. Chartered Saving and Loan Associations, services not adequately  
16. rendered by the Federal Home Loan Bank System. The bank  
17. does business throughout the country with both State and Federal  
18. Associations but a very high percentage of its business is done  
19. with Illinois institutions. Basically, legislation is needed  
20. to permit broader lending provisions in the servings of  
21. Savings and Loan Associations and statutory language is  
22. needed to specify that the bank for savings and loan is  
23. organized specifically to serve saving associations. Originally,  
24. it was intended that the Illinois Banking Act be amended but  
25. after discussion with Bank Commissioner Harris who is on the  
26. Floor today, it was decided to place this unique bank in its  
27. own Act which would be administered by the Commissioner of Banks.  
28. The Savings Association Banking Act provides for a bank which will  
29. be owned by savings and loan associations and will have as  
30. its customers and depositors only saving associations. While this  
31. bank does not do business with the public, it can perform normal  
32. banking transactions for its customer associations and make normal  
33. banking investments to insure the diversity necessary for sound  
banking practices. The bill has been amended so as to eliminate

1. any possibility that a branch can be established. This was done  
2. at the request of the Illinois Banker's Association. It should  
3. be emphasized that passage of this bill will bring money into the  
4. bank for savings and savings and loan associations from all  
5. over the country and these funds will be available for Illinois  
6. institutions for lending for Illinois residents who desire to  
7. borrow in order to buy a home. The bill is supported by the  
8. Commissioner of Banks and Trust Companies, the Commissioner of  
9. Savings and Loans Associations and as amended, has no opposition  
10. from the banking industry and I would appreciate a favorable  
11. vote.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Is there discussion? Senator Maragos.

14. SENATOR MARAGOS:

15. Will the sponsor please yield to a question?

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. He indicates he will.

18. SENATOR MARAGOS:

19. Senator Vadalabene, or I should say fellow colleague in  
20. the profession, do you...can you please tell me how this will  
21. differ from the Federal home loan bank purposes now?

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Senator Vadalabene.

24. SENATOR VADALABENE:

25. Yes, Mr. President and members of the Senate, I have agreed  
26. that if there would be any questions in regard to this industry,  
27. that Senator Weaver would be more than happy to yield and answer  
28. any questions.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator Weaver.

31. SENATOR WEAVER:

32. Well, I thought maybe the Doctor of Laws would be  
33. able to answer about question that came before the Senate, but  
basically there's only one bank established, that's at



1. 39 South LaSalle Street, Sam, that is a depository for S and L's  
2. throughout the State. This is just...this bill is basically putting  
3. this one bank under the same structure as all other banks  
4. organized in the State of Illinois to...to do business only with  
5. savings and loans. It should be beneficial to the people of the  
6. State of Illinois in creating funds to loan to various savings  
7. and loans throughout the State to make mortgage money available.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Is there further discussion? Senator Maragos.

10. SENATOR MARAGOS:

11. Thank you, Senator Weaver, Senator Vadalabene.

12. I...I'll have to vote Present because I may have a conflict of  
13. interest representing both banks and savings and loans, but  
14. I just wanted to get that clarified. Thank you.

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. Is there further discussion? Question is shall Senate Bill  
17. 651 pass. Those in favor vote Aye. Those opposed Nay. The  
18. voting is open. Have all those voted who wish? Have all  
19. those voted who wish? Take the record. On that question the  
20. Ayes are 44, the Nays are 1, 4 Voting Present. Senate Bill 651  
21. having received a constitutional majority is declared passed.  
22. Senate Bill 652, Senator Vadalabene. Read the bill, Mr. Secretary.

23. SECRETARY:

24. Senate Bill 652.

25. (Secretary reads title of bill)

26. 3rd reading of the bill.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Senator Vadalabene.

29. SENATOR VADALABENE:

30. Yes, what we're attempting to do in Senate Bill 652, after  
31. amendments that was put on in the committee which I understand  
32. now has been in agreement with the Railroad Association,  
33. that we will be able now to see more trains with a caboose.

1. Well, as you well know, in the last few months, within the  
2. last year, we've been seeing a hundred to a hundred and fifty  
3. or mile long trains without a caboose which has created...  
4. as you're talking about hazardous waste materials, there's  
5. no contact with the engine in case the engine or something gets  
6. derailed or something happens to the engineer, there's no way  
7. that we can get any communication. And so what we're attempting  
8. to do with this legislation is to get the railroads to put a  
9. caboose on their trains.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Is there discussion? Senator...Senator Mitchler.

12. SENATOR MITCHLER:

13. Question of the sponsor.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Indicates he will yield.

16. SENATOR MITCHLER:

17. Now, what is the...what is the amendment that you have  
18. on there, Senator Vadalabene, the amendment specifically?

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Senator Vadalabene.

21. SENATOR VADALABENE:

22. The amendment specifically which was adopted yesterday on the  
23. Floor of the Senate, was that ten employees shall run or permit  
24. to be run over his tracks outside of yard limits or in  
25. transfer of service. A freight train without having  
26. attached thereto a caboose car, excepting light engines and in  
27. case of emergency occurring on a road which will not permit compliance  
28. herewith, at least one crew member shall be. Now, this was  
29. an agreed amendment with Gordon Longht and with the railroad  
30. officials, if we would put this on 2nd reading.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Senator Mitchler.

33. SENATOR MITCHLER:

Well, the idea of mandating a caboose on all railroads operating,

1. for example, if you have two or three cars and you're going from  
2. one location to another with it and the major portion of the train  
3. such as in switching and that, does this require that  
4. they tack the caboose on there to go across town or maybe to another  
5. small community that's located maybe two or three miles from  
6. where they leave their main section of the train?

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Senator Vadalabene. Senator Vadalabene.

9. SENATOR VADALABENE:

10. Not being a railroader, however, I do know that...that  
11. when these trains leave the yards and they go from one town to  
12. another, by the time they get to the last town, they've got  
13. a pretty long train, when they go back to switching or  
14. unloading their cars and so forth. The intent of this legislation is  
15. that when they get their train made up as they go to town to town  
16. that there's going to have to be a caboose on this train.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Mitchler.

19. SENATOR MITCHLER:

20. Well, then, Senator Vadalabene, and other members of the  
21. Senate, this would be a very objectionable bill. Because  
22. in carrying out the functions, if you know and understand railroading,  
23. that's almost impossible to require a caboose on every movement of  
24. the train. Now, you may try to think it's...it's practical, but  
25. it's very impractical to try to do that. Now, in the first place,  
26. this is a collective bargaining type of an agreement that they've  
27. always entered into with the...both the train service and the  
28. engine service on the railroad. But to mandate that they have a  
29. caboose everytime they move one or two cars to a location to set them  
30. out is...is unnecessary. Now, when you're moving a hundred or a  
31. hundred and fourteen car train, naturally, you want a caboose on  
32. that type of train. But, in understanding your bill, Senator  
33. Vadalabene, it goes beyond that and requires the caboose, no matter  
you're shifting just two or three cars from one location to another.

1. And that's...that's absolutely impractical and it's the wrong thing  
2. to try to put through through legislation onto any railroad.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Senator Rock.

5. SENATOR ROCK:

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

7. Seldom do I stand in opposition to an honorary Doctor of Law, but  
8. in this instance I must. Senate Bill 652, as amended, is simply  
9. a terrible bill. It does three things which I think we really don't  
10. want to get into. It says one, that it must have a caboose  
11. which I think is just much, much too costly and I don't think,  
12. frankly, the safety factor is involved as was indicated  
13. in some of the information I had seen. Secondly, by virtue of  
14. Amendment No. 1, we are calling for a mandated speedometer  
15. in the locomotive. Now, I am aware and have been informed  
16. that there is certain technology that will soon be available after  
17. some lengthy negotiation with the Federal people, to afford a  
18. computer type operation within a locomotive. But, again, this is  
19. just in the inchoate stage and anyone that says you can get a  
20. speedometer to be accurate within four miles an hour on a locomotive  
21. over the roadbed, simply...it simply can't be done and we should  
22. not mandate it. And finally, it calls for the Illinois Commerce  
23. Commission to approve or nonapprove collective bargaining agreements  
24. and I just think that that's an area that there is a lot of  
25. controversy with respect to the Commerce Commission at this point and  
26. to call for them to subsequently approve collective bargaining  
27. agreements between the railroad and the brotherhood is...is simply  
28. something we should not mandate. I think the bill is a bad idea.  
29. I think these questions such as the necessity for a caboose and  
30. it's accompanying crew, are proper subjects for labor negotiation,  
31. proper subjects, perhaps, for collective bargaining agreement  
32. between the brotherhood and the railroad, but certainly something  
33. that we as a...as an assembly and we as a matter of public  
policy should not mandate. I intend to vote No and I would ask

1. everyone to vote No.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Gitz.

4. SENATOR GITZ:

5. I have a question of the sponsor.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. He indicates he will yield.

8. SENATOR GITZ:

9. Senator Vadalabene, could you explain to me the purpose  
10. of Amendment 2 which introduces the Commerce Commission in okaying  
11. the collective bargaining agreements, the reason for that?

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Senator Vadalabene.

14. SENATOR VADALABENE:

15. Well, Amendment 2 does not interfere with the collective  
16. bargaining process. This bill exempts collective bargaining  
17. agreements and it does not create any new jobs.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator Gitz.

20. SENATOR GITZ:

21. I don't understand your explanation. My understanding of  
22. Amendment 2 is that it requires the Illinois Commerce Commission  
23. to participate in and approve collective bargaining agreements  
24. in reference to railroads.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator Vadalabene.

27. SENATOR VADALABENE:

28. I will repeat, it does not interfere with the collective  
29. bargaining process.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Senator Sangmeister.

32. SENATOR SANGMEISTER:

33. Mr. President and members of the Senate. Sometimes when you sit  
in committee, it better you keep your mouth shut and things go better.  
You open your mouth, you try to get involved in something you

think you can solve and you find out trying to make a bill that's  
1. not all that great better and in that regard I do want to make  
2. the record straight that I really felt it ought to be pretty  
3. simple. I don't think railroads ought to be running without  
4. a caboose when they've got a forty-five or a fifty train  
5. car. I think that makes common sense to everybody and  
6. on the other hand I don't see why we should have cabooses on  
7. trains when they're carrying one or two cars around. I tried to  
8. resolved that situation and didn't do so very successfully and  
9. the sponsor, inadvertently, has represented that the railroad  
10. industry is in accord with...with the amendment. That is not true.  
11. The amendment that has been put on makes it clear that you don't  
12. have to have a caboose when you're running around inside the  
13. railroad yard itself. But beyond that, that's all it does and I  
14. think you ought to know that. So, I rise with mixed emotions on  
15. this bill and like I say you get involved to try to make it better  
16. and I think you helped it some but whether we helped it enough or not,  
17. I don't know, but I did want the amendment clarified.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator Coffey.

20. SENATOR COFFEY:

21. Yes, Mr. President and members of the Senate. I also, like the last  
22. speaker, rise with mixed emotions because this bill, as Representative  
23. Sangmeister and myself both had some problems with it when it was in  
24. committee and we thought we could solve those problems and  
25. I'm not sure we've done it with the amendment that's been attached.  
26. And another problem I see with the bill, our leader, Phil Rock,  
27. Senator Rock, also mentioned the speedometer and I think there  
28. is a problem with that amendment and I think with those two  
29. ...with the problem really not solved on the amount of cars that  
30. have to be on the train at the time that the caboose is connected  
31. I think, ought to be addressed. So, I'm not sure how I'm going to  
32. vote on the bill, but I think those are a couple of things that  
33. ought to be pointed out at this time.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Vadalabene may close.

3. SENATOR VADALABENE:

4. Yes, I think this is the first time that I've disagreed  
5. with President Rock since I've been in the...in the Session, also.  
6. Now, he's talking about being too costly. Now, I don't care how  
7. costly it's going to cost the railroads. When you have some of  
8. these hazardous waste material...when you have to evacuate towns,  
9. when you have loss of limbs and loss of life and you have  
10. nobody to notify anybody. The engineer is down in a ditch somewhere,  
11. no radio communication. We're talking about lives, we're not talking  
12. about money. And the railroads got themselves in this position.  
13. Now, when the Federal Government comes along with that speedometer  
14. they're talking about, then we'll amend this bill and take it out  
15. of there, but at the present time, we've got to go with what we have  
16. and I would appreciate a favorable vote.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. The question is shall Senate Bill 652 pass. Those in  
19. favor vote Aye. Those opposed Nay. The voting is open. Have all  
20. those voted who wish? Have all those voted who wish? Take  
21. the record. On that question the Ayes are 30, the Nays are 21.  
22. Senate Bill 652 having received a constitutional majority is declared  
23. passed. ...bill...question is to reconsider...just a moment.  
24. Senator Rock, for what purpose do you arise?

25. SENATOR ROCK:

26. I would request a verification of the affirmative roll call.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. There is a request for a verification. Verification will be had.  
29. The Secretary will call the roll of the affirmative vote. Will  
30. the Senate please be in their seats and answer when their name is  
31. called.

32. SECRETARY:

33. The following voted in the affirmative: Becker, Berman,  
Bruce, Carroll, Coffey, Collins, D'Arco, Daley, Demuzio, Geo-Karis,

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1. Gitz, Grotberg, Hall, Johns, Jeremiah Joyce, Jerome Joyce,
2. Keats, Knuppel, Lemke, Maragos, Merlo, Nash, Nedza, Netsch,
3. Newhouse, Rupp, Sangmeister, Savickas, Vadalabene, Wooten.
4. PRESIDING OFFICER: (SENATOR DONNEWALD)
5. Senator Rock.
6. SENATOR ROCK:
7. Did I hear correctly, was that Keats, was that...?
8. PRESIDING OFFICER: (SENATOR DONNEWALD)
9. You did.
10. SENATOR ROCK:
11. Okay. Senator Grotberg on the Floor?
12. PRESIDING OFFICER: (SENATOR DONNEWALD)
13. Senator Grotberg on the Floor? Remove his name.
14. On that question the Ayes are 29, the Nays are 21. Senator
15. Vadalabene requests that consideration be postponed.
16. Consideration will be postponed. Senate...Senate Bill 653,
17. Senator Graham. Read the bill, Mr. Secretary.
18. SECRETARY:
19. Senate Bill 653.
20. (Secretary reads title of bill)
21. 3rd reading of the bill.
22. PRESIDING OFFICER: (SENATOR DONNEWALD)
23. Senator Graham.
24. SENATOR GRAHAM:
25. Yes, Mr. President. This is another one of those nothing
26. bills, it deals with the suburban area of Cook County where we
27. have the school treasurers. This is the school treasurers bill and
28. does exactly what the title says it does and I ask for a favorable
29. roll call.
30. PRESIDING OFFICER: (SENATOR DONNEWALD)
31. Senator Graham. Is there further...is there debate?
32. The question is shall Senate Bill 653 pass. Those in favor vote Aye.
33. Those opposed Nay. The voting is open. ...voted who wish? Have all



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1. those voted who wish? Take the record. On that question the Ayes
2. are 47, the Nays are 1. Senate Bill 653 having received
3. a constitutional majority is declared passed. Senate Bill 654,
4. Senator McMillan. Senate Bill 658, Senator Bloom. It is not
5. on the proposed Agreed Bill List. Do you wish the bill read?
6. Read the bill, Mr. Secretary.
7. SECRETARY:
8. Senate Bill 658.
9. (Secretary reads title of bill)
10. 3rd reading of the bill.
11. PRESIDING OFFICER: (SENATOR DONNEWALD)
12. Senator Bloom.
13. SENATOR BLOOM:
14. This basically puts Federal and State chartered S and L's on
15. the same footing as commercial banks. Under current law,
16. they have to go out and obtain a license and then pay a fee to have
17. safety deposit boxes and this says they don't because they already
18. do have other bonding requirements from the commissioner who regulates
19. them.
20. PRESIDING OFFICER: (SENATOR DONNEWALD)
21. Is there discussion? Is there discussion? Question is shall
22. Senate Bill 658 pass. Those in favor vote Aye. Those opposed
23. Nay. The voting is open. ...all those voted who wish? Have all
24. those voted who wish? Take the record. On that question the Ayes
25. are 46, the Nays are none, 1 Voting Present. Senate Bill 658
26. having received a constitutional majority is declared passed.
27. Senate Bill 660, Senator Demuzio. Read the bill, Mr. Secretary.
28. SECRETARY:
29. Senate Bill 660.
30. (Secretary reads title of bill)
31. 3rd reading of the bill.
32. PRESIDING OFFICER: (SENATOR DONNEWALD)
33. Senator Demuzio.

1. SENATOR DEMUZIO:

2. Well, thank you, Mr. President. I frankly thought that this was  
3. on the Agreed Bill List, but I see that it isn't. Might point out  
4. that Senator Buzbee, the Calendar should reflect that Senator  
5. Buzbee is the principal cosponsor of this legislation. I  
6. indicated that to the Secretary a few weeks back when this bill  
7. first arrived on the Calendar as well as Senator Jerry Joyce as the  
8. three principal sponsors with this legislation. Senator Buzbee  
9. and I had bills that were quite similar. His bill is Senate Bill  
10. 1240. It was amended into the Senate Bill 660 in the Senate Agriculture  
11. Committee. What this bill does it provides that...and requires  
12. that before a nuclear waste site or a nuclear power plant can be  
13. located or constructed, the General Assembly and the Governor  
14. must approve that action. It is supported by various environmental  
15. groups and citizens groups and local governments around the State of  
16. Illinois and I think that there is a...this is another alternative  
17. to another bill that is on the Calendar that would provide for  
18. local referendums of counties before the location of these...of  
19. these sites within their jurisdiction or corporate limits.  
20. The bill does not in any way, forbid the siting of either a  
21. nuclear waste site or a nuclear power plant in the State of Illinois.  
22. I want to make that very clear. It merely says that the General  
23. Assembly shall approve the siting to insure the safety of Illinois  
24. citizens. The bill does not, in any way, change the normal procedure  
25. for an application of a permit for construction of a nuclear  
26. power plant or for a nuclear waste site. It does say that we shall  
27. concur in the decisionmaking process. This approach is not a unique  
28. approach. It's been adopted in Kentucky as well as four other  
29. States. It is now pending in the Legislatures throughout the country,  
30. as a matter of fact, twenty of them and at this time, I would,  
31. Mr. President, yield the balance of my time to Senator Buzbee  
32. for additional remarks.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Buzbee.

1. SENATOR BUZBEE:

2. Thank you, Mr. President. Mr. President, I know that this bill  
3. ...and fellow members of the Senate. This bill has generated  
4. some controversy, but I really and truthfully think that it's  
5. controversy that perhaps is a little bit overblown. We're  
6. not, by any means, saying with this bill that you cannot build  
7. any nuclear power plants in the future or that you cannot build  
8. any nuclear disposal sites in the future in the State of Illinois.  
9. All we're saying is that as a matter of public policy, it should be  
10. up to the elected officials of the State to have the final say as to  
11. whether there will be a nuclear power plant or a nuclear disposal  
12. site built in the State. Those elected officials being the Illinois  
13. General Assembly and the Governor. Now, when it comes...I  
14. will have to say first of all, that I have never been much  
15. of an advocate of nuclear power plants. So, with that bias already  
16. stressed, I...I will go on with my explanation as to why I  
17. believe this bill should be passed. In the incident of the Three  
18. Mile Island, the first person who the public turned to, the first  
19. person who officialdom turned to was the Governor of the State of  
20. Pennsylvania, an elected public official. Somebody who had  
21. no expertise in the field of nuclear power plants. We have been  
22. accused of saying why should you folks be interested in this,  
23. you don't know what's going on in nuclear power plants, that's true,  
24. I don't. However we found out that a lot of the experts who had been  
25. running them also did not know what was going on in nuclear power  
26. plants, apparently and we decided that it seemed like a logical thing  
27. to do to say that the people's representatives would have the final  
28. signoff on whether a new power plant or waste disposal site would be  
29. allowed or not. Senator Geo-Karis asked a question in committee,  
30. would this conflict with her bill that would say that each county  
31. could hold a referendum before they allowed a power plant to be  
32. built in their county. My response is, no, it does not.  
33. And of course, if there were to be a nuclear disaster, as let's take as  
an example, at the Zion Power Plant, it's not going to be just Lake

1. County that's going to be affected. Cook County is going to be  
2. affected. Every county around including the State of Indiana  
3. and Michigan is probably going to be affected. And the  
4. Three Mile Island incident, testimony has now come out that had  
5. that bubble burst, that there could have been a swath of  
6. ninety miles wide and perhaps two or three hundred miles  
7. long of death and destruction of some sort or another.  
8. So, it's not just the people who are immediately  
9. surrounding the plant that are affected, it's the people all over  
10. the whole area. I think this is a very sensible, sane way  
11. of saying if you want to build a nuclear power plant, if you  
12. want to build a new disposal site, fine. You go ahead and do all  
13. of your preparation and planning that you want to do, but it will be  
14. the Illinois General Assembly and the Governor that will have the  
15. final signoff as to whether that plant will be allowed or not.  
16. Thank you, Mr. President.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senate Bill...Senator Maragos.

19. SENATOR MARAGOS:

20. Mr. President and members of the Senate. I am in agreed...  
21. in complete agreement with the thrust of this bill, but I still  
22. want to know, does it still contain that it has to get prior  
23. approval of the General Assembly before they can okay any of that?  
24. The reason...I saw that, the reason that concerns me, what you are  
25. in effect saying you're not...allow any of these wastes because  
26. you're not going to get all...agreement of thirty votes in the  
27. Senate and eighty-nine in the House to do this. Is the approval  
28. on a straight majority or is it three-sixths...or three-fifths,  
29. rather.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Senator Buzbee will respond.

32. SENATOR BUZBEE:

33. Senator, if you would hold that for one minute, I can't give  
you an answer. Give me a chance to find that.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. We've got to keep moving here. Senator Mitchler.

3. SENATOR MITCHLER:

4. Thank you, Mr. President and members of the Senate. You  
5. know, sometimes when incidents happen, a government overreacts  
6. and let me tell you, many in this Senate were concerned about the  
7. location and the operation of nuclear generating plants and the  
8. storage of nuclear waste and nuclear spent fuel prior to the  
9. TMI incident out in Pennsylvania. But, not only in the Illinois  
10. General Assembly, but throughout the nation and even in Washington  
11. and Congress, they've reacted to this because they've got  
12. such tremendous press and notariety. Now, this approach that  
13. takes the responsibility for approval of by the General Assembly  
14. and the Governor for acquiring, leasing, construction of any  
15. radioactive waste storage disposal, reprocessing, or generating  
16. site. Now, that's...that's going a little bit too far, Ladies  
17. and Gentlemen of the Senate. You know and I know that we as  
18. individuals do not have the expertise to give a proper vote on  
19. whether a nuclear generating site for power or for storage or  
20. for disposal should be or should not be located at a certain  
21. section in the State. Now, what this is doing is just trying to  
22. react and act as if we're going to solve the problem. It's true  
23. that the Governor of Pennsylvania interceded and took upon himself  
24. in that incident out there and it...the system worked at TMI.  
25. The system worked. About a few minutes ago, I was reviewing  
26. some pictures that my family took when they went out to  
27. Washington and took a little...just here recently to Children  
28. of the American Revolution Convention and conference out there and  
29. they went out of their route just to go down there and I was just  
30. looking at some pictures where they were standing right along  
31. side of the TMI...the reactor itself and talked to people out there.  
32. Now, you can get...people and put them on television and say they're  
33. all excited about this but the people understand that we have the  
proper nuclear power, but to come in and ask for the General Assembly

1. that we, in our wisdom, know where these sites should be  
2. located and we know where the disposals should be, why how  
3. expertise do you think we are? This is a bad approach and  
4. read the Sun Times article this morning on the vote we took just  
5. recently on...on...passed a bill by 43 to something. We're  
6. overreacting and you don't understand the problems if you cast  
7. an affirmative vote for this type of legislation. This is  
8. bad legislation. Vote No.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Senator Knuppel.

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End of reel.

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1. SENATOR KNUPPEL:

2. Well, of course, we are frightened at the present time  
3. and I sincerely regret that the nuclear generating industry  
4. has grown more like "topsy" than in any other way. But, it's  
5. admitted by those who are standing here arguing for the General  
6. Assembly to have the right to make that decision that we are  
7. totally unqualified and that's the point that Senator Mitchler  
8. has made. Certainly, there should be some governmental  
9. authority. Certainly, there should be more caretaking than,  
10. maybe, has been taken in the past and certainly there should  
11. be adequate hearings to determine where these sites should be,  
12. but I'm afraid that if we leave it to politics the weakest  
13. Senator or the weakest legislator very well when the costs  
14. of...of power and energy rises further will find that it's  
15. located in his or her district. There's no question in my  
16. mind and I've worked here, probably, as closely as anybody  
17. in this Body with energy, that we're either going to have to  
18. bite the bullet and realize that to meet our energy needs of  
19. the next twenty years or thirty years, that we're going to  
20. have to resort to nuclear power or we're going to have to  
21. resort to coal and the same people...the same people, generally,  
22. unless they have coal in their district, come in here arguing  
23. against high utility rates and saying they want to bar nuclear  
24. generation. We're going either to have to...we're either going  
25. to have to use our coal resources and tolerate the high  
26. incidents of sulphur dioxide or we're going to have to go to  
27. nuclear energy. I was amazed...just simply amazed to hear  
28. Califano say, this may have increased what happened at Three  
29. Mile Island...may have increased the possibility of one more...  
30. one more person dying of cancer and then you hear somebody  
31. talk about sulphur dioxide emissions and you know, everybody  
32. burned coal fifty years ago and we were all dying of cancer  
33. and didn't know it. We lived in towns where a smog hung over

1. the...over the villages. Now, we're short of gasoline. We're  
2. going to have gasless Sundays. The people aren't willing to  
3. accept that fact yet. They don't believe that it's happening.  
4. Now, whether there's actually an...energy shortage or we're  
5. being had by the large oil companies and the utilities, I  
6. can't tell you, but I do know, for one thing, that we don't  
7. have a program. We don't have the leadership in Washington  
8. that we should have had and we're not making progress. How  
9. can...how can the President of the United States on one hand  
10. promise the people of California more gas unless he takes it  
11. away from somebody else and that's what he did yesterday, but  
12. all I'm trying to say when you get all done discussing the  
13. energy picture is, that solar energy is not going to replace  
14. nuclear. The only kind of generation we can have that's going  
15. to be adequate, we've got to go to gasohol. We've got to go  
16. to solar energy. We've got to go to coal, if you don't want  
17. nuclear energy. Now, if you don't want nuclear energy, we're  
18. going to have to change a lot of our environmentalistic thinking,  
19. but the one thing we can't kid ourselves about, I wouldn't any  
20. more trust this Body to make a decision with where a nuclear  
21. plant ought to be...ought to be located, than I would trust one  
22. of you people to operate on my heart. You're not a damn bit  
23. better qualified. If there's one thing we want to keep out  
24. of this picture, it's politics. All you've got to do is go  
25. around to the watering holes at night here in Springfield to  
26. tell yourselves that you don't want the members of this Body  
27. deciding where, politically, a nuclear plant is going to be  
28. located. I can sympathize with some governmental authority  
29. that's qualified making that decision, but I sure as hell can't  
30. agree with the members of the General Assembly, if there's one  
31. irresponsible group in the whole State of Illinois that ought  
32. not to be making that decision, it's us. The members of the  
33. General Assembly who don't...know one damn thing about nuclear



1. energy or generation.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. We...have,at least,six additional members that wish to  
4. address themselves, Senator. You're on the list again, but...  
5. I'm sorry, the...we weren't ready at that time, we'll have  
6. to get...wait our turn. Senator Nimrod.

7. SENATOR NIMROD:

8. Mr. President and Ladies and Gentlemen of the Senate.  
9. I think the...some of the reasons have been given already  
10. why we should oppose this bill, but let me just tell you  
11. what this bill is asking us to do. It's asking the General  
12. Assembly to approve the acquisition, construction and operation  
13. of sites for these purposes that either waste disposal or  
14. for nuclear plants. It asks the General Assembly to approve  
15. for any expansion of any existing facility for the construction  
16. or operation of a nuclear fuel or reprocessing plant prior to  
17. issuance of any such permit by the board. It says that a  
18. certificate of convenience for necessity of nuclear energy  
19. generating facility shall be granted first without being  
20. approved by the General Assembly. It says that they can't  
21. even purchase land, buildings or grounds shall be leased or  
22. accepted or acquired without first the approval of the General  
23. Assembly. It now takes somewhere between eight and twelve  
24. years to receive a siting permit for a power plant. We, in  
25. Illinois here are probably in the most unique position of  
26. having the largest number of generating plants of nuclear  
27. power of anywhere in our nation. I want to tell you now that  
28. we cannot stand nor can we afford to involve the political  
29. approval of the General Assembly on top of the recommendations  
30. of some technology or the individuals who are proposing these  
31. sites. I think that we have been well protected and guarded  
32. for the last twenty-five years and it certainly should be a  
33. compliment to our utilities who have brought us to this day of

1. low energy costs and availability. What we should be doing,  
2. in fact, is what we're doing right now. We have a commission  
3. to study this problem on safety and make recommendations and  
4. those individuals who, in fact, are on this list as sponsors,  
5. not all, but many of them are also on that commission. You  
6. ought...or that committee. You ought to come back with some  
7. reports and some findings before we arrive at some conclusions  
8. and take action. This would be irresponsible. It would be  
9. immoral. It would not...only not be in the best interest of  
10. the State of Illinois, but it would certainly not be in the  
11. best interest of our country. I tell you that production will  
12. come to a halt. Our total growth in this country will stop.  
13. We will be harnessed and locked in and reverted back to a  
14. day of about seventeenth power rather first power. It seems  
15. to me that...that the decisions here belong to us are based  
16. on facts and recommendations. We are not Almighty God to  
17. make these kinds of decisions. Let's do it intelligently  
18. and represent our people. A bad bill. A bad precedent.  
19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Senator Rhoads.

21. SENATOR RHOADS:

22. A question of the sponsor, if he will yield?

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Indicates he will.

25. SENATOR RHOADS:

26. Senator Demuzio on page 2, line 25 of the amendment,  
27. you're talking about the approval of the General Assembly  
28. for the expansion of an existing facility. Now, what...what  
29. kind...what is your legislative intent here? What kind of  
30. expansion are you talking about? If they just put up another  
31. office building or another warehouse or does it have to be  
32. a...an expansion of this...of a facility that directly  
33. relates to the reactor? What exactly are we talking about here?

1. PRESIDING OFFICER: (SENATOR DONNEWALD)  
2. Senator Demuzio.  
3. SENATOR DEMUZIO:  
4. You are...you're on page 2, line 20...20...  
5. SENATOR RHOADS:  
6. That's right. 25 and 26 of the amendment.  
7. SENATOR DEMUZIO:  
8. Yeah. Well. Expansion of an existing facility...that  
9. would mean, for example, let's...let's take in the instance  
10. of the Sheffield Nuclear Waste Site, the expansion of any  
11. contractual kinds of obligations that the State of Illinois,  
12. Department of Public Health who owns that property would...  
13. would enter into with the company that currently operates  
14. that facility would have to be approved by the General  
15. Assembly, for example.  
16. PRESIDING OFFICER: (SENATOR DONNEWALD)  
17. Senator Rhoads.  
18. SENATOR RHOADS:  
19. Does that mean any new construction...know whether it's  
20. nuclear related or not, but simply because it's...it's at a  
21. ...a nuclear facility site?  
22. PRESIDING OFFICER: (SENATOR DONNEWALD)  
23. Senator Demuzio.  
24. SENATOR DEMUZIO:  
25. That would mean that anything in connection with the  
26. operation of the plant and/or the expansion of the...the  
27. site that anything that's related to the operation itself.  
28. PRESIDING OFFICER: (SENATOR DONNEWALD)  
29. Senator Rhoads.  
30. SENATOR RHOADS:  
31. Okay. With respect to the action of the...the form of  
32. the action of the approval of the General Assembly, I assume  
33. we'd have some sort of motion before us and...and the question

1. would be to approve. What...in your opinion, would this lead  
2. to any actual or implied liability on our part as individual  
3. members of the General Assembly, if, God forbid, something goes  
4. wrong at such a facility?

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Senator Demuzio.

7. SENATOR DEMUZIO:

8. Well, not having the doctor of juris prudence that was  
9. awarded to one of my other colleagues, I would say the answer  
10. to the second part of your question is...is no. Senator  
11. Buzbee and I have...have agreed that the bill would be amended  
12. in the House to provide for legislation by passage by both  
13. Houses by a simple majority, in answer to the first part.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Rhoads.

16. SENATOR RHOADS:

17. Finally, Mr. President, I don't want to wear your patience.  
18. Senator Demuzio, Senator Buzbee had made the comment that this  
19. is not a problem which is limited to a particular county and I  
20. would certainly agree, but by the same logic, it certainly is  
21. not limited to the borders of Illinois. For example, if a site  
22. were to be on the border of Wisconsin or Indiana or Iowa or  
23. Missouri, are you proposing that we enter into some sort of  
24. interstate compact...which would allow those states to  
25. participate in this approval or disapproval process?

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Well, now...well, his time is up. You may...you may proceed,  
28. briefly.

29. SENATOR BUZBEE:

30. All I want to do is answer the question. The question...  
31. does not...is not addressed in this bill, Senator. I think  
32. that's something that should be addressed in the future.

33. PRESIDENT:

1. Further discussion? Senator Joyce.

2. SENATOR JEROME JOYCE:

3. Thank you, Mr. President. I think that we have had much  
4. talk here about the experts and who should make these decisions  
5. and so forth. I'm not sure about the experts in this any more.  
6. I think that the Three Mile Island incident has...has caused  
7. me, anyway, a lot of grief about relying on the so-called  
8. experts. When there was an accident there, the first thing  
9. they did was call in all the scientists across the country,  
10. I think they had like a thousand of them and then...they've  
11. ...you know, they've debated around and tried to come up  
12. with some kind of an answer and they really...they really  
13. didn't and that...that tells me that...that maybe the experts  
14. we...we don't know just what the problem is here. We have  
15. gone ahead of ourselves, I think, in producing cheap energy,  
16. if nuclear energy is cheap...Commonwealth-Edison has an  
17. eighteen percent rate increase before the Commerce Commission.  
18. We are finding out now that the costs of storing hazardous  
19. waste is going to be upon us and our children and our children's  
20. children, so maybe that nuclear power is not as cheap as we  
21. think it is. I'm not sure though, but I don't think anybody  
22. else is either. So maybe this bill is premature. I don't  
23. happen to think so, though, because I live within a few miles  
24. of several nuclear plants and I have seen plants when they...  
25. when the people come in to buy the property...the right of way  
26. buyers...they'll have...they have issued an impact statement  
27. ...environmental impact statement and in there they have to  
28. tell how much money they spend for certain things, all down  
29. through the...the regulation process. It happened to be a  
30. mile from where I live. Edison was buying twelve sections of  
31. land. Now, they were spending two hundred and sixty-four  
32. thousand dollars, I believe, it was at that time for PR...  
33. for public relations. There was some...a creek going through

1. there. Well they...intended to just turn that thing around  
2. and run it backwards and that was going to cost, I think, it  
3. was somewhere in the neighborhood of twenty-eight thousand  
4. dollars. Well, it didn't make the people very happy that  
5. were going to be affected by this drainage change, so and...  
6. and it's tough to find a forum for people who were farmers in  
7. that area to deal with the people in...from big utility  
8. companies, so it would...it would give people who have a  
9. problem when a utility site is being put...it would give  
10. them access to public officials who could have some determination  
11. as to where that site were to be...were to be put. So I think  
12. this bill is in order. I like the...the part about counties  
13. having a...a vote to decide if they want it also. You know,  
14. in fairness to the utility companies, they spend a lot of  
15. money in an area. They add tremendously to the tax base, so...  
16. you know, it's a possibility that these things would not be  
17. turned down. I...I don't think that people want to live in  
18. the cold and the dark, but let's be fair about it. Let's give  
19. the resident's of an area where the site is going to be foisted  
20. upon them a little voice in it and they can have a voice to  
21. their elected representatives if this bill would pass. So I  
22. would...submit an Aye vote.

23. PRESIDENT:

24. Further discussion? Senator Geo-Karis.

25. SENATOR GEO-KARIS:

26. Mr. President and Ladies and Gentlemen of the Senate.  
27. Of all the people in the General Assembly in both Houses,  
28. I live the closest to the nuclear plant in Zion, seven  
29. blocks away. I think we have a...a chance of overreaching.  
30. I think the...the bill has some good points, but we do have  
31. the National...Nuclear Regulatory Commission, which can pre-  
32. empt us. I supported Senator Joyce's bill the other day,  
33. Senate Bill 262 to prevent nuclear dumping from other states,

1. unless we have a reciprocal agreement because I think the  
2. time has come for that, but that doesn't mean that we cannot  
3. be preempted by the Nuclear Regulatory Commission, but, at  
4. least, Congress and that commission has a message from us.  
5. I think if you want to be very factual about it, Senator  
6. Knuppel hit the nail right on the head. We get one-third  
7. of our energy from nuclear power. First of all, it is  
8. cleaner than coal. We want to develop our vast coal resources,  
9. but then we have the question of the sulphur in Illinois coal,  
10. so if we buy Western coal, which has more acid in it, it effects  
11. our streams. Now, we do scrub the coal. We have scrubbers,  
12. but then do we have sludge that goes into the ground and  
13. affects our water. That's another. A half a dozen of one  
14. and six of another. If we didn't have nuclear energy when the  
15. coal strike took place, you know Northern Illinois would have  
16. loads of blackouts. Let's get practical. Let's use common  
17. sense, balance, logic and reason and let the two investigating  
18. committees really come up with some real facts and evidence  
19. and for heavens sake, if they come out with substantial  
20. evidence that we should do something more radical to our  
21. nuclear plants, I who have nothing to fear but fear itself  
22. will be the first one to say, let's make them do it.

23. PRESIDENT:

24. Further discussion? Senator Wooten.

25. SENATOR WOOTEN:

26. Thank you, Mr. President. As one who voted against  
27. Senate Bill 337 to intrude the General Assembly into the  
28. collective bargaining agreement, I intend to vote for this.  
29. I think the reason has...has more to do with the nature of  
30. this job than with the industry itself. I think if we look  
31. as objectively as we can at the recent past, we will find  
32. out that the confidence of the country has been shaken because  
33. the experts have been wrong. The military experts were wrong

1. in Viet Nam and it was the Fulbright Committee that began  
2. that unraveling. The Judicial and...Executive experts were  
3. wrong on Executive privilege and it took Judge Siricca's  
4. court and the Judiciary Committee to straighten that out.  
5. I don't think this can be left to experts because to become  
6. an expert...to become a specialist you must necessarily  
7. develop some kind of tunnel vision. You must be narrow in  
8. your outlook and that is exactly the problem in the nuclear...  
9. energy field, as it is in every other and also when we're  
10. dealing with the subject of accidents, what can possibly  
11. happen, remember that...the safety rate is much higher. The  
12. accident rate, I should say, is much higher in other energy  
13. fields, but if you have an explosion you do damage in the  
14. immediate area. If something goes wrong in this field, you  
15. do damage for many, many, many years and to many, many people.  
16. It is a difficult choice to make, but to say that we should  
17. leave it to the experts, is on the face of it, nonsense. We  
18. cannot leave it to the people whose tunnel vision is directed  
19. in one or two or three directions. Now, the practical effect  
20. of leaving it to us means that nothing will be done, that  
21. there will be no expansion in this industry for awhile and  
22. I think with the plants that we have, the plants that are under  
23. construction, that's a good idea and for that very practical  
24. reason, I think we ought to assume the responsibility and pass  
25. this bill.

26. PRESIDENT:

27. Further discussion? Senator Gitz.

28. SENATOR GITZ:

29. Mr. President, I was not originally going to speak, but  
30. some of the arguments that have been advanced made me very,  
31. very disappointed. I noticed that one of the Senators said  
32. that we have been very well protected over the last few years  
33. and if that is the case, then I'd like to know how. The fact



1. is, that while Illinois has one of the largest coal deposits  
2. in the nation, we also have one of the largest concentrations  
3. of nuclear facilities. Now, the opponents have used words  
4. like irresponsible, immoral. I wonder what is really immoral  
5. about this bill and we're really talking about accountability,  
6. but most importantly, they have advanced the proposition that  
7. necessarily having the mechanism of accountability to give  
8. the public some input through elected officials is somehow a  
9. vote against nuclear power. I think that this Body and every  
10. other Body in the State has been very, very minimal in their  
11. response to recent events that have brought home the gravity  
12. of this special form of energy. I am very disgusted at the  
13. fact that the opponents who had opposed this bill have offered  
14. us no solace in any other alternative to give the public some  
15. type of a voice. The question really is, who should make the  
16. decision. The Nuclear Regulatory Commission, which has never  
17. even had hearings in the State of Illinois and some of the  
18. construction that is taking place in Northern Illinois right  
19. now, but has done it in Washington, D.C. The Nuclear Regulatory  
20. Commission, which has absolutely never turned down such a permit.  
21. Should it be the banks who sell the bonds and, therefore, in  
22. my area happen to be very much in favor of it. Should it be  
23. the utility companies like Commonwealth-Edison that in Northern  
24. Illinois have already overbuilt, have excess capacity even  
25. without the buyer of nuclear facility that the Commerce Commission  
26. has registered objection. There is no alternative. Under the  
27. guise of saying that this Body is lacking in the expertise and  
28. sensitivity to deal with this decision, they would have us  
29. station the wolves outside the chicken coop and assume that,  
30. merely, to put this Body in a decision to ask hard questions  
31. and to pass on a matter of such preeminent importance, is  
32. synonymous with saying that we're always going to vote No.  
33. I have a lot of faith in my own constituents. They're divided

1. on this question. They aren't sure of what the picture holds.  
2. Whether coal is the answer...nuclear is the answer, but, I for  
3. one, think that the rate payer and the citizens of our State  
4. have some important role that goes beyond merely paying the  
5. tab, no matter how much the darn utility bills are going up  
6. and I think that this Body has the responsibility to ask serious  
7. questions because, my friends, if we ever have the same kind of  
8. event in Illinois, you will be held accountable whether you  
9. want to be or not. This bill merely allows us an input of  
10. accountability in the public sector, which I think is very  
11. important, given the fact that events over the last decade  
12. have indicated a basic position of full speed ahead and let's  
13. never consider the alternatives or the ramifications and on  
14. that basis, I find this harping cry of politics to be a little  
15. bit hallow. I think it verges on generating fear and hysteria,  
16. more heat than light. The central question is, how do you build  
17. accountability into this kind of a question and if you don't  
18. trust the General Assembly in this, then I submit that we  
19. probably shouldn't be making decisions on a whole series of  
20. other questions, either, if Senator Knuppel is so concerned  
21. about the watering holes in Springfield.

22. PRESIDENT:

23. Further discussion? We have three who have indicated  
24. for the second time they wish to be heard. Senator Maragos.

25. SENATOR MARAGOS:

26. Mr. President, I was not heard the first time. I  
27. asked the question...

28. PRESIDENT:

29. I...I beg your pardon. I was going down the list.

30. SENATOR MARAGOS:

31. ...and Senator Buzbee was supposed to answer what...how  
32. was the General Assembly supposed to act in approving or disapproving  
33. of any site and he did not give me the answer 'cause he wanted

1. some time and I will ask that question at the present time.

2. PRESIDENT:

3. Senator Buzbee.

4. SENATOR BUZBEE:

5. Yes, Senator Maragos, it is not addressed in the bill in  
6. its present form. Senator Demuzio and I have agreed that if  
7. the bill passes the Senate that we will have that amended on  
8. in the House to provide for a...a majority of those elected  
9. voting and through the regular bill process.

10. PRESIDENT:

11. Senator Maragos.

12. SENATOR MARAGOS:

13. Thank you, Mr. President and members of the Senate. Having  
14. served on the Commission on Atomic Energy for seven years of  
15. the State of Illinois, we have dabbled this question in the  
16. past, even before there were Three Mile incidents. Before  
17. there were so much generated concern about these plants and  
18. I had personally visited Sheffield and I personally visited  
19. the plants in Dresden and Zion and I know right know that  
20. there is much concern on my part as to the...the role that  
21. nuclear power has to play in this State, however, we have  
22. one big question we're going to have to ask ourselves if a  
23. bill like this passes, that's its constitutionally. About  
24. ten years ago the Supreme Court of the United States ruled that  
25. in the case of the Northern States Power Company versus  
26. Minnesota that the state has no...as they cannot, in any way,  
27. guide or control the nuclear energy question because it's  
28. preempted by the U.S. and it's interstate commerce and I ask  
29. whether this is...is an attempt of futility. As I said  
30. earlier when I spoke that I support the thrust of this bill,  
31. but I think that what we are doing here is making an  
32. unconstitutional approach and we're winding and...tagging  
33. windmills in order to...like Don Quixote did fighting windmills

1. on this problem and this approach. I'm going to vote Present  
2. on this bill because I want to state that I do believe in...  
3. the concern that we have here and I mean...as a citizen I'm  
4. also concerned, but I'd also like to state that the General  
5. Assembly is not the...the agency who should control these  
6. factors and if I should say what Senator Wooten said earlier,  
7. that we in...in the Viet Nam War we left it to experts, yes,  
8. but it was the U.S. Senate that...that approved of the Tiamken  
9. Resolution that allowed us to send more fighting men over there.  
10. Then they were concerned because they didn't have the expertise.  
11. The same thing I'm saying to you is, let us...to us about the  
12. General Assembly. Let us not become another U.S. Senate to  
13. approve a Tiamken Resolution and give the power to the Executive  
14. and find out they've been wrong in the first place. Therefore,  
15. Mr. President and members of the Senate, I think the thrust  
16. is correct, but this bill is not the proper vehicle in order  
17. to accomplish the mission.

18. PRESIDENT:

19. Further discussion? Senator Knuppel.

20. SENATOR KNUPPEL:

21. Well, of course, I think we know how all the votes are here.  
22. None of them are going to be changed by arguments, but there was  
23. one question that was asked that wasn't answered and that was  
24. Senator Rhoads's. In the case of a public Body, such as us  
25. who assumed to act without expertise, we very well may make  
26. ourselves legally liable, not only individually, but on behalf  
27. of the State of Illinois. Now, sure we're politically accountable  
28. and I never have...never have questioned that fact. We're  
29. politically accountable whether we do or don't act in this area,  
30. but we're not financially responsible unless we act without  
31. that degree of expertise, which we should have any more than  
32. a doctor...you know...in a malpractice suit the doctor is only  
33. liable if you prove that he acted otherwise than a qualified

1. or respected person or a person of his profession would have  
2. acted and I say to you, regards of whether you may or may not  
3. believe this, there are suits pending against...for example,  
4. if you read the paper the other day, the City of Mt. Sterling  
5. for some five million dollars...when public officials act  
6. without the required expertise, even in the political area,  
7. I think they make themselves liable. Politically, we're  
8. liable anyway. We're accountable.

9. PRESIDENT:

10. Further discussion? Senator Nimrod.

11. SENATOR NIMROD:

12. Yes, Mr. President, I...I think I'd just like to close  
13. with my...just one statement on this particular thing I  
14. think that we just must realized about this bill. If this  
15. bill were to pass, it certainly seems to me that the attempt  
16. here is to stop the building of any nuclear power plant in  
17. this State for the next thirty or forty years. It just...it's  
18. a deliberate attempt to stop the whole nuclear program and I,  
19. again, state that that would be irresponsible.

20. PRESIDENT:

21. Senator Gitz, for what purpose do you arise?

22. SENATOR GITZ:

23. Mr. President, on a matter of personal privilege.

24. PRESIDENT:

25. State your point, Sir.

26. SENATOR GITZ:

27. There are fifty-nine people who serve in this Body. There  
28. are many times when we have disagreements, but I would like to  
29. think that we would be able to debate these matters out and  
30. even when they're impassioned, that we'd be able to make our  
31. decisions and conduct ourselves as honorable Gentlemen and I  
32. am somewhat disappointed because I was not elected to be  
33. intimidated, to have my papers thrown around, to have people

1. swear at me, to have people make threats to me after the Floor  
2. and I think this can only reflect in the essential dignity of  
3. this Body. I don't think there's no place for it here and I'm  
4. very disappointed that this is what we seem to be coming down  
5. to and I would like it to stop.

6. PRESIDENT:

7. The point is well taken. Further discussion? Senator  
8. Buzbee may close the debate.

9. SENATOR BUZBEE:

10. Thank you, Mr. President. I'm sure glad to see that  
11. I'm the principal chief sponsor...cosponsor of a non-  
12. controversial bill once again. I only could say that  
13. Senator Gitz's previous speech concerning...the previous  
14. speech concerning...the previous speech that Senator Gitz  
15. concerning the content of the bill. I...I only wish that I  
16. had said that. I thought his argument was so well put  
17. together that I looked over three times to see if he had,  
18. in fact, written it down and was reading it. He wasn't.  
19. It was a...comments from the heart that were extremely well  
20. organized and I...I wish that I had said those things, but...

21. PRESIDENT:

22. Your time is about up, Senator.

23. SENATOR BUZBEE:

24. ...in my final close, I would only say, right now there  
25. is an example going on in Senator Demuzio's district in Pike  
26. and...in Montgomery Counties where there's a proposed plant  
27. being talked about...a nuclear plant and the citizens of that  
28. county have absolutely no say-so as to whether that plant is  
29. going to be installed in their county or not. It's been said  
30. a hundred times already. I'll say it one more time. We don't  
31. claim to be experts. The experts track record in this field  
32. is a rather poor one. They didn't know what to do. They  
33. turned to the elected public official in the case of Three

1. Mile Island, the Governor and I have to applaud that Governor,  
2. he was walking on unplowed ground. He had no...no history upon  
3. which to base his decision. We now have a history, thanks to  
4. the incident at Three Mile Island and that history is, I  
5. believe, has established the fact that people want to have a  
6. say in what their government does to them and this would  
7. allow the people to have a say through their elected officials  
8. as to whether they're going to establish a plant next door to  
9. them or next county to them or whatever. I think it makes  
10. eminent good sense. We can listen to the experts. The experts  
11. can come in before the General Assembly and testify as to  
12. whether they want to or whether they think that a plant should  
13. be established there or not and then it's up to us to have the  
14. final say as to whether yes, we agree or no, we don't agree and  
15. with that, I would ask for a favorable roll call.

16. PRESIDENT:

17. All right. The question is, shall Senate Bill 660 pass.  
18. Those in favor will vote Aye. Those opposed will vote Nay.  
19. The voting is open. Have all voted who wish? Have all voted  
20. who wish? Take the record. The sponsor has requested that  
21. further consideration be postponed. So ordered. 661, Senator  
22. Demuzio. 665, Senator D'Arco. 666, Senator Davidson. On the  
23. Order of Senate Bills, 3rd reading, Senate Bill 666. Read the  
24. bill, Mr. Secretary.

25. SECRETARY:

26. Senate Bill 666.

27. (Secretary reads title of bill)

28. 3rd reading of the bill.

29. PRESIDENT:

30. Senator Davidson.

31. SENATOR DAVIDSON:

32. Mr. President and members of the Senate. The bill does  
33. exactly what it says. It has to do with convicted self...

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2nd reading

1. offenders or in relation to the Criminal Code on drug charges.  
2. This does for the Downstate Teachers System the same as what  
3. we passed out of here...Monday, I believe. It was Senator  
4. Berman's three hundred series bill for the City of Chicago.  
5. I appreciate a favorable roll call.

6. PRESIDENT:

7. Is there any discussion? If not, the question is,  
8. shall Senate Bill 666 pass. Those in favor will vote Aye.  
9. Those opposed will vote Nay. The voting is open. Have all  
10. voted who wish? Have all voted who wish? Take the record.  
11. On that question, the Ayes are 53, the Nays are none, none  
12. Voting Present. Senate Bill 666 having received the constitutional  
13. majority is declared passed. I'm not going to call 667. Okay.  
14. 670, Senator Donnewald. Senator Donnewald, do you wish to  
15. pursue 670? On the Order of Senate Bills, 3rd reading, Senate  
16. Bill 670. Read the bill, Mr. Secretary.

17. SECRETARY:

18. Senate Bill 670.  
19. (Secretary reads title of bill)  
20. 3rd reading of the bill.

21. PRESIDENT:

22. Senator Donnewald.

23. SENATOR DONNEWALD:

24. Yes, Mr. President and members of the Senate. Several  
25. months ago the Department of Revenue of our State decided that  
26. they would impose a rule which is called Throwback Rule to  
27. impose a tax on the printing industry that print the various  
28. magazines per...that are distributed throughout the country.  
29. The New York Times, the Time magazine and...and many others that  
30. I won't take the time to list and where these...these publishers  
31. are in most of the time in the State of New York or places  
32. such as that. The printing is done in Illinois and then the  
33. magazine is shipped directly from Illinois to another state.



1. Now, if that other state has no Sales Tax for that particular  
2. item then Illinois assumes what that other state would  
3. normally charge. Now, what this will do to the printing  
4. industry in...in this State will cause a tremendous loss in  
5. occupations in the printing and the employment of the people  
6. involved in this particular occupation. What the bill does  
7. here, is exempt them from that. Now, if we don't enact  
8. legislation such as this, what I truly believe will happen,  
9. would be that the...the various publishers in the other states  
10. will go to a state, such as Kentucky or others that do not  
11. have this so-called Throwback Rule. All I ask of this Body  
12. is to give consideration to this legislation to correct a  
13. very serious situation. Thank you.

14. PRESIDENT:

15. Is there any discussion? If not, the question is, shall  
16. Senate Bill 670 pass. Those in favor will vote Aye. Those  
17. opposed will vote Nay. The voting is open. Have all voted  
18. who wish? Have all voted who wish? Take the record. On  
19. that question, the Ayes are 50, the Nays are 2, none Voting  
20. Present. Senate Bill 670 having received the constitutional  
21. majority is declared passed. 673, Senator Knuppel. On the  
22. Order of Senate Bills, 3rd reading, Senate Bill 673. Read  
23. the bill, Mr. Secretary.

24. SECRETARY:

25. Senate Bill 673.

26. (Secretary reads title of bill)

27. 3rd reading of the bill.

28. PRESIDENT:

29. Senator Knuppel.

30. SENATOR KNUPPEL:

31. Senate Bill 673 is the combination of three identical  
32. bills introduced by myself, Senator Johns and Senator Rupp.  
33. It is the identical bill that we passed through the House and

1. Senate a year ago sponsored by Senator Donnewald, which was  
2. vetoed and the veto overridden in the Senate, but not in the  
3. House. It authorizes that or it provides that the emission  
4. standards set by the Environmental Protection Agency of the  
5. State of Illinois on coal fired...purposes be no higher than  
6. those Federally...Federally sanctioned. Now, while a great  
7. deal of...of the necessity of this may have been changed by  
8. the Clean Air Act Amendment of 1978...still there is a  
9. feeling, not only among us, but also with the Governor, who  
10. recently wrote a letter on this subject to the Environmental  
11. Protection Agency that we need this additional protection.  
12. I think this is good legislation and would solicit a favorable  
13. roll call.

14. PRESIDENT:

15. Is there any discussion? If not, the question is, shall  
16. Senate Bill 673 pass. Those in favor will vote Aye. Those  
17. opposed will vote Nay. The voting is open. Have all voted  
18. who wish? Have all voted who wish? Take the record. On that  
19. question, the Ayes are 44, the Nays are 7 and 1 Voting Present.  
20. Senate Bill 673 having received the constitutional majority  
21. is declared passed. 674, Senator Berman. On the Order of  
22. Senate Bills, 3rd reading, Senate Bill 674. Read the bill,  
23. Mr. Secretary.

24. SECRETARY:

25. Senate Bill 674.

26. (Secretary reads title of bill)

27. 3rd reading of the bill.

28. PRESIDENT:

29. Senator Berman.

30. SENATOR BERMAN:

31. Thank you, Mr. President and Ladies and Gentlemen of the  
32. Senate. Senate Bill 674 does what the synopsis indicates. It  
33. allows a physician who is...temporarily incapacitated to

1. temporarily surrender his license. This is a...along the same  
2. lines that lawyers presently can do, voluntary submission of  
3. their or voluntary surrender of their license if the...if the  
4. physician becomes rehabilitated or is able to follow his  
5. practice, he has to appear before and get consent from the  
6. Department of R and E to reinstate the license. I solicit  
7. your Aye Vote.

8. PRESIDENT:

9. Is there any discussion? Senator Grotberg.

10. SENATOR GROTBORG:

11. A question of the sponsor.

12. PRESIDENT:

13. He indicates he will yield. Senator Grotberg.

14. SENATOR GROTBORG:

15. Senator Berman, I have a very dear doctor friend whose  
16. father is an aged doctor...an aged doctor, but still keeps  
17. a few office hours and does his work, but he has got caught  
18. in the switches of the State bureaucracy and they won't renew  
19. his license for various and sundry, none which make sense  
20. and this would take that same principal, it seems to me.  
21. Nobody has talked to me about this bill, at all, but this  
22. in looking at it, it occurs to me that when he surrenders  
23. he has to come back and go through exams and peer reviews,  
24. again. Is that what you're suggesting and it's a voluntary  
25. surrendership?

26. PRESIDENT:

27. Senator Berman.

28. SENATOR BERMAN:

29. The bill says as follows: "an inactive license shall be  
30. restored upon a showing to the satisfaction of the Director  
31. of...of R and E that the licensee is no longer incapacitated.  
32. A...written notification by the director of such restoration  
33. for reasons for his refusal to restore the license shall occur

1. within thirty days." I...as I read the bill, the basis for  
2. the surrender is incapacity. The...the reasons for re-  
3. institution would be incapacity if the director...I think  
4. that's what...in my interpretation, that's what the director  
5. would be limited to. If it goes beyond that, I think that's  
6. ...it would be beyond the scope of the director's authority.

7. PRESIDENT:

8. Senator Grotberg.

9. SENATOR GROTBORG:

10. But who determines incapacity? You know...unless it's  
11. got teeth in it and somebody is declared nuts or...or  
12. physically incapacitated...this peer review...the Sanhedrin  
13. is in there somewhere. I'd like to hear about it.

14. PRESIDENT:

15. Senator Berman.

16. SENATOR BERMAN:

17. Keep in mind that it's the doctor in the first instance  
18. that determines his own incapacity. It's a voluntary surrender  
19. and I think that if he documents or sets forth the reason  
20. for his original surrender, those reasons have now been over-  
21. come that he can...should be able to get the license back.  
22. The bill emanates from the Medical Society and I...I think your  
23. questions are proper, but I don't see those problems in the  
24. bill.

25. PRESIDENT:

26. Further discussion? Senator Schaffer.

27. SENATOR SCHAFFER:

28. Mr. President, I rise in support of this bill. I think  
29. Senator Berman has...

30. PRESIDENT:

31. Close the door, Mr. Doorkeeper, let's go.

32. SENATOR SCHAFFER:

33. ...has a good bill here and is, in fact, supported by the

1. Medical Society. Let's face facts, from time to time we do  
2. have members in the Medical Society who ought not to be  
3. practicing medicine because of a temporary problem. Some-  
4. thing that can, perhaps, be corrected. Alcohol addiction  
5. comes to mind and yet, I don't think that person should  
6. suffer the loss of that license forever. I think it is  
7. a good bill and I think it does deserve our support. I  
8. think it will help the public in general, as Senator Berman  
9. has outlined.

10. PRESIDENT:

11. Senator Davidson.

12. SENATOR DAVIDSON:

13. Mr. President and members of the Senate. I rise in support  
14. of this bill and the real guts to this bill are two things.  
15. One, under the present law anyone under the Illinois Medical  
16. Practice Act that may have a problem, be it alcohol, drugs or  
17. otherwise or just some temporary problems from marital  
18. difficulty can under this bill if it becomes law, temporarily  
19. ...suspend his license, so he's not brought up for revocation  
20. on his own. When he's proven that he has corrected his problem  
21. be whatever it is, then he can receive the license, go back  
22. and be of service to humanity. Under the present law, he's  
23. got no alternative but to continue and take that chance of  
24. getting shot down and have permanent revocation of his license.  
25. This is a good bill and I urge a Yes vote.

26. PRESIDENT:

27. Further discussion? Senator Berning.

28. SENATOR BERNING:

29. Thank you, Mr. President, I would like to direct a question  
30. to the sponsor.

31. PRESIDENT:

32. He indicates he will yield. Senator Berning.

33. SENATOR BERNING:

1. Senator Berman, I...I understand what it is you are  
2. attempting to do here. As I understand it, protect the  
3. public and also protect the licensee, however, starting  
4. with line 28, wherein you make the provision for the  
5. reactivation of the license, I suggest, Senator, that  
6. you are leaving the discretion of recertification under  
7. the terms...of line 29, satisfaction of the director of  
8. the department. Now, I'd like to suggest to you, that the  
9. director of the department, probably, or in many instances  
10. would be as little qualified to determine whether a doctor  
11. should have his license reactivated or recertified as you or  
12. I are. This is very similar to the arguments on the previous  
13. bill where we were arguing the merits of letting this Body  
14. determine whether we should determine where a nuclear site  
15. should be located. Something, I think again, you and I have  
16. no competence in, so here I am suggesting to you and I'm  
17. asking for your comment, as to why you think the director of  
18. the department and apparently with no direction from anybody  
19. else is qualified to determine that the individual has now  
20. been rehabilitated, so to speak.

21. PRESIDENT:

22. Senator Berman.

23. SENATOR BERMAN:

24. Thank you. I believe that the language of the bill is  
25. such that it's giving to some authority and the...the director  
26. is the one that issued the license originally, it's the person  
27. to whom the license is surrendered. I think that, technically,  
28. you have to have somebody to evaluate that the incapacity has  
29. been cured and that's all this bill does. I would point out  
30. that if the Medical Society is willing to take...take its  
31. chances regarding the discretion of the...of the director,  
32. I'm not one to impose any stricter or less strict safeguards  
33. than would be the Medical Society. I'm not saying that they

1. are all knowing, but this involves the regulation of their  
2. membership. They're willing to buy this and so am I.

3. PRESIDENT:

4. Senator Berning.

5. SENATOR BERNING:

6. Senator, I beg to differ with you and I think you're begging  
7. the issue. The original certification is because of successful  
8. passage of...by the individual of examinations and graduation  
9. from school and subsequent approval by the peer review group.  
10. That is no longer the case here or, at least, as I read this.  
11. It is not even implied. All you are saying is that upon a  
12. showing to the satisfaction of the director and I submit to  
13. you, Sir, that the director is in much less sound position to  
14. pass on the rehabilitation of someone who is so incapacitated  
15. as to even himself or herself recognize it and ask for  
16. suspension or temporary revocation of his license, whereas the  
17. original certification by the department is, in no way  
18. predicated upon such a nebulous thing as drug addiction,  
19. mental incapacity or these other debilitating activities that  
20. obviously were the...the motivation for the individual to  
21. surrender his license.

22. PRESIDENT:

23. All right. Senator, your time has expired. Is there  
24. any further discussion? Senator Berman may close the debate.

25. SENATOR BERMAN:

26. I think Senator Davidson outlined the pros on this bill.  
27. It's a Medical Society bill. I think it is important to doctors  
28. as far as a alternative to maintaining their licenses. I ask  
29. for a favorable vote.

30. PRESIDENT:

31. The question is, shall Senate Bill 674 pass. Those in  
32. favor will vote Aye. Those opposed will vote Nay. The voting  
33. is open. Have all voted who wish? Have all voted who wish?

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3rd reading  
5-17-79

1. Take the record. On that question, the Ayes are 51, the Nays  
2. are...1, none Voting Present. Senate Bill 674 having received  
3. the constitutional majority is declared passed. 675, Senator  
4. Coffey. On the Order of Senate Bills, 3rd reading, Senate  
5. Bill 675. Read the bill, Mr. Secretary.

6. SECRETARY:

7. Senate Bill 675.  
8. (Secretary reads title of bill)  
9. 3rd reading of the bill.

10. PRESIDENT:

11. Senator Coffey.

12. SENATOR COFFEY:

13. Mr...Mr. President and members of the Senate. Senate  
14. Bill 675 does exactly as it is stated in the...in our digest.  
15. It permits alcoholic beverages to be sold within fifteen  
16. hundred feet of State universities. I might point out that  
17. presently all of our private institutions are...have the  
18. right to sell alcoholic beverages within the fifteen hundred  
19. feet as well as our junior colleges, all our elementary and  
20. secondary schools and I might also point out that there was a  
21. judgment ordered in the 6th Judicial District saying that it  
22. was unconstitutional with the provision that's now in the  
23. Statute and I'd ask for your favorable vote.

24. PRESIDENT:

25. Is there any discussion? If not, the question is, shall  
26. Senate Bill 675 pass. Those in favor will vote Aye. Those  
27. opposed will vote Nay. The voting is open. Have all voted  
28. who wish? Have all voted who wish? Take the record. On that  
29. question, the Ayes are 45, the Nays are 5, none Voting Present.  
30. Senate Bill 675 having received the constitutional majority  
31. is declared passed. Senator Geo-Karis on 676. On the Order  
32. of Senate Bills, 3rd reading, Senate Bill 676. Read the bill,  
33. Mr. Secretary.



1. SECRETARY:

2. Senate Bill 676.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDENT:

6. Senator Geo-Karis.

7. SENATOR GEO-KARIS:

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

9. Senate Bill 676 amends the Business Corporation Act in that  
10. it prohibits incorporation for the purpose of operating any  
11. ambulatory surgical treatment center primarily for a facility  
12. and procedures to terminate pregnancies until...unless rather  
13. the articles of incorporation call for one corporation  
14. officer to be a physician who shall practice at the center...  
15. license...regular licensed physician and I might say that the  
16. Illinois State Medical Society has no problems with this bill  
17. in support of it and this is simply to protect people  
18. who have to use these ambulatory treatment pregnancy centers.

19. PRESIDENT:

20. Is there any discussion? Senator Berman.

21. SENATOR BERMAN:

22. I'm sure the Medical Society is not...doesn't have any  
23. trouble with this bill because you're putting one of their  
24. people in the incorporation. Why do we need this? What...do  
25. we have this kind of requirement in any other type of business  
26. corporation and that's what we're talking about here is a  
27. business corporation.

28. PRESIDENT:

29. Senator Geo-Karis.

30. SENATOR GEO-KARIS:

31. Senator Berman, you and I know that in our own position  
32. as lawyers we have what we call the Professional Corporations  
33. Act and we all have to be lawyers. Now, in this one, it's

1. simply trying to put a...a safeguard...just one safeguard  
2. to a business corporation that is going to be involved with  
3. treating pregnant...pregnancy cases at an ambulatory center  
4. and I think it's...it's just a safeguard for the women who  
5. are going to go through these clinics to have a licensed  
6. physician on hand and to have him as a member of that  
7. corporation. We're just trying to avoid a lot of vicissitude  
8. that have happened in some of these abortion centers.

9. PRESIDENT:

10. Senator Berman.

11. SENATOR BERMAN:

12. Well, thank you, Mr. President. I rise in opposition  
13. to the bill. I think that if you want to regulate these  
14. abortion clinics you do it directly. I think this is a  
15. backdoor approach, which puts...imposes undue restrictions  
16. on the rights of persons to involve themselves in legitimate  
17. business enterprises. You're...you're imposing a certain  
18. category of membership in the corporate structure which has  
19. really nothing to do with the actual operation and I mean  
20. that in both ways, of the business. The people that handle  
21. the medical end of it should be licensed and regulated. I  
22. have no problems with that. This puts them into a area in  
23. which I don't think they have to be and I stand in opposition  
24. to this bill.

25. PRESIDENT:

26. Further discussion? Senator Wooten. Senator Schaffer.

27. SENATOR SCHAFFER:

28. Mr. President, I rise in support of this...this bill.  
29. We've seen over the years, in these type clinics and in the...  
30. in general in Green Card Clinics throughout the State that the  
31. ownership changes very quickly and when the department finds  
32. something wrong and they move against the individuals there  
33. usually is not a medical practitioner involved. There's usually

1. someone who is profit motivated, I think that's a polite  
2. term, to operate this place. We get the goods on them. We  
3. shut them down and they close the door of Acme Clinic and  
4. the next day it's the Uptown Clinic. There are a different  
5. set of names with the same medical personnel and the same  
6. procedures and we go right back into court and we fight the  
7. battle all over again. I don't think it's inappropriate  
8. to request and to require that one person who could effectively  
9. be held responsible for the medical practices in this type  
10. of clinic be involved in the incorporation. I think it's  
11. a reasonable proposal and I think it will help us stamp  
12. out some of the abuses, which we are all so acutely aware of.

13. PRESIDENT:

14. Any further discussion? Senator Geo-Karis may close  
15. the debate.

16. SENATOR GEO-KARIS:

17. Well, Ladies and Gentlemen...Mr. President and Ladies  
18. and Gentlemen of the Senate. Senator Schaffer hit the nail  
19. on the head. I think it would discourage a corporation of  
20. total entrepreneur whose only concern would be profit, as long  
21. as we had a physician who practices in the center as one of  
22. the officers of the corporation. I ask for your...respective  
23. consideration.

24. PRESIDENT:

25. The question is...the question is, shall Senate Bill 676  
26. pass. Those in favor will vote Aye. Those opposed will vote  
27. Nay. The voting is open. Have all voted who wish? Have all  
28. voted who wish? Take the record. On that question, the Ayes  
29. are 46, the Nays are 1, none Voting Present. Senate Bill 676  
30. having received the constitutional majority is declared passed.  
31. 678, Senator Berning. On the Order of Senate Bills, 3rd  
32. reading, Senate Bill 678. Read the bill, Mr. Secretary.

33. SECRETARY:

1. Senate Bill 678.

2. (Secretary reads title of bill)

3. 3rd reading of the bill.

4. PRESIDENT:

5. Senator Berning.

6. SENATOR BERNING:

7. Thank you, Mr. President. This bill was introduced at the  
8. request of the Downstate Teachers. It simply provides for a  
9. greater latitude in the investment and reinvestment of funds  
10. of the system and I submit to you that it came out of the  
11. Pension Committee unanimously. There was no questions regarding  
12. it. If there are any questions on the Floor, I'll attempt to  
13. answer them, but failing in that, I would appreciate a favorable  
14. roll call.

15. PRESIDENT:

16. Is there any discussion? Senator Schaffer.

17. SENATOR SCHAFFER:

18. Senator, I think you have a good bill, but I just want  
19. to make sure this is an IEA bill, isn't it, Sir?

20. PRESIDENT:

21. Rhetorical, I'm sure. Senator Walsh.

22. SENATOR WALSH:

23. Mr. President and members of the Senate. I note that the  
24. unfunded liability of the Downstate Teachers Retirement Fund  
25. is some forty-seven plus percent and I think if the...if the  
26. trustees of the fund get into the purchase and sale of options  
27. and they find that they have a zero balance, so I'm going to  
28. vote No.

29. PRESIDENT:

30. Any further discussion? If not, the question is, shall  
31. is, shall Senate Bill 678 pass. Those in favor will vote Aye.  
32. Those opposed will vote Nay. The voting is open. Have all  
33. voted who wish? Have all voted who wish? Have all voted who

1. wish? Take the record. On that question, the Ayes are 23,  
2. the Nays are 10, 6 Voting Present. Senate Bill 678 having  
3. failed to receive the constitutional majority is declared lost.  
4. 681, Senator Graham. On the Order of Senate Bills, 3rd reading,  
5. Senate Bill 681. Read the bill, Mr. Secretary.
6. SECRETARY:  
7. Senate Bill 681.  
8. (Secretary reads title of bill)  
9. 3rd reading of the bill.
10. PRESIDENT:  
11. Senator Graham.
12. SENATOR GRAHAM:  
13. Mr. President and members of the Senate. This bill does  
14. basically what the synopsis says. Additionally, recent acts  
15. of the General Assembly for Permanent Reserve Association  
16. eliminated the right of depositor and borrowers to vote  
17. according to the interest of the customer. The language in  
18. Section 416 of the Illinois Savings and Loan Act provides for  
19. a late penalty charge to...to be made...placed upon  
20. borrowers whose membership in the savings and loan is based  
21. upon membership entitling the borrower to vote. Since the  
22. voting rights have been eliminated for the members of the  
23. Permanent Reserve Association the technical argument has been  
24. made that a late penalty charge cannot be assessed against a  
25. delinquent borrower of a Permanent Reserve Association. This  
26. bill attempts to correct that and I ask for a favorable roll  
27. call.
28. PRESIDENT:  
29. Is there any further discussion? Senator Wooten.
30. SENATOR WOOTEN:  
31. Senator, just to be clear, are there not presently late  
32. charges assessed?
33. PRESIDENT:

1. Senator Graham.

2. SENATOR GRAHAM:

3. I...I stated that. I'm sorry if you didn't...hear. It's  
4. two cents now per dollar. This increases it to five.

5. PRESIDENT:

6. Senator Wooten.

7. SENATOR WOOTEN:

8. How long has it been at the two cent level, Senator?

9. PRESIDENT:

10. Senator Graham.

11. SENATOR GRAHAM:

12. As long as I can remember, I guess. I have no interest in  
13. savings and loan. I really don't know. I don't have that  
14. information.

15. PRESIDENT:

16. Is there any discussion...further discussion? If not,  
17. the question is, shall Senate Bill 681 pass. Those in favor  
18. will vote Aye. Those opposed will vote Nay. The voting is  
19. open. Have all voted who wish? Have all voted who wish?

20. Take the record. On that question, the Ayes are 42, the  
21. Nays are 4, 2 Voting Present. Senate Bill 681 having received  
22. the constitutional majority is declared passed. 685, Senator  
23. Sangmeister. On the Order of Senate Bills, 3rd reading,  
24. bottom of page 20, Senate Bill 685. Read the bill, Mr.  
25. Secretary.

26. SECRETARY:

27. Senate Bill 685.

28. (Secretary reads title of bill)

29.

30.

31.

32.

33.

1. 3rd reading of the bill.

2. PRESIDENT:

3. Senator Sangmeister.

4. SENATOR SANGMEISTER:

5. Thank you, Mr President and members of the Senate. This  
6. bill was put in on behalf of the administration, that is the  
7. administration of the office of the Secretary of State  
8. on behalf of their corporate division in order to clean up  
9. some of the problems that they've had over there with not-  
10. for-profit corporations. The present law is that a not-  
11. for-profit corporation is certified by the Secretary of  
12. the State to the Attorney General for dissolution. The  
13. bill that you have before you would...would put that authority  
14. in the Secretary of State's office and there are plenty of safeguards  
15. in the bill, plenty of notice to the not-for-profit corpora-  
16. tions before that dissolution would be done. On the domestic  
17. corporations the annual reports will be filed in a staggered  
18. system rather than the present system in order for the office  
19. to be able to handle them on a more even basis. And basically  
20. that's what the bill does, I'd be able to...be happy to answer  
21. any questions, if not, would request a favorable roll.

22. PRESIDENT:

23. Is there any discussion? If not, the question is shall  
24. Senate Bill 685 pass. Those in favor will vote Aye. Those  
25. opposed will vote Nay. The voting is open. Have all voted  
26. who wish? Have all voted who wish? Take the record. On  
27. that question the Ayes are 50, the Nays are none, none  
28. Voting Present. Senate Bill 685, having received a constitutional  
29. majority is declared passed. 687, Senator Mitchler is on the  
30. proported agreed list. How about 688. On the Order of Senate  
31. Bills 3rd reading, Senate Bill 688. Read the bill, Mr. Secretary.

32. SECRETARY:

33. Senate Bill 688.

1. (Secretary reads title of bill)

2. 3rd reading of the bill.

3. PRESIDENT:

4. Senator Mitchler.

5. SENATOR MITCHLER:

6. Mr. President and members of the Senate. Senate Bill 688  
7. authorizes the Department of Conservation to convey the Rock  
8. River Dam in Ogle County to Commonwealth Edison Company.  
9. This dam was originally owned by Commonwealth Edison Company,  
10. was acquired by the State of Illinois understand by the Depart-  
11. ment of Conservation for a very nominal sum because they wanted  
12. to develop a recreational area upstream. Repairs had to be  
13. made recently to the dam. A large portion of that expense was  
14. paid for by Commonwealth Edison because it is beneficial to  
15. Commonwealth Edison at this time because they've constructed  
16. power facilities upstream...from the dam and they want to use  
17. the pool of water for cooling purposes. The Department of  
18. Conservation has no objection to this transfer, in fact they  
19. prefer it and would like to have this done because any future  
20. repair or maintenance to the dam would be a responsibility of  
21. Commonwealth Edison and would relieve the State and the Depart-  
22. ment of Conservation from maintenance and upkeep of the dam.  
23. I would ask for a favorable roll call.

24. PRESIDENT:

25. Any discussion? Senator Hall.

26. SENATOR HALL:

27. Will the sponsor yield to a question?

28. PRESIDENT:

29. Indicates he will yield, Senator Hall.

30. SENATOR HALL:

31. Senator, I see why the State spent two hundred and twenty-  
32. five thousand dollars on some recently completed work on this  
33. dam. What are they going to receive back from this if they



1. put that much money into it?

2. PRESIDENT:

3. Senator Mitchler.

4. SENATOR MITCHLER:

5. Senator Hall, I don't believe that they anticipate receiving  
6. any of that reimbursement back again. At the time the repairs,  
7. and they were emergency repairs, you recall we did sponsor a  
8. bill that provided for that emergency appropriation. When the  
9. Department of Conservation had the responsibility for mainte-  
10. nance of the dam and this emergency occurred and they had to go  
11. ahead with the repairs to the dam, Commonwealth Edison did  
12. provide a portion of that. I don't have the figures accurately  
13. in front of me just what proportion that is, but they voluntarily  
14. agreed to assist the Department of Conservation in the repairs  
15. to the dam. Now, at that time there was only...proper for the  
16. Department of Conservation to make that payment and keep the  
17. dam in the condition it is. But henceforth, if this bill passes  
18. and is approved, any future repairs would be the responsibility  
19. of Commonwealth Edison.

20. PRESIDENT:

21. Further discussion? Senator Shapiro.

22. SENATOR SHAPIRO:

23. Mr. President and Ladies and Gentlemen of the Senate. I  
24. rise in support of the bill and I do want to point out to the  
25. Senate that even though the State did spend approximately two  
26. hundred thousand dollars to repair it, it was an emergency  
27. repair and that dam belonged to the State. . But in addition  
28. to the two hundred thousand dollars, Commonwealth Edison also  
29. spent two hundred and twenty-six thousand dollars additional  
30. to repair the dam, bring it up into good shape and this is  
31. a...an excellent bill. It transfers the ownership, the  
32. future maintenance to Commonwealth Edison and really takes a  
33. white elephant off of the hands of the State. And I would

1. urge everyone to support the bill.

2. PRESIDENT:

3. Further discussion. Senator Wooten.

4. SENATOR WOOTEN:

5. Thank you, Mr. President. I'm glad we're able to talk

6. Commonwealth Edison into taking this undesirable property.

7. It just...I don't know, it just goes against the grain, I...

8. I'm not going to support this. I was the only vote against

9. this in Executive Committee, but Commonwealth Edison I'm sure

10. was able to count their share of those repairs as a tax write-

11. off and they're getting the State put in about two hundred

12. thousand dollars. So they're getting the dam repaired for

13. free about half the cost, courtesy of the State, the rest courtesy

14. of the Federal Government in tax write-offs and we give it to

15. them for a dollar. Maybe it's just a fine thing to do, but

16. I just don't like those numbers and I cannot support the bill.

17. PRESIDENT:

18. Further discussion? Senator Gitz.

19. SENATOR GITZ:

20. Question of the sponsor.

21. PRESIDENT:

22. Indicates he will yield. Senator Gitz.

23. SENATOR GITZ:

24. Senator Mitchler, I took a little bit of interest in this

25. since this is in my district. I was wondering if your district

26. had been expanded to cover Ogle County.

27. PRESIDENT:

28. Senator Mitchler.

29. SENATOR MITCHLER:

30. No, Senator Gitz, this arose out of the fact that in a

31. Water Resources Commission that we determined that the...there

32. were only two dams in the State of Illinois that were owned

33. and under control of the Department of Conservation. And

1. when that came to our attention we...we determined why would  
2. the Department of Conservation have ownership and maintenance  
3. of dams. It actually should be under the Division of Water  
4. Resources and DOT. And that's...the way the bills were originally  
5. going to be made up to transfer the ownership of the dams to  
6. DOT, Division of Water Resources. And Senate Bill 687 provides  
7. that for a Kankakee dam in the Kankakee River and originally  
8. we were going to do this, but then it was determined that  
9. Commonwealth Edison would accept the responsibility and this  
10. would be then one of the private dams. I...I apologize, if  
11. you'd want to be the sponsor, I didn't mean to be doing any-  
12. thing in your district. I believe you heard about it on  
13. 2nd reading and also in our Agriculture Committee when the  
14. bill was heard.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Gitz.

17. SENATOR GITZ:

18. Well, I also asked the department. I said is this a  
19. department bill and they said no. In fact, I asked them,  
20. I said, does it matter to you whether it goes up or down.  
21. Their legislative liaison said no. I went to your liaison  
22. in the Governor's Office, I said where did this bill come  
23. from. He says oh, it's not an administration bill, by  
24. all means don't say that Senator Mitchler's bill comes from  
25. our office. So where does this bill emanate? It doesn't  
26. emanate from the district because none of the Representa-  
27. tives are contacted about it. The Department of Conservation  
28. says that they don't want any part of it. They don't care  
29. what happens to it. And the administration says it's not  
30. their bill, it's Senator Mitchler's bill, so where did it  
31. come from? And if it's true that you want...if you don't  
32. want it to be in the State Conservation Department hands,  
33. then maybe we should transfer it to your Water Resources

1. Agency. You're asking us to approve public money and then  
2. turn it back to private purposes.  
3. PRESIDING OFFICER: (SENATOR BRUCE)  
4. Senator Mitchler.  
5. SENATOR MITCHLER:  
6. No, just in closing, these are the only two dams that the...  
7. PRESIDING OFFICER: (SENATOR BRUCE)  
8. Senator...I thought that you were going to respond.  
9. SENATOR MITCHLER:  
10. Yes...No. Oh...  
11. PRESIDING OFFICER: (SENATOR BRUCE)  
12. There are other...before you close, there are other Senators  
13. that wish recognition. Senator Shapiro.  
14. SENATOR SHAPIRO:  
15. Well, Mr. President and Ladies and Gentlemen of the Senate.  
16. I...I do not know who Senator Gitz was speaking to, but when  
17. I handle the emergency appropriation on the State's part to  
18. renovate this dam with additional monies from the...from Common-  
19. wealth Edison, I was told at that time by the Department of  
20. Conservation that this dam would be transferred to Commonwealth  
21. Edison after the repair work was done. Now, that's as I see  
22. the story and I still think it's a good bill and I still think  
23. this Senate should act favorably upon it.  
24. PRESIDING OFFICER: (SENATOR BRUCE)  
25. Further discussion? Senator Wooten.  
26. SENATOR WOOTEN:  
27. Well, that is terrible. If we put up State money knowing  
28. we were going to give it to them for a dollar, that...that just  
29. ices it for me.  
30. PRESIDING OFFICER: (SENATOR BRUCE)  
31. Further discussion? Senator Gitz, did you seek recognition  
32. a second time? I'm sorry...go ahead, Senator Gitz.  
33. SENATOR GITZ:

1. Well, I will just simply respond to Senator Shapiro's  
2. inquiry. The people that I talked to is Philip Childs and  
3. your Director at the Department of Conservation and the  
4. gentleman who allegedly represents your administration on  
5. the Floor is Terry Bedgood, you can question him, I think he'll  
6. reiterate that. Frankly, I'm a little bit confused as to why  
7. there seems to be a purposeful attempt to circumvent the elected  
8. representatives. It seems to me that if this is something that  
9. needs to be done that Representative Rigney who wears the same  
10. stripe as the other side of the aisle, he doesn't...he wasn't  
11. consulted about it and nobody bothered to consult me. I take  
12. a very strong interest as Senator Shapiro knows, in affairs  
13. of my district and in roads. And I don't understand why this  
14. kind of a bill comes out of the air using public money of  
15. this nature and there's no consultation with the people in  
16. that area and there's no attempt to communicate with them in  
17. that area and no attempt to work with the people in that area,  
18. and I take that kind of personally because after all it's my  
19. district and I was a representative for them.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Further discussion? Senator Knuppel.

22. SENATOR KNUPPEL:

23. Well this...this seems to be one those typical bills that  
24. we Democrats used to. It's a local matter and...and  
25. unfortunately we've tried several times to pass through this  
26. Body some kind of a 'overview of how we dispose of property.  
27. I assume that this has been done in the same manner that  
28. everything else is and I'm going to support it on the basis  
29. that...that it's happened so many other times, including the  
30. Edgewater Beach Hotel.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Further discussion? Senator Mitchler may close.

33. SENATOR MITCHLER:

1. Thank you. I'd appreciate a favorable roll call and now  
2. I'll remind you it's not part of my full legislative program  
3. for this Session. Thank you.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. The question is shall Senate Bill 688 pass. Those in  
6. favor vote Aye. Those opposed vote Nay. The voting is open.  
7. Have all voted who wish? Have all voted who wish? Take the  
8. record. On that question the Ayes are 35, the Nays are 11,  
9. 2 Voting Present. Senate Bill 688 having received the required  
10. constitutional majority is declared passed. Senate Bill 690,  
11. Senator D'Arco. For what purpose does Senator D'Arco arise?

12. SENATOR D'ARCO:

13. This is the Funeral Director's Bill that...that everybody has  
14. been getting letters about and telegrams and so forth and so  
15. on and I move to Table it.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator D'Arco moves to Table Senate Bill 690. Is there  
18. discussion? All in favor say Aye. Opposed Nay. The Ayes have  
19. it. Senate Bill 690 is Tabled. For what purpose does Senator  
20. Demuzio arise?

21. SENATOR DEMUZIO:

22. We'll I'd like to ask Senator D'Arco a question. I'm  
23. been getting a lot of mail about 689, the bill right before  
24. that. What happened to it?

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senate Bill 692, Senator Rhoads. Read the bill, Mr. Secretary.

27. SECRETARY:

28. Senate Bill 692.

29. (Secretary reads title of bill)

30. 3rd reading of the bill.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Rhoads.

33. SENATOR RHOADS:

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2nd Reading  
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1. Thank you, Mr. President and members of the Senate. This is  
2. another of that...in that series of bills that was recommended  
3. by the Advisory Committee to the State Board of Elections. The  
4. bill provides that election petition objections may be heard  
5. at the board offices here in Springfield rather than here in  
6. the Capitol Building, which was the current law. Last year it  
7. was found to be highly inconvenient during the objection hearings  
8. on the Thompson Proposition Petition to have the hearings here  
9. in the Capitol Building when the staff and all the facilities  
10. were over at the Board offices. The second thing the bill  
11. does, it provides that new party and independent candidates  
12. who are wholly within one county for Legislative, Congressional  
13. and Judicial Office, shall file with the State Board of Elections  
14. rather than with the county clerk as is the current law. This  
15. is just double paper work. The county clerk has to certify  
16. to the State Board and then they have to certify back to the  
17. county again and all other established party candidates for  
18. those offices regardless of whether they're in one county or  
19. not, have to file in Springfield with the State Board of Elections.  
20. So I'd be happy to answer any questions. If not, I would ask  
21. for a favorable vote.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Are there...are there questions or debate? The question  
24. is shall Senate Bill 692 pass. Those in favor vote Aye. Those  
25. opposed vote Nay. The voting is open. Have all voted who wish?  
26. Have all voted who wish? Take the record. On that question the  
27. Ayes are 54, the Nays are none, none Voting Present. Senate  
28. Bill 692 having received the required constitutional majority  
29. is declared passed. Senate Bill 695, Senator Knuppel. Read  
30. the bill, Mr. Secretary, please.

31. SECRETARY:

32. Senate Bill 695.

33. (Secretary reads title of bill)

1. 3rd reading of the bill.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Knuppel.

4. SENATOR KNUPPEL:

5. Mr. President and members of the Body. A year ago we passed  
6. Tommy Hynes Homestead Exemption Bill which excluded the first  
7. fifteen hundred dollars increase in equalized assess value as  
8. a homestead interest in any period of reassessment. In doing  
9. so we limited the effectiveness of that act to property which  
10. was used purely and solely as a resident. And I've had many,  
11. many complaints from people who have said, you know, well I  
12. run a little TV shop out of my garage, I have a...a insurance  
13. agency where I interview clients in one room in my home, I...  
14. they may sell Amway. Many people, for example, some older  
15. people I know, fixed up an extra room or a little apartment  
16. in their house after their children left to rent it to a  
17. school teacher. This...this has eliminated many, many people  
18. by reason of the construction that was put on it, a very  
19. literal construction, by the Department of Local Governmental  
20. Affairs. What this...what this bill does, is to enlarge the  
21. definition to provide that if the property is used as a  
22. principal residence that in that case it will qualify for that  
23. fifteen hundred dollar homestead the same as the property that's  
24. used solely as a resident. This is...this has been protected  
25. by an amendment which provides that a married couple will have  
26. to, if living separately and apart in residences, will have to  
27. split that exemption. So that people can't...can't actually  
28. live together and pretend to live apart or claim two residences,  
29. in fact, they are separated. If they're married, they're  
30. entitled to only one Homestead exemption. I say that this  
31. is a good redefinition that was not our intent to cut out older  
32. people and people who maybe had a...a duplex or something of  
33. that nature or who fixed up an apartment or who sold Amway or...  
34. or had a...a little insurance agency or maybe the wife fixed



1. somebody's hair in her house. And that's all this bill does,  
2. very simply, is redefine what qualifies as any piece of property  
3. that is used as a residence but it doesn't have, principally as  
4. a residence, does not have to be used exclusively as a residence.  
5. PRESIDING OFFICER: (SENATOR BRUCE)

6. The following Senators have sought recognition, Senator  
7. McMillan, Netsch and Rhoads. Senator Netsch.  
8. SENATOR NETSCH:

9. No, I...my question really was about the amendment, which  
10. ...to which we had not addressed ourselves in committee and  
11. Senator Knuppel, I think, has explained it. It does split  
12. the Homestead Exemption where there is a separation in the  
13. marital arrangement. And I...I just, I wondered what that  
14. was about and Senator Knuppel has explained it. The rest of  
15. it, it seems to me, although a close question is quite defensible.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Further discussion? Senator Rhoads.

18. SENATOR RHOADS:

19. Thank you, Mr. President, Ladies and Gentlemen of the Senate.  
20. I'm compelled to rise in opposition to Senate Bill 695 as  
21. amended. Senator...Knuppel correctly observed that this would  
22. be an expansion of the bill that was sponsored by former Senate  
23. President, Tom Hynes last year, Senate Bill 1790. Along with  
24. many other people, I voted for 7...Senate Bill 1790, more or  
25. less as an act of faith because I thought an increase in the  
26. Homestead Exemption was warranted. I have cause now, some  
27. twelve months later to regret very much having voted for  
28. Senate Bill 1790. Primarily because no one at that time really  
29. did their homework as to the loss of revenue that that bill  
30. would cause local governments and school districts. I am  
31. particularly acutely aware that the pain that has been caused  
32. to school districts in suburban Cook County through the erosion  
33. of the tax base that was caused by Senate Bill 1790 of the

1. 80th General Assembly. Senate Bill 695 deletes the provision  
2. that was contained in that law that the residence would be  
3. owned and used exclusively for residential purpose. This...the  
4. expansion of this bill, frankly, with respect to Cook County  
5. in particular, is just totally unknown at this point. We  
6. don't know what impact this is going to have on the...loss  
7. of revenue to...to local governments. I'm not saying that this is  
8. a...a solely Cook County problem by any means. It's a...it's a problem  
9. downstate as well. But we simply don't have the kind of detailed  
10. analysis that we...that we really should have to know how this  
11. is going to affect our school districts and park districts. It...  
12. it...it's popular, it...it would be easy to vote yes on this, but  
13. I'm afraid that a year from now, we're going to find ourselves  
14. in the same jam that...that we in suburban Cook are finding  
15. ourselves as a result of the passage of 1790 from the last  
16. Session. And I...I don't think we know really with any certainly  
17. where we're going with this bill. We don't know what the impact  
18. is going to be on the loss of local revenue and I would urge  
19. you very seriously to vote No until we get those questions  
20. answered.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Further discussion? Senator Knuppel may close.

23. SENATOR KNUPPEL:

24. Well, all I would say to Senator Rhoads is, Senate Bill  
25. 1790 was so bad, maybe he should have introduced legislation  
26. to repeal it. I...I just, I'm not arguing the merits of  
27. 1790 and its effect on local revenues. What I'm arguing is  
28. if you're going to pass a bill, the way that bill was passed  
29. it...it can be very unfair to many, many people. I'll guarantee  
30. you that the rich people don't fix up an extra apartment in their  
31. home. If they've got a seventy, eighty or a hundred and fifty  
32. thousand dollar home they get the full benefit of the fifteen  
33. hundred dollars exclusion. If it's a person who needs the money

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1. and has got a little apartment or has to run a little business  
2. to supplement their Social Security, they're cut out. Now I  
3. just submit that fair is fair and that if this bill is a good  
4. bill and I think it was a good bill, that this is the kind of  
5. tax relief that we should be sponsoring, should be supporting  
6. that for the little people. The big people it won't benefit  
7. at all, they're going to get their fifteen hundred dollars.  
8. But the little person who fix up apartment to rent to a  
9. school teacher or a nurse or who runs a little TV business or  
10. fixes some hair is eliminated. And I just submit to you that  
11. if 1790 is bad, then let's pass this and repeal the whole damn  
12. thing. But don't go at it by cutting out the people who really  
13. need and deserve to be included.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. The question is shall Senate Bill 695 pass. Those in  
16. favor vote Aye. Those opposed vote Nay. The voting is open.  
17. Have all voted who wish? Have all voted who wish? Take the  
18. record. On that question the Ayes are 38, the Nays are 7,  
19. 2 Voting Present. Senate Bill 695 having received the required  
20. constitutional majority is declared passed. Senate Bill 696,  
21. Senator Knuppel. Do you wish to have the bill read?

22. SENATOR KNUPPEL:

23. ...Let's go ahead, we may never get back...let's give it...

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. All right. Read the bill, Mr. Secretary.

26. SECRETARY:

27. Senate Bill 696.

28. (Secretary reads title of bill)

29. 3rd reading of the bill.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Knuppel.

32. SENATOR KNUPPEL:

33. Mr. President and members of the Body. This is a bill

1. similar to a bill sponsored by Senator Graham and he indicated  
2. that...that if this bill passed he would Table his bill, I think.  
3. But what it is, it provides that if the State mandates programs  
4. other than those that have Federal sanction, if we mandate programs  
5. for units of Local Government and School Districts, that we  
6. will finance the amount that's mandated. Now the effective  
7. date of this legislation has been moved back to July 1st, 1980.  
8. This bill went out here...went out of here and was voted out  
9. of here last year. The Governor has run along and extended  
10. program investigating mandated programs and what they do to  
11. local units of government. This is good legislation and it will  
12. make us responsible as Legislators, we've been talking about  
13. our responsibilities this afternoon. It will make us responsible.  
14. We won't tell someone they have to deliver unless we're willing  
15. to pay the bill and that's always the way it ought to be. Now,  
16. it's easy to say somebody else ought to do something with his  
17. money, but we ought to put our money where our mouth is and  
18. if we use our mouth to mandate, we ought to put our money  
19. there to finance it, unless it's a government program and the  
20. ...Federal Government is going to provide that money. This  
21. has been amended to...to provide that, it's met with the amend-  
22. ment suggested by the other side of the aisle. I submit this  
23. is good legislation. It's the type of legislation we need  
24. to prevent the...the ongoing, onrush and this is the one thing  
25. I hear most often. I talk to people, citizens, and they tell  
26. me about our pay raise and what we're doing to them and I remind  
27. them that taxes in the State of Illinois have not gone up since  
28. 1969 and they always shove it right back at me and say, yes,  
29. but what about the mandated program. That's the things that  
30. have gone up and we're having to pay for those, John. And so  
31. people are very conscious of this mandated program thing and  
32. I think this is good legislation and ought to pass.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Is there discussion? Senator Graham.

2. SENATOR GRAHAM:

3. Senator Knuppel is correct. I Tabled Senate Bill 94 dealing

4. with the same subject matter after an agreement with him, at

5. the same time asking to have me shown as a cosponsor so I'd

6. like to ask that now. The reason I Tabled mine, his was moving

7. along and it was just a little bit better bill than mine so

8. I did Table and he was correct in the statement. Urge its

9. support.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Is there leave? Leave is granted. Further discussion?

12. Senator Martin.

13. SENATOR MARTIN:

14. Will the sponsor yield?

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Indicates he will yield, Senator Martin.

17. SENATOR MARTIN:

18. Two brief questions. Occasionally, even under mandate, the

19. State does not fulfill its responsibilities. Is there provision

20. in the bill that then says that the local districts do not

21. have to go on with the program?

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Further...Senator Knuppel.

24. SENATOR KNUPPEL:

25. For me to find a book and page and spell it out, I don't

26. think that I can right at this moment. But it does say that

27. if the program is mandated, it must be financed. I assume that

28. that means that if...if it isn't in the bill specifically

29. and I don't...I'm not that familiar with...with word for word

30. and book and page, that they could go to court and enjoin

31. against having to be...perform that service. Because it does

32. say affirmatively that if the program is mandated the State will

33. finance it.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Martin.

3. SENATOR MARTIN:

4. I...that might be, there were similar bills as you know  
5. from the House and from the Senate in the last Session and  
6. since I had one of them I would suggest that you may wish  
7. to amend it in the House to include that because even the  
8. affirmative action will not stop the program unless there's  
9. specific prohibition in the bill. Secondly, who in this  
10. bill...who determines the cost of the program? Does  
11. the school district on its own just get to turn in a bill  
12. or is there some safety factor so that school districts  
13. could not literally be overcharging the State?

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Knuppel.

16. SENATOR KNUPPTEL:

17. It's...the amendment provides that the Superintendent  
18. of Public Instruction determines it for school districts,  
19. the Department of Local Governmental Affairs determines it  
20. for...for units of Local Government other than school districts.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Martin.

23. SENATOR MARTIN:

24. There is no...I'll look at the bill and I'm sorry, I should  
25. look at those provisions further. Just because of the experience  
26. with the other bills, there are some strong safety measures  
27. that should be built into these bills. Going for the same  
28. philosophic bent, but to make sure that State Government is  
29. not overcharged. I'm not sure, for instance, that the IOE  
30. would be the appropriate office to determine costs because  
31. sometimes they overestimate and overpay. But I...I the  
32. thrust of your bill, since that word has become so popular  
33. on this Floor is definitely one that I'm sure is shared

1. by the people of the State.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Berman.

4. SENATOR BERMAN:

5. Will the sponsor yield for a question?

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Indicates he will yield. Senator Berman.

8. SENATOR BERMAN:

9. I thought last year we passed a bill that sounds the same.

10. Senator Lane, I think handled it and Yourell handled it in the

11. House. Didn't...didn't that bill require the State to fully

12. fund mandated programs after 1980 and isn't that what this

13. bill does?

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Knuppel.

16. SENATOR KNUPPEL:

17. We passed the bill here. It was passed in the House,

18. I think it was 269 or 169, it was passed in the House, came

19. over here, it went through the Executive or whatever it was.

20. It was extensively amended here, went back to the House

21. and the House failed to concur and so the bill never...never

22. got to the Governor's Desk on the mandated program thing although

23. it was a very popular bill.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Berman, further questions? Senator Rock.

26. SENATOR ROCK:

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

28. the Senate. Question of the sponsor, if he'll yield.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Indicates he will yield.

31. SENATOR ROCK:

32. Yes. Senator when we did discuss this at...not at great

33. length, but at some length in committee, one of the questions

1. that Senator Graham was posed to Senator Graham and we...we...I  
2. ...I at least did not get an answer. We called for the amount  
3. of the mandated programs to be reimbursed to be appropriated  
4. to the comptroller. Have we any estimate at this point, as  
5. to what that amount will be, could be?

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator Bowers.

8. SENATOR KNUPPPEL:

9. Senator, we have no way of knowing. If we mandate no  
10. programs, I can see where there'd be no cost. It...it, we can  
11. go as high as the sky or we can stay right down on the ground.  
12. If we don't mandate programs, it's not going to cost us.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Senator Rock.

15. SENATOR ROCK:

16. Well, the...the only problem is that we also call for reimburse-  
17. ment for any increased level of service of an existing program.  
18. And that, it seems to me, given the fact that each and every  
19. Session of the Assembly, we seem to talk for instance about  
20. increased pension benefits. I...I, we always talk about those  
21. because our State Law controls those for the Local Pension  
22. Fund. We seem always to talk about Unemployment Insurance  
23. and Workmen's Compensation. We seem always to talk about  
24. affirmative action. Just the other day you passed a bill to  
25. require fuel or small cars, fuel saving automobiles that  
26. should be purchased by, if...if in fact, they're to be  
27. utilized, to be purchased by local units of government. It  
28. ...it just seems to me that unless we can have some idea what  
29. the possible estimated costs are, I think it's very easy to  
30. say we should not mandate unless we're prepared to share the  
31. cost. On the other hand, perhaps, we should encourage the  
32. counties and the cities and the villages and the municipalities  
33. across this State to adopt a home rule ordinance, so that they,



1. in fact, can control their own destiny. But to have the State,  
2. we...we are, in fact, charged with the responsibility of...of  
3. mandating certain programs. And it just seems to me that while  
4. the idea on the...on its face is a good one, this had better  
5. be thought through a little more clearly.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Is there further discussion? Senator Bowers.

8. SENATOR BOWERS:

9. Would the sponsor yield to a couple more questions.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. He indicates he will yield.

12. SENATOR BOWERS:

13. Senator Knuppel, I think, expanding a little bit on  
14. Senator Martin's questioning, I think of a number of things  
15. that we tend to mandate down here and I question really, I guess, the  
16. definition of program. For instance, we're passing bills  
17. every, now and then that require publication in zoning cases  
18. and so forth as far as the local governments are concerned.  
19. Would the additional publication costs in those instances be  
20. a mandated program that we would be billed for?

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. Senator Knuppel.

23. SENATOR KNUPPEL:

24. Well, I would assume if we...if we increase the number of  
25. publications, I don't think we would be responsible if there's  
26. already an existing duty to...to publish, that...that...that  
27. we would, you know, I mean be liable. But if we say that if  
28. they published four times instead of three times, yes, I think  
29. so. And in further answer to Senator Martin, you referred to  
30. her. It is right in the 3rd paragraph, I think, I said, it  
31. says the failure of the General Assembly to make the necessary  
32. appropriation shall relieve the unit of local government or  
33. school district of the obligation to continue participation

1. in the mandated program.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Senator Bowers.

4. SENATOR BOWERS:

5. Is that the only remedy? In other words, if...if for instance,  
6. and...and we did pass a bill out here last year I know that required  
7. publication in county zoning hearing cases in every township and  
8. I...I suspect that we will continue to pass other bills, for  
9. instance election bills that will perhaps involve additional  
10. costs. Now if, in fact, we don't pay that cost, is the only  
11. remedy that they don't have to follow that mandate, particularly  
12. as it relates to election?

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Senator Knuppel.

15. SENATOR KNUPPTEL:

16. Well, I don't know what other remedy they need. If they  
17. don't have to do it unless we finance it, what other remedy  
18. do they need?

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Senator Bowers.

21. SENATOR BOWERS:

22. I'm not sure they need another remedy, but could they go  
23. ahead and spend the money and then go to the Court of Claims  
24. and recover it, I guess is my question?

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Senator Knuppel.

27. SENATOR KNUPPTEL:

28. Well, I...I'd assume that they would be able to do that, yes  
29. sir.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Senator Bowers.

32. SENATOR BOWERS:

33. Well, Mr. President, just to address myself briefly to

1. the bill. I, you know, I'm in sympathy with the...with the  
2. idea and yet it seems to me that when you think about all of  
3. the little items that...that have to be charged simply because  
4. we passed something down here that sounds good to us and then  
5. are going to be billed to us, I can see a tremendous cost  
6. of administration. How you going to check a claim, for instance,  
7. for a simple little requirement in a...in a permit section  
8. or in the building, enforcing a building code or things of  
9. that nature that we may mandate on a local government. And  
10. where we get into the big programs where they cost a lot of  
11. money, I can understand that and I would certainly agree with  
12. the philosophy of that. But I think this would be an administrative  
13. nightmare and under the circumstances I think I'd have to vote  
14. No.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Senator Berman.

17. SENATOR BERMAN:

18. I have another question, if he would answer. Is there an  
19. exclusion here for Federally mandated programs?

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Senator Knuppel.

22. SENATOR KNUPPEL:

23. Yes sir. That was specifically referred to and it's in  
24. the amendment, sir. That if the Federal Government mandates  
25. it, we are not responsible for the added cost, it passes on  
26. through. ...But we cannot, the State is not held liable for  
27. those mandated programs.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Is there any further discussion? If not, Senator Knuppel  
30. may close the debate.

31. SENATOR KNUPPEL:

32. Well Mr. President and members of the Body. Let me say  
33. that in answer to some of the suggestions and arguments that

1. have been interposed against this, that it would...that it would  
2. require some bookkeeping et cetera. Let me say this, if you  
3. go to the restaurant and you want steak, you pay for it. If  
4. you go and you ask for a second glass of...of iced tea, it  
5. goes on our coffee, it goes on your ticket. And that's what  
6. we're asking these people to do. We're saying it may cost us  
7. some money, well what do you think it cost the unit of Local  
8. Government. And if there's one thing that will make us respon-  
9. sible, it's when we look in our pocket and realize it's our  
10. money that we're spending and not somebody else's, as long  
11. as we're spending the local unit of government's money, you  
12. know, that...that's well and good, but when we look in our  
13. pocket, then we know the answer. And I would agree with...with  
14. Senator...Senator Rock, you know, great, let everybody go for  
15. home rule. But it's like the old story of the...of the communist  
16. that was speaking to the group and he says, when...when we get  
17. communism, he says, everybody will have strawberry pie and some  
18. guy says, I don't like strawberry pie, he says come the revolution,  
19. you'll like strawberry pie. And maybe some people don't want  
20. home rule, maybe some people don't want to run a government  
21. just exactly like the home rule units run. But I will say this,  
22. that there's no piece of legislation in the General Assembly  
23. at this time which will make us more responsible, which will  
24. make us consider whether or not we enlarge the publication  
25. notices that some zoning board has to publish. Nothing will  
26. make us more responsible as Legislators than knowing we have  
27. to pay for it. When we raise a family, you know, when the  
28. old man is paying the bill it's easy for the kid to go out  
29. and spend the money. It's easy for him to drive the car two  
30. thousand miles a month, but if he had to pay for the gasoline  
31. and pay for the car, he'd soon change his ways. I think this  
32. bill is responsible. I'd be glad to work with anybody here  
33. that may have questions about it to amend it further in the

1. House. If you think you can improve upon this legislation,  
2. and I heard nobody say that the concept was bad, I invite you,  
3. I invite you to work with me and Senator Graham in the House  
4. to amend this bill so that it is a better bill. I don't think  
5. there's any bill that has ever gone through this Legislature that's  
6. been perfect. And I don't...pretend to know, this is a compre-  
7. hensive bill, it's a difficult bill, we worked extensively  
8. last year on it. The staff worked on it. I invite you to  
9. join with me and become responsible as other units, local  
10. units of government see us and to help us make it a better  
11. bill. I'll appreciate a favorable roll call.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. The question is shall Senate Bill 696 pass. Those in  
14. favor vote Aye. Those opposed vote Nay. The voting is open.  
15. Have all voted who wish? Have all voted who wish? Take the  
16. record. On that question the Ayes are 41, the Nays are 5,  
17. 8 Voting Present. Senate Bill 696 having received a consti-  
18. tutional majority is declared passed. Senate Bill 697,  
19. Senator Knuppel. Read the bill, Mr. Secretary.

20. SECRETARY:

21. Senate Bill 697.

22. (Secretary reads title of bill)

23. 3rd reading of the bill.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Senator Knuppel.

26. SENATOR KNUPPEL:

27. Mr. President and members of the Body. This is not a very  
28. large concept, but it's a very important one, I think, particularly  
29. with respect to those people who are involved in the trial of criminal  
30. cases. It provides that the public defender where there is to  
31. be one shall be appointed not by the court but by the County  
32. Board. Now, what...what happens is if the judge has the authority,  
33. particularly in a small county, now this doesn't necessarily apply

1. to Cook County where they have a lot of judges, but it does  
2. apply downstate, I'll tell you, with some reality. If a  
3. judge appoints that...that public defender to handle that  
4. case he has already created a conflict of interest and I suggest  
5. to you the judges ask to be taken out of politics, they should  
6. be out of politics. The...the office of the public defender  
7. is exactly that of the prosecutor. The prosecutor is politically  
8. ...selected and if a vacancy occurs he is appointed by the  
9. county board. The provisions of the appointment for public  
10. defender are the same of those for the filing of a vacancy in  
11. the...office of the prosecutor. I submit to you that there  
12. are abuses, that...that judges who have friends often appoint  
13. those people as public defenders and that then...the prosecutor  
14. has some problems because the conflict of interest. I...I submit  
15. this is good legislation, it removes the...the judges from politics  
16. and from making political appointments keeps them completely  
17. above the personnel that are before them and on the bench trying  
18. the cases. And I would ask for a favorable roll call.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Senator Rock.

21. SENATOR ROCK:

22. Thank you, Mr. President, Ladies and Gentlemen of the Senate.  
23. I rise in opposition to Senate Bill 697, probably the largest  
24. public defenders office in the State is...is the one in Cook  
25. County. And we have found that to be very effective to have  
26. the public defender appointed by the judges as opposed to appointment  
27. by the admittedly political county board. I think the system  
28. has worked...I think the system has worked exceptionally well  
29. and I don't see any reason to change it and I would urge a  
30. No vote.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Is there further discussion? Senator Knuppel.

33. SENATOR KNUPPEL:

1. I would...I would like to address a question to the prior  
2. speaker. I don't want to do anything and...and if he had come  
3. to me and asked me, I'd have said, I'll be glad to leave Cook  
4. County out. I'm surprised, and I would take...I would ask that  
5. when I finish speaking here to remove it from the record, to  
6. take it back to 2nd to amend and leave the County of Cook out.  
7. Well, it sounds like nobody wants me to do this, so, okay.  
8. We'll run it then, but...but I say to you that this does vitally  
9. affect downstate Illinois and I do say the judges, at least, in  
10. this degree should be removed from politics.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Senator Weaver.

13. SENATOR WEAVER:

14. Thank you, Mr. President. Well I stand in support of this  
15. bill, you know we've been trying for years to get the judges  
16. out of the appointment of Drainage District Commissioners,  
17. all kinds of appointments. You know we used to have to approve  
18. those appointments here on...as members of the various Drainage  
19. Districts and the more we can take away from the duties of the  
20. judges and let them get back to trying criminals and handling  
21. the case load, I think the better off we are. So, speaking  
22. as a downstate Legislator, I support this bill.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Senator Philip.

25. SENATOR PHILIP:

26. Thank you, Mr. President, Ladies and Gentlemen of the Senate.  
27. I also find myself in strange company because I happen to agree  
28. with Senator Rock. Our county is the second largest county in  
29. the State of Illinois, the largest downstate county. Our public  
30. defender's office runs extremely well and it's not political at  
31. all. The minute you give it to the county board, you're going  
32. to turn it into one of the largest political offices in the  
33. county. I just don't think that's in the best interest of the

1. courts.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Senator Netsch.

4. SENATOR NETSCH:

5. Thank you Mr...thank you Mr. President. My Ward Committeeman  
6. as well as my County Chairman is the President of the Cook County  
7. Board and he told me he wants this power, so I'm going to vote  
8. yes on the bill. But apart from that...right, as Senator  
9. Washington said, that's all of it...apart from that I think that  
10. it is absolutely right. We have been trying for years to get  
11. the judges in a position. I, in a more dramatic form than some  
12. others, where they are completely removed from the political  
13. scene. The power of appointment and particularly the power  
14. of appointment of public defenders, who, in fact, may be  
15. appearing in court, is probably one of the least appropriate  
16. powers for the judges to retain. So that even if my County  
17. Chairman and Ward Committeeman had not told me that he liked  
18. the bill, I would have found it a very sound idea.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Further discussion? Senator Bowers.

21. SENATOR BOWERS:

22. Well, I'd just like...rise briefly, Mr. President in  
23. opposition to the bill and point out one little problem that  
24. perhaps some people haven't thought of, particularly downstate.  
25. You have many times where the public defender does have a  
26. conflict of interest. It's very simple for the court to make  
27. another appointment, I suppose, Under this bill he has to go  
28. into court to be relieved of the obligation and then he...  
29. then somebody has to go to the county board or the county board  
30. chairman to get a...an appointment of a replacement. It seems  
31. to me that that's an impractical approach to the whole thing,  
32. I find nothing wrong with the system as it works today. I  
33. haven't heard anyone say it doesn't work and I would certainly



1. urge opposition to the bill.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Is there any further discussion? Senator Knuppel may close  
4. the debate.

5. SENATOR KNUPPEL:

6. Well, Mr. President, I want to say two things. One of them  
7. is that...those are men and women who stand in front of that  
8. bench and Senator Berman was arguing with me here yesterday  
9. about...about removing judges from talking to lawyers out of  
10. court. Let me tell you, maybe it's not abused in Senator  
11. Bower's area, but it is abused in mine. And those are men  
12. and women who are entitled to...to have the...the issues  
13. decided on the merits and not whether the judge happens  
14. to prefer the person he's selected as...as the public defender  
15. for that particular case or cases. I just submit to you that  
16. ...that those who have argued, have either a very strong  
17. Democratic machine in their area with strong judges who  
18. are politically motivated or a strong Republican machine in  
19. counties where the judges are politically motivated in the  
20. opposite direction. I still say this is good law, it's...it's  
21. for the benefit of those people who are charged and entitled  
22. to complete impartiality from the bench.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. The question is shall Senate Bill 697 pass. Those in favor  
25. vote Aye. Those opposed vote Nay. The voting is open. Have  
26. all voted who wish? Have all voted who wish? Take the record.  
27. Request for postponed consideration. Request is granted. For  
28. what purpose does Senator Netsch arise?

29. SENATOR NETSCH:

30. I think this is literally a point of personal privilege.  
31. It has been called to my attention by some of my colleagues  
32. that the written record may not carry the tone of voice that  
33. I, in fact, was attempting to convey in someone that might  
34. actually believe that my Ward Committeeman had talked to

SB 701  
3rd reading  
5-17-79

1. me about this bill. He hasn't talked to me for ten years as  
2. everyone knows.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. I wonder why. Senate...Senate Bill 701, Senator Davidson.  
5. Read the bill, Mr. Secretary.

6. SECRETARY:

7. Senate Bill 701.

8. (Secretary reads title of bill)

9. 3rd reading of the bill.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Senator Davidson.

12. SENATOR DAVIDSON:

13. Mr. President and members of the Senate. This bill does  
14. exactly what it says on the synopsis. This bill came about  
15. due to the death that happened here at White Oaks Mall when  
16. the man was overcome with methane gas and fell and suffered  
17. a head injury and what added more to the case was late this  
18. Spring in the Cook County area or DuPage County, three other  
19. people died of the same thing. I have a letter from the  
20. ...Downer Grove Sanitary District, which I think says the  
21. best about this, "please be advised the Downers Grove Sanitary  
22. District supported the subject bill, this district is concerned  
23. with the safety of its employees. Perhaps passage of this  
24. legislation will assist in the preservation of a valuable  
25. resource, underground utility workers." I ask for a favorable  
26. vote.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Is there any further discussion? Senator Lemke.

29. SENATOR LEMKE:

30. We...this...this is a good concept, but how do we enforce  
31. it. Is there any penalties on the employer or we just put  
32. it in and dress it up and not have any penalties?

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Senator Davidson.

2. SENATOR DAVIDSON:

3. It's a Class C misdemeanor enforce through the State's

4. Attorney. There's a penalty in the...in the fine or what-

5. ever it is on misdemeanor penalty would be in Downers Grove

6. in DuPage County, Senator Graham.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Senator Lemke.

9. SENATOR LEMKE:

10. But what benefit do we give the guy that's injured? Does

11. he get a penalty if he's not told or he's just out of luck and

12. the State...the State collects the money, I mean the county collects

13. the money, but the employer he...he gets injured and he gets nothing

14. out of it. What does he get?

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Senator Davidson.

17. SENATOR DAVIDSON:

18. Well, if there's an injured employee, he's got Workmen's

19. Comp. plus he can also take civil court...civil suit to court.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Senator Lemke.

22. SENATOR LEMKE:

23. He can't do that 'cause he's barred under Workmen's Comp.,

24. this is exclusive remedy, he has no condition and I mean this

25. is what we're talking about. What...what does the employer...

26. does he have the right...if the bill says that he can file a

27. civil action against his employer and also collect Workmen's

28. Comp. I guess that...that would be a good bill, but it doesn't

29. say that. It...it doesn't do the job. We...we...we should put

30. some teeth in the law to protect the working man.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Senator Davidson.

33. SENATOR DAVIDSON:

1. I'm sure Senator Lemke knows more about the Workmen's Comp.  
2. Act than I, but I also know that if there's a willfulness...a  
3. willful noncompliance by the employer, the injured employee  
4. qualifies for additional twenty-five percent bonus of the, what-  
5. ever award is made to him and that's a pretty substantial penalty.  
6. This is to prevent death.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Is there further discussion? Senator Wooten.

9. SENATOR WOOTEN:

10. Senator Lemke brought up a serious question and I want to  
11. know if it is...if this in any way impacts on the Provisions  
12. Scaffolding Act or Workmen's Compensation, I would like a clear-  
13. cut answer to that because on the face of it this seems a reason-  
14. able bill. If it is a bar to damages under the Scaffolding  
15. Act or under Workmen's Comp. I...I would like to know. I'd  
16. like to have it clearly stated one way or the other.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Senator Davidson.

19. SENATOR DAVIDSON:

20. There's nothing to prevent any...there's nothing that prevents  
21. ...first off, the Scaffolding Act wouldn't apply to this, but  
22. there's nothing to prevent the person from claiming under Work-  
23. men's Comp., this is no prohibition about any injuries or liabili-  
24. ties, this is to bring to the employee and employer the danger  
25. which they would have as an underground worker. And that...that  
26. the necessary equipment would be available and also testing  
27. equipment for such presence of methane. Most of you know, as  
28. Senator Nedza said in committee, it's an odorless, very dangerous  
29. proposition of methane gas and all this says to the employer  
30. and employee, one, be aware, two, if it's here you can find out,  
31. three, here's the equipment to save your life so you won't  
32. be killed or be a casualty. It has nothing to prevent the  
33. person from collecting under Workmen's Comp. or any other

1. liability. There's no such thing in the bill, to my knowledge.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Senator Wooten. Senator Wooten.

4. SENATOR WOOTEN:

5. Well, then I'd like to ask Senator Lemke, Senator, you  
6. said that this bill would bar a person from receiving compen-  
7. sation under Workmen's Comp. How exactly would that work?

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Senator Lemke.

10. SENATOR LEMKE:

11. I didn't say this bill, did I? I said under Workmen's  
12. Comp. Act, he's barred from suing common law not from  
13. Comp. He...Senator Davidson said that the man would have  
14. the right to collect his comp. and sue under Common Law.  
15. Well, the Workmen's Comp Act says it's an exclusive remedy,  
16. the employee cannot sue the employer if there's any...any  
17. violation under Workmen's Comp. And I've asked them what  
18. protection the working man has in regards to this and he's  
19. giving nothing so we put a fine on him, so what, that isn't  
20. going to cure the problem. What cures the problem on...on  
21. unsafe conditions, and we have to realize that if...if we  
22. in the State of Illinois are going to support the concept  
23. of the industrial revolution and insist that machines grind  
24. up blood and bones of working man, then industry must pay  
25. for that to the man that they're going to hurt and that's  
26. what we're talking about here. If they're gonna...there's  
27. going to be a willful violation and the guy's not going to  
28. tell them, what benefits is that working man going to get if  
29. he becomes sick and permanently disabled or dead, what's his  
30. widow going to get. We're talking about a serious condition  
31. here. Because when you get gassed, you're either a total...dis-  
32. abled person, you can't work anymore or you're dead and you  
33. leave your widow and your children. So what are they going to

1. get for this violation by the employer, nothing. It's just a  
2. simple slap on the hands, here's your hundred dollar penalty,  
3. Mr. State's Attorney and I go home. Now what valid things are  
4. we going to do. In other countries, if there's a willful violation  
5. that employer goes to jail, just as he's a criminal and...and  
6. as an assault case. We don't do that here. And employers get  
7. by by just simply paying a simple fine and they get nothing  
8. out of it. There's gotta be some teats, there's gotta be some  
9. benefits in here and that's what we're talking about.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Wooten, that...that question took nearly all of your  
12. ...and answer, took nearly all of your time. I would keep that  
13. in mind please. Senator Wooten.

14. SENATOR WOOTEN:

15. Well, I...I just wanted the point clarified. I think then  
16. if I may pick out of the...Senator Lemke's exposition that he  
17. objects to the fact that the penalty is not strong enough. I  
18. would guess though that we don't have any provisions of this  
19. kind at all and perhaps this is better than nothing and if  
20. we want to develop on this for some kind of penalty system,  
21. sobeit. But in the absence of any kind of warning perhaps  
22. this isn't a bad idea.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Further discussion? Senator Nimrod.

25. SENATOR NIMROD:

26. Mr. President and Ladies and Gentlemen of the Senate.  
27. We're just foolishly complicating a bill which only is putting  
28. an imposition upon the employer to provide some additional  
29. equipment and training. It takes away nothing from the employee.  
30. There are still health and safety rules. There are still Work-  
31. men's Compensation benefits, the employee gets all the benefits.  
32. All we're doing with this bill is putting some more restrictions,  
33. requirements, on the employer. It's a sensible bill which is

1. putting an imposition on the employer, Senator Lemke ought to  
2. be up cheering for it rather than opposing it.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Further discussion? Senator Davidson may close.

5. SENATOR DAVIDSON:

6. Well, this bill does one simple thing, it helps protect  
7. the employee who is going to be working in any underground  
8. utility situation, be it sewer, electric or otherwise. Has  
9. nothing to do with prohibiting the individual under Workmen's  
10. Comp. and I don't know of any employee who is a construction  
11. worker that doesn't know about Workmen's Comp. and if he  
12. would be misfortunate enough to be injured, I'm sure his  
13. union steward will notify him before he leaves the job. Being  
14. an steward I can tell you that any good steward is going  
15. to do that. Has nothing to do with prohibiting individuals  
16. on Workmen's Comp. whatsoever. All it does is lay a penalty  
17. on the employer if he doesn't make the safety equipment  
18. available. It's a good bill because presently there's nothing.  
19. And if you want to make it stronger in the future then let's  
20. talk about it, but this is a start in the right direction to  
21. save people's lives. Appreciate a favorable roll call.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. The question is shall Senate Bill 701 pass. Those in favor  
24. vote Aye. Those opposed vote Nay. The voting is open. Have  
25. all voted who wish? Have all voted who wish? Take the record.  
26. On that question the Ayes are 53, the Nays are none, none Voting  
27. Present. Senate Bill 5...701 having received the constitutional  
28. majority is declared passed. Senator Sommer on Senate Bill 701.  
29. Senator Sommer please.

30. SENATOR SOMMER:

31. Mr. President, I move to re-refer this bill to the committee  
32. from whence it came.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. The motion is to re-refer Senate Bill 707 to the...committee  
2. from whence it came. Executive Appointments Committee. All  
3. those in favor say Aye. Opposed Nay. The Ayes have it and the  
4. bill is re-referred. Senate Bill 70...718, Senator Shapiro.  
5. Read the bill, Mr. Secretary.

6. SECRETARY:

7. Senate Bill 718.

8. (Secretary reads title of bill)

9. 3rd reading of the bill.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. (Machine cut-off) Shapiro.

12. SENATOR SHAPIRO:

13. Mr. President and Ladies and Gentlemen of the Senate. Senate  
14. Bill 718 is the perennial school bill that we have for reimburse-  
15. ment of summer school tuition. Since summer school is not a  
16. mandated program, for about the past four years we have been  
17. funding only those school programs that are related to the  
18. mentally retarded so that their education will not go interrupted  
19. throughout the summer. In addition, this year, IOE has seen  
20. fit to include those mentally retarded and developmentally  
21. disadvantaged children who are in orphanages, childrens homes,  
22. foster family homes, State agencies and State residential units.  
23. That has increased the cost approximately a million dollars to  
24. three and a half million and the money is provided for in the  
25. IOE budget, which will be arriving in the Senate within a few  
26. weeks. The Education Committee of the Senate felt that this  
27. reimbursement should be transferred from the summer school  
28. section to the Special Ed section so that we can keep better  
29. tract of the amount of monies being spent in Special Education.  
30. In addition the amendment also provides for proration in...in  
31. case there's not enough money appropriated for the summer school  
32. tuition reimbursement. I think that explains the bill in full.  
33. If there are any questions, I will attempt to answer them, other-  
34. wise I would appreciate a favorable roll call.



SB 719  
5-17-79  
3rd reading

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. Is there discussion? The question is shall Senate Bill
3. 718 pass. Those in favor vote Aye. Those opposed vote Nay.
4. The voting is open. Have all voted who wish? Have all voted
5. who wish? Take the record. On that question the Ayes are 53,
6. the Nays are none, none Voting Present. Senate Bill 718 having
7. received the required constitutional majority is declared passed.
8. Senate Bill 719, Senator Shapiro.
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S.B. 719  
5-17-79  
3rd reading

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. ...Yes, Senator Shapiro. Read the bill, Mr. Secretary.

3. SECRETARY:

4. Senate Bill 719.

5. (Secretary reads title of bill)

6. 3rd reading of the bill.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Shapiro.

9. SENATOR SHAPIRO:

10. Mr. President and Ladies and Gentlemen of the Senate.

11. Senate Bill 719 is one of those bills that comes along once

12. in a century. It is called a "merely" bill, and what this

13. bill does is merely authorizes the Board of Regents to

14. acquire and operate Lewis University College of Law in

15. Glen Ellyn to Northern Illinois University with an effective

16. date of July 1, 1979. What the bill does, a little of

17. the background is that approximately last fall, when the

18. Lewis College of Law which is a private institution, became

19. aware that they could no longer continue their operation.

20. They approached Northern Illinois University...

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Excuse me, Senator Shapiro. I wonder if we might have

23. some order. Senator Shapiro.

24. SENATOR SHAPIRO:

25. They approached Northern Illinois University, and asked

26. that institution if they would take over operation of the

27. Law School and incorporate it into the curriculum of Northern

28. Illinois. The Board of Regents approved it on February 5th, 1979,

29. which is the governing board for Northern Illinois University,

30. and over the past several months, this bill has received favorable

31. consideration by the Senate Higher Education Committee and

32. the appropriation bill for the transfer is also now on 2nd

33. reading, waiting approval by the full Senate. I want to point

out to you that the Lewis College of Law has an enrollment of

1. approximately 520 students-203 full-time and 317 part-time.  
2. I want to point out to the Body that we are not starting up  
3. a new law school from scratch. This is an existing law school,  
4. with an ongoing student body and a full-time faculty. In no  
5. way will it encroach upon the private sector or the public  
6. sector in the State of Illinois as far as graduating law students  
7. is concerned. The continuation of the program under the agenda  
8. of Northern Illinois University will not add one new law graduate  
9. to the already existing total. I'd like to point out to you  
10. that this law school is the only...if it becomes part of Northern  
11. Illinois University, will be the only public law school in  
12. the state that will offer part-time students access to a legal  
13. education. Considering the fact that it will be located in  
14. a rapidly growing part of Northern Illinois, with approximately  
15. 8,000,000 population, north of Interstate 80, and the fact  
16. that the population growth of the state is moving north and  
17. west in this sector, I think the bill is a very good one. I  
18. think that the General Assembly should give favorable consideration  
19. to Northern Illinois taking over the Lewis College of Law. I  
20. think that in a nutshell explains the bill. If there are any  
21. questions, I will be more than glad to attempt to answer them.  
22. I'm fairly sure that there will be. I think that's the best  
23. way we can explain the contents of the bill and the impact  
24. upon the State of Illinois in the future.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Is there discussion? Senator Maragos.

27. SENATOR MARAGOS:

28. Mr. President, members of the Senate. I arise to speak  
29. in favor of this particular piece of legislation. Many of us  
30. have gone through law schools and we've had to work for our  
31. tuition to pay, and it became very difficult at many times.  
32. The northern section of this state does not have a public law  
33. school. It has public schools and professional schools for  
many of the other professions but it does not have a public

1. law school. I supported all the appropriations for the  
2. University of Illinois, and especially for its law school.  
3. I was supporting SIU's demand and when they finally did  
4. establish a law school down in Carbondale...and I think  
5. it's only fitting that the Northern State, which is very  
6. heavily populated, should also have a public law school.  
7. And you will note that the location of the law school is  
8. not going to be in the Chicago City itself of the..in  
9. the Cook County area, possibly Dupage, I should say, DuPage  
10. County, and the present campus is a very, very good  
11. campus and I think they've started a good tradition to  
12. train lawyers for which..which this state still needs. I  
13. should also point out that I have a personal interest in  
14. that, although I have no conflict of interest,in..because  
15. of this stage now..because my son graduated, was in the  
16. first graduating class of this law school, but I know the  
17. biggest problem they had to becoming accredited was adequate  
18. funding. The fathers who are operating Lewis University have  
19. done an outstanding job to keep that school running with  
20. the limited funds that they have. However, I think it is  
21. high time that this state to undertake this institution and  
22. run it in a..and to fund it properly and I ask for your support  
23. for this bill.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. The following Senators have sought recognition: Buzbee,  
26. Rock, Rhoads, Carroll, Washington. Senator..and Knuppel.  
27. Senator Buzbee.

28. SENATOR BUZBEE:

29. Thank you, Mr. President. There has been reference made  
30. by previous speakers that somehow or another, Northern Illinois  
31. has been shorted when it comes to law schools. I would like  
32. to point out in that portion of Northern Illinois that's known  
33. as Chicago, there are presently 6 law schools right now. There's  
the University of Chicago, John Marshall, Kent, DePaul, Loyola,

1. and that other...Northwestern. There are already 6  
2. law schools there. There is, of course, the University of  
3. Illinois Law School in the central part of the state, Champaign,  
4. and in the Southern part of the state, there is the law  
5. school at SIU-Carbondale. The Board of Higher Education  
6. voted, I've forgotten the exact vote, but it was something  
7. like 10 to 4, in opposition to this law school. We are already  
8. producing more lawyers than we can absorb, and they all keep  
9. wanting to run for our jobs here in the legislature. I think  
10. that in itself is enough to merit our defeating this bill.  
11. The tuition cost right now, at this particular college, which  
12. has been floundering financially...the law school has been  
13. floundering since the day they started. The tuition cost  
14. is something like four times the amount of tuition cost at  
15. the University of Illinois. Now with the additional cost  
16. ..that is nothing compared to what we're going to have to  
17. pick up whenever they decide to lower the..bring the tuition  
18. more in line with what is being charged at the public law  
19. schools, because when they lower that tuition down to the  
20. amount, let's say, that the University of Illinois charges,  
21. then we're going to have to pick up that difference here at  
22. the state level. They..something like 80 percent of the  
23. population that is served by this law school is also in the  
24. area of the 6 law schools I've already mentioned in Chicagoland.  
25. We have refrained from making programatic decisions for the  
26. Board of Higher Education in this General Assembly, and I  
27. think that is laudable. Living in a university town, I constantly  
28. get professors coming to my office, asking me to support a  
29. program or to request a new program through legislation, that  
30. the Board of Higher Education has already turned down. I have  
31. consistently refused to do this, because if we get into the area  
32. of telling the various universities by legislation what kind of  
33. education they may or may not provide, we're going to get right

1. back to the 1950's and early 1960's, before there was  
2. a Board of Higher Education, and we'll be in the programatic  
3. decision-making arena constantly. We will be deciding which  
4. schools can offer what Phd degrees and so forth. I think  
5. that we have the folks on the Board to make those decisions.  
6. They made their decision to the tune of about 10 to 4 that  
7. they did not favor this law school. I think that this is a  
8. ..something that is not needed. I think it would be a drain  
9. on taxpayer dollars, and it's not exactly as though we're saying  
10. we don't want you to have a..the ability to generate more  
11. lawyers in the Northern half of the state. As I said, there  
12. are already 6 law schools there who are generating lawyers,  
13. faster than we can absorb them, and I just think it's a bad  
14. idea.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Rock.

17. SENATOR ROCK:

18. Thank you, Mr. President. Ladies and Gentlemen of the  
19. Senate, as one of the chief co-sponsors, I believe I owe this  
20. Body an explanation, because I will say to you very honestly  
21. that I am not now prepared to vote in favor of this legislation  
22. at this time. There is another meeting to be held this weekend  
23. with the Board of Governors of the Illinois and Chicago Bar  
24. Association, at which time the..I'm told that the Deans of  
25. the respective law schools and some of the Presidents of the  
26. universities are going to get together. My concern, as I ex-  
27. plained to Senator Shapiro when he asked me to be a co-sponsor,  
28. was one that the matter should be addressed, because it's a  
29. dramatic switch in public policy if it's to be done at all,  
30. where we have the public sector, the state, in effect, bailing  
31. out what appears to be a failing law school. We were concerned  
32. obviously, with the 230 students in the second and third-year  
33. classes as to what provision if any could be made for them  
and their academic future. I am reliably informed that the

1. Deans of the five private and public law schools have in  
2. fact been conversing. They are attempting, at least, to  
3. make some accomodation for these students, either in terms  
4. of admittance to the existing law schools or some help in the  
5. form of subsidy or faculty support from the law schools to  
6. Lewis University. I am told that the decision has been made  
7. that in the event that this fails, that the students will be  
8. accomodated-the program will be continued at least for the  
9. three years of the existing classes that are now there. It just  
10. seems to me that we ought to really seriously consider whether  
11. or not we want the State of Illinois and its Higher Education  
12. System involved in the bailing out of schools that for reasons  
13. primarily fiscal, have failed. The Board of Higher Ed, with  
14. whom we have charged that kind of planning and responsibility,  
15. as Senator Buzbee pointed out, took a negative stance, and  
16. with a pretty lengthy report that I have read more than once.  
17. I would suggest, if at all possible, that we may want to defer  
18. this until next week, to afford the organized bar of this state  
19. and the law schools of this state to see if they can pool their  
20. collective wisdom and come up with a solution. But at this time,  
21. frankly, I'm not prepared to vote affirmatively.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Shapiro.

24. SENATOR SHAPIRO:

25. Close debate, you mean?

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. I'm sorry. I thought you had risen to respond to  
28. Senator Rock. My apologies. Senator Rhoads...Senator Carroll.  
29. Senator Geo-Karis, you'll be number 5 in the...rotation.  
30. Senator Carroll.

31. SENATOR CARROLL:

32. I...first, welcome back on the floor Doctor of Jurisprudence  
33. here, who was able to find a degree at an institution other than

1. Lewis, but I would like to ask a question of the Minority  
2. Leader, who is also the Republican Leader, and therefore  
3. the leader of the Governor's party here in the State  
4. Senate, if he would yield to a question.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. First, is there leave that AP shoots silent photos?  
7. Leave is granted.

8. SENATOR CARROLL:

9. ...Of Doctor Sam?

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Of Doctor Sam, yes I...

12. SENATOR CARROLL:

13. Is there leave for Senator Bloom to shoot silent photos?

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Is leave..no, we'll leave that alone.

16. SENATOR CARROLL:

17. ...Ha ha. Will Senator Bloom leave? I asked a question  
18. of the Governor's spokesman here on the Floor of the Senate,  
19. the leader of the Republican party, the Minority Leader of  
20. the State Senate, if he will yield to a question.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. He indicates that he will yield, Senator Carroll.

23. SENATOR CARROLL:

24. I was just curious as to whether the Governor or the  
25. surrogate governor, Dr. Mandeville has approved this add-on  
26. to the Governor's budget...by letter.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Shapiro.

29. SENATOR SHAPIRO:

30. I...at the present time, I could not really give you a  
31. factual answer to that, because I have not really discussed  
32. it with the Governor, but at the proper time, when the bill  
33. arrives on his desk, he will approve it.



1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Carroll.

3. SENATOR CARROLL:

4. I noticed your choice of language was very careful. I  
5. would just reaffirm to the Minority Leader, the Republican  
6. leader, the Governor's spokesman here on the Floor of the  
7. Senate, that it has been the policy and practice of the  
8. Governor or his delegate, designee Dr. Bob, to issue in  
9. writing those add-ons to the Governor's budget which have his  
10. approval and therefore make the budget book a little phonier  
11. of a document, and I would assume, since he's so well aware  
12. of this practice, he would have been very happy to give you  
13. such a letter, were he so inclined to add this to his budget.  
14. I'm surprised, Mr. Republican Leader, that we don't have that  
15. documentation here in hand at this time.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Washington.

18. SENATOR WASHINGTON:

19. Mr. President, I, without reservations, support this merger  
20. of Lewis into Northern. I can think of no logical reason for  
21. opposing it. Insofar as the Board of Higher Education is con-  
22. cerned, certainly we're concerned about how they feel about  
23. proliferation if you want to call that, but I think in this area,  
24. it is strictly a matter of public policy in which we as legis-  
25. lators should undertake. I think we make a mistake when we  
26. deal with curricula and the actual operation of various schools,  
27. but on a level of public policy, and in terms of what institution  
28. shall serve what people, I think that is peculiarly our respons-  
29. ibility, although we'd appreciate help from the Board of Higher  
30. Education. In this instance, I think they're wrong-they didn't  
31. look at the obvious feature here, and that is that Lewis has  
32. remained at a saturated enrollment since it opened, and the  
33. waiting list, I assume Senator Shapiro will comment upon that,  
has been atrociously high. In short, Lewis has served a need.

1. I'm not qualified to get into their fiscal problems. The  
2. simple fact is do we in the state want to provide a service  
3. and a need that quite a few of our citizens want. I hope  
4. we don't fall into the trap-we as lawyers fall into the same  
5. trap that doctors have fallen in, by trying to curtail enrollment.  
6. I hope we don't fall into the same trap that some craft  
7. unions have fallen into by trying to keep out the entrance of  
8. new blood, so they can escalate wages. I would hope that lawyers  
9. in my profession would be open-minded enough about this to  
10. understand that the legal training is absolutely needed in  
11. this country. We can't run government without it whether we  
12. like it or not. It's not a question whether they will run for  
13. the legislature, but whether they will be trained to give their  
14. skills to the efficient management of government, and legal  
15. training is required in that field. In short, there is a need.  
16. Lewis Institute provides it. The waiting list is atrociously  
17. high. I see nothing wrong with having three law schools public  
18. supported-one in the South, one in Mid-Illinois, and one in  
19. the North. I think Senator Shapiro has presented for us a  
20. a very fair question that we should vote on, and I'm not at  
21. all impressed, not at all impressed by the opposition of private  
22. law schools. I would hope that my school, Northwestern, would  
23. not be among those who oppose this kind of thing, and if they are,  
24. then Senator Buzbee is perfectly right in relegating them to..  
25. Oh yeah..also Northwestern. I support this bill.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Knuppel.

28. SENATOR KNUPPEL:

29. Well, Ladies and Gentlemen of the Senate, I probably have  
30. encouraged as many young people to go to law school and have  
31. started as many young lawyers as anybody from Downstate Illinois.  
32. I am running now into approximately 20-some members of the Bar,  
33. and I want to voice exactly what Senator Washington said. Don't  
let us fall into the trap in the legal profession that the

1. medical people have fallen into. We have more foreign  
2. doctors trained in foreign countries than we have trained  
3. in our own country. There were less people graduated from  
4. medical school in our country in the last few years than were  
5. graduated in 1912 and 1915. The people who are in the profession  
6. have closed it up to young men and women who want to enter.  
7. And let me say this, that Senator Buzbee was in here battling  
8. and I was battling with him, because when I worked with the  
9. Attorney General for 8 years, I found it very difficult to  
10. find young men and women in Downstate Illinois who were attending  
11. law school. More than half of the group at the University  
12. of Illinois were from Chicago, and the collar counties. Now  
13. we have SIU. We no longer have a shortage supply of lawyers,  
14. but I don't care how many lawyers there are. If a lawyer  
15. moves in across the street from me, it's a peculiar occupation.  
16. It's competitive, just like going out and playing ball. If  
17. that guy can beat me, if he can make more money, welcome to  
18. him. That's what law is--it's competitive, and if a man cannot  
19. make it in the practice of law doesn't mean that he's destined  
20. to a..you know..passport to poverty. There are so many other  
21. fields where a person could use a legal degree, and in addition  
22. to using that, his income will be enhanced. This is not an  
23. expenditure of money, it's an investment. How much more tax  
24. has the United States recovered from those people that educated  
25. after World War II under the GI Bill than they would have if  
26. those young men hadn't had an opportunity to go back to college?  
27. And I say to you, don't let the legal profession, the organized  
28. Bar, who are a bunch of gutless bums in front of judges, and I  
29. mean that, they all talk about how tough they are, but there  
30. isn't a one of them...you know, here come the judge and they bow  
31. and scrape and they wipe the floor and they won't tell the  
32. judge straight out. I'm probably the only lawyer in the  
33. State of Illinois that's been vindicated twice on appeal for

1. contempt, and I wasn't in contempt either time. I told the  
2. judge straightly, fairly what it was. Now I just say to you  
3. that Senator Buzbee has his law school, and Southern Illinois  
4. now has lawyers. Let's give Northern Illinois the same oppor-  
5. tunity. Let's let every young man and woman who can pass the  
6. necessary qualifications into law school go there. We ought  
7. to be able to do the same for medicine, and then if they can't  
8. make it competitively as I've said, it's not a passport to  
9. poverty. Those people with that education will repay this  
10. state and nation time after time after time in the additional  
11. taxes they pay. They'll move up from 20% to 50% payers.  
12. Now people, I can appreciate everything Senator Rock has said,  
13. but he and I'm going to amend the bill that I just had. Unfor-  
14. tunately, we've had a number of bills in both the Constitutional  
15. Convention and on the Floor of this Body, including the Pay  
16. Raise Bill, that some of which were dictated by the judges  
17. in Cook County and the judges out of Cook County. Now let's  
18. don't let the deans of the law schools start dictating to us,  
19. when this means revenue to us, it means opportunity for our  
20. young people, and it means lawyers for people that need them  
21. in this complex bureaucratic society that we live in.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Further discussion? Senator Sangmeister. Senator  
24. Geo-Karis.

25. SENATOR GEO-KARIS:

26. Well, Mr. President, Ladies and Gentlemen of the Senate,  
27. I think most of it has been said, but we keep forgetting that  
28. we have no law school in Northern Illinois, and this is the  
29. only opportunity we'll have at it. This will serve at least  
30. DuPage and Lake County. DuPage is the second largest county  
31. in the state, Lake is the third largest county. It seems to  
32. me that some of us are afraid of competition. I am not afraid  
33. of competition. There's always room for another good lawyer.  
Why discourage a young man or a young woman who wants to do

1. the job? Considering the number of bills we pass in the  
2. legislature and the federal Congress passes, we're going  
3. to need more lawyers in the future, and I think this is a  
4. very good move. I think it's an excellent idea, and I can  
5. tell you from personal experience, six of my constituents  
6. got into law school, finished, and got good jobs now, and  
7. they couldn't have gotten in before, because there just  
8. wasn't any room, and I think it's really a disastrous thing  
9. to think that they might replace us. If they're better than  
10. we are, let them replace us, and if they replace me, I'll go  
11. back to practicing law and make more money, so it won't make  
12. any difference to me. Let's encourage young people, both men  
13. and women, to go on to further heights, considering that we  
14. have passed so many laws that they have to deal with.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. ...Senator Gitz.

17. SENATOR GITZ:

18. I would merely like the record to show that when Senator  
19. Buzbee said that Northern Illinois already had 6 law schools,  
20. and that they were all in Chicago, that there are some people  
21. who live in Northern Illinois that don't exactly consider them-  
22. selves residents of the City of Chicago. In point of fact, the  
23. only public law school north of Interstate 80..there is none.  
24. There's only..there's only Champaign-Urbana. I think that  
25. Senator Shapiro should be commended for the interest that he  
26. has shown for the entire community in Northern Illinois. So  
27. if Senator Buzbee likes to think that Northern Illinois is  
28. entirely within the province of Chicago, then I guess I submit  
29. that the suburbs of St. Louis called Carbondale had their day  
30. in court.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Grotberg.

33. SENATOR GROTBURG:

Mr. President, members of the Senate. Another lawyer,

1. thank you, Senator Graham. I'd just like to say something  
2. that hasn't been said yet, and that it..that's always refreshing,  
3. I feel. We have been accused, and we accuse each other con-  
4. stantly of making bad deals, maybe, for the people of Illinois.  
5. Expensive things that are our own pet projects. Here we've  
6. got something that is going to be a cost-saver. I have been  
7. in this legislature nearly 10 years, and I have helped to send  
8. money to Southern Illinois' law school, to get their library  
9. up so they wouldn't lose their certification. I have helped  
10. for the University of Illinois from time to time to make  
11. sure that everything goes well. Now we're rising on behalf  
12. of the people of Northern Illinois and Northern Illinois  
13. University, that has a chance to get a school that's already  
14. certified. We eliminate about 5 years of nitpicking, and it's  
15. already got a library. We eliminate a decade of credibility...  
16. and it's the Bar Association that has the accreditation, not  
17. public bodies like ours. Those Bar Associations, as I under-  
18. stand it, are the accrediting bodies for law schools and their  
19. libraries. And we've got a going institution, for God's sake,  
20. in spite of its own financial problems, I don't think we should  
21. be looked at as a bail-out of somebody else's problem. I think  
22. it's one of the best damn bargains the people of Illinois could  
23. ever do, and I think we should buy it, and buy it quick, before  
24. somebody else hears about it, and rips us off. Let's get one  
25. for the people. This could be it.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Wooten.

28. SENATOR WOOTEN:

29. Just briefly, Mr. President, and I remember we were talking  
30. about the..embracing the theory of capitalism and practicing it.  
31. I gather this is a private college, which no longer can make  
32. it, and so rather than go out of existence, we're going to  
33. support it with public money.

1. PRESIDING OFFICER: (SENATOR BRUCE)  
2. Senator Johns.  
3. SENATOR JOHNS:  
4. All right, Mr. President, I think that Senator Vadalabene  
5. asked first.  
6. PRESIDING OFFICER: (SENATOR BRUCE)  
7. No, Senator Johns...  
8. SENATOR JOHNS:  
9. ...Oh do you want to be last? Will the sponsor yield to  
10. a question?  
11. PRESIDING OFFICER: (SENATOR BRUCE)  
12. He indicates that he will yield. Senator Johns.  
13. SENATOR JOHNS:  
14. Senator Lemke, would you let me see Doc Shapiro...Am I  
15. not correct, as Vice-Chairman of Higher Ed, and I heard the  
16. testimony, didn't I understand that this would also offer the  
17. opportunity to part-time students? Was that brought out in your  
18. testimony, or did I miss it?  
19. PRESIDING OFFICER: (SENATOR BRUCE)  
20. Senator Shapiro.  
21. SENATOR SHAPIRO:  
22. Yes, Senator Johns, it will offer the opportunity to part-  
23. time students. As a matter of fact, the present enrollment at  
24. Lewis has an excess of 300 part-time students, and a little over  
25. 200 full-time students.  
26. PRESIDING OFFICER: (SENATOR BRUCE)  
27. Senator Johns.  
28. SENATOR JOHNS:  
29. I think this is one of the most advantageous parts of it,  
30. as far as I'm concerned. I came from an area that was depressed,  
31. and I wanted to be a lawyer. I went away to Washington and the  
32. FBI, and wanted to study there as a part-time student of law, and  
33. missed that opportunity but to me, Senator Shapiro, this is one  
of the things I like. I've supported schools all over the

1. country, and I'm going to support this bill. I think it's  
2. needed. I think it's advantageous to have it, and I admire  
3. what a lot of people have said about the medical profession.  
4. I don't know why we don't expand and try to produce more medical  
5. schools and break the stranglehold on that profession, also.  
6. Thank you, Mr. President.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator DeAngelis.

9. SENATOR DeANGELIS:

10. Mr. President, memberpersons of the Senate. I'd like to  
11. point out three things that have not been brought out in this  
12. discussion. First of all, Illinois ranks 43 out of 44 states  
13. who currently have law schools, in the amount of public law  
14. schools it has. You can accept that data for whatever you  
15. think it's worth, but we do not have very many public law  
16. schools. There's been a lot of conservation regarding too  
17. many lawyers. It was even mentioned in testimony, that we  
18. had graduated far too many lawyers than what we needed last  
19. year. After the testimony, I went back to test the data base  
20. of that testimony. We graduated 2,086 lawyers last year. The  
21. projected need was 1500. The projectors of that need were  
22. the Bar Associations, who said that's how many we needed to  
23. fill posts that would be vacant among their groups. Now the  
24. 2,086, not all of them passed the bar exam. Not all of them  
25. wished to practice law, and not all of them go into legal  
26. practice even when they use their legal degrees. They go into  
27. business and other areas. The third think I'd like to mention.  
28. Lewis is very innovative and creative. Forty percent of its  
29. students...are women, and for those of you who could not support  
30. ERA, I would ask for your support of this and vindicate your-  
31. selves. Thank you.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Berning.

SENATOR BERNING:



1. Thank you, Mr. President. Members of the Senate, irrespective  
2. of any merits or demerits of the proposal, there's one aspect  
3. that I think has not been brought out completely. That is  
4. simply this- We, if we move in this direction and move positively  
5. on this bill, are not assured of a continuing law school, and  
6. we are not going to be meeting a need, so to speak. The argu-  
7. ment is that we have every opportunity to acquire a going  
8. law school. I just want to remind you that it is going, but  
9. it is going out of business, and only for 2 years will it operate  
10. where it is now located. Once that two-year period is over,  
11. we will be faced with a rehabilitation expense of somewhere  
12. between one million and two million or three million to re-  
13. construct and rehabilitate a now-abandoned building on the  
14. Northern Illinois campus. So, while it's one thing to say  
15. here's a golden opportunity to acquire a going law school,  
16. we are also, I want to point out, acquiring a huge additional  
17. financial obligation. I'm not arguing one way or the other  
18. on the merits of the bill, but I just wanted you to be sure  
19. that your understanding is what has been given to me, that  
20. we will be faced with the need for appropriation of rather  
21. sizable sums very soon.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Lemke.

24. SENATOR LEMKE:

25. Fellow Senators. You know we talk about the Bar Association  
26. and the other law schools. Consistently since I got out of  
27. law school in '64, there's been a movement by the Bar Association  
28. to do away with night schools. This is that movement to do  
29. away with Lewis College, that services people from my area,  
30. students that go to this law school, because they were unable  
31. to get into the other law schools, they can't go to day school  
32. because they've got to work and support their families. This  
33. is a bill that's going to help, and I think that we talk about  
bailing out. When I look at some of these Senators, a couple

1. of years ago, we had a bill to bail out the Peter Hamm Brewery.  
2. If we can bail out the Peter Hamm Brewery, we can bail out  
3. Lewis College and make this a public school.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Newhouse. Senator Chew. Senator Chew.

6. SENATOR CHEW:

7. Mr. President, since I've been in the Senate, I've heard  
8. two good speeches today. One was from Lemke, and the other  
9. was from Knuppel.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Newhouse.

12. SENATOR NEWHOUSE:

13. Mr. President, I was just wondering if I could have a  
14. record of this debate and the roll call afterwards, because I  
15. will be back in here next session to ask for a medical school  
16. and a practicing hospital on the South Side of Chicago. I'd  
17. like to present all these same arguments when that time comes  
18. around, so if you'd give me the roll call, I'd appreciate it.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Vadalabene.

21. SENATOR VADALABENE:

22. Thank you, Mr. President, members of the Senate. I think  
23. this is an appropriate time for me to say a few words in regard  
24. to this law school. I don't know whether I have a conflict  
25. or not.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. You're already a lawyer, Sam.

28. SENATOR VADALABENE:

29. However, I would like to ask Senator Shapiro if there  
30. will be any applications to be an instructor or dean at this  
31. college.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Shapiro.

SENATOR SHAPIRO:

1. I understand that there will be, Senator Vadalabene,  
2. and they're looking particularly to members of the General  
3. Assembly who have honorary law degrees.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Vadalabene.

6. SENATOR VADALABENE:

7. I have talked to a lot of students in the last 13-14  
8. years, and have recommended that they get their master's  
9. degree and when they finish getting their master's degree,  
10. to come to me, and I'll see that they get a doctor's degree.  
11. Now, I want to make one point clear in regards to what some  
12. of the Senator have been saying about Southern Illinois  
13. University. I want you to know that that law school of  
14. Southern Illinois University is at Carbondale, and not at  
15. Edwardsville, and Senator Shapiro, I'm going to give you a  
16. big vote on this one.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Is there further discussion? With nineteen speakers.  
19. Senator Shapiro may close.

20. SENATOR SHAPIRO:

21. Well Mr. President and Ladies and Gentlemen of the Senate,  
22. I'll be very, very brief in closing. There were a few questions  
23. raised...

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Excuse me, Senator Shapiro, may we...break up our caucuses.  
26. Senator Shapiro.

27. SENATOR SHAPIRO:

28. I will be very brief and attempt to answer just a few  
29. of the questions that were raised. There was the question  
30. raised about the number of admissions as to number of applications.  
31. At the Lewis College of Law, for every person who is allowed  
32. to enter the college, there are six applicants. The question  
33. was also brought out about the number of law schools in Northern  
Illinois, and the number of students that they have. I want

1. to point out to you that north of Champaign, the only  
2. law schools that exist are in the private sector, and I  
3. found this statistic very interesting- that here in the  
4. State of Illinois, the public sector only provides space  
5. for 927 students every year, whereas the private sector  
6. provides space for, in excess of 6000 students every year.  
7. In other words, of almost 7000 seats in law schools in  
8. Illinois, the public sector only has 927. I want to  
9. close by stating that this is an existing law school. They  
10. do have financial difficulties. They can very easily be in-  
11. corporated into the public sector that will not provide one  
12. extra lawyer graduate in the State of Illinois, but will  
13. certainly keep a very viable school going with a tremendous  
14. number of graduates and I would appreciate a favorable roll  
15. call.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. The question is shall Senate Bill 719 be passed. Those  
18. in favor vote Aye, those opposed vote Nay. The voting is open.  
19. Have all voted who wish? Have all voted who wish? Take the  
20. record. On that question, the Ayes are 41, the Nays are 12,  
21. 2 voting Present. Senate Bill 719, having received the required  
22. constitutional majority, is declared passed. Senate Bill 722,  
23. Senator Philip. Read the bill, Mr. Secretary.

24. SECRETARY:

25. Senate Bill 722.

26. (Secretary reads title of bill)

27. 3rd reading of the bill.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Philip.

30. SENATOR PHILIP:

31. Thank you, Mr. President, Ladies and Gentlemen of the  
32. Senate. Senate Bill 722 adds amendment under the present  
33. statute when the Space Needs Commission buys a piece of property  
in the Capitol Complex and either tear it down, remodel it...

1. we turn it over to CDB, where they administer that property.  
2. They really do not have the administrative ability or the  
3. budget to do that. What this bill simply does is transfer  
4. that authority to Administrative Service Department. CDB is  
5. in favor of it. The Space Needs Commission is in favor of  
6. it, and so is the Administrative Service. If there are any  
7. questions, I'll be happy to answer them.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Is there any discussion? The question is shall Senate  
10. Bill 722 pass. Those in favor vote Aye, those opposed vote  
11. Nay. The voting is open. Have all voted who wish? Have all  
12. voted who wish? Take the record. On that question, the Ayes  
13. are 52, the Nays are none. One voting Present. Senate Bill  
14. 722, having received the required constitutional majority, is  
15. declared passed. 725, Senator Philip. Read the bill, Mr.  
16. Secretary.

17. SECRETARY:

18. Senate Bill 725.

19. (Secretary reads title of bill)

20. 3rd reading of the bill.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Philip.

23. SENATOR PHILIP:

24. Thank you, Mr. President, Ladies and Gentlemen of the  
25. Senate. Senate Bill 725 as amended amends the County Acts.  
26. It would allow the County Board to operate a Tax Reimbursement  
27. Fund up to two thousand dollars. Under our present system,  
28. when the County Board would like to make small purchases they  
29. have to issue a voucher, etc. It costs us administratively  
30. about fifteen to twenty dollars to process those, and it  
31. takes time. All this merely does is let the chief executive  
32. of a County Board spend some cash on small office supplies, etc.  
33. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR BRUCE)

1. Is there discussion? The question is shall Senate  
2. Bill 725 pass. Those in favor vote Aye, those opposed vote  
3. Nay. The voting is open. Have all voted who wish? Have  
4. all voted who wish? Take the record. On that question, the  
5. Ayes are 51, the Nays are 1. None voting Present. Senate  
6. Bill 725, having received the required constitutional majority  
7. is declared passed. Senate Bill 729, Senator Philip. Read  
8. the bill, Mr. Secretary, please.

9. SECRETARY:

10. Senate Bill 729.

11. (Secretary reads title of bill)

12. 3rd reading of the bill.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Philip.

15. SENATOR PHILIP:

16. Thank you, Mr. President and Ladies and Gentlemen of the  
17. Senate. Senate Bill 729 as amended virtually does the same  
18. thing as Senate Bill 729, but it allows the County Nursing  
19. Home to have a Petty Cash Fund not to exceed two thousand  
20. five hundred dollars for the same purpose. If there are  
21. any questions, I'll be happy to answer them.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Is there discussion? The question is shall Senate Bill  
24. 729...for what purpose does Senator Hall rise?

25. SENATOR HALL:

26. Will the sponsor yield to a question?

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. He indicates that he will yield. Senator Hall.

29. SENATOR HALL:

30. Senator, can't they already do this without the law  
31. being passed?

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Philip.

SENATOR PHILIP:

1. In my judgement, they cannot. I understand that  
2. some of the nursing homes, county nursing homes do it. Our  
3. lawyer for our nursing home tells us there is no authority,  
4. but I know that some of them already do it. We do not.  
5. PRESIDING OFFICER: (SENATOR BRUCE)  
6. Senator Hall. Further discussion? Senator Coffey.  
7. SENATOR COFFEY:  
8. Yes, Mr. President. I have a question of the sponsor.  
9. PRESIDING OFFICER: (SENATOR BRUCE)  
10. He indicates that he will yield. Senator Coffey.  
11. SENATOR COFFEY:  
12. Does this leave the decision then up to the local county  
13. board then to make this decision, so if they don't want to have  
14. it, the board can turn it down?  
15. PRESIDING OFFICER: (SENATOR BRUCE)  
16. Senator Philip.  
17. SENATOR PHILIP:  
18. That's absolutely correct. It's up to the county board.  
19. PRESIDING OFFICER: (SENATOR BRUCE)  
20. Further discussion? The question is shall Senate Bill 729  
21. pass. Those in favor vote Aye, those opposed vote Nay. The voting  
22. is open. Have all voted who wish? Have all voted who wish?  
23. Take the record. On that question, the Ayes are 50, the Nays  
24. are none. None voting present. Senate Bill 729, having received  
25. the required constitutional majority, is declared passed.  
26. Senator Egan on 730. Is Senator Egan on the Floor? Senate  
27. Bill 732, Senator Berning. Read the bill, Mr. Secretary.  
28. SECRETARY:  
29. Senate Bill 732.  
30. (Secretary reads title of bill)  
31. 3rd reading of the bill.  
32. PRESIDING OFFICER: (SENATOR BRUCE)  
33. Senator Berning.  
SENATOR BERNING:

1. Thank you, Mr. President, members of the Senate.  
2. 732 is a bill that was requested by the County Treasurers  
3. Association. Essentially what it does is bring the Mobile  
4. Home Tax Statute into a little more plausible condition. It  
5. removes the terminology Privilege Tax and makes it a Mobile  
6. Home Tax, and changes the county..from the County Treasurer  
7. to the County Assessor or Supervisor of Assesments, the  
8. county officer with whom certain required information must  
9. be filed. More properly belonging to the Assessor or Super-  
10. visor of Assesments, rather than the County Treasurer. If  
11. there are any questions, I'll attempt to answer them. This  
12. bill was passed out of Revenue by a unanimous vote, and I  
13. would appreciate a favorable roll call.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Is there discussion? The question is shall Senate  
16. Bill 732 pass. Those in favor vote Aye, those opposed  
17. vote Nay. The voting is open. Have all voted who wish?  
18. Have all voted who wish? Take the record. On that question,  
19. the Ayes are 54, the Nays are none. None voting Present.  
20. Senate Bill 732, having received the required constitutional  
21. majority, is declared passed. Senate Bill 733, Senator Graham.  
22. Read the bill, Mr. Secretary.

23. SECRETARY:

24. Senate Bill 733.

25. (Secretary reads title of bill)

26. 3rd reading of the bill.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Graham.

29. SENATOR GRAHAM:

30. ...members of the Senate. At this current time, neither  
31. the Savings and Loan Act nor the Business Corporations Act  
32. provide for liability of a whole or subscriber of shares and  
33. this amendment simply provides the same liability for share-  
holders of stock association as has been provided ...



1. PRESIDING OFFICER: (SENATOR BRUCE)

2. I wonder if we might have some order for Senator  
3. Graham, please. Senator Graham.

4. SENATOR GRAHAM:

5. I'd appreciate a favorable vote.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Is there discussion? Senator Demuzio.

8. SENATOR DEMUZIO:

9. I just have one question of Senator Graham. The..what  
10. this in effect does- it reduces the amount of liability that  
11. a shareholder has, in other words, if something should go  
12. wrong with the Savings and Loan, it's beyond, let's say, in-  
13. surance, then the general losses are those that absorbed by  
14. the shareholders, are only that which is up to the amount of  
15. their investment. Is that correct?

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Graham.

18. SENATOR GRAHAM:

19. That is correct, with respect to the amount of shares  
20. they hold...limited liability.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Demuzio. Further discussion? The question is  
23. shall Senate Bill 733 pass. Those in favor vote Aye, those  
24. opposed vote Nay. The voting is open. Have all voted who  
25. wish? Have all voted who wish? Take the record. On that  
26. question, the Ayes are 42, the Nays are none. 12 voting  
27. Present. Senate Bill 733, having received the required con-  
28. stitutional majority, is declared passed. Senate Bill 735,  
29. Senator Vadalabene. Real Estate Recovery Fund. Read the  
30. bill, Mr. Secretary, please.

31. SECRETARY:

32. Senate Bill 735.

(Secretary reads title of bill)

33. 3rd reading of the bill.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Vadalabene.

3. SENATOR VADALABENE:

4. Yes, thank you, Mr. President, members of the Senate.

5. The Real Estate Recovery Fund is made up of contributions  
6. from salesmen and brokemen at time of renewing registration,  
7. and currently there is one million dollars in this fund. This  
8. will probably limit the payouts from Real Estate Recovery  
9. Fund. It clarifies that recovery from Real Estate Recovery  
10. Fund is not authorized unless the loss involved results for  
11. a maximum issuance of a real estate broker or salesman who  
12. at the time was acting in such capacity. I know of no opposition  
13. to this bill, and I'd appreciate a favorable vote.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Is there discussion? The question is shall Senate Bill  
16. 735 pass. Those in favor vote Aye, those opposed vote Nay.  
17. The voting is open. Have all voted who wish? Have all voted  
18. who wish? Take the record. On that question, the Ayes are 53,  
19. the Nays are none. One voting Present. Senate Bill 735,  
20. having received the required constitutional majority, is  
21. declared passed. Senate Bill 736, Senator Vadalabene.  
22. Senator, do you wish it called? Read the bill, Mr. Secretary.

23. SECRETARY:

24. Senate Bill 736.

25. (Secretary reads title of bill)

26. 3rd reading of the bill.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Vadalabene.

29. SENATOR VADALABENE:

30. Yes, thank you, Mr. President, members of the Senate. Senate  
31. Bill 736 extends from ten years to fifteen years the maximum  
32. period during which a Fire Protection District may pay off con-  
33. tracts which it purchases real estate or personal property. All  
it does is give them an additional five years to pay off their

1. contracts, and I would appreciate a favorable vote.

2. PRESIDING OFFICER: (SENATOR BRUCE)

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

4. 736 pass. Those in favor vote Aye, those opposed vote Nay.

5. The voting is open. For what purpose does Senator Walsh rise?

6. SENATOR WALSH:

7. Senator Vadalabene, yield for a question?

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. He indicates he will yield. Senator Walsh.

10. SENATOR WALSH:

11. Our analysis indicates you were going to submit an amend-

12. ment, Senator, so that contracts for the purchase of personal

13. property would remain at ten years and the real estate be fif-

14. teen. Was that discussed in committee?

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Vadalabene.

17. SENATOR VADALABENE:

18. It seems to me like I worked that out with Senator Bowers,

19. and after discussing with him that no amendment was needed,

20. and go ahead with the bill.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Further discussion. Senator Grotberg. Senator Walsh,

23. had you concluded? Senator Walsh.

24. SENATOR WALSH:

25. Yeah. My understanding was that the..it was to remain ten

26. years for personal property and to be extended to fifteen for

27. real estate and Senator Bower just chuckles at your statement,

28. which I don't know what he means by that. Maybe..it seems

29. to me that you know, fifteen years maybe for real estate, but

30. that would be a long time for personal property, and the

31. suggestion made in committee seems like a good one.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Vadalabene.

SENATOR VADALABENE:

1. Yes, in my discusssions with Senator Bower, I think we  
2. were talking about possibly you know, you buy a six year or  
3. seven year one-hundred thousand dollar fire engine or some-  
4. thing like that, and your payments would probably extend to  
5. you know, fifteen years, personal property would be a fire  
6. truck, or something like that, and this is why they want the  
7. extention for additional five years.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Further discussion. Senator Grotberg.

10. SENATOR GROTBORG:

11. Well, just to confess to the Body that I was part of the  
12. deal. And what it does, if we..there was an agreement. But  
13. then we did have a little talk. It screws up the Act, is what  
14. it does, if you add personal property to it, because much of  
15. the personal property of these fire districts are sizable  
16. items with long life. I was concerned that the firemen's boots  
17. and jackets be paid off a little quicker than fifteen years, and  
18. I think that's what you're getting at, Senator Walsh. But the  
19. basic thrust of this for their bonded indebtedness or their  
20. heavy indebtedness is for big items with long life, and I  
21. confess to being guilty. Thank you.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Further discussion? Senator Vadalabene may close.

24. SENATOR VADALABENE:

25. Roll Call.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. The question is shall Senate Bill 736 pass. Those in  
28. favor vote Aye, those opposed vote Nay. The voting is open.  
29. Have all voted who wish? Have all voted who wish? Take the  
30. record. On that question, the Ayes are 49, the Nays are 2.  
31. 2 voting Present. Senate Bill 736, having received the re-  
32. quired constitutional majority, is declared passed. Senate  
33. Bill 737, Senator Vadalabene. Do you wish it read a third time,  
Senator? Read the bill, Mr. Secretary, please.

SB 739  
3rd reading  
5-17-79

- 1. SECRETARY:
- 2. Senate Bill 737.
- 3. (Secretary reads title of bill)
- 4. 3rd reading of the bill.
- 5. PRESIDING OFFICER: (SENATOR BRUCE)
- 6. Senator Vadalabene.
- 7. SENATOR VADALABENE:
- 8. Yes, thank you, Mr. President, members of the Senate.
- 9. Senate Bill 737 is being introduced at the suggestion of the
- 10. Auditor General's office. The Auditor in this audit of the
- 11. Comptroller's Office states a scheduled fee should be established.
- 12. Under the current statute, the Comptroller has been given the
- 13. authority to oversee the burial trust funds. He may investigate
- 14. those licensed to establish burial trust funds at any time, and
- 15. the Comptroller further has the power to investigate all books,
- 16. records and accounts of those licensed to establish burial
- 17. trust funds by requiring the attendance of all persons whose
- 18. testimony he may require. Presently, the licensee is required
- 19. to pay the entire cost of the examination, and I would appreciate
- 20. a favorable vote.
- 21. PRESIDING OFFICER: (SENATOR BRUCE)
- 22. Is there discussion? The question is shall Senate Bill 737
- 23. pass. Those in favor vote Aye, those opposed vote Nay. The
- 24. voting is open. Have all voted who wish? Have all voted who
- 25. wish? Take the record. On that question, the Ayes are 55,
- 26. the Nays are none. None voting Present. Senate Bill 737,
- 27. having received the required constitutional majority, is declared
- 28. passed. Senate Bill 739, Senator Washington. Read the bill, Mr.
- 29. Secretary, please.
- 30. SECRETARY:
- 31. Senate Bill 739.
- 32. (Secretary reads title of bill)
- 33. 3rd reading of the bill
- PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Washington.

2. SENATOR WASHINGTON:

3. Mr. President, members of the Senate. 739 is, in all  
4. essence, a housekeeping bill. The Digest may be somewhat con-  
5. fusing, so let me explain briefly. There has been a de-escalating  
6. clause in the FEPC Act, coming down from the coverage of  
7. fifty to twenty-five, and now fifteen as of last year. This  
8. bill just clarifies that point by striking obsolete language.  
9. Secondly, it deletes the word "chairman" and in deference to  
10. the prouder sex, makes it "chairperson". Thirdly, it simply  
11. deletes reference to appointing attorneys as hearing officers,  
12. and makes them adjudicators. That's all the bill does- it  
13. is essentially housekeeping. I ask its adoption.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Is there discussion? The question is shall Senate Bill  
16. 739 pass. Those in favor vote Aye, those opposed vote Nay.  
17. The voting is open. Have all voted who wish? Have all voted  
18. who wish? Take the record. On that question, the Ayes are  
19. 50, the Nays are 1. 3 voting Present. Senate Bill 739, having  
20. received the required constitutional majority, is declared passed.  
21. Senate Bill 742, Senator Washington. Read the bill, Mr. Secretary,  
22. please.

23. SECRETARY:

24. Senate Bill 742.

25. (Secretary reads title of bill)

26. 3rd reading of the bill.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Washington.

29. SENATOR WASHINGTON:

30. Mr. President, Senate Bill 742 needs just a very brief bit  
31. of background. In 1972, the General Assembly passed and the  
32. Governor signed into law a Public Contract Division of the  
33. Fair Employment Practice Commission. It simply provides that  
anyone who had a contract with the state to do business with the

1. state with taxpayer's money had to be pre-qualified as a equal  
2. employer opportunity employer. They had to be certified, and  
3. to make certain compliance if they weren't in compliance, they  
4. had time to come into compliance. This has necessitated a  
5. drain on the General Revenue Fund, and unfortunately, the  
6. FEPC has been unable to process all of its cases-rather all  
7. of its applicants. There are about twenty-three thousand. We  
8. have come up with a suggestion which we think is good, which  
9. has had no serious opposition which simply provides that the  
10. contractor shall pay a ten-dollar qualification fee and one-  
11. tenth of one percent of a contract over one hundred thousand  
12. dollars. This comes to a round figure of approximately one  
13. hundred fifty some-odd thousand dollars. In other words, we  
14. stop the drain on the General Revenue Fund. We provide adequate  
15. funds for the Fair Employment Practice Public Contracts Division  
16. to pursue its very needed work. I think it's a very useful  
17. bill. It came out of committee with thorough discussion, no  
18. strenuous opposition, and I submit it to you for its decency,  
19. its honesty, its couragesness, and more than anything else,  
20. for its lack of drain on the General Revenue Fund.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Is there discussion? Senator Graham.

23. SENATOR GRAHAM:

24. Mr. President, members of the Senate. This, as Senator  
25. Washington described, is a new concept, really. We are assessing  
26. those people who have a pre-qualification ability and are doing  
27. business with the State of Illinois, a certain amount of monies  
28. to be returned to this Compliance Fund. That's really all  
29. we're doing. It seems to me like this concept is good, and  
30. I'm not so sure it is not good. I..the principle with which  
31. we are trying to deal with is bad. It would seem to me like  
32. perhaps it would be best to put this in an appropriation pro-  
33. cess and put it up on the front end. It would just seem like  
that would be a better way to go, than to assess the people

1. that are doing business with the State of Illinois by a  
2. certain percentage of their right to do business with the State  
3. of Illinois and transfer that money to another entity of govern-  
4. ment. I remind you that this came out of the committee on a  
5. party-line roll call. I know Senator Washington's intent is  
6. good. I think we're setting a new concept, we're setting a  
7. new principle here, perhaps, which is wrong, and I do not  
8. commend it to you for a positive vote.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Is there further discussion? Senator Washington may close.

11. SENATOR WASHINGTON:

12. On the contrary, Senator Graham, the concept is not new.  
13. Surcharging a particular discipline or industry for the cost  
14. that it is ensued to the state for regulating and controlling  
15. that industry for the benefit of the people of the state is  
16. old law, good law, and it is something which is generally  
17. accepted as the course of doing business by business universally.  
18. It's an old standard. We do it here in the state. The Department  
19. of Insurance does exactly that. As a matter of fact, others  
20. do it also. I think it is designed to take the drain away  
21. from the General Revenue Fund. This is not an onerous burden  
22. for any contractor to bear. One tenth of one percent of any  
23. contract over one-hundred thousand dollars. Obviously the  
24. small businessman is not suffering by this. Certainly anyone  
25. who's dealing with the state in terms of half-million, two-  
26. hundred thousand, three-hundred thousand, one million dollars,  
27. five million dollars, ten million dollars, thirty million dollars,  
28. should be prepared to pay some cost back to the state for the  
29. state right and responsibility to make certain that they're  
30. fair to all of their citizens. The concept is not new. The  
31. problem is that it's never been invoked in this kind of a  
32. human service area. That may hit some people as being somewhat  
33. shocking. To me, it's something we should have done a long  
time ago. I've heard no clamor from business about this matter.



1. They were very quiescent about the entire thing. They realize  
2. that they must comply with the law, and they understand it  
3. costs money to do that. I think it's a very simple proposition,  
4. an age-old proposition, and one that we should get about the  
5. business of doing.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Okay. The question is shall Senate Bill 742 pass. Those  
8. in favor vote Aye, those opposed vote Nay. The voting is open.  
9. Have all voted who wish? Have all voted who wish? Take the  
10. record. Senator Wahsington moves to postpone further consideration  
11. of Senate Bill 742. The bill will be placed on the order of  
12. Postponed Consideration. Senate Bill 745, Senator Washington.  
13. Senate Bill 751, Senator Egan. Senate Bill 752, Senator McMillan.  
14. Senate Bill 753, Senator Demuzio. Read the bill, Mr. Secretary,  
15. please.

16. SECRETARY:

17. Senate Bill 753.

18. (Secretary reads title of bill)

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21.

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End of Reel #5

31.

32.

33.

1. (Secretary reads title of bill)

2. 3rd reading of the bill.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Demuzio.

5. SENATOR DEMUZIO:

6. Yes, Senate Bill 753 and the...the next bill 754 have  
7. been controversial in the past, but what it does, it adds  
8. certified school nurse to the definition of a professional  
9. worker in the School Code...School Code to allow local  
10. school districts to...be reimbursed by the State. They're  
11. currently being funded...under other...I understand it's a  
12. current practice. It's supported by the Illinois Office of  
13. Education and various other groups throughout the State and  
14. I have...know of no opposition. It came out of committee 11  
15. to nothing.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Is there discussion? The question is, shall Senate Bill  
18. 753 pass. Those in favor vote Aye. Those opposed vote Nay.  
19. The voting is open. Have all voted who wish? Have all voted  
20. who wish? Take the record. On that question, the Ayes are  
21. 48, the Nays are none, none Voting Present. Senate Bill 753  
22. having received the constitutional majority is declared passed.  
23. Senate Bill 754. Read the bill, Mr. Secretary, please.

24. SECRETARY:

25. Senate Bill 754.

26. (Secretary reads title of bill)

27. 3rd reading of the bill.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Demuzio.

30. SENATOR DEMUZIO:

31. Yes, thank you, Mr. President. Senate Bill 754 also,  
32. apparently had been controversial in the past. It amends the  
33. School Code by adding school nursing services to the definition

1. of Special Education facilities. There apparently was an  
2. oversight at the time of passage. It means that local school  
3. districts are allowed reimbursement for School Nursing Services  
4. under Special Education. I am told that this is already being  
5. done in the State of Illinois and ask for favorable support.  
6. It...it, too, came out of committee 11 to nothing and I...I  
7. don't know of any opposition to it.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Is there discussion? Senator Berning.

10. SENATOR BERNING:

11. A question of the sponsor, please.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. He indicates he will yield. Senator Berning.

14. SENATOR BERNING:

15. Senator, I assume that I'm really talking about 753, but  
16. since we're on 754, can you tell me whether any of the estimated  
17. seven million dollars, which is projected for the cost of 753  
18. is the result of 754?

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Demuzio.

21. SENATOR DEMUZIO:

22. No, I can't. I cannot answer that question, Senator  
23. Berning.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. For the...Senator Berning.

26. SENATOR BERNING:

27. Can you say that there is no expense then?

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Demuzio.

30. SENATOR DEMUZIO:

31. Not reliably, I cannot. I understand it's a current  
32. practice that is already being done and this simply just puts  
33. it into the School Code. I don't know of any real opposition

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3rd reading  
5-17-77

1. to this. I understand that the Illinois Office of Education  
2. is already reimbursing school districts under...under this  
3. Act for those services anyway, Senator.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Is there further discussion? Senator Davidson.

6. SENATOR DAVIDSON:

7. I rise in support of this bill and in answer to Senator  
8. Berning's question, 754 will have that school nurse who has a  
9. certificate to be used in Special Education Program as necessary  
10. and will not have any additional costs. This just is now being  
11. done, but it's not really legitimate according to the Statute.  
12. This does make it legitimate for that certificate school nurse  
13. to be available to help in the Special Education Program because  
14. a full time nurse is not needed for the Special Education Program  
15. in most instances. This just makes it legal for to do what  
16. they're already doing. It's supported by IOE and I appreciate  
17. a favorable roll call.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Further discussion? Senator Demuzio may close.

20. SENATOR DEMUZIO:

21. Well...

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. The question is, shall Senate Bill 754 pass. Those in favor  
24. vote Aye. Those opposed vote Nay. The voting is open. Senator  
25. Joyce. Have all voted who wish? Have all voted who wish? Take  
26. the record. On that question, the Ayes are 49, the Nays are  
27. none, none Voting Present. Senate Bill 754 having received the  
28. constitutional majority is declared passed. Senate Bill 756,  
29. Senator Rhoads. Read the bill, Mr. Secretary, please.

30. SECRETARY:

31. Senate Bill 756.

32. (Secretary reads title of bill)

33. 3rd reading of the bill.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Rhoads.

3. SENATOR RHOADS:

4. Thank you, Mr. President and members of the Senate. This  
5. adds a cause of action under the Wrongful Death Act saying that  
6. the state of gestation of a human being when injury is caused  
7. or when it takes effect or at death shall not foreclose the  
8. maintenance of any cause of action under the law of this State  
9. arising from the death of a human being caused by wrongful act,  
10. neglect or default. Basically, there's a lot of case law  
11. right now, which indicates that the representative of the  
12. unborn child at viability can now bring a cause of action  
13. for wrongful death. There is even case law, which deals with  
14. preconception. That is where the womb or the blood supply  
15. or other injury has been caused to the mother prior to conception  
16. and then later an injury has been caused. But, ironically  
17. enough, there is no cause of action, at least, statutorily at  
18. the moment for any state of gestation, which may be prior  
19. to viability. This would close that particular gap in the  
20. law and I would ask for a favorable roll call.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Is there discussion? The question is, shall Senate Bill  
23. 75...for what purpose does Senator Martin arise?

24. SENATOR MARTIN:

25. Could I ask him a question?

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. He indicates he will yield. Senator Martin.

28. SENATOR MARTIN:

29. I think he got his law degree, too, and I'm not sure I  
30. understood what he just said. Quite simply, does this make  
31. abortion a felony? Is that what you're saying or does it make  
32. it...if some...if a doctor performed an abortion, could he be  
33. sued under this or what is it?

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Rhoads.

3. SENATOR RHOADS:

4. The answer is no. That's not wrongful death under current  
5. case law and under the laws of the country.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Further discussion? Senator Wooten.

8. SENATOR WOOTEN:

9. I'm waiting for the lawyers to stand up on this. Is not  
10. the practical effect of this, Senator Rhoads, to state in law  
11. that abortion is murder?

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Rhoads.

14. SENATOR RHOADS:

15. No.

16. SENATOR WOOTEN:

17. Then what does it mean?

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Rhoads.

20. SENATOR RHOADS:

21. Senator Wooten, the bill is only four lines long. It  
22. simply says that the state of gestation shall not be...will...  
23. shall not be foreclose a cause of action on behalf of the  
24. unborn child or on behalf of the fetus. This is case law now.  
25. Frankly, I feel it's a representation of what...of what the  
26. law is, but we don't have any specific cases that deal with  
27. gestation prior to viability and the courts really haven't  
28. wanted to define viability. We...we've had cases where there  
29. has been injury caused at four and five months into the pregnancy  
30. where the representative of the unborn child has been able to  
31. bring a...a cause of action for wrongful death, but from the  
32. time of conception to the time of whenever viability is and  
33. nobody knows, ironically, you can sue for injury, but you can't

1. sue for wrongful death.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Wooten.

4. SENATOR WOOTEN:

5. I know it's a simple four line bill or whatever, but I'm  
6. just trying to...you know...it impinges on a lot of things I  
7. don't quite understand. What is the state of case law now?  
8. You say this simply states case law if...all right, then...  
9. then what new does it bring?

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Rhoads.

12. SENATOR RHOADS:

13. The new action or cause of action, which it brings is  
14. a cause of action for the death of the unborn child from the  
15. time of conception...let's say, for example, for the three...  
16. the first three months of pregnancy, whenever...whenever  
17. viability would occur. The case law on that period of time  
18. is silent. Senator Wooten, I think you're looking for a  
19. hidden agenda here. There isn't one.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Wooten.

22. SENATOR WOOTEN:

23. I'm not looking for a hidden agenda, but when things get  
24. written in the law funny things happen. They impinge on  
25. other things and influence case law and it would seem to me  
26. that if this is not in case law now, you said that it was, but  
27. then somehow it's not precisely, does this not then prejudice  
28. the law toward a presumption that this would be, in any sense,  
29. murder? Can you leap from this to that? In other words,  
30. instead of accidents you're talking about wrongful death. That...  
31. that sounds impressive.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Rhoads.

1. SENATOR RHOADS:  
2. I can't make that leap. I don't really think that anyone  
3. can.  
4. PRESIDING OFFICER: (SENATOR BRUCE)  
5. Senator Wooten.  
6. SENATOR WOOTEN:  
7. All right. Well, I just had over my shoulder here, that  
8. it's a very short step and I...it just...all right, if you're  
9. being facetious, fine, but I...I didn't get my law degree or  
10. a Doctor of Juris Prudence, so I...I wanted to be sure just  
11. what it is we're doing here.  
12. PRESIDING OFFICER: (SENATOR BRUCE)  
13. Senator Collins.  
14. SENATOR COLLINS:  
15. A question of the sponsor.  
16. PRESIDING OFFICER: (SENATOR BRUCE)  
17. He indicates he will yield. Senator Collins.  
18. SENATOR COLLINS:  
19. Even after hearing...Senator Wooten going through this,  
20. let me ask you another one. Just what is the purpose of this  
21. bill?  
22. PRESIDING OFFICER: (SENATOR BRUCE)  
23. Senator Rhoads.  
24. SENATOR RHOADS:  
25. The purpose, Senator Collins, is to close a...a gap in  
26. the current law, both case law and statutory law covering that  
27. period of time from the time of conception to the time of  
28. viability. We have case law on viability. We have...both for  
29. with respect to injury and with respect to wrongful death. We  
30. even have case law, which is...as I alluded to, preconception  
31. case law, if you can imagine that because the mother had been  
32. injured and then later conceived and the child was harmed or  
33. a death occurred and so forth, but from that period of time from



1. conception to viability, which the courts so far have not...  
2. have declined to define, there is no cause of action for  
3. wrongful death. That...this bill would close that loophole.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Collins.

6. SENATOR COLLINS:

7. Senator Rhoads, if you're not talking about abortion,  
8. then what are you talking about? Give me some examples of  
9. wrongful death?...

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Rhoads.

12. SENATOR COLLINS:

13. ...specifically, what are you talking about?

14. SENATOR RHOADS:

15. Let's say a...a pregnant woman in her fourth or fifth or  
16. sixth week of pregnancy is harmed through neglect or through  
17. default or for some other reason and the unborn child, the  
18. fetus is harmed or killed, this bill would let the representative  
19. of that fetus bring a cause of action for wrongful death under  
20. the Wrongful Death Act. I don't think I can say it any plainer  
21. than that. That's the intent of the bill.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Knuppel.

24. SENATOR KNUPPEL:

25. Mr. President and members of the Body. It's a very...very  
26. simple example. If the woman was three months pregnant she could  
27. still have an abortion under the Federal cases and even if she  
28. participated in that abortion, she'd be under the Wrongful...  
29. Death Statute in Illinois foreclosed from recovering because  
30. she would have participated in whatever happened, but if she's  
31. involved in an auto collision and she doesn't want an abortion  
32. and that child is important to her, maybe she's waited twelve  
33. years and taken...taken fertility pills and everything else to

1. become pregnant and then she's involved in an automobile  
2. accident and as a result she inadvertently aborts and it's  
3. somebody else's fault, she can recover for it. That's what  
4. this is.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Further discussion? Senator Netsch.

7. SENATOR NETSCH:

8. Senator Rhoads, you're...you're answer to all the prior  
9. questions is that it is only a Wrongful Death Statute. That  
10. it permits a suit for wrongful death from the moment of con-  
11. ception, against whom?

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Rhoads.

14. SENATOR RHOADS:

15. Well, against those same parties that...that wrongful  
16. death suits would now be brought against, whoever was in  
17. neglect or default. Not against...now, look. This is not  
18. an abortion bill. It...it isn't aimed at a doctor who lawfully  
19. performs an abortion, if that's what you're leading up to.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Netsch.

22. SENATOR NETSCH:

23. Why doesn't it?

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Rhoads.

26. SENATOR RHOADS:

27. Because it's not wrongful death.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Netsch.

30. SENATOR NETSCH:

31. With...do you have the text of the Wrongful Death Statute  
32. with you? In front of you?

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Netsch. Further discussion?  
2. SENATOR NETSCH:  
3. Well, I'm...I'm trying to get an answer to my question.  
4. I'm just not at all clear why...I understand that an unborn  
5. child can be the subject matter of a wrongful death action  
6. from time to time. I...we're getting the...the text of the  
7. Statute here. I do not see why and I...I wanted a straight  
8. explanation from you as to why this does not, in fact, lead  
9. us into doing through the backdoor what we apparently cannot  
10. do through the frontdoor and that is, deal with the subject  
11. of abortion from the moment of conception.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Rhoads.

14. SENATOR RHOADS:

15. Senator Netsch, I tried to answer that question. This is  
16. the third time now as plainly as I can because it is not a  
17. wrongful death under the Statute. I don't know what other  
18. answer you're seeking from me.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Knuppel.

21. SENATOR KNUPPEL:

22. Well, as...as far as I can see, I mean, it's purely on a  
23. Statute that exists. It doesn't get into the common law area.  
24. I...I see no way where the Supreme Court is held that no law  
25. can interfere with...with a...an abortion of a person who  
26. wants to have it within the first trimester, second trimester  
27. or whatever it may be any...it would be unconstitutional as  
28. to that extent if it had...if it got into the abortion law, so  
29. I...I just don't understand any of the so-called expressed  
30. fear here. If you people want to have an abortion so bad, but  
31. that you don't want to let somebody have a cause of action who  
32. is legitimately and wants to be pregnant to have a cause of  
33. action for that.

1. PRESIDING OFFICER: (SENATOR BRUCE)  
2. Senator Bowers.  
3. SENATOR BOWERS:  
4. Will the sponsor yield to a question?  
5. PRESIDING OFFICER: (SENATOR BRUCE)  
6. He indicates he will yield. Senator Bowers.  
7. SENATOR BOWERS:  
8. Senator Rhoads, I don't have any trouble with what you  
9. were just trying to explain. I understand that, however, in  
10. reading it carefully, you...you indicate that the state of  
11. dependency has nothing to do with it and I...and I...and I  
12. just question the word...the use of that word dependency  
13. because that's the whole basis of the Wrongful Death Act.  
14. PRESIDING OFFICER: (SENATOR BRUCE)  
15. Senator Rhoads.  
16. SENATOR RHOADS:  
17. Well, the...the original...as you recall, Senator Bowers,  
18. this was amended in committee. The original bill said the  
19. state of gestation, development, dependency, capacity or  
20. disability. Now, the ACLU objected to that language because  
21. they were...they envisioned situations where people were on  
22. artificial life support machines in a hospital and whereby  
23. their own desire...let's say a husband told the wife, it is  
24. my desire to be pulled off the machine and...and so forth and  
25. so in order to make it clear that we were simply confining  
26. the discussion to the unborn children, we amended that out  
27. to make it simply the state of gestation.  
28. PRESIDING OFFICER: (SENATOR BRUCE)  
29. Senator Bowers.  
30. SENATOR BOWERS:  
31. I'm sorry. I don't have the amendment in front of me, but  
32. as I understand what you're saying then, the amendment merely...  
33. would you read the amendment, per se, so we can...

1. PRESIDING OFFICER: (SENATOR BRUCE)  
2.        Would someone just take a copy of the amendment to  
3. Senator Bowers        also, that might help the proceedings.  
4. SENATOR BOWERS:  
5.        Go ahead.  
6. PRESIDING OFFICER: (SENATOR BRUCE)  
7.        Okay.    Further discussion?    Senator Berman.    Senator Geo-Karis.  
8. SENATOR GEO-KARIS:  
9.        ...Mr. President and Ladies and Gentlemen of the Senate.  
10. I'm positive that Senator Rhoads is not trying to come in by the...  
11. by the back...backdoor to eliminate abortions.    There's a case  
12. that happened in 1973 which was the death of a child stillborn  
13. after an accident.    There was a decision that they could sue  
14. under it, but this would actually put it into the law, that's  
15. all.    We've got case law about it, but we don't have it in the  
16. statutory law and that's what he's trying to do, is to put it  
17. in the statutory law.  
18. PRESIDING OFFICER: (SENATOR BRUCE)  
19.        Further discussion?    Senator Netsch.    Senator Netsch, did  
20. you wish...Senator Netsch.  
21. SENATOR NETSCH:  
22.        I think you are in good faith, Senator Rhoads, in what you  
23. are saying.    I'm just not at all sure that you are, in fact,  
24. correct and I am now reading the text of the Wrongful Death  
25. Statute.    I think what you...which says incidently and whenever  
26. the death of a person shall be caused by wrongful act, neglect  
27. or default and the act, neglect or default is...is such as would  
28. if death had ensued and        been entitled and so forth.    I think  
29. what you are trying to say is that if an attempt were made to  
30. sue the doctor or anyone else who participated in the abortion,  
31. under this Statute for the fact alone of performing an abortion  
32. absent the element of negligence of whatever degree, that somehow  
33. that would not be permitted because there is lurking out there

1. the U.S. Supreme Court decision in the Row cases. I'm not  
2. really sure that that is quite correct. It is possible that  
3. if an attempt were to made to use the Wrongful Death Statute  
4. as a way of...of, in effect, evading the Supreme Court decision  
5. that eventually it might be invalidated. I...I concede that  
6. much, but I think...what I'm concerned about is it...in the  
7. meantime, you are going to be causing another set of lawsuits  
8. and another area of confusion. It is murky, indeed, even  
9. though I recognize that that is...I accept your word, but that  
10. is not what you are attempting to do, so with that in mind  
11. because I think it is going to add confusion, not clarification.  
12. I'm going to vote Present or No.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator...is there further discussion? Senator Rhoads  
15. may close.

16. SENATOR RHOADS:

17. Thank you, Mr. President and members of the Senate. In  
18. response to Senator...Netsch, let me state for the record that  
19. insofar as this sponsor is concerned it is not legislative  
20. intent here to provide some sort of backdoor method for pursuing  
21. for an abortion. That is not wrongful death at the current  
22. time. I don't deny at all, that this...this bill is supported  
23. by pro-life forces. I don't deny at all, that I believe that  
24. life begins at conception, but the point is, that we now have  
25. three out of four categories, which are covered by current  
26. case and statutory law. We have the death before the child  
27. is viable. Death after the birth, death after the birth of a  
28. nonviable situation, but we don't have this period of time  
29. covered from the time of conception to the time of viability  
30. whenever the...whenever that occurs and that the courts have  
31. declined so far to define exactly when that is. That is the...  
32. the simple purpose of the bill. I can't...can't restate it too  
33. many times and I would request your favorable consideration.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. The question is, shall Senate Bill 756 pass. Those in  
3. favor vote Aye. Those opposed vote No. 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 46, the Nays are none,  
6. 6 Voting Present. Senate Bill 756 having received the  
7. constitutional majority is declared passed. Senate Bill 757,  
8. Senator Schaffer. Read the bill, Mr. Secretary.

9. SECRETARY:

10. Senate Bill 757.

11. (Secretary reads title of bill)

12. 3rd reading of the bill.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Schaffer.

15. SENATOR SCHAFFER:

16. Mr. President, this bill is a fairly simple bill and I'd  
17. like to explain what it does. It simply says that when a  
18. teacher receives the notice that he or she is not going to  
19. be reemployed for reasons other than financial that along  
20. with that notice, which is already required with law, they're  
21. given a reason and the amendment, by the way, forces them to  
22. request the reason, and they also have the right to go before  
23. a school board to explain their side of the story. The school  
24. board can still fire them. This does, in no way, impinge  
25. on the school board's ability to fire a teacher. It just says,  
26. in effect, you've got to look them in the eye, tell them why  
27. you are firing them and you have to give them a chance to  
28. explain their side of the story. I think we've seen some  
29. instances, at least, in my area where teachers have been fired  
30. and not been given a reason and never had a chance to give  
31. their side of the story to the body of authority. This does  
32. not impinge upon the power of the school board in any way to  
33. fire someone.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Further discussion? Senator Maitland...Maitland...

3. SENATOR MAITLAND:

4. Thank you, Mr. President and Ladies and Gentlemen of the  
5. Senate. I rise in opposition to this legislation. I think  
6. it somewhat makes a mockery of...of tenure. I think it some-  
7. what makes a mockery of...of the school board. Currently  
8. they are given sixty days notice that they will not be  
9. reemployed for the subsequent year. I think this could act,  
10. too, as a detriment as much to the teachers as it could to  
11. the school board. Presently, they are not given a reason  
12. publicly that...that or why they are being terminated. I  
13. think if they are doing something wrong, if something very  
14. serious was happening within a school district with that  
15. teacher, she or he then would have the possibility of finding  
16. employment somewhere else. I can see no purpose in this. I  
17. think it's once again an attempt to circumvent some of the  
18. responsibilities of the school board and I would urge the  
19. defeat of 757.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Further discussion? Senator Berman.

22. SENATOR BERMAN:

23. Thank you, Mr. President. I rise in support of the bill.  
24. The synopsis is wrong and I want everybody to understand that  
25. the synopsis is wrong. This does not give a nontenured teacher  
26. the right for a hearing. The...the bill was amended and I  
27. compliment the sponsor for taking that step. I'm not sure  
28. it would have gotten out of committee otherwise, but all this  
29. does is to allow the teacher to know the reason for the firing.  
30. Now, if we're going to, hopefully, improve the quality of  
31. teaching in our State, I think it's important for a teacher to  
32. receive the reasons why he's not or she is not being retained.  
33. Hopefully, they will take steps to correct those shortcomings



1. and their next job will find a better qualified or more dedicated  
2. person who wants...to undertake the teaching responsibilities.  
3. I think that it's a...a reasonable request. I don't think it...  
4. infringes upon the rights of the school board at all. I think,  
5. hopefully, it will provide us with better teachers in the future  
6. and I urge your support.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Knuppel.

9. SENATOR KNUPPEL:

10. Well, I think Senator Berman probably has explained it, that  
11. it does not and I misunderstood Senator Schaffer. I understood  
12. him to say the person was entitled to a hearing. It would be a  
13. useless hearing. Now, as I understand it, it doesn't entitle  
14. him to a hearing. I think that...that I don't know whether it's  
15. closed with any confidentiality or whether the school board is...  
16. is relieved from liability for making such a matter on...on  
17. possibly liable, slander, business defamation...I think this  
18. is very dangerous. I think it could be helpful to a young  
19. teacher. I certainly don't think they should be entitled to a  
20. hearing. That makes a mockery, it makes a useless act and it  
21. will only drive the wedges deeper between the people and cause  
22. dissention in the district. I think that a school board ought  
23. to let every teacher go that doesn't score A within its first  
24. two years because tenure is for such a long time. Now, I'm  
25. normally for what the teachers want and I believe in tenure,  
26. but for that first two years they ought to be able to let them  
27. go and they ought to be able to tell them then and I'm concerned  
28. about this. Tell them why they let them go without subjecting  
29. themselves in any way to liability for...for a civil suit...for  
30. ...because the teacher doesn't believe that it's true. Maybe...  
31. maybe they're messy. They're bad about their language, like  
32. Senator Knuppel is when he speaks in the Senate and ought not to  
33. talk that way around children. Something like that, but I...I

1. think that possibly by saying they're entitled to a written...  
2. series of charges might open that teacher or that school board  
3. up and I don't think it's really going to help the teacher unless  
4. you have a confidentiality clause on there that...that if they  
5. request it in confidence that they're free of liability. Maybe  
6. that's in the bill, but they shouldn't be held liable if they  
7. provide such a written list of deficiencies.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Further discussion? Senator Schaffer, you can...I don't  
10. think there was a question. All right. On your closing remarks...  
11. Senator Nimrod. For what purpose does Senator Berman arise?

12. SENATOR BERMAN:

13. I think I misread the amendment. Let me ask one more  
14. question. Is the provision for a hearing still in the bill,  
15. Senator Schaffer.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Schaffer.

18. SENATOR SCHAFFER:

19. Therein lies my comment. It's not a hearing officer. It's  
20. a provision for the teacher to be...to appear before the school  
21. board and if you want to call that a hearing and I'd call it a  
22. hearing, yes, it's still there.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Berman.

25. SENATOR BERMAN:

26. All right. I wish to change my comments because I was in  
27. error and I...my objection, I believe, in committee was to the  
28. fact of the hearing. I think I indicated in committee that...  
29. that the reasons ought to be stated but that he would not...  
30. should not be entitled to a hearing, so I want to retract my...  
31. my comments, inasmuch as a hearing, even before the school board  
32. is still called for. I think that that is an infringement upon  
33. the rights of the...the board and I would in...in the context

1. of the bill presently sits before us, I would urge a No vote  
2. and I want the record to show so...show so...so show.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. And we will all read the transcript. Further discussion?  
5. For what purpose does Senator Schaffer arise?

6. SENATOR SCHAFFER:

7. Mr. President, frankly, Senator Berman's objections may  
8. have some validity, I don't know. There is one of the problems...  
9. Senator Berman, and I think the reason why we were reluctant  
10. to take the hearing out is that the reason might simply be you  
11. failed to meet the standards that we wished you to and...you know...  
12. I think that they should...the real thrust of the bill is to give  
13. the teacher the reasons they were fired, which...you know...it's  
14. going to be difficult is somebody doesn't want to give you a  
15. reason they...just think of those reasons we get why people go  
16. through our campaign disclosure forms and you can see how that  
17. particular language can be thwarted. The real thrust of the  
18. bill is to allow that teacher to present their side of the story  
19. to the school board. I would suggest to you that this probably  
20. wouldn't happen a hundred times in the whole State in the course  
21. of a year because most times, as Senator Maitland has suggested,  
22. a teacher knows why they were being fired and they don't want  
23. a reason and that's why the amendment that I did commit to put  
24. on in committee is on, which would force the teacher to request  
25. the reasons and yet I think the...the hearing is an important  
26. part of the bill.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Nimrod.

29. SENATOR NIMROD:

30. Yes, thank you, Mr. President. It seems to me as I read  
31. this bill and the amendment and it said that he shall...the  
32. teacher shall be entitled to get a report in writing. The  
33. teacher is hired on a probationary period. What about all the

1. other employees that are hired on probationary periods...State  
2. employees, private employees, anywhere else. A person goes on  
3. a probationary period they know that they are not going to be  
4. hired on a permanent basis until such time as they decide that  
5. they are going to stay there. Now, we're going to have this  
6. in writing. That means everything else is going to be in  
7. writing. Law suits...law cases...court cases come up. It's  
8. going to complicate the whole picture. I think it's a  
9. disservice to the whole program and I can see no reason for  
10. having it unless we want to have more court cases in forcing  
11. school boards to hire and keep teachers for the reasons that  
12. they decide so I think we're taking the authority away and it  
13. seems to me it's a bad precedent.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator DeAngelis.

16. SENATOR DeANGELIS:

17. Mr. President, I'd like to make one comment only and that  
18. is that the main reason that most nontenured teachers are  
19. dismissed is 'cause the school board can't seem to fire the  
20. tenured ones and I hardly would think that any hearing officer  
21. would accept that as cause.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Further discussion? Senator Collins.

24. SENATOR COLLINS:

25. A question of the sponsor. Senator Schaffer, I...I can't  
26. agree with Senator Berman. I thought it was an agreement in  
27. committee when we voted this bill out that we would not...you  
28. would amend it so that you wouldn't require the nontenured  
29. teachers to have a hearing. That only what you were trying  
30. to get at, which I agree that anyone that gets fired should  
31. be given the opportunity to know exactly why they've been fired  
32. and I think that's a right.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Schaffer.

2. SENATOR SCHAFFER:

3. Senator, the...I'm...you know...I don't have a perfect  
4. memory. The...the commitment I definitely made was that it...  
5. it would...the teacher would have to request in writing the  
6. reason because we didn't want to have school boards...you  
7. know...that when the teacher didn't want to know or didn't  
8. care to know we didn't want to impose upon the school boards.  
9. I don't believe I made the commitment on the hearing and I've  
10. discussed this with several other members on the committee on  
11. this side and staff and...and they don't recall me making  
12. that commitment because as I think as I indicated to you, I  
13. think the reasons without some ability to discuss the reasons  
14. is reasonably superfluous and...and would, in fact, be  
15. cluttering up the books.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Shapiro.

18. SENATOR SHAPIRO:

19. Well, Mr. President and Ladies and Gentlemen of the Senate.  
20. As I look at the bill even with the amendment on, what we are  
21. actually doing is...is giving a first year teacher here practically  
22. the rights of a tenured teacher. In other words, we really are  
23. extending tenure to the first year in a way. The burden is  
24. entirely...that is placed entirely upon the school board. The...  
25. all the teacher has to do is just request a hearing so on and so  
26. forth, but in the existing language concerning first year  
27. teachers a school board has to give a first year teacher at least  
28. sixty days notice of dismissal and a lot of the school boards  
29. in this day and age, due to the fact that they are going to have  
30. to reduce their forces due to the lack of money automatically  
31. eliminate first year teachers and then rehire them at a later  
32. date when they see that the funds are going to be necessary.  
33. I think this is a bad concept to get into. School boards have

1. enough difficulty now maintaining their teaching staffs and I  
2. don't think the rights of tenure and this is what we're talking  
3. about should be extended to first year employees. I think the  
4. school boards...should still have some discretion in that first  
5. year and I would urge a No vote on the bill.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Is there further debate? Is there further debate? Senator  
8. Maitland.

9. SENATOR MAITLAND:

10. Thank you, Mr. President. Just one final comment. I think  
11. Senator Schaffer hit it right on the head when he indicated that  
12. the hearing would...would show that the...that the teacher did  
13. not really live up to the expectations that...that the district  
14. had or the board had of them and I think that's what this two  
15. year probationary period really is, so once again I would urge  
16. a No vote.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Is there further debate? Senator Schaffer may close.

19. SENATOR SCHAFFER:

20. Mr. President and members of the Senate. This bill has  
21. been...I mentioned when I started I would tell you what it did  
22. and we've heard a lot about what it doesn't do and I'd like to  
23. talk briefly about what it doesn't do. It...this does not...is  
24. not operative when a teacher is being fired for economic reasons,  
25. that's clearly stated. This is only in a case when a teacher is  
26. being fired and...and being replaced. The problem we have is  
27. that I think...well, in my lifetime I've had to fire some people  
28. and firing people is never fun, but I'll tell you and I think  
29. most of you in this room would be in the same posture, when I've  
30. had to fire somebody, I've looked them in the eye and I've told  
31. them why they were being fired and I've given them a chance to  
32. explain their side of the story and I will tell you in, at least,  
33. one instance when the person involved explained their side of the

1. I found out that I had some wrong information from a supervisor  
2. and I didn't fire that person. In fact, I grabbed that super-  
3. visor and gave him a pretty hard time. And this is the case that  
4. I think we find, occasionally, in school districts. Bear in mind,  
5. that the teachers are insulated from the highest authority by  
6. the superintendent and if a teacher doesn't get along with the  
7. superintendent or has some problems with that superintendent if...  
8. even though he or she is a very good teacher, they're never given  
9. a chance to explain their side of the story. I think it's a  
10. good bill. I think it's common decency. I think that a person  
11. is who's being fired regardless of how long they've been employed.  
12. A month...two weeks...a year...two years should be given a reason  
13. why they're being fired and also be given a chance to explain  
14. their side of the story. I realize that some of the opposition  
15. is that people will fear, well, what comes next. My school boards  
16. have said, well, we don't really argue with that. That's no problem.  
17. We already do that, but what comes next. Nothing comes next as  
18. far as this...Senator is concerned. I am not interested in  
19. expanding tenure below the point it already is. I appreciate a  
20. favorable roll call.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. The question is, shall Senate Bill 757 pass. Those in favor  
23. vote Aye. Those opposed vote Nay. The voting is open. Have all  
24. voted who wish? Have all voted who wish? Take the record. On  
25. that question, the Ayes are 16, the Nays are 24, 1 Voting Present.  
26. Senate Bill 757 having failed to received the required constitutional  
27. majority is declared lost. That will be the last bill on 3rd  
28. reading that we will consider for today. There are several  
29. announcements and one resolution to handle. Senator Rock, for  
30. what purpose do you arise?

31. SENATOR ROCK:

32. Thank you, Mr. President. I was just going to suggest that  
33. there are a number of announcements and there is a resolution of

1. some urgency, I understand that Senator Newhouse has placed  
2. with the Secretary's Desk. Additionally, I have a copy of the  
3. Senate schedule, which we have prepared for the weeks of May 28  
4. and June 4, so that one might plan ahead a little bit. I would  
5. call to the attention of the membership that Monday, May 28  
6. there will be no Session at all and on Monday, June 4 there will  
7. be no Session at all.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Newhouse, for what purpose do you arise?

10. SENATOR NEWHOUSE:

11. Thank you, Mr. President. On the Secretary's Desk is a  
12. congratulatory resolution for the Southtown YMCA, which is  
13. giving its "Great Guys" benefit banquet tomorrow night. The  
14. urgency is that I'd like to take the...present that and have it  
15. read at that banquet and I'd appreciate it if we could suspend  
16. the rules for the immediate adoption of that resolution.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Is there leave to suspend the rules for the immediate  
19. consideration...consideration of...of Senate Resolution 172?  
20. Leave is granted. On the motion to adopt, all in favor say  
21. Aye. Opposed Nay. The Ayes have it. Senate Resolution 172  
22. is adopted. For what purpose does Senator Grotberg arise?...

23. SENATOR GROTBORG:

24. To make sure I'm added as a cosponsor on that resolution.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. You...you will be added and is there leave to...for all  
27. Senators to be shown as cosponsors? Leave is granted. On the  
28. Order of Resolutions, Mr. Secretary.

29. SECRETARY:

30. Senate Joint Resolution 49 offered by Senator...Weaver. It's  
31. congratulatory.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Consent Calendar. Senator Maragos.



1. SENATOR MARAGOS:

2. Mr. President and members of the Senate. On Monday or  
3. Tuesday I was absent from the Floor and I would like to have  
4. shown that if I was here I would have been voting Aye on Senate  
5. Bills 309, 310 and 316 and also on Senate Bill 388 and I ask  
6. leave of Senator Shapiro to be a cosponsor of Senate Bill 719,  
7. which passed out of the...the House, if he doesn't mind.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. The record will show...so show and leave is granted. Thank  
10. you, Senator Berman. Senator Geo-Karis.

11. SENATOR GEO-KARIS:

12. I'd like to have leave also from Senator Shapiro to be on  
13. as a joint cosponsor...

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Well now, Ladies and Gentlemen...

16. SENATOR GEO-KARIS:

17. ...of Senate Bill 719.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. ...if you would just...if you will tell the Secretary in  
20. writing that will be done without all of the Floor activity.  
21. Other announcements? For what purpose does Senator Graham arise?

22. SENATOR GRAHAM:

23. I want to rise to welcome the Republican Senators to an  
24. eight o'clock coffee and caucus tomorrow morning in Senator  
25. Shapiro's office. Eight o'clock, Ladies and Gentlemen. Isn't  
26. that a wonderful time?

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Shapiro.

29. SENATOR SHAPIRO:

30. Mr. President, I just want to announce to the Senate that  
31. today is Jim Rupp's birthday. I don't know...I'm not too sure  
32. he deserves congratulations, but anyway I think we ought to.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1.           Congratulations, Senator Rupp. All Republicans will join  
2. you at eight o'clock in the morning for breakfast. Senator...  
3. Senator Washington.

4. SENATOR WASHINGTON:

5.           Mr. President and members of the Senate. I thought it might  
6. be of some interest to the members of this Body to know that today  
7. is the anniversary of the famous 1954 Supreme Court decision  
8. Brown versus Maryland, which provided that there is no such a  
9. concept as separate but equal. We've...we're memorializing, I  
10. guess, it's the twenty-fifth anniversary of that today and I  
11. think that we should keep in mind the fact that in this country  
12. we've come a long way toward removing the barriers against the  
13. upward mobility of any race, group or sex and I think it's a  
14. landmark decision. I think we should recognize its twenty-fifth  
15. birthday. Thank you, Mr. President.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17.           Senator Berman.

18. SENATOR BERMAN:

19.           Thank you, Mr. President. This announcement has nothing  
20. to do with Senator Washington's announcement, but the meeting  
21. of the...Elementary and Secondary Education Committee meeting  
22. that was scheduled for tomorrow morning has been cancelled.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24.           Senator Rock.

25. SENATOR ROCK:

26.           Thank you, Mr. President and Ladies and Gentlemen of the  
27. Senate. I would just remind the membership that we hope to begin  
28. promptly at nine o'clock. We will go through the 2nd reading  
29. bills and we will be on...the appropriations process bills and  
30. I would hope that everyone will be present and if we can get  
31. through that we can be out of here by one o'clock.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33.           Further announcements? Further business to come before the

1. Senate? Senator Johns moves that the Senate stand adjourned  
2. until the hour of nine o'clock Friday, May the 18th. The motion  
3. to adjourn...all in favor say Aye. Opposed Nay. The Ayes have  
4. it and the Senate stands adjourned until nine o'clock Friday,  
5. May the 18th.

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