

82ND GENERAL ASSEMBLY

REGULAR SESSION

MAY 26, 1981

1. PRESIDENT:

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

7. REVEREND ROBERT D. FLORENCE:

8. (Prayer given by Reverend Florence)

9. PRESIDENT:

10. Thank you, Reverend. Reading of the Journal. Senator Hall.

11. SENATOR HALL:

12. Thank you, Mr. President, and Ladies and Gentlemen of the
13. Senate. I move that reading and approval of the Journals of
14. Friday, May 15th, Monday, May 18th, Tuesday, May 19th, Wednesday,
15. May 20th, Thursday, May 21st, and Friday, May 22nd, in the year of
16. 1981 be postponed pending arrival of the printed Journals.

17. PRESIDENT:

18. You've heard the motion as placed by Senator Hall. Is there
19. any discussion? If not, all in favor signify by saying Aye. All
20. opposed. The Ayes have it. So ordered. With leave of the Body,
21. we'll turn to page 38 on the Calendar...no not 38, page 40, on
22. the Order of House Bills 1st reading.

23. SECRETARY:

24. House Bill 113, Senator Egan is the Senate sponsor.

25. (Secretary reads title of bill)

26. 1st reading of the bill.

27. House Bill 185, Senator McLendon.

28. (Secretary reads title of bill)

29. 1st reading of the bill.

30. House Bill 198, Senator Egan.

31. (Secretary reads title of bill)

32. 1st reading of the bill.

33. 217, Senator Vadalabene and Maitland.

1. (Secretary reads title of bill)
2. 1st reading of the bill.
3. House Bill 239, Senators Kent and Sangmeister.
4. (Secretary reads title of bill)
5. 1st reading of the bill.
6. House Bill 248, Senator Lemke.
7. (Secretary reads title of bill)
8. 1st reading of the bill. That was House Bill 249.
9. House Bill 377.
10. (Secretary reads title of bill)
11. 1st reading of the bill.
12. House Bill 385, Senator Gitz.
13. (Secretary reads title of bill)
14. 1st reading of the bill.
15. House Bill 394, Senator Hall.
16. (Secretary reads title of bill)
17. 1st reading of the bill.
18. House Bill 411, Senator Bloom.
19. (Secretary reads title of bill)
20. 1st reading of the bill.
21. House Bill 422, Senator Berning.
22. (Secretary reads title of bill)
23. 1st reading of the bill.
24. House Bill 441, Senator Bruce.
25. (Secretary reads title of bill)
26. 1st reading of the bill.
27. House Bill 463, Simms.
28. (Secretary reads title of bill)
29. 1st reading of the bill.
30. House Bill 477, Senator Gitz.
31. (Secretary reads title of bill)
32. 1st reading of the bill.
33. House Bill 490, Senator Vadalabene.

1. (Secretary reads title of bill)
2. 1st reading of the bill.
3. House Bill 535, Senator Collins.
4. (Secretary reads title of bill)
5. 1st reading of the bill.
6. House Bill 541, Senator Lemke.
7. (Secretary reads title of bill)
8. 1st reading of the bill.
9. House Bill 576, Senator Lemke.
10. (Secretary reads title of bill)
11. 1st reading of the bill.
12. House Bill 577, Senator Lemke.
13. (Secretary reads title of bill)
14. 1st reading of the bill.
15. House Bill 580, Senator Maitland.
16. (Secretary reads title of bill)
17. 1st reading of the bill.
18. House Bill 597, Senator Bruce.
19. (Secretary reads title of bill)
20. 1st reading of the bill.
21. House Bill 598, Senator Vadalabene.
22. (Secretary reads title of bill)
23. 1st reading of the bill.
24. House Bill 607, Senator Demuzio.
25. (Secretary reads title of bill)
26. 1st reading of the bill.
27. House Bill 623, Senator Coffey.
28. (Secretary reads title of bill)
29. 1st reading of the bill.
30. House Bill 645, Senators Netsch and Davidson.
31. (Secretary reads title of bill)
32. 1st reading of the bill.
33. House Bill 646, Senators Netsch and Davidson.

1. (Secretary reads title of bill)
2. 1st reading of the bill.
3. House Bill 663, Senator Jerome Joyce.
4. (Secretary reads title of bill)
5. 1st reading of the bill.
6. House Bill 666, Senator Sangmeister.
7. (Secretary reads title of bill)
8. 1st reading of the bill.
9. House Bill 674, Senators Dawson and Weaver.
10. (Secretary reads title of bill)
11. 1st reading of the bill.
12. House Bill 682, Senator Rupp.
13. (Secretary reads title of bill)
14. 1st reading of the bill.
15. House Bill 717, Senator Totten.
16. (Secretary reads title of bill)
17. 1st reading of the bill.
18. House Bill 725, Senator Coffey.
19. (Secretary reads title of bill)
20. 1st reading of the bill.
21. House Bill 726, Senator Bruce.
22. (Secretary reads title of bill)
23. 1st reading of the bill.
24. House Bill 748, Senator Sangmeister.
25. (Secretary reads title of bill)
26. 1st reading of the bill.
27. House Bill 760, Senator DeAngelis.
28. (Secretary reads title of bill)
29. 1st reading of the bill.
30. House Bill 767, Senator Rupp.
31. (Secretary reads title of bill)
32. 1st reading of the bill.
33. House Bill 785, Senator Lemke.

1. (Secretary reads title of bill)
2. 1st reading of the bill.
3. House Bill 795, Senator Bruce.
4. (Secretary reads title of bill)
5. 1st reading of the bill.
- ✓6. House Bill 803, Senator Egan.
7. (Secretary reads title of bill)
8. 1st reading of the bill.
9. House Bill 808, Senator Johns.
10. (Secretary reads title of bill)
11. 1st reading of the bill.
12. House Bill 811, Senator McLendon.
13. (Secretary reads title of bill)
14. 1st reading of the bill.
15. House Bill 813, Senator Berman.
16. (Secretary reads title of bill)
17. 1st reading of the bill.
18. House Bill 923, Senator McMillan.
19. (Secretary reads title of bill)
20. 1st reading of the bill.
21. House Bill 829.
22. (Secretary reads title of bill)
23. 1st reading of the bill.
24. ACTING SECRETARY: (MR. FERNANDES)
25. Senate Bill 857, with Senators...House Bill 859...857, I'm
26. sorry, by Senators Nega and Nedza.
27. (Secretary reads title of bill)
28. 1st reading of the bill.
29. House Bill 870, Senator Sangmeister.
30. (Secretary reads title of bill)
31. 1st reading of the bill.
32. House Bill 882.
33. (Secretary reads title of bill)

1. 1st reading of the bill.
2. House Bill 900, by Senators Davidson-Sangmeister.
3. (Secretary reads title of bill)
4. 1st reading of the bill.
5. House Bill 927 by Senator Geo-Karis.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. House Bill 942, Senator Thomas.
9. (Secretary reads title of bill)
10. 1st reading of the bill.
11. House Bill 947, Senator Coffey.
12. (Secretary reads title of bill)
13. 1st reading of the bill.
14. House Bill 959, by Senator Hall.
15. (Secretary reads title of bill)
16. 1st reading of the bill.
17. House Bill 972.
18. (Secretary reads title of bill)
19. 1st reading of the bill.
20. House Bill 974, Senator Gitz.
21. (Secretary reads title of bill)
22. 1st reading of the bill.
23. House Bill 978, Senator Gitz.
24. (Secretary reads title of bill)
25. 1st reading of the bill.
26. House Bill 979, Senator Gitz.
27. (Secretary reads title of bill)
28. 1st reading of the bill.
29. House Bill 980, Senator Gitz.
30. (Secretary reads title of bill)
31. 1st reading of the bill.
32. House Bill 983, Senator Keats.
33. (Secretary reads title of bill)

1. 1st reading of the bill.
2. House Bill 995, by Senator Taylor.
3. (Secretary reads title of bill)
4. 1st reading of the bill.
5. House Bill 996, Senator Carroll.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. House Bill 998.
9. (Secretary reads title of bill)
10. 1st reading of the bill.
11. House Bill 1005, by Senator Bloom.
12. (Secretary reads title of bill)
13. 1st reading of the bill.
14. House Bill 1006, by Senator Geo-Karis.
15. (Secretary reads title of bill)
16. 1st reading of the bill.
17. House Bill 1016, by Senator Egan.
18. (Secretary reads title of bill)
19. 1st reading of the bill.
20. House Bill 1019, Senator Bloom.
21. (Secretary reads title of bill)
22. 1st reading of the bill.
23. House Bill 1022, Senator Demuzio.
24. (Secretary reads title of bill)
25. 1st reading of the bill.
26. House Bill 1043, by Senator Marovitz.
27. (Secretary reads title of bill)
28. 1st reading of the bill.
29. House Bill 1048, by Senator Degnan.
30. (Secretary reads title of bill)
31. 1st reading of the bill.
32. House Bill 1051, by Senator Nedza.
33. (Secretary reads title of bill)

1. 1st reading of the bill.
2. House Bill 1073, Senator Lemke.
3. (Secretary reads title of bill)
4. 1st reading of the bill.
5. House Bill 1080, by Senator Maitland.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. House Bill 1097, by Senator Rhoads.
9. (Secretary reads title of bill)
10. 1st reading of the bill.
11. House Bill 1137, by...pardon me, 1136, by Senator Bruce.
12. (Secretary reads title of bill)
13. 1st reading of the bill.
14. House Bill 1139, by Senator Geo-Karis.
15. (Secretary reads title of bill)
16. 1st reading of the bill.
17. House Bill 1150.
18. (Secretary reads title of bill)
19. 1st reading of the bill.
20. House Bill 1152, by Senator Carroll.
21. (Secretary reads title of bill)
22. 1st reading of the bill.
23. House Bill 1153, by Senator Nimrod.
24. (Secretary reads title of bill)
25. 1st reading of the bill.
26. House Bill 1155, Senator Keats.
27. (Secretary reads title of bill)
28. 1st reading of the bill.
29. House Bill 1161, Senator Nash.
30. (Secretary reads title of bill)
31. 1st reading of the bill.
32. House Bill 1166, by Senator Buzbee.
33. (Secretary reads title of bill)

1. 1st reading of the bill.
2. House Bill 1168, Senator Marovitz.
3. (Secretary reads title of bill)
4. 1st reading of the bill.
5. House Bill 1181, by Senator Taylor.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. House Bill 1189, Senator Schaffer.
9. (Secretary reads title of bill)
10. 1st reading of the bill.
11. House Bill 1209, by Senator Berman.
12. (Secretary reads title of bill)
13. 1st reading of the bill.
14. House Bill 1234, by Senator Lemke.
15. (Secretary reads title of bill)
16. 1st reading of the bill.
17. House Bill 1246, by Senator Egan.
18. (Secretary reads title of bill)
19. 1st reading of the bill.
20. House Bill 1253, by Senator Netsch.
21. (Secretary reads title of bill)
22. 1st reading of the bill.
23. House Bill 1257, Senator Bruce.
24. (Secretary reads title of bill)
25. 1st reading of the bill.
26. House Bill 1270, by Senator Friedland.
27. (Secretary reads title of bill)
28. 1st reading of the bill.
29. House Bill 1291, Senator Sangmeister.
30. (Secretary reads title of bill)
31. 1st reading of the bill.
32. House Bill 1301, by Senator Berman.
33. (Secretary reads title of bill)

1. 1st reading of the bill.
2. House Bill 1313, by Senator D'Arco.
3. (Secretary reads title of bill)
4. 1st reading of the bill.
5. House Bill 1323, by Senator Friedland.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. House Bill 1348, by Senator Simms.
9. (Secretary reads title of bill)
10. 1st reading of the bill.
11. House Bill 1353, Senator Davidson.
12. (Secretary reads title of bill)
13. 1st reading of the bill.
14. House Bill 1354, Senator Demuzio.
15. (Secretary reads title of bill)
16. 1st reading of the bill.
17. 1359, by Senator Lemke.
18. (Secretary reads title of bill)
19. 1st reading of the bill.
20. House Bill 1373, by Senator Philip.
21. (Secretary reads title of bill)
22. 1st reading of the bill.
23. House Bill 1394, by Senator McMillan.
24. (Secretary reads title of bill)
25. 1st reading of the bill.
26. House Bill 1407, Senator McLendon.
27. (Secretary reads title of bill)
28. 1st reading of the bill.
29. House Bill 1417, by Senator Taylor.
30. (Secretary reads title of bill)
31. 1st reading of the bill.
32. House Bill 1419, Senator Marovitz.
33. (Secretary reads title of bill)

1. 1st reading of the bill.
2. House Bill 1420, Senator Bloom.
3. (Secretary reads title of bill)
4. 1st reading of the bill.
5. House Bill 1438, by Senators Rock -Shapiro.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. House Bill 1439, Senator Vadalabene.
9. (Secretary reads title of bill)
10. 1st reading of the bill.
11. House Bill 1440, Senator Simms.
12. (Secretary reads title of bill)
13. 1st reading of the bill.
14. House Bill 1470, Senator McLendon.
15. (Secretary reads title of bill)
16. 1st reading of the bill.
17. House Bill 1474, by Senator McLendon.
18. (Secretary reads title of bill)
19. 1st reading of the bill.
20. House Bill 1475, by Senator Grotberg.
21. (Secretary reads title of bill)
22. 1st reading of the bill.
23. House Bill 1487, by Senators Sangmeister and Johns.
24. (Secretary reads title of bill)
25. 1st reading of the bill.
26. 1489, by Senator Rhoads and Sangmeister.
27. (Secretary reads title of bill)
28. 1st reading of the bill.
29. House Bill 1497, Senator Grotberg.
30. (Secretary reads title of bill)
31. 1st reading of the bill.
32. 1553, by Senator Weaver.
33. (Secretary reads title of bill)
- 1st reading of the bill.

1. 1558, Senator Sangmeister.
2. (Secretary reads title of bill)
3. 1st reading of the bill.
4. 1578, Senator Hall.
5. (Secretary reads title of bill)
6. 1st reading of the bill.
7. House Bill 1591, Senator Demuzio and Buzbee.
8. (Secretary reads title of bill)
9. 1st reading of the bill.
10. 1592, by Senator Demuzio-Buzbee.
11. (Secretary reads title of bill)
12. 1st reading of the bill.
13. 1630, Senator Chew.
14. (Secretary reads title of bill)
15. 1st reading of the bill.
16. House Bill 1646, by Senator Etheredge.
17. (Secretary reads title of bill)
18. 1st reading of the bill.
19. 1661, Senator Newhouse.
20. (Secretary reads title of bill)
21. 1st reading of the bill.
22. House Bill 1719, Senator Nega.
23. (Secretary reads title of bill)
24. 1st reading of the bill.
25. House Bill 1816, Senator Kent.
26. (Secretary reads title of bill)
27. 1st reading of the bill.
28. 1817, Senator Nimrod.
29. (Secretary reads title of bill)
30. 1st reading of the bill.
31. 1818, Senator Nimrod.
32. (Secretary reads title of bill)
33. 1st reading of the bill.

1. House Bill 1819, Senator Lemke.
2. (Secretary reads title of bill)
3. 1st reading of the bill.

4. House Bill 1863, Nimrod.
5. (Secretary reads title of bill)
6. 1st reading of the bill.

7. 1880, Senator Nedza and Grothberg.
8. (Secretary reads title of bill)
9. 1st reading of the bill.

10. PRESIDENT:

11. If I can have your attention, there has been distributed a
12. list of eleven bills that the sponsors or those filing amendments
13. wish to have recalled. If we could quickly go through those,
14. then we will begin on page 13 on the Calendar with Senate Bill
15. 646. The amendment for Senate Bill 54 has been withdrawn, I am
16. informed. If I can have your attention, Channel 17, WAND TV
17. and Channel 2 requests permission to film. Is leave granted?
18. Leave is granted. 110, Senator Maitland. On the Order of Senate
19. Bills 3rd reading, page 6 on the Calendar. Senator Maitland seeks
20. leave of the Body to return that bill to the Order of 2nd reading
21. for purposes of an amendment. Is leave granted? Leave is granted.
22. On the Order of Senate Bills 2nd reading, Senate Bill 110. Mr.
23. Secretary.

24. SECRETARY:

25. Amendment No. 1 by Senator Maitland.

26. PRESIDENT:

27. Senator Maitland.

28. SENATOR MAITLAND:

29. Thank you, Mr. President, and Ladies and Gentlemen of the
30. Senate. Senate Bill 110 is a bill that calls for advice and
31. consent of the trustees of the Downstate Teachers Retirement
32. System, and the amendment that we are addressing now extends that
33. same proviso to members of the State employees...or trustees of

1. the State Employees Pension Board which also has a public member
2. who's appointed by the Governor. I would move for its adoption.

3. PRESIDENT:

4. All right, Senator Maitland has moved the adoption of Amendment
5. No. 1 to Senate Bill 110. Is there any discussion? If not,
6. all in favor signify by saying Aye. All opposed. The Ayes have.
7. it. Amendment No. 1 is adopted. Are there further amendments?

8. SECRETARY:

9. No further amendments.

10. PRESIDENT:

11. 3rd reading. 149 we will get back to. 190, Senator Netsch.
12. Senator Netsch. Yes. On the Order of Senate Bills 3rd reading,
13. the middle of page 7, Senate Bill 190. Senator Netsch seeks leave
14. of the Body to return that bill to the Order of 2nd reading for
15. purposes of an amendment. Is leave granted? Leave is granted.
16. On the Order of Senate Bills 2nd reading, Senate Bill 190. Mr.
17. Secretary.

18. SECRETARY:

19. Amendment No. 2 by Senator Netsch.

20. PRESIDENT:

21. Senator Netsch.

22. SENATOR NETSCH:

23. Thank you, Mr. President. There was a very critical mistake
24. made in the...by the Reference Bureau in the amendment that was
25. adopted. I think the appropriate action is for me having voted
26. on the prevailing side to move to reconsider the vote by which
27. Amendment No. 1 was adopted, with the intention of replacing it
28. with a corrected amendment.

29. PRESIDENT:

30. All right, Senator Netsch has moved to reconsider the vote
31. by which Amendment No. 1 to Senate Bill 190 was adopted. Is there
32. any discussion? If not, all in favor signify by saying Aye. All
33. opposed. The Ayes have it. The vote is now reconsidered. Senator

1. Netsch now moves to Table Amendment No. 1 to Senate Bill 190.
2. Any discussion? If not, all in favor signify by saying Aye.
3. All opposed. The Ayes have it. Amendment No. 1 is Tabled.
4. Further amendments?

5. SECRETARY:

6. Amendment No. 2 by Senator Netsch.

7. PRESIDENT:

8. Senator Netsch.

9. SENATOR NETSCH:

10. Thank you, Mr. President. This is exactly the same except
11. that it makes much clearer both the power and the responsibility
12. to enter into gross defeasance. That language had accidentally
13. been dropped in the LRB original amendment, and was intended to
14. be part thereof. I move the adoption of Amendment No. 2 to
15. Senate Bill 190.

16. PRESIDENT:

17. Senator Netsch has moved the adoption of Amendment No. 2 to
18. Senate Bill 190. Any discussion? If not, all in favor signify
19. by saying Aye. All opposed. The Ayes have it. The amendment
20. is adopted. Further amendments?

21. SECRETARY:

22. No further amendments.

23. PRESIDENT:

24. 3rd reading. 212, Senator Dawson. 457, Senator Coffey.
25. Senator Coffey on the Floor? 702, Senator Bruce. Senator Bruce
26. on the Floor? 837, Senator Gitz. 960, Senator Gitz. 1023,
27. Senator Rhoads. Senator Grotberg on the Floor? Nor do I.
28. With leave of the Body we'll now move to the Order of Senate
29. Bills 3rd reading. As you are all, I'm sure, aware, Friday, May
30. 29 is the deadline for passage of Senate Bills. We will attempt
31. to go through the list. Senator Demuzio. On the Order of Senate
32. Bills 3rd reading, Senate Bill...all right. 647, Senator Marovitz.
33. On the Order of Senate Bills 3rd reading, Senate Bill 647. Read

1. the bill, Mr. Secretary.

2. SECRETARY:

3. Senate Bill 647.

4. (Secretary reads title of bill)

5. 3rd reading of the bill.

6. PRESIDENT:

7. Senator Marovitz.

8. SENATOR MAROVITZ:

9. Thank you, very much, Mr. President, and Ladies and Gentlemen
10. of the Senate. Senate Bill 647 affects minimum salary schedules
11. of certified nurses...school nurses, only. There are about two
12. hundred nurses in total, none of which are in Chicago, which are
13. affected by this legislation. And, again, it...it affects cer-
14. tified school nurses only. It puts them on the minimum salary
15. schedules that teachers are presently on. I would ask for an
16. affirmative roll call on Senate Bill 647.

17. PRESIDENT:

18. Is there any discussion? Senator Berning.

19. SENATOR BERNING:

20. Thank you, Mr. President. Members of the Senate, it would
21. appear that others of you have had the same kind of communications
22. I have had from our local school districts on this particular
23. bill. What this bill seeks to do, is to mandate by you and me
24. as Legislators, that the school districts which we represent,
25. shall pay for school nurses at the same rate as teachers. Now,
26. obviously I am not going to take issue with the qualification of
27. nurse, or their justification for compensation. But it appears
28. to me, it is totally unrealistic for us to again be considering
29. a mandate, and if you realize that the schools are able to use
30. nurses for the application of a band-aid, let's say, whereas if
31. we pass this, it will be incumbent upon the school district to
32. hire a registered nurse, because obviously we would not be able
33. to use anything other than a registered nurse if we're going to

1. bring the same qualification for education and experience to
2. the nurse that we require of the teacher. This seems to be totally
3. unrealistic, and as I indicated earlier, it is unfair of us to,
4. again, mandate how the school districts, all of whom are ex-
5.periencing financial difficulties, must conduct their affairs
6. and what they should pay to whom. Ladies and Gentlemen, I submit
7. that this bill is ill-advised and ought to fail.

8. PRESIDENT:

9. Any further discussion? Senator Marovitz may close.

10. SENATOR MAROVITZ:

11. Thank you, Mr. President. In 1979, the 81st General Assembly
12. approved overwhelmingly, Senate Bill 753, which added certified
13. school nurses to the definition of a professional worker in the
14. School Code. Approving this measure reflected an awareness that
15. the school nurses meet the same high certification standards set
16. up by the State. The criteria for this standard are a baccalau-
17.reat degree, number one. Licensed as a registered professional nurse in...
18. in Illinois, number two. Minimum of thirty undergraduate or
19. graduate hours in public health counseling nutrition, and related
20. course work. And four, a one year internship under the supervision
21. of a certified school nurse. Presently, approximately two hundred
22. school nurses are paid less than teachers with comparable academic
23. training in the same district. This bill only affects those two
24. hundred school nurses, and only says, that if a school board...
25. if a school board, establishes a schedule for teachers' salaries
26. based on education and experience, that those two hundred nurses
27. should fall under that minimum salary schedule, also. I think
28. it's a fair bill, these...these nurses have...are working presently,
29. they are trained, they are experts, they take care of the health
30. and welfare of our children. It only affects two hundred nurses, and
31. I would ask for an affirmative roll call on Senate Bill 647.

32. PRESIDENT:

33. The question is, shall Senate Bill 647 pass. Those in favor

1. will vote Aye. Those opposed will vote Nay. The voting is open.
2. Have all voted who wish? Have all voted who wish? Have all voted
3. who wish? Take the record. On that question, the Ayes are 32,
4. the Nays are 16, none Voting Present. Senate Bill 647, having
5. received the required constitutional majority is declared passed.
6. Senator Berning, for what purpose do you arise?

7. SENATOR BERNING:

8. Mr. President, I request a verification of the affirmative
9. vote.

10. PRESIDENT:

11. All right, Senator Berning has requested a verification of
12. the affirmative votes. Will the members please be in their seats.
13. All right, Senator Berning has requested a verification of the
14. affirmative votes. Will the Senators please be in their seats.
15. Mr. Secretary, read the affirmative votes.

16. SECRETARY:

17. The following voted in the affirmative:

18. Becker, Berman...Buzbee, Carroll, Chew, Collins, D'Arco,
19. Davidson, Dawson, DeAngelis, Degnan, Demuzio, Egan, Geo-Karis,
20. Gitz, Grotberg, Hall, Jerome Joyce, Keats, Lemke, Marovitz, Nash,
21. Nedza, Netsch, Newhouse, Rupp, Sangmeister, Schaffer, Sommer,
22. Taylor, Thomas, Mr. President.

23. PRESIDENT:

24. Senator Berning, do you question the presence of any member?

25. SENATOR BERNING:

26. Senator Chew on the Floor, Mr. President?

27. PRESIDENT:

28. Senator Chew is on the Floor. He just stepped out of the...
29. he's right in the washroom. He's in his office.

30. SENATOR BERNING:

31. Senator D'Arco.

32. PRESIDENT:

33. Senator D'Arco on the Floor? Senator D'Arco is in Senator

1. Chew's office.

2. SENATOR BERNING:

3. That I can see, but I can't see Senator Chew. Senator Gitz.

4. PRESIDENT:

5. Smile...smile Charlie so they can see you. Senator Berning.

6. SENATOR BERNING:

7. Senator Gitz.

8. PRESIDENT:

9. Senator Gitz on the Floor? Senator Gitz on the Floor?

10. Strike his name, Mr. Secretary.

11. SENATOR BERNING:

12. Senator Collins on the Floor?

13. PRESIDENT:

14. Senator Collins was on the...in the phone booth. Senator
15. Collins on the Floor? Senator Collins is on the Floor. Further...

16. all right, the roll has been verified, there are 31 Ayes, 16

17. Nays, none Voting Present. Senate Bill 647, having received

18. the required constitutional majority is declared passed. 648,

19. Senator Weaver. On the Order of Senate Bills 3rd reading, Senate

20. Bill 648. Read the bill, Mr. Secretary.

21. SECRETARY:

22. Senate Bill 648.

23. (Secretary reads title of bill)

24. 3rd reading of the bill.

25. PRESIDENT:

26. Senator Weaver.

27. SENATOR WEAVER:

28. Thank you, Mr. President. Senate Bill 648 allows non-home

29. rule units to raise their motor vehicle tax stickers without

30. regard to being home rule or non-home rule. Right now there's

31. a maximum of fifteen dollars on a vehicle under thirty-five horse-
32. power and twenty dollars if it's over thirty-five horsepower

33. This would allow non-home rule municipalities to raise the motor

1. vehicle tax sticker by ordinance. If there are any questions, I'd
2. be happy to answer them.

3. PRESIDENT:

4. Is there any discussion? If not, the question is, shall
5. Senate Bill 648 pass. Those in favor will vote Aye. Those opposed
6. will vote Nay. The voting is open. Have all voted who wish?
7. Have all voted who wish? Have all voted who wish? Have all voted
8. who wish? Take the record. On that question, the Ayes are 27,
9. the Nays are 14, none Voting Present. Senate Bill 648, having
10. received the required constitutional...having failed to receive
11. the required constitutional majority is declared lost. 650, Senator
12. Taylor. On the Order of Senate Bills 3rd reading, Senate Bill 650.
13. Read the bill, Mr. Secretary.

14. SECRETARY:

15. Senate Bill 650.

16. (Secretary reads title of bill)

17. 3rd reading of the bill.

18. PRESIDENT:

19. Senator Taylor.

20. SENATOR TAYLOR:

21. Thank you, Mr. President, and members of the Senate. Senate
22. Bill 650 does just what the Digest says. It seeks to amend the
23. Court Reporters Act to revise the schedule of maximum fees which
24. may be charged for transcripts by a court reporter, not to exceed
25. the following maximum rate per page of transcript. Mr. President,
26. and members of the Senate, I seek your support for Senate Bill
27. 650.

28. PRESIDENT:

29. Any discussion? If not, the question is, shall Senate Bill
30. 650 pass. Those in favor will vote Aye. Those opposed
31. will vote Nay. The voting is open. Have all voted who wish?
32. Have all voted who wish? Have all voted who wish? Take the
33. record. On that question, the Ayes are 39, the Nays are 9, 1
Voting Present. Senate Bill 650, having received the required

1. constitutional majority is declared passed. 651, Senator Taylor.
2. On the Order of Senate Bills 3rd reading, Senate Bill 651. Read
3. the bill, Mr. Secretary.

4. SECRETARY:

5. Senate Bill 651.

6. (Secretary reads title of bill)

7. 3rd reading of the bill.

8. PRESIDENT:

9. Senator Taylor.

10. SENATOR TAYLOR:

11. Thank...thank you, Mr. President, and members of the Senate.
12. Senate Bill 651 seeks to amend Section 8 of the Court Reporters
13. Act, to increase the salary range of full-time Illinois official
14. court reporters from the existing range, not less than six
15. thousand dollars, not more than twenty-four thousand dollars per
16. year. Not less than six thousand dollars, not more than twenty-
17. six thousand dollars five hundred per year in 1982, and twenty-
18. nine thousand five hundred per year in 1983. And therefore,
19. it also seeks to provide that part-time court reporters shall
20. be paid not less than twelve dollars nor more than thirty-six
21. dollars for a half day. This bill does not give an automatic
22. raise, it gives the administrator the right to raise those persons
23. that he feels is entitled to raises within that bracket, and who's
24. doing the kind of job he feels...this thing is not mandatory. Mr.
25. President, and members of the Senate, I seek your support for
26. Senate Bill 651.

27. PRESIDENT:

28. Any discussion? If not, the question is, shall Senate Bill
29. 651 pass. Those in favor will vote Aye. Those opposed will vote
30. Nay. The voting is open. Have all voted who wish? Have all voted
31. who wish? Have all voted who wish? Take the record. On that
32. question, the Ayes are 38, the Nays are 13, none Voting Present.
33. Senate Bill 651, having received the required constitutional

1. majority is declared passed. 652, Senator Joyce. 53, Senator
2. Joyce. 657, Senator Grotberg. Senator Grotberg. On the Order
3. of Senate Bills 3rd reading, Senate Bill 657. Read the bill,
4. Mr. Secretary.

5. ACTING SECRETARY: (MR. FERNANDES)

6. Senate Bill 657.

7. (Secretary reads title of bill)

8. 3rd reading of the bill.

9. PRESIDENT:

10. Senator Grotberg.

11. SENATOR GROTBORG:

12. Thank you, Mr. President, and fellow Senators. Senate Bill
13. 657 is identical to the bill that we passed out of here last
14. year, and went into House Rules and never went any further, but
15. within the State of Illinois among our various counties, they
16. currently, by Statute, can only pay their county board members
17. by per diem or salary, but no combination of the two, such as
18. the General Assembly has. One of the problems with the per diem
19. only, is that it forces a lot of county board members, for some
20. reason or other to call a lot of silly meetings to collect their
21. per diems. And on the annual salary basis, the average annual
22. salary is established by the board, and is no real problem. What
23. some of our county board chairmen and members in particular would
24. like, would be a combination of the two so that there's a little
25. bait to...good attendance at...at their monthly meetings, but not
26. enough bait to make them have funny meetings in between. This
27. would then allow a combination of per diem and annual salary.
28. I'd be glad to answer any questions, otherwise I would ask for
29. a favorable roll call.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Is there discussion? Is there discussion? The question is,
32. shall Senate Bill 657 pass. Those in favor vote Aye. Those
33. opposed vote Nay. The voting is open. Have all voted who wish?

1. Have all voted who wish? Have all voted who wish? Take the
2. record. On that question, the Ayes are 36, the Nays are 12,
3. 2 Voting Present. Senate Bill 657, having received the required
4. constitutional majority is declared passed. Senator Maitland,
5. 658. Read the bill, Mr. Secretary, please.

6. SECRETARY:

7. Senate Bill 658.

8. (Secretary reads title of bill)

9. 3rd reading of the bill.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Maitland.

12. SENATOR MAITLAND:

13. Thank you, Mr. President, and Ladies and Gentlemen of the
14. Senate. Last year we created the multitownship tax assessors
15. districts, and that legislation met with just a tremendous amount
16. of opposition around the State of Illinois once they found out
17. ...once the townships found out what we had, in fact, done.
18. Senate Bill 658 seeks to reverse that legislation and make it
19. permissive wherein townships will have the right to create these
20. districts by referendum if they so desire. In addition, Senate
21. Bill 658 moves the time frame for establishing salaries of town-
22. ship officers from March to thirty days prior to the caucus to
23. give people who are seeking or trying to determine whether or not
24. they want to run for office, knowledge of what the salary is going
25. to be before they decide to run.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Is there discussion? Senator McMillan.

28. SENATOR MCMILLAN:

29. Mr. President, and members of the Senate. I rise in support
30. of the bill. I think for many years we've had in the Statute re-
31. lated to township government, the authority for local people when
32. they saw that it was necessary to take the action to combine fun-
33. ctions and to otherwise provide for more efficient service by means

1. of...of combining various...various functions. When the action was taken a
2. couple of years ago on the multitownship assessors it was...it
3. was contrary to that previous action, and I think by...by the
4. bill which Senator Maitland has sponsored, we will be getting
5. that function parallel to others, allow it to happen when it's
6. deemed desirable, but not force it onto some in instances where
7. it is neither wise nor desired.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Further discussion? Senator Bloom.

10. SENATOR BLOOM:

11. A question of the sponsor.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Indicates he will yield. Senator Bloom.

14. SENATOR BLOOM:

15. Last year, or the year before when we passed the bill, that got
16. us where we are, we all received sheets from the township officials
17. of Illinois, saying this is great, we're all behind it, and we
18. think this is a great step. Will we then get sheets after this
19. bill passes, saying again, maybe this isn't so great, or the town-
20. ship...the township officials gotten their act together, and are they
21. truly representing...is the...TOI truly representing its member-
22. ship?

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Maitland.

25. SENATOR MAITLAND:

26. Senator Bloom, I...I believe the record will show that the
27. township officials of Illinois have gotten their act together, and
28. truly have recognized the errors of their ways, and are strongly
29. supportive of Senate Bill 658.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Bloom. Further discussion, Senator Bloom? Senator
32. Jerome Joyce.

33. SENATOR JEROME JOYCE:

1. Yes, Mr. President. I rise in support of this, also. But
2. I think the record ought to be set straight as to how this came
3. about. It was brought before the Local Government Committee a
4. couple of years ago by the Township Assessors Association who, in
5. their deliberations before our committee said, oh, don't worry,
6. this is a wonderful piece of legislation, it's going to save the
7. taxpayers of the State of Illinois all kinds of money. But then
8. the next year they come back and say they didn't want to do it.
9. So, I think that...you know, it just seems to me that those same
10. ...that same Assessors Association ought not to be coming to get
11. their salaries increased for the next couple of years also, just
12. ...just to keep everything on an even keel. Thank you.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Further discussion? Senator Sangmeister.

15. SENATOR SANGMEISTER:

16. Well, thank you, Mr. President, and members of the Senate.
17. I think Senator Joyce probably said it all, As I recall, I had
18. the bill that changed this around the last time, and now we're
19. going back the other way again, but don't ever for once
20. think that the people in the townships are requesting that the
21. law be changed back, there's only people that are concerned that
22. Senator McMillan and Senator Maitland, I'm sure, are talking about,
23. are either the Assessors Association or the township officials.
24. There's nothing from the people back in the districts that want
25. this at all, it's strictly the township officials. I think we
26. ought to...we'll never get the job done, they will never do this
27. on their own volition at all. I think we ought to stay right
28. where we are, and keep the current law. I'm opposed.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Further discussion? Senator Nimrod.

31. SENATOR NIMROD:

32. Thank you, Mr. President. A question of the sponsor.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Indicates he will yield. Senator Nimrod.

2. SENATOR NIMROD:

3. Senator Maitland, one of the...one of the problems that
4. existed that brought this about, is the fact that we have four
5. hundred or so undersized townships with population of a thousand
6. or less, and for years those townships have been unable to pay
7. any kind of salaries to those officials, including the assessors.
8. And it's been on a voluntary basis for them to be able to combine
9. and in all cases they never have. The problem is, that townships...
10. of the thirteen hundred townships, these four hundred which are
11. so small, and so undersized, that the services are actually
12. not being provided for those individuals, and as a result of
13. a study, this program was brought about, and said, well at
14. least for the assessing functions, we can...we'll combine those
15. even though they're undersized townships, and that we won't
16. affect them. If we repeal this particular provision, this is
17. going to go back to the same kind of practice. What's going to
18. happen to those townships, and what provisions are there for
19. them to provide any kind of assessing?

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Maitland.

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(END OF REEL)

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1. SENATOR MAITLAND:

2. Thank you. First of all, addressing the cost factor.
3. It was brought out in committee that, in fact, the cost
4. as a result of the multitax...multitownship tax assessors
5. legislation, the cost has actually been greater or will
6. be greater in the years to come. Addressing the issue
7. as to the...the very small townships and whether or not
8. they can get an assessor to run, whether or not they can
9. get a competent one, one must look now to the means
10. by which we assess farm land, which is not now done by
11. local assessors. Quite frankly, about the only thing
12. that the assessor does, is to ride with the representative
13. or representatives of the assessor's office when they go out
14. to assess property, homes and the like. And they act
15. as that liaison between the person who resides in that
16. township and the assessor's office. It's someone from
17. the local township there to show the local...the county
18. tax assessing officials what property needs to be reassessed,
19. what has been added and these sorts of things. And that's,
20. I think, the necessity of a local assessor.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Nimrod.

23. SENATOR NIMROD:

24. Well, thank you, Senator Maitland. My...my only concern
25. is that the...that these four hundred townships are never
26. going to do anything to help them and they really have been
27. a serious problem to the whole running of effective township
28. government. And...it might be that the new farm assessment
29. might...method of assessing is different and it eliminates
30. the assessor, that's something that many of us were unaware
31. of. So, we'll take a look at that, but the problem is that
32. the minute we turn this back and after coming before the Legis-
33. lature to solve this problem has been brought out, we seem

1. to not have that information available to us and I...I...
2. did I understand the township officials of Illinois are
3. in support of this particular...bill?

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Maitland.

6. SENATOR MAITLAND:

7. Yes, Senator...Nimrod, they are and I...I think I
8. lost you someplace as to...to the assessors with respect
9. to the Farm Land Assessment Bill. The Farm Land Assessment
10. Bill has been in...in place for some four years now. What
11. I said was the assessor was needed in those townships because
12. we still have homes which are assessed in...in the old way.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Further discussion? Senator Coffey.

15. SENATOR COFFEY:

16. Yes, Mr. President and members of the Senate. I rise
17. in favor of this bill. I think it's a...a good bill. I
18. think that we made a mistake...a year ago when we passed
19. the bill to consolidate these townships. I think that
20. if it's to be done, it should be done on a local basis at
21. their efforts. I disagree with Senator Sangmeister when
22. he says that the people back home don't want this bill
23. because the people in my district do want this bill. And
24. I'd ask for the...members of this General Assembly and
25. in the Senate to...vote in favor of this bill.

26. PRESIDING OFFICER: (SENATOR BRUCE)

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

29. SENATOR MAITLAND:

30. Thank you, Mr. President, very briefly. Yes, as
31. Senator Coffey has indicated, the people back home do
32. want this. They didn't know what had happened until
33. after we had the caucuses last spring, when they really
34. found out what had happened, that's what prompted my

1. consideration of reintroducing this legislation. I think
2. it's good legislation, it's local...local control legislation
3. and legislation that should pass. I move for a favorable
4. roll call on Senate Bill 658.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. The question is shall Senate Bill 658...pass. Those
7. in favor vote Aye. Those opposed vote Nay. The voting
8. is open. Have all voted who wish? Have all voted who wish?
9. Have all voted who wish? Take the record. On that question
10. the Ayes are 26, the Nays are 17, 4 Voting Present. Senate
11. Bill 658, having failed to receive a constitutional majority
12. ...sponsor asks that further consideration of Senate Bill
13. 658 be postponed. It will be placed on the Order of
14. Postponed Consideration. Senate Bill 659, Senator Totten.
15. Read the bill, Mr. Secretary, please.

16. SECRETARY:

17. Senate Bill 659.

18. (Secretary reads title of bill)

19. 3rd reading of the bill.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Totten.

22. SENATOR TOTTEN:

23. Thank you, Mr. President, Ladies and Gentlemen of the
24. Senate. Senate Bill 659 makes it optional to...abolish the
25. Office of Township School Treasurer in the some eighteen or
26. nineteen townships where it's currently used. Some twenty
27. years ago, we abolished the school treasurers downstate
28. and the only place they exist today is in the suburban Cook
29. County area. Proposals like this have been before this
30. Body before, but they...completely abolished the office.
31. This proposal allows the elected school trustees to abolish
32. the office if they so wish, for in some townships it may
33. be serving a judicious purpose and may be the most efficient

1. way to do it. We chose this way and for some very significant
2. reasons. I don't know how many of you realize how much the
3. Office of Township School Treasurer takes from the School
4. Fund. But we did a...a printout on the amount of dollars
5. and it's rather amazing. Some two million dollars are being
6. siphoned out of the School Fund in the suburban areas to
7. be used to pay for the salaries of school treasurers and
8. for the office expenses, and some of those salaries are
9. rather high. They range from a high of forty-two thousand
10. dollars for a part-time treasurer in Lyons Township to a
11. low of twelve hundred dollars in Bloom Township. The
12. cost per pupil is staggering in some of these...in some
13. of these townships for the existence of this office.
14. Some have argued that if we abolish this office, there
15. will be no check and balance on the...school system. That
16. has not been true downstate, where we abolished the office
17. some twenty years ago. The bill proposes that the
18. school district, if the school trustees so...vote, take
19. over the functions. In most cases those school administrations
20. which I have talked to have indicated that they would take
21. it over and absorb it within their existing administration
22. with no additional cost. I think it's important that when
23. we look at the need for dollars for our school system, that
24. we look at the two million dollars that are being drained
25. off in this archaic system and for these reasons I put this
26. measure before you...and I'd be happy to answer any questions.
27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Is there discussion? Senator Egan.

29. SENATOR EGAN:

30. Yes, Senator Totten, I wonder if you'd tell me if that
31. provision which makes it...permissive, rather than mandatory,
32. was in the original bill. I...I didn't follow it from its
33. beginning.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Totten.

3. SENATOR TOTTEN:

4. Thank you, Mr. President. Yes, it was, the...the
5. measure says the school trustees may vote to abolish the
6. office. In a lot of cases, the school trustees do not
7. want to abolish it, so it would not be abolished. Becomes
8. permissive by an action of the school trustees.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Egan.

11. SENATOR EGAN:

12. All right, thank you. I...I was none...not sure of
13. that, but the people that have approached me on the bill
14. from my district indicate that they are not satisfied with
15. even the permissive approach and I...I would...I would rather
16. oppose it at this point rather than...it's too late to
17. explore it...and so that will now be my position. But
18. I'm sorry that I was not on the committee to...lend any kind
19. of input on it, but this is my first reading of it and
20. unfortunately, even though it's permissive, those that
21. have prevailed on my thinking have prevailed in the
22. negative.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Further discussion? Senator Davidson.

25. SENATOR DAVIDSON:

26. Mr. President and members of the Senate. I rise in
27. support of this bill. It was heard in Education, got a
28. unanimous vote, ten votes out of that bill. It's permissive
29. only if the township trustees or...decide they want to
30. go to where the school district can do the treasurer,
31. then let them do it. And this probably hurts more people
32. of Senator Totten and my political persuasion than it
33. does other people. But...this is the only county that

1. has still township school trustee...I mean school treasurers,
2. all the others were abolished twenty plus years ago, all
3. the school districts have their own treasurer, business
4. manager. This is a way to give an opportunity for that
5. school district to participate on a may basis and save
6. some money. Some of those township school treasurers
7. make a substantial salary. I urge a yes vote.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Bermán.

10. SENATOR BERMAN:

11. Thank you, Mr. President. To clarify the...vote that
12. was taken in committee. Since that vote there have been
13. other facts that have come to my attention, and although I
14. voted for the bill in committee, I intend to vote against
15. it today. I think that it will impose upon...other office-
16. holders and...primarily the...Educational Service Regent
17. Superintendent's Office, an obligation of doing a lot of
18. the work that is presently being done by them. I think
19. that there is a House Bill that has come over that takes
20. a similar approach, but will give us time to more adequately
21. examine how this job can be done without imposing a...very
22. drastic burden upon the budgets, either of the school
23. districts or of the ESR. I'm going to vote No on this
24. bill at this time.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Rhoads.

27. SENATOR RHOADS:

28. Thank you, Mr. President, Ladies and Gentlemen of the
29. Senate. I rise in vigorous opposition to Senate Bill
30. 659...for the following reasons. To begin with, Senator
31. Davidson, it's not really fair to compare downstate
32. Illinois townships with the suburban townships of Cook
33. County. Our townships are averaging population of in

1. excess of a hundred thousand each. Our school systems are
2. multimillion dollar operations. There are great economies
3. of scale that are achieved by having a township school
4. treasurer. And Senator, I very respectfully say to you
5. that you just aren't familiar enough with the way the system
6. operates in suburban Cook County. Now, I don't know where
7. Senator Totten got his figures, he mentioned that there
8. was...a forty-five thousand dollar salary for a part-time
9. treasurer in Lyons Township. That happens to be my town-
10. ship, that's a ridiculous assertion. The township treasurer
11. there makes about thirty-two thousand dollars and he is full-
12. time, not part-time. But for the services that the township
13. school treasurers perform for their consolidated school
14. districts, it's an enormous saving to the district. For
15. example, last year, the twenty-five school treasurers in the...in
16. suburban Cook County area, earned more than forty-five million
17. dollars through their investments. Now, it just makes common
18. sense. Now the Statute doesn't permit them to...co-mingle
19. funds. But they do speak with one voice to the local banks
20. and they can negotiate for the best deal on...on short term
21. notes. In my own area, School District 204, the high school
22. district, earned over a million dollars last year in interest.
23. In addition to these responsibilities of investing the funds,
24. the school treasurers also have to prepare the payrolls for
25. all the teachers, all the custodial help and so forth. Now
26. what Senator Totten's figures do not take into account, is
27. what if you had to transfer all of those functions to an
28. individual school district, what if they had to set up their
29. own computer operations. I don't know whether this is a
30. turf war or what and I don't know where this legislation comes
31. from every year. Apparently this year it comes from Ed-Reg
32. or somebody like that who want local school districts to
33. take over investments in...in local banks. I...I just

1. don't...again the old adage that's been used around here
2. for several weeks, if something isn't broken, don't fix it.
3. This is a very good system. Now, I realize that in Senator
4. Totten's portion of the county, there may be some school
5. treasurers who...not in favor with the local political establish-
6. ment. But I would say in all of the western townships and
7. all the south suburban townships, our school treasurers
8. do an excellent job for their schools and we want to keep
9. them. And I think this...this bill ought to be defeated.
10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Further discussion? Further discussion? Senator Totten
12. may close.

13. SENATOR TOTTEN:

14. Thank you, Mr. President. Of course it's for the very
15. reasons that Senator Rhoads outlines that we ought to be
16. thinking about passing this proposal. It is an archaic system,
17. it is a very costly system at a time when our dollars are
18. scarce and we ought to be thinking of using them in the
19. direction they were intended for and that's for education.
20. If, in fact, a school treasurer and a township...are, in
21. fact, in favor and are...investing the funds wisely, then
22. there would probably be no reasons for the trustees to
23. vote to abolish the office. Only in those cases where it
24. could probably be done more efficiently would the trustees
25. vote to do it. This is a measure that is what might be
26. called a half way measure to proposals which have out-
27. and-out abolished the office. This says that in those
28. districts where the trustees want to abolish it where
29. it might be more efficiently done in the administration,
30. they could do it, and for these reasons I solicit your
31. favorable vote.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. The question is shall Senate Bill 659 pass. Those
34. in favor vote Aye. Those opposed vote Nay. The voting

*SB 666
3rd Reading*

1. is open. Have all voted who wish? Have all voted who wish?
2. Have all voted who wish? Take the record. On that question
3. the Ayes are 19, the Nays are 33, none Voting Present. Senate
4. Bill 659, having failed to receive a constitutional majority
5. is declared lost. Senate Bill 662, Senator DeAngelis. Read
6. the bill, Mr. Secretary, please.

7. SECRETARY:

8. Senate Bill 662.

9. (Secretary reads title of bill)

10. 3rd reading of the bill.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator DeAngelis.

13. SENATOR DeANGELIS:

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

15. Last year when we passed House Bill 3250, which was the
16. reform of the Worker's Comp. Act, we allowed employers
17. to group together for the purposes of self-insurance.

18. Inadvertently, we diminished the value of the program
19. by not allowing them to experience rate, which is the
20. real crux of a self-insurance program. We also amended
21. Senate Bill 662 to expand on the definition of similar
22. risk characteristics. Be happy to answer any questions.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Is there discussion? Is there discussion? The
25. question is shall Senate Bill 662 pass. Those in favor
26. vote Aye. Those opposed vote Nay. The voting is open.
27. Have all voted who wish? Have all voted who wish? Take
28. the record. On that question the Ayes are 53, the Nays
29. are none, none Voting Present. Senate Bill 662, having
30. received the required constitutional majority is declared
31. passed. Senate Bill 666, Senator Gitz. Read the bill,
32. Mr. Secretary, please.

33. SECRETARY:

1. Senate Bill 666.

2. (Secretary reads title of bill)

3. 3rd reading of the bill.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Gitz.

6. SENATOR GITZ:

7. Thank you, Mr. President and members of the Senate.
8. Committee Amendment No. 1 became the bill to Senate Bill
9. 666. And in its amended form provides that any person who
10. is convicted of an offense in respect to the chop shop
11. operations or falsifying or reviewing...removing vehicle
12. identification numbers may be required to compensate the
13. victim for the loss that that victim may sustain to
14. his person or property. It also stipulates that that
15. method and amount of compensation be determined at the time
16. of conviction.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Is there discussion? Is there discussion? The
19. question is shall Senate Bill 666 pass. Those in favor
20. vote Aye. Those opposed vote Nay. The voting is open.
21. Have all voted who wish? Have all voted who wish?
22. Take the record. On that question the Ayes are 50, the
23. Nays are...51, the Nays are none, none Voting Present.
24. Senate Bill 666, having received the required constitutional
25. majority is declared passed. Senate Bill...for what purpose
26. does Senator Vadalabene arise?

27. SENATOR VADALABENE:

28. Yes, on a point of personal privilege.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. State your point.

31. SENATOR VADALABENE:

32. Had I been here, I was delayed in Edwardsville at a
33. meeting, and I got here about thirty minutes late, however,
34. had I been here, I would have voted for Senate Bill 4...647 and Senate

SB 669
3rd Reading

1. Bill Bill 648 and I want the record to show...so show that.
2. PRESIDING OFFICER: (SENATOR BRUCE)
3. The Journal will so indicate, Senator. ...I'm sorry,
4. the tape will so indicate. Senator Philip, 669. Read the
5. bill, Mr. Secretary, please.
6. SECRETARY:
7. Senate Bill 669.
8. (Secretary reads title of bill)
9. 3rd reading of the bill.
10. PRESIDING OFFICER: (SENATOR BRUCE)
11. Senator Philip.
12. SENATOR PHILIP:
13. Thank you, Mr. President and Ladies and Gentlemen of
14. the Senate. Senate Bill 669 amends Fees and Salary Act
15. to change the sheriff's fees in all counties other than Cook
16. County for the sale of real and personal estate pursuant
17. to execution of judgment of the court. We did this for
18. Cook County in the 81st General Assembly. And what it would
19. do would put the fees the same for downstate as...as it
20. is today in Cook County.
21. PRESIDING OFFICER: (SENATOR BRUCE)
22. Is there discussion? Is there discussion? The question
23. is shall Senate Bill 669 pass. Those in favor vote Aye.
24. Those opposed vote Nay. The voting is open. Have all
25. voted who wish? Have all voted who wish? Take the record.
26. On that question the Ayes are 54, the Nays are none, none
27. Voting Present. Senate Bill 669, having received the
28. required constitutional majority is declared passed.
29. 672, Senator Jerome Joyce. Read the bill, Mr. Secretary
30. please.
31. SECRETARY:
32. Senate Bill 672.
33. (Secretary reads title of bill)

1. 3rd reading of the bill.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Jerome Joyce.

4. SENATOR JEROME JOYCE:

5. Thank you, Mr. President. In 1978 an attempt was
6. made to discover ways to reduce the cost of a home to
7. a consumer. And one of the ways suggested was to eliminate
8. the sales tax on improvements in a subdivision, that
9. were installed and subsequently turned over to a
10. local government, such as the streets, waterlines, street
11. lights and so forth. The rationale is that the developer-
12. builder is acting as the agent for the city and does
13. not...is not required to pay sales tax. At that time the
14. State of Illinois did not require contractors building
15. highways to pay...sales tax on the materials used.
16. Shortly after this legislation was introduced, the
17. Illinois Department of Revenue issued a letter ruling
18. that such sales tax would not be required. And they...
19. they also ruled that the refunds or tax credits should be
20. given to those individuals who had paid such a sales
21. tax back to July of 1977. The legislation then
22. was Tabled. Well, the letter ruling delighted everyone,
23. the method required to receive the funds made...to receive
24. the funds, made the refund, in fact, impossible. The
25. material supplier who paid the sales tax for the State
26. was required to first refund the builder-developer and
27. then apply to the State for his refund. Very few suppliers
28. were willing to lay out the cash and then try and get it
29. from the State. As a result, the Department of Revenue
30. now has agreed that this is a very difficult method and
31. ...and they agreed not to oppose a bill that would
32. refund the erroneously paid taxes directly to the developer-
33. builder. Further, the staff of the Bureau of the Budget

1. agreed not to oppose this refund, particularly if the
2. developer-builder agreed to accept a negotiable tax
3. credit rather than a cash refund. I'd...be happy to
4. answer...any questions if there are any.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Is there discussion? Is there discussion? The
7. question is shall Senate Bill 672 pass. Those in favor
8. vote Aye. Those opposed vote Nay. The voting is open.
9. Have all voted who wish? Have all voted who wish? Take
10. the record. On that question the Ayes are 52, the
11. Nays are none, none Voting Present. Senate Bill 672,
12. having received the required constitutional majority
13. is declared passed. 674, Senator Geo-Karis. Read the
14. bill, Mr. Secretary, please.

15. SECRETARY:

16. Senate Bill 674.

17. (Secretary reads title of bill)

18. 3rd reading of the bill.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Geo-Karis.

21. SENATOR GEO-KARIS:

22. Mr. President, Ladies and Gentlemen of the Senate. Senate
23. Bill 674 creates the Elder Abuse Act, to make the abuse, neglect,
24. exploitation, or...or abandonment of an individual age fifty-
25. five years of age or older, a Class A misdemeanor. And it
26. requires certain classes of people to report such abuse
27. to the Department of Aging. The bill was amended to provide
28. that the Medical Society...the members of the medical
29. profession would be reported to the Medical...Commission.
30. I might say that this bill has been supported by the
31. Department of...on Aging, the Department of Guardianship
32. and Advocacy Commission, the Illinois Hospital Association,
33. the Illinois Association of Senior Citizens, the Illinois
34. Medical Society and I ask for a favorable roll call.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Is there discussion? Is there discussion? Senator
3. McMillan.

4. SENATOR McMILLAN:

5. Question of the sponsor. My question really arises
6. because we've had some experience in dealing with other
7. regulations in nursing homes, for instance, which ended
8. up being more of a problem than they solved. I've got
9. ...had some experience in...in nursing homes in dealing
10. with the elderly and it seems to me that the definition
11. of what is...cruel treatment is a little bit mysterious.
12. Let me ask a question. If you have a very elderly patient
13. in a hospital who either cannot take food or refuses to
14. take food and if the doctor decides that the way to do
15. that is to put a...a...insert a tube down the throat in
16. order to get food there and the patient wants to take
17. the tube away and if the hands have to be restrained
18. and if they have to be restrained even to the extent
19. that sometimes the arms swell and the person becomes very
20. agitated, now is that something that might be considered
21. ...the kind of treatment that would...would allow one to
22. be reported? And who's to decide that?

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Geo-Karis.

25. SENATOR GEO-KARIS:

26. Senator McMillan that's not the purpose of the bill.
27. That's a case...that would be a doctor, and as I said when
28. the bill was amended, that any...let's say that that
29. were such a report. It would come before the...Medical
30. Commission and...and then they can certainly decide.
31. If it was...a medical judgment to help the patient, that's
32. a different story and that's what you're referring to.
33. I don't...that's not the intent of the bill. This bill
34. is intended to help the elder people from being abused...

1. psychologically as well as physically. I've known of cases
2. in nursing homes, for example, where, to keep their patients
3. shut, they stuck wads of cloth in their mouth and tied them
4. down and these are the things that we're trying to prevent.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator McMillan.

7. SENATOR McMILLAN:

8. I understand what you're trying to prevent, but is
9. there enough written into the bill to make it clear that
10. if a given treatment is something under the doctor's direction
11. and under the nurse's supervision that even though it may
12. cause the patient considerable pain and...and suffering,
13. that this is the kind of thing that the doctor will not find
14. himself suddenly before some kind of a review committee.
15. 'Cause I...if...if it...if you're talking about somebody
16. who is mistreated in a...outside of a doctor's care or
17. outside of a nursing home or in a nursing home outside
18. of a doctor's care, that's something else. But I'm a
19. little concerned if it's...if it's too broad. And if
20. you say that's taken care of then I don't have any...any
21. further question.

22. PRESIDING OFFICER: (SENATOR BRUCE)

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

24. SENATOR GEO-KARIS:

25. I'm sure that...this bill does not...take...does not
26. go into just the conditions that you have set forth, what
27. this bill really does is relate to exploitation for example,
28. which is unjust and improper use of another person or another
29. person's resources. And...it's a type of abuse similar to,you...
30. you might say, like the Child Abuse Act. And this is what it's
31. destined to do. It's not destined to put anybody in an
32. uncompromising position. And I ask for a favorable roll call.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Further...further discussion? Senator Grotberg. Senator
2. Grotberg.

3. SENATOR GROTBORG:

4. Yes, thank you, Mr. President. A question of the
5. sponsor. Senator Geo-Karis, do you have any concept of
6. the cost of the administration, further layer of administra-
7. tion that this would impose upon anybody? An operator?

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Geo-Karis.

10. SENATOR GEO-KARIS:

11. A...Senator Grotberg, there was a cost estimate made
12. on a different bill and it was erroneously applied to this
13. bill, and it's not that cost estimate. I don't know,
14. I don't imagine it would be more than a couple million dollars
15. at the most.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator...Senator Grotberg.

18. SENATOR GROTBORG:

19. Well, thank you, Mr. President, and Adeline, to
20. use your own words, I love you dearly. But, I think you
21. know and particularly many...Senators realize that I,
22. in my other life, operate a senior citizen home and
23. ...the facts of...business isn't all that great right
24. now, even with the good ones and the cost cycle is
25. so tremendously overtaking the ability to charge and
26. especially in the public aid cases where the...there's
27. a definite ceiling. I...I worry about this concept,
28. I will go no further. Thank you.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Further discussion? Senator Collins.

31. SENATOR COLLINS:

32. Yes, question of the sponsor please.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Indicates she will yield, Senator Collins.

2. SENATOR COLLINS:

3. Yes...Senator Geo-Karis, I recall this bill in committee
4. and I understand that you've amended it several times and
5. with some recommendations of the committee, but I'm getting
6. confused here because I didn't think your..Abuse Reporting Act
7. dealt only with nursing homes. We discussed...something to
8. the effect of visiting nurses and to the person's own home
9. and would go in and find the person being neglected and that
10. they would then report. The...the other thing was whether or
11. not a penalty and what kind of penalty existed for...the non-
12. reporting.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Geo-Karis.

15. SENATOR GEO-KARIS:

16. Senator Collins, this doesn't just apply to nursing homes,
17. it applies to any elder person who is abused. It's similar
18. by analogy to the Child Abuse Act, you might say. It's...
19. it's a measure trying to prevent the unfortunate exploitation
20. and abuse of elder citizens who are helpless to a great extent
21. to take care of themselves in their personal affairs and what
22. have you. And what we're trying to do is help the older people
23. and it was, you know, it's sponsored by the senior...the Senior
24. Citizens Associations of Illinois...I mean supported, rather.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Collins.

27. SENATOR COLLINS:

28. I support it, and you know I support what you're trying
29. to do, I just wanted to know, did it, in fact, include outside
30. of the nursing home, you answered that question. Thank you.
31. I think it's a good bill.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Further discussion? Senator Sangmeister.

1. SENATOR SANGMEISTER:

2. Mr. President and members of the Senate. None of us
3. want to vote against the senior citizens nor do we want to
4. vote against your bill, but I am certainly curious as to
5. what kind of abuse are we talking about that has to be reported?
6. Give me an incident...or some factual situation that I can
7. relate to.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Geo-Karis.

10. SENATOR GEO-KARIS:

11. We have had cases of...in fact I have an article here
12. which...shows certain parents that are elderly...their children
13. say, you know, you put your property in my name and we'll
14. take care of you and then that doesn't happen, the senior
15. citizen ends up...ends up in the nursing home. We
16. know cases like that. People who are in need of protective
17. services are people who are older and...who can't take care
18. of themselves adequately in their...property rights, in their
19. personal rights, so to speak. And...

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Sangmeister.

22. SENATOR SANGMEISTER:

23. Well, that type of a situation whereby, you know, the
24. children say, give me your property and then they...the
25. parents end up in a nursing home, there are certainly, as
26. a lawyer, you know there's civil remedies for...for...for
27. that type of action. That...that isn't the kind of abuse
28. I think that you're directed to, aren't you...are you talking
29. about physical abuse or are you actually talking about the
30. abuse you described?

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Geo-Karis.

33. SENATOR GEO-KARIS:

34. I'm talking not only about that type of abuse,

1. I'm also talking about physical abuse, sexual assault or
2. mental injury inflicted on a person, other than by accidental
3. ...means or the...wilful depravation by a caretaker and so
4. forth.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Sangmeister.

7. SENATOR SANGMEISTER:

8. Well, then give me an example of what you mean by mental
9. abuse.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Geo-Karis.

12. SENATOR GEO-KARIS:

13. Mental abuse can be a...a case where a...a family member
14. who is...anxious to get rid of the older person and just
15. get their...personal...emoluments, just constantly telling them
16. to look...you're going to...I can't, I'm not going to keep
17. you in my house if you don't sign over your...your Social
18. Security checks to me, I'm not going to do this, I'm not going
19. to do that. I mean, there's...all kinds of mental abuse, if
20. I can give you another one here, in a moment...

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Sangmeister.

23. SENATOR SANGMEISTER:

24. Well, I...I...should have probably looked into the
25. bill more, but Senator, I think this is a bill that needs
26. a little tightening up.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Further discussion? Senator Bowers.

29. SENATOR BOWERS:

30. Sponsor yield to one more question?

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Indicates she will yield. Senator Bowers.

33. SENATOR BOWERS:

1. The term abandonment, Senator Geo-Karis, bothers me
2. a little bit. Suppose Senator Grotberg would have a...a...a
3. patient that couldn't pay their bill, no one else would take
4. them. How does he get rid of them without abandoning them?

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Geo-Karis.

7. SENATOR GEO-KARIS:

8. The term...I'm sure the term...abandonment in this
9. case doesn't mean like the case that you describe, it means
10. a cessation of care provided to an adult in need of protective
11. services by a caretaker without providing for replacement
12. care by someone who is responsible for them. That's what
13. ...the term abandonment means in his case.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Bowers.

16. SENATOR BOWERS:

17. Well, you say, without providing for alternative care,
18. looks to me like they've got a responsibility for a lifetime.
19. Suppose no one will...will give that alternative care. Then
20. ...then, it would appear to me that...that, from a strict
21. construction standpoint, they've abandoned them...as...as
22. long as...at any point when they quit caring for them.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Geo-Karis.

25. SENATOR GEO-KARIS:

26. My understanding of the bill would be, for example, the
27. caretaker would be the conservator or the guardian, you might
28. say, of the abused person, if they...if...of the older person.
29. If they just don't do anything, they don't provide for some
30. care for them, I think that certainly they're abandoning
31. the care that they're responsible to provide for. That's
32. what my understanding is of the bill, Sir.

33. PRESIDING OFFICER: (SENATOR BRUCE)

34. Further discussion? Further discussion? Senator Rock.

35. SENATOR ROCK:

1. Thank you, Mr. President, Ladies and Gentlemen of the Senate.
2. There are two things, it seems to me, that trouble me about this
3. legislation. And I know, as Senator Sangmeister pointed out,
4. it's always difficult to vote in opposition to something that
5. apparently is for the benefit of senior citizens or youngsters
6. or some other group about which we are interested. One, we
7. are apparently setting up a whole new subbureaucracy in the
8. Department of Aging, even though as I understand it, in committee
9. they testified that a pilot study of this sort is currently
10. going on and perhaps we'd be better advised to wait till
11. the results of that study come forth. But, secondly, I'm
12. not reading through this, I'm not too sure, frankly, and
13. unless the sponsor can adequately address it, I intend to
14. vote No, I'm not too sure what the responsibilities, if any,
15. particularly new responsibilities, if any, of children to
16. their parents. This would seem to say, that once you reach
17. the magic age of fifty-five there is some additional obligation.
18. And I'm frankly not sure what that is or whether we are, in
19. fact, in a position to define it. I...I think there's...just
20. too many unanswered questions and I for one will not support
21. Senate Bill 674...as it's already been amended.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Geo-Karis.

24. SENATOR GEO-KARIS:

25. Rather than continue this consternation, in order to
26. clarify everything, I'm going to ask to take this bill out
27. of the record at this time.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Leave to take it out of the record? Leave is granted.
30. Senator Netsch, on 676. All right. And...to remind the
31. members, we will take 676, 677 and last week, Senator Carroll
32. had leave to call 604. So we will go, 676, 677 and then 604
33. in that order. And that was with leave of the Body that we

1. proceed that way. For what purpose does Senator Netsch arise?

2. SENATOR NETSCH:

3. Thank you. I think the logical order would be 676, 604
4. and then 677. It's the first two that...that is Senator Carroll's
5. and mine that are very closely related.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Is there leave for that procedure? Leave is granted.

8. Read the...read 676, Mr. Secretary, please.

9. SECRETARY:

10. Senate Bill 676.

11. (Secretary reads title of bill)

12. 3rd reading of the bill.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Netsch.

15. SENATOR NETSCH:

16. Thank you, Mr. President. This bill, followed by Senator
17. Carroll's is intended to clarify and in part, redefine the
18. preaudit duties of the comptroller and the Executive agencies.
19. In simple terms, what it does is to reaffirm that which is now
20. really the fact, and certainly ought to be the fact that it
21. is the Executive agencies which have the principal responsibility
22. for the, what I call, the substantive preaudit of all of their
23. requested expenditures. The Comptroller's duties are limited,
24. not limited, that's a very broad duty, but are primarily to
25. assure that there is adequate appropriation for that particular
26. requested expenditure that all of the documentation that is required
27. to accompany it, has, in fact, been included and a spot-check
28. to determine whether the full legality is being complied with.
29. I might say that the bill is in response to a frequently raised
30. question, but particularly to the last audit, compliance audit,
31. that was done by outside auditors of the Comptroller's Office.
32. And basically what they say is that...is, and this is quoting
33. from the audit, "the comptroller cannot achieve the level of

1. verification implied by the State Comptroller Act, in the
2. strictest sense, determining legality for payment,"and the
3. key word is,"legality." Legality for payment, would require
4. the Comptroller to be involved with or...audit all documents
5. related to every purchase, contract or lease,employee time
6. and attendance records, income tax returns, et cetera. They
7. go on then to say that"certainly these are unrealistic
8. expectations under the State's fiscal and political structure,
9. especially in view of the number of transactions processed
10. annually" and they point out that it is over fourteen million
11. such transactions. And they then say, conclude and recommend,
12. "we believe that enough time has passed and sufficient experience
13. has been gained since enactment of the State Comptroller Act to
14. enable the State Government to more clearly define the role
15. of the Comptroller in the State's fiscal organization." This
16. bill and Senator Carroll's bill which follow, do indeed clarify
17. the respective roles of the Comptroller and the State agencies.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Further discussion? Senator DeAngelis.

20. SENATOR DeANGELIS:

21. Thank you, Mr. President and members of the Senate.
22. Senator Netsch has come a long way from our opposition to
23. amending this bill into the form that it should be. It's a
24. very sticky problem, it's one that concerns the Legislative
25. Audit Commission and the General Assembly. I think she's made
26. every honest attempt to get it in the shape for which it was
27. intended. I would urge its support, however, Senator Netsch,
28. since you did bring up 604, let's pass this one but let's not
29. pass 604.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Further discussion? The question is shall Senate Bill
32. 676 pass. Those in favor vote Aye. Those opposed vote Nay.
33. The voting is open. Have all voted who wish? Have all voted

1. who wish? Have all voted who wish? Take the record. On that
2. question the Ayes are 51, the Nays are none, 2 Voting Present.
3. Senate Bill 676, having received the required constitutional
4. majority is declared passed. Senate Bill 604, Senator Carroll.
5. Read the bill, Mr. Secretary, please.

6. ACTING SECRETARY: (MR. FERNANDES)

7. Senate Bill...Senate Bill 604.

8. (Secretary reads title of bill)

9. 3rd reading of the bill.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Carroll.

12. SENATOR CARROLL:

13. Thank you, Mr. President, excuse me, Ladies and Gentlemen
14. of the Senate. No, it is not true that Senator Netsch tried
15. to sandbag me by handing me this one. In fact, this is part
16. of the package of the problem that Senator DeAngelis and
17. Senator Netsch alluded to. And that is the impossibility
18. under a technical reading of the laws of the State of Illinois
19. as to what the function of the Comptroller is. The intent
20. of 604 is to say that the Comptroller may, in fact, spot-
21. check those vouchers that come across his desk and go beyond
22. what is known as the four corners of the document. It is
23. not a case of necessarily saying that they do not trust
24. an agency's review. But as the audit determined, right now
25. either the Comptroller must check them all, which of course
26. the last bill indicated, was an impossibility, or he
27. is supposed to do nothing, although he is legally responsible
28. to have some preaudit function. The intent of this bill, as
29. amended would be to say that in a case where the comptroller
30. felt there may be some problem, in a particular voucher, he
31. notifies the department, if he holds the voucher for three
32. days. At the time he notifies the department, they can, in
33. fact, swear off to him, that the voucher should be paid, in

1. which case it shall be paid. But if in the case of a notification,
2. the department feels that there may be a reason for a preaudit,
3. or does not notify the Comptroller to pay it, then the Comptroller
4. has the right to, in fact, determine that the voucher was lawful
5. and proper. Again, this is a response to not only that of the
6. audit itself, but what is now going on throughout government
7. throughout the United States, and that is to assign the
8. type of accounting functions that private industry would use
9. to be able to spot-check the paper work coming through to make
10. sure, in fact, the goods were delivered, to make sure, in fact,
11. that the vouchers are proper, not only proper on their face,
12. that everybody has signed them where they are supposed to sign
13. them, but that the goods and services were actually delivered
14. to the State of Illinois. This should allow us very effective
15. cost savings in the future, something we are all concerned
16. with, as well as giving us a more appropriate tool on the
17. paper work that flows through the Comptroller's Office and I
18. would ask for a favorable roll call.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Is there discussion? Senator Bloom.

21. SENATOR BLOOM:

22. A question of the sponsor.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Indicates he will yield, Senator Bloom.

25. SENATOR BLOOM:

26. If memory serves, didn't Comptroller Lindberg seek
27. these very same powers and it was rejected by the General
28. Assembly because they felt that these functions were more
29. properly the providence of the Auditor General? About four
30. years ago, maybe five?

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Senator Carroll. Senator Carroll.

33. SENATOR CARROLL:

1. Thank you, Mr. President. Senator Bloom, memory doesn't
2. serve you quite correct. It was 1975, the General Assembly,
3. both Chambers, passed it without a dissenting vote. The
4. Governor, Governor Walker, vetoed it. And it should not be
5. either veto...either Governor, any Governor, but the General
6. Assembly unanimously passed this exact legislation for
7. Comptroller Lindberg. Not exact, but the same idea for
8. Comptroller Lindberg.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Further discussion? Senator DeAngelis.

11. SENATOR DeANGELIS:

12. Thank you, Mr. President and members of the Senate. This
13. bill could be more appropriately called, the Comptroller's Harass-
14. ment Bill. The support comes from the Comptroller's Office,
15. the opposition comes from the Governor's Office, and rightfully
16. so. This bill would really allow the Comptroller to question
17. any warrant for whatever reason, because he could term it to
18. be an unauthorized expenditure. Senator Carroll, there's enough
19. bases right now, in current law, based on legality or un-
20. authorized funds sufficient enough to allow the Comptroller
21. General to do his job...the Comptroller to do his job. And
22. I don't think this is necessary, I don't think it's going to
23. help. It's only going to allow the Comptroller's Office to
24. perform some acts of harassment. I urge its defeat.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Senator Netsch.

27. SENATOR NETSCH:

28. Thank you, Mr. President. I somehow have the feeling
29. that there is some misunderstanding still, Senator DeAngelis,
30. about the current authority of the Comptroller. What this
31. bill does, really, is to define and in some ways, limit, the
32. Comptroller's present authority to examine behind warrants
33. that are submitted to him, or vouchers that are submitted

1. to him for payment. Right now, the Comptroller has absolute
2. authority to go into and look behind any voucher submitted to
3. him, examine documentation, determine whether the employee
4. showed up for work, whether the contract was legal or whatever.
5. And in the course of the bill that you have just passed, and
6. this one, it's intended really to cut back significantly on
7. that power to make it clear that the basic responsibility is
8. with the agencies, that the Comptroller, because he is a
9. constitutional officer and cannot be...totally discharged
10. of his preaudit duties, will continue to have them, but on
11. a much more limited basis and on a selective or ad hoc basis.
12. So that it seems to me that it really is complimentary, not
13. just to the bill that you just passed, but really to the
14. objective that both you and I agree is a proper one.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Senator DeAngelis.

17. SENATOR DeANGELIS:

18. I hate to rise for the second time, but your bill, Senator
19. Netsch, does place the responsibility with the agency. This
20. bill, does not, and I know that if yours is enacted, obviously
21. they would have to pay particular heed to that. But I do not
22. see, where...the Comptroller does not have the authority right
23. now, currently, to examine a voucher for legality. What this
24. really does, it says you can do it for any reason that you feel
25. those funds should be unauthorized and I consider that an
26. excess for any State official.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Is there further discussion? Senator Rhoads.

29. SENATOR RHOADS:

30. Question of the sponsor. Senator Netsch, can you tell
31. me why there is an immediate effective date on this, rather
32. than January 1, 1982?

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Senator Netsch.

2. SENATOR NETSCH:

3. The bill...this bill is actually Senator Carroll's bill,
4. you probably should direct the question to him.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Senator Carroll, would you answer that question.

7. SENATOR CARROLL:

8. Just so that he could immediately start performing those
9. duties as it becomes law.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Is there any further discussion? If not, Senator Carroll
12. may close debate.

13. SENATOR CARROLL:

14. Thank you, Mr. President, Ladies and Gentlemen of the
15. Senate. To again attempt to clarify some muddied waters,
16. let me start off with the comment that very possibly, under
17. today's law, the Comptroller has the authority to do what
18. this bill would say, but has the authority to do it in
19. each and every document that comes before him. That is an
20. unrealistic thing to have before a comptroller because of
21. the volume of documents that appear. If you read the law
22. as it exists today, if he has reason to believe from the
23. documents filed in connection, therewith, that...such
24. obligation or expenditure of public funds is contrary
25. to law, et cetera, et cetera. It seems that right now,
26. he has the authority to withhold those payments, the...that's
27. existing law. The purpose of this is to say, check the trans-
28. action, but spot-check an audit based on reasonable belief
29. that there may be some problem with the documents filed. As
30. has been pointed out, this is not a harassment mechanism.
31. It is a method in which an elected constitutional officer
32. can, in fact, discharge those duties. It would seem to me
33. that we, the members of the General Assembly, have an obligation

1. to protect the public's money. And if we deny to the
2. Comptroller the authority to protect the public's money,
3. I do not feel we are discharging our obligation. I would
4. ask for a favorable roll call.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. The question is shall Senate Bill 604 pass. Those
7. in favor will vote Aye. Those opposed will vote Nay. The
8. voting is open. Have all voted who wish? Have all voted
9. who wish? Take the record. On that question the Ayes are
10. 24, the Nays are 24, 2 Voting Present. Senate Bill...604,
11. having failed to receive a constitutional majority is declared
12. lost. Senate Bill 677, Senator Netsch. Read the bill, Mr.
13. Secretary.

14. ACTING SECRETARY: (MR. FERNANDES)

15. Senate Bill 677.

16. (Secretary reads title of bill)

17. 3rd reading of the bill.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator Netsch.

20. SENATOR NETSCH:

21. Thank you, Mr. President. This bill amends the Coal
22. Development, the School Construction and the Capital Develop-
23. ment Bond Acts. And again is in response to a recommendation
24. made by the last compliance audit of the Comptroller's Office,
25. particularly with respect to those funds. The problem is
26. that those three funds have, from time to time...accumulated
27. excess funds, that is in excess of that which is required
28. for the regular retirement payments. And that is not good
29. fiscal management, particularly at a time when we are in
30. very restrained fiscal condition. The Attorney General has
31. indicated that there is an ambiguity in those three bills as
32. to whether or not the...the...the...transfer of those excesses
33. must be initiated by or approved by the Governor and based

1. on that ambiguity the auditors had specifically recommended
2. that if the Attorney General's opinion indicates that the
3. Governor's approval must be obtained before debt service
4. transfers can be reduced, the Comptroller should attempt
5. to obtain such approval and/or have the Statutes changed
6. to eliminate the need for that approval. This bill is
7. directly responsive to that recommendation.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Is there any discussion? If not, the question is
10. shall Senate Bill 677 pass. Those in favor will vote Aye.
11. Those opposed will vote Nay. And the voting is open. Have
12. all voted who wish? Have all voted who wish? Have all
13. voted who wish? Take the record. On that question the
14. Ayes are 25, the Nays are 29, none Voting Present. Senator
15. Netsch moves to have Senate Bill 677 put on the Order of
16. Postponed Consideration. Leave is granted. Senate Bill
17. 680, Senator Berning. Read the bill, Mr. Secretary.

18. ACTING SECRETARY: (MR. FERNANDES)

19. Senate Bill 680.

20. (Secretary reads title of bill)

21. 3rd reading of the bill.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Senator Berning.

24. SENATOR BERNING:

25. Thank you, Mr. President and members of the Senate.
26. Senate Bill 680 is a very simple little bill designed
27. to make life just a little easier for some of our smaller
28. communities and subdivisions. Provides very simply that
29. municipalities and subdivisions with less than five thousand
30. inhabitants, where they are able to establish that their
31. water supply is pure and clean and adequate, need not
32. chlorinate. Many of us, Mr. President, feel that chlorine,
33. the poison that it is, and necessary as it is in certain

1. instances where the water supply is subject to pollution and
2. public health is therefore at stake, on the other hand feel
3. that with the smaller communities where the water supply
4. tests out perfectly all the time, there should be no need
5. to mandate these people to chlorinate their water and
6. introduce into the water something that they do not want.
7. I have several communities in my county where there...this
8. is a very critical issue. The question is very simple, shall
9. we unmandate what is an unreasonable cost item for these
10. small municipalities and subdivisions. I believe we should,
11. Mr. President and members of the Senate, and I would request
12. a favorable roll call.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Is there any discussion? If not, the question is shall
15. Senate Bill 680 pass. Those infavor will vote Aye. Those
16. opposed vote Nay. The voting is open. Have all voted who
17. wish? Have all voted who wish? Have all voted who wish?
18. Take the record. On that question the Ayes are 21, the
19. Nays are 17, 1 Voting Present. Senate Bill 680, having
20. failed to receive the constitutional majority is declared
21. lost. Senate Bill 681, Senator Vadalabene. Read the bill,
22. Mr. Secretary.

23. SECRETARY:

24. Senate Bill 681.
25. (Secretary reads title of bill)
26. 3rd reading of the bill.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Senator Vadalabene.

29. SENATOR VADALABENE:

30. Thank you, Mr. President and members of the Senate.
31. This bill is being introduced at the request of the Comptroller's
32. Office. It amends the Civil...Administrative Code to provide
33. that the salary of an acting director or acting secretary of

1. a code department will be paid from the department's
2. appropriation for Personal Services. Under current Statutory
3. provisions the funds are appropriated to the Comptroller's
4. Office to pay for the salary of heads of departments. This
5. bill does not change the current practice of paying the salary of
6. temporary appointments or heads of departments from the funds
7. appropriated to the State Comptroller. The Comptroller is
8. required to pay the salary of such acting directors from
9. funds appropriated to his office for the salary of State
10. Officers. Under this provision the Comptroller would be
11. barred from paying the salaries of any acting director.
12. I discussed this with the Governor and he said he could live
13. with this and so I ask for a favorable vote.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Is there any discussion? If not, the question is shall
16. Senate Bill 681 pass. Those in favor will vote Aye. Those
17. opposed vote Nay. The voting is open. Have all voted who
18. wish? Have all voted who wish? Take the record. On that
19. question the Ayes are 51, the Nays are none, none Voting Present.
20. Senate Bill 681, having received the constitutional majority
21. is declared passed. Senate Bill 685, Senator Newhouse. Senate
22. Bill...read the bill, Mr. Secretary.

23.
24.
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End of Reel

1. SECRETARY:
2. Senate Bill 685.
3. (Secretary reads title of bill)
4. 3rd reading of the bill.
5. PRESIDING OFFICER: (SENATOR SAVICKAS)
6. Senator Newhouse.
7. SENATOR NEWHOUSE:
8. Thank you, Mr. President and Senators. The...the digest
9. description of the bill is accurate and I would ask for a
10. favorable roll call.
11. PRESIDING OFFICER: (SENATOR SAVICKAS)
12. Is there any discussion? If not, the question is, shall
13. Senate Bill 685 pass. Those in favor will vote Aye. Those
14. opposed vote Nay. The voting is open. Have all voted
15. who wish? Have all voted who wish? Have all voted who wish?
16. Take the record. On that question, the Ayes are 34, the Nays
17. are 11, none Voting Present. Senate Bill 685 having received
18. the constitutional majority is declared passed. Senate Bill
19. 686, Senator Newhouse. Read...read the bill, Mr. Secretary.
20. SECRETARY:
21. Senate Bill 686.
22. (Secretary reads title of bill)
23. 3rd reading of the bill.
24. PRESIDING OFFICER: (SENATOR SAVICKAS)
25. Senator Newhouse.
26. SENATOR NEWHOUSE:
27. Thank you, Mr. President and Senators. This is the pro-
28. vision for holding back ten percent of the annual budget
29. allocation for scholarships for those persons who apply late
30. because of financial hardship. I'd move its...move...a
31. favorable roll call.
32. PRESIDING OFFICER: (SENATOR SAVICKAS)
33. Is there any discussion? If not,...Senator Berning.

1. SENATOR BERNING:

2. A question of the sponsor please.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. He indicates he will yield.

5. SENATOR BERNING:

6. Senator, I regret that I had not looked at this earlier,
7. so I am unprepared really. But just a quick look at the
8. Calendar indicates that your intention is, for the State
9. Scholarship Commission just to arbitrarily set aside ten
10. percent of the total allocation of dollars available to it for later
11. distribution. Is that correct?

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Senator Newhouse.

14. SENATOR NEWHOUSE:

15. Senator, let me...let me phrase it this way, what we
16. have is a number of people who apply late, simply, because
17. they don't know their financial situation until the last
18. moment. And it's those people that we're trying to make
19. certain do have some dollars left to apply to scholarships.
20. We're talking about people by and large who are married,
21. have families, and have all kinds of obligations.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Senator Berning.

24. SENATOR BERNING:

25. Well, then, Mr. President and members of the Senate, I'd
26. like to speak briefly to the issue. What we have before us
27. here is a proposal to set aside dollars for the late comers.
28. Now, whatever the reason for the late comer, there is no
29. denying the fact that the early comers ought to be considered
30. first. We don't have enough dollars now to meet the requests.
31. And to arbitrarily say to ten percent of the applicants, well,
32. we aren't going to consider your application because there may
33. be others who are qualified as much as you or, perhaps, more

1. qualified, and so we are not going to tell you "yes" or "no"
2. until after...an expiration date. Now, I submit that that is
3. discriminatory, that is unjustified from a purely democratic
4. point of view. In other words, all of us are subject to a
5. certain degree of uncertainty in our lives and we can't ask
6. the world to stop turning because of that. And the whole
7. process of the allocation of the available scholarship dollars,
8. the administration of that very complex office, ought not to
9. be hamstrung by the imposition of any kind of restrictions.
10. And this one, in my opinion, is ill-advised.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Senator Bowers.

13. SENATOR BOWERS:

14. Would the sponsor yield to a question?

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. He indicates he will.

17. SENATOR BOWERS:

18. Senator Newhouse, would you address yourself to the
19. amendment? I know there was some discussion when this amend-
20. ment went on, but I'm not quite sure I totally understood it
21. and I would like to ask a couple of questions about that after
22. you've done that.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Senator Newhouse.

25. SENATOR NEWHOUSE:

26. Certainly, Senator. The amendment...the first amendment
27. used the word "merit" as the basis for the award of those funds.
28. The last amendment deleted "merit" and substituted instead
29. "need." Now, this...this bill is based...or rather this pro-
30. vision is based, solely, upon need and it does not exclude
31. the early applicants at all. That's a misunderstanding.
32. The early applicants...everyone is into the pool, but the fact
33. is, it permits some of those who apply late for a variety of

1. reasons to be included in the pool also. Now, the fact is,
2. of course, that there's never enough dollars in this fund.
3. We all know it, we all know that we've given the Scholar-
4. ship Commission...an awful lot of time to try to clean up
5. their act. Well, folks, it's just impossible, there's no
6. way and because there's no way and because it is impossible
7. and because it is based upon need, the problem of how do
8. you get the neediest folks into the pool is a serious one
9. and this bill is intended to address that question.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Senator Bowers.

12. SENATOR BOWERS:

13. Well, I'm not sure I have any particular opposition
14. to the ten percent provision. I...I was at the same meeting
15. you were when those problems were discussed and I think I
16. understand those. But I...are you changing the standard
17. upon which that ten percent will be allocated as opposed
18. to the other ninety percent or are you rewriting it into
19. the same standard? That...I guess that's my question.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Senator Newhouse.

22. SENATOR NEWHOUSE:

23. The same standard applies, Senator. Absolutely the
24. same standard applies.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Senator Bowers.

27. SENATOR BOWERS:

28. In other words, when you substituted the word "need" for
29. the word "merit", you brought the language back into the same
30. language that's existed in the last ten years...being applied
31. by the Scholarship Commission. Is that what you're saying?

32. PRESIDING OFFICER: (SENATOR SAVICKAS)

33. Senator Newhouse.

1. SENATOR NEWHOUSE:

2. That's my understanding, Senator.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator DeAngelis.

5. SENATOR DEANGELIS:

6. Thank you, Mr. President and members of the Senate. Maybe
7. I can clear up this problem. The merit scholarships, Senator
8. Newhouse, are awarded way before this time. There's no
9. need...there are a fixed amount of scholarships that are
10. given out. There's no need to hold back ten percent of that
11. money, 'cause those awards will have been made before that
12. particular period of time and that's for...the purpose of the
13. amendment. The other thing I might point out is, the ten percent
14. is really a reserve to preclude some of the problems that
15. were currently run into. And that is, if there is a short-
16. fall due to the fact that more people accept the grants than
17. they normally do, then you have that reserve amount available
18. to take care of those grants. And this is really a...a
19. suggestion by the Scholarship Commission to save themselves
20. from some of the embarrassment and...and take out some of
21. the unpredictability that currently occurs with the award
22. programs. I urge its favorable support.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Further discussion? If not, Senator Newhouse may close
25. debate.

26. SENATOR NEWHOUSE:

27. Thank you, Mr. President and Senators. This is one
28. small attempt to try to cut down the inequities in a very,
29. very complicated situation and I would ask a favorable roll
30. call on it.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. The question is, shall Senate Bill 686 pass. Those in
33. favor will vote Aye. Those opposed vote Nay. The voting is

1. open. Have all voted who wish? Have all voted who wish?
2. Have all voted who wish? Take the record. On that question,
3. the Ayes are 46, the Nays are 8, none Voting Present. Senate
4. Bill 686 having received the constitutional majority is
5. declared passed. Senate Bill 689, Senator Demuzio. Read the
6. bill, Mr. Secretary.

7. SECRETARY:

8. Senate Bill 689.

9. (Secretary reads title of bill)

10. 3rd reading of the bill.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Senator Demuzio.

13. SENATOR DEMUZIO:

14. Thank you, Mr. President and...and Ladies and Gentlemen
15. of the Senate. Senate Bill 689 is a product of the Commission
16. on Mental Health and...Developmental Disabilities. The...
17. bill is designed to...require that sign language be used for
18. any hearing impaired person for whom sign language is the
19. primary mode of communication. I am...understood this
20. morning that this simply would put...this particular issue
21. back into the code as it was eliminated...and I will yield
22. to...Senator Schaffer, who's the chairman of the commission,
23. for further comment.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Senator Schaffer.

26. SENATOR SCHAFFER:

27. Yes, I think this is a...a very sound proposal. I've
28. talked to the department and...they have no objections to
29. it. There...there is a problem sometimes in some locations
30. finding people who will...speak the sign language. But...
31. this was in the original Mental Health Code and was in-
32. advertently taken out when we did the rewrite a couple of
33. years ago. I know of no opposition and I think it's only

1. fair and proper. I urge a favorable roll call.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Is there further discussion? If not, the question is,
4. shall Senate Bill 689 pass. Those in favor will vote Aye.
5. Those opposed vote Nay. The voting is open. Have all voted
6. who wish? Have all voted who wish? Take the record. On
7. that question, the Ayes are 52, the Nays are none, none
8. Voting Present. Senate Bill 689 having received the con-
9. stitutional majority is declared passed. Senate Bill 694,
10. Senator Egan. Read the bill, Mr. Secretary.

11. SECRETARY:

12. Senate Bill 694.

13. (Secretary reads title of bill)

14. 3rd reading of the bill.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Senator Egan.

17. SENATOR EGAN:

18. Thank you, Mr. President and members of the Senate. Senate
19. Bill 694...excuse me...will allow a child's award...child's
20. annuity, where a participant remarries and then dies leaving
21. a widow,...under the current law the language is silent...
22. under the condition or under the situation where the participant
23. remarries and...forbids...the child's...annuity, which ranges
24. well below twenty percent, where the...participant dies leaving
25. a...a widow. The bill...the proposal was heard by the Pension
26. Laws Commission and approved, as was the bill approved by the
27. commission. I know of no opposition and I ask for your favor-
28. able consideration.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Is there any discussion? If not, the question is, shall
31. Senate Bill 694 pass. Those in favor will vote Aye. Those
32. opposed vote Nay. The voting is open. Have all voted who
33. wish? Have all voted who wish? Take the record. On that

1. question, the Ayes are 51, the Nays are none, none Voting
2. Present. Senate Bill 694 having received the constitutional
3. majority is declared passed. Senate Bill 696, Senator Egan.
4. Read the bill, Mr. Secretary.

5. SECRETARY:

6. Senate Bill 696.

7. (Secretary reads title of bill)

8. 3rd reading of the bill.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Senator Egan.

11. SENATOR EGAN:

12. Thank you, Mr. President and members of the Senate. As
13. you know, the deferred compensation plan has been passed...
14. through the Legislature,...I think, two or three years ago
15. and...Section 457 of the Internal Revenue Code requires the
16. ...exemption...the total exemption,...that under the current
17. Statute is...not clear, whether or not the participation in
18. the deferred compensation plan is the total exemption. This
19. will clarify that and bring it in line with the Internal
20. Revenue Code requirement. The authority is existing. It
21. just...rather clarifies and aligns it with the Internal
22. Revenue Code and I ask for your favorable consideration.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Is there any discussion? If not, the question is, shall
25. Senate Bill 696 pass. Those in favor will vote Aye. Those
26. opposed vote Nay. The voting is open. Have all voted who
27. wish? Have all voted who wish? Have all voted who wish?
28. Take the record. On that question, the Ayes are 51, the
29. Nays are 1, none Voting Present. Senate Bill 696 having
30. received the constitutional majority is declared passed.
31. Senate Bill 697, Senator Egan. Senate Bill 699, Senator
32. Egan. Read the bill, Mr. Secretary.

33. SECRETARY:

1. Senate Bill 699.

2. (Secretary reads title of bill)

3. 3rd reading of the bill.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Senator Egan.

6. SENATOR EGAN:

7. Thank you, Mr. President and members of the Senate.
8. Senate Bill 699 brings the Cook County Article of the
9. Pension Code in line with the other systems, the Chicago
10. and the...and the Chicago teachers along with the...the
11. Police Pension System, insofar as raising the...child
12. annuities...increasing the maximum spouse's annuity from
13. four to five hundred dollars and...increases the post-
14. retirement annuity, as the other systems have done, to
15. three percent. It removes a hundred dollar limitation on
16. the amount of annuity an employee may reduce his annuity
17. to provide for reversionary annuity to a designated
18. individual. What it does is, aligns the...the system
19. with the others...in the State systems. There is a cost
20. impact, but the...the rate increase is included in the bill
21. so that it will not affect the system...it will not create
22. any...unfunded liability because it will be paid for. And
23. I...recommend it to your favorable consideration.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Is there any discussion? Senator Walsh.

26. SENATOR WALSH:

27. Mr. President and members of the Senate,...Senator
28. Egan, in his closing remark there, just indicated what the
29. shortcoming of this bill is, the...money will be obtained...
30. through the provisions in the bill, namely a...tax rate
31. increase without a referendum. There's no...there's no in-
32. crease in the contribution made by the...participants. The
33. money will be...paid for by the taxpayers and...I, for one,

1. feel that even though these...these increases may be desirable
2. and I'm not suggesting that the people are not entitled
3. to them, but...I feel that the...the participants...should
4. ...should bear the brunt of the increase. There should be
5. some increase in the contribution. There being none and
6. since there is an increase in the tax rate, without a
7. referendum, I'm going to vote No and I would urge my colleagues
8. to do likewise.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Is there further discussion? If not, Senator Egan may
11. close debate.

12. SENATOR EGAN:

13. Yes, well, in answer to that, Senator Walsh, let me
14. say that...this system, presently, does not have the benefits
15. that the other systems have. It is...it has been held down
16. because of the taxing consequences. However, as I under-
17. stand it, the county board has...has passed the...the pension
18. increases because they feel that under the present...under
19. the present budget, they can afford it. So that it will
20. not, in my...from what I've been told, will not create a
21. tax increase. It will be paid for out of funds...even though
22. the rate has increased and the county employees will...
23. receive the benefits that all of the other State supported
24. and city supported...systems do now afford. I urge that
25. you afford these employees the same equal pension benefits
26. as all others. I commend it to your favorable consideration.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. The question is, shall Senate Bill 699 pass. Those in
29. favor will vote Aye. Those opposed vote Nay. The voting
30. is open. Have all voted who wish? Have all voted who wish?
31. Have all voted who wish? Take...have all voted who wish?
32. Take the record. On that question, the Ayes are 28, the Nays
33. are 19, 2 Voting Present. Senate Bill 699 having failed to

1. receive a constitutional majority is declared lost. Senate
2. Bill 701, Senator Marovitz. Senator Marovitz. Read the
3. bill, Mr. Secretary.

4. SECRETARY:

5. Senate Bill 701.

6. (Secretary reads title of bill)

7. 3rd reading of the bill.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Senator Marovitz.

10. SENATOR MAROVITZ:

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

12. This bill...Senate Bill 701 amends Section 510 of the Illinois
13. Marriage and Dissolution Act and Section 30 of the Uniform
14. Reciprocal Enforcement of Child Support Act, both dealing
15. with modification of child support payments and child sup-
16. port orders. The bill provides that child support orders
17. may not be modified solely on the basis of the custodial
18. parent's actions, such as denial of visitation. This would
19. not interfere with the court's right to modify maintenance
20. or the right to hold a person in contempt for...violating
21. a visitation order. The amendment to Section 510, embodied
22. in this bill, merely codifies what is...already existing
23. case law. This bill would clearly establish Illinois public
24. policy that the misconduct of adults, even if true, should
25. not affect the right of children to...to be supported by
26. their parents and that support order is to be enforced by
27. the courts and I would ask for a favorable roll call on
28. Senate Bill 701.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Is there further discussion? Senator Sangmeister.

31. SENATOR SANGMEISTER:

32. Yeah, I'm sorry, I'm sitting next to you and didn't
33. ask the question, but I didn't see the bill coming up. Does

1. this mean that, if the wife has custody of the children and
2. she's having a relationship with another person...open,
3. notorious or however you want to put it, does that mean
4. that...the court cannot take this into consideration, as
5. far as payments to her are concerned for child support?

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator Marovitz.

8. SENATOR MAROVITZ:

9. No, it does not. As a matter of fact, in committee we
10. added the amendment...so that...it is one of the factors
11. that can be taken...into consideration, but solely on the
12. basis of...lack of...of visitation rights. That would not
13. be the sole determining factor. The...the situation that
14. you suggest can be taken into consideration by the court:

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Is there further discussion? Senator Rock.

17. SENATOR ROCK:

18. Thank you, Mr. President and Ladies and Gentlemen of
19. the Senate. Just a question of the sponsor if he'll yield.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Senator...Marovitz indicates he will yield.

22. SENATOR ROCK:

23. Modification, however,...seems to be a little broad.
24. What if you want to modify it up?

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Senator Marovitz.

27. SENATOR MAROVITZ:

28. I'm not sure of the hypothetical,...Senator, that you're
29. speaking about. If you want to...if you want to increase the
30. child support payments?

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Senator Rock.

33. SENATOR ROCK:

1. Yes. This would seem to preclude that and I...I'm not
2. sure that's what we want to do. I agree, frankly, with your
3. ...with your notion that, in any event, child support should
4. not be stopped for these reasons and I think you're correct.
5. That is the current law. But when you say you...a judge
6. can't modify it, that means, if I go in...on behalf of a
7. client and suggest that because of the custodial parent's
8. ...abject contemptuousness for the court and its orders
9. and denial of visitation...I want the support, you know,
10. ...raise it.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Senator Marovitz.

13. SENATOR MAROVITZ:

14. It would seem to me,...that going in on behalf of a
15. client for an increase in child support, the...one of the
16. determining factors would be the ability...the increased
17. ability of the...non-custodial parent, in most cases the
18. ...the...the breadwinner, the wage earner, the husband,
19. ...an increased ability...by that non-custodial parent to
20. pay an increased amount of child support. All we're saying
21. here, is that a failure to allow...visitation would not
22. be the sole determining factor for elevating or reducing
23. ...child support payments.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Is there further discussion? If not, the question is,
26. shall Senate Bill 701 pass. Those in favor will vote Aye.
27. Those opposed vote Nay. The voting is open. Have all voted
28. who wish? Have all voted who wish? Have all voted who wish?
29. Take the record. On that question, the Ayes are 29, the Nays
30. are 23, 1 Voting Present. Senate Bill 701 having failed to
31. receive the constitutional majority is declared...Senator
32. Marovitz seeks leave to have...Senate Bill 701 put on the
33. Order of Postponed Consideration. Is leave granted? Leave

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1. is granted. Senate Bill 702, Senator Bruce. Read the bill,
2. Mr. Secretary.

3. SECRETARY:

4. Senate Bill 702.

5. (Secretary reads title of bill)

6. 3rd reading of the bill.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Senator Bruce.

9. SENATOR BRUCE:

10. Thank you, Mr. President and members of the Senate.
11. Senate Bill 702 authorizes the use by Illinois licensed
12. Pharmacists after they have taken training...increased
13. training in pharmacology to use topical ocular pharma-
14. ceutical agents. The bill sets forth eight agents that
15. they might use in an examination to determine whether or
16. not a person has any kind of eye disease. These are topical
17. anesthetics. All they do is dilate the eye slightly so
18. that an optometrist might view the inner eye more clearly.
19. The bill requires a...a referral to an ophthalmologist and
20. there is nothing in this bill that grandfathers in any
21. existing optometrists. They must all be retrained by
22. taking an examination in pharmacology. They all are
23. presently trained in pharmacology and passed a nationally
24. supervised and accredited examination. They would have
25. to go back and take additional training before these
26. pharmaceutical ocular agents could be used. There are,
27. presently, optometrists in ninety-two counties in Illinois.
28. There are, presently, ophthalmologists in only thirty-six
29. of the one hundred and two counties. Now, there is
30. criticism of this proposal. I would point out to you
31. that there have been studies done in the State of Wisconsin,
32. they examined ninety-nine thousand patients using these materials
33. and had complaints from twenty, most of them moderate,

1. nothing was severe. They had complaints only from twenty of
2. ninety-nine thousand patients studied in the State of Wisconsin.
3. The first Act concerning this usage was passed ten years
4. ago and they presently have enacted this similar legislation
5. in thirty-one other states. I would point out to you that
6. optometrists are trained in pharmacology, they, in fact, do
7. get that training now and before anyone could be licensed,
8. they would have to go back and take additional pharma-
9. cological training. Be happy to answer any questions.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Is there any discussion? Senator Netsch. Senator Netsch,
12. do you wish to...

13. SENATOR NETSCH:

14. Thank you, Mr. President. I rise in opposition to
15. Senate Bill 702. I'm not accustomed to getting into what
16. are often turf battles between various parts of the...
17. medical industry, generally and when I...I sense that it is
18. a turf battle, I tend to be very unsympathetic. I've spent
19. some time looking at the documents from both sides in this
20. case and I'm convinced that, in this case, the ophthalmologists
21. are correct, that there is a very real danger with
22. respect to some of the drugs at issue and...it seems to me
23. that it is not appropriate to...change the rules at this
24. point. So that...while...if I were convinced it was only a
25. matter of the doctors attempting to protect their own turf,
26. I would not be sympathetic. I think they have, at least to me,
27. demonstrated the validity of their concern in this case and...
28. I would oppose Senate Bill 702 for that reason.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Is there further discussion? Senator Rock.

31. SENATOR ROCK:

32. Thank you, Mr. President and Ladies and Gentlemen of the
33. Senate. I, too, rise in opposition to Senate Bill 702 and I

1. would ask the membership to...please weigh the seriousness of
2. this proposal. What we are suggesting by virtue of this
3. proposal, is that those who are admittedly unlicensed in this
4. respect will be afforded the opportunity to administer drugs
5. for which they are, as yet, untrained. Now, admittedly there
6. is additional training called for in this legislation. The
7. fact of the matter is, that these folks are not licensed medi-
8. cal practitioners. You are dealing with eyesight and the
9. argument about the unavailability of...of a licensed medical
10. practitioner in this field in certain counties, I suppose
11. you could use that same argument as a matter of changing
12. public policy with respect to a neurosurgeon or with respect
13. to a heart specialist and say that in certain portions of
14. downstate Illinois there just aren't any neurosurgeons.
15. Therefore, we are going to allow somebody else to perform
16. neurosurgery. That doesn't seem to me to be very sound
17. public policy. I urge you to consider the seriousness of this.
18. I will openly admit I have something of a conflict, my
19. mother just underwent a very successful eye operation by a
20. licensed trained ophthalmologist. I urge a No vote.

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. Senator Grotberg.

23. SENATOR GROTBORG:

24. Thank you, Mr. President and fellow members. I rise
25. in support of this good bill. Probably to no one's surprise,
26. but for those of you who were not on the Executive Committee,
27. I think I had the most fun on this bill in Executive Committee
28. that I've had in my decade in the General Assembly because we
29. had ophthalmologists for this and we had ophthalmologists against
30. it. So that the arguments about a turf battle kind of dissolve.
31. I think we all have on our desk a handful of copies from...
32. Illinois ophthalmologists in support of this bill. The very
33. fact that so many more people see optometrists for their daily

1. visual needs indicates more and more to me that I would like
2. my optometrist to be able to open that window and look in a
3. little closer into the inner chamber of my eye. The toxicology
4. problems do not bother me in the least. I have stood
5. over here and in the House and carried Medical Society legis-
6. lation and will continue to offer my services to that esteemed
7. organization. But one of the glories of this bill is that
8. some are "fer" it and some are "agin" it. The only...probably
9. the only ones that really want it are the people who are going
10. to get better medical services for it. I often question, in
11. my wild moments, that how many ophthalmologists come down to
12. the Legislature and offer themselves to be...in public service
13. as we have had a couple of optometrists over the years
14. doing so as fellow legislators, the most honest profession
15. in the world, optometry, self-policed, esteemed men and women,
16. the younger generation coming along get almost as much
17. pharmacology as does the medical profession itself. I have
18. no worry because they are not grandfathered in, even
19. Representative Ebbesen will have to go back to school before
20. he can use these drops and I just cannot strong enough stand
21. up here and support this kind of legislation that will mean
22. better visual care. The ophthalmologists will probably get
23. more business out of this than they've ever gotten because
24. their referrals will be quicker and more accurate. I recommend
25. an Aye vote for this good legislation.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Senator Buzbee.

28. SENATOR BUZBEE:

29. Thank you, Mr. President. This is one of those policy
30. decisions that we get paid the magnificent sum of twenty-eight
31. thousand dollars a year to...to settle the arguments between...
32. two sets of technicians, each of whom claim their own expertise
33. and each of whom come in and...and make a very convincing

1. argument for their particular case. I don't shy away from...
2. from making that...policy decision. That's what we're here
3. for. But it was interesting to me to note in the Executive
4. Committee that the strongest opponent of this bill was a
5. practicing ophthalmologist, who also held a part-time position
6. as a professor of ophthalmology in a medical school. It's
7. also interesting to note that the strongest proponent of the
8. bill was a practicing ophthalmologist, who also held a...held
9. a part-time position as a professor of ophthalmology in a
10. prominent medical school. So, here we have both sides coming
11. in to make the case using the same set of...of expertise to
12. convince us...of...of their particular argument. It seems
13. to me, as Senator Bruce has pointed out, that there are only
14. thirty-six counties in this State where ophthalmologists...are
15. ...do, in fact, practice. My parents live in one of those
16. counties that does not have a practicing ophthalmologist and
17. they have both undergone successful eye surgery...in the last
18. three years. My mother, twice, my father, once and he has
19. one more round to go yet. But it's also interesting to note
20. that their initial eye care for several years came from
21. optometrists, who...eventually, because of...of problems
22. that they knew they could not handle, referred them then
23. to ophthalmologists. To use the argument that,...if you
24. want to make that...draw that kind of analogy, then...then
25. ...any MD ought to be allowed to practice neurosurgery is
26. not a valid one, because that MD will, obviously, refer
27. that patient to a neurosurgeon of note from some larger city in
28. the surrounding area. The same thing is true with the
29. optometrist here. The optometrist, in being given this
30. additional responsibility and additional latitude, would then
31. refer that patient to an ophthalmologist somewhere else. And,as
32. has been pointed out, nobody is grandfathered in. Everybody
33. that is going to get this sort of license has to go back to

1. school, has to pass a course...and has to,...in fact, be
2. certified that they can use this very limited amount of
3. drugs in...in...for diagnostic purposes to refer, then,
4. that patient later on to somebody who is qualified to
5. perform the...the treatment and care and that would be an
6. ophthalmologist, obviously. It's one of those cases where
7. we are caught between the rock and the hard spot,...but I
8. think, in this case, that public policy is better served
9. by allowing the passage of this bill and I rise in support
10. of it.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Senator Egan.

13. SENATOR EGAN:

14. Well, thank you, Mr. President and members of the Senate.
15. It...it is, indeed,...it comes hard upon me to be diametrically
16. opposed to my seatmate, but, of course, he does it to me
17. all the time so I don't mind. The...the fact of the matter
18. is, it's not a matter of judgment on this legislation what-
19. soever and it...there's no rock and there's no hard place.
20. The fact is, that...it's a...it would be a dangerous thing
21. to do to allow...optometrists to use the kind of drugs that
22. we are allowing them to use, herein, and...and fail to
23. diagnose and fail, thereby, to see things that they would
24. not have to see if they didn't use the drug and send the
25. patient over to the ophthalmologist to begin with. That's
26. where they belong. And it's a dangerous thing to let them
27. do this and not have to send them to the people who are
28. schooled in the problems that...they then can solve. But
29. ...I'm...I stand in...in...in professional objection to the
30. bill...on the basis that a medical student is schooled to do
31. medicine and...and these men that...are schooled...to do
32. optometry are not...medical men. And...I...I might just say
33. that...that I was careful to listen to the testimony in the

1. Executive Committee and the ophthalmologist, who presented
2. the case for the negative...side, impressed me with his
3. sincerity and impressed me with his knowledge scientific
4. ...to the point that...I must be in violent opposition.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Senator Chew.

7. SENATOR CHEW:

8. Thank you, Mr. President. Senator Buzbee said we're
9. between a rock and a hard place. Senator, we're between two
10. rocks, Phil and the rock. It's a pleasure to oppose the
11. President of the Senate. It's a pleasure to oppose the
12. President of the Senate. I just wanted to get the President's
13. attention. In the profession of law, they have specialized
14. fields. In the profession of medicine that applies. An
15. optometrist has his duties spelled out for him, he's trained
16. for it. This bill merely says, if he goes any further into
17. the operational procedures of what his prior training has been,
18. that he would, indeed, be further trained to perform the
19. additional services and then make referrals to an ophthal-
20. mologist. Now, the American Medical Association, I assume,
21. opposes this bill. Naturally, they would oppose it. The American
22. Medical Association has its high-powered people, which in-
23. cludes an ophthalmologist, sitting in the ivory towers. In
24. my community there's not one ophthalmologist that's operating.
25. You have to go far to find one. The referrals that will be
26. made by optometrists on the south side of Chicago certainly
27. would not be made to ophthalmologists on the south side of
28. Chicago because that is not the kind of area that they would
29. like to practice in, probably 30 North Michigan or 55 East
30. Washington or maybe in Sears Tower. Now, these optometrists have
31. talked with me plus I have had some conversations with
32. ophthalmologists. The optometrists has sold the idea that
33. it is a good idea and I certainly believe that it is. In-

1. so-much as they're going to make the referrals to proper
2. authorities that...of situations they cannot cope with, I
3. can't see nothing wrong with this at all. It is not a
4. bill that's granting them the right to perform surgery on
5. the eyes. It is not a bill to grant them the right to give
6. up if they can't...concern themselves with it. It is a
7. bill, as Senator Grotberg has said, that is designed to
8. give these...this profession the kind of authority it
9. ought to have and I would say those of us in the Senate,
10. here, that are impaired by wearing eyeglasses, most of
11. us have never seen an ophthalmologist. We have been
12. treated by optometrists and I rise in support of this bill.
13. And, again, my distinguished colleague from the 13th District
14. said she would have sympathy with the optometrists, but
15. it's on their own turf. I recall, very vividly, when...
16. she proposed the legislation for generic drugs, she did
17. an excellent job. That was on the turf of those that made
18. name brand and those that didn't. And for her information,
19. it was at her urging that I supported her bill because I
20. had the confidence that her homework was good and she
21. knows that this is a good bill and I would urge her to repay
22. the courtesy to this bill that I paid to the generic bill.
23. Thank you.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Senator Ozinga.

26. SENATOR OZINGA:

27. I rise in support of this bill. I think I've had more
28. experience with anybody and if you want to call it a conflict,
29. okay. But in this case, why...as you all know, just four
30. years ago, I had a cataract removed on the left eye and had
31. the optometrist actually fit the contact, perfect, everything
32. is fine. On the right eye, I had a cataract removed last year.
33. It isn't working, I don't have any sight in the right eye

1. so when you people think I'm winking at you, really I'm not,
2. I just can't see out of it. But really the optometrists
3. that I have gone and been with work diligently, hard
4. and they worked on the eye. The ophthalmologist that I
5. saw worked hard on the eye. Good people, both of them,
6. all three, four, five of them, they've all worked hard on
7. the eye and it just hasn't worked out on the right eye. The
8. next thing they'll do is to remove the fluid that's in the
9. right eye and replace it. Now, that's an ophthalmologist,
10. of course. But between the two, I find that they work to-
11. gether very, very good and from my experience with the
12. optometrist, I find them to be thoroughly honest and will
13. hedge...hedge away from doing anything that's impractical.
14. Therefore, I urge complete support of this bill.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Senator Marovitz.

17. SENATOR MAROVITZ:

18. Thank you, very much, Mr. President and Ladies and
19. Gentlemen of the Senate. I rise...in opposition to this
20. legislation. And...putting it on...basics, all of us in this
21. Chamber know...individuals, constituents who are optometrists
22. and we know how important this bill is to their business
23. and how it would have a positive effect on...on their busi-
24. ness and we are in sympathy with that. But in...in balancing
25. that with the fact that we only have one set of eyes, I
26. think we'd have to put the welfare of our vision first. When
27. optometrists go to school to get an education, they know the
28. purview of their jurisdiction when they graduate from...from
29. school. When ophthalmologists go to school, they know what
30. their jurisdiction is. If an optometrist wanted to be able
31. to administer the kinds of medications that this legislation
32. embodies, they could, by their own choice, go on to be an
33. ophthalmologist. They know at the time what their limitations

1. are. And I think an extension of those limitations would be
2. a bad precedent, I think it would not be in the interest of
3. the general welfare of the public and I would solicit a No
4. vote on this bill.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Senator Gitz.

7. SENATOR GITZ:

8. Very briefly, Mr. President and members of the Senate. I
9. was one of the people who agonized over this bill because I
10. talked to doctors and to optometrists and ophthalmologists on
11. both sides of the question. I think the thing that sent me
12. over the brink to support this bill was the fact that number
13. one, in many counties in the State there are no ophthalmologists.
14. But number two, what was more important, is the fact that I
15. have noticed in a lot of communities the optometrist is un-
16. able to go so far as trying to diagnose what is the situation
17. with a particular patient. And when that gray area, in
18. terms of referral comes across, I have found that, in many
19. cases, when they have asked them to go to see a medical doctor,
20. that is not done. And oftentimes it is not done because they
21. have to pay a minimum fifty dollar referral fee just to see
22. whether there really is or is not a problem. And in many
23. cases, people simply will not take that extra step, even
24. though it's a very vital one. I know one of the optometrists,
25. for example, in Rochelle insisted so much in certain cases
26. that he actually cancelled his practice that afternoon to
27. take them to a doctor. I dare say there are precious few
28. individuals who are going to go to that...extent. I grant
29. you fully that there are good arguments on both sides of
30. the question, but I also notice that when you look to the
31. State of Wisconsin, which tracked every single case, every
32. single case for a year,...their success ratio, in terms of
33. this legislation, was overwhelming in terms of its positive

1. benefits. And on the basis of that, I am willing to give
2. this benefit...this bill the benefit of the doubt because
3. I think it really will be a constructive step forward for
4. the people of this State.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Is there further discussion? If not, Senator Bruce may
7. close debate.

8. SENATOR BRUCE:

9. Thank you, Mr. President and members of the Senate. I
10. think that we should remember that we're talking about a
11. diagnostic tool and that is all. We seem to get very excited
12. because the eye is involved, but we are saying that optometrists,
13. who are located in ninety-one of the counties in Illinois, can
14. use a diagnostic tool to determine whether or not a person has
15. an eye disease that requires a referral. And for the first
16. time that I recall, this Act says, "that optometrist shall
17. refer to another physician licensed to practice in all its
18. branches." It is true, that Senator Rock points out, that
19. you might want to say that neurosurgeons and orthopedists are
20. somehow going...that if you go to them...they ought to be
21. able to do anything they want to. But I think Senator
22. Buzbee's response was very good and that is, every general
23. practitioner in the State of Illinois can do surgery whether or not
24. he's board certified as a surgeon. The smart ones don't
25. do it. The smart GP, who finds an orthopedic problem or a
26. neurosurgical problem, refers. And I would say that almost
27. every doctor in the State of Illinois refers to the person who has
28. a specialty. All this bill says is, that same existence...
29. that same relationship should exist between optometrists and
30. ophthalmologists. This bill allows only eight agents to be
31. used, only eight and in some of these instances, you can buy
32. these agents in stronger concentrations at the pharmacy than
33. these guys, trained four years, two years with pharmacology

1. can use presently. It seems to make infinite good sense that
2. they can open up the eye, take a look in there and see what's
3. there and refer. I tell you again in Wisconsin the study we
4. have ninety-nine thousand patients were seen. To be exact,
5. ninety-nine thousand two hundred and twenty-six. One of the
6. things I didn't tell you, they referred, of those patients
7. they saw, four thousand three hundred and fifty-nine patients
8. were referred to specialists and probably got the kind of
9. eye care that they truly needed once these physicians...once
10. the optometrists could take a look. But only twenty patients had
11. any problem out of ninety-nine thousand. That included eye
12. stinging and allergenic reaction, a short period of time,
13. usually ten to fifteen minutes, which they concluded...the
14. Department of Public Health in Wisconsin stated that less
15. than one percent of the patients had any trouble with these
16. identical agents. I would ask for your favorable support.
17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. The question is, shall Senate Bill 702 pass. Those in
19. favor will vote Aye. Those opposed vote Nay. The voting is
20. open. Have all voted who wish? Have all voted who wish?
21. Have all voted who wish? Have all voted who wish? Take the
22. record. On that...on that question, the Ayes are 30, the
23. Nays are 24, none Voting Present. Senate Bill 702 having
24. received the constitutional majority is declared passed. For
25. what purpose does Senator Rock arise?

26. SENATOR ROCK:

27. To seek a verification of the affirmative roll call.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Senator Rock has asked for a verification of the affirmative
30. roll call. Will all the members please be in their seats? And will
31. the Secretary read the affirmative votes.

32. SECRETARY:

33. The following voted in the affirmative: Bowers, Bruce,

1. Buzbee, Chew, Collins, D'Arco, Davidson, Dawson, DeAngelis,
2. Demuzio, Etheredge, Friedland, Gitz, Grotberg, Johns, Lemke,
3. Mahar, Maitland, McLendon, McMillan, Ozinga, Philip, Rhoads,
4. Rupp, Savickas, Taylor, Thomas, Totten, Vadalabene, and
5. Weaver.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator Rock, do you question any of the affirmative
8. votes? The roll call has been verified and the Ayes are 30,
9. the Nays are 24, and those Voting Present are none. Senate
10. Bill...702 having received the constitutional majority is
11. declared passed. For what purpose does Senator Chew arise?

12. SENATOR CHEW:

13. Having voted on the prevailing side, I move that we
14. reconsider the vote by which this bill was passed.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Senator Chew moves to reconsider and Senator Johns moves
17. to Table that motion. All those in favor indicate by saying Aye.
18. Those opposed. The Ayes have it. The motion is Tabled.
19. Senate Bill 703, Senator Bruce. Read the bill, Mr. Secre-
20. tary.

21. SECRETARY:

22. Senate Bill 703.

23. (Secretary reads title of bill)

24. 3rd reading of the bill.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Senator Bruce.

27. SENATOR BRUCE:

28. Thank you, Mr. President. We'll move from optometrists
29. to unemployment compensation. As you may recall, two years
30. ago we passed legislation which controlled or regulated...
31. the payment of holiday pay while someone was on unemployment
32. ...compensation and what we said was, you could not draw un-
33. employment the same time you had holiday pay. Then a year

1. ago we passed the bill which said that's fine...and with-
2. out watching how we handled that,...that holiday pay was
3. included as fifty percent or more, inadvertent on anyone's
4. part. I don't think anyone...thought that we would make
5. that kind of mistake. This bill...of course, with one day
6. as a holiday pay, that would never equal fifty percent. So
7. now, we have workers who are receiving on the Fourth of July,
8. if they are off, in fact, for unemployment, they get paid un-
9. employment and the Fourth of July pay. They get paid six
10. days pay for five days in a week. This bill was...sponsored
11. by, I think, the Manufacturers Association, the Chamber of
12. Commerce and...a couple of the large corporations in Illinois.
13. We tacked on an amendment. There was a discussion of the
14. fact that this was in the agreed bill, this particular provision
15. was in the agreed bill, that the thought was that we should
16. balance by putting another proposal, which was sponsored by
17. labor, in it and that just says, that in the provision which
18. says "taking suitable work" we redrafted the same language presently
19. in the Act relative to bumping as a voluntary quit. As you
20. know, when Senator Donnewald and Senator DeAngelis passed
21. their unemployment comp. bill, we changed voluntary quits to
22. ...and...and we had exceptions and one of the exceptions was
23. if you voluntarily quit to keep from bumping someone else, you,
24. in fact, can go ahead and continue to draw unemployment comp.
25. because the worker...and this was agreed to by business. There was a
26. decision in Peoria, when you had a shift rotation in which one
27. guy would either take...unemployment or another guy...alright,
28. Senator Keats understands the whole problem. It's a matter of
29. a shift change and I don't think there's any opposition in the
30. legislation.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Senator Keats.

33. SENATOR KEATS:

1. Thank you, Mr. President...and Ladies and Gentlemen of
2. the Senate. This bill came out of the Senate Labor and Commerce
3. Committee. The vote was 10 to 0. We have passed this bill
4. in almost identical form previously and it was the agreed
5. bill that accidentally messed it up. I'd appreciate your
6. support. I don't know that I would hope to see it back in an-
7. other form as a vehicle. I might ask that you keep that in
8. mind, but in terms of the specific legislation, it is...an
9. excellent bill and I would ask my Republicans to support it.
10. Thank you.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Is there further discussion? If not, the question is,
13. shall Senate Bill 703 pass. Those in favor will vote Aye.
14. Those opposed vote Nay. The voting is open. Have all voted
15. who wish? Have all voted who wish? Take the record. On
16. that question, the Ayes are 53, the Nays are none, none
17. Voting Present. Senate Bill 703 having received the con-
18. stitutional majority is declared passed. Senate...Senate
19. Bill 705, Senator Gitz. Read the bill, Mr. Secretary.

20. SECRETARY:

21. Senate Bill 705.

22. (Secretary reads title of bill)

23. 3rd reading of the bill.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Senator Gitz.

26. SENATOR GITZ:

27. Thank you, Mr. President and members of the Senate. This
28. bill in its amendatory form will exempt utilities like Illinois
29. Bell, which are in a competitive situation. The second part
30. of Senator Sangmeister's amendment, I think, is very important
31. for our discussion here, because it would change the language
32. to be as follows, "information deemed to be in the public
33. interest shall include but not be limited to that which

1. encourages the conservation of energy, public safety, informs
2. the public of the availability of alternative forms of
3. energy or recommends usage at times of lower rates. The
4. commission is given, under this bill, the power to promulgate
5. necessary rules and this would closely parallel what their
6. present practices are. Basically, this bill seeks to codify
7. and to limit a practice of advertising for those that are
8. licensed, regulated monopolies which are serving the public
9. interest.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Senator Maitland.

12. SENATOR MAITLAND:

13. Thank you, Mr. President and Ladies and Gentlemen of the
14. Senate. I rise in opposition to Senate Bill 705. Currently,
15. as Senator Gitz has indicated, the...the...Illinois Commerce
16. Commission does not allow advertising other than...a few
17. isolated things that can be considered beneficial to...to...
18. to the customers. And I think this bill might have a
19. tendency to act in reverse of its intent. What we are doing
20. is tying the hands of the Commerce Commission, it seems to
21. me, and spelling out specifically items that they can or
22. cannot use in figuring and allowing rate increases. I would
23. suggest to you that the Commerce Commission needs some latitude
24. to...to base on an individual by individual case what adver-
25. tising can and cannot be used. With this legislation, it
26. would appear to me, we're not giving them that latitude and
27. this,...and I want you to pay very careful attention to this, this can
28. work in reverse and have an adverse effect upon consumers and
29. I would respectfully request that Senate Bill 705 be defeated.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Senator Bloom.

32. SENATOR BLOOM:

33. Thank you, Mr. President. First,...I'd seek leave to be

1. added as a cosponsor.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Senator Bloom seeks leave of this Body to be added as a
4. cosponsor to Senate Bill 705. Is leave granted? Leave is
5. granted.

6. SENATOR BLOOM:

7. Second,...this bill...encompasses...portions of that
8. which has been before this Body for about four years. It's
9. basically, a watered down version of Senate Bill 1326
10. from 1977, Senate Bill 68 from 1979. I would respectfully
11. disagree with my colleague, the Gentleman from Bloomington,
12. as to its...possible adverse effects...to the consumers.
13. Finally, there is somewhat...there is somewhat of a problem
14. or lack of clarity in the...Commerce Commission's rule making
15. authority and without this Statutory language...as has
16. happened in the past, if a utility in the rate making pro-
17. cess does not like...the manner in which...its advertising
18. has been exempted from base rate, it has taken the Commerce
19. Commission to court in...on at least one prior occasion...
20. has prevailed on the Statutory authority argument. So I'd
21. urge its support. Thank you.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Further discussion? Senator Collins.

24. SENATOR COLLINS:

25. Thank you, Mr. President. I rise in support of this
26. legislation and I disagree with my colleague, who indicated
27. that we should give more latitude to the Illinois Commerce
28. Commission for making determinations as to what factors go
29. into the rate...the ratings of these utility companies.
30. As a matter of fact, I've introduced several bills myself.
31. This is very limited, it should include such areas like
32. working progress, real properties investments in the State
33. of Illinois, outside of the State of Illinois and, also, in

1. other countries. So, I think it's a good bill and we all
2. should support it. As a matter of fact, we should abolish
3. the Illinois Commerce Commission altogether.

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END OF REEL

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1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Senator Johns.

3. SENATOR JOHNS:

4. I've been fighting for this kind of legislation for years,
5. and I'm a co-sponsor, probably the last one listed up till just
6. a moment ago. But I think, also, we ought to read the Tribune
7. today, where the lawyers will probe the report that is critical
8. of the ICC. I have long argued that the ICC uses too often, the
9. materials furnished by the utilities to make their rate decisions.
10. This today, let me read it to you, says, "that the recommendations
11. calling for more...more aggressive utility regulation, and a co-
12. herent national energy policy, probably are politically unaccept-
13. able to the Reagan Administration." But the report goes on to
14. say, "the Department of Energy was authorized to...to print
15. three thousand copies of the report but," and this is important,
16. "the utilities are against it, and I don't think it'll ever be
17. published by the government." This is the sort of thing that
18. consumer groups are really uptight about. And they've been
19. fighting for this very kind of bill for a long time. I hope that
20. you will see to it, that today, it becomes a reality. Thank you,
21. Mr. President.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Is there further discussion? If not, Senator Gitz may close
24. debate.

25. SENATOR GITZ:

26. Thank you, Mr. President, and members of the Senate. I think
27. that Senator Bloom very adequately described why this kind of cod-
28. ification is necessary. They are in a grey area in the Commerce
29. Commission today, and there has been challenges in court, and
30. there is nothing in this bill that's going to prohibit a licensed
31. regulated monopoly. Someone who is not in direct competition with
32. any other entity from proper advertising, and, in fact, I think
33. you can argue the codification will give the Commerce Commission

1. the authority and the backup that they need to emphasize that the
2. kind of advertising which is passed on to the rate payer, is
3. advertising which is directly going to have a benefit. Suppose
4. for a moment the Commerce Commission was to change personnels to
5. abolish those guidelines, I'd like to quote from...you very briefly
6. in closing, some figures in 1980. People's Gas disallowed, was
7. seven hundred and ninety-two thousand, allowed was three hundred
8. and twelve thousand. Illinois Commonwealth Edison, six hundred
9. thousand dollars allowed, two million four hundred thousand dollars
10. which was disallowed, and I can quote you similar figures for each
11. of the other licensed regulated monopolies that are not in
12. competition. The argument is, that they want to advertise beyond
13. this, they can go ahead, but they should do it at the shareholder's
14. expense. This legislation in this form, I think, is a very
15. prudent, and, in fact, perhaps, even milk toast, in terms of its...
16. what it's going to do.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. The question is, shall Senate Bill 705 pass. Those in favor
19. will vote Aye. Those opposed vote Nay. The voting is open. Have
20. all voted who wish? Have all voted who wish? Have all voted who
21. wish? Take the record. On that question, the Ayes are 30, the
22. Nays are 21, 1 Voting Present. Senate Bill 705, having received
23. the constitutional majority is declared passed. Senate Bill 707...
24. for what purpose does Senator Maitland arise?

25. SENATOR MAITLAND:

26. Verify the affirmatives.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Senator Maitland has requested a verification of the roll
29. call. Will all the Senators be seated. Will the Secretary read
30. the affirmative votes.

31. SECRETARY:

32. The following voted in the affirmative:

33. Berman, Berning, Bloom, Bruce, Buzbee, Carroll, Chew, Coffey,
Collins, D'Arco, Dawson, Demuzio, Geo-Karis, Gitz, Hall, Johns,

1. Jerome Joyce, Lemke, Marovitz, McLendon, Nash, Nedza, Netsch,
2. Newhouse, Sangmeister, Schaffer, Simms, Sommer, Taylor, Vadalabene.

3. PRESIDENT:

4. Senator Maitland, do you question the presence of any member?

5. SENATOR MAITLAND:

6. Jeremiah Joyce?

7. PRESIDENT:

8. Not recorded.

9. SENATOR MAITLAND:

10. Senator McLendon?

11. PRESIDENT:

12. Senator McLendon is on the Floor.

13. SENATOR MAITLAND:

14. Senator Marovitz?

15. PRESIDENT:

16. Senator Marovitz on the Floor? Senator Marovitz on the Floor?

17. Strike his name, Mr. Secretary. The sponsor requests that further

18. consideration be postponed, as the roll call has been verified at

19. 29, 21, and 1. 707, Senator Gitz. On the Order of Senate Bills

20. 3rd reading, Senate Bill 707. Read the bill, Mr. Secretary.

21. SECRETARY:

22. Senate Bill 707.

23. (Secretary reads title of bill)

24. 3rd reading of the bill.

25. PRESIDENT:

26. Senator Gitz.

27. SENATOR GITZ:

28. Thank you, Mr. President. From utilities to township assessors.

29. Now, this is a merely bill, and it means that the deputy assessors

30. can receive compensation as fixed by the assessor, and this is the

31. important part, pursuant to the budget adopted by the board of

32. trustees. I don't think anyone would quibble that the board of

33. trustees should set the budget. But there are definite situations

1. which, at least, have occurred in Northern Illinois, in which the
2. deputy assessor is confused in terms of who has the authority to
3. decide what compensation. And it says that the trustees set the
4. compensation, and the assessor, himself, can determine the compen-
5. sation for his deputies.

6. PRESIDENT:

7. Any discussion? If not, the question is, shall Senate Bill
8. 707 pass. Those in favor will vote Aye. Those opposed will vote
9. Nay. The voting is open. Have all voted who wish? Have all voted
10. who wish? Have all voted who wish? Take the record. On that
11. question, the Ayes are 47, the Nays are none, none Voting Present.
12. Senate Bill 707, having received the required constitutional
13. majority is declared passed. 708, Senator Gitz. On the Order
14. of Senate Bills 3rd reading, Senate Bill 708. Read the bill,
15. Mr. Secretary.

16. SECRETARY:

17. Senate Bill 708.

18. (Secretary begins title of bill)

19. PRESIDENT:

20. Take it out of the record, Mr...take it out of the record.
21. 709. 711, Senator Sangmeister. On the Order of Senate Bills
22. 3rd reading, Senate Bill 70...Senator Buzbee, for what purpose
23. do you arise?

24. SENATOR BUZBEE:

25. Mr. President, I have asked the principal sponsor if I
26. could be shown as a hyphenated co-sponsor of Senate Bill 711,
27. and he's agreed.

28. PRESIDENT:

29. You've heard the request. Is leave granted? Leave is granted.
30. On the Order of Senate Bills 3rd reading, Senate Bill 711. Read
31. the bill, Mr. Secretary.

32. SECRETARY:

33. Senate Bill 711.

1. (Secretary reads title of bill)

2. 3rd reading of the bill.

3. PRESIDENT:

4. Senator Sangmeister.

5. SENATOR SANGMEISTER:

6. Mr. President, and members of the Senate. There's been
7. a lot of discussion about whether we should transfer from property
8. taxes to income taxes for the purpose of supporting our schools.
9. If you recall earlier in the Session, Senator Gitz had an advisory
10. referendum as to whether or not school districts could have the
11. local option of going to an income tax, and that went on...and
12. that passed out of here for an advisory referendum. I would ask
13. the same courtesy that my proposition, also go to the Governor's
14. Desk. And I think it's important, I think it's something we
15. should have an expression from the people of this State concerning.

16. PRESIDENT:

17. Any discussion? Senator Simms..

18. SENATOR SIMMS:

19. Will the sponsor yield?

20. PRESIDENT:

21. Indicates he'll yield. Senator Simms.

22. SENATOR SIMMS:

23. With the passage of this bill along with the prior bill, isn't
24. ...are we not precluding from any other questions...we're only allowed
25. three questions on the...a ballot referendum, are we not, in a
26. General Election? The passage of this, and there would only be one
27. question left for the fall elections of '82, am I correct in that,
28. or...

29. PRESIDENT:

30. Senator Sangmeister.

31. SENATOR SANGMEISTER:

32. That's not my understanding of the law in advisory refer-
33. endums, no.

1. PRESIDENT:

2. Further discussion? If not, the question is, shall Senate
3. Bill 711 pass. Those in favor will vote Aye. Those opposed will
4. vote Nay. The voting is open. Have all voted who wish? Have
5. all voted who wish? Have all voted who wish? Take the record.
6. On that question, the Ayes are 40, the Nays are 11, 1 Voting
7. Present. Senate Bill 711, having received the required consti-
8. tutional majority is declared passed. 713, Senator Lemke. On
9. the Order of Senate Bills 3rd reading, Senate Bill 713. Mr.
10. Secretary, read the bill, please.

11. SECRETARY:

12. Senate Bill 713.
13. (Secretary reads title of bill)
14. 3rd reading of the bill.

15. PRESIDENT:

16. Senator Lemke.

17. SENATOR LEMKE:

18. What this bill does, is requires that the...creates an Act
19. that requires public work projects...to buy American made first.
20. I ask for its adoption.

21. PRESIDENT:

22. Any discussion? Senator Keats.

23. SENATOR KEATS:

24. ...thank you, Mr. President, and Ladies and Gentlemen of the
25. Senate. I do not rise to say this is a bad bill as drafted, I
26. don't mind the buy American idea, it's just that it's covered by
27. the Mandates Act. So any additional costs, the State reimburses.
28. If there were a way where this were not covered by the Mandates
29. Act, I'd vote for it personally. But what you're saying right now,
30. is that the State will pay for this, even though we, as a State,
31. are not doing these building projects. I question if that's the
32. position we...really want to put ourselves in. If it's a local
33. building project, then the local people would build it. But as

1. long as the State is under the Mandates Act, expected to pay for
2. it, you've brought us in on construction that's none of our business.

3. PRESIDENT:

4. Further discussion? Senator Savickas.

5. SENATOR SAVICKAS:

6. I would ask the question of the Chair, if this is a preemption
7. bill, and if it would preempt home rule, and if it does, what would
8. the vote...be needed on it?

9. PRESIDENT:

10. Senator Savickas.

11. SENATOR SAVICKAS:

12. We ask the sponsor to take this out of the record.

13. PRESIDENT:

14. Sponsor indicates he will take it out of the record. Take
15. it out of the record, Mr. Secretary. Top of page 16, 721,
16. Senator Gitz. On the Order of Senate Bills 3rd reading, the
17. top of page 16, Senate Bill 721. Read the bill, Mr. Secretary.

18. SECRETARY:

19. Senate Bill 721.

20. (Secretary reads title of bill)

21. 3rd reading of the bill.

22. PRESIDENT:

23. Senator Gitz.

24. SENATOR GITZ:

25. Thank you, Mr. President, and members of the Senate. This
26. is to take care of a problem with a structure in Galena which is
27. known as the Coatsworth Building. It was originally conveyed
28. by the Department of Conservation to the Galena Preservation
29. Society. Subsequently, it was decided that the best way to keep
30. this structure in its historical form was to keep the outside, but
31. to renovate the inside into senior citizen's housing. Through
32. the original conveyance this raised some legal problems which
33. the Illinois Developmental Housing Authority, and their bond

1. council wish to have straightened out. And if you'll bear with
2. me, I'll just briefly itemize the legal problem which is the reason
3. the bill is offered. In the case of the Coatsworth development
4. located in Galena, title to the site of the development was
5. conveyed to the borrower by a series of deeds commencing with
6. a quit claim deed from the State of Illinois by the Department
7. of Conservation. In that deed the State reserved onto itself
8. the right to have title to the property revert itself in the
9. event the guarantee under the deed failed to use the property for
10. public and business purposes. This created a revisionary interest,
11. and under some legal theory, this can operate automatically with-
12. out any affirmative action by the State to revert title of the
13. property in the State. So, to keep the bond counsel happy, it
14. was felt that we needed to reconvey it, and then convey it properly.

15. PRESIDENT:

16. Any discussion? If not...Senator Bloom.

17. SENATOR BLOOM:

18. Excuse me, will the sponsor yield for a question?

19. PRESIDENT:

20. Indicates he will yield. Senator Bloom.

21. SENATOR BLOOM:

22. I though one could...I thought you could not make a
23. conditional gift of land to the State?

24. PRESIDENT:

25. Senator Gitz.

26. SENATOR BLOOM:

27. Correct me if I'm wrong, or perhaps some other member who is
28. conversant..

29. PRESIDENT:

30. Senator Gitz.

31. SENATOR GITZ:

32. I...I'm not sure where the conflict comes in, Senator Bloom.
33. You know, this all revolves around public and business purposes

1. in the interpretation. And since this is now going to be conveyed
2. to a group which is going to run this, that's where they feel that
3. this reversionary interest could operate automatically. The likeli-
4. hood of it ever happening, is virtually nil. But people worry about
5. those things in bond counsels.

6. PRESIDENT:

7. Any further discussion? If not, the question is, shall Senate
8. Bill 721 pass. Those in favor will vote Aye. Those opposed will
9. vote Nay. The voting is open. Have all voted who wish? Have all
10. voted who wish? Have all voted who wish? Take the record. On
11. that question, the Ayes are 50, the Nays are none, none Voting
12. Present. Senate Bill 721, having received the required constitu-
13. tional majority is declared passed. Senator Netsch on 722. On
14. the Order of Senate Bills 3rd reading, Senate Bill 722. Read
15. the bill, Mr. Secretary.

16. SECRETARY:

17. Senate Bill 722.

18. (Secretary reads title of bill)

19. 3rd reading of the bill.

20. PRESIDENT:

21. Senator Netsch.

22. SENATOR NETSCH:

23. Thank you, Mr. President. This is a merely bill, it merely
24. provides for public financing of Gubernatorial and Lieutenant
25. Gubernatorial campaigns beginning with General Elections in 1982,
26. and the Primary in 1986. It is patterned after, although, not
27. obviously identical, to that which is available now for Presidential
28. campaigns. The financing is done by a devise similar to that
29. for the Presidential that is a check-off on...voluntary check-
30. off on taxpayers' tax returns. The essence of the...or the general
31. purpose of the bill, is fairly simple, although, some of the
32. details get fairly complex. Basically, it is a voluntary scheme,
33. that is, if a candidate for Governor or Lieutenant Governor chooses

1. to go into public financing, they then must abide by an...agree
2. to the conditions that are a part of the bill. For those who
3. are part of it, they...there is available, ultimately, a dollar
4. for dollar match from the funds that are collected pursuant to the
5. check-off, to match only contributions up to a hundred and fifty
6. dollars. In other words, the large contributions are not matched
7. once they pass the hundred and fifty dollar level. For those candidates
8. who raise fifty thousand dollars in contributions of a hundred and
9. fifty dollars or less, they are eligible to qualify, if they then
10. agree to the other conditions. One of the conditions is, that
11. there is a limit on campaign contributions for those who are part
12. of a...this scheme. The reasons for public financing, I think, are
13. fairly well-known, and in my judgment, extremely important. And
14. I have felt for a long time, that if those of us who are in public
15. life, as well as the citizenry from whom, unfortunately, we do
16. not always receive the highest respect, are to redevelop a sense of
17. respect for the system which is so critical to all of us, that we
18. are, in fact, going to have to get away from the...being dependent
19. upon private contributions for campaigns and go to a system like
20. this. The reasons are for...if I may list them separately, at
21. least, the reasons, as I see them. It reduces the need, obviously,
22. for someone to be rich to be able to run for public office. It
23. equalizes the contest between candidates, at least, with respect
24. to those things which are purchasable by money, such as advertising,
25. and that sort of thing. It greatly lessens the dependence on big
26. contributions, whether they are individuals or the, so-called,
27. special interests. And in the process, in my judgment, it protects
28. not only the public, but also, those who will be seeking the office
29. of Governor or Lieutenant Governor. I think it is an extremely
30. important concept, and one that I would like to see us begin in
31. Illinois.

32. PRESIDENT:

33. Any discussion? Senator Sommer.

1. SENATOR SOMMER:

2. Senator Netsch, I am looking for the...the head section here,
3. but in the bill on page 6, it indicates that communications by a
4. corporation may only be made to its stockholders, whereas com-
5. munications by a union may be made to its members. Additionally,
6. get out the vote campaigns, can only be aimed at stockholders by
7. corporations, whereas unions can fully utilize their membership
8. lists. Do you think that that's a balanced and fair provision of
9. ...of this particular...or in this particular Act?

10. PRESIDENT:

11. Senator Netsch.

12. SENATOR NETSCH:

13. I think it is, the analogy may not be perfect, Senator Sommer,
14. but the analogy, obviously, is that in a sense, the stockholders
15. are the members of a corporation, and the members, are the members
16. of a labor union. It is my understanding that that is the way
17. that that problem has been resolved in public financing bills in
18. other states.

19. PRESIDENT:

20. Senator Sommer.

21. SENATOR SOMMER:

22. Speaking of other states, obviously, this is written from one
23. political perspective only, Senator Netsch. But speaking of other
24. states, would you relate the New Jersey experience in the Primary
25. of this year?

26. PRESIDENT:

27. Senator Netsch.

28. SENATOR NETSCH:

29. Yes, I will. I think the experience to which you refer, is
30. that New Jersey had, it was either thirteen or fourteen candidates,
31. initially in its Primary, Gubernatorial Primary this year. I would
32. point out first of all, that not all of them qualified for public
33. financing in New Jersey, so that the number that actually got into

1. this system was considerably less than that. But as was pointed
2. out by our witness from New Jersey, there are some very significant
3. differences. For one thing, New Jersey has only one State-wide
4. elective office, that of Governor. They don't even have a Lieutenant
5. Governor. Secondly, it applied only in the Primary and this bill
6. designedly does not start applying...public financing to the Primary
7. until 1986, so that we have time to get through that first experience
8. in the General Election of 1982. Our qualifications are somewhat
9. tougher and as the New Jersey witness said, he thinks very well
10. designed to...to be tougher than those of New Jersey. New Jersey
11. also provides a two dollar match for every dollar raised in qualifying
12. contributions, whereas ours is only a dollar for dollar. And
13. ours, of course, is an entirely voluntary system. So there are
14. some rather significant differences between New Jersey and Illinois.
15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Further discussion? Senator Geo-Karis.

17. SENATOR GEO-KARIS:

18. Will the sponsor yield to a few questions?

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Oh, I'm sure she will.

21. SENATOR GEO-KARIS:

22. When you say we have a...if I understand correctly, this bill
23. says that there will be a matching process from the State for con-
24. tributions received for a candidate, for example, for Lieutenant
25. Governor. When you say it'll be matched, the funds would be matched,
26. you mean by the check-off system of a dollar per taxpayer? Or do
27. you mean that the State, itself, might have to match?

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Senator Netsch.

30. SENATOR NETSCH:

31. No, the funds for the so-called match, come from the...the
32. amounts that are checked-off voluntarily by taxpayers on their
33. State tax returns just as we currently do on our Federal tax returns.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Senator Geo-Karis.

3. SENATOR GEO-KARIS:

4. Well, supposing the taxpayers, as a whole, in the State of
5. Illinois, who already feel they're overburdened, don't want to give
6. to the...great extent, let's say you have a candidate for Lieutenant
7. Governor who's able to raise a hundred thousand dollars on his own,
8. and supposing the matching funds aren't there by the State...by
9. the check-off system, what do you do in a case like that?

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Senator Netsch.

12. SENATOR NETSCH:

13. If in the first year, which is the only time that is remotely
14. ...likely to happen, the fund is not built up sufficiently, there
15. is a temporary borrowing from State funds which then have, in effect,
16. a first lien as the money comes in. There is, I would say, Senator
17. Geo-Karis, no reason to believe that there would not be adequate
18. funds once the system gets into place. We are presuming, and for
19. purposes of computation, something less than a twenty percent
20. check-off, the experience at the Federal level and in the states
21. which have public financing, has been that it starts at, at least,
22. twenty percent, and typically, goes up to twenty-five or thirty
23. percent after a...an experience. And at that level, we would have
24. more than enough to, in fact, quite a bit more than enough to cover
25. the expenses of this General Election and the first Primary,
26. 1986, any excess then, goes back into the General Revenue Fund.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Senator Geo-Karis.

29. SENATOR GEO-KARIS:

30. Mr. President. and Ladies and Gentlemen of the Senate. I think
31. that the object of the bill may be very commendable, but I worry
32. a little bit because we all know that, for example, if a certain...
33. corporation is limited to making contributions, their members can

1. certainly make any contribution other than that, and I think we're
2. going a little bit too far. With the Campaign Disclosure Act that
3. we have on the books in the State of Illinois, anyone can find
4. out just what the contributions are made to any lawfully designated
5. candidate. I think we're going a little bit too far in the sense
6. that we're going to have another bureaucracy which will take more
7. tax money to administer, and then the bottom line, I think it's
8. going to cost the taxpayers more money. And therefore, I regretfully
9. speak against the bill.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Senator Rhoads.

12. SENATOR RHOADS:

13. Thank you, Mr. President, and members of the Senate. I rise
14. in opposition to Senate Bill 722 as amended. It seems to me, first
15. of all, we're adding a whole new host of obligations to the State
16. Board of Elections, which unlike the Federal Elections Commission
17. in this case, they have the duties of administering the actual
18. conduct of elections, which the FEC does not have. One of the
19. key flaws in the Federal financing scheme, as it now exists, is
20. that the money...there's no accounting for the money once it leaves
21. FEC hands, except in the matching situation. It can be used for
22. virtually any fool thing under the sun, any...it can buy bumper
23. stickers, or balloons, or emery boards or anything that the
24. candidate wants to do with it. If we're going to get into the
25. area of using public money for the purpose of disseminating
26. information about candidates for public office, it seems to me
27. that a much more sensible approach would be to finance some sort
28. of booklet of information through the Secretary of State as we
29. now do with Constitutional Amendment. But to have taxpayers'
30. money go into something which is totally uncontrolled, doesn't
31. seem to be a wise use of the taxpayers' money to me. Now, the
32. fact that it's been done at the Federal level, I don't think we
33. ought to emulate their folly in...in each and every instance where
they try it. And I...I think it's a bad bill, and deserves a No vote.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Is there further discussion? Senator DeAngelis.

3. SENATOR DeANGELIS:

4. Thank you, Mr. President, and members of the Senate. This
5. bill came out of Executive on a partisan basis, and I'm not so
6. sure that it is really a partisan issue. I don't think that access
7. to money makes a bad candidate a good candidate, nor does not
8. having access going to keep a good candidate out of office. There
9. are some good parts to this bill, limiting the campaign contributions
10. to avoid the impact of affected and self-interest, and single
11. issue groups, however, it was my suggestion to the sponsor,
12. and I have to admit I did have an amendment that I did not propose.
13. that that should be extended to all offices. This bill creates many
14. more problems than it's going to resolve. It provides for the
15. matching of their monies, but is very loose in the application.
16. In the last campaign, one of our elected State officials, paid
17. himself a very handsome salary to act as his own campaign manager.
18. It would seem to me, that this bill might successfully create
19. employment for those people who seek public office only as a means
20. of supporting themselves. Senator Netsch, I think your intentions
21. are real, real good, but I do not see this acting on the behalf
22. of good public policy or ensuring a better quality of candidates
23. than we currently have.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Is there further discussion? If not, Senator Netsch may close
26. debate.

27. SENATOR NETSCH:

28. Thank you, Mr. President. Just a brief response to a couple
29. of the points. To Senator Geo-Karis, all of the check-off is
30. voluntary, no one is compelled to check-off their one dollar. So,
31. that in a sense, you're not imposing anything on taxpayers. To
32. Senator DeAngelis, true, the bill does not say what is a proper
33. or improper campaign expenditure, our present law does not say

1. that. But it seems to me, that where you have as much of a goldfish
2. bowl operation as you would have with this, that you are going to
3. get an even higher level of what constitutes...proper expenditure.
4. And in addition, anyone who goes into this just for the fun of
5. it, is not likely to meet the qualifying standards. They have to
6. raise fifty thousand dollars in contributions of a hundred and
7. fifty dollars or less before they can even voluntarily go into
8. the public financing scheme. So, that it is not for the faint in
9. heart or for those who are, indeed, frivolous about their candidacy.
10. Well, in closing let me say that I...I realize people have their
11. own views about this, and I'm sure they will be expressed as
12. ...in their vote. I, for one, think that one of the greatest
13. challenges that faces our system of government in this country,
14. right now, and all of us who are in public elective office are
15. painfully aware of it, is the...the cynicism that a lot of the
16. electorate feels about the process in which we are engaged. I think
17. that every one of us would privately be very pleased if we did
18. not have to go through the indignity and in some cases, the
19. discomfort of raising the huge amounts of money that it requires,
20. sometimes even to run for a State legislative office, let alone
21. the highest office in the State of Illinois. It seems to me,
22. that a critical first step in restoring a sense of confidence
23. on the part of the electorate, and a sense of comfort on the part
24. of those of us who do run for public office, is to get us out of
25. the bind of having to rely on private contributions and particularly
26. when those come from special interests. I think public financing is
27. the right way to go, and I would like to see this fairly modest
28. first step taken in Illinois.

29. PRESIDENT:

30. The question is, shall Senate Bill 722 pass. Those in favor
31. will vote Aye. Those opposed will vote Nay. The voting is open.
32. Have all voted who wish? Have all voted who wish? Have all voted
33. who wish? Take the record. On that question, the Ayes are 24,

1. the Nays are 32, none Voting Present. Senate Bill 722, having
2. failed to receive the...Senate Bill 722, having failed to receive
3. the required constitutional majority is declared lost. 723,
4. Senator Bruce. On the Order of Senate Bills 3rd reading, Senate
5. Bill 723. Read the bill, Mr. Secretary.

6. ACTING SECRETARY: (MR. FERNANDES)

7. Senate Bill 723.

8. (Secretary reads title of bill)

9. 3rd reading of the bill.

10. PRESIDENT:

11. Senator Bruce.

12. SENATOR BRUCE:

13. Thank you, Mr. President, and members of the Senate. Senate
14. Bill 723 is a very simple proposition that allows school boards
15. to provide for employees on approved leave for up to one year to
16. participate in the school insurance program, and that they may
17. participate in a longer time period also at their own expense.
18. This was amended in committee, I think..I forget at whose suggestion
19. though, to indicate that that was absence for temporarily disabled
20. or incapacitated employees. It came out of the committee nine
21. to two. I don't know of any serious objection to the proposition,
22. it's strictly permissive to allow school boards to continue people
23. who are on disability leave the right to extend that to that employee
24. insurance at his own expense.

25. PRESIDENT:

26. Is there any discussion? Senator Maitland.

27. SENATOR MAITLAND:

28. A question of the sponsor, Mr. President?

29. PRESIDENT:

30. The sponsor indicates he'll yield. Senator Maitland.

31. SENATOR MAITLAND:

32. Senator Bruce, is...is this definitely prohibited now?

33. What...in other words, the language says may, why do we need it?

1. PRESIDENT:

2. Senator Bruce.

3. SENATOR BRUCE:

4. Well, under the powers of the board, evidently, there are
5. some board attorneys that feel as...as if they cannot, in fact,
6. do that. Several boards do, do it, some boards feel like they
7. would like to do it, but don't have the statutory authority. I
8. don't know of any objection from any school board. Several of
9. them do it, and...but several attorneys for boards have said, I
10. don't think we can do it, we ought to if they're disabled. The
11. question is, whether or not they're still employed. It just says
12. if they're on leave, they are, in fact, an employee, and they can
13. be covered in their group plan. I think it's as simple as that.

14. PRESIDENT:

15. Further discussion? If not, the question is, shall Senate
16. Bill 723 pass. Those in favor will vote Aye. Those opposed will
17. vote Nay. The voting is open. Have all voted who wish? Have
18. all voted who wish? Have all voted who wish? Take the record.
19. On that question, the Ayes are 43, the Nays are 7, none Voting
20. Present. Senate Bill 723, having received the required consti-
21. tutional majority is declared passed. 724, Senator Bruce. On
22. the Order of Senate Bills 3rd reading, Senate Bill 724. Read
23. the bill, Mr. Secretary.

24. SECRETARY:

25. Senate Bill 724.

26. (Secretary reads title of bill)

27. 3rd reading of the bill.

28. PRESIDENT:

29. Senator Bruce.

30. SENATOR BRUCE:

31. This bill is a bookkeeping, or sort of a bill that clarifies
32. where you mail petitions. At the present time, petitions for
33. members of the State Teachers Retirement Board submit petitions
to the State Board of Education, and they would prefer that not

1. occur. All the other petitions in the systems go to the system
2. itself. This just says if you want to be a member of the board,
3. file your petition with the board. ...there's no cost, the
4. Pension Laws Commission approves the bill.

5. PRESIDENT:

6. Any discussion? If not, the question is, shall Senate Bill
7. 724 pass. Those in favor will vote Aye. Those opposed will vote
8. Nay. The voting is open. Have all voted who wish? Have all voted
9. who wish? Have all voted who wish? Take the record. On that
10. question, the Ayes are 54, the Nays are 1, none Voting Present.
11. Senate Bill 724, having received the required constitutional
12. majority is declared passed. 725, Senator Bruce. On the Order
13. of Senate Bills 3rd reading, Senate Bill 725. Read the bill,
14. Mr. Secretary.

15. SECRETARY:

16. Senate Bill 725.

17. (Secretary reads title of bill)

18. 3rd reading of the bill.

19. PRESIDENT:

20. Senator Keats, for what purpose do you arise?

21. SENATOR KEATS:

22. Thank you, Mr. President. I was talking to someone and when
23. I pushed the button on 724 I was aiming for green and due to the...
24. toxication factor of the Tab, I missed it. I would have voted
25. Yes on 724, if I were able. Thank you.

26. PRESIDENT:

27. The record will so reflect. Senator Bruce.

28. SENATOR BRUCE:

29. Thank you, Mr. President, and members of the Senate. This
30. is the Open Meetings Act, Senate Bill 725, it makes several changes
31. in the Open Meetings Act by defining for the first time, what is
32. a meeting, and that definition is a majority of a quorum and when
33. public business is discussed. And the operative language is public

1. business being discussed. There are procedures for closing meetings
2. requiring a majority vote of the members, that it be done in advance,
3. that they give the public notice to when and if they will return.
4. And they also must disclose the votes in the open meeting. Minutes
5. are to be prepared, both for the open and the closed meetings
6. within seven working days, and roll call votes must be taken on
7. all matters. There must be public notice of the meetings that
8. allows recordings of meetings by any person, under the present
9. law just persons, but one court opinion indicates that recordings
10. can be made by the populace at large, it would allow that to
11. be done. Records...allows recording and TV taping. The enforcement
12. is clearly by the court, in four, I think, separate court opinions,
13. we've had a question of whether or not the courts can, in fact, enjoin
14. illegal conduct. The courts have said if the General Assembly
15. wanted us to have that power, they would have given it to us. I
16. thought they had it under the power they have as courts of the State
17. to issue injunctions, but we make it clear, frankly, just put into
18. the Statute what is presently the law anyway. You can close meetings
19. for personnel matters of collective bargaining, for dismissal or
20. employment, in the area of financial matters for acquisition of
21. real estate, the Illinois Commerce Commission proceedings, and
22. the Board of Investments. School districts can close for student
23. disciplinary hearings, special education programs for particular
24. students, and for campus security in the area of higher education.
25. They can close the meeting for legal matters, for grand and
26. petit juries, for consultations with an attorney, and for tort
27. immunity cases. The various other exemptions are four in nature,
28. the Prisoner Review Board, can close meetings, complaints of
29. discrimination can be handled by those individual boards in
30. a closed meeting. There is no need to disclose undercover law
31. enforcement officials, and meetings of the General Assembly, are
32. exempted from the Act as they have been in the past because we
33. are covered by the Constitution of the State of Illinois. Now,

1. the Act has gone through many revisions, one revision which is
2. not here, which I plan to add in the House as Representative...
3. as Senator Mahar...former Representative Mahar suggested that we
4. do something concerning emergency meetings, that a meeting not
5. have to be closed, or you have to have advanced meeting notice
6. if it's a...an emergency. And we will add, but I did not wish to
7. lose my space in the rotation, that a special meeting, except
8. a meeting in the event of a bona fide emergency or any rescheduled
9. regular meeting would be added. And that is, notice of an emergency
10. meeting shall be given as soon as practicable, but they could have
11. an emergency meeting without prior notice as long as they then told
12. the news media and the public at large that they had held a closed
13. meeting in the emergency, and what they did in the meeting. And
14. I did not get a chance to put that on, because had we done that,
15. I would have lost my place in rotation this morning.

16. PRESIDENT:

17. Any discussion? Senator DeAngelis.

18. SENATOR DeANGELIS:

19. Thank you, Mr. President. Before I make my comments, I would
20. like to take a point of personal privilege, and point out that
21. on the Democratic side of the gallery, is the 8th grade class
22. of Infant Jesus of Prague, and accompanying that class is Mrs.
23. Delaney, whose husband was just recently elected Mayor of Glenwood,
24. Father Finno... Father Finno, and I think, Representative Grossi's
25. wife is up there somewhere with them. I would like to have them
26. rise...

27. PRESIDENT:

28. Will our guests please stand and be recognized. Welcome to
29. Springfield. Senator DeAngelis.

30. SENATOR DeANGELIS:

31. Thank you, Mr. President, and members of the Senate. I rise
32. in support of Senate Bill 725. The bill came through Executive,
33. it passed thirteen to nothing. There are those of you who are

1. going to have difficulty with this bill, because you might have
2. come from municipal government or school boards, but I will assure
3. you, that this bill does nothing harsher rather than clear up
4. some of the misunderstandings in the current Open Meetings Act.
5. Senator Bruce has been most cooperative in accepting all amend-
6. ments that are relevant and were intended to clean up this bill.
7. And I would urge its favorable passage.

8. PRESIDENT:

9. Further discussion? Senator Buzbee.

10. SENATOR BUZBEE:

11. Thank you, Mr. President. I...I question Senator...DeAngelis'
12. statement that the bill passed committee thirteen to nothing, I
13. voted against it, and I'm a member of that committee. I...I don't
14. know how my vote was recorded, but I specifically opposed the bill
15. in committee and oppose it now. Pardon me. Well, I beg your pardon,
16. Senator, but somehow it wasn't recorded, because I voted No. I
17. have resisted every attempt in the nine years I've been here to
18. in any way...loosen the Open Meetings Act. I realize there are
19. some deficiencies in that Act, and I would support some closing
20. of those loopholes. However, I would...I would point out to you
21. that the language used in this bill is a majority of a quorum.
22. Now, in a school board, there are seven members, a quorum would
23. be defined, I suppose, as four, a majority of those four would
24. therefore be three. So, in any small town, any three members
25. sitting around in a coffee klatch of a morning, of a school board,
26. and the question comes up about the football team lost last night,
27. it's about time we fired that coach, they could be in violation of
28. the law if we pass this bill. I...I point out another situation,
29. in boards of trustees of universities, that's why I was late getting
30. back to my seat, I was conferring with Senator Weaver, I believe
31. there are nine members of boards of trustees at the University of
32. Illinois and at Southern Illinois University, nine voting members.
33. A quorum in that case would be five, a majority of the quorum

1. would be three, now these people live all over the State, and they
2. have one thing and one thing only in common, that is their interest
3. in the particular university for which they serve on the board
4. of trustees. They come from all over the State to a meeting once
5. a month, usually on one of the campuses of the university which
6. they represent, and they usually arrive the evening before. When
7. they arrive they stay at a local hotel or motel, usually the same
8. hotel or motel, they have, again, only one thing in common, and that
9. is that university which they serve. So, they more than likely
10. will end up together in the dining room of that local motel or
11. hotel, and they very well could be violating the law if we pass
12. this bill, if they dare discuss, if three of them are there, and
13. they dare discuss anything that pertains to that university. Now,
14. again, I recognize the fact that there are deficiencies in the
15. present law, and they need to be corrected, but this is going too
16. far. I don't know how you police that, if I'm a member of one
17. of those boards and a reporter comes over and says you're violating
18. the Open Meetings Act, I'm going to sit and listen to you, I'm
19. probably...I would probably toss him on his ear. Because as far
20. as I'm concerned it's a...it's a meeting that I am...a social
21. gathering, and if conversation happens to...to come up concerning
22. the institution which I serve, I don't think that I would be violating
23. any law by discussing some of these things. Now, I realize there
24. have been gross violations of the intention of the law, by the
25. very groups I just mentioned, by the way, by university boards of
26. trustees..or members of university boards of trustees, and by
27. school boards. But I don't know how you're ever going to be able
28. to police morality, we have laws on the books right now against...
29. making it illegal to murder somebody, but we have not been able
30. to stop people from murdering each other. The fact of the matter
31. is, that this law needs to be tightened up, and it can be tightened
32. up, I'm talking about the Open Meetings Act, it can be tightened
33. up, needs to be. But to make it a violation of the law if you, as

1. a board member, are sitting having coffee with two other board
2. members, and you happen to have...the discussion happens to come
3. up about anything dealing with...with the local school or the
4. local university, I think that is simply going too far. There's
5. a better way of doing it, and I suggest that we find that better
6. way and defeat this bill.

7. PRESIDENT:

8. Further discussion? Senator Davidson.

9. SENATOR DAVIDSON:

10. A question to the sponsor?

11. PRESIDENT:

12. Sponsor indicates he will yield. Senator Davidson.

13. SENATOR DAVIDSON:

14. Senator Bruce, I had a call just before noon in relation to
15. commission form of city and town governments, of which there's
16. sixty or sixty-two of them in the State of Illinois. Under the
17. wording of this law a majority would be three and a majority of
18. a quorum would be two. Their concern is, that two gets them in
19. tough situations, does this bill apply to that?

20. PRESIDENT:

21. Senator Bruce.

22. SENATOR BRUCE:

23. Yes and no. Yes, if two members of a five member board get
24. together and talk about public business they are covered by the
25. Open Meetings Act. No, if two members of a five member board
26. get together and casually talk about anything they wish to, they
27. are not covered. The operative language, and it states in the bill,
28. the operative language is the discussion of public business. I
29. would also point out to you, that the court has already held,
30. in fact, without this Act ever seeing the light of day, that a
31. meeting of two people of a five member board is, in fact, a public
32. meeting, and they have no protection as given in this Statute.

33. PRESIDENT:

1. Senator Davidson.

2. SENATOR DAVIDSON:

3. Senator Bruce, they...their legal counsel is drafting some
4. language which they think would be helpful to all commission form
5. of government, and in relation to the court decision you mentioned,
6. and with your permission when it gets here, I'd like to come and
7. talk to you in consideration for this over in the House.

8. PRESIDENT:

9. Further discussion? Senator Bowers.

10. SENATOR BOWERS:

11. Well, thank you, Mr. President. I just would like to follow
12. up on the point Senator Davidson made. And Senator Bruce, I would
13. like to also correct one of the statements you made. It seems to
14. me that under the present law, and we talked about this the other
15. day, it's very clear that the purpose of the meeting has to be
16. to discuss general public business. It doesn't cover the situation
17. where a couple of fellows are playing golf and they happen to
18. bring up a question of whether or not they're going to raise the
19. taxes or whatever they're going to discuss as far as the municipality
20. is concerned, and that all of a sudden becomes a meeting. And
21. it just seems to me, I...incidentally I have had a number of mun-
22. icipalities in my area who are under the commission form of
23. government, have a five member board, that means any two of them
24. walking down the street cannot talk in any way about any kind
25. of municipal business, and frankly, I think that's unreasonable.
26. Now, I would like to point out one other thing to you. In your
27. exception for the General Assembly, you mention the General Assembly
28. and its committees, and its commissions, I would suggest to you
29. that doesn't cover a caucus, and a party caucus would be in violation
30. of this Act. Those are the comments I have, and it seems to me
31. that...that with respect...that with respect particularly the
32. municipalities, we ought to give them a little more leeway than
33. you're giving them in this bill.

1. PRESIDENT:

2. Further discussion? Senator Netsch.

3. SENATOR NETSCH:

4. My question, in a sense, refers to a point that Senator Bowers
5. just made, and they...I...two questions, Senator Bruce. One,
6. the General Assembly, as I understand it, is totally excluded
7. from the Open Meetings Law on the theory that we are covered
8. by certain constitutional provisions, which do, in fact, require
9. that meetings of the Assembly, that is of either House, of the
10. committees or commissions be open unless two-thirds of each House
11. approves that. But you have also excluded the General Assembly
12. from the coverage of the Act, and that is why a Democratic caucus
13. or a Republican caucus is not subject to the Open Meetings Act,
14. is that correct?

15. PRESIDENT:

16. Senator Bruce.

17. SENATOR BRUCE:

18. Well, I don't think that caucuses are public meetings within
19. the definition of the Act. The Champaign Nine Case, the Illinois
20. Supreme Court's decision, I think under headnote 14 states, that
21. caucuses are not a public meeting within the...meaning of the Act,
22. unless, the sole purpose of that meeting as was stipulated to by
23. the Urbana Nine, was solely for the purpose of...of discussing
24. public business. In other words, if we have a caucus we can,
25. in fact...that is not covered by the Open Meetings Act. If a
26. city council has a caucus of the Democratic members, solely for
27. the purpose of talking about the business coming before the city
28. council, that's covered, because if you put in the caucus exclusion,
29. everybody's out. And so the caucuses are not covered by this Act.

30. PRESIDENT:

31. Senator Netsch.

32. SENATOR NETSCH:

33. I'm...I'm...now I am confused. As...as I would read it, and
this...this is really a question, it's not even a hostile question,

1. because I'm probably going to vote for this, but I just want to
2. be clear about it. A caucus of...in the Illinois General Assembly,
3. which typically is devoted solely to the discussion of public
4. business is not covered because you have excluded the General
5. Assembly generally from the Open Meetings Act. In contrast, if
6. you had a city council or a county board or some other legislative
7. type body, that is not excluded from the Open Meetings Act, a...and
8. they had a majority, let's say, in...of the membership of that
9. legislative body, a caucus there would be subject to the Open
10. Meetings Act, because they also would, presumably be discussing
11. public business. Is that correct?

12. PRESIDENT:

13. Senator Bruce.

14. SENATOR BRUCE:

15. If all the members of the city council get together about
16. whether or not they're going to support ABC to run for office,
17. that is not covered, if all the Democratic members of the city
18. council get together on whether they're going to vote for a new
19. zoning ordinance, that's covered. It is the discussion of the
20. public business, which gets them in trouble. And there are
21. two Attorney General's opinions, one issued in 1975, one in '76,
22. in which it states a meeting of a political party's county central
23. committee, is not subject to the Open Meeting Act, and it goes
24. on to say, even when the meeting is to select a person to fill
25. a vacancy on the county board until the next election. And that
26. was in May of 1976, the Attorney General issued two opinions stating
27. that party caucuses for the purposes of...of party business, are
28. not Open Meetings, it is only when you get into the question of
29. discussing public business that party caucuses shift and become an
30. open meeting.

31. PRESIDENT:

32. Further discussion? Senator Netsch.

33. SENATOR NETSCH:

1. I...I had one other question, and even that one is not totally
2. answered at the moment. The other one, because I...I am not sure
3. what is in the amendment, if there is discussed in the, let's
4. say, the city council meeting, the possibility of filing a law-
5. suit against XYZ because of a contractual violation or whatever, and
6. the...the council members want to know whether they should or
7. should not do that, and the city attorney or the private attorney
8. who works with them is there, and the question is posed, obviously
9. that's something you don't want to discuss out in the open until
10. you've had a chance to assess it, I would assume. Is there any
11. way that that could be protected, or would that inevitably be
12. covered by the...by the...these provisions of the Open Meetings
13. Act also?

14. PRESIDENT:

15. Senator Bruce.

16. SENATOR BRUCE:

17. I think that you might be able to discuss that with your
18. attorney if you are...are concerned about pending litigation.
19. You are allowed to meet with your attorney in a closed meeting
20. to discuss pending litigation if you think that what you are going
21. to do is going to leave...to litigation you could meet to discuss
22. that, not...not the ultimate question, but with your attorney as
23. to whether or not what you were going to discuss was within or
24. without the Open Meetings Act.

25. PRESIDENT:

26. Further discussion? Senator Netsch.

27. SENATOR NETSCH:

28. ...the question, does it have to be pending litigation, that
29. is, if you're trying to find out whether you should file a law-
30. suit against someone, or whether you have an adequate defense
31. to someone else who might be suing that governmental entity,
32. does that not cover...is that not covered by the exceptions? I'm
33. just trying to clarify these matters for the record, Senator Bruce.

1. PRESIDENT:

2. Senator Bruce.

3. SENATOR BRUCE:

4. I...I don't think that it would be covered if it is not
5. pending. If you start talking with your..attorney and the ultimate
6. basis of his case, then you can probably go into closed meeting.
7. If the discussion is basically on a general matter, of what's
8. going to happen to us, that's probably not going to be sufficient.
9. If...if there is a suit pending or there is a movement afoot, and
10. you wish to talk about the ultimate strategy, I would suppose that
11. would be subject to a closed meeting with your attorney because
12. you are then getting into the attorney-client relationship. But
13. I...I think you have to work very carefully, the Statute does
14. require pending litigation, and that obviously is, as always, as
15. it...there's an exemption already, you have a real problem of
16. getting within that closed meeting exemption.

17. PRESIDENT:

18. All right, there are eleven additional members who have
19. indicated they wish to be heard. Senator Savickas.

20. SENATOR SAVICKAS:

21. Yes, Mr. President, and members of the Senate. The genesis
22. of this bill was a disturbed constituent of Senator Bruce's who
23. wasn't allowed to discuss some...or hear some discussion of
24. school board members meeting, and he felt peeved, he...he asked
25. Senator Bruce to introduce it, and when asked why he didn't call
26. the news media and make it public, he said the news media didn't
27. care what was going on there, they weren't interested themselves.
28. So, this bill was introduced, that excludes the majority of the
29. concerns of this little constituent had in Senator Bruce's district,
30. and that's what's going on with the school boards and in the
31. school areas. Collective bargaining, a question that all of the
32. people want to know, why and how the money is spent, and that's
33. excluded. He's put this bill in, he's put a burden on the local

1. governments and all those little school boards, those little
2. local units of government, that on page 6 here, every public
3. body shall give public notice, and so on, and they must publish
4. in a newspaper, published in the territorial jurisdiction of the
5. public body. And if there is none, you're going to go out and
6. find one somewhere, because it says, in a newspaper published in
7. the county and having a circulation in the territory of the public
8. body. So, if there is no newspaper in this local school district,
9. you're going to have to find one in some county that's close there
10. that will distribute this in their area. We better look at
11. this bill, and I think at this point that it is preemptive, and I
12. would ask the Chair to rule on that question so that we know if
13. it's preemptive, it would take what, thirty-six votes?

14. PRESIDENT:

15. If the Chair determines it's preemptive, it would require thirty-
16. six affirmative votes, and the Chair is...will be prepared to rule
17. at the close of the discussion. Senator Geo-Karis.

18. SENATOR SAVICKAS:

19. Thank you.

20. SENATOR GEO-KARIS:

21. Mr. President, and Ladies and Gentlemen of the Senate. I
22. happen to live in a city that has commission government, and I am
23. in favor of complete notice and complete openness in meetings.
24. However, when it's only a quorum of the quorum so to speak, two
25. members can get together with a cup of coffee and they're out at
26. the ballpark, the minute they talk about any business. I think
27. it's unusually restrictive, and frankly, although I'm in favor
28. of...amendment of this Open Meetings Act, I think it should
29. be done to the point where they either...it will be preclusive
30. of anybody innocently getting involved. And I do think it's
31. unfair, and I think it has unconstitutional ramifications, and I
32. cannot support the bill in the present condition.

33. PRESIDENT:

1. Further discussion? Senator Mahar.

2. SENATOR MAHAR:

3. Thank you, Mr. Speaker, and members of the Senate. Will the
4. sponsor yield?

5. PRESIDENT:

6. The sponsor indicates he'll yield. Senator Mahar.

7. SENATOR MAHAR:

8. Senator Bruce, as I understand you said earlier, that one
9. of the...one of the points that I had in relation to the police
10. and fire commission, the liquor commission, would be taken care
11. of if the bill passed out of the Senate. Is that correct?

12. PRESIDENT:

13. Senator Bruce.

14. SENATOR BRUCE:

15. Absolutely. The...you pointed that out, the emergency
16. meetings of airport authorities, police and fire commissions.
17. It's just a...a flaw in the legislation, and I have drafted up
18. the amendment already, and ready to put it on in the House if
19. it gets over there.

20. PRESIDENT:

21. Senator Mahar.

22. SENATOR MAHAR:

23. One of the other...a couple of the areas I'd like to ask
24. you a question about, we have a State Liquor Commission, and we
25. have the localer...commission, now, is the State commission covered
26. under this?

27. PRESIDENT:

28. Senator Bruce.

29. SENATOR BRUCE:

30. Yes, they are. They're not in the exclusions either. I
31. mean, they...their...their meetings must be open.

32. PRESIDENT:

33. Senator Mahar.

1. SENATOR MAHAR:

2. One of the, as I've read a great deal of material about, that's
3. from local government, it seems that the news media is concerned
4. about knowing how the...how public bodies spend money behind closed
5. doors, and it seems to me that some...some of the exemptions we
6. have don't really track, because as was mentioned earlier about
7. the collective bargaining. It seems to me that collective bargaining
8. is an area which a tremendous amount of money is spent on the local
9. level, and it seems to me, also, that when we read about negotiations
10. that are very long in this area, and when the strike or whatever
11. is finally settled we never really find out what happened, we
12. never really find out what the final decision was, so it seems to
13. me, that if we're going to have open meetings they ought to...
14. truly be open meetings at places where money is spent, and
15. money is spent on the State level, in the State Legislature, and
16. the money is spent at the local level in collective bargaining.
17. And the bill doesn't address itself to that.

18. PRESIDENT:

19. Further discussion? Senator Grotberg.

20.

21.

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(END OF REEL)

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33.

1. SENATOR GROTBORG:

2. Thank you, Mr. President. Only to remind...everybody
3. has been talking about the caucus situation and the parti-
4. sanship and when I withdrew my amendment the other day, it
5. did leave the bill intact. My amendment would have...
6. answered ninety percent of the problems here, but according
7. to the sponsor and to the Press Association it would have
8. gutted the bill. I don't happen to agree with that, but
9. I would think that anybody that is going to vote Aye for
10. this should know that everything that has been said is true.
11. It would be one of the most unworkable and paralytic things
12. that can happen to government that I have seen because I
13. can't think of anyone that would ever want to run for dog
14. catcher under these particular restrictions on this bill.
15. The...the...the Peeping Tom effect of it is...beyond all
16. reason as far as I am concerned and that was why...I opted
17. to withdraw the bill...the...my amendment and let the bill
18. fly as it is, almost impossible to work. And if it passes
19. and is signed into law...we'll be looking forward to a
20. repealer within the next eighteen months.

21. PRESIDENT:

22. Further discussion? Senator McMillan.

23. SENATOR MCMILLAN:

24. Mr. President and members of the Senate, I rise re-
25. luctantly in support of the bill, because I think it, at
26. least, comes a little ways toward making what is,...as far
27. as I'm concerned, a very bad Public Meetings Act just a little bit
28. better. It still does not solve problems. Most of these
29. questions that were raised today, were raised in committee
30. and have been raised otherwise and have yet to have anything
31. done to them. I think that the...the most significant problem
32. about the bill is that it applies to a large number of groups
33. of people that, in fact, couldn't conduct any public business

1. if they wanted to and I think that's the primary flaw of the
2. bill. If we intend to really put some restrictions on meetings,
3. they ought to be placed upon a group that is large enough to,
4. in fact, take action and not any meeting of two people which
5. might, in fact, make them want to conduct business. I also
6. think that it's something we ought to face up to. That we
7. expect to impose this kind of regulation on every other public
8. body in the State, yet, we're exempt from it, which I think
9. is...is a bit absurd. The most important point I would
10. make, however, is that I think that the press and the people
11. should all know that no matter how tough we make a Public
12. Meetings Act, no matter how many restrictions we place in
13. it, it's still going to be up to the press to be there and
14. to be informed and to write about what happens. We saw...
15. we have seen in this Body many times things conducted in
16. public that don't exactly make you...proud to be in the
17. Body. We saw just...last week an act taken in this Body,
18. in open meeting, before the press and everybody else, which
19. violated nearly every one of our parliamentary rules, yet
20. it happened a few reporters talked about it...and wrote
21. it up, but for the most part it slipped right by. The
22. point is, you can't have a Tough Meetings Act, an Open
23. Meetings Act and expect it to do the job. The job will
24. only be done when the press reports exactly how people
25. voted and when they do it in such a way that it gets to
26. the people so that the people can make a decision about
27. the decisions that were made. A Public Open Meetings Act
won't do anything to make the people aware of what went on.

28. PRESIDENT:

29. Further discussion? Senator Berman.

30. SENATOR BERMAN:

31. A question of the sponsor.

32. PRESIDENT:

33.

1. Indicates he'll yield, Senator Berman.

2. SENATOR BERMAN:

3. Would you outline,...briefly, what the...effect of
4. a violation of this Act is?

5. PRESIDENT:

6. Senator Bruce.

7. SENATOR BRUCE:

8. You'll have to sit with a news reporter for two days.

9. I...Senator, you've...we're not in the Judiciary...Committee.

10. It's...it's a misdemeanor. I'm sorry, Senator Berman, if
11. you'll give me a couple of seconds, I'll find it for you.

12. PRESIDENT:

13. Senator Berman.

14. SENATOR BERMAN:

15. Well that...that's part of what concerned me. Is the
16. action that's taken...that...that follows or that's in
17. violation of this void?

18. PRESIDENT:

19. Senator Bruce.

20. SENATOR BRUCE:

21. Senator,...to answer your question explicitly, it's a
22. Class C Misdemeanor, but I...now I know what you...where
23. we're going and that is yes. The courts are authorized, if
24. they deem it necessary, to void actions taken in a closed
25. meeting. They can issue an injunction to either enjoin them from
26. meeting or from meeting in the future or they can issue a
27. writ of mandamus. All of which they have the power to do
28. now.

29. PRESIDENT:

30. Senator Berman.

31. SENATOR BERMAN:

32. Now, Class C Misdemeanor is...what penalty that could
33. be imposed upon these board members for their violation?

1. What is a Class C Misdemeanor?

2. PRESIDENT:

3. Senator Bruce.

4. SENATOR BRUCE:

5. Well, all of us think that it's up to six months.

6. PRESIDENT:

7. Senator Berman.

8. SENATOR BERMAN:

9. So that I'm correct, if this bill passes, a change...
10. is this...would that be a change from the existing law?

11. PRESIDENT:

12. Senator Bruce.

13. SENATOR BRUCE:

14. It's already a Class C Misdemeanor.

15. PRESIDENT:

16. Senator Berman.

17. SENATOR BERMAN:

18. So, the people that are now included in here could
19. be subject up to six months in jail for a violation of the
20. letter of this law? Yeah, but you...we are expanding the
21. coverage. Thank you.

22. PRESIDENT:

23. Further discussion? Senator Netsch for the second time.

24. SENATOR NETSCH:

25. Mine was only on the parliamentary point, if I might,
26. Mr. President. I do not expect to prevail, but I would
27. strongly urge that this is not the sort of bill that is
28. governed by Subsection G, the three-fifths required vote
29. preemptive provision, but rather is governed by Section I
30. and I would point out to you that this is an area where
31. there is the possibility of concurrent jurisdiction. That
32. is the State is itself exercising the power to govern open
33. meetings. Therefore, the...it is not subject to the

1. three-fifths...requirement for preemption, which is what
2. Subsection G provides, instead it is Subsection I, home rule
3. units may exercise and perform concurrently with the State
4. any power or function to the extent that the General Assembly,
5. by law, does not specifically limit the concurrent exercise.
6. And I would respectfully suggest that this is a concurrent
7. exercise of the power to govern...open meetings and that it
8. takes only a majority vote for the State specifically to
9. limit that power.

10. PRESIDENT:

11. Well, before Senator Bruce closes, how about Section 10
12. of the bill? Further discussion? Senator Bruce may close.

13. SENATOR BRUCE:

14. No. Ready?

15. PRESIDENT:

16. Senator Bruce may close.

17. SENATOR BRUCE:

18. Thank you, Mr. President and members of the Senate. The
19. major purpose of this legislation is to clarify, not to ex-
20. pand, the Open Meetings Act in the State of Illinois. In
21. the current Statute the operative sentence that every one
22. of the four thousand four hundred and fifty-five boards
23. presently covered must utilize is two hundred and eighty-
24. nine words long. And I dare say that even the best attorneys
25. in the State of Illinois disagree in that two hundred and
26. eighty-nine sentence...word sentence as exactly whether or
27. not they can have a closed meeting. This bill sets guide-
28. lines and puts out in categories of exactly when a meeting
29. must be open and exactly when a meeting must be closed. It
30. does not expand who must meet, it only tells you when you
31. have an open meeting. And casual, nonprearranged meetings,
32. when public business is not discussed, is not a meeting
33. subject to this Act. Fellows who meet on the golf course,

1. in their automobiles, at a card party are not involved in an
2. open meeting. Casual, nonprearranged meetings are not covered.
3. The operative language is when you start talking about public
4. business. And all of us ought to realize that this does not
5. prohibit, neither the current Act nor the Act that we are
6. considering, anyone calling anyone else individually. If
7. the county board chairman of an eight member board wants to
8. sit down and call anybody on that board and talk to them
9. about any subject he wants for as long as he wants, he may
10. do that. And, in fact, they can meet with two...he can meet
11. with two of them. It is the problem when he gets with the
12. majority of a quorum, that is when we have an open meeting.
13. But if you want to meet one on one and to talk about any
14. kind of business you want worth the legislative floor of
15. the city council, that is no problem. It's only when you
16. want to go back in another room with eight or nine guys
17. and talk about the public's business that this Act starts
18. to operate. As to whether there is a problem with collective
19. bargaining, for everyone that worries about that, this bill
20. clarifies that by inquiring...requiring minutes to be taken.
21. And so when it's no longer a sensitive matter, we will, in
22. fact, Senator Mahar and others, find out exactly what went
23. on in those closed meetings as it relates to collective
24. bargaining. And finally to my colleague, Senator Savickas
25. who must be taking writing lessons from Mike Royko, Augusta,
26. Illinois is not in my district. It is far, far from my
27. district and Mr. Johnson, although he's an excellent witness,
28. who I did not even call, who volunteered and came and told
29. us about his problems with the school board. Augusta is a
30. long way from Olney and the 54th District and you are certainly
31. welcome, as is anyone, to come to the 54th and talk to board
32. meetings and city council meetings. But the Legislature...
33. finally by the way, everyone keeps worrying about the Legislature.

1. We're in the Constitution. You're not going to take us,...
2. change it, we must have open meetings by the Constitution
3. of the State of Illinois. This doesn't change anything at
4. all that relates to the Legislature. The exemption is there,
5. the exemption stays in because we are covered by the Con-
6. stitution. Thank you, Mr. President.

7. PRESIDENT:

8. Alright. The Chair is prepared to rule that under Article
9. VII, Section 6 that...home rule is, in fact, preempted in-
10. sofar as...the provisions of this Act on its face...suggest
11. or mandate minimum requirements for any home rule unit. So
12. to that extent an extraordinary vote will be required. The
13. question is, shall Senate Bill 725 pass. Those in favor will
14. vote Aye. Those opposed will vote Nay. The voting is open.
15. Have all voted who wish? Have all voted who wish? Have all
16. voted who wish? Have all voted who wish? Have all voted
17. who wish? Take the record. On that question, the Ayes are
18. 30, the Nays are 22, none Voting Present. Senate Bill 725...
19. further...the sponsor requests that further consideration of
20. Senate Bill...725 be postponed. So ordered. 726, Senator
21. Rupp. On the Order of Senate Bills 3rd reading, Senate Bill
22. 726. Read the bill, Mr. Secretary.

23. SECRETARY:

24. Senate Bill 726.

25. (Secretary reads title of bill)

26. 3rd reading of the bill.

27. PRESIDENT:

28. Senator Rupp.

29. SENATOR RUPP:

30. Thank you, Mr. President. What this bill does is,
31. increases the lump sum death benefit for out of...that's to
32. the greater amount of one-sixth of the annual salary, the
33. actual survivor's benefit contributions to the fund or two

1. thousand dollars. What it has been, was a one thousand
2. dollar limit, that will now be two and it adds in the option
3. of the actual contributions. There is an impact. It might
4. be up to one hundred and ninety thousand dollars in this
5. particular instance, but it is only a death benefit and is
6. payable only in the event of a...surviving spouse not...no
7. annuity being paid on the survivor spouse basis. I ask for
8. a favorable roll call.

9. PRESIDENT:

10. Any discussion? The question is, shall Senate Bill 726
11. pass. Those in favor will vote Aye. Those opposed will vote
12. Nay. The voting is open. Have all voted who wish? Have all
13. voted who wish? Have all voted who wish? Take the record. On
14. that question, the Ayes are 50, the Nays are 3, none Voting
15. Present. Senate Bill 726 having received the required con-
16. stitutional majority is declared passed. 728, Senator Nedza.
17. 731, Senator Chew. On the Order of Senate Bills 3rd reading,
18. Senate Bill 731. Read the bill, Mr. Secretary.

19. SECRETARY:

20. Senate Bill 731.

21. (Secretary reads title of bill)

22. 3rd reading of the bill.

23. PRESIDENT:

24. Senator Chew.

25. SENATOR CHEW:

26. Thank you, Mr. President. This bill, which is presently
27. funded by the Federal Government, is no longer funded by the
28. Federal Government. This...731 is to create an Act of...
29. Cycle Safety Program and it will not be any cost to the State
30. whatsoever. The...funding will be by those participating. We,
31. in Illinois, are already the gold award winners of safety
32. programs. Without the training program, those persons riding
33. cycles will not have the skill that is necessary in order to

1. ...be safe on highways and byways. The Department of
2. Transportation will administer this bill. All agencies
3. involved in safety and/or transportation are in favor of
4. this bill. There was no opposition to it in committee
5. hearing. It is a creation of the Motor Vehicle Laws
6. Commission. I have not heard of any opposition in the
7. streets, in the Capitol, or in the Senate and I would ask
8. for a favorable roll call.

9. PRESIDENT:

10. Any discussion? Senator Coffey.

11. SENATOR COFFEY:

12. Yes, Mr. President and members of the Senate,...I would
13. just...rise in favor of this bill. I think it's a good
14. bill. I would like to ask this side of the aisle to sup-
15. port it. The persons...taking the testing programs are
16. going to be paying the costs and I think it's a good measure.

17. PRESIDENT:

18. Further discussion? Senator Joyce.

19. SENATOR JEROME JOYCE:

20. Thank you, Mr. President. A question of the sponsor.

21. PRESIDENT:

22. Indicates he'll yield, Senator Joyce.

23. SENATOR JEROME JOYCE:

24. I'm...I'm not that familiar with the bill, but all these
25. kids will have to go to a school...for cycle riding or some-
26. thing, is that it?

27. PRESIDENT:

28. Senator Chew.

29. SENATOR CHEW:

30. It's...it's a voluntary program, Senator. If they wish
31. to participate in the safety program, they can and the costs
32. will be borne out by those that are participating.

33. PRESIDENT:

1. Senator Joyce.

2. SENATOR JEROME JOYCE:

3. If they don't go to school, they can still ride the
4. bicycles?

5. PRESIDENT:

6. Senator Chew.

7. SENATOR CHEW:

8. As long as they're licensed, we have no prohibition to
9. prevent them. So it...it is not a mandatory program, because
10. those that participate will be...funding it.

11. PRESIDENT:

12. Senator Joyce.

13. SENATOR JEROME JOYCE:

14. Licensed, you mean sixteen years old?

15. PRESIDENT:

16. Senator Chew.

17. SENATOR CHEW:

18. At whatever age the Secretary deems necessary or the Legis-
19. lature has...Legislature has passed that they can be licensed.

20. PRESIDENT:

21. Senator Joyce.

22. SENATOR JEROME JOYCE:

23. And what about the kids out in the country that...how
24. are they going to get...to this school? They're going to
25. have to ride their bicycle there.

26. PRESIDENT:

27. Senator Chew.

28. SENATOR CHEW:

29. Senator, I would suppose that we have about a hundred sites
30. in the State of Illinois and they are located...for the
31. benefit of the citizens of Illinois and I might add that the
32. State universities have this program so I suppose he'd get
33. there by getting on his two wheeler, if he so desired.

1. PRESIDENT:
2. Senator Joyce.
3. SENATOR JEROME JOYCE:
4. Well, I...I'd hate to have one of my kids to have to ride
5. sixty miles on a bicycle to get these training lessons.
6. PRESIDENT:
7. Senator Chew.
8. SENATOR CHEW:
9. Sir, he doesn't have to take his own motorcycle or cycle
10. there for the training period. I would assume you'd put him
11. in your Cadillac and take him.
12. PRESIDENT:
13. Further discussion? Senator Buzbee.
14. SENATOR BUZBEE:
15. A question of the sponsor.
16. PRESIDENT:
17. Indicates he'll yield, Senator Buzbee.
18. SENATOR BUZBEE:
19. Senator Joyce continued to talk about bicycles and I had
20. the distinct impression you were talking about motorcycles.
21. PRESIDENT:
22. Senator Chew.
23. SENATOR CHEW:
24. This is any cycle that is motorized and bicycles are not.
25. PRESIDENT:
26. Senator Buzbee.
27. SENATOR BUZBEE:
28. So...so, you're talking about licensing mopeds...or
29. rather licensing the drivers of mopeds...or...or motor
30. bikes or...or motorcycles. And...and...and this training
31. program would be established to help...train them to ride
32. those type vehicles,...but they would be required to achieve
33. a license at some point. Is that correct?

1. PRESIDENT:

2. Senator Chew.

3. SENATOR CHEW:

4. Senator, the bill has no language in it whatsoever that
5. deals with licensing. It merely deals with the creation of
6. our Safety Cycle Program. The licensing apparatus is left
7. entirely up to the Secretary of State and he is mandated
8. by legislation in which we pass and I do not have a bill
9. dealing with the license of the cyclist.

10. PRESIDENT:

11. Further discussion? Senator Sommer.

12. SENATOR SOMMER:

13. Senator Chew,...how was this program previously paid
14. for?

15. PRESIDENT:

16. Senator Chew.

17. SENATOR CHEW:

18. Senator, in my opening remarks and I'll be happy to
19. repeat it for you, it was funded by the Federal Government.
20. The Federal Government is no longer funding the program and
21. the purpose of the bill is because we've had those persons
22. participating in the program to come to us in Transportation
23. and made the request that we create the Act, whereby they
24. can continue this program for themselves. This is the
25. first step in the creation of the Act and 732 is an Act to
26. create the law for them to fund it themselves and it will
27. be funded by those that are participating.

28. PRESIDENT:

29. Senator Sommer.

30. SENATOR SOMMER:

31. Was it my understanding then, that every motorcyclist,
32. every year or whenever they renew, have to pay the increased
33. fee even whether they take this program or not?

1. PRESIDENT:

2. Senator Chew.

3. SENATOR CHEW:

4. No, Sir, that is not quite accurate...according to our
5. research. If he participates, he pays the increased fee,
6. if he does not participate, he does not pay it. It's not
7. a mandatory increase, it's an increase that is agreed upon
8. by that person or those persons participating.

9. PRESIDENT:

10. Further discussion? Senator Schaffer.

11. SENATOR SCHAFFER:

12. Senator Chew, this program is an ongoing program.
13. We've obviously been doing it for several years. At the
14. risk of asking a superfluous question, is there any proof
15. that the program has done any good at all?

16. PRESIDENT:

17. Senator Chew.

18. SENATOR CHEW:

19. Yes, Sir. Senator, the...fatality rate and the injury
20. rate is...sufficiently down from those that have participated
21. in the program. And your Tribune today carries an article
22. giving those that were killed in the holiday traffic this
23. weekend and there were five cyclists killed...in the State
24. of Illinois and it's my assumption that they were not...have
25. not participated in the...Safety Training Act.

26. PRESIDENT:

27. Senator Schaffer.

28. SENATOR SCHAFFER:

29. I missed that, I only read the Sun Times, but...no, I
30. just wondered. I haven't heard a word on this from anybody
31. and...in all candor all of my friends that ride cycles
32. eventually come to grief and the good ones get hit by other
33. people and the bad ones get hit by themselves or do themselves

1. in. I...I don't know, I'd be reluctant to continue this
2. program unless there was some...some evidence...you know,
3. solid evidence that...we, in fact, were doing anything. I
4. have a feeling the bill comes from the people whose jobs
5. are on the line, not from the motorcycle...people. And
6. believe me, I have a lot of motorcycle people in my district...
7. we don't have any mass transit so we ride motorcycles.

8. PRESIDENT:

9. Further discussion? Senator Davidson.

10. SENATOR DAVIDSON:

11. Mr. President and members of the Senate, I rise in
12. support of this legislation. I think two important things,
13. which no one has listened to or chose to ignore either one,
14. prior to the passage and the Cycle Training Act, which is
15. sponsored by five different regional universities at a
16. hundred plus sites around the State, no one...no one who
17. rode a motorcycle or a motor driven cycle or a moped,
18. whatever you want to call it, had an opportunity to learn
19. how to ride such a vehicle unless they took it out in
20. traffic. Now, the statistics show that better than fifty
21. percent of the fatalities and injuries...motorcycle riders
22. are by the people who have the motorcycle out for the first
23. time prior to the beginning of the training. The important
24. part of this, this will continue a Safety Training Act that
25. not only helps the motorcyclists but it helps you and I,
26. helps all vehicle drivers. If the person can't control that
27. cycle and is involved in an accident with you, you're going
28. to pay something with someday, somehow by an increase in
29. your insurance premium. All this does is try to help you
30. and I as well as protect the man who wants...or woman who
31. wants to ride the motorcycle. The second part is, that if
32. we reach over the level or the 1.2 million dollars, which
33. has been the appropriated cost of running this operation,

1. all the excess funds go into the Road Fund to help improve
2. the roads in your area. I urge an Aye vote.

3. PRESIDENT:

4. Any further discussion? Senator Hall.

5. SENATOR HALL:

6. Thank you, Mr. President and Ladies and Gentlemen of
7. the Senate. I rise in support of this. As...Senator David-
8. son has already touched on this and my understanding is,
9. that this bill was introduced at the suggestion of the...
10. Motor Vehicle Laws Commission and what it simply does,
11. it...carries on the program for the safety of people, for
12. property and limb and life. This is a much needed piece
13. of legislation. I would ask your most favorable support
14. for it.

15. PRESIDENT:

16. Any further discussion? Senator Chew may close the
17. debate.

18. SENATOR CHEW:

19. Thank you, Mr. President. I hadn't expected this to go
20. into the question-answer period as it did. I can appreciate
21. Senator Davidson alluding to the fact that the overage in
22. funding will, in fact, go to the Highway Fund and that is
23. just another way of raising revenue and those that are using
24. highways, whether they are motorcyclists or bicyclists or
25. motorists, that's just another revenue...mechanism that...
26. that can be used if it's overfunded and I would ask for
27. a record vote on this.

28. PRESIDENT:

29. The question is, shall Senate Bill 731 pass. Those in
30. favor will vote Aye. Those opposed will vote Nay. The
31. voting is open. Have all voted who wish? Have all voted
32. who wish? Have all voted who wish? Have all voted who
33. wish? Take the record. On that question, the Ayes are 34,

1. the Nays are 17, none Voting Present. Senate Bill 731 having
2. received the required constitutional majority is declared
3. passed. On the Order of Senate Bills 3rd reading, Senate
4. Bill 732. Read the bill, Mr. Secretary.

5. SECRETARY:

6. Senate Bill 732.

7. (Secretary reads title of bill)

8. 3rd reading of the bill.

9. PRESIDENT:

10. Senator Chew.

11. SENATOR CHEW:

12. Mr. President and fellow Senators, this is the companion
13. bill to 731. This creates the Act for the funding by those
14. that participate and I would ask for a record breaking roll
15. call.

16. PRESIDENT:

17. Any discussion? Senator Totten.

18. SENATOR TOTTEN:

19. Thank you, Mr. President and Ladies and Gentlemen of the
20. Senate. Would the sponsor yield to a question?

21. PRESIDENT:

22. Indicates he'll yield, Senator Totten.

23. SENATOR TOTTEN:

24. Senator Chew, doesn't this do...what you said the first
25. part...the prior bill didn't do and make it mandatory for
26. everybody to pay the fees to have the Cycle Rider...Safety
27. Training Act?

28. PRESIDENT:

29. Senator Chew.

30. SENATOR CHEW:

31. Senator, from the research that I have, I would say that
32. this does not mandate every cyclist to pay the cost, whether he
33. participates or not. And those that participate do benefit

1. from that. No, I would say, from the research that I have,
2. it does not demand it.

3. PRESIDENT:

4. Further discussion? Senator Totten.

5. SENATOR TOTTEN:

6. What specific language in the bill says that it is not
7. mandatory for everybody to pay?

8. PRESIDENT:

9. Senator Chew.

10. SENATOR CHEW:

11. Well, simply because it...is a voluntary...movement
12. on those that...desire to participate. This bill has nothing
13. to do with the license, Sir, and it does not require every
14. cyclist to participate. So,...those two subjects are mute,
15. participation and drivers license or license to...drive one.

16. PRESIDENT:

17. Further discussion? Senator DeAngelis. Senator Walsh.

18. SENATOR WALSH:

19. Mr. President and members of the Senate, just, you
20. know, so there isn't any doubt the...in the minds of the
21. Senators the...the bill reads that...every owner of...
22. every owner of any other motor vehicle of the first
23. division, so we're talking about cycles here, increases
24. the fee from twelve dollars to twenty dollars. So there
25. is the...the increase applies to everyone so if...if you,
26. ...you know, if you're for it fine. And then the...the
27. section here...and then the money, of course, goes in, as
28. Senator Chew indicated,...the money goes into...the Cycle
29. Rider Safety Training Fund. So the...the increase is...
30. is charged to everybody but the eight dollars goes into
31. this fund,...which was created by the...prior bill that
32. was just passed. So, if you don't like the prior bill,
33. you ought to vote No on this one and if you don't like the

1. idea of a mandatory increase in the fee, you ought to vote
2. No on this one.

3. PRESIDENT:

4. Further discussion? Senator Coffey.

5. SENATOR COFFEY:

6. Yes, Mr. President and members of the Senate, I rise in
7. favor of this bill. It is true that it does raise the fee,
8. right now motorcycle licenses are twelve dollars, this
9. raises it to twenty dollars to pay for the program. It
10. does not mandate that you have to take the training program,
11. but does...put the increased fee on your...license...fee.
12. So, if you want to fund the program, it is going to cost
13. eight dollars additional. I think it's a good program.
14. I think it'll save lives and I'd ask you to vote Yes.

15. PRESIDENT:

16. Channel 20 has requested permission to shoot some film.
17. Is leave granted? Leave is granted. Further discussion?
18. Senator Gitz.

19. SENATOR GITZ:

20. A question of the sponsor.

21. PRESIDENT:

22. Indicates he'll yield, Senator Gitz.

23. SENATOR GITZ:

24. Senator, if a...the idea, as I understood it in the
25. previous bill was that those who took advantage of this
26. program would pay into it. Why are we putting different
27. language in this bill to this effect and I would quote on
28. line 7, "of the monies collected as registration fee for
29. each motorcycle, motor driven cycle or motorized pedal
30. cycle eight dollars of each annual registration fee for
31. each vehicle and four dollars of each semi-annual regis-
32. tration fee for each vehicle shall be deposited in the
33. Cycle Rider Safety Training Fund." It seems to me if...

1. unless I missed something that what we're basically saying
2. is, we're going to take all of the fees that are traditionally
3. charged, the eight dollars and the four dollars and put them
4. into the Cycle Training Fund. And by the way whether you
5. take advantage of the program or not, everybody is going
6. to pay twenty dollars now. That leads me to my next question
7. then and that is that, if the revenue estimates are correct
8. then this will raise 2.5 million dollars, which is about
9. a million dollars beyond what it takes to fund...this
10. program. So are we not really in this bill appropriating
11. something that goes beyond simply funding a program, but
12. basically we're finding another revenue source for the
13. Road Fund.

14. PRESIDENT:

15. Senator Chew.

16. SENATOR CHEW:

17. Nothing could be further from accurate, Sir. The
18. registration fee is...is a matter of semantics here. No
19. one asked me about the registration fee. Sure the regis-
20. tration fee is increased, so is the cyclist who applies.
21. But the school fee has not increased and this is not
22. another means of raising revenue for the Road Fund.
23. Senator, the people involved, and I do not mean the manu-
24. facturers or the training schools, we are talking about
25. the ones that ride the motorcycle, have asked us to create
26. this and they have agreed to pay it. It does not cost the
27. State a dime and the State will stand to gain if the overage
28. of registration...fee does occur, then it goes into the
29. Road Fund. So, let me repeat, this is no backdoor way
30. of raising funds for the highway. When you talk about a
31. million dollars for a highway, you're not even talking about
32. a mile. And it's all a supposition because we aren't sure
33. ...of the revenue that will be derived from this Act itself.

2. But, Senator, they have agreed to do this. This is their
3. version of the Safety Training Program and it would be...
4. simply if a group of people...consulted with you, say for
5. instance, that own antique cars and could show you the
6. advantage of...of their being on the highways...and
7. their willingness to fund the program in which they're
8. requesting and the...the assurance that it would not cost
9. the taxpayers, who are not participating, one dime, I
10. really can't see anybody that could have any opposition
11. to that. So the same thing would apply.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. The question is, shall Senate Bill...Senator Gitz.

14. SENATOR GITZ:

15. Senator, I voted for the previous bill. I happen to
16. believe as you do that the program is a sound one, but I
17. am somewhat confused by the explanation. Now, would you
18. look at page 2, line 33 when it says, "strikes twelve,
19. strikes six puts in twenty and ten" and tell me how that
20. is optional.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Chew.

23. SENATOR CHEW:

24. Are you speaking on the registration fee, Senator?

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Gitz.

27. SENATOR GITZ:

28. Yes, Sir.

29. SENATOR CHEW:

30. The registration fee will be increased. Yes, Sir.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Gitz.

1. SENATOR GITZ:

2. I understood that the explanation was is those who
3. took advantage of the program would be those that are paying
4. the increased fee and this doesn't seem to be doing that.
5. Where did I miss it?

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Chew.

8. SENATOR CHEW:

9. No. I think where you missed it, cyclers will be...will
10. be paying an increased registration fee period, but they all
11. ...they will also have the...the right under this Act to
12. participate in the Training Act. The question that was
13. asked of me, was it mandatory that all persons participate
14. and the answer is no. All people do not...all cyclists do
15. not have to participate. It's a program of their own.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Gitz. And I would remind you we have a five
18. minute...

19. SENATOR GITZ:

20. I understand.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. ...debate. Okay.

23. SENATOR GITZ:

24. So, what you're saying then is, if you take advantage of
25. the program some of the money goes into the fund and if you
26. don't take advantage of it, you pay the higher fee and it
27. does not go into the fund.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Chew.

30. SENATOR CHEW:

31. No, it...the designated amount for the increase in reg-
32. istration goes into the fund whether one takes advantage of
33. ...of the Training Act or not. It still goes into the fund.

1. PRESIDING OFFICER: (SENATOR BRUCE)

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

4. SENATOR CHEW:

5. Thank you, Mr. President. I hope I've asked...I've
6. answered all the questions that were asked satisfactorily.
7. Again, this bill was created...it's a creature of the Motor
8. Vehicle Laws. We happen to...to think that the bill is...
9. is an excellent one insomuch as we do have the training
10. program in effect as of today. And the Federal Government
11. is not funding it and the State is cutting back on its funds
12. and this program does not cost the State anything and the
13. program was derived from conversations with those persons
14. that want to participate. We did not have any opposition
15. from any cycler group, manufacturers or anything. All we
16. had were people that are in the cycles now that are willing
17. to pay for this program themselves, whereby it will create a
18. greater...or safety measure upon our State highways and I
19. would ask for a record vote.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. The question is, shall Senate Bill 732 pass. Those in
22. favor vote Aye. Those opposed vote Nay. The voting is open.
23. Have all voted who wish? Have all voted who wish? Have all
24. voted who wish? Take the record. On that question, the Ayes
25. are 22, the Nays are 27, 2 Voting Present. Sponsor asks
26. that further consideration of Senate Bill 732 be postponed. It
27. will be placed on the Order of Postponed Consideration. 733,
28. Senator Dawson. Read the bill, Mr. Secretary, please.

29. SECRETARY:

30. Senate Bill 733.

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Dawson.

2. SENATOR DAWSON:

3. Mr. President and Ladies and Gentlemen of the Senate,
4. Senate Bill 733 requires as stated, "that a written notice
5. of dismissal to a tenured teacher be sent by certified mail
6. with a return receipt requested rather than a registered
7. letter." This savings would account for approximately two
8. dollars and fifty cents for every letter that is sent out
9. by every...school...district. And I ask for a favorable
10. roll call.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Is there discussion? Is there discussion? The question
13. is, shall Senate Bill 733 pass. Those in favor vote Aye.
14. Those opposed vote Nay. The voting is open. Have all voted
15. who wish? Have all voted who wish? Take the record. On
16. that question, the Ayes are 49, the Nays are 1, none Voting
17. Present. Senate Bill 733 having received the required
18. constitutional majority is declared passed. 734, Senator
19. Dawson. Senator Dawson on 734...735. Alright. 738, is
20. anyone handling that in Senator Donnewald's absence? 740,
21. Senator Jeremiah Joyce. 748, Senator Totten. Is Senator
22. Totten on the Floor? Senate Bill 753, Senator Schaffer.
23. Is Senator Schaffer on the Floor? 755, 756, 759, Senator
24. D'Arco. Is Senator D'Arco on the Floor? 761, Senator
25. Demuzio. Read the bill, Mr. Secretary, please.

26. SECRETARY:

27. Senate Bill 761.

28. (Secretary reads title of bill)

29. 3rd reading of the bill.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Demuzio.

32. SENATOR DEMUZIO:

33. Yes...thank you, Mr....President and Ladies and Gentlemen

S.B. 753.
2nd Reading
5-26-81

1. of the Senate. Senate Bill 761 provides that unclaimed
2. intangible personal property held by a business association
3. prior to October the 1st of 1968 shall not apply to this
4. Act. An amendment was placed on this bill that...is in
5. agreement between the Department of Financial Institutions,
6. the...Illinois Retail Merchants Association and as a
7. result the department does not oppose this bill. I don't
8. know of any known opposition to this legislation and would
9. ask for a favorable roll call.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Is there discussion? Senator Bloom.

12. SENATOR BLOOM:

13. Yes, that is correct, the department did show up in
14. committee and voice opposition, however they have since
15. ...withdrawn their opposition and...have agreed to...go
16. along with the...business associations. Thank you.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Further discussion? The question is, shall Senate Bill
19. 761 pass. Those in favor vote Aye. Those opposed vote Nay.
20. The voting is open. Have all voted who wish? Have all voted
21. who wish? Take the record. On that question, the Ayes are
22. 53, the Nays are none, none Voting Present. Senate Bill
23. 761 having received the required constitutional majority
24. is declared passed. Senator Schaffer has returned to the
25. Floor. 753, Senator. Read the bill, Mr. Secretary, please.

26. SECRETARY:

27. Senate Bill 753.

28. (Secretary reads title of bill)

29. 3rd reading of the bill.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Schaffer.

32. SENATOR SCHAFFER:

33. Mr. President and members of the Senate, this is a...

1. Commission on Mental Health bill and I guess I should say,
2. very quickly, it has nothing to do with zoning. It simply
3. allows the Department of Mental Health to license...some
4. living facilities for eight or less...DD...developmentally
5. disabled or...developmentally...disabled individuals. It
6. ...is part of a program we have in the State of trying to
7. create a range of living alternatives for the developmentally
8. disabled...and...it takes them out from underneath the Nursing
9. Home Act, which I think is appropriate. We're not talking
10. about medical facilities, we're talking about small group
11. homes, we're talking about...a whole variety of...living...
12. arrangements for those of our developmentally disabled...
13. people who can, in fact, survive in that kind of environ-
14. ment. With Senator Demuzio's amendment, I believe we have
15. overcome...any of the objections. I would be happy to
16. answer questions. I think it's a sound bill.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Is there discussion? The question is, shall Senate Bill
19. 753 pass. Those in favor vote Aye. Those opposed vote Nay.
20. The voting is open. Have all voted who wish? Have all voted
21. who wish? Take the record. On that question, the Ayes are
22. 51, the Nays are none, none Voting Present. Senate Bill 753
23. having received the required constitutional majority is de-
24. clared passed. 755, Senator. Read the bill, Mr. Secretary,
25. please.

26. SECRETARY:

27. Senate Bill 755.

28. (Secretary reads title of bill)

29. 3rd reading of the bill.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Schaffer.

32. SENATOR SCHAFFER:

33. Mr. President, this bill attempts to address a kind of an

1. interesting Catch-22 situation we have. It's put
2. in by the...I put it in at the request of Judson College,
3. which is on the edge of my district and Senator Friedland's
4. district. Judson College...does not offer an education
5. program to...towards a degree in teaching. They do have
6. cooperative agreements with other schools, but they don't
7. have a teaching...program. As a result, they find that
8. their graduates are discriminated against to the extent that
9. they cannot become teaching aides...teacher aide. And the...
10. the law reads something like this today or the regulations
11. over at IOE that you have to attend a school that offers
12. the courses. You don't have to take a course though, you
13. just have to go to a school. So if you go to one college
14. that has some education courses and you don't take them,
15. you can be a...a teacher's aide, but if you go to one that
16. doesn't have them and you don't take them, you can't be.
17. It's kind of a Catch-22 situation and the IOE...
18. evidently, feels that this is one way to...resolve the
19. problem. My attitude is, if they...if they want to say
20. you have to take education courses, fine. I can live with
21. that, but I think somebody who goes to Judson College and
22. doesn't take courses is just as qualified as someone who
23. goes to a college that offers the courses and then doesn't
24. take them. I think it's a logical...step and happy to
25. answer any questions. Appreciate a favorable roll call.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Is there discussion? Senator Berman.

28. SENATOR BERMAN:

29. Thank you,...Mr. President. I rise in opposition to this
30. bill. It got out of committee with a 5 to 4 vote. Among
31. the persons that have commented on this bill is the...State
32. Certification Board of...State Board of Education indicates
33. that this is a step backward. They certify the schools.

1. They considered it a necessary safeguard to the consumers
2. and to the schools that these programs that are supplied
3. by accredited colleges meet certain requirements. This
4. bill would reverse that situation. I think that we have
5. an oversupply in this area anyway. That the present system
6. is adequate to supply the quality people that we need. I
7. think that expanding the...expanding the...requirements or
8. lessening the requirements is not the way to go. I urge
9. a No vote.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Further discussion? Further discussion? Senator
12. Schaffer may close.

13. SENATOR SCHAFFER:

14. Well, I have a great deal of respect for Senator Berman
15. on this and I...I...I know that whenever you tell a bureau-
16. cracy they ought to be consistent and make sense that you
17. ...you have a chance of...getting them mad at you. I
18. would simply close by saying exactly what I said to begin
19. with. All we're saying is, treat everybody fair. This
20. doesn't affect and I don't think it's a step backwards,
21. simply says, if the IOE wants to require people to take
22. courses, we can live with that. But I don't see why one
23. college...if you go to one college and don't take the
24. courses how you're somehow better qualified than if you go
25. to another college and don't take the courses. It's a Catch-
26. 22 situation, it should be cleared up, there's only
27. about four small colleges involved. It doesn't lessen any
28. standards...and I think it makes...sense. I'll just close
29. with that and ask for a favorable roll call.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. The question is, shall Senate Bill 755 pass. Those in
32. favor vote Aye. Those opposed vote Nay. The voting is open.
33. Have all voted who wish? Have all voted who wish? Take the

SB 756
3rd Reading

1. record. On that question, the Ayes are 33, the Nays are 17,
2. none Voting Present. Senate Bill 755 having received the
3. required constitutional majority is declared passed. Senate
4. Bill...for what purpose does Senator Buzbee arise?

5. SENATOR BUZBEE:

6. Thank you, Mr. President. In earlier discussion on...
7. Senate Bill 725, I...I would like to offer an apology to
8. Senator DeAngelis. He indicated that in committee I had
9. not voted...I was registered as not voting. I indicated
10. that I had voted in opposition to that bill. In fact,
11. what had happened was that I had expressed strong opposition
12. to that bill in a previous committee meeting and the bill
13. was held over and the day the actual vote was taken, I
14. did not vote...because I was not at the committee meeting.
15. I was in Washington, so I apologize to you, Senator
16. DeAngelis.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. 756, Senator Schaffer. Read the bill, Mr. Secretary,
19. please. For what purpose does Senator Newhouse arise?

20. SENATOR NEWHOUSE:

21. Just for the record, Mr....Mr. President, I pressed the
22. wrong button on that last bill. I would have voted Aye on
23. that bill.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Alright. Electronic records shall so show. Senator
26. Schaffer. Read the bill, Mr. Secretary, please. 756.

27. SECRETARY:

28. Senate Bill 756.

29. (Secretary reads title of bill)

30. 3rd reading of the bill.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Schaffer.

33. SENATOR SCHAFFER:

1. This bill is a companion of...753 that we passed earlier.
2. It's a Mental Health Commission bill. And again has nothing
3. to do with zoning, which I...I like to point out and it
4. simply allows...the Department of Public Health to license
5. community living facilities for...twenty or...or less...
6. developmentally disabled individuals. It's another living
7. alternative for DD individuals.. It is not a medical
8. facility and therefore, should not be under the Nursing Home
9. Act. We have one in my area that's, I think, a model for the
10. State that is...in a convent, or what was formerly a convent
11. and it's like a dorm or a...a motel...or apartment complex.
12. And we...with the additional language proposed by Democratic
13. Staff and Senator Demuzio, I think...we have the bill in
14. excellent shape. And answer any questions and appreciate
15. a favorable roll call.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Is there discussion? Is there discussion? The question
18. is, shall Senate Bill 756 pass. Those in favor vote Aye.
19. Those opposed vote Nay. The voting is open. Have all voted
20. who wish? Have all voted who wish? Take the record. On
21. that question, the Ayes are 52, the Nays are none, none
22. Voting Present. Senate Bill 756 having received the required
23. constitutional majority is declared passed. 759, is Senator
24. D'Arco on the Floor? 762, Senator McMillan. Read the bill,
25. Mr. Secretary...for what purpose does Senator Rock arise?

26. SENATOR ROCK:

27. Thank you, Mr. President and Ladies and Gentlemen of the
28. Senate. I've had a number of inquiries about going back to
29. bills and I...that's why I was loath to start that and I
30. would hope we would not do that again. A number of the members
31. are attempting, by telephone and by work in their office to
32. accomplish what we ought to be accomplishing and I readily
33. admit that. However, I think it's...everybody should be

1. aware that Friday is the deadline to get Senate Bills out of
2. the Senate and I would urge the membership to stay close to
3. their seat and close to their button so that we can move
4. as quickly as possible to afford an equal opportunity to
5. all members to have their bills be...adequately be heard.
6. If we start backtracking, we're going to get bogged down
7. and we'll never get finished and I just urge that again.
8. And while we're on the subject, I spoke with Senator Shapiro
9. earlier, it's the...our intention to work until approximately
10. six-thirty. At five-thirty or thereabouts, if we've got
11. a logical break point, we do, in fact, have to deal with
12. Senate Bill 870. So, I would ask those who had some
13. objection to reassess their position. The House is...is
14. calling for that bill. We have all received a letter...or
15. most of us have received a letter from the Treasurer and
16. we have been in contact with the Governor. The State's
17. Triple A Bond Rating is, in fact, in jeopardy,...unless
18. Senate Bill 870, as amended, gets over to the House, out
19. of the House and onto the Governor's Desk prior to Fri-
20. day. And it's something about which we simply cannot
21. fool around. Additionally, I agreed...last week...to afford
22. those members who had motions to discharge the opportunity
23. to be heard so that the bills could be amended, if necessary
24. and moved, if necessary and so we will take up that order
25. of business right after 870 at five-thirty or twenty-five
26. to six and we conclude that business, then we can adjourn
27. until nine o'clock tomorrow morning.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. For what purpose does Senator Totten arise?

30. SENATOR TOTTEN:

31. Thank you, Mr. President. Inquiry of the Chair or the
32. President. I know the desire to do something with 870.
33. I've been sitting here all day...at my desk and I happened

1. to be on the phone when regards to 870...when we quickly
2. went by 748. I know, and some members maybe not want to
3. call their bill, I did care to call that bill, but I...
4. was in the phone booth for a few minutes on that other piece
5. of legislation and I would like leave if we could go back
6. to 748 so we could hear it.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Rock.

9. SENATOR ROCK:

10. Well, I was off the Floor when 738 was passed by and...
11. and we can just keep going back and back and back. We'll
12. get back around to it I suggest. I suggest we move for-
13. ward.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. The Chair was in error when he went back to 753,
16. 55 and 56 for Senator Schaffer and that will not occur
17. again today. We will continue. If you're off the Floor,
18. we will not be going back. 762, Senator McMillan. Read
19. the bill, Mr. Secretary, please.

20. SECRETARY:

21. Senate Bill 762.

22. (Secretary reads title of bill)

23. 3rd reading of the bill.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator McMillan.

26. SENATOR MCMILLAN:

27. Mr. President and members of the Senate, Senate Bill 762
28. is relatively simple, but it does have a considerable amount
29. of impact. I know there are a lot of local officials that do
30. have...some concern about it. But what it does is to take
31. both the minimums and the maximums which are set down by
32. law by the State as it applies to elected county officials,
33. sheriff, State's attorney, coroner, city...or county clerk,

1. and it also applies to the office of circuit clerk. The
2. main purpose in my introducing this bill is as follows,
3. I firmly believe that local people, local county boards,
4. others who are interested are fully capable of setting salaries
5. for county officials commensurate with the responsibilities,
6. with the ability of the official and with the local situation.
7. We are at a time when the people in the counties are very well
8. aware of the decisions made by the county boards. And I
9. believe that we have more important things to do in this
10. Body than to consider every once in awhile bills that are
11. brought to us to increase the maximums that are necessary
12. because of inflation that has occurred or increase the
13. minimums when many local officials haven't been able to
14. lobby effectively for that with the county boards. It
15. simply says, we are not going to be in the position of
16. setting either the minimums or the maximums for county
17. elected officials and I would seek a favorable roll call.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Is there discussion? Senator Buzbee.

20. SENATOR BUZBEE:

21. Parliamentary inquiry of the Chair on this bill, Mr.
22. President. Given the fact that we now have a...a State
23. Mandates Act, if we should reject this particular bill,
24. it would be an expression of legislative intent, it seems
25. to me. Therefore, would we be required to pick up the
26. salaries of all local government officials that are named
27. in this particular bill under the State Mandates Law?

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Alright. We'll...we'll take your question under advise-
30. ment and prior to the...to the vote we'll give you an
31. answer. Further discussion? Senator Sommer.

32. SENATOR SOMMER:

33. Senator McMillan, back when I was an Assistant Attorney

1. General some years ago, we had the situation on numerous
2. occasions in which someone would be elected to a county
3. office who would displease the county board. They would
4. move, then, to strike that person's salary before they
5. took office down to...to...to a small amount. That elected
6. official would then appeal to us and we would say yes, but
7. there's a minimum and your board cannot go below that. How
8. do you prevent against a situation in which the county
9. board in that interim period for about a month after the
10. elections...would decide to punish one of these people,
11. reduce their salary to almost nothing and, thereby, get
12. a resignation?

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator McMillan.

15. SENATOR MCMILLAN:

16. My response to the question is, there is absolutely no
17. way in which we can prevent a lot of things which might
18. happen in county government or other local units of govern-
19. ment. It's...in fact, all we can do to prevent irresponsible
20. and irrational and...and illegal things from happening in
21. the State where we do have the ultimate authority. Your
22. point is well-taken. There is every potential for a county
23. board if they so choose to use their power arbitrarily and
24. perhaps viciously and to cause a county elected official to
25. suffer. But that's one of the actions that taken, if reported
26. adequately by the press and if there's enough interest on the
27. part of the people, I...I believe, would be taken care of in...in
28. the next election. Your point is well-taken, but, frankly,
29. I think we've gotten to the point where we have better
30. things to do than to be the chief judge and arbitrator in
31. this kind of a matter.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Further discussion? Senator Mahar.

1. SENATOR MAHAR:

2. Thank you, Mr. President and members of the Senate. Will
3. the sponsor yield for a question?

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Indicates he will yield. Senator Mahar.

6. SENATOR MAHAR:

7. Maybe the digest is wrong, but...your...your thrust is
8. to remove minimum and maximum salary provisions. Yet, there is
9. an amendment which says that the...compensation for the
10. clerk of the circuit court in counties over one million shall
11. not be more than fifty-five thousand.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator McMillan.

14. SENATOR MCMILLAN:

15. Yes, I apologize, I did not state when the bill that
16. was explained...that this does not apply for any of the
17. county officials in Cook County. It applies to the others
18. and I apologize for not making that statement.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Further discussion? Further discussion? Senator Nimrod.

21. SENATOR NIMROD:

22. Yeah. Thank you, Mr. President. A question...of the
23. sponsor, please.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Indicates he will yield. Senator Nimrod.

26. SENATOR NIMROD:

27. Senator McMillan, the,...you know, we've...the reason I
28. think some of us got involved in even supporting some of
29. these positions in minimums and maximums is because we kept
30. hearing from the individuals who were elected that, in fact,
31. these counties were not providing a...a...a compensation that
32. was at least fair or equitable and that...would the Legislature
33. please be involved and set some minimums based on this

1. population and so forth. Well, now we're going to remove
2. them,...you know, we're going to get that onslaught back
3. at us from all over the counties saying that we ought to
4. reinstate these for these reasons. What's made that
5. need change...from then till now?

6.

END OF REEL

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1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator McMillan.

3. SENATOR MCMILLAN:

4. I think my response would be, that in terms of determining
5. exactly what is equitable, I think the people of each of the
6. individual counties involved are in a much better position to
7. decide that than...than we are. I'm not sure anything has changed
8. to answer your question, but I happen to be of the belief that
9. if you're looking for what's equitable and so forth, that probably
10. local people can decide that better than we can.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Nimrod.

13. SENATOR NIMROD:

14. Thank you. My only concern then is this, if we take this
15. step and we remove it, and we find that it was the wrong thing
16. to do, we're not only going to put back in, again, an intervention,
17. but we're going to come under the Mandates Act, and going to have
18. to pay for it. Where now we're not subject to it, and it seems
19. to me, that, you know, we're getting into a...an area that could
20. cause us some very serious problems here.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Further discussion? Senator McMillan.

23. SENATOR MCMILLAN:

24. I would merely respond that that probably would be the best possible
25. thing to happen, which would prevent us from doing things like
26. that a little more often.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Jerome Joyce.

29. SENATOR JEROME JOYCE:

30. Thank you, Mr. President. I rise in support of this legis-
31. lation, probably for a different reason than the sponsor intends.
32. I think that some of these county boards will, in fact, lower the
33. salary of the people, and they'll lower it substantially. And I

1. think, maybe, perhaps that's the only way that you can wake up
2. people, in some of these counties to the fifteenth century county
3. board members that they have. I think that if the general public
4. knew what happened at county board meetings, they'd really be
5. shocked. So, I think this way, they might...this might just do
6. it. The people that they lower their salary enough too, are going
7. to go out and...and maybe replace some of these county board
8. members.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Further discussion? Further discussion? Senator Buzbee, as
11. to your inquiry, as to whether the State Mandates Act applies, the
12. State mandate is...is defined in the Statute as meaning any State
13. initiated statutory or Executive action that requires a local
14. government to establish, expand, or modify its activity in such
15. a way as...necessitated additional expenditures from local revenues.
16. Since this does not require the additional expenditure of any
17. revenues, it does not...is not within the State Mandates Act.
18. Senator McMillan may close.

19. SENATOR MCMILLAN:

20. Mr. President, and members of the Senate. I have as much
21. affection for elected county officials as anybody in the room,
22. I think they do an excellent job, I think they do so sometimes
23. under conditions that are not all that desirable, in many cases
24. they are forced to carry out decisions which we make, which
25. they might feel are not best for that county, but they do so.
26. Most of them are close enough to the people that they are ex-
27. tremely accountable, they can't even scratch without one of their
28. constituents, one of the people who voted for them or against them
29. knowing what they're doing. I have great...affection for them, and
30. believe they do a good job. I simply believe that given the kinds
31. of things we have to make decisions over, given the fact that
32. there is no way we can sit down specifics which apply to every
33. county, there's always a county that's on the upper or lower margin
of our...our categories, that it doesn't really fit. And I believe

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1. in the long run we are frankly better off getting out of the
2. business of determining minimums and maximums of salaries for
3. elected county officials, and leave it to the people in the
4. counties who are elected to have the wisdom and the authority
5. to make that kind of a decision. Thank you.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. The question is, shall Senate Bill 762 pass. Those in favor
8. vote Aye. Those opposed vote Nay. The voting is open. Have all
9. voted who wish? Have all voted who wish? Have all voted who wish?
10. Take the record. On that question, the Ayes are 24, the Nays are
11. 20, 1 Voting Present. Senate Bill 762, having failed to receive
12. a constitutional majority is declared lost. Senate Bill 764,
13. Senator Demuzio. Read the bill, Mr. Secretary, please.

14. ACTING SECRETARY: (MR. FERNANDES)

15. Senate Bill 764.

16. (Secretary reads title of bill)

17. 3rd reading of the bill.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Demuzio.

20. SENATOR DEMUZIO:

21. Well, thank you, Mr. President, and Ladies and Gentlemen of
22. the Senate. Senate Bill 764 addresses itself to a very serious
23. problem with the assessment of farmland in Illinois, that if,
24. in fact, we do nothing that farm land assessments this...this
25. year will rise by one-third or roughly thirty-three and a third
26. percent. The Illinois...the Senate Bill 764 is a product of the
27. Illinois Farm Land Assessment Study Committee that was created by the
28. 81st General Assembly which many members, as you well know, on
29. your Calendar are co-sponsors of this legislation. Last year
30. we placed an eight percent cap or a ceiling on the aggregate
31. assessments of...for farm land in Illinois, and simply stated that
32. that is a...a very stopgap measure, and one that simply does not
33. address itself to the long term assessment problems of farmland
in this State. We were fortunate in the Assessment Committee to

1. have the expertise of several individuals from the University
2. of Illinois, Doctor David Chicoine and Doctor Scott who parti-
3. cipated in developing two proposals that had been put forth, one
4. by the Illinois Farm Bureau, and the other by the Illinois Farm
5. Alliance. And we have, as a matter of fact, reconciled a com-
6. promise between the two sides, and as a result have come up with
7. a...a formula which is agreeable to everyone involved, and frankly,
8. I know of no known opposition to the legislation. I will now
9. yield to Senator McMillan who is a co-sponsor to briefly discuss
10. an amendment that was added to 764 at this time.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Further discussion? Senator McMillan.

13. SENATOR MCMILLAN:

14. Mr. President, and members of the Senate. The amendment is
15. actually the details of the bill. I won't get into great detail
16. on it, except to make comments that the amendment was designed to
17. provide, in bill form, exactly the proposal that was made by the
18. Farm Land Assessment Study Committee. It improves on the legis-
19. lation, now in force, it sticks with the strengths of that current
20. law, which relate to productivity but it does come up with income
21. factors that are...are much more comprehensible and much more
22. defensible and can be discussed. It does make this particular
23. assessment, now use the thirty-three and a third percent figure,
24. which means that we don't have to totally change this legislation if
25. we ever make changes such as one that has already gone out of this
26. Body which would lower the assessment level to thirty percent.
27. If there are other questions, I'll be glad to respond or Senator
28. Demuzio would, but I believe this bill now reflects the recommendations
29. made by a committee that discussed all of its aspects in great
30. detail, and I would seek its adoption.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Further discussion? Senator Rock.

33. SENATOR ROCK:

1. Thank you, Mr. President, and Ladies and Gentlemen of the
2. Senate. Senate Bill 764 is, I know, a matter of some concern to
3. the farm community of this State, and I suppose those of us who
4. don't have any farms in our district would well be justified in
5. taking the same attitude as some of those who do have farms, take
6. with respect to public transportation. Why in the world should
7. we be helping you out of your difficulty? However, I think, that
8. we, at least, on this side, are a little bigger and better than
9. that, and I would urge an Aye vote.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Further discussion? Senator DeAngelis.

12. SENATOR DeANGELIS:

13. Thank you, Mr. President, and members of the Senate. I have
14. a couple of questions, of either one.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator DeAngelis.

17. SENATOR DeANGELIS:

18. Senator Demuzio, throughout the bill, you refer to it as
19. equalized assessed value, yet you do not permit using an equalization
20. factor for the assessed value. Would it not be more appropriate
21. to continue to refer to it as assessed valuation rather than
22. equalized assessed valuation?

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Demuzio.

25. SENATOR DEMUZIO:

26. Yes, I will defer to Senator McMillan.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator McMillan.

29. SENATOR MCMILLAN:

30. Would merely respond to the question, that after lengthy de-
31. liberations by the committee where we considered this alternative
32. and many others, given the procedures which are set down in great
33. detail, and the processes that are prescribed for arriving at the

1. assessed valuation, the discretion that exists in the assessment
2. of farm land is considerably less related to a lot of the dis-
3. cretion which occurs in the counties with regard to residential
4. property and with others. And it was the decision not to attempt
5. to do that because the end result would tend to get it too far
6. afield from what we were attempting. I understand the question,
7. we discussed it in detail, and the...the basic response was that
8. each time we looked at it, we found that it did not appear that
9. it would work.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator DeAngelis.

12. SENATOR DeANGELIS:

13. Well, my point isn't that great, I...I don't think he answered
14. my question. I want to know why they called it equalized assessed
15. valuation when in reality you don't allow any equalization? It
16. should really be referred to as assessed valuation. But my
17. second question, is in regard to wasteland. In there it says,
18. it shall be valued at its contributory value to the parcel, what
19. does that mean?

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator McMillan.

22. SENATOR MCMILLAN:

23. I'm sorry, I thought he was asking the question of Senator
24. Demuzio. What was your question, Aldo?

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator DeAngelis, would you repeat your question, please.

27. SENATOR DeANGELIS:

28. Yes, it's referred to in the bill that wasteland shall be
29. assessed at its contributory value to the parcel, and I was just
30. wondering what that would mean.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator McMillan.

33. SENATOR MCMILLAN:

1. What it means is, that decision will be left up to
2. local assessing officials. There is some land that may be...
3. categorized by Federal census classifications as wasteland, which
4. may, in fact, have some value to that particular type of...of
5. farming operation. And it was stated in that way to make it clear
6. that that was a local determination.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Further discussion? Senator Sangmeister.

9. SENATOR SANGMEISTER:

10. Yes, Mr. President, I'd just like to respond to President
11. Rock, by telling him, that the farmers in Will County will not stop the
12. food from going to Chicago the way the Mayor has stopped the
13. transportation in Will County.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Further discussion? Further discussion? Senator Demuzio
16. may close.

17. SENATOR DEMUZIO:

18. Well, I'm almost afraid to. Thank you, Mr. President and
19. Ladies and Gentlemen of the Senate. Just to point out that farm
20. land inflation is three hundred and seventy-six percent increase
21. in the last twelve years, and the largest aggregate dollar increase
22. has been in the last five years. This committee has put in a great
23. deal of time and effort to resolve the long term assessment problem
24. in the State of Illinois, and I would ask for your favorable con-
25. sideration today on Senate Bill 764.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Discussion? Further discussion? The question is, shall
28. Senate Bill 764 pass. Those in favor vote Aye. Those opposed
29. vote Nay. The voting is open. Have all voted who wish? Have
30. all voted who wish? Take the record. On that question, the
31. Ayes are 56, the Nays are none, none Voting Present. Senate Bill
32. 764, having received the required constitutional majority is declared
33. passed. 765, Senator Davidson. Read the bill, Mr. Secretary, please.

1. ACTING SECRETARY: (MR. FERNANDES)

2. Senate Bill 765.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Davidson.

7. SENATOR DAVIDSON:

8. Mr. President, and members of the Senate. The bill does
9. exactly what it says on the Calendar. This came out from Senate
10. Bill 238 which we passed three years ago in relation to minimum
11. competency testing and a report thereto. This bill is a
12. outgrowth of the State Board of Education and the School
13. Problems Commission on public hearings to put together that each
14. and every child will have an opportunity to be...quality education.
15. It will prevent any person from being denied their diploma based on
16. one single test, it's a compromise. I'd be glad to ask...any
17. questions, otherwise appreciate a favorable roll call.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Is there discussion? Senator Bloom.

20. SENATOR BLOOM:

21. Will the sponsor yield?

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Indicates he will yield. Senator Bloom.

24. SENATOR BLOOM:

25. Senator Davidson, I have the only school district in the State
26. that has actually worked on this, and...since '74, and implemented
27. it. Could you explain for the Body the difference between this
28. bill and the House Bill that just came over?

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Davidson.

31. SENATOR DAVIDSON:

32. I have not seen the House Bill, so I cannot respond in relation
33. to the HouseBill.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Bloom.

3. SENATOR BLOOM:

4. All right. For the...this bill basically puts the Illinois
5. Office of Education in...in charge of...of these kinds of programs.
6. In other words, the effective date has been moved up by a year,
7. and then it says that the Illinois Office of Education must devel-
8. op what they call suggested guidelines. But then you get further
9. into the bill, and it says in '84 that IOE can require submission of
10. reports for their approval. And they end up interpreting the
11. Act, and so instead of encouraging...encouraging some innovation
12. in the local school districts, it really sets about, and sets in
13. place an entire bureaucratic structure, only it does it in steps.
14. Now, I agree with those who say, minimal competency testing should
15. not be the sole criteria on which one bases promotions or diplomas.
16. The House...the House legislation does not set up this bureaucratic
17. structure, but...instead says, fine, you may be as innovative
18. as you want within the School Code, but you cannot use this as
19. the sole criteria, and if a special education student meets his or
20. her's i.e., individual education plan within the perimeters that
21. they should then get their diploma, that seems a far more reason-
22. able and less burdensome way to approach the subject matter. And
23. at the proper time, I would ask the Chair for a ruling as to the
24. applicability of the State Mandates Act on this particular piece
25. of legislation.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Davidson, did you have...Senator Davidson.

28. SENATOR DAVIDSON:

29. Well, I'm not sure of all the questions he asked, but...oh, well
30. then I'll...he made a statement, so then I'll close when it's my
31. time.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Further discussion? Senator Berman.

1. SENATOR BERMAN:

2. Thank you, Mr. President. I rise in support of this bill.
3. I disagree with the interpretation of this bill as voiced by
4. Senator Bloom. I don't think this sets up a bureaucracy in
5. the State Board of Education. The bill rather specifically sets
6. forth the guidelines, not to impose certain restrictions on the
7. board but to provide certain safeguards to the students. And
8. I think there's a substantial difference. This bill is not, is
9. not a blank check for the State Board to...to ride roughshod over
10. local school districts. There are specific requirements set forth
11. in the bill whereby legislative determination is made, and those
12. are rather broad, still allowing innovation, still allowing de-
13. termination by the local boards as to what they want to do. But
14. there are certain safeguards, particularly in the area of special
15. education, that are built in here, and that has been the area of
16. greatest dispute involving certain actions by the Peoria School
17. Board, where, in the view of many people, they rode rough-
18. shod over the rights of handicapped. Now, this bill merely gives
19. certain safeguards to those children, but I believe in my inter-
20. pretation of this bill, that it is only general guidelines, leg-
21. islatively promulgated, not a blank check to the State Board. I
22. think that almost every school district in the State can operate
23. quite well within the framework of this bill, and yet certain
24. rights of school children are protected, specifically, in this
25. bill. I urge an Aye vote.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Discussion? Senator Sommer.

28. SENATOR SOMMER:

29. Senator Davidson, do you...do you anticipate that...that
30. as this process goes on, that one will have a...a sort of State-
31. wide suggested minimal competency exam that will be applicable
32. in all districts after they've approved...they've disapproved
33. all these submissions from the local districts, maybe they'll

1. come up with a suggested one, and then we'll have, of course, no
2. greater bureaucracy, Senator Berman. I remember the bill that
3. we were going to teach children about the contribution of labor
4. unions, just mention it, what did they do, they hired three new
5. employees, and spent a hundred thousand bucks just to do that.
6. Now, of course, they're going to create a bureaucracy, but the
7. question I want to know, do you think this could tend to lead to
8. a State-wide minimal...competency exam, and if that's the case,
9. do you think that's a good policy or bad, should these be done
10. on the local level, or on a State-wide basis?

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Davidson.

13. SENATOR DAVIDSON:

14. Well, Senator Sommer, we worked very hard at constructing
15. this so the local school board would be required to do their own
16. set of local standards, so that the State Board could not make
17. a minimum wide testing test throughout the State. That's what
18. it's all about, was so that it would stay in the hands of the
19. local board, and my answer to your question is, no, it won't
20. create a State-wide minimum testing rule or exam by the State
21. Board, that's why we constructed this bill that way, so it would
22. stay in the hands of the local government...local board.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Further discussion? Senator Johns. Senator Collins.

25. SENATOR COLLINS:

26. I think he answered my question, but I wanted to know, did
27. this include all children rather than just the handicapped and...
28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Davidson.

30. SENATOR DAVIDSON:

31. It applies to all students, but the most important thing,
32. this...if this becomes law, it will prevent, will prevent from
33. what happened in Senator Bloom's home district, of a school district

1. chose to put in the senior year, a minimum competency test which
2. must be passed by all individuals, handicapped students or otherwise
3. to get a diploma, and they denied a diploma to a number of handi-
4. capped individuals, and that's really what started this furor.
5. And this...this applies to everyone, that the local board will,
6. the local board will set standards using multiple criteria, and
7. no one, no one can be...deprived of a diploma or promotion based
8. on one single test other than those which is in the Statute, as you
9. well, know, students in Illinois must pass the Illinois and U.S.
10. Constitution Test.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Collins. Further discussion? Senator Nimrod.

13. SENATOR NIMROD: :

14. Yes, thank you...thank you, Mr. President, and Ladies and
15. Gentlemen of the Senate. This bill has been a long time in coming.
16. I remember when they first put in a bill here, they said we'll wait
17. and take a little time, and hold hearings. So, we held hearings
18. around the State, after we held hearings we passed a bill that
19. said let's wait eighteen months and see if the local school boards
20. will, in fact, install their local testing program. After those
21. eighteen months passed we had a report that came here and there
22. weren't ten percent of the schools that had made much progress in
23. the area. Now, this bill calls for...enforce local school boards
24. to come up with some answers by 1983. If you add this all together
25. we've been at this for about seven years. I...I reluctantly
26. have agreed to the compromise, only that I think it makes some
27. progress, and hopefully that by 1983 we will have..at least, have
28. in effect, a program that's been set down with the State involved,
29. that the local boards have had a chance to show the progress along
30. the way..and have incurred some states. I would like to, however,
31. in reference to Senator Bloom's comments, one thing, I would like
32. to say is that, my experience with this, is I think we ought to
33. commend the schools in Peoria and the City of Chicago for having

1. installed programs that have, in fact, produced results and have
2. worked. And I think that they really have done it from the local
3. level, and they've taken a real effect on it, and hopefully they
4. can maintain what they have, and maybe make a little...make
5. an additional requirement, so that they can keep their control
6. and not just strictly say that...that if they're going to just
7. use one test, maybe they can add a test or two that the school
8. ...hopefully that the State Board would accept as...as a criteria
9. and still give them the local control. So, I guess this is a
10. compromise, and it's taken this long to get here, the important
11. thing is that our...that our students ought to learn how to read
12. and write, and learn how to compute, and hopefully this might get
13. us at that area since it does require interim testing periods
14. along the way, that they have to report on. And to that extent,
15. I think it's good, and I would then go ahead and support this
16. program, and see if we can't get some results.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Further discussion? Senator Bloom.

19. SENATOR BLOOM:

20. I apologize for rising a second time. I think that what
21. is missing from this debate, at least, has been touched on
22. by...inferentially, and that is, there has been nothing to prevent
23. any other school districts, except for Chicago and Peoria, right
24. now, from going ahead and developing a program. And I am re-
25. luctant to rise a second time and speak in opposition to this,
26. because in some quarters it may be interpreted as being, "against
27. special education," but that is not the case. In debate, the
28. point was made that this will not, will not further involve the
29. Illinois Office of Education, in the decision making of the local
30. districts. Well, that simply is not true, if you look at the
31. bill, on page 1, read the paragraph starting from line 23 to
32. 29. "Beginning in July 1984, the State Board of Education shall
33. require each local board to submit biennial reports to the
State Board for review," concerning whatever competency testing

1. program they have. "Those districts found not to be in compliance
2. with the provisions of this Act, relative to the scope and content
3. of local policy," et cetera, "shall be required to modify the
4. policy or implementation practices." Well, I can only tell you
5. that past experience from local...that local districts have
6. had around the State involving the Illinois Office of Education,
7. the State Board of Education, has been, they have not been support
8. services. They have been cops, and they always will be cops, and
9. if a local school district doesn't satisfy the bureaucracy down
10. here and what they are about, they will have a great deal of
11. their local taxpayers' dollars tied up, a great deal of the ad-
12. ministrative staff's time tied up dealing with people from IOE
13. who will parachute into your districts and say, I'm sorry, you
14. haven't jumped through the proper hoops, we have these hoops, we
15. interpret it, we are education professionals and you are local
16. stiffs. Believe me, a far, far better way to go is just to put
17. the prohibition on, insofar as minimal competency would discriminate
18. against special education students. I urge a No vote. Thank you.
19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Further discussion? Senator Schaffer.

21. SENATOR SCHAFFER:

22. Well, just briefly, I wonder how this Act affects the State
23. Mandates Act. I happen to believe in minimal competency testing
24. but I also don't want to mandate anything anymore. I think I'm
25. caught 'twixt and between, but are we going to end up picking up the
26. tab, we, meaning the State for all of this expense? And I can
27. imagine what some of my school districts would need to implement
28. this, I can just imagine how many people they'd need.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Davidson.

31. SENATOR DAVIDSON:

32. Well, talking about State, we asked... the information given back
33. to me on State Mandates Act says school districts all have testing

1. programs, and many already have programs that fulfill the terms
2. of this bill. For those that do not, this bill establishes guide-
3. lines for future revisions of the district testing program. If I
4. may close, Mr. President.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Well, Senator Bloom had a question. Senator Bloom.

7. SENATOR BLOOM:

8. Well, I...I asked in my first remarks for a ruling as to
9. the applicability.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Yes. It is the ruling of the Chair, that the State Mandates
12. Act, under Section 3 of the Act does imply in that State mandate
13. meets any State initiated statutory Executive action requires
14. a local government to establish, expand or modify its activity
15. in such a way as to necessitate additional expenditure from local revenues.
16. The paragraph also goes on to say, the State mandates may be
17. reimbursable or non-reimbursable as provided in this Act, under
18. Section 6 of this Act, it does not provide for any reimbursement
19. to any unit of local government. Senator Davidson may close.
20. For what purpose does Senator Collins arise?

21. SENATOR COLLINS:

22. Yes, before he closes, I'm sorry for rising the second time,
23. but I want to ask one question, and I apologize for not reading
24. the bill entirely. I do recall this bill coming before our committee,
25. and I was assigned to a committee with Senator Nimrod at the time.
26. But I'm concerned about the interim ~~periods~~ and what happens. For
27. example, if the State...if we require that they have the testing,
28. what happens in a school district where over fifty percent of those
29. students fail to meet the minimum...pass the minimum standards of
30. the test? Are there any sanctions or penalties, what...you know,
31. what's the whole purpose unless there's going to be some kind of
32. penalties or some kind of sanctions? Or does this bill address
33. that at all?

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Davidson.

3. SENATOR DAVIDSON:

4. Well, the bill if it passes and becomes law becomes effective
5. January 1, 1982. The part that Senator Bloom referred to was
6. January '84...I mean July of '84, was to give local school
7. districts the opportunity to make their plans and send those in
8. to the State Board of Education. The effective date of the Act
9. is January 1, 1982. So, prior to that becoming law, whatever's
10. under the present law dealing with testing competency or otherwise
11. would be in force until this would become law.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Collins.

14. SENATOR COLLINS:

15. You're not responding to my question. Assuming that this
16. bill, and I heard in debate, gives each local school district the
17. discretion of developing their own testing instruments with...
18. within the scope of...of this particular Act...State Act. Now,
19. assuming that it pass,..District 1 in...Chicago, submits a plan, and
20. a testing plan, yet, over fifty percent of the students in those
21. ...in that school system can't read and can't write at the twelfth
22. grade, what happens? Where are the sanctions and what's the purpose?

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Davidson.

25. SENATOR DAVIDSON:

26. I yield to Senator Berman.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Berman.

29. SENATOR BERMAN:

30. All right, what the bill provides for, is that the school
31. district, itself, will establish appropriate standards for level
32. of student achievement, including minimal levels in reading,
33. mathematics, and such other subjects as the board may choose.

1. Now, the Chicago Board has already done that. Furthermore, there's a
2. safeguard as to when the testing must be done, twice at the elemen-
3. tary level and once at the secondary level. Then the important
4. paragraph, I think that you're referring to, is that documents
5. that the results of the periodic student assessments are used in
6. the modification of the educational program of students not suc-
7. cessful in meeting the minimal levels of achievement. So, that
8. what...what the purpose of this bill is...is stating, is that
9. we're allowing the school boards to set their...set levels that
10. they think are necessary for minimal competency, and in addition,
11. for those students that can't reach those minimal levels, they
12. must show what steps they're taking to raise those students to
13. minimal levels. I hope that's...that answers your question.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Further discussion? Further discussion? Senator Davidson...
16. Senator Berning.

17. SENATOR BERNING:

18. Well, somewhat pursuing the question of Senator Collins, I
19. don't see any penalty either, in other words there's very little
20. if anything that requires any change by a district except that
21. this very paragraph referred to by Senator Berman, would seem to
22. allow modification of the program so as to apparently assure that
23. anybody could graduate with any kind of a minimal level of achieve-
24. ment. I wonder if the bill is doing what has been indicated it
25. is trying to do? This, page 2, starting with line 29, seems to
26. me to totally obviate any benefits.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Channel 3 News requests permission to film the proceedings.
29. Is there leave? Leave is granted. Senator Berning, was that to
30. anyone in particular? Senator Davidson.

31. SENATOR DAVIDSON:

32. Well, Senator Berning, it's up to the local districts to set
33. the standards. That's what it's all about. And if they don't do
it, then it comes back to the State Board for review. The only

1. penalty would be then, would kick in...in relation to funding, the
2. one thing that people react to, is funding.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Berning.

5. SENATOR BERNING:

6. Where is that spelled out?

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Davidson.

9. SENATOR DAVIDSON:

10. It's not spelled out, it...it's assumed that each local school
11. board wishes to do its own standard of competency. We struck the
12. word minimum out of it, competency. So, that the individual student
13. can come out and be an employable, useful individual. If the
14. documents show that they have not done that, then beginning in
15. July of '84 they have to file their plan with the State Board and
16. if it's not found in compliance then in concert, and only if the
17. local policy asks for help, the State Board will consult and assist
18. them in modifying their policy or implementation. And further to
19. that, an earlier question asked, the thing they forgot to read is
20. the first paragraph, that says, the State Board with the assistance
21. of representatives of local districts, administrators, teachers,
22. students, parents, and the public, shall develop suggested guide-
23. lines for, and provide technical assistance on the request. It's
24. got to be asked for to the local boards of education.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Berning.

27. SENATOR BERNING:

28. Well, thank you, Mr. President, and members of the Senate.
29. I wholeheartedly support the concept of minimal competency, and
30. I had hoped that with what we did before, and with what was coming
31. here we were embarking on a level of achievement possibility by
32. our students which would make them literate, but with the exceptions
33. that are apparently provided here, it seems to me that we are like

1. a dog chasing its tail, we're not getting anywhere. If a competency
2. bill is to be meaningful, it ought to set out minimum standards
3. of, at least, those basic skills that every student needs, and then
4. leave the implementation, yes, up to the local school districts.
5. But it seems to me, here, we are saying, yes, you should do
6. this, you should provide minimum competency, but if you can't
7. then you may modify your program so that everybody gets a...a
8. certificate of graduation, and I submit that that's what's going
9. on right now, everybody graduates, but nobody can read.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Further discussion? Senator Marovitz...Senator Davidson, I
12. don't believe that was a question. All right, let's...let's
13. just...Senator Marovitz.

14. SENATOR MAROVITZ:

15. I just want to get a couple of things clear, because we're
16. hearing things on both sides of the issue. This mandates, if
17. that's correct, the setting up of some competency testing by
18. local school boards, is that correct?

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Davidson.

21. SENATOR MAROVITZ:

22. Okay, and if...if...I...I see the head shake, okay? And if
23. that does not occur then steps would have to be taken by the State
24. Board of Education regarding financial or appropriation penalties
25. to the local school board, is that correct?

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Davidson.

28. SENATOR DAVIDSON:

29. That...that's not spelled out. That was an assumption on my
30. part knowing how the State Board has reacted in other cases, that's
31. the only clout they have.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Marovitz.

1. SENATOR MAROVITZ:

2. Now, we're not telling them what...what sort of competency
3. program they have to implement, but just some form of competency.
4. And your idea is that if the student reaches the eighth grade level
5. ...the twelfth grade level, and has not passed the competency
6. test, they would be held back and not passed on to the next level,
7. is that correct?

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Davidson.

10. SENATOR DAVIDSON:

11. Well, it says the school board shall adopt and provide for the
12. implementation of a competency testing policy. The word minimum
13. is not that part. The second part of that, they will establish
14. appropriate standards for level of student achievement, including
15. minimal levels in reading, mathematics, and such other subjects
16. as the board may choose.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Marovitz.

19. SENATOR MAROVITZ:

20. Now, if...if, indeed, and...and I want to know if this is
21. an expression of your opinion, or what really is going to happen.
22. If, indeed, this mandate, this additional mandate is not complied
23. with by the local boards, what then realistic recourse is there,
24. since we're putting this...this legislative mandate on the books.
25. Are we really going to say, that the...that the children of the
26. various school districts are going to suffer by lower...

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Davidson. If we can have some order, please.

29. SENATOR DAVIDSON:

30. I can't hear his question over the competition.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Can we clear the aisles, please. We've done very well today, if
33. we can take our conferences off the Floor, if we can clear the
aisles. All right, Senator Davidson.

1. SENATOR DAVIDSON:

2. No, I...I just couldn't hear his question, I'm sorry.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Marovitz, repeat the question.

5. SENATOR MAROVITZ:

6. I'm...I'm just trying to get at, what's going to happen
7. if this additional mandate is not complied with, are the children
8. of the entire district, because of the failure of the school board
9. to come up with a competency plan...testing plan, are they going
10. to suffer in the formula or in their appropriation level via the
11. State Board of Education?

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Davidson.

14. SENATOR MAROVITZ:

15. Is that your intent?

16. SENATOR DAVIDSON:

17. They...all we say, is that the State Board will assist and
18. be consulted with. And if it's not met, then it'll be up to the
19. State Board to...by the rules and regulation to do...in relation
20. to penalty if such penalties are going to be imposed upon that
21. local school board.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Marovitz.

24. SENATOR MAROVITZ:

25. If...if there were, and I want to know if you have these
26. statistics, if there were such competency levels presently in-
27. stituted, and...and if things were as they...as they presently
28. are, and we held back the number of students that...that have not
29. passed the...the required test, and have not established the
30. ...the sufficiency in achievement levels, what would happen to
31. the...to the "overcrowding," in various school districts? Would
32. there be sufficient room, space, for the holding back of the
33. students that, at least, at present levels, at present levels, would

1. not have reached the competency level that...that they should have?

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Davidson.

4. SENATOR DAVIDSON:

5. Well, if this becomes law...it will prevent one test from
6. preventing a child from graduating. As to what has happened in
7. ...in one school district that we are aware of, the child met all
8. the requirements, hours to attend, et cetera, but by a policy in-
9. stalled by the school board, they were denied a diploma because
10. they did not pass a minimum competency test when they were
11. a second semester senior. The numbers it would who...would
12. be held back, I can't answer, I don't think anybody knows because...
13. I don't think anybody can answer that question. The only thing
14. this is going to do is prevent, prevent one test of denying a child
15. who's met all the other standards the opportunity of promotion
16. or getting a diploma. It says it has to have multiple test or
17. criteria.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Further discussion? Senator Marovitz.

20. SENATOR MAROVITZ:

21. Well...well, when you say it has to have multiple test or
22. criteria, what if the school district in complying with the mandate
23. says that, you know, we're going to take all these things into
24. consideration, but in their determination, the heaviest weight
25. is put on this one test that the individual does not pass. Is
26. that within the...the purview of the local board, or the local
27. district, to...can...can they make that kind of a determination,
28. to put the heaviest weight on this test while taking other...other
29. things into consideration?

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Davidson.

32. SENATOR DAVIDSON:

33. I truly can't give you a yes or no answer on it. They
can...they can weigh one test heavier than any others. But one

1. test cannot deny promotion or graduation. If there are going to
2. be a competency testing installed by the school district, they must
3. do it at a logical sequence, twice in the grade school, and once
4. in the high school prior to the second semester junior year so
5. that the child can have an opportunity to prepare himself. If they
6. overly weight one test, I can't tell you, it says, that they want
7. to...they've got to use multiple criteria such as the teacher's
8. grading, the teacher's observation, their daily test, their
9. daily performance, all the other things which is normally used
10. by any school district or school system to promote someone.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Further...all right, Senator Marovitz, I...I really believe
13. you've...we haven't been turning the timer on, but we probably
14. expended your time, with that in mind, one final question. Senator
15. Marovitz.

16. SENATOR MAROVITZ:

17. Last question. I'm trying to get at the intent of
18. this legislation. Is your intent to...to require local school
19. districts and boards to implement competency testing or is it
20. your intent that...that multiple determinations should go into
21. it, not just one standardized test?

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Davidson.

24. SENATOR DAVIDSON:

25. The intent of the legislation is two-fold. One is, that local
26. districts would have some kind of a competency testing so that
27. the graduate would have a minimum standard of level in mathematics,
28. reading, and any other subject the school district would desire.
29. Secondly, is to prevent any student handicapped or normal, who's
30. met the required statutory requirements for a high school diploma,
31. not be denied a diploma based on one single test.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Okay. Senator Sommer.

1. SENATOR SOMMER:

2. Again, briefly, for the second time, and I apologize. The
3. ...the situation in Peoria was such that they would test...they would
4. take the younger students and take them through the tests, and they
5. would practice with them, and show them you're going to have to
6. know how to add and subtract and read and do pretty simple things.
7. Yes, by the time they got to be seniors, they had to pass it, but
8. they could go in there every other day, all you do is re-
9. quest to take it again. You could go in there...you could take it
10. eight times, and some of them did, and eventually more and more of
11. them would pass it. What they're attempting to do here is pass
12. a thing called minimal competency, and you can all go home and
13. you say you voted for it, and what happened is you didn't, because
14. they can't use these test results, they...they cannot gauge the
15. competency on tests, what else are you going to gauge it on, what
16. they look like, how often they show up. If you want minimal com-
17. petency this is not the way.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Further discussion? Senator Berman. Senator Davidson may
20. close.

21. SENATOR DAVIDSON:

22. Mr. President, I think it's been thoroughly aired, we think
23. this is a good bill trying to make school districts assume their
24. responsibility. Two things came out of all these public hearings,
25. one is, that one district had denied people a diploma based on
26. one single test, but the most detrimental charge was we
27. found almost one-third of the school districts who had tested,
28. spent money, testing students, going through, threw the test in a
29. drawer, did nothing to change the curriculum or to improve the
30. child's educational career so he can come out and be useful.
31. The next bill, companion bill to this will address that curriculum
32. part. But what this is all about, is to try to say to the local
33. school board, accept your responsibility to send us a graduate that

1. can be...meet a minimal reading, mathematics, or other subjects
2. they desire, so they can make for a useful citizen. We think
3. after a year and a half of a lot...of not too pleasant hearings,
4. this is something that will achieve this responsibility and the
5. thrust that you gave us when you passed Senate Bill 238 back in
6. '78 without, without mandating a...one single minimum competency
7. testing which doesn't do anything but achieve a level of medi-
8. ocracy, it doesn't promote the good, it makes achievement a
9. mediocracy, which none of us want. I urge a Yes vote.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. The question is, shall Senate Bill 765 pass. Those in favor
12. vote Aye. Those opposed vote Nay. The voting is open. Have all
13. voted who wish? Have all voted who wish? Have all voted who
14. wish? Take the record. On that question, the Ayes are 31, the
15. Nays are 20, 3 Voting Present. Senate Bill 765, having received
16. the required constitutional majority is declared passed. Just
17. for the benefit of the membership, we have now considered by
18. roll call, forty-five bills. When we started our business this
19. morning we had three hundred and ninety-six bills on 3rd reading,
20. not counting those on 2nd reading. 766, Senator Davidson. Read
21. the bill, Mr. Secretary, please.

22. SECRETARY:

23. Senate Bill 766.

24. (Secretary reads title of bill)

25. 3rd reading of the bill.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Davidson.

28. SENATOR DAVIDSON:

29. Mr. President, and members of the Senate. It does exactly
30. what it says on...it says this bill requires periodic evaluation
31. and necessary modification by local school boards of the districts
32. curriculum in terms of its relationship to the students' educational
33. need. All this says is, that if you're testing children, and

1. they're not coming up to a kind of a standard they ought to have,
2. you either need to evaluate your curriculum or change your educational
3. ...individual educational system for that one student as it's
4. required under the Special Education Act, and this is saying that
5. you need to look at the curriculum. Now, I've got to tell you
6. out front, school administrators didn't like that part of it, they
7. didn't want us looking over their shoulder, but we felt this was
8. a necessary item from the one-third response of the districts that
9. had just pitched these tests in a drawer and done nothing. I ask
10. an Aye vote.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Berman.

13. SENATOR BERMAN:

14. Thank you. I rise in support of this bill. This is the part
15. that really is meaningful, because you don't want to just give
16. tests and flunk kids. The job of the school district is to ed-
17. ucate the kids. And that's what this bill seeks to do, that if
18. you're...if you have too many children that can't pass that com-
19. petency level that's necessary to make them productive citizens,
20. that you ought to take a look at your curriculum and make sure
21. that you are...have a curriculum that will teach the children to
22. be productive citizens. I urge an Aye vote.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Is there further discussion? Senator Collins.

25. SENATOR COLLINS:

26. I guess me and the devil advocate, what would happen if a school
27. district realistically looked at their curriculums in terms of
28. how productive the students are when they graduate and in terms
29. of how well they are...they are to function in society as a whole?
30. And say that we find that our entire curriculum is inadequate, what
31. would happen under your bill?

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Davidson.

1. SENATOR DAVIDSON:

2. Then the local school board is going...if the local school
3. board made that determination, then the local school board would
4. have to make the determination to correct...or change curriculum
5. so it is adequate.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Collins.

8. SENATOR COLLINS:

9. Yes, but that sounds very simple, but it may mean additional
10. monies to do that with. What happens then? It may mean that
11. District 1 in order for them to...to...to revise their curriculum
12. would have to have twice as much money as the same number of
13. students in District 2, would that, in fact, happen?

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Davidson.

16. SENATOR DAVIDSON:

17. It's a question I can't answer. The only thing I can say,
18. if the local school district made that determination and it's
19. going to cost twice as much money, then they also have the respon-
20. sibility through their local tax effort and/or relation to what
21. they can lobby you and I to do on the Common School Fund on funding
22. through the State to raise the necessary finance to address their
23. problem.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Further...Senator Collins.

26. SENATOR COLLINS:

27. Let me...let me say, again, I am not opposed to the concept
28. of neither of these bills, but I don't think that either bill
29. have any real value at all. Whether or not a kid flunks or not
30. passes or not graduates, shouldn't be the most important thing
31. that we're concerned about here. But whether or not a student
32. graduates and...and are able to go on and become a productive,
33. self-supporting citizen should be the sole purpose of education.

1. And neither of these bills, in my estimate does nothing to that
2. end.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Further discussion? Senator Bloom.

5. SENATOR BLOOM:

6. A question, and then perchance a comment. The question, what
7. is the enforcement mechanism here in 766? It says it requires
8. each school to establish a...schedule for evaluation, and...and
9. that doesn't sound like a bad idea, sunset for curriculum, re-
10. evaluated. But what's the enforcement mechanism?

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Davidson.

13. SENATOR DAVIDSON:

14. The enforcement would have to come through whatever the
15. State Board of Education would have in their rules and regulations.
16. It's not in the Act, it's left to each school...everybody said
17. they wanted their school boards to have responsible...on their
18. local levels, and that's what we're giving them a chance to
19. do.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Bloom.

22. SENATOR BLOOM:

23. I see. Well, the rest of the rabbit came out of the hat.
24. I...I hate to keep rising against my fellow row member here, but
25. basically...then the enforcement mechanism would probably come
26. through the Illinois Office of Education, and probably come through
27. how they distribute the monies...or some other way. But the point
28. is, this does not encourage any kind of innovation or flexibility
29. on the local level except perchance to hire more administrators
30. both locally and at the State level, to be handing the papers
31. and the reports back and forth much as they do with the curricular
32. mandates. Thank you, I'd urge a No vote.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Further discussion? Further discussion? Senator Davidson
2. may close.

3. SENATOR DAVIDSON:

4. Well, the only thing I can say in answer to the last Gentleman
5. is, he apparently doesn't trust his local school board to make
6. some kind of a decision, and I think this is what it's all about.
7. You've got to have some trust in a local elected official, that's
8. what everybody said they want to do, and I urge an Aye vote.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. The question is, shall Senate Bill 766 pass. Those in favor
11. vote Aye. Those opposed vote Nay. The voting is open. Have all
12. voted who wish? Have all voted who wish? Have all voted who
13. wish? Take the record. On that question, the Ayes are 31, the
14. Nays are 21, none Voting Present. Senate Bill 766, having received
15. the required constitutional majority is declared passed. 769,
16. Senator Philip. Read the bill, Mr. Secretary, please.

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(END OF REEL)

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1. SECRETARY:

2. Senate Bill 769.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Philip.

7. SENATOR PHILIP:

8. Thank you, Mr. President, Ladies and Gentlemen of the
9. Senate. Senate Bill 769 amends the Illinois Land Sales
10. Act. Provides the fees and penalty collected by Registration and
11. Education be paid into a special fund for the administration
12. of the Act. We've done the same thing for the medical society,
13. the dental society, all the penalties and fines collected, go
14. into a...separate fund. This is recommended by the Illinois
15. Board of Realtors and by the Department of Registration and
16. Education. Be happy to answer any questions.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Is there discussion? Is there discussion? The question
19. is shall Senate Bill 769 pass. Those in favor vote Aye. Those
20. opposed vote Nay. The voting is open. Have all voted who
21. wish? Have all voted who wish? Take the record. On that
22. question the Ayes are 53, the Nays are 1, none Voting Present.
23. Senate Bill 769, having received the required constitutional
24. majority is declared passed. 771, Senator Netsch. Read the
25. bill, Mr. Secretary, please.

26. SECRETARY:

27. Senate Bill 7...71.

28. (Secretary reads title of bill)

29. 3rd reading of the bill.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Netsch.

32. SENATOR NETSCH:

33. Thank you, Mr. President. This bill was introduced by

1. Senator McMillan and I at the request, specifically, of
2. the General Electric Company. It amends the investment
3. capital tax portion of the messages tax and is a fallout
4. in a sense of the Corporate Personal Property Replacement
5. Tax Package. What happened was that this company in particular,
6. found that because it had one transmitter, it became subject
7. to having its entire invested capital subjected to the invested
8. capital tax. It was agreed by everyone that that certainly
9. was not the intention of the original bill. And this bill is
10. designed to make it clear that only that part that relates
11. to the transmission of messages of the company in question
12. will be subjected to the investment capital tax as a part
13. of that package. The bill was carefully worked over and
14. reviewed by the Department of Revenue to make sure that it
15. did only what was intended. That is to clarify this part
16. of the package and not to produce a loophole. The Depart-
17. ment of Revenue was satisfied, it supports the bill, and
18. I would solicit your support.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Further...is there discussion? Senator McMillan.

21. SENATOR McMILLAN:

22. Mr. President, members of the Senate. I would rise in
23. support of the bill, it's exactly as Senator Netsch...explained
24. and it's a technical change that we, frankly, should have
25. made sooner. Seek a favorable roll call.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Is there discussion? The question is shall Senate Bill
28. 771 pass. Those in favor vote Aye. Those opposed vote Nay.
29. The voting is open. Have all voted who wish? Have all voted
30. who wish? Take the record. On that question, the Ayes are
31. 51, the Nays are 1, none Voting Present. Senate Bill 771,
32. having received the required constitutional majority is
33. declared passed. 775, Senator Vadalabene. Read the bill,
34. Mr. Secretary, please.

1. SECRETARY:

2. Senate Bill 775.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Vadalabene.

7. SENATOR VADALABENE:

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

9. Senate Bill 775 provides protection for the maintenance of
10. way employees working on railroad tracks from being
11. surprised by fast moving freight or passenger trains.

12. By placing of yellow track flags, which are highly visible,
13. on the right side of the tracks, it also acts as a reminder
14. to the engineers of approaching trains that two miles from
15. the yellow flags there are defective tracks in order to
16. avoid a derailment. And I would appreciate a favorable vote.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Is there debate? ...Senator Maitland.

19. SENATOR MAITLAND:

20. Thank you, Mr. President. Senator Vadalabene, can you
21. explain the sequence...to the...to the Senate, the sequence
22. of the...of the warning flags?

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Vadalabene.

25. SENATOR VADALABENE:

26. Yeah, I don't know what sequence means.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Maitland.

29. SENATOR MAITLAND:

30. Well, okay. Let me...let me just say that...that there
31. is a very sophisticated warning system that's now implemented.
32. It...it's a very sophisticated system that works and what we're
33. doing here, is requiring...it seems to me, a...a duplicative

1. system that does one thing and that's to...to provide some
2. extra employment. Now, that's fine if the system is needed.
3. But there is a system in place today and we wonder why the
4. railroads are having a problem. This is a...this is a good
5. example of that. I think it's not...necessary to...to
6. invoke a duplicative system and I would urge defeat of
7. Senate Bill 775.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Further discussion? Further...discussion? Senator
10. Vadalabene. The question is shall Senate Bill 775 pass.
11. Those in favor vote Aye. Those opposed vote Nay. The
12. voting is open. Have all voted who wish? Have all voted
13. who wish? Have all voted who wish? Have all voted who
14. wish? Take the record. On that question the Ayes are
15. 26, the Nays are 22, 2 Voting Present. Senate Bill 775,
16. having failed to receive the constitutional majority
17. is declared lost. 776, 77, 781, Senator Maitland. Read
18. the bill, Mr. Secretary, please. I'm sorry, Senator,
19. I thought you signaled that you did not wish to...7...

20. SENATOR VADALABENE:

21. I...I did want to put that on Postponed Consideration.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Oh, I'm sorry, 776. The Chair misinterpreted the
24. signal there. 776, read the bill, Mr. Secretary, please.

25. SECRETARY:

26. Senate Bill 776.

27. (Secretary reads title of bill)

28. 3rd reading of the bill.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Vadalabene.

31. SENATOR VADALABENE:

32. Yes, thank you, Mr. President and members of the Senate.
33. Senate Bill 776 provides a maintenance of way foreman and

1. track inspectors with radio communication, so that they can
2. communicate with the train crews and with the station
3. agents and with the dispatchers. If I recall, in House
4. Bill 202, that we passed in 1973, we took care of the end
5. to end with the trains and with the dispatchers, but we
6. did not include the right of way of the maintenance and
7. foremen and the track inspectors. Now, I ride the Amtrak
8. trains and I ride them a lot. Now, if you're...interested
9. in my safety, you'll vote for this bill and if you're not
10. interested in my safety, you'll vote for this bill anyway.
11. And I would appreciate a favorable call.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Is there discussion? Senator Maitland.

14. SENATOR MAITLAND:

15. Thank you, Mr. President. Senator Sam, I'm extremely
16. interested in your safety and once again because I'm so
17. extremely interested in your safety, I have to rise in
18. opposition to the legislation. As you know, the dispatcher
19. who testified in...in...in opposition to this legislation,
20. indicated that...that it could, once again, be a confusing
21. factor. The dispatcher actually does know where these on
22. track devices are at all times. But to say that every...every
23. piece of equipment needs to have a...a thousand to twelve
24. hundred dollar radio on board, is an expense that they should
25. not have to...incur. And once again, although extremely interested
26. in your safety, Senator Sam, I have to be in opposition to
27. Senate Bill 776.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Further discussion? Senator Sangmeister.

30. SENATOR SANGMEISTER:

31. ...will the sponsor yield?

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Indicates he will yield. Senator Sangmeister.

1. SENATOR SANGMEISTER:

2. Senator Vadalabene, I am desperately going through my
3. papers here, try to find something that was presented to
4. me regarding where...where the Federal Government has the
5. preemption of...of legislating in this area. We have
6. a State Act that says that we are preempted from...from
7. legislating in this area, as I recall. And I cannot find
8. my copy of...of that. Do you have anything in your file
9. regarding that, that we have a State Statute where...where
10. the Federal Government has issued regulations in regard to
11. this that we are preempted from...from legislating in
12. this area?

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Vadalabene.

15. SENATOR VADALABENE:

16. No...Senator, I don't have that in my file the same
17. as you don't. However, if this is a preemption bill with
18. the Federal Government, I'm sure that the Governor and his
19. staff would veto the bill, if that's the...if that's the
20. issue.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Further discussion? Senator Kenneth Hall.

23. SENATOR HALL:

24. Thank you, Mr. President, Ladies and Gentlemen of the
25. Senate. What we're talking about here is safety of people
26. using trains. We know today that there's going to be more
27. people using trains than ever before and you can never
28. overdo safety, and that's why we use safety first. And
29. this is a much needed thing. These radios don't cost that
30. much. You see that anyone, most of you around here got
31. CB...in your own cars. This is a much needed piece of
32. legislation and it means lives. I've worked on railroads,
33. I've traveled from Chicago to Los Angeles on railroads, many

1. times. And I'll tell you this, to have a radio and have
2. it handy, is the thing that would really save people's
3. lives. There's going to be more people using railroads
4. than ever before because of this gas shortage. This is
5. a much needed piece of legislation. I wholeheartedly support
6. this.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Further discussion? Further discussion? Senator
9. Vadalabene may close.

10. SENATOR VADALABENE:

11. Yes, just let me say in closing that I understand that
12. there was a poop sheet sent out by the Illinois Railroad
13. Association. But I also want you to understand that we,
14. here in Illinois, have subsidized to a great extent, the
15. railroads and so has the Federal Government. And to
16. give those crews out on those tracks, not let them have
17. a radio...just recently as May the 7th of this year, a
18. track motorcar and trailer was struck by a freight train,
19. had they had a radio they could have communicated with the
20. engineer. In Buda, Illinois, on May 19th, a rail grinder
21. machine was struck by an Amtrak train and luckily the
22. men jumped out of the way. This is a serious and a most
23. deserving bill. And as I said before, if you're interested
24. in my life and many people's lives that travel the trains,
25. don't worry about the Illinois Railroad Association, they're
26. being subsidized anyway by the state governments. Let's give
27. those people out on those tracks a vote and I would appreciate
28. a favorable vote.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. The question is shall Senate Bill 776 pass. Those in
31. favor vote Aye. Those opposed vote Nay. The voting is open.
32. Have all voted who wish? Have all voted who wish? Have all
33. voted who wish? Take the record. On that question the Ayes

1. are 27, the Nays are 23, none Voting Present. Senate Bill
2. 776, having failed to receive the required constitutional
3. majority is declared lost. 777, Senator Vadalabene. Read
4. the bill, Mr. Secretary, please.

5. SECRETARY:

6. Senate Bill 777.

7. (Secretary reads title of bill)

8. 3rd reading of the bill.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Vadalabene.

11. SENATOR VADALABENE:

12. Yes, thank you, Mr. President and members of the Senate.
13. Well, we're off the railroads now and we're back to books.
14. This legislation increases the authorization formula for
15. funding of...public library systems from a dollar to a
16. dollar and a half per capita and from thirty-five dollars to
17. fifty-six dollars and...twenty-five cents per square mile.
18. And the last time the formula was increased was in 1976
19. and it was not fully funded until 1979. And while other
20. State funded programs have grown at an average rate of
21. over six percent over the last several years, library systems
22. have today operated on the same amount of revenue they
23. did in 1979. These funds are appropriated through the
24. Secretary of State's annual appropriation from Illinois
25. General Funds. There's no additional money for library
26. systems in this year's appropriation bill, even if the
27. authorization were...to be raised. However, this does
28. give an opportunity to the Secretary of State to ask
29. for a higher appropriation in the future when additional
30. funds become available. And I would appreciate a favorable
31. vote.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Is there discussion? Is there discussion? The
34. question is shall Senate Bill 777 pass. Those in favor

1. vote Aye. Those opposed vote Nay. The voting is open. Have
2. all voted who wish? Have all voted who wish? Take the record.
3. On that question the Ayes are 33, the Nays are 19, 1 Voting
4. Present. Senate Bill 777, having received the required
5. constitutional majority is declared passed. 781, Senator
6. Maitland. Read the bill, Mr. Secretary, please.

7. SECRETARY:

8. Senate Bill 781.

9. (Secretary reads title of bill)

10. 3rd reading of the bill.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Maitland.

13. SENATOR MAITLAND:

14. Thank you, Mr. President, Ladies and Gentlemen of the
15. Senate. As all of you know, we've had...a good deal of
16. discussion this Session relative to the costs of...of
17. driver education and especially the behind the wheel part
18. of driver education, that being a very expensive part of
19. the mandate. What Senate Bill...781 intends to do, is to
20. provide a greater window, if you will, in which school
21. districts...school districts will be able to provide the behind
22. the wheel training. Will allow them to offer it...more
23. than in the past, during the summer, possibly after school
24. hours and on Saturdays to try and get...this part of the
25. mandate in. It is not a mandate upon...it does not...qualify
26. under the State Mandate's Act. It actually can reduce the cost
27. to local school districts and still provide the behind the
28. wheel training.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Is there discussion? Is there discussion? The
31. question is shall Senate Bill 781 pass. Those in favor
32. vote Aye. Those opposed vote Nay. The voting is open.
33. Have all voted who wish? Have all voted who wish? Have

1. all voted who wish? Take the record. On that question the
2. Ayes are 49, the Nays are 1, none Voting Present. Senate
3. Bill 781, having received the required constitutional
4. majority is declared passed.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Senate Bill 782, Senator Maitland. Read the bill,
7. Mr. Secretary.

8. SECRETARY:

9. Senate Bill 782.

10. (Secretary reads title of bill)

11. 3rd reading of the bill.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Senator Maitland.

14. SENATOR MAITLAND:

15. Thank you, Mr. President. Once again, this is a...a
16. driver's education bill. As most of you know, we now require
17. six hours of behind the wheel training in driver's education.
18. In Senate Bill 782 we would permit a proficiency out after
19. three hours. In other words, an individual could take behind
20. the wheel training for three hours and then take a test and
21. if that test was...was passed and successful, that would
22. then permit them to opt out of the...the last three hours.
23. This is a...would be a tremendous savings to local school
24. districts with...not having any negative effect upon the
25. ...the success of the driver's education program. I might
26. add, additionally, that there was no opposition to this
27. approach as I recall, even the IEA, who I, from time to
28. time, have been at odds with on legislation were...were
29. supportive of...of this particular piece of legislation. I would
30. urge its support.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Is there any discussion? If not, the question is
33. shall Senate Bill 782 pass. Those in favor will vote Aye.

1. Those opposed vote Nay. The voting is open. Have all
2. voted who wish? Have all voted who wish? Take the record.
3. On that question the Ayes are 49, the Nays are 3, none Voting
4. Present. Senate Bill 482, having received the constitutional
5. majority is declared passed. I'm sorry, that's 78...Senate
6. Bill 782, having received the constitutional majority is
7. declared passed. Senate Bill 783, Senator Maitland. Read
8. the bill, Mr. Secretary.

9. SECRETARY:

10. Senate Bill 783.

11. (Secretary reads title of bill)

12. 3rd reading of the bill.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Senator Maitland.

15. SENATOR MAITLAND:

16. Thank you, Mr. President. Senate Bill 783 merely
17. devises a new formula for driving education to assure that
18. all the money collected for driver's education will go into
19. the formula. It's .8 for behind the wheel, .2 for the class-
20. room or the thirty hours classroom time for driver's education.

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. Is there any discussion? Senator Berning.

23. SENATOR BERNING:

24. Just one question of the sponsor. I notice...the
25. reimbursement is forty dollars for behind the wheel instruction.
26. Can you tell me, Senator, is that per student or per instructor?
27. I've seen driver education cars, as you may have, with two,
28. three or four students in it. Is the cost then, two, three,
29. or four times that forty dollars?

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Senator Maitland.

32. SENATOR MAITLAND:

33. Senator Berning, that forty dollars is per student who

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1. successfully completes the course.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Senator Maitland.

4. SENATOR MAITLAND:

5. The forty dollars is the amount paid by the State to
6. the school district for each student who successfully completes
7. the course.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Is there further discussion? Senator Berning. Is there
10. further discussion? If not, the question is shall Senate
11. Bill 783 pass. Those in favor will vote Aye. Those opposed
12. vote Nay. The voting is open. Have all voted who wish?
13. Have all voted who wish? Take the record. On that question
14. the Ayes are 50, the Nays are 1, 1 Voting Present. Senate
15. Bill 783, having received the constitutional majority is
16. declared passed. Senate Bill 788, Senator Bruce. Read the
17. bill, Mr. Secretary.

18. SECRETARY:

19. Senate Bill 788.

20. (Secretary reads title of bill)

21. 3rd reading of the bill.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Senator Bruce.

24. SENATOR BRUCE:

25. Thank you. It's a bill...is a permissive bill which
26. allows school boards to enter into binding arbitration before
27. disinterested third parties, if they so desire. It is strictly
28. permissive, nothing is mandated, says if they wish, many
29. boards already do. It's a question again, some that would
30. like to do it and cannot.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Is there any discussion? Senator Grotberg.

33. SENATOR GROTBORG:

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

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Indicates he will yield.

4. SENATOR GROTBORG:

5. When you say some of them cannot, Senator, what's to
6. prevent them from seeking binding arbitration now? 'Cause
7. I know of some that do.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Senator Bruce.

10. SENATOR BRUCE:

11. I guess I misspoke, I...I meant to say that some of
12. them would like to and do not, rather...as opposed to cannot.
13. I suppose that's cannot based on their attorney's advice. This
14. just says that what...about sixty percent of the schools are
15. presently doing is, in fact, what we ought to be doing. And
16. you may, if you wish, you have a dispute, you can get a third
17. party and say, look, we don't know, you don't know, a third
18. guy can come in and do it. As you say Senator Grotberg, most
19. districts do it already, there are some that still have a
20. question about it. That...that's all this bill does, it's
21. permissive, it says boards may if they wish.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Senator Grotberg.

24. SENATOR GROTBORG:

25. What you're really saying, is the bill does nothing.
26. Thank you.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Is there further discussion? If not, the question is
29. shall Senate Bill 788 pass. Those in favor will vote Aye.
30. Those opposed will vote Nay. The voting is open. Have
31. all voted who wish? Have all voted who wish? Have all
32. voted who wish? Take the record. On that question the Ayes
33. are 31, the Nays are 17, none Voting Present. Senate Bill...788,

1. having received the constitutional majority is declared
2. passed. Senate Bill 79...Senate Bill 791, Senator Lemke.
3. Oh, I'm sorry, Senator Nedza, 7...790, Senator Nedza. Read
4. the bill, Mr. Secretary.

5. SECRETARY:

6. Senate Bill 790.

7. (Secretary reads title of bill)

8. 3rd reading of the bill.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Senator Nedza.

11. SENATOR NEDZA:

12. Thank you, Mr. President, Ladies and Gentlemen of the
13. Senate. The bill amends the Election Code and revision
14. of some procedures relating to the registration, canvas filing
15. of election related documents, voting by the material...by
16. the military in fourteen points, basically and it makes
17. some technical changes and language clean-up. The bill was
18. amended with two amendments, one amendment, changing the
19. salary range for the Executive Director of the State Board
20. of Election. And the other amendment was an amendment that
21. set forth procedures for conducting multitownship caucuses
22. and provides that the multitownship caucuses shall be held
23. by the voters of each political party to nominate the
24. candidates. This is an Election Code omnibus bill supported
25. by the State Board of Election. If there are no questions,
26. I'd ask for a favorable roll call.

27. PRESIDENT:

28. Any discussion? Senator Rhoads.

29. SENATOR RHOADS:

30. Thank you, Mr. President, members of the Senate. I rise
31. in support of Senate Bill 790 as...as amended. For the benefit
32. of the members on the Republican side of the aisle, while
33. we did have a partisan roll call on this in committee, since

1. that time the Chairman of the Elections Committee and myself
2. and leadership on both sides have conferred regarding the
3. posture of other Republican bills, which will be the subject
4. of discharge motions later today. And...the bill does
5. exactly as Senator Nedza said it does, it clarifies the
6. military exemption for voter registration, it also incorporates
7. Senator Grotberg's bill, Senate Bill 831 and Senator Coffey's
8. House Bill 529.

9. PRESIDENT:

10. Senator Rhoads.

11. SENATOR RHOADS:

12. Senator, if you can give me just one minute, that's
13. all I ask.

14. PRESIDENT:

15. We'd be happy to. Senator Buzbee, you want to talk
16. for a minute?

17. SENATOR BUZBEE:

18. You want me to talk or sing?

19. PRESIDENT:

20. Senator Rhoads.

21. SENATOR RHOADS:

22. I urge an Aye vote.

23. PRESIDENT:

24. Further discussion? If not, the question is shall Senate
25. Bill 790 pass. Those in favor will vote Aye. Those opposed
26. will vote Nay. The voting is open. Have all voted who wish?
27. Have all voted who wish? Have all voted who wish? Take the
28. record. On that question the Ayes are 47, the Nays are none,
29. 6 Voting Present. Senate Bill 790, having received the
30. required constitutional majority is declared passed. Yes,
31. Senator Buzbee, we'll have you sing in just a moment, as
32. soon as the Republicans vacate the Chamber. I understand...
33. we...we were to go to the Order of Motions, at...at about...
34. and Senate Bill 870, at about five-thirty. I have been

1. reliably informed, as a matter of fact, requested by Senator
2. Shapiro, that the Republican side wishes to have a caucus.
3. Senator Ozinga.

4. SENATOR OZINGA:

5. Want that now, or you want to wait?

6. PRESIDENT:

7. Well, I think now is as good a time as any.

8. SENATOR OZINGA:

9. Okay. I have...

10. PRESIDENT:

11. I'm told it will take...Senator Shapiro indicated it
12. would take probably twenty, twenty-five minutes.

13. SENATOR OZINGA:

14. About twenty minutes...twenty, that's right.

15. PRESIDENT:

16. All right.

17. SENATOR OZINGA:

18. Okay. I have been requested by...to ask for a Republican
19. caucus. Senator Shapiro's Office, immediately.

20. PRESIDENT:

21. All right. Senator Johns.

22. SENATOR JOHNS:

23. Want to ask if it's out of order to ask leave to be
24. a hyphenated cosponsor of 723, 724, 726 and 788.

25. PRESIDENT:

26. 23, 24...

27. SENATOR JOHNS:

28. 26...

29. PRESIDENT:

30. 26...

31. SENATOR JOHNS:

32. ...and 788.

33. PRESIDENT:

34. ...and 788.

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1. SENATOR JOHNS:

2. Thank you, Mr. President.

3. PRESIDENT:

4. Senator Johns seeks leave to be added as a cosponsor.

5. Leave is granted. All right. That request is always in
6. order. A Republican caucus immediately in Senator Shapiro's
7. Office. They will require approximately twenty minutes. I
8. would ask the members to please return here at five-fifteen
9. so that we can conclude our day's business. Senate will
10. stand in recess until the hour of five-fifteen.

11. Recess

12. After Recess

13. The Senate will come to order. Messages from the House.

14. SECRETARY:

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

16. Mr. President - I am directed to inform the Senate
17. the House of Representatives have refused to concur with
18. the Senate in the adoption of their amendment to a bill
19. with the following...title:

20. House Bill 364 with Senate Amendment No. 1.

21. PRESIDENT:

22. The Secretary's Desk, nonconcurrence. Senator Bloom,
23. for what purpose do you arise?

24. SENATOR BLOOM:

25. I was recognizing former Representative Nowlan, who
26. is seated in the gallery behind you.

27. PRESIDENT:

28. All right. Pursuant to the earlier agreement, we will
29. move now to the Order of Motions in Writing. Mr. Secretary.

30. SECRETARY:

31. Motion in Writing.

32. I move to take...Senate Bill...8 from the Table and
33. place it on the Calendar on the Order of 2nd reading. Signed,
34. Senator Keats.

1. PRESIDENT:

2. Senator Keats. Pardon me. I understand it was not to
3. be called. Senator Keats.

4. SENATOR KEATS:

5. Thank you, Mr. President. I'm not going to make a...a
6. lengthy speech, Senate Bill 8 is to repeal the Scaffolding
7. Act. Everyone is well aware what the bill is and all
8. we're saying is, looking at what's happened in the House
9. and the Senate, there will be no workmen's compensation
10. bills this year. All I'm saying to you is...I'd like you
11. to vote this bill out of committee...and at least show
12. that it's worth discussing. This is not a commitment
13. to vote for it on 3rd reading. I just ask it be removed
14. from committee. And I think that's all that needs to
15. be said. I think everyone knows perfectly well what
16. the bill is.

17. PRESIDENT:

18. All right. Senator Keats has moved to take Senate Bill
19. 8 from the Table and placed on the Order of 2nd reading. Those
20. in favor of that motion will vote Aye. Those opposed will
21. vote Nay. The voting is open. Have all voted who wish?
22. Have all voted who wish? Have all voted who wish? Take
23. the record. On that question the Ayes are 29, the Nays
24. are 15, none Voting Present, the motion fails. On the
25. Order of Motions in Writing, there's a Motion in Writing
26. with respect to Senate Bill 34.

27. SECRETARY:

28. I move to discharge the Election Committee from further
29. consideration...

30. PRESIDENT:

31. ...well, he can... Senator Rhoads.

32. SENATOR RHOADS:

33. Yes. Thank you, Mr. President. If we could skip the

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1. next three motions and go to Senate Bill 49. And I would
2. withdraw all other motions.

3. PRESIDENT:

4. That's in order. The Motion in Writing filed with
5. respect to Senate Bill 49, Mr. Secretary.

6. SECRETARY:

7. I move to discharge the Election and Reapportionment
8. Committee from further consideration of Senate Bill 49
9. and that the bill be advanced to 2nd reading. Signed,
10. Senator Rhoads.

11. PRESIDENT:

12. Senator Rhoads.

13. SENATOR RHOADS:

14. Yes, thank you, Mr. President, members of the Senate.
15. In consultation with the Chairman of the Elections Committee
16. and leadership on both sides, this is a...reapportionment
17. bill which would simply redescribe the current legislative
18. districts. We would like to have this out on 2nd reading
19. because we are in the process of trying to hold hearings. The
20. Chairman will be holding hearings next week, but we'll have
21. at least one bill out on the Calendar ready to use if we can
22. come up with a reapportionment map. And I would ask for your
23. favorable vote.

24. PRESIDENT:

25. Any discussion? All right. Senator Rhoads has moved
26. to discharge the Committee on Elections and Reapportionment
27. from further consideration of Senate Bill 49 and asks that
28. the bill be placed, and he has agreed to hold it on 2nd reading.
29. Those in favor will vote Aye. Those opposed will vote Nay.
30. The voting is open. Have all voted who wish? Have all voted
31. who wish? Take the record. On that question the Ayes are 42,
32. the Nays are 5, none Voting Present. The motion carries.
33. 113, Senator Rhoads. Withdrawn. 113, Senator Netsch. Do
34. you have the list in front of you, Senator Netsch? Senator
35. Rhoads was filed ahead of you. On the Order of Motions

1. in Writing there a motion filed with respect to Senate Bill 113.
2. Mr. Secretary, by Senator Netsch.

3. SECRETARY:

4. I move to discharge the Elections and Reapportionment
5. Committee from further consideration of Senate Bill 113 and
6. that it be advanced to 2nd reading. Signed, Senator Netsch.

7. PRESIDENT:

8. Senator Netsch.

9. SENATOR NETSCH:

10. Thank you, Mr. President. This is what is called the
11. Aldermanic Vacancy Bill. It provides, in effect, that if
12. a...a vacancy occurs in the office of alderman, at least
13. eighty-eight days before the next scheduled election, there will
14. be a...an election to fill that vacancy. It also provides
15. that in the interim, the vacancy, if it is a long interim,
16. the vacancy may be filled by appointment of the mayor.
17. It must be someone who is a resident of the ward and has
18. been a resident of the ward for at least a year. This is
19. a...an extremely important office in Chicago, it should
20. not be filled by Executive appointment for a long period
21. of time. One of our recent friends and colleagues almost
22. suffered the indignity of having his aldermanic seat
23. withdrawn from him before he had a chance to run for it
24. because of some purported action under the existing law.
25. I would urge your support for allowing us to have a chance
26. to fill the office of alderman by election, which is the
27. way it should be.

28. PRESIDENT:

29. Any discussion? Senator Savickas.

30. SENATOR SAVICKAS:

31. Yes, Mr...Mr. President, I rise in opposition to this
32. bill. It seems that the bill was put in just for one purpose
33. and that's to attack Mayor Byrne and her appointment of an
34. alderman. The...the procedure seems to work for replacing

1. Representatives and replacing Senators by appointment, there's
2. no election immediately. I...I don't see why there's any
3. problem with this. One alderman has been appointed under
4. this process, one was elected, one was appointed. The appoint-
5. ment was in the 17th Ward and it's proved to be a very effective
6. appointment for the residents. In fact, the residents went
7. down and asked the mayor...for that appointment. I would,
8. at this time, suggest that this bill that was introduced
9. and is aimed for...not to solve the problem specifically,
10. but in opposition of the present mayor and I would ask that
11. you defeat this motion.

12. PRESIDENT:

13. Further discussion? Senator Netsch has moved to
14. discharge the Committee on Elections and Reapportionment
15. from further consideration of Senate Bill 113 and asks
16. that it be advanced to the Order of 2nd reading. Those
17. in favor of that motion will vote Aye. Those opposed
18. will vote Nay. The voting is open. Have all voted
19. who wish? Have all voted who wish? Have all voted
20. who wish? Take the record. On that question the Ayes
21. are 19, the Nays are 17, 11 Voting Present. The motion
22. fails. 162, Senator Simms. 165, Senator Nimrod. 200,
23. Senator Keats. 201, Senator Keats. 348, Senator Philip.
24. 375, Senator Sangmeister. 392, Senator Simms. 393,
25. Senator Simms. 400, Senator Nimrod. A Motion in Writing
26. filed with respect to Senate Bill 400, Mr. Secretary.

27. SECRETARY:

28. I move to take Senate Bill 400 from the Table and
29. place it on the Order of 2nd reading. Signed, Senator Nimrod.

30. PRESIDENT:

31. Senator Nimrod.

32. SENATOR NIMROD:

33. Thank you, Mr. President, Ladies and Gentlemen of the

1. Senate. This bill has to do with workmen's comp. My only
2. purpose in calling this bill is for us to attempt to get a
3. vehicle, a bill on the Floor that has one item in it and can be
4. amended to take care of anything we can reach an agreement
5. on in the next day or so. It does...this particular bill
6. calls for medical standards, but hopefully it would
7. be a vehicle that we could reach an agreement. I would
8. ask for a favorable roll call.

9. PRESIDENT:

10. Any discussion? If not, Senator...let me...Senator
11. Nimrod has moved to take Senate Bill 400 from the Table
12. and place it on the Order of 2nd reading. Those in favor
13. of that motion will vote Aye. Those opposed will vote
14. Nay. The voting is open. Have all voted who wish? Have
15. all voted who wish? Have all voted who wish? Take
16. the record. On that question the Ayes are 29, the Nays
17. are 18, none Voting Present. The motion fails. 520, Senator
18. Simms. Motion in Writing filed with respect to Senate Bill
19. 520, Mr. Secretary.

20. SECRETARY:

21. I move to take Senate Bill 520 from the Table and place
22. it on the Order of 2nd reading. Signed, Senator Simms.

23. PRESIDENT:

24. Senator Simms.

25. SENATOR SIMMS:

26. Mr. President, Ladies and Gentlemen of the Senate.
27. Senate Bill 520 is part of a package that breaks out some
28. serious problems that exist in the Unemployment Insurance
29. Act. This provides that one who leaves work voluntarily is
30. ineligible for benefits until he has earned, at least,
31. his current weekly benefit in the amount of twelve weeks.
32. I would move for the adoption of the motion.

33. PRESIDENT:

1. All right, Senator... any discussion? Senator Simms
2. has moved to take Senate Bill 520 from the Table and place
3. it on the Order of 2nd reading. Senator Dawson.

4. SENATOR DAWSON:

5. Mr. President, Ladies and Gentlemen of the Senate.
6. All these labor bills that are coming up, we not only heard them
7. in committee, but had them in subcommittee and came back...
8. reports on them. And I ask for a No vote on all of them. Thank
9. you.

10. PRESIDENT:

11. All right. Senator Simms has moved to take Senate Bill
12. 520 from the Table and place it on the Order of 2nd reading.
13. Those in favor of that motion will vote Aye. Those opposed
14. will vote Nay. The voting is open. Have all voted who wish?
15. Have all voted who wish? Have all voted who wish? Take
16. the record. On that question the Ayes are 29, the Nays are
17. 12, 2 Voting Present. The motion fails. 521, Senator
18. Simms. Mr. Secretary, read the motion.

19. SECRETARY:

20. I move to take Senate Bill 521 from the Table and
21. place it on the Order of 2nd reading. Signed, Senator Simms.

22. PRESIDENT:

23. Senator Simms.

24. SENATOR SIMMS:

25. Thank you, Mr. President, Ladies and Gentlemen of
26. the Senate. This is the second bill in this package that provides
27. that one who refuses suitable work is ineligible for
28. benefits until he or she has earnings equal to, at least,
29. his or her current weekly benefit amount in each of the
30. preceding twelve weeks. I think that's the minimum amount
31. that we, as Legislators, can do to address this
32. serious problem. I'd move for the adoption of the motion.

33. PRESIDENT:

1. Any discussion? ...I beg your pardon, Senator Collins.
2. SENATOR COLLINS:

3. Yes, I...I agree with Senator Dawson, this is another
4. series of those bills dealing with the problem of unemployment
5. comp. and these bills were given adequate hearing. We
6. recognize that they are serious problems, but we cannot
7. deal with them piecemeal. So I ask for a No vote.

8. PRESIDENT:

9. All right. Senator Simms has moved to take Senate
10. Bill 521 from the Table and place it on the Order of 2nd
11. reading. Those in favor of that motion will vote Aye.
12. Those opposed will vote Nay. The voting is open. Have
13. all voted who wish? Have all voted who wish? Have
14. all voted who wish? Take the record. On that question
15. the Ayes are 27, the Nays are 13, 3 Voting Present. The
16. motion fails. 522, Senator Simms. Read the motion, Mr.
17. Secretary.

18. SECRETARY:

19. I move to take Senate Bill 522 from the Table and
20. placed on the Order of 2nd reading. Signed, Senator Simms.

21. PRESIDENT:

22. Senator Simms.

23. SENATOR SIMMS:

24. Third part in this...package that is an attempt to improve
25. the Unemployment Insurance Act, to improve the business climate
26. of this State. Provides that any employee discharged...for
27. misconduct is ineligible for benefits until he or she has
28. ...earnings equal to at least his or her current weekly
29. benefit amount in that...each of the preceding twelve weeks.
30. And that is for someone that has been discharged for misconduct.
31. I would move for the adoption of the motion to discharge.

32. PRESIDENT:

33. Any discussion? Senator Collins.

1. SENATOR COLLINS:

2. Yes, I rise in opposition again to this motion. I feel
3. that, if, in fact, that we going to...resolve these problems
4. that both business and employees have equal responsibility
5. for sharing in some of the burden. So I ask for a No vote.

6. PRESIDENT:

7. All right. Senator Simms has moved to take Senate Bill
8. 522 from the Table and place it on the Order of 2nd reading.
9. Those in favor of that motion will vote Aye. Those opposed
10. will vote Nay. The voting is open. Have all voted who wish?
11. Have all voted who wish? Have all voted who wish? Take the
12. record. On that question the Ayes are 29, the Nays are 12,
13. 4 Voting Present. The motion fails. 523, Senator Simms.

14. SECRETARY:

15. I move to take Senate Bill 523 from the Table and placed
16. on the Order of 2nd reading. Signed, Senator Simms.

17. PRESIDENT:

18. Senator Simms.

19. SENATOR SIMMS:

20. This is the last in the package that I think everyone
21. can support. This amends the Unemployment Insurance Act.
22. It provides that benefits may be recovered by...by suit, there-
23. after, after within four years after the recipient has been
24. found ineligible by a referee. And that's for someone that
25. has been given benefits erroneously and it gives the board
26. up to four years and they may recoup at a rate of fifty
27. percent of the individual's weekly benefit amount. Allows
28. the State to...recoup benefits that were erroneously given
29. to someone that was on unemployment and I would move for
30. the favorable adoption of this motion, that we could at
31. least try to recover some State money.

32. PRESIDENT:

33. Any discussion? Senator Collins.

1. SENATOR COLLINS:

2. I rise...thank you, Mr. President, I rise in opposition.
3. We gave this particular bill an adequate hearing. While I
4. do not oppose the concept, but again I say that if we're
5. going to deal with the whole problem, we have to deal with
6. the whole problem in a collective...manner, rather than
7. piecemeal. At this point we are not even sure whether or
8. not we're going to have money in the Unemployment Trust Fund
9. to...to pay the existing claims. So, to talk about future
10. claims or back claims, right now I think it's ill-advisable.
11. I ask for a No vote.

12. PRESIDENT:

13. All right, Senator Simms has moved to take Senate Bill
14. 523 from the Table and place it on the Order of 2nd reading.
15. Those in favor of that motion will vote Aye. Those opposed
16. will vote Nay. The voting is open. Have all voted who wish?
17. Have all voted who wish? Have all voted who wish? Take
18. the record. On that question the Ayes are 28, the Nays
19. are 14, 4 Voting Present. The motion fails. 541, Senator
20. Philip. Motion in Writing with respect to Senate Bill 541.
21. Mr. Secretary.

22. SECRETARY:

23. I move to discharge the Elections and Reapportionment
24. Committee from further consideration of Senate Bill 541
25. and that it...it be advanced to 2nd reading. Signed, Senator
26. Philip.

27. PRESIDENT:

28. Senator Philip.

29. SENATOR PHILIP:

30. Thank you, Mr. President and Ladies and Gentlemen of
31. the Senate. As you remember when we had the consolidations
32. of elections, the position on the ballots were reversed.
33. And it ended up that the municipalities were on the top

1. of the ballot and the townships were second listed. What this bill
2. does is simply reverse that. It would have the township
3. candidates first, partisan township candidates first and then
4. the municipalities next, which in my area run nonpartisan.

5. PRESIDENT:

6. Any discussion? If not, Senator Philip has moved to
7. discharge the Committee on Elections and Reapportionment
8. from further consideration of Senate Bill 541 and asks that
9. it be advanced to the Order of 2nd reading. Those in favor
10. of that motion will vote Aye. Those opposed will vote Nay.
11. The voting is open. Have all voted who wish? Have all
12. voted who wish? Have all voted who wish? Take the record.
13. On that question the Ayes are 29, the Nays are 15, 1 Voting
14. Present. The motion fails. 594, Senator Philip. On the
15. Order of Motions in Writing, there's a motion filed with
16. respect to Senate Bill 594, Mr. Secretary.

17. SECRETARY:

18. I move to discharge the Elections and Reapportionment
19. Committee from further consideration of Senate Bill 594 and
20. that it be advanced to 2nd reading. Signed, Senator Philip.

21. PRESIDENT:

22. Senator Philip.

23. SENATOR PHILIP:

24. You'll really love this one. All this does is change
25. the title of the executive for the DuPage County Board of
26. Elections from chief clerk to executive director.

27. PRESIDENT:

28. Any discussion? Senator Philip has moved to discharge
29. the Committee on Elections and Reapportionment from further
30. consideration of Senate Bill 594 and asks that it be advanced
31. to the Order of 2nd reading. Those in favor of that motion
32. will vote Aye. Those opposed will vote Nay. The voting is
33. open. Have all voted who wish? Have all voted who wish?

1. Have all voted who wish? Take the record. On that question
2. the Ayes are 29, the Nays are 18, none Voting Present. The
3. motion fails. 615, Senator Friedland. On the Order of Motions
4. in Writing, there's a motion filed with respect to Senate
5. Bill 615. Mr. Secretary.

6. SECRETARY:

7. I move to take Senate Bill 615 from the Table and placed
8. on the Order of 2nd reading. Signed, Senator Friedland.

9. PRESIDENT:

10. Senator Friedland.

11. SENATOR FRIEDLAND:

12. Thank you, very much, Mr. President. Senate Bill 615
13. would coordinate...workers compensation benefits and avoid
14. duplication. It's supported by all the employer groups in
15. the State. Additionally, I'd point out to you, I had a
16. constituent at the committee hearing who was denied an
17. opportunity to testify on the bill. And I'd urge your
18. favorable action on this motion.

19. PRESIDENT:

20. Any discussion? Senator Dawson.

21. SENATOR DAWSON:

22. Mr. President and Ladies and Gentlemen of the committee.
23. We've had great revisions on workmen's comp. last term and
24. we feel that right now that we want to take...and let that
25. take effect. So we ask for a No vote.

26. PRESIDENT:

27. Further discussion? If not, Senator Friedland has moved
28. to take Senate Bill 615 from the Table and place it on the
29. Order of 2nd reading. Those in favor of that motion will
30. vote Aye. Those opposed will vote Nay. The voting is open.
31. Have all voted who wish? Have all voted who wish? Have
32. all voted who wish? Take the record. On that question the
33. Ayes are 29, the Nays are 18, 1 Voting Present. The motion fails.

1. 622, Senator Maitland. On the Order of Motions in Writing,
2. there's a motion filed with respect to Senate Bill 622.
3. Mr. Secretary.

4. SECRETARY:

5. I move to discharge the Transportation Committee from
6. further consideration of...of Senate Bill 622 and that it
7. be advanced to 2nd reading. Signed, Senator Maitland.

8. PRESIDENT:

9. Senator Maitland.

10. SENATOR MAITLAND:

11. Thank you, Mr. President. Senate Bill 622 is another
12. one...one of the driver education bills. There was some
13. confusion on this in committee, as it pertained to trucks
14. overweight. That...that problem has been worked out. It
15. was a mistake by LRB. The...committee, I think, agreed
16. both sides that a motion should be filed and I would urge
17. ...would urge its support.

18. PRESIDENT:

19. Any discussion? Senator Chew.

20. SENATOR CHEW:

21. If the problem has been worked out, it has not been brought
22. to the members of the committee. It had a fair hearing, I've
23. gotten mail from his district in opposition to the bill and
24. I'd urge a No vote.

25. PRESIDENT:

26. All right. Senator Maitland has moved to discharge
27. the Committee on Transportation from further consideration
28. of Senate Bill 622 and asks that it be advanced to the Order
29. of 2nd reading. Those in favor of that motion vote Aye.
30. Those opposed vote Nay. The voting is open. Have all voted
31. who wish? Have all voted who wish? Have all voted who wish?
32. Take the record. On that question the Ayes are 29, the Nays
33. are 13, 2 Voting Present. The motion fails. 628, Senator
34. Philip. 636, Senator Weaver. On the Order of Motions in

1. Writing, there's a motion filed with respect to Senate Bill
2. 636. Mr. Secretary.

3. SECRETARY:

4. I move to discharge the Revenue Committee from further
5. consideration of Senate Bill 636 and that it be advanced to
6. 2nd reading. Signed, Senator Weaver.

7. PRESIDENT:

8. Senator Weaver.

9. SENATOR WEAVER:

10. Thank you, Mr. President. This is the rollback on the
11. sales tax on manufacturing machinery and equipment back to
12. the 1980 level. Hopefully we will get this on 2nd reading,
13. present some amendments for your consideration. I'd appreciate
14. a favorable roll call.

15. PRESIDENT:

16. Senator Netsch.

17. SENATOR NETSCH:

18. Thank you. I, for one, would rise in support of this
19. motion. It seems to me that some rollback in this bill...or
20. in this basic Statute, is absolutely essential if we're
21. going to get our fiscal house in order during this Session.
22. And I would hope that the bill could be brought out so that
23. we would have a chance to address this extremely important
24. subject.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Further discussion? Is there further discussion?

27. Senator Rock.

28. SENATOR ROCK:

29. Thank you, Mr. President and Ladies and Gentlemen of
30. the Senate. I rise in support of the motion to discharge
31. the Committee on Revenue from further consideration of
32. Senate Bill 636. I happened to be present in the Revenue
33. Committee at that meeting, at which it was decided apparently
34. rather arbitrarily, that the bill would not even be called

1. for a vote. If, in fact, the members of this Body and the
2. other Chamber are truly interested in a balanced budget, this
3. is a significant step forward in that direction. I think
4. that the time for playing games is over. There was some
5. pique, I'm told, on the Republican side with some of the
6. Governor's proposals and yea, verily, with the Governor
7. himself. But I think we're dealing with much bigger
8. issues. We simply cannot afford, this fiscal year, this
9. kind of tax relief, which everyone, everyone, admits was
10. vastly underestimated. It is simply costing us more than
11. anybody by their wildest imagination anticipated. And I
12. think in order for the State to slow down, this bill is
13. a great step forward and I would urge support for the
14. motion to discharge so we can get it out and talk about it.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Further discussion? Further discussion? Senator McMillan.
17. SENATOR McMILLAN:

18. Mr. President and members of the Senate. I also rise
19. in support of the motion to get this bill onto the Floor.
20. That doesn't, at this point, indicate any overwhelming support
21. for the bill or that this is the form in which it ought to
22. be finally considered. But we have gotten to the point where,
23. if, it's going to be considered at all, it needs to get out
24. and be in a position where it can be.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Further discussion? Further discussion? Senator Weaver
27. may close. Question...Question is on the motion by Senator
28. Weaver to discharge the Revenue Committee from further consider-
29. ation of Senate Bill 636 and that the bill be advanced to
30. 2nd reading. On that question, those in favor will vote Aye.
31. Those opposed will vote Nay. The voting is open. Have all
32. voted who wish? Have all voted who wish? Take the record.
33. On that question the Ayes are 40, the Nays are 9,...none
34. Voting Present. The motion to discharge prevails. Senate

1. Bill 656, Senator Rhoads. 66...768, Senator Philip. 7...974,
2. Senator Nimrod. Yes or No, Senator. No. 976, Nimrod. 1046,
3. Senator Rhoads. 1063, Senator Shapiro. 1063, Senator Shapiro.
4. 1064, Senator Philip. Read the motion, Mr. Secretary.

5. SECRETARY:

6. I move to discharge the Revenue Committee from further
7. consideration of Senate Bill 1064 and that it be advanced to
8. 2nd reading. Signed, Senator Philip.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Philip is recognized.

11. SENATOR PHILIP:

12. Thank you, Mr. President and Ladies and Gentlemen of
13. the Senate. As you know, this is the sales tax rollback on
14. farm machinery. It would put in the coffers about nineteen
15. million dollars. I've agreed to hold it on 2nd reading until
16. we could work out an accord with the second floor.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Is there discussion? Is there discussion? The motion
19. is...Senator Netsch, did you wish to talk? Senator Netsch.

20. SENATOR NETSCH:

21. I would rise in support of the motion, also. I think if
22. the...if the sales tax exemption is to be rolled back on
23. machinery, generally, there should be some accommodation made
24. on the farm machinery component also. At the very least, the
25. two bills should be looked at in their entirety on 2nd reading.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Further discussion? The motion is to discharge the
28. Revenue Committee from further consideration of Senate Bill
29. 1064 and that the bill be advanced to 2nd reading. On the
30. motion, those in favor will vote Aye. Those opposed will
31. vote Nay. The voting is open. Have all voted who wish?
32. Have all voted who wish? Take the record. On that question
33. the Ayes are 33, the Nays are 14, the motion to discharge

1. prevails. Senate Bill 1134, Senator Geo-Karis. Read the
2. motion, Mr. Secretary.

3. SECRETARY:

4. I move to discharge the Committee on Judiciary I from
5. further consideration of Senate Bill 1134 and that the bill
6. be placed on the Calendar on the Order of 2nd reading.

7. Signed, Senator Geo-Karis.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Geo-Karis.

10. SENATOR GEO-KARIS:

11. Mr. President, Ladies and Gentlemen of the Senate.
12. This bill would simply amend the Probate Act to prove
13. that unclaimed monies deposited with the county treasurer
14. shall earn interest at...at the present judgment rate and
15. not accounts on interest. I request favorable consideration.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Is there discussion? Is there discussion? Senator
18. McLendon.

19. SENATOR McLENDON:

20. Yes, Mr. President. I believe this amendment has
21. already been placed on Senator Sangmeister's bill...155.
22. So, I don't think it's necessary to discharge the committee.
23. I...had..discussion about it.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Further discussion? Further discussion? Senator Geo-Karis
26. may close.

27. SENATOR GEO-KARIS:

28. Rather than close, you're right. Senator McLendon is
29. absolutely right. I didn't even know I had it...it was on
30. the list and I'm just going to...just forget it.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Geo-Karis, do you withdraw your motion, Senator?

33. Senator Geo-Karis withdraws her motion. 1135, Senator Savickas.

1. Read the motion, Mr. Secretary, please.

2. SECRETARY:

3. I move to discharge the Committee on Elementary and
4. Secondary Education from further consideration of
5. Senate Bill 1135 and ask that it be placed on the
6. Calendar on the Order of 2nd reading for the purpose
7. of amendment. Signed, Senator Savickas.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Savickas.

10. SENATOR SAVICKAS:

11. Yes, Mr. President and members of the Senate. This
12. bill would require that local school districts establish
13. a Textbook Selection Committee responsible for the
14. overseeing, the adoption of all printed instructional
15. materials used in public elementary and high schools.
16. The bill was...drafted...sent up from the Reference
17. Bureau, drafted in there. And I would like it
18. to come to 2nd reading, so that we can amend it
19. and put it in its proper form and accomplish what I
20. had just stated...have a Textbook Selection Committee.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Any discussion? Any discussion? Senator D'Arco.

23. SENATOR D'ARCO:

24. Yeah, will the sponsor yield for a question? I
25. haven't gotten up all day, I think I might as well
26. get up once. You know, why do we need this oversight
27. committee to look at the textbooks or examine text-
28. books or...or for what purpose do we need this? It
29. sounds like a form of censorship to me.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Savickas.

32. SENATOR SAVICKAS:

33. Senator D'Arco, it's introduced for the purpose, not
34. of censorship, but allowing the people in your community

1. that have children in your local schools and the local
2. PTA to have some input on the type of instructional
3. materials that the children in your local schools will
4. be using. I know you have two young children in school,
5. I'm sure that you would like to know that they wouldn't
6. be presenting textbooks, like Show Me, for using the books
7. that you would enjoy, this type of material.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator D'Arco.

10. SENATOR D'ARCO:

11. Yeah, but we don't want to get confused because the
12. textbook that you're talking about is not in the school
13. of...Show Me is not in the school. Show Me was in a
14. library in Oak Lawn and the teachers weren't distributing
15. Show Me to the students in the school, it was on a library
16. shelf in Oak Lawn. And I really don't think we should
17. confuse the two, one form of censorship in the school,
18. with a form of censorship that the library Board may
19. exercise in distributing the type of books that children
20. should see in a library setting. It would be a great
21. mistake, I think, to put this onus on the school board
22. in order for them to maybe be liable, civilly and criminally
23. for distributing books that did not live up to some form of
24. community standards dictated by some abstract formula. And
25. I don't think this is a good bill and especially on a motion
26. to discharge. I really think it should be defeated.

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End of Reel

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1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Further discussion? Senator Davidson.

3. SENATOR DAVIDSON:

4. Well, I rise in opposition to this bill. It says a little
5. more than school books, it says, requires local school districts
6. to establish a Textbook Selection Committee responsible for over-
7. seeing the adoption of all, all printed instructional material
8. used in the public elementary and high school. Ignores private
9. schools, and it says all, it isn't just textbooks, it's all.

10. This is a terrible bill. I urge you to vote No.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Further discussion? Senator Berman.

13. SENATOR BERMAN:

14. In defense of the committee, I want...the bill was heard in
15. committee, it had a fair hearing, it came up short votes, and I
16. think that's where it ought to stay.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Further discussion? Senator Nimrod.

19. SENATOR NIMROD:

20. Yes, thank you, Mr. President. Senator Savickas, you got a
21. good bill. What...what...what I...what I can't find what the
22. problem is you members of Elementary and Secondary, where I can't
23. find what the problem is, is what's wrong with having a committee
24. that's under the school board who looks at...at the textbooks:
25. I think that's probably the best step that we can ever take to
26. bring about some kind of results that have parents' input, teachers,
27. and students, whichever way that local school board wants. Now,
28. we all want local control, here's our chance to let the local
29. school boards do something about it, and there's nothing wrong
30. with looking at all materials, because sometimes they get a textbook
31. and they get a film that does something different, and sometimes
32. the teacher's notes are different. So, I think this is a good
33. proposal, and it's a good start. And there's nothing wrong with

1. having local control and local parents go along with this idea.

2. Very good, Senator Savickas.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Rock.

5. SENATOR ROCK:

6. Well, that endorsement ought to be enough to sink it. I urge
7. a No vote.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Further discussion? Senator Lemke.

10. SENATOR LEMKE:

11. This bill doesn't have any criminal penalties just sets
12. up a committee to look at the books, that's all. I...I can't
13. see nothing wrong with this bill. We...we can't trust the school
14. boards on a lot of things, they waste money. And I know in
15. the City of Chicago it's a good bill. Because the stupid books
16. that they have, you know, they teach...and in my community they
17. have Mexican Flag Day, but on June 14th, there will be no American
18. Flag Day. So, if that's the kind of stuff you want to teach
19. then just let the school boards act like they are, or pass this
20. bill, and we can regulate some of that's...going to be done in that
21. community. I think it's only fair. I ask for an Aye vote.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Further discussion? Senator Rock.

24. SENATOR ROCK:

25. Senator Rock, for the second time. Now, if that isn't...
26. doesn't convince you I don't know what will. I urge a No vote.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Further discussion? Senator Savickas, do you wish to close?
29. Senator Savickas.

30. SENATOR SAVICKAS:

31. Yes, Mr. President, and members of the Senate. I know it's
32. getting late and everyone's looking forward to the
33. German Dinner, but I think you ought to realize that what you're
voting on is a discharged bill, so it can be heard. And what you

1. are talking about, is the involvement of the parents of your
2. constituents and their ability to have a personal involvement
3. in the education of their children. And this is all it does,
4. it gives the parent involvement in the teaching direction of the
5. schools that teach their children. And I would suggest that if
6. you are concerned with what goes on in your school, you will vote
7. to support the parents of those children having some involvement
8. in the schools. If you're not concerned with what goes on with
9. the education of the children in your schools, then you will vote
10. against it. And I would ask that you support this discharge
11. motion.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. The motion is to discharge the Committee on Elementary and
14. Secondary Education from further consideration of Senate Bill 1135,
15. and ask that it be placed on the Calendar on 2nd reading for the
16. purpose of amendment...that it be placed...those in favor vote
17. Aye. Those opposed vote Nay. The voting is open. Have all
18. voted who wish? Have all voted who wish? Take the record. On
19. that question the Ayes are 15, the Nays are 28, none Voting
20. Present. The motion to discharge is lost. Senator Rock.

21. SENATOR ROCK:

22. Thank you, Mr. President. That finishes the bills that are
23. subject to deadline, and I would move that we stand adjourned
24. until nine o'clock tomorrow morning.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator...Senator...yes. All right, Senator Gitz, you had
27. an announcement or...

28. SENATOR GITZ:

29. Two things, Mr. President. Number one, when we started dis-
30. charge motions, I was on my way to the Floor. I wish I would have
31. been able to be here, and I want the record to record that had I
32. been able to do so, I would have voted Aye on Senate Bill 8's dis-
33. charge motion.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. All right. The motion is to adjourn until nine o'clock
3. tomorrow morning, we will pick up the other...all the remaining
4. motions deal with non-legislative matters under which we have
5. no deadline. Remind the members that we've gotten just about
6. sixty bills off the Calendar today, and we have about another
7. three hundred and twenty-five on 3rd reading. What...he doesn't
8. need leave, if you put it in the record Senator, it's on the tape.
9. It doesn't go in the Journal, we always remember that. The
10. motion is to adjourn until nine...for what purpose does Senator
11. Totten arise?

12. SENATOR TOTTEN:

13. Mr. President, we had a time certain for these other motions,
14. will we have a time certain for calling the remaining discharge
15. motions that are on there?

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. I...I would take it you would bring that up with the President.

18. SENATOR TOTTEN:

19. Aren't you the President, right now?

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. I am the Presiding Officer, I'm not the elected President.
22. The motion is to adjourn, all in favor say Aye. Opposed Nay. The
23. Ayes have it. The Senate stands adjourned until 9:00 a.m. to-
24. morrow morning, 9:00 a.m.

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