

82nd General Assembly

Regular Session

June 22, 1981

1. PRESIDENT:

2. The hour of four having arrived, the Senate will please
3. come to order. Will the members please be at their desks.
4. Will our guests in the gallery please rise. Prayer this
5. afternoon by the Reverend Anthony Tzortzis, St. Anthony's
6. Hellenic Orthodox Church, Springfield, Illinois.

7. REVEREND TZORTZIS:

8. (Prayer given by Reverend Tzortzis)

9. PRESIDENT:

10. Thank you, Father. Reading of the Journal.

11. SECRETARY:

12. Thursday, June the 4th, Friday, June the 5th, Tuesday,
13. June the 9th, Wednesday, June the 10th, Thursday, June the 11th,
14. Friday, June the 12th and Monday, June the 15th, in the year
15. 1981.

16. PRESIDENT:

17. Senator Johns.

18. SENATOR JOHNS:

19. Mr. President, I move that the Journals just read by
20. the Secretary be approved unless some Senator has additions
21. or corrections to offer.

22. PRESIDENT:

23. You've heard the motion as placed by Senator Johns.
24. Any discussion? If not, all in favor signify by saying Aye.
25. All opposed. The Ayes have it, the motion carries. So
26. ordered. Senator Johns.

27. SENATOR JOHNS:

28. Thank you, Mr. President. I move that reading and approval
29. of the Journals of Tuesday, June the 16th, Wednesday, June the
30. 17th, Thursday, June the 18th and Friday, June the 19th, in
31. the year of 1981 be postponed pending arrival of the printed
32. Journals.

33. PRESIDENT:

1. You've heard the motion as placed by Senator Johns. Any
2. discussion? If not, all in favor signify by saying Aye. All
3. opposed. The Ayes have it. So ordered. The motion carries.
4. Message from the Governor.

5. SECRETARY:

6. A Message from the Governor by Bob Kjellander, Director
7. of Legislative Affairs.

8. Mr. President - The Governor directs me to lay before
9. the Senate the following message.

10. To the Honorable members of the Senate, of the 82nd
11. General Assembly. I have nominated and appointed the following
12. named persons to the offices enumerated below and respectfully
13. ask concurrence in and confirmation of these appointments by
14. your Honorable Body.

15. PRESIDENT:

16. The Committee on Executive Administration, Appointments
17. Administration and Veterans Affairs. Message from the House.

18. SECRETARY:

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

20. Mr. President - I am directed to inform the Senate
21. the House of Representatives has concurred with the Senate
22. in the passage of bills with the following title together
23. with House Amendments.

24. Senate Bill 253 with House Amendment No. 1.

25. Senate Bill 633 with House Amendments 1 and 5.

26. Senate Bill 848 with House Amendment No. 1.

27. PRESIDENT:

28. Secretary's Desk. Senator Geo-Karis, for what purpose
29. do you arise?

30. SENATOR GEO-KARIS:

31. Mr. President and Ladies and Gentlemen of the Senate. On
32. a point of personal privilege. I'm delighted to introduce
33. to this Assembly, constituents and friends who are here

1. today in the upper gallery in the Senate or the President's
2. gallery, they are Attorney Ed and Mrs. Homeburg from Lake Forest,
3. constituents of mine from Lake County, Illinois and...I've got more,
4. in...in the other gallery...at the...at the other end of the President's
5. gallery, I'm going to read their names, give them to you straight.
6. There's Elana Xanthakos from Lake Forest, a high school student...and...
7. and Jeannie Highland, my senatorial aide from back home, her
8. sister, Sherry Ballinger from Zion, Janet Koelling from Zion,
9. Lola Garrett from Waukegan, Chester Constantine Maxymek from
10. Waukegan who is going to be an official photographer tonight at
11. the Greek cook-out. And George and Esther Christopher from
12. Oak Brook, who helped make some of the delicious pastries you're
13. going to sample and Helen and George Kokoris my good friends, who
14. made another batch, big batch of pastries for the Greek Night
15. from Oak Brook. I'd like to have you all welcome my friends
16. here tonight.

17. PRESIDENT:

18. Will our guests in the gallery please stand and be recognized.
19. Welcome to Springfield. Resolutions.

20. SECRETARY:

21. Senate Resolution 255 offered by Senator Lemke and all Senators,
22. it's congratulatory.

23. Senate Resolution 256 offered by Senator Keats and all
24. Senators and it's congratulatory.

25. Senate Resolution 257 offered by Senator Totten, it's con-
26. gratulatory.

27. Senate Resolution 258 offered by Senator Carroll, it's con-
28. gratulatory.

29. Senate Resolution 259 offered by Senator Nimrod and it's
30. a death resolution.

31. And Senate Joint Resolution 53 offered by Senators Rock,
32. Shapiro, Netsch and all Senators.

33. PRESIDENT:

1. Consent Calendar. Senator Becker, for what purpose do
2. you arise?

3. SENATOR BECKER:

4. Thank...thank you, Mr. President. A point of personal
5. privilege.

6. PRESIDENT:

7. State your point, Sir.

8. SENATOR BECKER:

9. We have a couple honored guests from...formerly from
10. Cicero in the 7th District, now living in Lyons of the 7th
11. District, and I'd like to ask Mr. and Mrs. George Scomoul
12. to rise and be recognized by the Senate.

13. PRESIDENT:

14. Will our guests please stand and be recognized. Welcome
15. to Springfield. Resolutions.

16. SECRETARY:

17. Senate Resolution 260 offered by Senators Philip, Friedland,
18. Bowers, Rhoads and Etheredge and it's congratulatory.

19. PRESIDENT:

20. Consent...

21. SECRETARY:

22. I'm sorry, Mr. President, it's a death resolution.

23. PRESIDENT:

24. Consent Calendar. Senator Carroll, for what purpose do
25. you arise?

26. SENATOR CARROLL:

27. Thank you, Mr. President. To request...that two bills
28. on the Agreed Bills List, of which I am the sponsor, be
29. removed for purposes of then amending them, House Bills 1365
30. and 1619.

31. PRESIDENT:

32. 1365 and 16...

33. SENATOR CARROLL:

34. 19.

1. PRESIDENT:

2. 19.

3. SENATOR CARROLL:

4. I am the Senate sponsor and in each case, a member has
5. asked for an amendment to it and I would like to take it off
6. so that they could have that opportunity.

7. PRESIDENT:

8. 13...House Bills 1365 and 1619, at the request of the
9. sponsor will be removed from the Agreed Bill List and placed
10. on the Order of Recalls. You've heard the request. Leave granted?
11. Leave is granted. So ordered. I'll bet. Senator Buzbee,
12. for what purpose do you arise?

13. SENATOR BUZBEE:

14. On a point of personal privilege, Mr. President. I've
15. had the Pages pass around a peach to...to each Senator
16. which is grown in my district in beautiful southern Illinois.
17. These are not the...the sweet juicy peaches of July and August,
18. but they're an early peach and I thought maybe everybody might
19. enjoy some of the products and the produce of beautiful southern
20. Illinois so I hope you enjoy it.

21. PRESIDENT:

22. Resolutions.

23. SECRETARY:

24. Senate Joint Resolution Constitutional Amendment 54 offered
25. by Senators Totten, Bloom, Friedland and others.

26. PRESIDENT:

27. Executive. Yes, Senator Degnan, for what purpose do you
28. arise?

29. SENATOR DEGNAN:

30. Thank you, Mr. President. I'd like to introduce...like
31. to introduce a former member from the 23rd District, Senator
32. Ed Nihill.

33. PRESIDENT:

34. Senator Nihill, welcome back. Senator Geo-Karis, for

1. what purpose do you arise, again?

2. SENATOR GEO-KARIS:

3. ...Another point of personal privilege. Mr. President and
4. Ladies and Gentlemen of the Senate. The other pastry maker, Mrs.
5. Catherine Wicketakis of Waukegan, Illinois and Bess Tsausis, two
6. of my constituents are here also in that gallery. I'd like to
7. welcome them.

8. PRESIDENT:

9. Will our guests please stand and be recognized. Welcome
10. to Springfield. Senator Nedza, are you ready? The Secretary
11. has caused to be distributed a list of the bills that members
12. have asked to be recalled or at least amendments have been
13. filed on these bills.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Senator Rock.

16. SENATOR ROCK:

17. Thank you, Mr. President and Ladies and Gentlemen of the
18. Senate. If I can have the attention of the membership...

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Gentlemen, could we have your attention. Can we break up
21. the caucuses.

22. SENATOR ROCK:

23. A number of the members have inquired as to the proposed
24. schedule. This evening, of course, given the fact that we
25. have good weather and we have a festival in honor of those
26. of Greek extraction tonight over at the Mansion. Tomorrow,
27. we will begin at nine o'clock in the morning. At the hour
28. of...shortly after noon, as you probably know, the Illinois
29. State Bar Association is...is in its annual convention for
30. the first time here in Springfield and the leaders of the
31. Association has asked the Speaker and I to recess for the
32. purpose of a...luncheon sponsored by and...and to be attended
33. by the twenty thousand members of the Bar Association or

1. how many...are in town tomorrow at the Centennial Building,
2. and they would wish that all members, obviously would attend.
3. Shortly, thereafter, at the hour of one-thirty we will be,
4. this is tomorrow now, we will be on the east steps, which
5. are the front steps of the Capitol for the ceremony dedicating
6. the...statue of the Honorable Richard J. Daley, which was
7. commissioned by this General Assembly a couple of years
8. ago. The Daley family will be in attendance as will about
9. four to five hundred guests from across the State. The
10. Secretary of State, Jim Edgar, will then host a reception
11. in his office and so we will recess effectively from noon
12. till about three-thirty tomorrow and then come back to work.
13. But for the purpose of this evening, it was our intent, having
14. discussed it with Senator Weaver and others that we would
15. come in late this afternoon to afford everyone a chance to
16. get here in the event that there had been an air controller's
17. strike, which fortunately there was not. But it's our intent
18. to try to work at least for an hour, an hour and a half and
19. then afford everybody an opportunity to get whatever work
20. they have to get done and get over to Greek Night. And on
21. Wednesday of this week, we will start again at nine o'clock
22. in the morning and call all those bills on 2nd reading, including
23. the appropriation bills that have to be moved. And, of course,
24. Friday of this week, is the deadline. So, I would hope that
25. in the next day or two, we can attempt, at least, to be prompt
26. and...and start on time. For the purpose of this afternoon then,
27. we will attempt, at least, to go through the recalls. There are
28. some joint resolutions on the Secretary's Desk that...members
29. have indicated they wish to send over to the House for their
30. concurrence and then we will begin...when we begin, we will begin
31. on House Bills 3rd reading, with Senate Bill 373 in the middle
32. of Page 4. House Bill 373, I beg your pardon. And given...we
33. will know on Wednesday when...when we will have a special order

438
Recalled.

1. to argue and fight about...maps and reapportionment. But I
2. think it's incumbent upon us to attempt, at least, to deal
3. with the House Bills that the Senate members have presented
4. and wish to pursue. So with that, Mr. President, I would
5. ask that we go to the Order of Recalls and start with House
6. Bill 109 and just go right down the list and see how quickly
7. we can operate.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. You've heard the motion of Senator Rock to go to the
10. Order of House Bills 3rd reading, for the purpose of recall
11. and the following bills have been...asked to be recalled.
12. From your list, remove House Bill 109 and House Bill 112.
13. And we will start on the Order of Recalls, on House Bill 438,
14. Senator Demuzio. On House Bill 438, Senator Demuzio. Are
15. there any amendments?

16. SECRETARY:

17. Amendment No. 2 offered by Senator Demuzio.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. I should have...I should have recognized Senator Rock.
20. Senator Rock, do you wish to have it recalled?

21. SENATOR ROCK:

22. Yes, in accordance with my prior agreement, the answer
23. is yes.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. On the order of Amendment No. 2 then, Senator Demuzio.

26. SENATOR DEMUZIO:

27. Thank you, Mr. President, Ladies and Gentlemen of the
28. Senate. Amendment No. 2 was distributed this past week and
29. I notice I don't have a copy on my desk, I hope that you
30. do, but basically what Amendment No. 2 will, in fact, do is
31. that it will reimpose ceilings on all consumer loans on
32. December 31st of 1983. It also incorporates the language
33. that Senator Rock had already...agreed to in committee and

1. the amendment had been adopted, which would, in fact, remove
2. the previous..I understand that, but...but this...this...this
3. amendment, since it strikes everything after the...enacting
4. clause, we...we put it back in. So what, in fact, this will
5. do, is that, the bill removes all of the ceilings off of
6. installment loans. Amendment No. 2 would reimpose these
7. ceilings by having them come into effect December 31st of
8. 1983. I frankly think that this approach is one that this
9. Legislature ought to give serious consideration to. I am
10. told that the Congress is...I am told that the Congress is
11. ...currently considering House...House Resolution 2501 in
12. Washington, which would permanently remove all of the interest
13. rate ceilings on consumer,business and agricultural loans.
14. If we, in the Illinois General Assembly, enact this legislation,
15. I think,and some others think,that we would act...be acting
16. prematurely. I think that this would provide any temporary
17. relief that the business community and the...financial
18. industry in Illinois needs to take them through these turbulent
19. times. I noticed today, also, that the prime rate stood at
20. eighteen and a half percent, at least it was on May the 1st,
21. I think it's probably nineteen and a half percent right now
22. and I think that this Legislature, if we, in fact, do not
23. adopt this amendment...if we, in fact, do not adopt this
24. amendment instead of...we would be acting prematurely and
25. we would be setting the...a trend for other states and therefore
26. I move for the adoption of Amendment No. 2.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Is there any discussion? Senator Keats.

29. SENATOR KEATS:

30. Thank you, Mr. President, Ladies and Gentlemen of the Senate.
31. I...I've been sitting here listening to the debate and I haven't
32. yet heard what...nothing against the sponsor,but I just haven't
33. heard what's in the amendment yet. And I've been sitting here

1. listening. I think I know what's in it, but could you, maybe
2. explain exactly what the amendment does.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator Demuzio.

5. SENATOR DEMUZIO:

6. What...what the...what the amendment does...it's very
7. simple, it does two things. First of all it says that the
8. ceilings are reimposed by...on December 31st of 1983, which
9. means that there's an eighteen month grace period by which
10. we will allow the market to float. In addition to that,
11. it is also incorporated in this amendment language that has
12. already been adopted, whereby the...the new interest rate
13. would only be...would be only applicable to new debt. Senator
14. Rock had agreed to do that in committee. The amendment was
15. adopted on the Floor. This amendment, in fact, struck everything
16. after the enacting clause and that is the only reason why we
17. put it back in.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Is there further discussion? Senator Keats.

20. SENATOR KEATS:

21. Thank you, Mr. President. I did want to make sure everyone
22. heard that. This is...I notice that perhaps no one is paying that
23. much attention yet, but this is really a very major amendment
24. and I hope everyone is aware of it. What we're talking about
25. right now, is, now that the Federal Government is finally
26. making an attempt to get out of the money market, finally
27. making an attempt for the government to deregulate the
28. financial markets, we're now going to decide that the states
29. should do it. We have discovered, through the credit crunches
30. we have had, most of them have been caused by inept manipulations
31. of the money market caused by the Federal Government. Now,
32. that we've finally gotten the inept ones out, we're going to
33. bring in new inept ones, only these new inept ones will work
34. for us instead of the Federal Government. I think we are making

1. a very serious mistake to adopt this amendment. This exact
2. amendment, I believe, was a bill and it was defeated in committee
3. on a 6 to 5 vote. So it's not as if this idea has...has not
4. been heard, it has been defeated...I think correctly and I think
5. all of us should keep in mind that if we pass this amendment we
6. defeat exactly what the Federal Government is trying to do,
7. which is deregulate a little bit so that there will be a
8. freer flow of capital so that when you and I need the money,
9. and when the consumers in the marketplace need the money, it'll
10. be there. If you continue to regulate it, that money will continue
11. to flow out of the markets where our people can get it into the other
12. areas where it may be more lucrative, but less advantageous
13. for Illinois residents. So I'd ask you to defeat this amendment.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Senator Rock.

16. SENATOR ROCK:

17. Thank you, Mr. President...

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Could we have a little order here.

20. SENATOR ROCK:

21. ...Ladies and Gentlemen of the Senate. Yes, might I
22. suggest to the Presiding Officer that all the Pages ought
23. to have a seat someplace.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Will all those that are not entitled to the Floor, please
26. remove yourselves and will the Pages please be in their allocated
27. seats and will we have our conference off the Floor, Senators
28. Ozinga, Philip, Friedland.

29. SENATOR ROCK:

30. Thank you, Mr. President, Ladies and Gentlemen of the
31. Senate. House Bill 438 is a...an extremely important bill
32. and it effectively removes any ceiling on the interest rates
33. with respect to a whole host of loans. The purpose, obviously

1. is to free up money for the consumers of this State and let
2. the market fluctuate. Currently, banks and financial institutions
3. are unwilling and in fact, in most cases, unable to afford the
4. consumers of this State the opportunity to borrow money if
5. they wish and it is truly permissive to borrow money...because
6. the market conditions simply won't allow it given the current interest
7. ceilings. House Bill 438, as it came over, and is now sponsored
8. by Senator Shapiro and myself in the Senate, effectively removes
9. those ceilings. Amendment No. 2 does one thing and one thing
10. only, it says we'll remove it, but only until December, 1983.
11. I suggest to you the amendment is a bad one. It was, as Senator
12. Keats pointed out, defeated in committee. I, for one, do not
13. understand why we wish to go through this agony again, sixteen
14. months from now or twelve months from now or eighteen months
15. from now. It seems to me that in order to give the market-
16. place a chance to react and to make money truly available
17. to the consumers of this State, if they wish, that there ought
18. not to be a ceiling on the interest rate, let the marketplace
19. control itself. I urge the defeat of Amendment No. 2 which
20. does one thing and one thing only, it removes the ceiling
21. for a period of eighteen months and then reimposes it. And
22. I suggest to you, given the current national administration
23. and the regulatory practices, eighteen months simply isn't
24. enough time. We ought to remove it once and for all and if
25. we wish, at some point, to reimpose it, that frankly, is
26. pretty easy. But to allow this kind of a moratorium simply
27. defeats the purpose of House Bill 438 as introduced and
28. as passed the House and as presented to Senate committee.
29. And I would urge the defeat of Amendment No. 2.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Is there further discussion? Senator Buzbee.

32. SENATOR BUZBEE:

33. Well, comment and question. If it's December of '83, I
34. believe that's thirty months, not eighteen months from now.

1. Question to Senator Demuzio. The bill, as written without
2. your amendment, would that also allow such things as our...
3. as...as credit cards, such as Visa and...Bank Americard and all
4. of that, they can charge any interest rate they want to then,
5. as the bill is presently...written?

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator Demuzio.

8. SENATOR DEMUZIO:

9. That is my understanding, yes.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Senator Buzbee. Is there further discussion? If not,
12. Senator Demuzio may close debate.

13. SENATOR DEMUZIO:

14. Well, thank you, very much, Mr. President. I don't take
15. any great pride in opposing Senate President and my colleague,
16. Senator Rock's legislation. But I do, in fact, believe that
17. there are some reasons why ceilings ought to be imposed. This
18. Legislature should have and should maintain the responsibility
19. for the establishing of some legitimate ceilings for interest
20. rates in Illinois. Now, it's my understanding that there are
21. only four additional states that have removed usury ceilings
22. on consumer loans. Those states being Arizona, Maine, Massachusetts
23. and New Hampshire. I think that instead of helping consumers
24. today, we will be hindering them by the virtue of the fact
25. that it will cost them more to borrow money. Now eighteen
26. months is certainly a significant period of time in which
27. to allow the Federal Government the interest rates to have
28. some reasonable...reasonableness again as it was a few years
29. ago and therefore, we have provided an eighteen month period
30. of time which we have allowed...which we will allow the market
31. to float. I think it's a good amendment, I think the consumers
32. simply do not want to pay more for goods that they charge and
33. for money that they have to borrow and this amendment ought

1. to be adopted.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. The question is shall Amendment No. 2 be adopted. Those
4. in favor indicate by saying Aye. Those opposed? The Nays...
5. Roll call has been requested. Will all the Senators be in their
6. seats. All those...wishing to adopt Amendment No. 2 to House
7. Bill 438 will vote Aye. Those opposed will 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 14, the Nays are 37, 1 Voting Present. Amendment
11. No. 2 having failed to receive a majority is declared lost.
12. Any further amendments?

13. SECRETARY:

14. Amendment No. 3 offered by Senator Chew.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Senator Chew.

17. SENATOR CHEW:

18. Thank you, Mr. President. Amendment No. 3 gives the purchaser
19. some recourse in fighting the elimination of the ceiling cap.
20. With the high pressure tactics that's used in selling, some
21. people are not understanding the possibility of getting caught
22. up in the highest interest rates. Now, House Bill 438 removes
23. the interest ceiling on the following types of loans, credit
24. unions, state banks, written contracts, agreements of bonds
25. for deeds...installment purchases of residential real estate,
26. mortgage loans secured by residential real estate. In other
27. words, Amendment No. 3 would prevent that person who possibly
28. goes into some contract and has no recourse of securing his
29. money...

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Senator Demuzio has...asked for a little order so that
32. he can hear what Senator Chew is saying. Will we break up the
33. conferences, Senator...Friedland, Senator Geo-Karis, Senator

1. Joyce, both Joyce's. Senator Marovitz, would you take your
2. seat please. Could we have some order so Senator Chew may
3. proceed. Senator Chew.

4. SENATOR CHEW:

5. Amendment No. 3 would help equalize the relationship between
6. a creditor and a buyer in retail installment contracts. First,
7. it would allow relief to the purchaser who is subject to a
8. violation of these acts. And two, it will provide a deterrent
9. for the unscrupulous lender who knowingly violates provisions
10. of these acts, recognizing that the consumer who is prey to
11. such violation has no recourse available for such violation.
12. I would move its adoption.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Is there any discussion? Senator Netsch.

15. SENATOR NETSCH:

16. Thank you, Mr. President. I...I would rise also in support
17. of the amendment offered by Senator Chew. The two acts to
18. which he referred are the only two of the Consumer Acts which
19. do not, at the present time, provide for a private remedy action.
20. That was apparently a slip-up when they were reamended in 1967
21. and the same kind of provision was put into all of the other
22. Consumer Finance Acts. It seems to me that it is a good idea.
23. It, in a sense, equalizes these two acts with all of the others
24. and is particularly important in the light of the basic subject
25. matter of House Bill 438. If, indeed, these limits are to be
26. raised, this additional protection really is necessary. The
27. present methods of enforcement are, I think, widely conceded,
28. not to be terribly effective. They are an injunctive or criminal
29. action to be brought by the State's attorney or the Attorney
30. General. That has never been the most effective way of
31. enforcing the kinds of rights that are provided in acts such
32. as the two which are the subject of Senator Chew's amendment.
33. So, in order to equalize this act with others which already have

1. this kind of a provision, it seems to me that this amendment
2. should be adopted.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator Rock.

5. SENATOR ROCK:

6. Thank you, Mr. President, Ladies and Gentlemen of the Senate.
7. I rise in strong opposition to Amendment No. 3. Amendment No. 3
8. would attempt to say what Senate Bill 272 said and we defeated
9. that in this Chamber with some substance, not enough, I might
10. add, but we did defeat it. Senator Netsch, I think, has misspoken,
11. inadvertently. When the consumer fraud package of bills which
12. some of you oldtimers remember, came through this Chamber in
13. 1967, there were about thirteen or fourteen bills sponsored
14. by then Senator Gottschalk and others. One of the major components
15. of that package was the fact that the Retail Installment Sales
16. Act and its violations and the Motor Vehicle Installment Sales
17. Act and its violations, were to be prosecuted by the State's
18. attorney respectively of the hundred and two counties and
19. by the Attorney General of this State. To put this kind of an
20. amendment on this kind of a bill simply is unwarranted. If,
21. in fact, we wish now to let the Legal Aid Society and Common
22. Cause and IPO and IVI and all the neighborhood legal services
23. file against all the sellers of automobiles and all the sellers
24. of appliances on the basis of some wrong, real or perceived
25. by some willing consumer, that's one thing, but don't do it
26. on this bill. We already defeated Senate Bill 272. This provides
27. that, if, in fact, you sign something that you don't know what
28. you're signing, not only can you get out of it, the attorney
29. who says you can get out of it, gets his attorney's fees and
30. that's where this bill came from. This amendment ought to be
31. summarily defeated worse than Amendment No. 2 and I urge a
32. No vote.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Senator Geo-Karis.

2. SENATOR GEO-KARIS:

3. Mr. President and Ladies and Gentlemen of the Senate. As
4. I read this amendment, it says, of course, bona fide the...of
5. computation would not be considered a violation of this act.
6. Under the law, I believe that the purchaser would already have
7. a remedy if, by filing his suit and...on a basis of malice...
8. just of the action and he can ask for damages or what have
9. you. As much as I like my colleague on the other side, I
10. am too, forced to speak against this amendment because there
11. is a remedy in the law already in effect, if the purchaser
12. wishes to avail himself of it when there is wrongdoing by
13. the seller.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Senator Egan.

16. SENATOR EGAN:

17. Yes, thank you, Mr. President and members of the Senate.
18. In due respect to the mover of the amendment, I would like
19. to make the observation and make it very clear. That again
20. ...that is you, Senator Chew, that again, the...the idea
21. is to protect the consumer, but what it does in ultimate
22. terms, it dries up the credit that he is trying to get, you
23. keep making it more and more difficult for business to
24. extend credit to those people who will ultimately turn
25. around and, as it were, bite the hand that feeds them.
26. It doesn't do the consumer any good, quite to the contrary,
27. it reverses the process. It dries up credit and this is not
28. good for the...the common will, nor is it good for the business
29. community. And I rise in opposition to the amendment for that
30. reason.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Is there further discussion? If not, Senator Chew may
33. close debate.

1. SENATOR CHEW:

2. Mr. President, thank you. We all know that the little
3. guy gets caught up on the big deals that's passed in Congress,
4. in the Legislature, in city halls and all over this country
5. and he's the last guy to take the spanking. This amendment
6. will give him some protection and God knows, the little con-
7. sumer out on the streets, needs the protection. I would ask
8. for its adoption.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. The question is shall Amendment No. 3 to House Bill 438
11. be adopted. Those in favor indicate by saying Aye. Those
12. opposed. The Noes have it, Amendment...a roll call has been
13. requested. All those in favor of adopting Amendment No. 3
14. will vote Aye.. Those...opposed will vote Nay. The voting
15. is open. Have all...voted who wish? Have all voted who
16. wish? Take the record. On that question the Ayes are 15,
17. the Nays are 36, none Voting Present. Amendment No. 3
18. having failed to receive...a majority vote is declared lost.
19. Any further amendments?

20. SECRETARY:

21. No further amendments.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. 3rd reading. House...for what purpose does Senator Nash
24. arise?

25. SENATOR NASH:

26. For the point of personal privilege.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. State your point.

29. SENATOR NASH:

30. Mr. President, Ladies and Gentlemen of the Senate. In the
31. President's gallery is the gentleman who is going to entertain
32. us tonight at the Governor's Mansion. Star of radio and TV
33. and stage, Mr. Jimmy Danron.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Would he please stand up and be recognized? House Bill 508,
3. Senator McLendon. Read the bill, Mr. Secretary. Are there
4. any amendments?

5. SECRETARY:

6. Amendment No. 3 offered by Senator Geo-Karis.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Senator Geo-Karis.

9. SENATOR GEO-KARIS:

10. Mr. President, Ladies and Gentlemen of the Senate. Amendment
11. No. 3, with the consent of the sponsor of the bill, or the
12. original Bill 508, provides that...the preferential wage assignment
13. for child support payments. That was the bill we passed with
14. flying colors, 57 to 0 here and I don't know what happened in
15. the House Committee, but it never got out so we...we're putting
16. it on at the request of the Department of Public Aid as an
17. amendment to...House Bill 508 and with the consent of the sponsor
18. here.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Is there any discussion? Senator McLendon.

21. SENATOR McLENDON:

22. Yes, Mr. President and members of the Senate. I understand
23. that the House sponsor does not object to this amendment, so
24. I have no objection.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. If there's no further discussion, Senator Geo-Karis moves
27. the adoption of Amendment No. 3 to House Bill 508. Those in
28. favor indicate by saying Aye. Those opposed. The Ayes have
29. it, Amendment No. 3 is adopted. Any further amendments?

30. SECRETARY:

31. No further amendments.

32. PRESIDING OFFICER: (SENATOR SAVICKAS)

33. 3rd reading. House Bill 705, Senator Taylor. Read the bill,

1. Mr. Secretary.

2. SECRETARY:

3. Amendment No. 2 offered by Senator Taylor.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Are there any amendments?

6. SECRETARY:

7. Amendment No. 2 offered by Senator Taylor.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Oh, Senator Taylor.

10. SENATOR TAYLOR:

11. Thank you, Mr. President and members of the Senate. Amendment
12. No. 1 to House Bill 705 is...amendment dealing with given notifications
13. from certain agencies to the Department of Law Enforcement to...
14. municipalities of over ten thousand population when the person
15. convicted of a Class X Felony is released. And this amendment calls
16. for a notice being given within fifteen days. Solicit your
17. support for Amendment No. 2 to House Bill 705.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Is there any discussion? If not, Senator...Senator Bowers.

20. SENATOR BOWERS:

21. Thank you, Mr. President. I'd like to call the Body's
22. attention to a couple of matters insofar as this amendment is
23. concerned. This amendment provides for notice to the municipal...
24. to the local officials in every case where a felon is released
25. and it doesn't make any difference whether or not he's served
26. his time. In other words, he may very well have served his
27. time, I don't know what the purpose of the notice can be, but
28. it does create some immense problems. The Department of
29. Corrections simply cannot comply with this...with this particular
30. provision. Now it was introduced and passed in the House under
31. House Bill 113. It came to our committee...the problems were
32. pointed out and it is in a subcommittee. I think there is
33. hope that if it can be reworked it can be acted upon next year.

1. But now the reason the department cannot work with the bill is...
2. or with the provisions that are already there is because in many
3. instances, when inmates come down from a local...incarceration,
4. they will have served sufficient time to be authorized to be
5. released. Now, the department would have to, under this bill,
6. do one of two things, they either have to violate this law
7. and refuse to give the notice or they have to hold the inmate
8. beyond the period of time that he has to serve. So they simply
9. cannot comply with the law if this particular amendment became
10. law. And there are other particular reasons why the department
11. is opposed, I think it can be reworked to the point where it
12. can...they can live with it, but they cannot live with it in
13. this form. Again it...it came to our Committee in Judiciary II,
14. the committees thought that it needed some work, so they...it
15. was sent to a subcommittee with the sponsor's consent, that
16. was Senator Egan, and it just seems to me that this Body would...
17. it would be totally inappropriate for this Body to adopt it
18. as an amendment on another bill and I would hope we would
19. defeat it.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Senator Egan.

22. SENATOR EGAN:

23. Yes, thank you, Mr. President and members of the Senate.
24. I would like to...to suffix the remarks of Senator Bowers by
25. saying that the bill that's in the subcommittee in the Committee
26. on Judiciary II is my bill. I am the Senate sponsor of the
27. bill and the House sponsor of this amendment is Senator...is
28. Representative Kosinski, who all...you all know well is one
29. of the members of the All-American Legislative Team from my
30. district. And I...I don't find it very easy to get up and
31. oppose this amendment on the basis that there's something
32. wrong with it because it's my bill, however, we have made
33. every...every attempt at a good faith effort to accommodate

1. the Department of Corrections, who incidentally, Ladies and Gentlemen
2. on both sides of the aisle, has been totally cooperative with
3. all of the progress that we've made in the Judicial...changes
4. in the Criminal Code...in the administration of the Criminal
5. Code and I find it very difficult not to return that cooperation.
6. If they can't comply with the law, then Senator Taylor, let's
7. sit down and figure out a way that they can. If you hammer
8. it down their throat, the Governor is going to veto the
9. bill and we'll be back here in the spring anyway. Now, I would
10. just suggest, as I have over the past few days, that if we
11. use our heads, we can come up with something that will satisfy
12. the proponents of this legislation as I do wish to do and we
13. don't have to get into a big hassle. Consequently, don't let
14. the amendment go on now, we'll take care of it between now
15. and next spring.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Senator Sangmeister.

18. SENATOR SANGMEISTER:

19. Well, thank you, Mr...Mr. President and members of the
20. Senate. I reluctantly also, arise in opposition to the amendment.
21. Representative Kosinski in his original House Bill 113 has a
22. good idea and we ought to do something about it. However,
23. the committee felt that it ought to go into a subcommittee, work
24. with the Department of Corrections and the Department of Mental
25. Health in order to come out with something we can live with.
26. As the chairman of that committee, I feel certain that if we
27. can come to such an agreement, that next spring, we ought to
28. be able to spring that bill...out hopefully, we can't promise
29. that, but...and then move forward with it. Because the...the
30. intent and the purpose of the bill is laudatory, but at the
31. present time the departments tell us they can't live with it,
32. I think we ought to respect their opinion.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Further discussion? Senator Netsch.

2. SENATOR NETSCH:

3. Thank you, Mr. President. I rise in support of the amendment.

4. I realize there has been some confusion about this, but I would
5. like to point out two things. One, the problem which is the
6. subject matter of...of Senator Taylor's proposed amendment, I
7. think came to prominence particularly in connection with activities
8. at Cabrini Green, which is part of my district. It was clear
9. that there were a number of prisoners being released, who,
10. at least, ended up back in that community and that there was
11. no way of, in a sense, keeping track of where they were and
12. where they were supposed to be. It is indeed, a very serious
13. problem. My...I...I defer to the Department of Corrections
14. in terms of some of the workability of this, but the problem
15. that I have had, is that when they tried to explain to me why
16. they were opposed to it, they said at one point, they were
17. doing something not unlike this, right now. I suggested
18. that they then go back and simply write that into Statutory
19. language so that we would have something that clearly they
20. could make work. I have not heard from them since. And I
21. have a feeling that they are just simply opposed to the
22. idea and that there may not be any language that they will
23. find acceptable. It is a serious problem, this amendment
24. has been severely restricted over its original form, as
25. it came over from the House. I think that was an unworkable
26. one, obviously. It seems to me this is limited enough that
27. it is workable and should be tried.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Further discussion? Senator Thomas.

30. SENATOR THOMAS:

31. Thank you, very much, Mr. President. A question of the
32. amendment sponsor.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Indicates he will yield. Senator Thomas.

2. SENATOR THOMAS:

3. Senator Taylor, was not this the amendment that called
4. for notification of communities of a population ten thousand
5. or over?

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Taylor.

8. SENATOR TAYLOR:

9. That is correct.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Thomas.

12. SENATOR THOMAS:

13. The basic question I have then, two of the most notorious
14. murderers, convicted murderers in the State of Illinois, came
15. from communities under ten thousand. One being Chester
16. Otto Wigger, who murdered the three Chicago area women at
17. Starved Rock State Park and he came from a town of thirty-one
18. hundred and the second was none other than Richard Speck, who
19. came from Monmouth, and I don't know what the latest census
20. figures are, but I don't think Monmouth is much over ten
21. thousand, so I find it rather unworkable.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Further discussion? Senator Grotberg.

24. SENATOR GROTEBERG:

25. Thank you. I think the only thing that probably hasn't
26. been said on the subject, is that the Department of Corrections
27. just barely knows any given day where the ten to fifteen thousand
28. people they are...have, are, within the system. And the ebb
29. and flow of that size population makes it almost impossible
30. for them to track back in a timely fashion any one prisoner
31. who is released to go back home to his own community in the
32. dimension that this asks for. We've had some of this wanting
33. to go back to the State's attorneys, that's only a hundred and

1. two counties, it would be a little bit easier. But I don't think
2. we can impose upon the Department of Corrections anything as
3. elaborate as this, they're just learning to live with a lot
4. of the legislation that we have rammed down their throats. They
5. reject this out of hand as something that's unworkable. Let's
6. keep it in committee and fix it up till it works.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Hall.

9. SENATOR HALL:

10. Thank you, Mr. President and Ladies and Gentlemen of the
11. Senate. If I...just read or heard Senator Grotberg correctly,
12. it's almost unbelievable that nobody knows the names of the
13. people who are going to be released from these penitentiaries.
14. I don't see how the Department of Corrections...they certainly
15. must have a list of people that they're going to release. I
16. know you just don't at random, just go there and start opening
17. up the doors. I don't see why this is going to be so unworkable.
18. And as Senator Netsch said, that they have not come up, as to
19. date, with something that she has said...I would like...it's
20. also been made...suggestion here that maybe it could, it
21. needs some work done. If someone had come up to Senator Taylor
22. and told him that they had another suggestion how this amendment
23. should go on here, I think he would have been amenable to it,
24. but since they haven't done anything at this time, I think we
25. ought to support this amendment.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Savickas.

28. SENATOR SAVICKAS:

29. Yes, Mr. President and members of the Senate. Senator Hall,
30. touched on, I think, a very important point here. If someone
31. is being released from a prison or in...in the case of this
32. amendment, from a...Department of Mental Health and Developmental
33. Disabilities, that nobody knows where these people are going or

1. they don't know that they are releasing them. It's unbelievable
2. that we're talking about releasing people that have been convicted
3. under the Class X provision and releasing them from the Department
4. of Mental Health and releasing them back into a community and
5. not informing the local authorities that this man had been
6. under the care of the Department of Mental Health. He may have
7. committed murder or some atrocious crime and he's being released
8. out into the community and the community doesn't know anything
9. about it. I think this is a good amendment, I think the department
10. can very easily accommodate all of these provisions and if the
11. major provision of Senator Bowers was a fifteen day...notification,
12. I'm sure that can be taken care of too, and I'm sure this amend-
13. ment can be drawn to eliminate that if that's the only concern.
14. But I can't see how any Senator in this Body could allow...that a
15. convicted criminal under the Class X, leaving the Department of
16. Mental Health and Disabilities, allow them back into the community
17. without your own law enforcement agency knowing that they're
18. coming back. I think this amendment should be adopted.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Further discussion? Senator Bowers.

21. SENATOR BOWERS:

22. Thank you, Mr. President. I apologize for rising...a
23. second time, but...to Senator Hall and Senator Savickas, let
24. me say this. With respect to the Department of Mental Health,
25. I don't have any real problem with that, but we're now talking
26. about the Department of Corrections. We're talking about a
27. man who was served his time. He doesn't have to tell you
28. where he's going to go, he's entitled to get out of there and
29. he doesn't have to tell a person in this world where he's
30. going and often they're just stubborn enough they're not
31. going to tell. And in addition to that, the records at the
32. Department of Corrections don't always tell where the arresting
33. municipality is. And this law requires them to notify the municipality

1. where the man was arrested. And sometimes that information
2. is not in the man's jacket and it's not available. Now, again,
3. there are ways this thing could be worked out so it's a workable
4. program. But this is not a workable program, hopefully, Senator
5. Egan's bill can be worked in that direction. But when a man's
6. served his time and...and he's discharged permanently, there's
7. no way in the world you've got any control over him and he
8. doesn't have to tell you where he's going and there's no
9. way the department can be sure where he's going or who to
10. notify, under this bill.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Further discussion? Senator Egan.

13. SENATOR EGAN:

14. Yes...yes; Mr. President and members of the Senate. I...I
15. hesitate to rise the second time, but I did want...I did want
16. to clarify a remark that was made by Senator Savickas. He said,
17. he can't understand why any Senator can vote against having
18. the community in which a mental health patient lives, notified,
19. if he's a dangerous man, after a hearing that he's going to
20. be released from the Department of Mental Health. The problem
21. is, Senator Savickas, and this is what we're sincerely working
22. on in the subcommittee, the problem is, that the Department
23. of Mental Health doesn't know fifteen days in advance that
24. the man is going to be released. If the amendment said no
25. days, fine, that's no problem, but it doesn't say that. That
26. is not what the bill says, that's why we're working it out
27. in the subcommittee. I, for one, would like for my community
28. to know when a Department of Mental Health...inmate is released,
29. if he's dangerous, in my community, just like you, there's
30. no difference. The only thing is, we don't know. So you're
31. asking the Department of Mental Health to do something it
32. cannot do and if they...if they keep that...that inmate for
33. fifteen days, they are violating the law in doing it. So they

1. can't do either way, that, what...what you are requesting under
2. this bill. If the bill passes, the Governor is going to veto
3. it, give us an opportunity to work it out in a subcommittee,
4. that's all I'm asking.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Further discussion? Senator Collins.

7. SENATOR COLLINS:

8. Yes, thank you, Mr. President. I...I can't understand what
9. all of the confusions are, or reservations in reference to this
10. particular bill. Four years ago, Senator Nimrod and I passed
11. a bill that required notification to local law enforcement
12. for all patients being released from a mental institution, those
13. that had been found not guilty for reason...of insanity. Now, I
14. do not see a major problem with the existing procedures to
15. include those persons who, for whatever reason, had committed
16. a crime and...and had been committed to the Department of Corrections
17. and had, in fact, been in some type of mental treatment to be
18. informed by...to local law enforcement officials, prior to
19. their release. I don't understand what all of the confusion
20. and discussion is about. Because they have already established
21. that as a procedure for those persons found guilty of...not
22. guilty by reason of insanity and that had been committed to a mental
23. institution. Some of the patients in the Department of Corrections
24. do not necessarily...be incarcerated on that kind of plea, but at
25. the same time, it is found that those persons are in need of
26. serious mental treatment while incarcerated with the Department
27. of Corrections. And most certainly those persons...we should be
28. notified, local law...officials when those persons are to be
29. released back into the community. So I see no problems with
30. this bill.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Further discussion? Senator Johns.

33. SENATOR JOHNS:

1. If I'm not mistaken, Mr. President, 60 Minutes had a...
2. had an article about a mental patient that was released and the...
3. the authorities didn't notify the wife, he had threatened to
4. kill her several times and...and he'd been incarcerated and
5. placed in...under mental supervision. And they didn't notify
6. the wife and he came right back home and it was on 60 Minutes,
7. nationwide television, and he butchered his wife and killed
8. her. And I think the notice arrived like two days later,
9. that he was going to be released. I think this is common sense.
10. If I'm not mistaken, Jack Mabley had an article in the Tribune one time
11. about releasing people back into the same neighborhood and
12. they...this particular criminal had harrassed the elderly and
13. all those people within that neighborhood and he came right
14. back into that neighborhood, unbeknownst to those people and
15. started harrassing them and...and causing them great deals of
16. grief. I think it's very...very appropriate that we let these
17. people know that these...these type of people are coming back
18. into the neighborhoods. I like the idea and I hope that it
19. gets approval.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Further discussion? Senator Geo-Karis.

22. SENATOR GEO-KARIS:

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

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Let's see, only Senator Netsch has sought recognition. Senator
26. Netsch may close...Senator Netsch.

27. SENATOR NETSCH:

28. Thank you. I think there were two misunderstandings of what this amend-
29. ment provides that I would like an opportunity to clear up and
30. I can do it best perhaps by just reading the heart of one of
31. the two sections. One section deals with when someone who
32. has been convicted of a Class X Felony is released by the
33. Department of Mental Health, that is he's been serving under

1. their jurisdiction. And the other is when he's been held by
2. the Department of Corrections. Except as otherwise provided
3. in this code, not less than fifteen days, prior to the release
4. by the department of any person convicted of a Class X Felony,
5. the department shall give written notice to the State's attorney
6. and the sheriff of the county from which the offender was
7. sentenced. And then this is important to you...to your question,
8. Senator Thomas, it is in addition, the ten thousand limitation,
9. in cases where the arrest of the offender took place in a
10. municipality with a population of more than ten thousand, the
11. department shall also give written notice to the law enforcement
12. agency. So the basic requirement of notice is to the State's
13. attorney and the sheriff of the county from which the offender
14. was sentenced. The ten thousand is just simply an add-on
15. where that happens to be appropriate. And it is, incidentally,
16. Senator Bowers, the place by...by and large, it is the place
17. of conviction, not the place from which the...the person
18. generally came. So it is somewhat more restricted than earlier
19. versions that I think you saw and I think it still is a good
20. idea.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Taylor may close.

23. SENATOR TAYLOR:

24. Thank you, Mr. President and members of the Senate. I
25. am somewhat appalled at some of the things that I have heard
26. from members of both sides of the aisle. Because I have talked
27. to members on my side of the aisle about the amendment, no one
28. had any serious objections to the amendment. The only problem
29. that they had, they said the Department of Corrections is
30. against the amendment for fear that they cannot enforce the
31. amendment. And I think that is wrong, because the Department
32. of Corrections can enforce this amendment, if it should be
33. adopted. No one...I talked to Rick Brown from the Department

HB 1263
Recalled

1. of Corrections, he didn't have any serious objections to this
2. amendment. I talked to the...chairman of the committee and
3. he is going along because the Department of Corrections is
4. against this amendment. This is a good amendment. I want
5. to know about those persons that's coming back into my
6. community. When I feel that I have to walk with a shotgun
7. in order to get to my home and there are many communities
8. like that throughout this State, not just in Chicago in
9. Cabrini Green, but all over the State. I know that this is
10. a good amendment and it should be adopted. It's time that
11. we ought to cut the mustard right here and now and do things
12. that need to be done in order to get our communities in
13. shape. Mr...President and members of this House...Senate, I
14. solicit your support for Amendment No. 1 to Senate...House
15. Bill 705.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Question on the adoption of Amendment No. 2 to House
18. Bill 705. Those in favor will vote Aye. Those opposed
19. will vote Nay. The voting is open. Have all voted who
20. wish? Have all voted who wish? If we might have some order, please.
21. Have all voted who wish? Take the record. On that question,
22. the Ayes are 32, the Nays are 22, 1 Voting Present. Amendment
23. No. 2 to House Bill 705 is adopted. Further amendments?

24. SECRETARY:

25. No further amendments.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. 3rd reading. House Bill 1263, Senator Nedza. Senator Nedza
28. asks leave of the Senata to return House Bill 1263 to the Order of
29. 2nd reading for the purpose of amendment. Is leave granted? Leave
30. is granted. Are there amendments, Mr. Secretary, please.

31.

32.

END OF REEL

33.

1. SECRETARY:

2. Amendment No. 2 offered by Senator D'Arco.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator D'Arco is recognized on Amendment No. 2.

5. SENATOR D'ARCO:

6. Thank you, Mr. President. Amendment No. 2 changes the word
7. or to and on line 16. It...the intent of the bill was to provide
8. for the word and, and not or. And I would move to adopt Amendment
9. No. 2 to House Bill 1263.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. The motion is to adopt. Further discussion on the motion
12. to adopt. All in favor say Aye. Opposed Nay. The Ayes have it.
13. Amendment No. 2 is adopted. Further amendments?

14. SECRETARY:

15. Amendment No. 3 by Senator Maitland.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Maitland is recognized on Amendment No. 3.

18. SENATOR MAITLAND:

19. Thank you, Mr. President, and Ladies and Gentlemen of the
20. Senate. Amendment No. 1 greatly altered the bill, and caused us
21. some concern downstate, and therefore, Amendment No. 3 would
22. ...would cause the legislation to apply to only those counties
23. with more than three thousand inhabitants. And I would move
24. for the adoption.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. The motion is to adopt. Discussion of the motion? All in
27. favor say Aye. Opposed Nay. The Ayes have it. Amendment No.
28. 3 is adopted. Further amendments?

29. SECRETARY:

30. Amendment No. 4...

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Walsh.

33. SENATOR WALSH:

1. I...I...I think that that's a very significant amendment. I...
2. the...I guess...I asked Senator Maitland if it applied to counties
3. of only three thousand inhabitants, and that's the way he spoke,
4. but apparently it's three million inhabitants. And I think in
5. view thereof, we should, you know, consider the amendment in
6. a different light. I wonder if maybe Senator Maitland wouldn't
7. mind if we reconsidered the...the vote on which that amendment
8. was adopted, and...and debate it at some further length.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Maitland.

11. SENATOR MAITLAND:

12. It is correct. I believe the record would...would show that
13. I said three thousand. It is, in fact, three million.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. All right. Senator, what...what...the amendment is technically
16. adopted, although we're just rolling along here. Senator Maitland,
17. what...what is your desire as the sponsor of the amendment?

18. SENATOR MAITLAND:

19. Well, if Senator Walsh wishes to have it reconsidered,
20. I would have no problem with it.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. The motion is to reconsider the vote by which Amendment No. 3
23. was adopted. On the motion to reconsider, all in favor say Aye.
24. Opposed Nay. The Ayes have it. Now...the matter is now before
25. the Body. Senator Maitland, on the motion to adopt, do you have
26. further comment...is there further comment? Senator Walsh.

27. SENATOR WALSH:

28. Well, yes, I...this is one of those cases where I, as one of
29. those who's opposed to...opposed to the bill, might be losing some
30. of my potential allies, and I had kind of hoped that Senator Maitland
31. and some of his...my downstate colleagues might be...might be opposed
32. to this bill in its present form, but might not be in the event
33. the amendment is adopted. So, I think...you know, some discussion

1. of the...of the amendment is appropriate. The...the amendment
2. would provide that this bill, which provides for...for unilat-
3. eral annexation does not apply anywhere but in the County of
4. Cook. And there apparently is only one particular place in
5. the County of Cook where it is proposed to apply, and that
6. is my district. So, I'm just afraid it's going to be fifty-
7. eight to one if this...if this amendment is adopted. Again,
8. the...the bill provides for unilateral annexation, that is
9. annexation by a municipality without the...the consent of
10. either the...the property owners or the...or the inhabitants
11. of this...of this particular area if it's surrounded by a muni-
12. cipality. It is a very significant bill, and if it's going to
13. apply, I think it ought to apply State-wide, I'm not...I don't
14. think it's a good idea. Obviously, I would hope that we would
15. defeat this amendment, and hopefully defeat the bill.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Further discussion? Senator Nedza.

18. SENATOR NEDZA:

19. Thank you, Mr. President. We've heard quite a bit of
20. comment through the Session as to the exclusion of Cook County
21. in a number of bills. Well, this is the first opportunity that
22. we've had to have a bill which only includes Cook County, and...
23. and excludes the remaining portion of the State. I would move
24. for its adoption.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Further discussion? Senator D'Arco.

27. SENATOR D'ARCO:

28. Thank you, Mr. President. I think Senator Nedza hit the
29. nail on the head when he said it, it simply does apply to Cook
30. County, and the objection to the original bill was that it would
31. affect more than one municipality. And that is why Senator
32. Maitland's...amendment is being accepted so that it would only
33. apply to Cook County, because we wanted to limit the application

1. of the annexation to one particular area. So, it...it wouldn't
2. apply to the State or to other municipalities even within the
3. boundaries of Cook County, other than the particular municipality
4. that it was designed to affect. So, I don't see how Senator
5. Walsh's objection to this bill applies other than the fact that
6. he feels that an unincorporated area within the boundaries...along
7. side the boundaries of a municipality through services the unin-
8. corporated area is utilizing should not be annexed. And we...we
9. don't think that's the way it should be, and I would ask leave
10. of this Body to defeat Amendment No. 3...I mean to adopt Amendment
11. No. 3.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Further discussion? Senator Egan. Senator Egan.

14. SENATOR EGAN:

15. All right, yes. I...I have a question of the sponsor.
16. If...if in Cook County, there is unincorporated area that is
17. surrounded by Chicago, doesn't this bill apply to that unincor-
18. porated area?

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator...Senator Maitland, or Senator Nedza.

21. SENATOR EGAN:

22. If, in Chicago...if, in Cook County, there is unincorporated
23. area surrounded by the City of Chicago, is that...is that unin-
24. corporated area included in this amendment?

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator D'Arco.

27. SENATOR D'ARCO:

28. No, there are...are very stringent requirements that have
29. to be met before an unincorporated area can be annexed into a
30. municipality. And simply because it's adjacent to the City
31. of Chicago, does not meet the requirement.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Egan.

1. SENATOR EGAN:

2. Well, now you're not...you're not hitting head on to the
3. question. The question is, in Cook County, if there is unincor-
4. porated area completely surrounded by the City of Chicago, does
5. this not automatically annex that unincorporated area into
6. Chicago?

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Nedza.

9. SENATOR EGAN:

10. My question then is, if it doesn't, why?

11. SENATOR NEDZA:

12. No...no, it doesn't, Senator. No, let me answer it. No,
13. it does not Senator Egan. Under the...under Senator Maitland's
14. amendment, there is specific...do you have the amendment in your
15. hand? Okay, under those specific portions of the bill, it
16. specifically states, and there is specific language because
17. the language was drawn to make it applicable only to one parcel
18. of property as opposed to any other pieces of property. And
19. the language is applicable to that one piece of property as
20. opposed to other pieces of property in...in the State of Illinois.
21. And the municipality, I think what you're concerned about, would
22. probably be Harwood Heights, Norridge, and what have you, it
23. does not apply to them.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Further...further discussion? Senator D'Arco.

26. SENATOR D'ARCO:

27. Under the...under the law...under the bill that's being
28. proposed, it would have to be surrounded by one or more
29. municipalities, and by real estate owned by a forest preserve
30. district, and by a State or county highway. So, because...those
31. facts would have to be in place before the municipality could
32. annex this unincorporated area.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Egan.

2. SENATOR EGAN:

3. All right. Now, I...I understand, Senator, but it doesn't
4. say and, and, and, it says and/or.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator D'Arco.

7. SENATOR EGAN:

8. If the county highway...

9. SENATOR D'ARCO:

10. That's because you didn't listen to Amendment No. 2, which
11. changed the word or to and.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Egan.

14. SENATOR EGAN:

15. You know, I don't...I just don't...I want to do the right
16. thing, Senator. If...if Amendment No. 2 is...is affected by
17. Amendment No. 3, the word is or, not and. And it says or by
18. a State or county highway. And it's my understanding that
19. that is the fact in...in Norwood Park Township, and I sure
20. don't want that to happen. If you can guarantee to me that
21. it won't happen, fine.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator D'Arco.

24. SENATOR D'ARCO:

25. Amendment No. 2, Bob, changed the word or to and. So, instead
26. of or a State or county highway, it now reads and a State or county
27. highway. To make it conjunctive and not disjunctive, because
28. we want to do the right thing.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Egan.

31. SENATOR EGAN:

32. But, Amendment No. 3 is later passed than Amendment No. 2
33. and would change the word back to or.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator D'Arco, I...the Chair will intercede, and just
3. say that I think he is correct. That the language of this
4. amendment relates to or, and Amendment No. 2 did insert and,
5. but the...the net effect is, that this amendment will strike
6. the...the change of the or to and. Senator Maitland.

7. SENATOR MAITLAND:

8. Well, Mr. President. It's our understanding that Amendment
9. No. 1 changed it to or, or a county highway..or by a State or
10. county highway. And that was one of the areas of our concern.
11. Mr. President.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Maitland.

14. SENATOR MAITLAND:

15. Could we take it out of the record until we find out what
16. the problem is?

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Nedza, do you wish to take it out of the record?

19. SENATOR NEDZA:

20. Yes, Mr. President. I would ask leave to take it out at
21. this time so we can...clarify the language and then come back
22. to it.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Nedza, if we take it out of the record at this time,
25. the amendments that have already been adopted will likewise be
26. ...Amendment No. 2 will likewise be taken out of the record, and
27. it will be treated as if it's not adopted. Is that...you under-
28. stand that, all right. Is there leave to take it out of the
29. record. Leave is granted? 1414, Senator Weaver. For what
30. purpose does Senator Geo-Karis arise?

31. SENATOR GEO-KARIS:

32. Mr. President, of a point of personal...privilege. I would
33. like to introduce four more distinguished citizens from my district,

1. Bert and Marlere Diamond from Waukegan, and Doctor and Mrs.
2. Nicholas Belleous, who are sitting in the President's gallery
3. in the Senate and would like us to welcome them.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Would our guests please rise and be recognized by the
6. Senate. Senator Geo-Karis.

7. SENATOR GEO-KARIS:

8. And the Greek cookout tonight, Mr. President, and Ladies
9. and Gentlemen of the Senate, I have been...as to that, I have
10. been instructed by the General Chairman, Senator Nash, to tell
11. you that it starts at seven o'clock.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. All right. Senator Weaver. Senator McLendon on 1474.
14. Senator McLendon asks leave of the Senate to return...House Bill
15. 1474 to the Order of 2nd reading, for the purpose of an amendment.
16. Is there leave? Leave is granted. Are there amendments, Mr.
17. Secretary?

18. SECRETARY:

19. Amendment No. 4 offered by Senator Bowers.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Bowers, on...Amendment No. 4 to House Bill 1474.

22. SENATOR BOWERS:

23. Thank you, Mr. President. House Bill 1474 is Senator
24. McLendon's bill that...that permits...a group of people to attempt
25. to enforce a trust. There were some reservations that the committee
26. had based upon some testimony of the Attorney General. The
27. amendment itself, says that there has to be notice to the Attorney
28. General. If anybody wants to go in and attempt to enforce the
29. trust themselves, they have to file a petition in circuit court.
30. The court has to find that they have an interest and the trust
31. isn't being properly administered. And I think the amendment
32. does make a bad bill...a real bad bill just a bad bill. And I
33. would move the adoption of the amendment.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. The motion is to adopt. Discussion? On...Senator McLendon.

3. SENATOR MCLENDON:

4. Yes, when I sent...what I think Senator Bowers meant to
5. say is, it makes a pretty good bill, better. I talked with the
6. sponsor of the bill, and she has no objection to it. So, the
7. amendment could be adopted.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. The motion...the motion is to adopt. All in favor say Aye.
10. Opposed Nay. The Ayes have it. Amendment No. 4 is adopted.
11. Further amendments?

12. SECRETARY:

13. No further amendments.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. 3rd reading. 1608, Senator Nedza. 1608. Senator Nedza
16. asks leave of the Senate to return 1608 to the Order of 2nd
17. reading for the purpose of an amendment. Is there leave?
18. Leave is granted. The bill is on the Order of 2nd reading.
19. May we have some order, Ladies and Gentlemen. Can we just
20. take our conferences off the Floor. Are there amendments,
21. Mr. Secretary, to House Bill 1608?

22. SECRETARY:

23. Amendment No. 2 offered by Senator Schaffer.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Schaffer is recognized.

26. SENATOR SCHAFFER:

27. Mr. President, this adds the extension of the Chain of Lakes
28. Commission for two years. The bill got out of here with fifty-
29. four votes, and for reasons I don't understand was never heard
30. in the House.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. The motion is to adopt Amendment No. 2. Discussion of the
33. motion? All in favor say Aye. Opposed Nay. The Ayes have it.

1. Amendment No. 2 is adopted. Further amendments?

2. SECRETARY:

3. No further amendments.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. 3rd reading.

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(Following typed previously)

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LB 1263
Recall

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator D'Arco.

3. SENATOR D'ARCO:

4. Can we have leave of the Body to go back to 1263? I think
5. we have it worked out.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Right now, Senator? We're...we're at it, if you're...if you're
8. ready to go. Senator Maitland and everyone. All right, is there
9. leave to return to 1263? Senator Nedza, Senator D'Arco says
10. everything is ready to go on 1263. Is there leave to return the
11. bill to the Order of 2nd reading for the purpose of amendment?
12. Leave is granted. Are there amendments, Mr. Secretary?

13. SECRETARY:

14. Amendment No. 2 by Senator D'Arco.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator D'Arco is recognized on Amendment No. 2.

17. SENATOR D'ARCO:

18. That's the amendment that changes the word or to and on line
19. 16, and I would move for adoption of Amendment No. 2 to House
20. Bill 1263.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. All right, the motion is to adopt Amendment No. 2. Discussion
23. of the motion? All in favor say Aye. Opposed Nay. The Ayes
24. have it. Amendment No. 2 is adopted. Further amendments?

25. SECRETARY:

26. Amendment No. 3 by Senator Maitland.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Maitland on Amendment No. 3.

29. SENATOR MAITLAND:

30. Thank you, Mr. President, and Ladies and Gentlemen of the
31. Senate. Senator Egan was correct, our Amendment No. 3 was drafted
32. to track Amendment No. 1, and Senator D'Arco's Amendment No. 2
33. then changed that tracking and...and that's where the and, and the

1. or was changed. So, we would like to ask...I would like to ask
2. leave of the Body to amend Amendment No. 3 on its face on line
3. 8, then changing the word or back to and.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Is there leave to change the word on line 8, or to and on the
6. face of Amendment No. 3? Leave is granted. All right. Further dis-
7. cussion on the amendment? Senator Walsh.

8. SENATOR WALSH:

9. Well, Mr. President, and members of the Senate. Apparently,
10. everybody is interested in...in annexing some property in my dis-
11. trict except the Senator from the district. It's interesting to
12. see my colleagues from Chicago so...so tremendously interested
13. in this project, and I can understand why Senator Maitland would
14. like to disassociate himself from it. I do think now that the
15. thing is pretty much zeroed in on what appears to be one...one
16. particular area, Senator Egan appears to be satisfied, and so that
17. takes care of Norwood Park Township. We've obviously focused on
18. ...on suburban Cook. I would suggest to my colleagues from across
19. the aisle, if they just wait till...wait till the next General
20. Assembly, after reapportionment, maybe this particular area will
21. be in one of your districts, and you can see to it at that time,
22. but in the meantime, I would oppose this amendment. I hate to
23. lose the support of my friend Senator Maitland, and those who
24. are similarly situated, and I think that the whole thing could
25. better wait until the next Session. And I urge a No vote.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Further discussion? Senator Grotberg.

28. SENATOR GROTBORG:

29. Yes, a question of the sponsor of the...who's the maker of
30. the amendment?

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Maitland.

33. SENATOR GROTBORG:

1. Senator Maitland, I would ask, what is this property? I've
2. tried to give away property, buy it, sell it, somebody always finds
3. out the truth about my property. And when...when the whole thing is
4. this cute, and it's sixty acres, I just think this Body should
5. know what the hell is in it. And...and I'd like to have somebody
6. tell me. Senator Walsh would be even...been cute dancing around
7. not telling us what it is. Anybody know what it is? I would
8. appreciate knowing. What race track? Maywood Race Track, thank
9. you, very much, that's all I wanted to know.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Further discussion? Further discussion? The motion is on the
12. adoption of...Senator Rock.

13. SENATOR ROCK:

14. Thank you, Mr. President. I rise in support of Amendment No.
15. 3, and would point out to Senator Grotberg and others, that that
16. answer, while partially correct, is totally incomplete. There
17. is a section of property that's bordered by Thatcher Avenue along
18. North Avenue that contains a piece of the Forest Preserve District
19. of Cook County, contains a...two restaurants, the Pope Brothers
20. Warehouse, and goes across First Avenue and does, in fact, contain
21. roughly fifty-seven acres which comprises Maywood Race Track.
22. There's about eighty-four acres in total. It is surrounded on
23. three sides by municipalities. There are currently three municipal-
24. ities that I'm aware of that are vying to annex said property, one
25. of which is the town that Senator Walsh represents, and if my
26. map prevails, I will soon represent it. I would urge the adoption
27. of Amendment No. 3.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Further discussion? Senator Walsh.

30. SENATOR WALSH:

31. Let me just briefly correct the President. I represent all
32. three of those towns, and nobody else in this Body, even though
33. we have a number of Senators, Senator Rock, Senator Collins, and

1. myself representing the...the Village of Oak Park, I happen to
2. be the only Senator who represents all three of those villages
3. to which Senator Rock alluded.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Further discussion? Further discussion? On the motion to
6. adopt Amendment No. 3. All in favor say Aye. Opposed Nay. The
7. Ayes have it. There's been a request for a roll call. Those in...
8. those in favor will vote Aye. Those opposed will vote Nay. The
9. voting is open. Have all voted who wish? Have all voted who wish?
10. Take the record. On that question, the Ayes are 31, the Nays are
11. 19, 3 Voting Present. Amendment No. 3 to House Bill 1263, is
12. adopted. Further amendments?

13. SECRETARY:

14. Amendment No. 4 by Senator Bowers.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Bowers is recognized.

17. SENATOR BOWERS:

18. Thank you, Mr. President. May I ask...Mr. Secretary, which
19. one is 4? I have two up there.

20. SECRETARY:

21. All right, it's LRB, lest, HTCAM01.

22. SENATOR BOWERS:

23. Okay. And that's Amendment No. 4, right?

24. SECRETARY:

25. No. 4, yes, Sir.

26. SENATOR BOWERS:

27. Okay, Ladies and Gentlemen of the Senate. I think I can
28. probably solve the whole problem, Senator Walsh's and everyone
29. else if we would adopt Amendment No. 4. Because all it...all it
30. really does is, say that the highway, itself, must be wholly
31. adjacent to one of the municipalities. And if we could do that,
32. then it seems to me that we would solve the problem, because as
33. a matter of fact, it...it would not include, I don't think, this

1. territory or possibly some of the territory that other people have in
2. mind. All it really says is, if you're going to include the high-
3. way in that...in that magic boundary that permits unilateral...
4. annexation, the highway must be totally adjacent to a municipality.
5. And I would move the adoption of Amendment No. 4.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Further discussion? Senator Rock.

8. SENATOR ROCK:

9. A question. I simply don't understand what he's...what the
10. Gentleman is trying to do..

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Walsh. I'm sorry, Senator Bowers.

13. SENATOR BOWERS:

14. Senator Rock, the amendment says, that if you're going to
15. include a highway in this magic circular motion that we're going
16. to encompass the sixty acres with, or eighty-four, whatever the
17. case may be, I thought the Statute said sixty acres, but if you're
18. going to count that highway as part of that magic boundary, then
19. the highway must be totally adjacent to a municipality.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Rock.

22. SENATOR ROCK:

23. Well, I...I, too, can read, it says wholly adjacent to one
24. or more municipalities. Why...what does that mean in practical
25. terms? Which highway are you talking about, and what municipality
26. are you talking about?

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Bowers.

29. SENATOR BOWERS:

30. All we're...all...the bill, itself, seeks to add highway as
31. one of those surrounding increments that must be...present for a
32. municipality to annex the property. All this says is, if you're
33. going to count that highway as part of that boundary, you know, the

1. highway, the forest preserve, the river, the lake, whatever, if
2. you're going to count the highway, the highway must be adjacent to
3. an existing municipality. That's all it says.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Further...Senator Rock.

6. SENATOR ROCK:

7. Well, is not, in fact, the current highway adjacent to an
8. existing municipality?

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Bowers.

11. SENATOR BOWERS:

12. The...the highway in the particular case in question, I don't
13. think it is, if it were, I assume one of the municipalities would
14. already have annexed it, and therefore would then have been...their
15. boundaries would have circled it...or circumscribed it, I should
16. say.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Rock.

19. SENATOR ROCK:

20. Well, again, I'm...I'm not sure what point the Gentleman is
21. trying to make. There are existing State highways, for your in-
22. formation, Michigan Avenue, in the City of Chicago is a State high-
23. way. I don't...so...so is Central Avenue, and I'm sure everybody's
24. got a State highway in their district, I'm not sure what this amend-
25. ment purports to do, and unless the Gentleman is sure, I'd ask
26. him to withdraw it.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Bowers.

29. SENATOR BOWERS:

30. Well, I'm sure what it's purported to do, I'm not sure I'm
31. explaining it very well, but the Statute says, that the municipality
32. may annex up to so many acres provided those acres are surrounded
33. with river, lake, forest preserve, a whole bunch of different types

1. of...or, I think there's a State boundary line, there's a whole series
2. of different things that can surround that territory, and if it is
3. so surrounded, the municipality may annex it by unilateral annex-
4. ation. Now, we're seeking by this bill, to add the word highway.
5. All I'm really saying is...county highway. All I'm really saying
6. is, that if that highway is going to be included, it must be totally
7. adjacent to an existing municipality. You can't go out with a high-
8. way out in...in unincorporated territory, five miles out, or a mile
9. out, or a half a mile out, and include that as part of the surround-
10. ing mechanism that would permit the unilateral annexation.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Rock.

13. SENATOR ROCK:

14. The point is, that under Amendment No. 4 then, the Village
15. of River Forest would be the only one that would be in a position
16. to annex, is that the point of the amendment?

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Bowers.

19. SENATOR BOWERS:

20. As far as the particular property is concerned, I've never
21. seen a map, and I, frankly, can't answer that question. You would
22. be more acquainted with that than I.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Rock.

25. SENATOR ROCK:

26. Well, that's...that's the point, what...what is the purpose
27. of the amendment?

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Bowers.

30. SENATOR ROCK:

31. The purpose...

32. SENATOR BOWERS:

33. Well, the...

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Rock.

3. SENATOR ROCK:

4. So, there's no misunderstanding, the purpose of those bound-
5. aries is...it's a very circumscribed area, and what it purports to
6. say, is if it's bounded on one side by the municipality and residents
7. thereof, and on the other side by an existing State highway and
8. a county forest preserve, that's the area that...that's like a
9. meets and bounds description. And now you're saying, apparently,
10. by virtue of Amendment No. 4 that the only village that's got a
11. crack at annexation is River Forest.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Bowers.

14. SENATOR BOWERS:

15. Well, unfortunately, you don't draft a Statute to cover one
16. specific piece of property. It seems to me, that we are...that
17. we are expanding the unilateral annexation concept. Frankly, I'm
18. opposed to expanding the unilateral...annexation concept, and what
19. I'm saying to you is, that if you're going to try to include county
20. highways, then those highways ought to be totally adjacent to a
21. municipality. That's all I'm trying to say, and I would move the
22. adoption of the amendment.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Further discussion? Senator Marovitz.

25. SENATOR MAROVITZ:

26. Take the roll.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Further discussion? Senator Nedza.

29. SENATOR NEDZA:

30. Yes, thank you, Mr. President. I think what...what we're
31. dealing, is dealing in semantics. The description, as Senator
32. Rock has stated, is...is plainly in the bill, and I don't think
33. that there's any need for any other amendments to the bill, and

1. I'd move its defeat.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Further discussion? The question is on the adoption of
4. Amendment No. 4 to House Bill 1263. On the motion to adopt, all
5. in favor say Aye. Opposed Nay. All right, we'll have a roll call.
6. Those in favor will vote Aye. Those opposed will vote Nay. The
7. voting is open. Have all voted who wish? Have all voted who
8. wish? Senator D'Arco, I cannot recognize you during a roll call.
9. Have all voted who wish? Have all voted who wish? Take the record.
10. On that question, the Ayes are 26, the Nays are 25, 5 Voting Pre-
11. sent. Senator D'Arco, for what purpose do you arise?

12. SENATOR D'ARCO:

13. I...I rise to verify the affirmative vote.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. All right, there's been a request for a verification. For
16. what purpose does Senator Berman rise?

17. SENATOR BERMAN:

18. In the lull, I'm pleased to welcome back a rich prosperous
19. lawyer that came back to see his old, overworked and underpaid
20. colleagues, to my left, Senator Sam Maragos.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Marovitz.

23. SENATOR MAROVITZ:

24. All...also in the lull, I'd like to recognize a rich prosperous
25. committeeman...an alderman and good friend of all of ours, my
26. ...predecessor, Senator John Merlo. Alderman John Merlo.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Always happy to have former colleagues back, unfortunately
29. they're not on the...the roll call. So, we won't verify them today.
30. Mr. Secretary will you call those who voted in the affirmative. If
31. you would please answer when your name is called.

32. SECRETARY:

33. The following voted in the affirmative:

1. Becker, Berning, Bloom, Bowers, Coffey, Davidson, Etheredge,
2. Friedland, Geo-Karis, Grotberg, Keats, Kent, Mahar, Maitland,
3. McMillan, Ozinga, Philip, Rhoads, Rupp, Schaffer, Simms, Sommer,
4. Thomas, Totten, Walsh, Weaver.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator D'Arco, do you question the presence of any member
7. who voted in the affirmative?

8. SENATOR D'ARCO:

9. Senator Geo-Karis.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Geo-Karis is near the podium. Senator D'Arco.

12. SENATOR D'ARCO:

13. Now I want to make my point. I was told...

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Wait...

16. SENATOR D'ARCO:

17. I want to make my point of...go ahead, you want to announce
18. the roll call.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. All right, let's...let's just get this disposed of, you...on
21. a verified roll call, there are 26 Ayes and 25 Nays. Amendment
22. No. 4 is adopted. Senator D'Arco.

23. SENATOR D'ARCO:

24. I was told by Senator (machine cut-off) when he was going to
25. offer this amendment, that he would do so on a voice roll call,
26. and he would not ask for an electronic roll call. So, I didn't
27. get up and present any arguments on this bill...on his amendment,
28. because I thought it was going to be a matter of courtesy that
29. the amendment would be defeated on a voice roll call. And then,
30. he pulls a stunt like this, well, that's okay with me...

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Well, wait a minute, Senator D'Arco. The Chair, on its own
33. motion, requested a roll call, frankly because on a 26 to 25 vote,

1. the Chair is unable to distinguish between 26 voices and 25 voices.
2. And so, on his own motion, the Chair asked for a roll call, not
3. aware of any other problems that might have existed with Amend-
4. ment No. 4. Are there further amendments?

5. SECRETARY:

6. Amendment No. 5 by Senator Bowers.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Bowers on Amendment No. 5.

9. SENATOR BOWERS:

10. Well, Mr. President, as long as it's on file, and we're on
11. the issue, I think we ought to present Amendment No. 5, and let
12. the Body decide. It says that when you're going to annex territory
13. of this nature, then you can't do it unless you do it by means of a
14. preannexation agreement. I would move the adoption of Amendment
15. No. 5.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Nedza.

18. SENATOR NEDZA:

19. Yes, thank you, Mr. President. This particular property that's
20. in question, is, as Senator Rock pointed out, is occupied by a
21. warehouse, is occupied by a race track, is occupied by vacant
22. property, and I don't know how you can get a...the residents...
23. my terminology of the law, and I'm not an attorney, but if you
24. are annexing the principals involved would be the residents of the
25. property, in this property there is nobody residing in it, it's
26. strictly commerical. So, I don't know how you can enter into a
27. negotiation between those that are using the property for their
28. own gain and the residents of a...of a municipality that is servicing
29. this property with the taxpayers funds in that municipality. So,
30. it seems rather inconsistent that you can enter into between the
31. taxpayers of a municipality that are servicing an area, and the
32. business entity who is doing nothing other than...not residing there,
33. but conducting their business. So, I would urge the defeat of this

1. amendment.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Further discussion? Senator D'Arco.

4. SENATOR D'ARCO:

5. Obviously, the intent of the amendment is to defeat the
6. purpose of the bill. If the owners of Maywood Race Track, and
7. that's what this bill is designed to do, it's to annex Maywood
8. Race Track, as Senator Rock indicated, which property isn't in
9. an unincorporated area presently, and which property is bene-
10. fitting from the services of Melrose Park, both police and fire.
11. The purpose would obviously be to defeat the annexation because
12. the owners, according to this amendment, would not be obligated
13. to enter...to enter into any preannexation agreement with the
14. municipality, and therefore the municipality would be unable to
15. annex the property. So, I would rise in strong opposition to
16. Amendment No. 5.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Further discussion? Further discussion? Senator Bowers may
19. close. Senator Bowers moves the adoption of Amendment No. 5. On
20. the motion to adopt, all in favor say Aye. Opposed Nay. Well,
21. opinion of the Chair, I hear more Ayes than Nays. But if there's
22. a request for a roll call. Do I hear a request for a roll call?
23. All right, there's been a request for a roll call. Those in favor
24. will vote Aye. Those opposed will vote Nay. The voting is open.
25. Have all voted who wish? Have all voted who wish? Take the record.
26. On that question, the Ayes are 23, the Nays are 27. Amendment
27. No. 5 to House Bill...1263 is lost. Further amendments?

28. SECRETARY:

29. No further amendments.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. 3rd reading. Senator Rock, any further business? Any further
32. business to come before the Senate? Senator Rock moves that the
33. Senate stands adjourned until 9:00 a.m. tomorrow morning. On the

1. motion to adjourn. Discussion? All in favor say Aye. Opposed
2. Nay. The Ayes have it. The Senate stands adjourned until 9:00
3. a.m. tomorrow morning.
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