

81st GENERAL ASSEMBLY

REGULAR SESSION

JUNE 27, 1980

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. ...Will the guests in our gallery please rise. Prayer by
3. Rev. Anthony T. Tzortzis, St. Anthony's Hellenic Orthodox
4. Church, Springfield.

5. REV. ANTHONY T. TZORTZIS:

6. (Prayer given by Rev. Anthony T. Tzortzis)

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Reading of the Journal.

9. SECRETARY:

10. Wednesday, June...18th, 1980, Thursday, June the 19th,
11. 1980 and Friday, June the 20th, 1980.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. ...Senator Nega.

14. SENATOR NEGA:

15. I move that the Journals just read by the Secretary, be
16. approved unless some Senator has additions or corrections to
17. offer.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. You have heard the motion. Those in favor indicate by
20. saying Aye. Those opposed. The Ayes have it. The motion carries.
21. Senator Nega.

22. SENATOR NEGA:

23. Mr. President, I move that reading and approval of the
24. Journals of Monday, June the 23rd, Tuesday, June the 24th,
25. Wednesday, June the 25th and Thursday, June the 26th in the
26. year 1980 be postponed pending arrival of the printed Journals.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Heard the motion. Those in favor indicate by saying Aye.
29. Those opposed. The Ayes have it. The motion carries. Message
30. from the House.

31. SECRETARY:

32. A message from the House by Mr. O'Brien, Clerk.

33. Mr. President - I am directed to inform the Senate

1. that the House of Representatives refused to concur with the
2. Senate in the adoption of their amendment to a bill with
3. the following title:

4. House Bill 262, with Senate Amendment No. 1, House
5. Bill 1230, with Senate Amendment No. 1, House Bill 2837, with
6. Senate Amendment No. 1, House Bill 3034, with Senate Amendment
7. No. 1, House Bill 3432, with Senate Amendments 1 and 2.

8. A message from the House by Mr. O'Brien, Clerk.

9. Mr. President - I am directed to inform the Senate
10. that the House of Representatives refused to concur with the
11. Senate in the passage of a bill with the following title...
12. has concurred with the Senate, rather, on:

13. Senate Bill 1629, together with House Amendments
14. 1, 2, 3, 4 and 5.

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. Secretary's Desk. Resolutions.

17. SECRETARY:

18. Senate Resolution 606, offered by Senators Daley, Jeremiah
19. Joyce and Savickas and it's congratulatory.

20. Senate Resolution 607, by the same sponsors and it's
21. congratulatory.

22. Senate Resolution 608, by the same sponsors and it's
23. congratulatory.

24. Senate Resolution 609, offered by Senators Geo-Karis,
25. Berning and Friedland. It's congratulatory.

26. Senate Resolution 610, offered by Senator Vadalabene.
27. It's congratulatory.

28. Senate Resolution 611, offered by Senator Gitz and all
29. Senators and it's congratulatory.

30. Senate Resolution 612, offered by Senator Nimrod and
31. all Senators and it's congratulatory.

32. Senate Resolution 613, offered by Senators Daley and Keats
33. and it's a death resolution.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)
2. Consent Calendar.
3. SECRETARY:
4. Senate Resolution 614, offered by Senator Buzbee.
5. PRESIDING OFFICER: (SENATOR DONNEWALD)
6. Executive.
7. PRESIDENT:
8. On the Order of Secretary's Desk Concurrence, those
9. sponsors who wish to non-concur, it would, frankly, facilitate
10. matters if we could have that done, so that the paperwork can
11. start flowing back and forth. 569, Senator Berman. 673, Senator
12. Knuppel. 934, Senator Egan. 1378, Senator Sommer. 1404,
13. Senator Gitz. 1441, Senator Moore. 1457, Senator Sangmeister.
14. Senator Sangmeister.
15. SENATOR SANGMEISTER:
16. Thank you, Mr. President and members of the Senate. I
17. move that we non-concur in House Amendment No. 3 to Senate
18. Bill 1457.
19. PRESIDENT:
20. All right. Senator Sangmeister has moved to non-concur
21. in House Amendment No. 3 to Senate Bill 1457. Any discussion?
22. If not, all those in favor...signify by saying Aye. All opposed.
23. The Ayes have it. The motion carries and the Secretary shall
24. so inform the House. Senator Keats, for what purpose do you
25. arise?
26. SENATOR KEATS:
27. Mr. President, is it unreasonable to ask the sponsor of
28. the bill in about two or three sentences to say what...what
29. he's removing, 'cause every now and then we...
30. PRESIDENT:
31. I...I...I didn't know that anybody didn't know what 1457 was.
32. SENATOR KEATS:
33. But in terms of the amendment, some of us may not know the

1. amendments, Mr. President. I do concede out of a thousand
2. amendments, I probably know nine hundred and ninety, but there
3. may be ten that I have missed.

4. PRESIDENT:

5. Sales Tax relief I'm sure you know. But it is not unreason-
6. able. We will suggest to the sponsor that they indicate what
7. the House amendment is. Senator Knuppel, is...Senate Bill 673.
8. Mr. Secretary.

9. SECRETARY:

10. Senate Bill 673, with House Amendment No. 1.

11. PRESIDENT:

12. Senator Knuppel.

13. SENATOR KNUPPEL:

14. This is an amendment in the House to meet the standards
15. that have been set up by the EPA and also meets the approval
16. of the coal operators. It deletes legislative findings and
17. everything after the enacting clause and goes back through,
18. but it does require that the standards of the...that the
19. standards of the State of Illinois will be more...no more
20. severe than those of the Federal...than those of the Federal
21. Government for burning coal. Now, this is a standard amendment
22. that the House has put on all three of these sulfur dioxide
23. bills, and I move that we concur.

24. PRESIDENT:

25. Is there any discussion? Senator Johns.

26. SENATOR JOHNS:

27. Thank you, Mr. President. As one of the co-sponsors with
28. Senator Knuppel, this is an effort to meet a lot of the demands
29. of the Environmental Protection Agencies, the coal operators;
30. and I do appreciate his comments. They are truthful and forth-
31. right and I would appreciate the Body acting accordingly.

32. PRESIDENT:

33. Is there further discussion? Senator Nimrod.

SB 1480
Concurrence
6/8/80

- 1. SENATOR NIMROD:
- 2. Yeah. Just briefly. I...I just started to read into this
- 3. and it says it deletes everything after the enacting clause.
- 4. PRESIDENT:
- 5. Senator Nimrod.
- 6. SENATOR NIMROD:
- 7. Just...Senator Knuppel is trying to explain it to me. He
- 8. just explained what that...why we're deleting the whole thing.
- 9. I would appreciate it.
- 10. PRESIDENT:
- 11. I thought he just did that. Senator Knuppel.
- 12. SENATOR KNUPPEL:
- 13. It's...it started by deleting everything and then it
- 14. puts back in...it changes the statutory deadline for EPA to
- 15. submit to the PCB Revisions of sulfur dioxide standards. It
- 16. also says that the standards proposed by EB...EPA shall be
- 17. designed to enhance the use of Illinois coal, consistent
- 18. with the need to attain and maintain Federal standards for
- 19. sulfur...dioxide and particulate emission and the PCB shall
- 20. adopt sulfur dioxide regulations for existing emission sources
- 21. that are no more stringent than those necessary to meet National
- 22. Ambient Air quality standards.
- 23. PRESIDENT:
- 24. Is there any further discussion? If not, the question is
- 25. shall the Senate concur in House Amendment No. 1 to Senate Bill
- 26. 673. 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 49, the Nays are 1, none Voting Present. The Senate does
- 30. concur in House Amendment No. 1 to Senate Bill 673, and the
- 31. bill, having received the required constitutional majority,
- 32. is declared passed. 1480, Senator DeAngelis. Senator DeAngelis.
- 33. SENATOR DeANGELIS:

1. Mr. President, I wish to non-concur with House Amendment...

2. PRESIDENT:

3. 1 and 3?

4. SENATOR DeANGELIS:

5. Just 3.

6. PRESIDENT:

7. Senator Keats has requested a little earlier that you explain

8. what you're doing, please.

9. SENATOR DeANGELIS:

10. House Amendment No. 3 raises the allowance for adult education

11. from two dollars to three dollars and fifty cents.

12. PRESIDENT:

13. Senator Wooten.

14. SENATOR WOOTEN:

15. Yes, Senator, you've explained No. 3, what does No. 1 do?

16. PRESIDENT:

17. Senator DeAngelis.

18. SENATOR WOOTEN:

19. And...and do you wish to concur in No. 1?

20. SENATOR DeANGELIS:

21. Yes, Senator Wooten, I concur with No. 1. No. 1 puts in

22. some language that we had taken out in the Senate. It expands

23. the...the leasing provision to...it removes some of the limitations

24. on leasing in adjoining districts.

25. PRESIDENT:

26. Further discussion? Senator Davidson.

27. SENATOR DAVIDSON:

28. Inquiry. Does not...if he wants to concur on Amendment

29. No. 1, doesn't he have to move the amendment to concur and

30. then move to non-concur on the third one?

31. PRESIDENT:

32. Your inquiry is in order and correct. All right. The

33. question is shall the Senate concur in House Amendment No. 1

1. to Senate Bill 1480. Those in favor will vote Aye. Those
2. opposed will vote Nay. The voting is open. Have all voted
3. who wish? Have all voted who wish? Have all voted who wish?
4. Take the record. On that question, the Ayes are 53, the Nays
5. are 1, none Voting Present. The Senate does concur in House
6. Amendment No. 1 to Senate Bill 1480. House Amendment No. 3,
7. Senator DeAngelis.

8. SENATOR DeANGELIS:

9. I move to not concur on Amendment No. 3.

10. PRESIDENT:

11. All right. Senator DeAngelis has moved to non-concur in
12. House Amendment No. 3 to Senate Bill 1480. Those in favor
13. signify by saying Aye. Those opposed. The Ayes have it. The
14. motion carries and the Secretary shall so inform the House.
15. Senator Moore is on the Floor. Is there leave to go back to
16. Senate Bill 1441? Leave is granted. On the Order of Secretary's
17. Desk Concurrence is Senate Bill 1441. Mr. Secretary.

18. SECRETARY:

19. With House Amendments 1 and 2.

20. PRESIDENT:

21. Senator Moore.

22. SENATOR MOORE:

23. Thank you, Mr. President and members of the House. House
24. Amendment No. 1 to Senate Bill 1441, changes the reporting date
25. from July 1, '80 to March 1, '81 of the Commission on the Re-
26. vitalization of Midway Airport. I was requested to do this.
27. They are still completing their work in getting the report ready.
28. There are no additional monies involved. I would move to concur
29. in Amendment No...in House Amendment No. 1. House Amendment No.
30. 2 increases the membership of the Legislative Advisory Committee
31. on Public Aid. The...this Body did pass that bill. It got tied
32. up in Rules and didn't get out. There will be four additional
33. members to the LAC, one Republican, one Democrat from the House;

1. one Republican, one Democrat from the Senate; and I would move
2. to concur in House Amendment No. 2 to Senate Bill 1441.

3. PRESIDENT:

4. All right. Senator Moore has moved to concur with House
5. Amendments No. 1 and No. 2 to Senate Bill 1441. Any discussion?
6. Senator Wooten.

7. SENATOR WOOTEN:

8. I just rise in support of the concurrence. I might mention
9. that House Amendment No. 2 also increases membership in the Land
10. Resources Management Study Commission and I think both of these
11. amendments are in order and we ought to concur.

12. PRESIDENT:

13. All right. Senator Moore has moved to concur in House
14. Amendments 1 and 2 to Senate Bill 1441. Further discussion?
15. If not, the question is shall the Senate concur in House Amend-
16. ments 1 and 2 to Senate Bill 1441. Those in favor will vote
17. Aye. Those opposed will vote Nay. The voting is open. Have
18. all voted who wish? Have all voted who wish? Take the record.
19. On that question, the Ayes are 53, the Nays are 2, none Voting
20. Present. The Senate does concur in House Amendments 1 and 2
21. to Senate Bill 1441 and the bill, having received the required
22. constitutional majority, is declared passed. 1497, Senator
23. Berning. On the Order of Secretary's Desk Concurrence is Senate
24. Bill 1497, Mr. Secretary.

25. SECRETARY:

26. Senate Bill 1497 with House Amendments 1, 3 and 4.

27. PRESIDENT:

28. Senator Berning.

29. SENATOR BERNING:

30. Thank you, Mr. President. I move to concur with Amendments
31. 1, 2...1, 3 and 4 to Senate Bill 1497. Senate Bill...Amendment
32. No. 1, I'm sorry, is the Attorney General's amendment; and let
33. me remind you that 1497 is the Inheritance Tax Deferred Payment

1. Authorization legislation. Amendment No. 1, I repeat, was the..
2. is the Attorney General's recommendation, which includes, rather
3. than definitive language, the Federal Statutes by reference.
4. Amendment No. 3 deletes the original requirement that the pay-
5. ments be made to the State treasurer and they will now then,
6. be made to the county treasurer, as all other Inheritance Tax
7. payments. And Amendment No. 4 is the effective date, making it
8. effective December 31st, 1980. By way of comparison to House
9. Bill 2823, they are now identical except for the amendment of
10. Senator D'Arco to 2823, which increased the percentage rate.
11. That, of course, is now before the House; but I would move to
12. concur with Amendments 1, 3 and 4 to 1497 and send it on to the
13. Governor.

14. PRESIDENT:

15. All right. Senator Berning has moved to concur with House
16. Amendments 1, 3 and 4 to Senate Bill 1497. Any discussion?
17. Senator Netsch.

18. SENATOR NETSCH:

19. A question of the sponsor.

20. PRESIDENT:

21. Indicates he will yield. Senator Netsch.

22. SENATOR NETSCH:

23. Thank you. And partly for the reason that you just called
24. to order, I could not hear a good deal of your explanation,
25. Senator Berning, and I'm quickly looking through the...the ex-
26. planation of House Amendment No. 3. Does this, in fact, raise
27. the county share of the Inheritance Tax, Statewide?

28. PRESIDENT:

29. Senator Berning.

30. SENATOR BERNING:

31. No.

32. PRESIDENT:

33. Senator Netsch.

1. SENATOR NETSCH:

2. That provision is entirely out, and it now deals only with
3. the...the original purpose of the bill, is that...?

4. PRESIDENT:

5. Senator Berning.

6. SENATOR BERNING:

7. Senator, Amendment No. 3 deletes the requirement of the
8. original bill that the Inheritance Tax deferred payments be
9. made directly to the State treasurer. They now will go to
10. the county treasurers as all other Inheritance Tax payments
11. go. The raise in the percentage was a separate amendment to
12. the House Bill, and the House sponsor of 1497 did not provide
13. us with that amendment, so, it is not in 1497.

14. PRESIDENT:

15. Further discussion? All right. Will the Senators be in their
16. seats. Will the staff take the conferences off the Floor. Will
17. the Pages please be seated until called for. We will attempt to
18. handle the Calendar with some dispatch. We really don't have
19. that much to do here. Senator Egan.

20. SENATOR EGAN:

21. Yes. Thank you, Mr. President and members of the Senate. I
22. am informed that...and I have a copy of Senate...of the House
23. Amendment No. 1 on page five that clearly makes the payment directly
24. to the State, Senator Berning, and it was my objection that the
25. House changed your bill, because your bill originally would allow
26. the County of Cook to receive the money directly, as was the
27. unanimous opinion of this Body. When it went to the House that
28. was changed, and that's my only objection; but that's a serious
29. objection. Well...but I...I...you know, it's...it's...it's not
30. clear. Amendment No. 1 is the first amendment and Amendment No.
31. 3 is the later amendment, so, I would seriously request, Senator
32. Berning, that we...

33. PRESIDENT:

1. Senator Berning.

2. SENATOR BERNING:

3. Well...you apparently are correct, Senator Egan, if this...

4. section...no, Section 20...Section 20 is deleted by Amendment

5. No. 3. Section 20 and Section 21 are deleted; so that the original

6. provision for payment to the State treasurer is now removed.

7. PRESIDENT:

8. Further discussion? Senator Egan.

9. SENATOR EGAN:

10. Yes. Senator Berning, now that we have thoroughly reflected

11. on it, Amendment No. 3 does, in fact, correct my objection. So,

12. I would rise in support of your motion to concur.

13. PRESIDENT:

14. Further discussion? Senator Wooten.

15. SENATOR WOOTEN:

16. No, that's okay.

17. PRESIDENT:

18. Senator Berning, do you wish to close?

19. SENATOR BERNING:

20. Roll call, Mr. President.

21. PRESIDENT:

22. The question is does the Senate concur in House Amendments

23. 1, 3 and 4 to Senate Bill 1497. Those in favor will vote Aye.

24. Those opposed will vote Nay. The voting is open. Have all

25. voted who wish? Have all voted who wish? Have all voted who

26. wish? Take the record. On that question, the Ayes are 36,

27. the Nays are 15, none Voting Present. The Senate does concur

28. in House Amendments 1, 3 and 4 to Senate Bill 1497; and the bill,

29. having received the required constitutional majority, is declared

30. passed. Senator Gitz on 1404. On the Order of Secretary's Desk

31. Concurrence is Senate Bill 1404, Mr. Secretary.

32. SECRETARY:

33. 1404 with House Amendment No. 5.

1. PRESIDENT:
2. Senator Gitz.
3. SENATOR GITZ:
4. I move to non-concur.
5. PRESIDENT:
6. Senator Gitz moves to non-concur in House Amendment No. 5.
7. We are under the Keats Rule. I understand. I'm going to ask
8. the Senator to explain why he does not wish House Amendment No.
9. 5. Senator Gitz.
10. SENATOR GITZ:
11. Thank you, Mr. President. The House amendment that was added
12. to this bill adds language which is totally messed up. It is the
13. most candid way I can explain it. I'm not sure what the purpose
14. of the amendment or what it accomplishes if it was approved, but
15. when it talks about the failure of main water systems, there's
16. something drastically wrong; and I've talked to the House sponsors
17. about it and we have new language which we're going to put in
18. this bill that will put it in proper form. And so that's why we
19. need to non-concur.
20. PRESIDENT:
21. Further discussion? Senator Wooten.
22. SENATOR WOOTEN:
23. Nope. Nope. Nope.
24. PRESIDENT:
25. Senator Donnewald.
26. SENATOR DONNEWALD:
27. ...Senator Gitz, is this bill..in the form that it presently
28. is, is this the bill that provides for non...chlorinating
29. water of cities and villages under the population of, what, five
30. thousand? And is that going to remain in this bill?
31. PRESIDENT:
32. Senator Gitz.
33. SENATOR GITZ:

1. The language which we have worked out will require stand-by
2. water systems in easements...municipalities, it will reiterate
3. the regular inspections of the water systems, the regular water
4. samples to be taken. It will clarify that if there is contamination
5. that they will be required to take any and all steps necessary,
6. including chlorination. So, the new language will go a great
7. deal towards meeting all of the objections that have been filed.
8. If you don't like the bill now...I mean, if you don't like the
9. bill in those conditions, you certainly don't like it in the
10. present condition that it's in.

11. PRESIDENT:

12. Senator Donnewald.

13. SENATOR DONNEWALD:

14. Well...we'll...we'll be arguing that a little later, but
15. to eliminate chlorination, you understand that on many, many
16. small communities have water wells, only maybe fifty to a hundred
17. or less in depth and can be contaminated in a matter of minutes;
18. and then it's too late. You might have an epidemic before you
19. can resolve it. But that's all right; we'll get to that later.

20. PRESIDENT:

21. All right. Senator Gitz has moved to non-concur in House
22. Amendment No. 5 to Senate Bill 1404. Those in favor signify by
23. saying Aye. Those opposed. The Ayes have it. The motion carries
24. and the Secretary shall so inform the House. 1500, Senator Joyce.
25. 1505, Senator Maitland. On the Order of Secretary's Desk Concurrence,
26. Senate Bill 1505, Mr. Secretary.

27. SECRETARY:

28. Senate Bill 1505, with House Amendment No. 1...2 and 4.

29. PRESIDENT:

30. Senator Maitland.

31. SENATOR MAITLAND:

32. Thank you, Mr. President and Ladies and Gentlemen of the
33. Senate. I move that the Senate concur in House Amendment No. 1.

1. House Amendment No. 1, quite frankly and honestly, substantially
2. changes the bill as to what it was when it left this Chamber.
3. Very briefly what it does, is to prohibit the knowing sale of
4. tobacco accessories or smoking herbs to persons under the year...
5. under eighteen years of age. I moved to concur, didn't I?

6. PRESIDENT:

7. Senator Maitland has moved to concur with House Amendment
8. No. 1 to Senate Bill 1505. Any discussion? Senator Sangmeister.

9. SENATOR SANGMEISTER:

10. Yes, Mr. President and members of the Senate, you have your
11. own digest, you can look at it. Without going into detail, you
12. can see at first glance that this bill has been substantially
13. changed over in the House; and I think, in my opinion, has been
14. completely gutted, and I think it will accomplish no purpose
15. whatsoever. We might as well have no Paraphernalia Law as to
16. have this one. The Act that went through this House was the
17. model Act, if as I remember correctly, and was properly put
18. together; and there's been an attempt over in the House, apparently,
19. to reduce this down to a nothing bill and I would oppose any
20. concurrence in any House amendments on this bill.

21. PRESIDENT:

22. Further discussion? Senator Knuppel.

23. SENATOR KNUPPEL:

24. Well, as I understand it, it deals with just youngsters under
25. eighteen, and I think that just to even have these establishments
26. where they can sell this paraphernalia, if they can sell it to
27. people over eighteen is still wrong; and I agree with Senator
28. Sangmeister. This is one good bill to go to Conference Committee.

29. PRESIDENT:

30. Further discussion? Senator Bowers.

31. SENATOR BOWERS:

32. I would like to echo the sentiments of the last two speakers.
33. I think they've...mercilessly decimated the bill. In addition

1. to that, I want to make one other point. It...it's worse than
2. nothing, because many of the local municipalities, at least
3. in my area, have their own ordinances. Even under the bill
4. we passed, they were complaining; and many of the police chiefs
5. were complaining because they felt their own ordinances were
6. better. This preempts those ordinances and would...would make
7. them ineffective, and...and to...to, in effect, repeal those
8. local ordinances that are rather strong, with something that
9. means nothing, I think, would be terrible; and I would also
10. urge that we vote No on this motion.

11. PRESIDENT:

12. Further discussion? Senator Buzbee.

13. SENATOR BUZBEE:

14. Well, you know, I...I...Senator Maitland was in agreement
15. with your original intent in the bill; although I...I probably
16. cast one of the worst votes I've ever cast since I've been
17. here when I voted for it, because...but this is...this is
18. absolutely...this is ludicrous. If you read the language,
19. it says that we're going to define smoking accessories, now,
20. to mean cigarette papers, pipes...I forgot mine this morning,
21. but I wouldn't be able to buy a pipe...cigarette rolling machines,
22. holders or smoking materials; and then you're going to make it
23. illegal for anybody under the age of eighteen, is that correct,
24. to buy cigarette papers? Well, you know down where I come from,
25. a lot of folks still roll their own, and I don't mean...I don't
26. mean the grass type. Yeah, that's right. Just down home. And
27. now you're going to make it illegal for a kid under eighteen to
28. go in and buy a package of cigarette papers to...to smoke...to
29. smoke a Prince Albert cigarette, is that correct? I vote No.

30. PRESIDENT:

31. Further discussion? Senator Netsch.

32. SENATOR NETSCH:

33. Thank you, Mr. President. I spoke somewhat against this bill

1. when it first came through the Senate, and...and I would speak
2. much more strongly now, partly, because I think the amendments
3. have made a bad bill considerably worse. But I would like to
4. call attention of the members to the fact that, to the best of
5. my knowledge, every major agency in..not only in the State of
6. Illinois, but in the nation as a whole, that is concerned with,
7. and has a responsibility for attempting to curb drug abuse has
8. opposed the paraphernalia bills. The...the reasons are long
9. and complicated; they have to do in part with the actual text
10. of the bills and they have in part to do with the strong con-
11. viction that, if you have a law like this on the books, it is
12. a kind of activity that is visible; it's the sort of thing that
13. no one likes, and that gets people extremely excited and emotional
14. and that it's going to involve a tremendous diversion of law
15. enforcement efforts to just keep all of these places closed
16. down, and they are still not the basic problem. The problem
17. is the drugs, and you're not going to lure anyone into using
18. drugs by the kinds of things that are sold in these places, which
19. admittedly are...are very disagreeable and frequently obscene
20. if the drugs themselves are not available. And it's just nonsense
21. to think that this is going to be any kind of a solution to the
22. problem of drug abuse or to the problem of luring young kids into
23. starting to use drugs. I can't emphasize strongly enough that
24. not only the Illinois Dangerous Drugs Commission and the Advisory
25. Council, on which I serve, but the National Drug Abuse Groups,
26. including the one that is...has the most law and order reputation
27. among all the drug enforcement agencies have opposed this kind
28. of legislation, and I think we would be making a grave mistake
29. and really doing a disservice, because it in no way gets at the
30. real problem which is the drug itself. I would hope that we
31. would not concur and I would hope that the bill would ultimately
32. fail.

33. PRESIDENT:

1. Further discussion? Senator D'Arco.

2. SENATOR D'ARCO:

3. Thank you, Mr. President. I'm reliably informed by the
4. House sponsor that worked on this bill, Representative Cullerton,
5. that he added a new concept into this bill that I think is
6. very appealing to us all. It provides that the local municipality
7. can, by ordinance, zone these headshops out of existence; just
8. like a massage parlor, they can zone it...they can rezone the
9. area so the...massage parlor is no longer legal; and in effect,
10. that's what he's providing here, that these headshops that provide
11. all of the paraphernalia to smoke the marijuana would be pro-
12. hibited from existing in that zoned area. So, instead of attacking
13. it from a criminal aspect, which is difficult to enforce anyway,
14. he attacks it from a...a civil, municipal, legal point of view,
15. and they just wouldn't be able to exist in the area. I think
16. that's very good.

17. PRESIDENT:

18. Further discussion? Senator Nimrod.

19. SENATOR NIMROD:

20. Thank you, Mr. President. I would seek leave to be shown
21. as a co-sponsor of this bill.

22. PRESIDENT:

23. Senator Nimrod seeks leave to be shown as a co-sponsor of
24. Senate Bill 1505. Is leave granted? Leave is granted. Any
25. further discussion? Senator Maitland may close. I beg your
26. pardon, Senator Mitchler.

27. SENATOR MITCHLER:

28. Yes, I had introduced a similar bill, and this was the one
29. that was worked on, so I would like to ask leave to be added as
30. a co-sponsor.

31. PRESIDENT:

32. Senator Mitchler also asks leave. Is leave granted? Leave
33. is granted. Senator Maitland may close.

1. SENATOR MAITLAND:

2. Thank you, Mr. President and Ladies and Gentlemen of the
3. Senate. I appreciate the comments of Senator D'Arco, and I,
4. perhaps, should have made those comments in my opening remarks.
5. Those are contained in a subsequent...those provisos are con-
6. tained in a subsequent amendment which will...which will be
7. offered momentarily, if this one...if this one carries. I
8. comment once again to Senator Netsch. It's...it's very difficult
9. sometimes for a layman to stand on this Chamber Floor and...and
10. debate with...with some of the articulate lawyers, but those of
11. us who have these kinds of shops in our communities are extremely
12. concerned, and quite frankly, honestly don't know, really, what
13. direction we should go to attempt to close them down. But I
14. would suggest to you, once again, that those ordinance...that have
15. been invoked in some of the collar-county communities have been
16. successful; the Hoffman Estates one has stood a test, the bill
17. that we originally introduced has stood the test as a local
18. ordinance; so I think, in fact, whatever regulation we finally
19. pass will ultimately stand the test. And I think it's imperative;
20. I think it's necessary that we have something more than local
21. ordinances sprouting up around the State. I think we need some
22. minimum standard in the State. And I think this is one step in
23. that direction and I would urge the Body's concurrence with this
24. particular amendment.

25. PRESIDENT:

26. Senator Maitland has moved to concur in House Amendment No.
27. 1 to Senate Bill 1505. Those in favor will vote Aye. Those
28. opposed will vote Nay. The voting is open. Have all voted who
29. wish? Have all voted who wish? Have all voted who wish? Take
30. the record. On that question, the Ayes are 23, the Nays are 31.
31. The Senate does not concur. Senator Maitland, what's your pleasure
32. with respect to 2 and 4?

33. SENATOR MAITLAND:

1. Mr. President, I believe that both 2 and 4 would be rendered
2. superfluous now, and I would...would move that we take the
3. appropriate action, whatever that is.

4. PRESIDENT:

5. All right. Senator Maitland moves to non-concur in House...
6. further moves to non-concur in House Amendments 2 and 4 to Senate
7. Bill 1505. Those in favor signify by saying Aye. Those opposed
8. Nay. The Ayes have it. The motion carries and the Secretary
9. shall so inform the House. Senator Netsch, for what purpose
10. do you arise?

11. SENATOR NETSCH:

12. Just to clear my conscience. I spoke against the bill...

13. PRESIDENT:

14. \ It's impossible.

15. SENATOR NETSCH:

16. ...and then ended...thank you very much, Mr. President,
17. and then ended up voting for it. I was under the mistaken
18. impression that the motion was phrased the other way. My
19. vote Yes was incorrect; it should have been No.

20. PRESIDENT:

21. 1510, Senator Schaffer. On the Order of Secretary's Desk,
22. Concurrence is Senate Bill 1510, Mr. Secretary.

23. SECRETARY:

24. Senate Bill 1510, with House Amendments 2, 3 and 4.

25. PRESIDENT:

26. Senator Schaffer.

27. SENATOR SCHAFFER:

28. Mr. President, I would like to move to concur on the first
29. two amendments and non-concur on the third, in the hopes that
30. the House would reach a more reasonable conclusion. Amendment
31. No. 2...House Amendment No. 2 cleans up the language and defines
32. what a Township Central Committee is...Some of the Cook County
33. people were concerned that the language we had might have the

1. effect of excluding Cook County, which I don't think it did,
2. but this seems to make them happy.

3. PRESIDENT:

4. Senator Lemke.

5. SENATOR LEMKE:

6. What's the third amendment?

7. PRESIDENT:

8. Well, he...the...the motion is to concur with House Amendment
9. No. 2. We will get to Number 3, I assume. The discussion is on
10. House Amendment No. 2. Any discussion? All right. If not, the
11. question is shall the Senate concur in House Amendment No. 2
12. to Senate Bill 1510. Those in favor will vote Aye. Those opposed
13. will vote Nay. The voting is open. Have all voted who wish?
14. Have all voted who wish? Take the record. On that question, the
15. Ayes are 51, the Nays are none, none Voting Present. The Senate
16. does concur in House Amendment No. 2 to Senate Bill 1510.

17. Senator Schaffer.

18. SENATOR SCHAFFER:

19. Amendment No. 3...House Amendment No. 3 provides that if
20. the board of trustees in the township don't fill a vacancy
21. within a hundred and twenty days, the electors, at a special
22. town meeting, may select a qualified person to fill the vacancy.
23. I don't think it's something that would be used, but I guess
24. there were a couple of situations where vacancies weren't filled
25. around the State. I don't think there's any controversy on the
26. amendment.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. The motion...the motion is to concur with Amendment No. 3
29. to Senate Bill 1510. Is there discussion? Senator Bowers.

30. SENATOR BOWERS:

31. Isn't the present law that the board itself replaces?

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Schaffer.

1. SENATOR SCHAFFER:

2. Yes, that is the law, and this simply says if they don't
3. do it after a hundred and twenty days that...a special meeting
4. of the electors would be called. Evidently, there are some
5. situations where these vacancies hang on and on and on. The
6. Township Officials Association is in support of the amendment
7. or I wouldn't consider it.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Bowers.

10. SENATOR BOWERS:

11. Just out of curiosity, who calls the meeting of the town
12. electors?

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Schaffer.

15. SENATOR SCHAFFER:

16. I would assume the township supervisor. Okay, I see a
17. couple of hands up. I...

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Moore.

20. SENATOR MOORE:

21. Yes. To answer the question; either the town board can
22. call for a special meeting, or a petition signed by "x" number
23. of electors can call a town meeting, Senator.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Further discussion? Further discussion? The question is
26. on the concurrence with Amendment No. 3 to Senate Bill 1510.
27. Those in favor vote Aye. Those opposed vote Nay. The voting
28. is open. Have all voted who wish? Have all voted who wish?
29. Take the record. On that question, the Ayes are 55, the Nays
30. are none, none Voting Present. The Senate does concur in House
31. Amendment No. 3 to Senate Bill 1510. Amendment No. 4. Senator
32. Schaffer, the Chair is just curious; if we're going to concur,
33. we...we could take all three of these amendments on one roll call

1. as opposed to three roll calls, if you wish. Okay. Senator...
2. on Amendment No. 4, Senator Schaffer.

3. SENATOR SCHAFFER:

4. I wish I could concur on all three. House Amendment No. 4
5. repeals the requirement that township assessors in townships
6. with a population of twenty-five thousand and more have the
7. CIAO certification, the Certified Illinois Assessor's Certification
8. in order to run for office. There evidently is a situation in
9. Cook County where a couple of the assessors evidently can't pass
10. the test, or don't feel they should or something, and they want
11. this requirement repealed. Downstate, we feel very strongly that
12. the large township supervisors should, in fact, have this
13. qualification; and I...I understand that the role of the assessor
14. in Cook County is considerably different than downstate, and I'm
15. confident we can work out a compromise if the House doesn't
16. want to recede.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Is there discussion? Senator Lemke.

19. SENATOR LEMKE:

20. No, I think Senator Schaffer is misleading you. This
21. does not repeal that provision. All it does is extend it to
22. 1985, so we can allow those...those township assessors in the
23. State to reach their retirement. That's all it says. 'Cause
24. they're afraid in their age, they're going to have a hard time
25. to pass the test and study, and we all know older people have
26. a harder time to study...take the exam. And what this amendment
27. does is simply...Representative Conti wants this amendment,
28. 'cause it simply allows those assessors that have served their
29. townships for a long time to reach their retirement, and I
30. think it's a good amendment.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. And...Ladies and Gentlemen, Senator Schaffer's motion is
33. to non-concur with...with House Amendment No. 4. Is there

1. further discussion of the motion to non-concur? Senator Philip.

2. SENATOR PHILIP:

3. Thank you, Mr. President and Ladies and Gentlemen of the
4. Senate. I have talked to Representative Conti, he's agreed
5. to get it in Conference Committee and put on an amendment to
6. have it only apply to Cook County. He's agreed to that, Senator
7. Schaffer has agreed to that; I think we can work it out, so,
8. I suggest that Senator Schaffer's motion should prevail.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Further discussion of the motion to non-concur? Senator
11. Rock.

12. SENATOR ROCK:

13. Does...Conti now speak for the County of Cook?

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Further discussion? On the motion to non-concur, those in
16. favor say Aye. Opposed Nay. There's been a request for a roll
17. call. The motion is to non-concur with House Amendment No. 4.
18. Those in favor will vote Aye. Those opposed will vote Nay.
19. The voting is open. It will require a simple majority to non-
20. concur...a simple majority. Have all voted who wish? Have
21. all voted who wish? Take the record. On that question, the
22. Ayes are 25, the Nays are 30. The motion to non-concur is lost.
23. Senator Schaffer.

24. SENATOR SCHAFFER:

25. There appears to be a breakdown in communications here. I
26. would like to take this bill out of the record.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator, we...we'd love to, but we can't. We've already
29. concurred in two House amendments. It is before the Body.
30. I...I don't know exactly how we can take it out of the record,
31. we've concurred in two amendments. Senator Rock.

32. SENATOR ROCK:

33. Parliamentary inquiry. Where are we?

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Well, at this point on...

3. SENATOR ROCK:

4. On a vote to non-concur, with 30 affirmative votes, is
5. the next motion automatic that we concur?

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Well, frankly, Senator Rock, the Parliamentarian and I
8. are discussing exactly who, in this particular situation, can
9. now make a motion to concur. And since Senator Schaffer...

10. SENATOR ROCK:

11. I'd be happy to.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. I know you would. Under Rule 43, the rules of the Senate
14. state that no Senate bill shall be returned to the Senate with
15. House amendments...which shall be returned to the Senate with
16. House amendments, shall be called from the Secretary's Desk,
17. except by the principal sponsor. The difficulty that is pre-
18. sented to the Chair is, in fact, he has called it from the
19. Secretary's Desk, and the rules are silent as to having done
20. that act, what, in fact, follows. Senator Bowers.

21. SENATOR BOWERS:

22. Well, it seems to me...it seems to me, Mr. President, that
23. the record roll calls have been taken on the first two amendments;
24. now, the bill is still before the Body, that's correct. But if
25. you refuse to let the sponsor now take it from the record, simply
26. because we've already done some of the action on it, you've...he's
27. lost control of the bill, and I don't think that's the intent of
28. our rules.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Savickas.

31. SENATOR SAVICKAS:

32. Well, I think on that point of Senator Bowers', at this point,
33. that some of us should be allowed to make a motion to concur.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Well, Senator Savickas, frankly, you might not want a
3. ruling like that. Think about it for awhile. Senator Berman.

4. SENATOR BERMAN:

5. That was my comment, Mr. President. I think that, traditionally,
6. we have followed the rule that a bill is controlled by the sponsor,
7. and I think that if we depart from that and say that a motion to
8. concur, as a matter of fact, you know, the...the last motion that was
9. taken here the sponsor had moved to non-concur and that motion was
10. denied; I guess that's parliamentary...proper, but I think it is
11. somewhat, even, a departure of the general understanding that a
12. sponsor could non-concur and get that bill into a Conference
13. Committee; but be it as it may, if that's the precedent that
14. we have set here that you can call for a roll on a motion to
15. non-concur, let that be; but it would cause me great personal
16. concern if the sponsor then, automatically, lost the bill and
17. anybody could move to...to concur. I think the sponsor should
18. always have the privilege that if the thing isn't going the way
19. he wants it, he can Table that bill and that's, I think, that's
20. the tradition that we have followed and it has stood us all in good
21. stead and I would suggest that that be the way we continue
22. it.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Knuppel.

25. SENATOR KNUPPEL:

26. Well, I...I think, maybe, that Senator Schaffer is on the
27. horns of a dilemma; it's his bill. I voted on the prevailing
28. side and to give him back control of his bill, which apparently...
29. it's in limbo now; I'd be happy to file a motion to reconsider,
30. having voted on the prevailing side, if he wants that.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Schaffer.

33. SENATOR SCHAFFER:

SB 1524
Concurrence

1. ...Where am I? I mean, I know I...
2. PRESIDING OFFICER: (SENATOR BRUCE)
3. Do you wish to proceed with this?
4. SENATOR SCHAFFER:
5. ...I'd like to take it from the record.
6. PRESIDING OFFICER: (SENATOR BRUCE)
7. The Secretary informs me that, with leave of the Body,
8. we can leave this bill exactly where it is right now, and
9. since there is a breakdown in communication, it appears; it
10. will appear on the Calendar, if nothing else happens, until
11. tomorrow, with only Amendment No. 4 for further consideration
12. of the Body. Is there leave? Leave is granted. Senate
13. Bill 1524, Senator Sangmeister. Do you wish to proceed? On
14. the Order of Concurrence is Senate Bill 1524, with House
15. Amendments 1, 4, 5 and 6. Senator Sangmeister is recognized.
16. SENATOR SANGMEISTER:
17. Thank you, Mr. President and members of the Senate. At
18. this time I would move that we concur with House Amendments
19. No. 1, 4, 5 and 6 to Senate Bill 1524. Before discussing
20. those amendments, for the purpose of establishing legislative
21. intent, I would just like to put a few items into the record.
22. Amendment No. 5 changes the title of the bill and excludes the
23. Code Sections addressed by Amendments No. 1 and 4. Amendment
24. No. 5 strikes everything after the enacting clause in the bill,
25. thereby intending to strike all prior amendments. The House
26. sponsor of Amendments No. 1 and 5 stated on the House record,
27. that Amendment 5 was specifically designed to delete all references
28. to the issue involved in Amendments 1 and 4. The House agrees...
29. the House sponsor of Amendment No. 4 stated that his opposition
30. to Amendment No. 5 was due to the fact that it deleted Amendment
31. No. 4, and in response to a question on the Floor, on the vote
32. on 3rd reading, Representative Daniels stated that the bill
33. involved only two issues, habitual offenders and residential

1. picketing. These factors taken together, clearly demonstrate
2. that the House was aware of the fact and intended that Amend-
3. ments 5 and 6 delete all prior amendments. Accordingly, the
4. Senate's concurrence in all amendments, will not operate to
5. expand the bill beyond Amendments 5 and 6. Now, you should
6. understand that 1524...Senate Bill 1524 has nothing to do with
7. the original title that you see on your Calendar. Presently
8. in the bill, there is nothing to do with the viable fetus; the
9. bill has been stricken after its enacting clause, and a new
10. concept has been entered into. Ever since I've been in the
11. General Assembly, and in particular in the last four years,
12. I've worked in the House with Representative Kosinski, who
13. happens to be visiting us at this very time, to put back into
14. the law of the State of Illinois the Habitual Criminal Act.
15. As you know, when we passed Class X Felony, we once again
16. reinstated the Habitual Criminal Act, but never was in the
17. form that I ever thought it should be; and today, with the
18. passage and concurrence in these amendments, we will put it
19. into that shape. Under present law, you would have to be
20. convicted...first place, you have to understand we are talking
21. about the three-time loser, if that makes it a little easier
22. for some people. If you are a habitual criminal under our
23. Act, today, of course, you can be sentenced for life imprisonment
24. for conviction of the third felony. But under present law,
25. those felonies have to be after February 1st, 1978, and other
26. jurisdictions such as Federal and sister states would not apply.
27. What this amendment does is...exactly reversed that situation.
28. If you have presently two felonies, the third one, of course,
29. would operate to put the Act into operation; and also other
30. jurisdictions would qualify, providing their elements of their
31. crime were the same as the...the same or close to the elements
32. contained in the Illinois Statutes. Any of you that may have
33. any questions as to whether or not that is particularly con-

1. stitutional, if needed, I will recite to you the cases that
2. hold that you can have two prior convictions and get the third
3. one, and be sentenced under this Act, which makes it perfectly
4. constitutional. Also, I presume, there is going to be some
5. argument on this that we're going to have some individual who
6. is going to go out on a spree some night, and he's going to
7. have three felonies in one night, and he's going to be convicted
8. under the Habitual Criminal Act. We have protection in this bill
9. that that will not happen. So, that argument will not prevail.
10. Also, we have provided in the bill that there is a twenty-
11. year period, excluding the period of time that you may be in jail;
12. in other words, those felonies have to be within the twenty-year
13. period, but if you are serving time in a penal institution, of
14. course, that time is exempted. I...I think it's time in Illinois
15. that...oh, there is one other aspect to it. Representative
16. Marovitz, in the House, and Representative Daniels wanted to
17. correct a situation by a very recent June 20th, 1980, Supreme
18. Court decision of Carey vs. Brown; and this is Amendment No. 6, in
19. which we are asking your concurrence, pertaining to residential
20. picketing. They set aside the...the Illinois Residential Picketing
21. Act and the reason that they set it aside is, because there was
22. one exception in the Statute that made it unconstitutional. We
23. have removed that exception, and I don't think any of us or anyone
24. else, as we've always stated, our home is our castle, we don't
25. need people picketing around our house, and this amendment will
26. prevent that. This has nothing to do with labor or anyone else
27. being able to picket a business place, where if that residence
28. is even being used as a business it can be picketed. But it will
29. prevent and put back into our law, which I think is very important,
30. the prevention of any residential picketing. I think this is a...a
31. fine piece of legislation. It's like I say, it's something that
32. I've worked on for a long time. I think it's time in Illinois that
33. the revolving door be over. This bill certainly will and certainly

1. shall strike fear in the heart of every felon that we have in
2. the State of Illinois, and I don't need to sit here and tell
3. you the information that you already have of how many repeat
4. offenders we have that you'll be taking off our streets. There's
5. no question, this is very hard-line criminal law, and...but it's
6. something that is absolutely necessary. The one person that
7. gives us more person...more problems than anyone else, is the
8. repeat offender, and it's time that we take that person off
9. the streets; and if we enact this into law, it will certainly
10. do it. It is hard-line law. I might say to you, that if I were
11. representing a person who was convicted of his second felony
12. in the State of Illinois, my advice would be to him, when this
13. is law; you better get out of Illinois.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Discussion? Senator Wooten.

16.

(End of reel)

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1. SENATOR WOOTEN:

2. Just a brief observation. I sure wish we'd go back to
3. the original subject, because that's what we've been talking
4. about. The whole legislative process gives us an opportunity
5. to tangle with these problems and think about them through
6. 2nd and 3rd reading. To jump into this subject on Concurrence
7. is just a little dislocating. Let me ask you, Senator Sangmeister;
8. I don't know that much about this subject, does this apply to
9. all felonies, or just Class X Felonies?

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Sangmeister.

12. SENATOR SANGMEISTER:

13. It applies to all Class X offenses and murder, in that we have
14. added a few additional triggering categories, such as home
15. invasion, heinous battery, hard drug sales, calculated criminal
16. drug conspiracy and armed violence.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Wooten.

19. SENATOR WOOTEN:

20. Well, the reason I'm concerned; as I recall, we've added
21. some...some Class 4 Felonies, and I, myself, had a bill to make
22. what was formerly a misdemeanor, a Class 4 Felony in order to
23. have the power to extradite; and I believe that was the argument
24. used in just one other area. If you limit this to Class X
25. Felonies, I think that's one thing. If you add other categories
26. of felonies, I...I don't know; I certainly wish we had a little
27. more time to discuss this in some depth. I...I am afraid to
28. take action on this concept, without having had time to rattle
29. around in debate.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. For what purpose does Senator Berman arise?

32. SENATOR BERMAN:

33. Mr. President, on a point of order. Is the motion before

1. us to concur on all four amendments?

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Sangmeister has made the motion to concur with
4. House Amendments 1, 4, 5 and 6.

5. SENATOR BERMAN:

6. I move to divide the question.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. If...if...under our rules, the question may be divided
9. if Senator Berman is...is joined by any other Senator. It
10. takes two Senators to do so. Senator Hall...Senator...There
11. are sufficient numbers. The question is divided. All right.
12. Then the motion will be on the concurrence with House Amend-
13. ment No. 1; and perhaps, Senator Sangmeister, if you would
14. explain that solely, by itself, we can limit the debate to
15. Amendment No. 1. Senator Berman.

16. SENATOR BERMAN:

17. Well, may I suggest on...on the division of the question;
18. I think that it should then be up to the sponsor to proceed...
19. which motion he wishes, and I would only suggest that because
20. you have 5 which strikes everything after the enacting
21. clause; that's your key one. You move on 5, and then you
22. know where you're at. 5 and 6 are the changes that make
23. the bill different than...than the way it left the Senate; so,
24. I think that to move on 1 and...1 and 4 before 5 and 6, really
25. doesn't make much sense. I think you want to address 5 first,
26. and...and then you know where you're at on the bill.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Sangmeister, do you...how do you wish to proceed
29. on the amendments?

30. SENATOR SANGMEISTER:

31. Well, what he is indicating, of course, is true. If you're
32. going to divide the...the issue, No. 5 knocks out 1 and 4; so,
33. you know, to talk about 1 and move one way or another on it,

1. we get to 5; if we adopt 5, it's going to knock out 1 and 4.
2. So, there's really...it's really an exercise in futility to talk
3. about 1 and 4 when 5 knocks it out.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Part of the...part of the difficulty is that we should
6. never have gotten Amendments 1 and 4, anyway, and that the
7. House knocked them off; but we are faced with the parliamentary
8. dilemma, is that the House message, in fact, contains Amendments
9. 1 and 4, and we will have to do something with them, and as
10. Senator Sangmeister points out, Amendment No. 5 strikes all of
11. 1 and 4, and if we were to fail to adopt some of these, it may,
12. in fact, make a very messy record. Senator Berman.

13. SENATOR BERMAN:

14. Well, because of that, I'll amend my motion to merely
15. divide the question as to Amendment 6. Let 1, 4 and 5 be
16. considered together and...and then, I...I really...I merely
17. request a division as to 6, 'cause some of us may want to
18. concur on 5 and not...or vice versa...upon this issue.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Well, we'll make attempt...Well, Senator Berman, perhaps
21. the best thing is to allow the sponsor to make those...the
22. question is divided, and...and Senator Sangmeister is recognized
23. in...in the manner in which he wishes to proceed.

24. SENATOR SANGMEISTER:

25. Well, I have no choice, because as I understand where we're
26. at right now, it's been divided, whether I want it that way or
27. not; so, it's...now it's a matter of where we're going to go
28. first. Senator Bowers may want to be heard, but I would think
29. at this point, then, we ought to go forward with...with No. 5
30. first, because that will obviously resolve the situation; but
31. Senator Bowers, has a point, maybe you want to defer to him.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Bowers, for what purpose do you arise?

1. SENATOR BOWERS:
2. Well, now that we know the basis of Senator Berman's motion,
3. if I may suggest to Senator Sangmeister; I think you're going to
4. get a terrible record if you do that, and why don't you proceed
5. on the first three of them, if there's no objection; and we'll
6. vote on those. Then we'll go to the last one. At least you'll
7. then have a concurrent record that's not going...that's not going
8. to goof up the whole procedure.
9. PRESIDING OFFICER: (SENATOR BRUCE)
10. For what purpose does Senator Sangmeister arise?
11. SENATOR SANGMEISTER:
12. Take this out of the record.
13. PRESIDING OFFICER: (SENATOR BRUCE)
14. Is there leave? Leave is granted. Senate Bill 1544, Senator
15. Lemke. Are you ready to proceed on...for what purpose does
16. Senator Savickas arise?
17. SENATOR SAVICKAS:
18. I would like to, at this time, go back to the Order of Senate
19. Bill 1510, so that we can non-concur with Amendment No. 4.
20. PRESIDING OFFICER: (SENATOR BRUCE)
21. All right. Is there leave to return to Senate Bill 1510?
22. Leave is granted. Senator Schaffer is recognized.
23. SENATOR SCHAFFER:
24. I believe we've cleared up communication. I'd like to move
25. to non-concur.
26. PRESIDING OFFICER: (SENATOR BRUCE)
27. The motion is to non-concur with Amendment No. 4 to Senate
28. Bill 1510. On that, is there discussion? Senator Hall.
29. SENATOR HALL:
30. Well, when he says, "he believes" that we're back, I just
31. want to know wheredid we go back to?
32. PRESIDING OFFICER: (SENATOR BRUCE)
33. Well, the motion is to non-concur, and I think there's...

1. Senator Schaffer is indicating there's agreement to that motion.
2. SENATOR HALL:
3. All right.
4. PRESIDING OFFICER: (SENATOR BRUCE)
5. Discussion? All in favor say Aye. Opposed Nay. The Ayes
6. have it. The Senate non-concurs with Amendment No. 4. Senator
7. Lemke, are you ready on 1544, Senate Bill? Senator Lemke is
8. recognized on Senate Bill 1544 with House Amendment No. 1.
9. Senator Lemke.
10. SENATOR LEMKE:
11. These are the ride sharing bills and I think I stated
12. here on the Floor when they came up...and to Senator Rock
13. and Senator Shapiro in Rules Committee that we didn't want
14. any additional amendments on it; so I move not to concur on
15. 1544...Amendment No. 1.
16. PRESIDING OFFICER: (SENATOR BRUCE)
17. The motion is to non-concur. Is there discussion? Is
18. there discussion? Senator, there's a request for what...an
19. explanation of the amendment. Perhaps, briefly, you would
20. do that, please.
21. SENATOR LEMKE:
22. Well, it's...this is an amendment that Representative
23. Tuerk doesn't want.
24. PRESIDING OFFICER: (SENATOR BRUCE)
25. Senator...Keats.
26. SENATOR KEATS:
27. Could you say that one more time? I think you've got that
28. backwards.
29. PRESIDING OFFICER: (SENATOR BRUCE)
30. Senator Lemke.
31. SENATOR LEMKE:
32. No, I was on the Floor of the House when Representative
33. Tuerk said that he would vote to get the bills in Conference

1. Committee, and he wanted this amendment off. He wanted all the
2. amendments off of all these bills. That's all he said.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Keats.

5. SENATOR LEMKE:

6. And I agreed that I would put them in Conference Committee
7. so we could work out the problems that they have with them.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Keats.

10. SENATOR KEATS:

11. I was thinking, before we go to Conference Committee there
12. ought to be something the matter with the bill, and you basically
13. have a good bill with an amendment that makes a good bill an
14. excellent bill. What it says, for the benefit of the Senate,
15. is, the amendment simply says that if the employer is not going
16. to be eligible for...or I should say, will not be liable for
17. injuries, during the operation of ride sharing. If we want
18. energy conservation, and we want this ride sharing, the only
19. way we're going to do it, is to make sure that it's a voluntary
20. situation. This amendment clears that up, and it makes a good
21. bill an excellent bill.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Lemke.

24. SENATOR LEMKE:

25. ...these bills out of the record 'till they get their act
26. in shape over there with Tuerk and Keats, because Tuerk's the
27. guy that don't want these amendments. I could care less.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Wooten, for what purpose do you arise?

30. SENATOR WOOTEN:

31. This goes back to the point we just dealt with, with
32. Senator Schaffer. If we are going to leave the sponsor in
33. control of the bill until we get to Conference Committee, he

1. makes the motion to concur or non-concur, and if he wants to
2. make non-concur, you know; that's the motion we have to deal
3. with.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Well, Gentlemen, we're...we're spending a lot of time on
6. parliamentary problems. The...the bill has been taken out
7. of the record. We're eventually going to have to face this
8. problem, but the Chair is not going to do it right now. Senate
9. Bill 1548, Senator Martin, with House Amendment No. 1...is
10. recognized.

11. SENATOR MARTIN:

12. Yes, I am going to move to concur in this amendment. It
13. makes some technical changes in the procedure to gain the
14. variance. It is agreed to by all parties, and I would move...
15. excuse me, concurrence with House Amendment No. 1.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. The motion is to concur with House Amendment No. 1 to 1545.
18. Is there discussion? Is there discussion? Senator Knuppel.

19. SENATOR KNUPPEL:

20. Well, I've reviewed this amendment, and I think there's a
21. lot of language at the end of it that's not necessary, and I
22. think we could do a better job on this bill...is this 1548?

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. That's correct, Senator.

25. SENATOR KNUPPEL:

26. ...by sending it to a Conference Committee. At the end of
27. the amendment, there's language that says something to the
28. effect that...it says that, if the...if the Environmental Protection
29. Agency doesn't grant the variance, that then it can go back to
30. the filing that was originally provided, which I think is true
31. anyway; so why put it in twice? And I think that would tend to
32. induce on this amendment, it provides the Agency may notify the
33. board of its recommendation. I think that if you're going to use

1. PCB, it should provide "shall" notify. Then, in the other part
2. of the amendment it says, "if the agency fails to take action
3. within thirty days after receipt of the request, the person
4. who instituted...who initiated a proceedings under Sub-Section A
5. of this Section 15, may then take it back to the other place."
6. Well, they've had that right all the time. I think that you...you
7. really undermine yourself, Senator, by leaving that in there.
8. I think that you can file both places the same time, and be
9. thirty days ahead. You can just file for a regular variance
10. at the same time you file for the other one. And I think you
11. weaken your position; and then, in the last sentence says, "the
12. board shall give prompt notice of its action to the public by
13. issuing a press release for distribution to newspapers of general
14. circulation in the county." Well, that's just an expense that...
15. that, I think, it's open, even if they deny the variance, that
16. they have to publish. It says, they have to tell them what they
17. did, and I...I just think the language at the end of the amend-
18. ment is...is something less than clear; I think it's vague. It
19. calls for a publication without commanding and so forth, I think
20. it would be better to send it to a Conference Committee and get
21. it cleared up and I think the bill doesn't necessarily do what
22. you want it to do right now.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Further discussion? Senator Martin.

25. SENATOR MARTIN:

26. Yes, this bill originally came at the response and request
27. of the Rockford Sanitary Districts and other districts around
28. this...the State. When the House amendment was proposed, they
29. met with the EPA and with the...Pollution Control Board. There
30. was agreement on this amendment. Now, that may not...you may
31. be right in suggesting it is not, then, a...the exact thing that
32. was introduced, and I should stand up and rant and rave. I
33. have to tell you, Senator, all the people out there that wanted

1. the bill are happy; the House is happy with it, and, frankly,
2. so am I. Maybe, as you say, that doesn't make it as tough...
3. tough is the wrong word...as much as you think I can get, but
4. I don't see any reason to go the extra ten steps to get that;
5. so, I'm still going to move to concur.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. The motion is to concur. Further debate? Senator Knuppel.

8. SENATOR KNUPPEL:

9. Well, she may have talked to everybody, but whoever did the
10. drafting did a damn poor job of it, and we got four books full
11. of Statutes; and if it were my bill...maybe she wants it. I
12. don't want it as a citizen of the State of Illinois, because it's
13. confusing; it's redundant; it's verbose; it's everything, and
14. it can be drafted one hell of a lot better than it's drafted,
15. and I think that's what we should do, is do the very best we
16. can, Lynn.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. The motion is to concur with House Amendment No. 1 to
19. Senate Bill 1548. On that motion to concur, those in favor
20. will vote Aye. Those opposed will vote Nay. The voting is
21. open. Have all voted who wish? Have all voted who wish?
22. Take the record. On that question, the Ayes are 32, the Nays
23. are 17, none Voting Present. The Senate does concur with
24. House Amendment No. 1 to Senate Bill 1548, and the bill, having
25. received the required constitutional majority, is declared
26. passed. House Bill 1559, Senator Rhoads. Is Senator Rhoads
27. on the Floor? Is...Senate Bill 1579, Senator Weaver. Senator
28. Weaver is recognized on Senate Bill 1579, with House Amendment
29. No. 1.

30. SENATOR WEAVER:

31. Thank you, Mr. President. This is just a technical amendment
32. changing the date from July 1st, 19...to July 1st, 1980; instead
33. of July 1st, 1981, and I'd move to concur with House Amendment
No. 1.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. The motion is to concur. Is there discussion? All...those
3. in favor will vote Aye. Those opposed will vote Nay. The
4. voting is open. Have all voted who wish? Have all voted
5. who wish? Have all voted who wish? Take the record. On that
6. question, the Ayes are 56, the Nays are none, none Voting
7. Present. The Senate does concur with House Amendment No. 1 to
8. 1579...to Senate Bill 1579...the bill, having received the
9. required constitutional majority, is declared passed. Senate
10. Bill 1585, Senator Berning. All right. Senator Berning, you
11. are recognized on Senate Bill 1585, with House Amendments 1 and
12. 2.

13. SENATOR BERNING:

14. Thank you, Mr. President. I will defer to Senator Johns on
15. Amendment No. 1. Senator Johns.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Johns is recognized.

18. SENATOR JOHNS:

19. This particular amendment, as I well remember, serves a
20. specific purpose, in that, under the Federal regulations of
21. making loans to new areas of development, that it permits,
22. by this legislation, the Federal Government to make loans to
23. people to develop fire protection districts. And, to me, it is...
24. it is not exactly technical in nature, but it gives the power of
25. the Federal Government understanding that the State approves of
26. loaning of money to the development of fire protection districts
27. in newly developed subdivisions and areas of new homes. I would
28. approve of its adoption. I would seek its approval.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Further discussion? Senator Berning.

31. SENATOR BERNING:

32. Thank you, Mr. President. I rise in support of House Amendment
33. No. 1. The Fire Chief's Association and the Illinois Fire

1. Protection District's Associations have no objection to this
2. bill...to this amendment to this bill, and I would support
3. Senator Johns.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Further discussion? Senator Wooten.

6. SENATOR WOOTEN:

7. The only question I think any of us would be interested
8. in, this allows districts to provide ambulance service without
9. a referendum, if no special tax for the service is levied. Is
10. that still in there, no tax will be levied for this service?

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Berning.

13. SENATOR BERNING:

14. Senator, we're on Amendment No. 1 at the moment.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Wooten.

17. SENATOR WOOTEN:

18. That's right. I want to know if that amendment in any way
19. changes that provision.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Berning.

22. SENATOR BERNING:

23. No, Amendment No. 1, as explained by Senator Johns, is an
24. effort to make it possible for certain fire protection districts
25. in rural areas to utilize their personal assets...personal and
26. real, in an effort to qualify for Federal funds, and I have no
27. objection to Amendment No. 1.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Further discussion? Senator Grotberg.

30. SENATOR GROTEBERG:

31. Yes, thank you, Mr. President. I'm looking at Senate Amend-
32. ment No. 1, in which is included, among other substantive language,
33. the addition of the power to...for the board to purchase personal

1. property. I just wanted all of the members to be aware of that
2. inclusion in this bill. Without this add-on, they could only
3. purchase real estate or other capital needs; but this goes into
4. the personal property end of it, and I don't know what all of
5. that means. But I know the Fire Chiefs want it, and maybe if
6. the sponsor would clear that up.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. ...of the motion to concur? Senator Rock.

9. SENATOR ROCK:

10. Thank you, Mr. President and Ladies and Gentlemen of the
11. Senate. I rise in support of the motion to concur and would
12. ask that this motion be supported. I think the House has amended
13. it correctly and we should concur.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. The motion is to concur. Those in favor will vote Aye.
16. Those opposed will vote Nay. The voting is open. Have all
17. voted who wish? Have all voted who wish? Take the record.
18. On that question, the Ayes are 56, the Nays are none, none
19. Voting Present. The Senate does concur with House Amendment
20. No. 1 to Senate Bill 1585. Now, Senator Berning, on Amendment
21. No. 2.

22. SENATOR BERNING:

23. Thank you, Mr. President. Amendment No. 2 makes it perfectly
24. clear that the ambulance service, which may be provided by a
25. fire protection district, is for emergency purposes; and the
26. word "emergency" is added before ambulance service, and that's
27. all it does, and I...I would move to concur, because it is
28. clarifying.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. The motion is to concur, and Senator Berning, we could have
31. put that in one motion, if you wished and saved us a roll call;
32. but the motion is to concur. Those in favor will vote Aye.
33. Those opposed will vote Nay. The voting is open. Have all

1. voted who wish? Have all voted who wish? Take the record.
2. On that question, the Ayes are 54, the Nays are none...the
3. Ayes are 56, the Nays are none, none Voting Present. The
4. Senate does concur with House Amendment No. 2, and the bill,
5. having received the required constitutional majority, is de-
6. clared passed. For what purpose does Senator Becker arise?
7. On Senate Bill 1613, Senator Becker is recognized on motions
8. concerning House Amendment No. 1 to Senate Bill 1613. Senator
9. Becker.

10. SENATOR BECKER:

11. Thank you, Mr. President. We move to non-concur and
12. request a...

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. The motion is to non-concur. Discussion? Senator Carroll.

15. SENATOR CARROLL:

16. We agree with the motion of Senator Becker to non-concur.
17. The House added too many jobs back.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Discussion of the motion to non-concur? Those in favor
20. say Aye. Opposed Nay. The Ayes have it. The Senate non-concurs
21. with House Amendment No. 1. Senate Bill 1616, Senator Bloom,
22. with House Amendment No. 1. Senator Bloom is recognized.

23. SENATOR BLOOM:

24. Thank you, Mr. Senator and fellow Senators. I would move
25. we non-concur. This...the Executive Director did not get a
26. letter from Dr. Bob in time to follow the process. We need to
27. add about six thousand dollars more to this budget.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Carroll.

30. SENATOR CARROLL:

31. Thank you, Mr. President and Ladies and Gentlemen of the
32. Senate. We, of course, agree with Senator Bloom's motion to
33. non-concur.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. The motion is to non-concur. All in favor say Aye. Opposed
3. Nay. The Ayes have it. The Senate non-concurs with House Amend-
4. ment No. 1. Senate Bill 1618, Senator Bloom.

5. SENATOR BLOOM:

6. Yes, the House added two amendments. Let's address them
7. in one roll call. Amendments 1 and 2. Amendment No. 1 was a
8. reduction, nineteen thousand out of Contractual Services, and
9. three thousand in Travel. They will not significantly hamper
10. the operations of the department. Amendment No. 2, increased
11. the authorization limit for the Group Insurance Premium Fund
12. by two million. The agency feels that they need two million
13. more in this fund. I'd move that we concur.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. The motion is to concur. Senator Carroll.

16. SENATOR CARROLL:

17. Thank you, we join Senator Bloom in the motion to concur
18. in House Amendments 1 and 2. As he indicated, one is a slight
19. reduction in Operations and 2 was necessitated by the Group
20. Insurance Premium Fund. We would move to join in the motion
21. to concur in House Amendments 1 and 2.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. The question is shall...the Senate concur in House Amendment
24. No. 1 and 2 to Senate Bill 1618. 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 53, the Nays are 1, none Voting Present. The Senate
28. does concur in House Amendments 1 and 2 to Senate Bill 1618, and
29. the bill, having received the required constitutional majority,
30. is declared passed. Senate Bill 1619, Senator Davidson. You're
31. recognized, Senator.

32. SENATOR DAVIDSON:

33. Move to concur with House Amendment No. 1 to Senate Bill 1619.

1. The amendment made two changes; it took money out of...excuse
2. me, House Amendment No. 2, rather than House Amendment 1.
3. House Amendment No., 2; it deleted some changes out of Personal
4. Services, put it into the contract some additional money...to...
5. for the operation of the one, so the historical interpretation
6. of the Old State Capitol Building. This came about because some
7. of the House members had school kids down here, and were unable
8. to get the information for the guide tour, 'cause they had already
9. gone home, and this puts back in operation the system that
10. we've...that was put in in...1976. Appreciate a favorable
11. roll call.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Motion is to concur with House Amendment No. 2. Is there
14. discussion of the motion? Senator Carroll.

15. SENATOR CARROLL:

16. Thank you, Mr. President and Ladies and Gentlemen of the
17. Senate. We join with Senator Davidson in seeking to concur
18. in order to create the line item for operation and maintenance of

19. ...

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. The motion is to concur. Those in favor will vote Aye.
22. Those opposed will vote Nay. The voting is open. Have all
23. voted who wish? Have all voted who wish? Take the record.
24. On that question, the Ayes are 56, the Nays are 1, none Voting
25. Present. The Senate does concur with House Amendment No. 2
26. to Senate Bill 1619, and the bill having received the required
27. constitutional majority, is declared passed. Senate Bill 1620,
28. Senator Davidson, with House Amendment No. 1. Senator Davidson
29. is recognized.

30. SENATOR DAVIDSON:

31. Yes, I move to concur with...I move to concur with House
32. Amendment No. 1. This added two thousand dollars more on Travel
33. expense for the additional auditor that's in...for this Government

1. Retirees' System.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Discussion? Senator Carroll.

4. SENATOR CARROLL:

5. Thank you, Mr. President and Ladies and Gentlemen of the
6. Senate. On this side, we join in the motion to concur to bring
7. up these requests to what were actually needed for Travel,
8. et cetera. I would move adoption...join with the motion to
9. concur in House Amendment No. 1 to Senate Bill 1620.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. The question is shall the Senate concur in House Amendment
12. No. 1 to Senate Bill 1620. Those in favor vote Aye. Opposed
13. vote Nay. The voting is open. Have all voted who wish? Have
14. all voted who wish? Take the record. On that question, the
15. Ayes are 55, the Nays are none, none Voting Present. The Senate
16. does concur in House Amendment No. 1 to Senate Bill 1620, and
17. the bill, having received the required constitutional majority,
18. is declared passed. Senate Bill 1621, Senator DeAngelis. Read...
19. Senator DeAngelis is recognized on House Amendment No. 1.

20. SENATOR DeANGELIS:

21. Thank you, Mr. President and Ladies and Gentlemen of the
22. Senate. I move to not concur.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. The motion is to non-concur...

25. SENATOR DeANGELIS:

26. ...with House Amendment No. 1.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. ...Motion is to non-concur. Senator Carroll.

29. SENATOR CARROLL:

30. Thank you, Mr. President, we join in the motion to non-
31. concur. There's no need for this many projects.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. You've heard the motion. All in favor say Aye. Opposed

1. Nay. The Ayes have it. The Senate non-concurs with House
2. Amendment No. 1. Senate Bill 1624, Senator Nimrod. Senate
3. Bill 1628, Senator Regner. Senator Regner is recognized on
4. House Amendment No. 1 to Senate Bill 1628.

5. SENATOR REGNER:

6. Yes, Mr. President and members, House Amendment No. 1
7. decreased the appropriation by thirty-four thousand eight
8. hundred and sixteen dollars. It's Personal Services, nineteen
9. thousand two hundred; Retirement, fourteen forty; Social
10. Security, eleven seventy-six; General Office Travel, eight
11. thousand, in Operations, Contractual Services by three thousand,
12. in Travel, two thousand in the Criminal Justice Division. The
13. total appropriation now, is fifteen million four hundred and
14. ten thousand two hundred and seventy-nine dollars. I move we
15. concur.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. The motion is to concur. Senator Buzbee or Senator Carroll.
18. Senator Carroll.

19. SENATOR CARROLL:

20. Thank you, Mr. President and Ladies and Gentlemen of the
21. Senate. We join in the efforts to concur in this reduction
22. amendment. These were unnecessary positions. We thank the
23. Attorney General for advising us of...no longer having the need
24. to budget for these positions and we would join in the motion
25. to concur.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Motion is to concur. Those in favor will vote Aye. Those
28. opposed will vote Nay. The voting is open. Have all voted who
29. wish? Have all voted who wish? Take the record. On that
30. question, the Ayes are 53, the Nays are 2, none Voting Present.
31. The Senate does concur with House Amendment No. 1 to Senate
32. Bill 1628, and the bill, having received the required constitutional
33. majority, is declared passed. Senate Bill 1631, Senator Rupp.

1. Senator Rupp is recognized on House Amendments 1 and 3. Senator
2. Rupp. 32. Senator Rupp on 1632. Do you wish to...Senator
3. Rupp is recognized on Senate Bill 1632 with House Amendments
4. 1 and 2.

5. SENATOR RUPP:

6. Yes, Sir, I move to concur on House Amendment No. 1,
7. Senate Bill 1632...and on House Amendment No. 2, I move that
8. we non-concur. I personally feel in favor of the fact...but
9. there are five new positions involved, and since this Body,
10. I feel, has commendably been tight as far as new positions,
11. I would adhere to that and non-concur on the second one.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. The motions are to concur with House Amendment 1 and
14. non-concur in 2. Senator Carroll.

15. SENATOR CARROLL:

16. Yes, thank you, Mr. President and Ladies and Gentlemen
17. of the Senate. So that there is understanding, we agree with
18. the motion as Senator Rupp has stated it. In most cases we
19. are shipping them all back rather than concurring and non-
20. concurring, but we're very hopeful the House will recede from
21. Amendment No. 2, which was adding unbudgeted positions.
22. Amendment No. 1 merely deals with allocation of Federal funds.
23. We now have listings of what is for sure money coming in and
24. have agreed to appropriate those monies, so I would move...
25. urge that we concur in Amendment No. 1 and non-concur in
26. Amendment No. 2.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. All right. The question is shall the Senate concur in
29. House Amendment No. 1 to Senate Bill 1632. Those in favor
30. vote Aye. Those opposed vote Nay. The voting is open.
31. Have all voted who wish? Have all voted who wish? Take the
32. record. On that question, the Ayes are 56, the Nays are none,
33. none Voting Present. The Senate does concur in House

1. Amendment No. 1 to Senate Bill 1632. Senator Rupp now moves
2. to non-concur in House Amendment No. 2. On that, is there
3. discussion? All in favor say Aye. Opposed Nay. The Ayes
4. have it. The Senate non-concurs in House Amendment No. 2
5. to Senate Bill 1632. Senate Bill 1633. Senator Weaver is
6. recognized on House Amendments 1 and 2.

7. SENATOR WEAVER:

8. Thank you, Mr. President. I would move that we concur in
9. House Amendment No. 1 and 2. House Amendment No. 1 reduces
10. Personal Services and related costs by twenty-two thousand two
11. hundred and ninety-six dollars. House Amendment No. 2 increases
12. Contractual Services by thirty thousand. If there's any questions,
13. I'll be happy to try to answer them.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Discussion? Senator Carroll.

16. SENATOR CARROLL:

17. Thank you, Mr. President and Ladies and Gentlemen of the
18. Senate. We join with Senator Weaver in the motions to concur
19. in House Amendments 1 and 2; both a reduction and a switch of
20. a very important position to Contractual and we would join in
21. that motion to concur.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. The motion is to concur with House Amendments 1 and 2 to
24. Senate Bill 1633. Those in favor vote Aye. Those opposed vote
25. Nay. The voting is open. Have all voted who wish? Have all
26. voted who wish? Take the record. On that question, the Ayes
27. are 53, the Nays are 3, none Voting Present. The Senate does
28. concur in House Amendments 1 and 2 to Senate Bill 1633, and
29. the bill, having received the required constitutional majority,
30. is declared passed. Senate Bill 1638, Senator Schaffer. Senator
31. Schaffer. You are recognized, Senator, on House Amendments 1
32. and 2.

33. SENATOR SCHAFFER:

SB 1706
concur
6-27-80

1. Mr. President, I move we concur in House Amendments 1 and
2. 2. 1 is a reduction in ninety thousand dollars and a fifty
3. thousand dollar transfer from Contractual Services. Amendment
4. 2 adds sixty thousand in Contractual Services for EDP, due to
5. the fact that they thought they would be able to get it done
6. this year and they will lapse this amount in the '80 budget
7. and we're putting it in the '81 budget.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. ...is to concur on House Amendments...House Amendments 1
10. and 2. Is there discussion? Senator Carroll. Senator Buzbee.

11. SENATOR BUZBEE:

12. Thank you, Mr. President. We agree with Senator Schaffer
13. that we ought to concur in these, and...I would ask for a
14. favorable roll call.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. The question is shall the Senate concur in House Amendments
17. 1 and 2 to Senate Bill 1638. Those in favor will vote Aye.
18. Those opposed will vote Nay. The voting is open. Have all
19. voted who wish? Have all voted who wish? Take the record. On
20. that question, the Ayes are 50, the Nays are 4, none Voting
21. Present. The Senate does concur with House Amendments 1 and 2
22. to Senate Bill 1638, and the bill, having received the required
23. constitutional majority, is declared passed. Senate Bill 1639,
24. Senator Schaffer. Senator...Senate Bill 1642, Senator Regner.
25. Senate Bill 1666, Senator Shapiro. Yes, Senator? Senate Bill
26. 1706, Senator Rupp. Aggravated battery of a child, Senator?
27. With House...Senator Rupp is recognized on Senate Bill 1706,
28. with House Amendments 1 and 2.

29. SENATOR RUPP:

30. Thank you, Mr. President. I would like to move to concur
31. with the House on Amendments No. 1 and No. 2.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. The motion is to concur with House Amendments 1 and 2 to

AB 1712
Concur
6-27-80

1. Senate Bill 1706. On that motion, is there discussion? Senator
2. Rupp, there's been a request that you explain the two amendments.
3. SENATOR RUPP:

4. On the...in the bill I originally went over, it had a mandatory
5. nonprobation provision for live-in friends, who were accused of
6. child abuse. That was deleted, but when they did that, they also
7. eliminated the whole change of aggravated battery of a child to
8. a Class 2 Felony. Amendment No. 1 and No.2 changed that and put
9. back in, in line fourteen, aggravated battery of a child is a
10. Class 2 Felony. But the...it is probationable, now.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. The motion is to concur. Is there any discussion? If
13. not, the question is shall the Senate concur in House...Senator
14. Knuppel.

15. SENATOR KNUPPEL:

16. I just want to say I opposed this bill when it went through
17. here. I think it's a hell of a lot better bill, and I'm going
18. to support the Senator this time.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Is there further discussion? If not, the question is shall
21. the Senate concur in House Amendments 1 and 2 to Senate
22. Bill 1706. Those in favor vote Aye. Those opposed vote Nay. The
23. voting is open. On the adoption of House Amendments 1 and 2,
24. the vote is 53 Ayes, no Nays and none Voting Present. On that
25. question, the Senate does concur in House Amendments 1 and 2 to
26. Senate Bill 1706, and the bill, having received the required
27. constitutional majority, is declared passed. Take the record,
28. Mr. Secretary. Senate Bill 1707. Senate Bill 1710. Senate Bill
29. 1712, Senator Grotberg. Senator Grotberg. Senate Bill 17...Senate
30. Bill 1712, Senator Grotberg.

31. SENATOR GROTEBERG:

32. Mr. President, I move to concur in all of the House Amendments
33. to Senate Bill 1712. And I will briefly elucidate; you all have

1. it in front of you, but House Amendment No. 1 was technical.

2. House Amendment No. 3...is...is it Amendments 1, 3, 4 and 7?

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Yes, Senator, it's 1, 3, 4 and 7.

5. SENATOR GROTBORG:

6. 2 was Tabled. 1, 3, 4 and 7. Amendment No. 3 adds to
7. the non-home rule municipalities and amends them into the
8. Industrial Revenue Bond Act. Amendment No. 4...no, I'm sorry.
9. Amendment No. 3, changes the word to "municipal" from what
10. was formerly "cities." It's really kind of technical in
11. change too. Amendment No. 4, then, is the sizable amendment
12. that creates and makes...gives to non-home rule communities
13. the Industrial Revenue Bond powers and Amendment No. 7, in
14. cities of more than five hundred thousand, which is a Chicago
15. amendment, the power to go from five thousand to ten thousand
16. dollars in non-bid contracts; and I would move that we concur
17. in all of these.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. You have heard the motion. Is there any discussion? Senator
20. Joyce.

21. SENATOR JEROME JOYCE:

22. Thank you, Mr. President. I, too, would like to see this
23. concurred with. I...there may be a problem or two, but I've
24. been assured by Senator Grotberg that we could work this out.
25. I would like leave to be a co-sponsor of this bill.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. You have heard the motion. Is leave granted? Leave is
28. granted. If there's no further debate, the question is shall
29. the Senate concur in House Amendments 1, 3, 4 and 7 to Senate
30. Bill 1712. Those in favor will vote Aye. Those opposed vote
31. Nay. The voting is open. Have all voted who wish? Have all
32. voted who wish? Take the record. On that question, the Ayes
33. are 54, the Nays are 1, none Voting Present; and the Senate

SB 1726
concur
6-27-80

1. does concur in House Amendments 1, 3, 4 and 7 to Senate Bill
2. 1712, and the bill, having received the required constitutional
3. majority, is declared passed. House...Senate Bill 1713, Senator
4. Bloom. For what purpose does Senator DeAngelis arise?

5. SENATOR DeANGELIS:

6. Mr. President, I didn't hear that House Amendment No. 2
7. was being concurred with. Is that supposed to be 2, also?

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. No, Senator DeAngelis, we were just discussing House Amend-
10. ments 1, 3, 4 and 7. House Amendment No. 2, evidently, was
11. Tabled; it did not come over. Senator Bloom, on Senate Bill
12. 1713. Senate Bill 1726, Senator DeAngelis and Donnewald.
13. Senator Donnewald.

14. SENATOR DONNEWALD:

15. Yes, as to Senate Bill 1726, I...I want to non...concur in
16. Amendments 1, 2, 5 and 6.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Senate...Senator Donnewald moves to non-concur with
19. Amendments...House Amendments 1, 2, 5 and 6. Is there any
20. discussion? If not, those in favor will indicate by saying
21. Aye. Those opposed. The Ayes have it. The Senate does not
22. concur with House Amendments 1, 2, 5 and 6 and the Secretary
23. will so notify the House. Senate Bill 1728, Senator Weaver.

24. SENATOR WEAVER:

25. Yeah. Thank you, Mr. President. I would move to concur
26. in House Amendments 1, 8 and 9 on Senate Bill 1728. House
27. Amendment 1 significantly increases the exemption on personal
28. property to two thousand dollars and eliminates the statutory
29. language providing for an additional seven hundred dollars
30. exemption to heads of households. House Amendment 8 exempts
31. professionally prescribed health aids for the debtor and his
32. dependents from creditors. And House Amendment 9 provides an
33. exemption of up to seven hundred and fifty dollars for tools

1. of the trade. I'd move concurrence in these three House
2. amendments.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator Rock.

5. SENATOR ROCK:

6. Thank you, Mr. President and Ladies and Gentlemen of the
7. Senate. I rise in opposition to the motion to concur with
8. House Amendments 1, 8 and 9 to Senate Bill 1728. It seems
9. to me, and I will be in a position, I hope, to yield to
10. Senators Daley and Berman, that we...there is some, in fact,
11. discrepancy concern...of opinion concerning who should better
12. be protected; the creditor or the debtor. We happen to fall
13. on the side of the poor debtor, as usual; and so, it seems to
14. me, that this would be better placed in a Conference Committee,
15. and the motion to non-concur would be in order.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Is there any further discussion? The motion is to concur
18. with House Amendments 1, 8 and 9. Is there any further dis-
19. cussion? If not, those in favor will signify by voting Aye.
20. I'm sorry, there's...those...if there's no further discussion,
21. those in favor will signify by voting Aye. Those opposed will
22. vote Nay. The voting is open. Have all voted who wish? Have
23. all voted who wish? Take the record. On...the motion to concur
24. is lost. For what purpose does Senator Rock arise?

25. SENATOR ROCK:

26. The motion was to concur. In the event that motion fails,
27. we have effectively non-concurred and the Secretary should so
28. inform the House.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. You are correct, Senator Rock. The Senate has refused to
31. concur and the Secretary will so inform the House. Senate
32. Bill 1729, Senator Berman. Senate Bill 1741, Senator Rock.
33. Senator Rock.

1. SENATOR ROCK:

2. Thank you, Mr. President and Ladies and Gentlemen of the
3. Senate. House Amendment No. 1..this is the bill that's an
4. amendment to the Probate Act. It was filed, as a matter of
5. fact, as an accommodation to the clerk's of the court across
6. the State, and Amendment No. 1 is a technical amendment. It
7. removes the duty of mailings and publication from the clerk
8. of the court and places that duty on the attorney or the
9. petitioner. I know of no objection, and I would move to
10. concur in House Amendment No. 1 to Senate Bill 1741.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. You have heard the motion. Is there any discussion? If
13. not, the question is shall the Senate concur in House Amendment
14. No. 1 to Senate Bill 1741. Those in favor will vote Aye.
15. Those opposed vote Nay. The voting is open. Have all voted
16. who wish? Have all voted who wish? Take the record. On that
17. question, the Ayes are 51, the Nays are none, none Voting Present.
18. The Senate does concur in House Amendment No. 1 to Senate
19. Bill 1741, and the bill, having received the required con-
20. stitutional majority, is declared passed. Senate Bill 1747,
21. Senator Newhouse. Senate Bill 1752, Senator Regner...Regner.
22. SENATOR REGNER:

23. Yes, Mr. President and members, the...House amendment...
24. was put on this bill, gutted the bill. It changed the title.
25. It did everything except the...what the bill did that we sent
26. over regarding Municipal Retirement Fund and I would move that
27. we non-concur in House Amendment No. 1 to Senate Bill 1752.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Is there discussion on...House Amendment No. 1? If not,
30. Senator Regner moves to non-concur with House Amendment No. 1
31. to Senate Bill 1752. Those in favor indicate by saying Aye.
32. Those opposed. The Senate does not concur with House Amendment
33. No. 1 and the Secretary will so inform the House. Senate Bill

2B 1812
New-Concurrence
6-27-80

- 1. 1759, Senator Jeremiah Joyce. Senate Bill 1760, Senator Knuppel.
- 2. Senator Knuppel.
- 3. SENATOR KNUPPEL:
- 4. The amendment put on in the House with respect to this bill
- 5. would provide that the local municipality fix damaged streets
- 6. where repairs have been undertaken by public and private utilities.
- 7. It has no real relationship to the purpose of the bill, which
- 8. was to change the periods on...of matching bridge funds, and
- 9. I would move that we not concur.
- 10. PRESIDING OFFICER: (SENATOR SAVICKAS)
- 11. You have heard the motion. Is there further discussion? If
- 12. not, Senator...Knuppel moves to non-concur to House Amendment
- 13. No. 2 to Senate Bill 1760. Those in favor indicate by saying
- 14. Aye. Those opposed. The Ayes have it. The Senate does not
- 15. concur with House Amendment No. 2 and the Secretary will so
- 16. inform the House. Senate Bill 1799, Senator Bruce. Senate
- 17. Bill 1812, Senator Geo-Karis. Senator Geo-Karis.
- 18. SENATOR GEO-KARIS:
- 19. Mr. President and Ladies and Gentlemen of the Senate,
- 20. I move to non-concur in Amendments 11 and 12...11 and 12.
- 21. PRESIDING OFFICER: (SENATOR SAVICKAS)
- 22. You have heard the motion. Is there further discussion?
- 23. If not...if not, Senator Geo-Karis moves to non-concur with
- 24. House Amendments 11 and 12 to Senate Bill 1812. Those in favor
- 25. indicate by saying Aye. Those opposed. The Ayes have it.
- 26. The Senate does not concur in House Amendments 11 and 12 and
- 27. the Secretary will so inform the House. Senator Martin.
- 28. SENATOR MARTIN:
- 29. Yes, just to renew the request that the sponsors, please,
- 30. just for thirty seconds say what it is they're doing.
- 31. PRESIDING OFFICER: (SENATOR SAVICKAS)
- 32. It's a point well taken.
- 33. SENATOR MARTIN:

1. On both sides of the aisle.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. It's a point well taken, Senator Martin. Senate Bill 1812...
4. 1815, Senator Grotberg. Senator Grotberg. Senator Grotberg.
5. This is on House Amendment No. 1 to Senate Bill 1815, Senator
6. Grotberg.

7. SENATOR GROTBORG:

8. Yes, thank you, Mr. President. I move that we concur in
9. House Amendment No. 1. One of the reasons is when we sent this
10. over from here to get it to the House, was to do exactly
11. what they did, to find simpler language to allow the Department
12. of Public Health to consult in the area of hospice. I move
13. that we adopt Amendment No. 1 and do concur.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. You have heard the motion. Is there further discussion?
16. If not, the question is shall the Senate concur in House Amend-
17. ment No. 1 to Senate Bill 1815. Those in favor will vote Aye:
18. Those opposed vote Nay. The voting is open. Present. Have all
19. voted who wish? Have all voted who wish? Take the record.
20. On that question, the Ayes are 57, the Nays are none, and none
21. Voting Present. The Senate does concur in House Amendment No.
22. 1 to Senate Bill 1815, and the bill, having received the required
23. constitutional majority, is declared passed. Senate Bill 1828,
24. Senator Egan. On House Amendments 4 and 7, Senator Egan.

25. SENATOR EGAN:

26. Yes, thank you, Mr. President and members of the Senate.
27. I move to non-concur in House Amendments No. 1, 4 and 7. They're...

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Senator, there's no House Amendment No. 1 for consideration.
30. Just House Amendments 4 and 7.

31. SENATOR EGAN:

32. Then, the digest is wrong. Is that correct? All right.
33. Well, I didn't know. I...I'm just using the digest...

1. Well, in any event, then I move to non-concur in House Amendment
2. No. 4, which provides an effective date, which is in conflict
3. with the substance of the bill as it originally was, and I move
4. to non-concur on House Amendment No. 7, which adds things that
5. I didn't want to add to my bill; so, I think we can settle it
6. in Conference Committee and I'd appreciate it if you'd support
7. me in my motion to non-concur.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. You have heard the motion. Is there further discussion?
10. If not, the question is shall we non-concur in House Amendments
11. 4 and 7. Those in favor indicate by saying Aye. Those opposed.
12. The Ayes have it. The Senate does not concur in House Amendments
13. 4 and 7 and the Secretary will so inform the House. Senate Bill
14. 1841, Senator Newhouse. Senate Bill 1844, Senator Nash. Could
15. we break up that conference in front of Senator Nash? Just a
16. moment. For what purpose does Senator DeAngelis arise?

17. SENATOR DeANGELIS:

18. Parliamentary inquiry.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. State your point.

21. SENATOR DeANGELIS:

22. Just to clear my own mind, when we vote not to concur and
23. there are other amendments from the House, does that automatically
24. mean we concur with the other amendments?

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. No. No, Senator. We voted to non-concur on amendments...
27. on the previous bill, on 4 and 7. The request was to non-concur
28. in both amendments.

29. SENATOR DeANGELIS:

30. But, there's House Amendment No. 1, too, though.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. We have no House Amendment No. 1 before us on our Calendar
33. or on the Secretary's Desk. Obviously, the printout is wrong.

SB 1881
concur
6-27-80

1. On the Order of Senate Bill 1844, regarding House Amendment No.
2. 1, Senator Nash.

3. SENATOR NASH:

4. Mr. President and Ladies and Gentlemen of the Senate, I
5. move to concur with House Amendment No. 1. What this amendment
6. does, it drops the interest cap by one point, from thirteen
7. to twelve percent...on auto loans.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. You have heard the motion. Is there further discussion?
10. If not, the question is shall the Senate concur in House
11. Amendment No. 1 to Senate Bill 1844. Those in favor will vote
12. Aye. Those opposed will vote Nay. The voting is open. Have
13. all voted who wish? Have all voted who wish? Take the record.
14. On that question, the Ayes are 54, the Nays are none, none
15. Voting Present. The Senate does concur in House Amendment No.
16. 1 to Senate Bill 1844, and the bill, having received the required
17. constitutional majority, is declared passed. Steve Eckhart of
18. Channel 17 in Decatur has sought permission to...shoot silent
19. film. Is leave granted? Leave is granted. Senate Bill 1881,
20. Senator Daley, regarding House Amendment No. 1, Senator Daley.
21. SENATOR DALEY:

22. Mr. President and fellow Senators, I'd like to make a motion
23. to concur in House Amendment No. 1. First of all, it allows
24. the employees of public agencies the right to have access to
25. nursing homes within reasonable hours; and secondly, it takes
26. care of the problem, I think, that we all had in regards to
27. individuals seeking to enter a nursing home without having a
28. court order. This allows no order; the person can be admitted
29. up to at least fifteen days, and then they petition the court.
30. If the person is unconscious during that time, a member of the
31. family can execute a contract on their behalf. And second...also,
32. thirdly, allows general form contracts by a nursing home. Allows
33. a contract between a resident, the representative of the resident; a

1. copy must give...be given to a facility. It also protects
2. the owners of nursing homes if they have certain policies,
3. may not be revealed in order to protect them from competition.
4. Also, a copy of a rights summary must be given to the resident
5. within forty-eight hours. The owner also...if the owner is
6. requesting a renewal, or for a hearing to contest a non-renewal,
7. the department cannot terminate their license during that period
8. of time. If the department is going to audit a nursing home,
9. the cost of the audit will be placed on the Department of
10. Public Health. Also, the court, in regards to receivership,
11. must take into account, if they appoint a receiver, take into
12. account a nursing home administrators...intent that any com-
13. plaint filed on that nursing home, the findings must be given
14. to the nursing home with...within a...reasonable period of
15. time. I would ask to concur on House Amendment No. 1.

16.
17. (End of reel)
18.
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21.
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1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. You've heard the motion. Is there further discussion?

3. Senator Wooten.

4. SENATOR WOOTEN:

5. Thank you, Mr. President. Senator Daley, I touched on
6. this last night and it is a matter of...serious concern in
7. my area. I've had letters from nursing homes and from
8. individuals...saying that they've...they have asked what
9. it would take to comply...they've consulted lawyers and
10. been given fees ranging from four hundred dollars to a
11. thousand to conduct the work that is necessary. And...I,
12. quite frankly, don't understand what's...what's going on.
13. Does this amendment, in any way, address the cost problem
14. and is every person obliged to have a contract and may that
15. contract be executed without the involvement of
16. a lawyer?

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Senator Daley.

19. SENATOR DALEY:

20. It allows if a individual's unconscious can have
21. a member of the family to execute the...the contract...with
22. the nursing home. It's important that the...the resident of the
23. nursing home have a contract relationship with the nursing
24. home. It's written into law and they must have a contract.
25. I cannot...we cannot look at the legal fees in regards to
26. the question of...question of...a guardianship. This is...takes
27. care of the problem that a person is unconscious or...or ill,
28. must be admitted to a home, it can be done on an emergency
29. basis and this is the problem that we've been receiving letters
30. all over the State. This has been worked out with the various
31. associations and those that are...concerned with the protection
32. of the rights of the residents.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

34. Senator Wooten.

1. SENATOR WOOTEN:

2. Well, Senator, the only question that's been raised to
3. me in all the letters I've gotten is the cost of the contract.
4. Yeah, well...no, but I'm...I'm...I'm trying to figure out...
5. why. Cannot a nursing home just draw up a contract by itself
6. and have the individual sign it and be done with it?

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Senator Daley.

9. SENATOR DALEY:

10. First of all, if the home...if you listened to the explanation,
11. if you read the explanation, you...a home can have a general
12. form contract for all the residents in the nursing homes.
13. They can supply the Department of Public Health with a copy
14. of the contract. A person can execute a contract if they
15. have...if they can't execute it. If they can't, they need
16. legal assistance and they must get legal assistance.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Senator Wooten.

19. SENATOR WOOTEN:

20. And then one final question, just for my own knowledge.
21. Was it necessary to have a contract prior to our Reform Act
22. earlier this Session?

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Senator Daley.

25. SENATOR DALEY:

26. Well that's been a problem with the nursing home industry
27. in Illinois for many years, there's been no reform in the
28. nursing home industry.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Is there further discussion? If not...if not, the question
31. is shall the Senate concur in the House Amendment No. 1 to
32. Senate Bill 1881. Those in favor will vote Aye. Those opposed
33. will vote Nay. The voting is open. Have all voted who wish?

1. Have all voted who wish? Take the record. On that question
2. the Ayes are 50, the Nays are 1, 3 Voting Present. And the
3. Senate does concur in House Amendment No. 1 to Senate Bill 1881,
4. and the bill having received the required constitutional majority
5. is declared passed. Senate Bill 1884, Senator Daley. On House
6. Amendments No. 1. Senator Daley.

7. SENATOR DALEY:

8. Yes...Mr. President and fellow Senators, I move to concur
9. with House Amendment No. 1. No. 1 provides...that this requirement
10. in...in regards to having the State review the samples of...PKU
11. be up to December 1, 1983 to see if it is working. And secondly
12. ...the specimens will be submitted for testing to the nearest
13. Department of Public Health Laboratory designated to perform
14. such tests.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. You've heard the motion. Is there further discussion?
17. If not, the question is...shall the Senate concur in House
18. Amendment No. 1 to Senate Bill 1884. Those in favor will...
19. will vote Aye. Those opposed will vote Nay. The voting is
20. open. Have all voted who wish? Have all voted who wish?
21. Take the record. On that question the Ayes are 56, the Nays
22. are none, none Voting Present. The Senate does concur in
23. House Amendment No. 1 to Senate Bill 1884 and the bill
24. having received the constitutional majority is declared
25. passed. Senate Bill 1967, Senator Rupp. On House Amendment No.1,
26. Senator Rupp.

27. SENATOR RUPP:

28. Thank you, Mr. President. I move that we concur with
29. the House on Amendment No. 1 to Senate Bill 1967. What it
30. does, basically, is reemphasizes and provides the standards
31. that are proposed...for the use of Illinois coal and trying
32. to enhance the use of Illinois coal. It does provide a...a
33. situation whereby in a certain area, special...attention
34. or special rules can be set up and it specifies also that in

1. no instance shall our...our Illinois rules and regulations be more
2. severe than the Federal, but in no instance does it permit
3. any violation of the Federal ambient air control proposals.
4. I'm...move that we concur.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Is there...you've heard the motion. Is there further
7. discussion? Senator Buzbee. Can we break up that conference
8. in front of Senator Buzbee. Senator McMillan, Wooten.

9. SENATOR BUZBEE:

10. Well, this is getting humorous. I think almost everybody in
11. the Chamber who has any interest at all in coal has sponsored
12. this bill at one time or another. Senator Donnewald, Knuppel,
13. Johns, Buzbee, Rupp. And if I've left anybody else out, I'm
14. sorry, because I'm sure you've had the bill. Fact of the matter
15. is, the Governor won't sign the bill like this. Governor...
16. well, I'm sorry if you can't hear me 'cause...

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Could we break up those conferences along Senator Buzbee's
19. ...Senator Carroll, Egan, Johns.

20. SENATOR BUZBEE:

21. ...the...we...we've passed this bill in similar form to
22. this in the past, Governor Walker vetoed it. We passed it
23. again, Governor Thompson vetoed it. I sponsored the bill
24. last year...they told us they were going to veto it again
25. and so we amended it to the point where...we would allow
26. the Environmental Protection Agency to come back with a
27. study, that study has not yet come back to us. Senator
28. Rupp sent a bill out of here, which I believe, possibly,
29. the Governor might have signed. I don't believe that he'll
30. sign it in this form now, with the House amendment in that
31. they struck everything after the enacting clause, as I under-
32. stand it, Senator, and put in the language of the old
33. legislation that we've...we've passed several times and have

1. never gotten signed. I'll vote for it, but I think it's an
2. exercise in...in futility.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Is there further discussion? Senator Johns.

5. SENATOR JOHNS:

6. I think...I think...Senator Ken Buzbee just put it where
7. it is. Here's the fact, all that we do here seems like an
8. exercise in futility, because the real threshold of the
9. problem is in Washington. All the coal operators, all of
10. the unions, all of us know it. And probably many people,
11. the press and the public wonders, why do those guys persist
12. in putting forth legislation about coal when they...they
13. don't seem to be as effective, the Governors veto them,
14. et cetera. But if we don't...if we don't, evidently, we
15. feel, the issue will die. That Congress, that the President and
16. all the people in the Department of Energy, will think that
17. we don't care anymore. The real problem lies in really
18. three or four facets of the coal industry. One, you'll
19. find that the utilities for example, find it much easier
20. to buy western coal and have it shipped in, than to burn
21. western...I mean to burn Illinois coal and have to spend
22. millions of dollars for scrubbers plus the feeding of those
23. scrubbers each year, nine, ten, twelve million dollars a
24. year just for chemicals. They you find that the oil companies
25. own the coal companies and certainly it's foolish of them
26. to ever work to...for the development of coal till oil runs
27. out. So, Ladies and Gentlemen, what we're doing here, each
28. and every time, Rupp, Knuppel, Johns, Buzbee, the Energy
29. Resource Commission, we're keeping the issue alive hopeful
30. that you'll join us, each and every one of you, and each
31. and every citizen of this State, and tell Washington, move
32. to make technology available, move to make the utilities
33. put scrubbers on, there's no question it can be done, we can

1. have clean air and we can burn Illinois coal. And that's
2. why I join in support of this bill.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Is there further discussion? Senator Netsch.

5. SENATOR NETSCH:

6. Just to be clear, Mr. President, if I might ask...well,
7. make a comment, it's...sort of the form of a question. This
8. is the same bill, I believe, that...maybe two years ago,
9. Senator Donnewald was the principal sponsor of and...and
10. the next year, someone else. And I think we passed it again,
11. just the other day out of the Senate, in...I've forgotten
12. what the bill number was...and I...3665 or something like
13. that, no...all right. But I think if...if I am not mistaken
14. though, and this is the question, it does not change the
15. content of those earlier bills, so that...that is, it is
16. identical, is that essentially correct? Senator Rupp is
17. nodding his head, yes. Well, I won't...Senator Joyce was
18. just saying, he's heard every one of the speeches because
19. we make it about six times every Session, so, if you'll
20. just refer back to my speech of two years ago on May the,
21. whatever it was, that will cover my opposition to the bill
22. now.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. ...Speech No. 13. Senator Buzbee for the second time.

25. SENATOR BUZBEE:

26. Yes, Mr. President, thank you, I apologize for rising
27. a second time. Once in a while some words are spoken here
28. without benefit of prior knowledge. I just gave one of
29. those speeches. I thought it was a hell of a good speech,
30. but it...it wasn't pertinent, is the only problem. A...this
31. is the Agreed Bill that...that the Governor's Office has
32. indicated he will sign this time, so I take back everything
33. I said, but I sure did like the speech anyhow.

JS
1978
June 27, 1982
Committee on

- 1. PRESIDING OFFICER: (SENATOR SAVICKAS)
- 2. Is there further discussion? Senator Rupp.
- 3. SENATOR RUPP:
- 4. Thank you, Mr. President, I...I liked Senator Buzbee's
- 5. second speech better than the first one. I...I ask for a...
- 6. favorable vote.
- 7. PRESIDING OFFICER: (SENATOR SAVICKAS)
- 8. The question is shall the Senate concur in House Amend-
- 9. ment No. 1 to Senate Bill 1967. Those in favor will vote
- 10. Aye. Those opposed will vote Nay. The voting is open.
- 11. Have all voted who wish? Have all voted who wish? Take
- 12. the record. On that question, the Ayes are 50, the Nays
- 13. are 5, and none Voting Present. The Senate does concur in
- 14. House Amendment No. 1 to Senate Bill 1967 and the bill having
- 15. received the required constitutional majority is declared
- 16. passed. Senate Bill 1978, Senator Moore. Senator Moore on
- 17. Amendments Numbers 3 and 5.
- 18. SENATOR MOORE:
- 19. Thank you, Mr. President and members of the Senate. I
- 20. would move to concur in House Amendment No. 3 and House
- 21. Amendment No. 5 to Senate Bill 1978. House Amendment No. 3
- 22. adds a new section to the Public Assistance Article of the
- 23. Public Aid Code to require the repeal of all regulations
- 24. promulgated by the Department of Public Aid concerning
- 25. nursing home reimbursement on July 1, 1982. The Department
- 26. is also required by this Section to promulgate new regulations
- 27. for nursing home reimbursements to be effective on July 1, 1982.
- 28. This is a partial solution to the recommendation by the Joint
- 29. Committee on Nursing Care Reimbursement. Amendment No. 5
- 30. amends the Medical Assistant Act to provide...the Department
- 31. shall classify medical services provided in a Long Term Care
- 32. Chronic Disease Center operated in a county with a population
- 33. of more than a million, under the county board's jurisdiction

1. for...as an in-patient hospital. In other words, this is the
2. Oak Forest Reimbursement Bill for the Oak Forest Hospital.
3. I'd be happy to answer any questions, if not, I would ask
4. for a favorable roll call.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. You've heard the motion. Is there further discussion?
7. If not, the question is shall the Senate concur in House
8. Amendments No. 3 and 5 to Senate Bills 1978. Those in
9. favor will vote Aye. Those opposed will vote Nay. The
10. voting is open. Have all voted who wish? Have all voted
11. who wish? Take the record. On that question the Ayes
12. are 49, the Nays are 4, 1 Voting Present. The Senate does
13. concur in House Amendments No. 3 and 5 to Senate Bill 1978
14. and the bill having received the required constitutional
15. majority is...declared passed. Senate Bill 1979, Senator
16. Geo-Karis. Senator Geo-Karis on Amendment...House Amend-
17. ment No. 2.

18. SENATOR GEO-KARIS:

19. Mr. President and Ladies and Gentlemen of the Senate.
20. The Amendment 1, that was put on in the House provides that
21. the...a person who has...been served with a notice of
22. violation should also be served with a notice as to...the
23. financing that is available to correct alleged pollution,
24. which can be available through the Illinois Environmental
25. Facilities Financing Act. I think it's a good amendment
26. and I move to concur.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. You've heard the motion. Is there further discussion?
29. Senator Wooten.

30. SENATOR WOOTEN:

31. Senator, I'm not sure I heard that. You...you are
32. talking about House Amendment No. 2, which replaced the
33. bill?

34. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Senator Geo-Karis.

2. SENATOR GEO-KARIS:

3. No.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Senator Wooten.

6. SENATOR WOOTEN:

7. Have I got the wrong one, then, 1979 House Amendment 2.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. We're on to this...we're on the subject of concurring

10. on House Amendment No. 2 to Senate Bill 1979.

11. SENATOR GEO-KARIS:

12. ...I stand corrected, simply because the fly leaf on my

13. bill, here, calls it Amendment 1, and I apologize, it's

14. Amendment 2 and I move to concur and Amendment 2 does have

15. in it language that such defendant on a pollution violation

16. shall be accompanied...the complaint on such defendant

17. shall be accompanied by notification to the defendant

18. that financing may be available through the Illinois Environmental

19. Facilities Financing Act corrects it's violation.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Senator Wooten.

22. SENATOR WOOTEN:

23. ...I'm just trying to read to figure out what it does. Thank you,

24. Mr. President.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Is there further discussion? If not, the question is

27. shall the Senate concur in House Amendment No. 2 to Senate

28. Bill 1979. Those in favor will vote Aye. Those opposed will

29. vote Nay. The voting is open. Have all voted who wish?

30. Have all voted who wish? Take the record. On that question

31. the Ayes are 48, the Nays are 1, none Voting Present. The

32. Senate does concur in House Amendment No. 2 to Senate Bill

33. 1979 and the bill having received the required constitutional

1. majority is declared passed. Senate Bill 1982, Senator
2. Regner. Senator Regner on House Amendment No. 1.
3. SENATOR REGNER:
4. Yes, Mr... members...Mr. President and members. This is
5. a transfer bill for Fiscal Year 1980 for the Department of
6. Mental Health. When the Senate sent it out, we didn't
7. have all the proper numbers yet from the department, but
8. we did have the deadline at that time, so we did pass it
9. out. Subsequently, we did receive the proper numbers from
10. the Department of Mental Health as to what the totals to
11. be transferred were and the House Amendment No. 1 makes
12. all the necessary corrections and I move we do concur
13. with House Amendment No. 1.
14. PRESIDING OFFICER: (SENATOR SAVICKAS)
15. You've heard the motion. Is there further discussion?
16. Senator Wooten.
17. SENATOR WOOTEN:
18. Question of the sponsor. Is there a transfer to the
19. facility at Galesburg and if so, how much?
20. PRESIDING OFFICER: (SENATOR SAVICKAS)
21. Sponsor indicates he'll answer you in a moment.
22. SENATOR REGNER:
23. It...it's a reduction at Galesburg, they were transferring
24. out of the Galesburg facility, four hundred and fifty thousand.
25. PRESIDING OFFICER: (SENATOR SAVICKAS)
26. Senator Buzbee.
27. SENATOR BUZBEE:
28. Yes, thank you, Mr. President. We concur that this
29. Conference Committee Report ought to be...ought to be concurred
30. in.
31. PRESIDING OFFICER: (SENATOR SAVICKAS)
32. Any further discussion? If not, the question is shall
33. the Senate concur in House Amendment No. 1 to Senate Bill 1982.

S.B. 1991
Committee
6-27-80

1. Those in favor will vote Aye. Those opposed will vote Nay.
2. The voting is open. Have all voted who wish? Have all
3. voted who wish? Take the record. On that question the
4. Ayes are 54, the Nays are none, none Voting Present. And
5. the Senate does concur in House Amendment No. 1 to Senate
6. Bill 1982 and the bill having received the required consti-
7. tutional majority is declared passed. Senate Bill 1991,
8. Senator Rupp. Senator Rupp, on House Amendments 1, 2 and
9. 3.

10. SENATOR RUPP:

11. Thank you...thank you, Mr. President. I would like to
12. have leave to...this is the Arson Package, and includes
13. Senate Bills 1991, 1992, 1993 and 1994. I would like
14. leave to present the general statements about the package
15. so that we would not have to repeat that in each case, but
16. then go back and handle the amendments on each individual
17. bill.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator...you want to speak on the whole bill itself
20. and then handle each...each amendment as it..

21. SENATOR RUPP:

22. Yes, sir...yes.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. ...as they pertain. You've heard the motion. Leave is
25. granted.

26. SENATOR RUPP:

27. Thank you. We do have...this is the Arson Package and
28. we do have agreement as far as those who are...basically
29. involved in the...the business. We have talked to all of
30. those who have raised objections. Senator D'Arco and his
31. people are in favor of these and, if, with your permission,
32. I will start down now on Senate Bill 1991. There is one
33. ...the first Amendment, a House Amendment, and I move that
34. we concur. Extends to ten days from three days, the time

1. in which a transfer of a beneficial interest can be reported
2. or must be reported. Transfers of beneficial interest which
3. do not result in an...change of more than twenty-five
4. percent, need not be reported until a renewal, and transfers
5. within the immediate family are exempt from the disclosure
6. requirement. I ask that we concur in that amendment. Another
7. amendment was adopted to clarify a problem with underinsurance
8. and uninsured. Under this amendment, the insurers would be
9. required to offer both coverages, up to the bodily injury
10. liability limits the insured presently carries. Now, the
11. insured actually what it does, it just makes this a...a
12. sharing type thing. It does not make an excess. It permits
13. the insurance companies to provide in the policy against
14. prohibition against stacking of coverages where multiple
15. or a number of automobiles or motor vehicles are covered
16. under the same policy. The bill also has been amended to
17. increase the amount of interest that can be charged by a...
18. premium finance companies, just premium finance companies.
19. And it raises it from...raises it to a rate...was eight
20. percent and without these changes the money would be less
21. available because if the finance company must pay fourteen
22. to sixteen to get its money and they were having to lend it out.
23. at eight. The...that, I think, is the extent of the amend-
24. ments on 1991 and I ask a...favorable concurrence vote.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Is there further discussion? Senator...Senator D'Arco.

27. SENATOR D'ARCO:

28. Thank you, Mr. President. We concur with Senator Rupp
29. in his motion to concur and ask for a favorable vote.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Senator...Bruce.

32. SENATOR BRUCE:

33. I...I'm sorry, Gentlemen, but the bill at one time had

1. that the underinsured and uninsured motorists shall be offered the same
2. policy limits as the bodily injury, but did you put it back?
3. I...I see language saying that later on and I'm just curious,
4. can someone tell me the analysis as we clarified the language
5. relating to stacking, where is it, just so I can read it?
6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator D'Arco.

8. SENATOR D'ARCO:

9. The language with regard to stacking, simply provides
10. that the insurance company shall not be prohibited in putting
11. language in the policy that would prohibit stacking. That
12. was in the original bill and it's in the concurrence as
13. well. It's...it's on Amendment No. 2, Terry. Pages 3 and 4
14. on Amendment No. 2. Are we okay?

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Is there further discussion? If not, Senator Bruce,
17. I'm sorry.

18. SENATOR BRUCE:

19. Well...well I guess then just one explanation, why are
20. we putting into the hands of the insurance carriers the
21. right to determine whether or not you're going to stack
22. benefits on underinsured and uninsured? It seems to me
23. that in the State of Florida and other states, stacking
24. is allowed. What this bill really...although you don't
25. put it in language, what this does is prohibit stacking
26. by saying the insurance company, "may," and I know what
27. they're going to do, they "will," in fact, say in their
28. policies that you can't stack benefits. ...Why is that
29. a good idea?

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Senator D'Arco.

32. SENATOR D'ARCO:

33. Well, the...they have already done that in the past,

1. put language in...in policies that would prohibit stacking.
2. And the courts, in various instances, had made determinations
3. considering the language. And in one instance, they've said,
4. well the language, in fact, does prohibit and in another
5. instance, they've said, no, the language is not written
6. in the form that would prohibit. So we're just saying to
7. the courts, it's your issue, you deal with it, you've been
8. dealing with it for years and continue to do that, we don't want
9. any part of it.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Senator Bruce.

12. SENATOR BRUCE:

13. Berman.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. ...Senator Berman.

16. SENATOR BERMAN:

17. If I may expand upon Senator D'Arco's response...the...as
18. I read the amendment, and I think it's a good amendment and I support
19. the motion to concur, what we're saying is that it's going to
20. be up to the insured upon being advised as to what is available
21. to him to decide what he wants to buy and what he wants to pay
22. for. The language further says that the...company...is not
23. prohibited from spelling out, which we hope they will do, and
24. I'm sure that the department will require them to in the
25. policy forms, to spell out what they are offering, what is being
26. paid for and what the coverage is. Without this kind of clarifying
27. language, you're going to find some companies charging more for
28. coverage that the insured doesn't want...or on the other hand,
29. not offering what the insured is willing to pay for. I think
30. the language is clarifying and is helpful.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Further discussion? Senator Rupp.

33. SENATOR RUPP:

SE 1992
6-27-80
C. Savickas

1. Thank you, Mr. President. Just to confirm what Senator
2. D'Arco and Senator...Berman have mentioned, the difficulty
3. comes in a pricing situation trying to actually, legally and
4. ...and logically set charges and then this also is an attempt
5. to bring back some uniformity as far as the treatment of
6. this coverage to the industry in Illinois.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Is there further discussion? If not...Senator Rupp, on
9. Amendments 1, 2 and 3 to Senate Bill 1991.

10. SENATOR RUPP:

11. Move to concur.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Senator Rupp moves to concur with House Amendments 1, 2
14. and 3. The question is, shall the Senate concur in House
15. Amendments 1, 2 and 3 to Senate Bill 1991. Those in favor
16. will vote Aye. Those opposed will vote Nay. The voting
17. is open. Have all voted who wish? Have all voted who wish?
18. Take the record. On that question the Ayes are 56, the Nays
19. are none and none Voting Present. The Senate does concur
20. in House Amendments 1, 2 and 3 to Senate Bill 1991 and the
21. bill having received the required constitutional majority
22. is declared passed. Senate Bill 1992, Senator Rupp, regarding
23. House Amendments 2, 3, 4, 5, 7 and 8.

24. SENATOR RUPP:

25. Thank you, Mr. President. What this bill does is provides
26. that the Director of Insurance can promulgate claim reporting
27. rules requiring insurance companies to pool this appropriate
28. claims information and with not only theft of automobiles, but other
29. property and liability losses. However, the amendments, the one
30. amendment provides that the director shall forward any information
31. relating to false or fraudulent claims to the proper State's
32. Attorney or U.S. Attorney. And the bill also as amended, that's
33. the next one, to include a provision to allow the insurance

1. companies in the State of Illinois to market your prepaid, legal,
2. expense insurance. And I do call your attention to that, there
3. were some questions and I want to make sure that all those on
4. the Floor know that this prepaid legal insurance is coming
5. in on this bill as an amendment. We do think we have come to
6. an agreement on it and all those who...I do believe all those
7. who were questioning it have now been satisfied. Amendment
8. No. 3 is a technical amendment, codifies Section 302 of the
9. Federal Labor Management Relations Act in this bill and guarantees
10. that employers will not be required to fund the prepaid legal
11. plan through an insurance company only. Employers agree to
12. provide prepaid legal for employees, may wish to fund
13. this...program through other ways such as self-funding or
14. a trustee plan. And this flexibility is guaranteed with that
15. amendment. Amendment No. 4 specifies the claim information
16. may also include the name of the company claims adjuster and
17. adjuster's supervisor. No. 5 guarantees the freedom of
18. choice, and this is an important one...of any attorney by
19. an insured and requires that each policy issued, and this
20. is in the prepaid legal area, predominately display the
21. language which advises the insured of this right. Prohibits
22. any company from requiring or recommending any attorney or
23. groups of attorneys to an insured. Amendment No. 7 eliminates
24. the immunity provisions previously contained. This change has
25. been agreed to by the Department of Insurance in cooperation
26. with the insurance industry. And Amendment No. 8 provides
27. a director shall forward any information relating to false
28. or fraudulent claims to the State's Attorney. I mentioned
29. that one earlier. I ask that we concur in these amendments.
30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. You've heard the motion. Is there further discussion?
32. Senator Collins.
33. SENATOR COLLINS:

1. A question of the sponsor please.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. He indicates he will yield.

4. SENATOR COLLINS:

5. Senator Rupp, now you did indicate that the legal insurance

6. amendment that we defeated is, in fact, attached to this bill

7. now, one of those amendments?

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Senator Rupp.

10. SENATOR RUPP:

11. Yes, I purposely emphasized that because there had been

12. some questions. We feel they have been resolved, we now have

13. a communique from the State Bar Association, which is in support,

14. in fact, vigorously supports passage of enactment of Senate

15. Bill 1992 as amended, which would make Illinois the nineteenth

16. State to allow citizens to purchase legal expense insurance.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Senator Collins.

19. SENATOR COLLINS:

20. Okay. Now, just make this clear to me. The class of

21. insurance you're talking about basically covers all types

22. of insurance, all classes, all...any kind of insurance, life,

23. accident, health?

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Senator Rupp.

26. SENATOR COLLINS:

27. ...Would this...would...question.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Senator D'Arco indicates that he...he can't answer that

30. question.

31. SENATOR D'ARCO:

32. It expands the lines of insurance that may write legal

33. insurance. Before, you just had accident and health and now

34. we include property and casualty lines as well.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)
2. Senator Collins.
3. SENATOR COLLINS:
4. ...This...
5. PRESIDING OFFICER: (SENATOR SAVICKAS)
6. Senator Rupp wishes to add something to that.
7. SENATOR RUPP:
8. Yeah, it does...it does expand and...and permit, if I
9. understand your question. A life insurance company can write it,
10. an automobile insurance...can write it, an accident/health
11. insurance company can write it, it does change that so that it
12. permits any of the companies writing those lines to go into
13. this particular business. Is that what your question was?
14. PRESIDING OFFICER: (SENATOR SAVICKAS)
15. Senator Collins.
16. SENATOR COLLINS:
17. Yeah, but in addition to that, now, let me...let me make
18. one example, so I can be clear. Once the company writes that
19. kind of insurance, then in that policy you could cover certain
20. things like divorce representation, could you be represented
21. for divorce in a case like this? Have insurance coverage?
22. PRESIDING OFFICER: (SENATOR SAVICKAS)
23. Senator Rupp.
24. SENATOR RUPP:
25. I...I can't give you an exact answer, I think what's
26. going to happen...what is included is...
27. PRESIDING OFFICER: (SENATOR SAVICKAS)
28. ...Senator...Senator Rupp.
29. SENATOR RUPP:
30. ...going to be determined by the...market.
31. PRESIDING OFFICER: (SENATOR SAVICKAS)
32. Senator Berman indicates he can give an exact answer.
33. Senator Berman.

1. SENATOR BERMAN:

2. The...the company can write insurance that would cover
3. ...legal expenses to cover divorces. Yes.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Senator Collins.

6. SENATOR COLLINS:

7. Well, I was opposed to the bill when it went out, not
8. because I don't think...I feel that the concept is bad, it's
9. because of my disenchantment with some of the conduct of
10. legal representation in the State of Illinois...particularly
11. in...in the City of Chicago, Cook County. And I'm going to
12. give you an example of it and I think this is an opportunity
13. for lawyers to...further exploit those unscrupulous lawyers,
14. I'm not indicting all lawyers, but there are a lot of unscrupulous
15. lawyers in this State in the County of Cook, City of Chicago.
16. And I think this is...is a welfare for them. In many cases
17. there are people who can't afford legal counsels, but let...
18. let me give you some examples of exploitation and I can see
19. this encouraging that...exploitation. Now...there are cases
20. that come, people come to my office, and I want to use divorce
21. because that's very general, where the lawyers deliberately,
22. deliberately, requires the client to have to go back continuously
23. and continuously into court on a simple divorce case and each
24. appearance they have to make in court is an additional fee that
25. is charged to that person, which is unnecessary. There have
26. been people coming to me, no place to go, no place to turn,
27. because of the high legal cost of getting a divorce, where
28. the lawyer goes in, he submits the...the decree has been granted
29. and the brief presented to the judge, it does not, even in
30. case...include, all of the...the provisions that had been, in
31. fact, granted in the divorce decree. And...and in other words,
32. you have to go back one by one. If there's a property settlement
33. for example, property involved, the judge grant the property
34. to...to the...to the female or the male, rather than indicating

1. in the found divorce brief...vacate an order, they don't do
2. that. They grant...the judge grant the property to...to one
3. of the spouses, but then they have to go back into court, they
4. have to pay to go back into court to get a vacating order
5. if the other spouse doesn't move out. Then they have to go
6. back for child custody, over and over and over. So, it's...
7. it's property, the same kind of exploitation goes on in the
8. City of Chicago. And until the lawyers clean up their act,
9. I'm not going to vote to grant them any access to any
10. opportunities to further exploit people out of money and
11. that's all they're doing.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Is there further discussion? Senator, it wasn't a
14. question, it was a statement. Senator...Senator Moore.

15. SENATOR MOORE:

16. Thank you, Mr. President, members of the Senate. I, too,
17. oppose this bill. When it was defeated here a few weeks ago,
18. the bill as it is now drafted, I intend to support. I think
19. it's a good bill, there is complete freedom of choice. Senator
20. Collins, as far as the problem you may have with some unscrupulous
21. attorneys out in...in your area, after January 15th, you can
22. feel free to send them to my office. And I hope they have
23. this type of insurance. I think that this bill will help solve
24. the problem because they will have freedom of choice because
25. the amount will be limited in the policy and I think that
26. this bill will go a long ways in solving the problem that perhaps
27. the constituents in your area and other areas of the State may
28. have. I want to emphasize again, there's complete freedom
29. of choice, any policyholder that has this insurance can go
30. to any attorney licensed to practice law anyplace in the
31. State of Illinois for their services. I think it's a good
32. bill, I intend to support all the amendments.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Senator Knuppel.

2. SENATOR KNUPPEL:

3. Well, of course, what's going to happen here with this,
4. is what's happened with medical insurance. I used to buy
5. a policy of medical insurance for about four hundred dollars
6. a year, it's now two thousand dollars a year, this is an
7. attorney's relief bill. There will be a conspiracy between the
8. insurance companies and the lawyers. What happened with Medicare?
9. The lawyers all cried and hollered, you know, about health
10. insurance, hell, they've made a fortune out of it. Senator
11. Moore was the guy that stood up over there a little bit ago
12. yesterday and said, fifty-two cents out of every dollar in
13. the Public Aid Appropriation is going for medical assistance.
14. Why...I know why the Bar Association is for it, I know why
15. the lawyers are for it, and particularly the poor lawyers.
16. The lawyers, you know, Senator...or Chief Justice Burger
17. said one out of every five lawyers ought not to be able...
18. allowed to handle any case. And those are the lawyers that
19. are going to graft on the poor people of this State. Now,
20. I know there's a lot of lawyers in here, and there's going to
21. be a lot of good votes for this bill, but I'm telling you
22. that this does not serve anybody but the insurance companies
23. and the lawyers. It does not serve the people of the State
24. of Illinois and the only people that are going to get rich
25. out of it are the people that are selling insurance and
26. the lawyers and the poor lawyers, not the good ones. The
27. good ones can make it now, they don't need your help...they
28. don't need your help. But there's a lot of lawyers...somebody
29. here the other day, said...said that the number of lawyers
30. had gone from about one to every two thousand people, now
31. to about one for every six hundred people. Hell, it'll
32. be one every one hundred people and you'll be paying insurance
33. because you work somewhere where a union made a contract and

1. you'll be paying for it when you don't need it.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Senator Schaffer.

4. SENATOR SCHAFFER:

5. Well, Senator Rupp, you know that letter from the Bar

6. Association, that...that really isn't what I'd call solving

7. all the problems, in all deference to you, Sir. That's like foxes

8. being for fatter chickens. You know, there still are some

9. basic problems and we've...we've had them mentioned. And

10. seriously, we'll see this thing negotiated into a lot

11. of contracts, it'll be on the State Employee's Contract,

12. Senator Regner, and the State taxpayer will get to pay for

13. that. It'll be on...it'll be on Caterpillar, and those

14. people aren't going to have any choice. The guy...the

15. guy that's on that assembly line at Caterpillar, he

16. isn't going to have any choice, it's going to be a few bucks

17. out of his salary, directly or indirectly. And maybe what

18. he really needs is some more benefit for...maybe alcoholism

19. treatment. But you know darn well that isn't going to get

20. on there, this is what's going to get on the contract.

21. A...it just seems to me that this does not give the employee

22. any choice and the major problems we had, overutilization, this

23. will promote overutilization and...people get this thing and they

24. figure they're paying for it, they'll go down and sue their

25. neighbor and get in this and get in that. It'll be great

26. for the lawyers, but I don't see how it'll do that...do the

27. ...any...the average citizen any good. It just seems to me

28. that particularly in view of what we've seen down here on how

29. contracts are negotiated, this is an idea whose time has not

30. come. I notice quite a few people sliding on the floor, I

31. think I detect a fair amount of grease, but I really think this

32. is an idea that we should put behind us once again, in all

33. deference to my friends in the legal profession, this is

1. an absolute step in the wrong direction that will cost billions
2. before we are through in Illinois.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator Rupp, we have one, two, three, four, five more
5. people that have sought recognition. Your name is off, Senator
6. Daley. Some for the second time and unless it's a direct
7. question, we will recognize you to close debate. Senator
8. Grotberg, for the first time.

9. SENATOR GROTBORG:

10. A point of order, Mr. President. On this bill...given
11. the high ethics of all of us, can the Chair rule as to whether
12. attorneys should vote Present on this bill with a conflict of
13. interest.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Well, Senator...

16. SENATOR GROTBORG:

17. Or if...if they declare their...their...

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. ...there was a time I...

20. SENATOR GROTBORG:

21. ...themselves...to vote their will. How does that work?

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. ...Well, there was a question earlier whether nonlawyers
24. should vote for this since they don't know anything about it
25. and whether lawyers should vote for it because it's a conflict
26. of interest. I'll leave your own conscience determine that.
27. Channel 20 seeks leave to film the proceedings. Is leave granted?
28. Leave is granted. Senator...Senator Berman, for the second time.

29. SENATOR BERMAN:

30. First time. All that this bill does, is to allow a process
31. of insurance coverage, insurance spreads the risk. It will
32. allow everyone in the State of Illinois, who comes under this
33. type of coverage who wants it, or for whom it's negotiated, to

1. have better access to lawyers that they, themselves, will choose.
2. It will help them pay those bills. The problem that we find
3. today, is that most people get into trouble because they are
4. afraid of...the cost of lawyers, they are uncertain of lawyer's
5. services, this will help to overcome that problem. It will
6. allow people a greater confidence as far as the payment of
7. the costs, hopefully, it will keep them out of trouble. I
8. support the motion.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Senator Wooten.

11. SENATOR WOOTEN:

12. Thank you, Mr. President, first time. I...I've listened
13. with interest and sympathy to the arguments of Senator Collins
14. and especially to Senator Knuppel, but I think maybe I'm going
15. to vote for this even though I recognize the validity of...of
16. much of what they say. But the problem is, that if there's
17. anything that animates any profession today, it's greed. It's
18. a good all American way and most of our problems and economics
19. and all the rest is everyone is trying to get as much as they
20. can as fast as they can. And in that kind of environment, I
21. don't know what protection exists for the individual. What
22. we have fallen back to, time after time is some kind of
23. insurance policy, which of course, enables the insurance
24. companies to make as much as they can as fast as they can.
25. But as long as we have fallen apart into individual units
26. in this Country, and there's more separating us than binding
27. us together, it may be that we need this kind of opportunity
28. to get this kind of protection. I vote for this with not
29. much confidence, but with the recognition that it may help solve
30. the problem for some people.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Senator...D'Arco, for the second time.

33. SENATOR D'ARCO:

1. Thank you, Mr. President. As far as Senator Schaffer's
2. remarks are concerned, we did amend the bill because Senator Lemke
3. did object to the fact that there was no free choice of lawyer
4. for the client to go to and he was worried that the company
5. would pick a lawyer for the client. So we provided in the
6. bill, that no company shall suggest or prohibit the client
7. from going to any lawyer of his choice. We want to make
8. that perfectly clear, that the client, whether he works for
9. Caterpillar or whether he works for...Harvester or whomever
10. he works for can go to the lawyer of his choice and he
11. can't be intimidated not to go to the lawyer of his choice,
12. we wanted to make that clear. And I...I think it's a good
13. bill and I solicit your favorable vote.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Collins...for the second time.

16. SENATOR COLLINS:

17. Thank you, Mr. President. I...I...my name was mentioned
18. in debate particularly by Senator Moore. He made reference that this
19. bill would, in fact, solve the problem that I raised earlier
20. and it would cost less. But that's not true, because you're
21. talking about overuse, it's like malpractice insurance...and
22. ...and it will most certainly impact on the overall cost
23. of that person's insurance policy because you're talking about
24. a coverage included in other types of policy. So on one hand,
25. because of the overuse, then they will be paying more for
26. other types of insurance. This is again, welfare for lawyers,
27. and I think we should defeat it.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Senator Schaffer. Senator Schaffer, do you wish to speak
30. for the second time again?

31. SENATOR SCHAFFER:

32. Only...in that my name was mentioned by Senator D'Arco. Senator
33. D'Arco, I understand that they'll be able to pick the lawyer

1. of their choice. What...what concerns me is that they won't
2. be able to decide whether that's six bucks a month or ten
3. bucks a month or twenty bucks a month that comes out of their
4. salary, whether they want it used on a lawyer or to buy food for
5. their kids or medical care or housing, that's what concerns
6. me. And I don't think this is a high priority and I think
7. people will suffer if this passes.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Senator Rupp may close. Well...Senator...Knuppel, for the
10. second time.

11. SENATOR KNUPPEL:

12. Yes, it is the second time, but...but I want to say...I want
13. to say this to Senator Schaffer and Senator D'Arco. The average
14. layman does not know the ability of an attorney. He believes
15. that if he goes to a doctor, he's a doctor, he's a doctor. We don't
16. specialize like doctors do and if he thinks if he goes to a
17. lawyer, one's just the same as the other one. And believe me,
18. what I said is true, this is a relief act for the poor lawyer
19. because the good lawyers are busy. You've heard that old saying,
20. if you want a job done, give it to the busiest man in town.
21. So, the guy will go to the lawyer who...who has the least work,
22. he's generally the poorest lawyer or...or else he's just a
23. young lawyer without a great deal of experience and the public
24. is going to get stuck because the average layman don't know a
25. damn bit of difference between one lawyer and another one. They
26. think if he's a lawyer, he's got a degree, they're all the same.
27. I'll tell you, Burger says one out of five of them ought not to
28. even have a degree. Remember this, you people who aren't attorneys
29. and that's the twenty percent that'll get this money because
30. the lawyers who are good are already busy. They're already
31. making fifty or a hundred thousand dollars a year.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Geo-Karis.

1. SENATOR GEO-KARIS:-

2. Mr. President, Ladies and Gentlemen of the Senate. I
3. think everything has been said, but really this..it's not
4. going to benefit some of us who have been in practice for years,
5. because we don't need it and I...I plead...in case I'm in conflict
6. of interest, I'm a lawyer, but I'm going to vote my conscience
7. and I'm going to vote for the bill.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Senator Rupp may close.

10. SENATOR RUPP:

11. Thank you, Mr. President. I think we've gotten a little
12. bit away from what the purpose of the bill is. This is to
13. provide an opportunity for people, all classes, to insure a
14. loss that they might not be able to handle themselves. I don't
15. pretend that this bill is going to clean up the attorneys in
16. any way, but I can just...I...I don't think that we would
17. go back now and eliminate the hospitalization insurance that
18. we provide, the same agruments could have been used then. We're
19. not attempting to clean up anybody's act. I just, though, was
20. handed a nice little piece of paper where I discovered I don't
21. have to go to the loop now to get a divorce, I can stay outside.
22. These...I know there are these kinds of people in your business,
23. there are some people in our insurance business. But I do think
24. this is an excellent opportunity, something that should be available
25. for people in the State of Illinois and I ask a vote to concur.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. All right, the question is shall the Senate concur in
28. House Amendments 2, 3, 4, 5, 7 and 8. Those in favor vote Aye.
29. Those opposed Nay. The voting is open. (Machine cut-off)...those
30. voted...have all those voted who wish? Have all those voted
31. who wish? Take the record. On that question the Ayes are 38,
32. the Nays are 12, 5 Voting Present. The Senate does concur in
33. House Amendments 2, 3, 4, 5, 7 and 8. And the bill having

1. received the required constitutional majority is declared passed.
2. House Bill...strike that...Senate Bill...and I meant Senate Bill
3. throughout, for the record. Senate Bill 1993, Senator Rupp.
4. As to House Amendments 1, 3 and 4.

5. SENATOR RUPP:

6. ...thank you, Mr. President. This legislation
7. ...deals with the cancellation in fire...in fire marine policies
8. on larger nonowned occupied dwellings. The first amendment, the
9. one amendment, clarifies that the ten day cancellation shall
10. be ten days after the receipt of the notice by the named insured.
11. I ask that we concur.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Is there discussion? Senator Buzbee.

14. SENATOR BUZBEE:

15. Senator, I...I have a question. In a situation that...that...
16. a situation that happened to me personally, I...I'd like for
17. you to explain to me what the effect of this would have on
18. my personal situation. I had a situation where a year and a half
19. after a fire insurance policy on a piece of property I owned, I
20. found out a year and a half after it had been cancelled, that
21. it was cancelled. I was without fire insurance for a year and a
22. half without knowing it. I thought my...my lending institution
23. had paid for the policy through the...through the...escrow
24. account, thank you. Had I had a claim...when I went back to the
25. company, they said, we sent you notice, I said I never got notice.
26. Finally, the agent said, you're right, you did not get notice,
27. we sent it to an address, it was delivered, it was returned to
28. us as nondeliverable. Now, had I had a claim, had my house burned
29. down during that time, I obviously would have had a heck of a
30. legal suit, but would this require now, certified mail or something
31. like that where I would have to have had that document in my hand
32. and I...I signed certified mail, return receipt requested, to
33. be able to be informed of that?

1. PRESIDING OFFICER: (SENATOR DONNEWALD)
2. Senator Rupp.
3. SENATOR RUPP:
4. Thank you, Mr. President. Yes, this requires a signed
5. receipt returned. And if, in your case had been a fire, I
6. would have liked to have represented you, I'm not an attorney, but
7. I can get you one that would handle that.
8. PRESIDING OFFICER: (SENATOR DONNEWALD)
9. Is...is there further discussion? Senator Hall.
10. SENATOR HALL:
11. Will the sponsor yield for a question?
12. PRESIDING OFFICER: (SENATOR DONNEWALD)
13. Indicates he will.
14. SENATOR HALL:
15. Senator Rupp, would...receipt, all right, but is it...does...
16. it has to be signed by the...the person or someone over sixteen
17. years of age?
18. PRESIDING OFFICER: (SENATOR DONNEWALD)
19. Senator Rupp.
20. SENATOR RUPP:
21. Has to be signed by the...what, "named insured."
22. PRESIDING OFFICER: (SENATOR DONNEWALD)
23. Is there further discussion? All right, the question is
24. shall the Senate concur in House Amendments...1, 3 and 4 to
25. Senate Bill 1993. Those in favor vote Aye. Those opposed Nay.
26. The voting is open. Have all those voted who wish? Have all
27. those voted who wish? Take the record. On that question the
28. Ayes are 52, the Nays are 2. The Senate does concur in House
29. Amendments 1, 3 and 4 to Senate Bill 1993. And the bill having
30. received the required constitutional majority is declared passed.
31.
32. End of Reel
33.

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- 1. PRESIDING OFFICER: (SENATOR DONNEWALD)
- 2. Senate Bill 1994, Senator Rupp.
- 3. SENATOR RUPP:
- 4. Thank you, Mr. President. This is the last one. What
- 5. this is...a technical amendment and what it does...it's also
- 6. adopted...hope we...I recommend that it be...we concur to
- 7. clarify that the bill applies to potential losses as well as
- 8. actual losses. It's the extent of the amendment, I ask that
- 9. we concur.
- 10. PRESIDING OFFICER: (SENATOR DONNEWALD)
- 11. Is there discussion? The question is, shall Amendment
- 12. No. 1 to...House Amendment No. 1 to Senate Bill 1994 be adopted.
- 13. Those in favor vote Aye. Those opposed Nay. The voting is
- 14. open. Have all those voted who wish? Have all those voted
- 15. who wish? Take the record. On that question, the Ayes are
- 16. 57, the Nays are none. The Senate does concur in House Amend-
- 17. ment No. 1 to Senate Bill 1994, and the bill having received
- 18. the required constitutional majority is declared passed.
- 19. Senator Vadalabene, for what purpose do you arise?
- 20. SENATOR VADALABENE:
- 21. Yes, on a point of personal privilege.
- 22. PRESIDING OFFICER: (SENATOR DONNEWALD)
- 23. State your point.
- 24. SENATOR VADALABENE:
- 25. Yes, seated behind me are a group of realtors from
- 26. Madison County and the President, Nancy Franklin-Crane, and
- 27. I would like for them to stand and be recognized.
- 28. PRESIDING OFFICER: (SENATOR DONNEWALD)
- 29. Please stand and be recognized. Senate Bill 1998, Senator
- 30. Moore. Proceed, as to House Amendment No. 1.
- 31. SENATOR MOORE:
- 32. Thank you, Mr. President, and members of the Senate. I
- 33. am going to move to concur in this amendment. It's a technical

1. amendment that makes clear that the form that is filed by
2. the State Fire Marshal, shall be filed...or shall be given
3. to the fire departments in our communities without charge.
4. There was some question as to whether or not they'd have
5. to buy these forms or whether they would be supplied. I
6. would move to concur in House Amendment 1 to Senate Bill
7. 1998.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Is there discussion? The question is, shall the Senate
10. concur in House Amendment No. 1 to Senate Bill 1998. Those
11. in favor vote Aye. Those opposed Nay. The
12. voting is open. Have all those voted who wish?
13. Have all those voted who wish? Take the record. On that
14. question, the Ayes are 54, the Nays are none. The Senate
15. does concur in House Amendment No. 1 to Senate Bill 1998,
16. and the bill having received the required constitutional
17. majority is declared passed. Senate Bill 2000, Senator Schaffer.
18. Proceed.

19. SENATOR SCHAFFER:

20. Mr. President, I would like to move to concur in House
21. Amendments 1 and 2. House Amendment 1 simply is a repealer,
22. it repeals it January 10th, 1983. Amendment No. 2 is some
23. clean up language the Department of Public Health needs
24. in the Dental Student Grant Act, it's a technical amendment.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator Buzbee.

27. SENATOR BUZBEE:

28. Yes, Mr. President. I rise in opposition to Senator Schaffer's
29. motion to concur. In the first place we're not sure what the
30. impact of the first amendment is, the second amendment is not
31. germane to the bill. And we'd like to have a little further
32. discussion on this, and...and so I would...I would ask that we
33. not concur, that we vote No on Senator Schaffer's motion to...to

1. concur in...in these two amendments.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Is there further discussion? Senator Schaffer.

4. SENATOR SCHAFFER:

5. I'm sorry, Senator Buzbee hadn't mentioned this to me,

6. I don't know exactly what his problem is. The department tells

7. me this is important because they have a July 1 deadline on

8. some grants for this Dental Program. I'd like to take it to

9. ...the record and see if I can reestablish communications.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Take it out of the record. Senate Bill 2001, Senator

12. Schaffer. Senate Bill 2007, Senator Coffey. Proceed.

13. SENATOR COFFEY:

14. Yes, Mr. President, and members of the Senate. I move

15. to concur with House Amendment No. 1. What this does, it's

16. a...it adds Section 66 and 67 which releases highway easements,

17. and restores access rights. There's four parcels of ground

18. involved. I'd be glad to answer any questions you have, and

19. I'd ask for a favorable roll call.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Is there discussion? Senator...Senator Rock...Senator...

22. Bruce.

23. SENATOR BRUCE:

24. Well, I just wonder, there are several parcels of property,

25. some of them are at value, some of them for twenty-five dollars,

26. some of them for a hundred dollars. It just seems to me that...

27. can you explain a little more detail why these things are just

28. coming in at the last minute?

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator Coffey.

31. SENATOR COFFEY:

32. As I understand Senator Bruce, these were some that was not...

33. they didn't have the appraisals completed on them at the time the

1. Senate Bill came through. There's been appraisals and everything
2. on those. I don't have them before me. The Department of
3. Transportation says all the appraisals went through with them.
4. They were added in the House, and back over here. Two of them
5. happen to be in my district, one...one in Sangamon, one in
6. Coles, one in Vermillion, and one in Kane Counties.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Senator Bruce.

9. SENATOR BRUCE:

10. Well, I just wondered, the one parcel here is for nineteen
11. thousand dollars. Is that an appraised amount? And we've
12. got one here that...half acre of land which is appraised at
13. a thousand dollars an acre, is going to go for twenty-five
14. dollars for a half acre. Now, can you tell me why that is?

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. Senator Coffey.

17. SENATOR COFFEY:

18. Senator Bruce, I cannot, I'll be glad to pull it out of
19. the record and find out if you'd like me to.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Take it out of the record. Senate Bill 2014, Senator
22. Carroll. Proceed, as to House Amendment No. 1.

23. SENATOR CARROLL:

24. Thank you, Mr. President, and Ladies and Gentlemen of the
25. Senate. The House has added a technical change to the Federal
26. Funds Bill which we agree with. It is to also exempt the benefit
27. or clearing accounts from the Unemployment Trust Funds. And I
28. would move that we do concur with House Amendment No. 1 to Senate
29. Bill 2014.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Is there discussion? The question is, shall the Senate
32. concur in House Amendment No. 1 to Senate Bill 2014. Those in
33. favor vote Aye. Those opposed Nay. The voting is open. Have

1. all those voted who wish? Have all those voted who wish?
2. Take the record. On that question, the Ayes are 55, the
3. Nays are none. The Senate does concur in House Amendment No.
4. 1 to Senate Bill 2014, and the bill, having received the
5. required constitutional majority is declared passed. Senate
6. Bill 2020, Senator Vadalabene. Proceed, as to amendment...
7. House Amendment No. 9.

8. SENATOR VADALABENE:

9. Yes, thank you, Mr. President, and members of the Senate.
10. The only amendment that was adopted in the House was Amendment
11. No. 9. When the mass transit district is created in the Metro-
12. East area, Amendment 9 excludes those areas not being served
13. by bi-State. It also includes provisions for Madison and
14. St. Clair Counties which have townships to get in the transit
15. system...township by township vote of the governing body. It
16. also provides that Monroe County with the opportunity to get
17. in either by municipality or by road districts. In Monroe
18. County they have ten road districts. I doubt if the bus
19. system will change appreciably with this language in the bill.
20. It was accepted by bi-State and all the Representatives who
21. represent the outlying areas of the three counties, and I
22. would appreciate a favorable vote.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Is there discussion? Senator Grothberg.

25. SENATOR GROTHBERG:

26. Thank you, Mr. President. I commend Senator Sam and the
27. people of that area for creating their transit district which
28. is the...will be known as the RTA of the South, I believe, with
29. their quarter of a cent tax. One of our questions on this side,
30. Senator Sam, what will be the yield of your quarter percent
31. tax if this amendment is adopted?

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Vadalabene.

1. SENATOR GROTBORG:
2. How much...how much money will the Authority guess that
3. they're going to...
4. PRESIDING OFFICER: (SENATOR DONNEWALD)
5. Senator Vadalabene.
6. SENATOR VADALABENE:
7. I think it's approximately three million.
8. SENATOR GROTBORG:
9. Annually?
10. SENATOR VADALABENE:
11. Annually, plus two-thirds from the State on a matching
12. basis.
13. SENATOR GROTBORG:
14. Thank you.
15. PRESIDING OFFICER: (SENATOR DONNEWALD)
16. Is there further discussion? The question is, shall the
17. Senate concur in House Amendment No. 9 to Senate Bill 2020.
18. Those in favor vote Aye. Those opposed Nay. The voting is
19. open. Have all those voted who wish? Have all those voted
20. who wish? Take the record. On that question, the Ayes are
21. 50, the Nays are 4. 1 Voting Present. The Senate does
22. concur in House Amendment No. 9 to Senate Bill 2020, and the
23. bill having received the required constitutional majority is
24. declared passed. Senator Schaffer, you wish to return to Senate
25. Bill 2001?
26. SENATOR SCHAFFER:
27. Yes...
28. PRESIDING OFFICER: (SENATOR DONNEWALD)
29. Do we have leave to do so? Proceed, as to Amendment No. 1
30. ...House Amendment No. 1.
31. SENATOR SCHAFFER:
32. House Amendment No. 1, frankly, takes a relatively simple
33. bill and adds a...I think a sophisticated legal concept. It
allows all claims against any State employee for damage and

1. tort cases arising out of any action or emission occurring
2. within the scope of the employee's State employment except
3. intentional, willful or wanton misconduct. It...it...the
4. benefit of any claim shall not exceed a hundred thousand
5. dollars. You'll recall the original bill put a five hundred
6. thousand dollar limit on for physicians practicing and employed
7. by the State. Senator Berman had some questions on this. It
8. is a legal question on the limiting of liability, I would
9. defer to Senator Rock.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Senator Rock.

12. SENATOR ROCK:

13. Thank you, Mr. President, and Ladies and Gentlemen of
14. the Senate. I rise in support of the motion to concur with
15. House Amendment No. 1 to 2001. What we are attempting to do,
16. is to suggest that State employees may be sued but sued only
17. in the Court of Claims of the State of Illinois. This does
18. not apply to county or local employees, it applies only to
19. State employees. I think the idea is a good one, it will
20. save the State considerable insurance costs, and I would urge
21. an Aye vote.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Senator Martin.

24. SENATOR MARTIN:

25. Perhaps, then to Senator Rock, a layman's question. In
26. either private industry or just anywhere else, are there limits
27. on how much a person can be sued for? I guess what I'm asking,
28. why should...someone really fouls up in their job and hurts someone
29. or causes them injury of whatever kind, why should there be
30. a limitation on the right of the person suing just because
31. that person works for the State instead of Abco grocery or
32. whatever?

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Senator Rock, do you wish to respond? Senator Berman.

2. SENATOR BERMAN:

3. Thank you, Mr. President, and Ladies and Gentlemen of the
4. Senate. I suggest that we listen very carefully or read very
5. carefully what this amendment does in the House. Right now
6. under existing law, if you're crossing the street and a State
7. employee of DOT driving a truck runs you over, and kills you,
8. you still have the choice of suing that truck driver in your
9. local circuit court asking for a jury trial and allowing the
10. jury to determine the extent of the damages. Under the existing
11. law, the State must defend and reimburse and indemnify that
12. truck driver up to a maximum recovery of two million dollars.
13. Now, that was changed last year, and this Senate and the House
14. concurred in that change. Now, if you look at the bill as it
15. passed the...passed the Senate originally, it was introduced
16. and passed in the Senate to address one particular problem,
17. which I submit to you was solved by the Senate Bill. And that
18. problem was this, that as a result of certain Appellate Court
19. decisions, in the language that was passed last year, doctors
20. who do work in State institutions, such as the Department of
21. Corrections, or in the Department of Mental Health, they
22. were only covered under the indemnification provisions of the
23. existing law up to a hundred thousand dollars. And they felt
24. that because of certain malpractice exposure, they should have
25. a higher limit, just like the truck driver has two million
26. dollars indemnification from the State, the doctors wanted more
27. than a hundred thousand dollars. And that's what the Senate
28. Bill did, it raised them to half a million dollars of coverage
29. through the State, which I believe everyone agreed was adequate
30. to address that problem. Now, the division of risk management
31. in the Department of General Services comes in with this House
32. Amendment and what it does, is it take away the right of every
33. citizen of the State of Illinois to get a jury trial or to file

1. in circuit court for damages against...arising out of conduct
2. by a State employee. You're going to be relegated, you're
3. relegated under this amendment in the House to going to...to
4. the Court of Claims who are not judges as we know them in every
5. circuit throughout this State. You are not entitled to a jury
6. trial in the Court of Claims, you still have a year and a half
7. or plus delay in decisions of the Court of Claims, and even
8. if they decide to give you money, that's subject to...appropriation
9. by the General Assembly. It is a dramatic denial of the rights
10. of the citizens of this State as we know it. I submit to you
11. that this amendment in the House is not necessary to protect
12. the doctors, the bill that passed the Senate was adequate. I've
13. had conversations with the Department of Insurance, I've had
14. discussion with the...with the legal representative for the
15. Illinois State Medical Society. They don't need the House
16. Bill, I think they were...I think, I'm not quoting them directly,
17. I think they were satisfied with the Senate Bill, and the House
18. amendment is a transgression, a transgression on the rights
19. of every citizen in the State of Illinois. I plead with you,
20. read this very carefully, I ask for a No vote on the motion
21. to concur.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Senator Berning. Senator Netsch.

24. SENATOR NETSCH:

25. Thank you, Mr. President. I, too, rise in opposition to
26. concurrence, and I would attempt to answer Senator Martin's
27. question which Senator Rock declined to answer. And that
28. is you're absolutely right, there is something basically unfair
29. about the...allowing this kind of a limitation on the State's
30. liability. I would call attention to the fact that...that
31. the Illinois Constitution, that much maligned document, has
32. one sterling provision, which I think everyone applauded at the
33. time, that is Section 4 of Article XIII which says, except as
the General Assembly may provide by law, sovereign immunity

1. in this State is abolished. It is true, that we, as the
2. General Assembly, can provide for some limitations on the
3. extent of sovereign immunity, but certainly the whole thrust
4. of that Section and the reason for abolishing the basic
5. doctrine, was that, indeed, the State would accept its
6. responsibility for the enormous range of activities in
7. which it is involved and would not put on the individual
8. or even on his insurer if that happens to be where the burden
9. falls, the full burden where someone is injured by action
10. of the State. This bill is a clear limitation of that liability
11. to one hundred thousand dollars, there are people who are
12. severely injured and may have to be hospitalized or taken
13. care of for life, who would still be within this limitation.
14. It is a very, very bad idea, it is completely contrary to the
15. whole movement to abolish the doctrine of sovereign immunity
16. and it should not be approved.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Knuppel.

19. SENATOR KNUPPEL:

20. Well, I...I think that Senator Berman and Senator Netsch
21. said much of what I want to say, and that is that the sovereign
22. immunity, it was assumed, would be in large measure abolished
23. by the Constitution. Here today, we're invading the people,
24. the people's rights. In the last six months, I've seen two
25. cases, where...one, where a person ended up a vegetable by
26. reason of...of the application of too much anesthesia over too
27. long a period of time, and another one where there was a young
28. man who will be crippled and...and unable to earn a living
29. in any capacity for the rest of his life, and I suggest to you
30. to limit that to a hundred thousand dollars, hell, the attorney's
31. fees in one case would have been five hundred thousand, and
32. the other one they were eighty-five thousand, and...in the
33. amounts of money. So, all I'm saying is, that you'd better

1. be damn sure who you're getting hit by, don't get hit by the
2. ...by a State truck, or get hurt by a State doctor or something
3. else, a hundred thousand dollars plus the length of time it
4. take to clear cases out of the Court of Claims.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Senator Collins. Senator Geo-Karis.

7. SENATOR GEO-KARIS:

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

9. I echo the remarks of Senator Berman and Senator Knuppel. What
10. we're doing in effect with this amendment is telling the people
11. of Illinois, if you have a driver of a State vehicle, and they
12. run and kill you or your child, well, too bad, you're limited.
13. We are taking away the rights of the people, and if any of you
14. watch some of these drivers of State vehicles you wouldn't want
15. to be on the other side. I certainly oppose this amendment be-
16. cause I think it's unjust to the people of Illinois.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Schaffer may close.

19. SENATOR SCHAFFER:

20. Roll call.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. All right. The question is, shall the Senate concur in
23. House Amendment No. 1 to Senate Bill 2001. Those in favor vote
24. Aye. Those opposed Nay. The voting is open. Have all those
25. voted who wish? Have all those...take the record. On that
26. question, the Ayes are 7, the Nays are 45. The Senate does
27. not concur with House Amendment No. 1 to Senate Bill...just a
28. moment. Just a moment, I've got to announce the roll call.
29. The Senate does not concur with...House Amendment No. 1 to
30. Senate Bill 2001. Now, Senator Keats, for what purpose do
31. you arise?

32. SENATOR KEATS:

33. Did this bill just win the award for the worst roll call of
the year so far?

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. So far. Senator Rock.

3. SENATOR ROCK:

4. Well, this...this again, we...we did not concur, and so
5. the Secretary should so inform the House.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. The Secretary will so inform the House. I was interrupted,
8. or I would have said that.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. We have...that completes the concurrences presently on
11. the Calendar. Does any Senator wish to go back to the Order
12. of Concurrence on the printed Calendar? We have also distributed
13. to the membership, which we will consider shortly, a Supplemental
14. No. 1 Calendar. And also, non-concurrences which is on blue
15. sheets...Supplemental Calendar, and as soon as we conclude the
16. concurrences on the printed Calendar we will go to the non-
17. concurrences printed on the Supplemental No. 1 Calendar.
18. For what purpose does Senator Egan arise?

19. SENATOR EGAN:

20. Yes, I was not on the Floor when we earlier passed by
21. Senate Bill 934, and I would like to move to concur.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. All right, we'll just start right down the Calendar, on
24. page 3 of your Calendar is Senate Bill 934. Senator Egan is
25. recognized on House Amendment No. 1.

26. SENATOR EGAN:

27. Yes, thank you, Mr. President. Senate...or House Amendment
28. No. 1 adds to the...to the bill as it passed out of the Senate,
29. the permissibility of the State's Attorney to prosecute for
30. criminal violations that which he already has the right to
31. prosecute...prosecute civilly, and the need for the amendment
32. is that there is a case law in the absence of legislation which
33. denies him that opportunity to prosecute both. So, this now
corrects that problem, and I commend it to your favorable

1. consideration.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Is there discussion? Senator Newhouse. On this bill,
4. Senator. Okay. Is there discussion? The motion is to concur.
5. Senator Keats.

6. SENATOR KEATS:

7. In case some people have forgotten this bill, this is a
8. bill that allows the government to penalize people for doing
9. things that the government's causing them to do. As we are well
10. aware, and I'm a non-smoker, I think most of you know I'm a...
11. sort of an adamant non-smoker, as my seatmate, Aldo DeAngelis
12. knows, it drives me nuts. But what we have done, we've
13. raised Cigarette Taxes so high that you can make a pretty
14. good living running cigarettes from Indiana to Illinois, simply
15. because of our ridiculous tax policies. Now, a certain
16. governmental body in the State who will remain nameless but
17. it is a fairly large one, had decided they will increase even
18. higher our Cigarette Taxes which are some of the highest in the
19. whole country. So, in order to make their ridiculous tax
20. easier to enforce they are now making a misdemeanor a felony.
21. We're going to send a guy to jail 'cause the poor guys' having
22. a nicotine fit. You know you've got that thin line where I
23. have to...you have to ask yourself, do we really want to be
24. doing this to people, and I would have to say, vote your
25. conscience, if you're a smoker, you know, whatever you want, you've
26. got a conflict of interest. For us non-smokers, perhaps we'd
27. be better off sending these guys to jail, but still, it is we, the
28. governmental bodies, who are causing this to happen.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Further discussion? Senator Bowers.

31. SENATOR BOWERS:

32. Will the sponsor yield to a question?

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. He indicates he will.

2. SENATOR BOWERS:

3. Doctor Egan.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Egan,...ask a question. Senator Bowers.

6. SENATOR BOWERS:

7. I just heard an awful good speech by my friend over here,

8. but I don't think it applies to the bill in its present

9. condition. Now...now, would you kind of repeat exactly what

10. this bill does as its been amended. Does it change the penalties?

11. SENATOR EGAN:

12. The bill...

13. SENATOR BOWERS:

14. From misdemeanor to felony.

15. SENATOR EGAN:

16. Yes, from a misdemeanor to a Class 4 Felony. And then

17. it adds the...but not this amendment, this amendment merely

18. adds the...the...the right of the State's Attorney to prosecute

19. both criminally and civilly because of case...existing case

20. law, Senator Bowers, he is not able to do that now. And this

21. allows him to do that.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Further discussion? Senator Bloom.

24. SENATOR BLOOM:

25. Yes, Senator Keats, the Department of Revenue is making

26. progress. Last year they created the crime of perjury by

27. administrative rule over the Administrative Rules Committee's

28. objection.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Further discussion? Senator Egan may close.

31. SENATOR EGAN:

32. Roll call.

33. PRESIDING OFFICER: (SENATOR BRUCE)

SB 1524
concur
6-27-80

1. The question is, shall the Senate concur with House Amend-
2. ment No. 1 to Senate Bill 934. Those in favor vote Aye. Those
3. opposed vote Nay. The voting is open. Have all voted who wish?
4. Have all voted who wish? Have all voted who wish? Take the
5. record. On that question, the Ayes are 26, the Nays are 11.
6. ¶ Voting Present. The motion to concur is lost, the Senate
7. do not concur in House Amendment No. 1, and the Secretary
8. shall so inform the House. 1378, Senator Sommer. 1500,
9. Senator Jerome Joyce. Senator...Senator Joyce, 1500, gasohol
10. credit cards. Senator Sangmeister, 1524. Senator Sangmeister
11. is recognized on Senate Bill 1524, with House Amendments 1, 4, 5,
12. and 6.

13. SENATOR SANGMEISTER:

14. Well, Mr. President, and members of the Senate. The last
15. time we were on this bill, I believe a motion was made by Senator
16. Berman to divide the question and consider the first three amend-
17. ments and...separate from the last amendment, which would be
18. 1, 4, and 5, and consider that as a group, and consider amend-
19. ment No. 6 by itself. He may be in a position that he wants
20. to withdraw that motion knowing that there will be another motion
21. coming to divide on all of them. I think at this point I should
22. defer to Senator Berman.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Berman.

25. SENATOR BERMAN:

26. Yes, Mr...Mr. President, I had asked, following the original
27. motion, which I'd asked to divide the question as to all three
28. of them...all four of the amendments, that that amendment be...
29. that that motion be amended to say that it be considered 1, 4,
30. and 5, and 6 separately. Is...is that what Senator Sangmeister
31. is asking that that motion be? You want...you want to consider
32. 1, 4, and 5 as a package?

33. PRESIDING OFFICER: (SENATOR BRUCE)

Senator...

SENATOR SANGMEISTER:

1. Yes, I would like to consider them as a package, and
2. 6 separately, but knowing that a subsequent motion is coming
3. I presume, but I suppose...we should presume nothing here.

4. SENATOR BERMAN:

5. All right, that would be my...

6. SENATOR SANGMEISTER:

7. At this point, that's acceptable to me.

8. SENATOR BERMAN:

9. That would be my request Mr. Speaker, that 1, 4, and 5
10. be considered and 6 separately.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Berman has asked that the question be divided,
13. and be divided that we consider Amendments 1, 4, and 5 and
14. then in a...in a group, and then Senate...Senate Amendment 6
15. be considered by itself. Is there leave for that procedure?
16. Leave is granted. Senator Sangmeister is recognized on Amendments
17. 1, 4, and 5.

18. SENATOR SANGMEISTER:

19. All right, I don't want to repeat all of the debate...or
20. all of the remarks that I made previously, but I just...so everyone
21. knows, by adopting Amendment No. 5, of course, 1 and 4
22. will not be active. So, at this point as I stated before, of
23. all the legislation you're going to pass on, this is one that
24. I think you can go home and...and probably talk about that you're
25. ...you're going to do the one thing that your constituents
26. have been asking for. You know, all of you, and I know I do and
27. I'm sure you do too, people back home saying why aren't you
28. doing something in the area of criminal law because we don't
29. feel secure anymore. You can't do anymore than this in my
30. opinion. My answer to that usually is, the Illinois Criminal
31. Law is in pretty good shape. You may need some help from your
32. prosecutors and you may need some help from your judges to lean
33. on a few of these people, but if there ever was an area that

1. the Legislature could help in, this fulfills it and from
2. here on you can say back home, the law is there, talk
3. to your prosecutors and your judges. But they...they certainly
4. could use this. And...accept any questions, or we can go
5. forward on debate.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Further discussion? Senator D'Arco.

8. SENATOR D'ARCO:

9. Thank you, Mr. President. I rise in opposition to this
10. bill and I hope my colleagues will listen to what I have to
11. say. One point I would like to make is that this bill...there
12. already is a Three Time Loser Bill, so let's not think that
13. he's going to provide that after the third Class X Felony a
14. man will subsequently have to spend the rest of his life in
15. jail, because that already is the law. After a third Class
16. X Felony...Adeline is asking George if that's right, and
17. Adeline, it's right. That already is the law, so this isn't
18. to provide for a Three Time Loser Bill where there is none.
19. What the amendment does, is add more Class X Felony to the
20. already enumerated Class X Felonies that provide that if you
21. commit three of them, you go away for life. But it also does
22. something else, it adds the crime of armed violence to that
23. category of crimes that provide that if you commit three,
24. you go away for life. What is armed violence? Armed violence
25. crime that simply provides if you're armed with a dangerous
26. weapon, you don't have to use the weapon, you can commit a
27. shoplifting, you can go into a commercial store, steal an item,
28. ten dollar item or twenty dollar item and if you have a kitchen
29. knife in your purse or in your wallet, they can charge you with
30. armed violence because you committed a crime carrying what is
31. classified as a dangerous weapon. And what is a dangerous weapon?
32. A dangerous weapon can be anything, it can be a club, it can
33. be a sandbag, it can be blackjack, it can be any object that
can do bodily harm to a person. And, in fact, if you commit

1. your second petty offense of shoplifting, that automatically
2. becomes a felony. So, if you steal something worth ten dollars
3. a second time, that crime becomes a felony instead of the mis-
4. demeanor because it's the second offense. And because you're
5. carrying the kitchen knife in your pocket, it not only becomes
6. a felony it becomes armed violence. Commit three of those,
7. and you go away for life. That's what this bill does, believe
8. it or not. Now, I think Senator Netsch wants to add a few
9. remarks so I'm going to stop.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Netsch.

12. SENATOR NETSCH:

13. Thank you, Mr. President. First of all, I would like to
14. underscore some... the point that Senator D'Arco made and
15. about which Senator Geo-Karis raised a question, and I read
16. from the existing Criminal Code, "every person who has been
17. twice convicted in this State of either of the crimes of treason,
18. murder, rape, deviate sexual assault, armed robbery, aggravated
19. arson, or aggravated kidnapping for ransom, and is thereafter
20. convicted of any one of such crimes committed after the two
21. prior convictions shall be adjudged an habitual criminal, and
22. be imprisoned in the penitentiary for life. The two prior
23. convictions need not have been for the same crime. A person so
24. adjudged shall not receive any other sentence whatsoever or
25. be eligible for release." Now, that is a Three Time Offender
26. Statute, it is already part of the law of the State of Illinois.
27. It is probably in, although very tough form, it is probably in
28. fairly constitutional form. I have no idea whether this one
29. that is being presented today is or is not valid, it may well
30. be, I'm not attacking it largely on constitutional grounds. What
31. I am suggesting is, that in addition to the point that Senator
32. D'Arco made, we are now picking up convictions in any other state
33. or Federal Court to be counted into the three offenses. Now,

1. admittedly it goes on and says, "that those offenses must contain
2. the same elements." But you're talking now about incorporating
3. by reference convictions in the State of Alabama, Mississippi,
4. Georgia, and a whole lot of other states that have not exactly
5. had our sense of the right components of criminal offenses,
6. or the same standards for conviction thereof, and I think that
7. in itself is a very, very serious error. Secondly, I would
8. like to say, that...this whole business of the three time offender
9. thing is largely a phony issue, it is largely a newspaper
10. grandstanding kind of position. At the time that we passed
11. House Bill 1500 a couple of years ago, the so-called Class
12. X Bill, we asked the Director of Corrections how many people
13. of the some ten thousand five hundred then in the penitentiary
14. system would be under the habitual criminal sentence...or provisions
15. that we incorporated in that Statute would be in that category
16. and my recollection is, it was in the neighborhood of eighty-
17. five to ninety people throughout the entire State of Illinois.
18. It is not a big, big number that are going to be. But equally
19. important, the tougher you make the Habitual Criminal Act,
20. the more you totally take away judicial discretion to recognize
21. that there are different elements of...of the way in which an
22. offense is committed, the more likely you are to have an effect
23. exactly contrary to what you want. If you were talking only
24. about getting off the streets those people who have committed
25. really violent crimes against persons, fine, I don't think
26. anyone really objects to that. That is not what this does, and
27. all you are assuring is, that where a judge or a jury thinks that
28. it is insane to send someone away for life without any possibility
29. of being released, which is what the Statute says, for life, for-
30. ever and ever, and they think it is too tough, they are simply
31. going to find that person not guilty. And that, I suspect, is not
32. the best solution to...providing some form of punishment for the
33. people so involved. It is a terrible, terrible idea, it is mostly
window dressing and it is not going to have the impact that it is

1. represented to have, and I hope we would recognize that.
2. PRESIDING OFFICER: (SENATOR BRUCE)
3. Senator Knuppel.
4. SENATOR KNUPPEL:
5. Well, I don't think many people listen when I talk about
6. this, but I've been saying it and saying it, and saying it in
7. this Session. We're getting tougher and tougher and tougher,
8. we're raising the penalties for crime after crime after crime.
9. We're broadening the base of people who go to prison from time to
10. time to time. We're just finishing two prisons in Centralia and
11. Hillsboro and now they're talking about building one up close
12. to Chicago. Our prisons are overcrowded, I'll tell you that
13. justice is not always evenhanded and particularly with respect
14. to States Attorneys as...as opposed to judges who have some
15. tenure. They have to run for re-election and...and Senator
16. Sangmeister's right, this will make you a big man back home,
17. because the people really think that in Chicago it isn't safe
18. you know, to do anything or even downstate, that crimes run away
19. with everything. But actually, you know, I...I represent a lot
20. of these little kids, and that's what they really are, little
21. kids from seventeen to nineteen, and that's when they generally
22. get into trouble. They come up three time losers. You talk
23. about armed violence, some guy gets a little drunk and comes
24. home and he and his wife get in a fight so he gets a gun,
25. says I'm going to go out and commit suicide, and the sheriff
26. comes out there after him and the first thing you know he tells
27. the sheriff to get the hell out of there he's going to shoot
28. him and he's guilty and charged with armed violence. Now, I
29. just don't care, I mean, I'm going out of here in January with
30. a clean conscience. I didn't vote for Class X, and when you
31. people are paying the taxes to put more and more people in
32. prison, we have a historic example, and I've said it many times,
33. the one time in England they could hang five...hang you for five

1. hundred and twelve different offenses. Anybody that's ever
2. studied criminology knows this for a fact, it did not reduce
3. crime. The person who's committing the crime thinks he's going
4. to get away...away with it. It's the last deterrent in the world.
5. People think this is what's going to happen, that you'll deter.
6. But our crime rate goes up and up and up, and our...our crimes
7. increase in size and penalty. And if I ever have seen a
8. costly experiment, a program or a policy that's headed in the
9. wrong direction, it's the criminal or the criminology that
10. we have and the mind that we have with reference to it, here
11. in this Chamber. To...I don't know how many new crimes, how
12. many increased penalties we've voted on, how much we've broadened
13. it. We thought...we got Class X we had really become tough and all
14. of you went home and got re-elected. Now, you have to have
15. another one. So, you go home with this one, and it will make
16. you a big man, and you say, boy I'm tough, I'm tough on these
17. kids, man I don't want any of these kids breaking into my store
18. and maybe doing five or six hundred dollars worth of damage and
19. so forth and so on, we're going to up that penalty, and so some
20. youngster, and that's when most of them pick it up, they...
21. most of them pick up their crimes before twenty...twenty-three,
22. twenty-four years of age. So, we put them away for life. I
23. don't want to support some old son of a bitch that's over sixty
24. years old. He ain't going to commit no more of these violent
25. crimes. I don't want to support him any longer, get him out
26. and let him see if he can't do a little bit to...to contribute
27. to society.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Further discussion? Senator Buzbee. I have Buzbee, Collins,
30. Newhouse, Hall, and Bowers, DeAngelis. Senator Buzbee.

31. SENATOR BUZBEE:

32. Thank you, Mr. President. Although my expertise in criminal
33. law is definitely lacking, I have some strong opinions on this

1. particular subject. I supported the three-time-loser legislation
2. that went through here a few years ago. I supported the Class
3. X Felony designation, et cetera. But this is going way, way too
4. far. I think most of us are, at least, tacitly familiar with the
5. case in Texas where the...the guy, I've forgotten what he had
6. done, he'd...he'd...something like he broke into a laundromat,
7. or something like that...credit cards and so forth, and now he
8. is spending his life in prison. You know, that's not exactly
9. the sort of person that...that is a real threat to society.
10. I mean, he's...you know, he's probably a nuisance, but he's...
11. he's not exactly the type that we want to pay fifteen thousand
12. dollars a year to support for the rest of his life, as Senator
13. Knuppel just pointed out; that's exactly what we'll be doing,
14. and I think...I think Senator Netsch's point is...is a...a good
15. one, too, when she talks about we're going to have exactly the
16. opposite effect. You picture yourself sitting on a jury. You're
17. sitting on a jury, there's somebody that's been convicted twice
18. of...of some felony, and now, all of a sudden, the third time is
19. up; and perhaps the penalty for this particular offense would be
20. a few years, but because this is going to be his third time loss,
21. we're going to put him away for life. What are you going to do
22. with that person? Let's say it's one of these kids that Senator
23. Knuppel talked about, the seventeen to nineteen, or maybe twenty-
24. three year old; you're going to say...you're going to say, I'm going to
25. vote to put this...to put this habitual criminal away for the rest of
26. his life. I think we ought to be tough on the criminals, I...
27. that's why I voted for the three-time-loser law in the past.
28. Those offenses that are named as Senator Netsch read them off in
29. the Statute are pretty bad offenses; not pretty bad, they're very
30. bad. And those kind of folks ought to be put away for life, in
31. my opinion. But this is going much, much, much too far. I don't
32. particularly trust the criminal justice of some of the other states
33. where they might have been convicted. I have very little...I

1. have very little respect for the Federal court system, as a
2. matter of fact, and I just think this is going way, way too far,
3. and I'm...I'm going to vote No.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Collins.

6. SENATOR COLLINS:

7. Thank you, Mr. President. I'm going to be brief, because
8. Senator Knuppel and Senator Buzbee, I think, hit on the point
9. that I wanted to raise. But, I would like to ask a question of
10. sponsor...of...the sponsor a question, in reference to...to that
11. particular point, if he will yield.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Indicates he will yield.

14. SENATOR COLLINS:

15. Senator Sangmeister...Senator Sangmeister, I...I recall
16. last year or two years, time goes so fast, when...when those
17. two bills passed, the Habitual Criminal Act, the Three-Time-
18. Losers...I thought that we had two separate bills, a Juvenile
19. Habitual Criminal Act and, of course, one for adults. And, in
20. that we did protect the point that he is raising that, in fact,
21. if you did commit two felonies, or...one felonies, prior to..when
22. you were sixteen, seventeen, eighteen, before you got twenty-one,
23. I don't recall exactly, now; that that would not be accredited
24. to that time...the three.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Sangmeister.

27. SENATOR SANGMEISTER:

28. Well, if I understand your question correctly, this Act does not
29. apply to juveniles. It was Senator DeAngelis, I believe, last
30. year who passed the Juvenile Habitual Criminal Act.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Further...Senator Collins.

33. SENATOR COLLINS:

1. Well..well, that's my concern. I'm...I'm saying, would
2. this Act then, supersede that, which would include, if they did,
3. in fact, commit two felonies prior to the age of twenty-one or
4. eighteen or whatever the Statute says, would that be included
5. in those three felonies under this Act...under this amendment?

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Sangmeister.

8. SENATOR SANGMEISTER:

9. No, because they would be prosecuted under the Juvenile
10. Court Act, and they would not be convicted of a felony.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Collins.

13. SENATOR COLLINS:

14. Senator Sangmeister, looking at this Act, you...it says
15. "twenty years from the first." Now, if...if a...if a young
16. person committed a felony, two felonies before the age of
17. seventeen, or at seventeen, by the time they're seventeen, the
18. next felony, then, committed at twenty-five or thirty, or forty,
19. or fifty, or sixty, as Senator Knuppel say, wouldn't they, then,
20. come under the jurisdiction of this amendment?

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Sangmeister.

23. SENATOR SANGMEISTER:

24. The answer is no. The only exception would be is if the
25. State's Attorney, under the law, decided to prosecute that
26. juvenile as an adult and got a conviction, that would be a
27. different story; but otherwise, the answer is no.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Collins. Senator, your time has nearly expired.
30. Further...further discussion? Senator Newhouse. For what purpose
31. does Senator D'Arco arise?

32. SENATOR D'ARCO:

33. Just a point of clarification. If a person is seventeen or

1. older, then he's not charged under the Juvenile Act. So, if
2. he committed a felony when he was eighteen, and nineteen; twenty
3. years ago, and then he, subsequently, tomorrow, after this bill
4. passes, commits another one, he's got to go away for life.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Sangmeister. Well, now, let's just go on down the
7. order...Senator Newhouse.

8. SENATOR NEWHOUSE:

9. Thank you, Mr. President. It's difficult not to repeat some
10. of the things that have been said, but I'm going to try to avoid
11. that. Senator Netsch and Senator Knuppel and Senator Buzbee
12. talked about overkill and Senator Buzbee talked about overkill
13. from the standpoint of a juror on who is deciding a case. It
14. goes even further than that. The jails are overloaded already,
15. and the judges are asking themselves, where are we going to put
16. them? And so, they're cutting them loose. And in that respect,
17. they're getting the opposite result from...what is to be
18. achieved here. But...let me tell you what happens when you begin
19. to take away the discretion of a court. In this morning's Sun
20. Times, on page thirty, there's a very interesting story I'd like
21. you all to read. It concerns a gentleman who happened to be of
22. Italian extraction, who was applying for citizenship in this
23. country. And let me tell you what happened. This man, in 1943,
24. you will recall that that was at the end of the World War...World
25. War II and things were kind of tough, stole sixty pounds of
26. olives to feed his family. Okay? He was put in jail for fifteen
27. days and fined. Four months later, he was convicted of stealing
28. tree bark to heat his home; and now this man who is fifty-six
29. years old is being denied citizenship in this country; otherwise,
30. lived an exemplary life. Here is what the court said. "We are
31. not unmindful of the seeming harshness in turning the petitioner
32. away, because of two minor criminal escapades committed in his
33. youth. The regulation of immigration is a matter entrusted to

1. Congress, and we are not free to substitute our judgment for
2. that of the National Legislature, merely because the statutory
3. scheme dictates a severe or unfortunate result in a particular
4. case." Admittedly, that is an unusual case, but let me tell you,
5. these cases come up every day in the circuit courts of every one
6. of your counties, and what is going to happen is very clear.
7. The judges are going to be human beings; they're simply not going
8. to convict under those circumstances. The last...the last thing
9. I'd like to say on this is this, you know, there's a taxpayer's
10. lobby for almost every group in this State, except for the...for
11. where a State taxpayer's lobby ought to be. If the taxpayers ever
12. really find out how much money they're spending trying to keep
13. people out of society, many of whom are absolutely harmless;
14. that's where the tax revolt ought to begin. Thank you very much,
15. Mr. President. It's a bad amendment, I...

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Discussion? Senator Hall.

18. SENATOR HALL:

19. Thank you, Mr. President and Ladies and Gentlemen of the
20. Senate. Senator Sangmeister, you know I've told you many times
21. that you're "Bad Bill Sangmeister." I want to tell you right now,
22. when...when you stop and think, and I'm reluctant to say anything;
23. because everything I oppose you on flies out of here. I voted
24. against your Class X, I voted against your Chain Gang Bill and
25. now you come here with this. This is a terrible bill; you're
26. such a swell guy, you're one of the greatest gentlemen that I know,
27. but you come up with such bad bills. This is a shame. I mean,
28. I don't want to repeat some of the things, but I think you ought
29. to stop and think now, I don't know where these people are that come
30. and tell you that you want to be a big man back home; no one has
31. ever told me that I was a little man because I opposed those bills
32. you had, but the answer was to be two years ago, or whenever you
33. passed those bad bills out of here, that at long last we've got a

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1. solution. Now, we're back here and going to add something
2. from out of State, and you know as well as everybody else
3. that there are many states as Senator Netsch has said, that
4. doesn't follow the same line that we do here. I really think
5. you ought to give some serious thought to this. I think
6. that if you want to do the people of the State of Illinois
7. a great service, that what should happen to this, it ought
8. to be tubed.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Further discussion? Senator Bowers.

11. SENATOR BOWERS:

12. Thank you, Mr. President. Of course, I rise in support
13. of this legislation, and I would like...a couple of things. Senator
14. Newhouse indicated that I...I think need clarification. These
15. aren't little petty thieves that we're talking about here, every-
16. one of these crimes are violent crimes, and these are violent
17. criminals. This is something we...some of us tried to get into
18. the Class X legislation and we were unsuccessful. It seems to
19. me high time that we did it, that flaming or that arch conservative
20. newspaper, the Chicago Sun Times, had an editorial the other day,
21. saying that it's time those kind of people were put away. This
22. is one time we can. If a man commits a third rape we can put
23. him away. There's...and if you were the potential victim, or
24. you were the forth victim, I am sure you would be tickled to
25. death to have had this legislation on the books, and it's time
26. we started thinking about the victims, and I say we ought to
27. do it. And I would hope we get at least 40 affirmative votes.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Vadalabene.

30. SENATOR VADALABENE:

31. Yes, thank you, Mr. President, and members of the Senate.
32. Senator Bowers hit lightly on a subject that no one has discussed.
33. We're talking about putting the sixty year old away, and causing...
all that money. Now, I don't know how many sixty, sixty-five,

1. seventy year old rapists there are...so that takes care of
2. them Senator Knuppel, you don't have to worry you know...
3. yes, let me...all right, how about the gavel up there.
4. PRESIDING OFFICER: (SENATOR BRUCE)
5. All right. All right.
6. SENATOR VADALABENE:
7. Come on, we're talking serious business. All right. No,
8. to put your mind at ease, Senator Sangmeister, I have voted
9. for all your bills, crime X and so forth since you've introduced
10. them. You might, some of you from Chicago, recall just lately,
11. and I've had two bills this Session dealing with rape, on
12. Saturday, June 7th, in the Sun Times, there was something
13. pathetically sick about the kind of criminal called a career
14. rapist. More disgusting is the way the so-called justice system
15. lets so many of them back on the streets to rape, and rape,
16. and rape again. And in conclusion he says, face it, it's
17. in Mike Royal's statements, the penal psychiatric sociology
18. community has shown it simply does not know how to cure repeated
19. rapists. Since it doesn't, the only thing to do is protect
20. society by locking them up tight and throwing away the key.
21. Senator Sangmeister, does this bill...bill deal with the rapist?
22. PRESIDING OFFICER: (SENATOR BRUCE)
23. Senator Sangmeister.
24. SENATOR SANGMEISTER:
25. Unquestionably.
26. PRESIDING OFFICER: (SENATOR BRUCE)
27. Senator Vadalabene, have you concluded?
28. SENATOR VADALABENE:
29. Yes. Definitely I'm going to support Sangmeister's bill.
30. PRESIDING OFFICER: (SENATOR BRUCE)
31. Senator DeAngelis.
32. SENATOR DeANGELIS:
33. A question of the sponsor.

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. Gentlemen, may we have some order, please. Senator
3. DeAngelis.
4. SENATOR DeANGELIS:
5. A question of the sponsor.
6. PRESIDING OFFICER: (SENATOR BRUCE)
7. He indicates he will yield. Senator DeAngelis.
8. SENATOR DeANGELIS:
9. Senator Sangmeister, last year I had a habitual juvenile
10. offender bill, which I thought was necessary because there was no
11. determinate sentencing in the juvenile court for a violent crime.
12. By the way, I think you voted Present on that one. I want
13. to ask you a question, is there...what would be the minimum
14. sentence today, for a person committing three crimes of the nature
15. that are described in this law? What would be the minimum sentence
16. today that they would get without your bill?
17. PRESIDING OFFICER: (SENATOR BRUCE)
18. Senator Sangmeister.
19. SENATOR SANGMEISTER:
20. If all of the felonies were committed within the State of
21. Illinois, and if they were after February 1st, 1978, then it would
22. be life imprisonment.
23. PRESIDING OFFICER: (SENATOR BRUCE)
24. Senator DeAngelis.
25. SENATOR DeANGELIS:
26. I'm sorry if I didn't give my question correctly. What I
27. mean is, if you do not have your bill, currently right now under
28. law, what would be the minimum sentence for three offenses in
29. the categories that you're creating right here?
30. PRESIDING OFFICER: (SENATOR BRUCE)
31. Senator Sangmeister.
32. SENATOR SANGMEISTER:
33. Again, unless they were all committed after February 1st,
1978, then it would be a six year minimum sentence which, take

1. away your good time, would be three years.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator DeAngelis.

4. SENATOR DeANGELIS:

5. Maybe I'll try to ask this question differently. You're

6. talking about for the lowest category of crime on your list,

7. that would be the minimum sentence that they would receive for

8. the third offense?

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Sangmeister.

11. SENATOR SANGMEISTER:

12. I'm having difficulty getting to your question, I apologize

13. for that, but if...you know you're not defining what felonies

14. you're talking about. If you're talking about murder, then

15. you've got the minimum of twenty.

16. SENATOR DeANGELIS:

17. The least...the least severe crime on your list. All

18. right, let me put it more specifically. Every one of the crimes

19. on your list is a Class X crime, right?

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Sangmeister.

22. SENATOR SANGMEISTER:

23. That's correct.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator DeAngelis.

26. SENATOR DeANGELIS:

27. Okay, what currently is the sentence for a person committing

28. three crimes under the Class X category, what currently is the

29. sentence without your bill?

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Sangmeister.

32. SENATOR SANGMEISTER:

33. Again, the answer would be when were the crimes committed.

1. SENATOR DeANGELIS:
2. If there is no Habitual Criminal Act?
3. SENATOR SANGMEISTER:
4. But there is one.
5. SENATOR DeANGELIS:
6. Okay.
7. SENATOR SANGMEISTER:
8. That's what I said before.
9. SENATOR DeANGELIS:
10. All right, well, then what does your bill do?
11. PRESIDING OFFICER: (SENATOR BRUCE)
12. Senator...Gentlemen and Ladies...
13. SENATOR DeANGELIS:
14. Well, what does your bill do that's different then?
15. SENATOR SANGMEISTER:
16. Well, what it does, is it goes back and picks up, if you've
17. got two felonies prior to February 1st, 1978, they will now
18. be counted. All right.
19. SENATOR DeANGELIS:
20. So, you're making it retroactive rather than...that's the
21. only change?
22. SENATOR SANGMEISTER:
23. That, coupled with the fact that they don't have to be
24. all Illinois felonies, they can be Federal jurisdiction as well
25. as sister states.
26.
27. (END OF REEL)
28.
29.
30.
31.
32.
33.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. All right. Now, let's see, we've got Senator Knuppel.

3. SENATOR KNUPPEL:

4. Well, the only reason I'm speaking a second time is...is
5. while Senator Sangmeister is being absolutely and positively
6. meticulous, he is not really answering the questions I think
7. the people want the answers to in the broad sense. Now,
8. down here Senator Collins said, "what about these kids seven-
9. teen?" The state's Attorney can choose to treat them as
10. criminals. There's a boy that just escaped from the...the
11. juvenile detention here who is charged with murder in...in
12. Springfield, and he's still kept in the juvenile. I've got
13. oodles of kids who have been treated because of burglary and
14. other crimes, who are sixteen and seventeen as criminals, and
15. if they committed a Class X crime when they were fifteen, six-
16. teen or seventeen, it can be added up with the others, if the
17. State's Attorney has chosen to treat them as criminals. And
18. just as over there, there may be a question about ex post facto;
19. but if there were three crimes...three crimes that were Class
20. X, committed after January 1st, 1978, you already have a pro-
21. vision that says life imprison, and all I can say about Sammy
22. Vadalabene is, Sammy, you're jealous and so am I.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Geo-Karis.

25. SENATOR GEO-KARIS:

26. Mr. President and Ladies and Gentlemen of the Senate, it
27. seems to me that the undercurrent here is, well, if they had
28. one or two chances to rape and murder and maim well, let's
29. give them another one. I think this bill is a good bill, because
30. if they haven't learned by their first experience, I'm sick
31. and tired of seeing these sick creeps come out and rape again...
32. rape again, murder again and maim again, and then we have to
33. feel sorry for them. If they can't learn at the age of seventeen,

1. they never will, because by...they say that a child is formed
2. pretty much in his years by the age of six and then he tends
3. on. I honestly feel that we got to do something, and let the
4. Supreme Court of the United States decide whether it's ex post
5. facto or not. I'm for the bill.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Lemke.

8. SENATOR LEMKE:

9. Mr. President and fellow Senators, I...I read the bill,
10. and it's probably the only way of solving these problems;
11. but the real problem here in listening to Sam Vadalabene and
12. other Senators is the problem is with the Judiciary and with
13. the probation system. And we in this Body want to have a merit
14. selection of judges, and the people are complaining to you
15. because habitual criminals are let loose with light sentences.
16. Now, the only way you can remedy the situation and please the
17. public is for the judges to answer to the people. If these
18. judges had to run for election in communities after they left...
19. out a rapist who was habitual, they...they wouldn't be elected;
20. and we want to...we want to have a merit selection so we can
21. retain the intellectual liberals from the University of Chicago
22. and all these great intellectual law schools. When they get on
23. the bench the first thing they do is find out ways to let out
24. criminals. We get all the psychiatrists put together and they
25. say, well, this guy, he's okay; he's cured. So the next day he
26. goes out and rapes somebody, and then he says gee, I made a
27. mistake, but the victim, that's the guy you got to worry about.
28. And the only way the victim can get his pound of flesh is by
29. voting for somebody. He votes for you when you do something to
30. him, and if these judges had to go out for election, including
31. the U. S. Supreme Court, I think they'd think twice before they
32. start changing some of the laws and declaring them unconstitutional
33. and letting people out. So, I'm going to vote for the bill,

1. only because it's the only alternative I have to prevent
2. habitual criminals from the streets. Now, if the courts would
3. stand up and do what they're supposed to do, and the probation
4. officers would get a little less sympathetic and kind hearted
5. and start doing what they're supposed to be doing, then maybe
6. we would have a good society; but until that happens, we have
7. to pass laws like this and we have to put habitual criminals
8. away, and unfortunately, we read about the man in Italy, we
9. read about some of these other people that are victims of
10. the law; but as I was taught, there is always some innocent
11. person that has to be injured for the majority to get their
12. way. And this is the only way the majority of the people,
13. the victims, can get their way is by a three-time-loser law;
14. so, therefore, I'm voting for it.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Further discussion? Senator D'Arco.

17. SENATOR D'ARCO:

18. Thank you...Excuse me for rising a second time, Mr. President;
19. but just to clarify things so we all know what the bill does.
20. It does apply, not only to Class X Felonies, but it also applies
21. to armed violence, which is that crime that I tried to explain
22. to you in the beginning of the debate; but it also...right now,
23. under the extended term provisions of the law, let's say a person
24. does commit a rape, the penalty for rape is six to fifteen; but
25. if the crime is heinous enough or brutal enough, the judge
26. can apply the extended term provisions. So, that would mean
27. he can apply the thirty to sixty year provisions. So, he could
28. put a guy in jail for committing a first rape today, if it's
29. heinous enough, for sixty years if he wants to. On the second
30. rape, today, he can apply the extended term provisions and put
31. him in jail for sixty years; so, Sam's bill, really, which would
32. extend the penalty for rape to sixty years is in a way meaningless,
33. because a judge can do that today. But the...the retroactive

1. provisions provide that, if you committed a crime up to twenty
2. years ago, which would be like 1948, but excluding time; and I
3. think this is important, excluding time that you served in
4. prison. So, naturally, if you're going...if this law is
5. going to apply to you, you are going to have to have committed
6. two prior felonies. Now, all the time that you served in prison
7. for those convictions is excluded. So, it could be even longer
8. than twenty years ago, and I just want you to know what the
9. bill does when you vote on it.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Further discussion? Senator Netsch. Senator Netsch...
12. Senator Grotberg.

13. SENATOR GROTBORG:

14. Thank you, Mr. President. A question of the sponsor. As
15. a nonlawyer, I've been sitting here wondering if in the area
16. of criminal law practice in this class of felony, is plea
17. bargaining a reality today, or...is there any such thing as
18. plea bargaining?

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Sangmeister.

21. SENATOR SANGMEISTER:

22. Yes, plea bargaining, despite most people's feelings about
23. it, is very much a part of the procedure today. Yes.

24. SENATOR GROTBORG:

25. I ask that because it would continue and get even more so.
26. People would do anything under a law like this to reduce the
27. charge to something less than Class X to keep from going away
28. forever. So, I would presume there would be just a huge in-
29. crease in plea bargaining, where the lawyers turn out to be
30. the jury.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Further discussion? Further...Senator Gitz.

33. SENATOR GITZ:

1. I have a question of the sponsor.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Indicates he will yield. Senator Gitz.

4. SENATOR GITZ:

5. Senator Sangmeister, it's my understanding in this bill

6. that you provide in other states some type of comparability

7. of the nature of the crime. Is that true?

8. SENATOR SANGMEISTER:

9. That is correct.

10. SENATOR GITZ:

11. Okay. Could you cite the exact language? That would take

12. care of one problem. Then I have a second question.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Sangmeister.

15. SENATOR SANGMEISTER:

16. Yes. It's on Section 33 B-1. It says, "every person who

17. has been twice convicted in any state or Federal court, of an

18. offense that contains the same elements as an offense now

19. classified in Illinois as a Class X Felony or murder."

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Gitz.

22. SENATOR GITZ:

23. Thank you. I have one other question, which I am concerned

24. about in this bill, and let me outline the problem. It seems to

25. me that one of the problems that we have in the General Assembly

26. when we pass legislation which is aimed at getting criminals

27. off the street, is that frequently, a judge will look at the

28. nature of the offense; and he will be somewhat reluctant to

29. make that, perhaps, third conviction, because of the fact that

30. you'll be in effect forcing a life sentence. Consequently, some

31. of the times what we seek to do in the General Assembly may be

32. subverted by the Judicial system, and I would hate to see that

33. be one of the impacts of this bill, and I would appreciate it

1. if you would speak to that point and how you see that being
2. implemented, if this proposal were to become law.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Sangmeister.

5. SENATOR SANGMEISTER:

6. Well, what you're referring to is the same thing that
7. Senator Grotberg alluded to that there may be more plea
8. bargaining. That may be the end result of it; but on the
9. other hand, the judge may not be involved at all. If the
10. defendant has selected a jury trial, it'll be the jury's
11. decision, and if it qualifies as a third felony, that will
12. be the decision.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Further discussion? Senator Collins. Senator Berning.

15. SENATOR BERNING:

16. One question of the sponsor. Senator, it has been implied,
17. from time to time, that one reason the repeat offender is not
18. dealt with more severely, is because when he comes before the
19. court, his prior record is not known, or not readily available
20. to the court. Is there anything in this proposal now, because
21. of the effect of cumulative voting on the record, is there any
22. way that that record is going to be positively in evidence
23. before the court along with the defendant?

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Sangmeister.

26. SENATOR SANGMEISTER:

27. Well...you...you're...you started out your question by
28. saying it's...it's well known that...that the record is not
29. before the court. I think what you're referring to, Senator
30. Berning, is, sometimes at...at proceedings concerning bail for
31. the defendant, because of the immediate situation, that that
32. record is not available. Certainly at the time of sentencing
33. here, it will be the responsibility of the State's Attorney's

1. Office to see that, as we refer to it, the rap sheet is there,
2. and will certainly have to show to the judge the...the legitimacy
3. of the prior convictions.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Berning.

6. SENATOR BERNING:

7. Well, the...the situation is compounded, somewhat, by the
8. inclusion of records from another state. I...I suppose what
9. I am inquiring about is, will there be a Central Data Bank that,
10. for all intents and purposes, is going to be nationwide on
11. criminals of...that have...are...have been convicted anywhere
12. of a major offense?

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Sangmeister.

15. SENATOR SANGMEISTER:

16. Well, of course, this legislation does not encompass that
17. kind of a central United States network. It would be very nice
18. to have and, I presume, very expensive; but at the time of
19. sentencing, it'll obviously be incumbent upon the State's
20. Attorney at that time to prove to the judge that there were two
21. prior felonies, in addition to the one that he would have just been
22. convicted of.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Berning.

25. SENATOR BERNING:

26. Okay. Thank you.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Moore.

29. SENATOR MOORE:

30. Just one question for clarification from the sponsor.
31. Assuming there was a riot at Pontiac, and assuming one of the
32. prisoners down there was convicted of killing three inmates or
33. officials of the prison; I assume that they would fall under

1. the purview of your bill. Is that correct, Senator?

2. SENATOR SANGMEISTER:

3. Okay. A murder of a correction official, could call for

4. the death sentence, that's number 1. Number 2, as I indicated

5. in my opening remarks, the so-called spree, or all of the

6. three felonies occurring at one time is protected in this bill,

7. that that would not qualify a person under the Habitual Criminal

8. Act.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Washington.

11. SENATOR WASHINGTON:

12. Will the sponsor yield to a question? One recurring question

13. which has not been satisfactorily nailed down, Senator

14. Sangmeister, deals with incorporating crimes outside the State.

15. The present Habitual Criminal Act, as you well know, confines

16. it to felonies committed within the borders of the State of

17. Illinois. Why was it confined in the dialogue we had last

18. year or two years ago?

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Sangmeister.

21. SENATOR SANGMEISTER:

22. Well, if I understand your...you want to know why it was

23. confined to only Illinois? Well, at that time, Senator, as

24. we were negotiating the Class X Felony Statute at that time,

25. there were certain compromises that had to be made at that

26. time; and one of the compromises for sale of that package was

27. to limit it at that time to Illinois felonies. I never agreed

28. to that at that time, but we agreed to it to that extent to...to

29. pass it.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Washington.

32. SENATOR WASHINGTON:

33. That's only partly correct. As I recall it, the concession

1. was made because the logic was somewhat overwhelming, that
2. this kind of an Act presumes that there's a certain evenness
3. in the distribution of administration of criminal justice
4. throughout the country. Senator Netsch touched very briefly
5. on that point. And that's one hell of an assumption to make.
6. Due process questions vary, in terms of its evenness; just
7. plain old fairness varies from state to state, and from county
8. to county, and sometimes from court to court within a given
9. city. If you're going to impose an Act like that, you've
10. got to go much, much further. I would say it...at a minimum,
11. one should have a thorough transcript of the out-of-state
12. indictment, while they're in the court proceedings, which you
13. probably couldn't get in certain poor states. One should
14. certainly be aware of the disparity in the administration of
15. justice in certain states, without necessarily enumerating
16. them, and unless you're doing that, the basic assumption upon
17. which you would incorporate out-of-state felonies, simply is
18. fallacious. It simply isn't fair. I don't think you've met
19. the burden of proof in that area, and I felt that a year or
20. so ago when this debate was held, that those who took the
21. position that it should not go beyond the borders of the State;
22. I thought their logic prevailed, and I would have hoped that
23. it would prevail up to this point; but evidently, it has not.
24. I think that's a fatal flaw in this legislation, among very
25. many others.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Further discussion? Further discussion? Senator Sangmeister
28. may close.

29. SENATOR SANGMEISTER:

30. In rapid order to respond to some of the Senators who have
31. spoken in opposition to the bill; Senator D'Arco referred to
32. shoplifting as qualifying as one of the third felonies, that
33. is not true. Shoplifting would not qualify. It must be...if

1. it's going to be an armed...in the category of armed violence,
2. it's...with a weapon, it's got to be a Category 1 Weapon, which
3. would have to be a gun or a three-inch blade. Well, all right,
4. if a kitchen knife has got a three-inch blade on it, you know,
5. you can die from a kitchen knife as well as you can from any
6. other weapon. It was alluded by Senator D'Arco that we already
7. have the Habitual Criminal Act. That's true. These two items
8. which have now been spoken about are absolutely necessary to
9. tighten it up into a meaningful Habitual Criminal Act. Senator
10. Netsch says that we're going to take this away from Judicial
11. control, and as a result, judges are going to find people not
12. guilty because of this third conviction. I say that's erroneous.
13. I'd like to see the judge on a felony charge that's going to
14. say, well, I'm going to find this person not guilty, because
15. it's going to be his third felony; he's going to get life
16. imprisonment. I'd like to see the judge that's going to do that.
17. Senator Knuppel refers to all the little kids that are going
18. to be covered by this amendment. You and I know the little kids
19. we talk...are talking about are the repeat rapists and the
20. repeat arsonists and the repeat armed robbers. I hardly would
21. classify them as little kids. And Senator Hall, I hope once
22. again, that your opposition to this bill means that it will be
23. a bill that would fly. You have been right in the past and you
24. have been consistent, and I hope it goes for one more time; but
25. I would say, I don't think anybody back home is going to be a
26. big man or a little man, but I think anybody that supports this
27. bill will be appreciated by their constituents to once again
28. bring some safety back to our communities. The Governor of the
29. State of Illinois supports this legislation. I'm telling you,
30. we have to do something. This is the one area that people are
31. concerned about that we can still...a void, and that is the
32. repeat offender. You have to realize...you have to realize that
33. in our society there are absolutely some people who just can't be

1. rehabilitated. Once you reach that conclusion, you have no
2. other alternative but to support this kind of legislation.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. The question is shall the Senate concur in House Amendments
5. 1, 4 and 5 to Senate Bill 1524. Those in favor vote Aye. Those
6. opposed vote Nay. The voting is open. Have all voted who
7. wish? Have all voted who wish? Take the record. On that
8. question, the Ayes are 37, the Nays are 13, 4 Voting Present.
9. The Senate does concur in House Amendments 1, 4 and 5 to Senate
10. Bill 1524. Further motions, Senator Sangmeister?

11. SENATOR SANGMEISTER:

12. Yes, I now move that we concur in House Amendment No. 6.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. The motion is to concur in Amendment No. 6 to Senate Bill
15. 1524. Is there discussion? Senator Geo-Karis.

16. SENATOR GEO-KARIS:

17. Would the sponsor explain that amendment, please?

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Sangmeister.

20. SENATOR SANGMEISTER:

21. I was just about to do that. On June 20th, 1980, in the
22. case of Carey vs. Brown, the United States Supreme Court set
23. aside our Residential Picketing Act, because, simply, they
24. stated it was not uniform, because it allowed labor picketing
25. of residential areas. This bill, and this amendment that's
26. being put on here, now takes out that objection and once again,
27. will make us secure in our own homes. And as I stated before,
28. our home is our castle, and we certainly don't want people
29. picketing outside there for every issue. This will not affect
30. labor in any respect, because it has nothing to do with the
31. business community or, if a residence is being used as a business
32. and labor wants to picket that, they have every right to do so;
33. but this will prevent residential picketing in Illinois. We

1. ought to do something about this, because the Supreme Court
2. has set aside our Statute.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Further discussion? Senator Netsch.

5. SENATOR NETSCH:

6. Thank you, Mr. President. The...the problem with Amendment
7. No. 6 is just the...that it brings before the Senate in the
8. form of an amendment without committee hearings or debate,
9. a very delicate issue. One on which, I freely concede I have
10. never been able to resolve my own dilemmas. You are balancing
11. two constitutional rights; first amendment rights on the one
12. hand, and privacy rights on the other hand, and I think the
13. court's opinion in this case, indicated that the court itself
14. was somewhat...or many members of the court were somewhat
15. disturbed about trying to resolve the proper balance between
16. those two conflicting rights. And I think they were delighted
17. with our labor exemption in the Act, because it gave them an
18. easy way to invalidate the Statute without ever reaching the
19. basic issues. It is not an easy one to resolve, and it seems
20. to me that, rather than rapidly going ahead in the form of
21. concurring in an amendment with...again, which has had no
22. hearing and no opportunity for thoughtful consideration, that
23. it would be better to let this issue go until next year, and
24. really take a careful look at it. I might end up deciding
25. that the privacy right is the one to be protected over first
26. amendment rights. I might not. I don't really know, myself,
27. and I suspect many of you would not, if you had an opportunity
28. to give thoughtful consideration to it. It seems to me that
29. that is a reason for not approving the amendment right now.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Further discussion? Further discussion? Senator Sangmeister
32. may close.

33. SENATOR SANGMEISTER:

1. Well, I...if we want to be secure, and as I stated, if we
2. want to be secure in our homes, we don't want people, because
3. of the way we vote down here and this not only applies to us,
4. but for any other purposes, walking up and down in front of
5. your home with picket signs. I think we..at least we...we
6. face the issues down here and we have enough people talking to
7. us and pressuring us here; I don't think that our families
8. need that back home, and I think we ought to correct the law
9. that the Supreme Court set aside.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. The question is on the...the question is shall the Senate
12. concur in House Amendment No. 6 to Senate Bill 1524. Those in
13. favor vote Aye. Those opposed vote Nay. The voting is open.
14. Have all voted who wish? Have all voted who wish? Senator
15. Chew. Have all voted who wish? Take the record. On that
16. question, the Ayes are 45, the Nays are 4, 3 Voting Present.
17. The Senate does concur and Amendment No...House Amendment No.
18. 6 to Senate Bill 1524, and the bill, having received the re-
19. quired constitutional majority, is declared passed. Senator
20. Lemke, are you ready on 1544? Senator Rhoads on 1559? Senator
21. Nimrod on 1624? Appropriation Pollution PCB? 1631, Senator
22. Rupp, on Emergency Services? Senator Rupp is recognized on
23. Senate Bill 1631, on page five of your Calendar...Calendar,
24. with House Amendments 1 and 3. Senator Rupp.

25. SENATOR RUPP:

26. Thank you, Mr. President. I move that we concur with
27. Amendments 1 and 3 to Senate Bill 1631. House Amendment No.
28. 1 is technical in nature. It reverses the appropriations for
29. printing between the operations for central and regional offices.
30. It makes no dollar change. And Amendment No...the other amend-
31. ment, 2 or 3, restores one new employee, which was cut by the
32. Senate. That employee is paid fifty percent Federal funds,
33. fifty percent General Revenue. The...position request is for

1. one half year for...during Fiscal '81, total seven thousand
2. dollars. I ask that we concur.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Motion is to concur. Is there discussion? Senator Carroll.

5. SENATOR CARROLL:

6. Thank you, Mr. President and Ladies and Gentlemen of the
7. Senate. We join with Senator Rupp in seeking concurrence.
8. Pardon me, the issue is one of funding, and whether the Federal
9. funds were usable for this purpose. They, in fact, are, and
10. we would now move to concur.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. The question is shall the Senate concur in House Amendments
13. 1 and 3 to Senate Bill 1631. Those in favor vote Aye. Those
14. opposed vote Nay. The voting is open. Have all voted who
15. wish? Have all voted who wish? Take the record. On that
16. question, the Ayes are 51, the Nays...on that question, the
17. Ayes are 52, the Nays are 1, none Voting Present. The Senate
18. does concur in House Amendments 1 and 3 to Senate Bill 1631,
19. and having...and the bill, having received the required con-
20. stitutional majority, is declared passed. Senate Bill 1639,
21. Senator Schaffer. 1642, Senator Regner. Law Enforcement
22. Commission. 1666, Senator Shapiro. 1707, Senator Rupp.
23. Periodic Imprisonment, Child Battery, are we ready to roll
24. on that one? 1710, Senator Coffey. Senator Coffey is recognized
25. on Senate Bill 1710 with House Amendment No. 1. Senator Coffey
26. is not recognized. Senate Bill 1713, Senator Bloom. 1729,
27. Senator Berman. Private Education Special Ed. Senator Newhouse,
28. on 1747. I think Senator...is Senator Newhouse on the Floor?
29. All right. Senate Bill 1747, Senator Newhouse is recognized
30. on House Amendment No. 1.

31. SENATOR NEWHOUSE:

32. Thank you, Mr. President and Senators. This bill has had
33. a fairly strange career, which I won't go into, but once in the

1. House, it was converted into a Teenage Pregnancy Bill. It's a
2. good bill, and I have no problem with it, except that it does
3. have a technical problem in that it amends the section of the...
4. two sections of the Statute, and it only refers in the amendment
5. to one section of the Statute, so there would be a constant...
6. there would be a court case, if it were to pass in its present
7. shape. So my recommendation to this Body, is to move to non-
8. concur, so it can go to Conference Committee and get in the shape
9. that the sponsor wants it in. Other than that, I have no
10. objection to it. I move a non-concurrence.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. The motion is to non-concur. Is there discussion? All in
13. favor say Aye. Oppose d Nay. The Ayes have it. The Senate
14. non-concurs with House Amendments 1 and 2 to Senate Bill 17...to
15. I'm sorry. The Senate non-concurs with House Amendment No. 1
16. to Senate Bill 1747. Senate Bill 1759. Senator Jeremiah Joyce
17. is recognized on House Amendments 1 and 2.

18. SENATOR JEREMIAH JOYCE:

19. Thank you, Mr. President and members of the Senate. I
20. move that the Senate concur with House Amendments No. 1 and 2
21. to Senate Bill 1759. The bill, as we originally passed it over
22. to the House, raised the monthly payment ceiling on placements
23. from thirty-five dollars to three hundred and fifty dollars.
24. There was considerable opposition from the Department of Children and Family
25. Services. We passed it over 44 to 11. The House sponsor and
26. the people from the Department of Children and Family Services
27. and the other parties who supported the bill that we sent over,
28. got together and provided us with House Amendments No. 1 and 2.
29. House Amendment No. 1 would continue the higher rate of reimburse-
30. ment, but would also set an expenditure ceiling of one percent
31. on the annual appropriation from the General Revenue Fund, to the
32. Department of Children and Family Services. It also eliminates
33. placement outside the State of Illinois under this program, and it

1. provides that all placements must be either in a licensed
2. foster home or in a approved foster home. It also provides
3. that the department will issue rules and regulations in cooperation
4. with all involved parties to guarantee that local placements
5. conform to the new adoption assistance in Child Welfare
6. Act of 1980. And, House Amendment No. 2 removes the moratorium
7. on new placements at the local level, and the...limits the
8. regulation of child welfare cases to dependent neglected or
9. minors otherwise in need of supervision and delinquents under
10. the age of thirteen.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. "Is there discussion? The motion is to adopt...the question
13. is on the adoption of House Amendments 1 and 2 to Senate Bill
14. 1759. Discussion? Senator Maitland.

15. SENATOR MAITLAND:

16. Thank you, Mr. President. Senator Joyce, I...I admit that
17. when you started talking, I wasn't listening, perhaps as
18. attentively as I should have been, did you indicate that there
19. is a proviso in there that says that we shall send no DCFS
20. children out of the State? Did I...did I understand that
21. correctly?

22. SENATOR JEREMIAH JOYCE:

23. That is correct.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Maitland. Senator Maitland.

26. SENATOR MAITLAND:

27. And maybe I still don't totally understand what...what
28. we're doing here. We do stand...send a number of...of children
29. out of the State now?

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Jeremiah Joyce.

32. SENATOR JEREMIAH JOYCE:

33. Under this program.

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. Further discussion? Senator Collins.
3. SENATOR COLLINS:
4. On that same vein, I am...am not clear. You said, now,
5. this amendment says that you can't send any wards of the State
6. out of State for any kind of...what do you mean under this
7. program?
8. SENATOR JEREMIAH JOYCE:
9. No. No. Let me...let me...
10. PRESIDING OFFICER: (SENATOR BRUCE)
11. Senator Jeremiah Joyce.
12. SENATOR JEREMIAH JOYCE:
13. ...under this program, the counties will not be able to
14. send the children out of the State, under this program. The
15. department will still be able to send them out.
16. PRESIDING OFFICER: (SENATOR BRUCE)
17. Senator Collins.
18. SENATOR COLLINS:
19. Okay. That...I wanted to make clear, 'cause I was going to
20. say, my Lord, what are we going to do with them?
21. PRESIDING OFFICER: (SENATOR BRUCE)
22. Further discussion? Further discussion? Senator Jeremiah Joyce has moved
23. that the Senate concur with the House...Senator Geo-Karis, did you wish to...
24. SENATOR GEO-KARIS:
25. Simply to ask the sponsor, what is the purpose of...of
26. cutting down the right of a county from sending them out of
27. the State? I mean, your...your amendment eliminates that right.
28. What is the purpose?
29. PRESIDING OFFICER: (SENATOR BRUCE)
30. Senator Jeremiah Joyce.
31. SENATOR JEREMIAH JOYCE:
32. ...Adeline, as this...as this came over to me, it was
33. worked out between the Department of...of Children and Family

1. Services, and those who were interested in it. I don't know
2. the rationale for not...not permitting them to do that, and,
3. you know, vote it up or down; or take the amendment or don't
4. take the amendment. I really don't care.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. The question is shall the Senate concur with House Amendments
7. 1 and 2 to Senate Bill 1759. Those in favor vote Aye. Those
8. opposed vote Nay. The voting is open. Have all voted who
9. wish? Have all voted who wish? Take the record. On that
10. question, the Ayes are 50, the Nays are none, none Voting
11. Present. The Senate does concur with House Amendments 1 and
12. 2 to Senate Bill 1759. The bill, having received the required
13. constitutional majority, is declared passed. Senate Bill 2001,
14. Senator Schaffer. Senator Schaffer is recognized.

15. SENATOR SCHAFFER:

16. Mr. President, it appears that this bill has to go back
17. for a Conference Committee report. The problems are extremely
18. minor, and I hope we can do it very quickly, 'cause there's
19. a need for dispatch. I therefore move to non-concur.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. The motion is to non-concur. All in favor say...just
22. one amendment. Which...Senator, which...

23. SENATOR SCHAFFER:

24. Two...I'm...I'm talking about 2000. I've already played
25. the game on 2001.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. All right. The motion is on Senate Bill 2000 by Senator
28. Schaffer to non-concur with House Amendments 1 and 2. On
29. that motion is there discussion? All in favor say Aye. Opposed
30. Nay. The Ayes have it. And the Senate non-concurs with House
31. Amendments 1 and 2. All right, on your Supplemental Calendar,
32. Supplemental Calendar No. 1 are five bills and if the following
33. Senators would indicate, Senators Johns, Davidson, Hall,

1. Nimrod, and Schaffer. Gentlemen, these are amendments or bills
2. that have returned to the Senate; House Bills that we have,
3. in fact, amended and they have refused to concur and they are
4. back on Non-concurrence. The motion is to either recede or
5. not to recede from the Senate amendment, and either ask for
6. a Conference Committee or recede, and that would be ultimate
7. passage. So, are we ready? Is Senator Johns on the Floor?
8. Senator Johns? Is Senator Davidson? Are you ready on Senate
9. Bill 1230? Senator Davidson is recognized.

10. SENATOR DAVIDSON:

11. Mr. President and members of the Senate, I move we not
12. recede from the Senate Amendment No. 1 to House Bill 1230,
13. and ask for a Conference Committee.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Davidson moves that the Senate refuse to recede
16. from the adoption of Senate Amendment No. 1 and that a Conference
17. Committee be appointed. All those in favor say Aye. Opposed
18. Nay. The Ayes have it. The motion carries and the Secretary
19. shall inform the House. Senator Johns, are you ready on House
20. Bill 262? Senator Johns is recognized.

21. SENATOR JOHNS:

22. I move to recede from the Conference Committee Report
23. and I want a Conference Committee. Wait a minute, I refuse to concede, sorry.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. All right. The motion, by Senator Johns, is that the
26. Senate refuse to recede from Senate Amendment No. 1, and that
27. a Committee of Conference be appointed. Is there discussion
28. on that motion? All in favor say Aye. Opposed Nay. The Ayes
29. have it. The motion carries and the Secretary shall inform the
30. House. House Bill 2837, Senator Hall.

31. SENATOR HALL:

32. Thank you, Mr. President and Ladies and Gentlemen of the
33. Senate. I refuse to recede and ask that a Conference Committee

1. be appointed.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. You have heard the motion that we refuse to recede. Dis-
4. cussion? All in favor say Aye. Opposed Nay. The Ayes have
5. it and the Secretary shall inform the House. House Bill 3034,
6. Senator Nimrod, with Senate Amendment No. 1.

7. SENATOR NIMROD:

8. Yes, thank you, Mr. President. On this amendment, which...
9. insisting that we retain two positions on that medical center,
10. I would say that we refuse to recede and call for a
11. Committee on Conference.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. You've heard the motion that we refuse to recede. Is there
14. discussion? All in favor say Aye. Opposed Nay. The Ayes have
15. it. The Senate refuses to recede from Senate Amendment No. 1 and
16. the Secretary shall inform the House. We are also happy to
17. have back with us Senator...former Senator Harber Hall, who
18. is the...House Bill 3432, Senator Schaffer, is recognized.

19. SENATOR SCHAFFER:

20. I move that we refuse to recede and request a Conference
21. Committee.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. You have heard the motion. Is there discussion? All in
24. favor say Aye. Opposed Nay. The Ayes have it. The motion
25. carries, and the Secretary shall inform the House that the
26. Senate refuses to recede from Senate Amendments 1 and 2.
27. For what purpose does Senator Bloom arise?

28. SENATOR BLOOM:

29. To point out to Senator Sangmeister that Senator Hall and
30. Senator Nimrod are sitting together and they are probably pre-
31. paring to come over and steal your Worker's Comp. reform again.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Is there leave to go to the Order of Messages from the

1. Governor? Messages from the Governor.

2. SECRETARY:

3. A Message from the Governor by Jim Edgar, Director,
4. Legislative Affairs.

5. Mr. President - The Governor directs me to lay before
6. the Senate the following message:

7. To the Honorable members of the Senate, of the 81st
8. General Assembly. I have nominated and appointed the following
9. named persons to the offices enumerated below and respectfully
10. ask concurrence in and confirmation of these appointments by
11. your Honorable Body.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Executive Appointments, Senator Vadalabene. For what
14. purpose does Senator Vadalabene arise?

15. SENATOR VADALABENE:

16. Yes, in regard to that last message that was read, I'll
17. try to get the time and make it brief when we can have a
18. hearing of the Executive on Appointments and Administration,
19. in regards to the message that was just read.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Seven o'clock in the morning is available, Senator.
22. For what purpose does Senator Buzbee arise?

23. SENATOR BUZBEE:

24. I...I'm looking for the Senate President. We had a
25. request from the House a few minutes ago; they have some...
26. some bills still on 3rd reading, and they have some reports
27. that...that possibly could come back here for concurrence.
28. They have requested, and...I hate to be making these kinds
29. of household...housekeeping requests; but they've requested
30. that we leave our Session open in a perfunctory manner for
31. a little while, so those reports can be read in, so we can
32. save a day. I...I apologize. I was going to ask the Senate
33. President about it, because I'm a message carrier.

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. He's over talking to his leader, Senator Shapiro, so...
3. yeah, it...it...the Secretary informs me, though, and since
4. it's messages, it won't make any difference anyway. We could
5. do it first thing in the morning. We don't lose a day or
6. anything. Any messages read in can be responded...
7. SENATOR BUZBEE:
8. I'm just a spear carrier; I'm not the main warrior.
9. PRESIDING OFFICER: (SENATOR BRUCE)
10. Messages from the House.
11. SECRETARY:
12. A Message from the House by Mr. O'Brien, Clerk.
13. Mr. President - I am directed to inform the Senate
14. the House of Representatives has concurred with the Senate
15. in the passage of the following...Senate...House Bills,
16. together with...has concurred with the Senate in the adoption
17. of their amendments to the following bills...title House Bills...
18. oh, okay.
19. Senate Amendments 1 and 4. Refused to concur with
20. Senate Amendment No. 3.
21. House Bill 3179, Senate Amendment No. 1.
22. House Bill 3046, with Senate Amendments 1 and 4.
23. House Bill 3179, with Senate Amendment No. 1.
24. House Bill 3535, with Senate Amendment No. 1.
25. A Message from the House by Mr. O'Brien, Clerk.
26. Mr. President - I am directed to inform the Senate
27. the House concurred with the Senate in the passage of the
28. following bills, together with House amendments:
29. Senate Bill 1606, with House Amendments 1 through 15.
30. Senate Bill 1626, with House Amendments 1 through 4.
31. Senate Bill 1635, with House Amendments 1, 4, 5, 6,
32. 7, 9, 10, 12, 13, 14, 15, 18, 20, 21, 22.
33. Senate Bill 1636, with House Amendments 1 through 7,

1. 9, 11, 12, 13, 16, 17, 19, 20, 22, 23 and 27.
2. 1640, with House Amendments 1, 3, 4, 6 and 7.
3. 1650, with House Amendments 1, 2, 4, 6 and 7.
4. 1663, with House Amendment 1.
5. 1664, with House Amendments 2 through 6.
6. 1665, with House Amendments 1, 2, 3, 4, 6, 7, 9,
7. 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26,
8. 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 42,
9. 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 56, 58, 59, 60, 62,
10. 63, 65, 66, 67, 69, 70, 71, 72, 73, 74, 75 and 76.
11. PRESIDING OFFICER: (SENATOR BRUCE)
12. Secretary's Desk, Concurrence. Is there leave to go
13. to the Order of Resolutions for some congratulatory resolutions?
14. Leave is granted.
15. SECRETARY:
16. Senate Resolution 615, offered by Senators Mitchler,
17. Vadalabene and all Senators and it's congratulatory.
18. Senate Resolution 616, offered by Senators Hall, Rock
19. and all Senators and it's congratulatory.
20. Senate Resolution 617, offered by Senator Lemke and...
21. Lemke, Daley and all Senators and it's congratulatory.
22. Senate Resolution 618, by the same sponsors, and it's
23. congratulatory.
24. And Senate Resolution 619, by the same sponsors, and
25. it's congratulatory.
26. PRESIDING OFFICER: (SENATOR BRUCE)
27. Consent Calendar. Resolutions Consent Calendar.
28. Senator Rock, we have done all the necessary paperwork. Do
29. you have an announcement?
30. SENATOR ROCK:
31. Yes, thank you, Mr. President and Ladies and Gentlemen
32. of the Senate. I will yield to Senator Mitchler. He
33. apparently has...

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. On the Order...Senator Mitchler.
3. SENATOR MITCHLER:
4. Thank you, Mr. President and members of the Senate.
5. As you know, annually, we have the Legislative Tennis Tournament,
6. and the Seventh Annual Legislative Tennis Tournament was held
7. at the Springfield Racquet Club, the evening of May 13th, 1980.
8. Bob Walters, former State Representative, representing the
9. Southwestern Illinois Industrial Association, again sponsored
10. the tournament and we do have some awards to make at this time.
11. So, with your permission, Mr. President, if I would be allowed
12. to approach the President's Rostrum with the winners, we would
13. like to make the presentations.
14. PRESIDING OFFICER: (SENATOR BRUCE)
15. You are always welcome down here with winners from the
16. Senate. Would a couple of Pages go to Senator Mitchler's
17. desk to help him carry down some awards? There we go.
18. Is Senator Berman on the Floor? Senator Berman? If Senator
19. Berman would come to the Floor, it would be appreciated. Is
20. there leave to take still photographs of the presentation?
21. Leave is granted. For what purpose does Senator Nimrod arise?
22. SENATOR NIMROD:
23. Yeah. Thank you, Mr. President. On a point of personal
24. privilege. I thought some of the Senators who are on the Floor
25. might be...familiar with the Gentleman that is visiting back
26. here of the...with the Lerner Newspapers, Mr. Joe Furstel
27. Senator Howie Carroll, I think, would like to recognize him
28. too. Joe is in the...in the...in the back of the Chamber,
29. Mr. President.
30. PRESIDING OFFICER: (SENATOR BRUCE)
31. Happy to have Mr. Furstel with us. All right.
32. SENATOR MITCHLER:
33. Mr. President and members of the Senate, as I stated,

1. the Seventh Annual Legislative Tennis Tournament was held
2. at the Springfield Racquet Club the evening of May 13.
3. This is a doubles only tournament, and we certainly had
4. excellent competition this year. The Senate did not do
5. too well in the Class A Division, because Representative
6. Ron Griesheimer and Representative Dick Luft were the
7. winners of that division with 27 wins, Representative Bill
8. Walsh and Representative Frank Watson placed second with
9. 24 wins. Senator...John Nimrod and Representative Cal
10. Schuneman and Representative Dan Pierce and Representative
11. Jesse White, were teamed up in two teams, and they came in
12. in an undeclared third with 22 wins. And Bob Walters didn't
13. have any expenses to get them any trophies; so, this is about
14. the only recognition that Senator Nimrod will get. So,
15. let's give Senator Nimrod a hand for participating in 22
16. wins. Now, George Sangmeister...Senator George Sangmeister
17. had two partners, Representative Harry Leinenweber who he
18. shares with a district back in Will County and Representative
19. John Dunn; and they had 18 wins, but he's just a runner-up,
20. but he did a good job out there. Senator Sangmeister needs
21. a hand. Defending champions were Senator Bob Mitchler and...
22. former Representative Jim Edgar, and we didn't do worth a
23. darn; we got 15 wins and I don't even want to be talking about
24. it. But in the...what we call the cellar, this year, Senator
25. Roger Keats and Representative John Birkinbine. They got 12
26. wins. Roger, where are you? See, he heard about this, and
27. I think he left the Floor of the Senate. Now, John D'Arco...
28. Senator John D'Arco was considered a top seed this year, but
29. he failed to show up, and Representative Gene Hoffman, he
30. was also seeded, and he failed to show. He was out busy with
31. Education budget and Bipartisan Workmen's Comp. legislation
32. over there, so he didn't have much...we want to congratulate
33. all of those who participated in the Class A Division. Now,

1. in the Championship Flight. We've gone up to some real top
2. Flight Championship Division and this, too, is a doubles
3. competition through the process of elimination; and you might
4. know it, Senator Art Berman and former Senator Brad Glass
5. were the Championship Flight Division winners again this
6. year, 24 wins and Senator Berman...former Representative
7. Bob Walters here, I think you should present this trophy to
8. Senator Art Berman. How about that? Boy, they're getting
9. bigger and better trophies there.

10. SENATOR BERMAN:

11. Everything I owe to Bob Mitchler who was my partner a
12. couple of years ago.

13. SENATOR MITCHLER:

14. We were winners, too. I think he uses a Prince racket,
15. now, that's why...now, second place, and I shared second place
16. once with Senator Harber Hall, he...he tries hard to get to
17. that first place and he'll keep trying. Former Senator Harber
18. Hall had two partners, Representative Harold Katz and former
19. Representative Bob Walters, and they had 18 wins and placed
20. second. So...Bob, you want to present this to my good old
21. roommate and friend of long time, Senator Harber Hall.

22. SENATOR HARBER HALL:

23. You know, everyone expected me to come up here and just
24. walk away with the first prize; but I would point out, that
25. an old tired and retired State Senator comes up, I'm darned
26. lucky to get second place and probably should have been about
27. sixth. It's great to be up here in any day and watch the
28. proceedings of the Senate. I have fond memories and many good
29. friends that it's always a joy to see, and see you working so
30. diligently and glad to say hello personally to you. Thank you.

31. SENATOR MITCHLER:

32. Senator Harber Hall did win the Senior Citizens Tennis
33. Tournament two years ago in Springfield, and he was given a

1. ribbon with a medallion and he showed it to me, and I turned
2. it over and it said, donated by the Department of Aging.
3. Representative...Senator Walsh.

4. SENATOR WALSH:

5. Mr. President and Senator Mitchler. It's certainly nice
6. to see Senator Hall here in Springfield. When he was a member
7. of this Body, he used to take the last week of June off and
8. we sure appreciate him being here.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. For what purpose does Senator Kenneth Hall arise?

11. SENATOR KENNETH HALL:

12. Well, I'd just like to welcome cuz back. You know,
13. when you go into your district, you always say something good
14. about a fella, and the good thing I said about him that night
15. was, at long last, we're rid of him.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Any further business to come before the Senate? Senator
18. Rock.

19. SENATOR ROCK:

20. Thank you, Mr. President and Ladies and Gentlemen of
21. the Senate. Senator Shapiro and I, by virtue of the Calendar
22. that we have, we have determined that it would be a good idea
23. to come in at ten o'clock tomorrow. It is our intention to
24. work as long as the Calendar permits, probably about two or
25. three hours, and then we will, of necessity, have to be here,
26. unfortunately, on Sunday, because we are receiving less than
27. the full cooperative effort from those fellows across the hall.
28. But Sunday, about two o'clock or so.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. The motion is to adjourn until the hour of ten o'clock
31. on Saturday, June the 28th. On the motion to adjourn, dis-
32. cussion? All in favor say Aye. Opposed Nay. The Ayes have it.
33. The Senate stands adjourned until... 'till ten o'clock... Senator

1. ...Senator Vadalabene.
2. SENATOR VADALABENE:
3. Yes, I have an announcement, Mr. President.
4. PRESIDING OFFICER: (SENATOR BRUCE)
5. Fine.
6. SENATOR VADALABENE:
7. There will be a meeting of the Executive Committee on
8. Appointments and Administration at nine-thirty tomorrow morning
9. in Room 212.
10. PRESIDING OFFICER: (SENATOR BRUCE)
11. Nine-thirty tomorrow morning Senate Executive Committee on
12. Appointments. The Senate stands adjourned, 'till Saturday, June
13. 28th, at the hour of ten o'clock.
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