

82nd GENERAL ASSEMBLY

REGULAR SESSION

JUNE 27, 1981

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. The hour of ten having arrived and passed the Senate will come
3. to order. Will the guests in our galleries please rise.

4. Prayer by the Reverend Anthony G. Tzortzis, St. Anthony's
5. Hellenic Orthodox Church, Springfield.

6. REVEREND ANTHONY G. TZORTZIS:

7. (Prayer given by Reverend Anthony G. Tzortzis)

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Reading of the Journal. Senator Nega.

10. SENATOR NEGA:

11. ...June the 17th; Thursday, June the 18th; Friday, June
12. the 19th; Monday, June the 22nd; Tuesday, June the 23rd;
13. Wednesday, June the 24th; Thursday, June the 25th; and
14. Friday, June the 26th in the year 1981 be postponed pending
15. arrival of the printed Journals.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. You've heard the motion. Those in favor indicate by
18. saying Aye. Those opposed. The Ayes have it. Motion carries.
19. Resolutions.

20. SECRETARY:

21. Senate...Senate Resolution 274, offered by Senator Dawson,
22. it's...Senate...Senate Resolution 274, offered by Senator
23. Dawson, it's congratulatory.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Consent Calendar. Resolutions.

26. SECRETARY:

27. Senate Joint Resolution 55, offered by Senator Collins and
28. all Democrats.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Executive.

31. PRESIDENT:

32. Senator Totten, for what purpose do you arise?

33. SENATOR TOTTEN:

1. Mr. President, I just wanted to point out to you I've
2. been sitting here since ten minutes to ten.

3. PRESIDENT:

4. Yes, I've been sitting here since ten minutes to nine.
5. Thank you. ...turn to page 5 on the Calendar, on the Order
6. of Secretary's Desk, Concurrence. Senator Berning on Senate
7. Bill 16. Senator Egan on Senate Bill 1. We...we have only
8. just begun. Senator Egan.

9. SENATOR EGAN:

10. Well, I was here before Senator Totten was here. I just
11. want you to know that.

12. PRESIDENT:

13. We all were. Senator Walsh, for what purpose do you
14. arise?

15. SENATOR WALSH:

16. Well, I just like to observe that at about nine-thirty
17. this morning...I drove by the YMCA and there were two people
18. out there in their underwear that looked much like Senators
19. Buzbee and Egan and I don't know if...if it was them or not,
20. but...

21. PRESIDENT:

22. I think they were on their way home. Alright. On the
23. Order of Secretary's Desk, Concurrence, Senate Bill 1. Senator
24. Egan.

25. SENATOR EGAN:

26. Thank you, Mr. President and all you jovial members of
27. the Senate. We were just coming back from the saloon. But...
28. after three miles, Senator Walsh, it was a refreshing thing
29. to see your smiling face, as it is again, on concurrence.
30. Senate Bill 1 was amended in the House to clarify the drugs
31. and the alcohol that is necessary...necessary requirement to
32. bring into the category...contained in the bill for child
33. exploitation and I heartily commend the Senate...or the House

1. for its...its...further defining those drugs which...were
2. intended to be put into the Statute. My motion is to concur,
3. which...I understand takes 30 votes, as does final passage.
4. So, I commend it to your favorable consideration.

5. PRESIDENT:

6. Is there any discussion? If not, the question is, shall
7. the Senate concur...I beg your pardon, Senator Walsh.

8. SENATOR WALSH:

9. Senator Egan, if you'll yield for a question...

10. PRESIDENT:

11. Indicates he'll yield, Senator Walsh.

12. SENATOR WALSH:

13. Our...analysis indicates that the...House amendment
14. deletes the child pornography aspects of the...of the Senate
15. Bill as it passed the Senate and...our question is why?

16. PRESIDENT:

17. Senator Egan.

18. SENATOR EGAN:

19. Well, the reason is unknown to me, but that...it only
20. deletes that part, Senator Walsh,...where...it deletes that
21. part which declares the exploitation of a child when the child
22. is compelled to engage in child pornography. And that really
23. is not the intent of this bill. I think there is another Statute
24. which does that same thing and they apparently felt that...
25. because of...the two Statutes would be somewhat inconsistent
26. that it should not be in this bill. I don't object to that,
27. I'm just...I just...I just would like to make sure that the
28. Governor is aware of the fact that that bill is still in the
29. legislative process and...I would...no, the...the...that...
30. there are several bills floating around...involving child
31. pornography. This eliminates the element of exploitation,
32. whereby a person causes the child to engage in child pornography.
33. That is not the...the intent of Senate Bill 1 is to create the

1. ...the...crime of exploitation of a child, which currently
2. would have to be prosecuted under the kidnaping Statutes
3. and the facts that are...the elements of kidnaping are not
4. present in the type of crime that is being covered by Senate
5. Bill 1. Pornography was a...a minor aspect of Senate Bill 1.
6. It's prostitution principally and deviate sexual conduct that
7. ...we are attempting to criminalize and...the...the exploitation
8. of children who are...thusly forced into prostitution and
9. deviate sexual conduct, not principally pornography.

10. PRESIDENT:

11. Further discussion? Channel 3 News has requested permission
12. to film. Is leave granted? Leave is granted. Further dis-
13. cussion? Senator Joyce.

14. SENATOR JEROME JOYCE:

15. Yes, would the sponsor explain what this bill is now, as
16. amended, as we are going to vote on it?

17. PRESIDENT:

18. Senator...Senator Egan.

19. SENATOR EGAN:

20. I'd...I'd be happy to. Senator Joyce,...the bill does
21. precisely what it did when it left the Senate with two exceptions.
22. It further defines the drugs that are used and are covered by
23. the...the bill. In...In exploiting a child, we make it a
24. crime to do that when you use certain drugs in the exploitation.
25. The House amendment further defined those drugs. It was rather
26. general in our bill, but the...the House amendment clarifies
27. precisely what drugs are used. And number two, it deleted
28. that provision whereby a person...uses the...the child for
29. pornographic reasons...for taking pornographic photos, et
30. cetera. That was not the main thrust of the bill and their
31. intent in that amendment is to allow the other bills, which
32. are currently alive in the Legislature, to do that. There
33. are, I think, one or two other bills, Senator Sangmeister,

1. that dealed principally with child pornography. Exploitation
2. of children in Senate Bill 1 deals not principally with por-
3. nography but with prostitution and deviate sexual conduct in...
4. in...in...in...in exploiting children.

5. PRESIDENT:

6. Further discussion? Senator Bowers.

7. SENATOR BOWERS:

8. Well, for those of you on this side of the aisle, I think
9. our feeling here is that we would have preferred the bill with-
10. out the House amendment that deletes that portion,...however,
11. it's still a darn good bill and if this is what it took to
12. get it out of the House, I think we ought to go along with it
13. and I think we ought to support Senator Egan's motion and...
14. and I would so hope we would do on this side of the aisle.

15. PRESIDENT:

16. Well, the...the Chair will just observe so that everybody
17. is aware of what's going on here. About thirty minutes ago
18. I had a call from the Speaker of the House. Their machine is
19. still down and what they wish to do is borrow for about an
20. hour our printer, that's that machine right here, in order
21. to plug it intotheir system so that they can finally figure out
22. what the matter is. Today is the House deadline. They extended
23. the deadline for those of you who don't know. So, I have,
24. obviously, in a spirit of camaraderie agreed so we will be
25. requiring for about an hour oral roll calls. Senator Hall,
26. for what purpose do you arise?

27. SENATOR HALL:

28. Well, I've...I've got an idea, I mean, why not let's
29. work real fast and then...adjourn and let them use it until
30. we come back?

31. PRESIDENT:

32. That's not a bad idea. Alright. Senator Egan, do you
33. wish to close?

1. SENATOR EGAN:

2. Yes. Thank you, Mr. President. If...there are no
3. further questions, I...I commend this to your favorable con-
4. sideration. It's a...it's...it's a new law that is vital in
5. our society today and I'm sure you're familiar enough with it
6. to know that you agree and I ask for your favorable consideration.

7. PRESIDENT:

8. Alright. The question is, shall the Senate concur in
9. House Amendment No. 1...the question is, shall the Senate
10. concur in House Amendment No. 1 to Senate Bill 1. Those in
11. favor will vote Aye. Those opposed will vote Nay. Mr. Secre-
12. tary call the roll.

13. SECRETARY:

14. Becker, Berman, Berning, Bloom, Bowers, Bruce, Buzbee,
15. Carroll, Chew, Coffey, Collins, D'Arco, Davidson, Dawson,
16. DeAngelis, Degnan, Demuzio, Donnewald, Egan, Etheredge,
17. Friedland, Geo-Karis, Gitz, Grotberg, Hall, Johns, Jeremiah
18. Joyce, Jerome Joyce, Keats, Kent, Lemke, Mahar, Maitland,
19. Marovitz, McLendon, McMillan, Nash, Nedza, Nega, Netsch, New-
20. house, Nimrod, Ozinga, Philip, Rhoads, Rupp, Sangmeister,
21. Savickas, Schaffer, Shapiro, Simms, Sommer, Taylor, Thomas,
22. Totten, Vadalabene, Walsh, Weaver, Mr. President.

23. PRESIDENT:

24. Senator Friedland, Aye. Senator Bruce, Aye. Senator
25. Buzbee, Aye. Remember this system ten years ago when...Netsch...
26. Senator Netsch, Aye. Senator Dawson, Aye. Senator Demuzio,
27. Aye. Senator Gitz, Aye. Yeah. On that question, the Ayes
28. are 56, the Nays are none, none Voting Present. The Senate
29. does concur in Amendment No. 1 to Senate Bill 1 and the bill
30. having received the required constitutional majority is de-
31. clared passed. On the Order of Secretary's Desk, Concurrence,
32. Senate Bill 16, Senator Berning. Senator Berning.

33. SENATOR BERNING:

1. Thank you, Mr. President. Senate Bill 16, as amended in
2. the House, is clarified to make...absolutely clear that this
3. is a legislative study commission. It removes some of the
4. terminology which was a little bit unclear. We had previously
5. provided by amendment that there...that there were to be
6. legislative members. The corrections by the House emphasize
7. that this is the Agent Orange Study Act and makes other correc-
8. tive language changes. It does no harm to the intent of the
9. bill itself and I would move to concur with the House Amend-
10. ment No. 1.

11. PRESIDENT:

12. Senator Berning has moved that the Senate concur in
13. House Amendment No. 1 to Senate Bill 16. Is there any dis-
14. cussion? If not, the question is, shall the Senate concur in
15. House Amendment No. 1 to Senate Bill 16. Those in favor will
16. vote Aye. Those opposed will vote Nay. Mr. Secretary, call
17. the roll.

18. SECRETARY:

19. Becker, Berning...or Berman, Berning, Bloom, Bowers,
20. Bruce, Buzbee, Carroll, Chew, Coffey, Collins, D'Arco, David-
21. son, Dawson, DeAngelis, Degnan, Demuzio, Donnewald, Egan,
22. Etheredge, Friedland, Geo-Karis, Gitz, Grotberg, Hall, Johns,
23. Jeremiah Joyce, Jerome Joyce,...Keats, Kent, Lemke, Mahar,
24. Maitland, Marovitz, McLendon, McMillan, Nash, Nedza, Nega,
25. Netsch, Newhouse, Nimrod, Ozinga, Philip, Rhoads, Rupp,
26. Sangmeister, Savickas, Schaffer, Shapiro, Simms, Sommer, Taylor,
27. Thomas, Totten, Walsh, Weaver, Mr. President.

28. PRESIDENT:

29. Senator Demuzio, Aye. Senator Degnan, Aye. Senator
30. Dawson, Aye. Senator Donnewald, Aye. Senator Schaffer, Aye.
31. Senator Rhoads is the first of the waltz kings. On that
32. question, the Ayes are 52, the Nays are 2, 3 Voting Present.
33. The Senate does concur in House Amendment No. 1 to Senate Bill 16

1. and the bill having received the required constitutional
2. majority is declared passed. Senator Buzbee, for what pur-
3. pose do you arise?

4. SENATOR BUZBEE:

5. On a point of personal privilege, Mr. President. I
6. understand that...I was off the Floor for a minute and I
7. understand that we have loaned our machine to the Speaker of
8. the House of Representatives, that Gentleman who has done so
9. much to cooperate in the legislative process this Session and
10. has done so much to expedite the solution to the problems of
11. this State of Illinois and I'd like to know why it is that
12. we are being so magnanimous and loaning our machine so we
13. can triple our workload today. We're going to be here till
14. midnight tonight on nine pages of roll call concurrence votes
15. and I personally object and if you'd let me do it, I'd go
16. over and take our machine back from George Ryan.

17. PRESIDENT:

18. It's...it's not even noon yet. On the Order of Secretary's
19. Desk, Concurrence is Senate Bill 27, Senator Nega. House
20. Amendments 2 and 3. Senator Nega.

21. SENATOR NEGA:

22. Senate Bill 27...one of my amendments was to prevent
23. giving probation for somebody that committed aggravated battery
24. or armed robbery against a bus driver or taxicab driver. The
25. House, in their wisdom, knocked this out and I do not concur.

26. PRESIDENT:

27. Alright. Senator Nega moves to nonconcur in House Amend-
28. ments 2 and 3 to Senate Bill...alright. Senator Nega moves
29. to nonconcur with House Amendment No. 2 to Senate Bill 27.
30. Those in favor signify by saying Aye. All opposed say Nay.
31. The motion carries. The Senate nonconcur in House Amendment
32. No. 2. House Amendment No. 3, Senator Nega.

33. SENATOR NEGA:

1. House Amendment No. 3...I think this is a good amendment
2. and I concur with it. All it does is make a change, whereby,
3. if you're out on bail now and you commit another crime, they
4. must increase or revoke the bail for the previous...offense.
5. And I agree with this one.

6. PRESIDENT:

7. Well, I think the...why...why don't you nonconcur in both
8. of them and then we'll just get it out of here and you don't...

9. SENATOR NEGA:

10. Alright. Okay.

11. PRESIDENT:

12. ...yeah. Senator Nega moves to nonconcur in House Amend-
13. ments 2 and 3 to Senate Bill 27. All in...Senator Bowers.

14. SENATOR BOWERS:

15. Well, suppose the House would...would recede from that
16. amendment. If he concurs in those that agrees with,...

17. PRESIDENT:

18. You are correct, but I must...well, alright. Senator
19. Nega moves to...that the Senate concur in House Amendment No.
20. 3 to Senate Bill 27. Those in favor will vote Aye. Those
21. opposed will vote Nay. Mr. Secretary, call the roll.

22. SECRETARY:

23. Becker, Berman, Berning, Bloom, Bowers, Bruce, Buzbee,
24. Carroll, Chew, Coffey, Collins, D'Arco, Davidson, Dawson,
25. DeAngelis, Degnan, Demuzio, Donnewald, Egan, Etheredge,
26. Friedland, Geo-Karis, Gitz, Grotberg, Hall, Johns, Jeremiah
27. Joyce, Jerome Joyce, Keats, Kent, Lemke, Mahar, Maitland,
28. Marovitz, McLendon, McMillan, Nash, Nedza, Nega, Netsch,
29. Newhouse, Nimrod, Ozinga, Philip, Rhoads, Rupp, Sangmeister,
30. Savickas, Schaffer,...Shapiro, Simms, Sommer, Taylor, Thomas,
31. Totten, Vadalabene, Walsh, Weaver, Mr. President.

32. PRESIDENT:

33. Nash, Aye. Buzbee, Aye. On that question, the Ayes are 52,

1. the Nays are none. The Senate does concur in House Amendment
2. No. 3 to Senate Bill 27...and the Secretary shall so inform
3. the House. Senator Vadalabene, for what purpose do you...

4. SENATOR VADALABENE:

5. Yes, I was talking to the press in...when SBA 16 came
6. up on concurrence. I said Aye. Evidently...he didn't hear
7. me when I said Aye from over there and...I want...want the
8. record to show that I did...'cause I am a joint sponsor of
9. SBA...16.

10. PRESIDENT:

11. The record will so reflect electronically. On the Order
12. of Secretary's Desk, Concurrence, Senator Collins on Senate
13. Bill 61 with House Amendment No. 1. Senator Collins.

14. SENATOR COLLINS:

15. Thank you,...Mr. President. And on 61 I move to concur.
16. I really don't think...the...the amendment makes any difference
17. one way or another. So, I ask for concurrence.

18. PRESIDENT:

19. Any discussion? Senator Keats.

20. SENATOR KEATS:

21. Thank you, Mr. President. I would...have a question of
22. the sponsor.

23. PRESIDENT:

24. The sponsor indicates she'll yield, Senator Keats.

25. SENATOR KEATS:

26. I'm...I...I know you're saying,...Senator Collins, and
27. maybe it doesn't make that big a...a difference, but maybe
28. I'm misreading it, but this says now a police officer, when
29. he arrests someone he's got to ask the arrestee as to whether
30. or not he has any children under the age of 18 living with
31. him or her, et cetera. Does this add a new provision that
32. a police officer arresting someone has to start asking questions
33. about dependents living at home?

1. PRESIDENT:

2. Senator Collins.

3. SENATOR COLLINS:

4. The original bill said that also. They...what they wanted
5. to do was to make sure that the Department of Children and
6. Family Services were not called on every case when actually
7. there would be someone...a relative available where the
8. children could have been picked up there had the police just
9. simply asked and the mother or the father said, yes, my aunt or
10. someone can pick the children up and he would make sure
11. that that happened rather than having to send the Depart-
12. ment of Children and Family Services out on every case. They
13. felt that...that it would overburden a caseload, however,
14. I...I would have preferred the original bill in its original
15. form, but if that's what they want, fine, it does not make
16. that much of a difference.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. ...discussion? Further discussion? Senator Collins has
19. moved that the Senate concur with House Amendment No. 1 to
20. Senate Bill 61 and on that question, the Secretary will call
21. the roll.

22. SECRETARY:

23. Becker, Berman, Berning, Bloom, Bowers, Bruce, Buzbee,
24. Carroll, Chew, Coffey, Collins, D'Arco, Davidson, Dawson,
25. DeAngelis, Degnan, Demuzio, Donnewald, Egan, Etheredge,
26. Friedland, Geo-Karis, Gitz, Grotberg, Hall, Johns, Jeremiah
27. Joyce, Jerome Joyce, Keats, Kent, Lemke, Mahar, Maitland,
28. Marovitz, McLendon, McMillan, Nash,...Nedza, Nega, Netsch,
29. Newhouse, Nimrod, Ozinga, Philip, Rhoads, Rupp, Sangmeister,
30. Savickas, Schaffer, Shapiro, Simms, Sommer, Taylor, Thomas,
31. Totten, Vadalabene, Walsh, Weaver, Mr. President.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Donnewald votes Aye. Senator Lemke votes Aye.

1. Senator Bowers votes No. On the motion to concur there are
2. 51 Ayes, 3 Nays. And the Senate does concur in House Amend-
3. ment No. 1 to Senate Bill 61 and the bill having received the
4. required constitutional majority is declared passed. Senate
5. Bill 63, Senator Berning. Senator Berning is recognized on
6. Senate Bill 63 with House Amendment No. 1.

7. SENATOR BERNING:

8. Thank you, Mr. President. House Amendment No. 1 to
9. Senate Bill 63 adds one word, nonlethal. This is the aerosol
10. self-defense mechanism which passed out of here and defines
11. what that is. This merely clarifies that that contents must
12. be nonlethal. I concur in the amendment and would...suggest
13. a favorable roll call, Mr. President.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Is there discussion of the motion to concur? Senator
16. Marovitz.

17. SENATOR MAROVITZ:

18. Just on a point of inquiry or personal privilege. On
19. totally noncontroversial concurrences, such as this one,
20. might it not save the time of the Body if we ask leave for
21. the attendance roll call on concurrence if there are no
22. objections. This is...this, like others, is a totally non-
23. controversial one. Instead of going through we can use the
24. attendance roll call and if there's any...objections, then we
25. can go through it.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Is there discussion? Senator Rock.

28. SENATOR ROCK:

29. Well, the difficulty with that is,...and I can appreciate
30. the fact that we are bogging down...obviously...the difficulty
31. with that is, there are some for their own reasons who do not
32. wish to be recorded on many of these bills or wish to be
33. recorded No or Present and all you're going to do is compound

1. the misery up there. If we can just all settle back and...
2. get back in the swing of a roll call, I'm sure it'll go a
3. little quickly...than it is.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Further discussion? The motion is to concur with House
6. Amendment No. 1 to Senate Bill 63. On that question, the
7. Secretary will call the roll.

8. SECRETARY:

9. Becker, Berman, Berning, Bloom, Bowers, Bruce, Buzbee,
10. Carroll, Chew, Coffey, Collins, D'Arco, Davidson, Dawson,
11. DeAngelis, Degnan, Demuzio, Donnewald, Egan, Etheredge,
12. Friedland, Geo-Karis, Gitz, Grotberg, Hall, Johns, Jeremiah
13. Joyce, Jerome Joyce, Keats, Kent, Lemke, Mahar, Maitland,
14. Marovitz, McLendon, McMillan, Nash, Nedza, Nega, Netsch,
15. Newhouse, Nimrod, Ozinga, Philip, Rhoads, Rupp, Sangmeister,
16. Savickas, Schaffer, Shapiro, Simms, Sommer, Taylor, Thomas,
17. Totten, Vadalabene, Walsh, Weaver, Mr. President.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Demuzio votes Aye. On that question, the Ayes
20. are 52, the Nays are none. The Senate does concur in House
21. Amendment No. 1 to House...Senate Bill 63 and the bill having
22. received the required constitutional majority is declared
23. passed. Senate Bill 98, Senator Dawson. Is...is...has
24. before it House Amendments 1, 2, and 3 to Senate Bill 98.
25. Senator Dawson.

26. SENATOR DAWSON:

27. Mr. President and Ladies and Gentlemen of the Senate,
28. I wish to concur with...the amendments to...Senate Bill 98.
29. The first...what happened through the whole process they
30. started out and when it ends up with the third amendment,
31. it changes it from a Class IV felony to Class A misdemeanor.
32. It requires IDOT to adopt rules and regulations it deems
33. appropriate which require the securing of steel coils and

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Response Committee

1. other objects on flatbed trucks so as to prevent injuries
2. to users of highways and damage to property. It stipulates
3. any person who operates such a flatbed truck on any highway
4. in violation of the rules and regulations promulgated by
5. IDOT shall be guilty of a Class A misdemeanor. It...it
6. passed out of the House 143 to nothing.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Further discussion? Further discussion? The motion by
9. Senator Dawson is that the Senate concur with House Amendments
10. 1, 2, and 3 to Senate Bill 98. And on that question, the
11. Secretary will call the roll.

12. SECRETARY:

13. Becker, Bloom...I mean...Berman, Berning, Bloom, Bowers,
14. Bruce, Buzbee, Carroll, Chew, Coffey, Collins, D'Arco, David-
15. son,...Dawson, DeAngelis, Degnan, Demuzio, Donnewald, Egan,
16. Etheredge, Friedland, Geo-Karis, Gitz, Grotberg, Hall, Johns,
17. Jeremiah Joyce, Jerome Joyce, Keats, Kent, Lemke, Mahar,...
18. Maitland, Marovitz, McLendon, McMillan, Nash, Nedza, Nega,
19. Netsch, Newhouse, Nimrod, Ozinga, Philip, Rhoads, Rupp,
20. Sangmeister, Savickas, Schaffer, Shapiro, Simms, Sommer, Taylor,
21. Thomas, Totten, Vadalabene, Walsh, Weaver, Mr. President.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. On that question, the...the Yeas are 49, the Nays are
24. none. The Senate does concur with House Amendments 1, 2, and 3
25. to Senate Bill 98 and the bill having received the required
26. constitutional majority is declared passed. Senate Bill 116,
27. Senator Netsch. The House has returned the bill with House Amend-
28. ments 1 and 2. Senator Netsch is recognized.

29. SENATOR NETSCH:

30. Thank you, Mr. President. I move to concur in House
31. Amendments 1 and 2 to Senate Bill 116. Should I proceed?
32. The second amendment is really the bill now and it makes a
33. fairly significant change in the bill as it left the Senate,

1. but I suspect it is a much more acceptable change and I think
2. all of the groups who had been concerned about this have...
3. looked at it and...and...withdrawn any opposition to it.
4. Basically what the bill does now is to offer a one time
5. redemption to someone who has paid at least sixty percent
6. of the purchase price on a retail installment sales...contract
7. or a motor vehicle retail installment sales contract and has
8. defaulted. And the one time redemption is without acceleration.
9. It takes care of those people who may be caught up in temporary
10. joblessness or something of that sort and...are able to make
11. restitution, in effect, but have missed one time, which does,
12. in fact, constitute a default. Be happy to answer any questions.
13. If not, I would move concurrence in Senate...or House Amendments
14. 1 and 2.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. The motion is to adopt...to concur in House Amendments
17. 1 and 2 to Senate Bill 116. ...is there discussion of that
18. motion? Senator Walsh.

19. SENATOR WALSH:

20. Senator Netsch, I...I see that...when this bill passed
21. the Senate it received just 32 votes and when it passed the
22. House it received only 89 votes. And the...I'm...I'm...I'm
23. not perfectly clear as to how this changes the existing law,
24. but apparently the bill is,...you know, of...of serious import.
25. Can you just briefly explain to me what the law is now and
26. how this...changes the situation?

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Netsch.

29. SENATOR NETSCH:

30. Yes, I think the...probably the...the more controversial
31. part of it was the...what I refer to as the first paragraph.
32. The election of remedies section, which has been...had been
33. in the preexisting law,...but what I did when the bill left

1. the Senate...it totally did away with the election...or,
2. I'm sorry, with the deficiency judgment and substituted the
3. election of remedies provision. That was changed significantly
4. in the House to do nothing except reduce the percentage of
5. the purchase price that has to have been paid before the
6. election of remedies takes effect. In other words, we
7. restored the language of the existing law exactly as it
8. is on the election of remedies, but simply reduced the...
9. percentage...a modest amount. I think that was not fully
10. understood at the time that the bill was being debated over
11. there. That was a provision that was...really worked out
12. with...particularly some of the banking groups and...my
13. understanding is they have no objection to the bill in its...
14. present form. The second paragraph, which was, in a sense,
15. the original...objective, provides the one right of redemption
16. when you have paid at least thirty percent on the purchase
17. price you've defaulted. As you know, one default on one
18. payment would...in almost all retail installment sales
19. contracts, result in an acceleration of the entire balance
20. due and typically if someone has failed to meet one payment,
21. they're not going to be able to make up the entire balance.
22. This says that if you have paid thirty percent...and default
23. and the default is declared, you are entitled to a one time
24. right of redemption. You have to make the seller or the
25. holder of the paper whole. That is, you have to pay all of
26. the missed payments, the...the seller's costs of repossession,
27. if the repossession is taking place, and...that sort of thing
28. so that the seller, in effect, really loses nothing if he's
29. ...repossessed. You're entitled to that right only once and
30. the...the person that it takes care of is someone who has
31. missed a payment because of a temporary layoff, because of
32. illness, because of something that...does not involve a
33. flagrant disregard of his obligations...I mean, just...just

1. could not meet a payment and...is in a position to...restore
2. his rights and obligations under the contract.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Walsh.

5. SENATOR WALSH:

6. Alright. Now, that...that feature was in your bill as
7. it passed the Senate, was it not?

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Netsch.

10. SENATOR NETSCH:

11. The...the one time right of redemption was, that is
12. correct.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Walsh.

15. SENATOR WALSH:

16. And the...the House did not...alter that...that aspect
17. of your bill?

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Walsh.

20. SENATOR WALSH:

21. I...I asked a question,...Mr. President.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Netsch.

24. SENATOR NETSCH:

25. That is correct.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Walsh.

28. SENATOR WALSH:

29. Now, the...the feature...relative to election of remedies,
30. ...what is the existing law as to percentages? When...when...
31. when does that come into play?

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Netsch.

1. SENATOR NETSCH:

2. Under existing law, at sixty percent the bill, as it
3. was amended in the House with the cooperation of the banking
4. groups, reduced it to fifty percent.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Walsh.

7. SENATOR WALSH:

8. Okay. The existing law is sixty and now it's fifty...
9. in this bill. So, this...this bill, and you can correct me
10. then...if I'm incorrect,...does two things. One, it...it...
11. it kicks in the election of remedies at fifty percent...pay-
12. ment of the deferred purchase price...or deferred contract
13. price. It's fifty rather than sixty and it provides for the
14. one time redemption feature when the...when the borrower has
15. paid thirty percent of the deferred contract price.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Netsch.

18. SENATOR NETSCH:

19. That is correct.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Further discussion? Further discussion? Senator Netsch
22. has moved...Senator Bowers.

23. SENATOR BOWERS:

24. Well, I...guess I rise in opposition and I can see why
25. the bill only got 89 votes in the House and I don't...I don't
26. know that they were that confused. The practical aspect of
27. this thing...I'm not even happy with the fifty percent kick
28. in, quite frankly,...or the sixty percent kick in, quite
29. frankly, and...and...what happens is somebody buys a car and
30. they...and they finance the payments on the car, they wear
31. the car out and...or...or damage it in some way, has an accident,
32. so, then you come in first you make them elect...which...which
33. the remedy is and then you say, as I understand it, that...or

1. at least if...if sixty percent...now it says if sixty percent
2. of it's paid, they have to elect and now you're trying to
3. say if fifty percent. So, if you've got somebody who is sort of
4. a ne'er-do-well and you've depended upon...well, then am I
5. misinterpreting? Then would the sponsor yield to a question?

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Indicates she will yield. Senator Bowers.

8. SENATOR BOWERS:

9. No,...Senator Netsch...I'm asking to yield and she said
10. she would.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. That's why I'm saying Senator Bowers...your question now.

13. SENATOR BOWERS:

14. Well, I...I'm only doing it because she is waving as if
15. she wants to respond to what I just said.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Alright. Senator Netsch.

18. SENATOR NETSCH:

19. Yeah, I think the...the problem...is and this was what I
20. was waving my head no about, is that you left out the...rather
21. restrictive qualifying language on...on the existing law,
22. which...was sixty percent and...and in this bill would be
23. fifty percent. What it says is, if the buyer, at the request
24. of the holder and without legal proceedings, surrenders the
25. goods to the holder in ordinary condition and free from
26. malicious damage, the holder must within a period of five
27. days elect either two. So, the...you've got at the request
28. of the holder and without legal proceedings the surrender
29. of the goods in ordinary condition and without malicious
30. damage.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Bowers.

33. SENATOR BOWERS:

1. Well, what was the abuse under the sixty percent criteria
2. in that you're trying to correct?

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Netsch.

5. SENATOR NETSCH:

6. There are a number of people who feel that the...election
7. of...or the deficiency judgment procedure is extremely harsh
8. to begin with. The sixty percent...requirement, which has been
9. tried for sometime,...I think in the minds of a number of
10. people who have been involved with it, has not produced any
11. gross inequity to those who were on the...holder of paper or
12. seller of goods side. On the other hand, you've got...
13. particularly in economic circumstances, like the present,
14. where there are people who are...may be temporarily laid-
15. off...and...can get into some difficulties on...their...
16. purchases and it...it simply gives them a...a slightly
17. greater opportunity to...to make themselves whole. But
18. because the election is the election of the holder of the
19. paper and the seller,...it does not provide an opportunity
20. for...a ne'er-do-well, which I think is what a number of
21. people are concerned about,...someone who is trying to milk
22. the system or to abuse the system. It does not really pro-
23. vide that opportunity for abuse.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Further discussion? Senator Berman...Further discussion?
26. Senator Berman, did you wish to comment? Alright. Further
27. debate? Senator Netsch has moved to concur in House Amend-
28. ments 1 and 2 to Senate Bill 116. On that question, the
29. Secretary will call the roll.

30. ACTING SECRETARY: (MR. FERNANDES)

31. Becker, Berman, Berning, Bloom, Bowers, Bruce, Buzbee,
32. Carroll, Chew, Coffey, Collins, D'Arco, Davidson, Dawson,
33. DeAngelis, Degnan, Demuzio, Donnewald, Egan, Etheredge,

1. Friedland, Geo-Karis, Gitz,...

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. May we have some order please. On these oral roll calls
4. if you want to be recorded correctly, we're going to have to
5. keep the Chamber a little quieter. The Secretary cannot hear
6. when you respond. Proceed with the roll call, Mr. Secretary.

7. ACTING SECRETARY: (MR. FERNANDES)

8. ...Grotberg, Hall, Johns, Jeremiah Joyce, Jerome Joyce,
9. Keats, Kent, Lemke, Mahar, Maitland, Marovitz, McLendon,
10. McMillan, Nash, Nedza, Nega, Netsch, Newhouse, Ozinga, Nimrod,
11. Philip, Rhoads, Rupp, Sangmeister, Savickas, Schaffer, Shapiro,
12. Simms, Sommer, Taylor, Thomas, Totten, Vadalabene, Walsh,
13. Weaver, Mr. President.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Nash. Senator Nash wished to be changed to
16. Present. Senator Mahar, No. Senator Philip, No. Senator
17. Berning, No. Senator Grotberg votes No. Senator Davidson,
18. No. Senator DeAngelis, No. The sponsor requests that the
19. Secretary...poll the absentees. The Secretary will call those
20. who are not recorded.

21. ACTING SECRETARY: (MR. FERNANDES)

22. Bloom, Keats, Newhouse, Rhoads, Savickas, Schaffer.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. How was Senator Newhouse recorded?

25. ACTING SECRETARY: (MR. FERNANDES)

26. Not recorded.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Newhouse. Senator Newhouse votes Aye. How was
29. Senator Lemke recorded?

30. ACTING SECRETARY: (MR. FERNANDES)

31. Lemke is recorded as voting Aye.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Lemke, you're recorded as Aye. Alright. On that

1. question, there are...Senator...Senator Savickas, you are
2. not recorded. Hold it just a minute, Gentlemen. Let's just
3. take these one at a time. How was Senator...if we can keep
4. the...if we can keep everyone in their seats and away from
5. the Secretary's Desk, we will be able to conclude the roll
6. call. How was Senator Savickas recorded?

7. ACTING SECRETARY: (MR. FERNANDES)

8. He's not recorded.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Savickas votes Aye. Senator Keats, did you
11. inquire as to your...Senator Keats votes No. On that question,
12. there are 26 Yeas, 24 Nays, 2 Voting Present. Senator Netsch
13. asks that further consideration of Senate Bill 116 be post-
14. poned. It will be placed on the Order of Postponed Consideration.
15. If I might have the attention of the Body just for a moment,
16. we may not have very many more roll...oral roll calls, but I
17. would request a couple of things of the Body. If your name
18. is not called, don't respond. On that last roll call people
19. were voting for other Senators and it's just as well that
20. everyone vote for themselves and that way the Chair doesn't
21. have to worry about how the Senator wishes to be recorded.
22. And also if you will respond just a little louder, it will
23. help the Secretary. May I just have the attention of the
24. membership, also, Christmas has not come. This is not our
25. printer. This is the House printer and we're just checking
26. it, so don't anyone get excited...no Christmas presents yet.
27. Can we just take a test roll call. There is...nothing before
28. the Senate.

29. END OF REEL
30.
31.
32.
33.

1. Put...put on 999 or 101010...9999. And I would prefer that
2. not all of you vote Aye. Just take your chance, whatever
3. you want to do. The voting is open. Vote anyway. Don't
4. all vote green though. And don't...just get on and...and
5. don't change the switches 'cause we want to have a good
6. test. Have all voted who wish? Take the record. ...purpose
7. does Senator Hall arise?

8. SENATOR HALL:

9. I'd like to know what's...the gang plan is going to be
10. now? There's going to be some bills lost, because we're
11. fooling around with the machine. Now, we've waited for
12. over an hour here before we started. Now, how soon are
13. we going to get our machine back, because I...I certainly
14. won't want to sit here and see myself and others who may
15. lose bills...

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Hall...

18. SENATOR HALL:

19. ...because we're trying to be so accommodating.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. ...Senator Hall, we'll have it back in ten minutes.
22. How's that sound?

23. SENATOR HALL:

24. Well, if we don't have it back in ten minutes, then we'll
25. stop and wait until it gets back..

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Rock has informed me he's selecting six of the
28. sturdiest members here to go over and have a commando raid
29. and take it back from the House. There we go. Alright.
30. Senator...on Senate Bill 125, Senator Sangmeister, are you
31. ready to go? Senate Bill 125 has come back with House Amend-
32. ments 1, 2 and 8. Senator Sangmeister is recognized.

33. SENATOR SANGMEISTER:

1. Mr. President and members of the Senate, I move to con-
2. cur in House Amendments No. 1, 2, and 8 to Senate Bill 125.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. For what purpose does Senator Berman arise?

5. SENATOR BERMAN:

6. A point of order, Mr. President. Did you announce the
7. result of the 116 roll call?

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Yes, the sponsor asked that it be postponed. It will
10. be placed on the Order of Postponed Consideration.

11. SENATOR BERMAN:

12. I'm sorry, I didn't hear you. Thank you.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Yes, we announced it. Senator...excuse me, Senator
15. Sangmeister, go...proceed.

16. SENATOR SANGMEISTER:

17. We have heard some rhetoric over the past months, maybe
18. not enough rhetoric, as to how we're going to solve the mass
19. transit problem. As you know, I sent a bill over to the
20. House with an opt out in it which has been amended with these
21. three amendments by the House, which is a solution to the
22. crisis in which I think we ought to give to the Governor of
23. the State of Illinois. We have been talking about what we
24. ought to do with the RTA and I think the general consensus
25. is, we ought to abolish the RTA and that's exactly what Senate
26. Bill 125 does. In abolishing it, we set up separate transit
27. agencies, we do exactly what the Mayor of Chicago wants, she
28. wants her own CTA. That's what Senate Bill 125 gives her.
29. It also establishes for the collar counties and suburban Cook
30. County the Suburban Transit Authority, it sets up an interim
31. board until we can elect one. Another big criticism that we've
32. had of...of the...the RTA is the compensation that we've been
33. paying to the members of that board. The new board's compensation,

1. under this amendment, reduces it to ten thousand dollars per
2. member rather than the twenty-five thousand they each get now
3. and the chairman gets fifteen thousand dollars. So, item
4. number two, it dissolves the hue and cry about the com-
5. pensation that we are paying to the members of the RTA Board
6. for the mess that they have gotten us in. The third item
7. is that it's generally conceited and I think I'm a hundred
8. percent correct when I say that nobody wants to vote for a
9. tax increase to support mass transit. Senate Bill 125 does
10. exactly that. You can solve the crisis and not have to
11. increase any taxes. Under this bill the collar counties
12. will continue with their one-quarter percent sales tax to...
13. to fund the Suburban Transit Authority plus a half percent
14. in Cook County. Also, of course, the fare box will have to
15. be adjusted in the suburban areas to carry the weight or
16. whatever the cost of operation may be. The CTA would be
17. allowed to continue the one percent tax that is being levied
18. within the city and they could levy any other tax that they
19. want, exclusive of an income tax, in order to support the
20. CTA and the City of Chicago and, of course, they could increase
21. their fares as they sit fit in order to completely operate it
22. as the mayor wishes. Therefore, the third item in Senate Bill
23. 125 is the fact that we can solve the transit crisis with no
24. tax increase. The other item that has been very important
25. to particularly those of us who are in the collar county areas
26. is, if you don't like the...Suburban Transit Authority or the
27. CTA and you wanted to get out of the system altogether, the
28. opt out that I sent over is still in the bill. So, the fourth
29. item that Senate Bill 125 still does that everyone wanted
30. was an opt out is in this bill. Also, we are concerned about
31. what happens if there is not sufficient subsidies to run the
32. commuter railroads. An amendment was added to Senate Bill 125
33. that allows the commuter rails to raise their fares to whatever

1. is necessary in order to keep the...commuter railroads running.
2. So, item number five in Senate Bill 125 solves the commuter
3. rail program and allows those railroads to run if the subsidies
4. aren't sufficient. Gentlemen, that's basically what it does.
5. I recommend to you this package and once and for all we can
6. solve a problem that started in January of this year that we
7. have not resolved and we've only got four days left. It's
8. here. We don't need to send it back to the House. We ought to
9. concur, give it to the Governor and see whether he feels, and
10. I would hope that he would agree, that this solves the problem.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Discussion? Senator Jeremiah Joyce.

13. SENATOR JEREMIAH JOYCE:

14. Question.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Indicates he will yield.

17. SENATOR JEREMIAH JOYCE:

18. Do I understand you correctly, Senator Sangmeister, when
19. you say that the Mayor of the City of Chicago is in favor of
20. this legislation?

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Sangmeister.

23. SENATOR SANGMEISTER:

24. I cannot speak directly for the mayor. All I am saying is
25. that I have read in the media that she wants to control the CTA
26. and of course this bill will do exactly that. This will give
27. the...CTA to the City of Chicago, be under her control and that
28. of the city council.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Jeremiah Joyce.

31. SENATOR JEREMIAH JOYCE:

32. Well, a question of the Body then. Is there anyone in here
33. who perhaps could speak for the mayor on this issue?

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. I believe that was a rhetorical question, Senator...

3. SENATOR JEREMIAH JOYCE:

4. I tried...I tried to speak for...I tried to speak for her
5. a year ago when I was going to put that amendment on Senator
6. Washington's bill, you recall that.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Further discussion? Senator Berman.

9. SENATOR BERMAN:

10. Well, Mr. President,...a question of the sponsor. Senator
11. Sangmeister,...it's almost an impossible task without some
12. additional material available to determine the merits or demerits
13. of...to determine the merits or demerits of...of this proposal.
14. And from my point of view representing constituents that are
15. vitally concerned with the operation of the CTA and the RTA,
16. ...if this is the only game in town, it may have merit to my
17. constituents, but I can't tell at this moment what's...what
18. the package is. What I would like to request of you...and
19. there is no time frame...requirement,...if you could take
20. this out of the record,...have staff prepare a...a resume...
21. for us as to what it includes and doesn't include and allow
22. us some time to look at it and...just take it out of the record
23. and keep it alive. I'm sure the votes you have or don't have...
24. aren't going to evaporate in...twenty-four or forty-eight hours
25. and...you may find that this is the only package...that'll be
26. available before we have to get out of here on June 30th.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Sangmeister.

29. SENATOR SANGMEISTER:

30. Well, normally I would certainly like to concede to Senator
31. Berman's request, but, Senator, this...it was probably one of the
32. first bills, I think, that was listed on the Calendar under Con-
33. currence. I think it's probably been sitting on the Concurrence

1. Calendar for...up to at least three weeks now and...I think
2. everybody knew what the House had done to 125 and if you wanted
3. any of our staff or your people to look at it, I would have
4. appreciated if you had...done it by now. You know, we've been
5. working on solving the crisis since January and we've only got
6. four days left. I don't think we can continue to put it off
7. and put it off and put it off. So, respectfully, I decline...
8. your request.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Further discussion? Senator Chew.

11. SENATOR CHEW:

12. Thank you, Mr. President. We allowed Senate Bill 125 to
13. come out of the committee on a deal...yeah...and...we have spent
14. ample time getting our kicks on sixty-six with RTA and all of
15. the paraphernalia that's attached to it. We are not going to
16. pass anything until an agreement has been worked out by the Governor
17. and Legislative Leaders on both sides. Now, we're guilty of...
18. having gotten a lot of good press and bad press simply because
19. everybody wants to put their two cents worth in on mass trans-
20. portation, but the simple matter, as I've said on this Floor
21. before, when good minds get together and conclude that, first,
22. mass transportation is absolutely essential to the State of
23. Illinois and, secondly, fashion a plan that people can live
24. with without undue pressure and, thirdly, the money that's
25. generated from whatever plan we derive at would be generated
26. for two purposes, mass transportation and highways. And if
27. our General Revenue Fund is in the financial straitjacket as
28. is alleged, then we down here who purports to be responsible
29. will have to deal with that problem. But as the...Senate Bill
30. 125 and the amendments, it's unacceptable and I would urge every-
31. body here to cast a No vote on concurrence.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Discussion? Senator Geo-Karis.

1. SENATOR GEO-KARIS:

2. Mr. President and Ladies and Gentlemen of the Senate, I
3. rise to speak in favor of the concurrence of this bill. I can
4. tell you the people of Lake County, Illinois, the third largest
5. county in this State, are absolutely not happy about a sales
6. tax and not happy not having the trains run and they're not
7. happy having the CTA as part of their outfit. They would be...
8. very much like to see a suburban transportation authority, which
9. this bill provides, and they would like to see a purchase of
10. service contracts, they would like to see membership from each
11. of the counties and the board and I think this is a good bill.
12. This...as you heard me say yesterday, I feel that Mr. Louis Hill,
13. as a Chairman of the RTA Board, has done an...inept job and he
14. should remove himself to do himself a favor. We have had it
15. long enough in the collar counties. We're willing to do our
16. share, but I think this is an admirable bill with the amendments
17. and I might say this is the same as House Bill 829 that passed
18. out of the House with a good vote and I congratulate Senator
19. Sangmeister for taking...having the courage to go forward.
20. There's no reason why we can't have a mass suburban...transit
21. system for the...collar counties, there's no reason why the
22. CTA shouldn't be run by the City of Chicago and its city council
23. and the mayor, there's no reason why we have to be in a situation
24. we can't approve labor contracts and do some meaningful structural
25. work on the contracts and make things more equitable for all
26. and it's high time that the RTA that was forced down the
27. throat of the collar counties with complete control of the City
28. of Chicago be removed and let's make it fair for both the
29. suburban counties and the City of Chicago. Give Chicago the
30. CTA, give us the suburban train and bus system and I certainly
31. ...speak in favor of this concurrence.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Mahar.

1. SENATOR MAHAR:

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

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Indicates he will yield.

6. SENATOR MAHAR:

7. Senator Sangmeister, does it still have the provision that
8. townships can opt out?

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Sangmeister.

11. SENATOR SANGMEISTER:

12. No, this is not reduced down to a county opt out.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Mahar.

15. SENATOR MAHAR:

16. Counties only. Well, may...may I speak to it? Yes, the...
17. when this bill went through originally I voted against it because
18. I couldn't visualize how...how townships could operate, but now
19. the fact that it allows for counties to opt out, why...why I
20. don't care too much for that, I think RTA Region ought to be
21. the RTA Region and we're all...we're all a part of it. It
22. certainly is a much better bill. I can support it.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Further discussion? Senator Carroll.

25. SENATOR CARROLL:

26. Thank you, Mr. President and Ladies and Gentlemen of the
27. Senate. Following Senator Chew's statements, all I can say is
28. such a deal. The problem with this, quite honestly, is as
29. many of the other side has indicated in the past but apparently
30. isn't indicating today, without any type of subsidy in the
31. region, which the rest of the State gets, all you're inviting
32. is such high rate increases to your commuters who are going to
33. have to pick up what they don't have to pick up in the rest of

1. the State. You're talking about nothing to fund the operations
2. of the suburban system, the city system or anything else other
3. than that share of what's now charged as additional tax. Nothing
4. to make up that difference of what's existing now, except tacking
5. it onto your own people so that every time they get on the bus,
6. every time they get on the train they're going to have to go up
7. to fares like a dollar and a half in the City of Chicago one
8. way, if they're using a transfer, just to get to work or from
9. work and even higher rates than that in the suburban areas and
10. the collar counties. That's why we offered that same type of
11. subsidy that the rest of the State enjoys, one-third of the
12. operating revenues through a percentage of the sales tax col-
13. lected in the region. That's what's patently missing in this.
14. That type of use of existing revenue sources paid by the people
15. in the area to fund the system. To those of you who want fares
16. that are going to be a dollar and a half or more in my
17. metropolitan area and even greater than that from your own
18. people's pockets to pay for that system, then you are supporting
19. this. I, for one, cannot unless there's some type of subsidy.
20. Most of the rest of it we've talked about before and there are
21. not problems for many of the members of this side of the aisle
22. in a lot of the concepts that are in this bill. But without
23. that type of subsidy that we give throughout the State, where
24. the average part of the State is getting thirty-one percent of
25. their operating revenues from that portion of the sales tax
26. generated, but nothing in the region, I think this is patently
27. defective and will just harm over seven million people who
28. depend upon some form of transportation and all you're asking
29. them to do is to double what it's now costing them and I think
30. that's a ridiculous idea.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Further discussion? Senator Totten.

33. SENATOR TOTTEN:

1. Thank you, Mr. President and Ladies and Gentlemen of the
2. Senate. I rise in support of Senate Bill 125 for a number of
3. reasons. First of all, it's the only measure before us that
4. really gets to the issue and that is the fact that this system,
5. under this proposal, will be able to operate without any new
6. monies because we force some of the cost controls. If this
7. Body sits here and raises State-wide taxes or provides a
8. substantial out-and-out subsidy to the Regional Transportation
9. Authority or whatever its new moniker may be, we have lost all
10. control over being able to do any cost containment in the
11. system. It is not the position of many of us that we would
12. like to see the system shut down. The position of most of us
13. is...is that we would like to see it operate within a more
14. reasonable fashion. When the City of Chicago refuses to do
15. anything about the fact that they have service on every four
16. blocks, when they have service twenty-fours a day...when the
17. management of the CTA contains over three-fifths of their
18. employees making over thirty thousand dollars a year, when
19. the management of the CTA refuses to do anything about cost
20. containment, we've got to think about the eleven million
21. citizens of the State who have been continually asked to pour
22. more money into a system that has such inefficiencies and is
23. wasting present tax dollars. For you to ask us, as you have
24. in the past, time and time again, to subsidize a system that
25. operates under those conditions, you are really not living
26. up to the trust that the voters that put you down here have
27. asked you to. Mr. President and Ladies and Gentlemen of the
28. Senate, Senate Bill 125 probably doesn't answer all of the
29. problems and it may really only be the only game in town, but
30. at this point it appears to be the best game and should be the
31. only one that we put on the Governor's Desk and I would suggest
32. that we do precisely that.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Further discussion? Senator Philip.

2. SENATOR PHILIP:

3. Thank you, Mr. President and Ladies and Gentlemen of the
4. Senate. As you know, negotiations have been going on this morning,
5. last night and very honestly, I think we're very close to coming
6. to an accord. Who knows what's going to happen and I'm suggesting
7. we support Senate Bill 125, get it over to the Governor and at
8. least if everything else fails we'll have something on the Governor's
9. Desk. It's not perfect. The Governor...certainly...amendatorily
10. veto of it, put it in the shape that he wants, perhaps we could
11. come back in Special Session and work something out. So, I
12. suggest we support this. It isn't perfect, but if everything
13. else fails, at least there's something the Governor has left
14. to work with.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Further...Senator Nedza.

17. SENATOR NEDZA:

18. Thank you, Mr. President and Ladies and Gentlemen of the
19. Senate. A question of the sponsor.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Indicates he will yield. Senator Nedza.

22. SENATOR NEDZA:

23. Senator Sangmeister, you...when Senator Mahar...asked you
24. whether the townships were deleted from this...in Senate Amendment
25. 1 it...it adds that the counties and townships have the...disconnect
26. the opt out. In the succeeding amendments to the bill I don't
27. see that the townships were taken out. As I read this, the
28. townships still have...are exercising that power in this bill.
29. Could you perhaps point to which amendment eliminates the town-
30. ships from opting?

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Sangmeister. And before we do that, Senator, Channel
33. 2 has sought leave to film the proceedings. Is there leave?

1. Leave is granted. Senator Sangmeister.

2. SENATOR SANGMEISTER:

3. I do not...I've only got the digest in front of me also.
4. It was either in House Amendment No. 1 or 2, but in one of them
5. it was changed. As I sent it over, it was townships and counties,
6. but as it was amended...because they struck the enacting clause...
7. as they amended it in House Amendment No. 1 it went back in as
8. counties only.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Nedza.

11. SENATOR NEDZA:

12. Well,...I...I have the digest in front of me also, Senator,
13. and I for the life of me can't find it.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Sangmeister.

16. SENATOR SANGMEISTER:

17. Well, that's what it is.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Further discussion? Further discussion? Senator Rock.

20. SENATOR ROCK:

21. Thank you, Mr. President and Ladies and Gentlemen of the
22. Senate. I too have requested that Senator Sangmeister hold this
23. piece of legislation because truly, Ladies and Gentlemen, this
24. is not a solution. This is a proposal around which the...dem-
25. agogues rally. I would suggest to the Chair that House Amend-
26. ment No. 1 makes this bill preemptive and I would ask the Chair
27. to make a ruling on that,...if, in fact, this is called for a
28. vote. But I would further say...and I have just received a
29. press release from the Governor's Office in which he says and
30. I quote, "the vote in the House last night indicates to me that
31. at this time the House is not willing to consider a bill to dis-
32. connect the CTA from the RTA and the votes in the Senate last
33. night indicate to me that the Senate is not willing to take a

1. hundred and sixty million dollars a year from the State Road
2. Fund," which by the way is totally inaccurate, "and give it
3. to the existing RTA structure." But the Governor goes on and
4. says, "I believe that somewhere between these two positions
5. may lie a basis for an acceptable compromise which will answer
6. the transportation needs of the people of the State of Illinois
7. and pass the General Assembly prior...before July 1." The
8. Governor goes on to say, "that since last night I have twice
9. conferred with the Senate President and after a Republican
10. Leadership breakfast meeting this morning in the mansion, we
11. have decided to pursue the question of a funding compromise,
12. as was suggested last in the Senate debate." This will be
13. done this morning and I can...reliably report to this Body
14. that I spoke with the Governor not less than thirty minutes
15. ago, and I have spoken with the Speaker, and I have spoken with
16. Representative Madigan, and I talked with the Governor at seven
17. o'clock this morning and I met with Senator Weaver for better
18. than a half an hour. And the Governor goes on to say, "that
19. I believe it's essential to our people that this issue be
20. solved now and I will work with the General Assembly to achieve
21. an agreement which, one, guarantees the viability of a mass transit
22. system, two, answers the highway road and bridge needs of all
23. the people of the State and, three, imposes the minimum tax
24. burden necessary on our people and, four, can pass the General
25. Assembly before July 1." I plead with you not to concur in
26. these House Amendments to this Senate Bill at this time. There
27. is no reason why this bill can't just remain on the Calendar
28. until we can come up with a solution. And I truly believe that
29. ...a solution is totally possible. I have spoken with all the
30. principals late last night, early this morning and I am con-
31. tinuing to negotiate with them. This is not a solution because
32. it does nothing except answer some of the demagogues in the
33. House who said, well, let's raise the fares two hundred percent

1. or whatever it takes and give the city the CTA and set up our
2. own authority. Well, the fact is that a...component part of
3. the total package that we are negotiating does, in fact, set
4. up a suburban transit authority and does, in fact, give the
5. City of Chicago control of the Chicago Transit Authority, at
6. least insofar as the appointment of the board and does, in fact,
7. abolish the RTA. These are truly component parts of an overall
8. agreement, but to go off half-cocked and willy-nilly address
9. these kinds of things at this time...I, again, ask Senator
10. Sangmeister to please hold this, but if he pursues it, I would
11. suggest a No or a Present vote.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Alright. Further...Senator Rock, I'll rule on your...
14. question about preemption prior to the vote. Further discussion?
15. Senator Netsch.

16. SENATOR NETSCH:

17. Well, thank you. I think...too many comments would be something of
18. an anticlimax after we have just heard from on high, but I would
19. like to...suggest to Senator Sangmeister, to Senator Totten, and
20. to some of the others that this, in fact, is not a solution to
21. any of the three problems that have to be solved in the trans-
22. portation...arena. One is that there must be a State subsidy
23. of some kind, degree and source for mass transit in the six
24. county area or at least in the metropolitan...area. Secondly,
25. there has got to be a long-range solution to transportation
26. needs, both roads and mass transit. We are foolish if we do
27. not...look more than one year ahead, which was one of the many
28. faults of the 1979 agreement. And finally...and Senator Totten,
29. I particularly direct this to you, there are those of us in...
30. in Chicago who do not want to be set free and allowed to be
31. controlled by the CTA, the Chicago City Council and the Mayor
32. of Chicago. God protect us from that. We want an outside
33. source of control on the costs of running mass transportation

1. in the City of Chicago, if not the entire metropolitan area.
2. This bill does none of the three things that have got to be
3. done if we are to have faced up to our responsibility. So,
4. please do not put us in the position where we not only must
5. have to fund the system ourselves, but must be left to the
6. devices of those who have been running it for the last few years.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Further discussion? Senator Taylor.

9. SENATOR TAYLOR:

10. Mr. President, I move that we adjourn till twelve o'clock
11. tomorrow.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. The motion is to adjourn. All in favor say Aye. Opposed
14. Nay. The Nays have it. Senator Sangmeister may close. Senator
15. Sangmeister.

16. SENATOR SANGMEISTER:

17. Well, thank you, very much. I...you have not made your
18. ruling yet, Mr. Chairman, and I presume that...

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Oh, I'm sorry. Well,...

21. SENATOR SANGMEISTER:

22. ...alright. Let's...but I'd like...alright. Let's have
23. the ruling.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Alright. Senator Rock has questioned whether or not House
26. Amendment No. 1 to Senate Bill 125 is preemptive. It is the
27. ruling of the Chair that House Amendment No. 1 to Senate Bill
28. 125 is preemptive of the powers and functions of home rule units
29. as described in Paragraph G of Article VII, Section 6 of the
30. Illinois Constitution. The new agency created by House Amend-
31. ment No. 1 to Senate Bill 125, namely the proposed Suburban-
32. Urban Transportation Authority, has preemptive authority over
33. home rule units in certain specified areas. Therefore, the ruling

1. of the Chair is that concurrence in House Amendment No. 1 to
2. Senate Bill 125 will require approval by vote of three-fifths
3. of the members elected to the Senate. I would point, Senator
4. Sangmeister,...in specific to lines 337 and following of Amend-
5. ment No. 1 in which that it states the authority shall have
6. exclusive right of usage of all roads whether or not controlled
7. by any city jurisdiction...use of roads and streets relation-
8. ship. And it states that they shall have the exclusive use of
9. roads contained within a home rule unit. On lines 474, eminent
10. domain, then can, in fact, take public property owned by a
11. municipality and as to lines 1173 and...and following indicates
12. that no home rule unit may apply for Federal funding without
13. the explicit permission of the authority. And for that reason
14. it is preemptive, Senator Sangmeister. Senator Sangmeister on
15. the ruling. We'll let you close later on.

16. SENATOR SANGMEISTER:

17. Well, Mr. President, those are the same arguments that
18. were presented over in the House on these amendments and I
19. would say to you that the Presiding Officer over there ruled
20. exactly the opposite you have ruled. Now, I don't think we
21. ought to be getting into a position where we're having rulings
22. one way on amendments in one House and the exact same
23. objections being raised and exactly opposite ruling in...in
24. the other Body. Now, this has been ruled on once and...I,
25. frankly, don't know what the precedent is for overruling each
26. other's Bodies, but this has been ruled on once and I think we
27. ought to stay consistent with the ruling in the House that it
28. did not...was not preemptive and did not take the extraordinary
29. majority.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Alright. I would just point out...that when this legis-
32. lation originally passed the RTA Administration, it was ruled
33. in both Houses that it was preemptive, and as you are well aware,

1. much of what is in Amendment No. 1 is a direct takeout of
2. that authority with a change of the suburban words being placed
3. in, Senator Sangmeister. Senator Sangmeister.

4. SENATOR SANGMEISTER:

5. That does not get to the question of what you do when one
6. House has already ruled one way. What's the prerogative for
7. this Body to rule opposite to what the Speaker of the House
8. has ruled?

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Yes, well you may recall on the Class X...legislation,
11. Senator, that there were two different rulings. We have often
12. operated as independent Bodies from the House, long may it be
13. that way, and we...we have the authority to rule on the matter
14. and the House has ruled differently on several matters. Senator
15. Sangmeister.

16. SENATOR SANGMEISTER:

17. I have never taken an appeal of the ruling of the Chair
18. and I'm not going to take one now, but again it's only an
19. effort, obviously, to defeat what we possibly could have
20. gotten. We might have gotten thirty votes. I doubt if we'll
21. ever get thirty-six. But anyway my closing remarks were
22. probably most aptly stated by Senator Pate Philip. My leader
23. has now called me a premier demagogue. Senator Rock, I would
24. have liked to have held this too, but, you know, all we read
25. in media is your meeting with Mayor Byrne and...with Governor
26. Thompson and with the Legislative leaders and you come out of
27. one conference and nothing is resolved and you meet again and
28. nothing is...resolved, now all of a sudden we're down here
29. with about three or four days left to go and all of a sudden
30. something is going to be resolved. What has this legislation
31. hurt? Senator Philip is right. If we put this on the Governor's
32. Desk, what harm is there? If he wants to change it around and
33. put additional funding into this bill, this is exactly what he

1. can do and send it back here and then we can make a decision
2. whether we think his decision was right or not. Isn't it time
3. that the Governor be put into position, that he take a firm
4. position as to exactly what he wants to happen? All of a
5. sudden we hear again the one cent sales tax is going to fly.
6. How many times have we heard that the gross receipts tax was
7. going to make it and the...liquor tax is going to make it and
8. now the one cent sales tax is going to make it and nothing ever
9. makes it. And here we sit now in the last hours with the...an
10. excellent opportunity to put this on the Governor's Desk with
11. no harm to him, no harm to anyone. If this is not the vehicle,
12. he can easily say so. If it is, let him put it in shape if it
13. isn't right. Frankly, it is a good bill in the form it's in,
14. as far as I'm concerned and we ought to concur. I want to
15. ask for a favorable vote.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Sangmeister has moved that the Senate concur with
18. House Amendments 1, 2 and 8 to Senate Bill 125. On that question,
19. the Secretary will call the roll. Yeah. And the Secretary
20. indicates if you would please answer...it would...it would
21. help. Mr. Secretary, call the roll please.

22. SECRETARY:

23. Becker, Berman, Berning, Bloom, Bowers, Bruce, Buzbee,
24. Carroll, Chew, Coffey, Collins, D'Arco, Davidson, Dawson,
25. DeAngelis, Degnan, Demuzio, Donnewald, Egan, Etheredge, Friedland,
26. Geo-Karis, Gitz, Grotberg, Hall, Johns, Jeremiah Joyce, Jerome
27. Joyce, Keats, Kent, Lemke, Mahar, Maitland, Marovitz, McLendon,
28. McMillan, Nash, Nedza, Nega, Netsch, Newhouse, Nimrod, Ozinga,
29. Philip, Rhoads, Rupp, Sangmeister, Savickas, Schaffer, Shapiro,
30. Simms, Sommer, Taylor, Thomas, Totten, Vadalabene, Walsh,
31. Weaver, Mr. President.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Nimrod. Senator Nimrod votes Aye. Senator Lemke

1. votes Present. Senator Bruce votes Present. Further voting?
2. On the motion to concur, there are 31 Yeas, 15 Nays, 8 Voting
3. Present. For what purpose does Senator Sangmeister arise?

4. SENATOR SANGMEISTER:

5. Well, as I suspected, we had enough to pass it with the
6. proper ruling, but under those circumstances...let's put it
7. on Postponed Consideration. You know, it's something else
8. laying around, someday we'll get around to solving transpor-
9. tation.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. The sponsor asks that further consideration of the
12. motion be postponed. It will be placed on the Postponed...
13. Order of Postponed Consideration. Alright. We now have our
14. printer back. We are going to take a test run on it. And,
15. again, if you will vote and vote early and then not...switch
16. your vote, it will help the printer. The voting is open.
17. This is just a test vote. It has nothing...we're not passing
18. anything. It's to purge the machine of any House votes that
19. might have been contained in it. Have all voted who wish?
20. Take the record. For what purpose does Senator Hall arise?

21. SENATOR HALL:

22. While we got a lull, I just want to ask...personal
23. privilege. Did we get the right machine back?

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Yes, we did.

26. SENATOR HALL:

27. I saw some traveling back and forth and I understand they
28. tried to make a switch on us.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. They weren't successful.

31. SENATOR HALL:

32. Okay.

33. PRESIDING OFFICER: (SENATOR BRUCE)

SB 49
3rd Reading

1. We have our machine back as of right now. I am informed
2. by the Secretary and the technicians that our printer is back
3. on line and we verified the roll call and it...it is exactly
4. what we want. For what purpose does Senator Sangmeister arise?
5. For what purpose does Senator Donnewald arise?

6. SENATOR DONNEWALD:

7. I'd like to have leave to go to the Order of...Senate
8. Bills 3rd.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Is there leave to go to the Order of Senate Bills 3rd
11. reading? Leave is granted. Senate Bills 3rd reading. Senate
12. Bill 49. Senator Rhoads, do you wish to call that? Read the
13. bill, Mr. Secretary, please.

14. SECRETARY:

15. Senate Bill 49.

16. (Secretary reads title of bill)

17. 3rd reading of the bill.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Rhoads.

20. SENATOR RHOADS:

21. Thank you, Mr. President and members of the Senate. Senate
22. Bill 49 is a bill to reapportion the State of Illinois into
23. fifty-nine legislative districts. As you all know, the process
24. of reapportionment in any decennial year is an extremely
25. complicated one, fought with controversy. And in a year in
26. which the Illinois House of Representatives is being reduced
27. by fifty-nine seats, it becomes...an almost...insurmountable
28. task, but I'm not ready to throw in the towel yet. We have
29. been working on it steadily for six months...for a lot of reasons.
30. When Senator Shapiro first asked me to undertake this task, I
31. knew from the outset that it would probably be a fool's errand,
32. but I thought I had an obligation as minority spokesman on the
33. Elections and Reapportionment Committee to try, and more than

1. that, that the General Assembly had an obligation to make a
2. good faith effort to deal with this issue prior to June 30th.
3. Now, it is true that the Constitution of 1970 provides a
4. back-up mechanism to deal with the subject of reapportionment.
5. That back-up mechanism is, of course, a reapportionment com-
6. mission consisting of eight members to be appointed by the
7. Legislative Leaders and...a tie-breaker provision. I hope
8. that this General Assembly will not...will not abdicate its
9. responsibility to such a commission and will make a good
10. faith effort in the next few days to pass a map. I under-
11. stand, as well as anyone in this Chamber, that there are so
12. many controversial issues on our Calendar, RTA and all the
13. rest, but this is an issue that only comes along once every
14. ten years and we have an obligation to deal with it. Secondly,
15. in 1971 I served as a Legislative Aid to former Governor
16. Stratton and former Senator Taro Clark on the Legislative
17. Reapportionment Commission. That is the only previous
18. experience we have had with such a commission in Illinois.
19. Very frankly, if you abdicate your responsibility and if you
20. place this map in the hands of a commission rather than in the
21. hands of the General Assembly, what you have, in affect, done
22. is place the decision making process in the hands of the few
23. rather than the many. That commission in 1971 left a great deal
24. to be desired in terms of its openness, it's responsiveness
25. to the public will. We have at least made an attempt in both
26. Houses of the General Assembly...in the House they have had
27. public hearings on this issue and Senator Lenke and I, here,
28. informally have talked to a great many interested groups in
29. trying to put together...reapportionment packages. The map
30. contained in Senate Bill 49 is the map that I announced to...
31. publicly on June the 10th. I'm going to have to explain it
32. at...at a little bit of length because it is a complicated bill,
33. and those of us who deal with reapportionment assume that

1. everyone understands the process, when perhaps they don't. To
2. begin with the census of 1980, which was received by the State
3. of Illinois on April the 1st, this is the census report that
4. we received for the State. The State of Illinois gained in
5. population and is now at eleven million four hundred and eighteen
6. thousand four sixty-one, a gain of 2.8 percent for the entire
7. State. However, one of the largest...the largest city in the
8. State, the City of Chicago, lost population from three million
9. three hundred and sixty-nine thousand three fifty-seven in
10. 1970 to three million five thousand and sixty-one in 1980,
11. a loss of 10.8 percent. That shift in population is not the
12. fault of the Republican Party or the fault of this sponsor.
13. It is simply a fact of the census that we all have to face.
14. Senate Bill 49 contains seventeen districts which could be
15. classified as being dominated by the City of Chicago. Under
16. the 1971 plan, there were twenty such districts. The question
17. has been asked to me, is that a fair apportionment for the
18. City of Chicago? Let me look at it two ways. First, if you
19. took the population of the City of Chicago within the corporate
20. limits of the City of Chicago, the city would only be entitled
21. to fifteen and a half Senatorial districts. If you took the
22. 1971 plan, starting with Senator Berman's district on the north,
23. at the lake front, going around the entire city suburban peri-
24. meter to Senator Dawson's district on the south, the census
25. tracks contained within that...within those twenty districts
26. now, including the suburban territory that was taken by the
27. city districts in 1971, including that territory, still only
28. comes to seventeen and four-tenths of a Senatorial...of Senatorial
29. districts. A Senatorial district ideal is a hundred and ninety-
30. three thousand five thirty-three. So, if somebody wants to
31. make a representation that Senate Bill 49, or this sponsor, or the
32. Republican Party, or whoever have tried to injure the City of
33. Chicago, they would have to say, in fairness, that yes, we did

1. attempt to return about four-tenths of one district of suburban
2. territory to some of the suburban area. And I think there were
3. good reasons for doing that. We made a very conscientious
4. effort to maintain the integrity of subordinate political
5. subdivisions where possible. I say where possible, because it
6. isn't always possible. There's been a great deal of debate
7. about how much of a variation a district may have from the
8. ideal and still be upheld as constitutional by the State and
9. Federal Courts. The honest answer is that no one knows. We've
10. had case law in other states that have been considerably more
11. than our 1971 plan, which was one half of one percent. This
12. plan, Senate Bill 49, provides a maximum deviation of 1.5
13. percent above and 1.4 percent below an ideal population of one
14. ninety-three five thirty-three. Another bill that will be con-
15. sidered later today, proposed by Senator Lemke, has, I believe,
16. a three percent population variance in it. Let me try to
17. address some of the other technical provisions of the bill and
18. then get to the politics that you're all interested in. The
19. bill has been drawn by census tracks and other political sub-
20. divisions, a hybrid of the two descriptions. The debate in
21. the House over the Congressional bill...Representative Breslin
22. raised the question, well, this wasn't done in 1971. Well, I
23. was there and it was done in 1971. The Reapportionment Commission
24. adopted a map, drafted by census tracks, in order to prove to the
25. courts that the map had the population that...that we said it
26. did. The Reapportionment Commission then certified that map
27. to Secretary of State John Lewis, who had the responsibility
28. for converting that description into a meets and bounds real
29. estate type description of the kind that you're all familiar
30. with. This bill is done in the same manner. It provides that
31. the State Board of Elections shall within sixty days have the
32. responsibility to convert the census track description into a
33. meets and bounds description. The bill further provides that

1. the boundaries shall be static, as of April the 1st, 1980,
2. the date of the census, so that we do not repeat the mistakes
3. of ten years ago which led to several court cases in the last
4. couple of years, so that if a municipality decides to annex
5. territory or change its boundaries, it will not affect the
6. Legislative districts, as apparently in Peoria they thought
7. it did. We've made very...other conscientious efforts to
8. provide that the State Board of Elections shall help local
9. election jurisdictions in determining what the exact boundaries
10. are. Now, so that there would be no mystery to anyone in this
11. Chamber, I have tried to invite every single member of the
12. Chamber at one time or another to see the...the larger maps
13. that we do have, which have clearer...street meets and bounds
14. descriptions on them. That is the best representation that I
15. can give you from what the census track maps show to me. With
16. regard to legislative intent, I think a few things ought to be
17. made in the record. Downstate Illinois would gain a new
18. legislative district under this proposal, the panhandle of
19. Cook County would gain a new district and DuPage County would
20. gain a new...a new district. There was...it is important to
21. point out that outside of the City of Chicago where it simply
22. wasn't possible, no two incumbent Senators in this Chamber
23. currently are thrown into the same district. Outside of the
24. City of Chicago...I'll repeat that Senator Nedza...outside of
25. the City of Chicago where it was not possible, no two incumbent
26. legislators are thrown together in the same district. That
27. probably shouldn't be important as a matter of public policy,
28. but I think every...every member of the Chamber knows that as
29. a matter of common sense, in order to try to get a bill passed,
30. it is an important factor. People have asked me, why is my
31. township split, why is my county split, why is my hometown split.
32. My...my favorite constituent lives in...in this block over
33. here or my...relatives live over there and they've always been

1. good supporters. The only answer...that I can give you is
2. that in an effort to make the population figures work, you
3. do have to do it by census tracks. The census tracks do not
4. conform...do not conform to any other political subdivision,
5. nor are census tracks anywhere near equal in population.
6. Census Track A in the City of Chicago might have as few as a
7. hundred people in it and a neighboring census track might have
8. six thousand people in it. So, that obviously territory does
9. not equate to population and that very minor changes in the
10. Cook County and Chicago area bring about very major changes
11. in downstate Illinois. That's the technical side of this
12. bill. The political side of this bill and what I think might
13. be a matter of public policy is that minority representation
14. under this map is guaranteed. The City of Chicago is now
15. represented by five black Senators, it would be under the new
16. map. In addition, we would for the first time create a district
17. in which people of Hispanic origins would have a majority in
18. one Senatorial district so that a Hispanic Senator could be
19. elected to the Illinois State Senate. We've made every effort
20. to talk to all parties concerned. It is a good faith attempt.
21. Any vote on this bill today will not be and could not be final
22. action on the bill, for the very reason that the House districts
23. are not described, nor are they described in Senator Lemke's
24. bill. This is shell language primarily. We would have to send
25. it over to the House, have them insert the House districts like
26. in any other bill, it would have to come back over here on con-
27. currence for final action. I have the population figures in
28. front of me, including a racial breakdown and any other infor-
29. mation that people might want. I'll be happy to answer any
30. questions that any member of the Senate might have. Thank you.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Discussion? Senator Lemke.

33.

END OF REEL

1. SENATOR LEMKE:

2. Senator Rhoads, I'd like to ask some questions in regards to
3. this bill. I have analyzed it, and I see some problems with it,
4. and I see...I want...I'd like to have these problems resolved.
5. Approximately how many precincts downstate and in Cook County
6. would be...would your bill split up?

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Rhoads.

9. SENATOR RHOADS:

10. Senator Lemke, I don't know the exact answer. There would
11. be numerous precincts split up, just as they were in 1971. The
12. precinct boundaries are drawn to conform to the legislative
13. districts, and not the other way around. This has been true
14. in 1966, and in 1971, and of course, will be true this time as
15. well. Because they've conformed to census track lines, and block
16. lines.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Lemke.

19. SENATOR LEMKE:

20. What additional expenses would be incurred by the Election
21. Authorities vote in conducting elections, and redrawing precinct
22. lines because of the many precinct splits made by your bill?
23. What's the financial burden going to be put on the taxpayers?

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Rhoads.

26. SENATOR RHOADS:

27. Again, Senator, it's impossible to calculate it. We did talk
28. to the State Board of Elections and the Clerk of Cook County. Most
29. of those answers I got back seemed to indicate that there would be
30. no greater cost, at least, proportionately, then there was in 1971
31. when we went through the same process.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Lemke.

1. SENATOR LEMKE:

2. Why did you choose to impose such a burden, and create such
3. confusion as exemplified by the election of Senator Mahar when he was
4. a Representative with split precincts, where he only won by four
5. votes, and they didn't know nothing about the split precincts being
6. in that district? Why should we create this confusion with split
7. precincts? Wouldn't it confuse the electorate?

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Rhoads.

10. SENATOR RHOADS:

11. Senator, we now have, in my district, for example, a split
12. precinct under the 1971 plan. I say, again, it is the responsibility
13. of the county clerks, the boards of election commissioners to
14. conform to this map, and not the other way around. Precincts
15. are...administrative unions...units for the convenience of conducting
16. elections, but they are...should not dictate the public policy
17. of this Chamber.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Lemke.

20. SENATOR LEMKE:

21. Senator Rhoads, in looking at the municipal...splits, especially
22. in proviso townships..your map splits proviso townships by one-third.
23. Five municipalities are split, Bellwood, Berkeley, LaGrange Park,
24. Maywood, and North Riverside. Is it your intent by splitting
25. Maywood and Bellwood to dilute the...the black and the Hispanic
26. vote in the suburbs?

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Rhoads.

29. SENATOR RHOADS:

30. No, Senator Lemke, and I...I think...I think you know that
31. it is not my intent. If you'll let me finish answering the question
32. I'll be happy to answer it. Now, I don't see how any reasonable
33. person could even ask such a question. When this plan provides for

1. the minority representation that it does provide for, it is no
2. more...those communities that you mentioned are no more sacred
3. in terms of being split as municipalities than is any other mun-
4. icipality in the State of Illinois. And your map, Senator Lemke,
5. splits many municipalities.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Lemke.

8. SENATOR LEMKE:

9. Let's be specific, how many splits are Maywood? How many
10. districts is Maywood split into?

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Rhoads.

13. SENATOR RHOADS:

14. I believe it's three districts, Senator Lemke.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Lemke.

17. SENATOR LEMKE:

18. And...and how many districts is Bellwood split into?

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Rhoads.

21. SENATOR RHOADS:

22. I have all of the Town of Bellwood, both in the current
23. map and in the my proposal, it's my understanding.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Lemke.

26. SENATOR LEMKE:

27. It's my understanding Bellwood's split between the 5th and the
28. 6th Districts in your map. How about Berkeley? How many...

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Rhoads.

31. SENATOR LEMKE:

32. How many districts is that split into?

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Rhoads.

2. SENATOR RHOADS:

3. Well, Berkeley might be split into two districts, Senator, it's
4. ...I don't know what your point there is, that's a white community.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Lemke.

7. SENATOR LEMKE:

8. I'm talking about diluting...diluting the vote of certain
9. municipalities. Isn't it true that Berkeley is split between the
10. 5th and the 6th, and also District 30 to extend it into DuPage
11. County, and dilute their vote..which is a community in Cook
12. County? Why should Berkeley have their vote split and be in
13. DuPage County, with DuPage County?

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Rhoads.

16. SENATOR RHOADS:

17. Senator, I think I've answered that question as best I can.
18. It is not possible to not split municipalities. The City of Chicago
19. is split into seventeen districts. If...if your opposed to putting
20. municipalities into different districts, we'll be happy to put
21. all of Chicago into one district. But it simply wouldn't work
22. on the one man one vote principle, now would it?

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Lemke.

25. SENATOR LEMKE:

26. That's true, but under the Federal guidelines, we should
27. make...little towns be consolidated together in one district
28. so they can have political...strength, and that's under certain
29. cases that were decided, like Mahan versus Howe in...by the Supreme
30. Court, that we...you can even have a variance up to sixteen per-
31. cent population, as long as that town is put together and repre-
32. sented. The other thing, how many districts is North Riverside
33. into?

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Rhoads.

3. SENATOR RHOADS:

4. Well, I'll be happy to answer that question, but I'd like
5. to answer the first one, first. Your reading of Mahan v. Howe
6. is a little bit different than mine. In that particular case, the
7. State had to show a compelling State interest as to why political
8. sub-divisions were not...were violated. And it was a very unusual
9. case, you can't just read the...the final decision, you have to
10. go back and read all the arguments that lead up to it. In the
11. case of...if you're arguing that the State of Illinois can get
12. away with a higher variance than 1.5 percent, I don't know that
13. you're wrong, but I disagree with you, and I think a judge would
14. disagree with you. Now, with respect to what town was it, North
15. Riverside? What's your question about North Riverside?

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Lemke.

18. SENATOR LEMKE:

19. How many districts is that split into?

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. May...wait a minute, Gentlemen. May we have some order.

22. Senator Rhoads.

23. SENATOR RHOADS:

24. It may be split between Senator Walsh and Senator Becker's
25. districts, I'm not certain. Again, it's by census track. And
26. the corporate limits don't, as I've tried to explain three times
27. now, the corporate limits don't conform to the census track
28. boundaries.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Lemke.

31. SENATOR LEMKE:

32. The other...the other problem we have is, when we talk about
33. ...authenticity in the...in the City of Chicago, we get into

1. Senator Carroll's and Senator Berman's district and you put the
2. Jewish incumbrance in a single district, and diluting the Jewish
3. voting strenght, and Jewish representation here in Springfield.
4. What is the advantage to doing that?

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Rhoads.

7. SENATOR RHOADS:

8. As...Senator Lemke, as a matter of legislative intent, first
9. of all, the census track...the census figures, as reported by
10. the Commerce Department, do not have a category labled Jewish
11. population, so I can't give you what the Jewish population is
12. of a specific district. If you're argument is that two incum-
13. bent Senators, the residences of them happen to fall within a
14. single district under my proposal, as you are well aware, the
15. Constitution of the State of Illinois, the 1970 Constitution
16. provides that in a transition period, such as we are going
17. through, if any part of your old district touches any part
18. of your new district, you may run in the new district. Now, if
19. there has been a shift of Jewish population to the suburbs, we
20. may well see the day, very soon, when there would be a Jewish
21. Representative or Senator elected from some suburban area. But
22. again, it's not Senator Rhoads fault that the population shifted.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Lemke.

25. SENATOR LEMKE:

26. Your...your map, I've been requested by Senator...how many
27. ...how many Republican districts and how many Democratic districts
28. does this map draw, and how many swing districts?

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Rhoads.

31. SENATOR RHOADS:

32. That...Senator Totten says that's up to the electorate. The
33. ...there is a new district created downstate where Senator Joyce...

1. Jerome Joyce now lives, where he would have the option of running
2. in either one or the other district. Either one of those districts
3. I believe, the Senator has informed me, could be a marginal
4. district. With respect to DuPage County, common sense tells you
5. ...common sense tells you that that would probably be a Republican
6. district, that the electorates would probably elect a Republican
7. Senator. The...another district would be created in the panhandle
8. of DuPage County. Now, the one panhandle of Cook County, the one
9. does not follow the other, Democratic voters from the City of
10. Chicago are the people who have been moving out to the suburbs. As
11. you well know, in my own township, my Democratic committeemen,
12. Morgan Findley has created a strong Democratic organization. We
13. don't know.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Lemke.

16. SENATOR LEMKE:

17. Yet to the southwest side, we get to my district, and...and
18. we look at that district. It's a known fact that between the 12th
19. Ward the 23rd Ward, essential Stickney, the Village of Summit,
20. that the largest Polish, first generation populations, live. Now,
21. what is your map do to the Polish vote in that area?

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Rhoads.

24. SENATOR RHOADS:

25. Senator, I'm not...could you be more specific in your quesiton,
26. are you talking about specific community areas or...

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Lemke.

29. SENATOR LEMKE:

30. We take my district, which is predominately Polish, which
31. is made up of the 12th Ward, and the 23rd Ward, central Stickeny and
32. the Village of Summit. And as noted that it is the largest Polish
33. district, the Pope came to that district and had mass there, and

1. had forty thousand people out. What does your map do as to dilute
2. the Polish vote in that area?

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Rhoads.

5. SENATOR RHOADS:

6. There is no legislative intent, certainly no intent on my
7. part, living as I do in Congressman Derwinski's district to dilute
8. any Polish vote. If you look on the northwest side of the city
9. where there are also Polish concentrations, there are highly elect-
10. able Senators and Representatives up there. I assume you would
11. be highly reelectable in your...in the proposal under Senate Bill
12. 49.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Lemke.

15. SENATOR LEMKE:

16. One could be highly electable anything as to what you're
17. doing, I'm talking about what if I chose not to run, what about
18. a Polish Senator, could he run in that district and win?

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Rhoads.

21. SENATOR RHOADS:

22. Senator, you are the expert on that area, and you can answer
23. the question better than I can. All I can tell you, is that the
24. census figures do not provide a Polish generation category in the
25. figures, so I can't give it to you from the figures that I have
26. before me.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Lemke.

29. SENATOR LEMKE:

30. Well, it's a known fact, that these areas are divided, you
31. don't need census tracks to know that these areas are divided. You
32. are experienced enough to know that if a man from Rome who's the
33. Pope comes to an area that's a predominately high Polish area,

1. especially if the Pope is Polish. Now, I want to tell you something,
2. in that area, you dilute that strength of that Polish community. You
3. know what I mean, if that's then intent of the Republican party,
4. to dilute the Polish vote in the City of Chicago, then let them
5. express it by passing this map. But I want to tell you something
6. about this map now without the questions, and I'd like to speak
7. against this bill. It's a very simple bill. It dilutes the strength
8. of municipalities, number one, when you get to the western suburbs
9. of Maywood and Bellwood, the strife of the minorities between
10. blacks and Hispanics to get control, and then the Republican party
11. who had it for years and did nothing for the people in Maywood,
12. now they're striving ahead and trying to revitalize that area.
13. They take Maywood, and they cut it up in three pieces, and dilute
14. their political strength in Springfield. That's the intent.
15. The intent is, when you get to North Riverside there's a strife
16. of other people, Democrats from Chicago going into these suburbs,
17. and this is an attempt to dilute these blue collared workers, laborers,
18. and employees from picking up strength in Springfield to generate
19. the benefits for the working man in this State. This is to predom-
20. inately control it by the Republican party in their last ventures
21. of not voting for the minimum wage, but raising bus fare so a
22. guy when he makes two dollars an hour has to pay two dollars one
23. way and two dollars the other way to get to and from work, so he
24. works two hours a day for public transportation. This is a
25. mean attempt to get at the people...the less informant, and they
26. try to disguise it as an attempt to help the minorities in the
27. City of Chicago, when it actually doesn't help anybody. You can
28. draw the Hispanic districts, but then look at those districts,
29. and look at the registered voters, and look at the...at the votes
30. whether those people can become...vote. And you will find that in
31. those districts, most of those people are not citizens, and most
32. of those people are not...unable to work. It's a coverup by the
33. Republican party in trying to disguise and sell this as a chance

1. to give the minority more representation, when it actually doesn't
2. give them a damn thing, it takes power away from them. It throws
3. Senator Chew and Senator Taylor in the same district. Takes two
4. incumbents, long-term experienced Legislators who represented the
5. black communities who speaks for them here in Springfield, and
6. who knows the ways about, and they've been here for many years,
7. throws them together so that they have novice to come in here,
8. so they don't have any influence. That's what it's an attempt
9. to do. It's not an attempt to help anybody, except the Republican
10. party in the suburbs. And when it comes to registration of people
11. that move out of Cook County into DuPage, a person calls a village
12. hall, and he's ignored, he cannot register, he's denied. He doesn't...
13. he's not even informed when the elections are.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. May we have some order, please.

16. SENATOR LEMKE:

17. But let the people in the State know what's being done, be-
18. cause in DuPage County there has been successors in local government,
19. and they have been Democrats that have been put in those positions,
20. maybe they're not...they don't agree with all the Democratic prin-
21. ciples, but they have beat the organization. And that power is
22. building up, so when you draw districts, this map is only a means
23. to stall for time by the Republican party so they can help the in-
24. surance companies, the banks, and big business at the expense of
25. the working man in this State. I ask a No vote.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. For what purpose does Senator Johns arise?

28. SENATOR JOHNS:

29. Democratic caucus immediately in the President's Chambers.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. There's been a request for a caucus. Senator Weaver.

32. SENATOR WEAVER:

33. There will be a Republican caucus in Senator Shapiro's Office
immediately.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. For what purpose does Senator Rhoads arise?

3. SENATOR RHOADS:

4. If I could ask the Senate President, we did have an agreement
5. that this would be called at a time certain, can you tell us
6. approximately how long the caucus would be, and when you expect to...
7. and will we go immediately back to this order of business when
8. you return?

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Rock.

11. SENATOR ROCK:

12. I hope no more than about twenty minutes, and the answer
13. is yes.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. We will return to this order of business. The Senate will
16. stand in recess until the hour of...Senator Rock, perhaps thirty
17. minutes? Two o'clock. Senate stands in recess until the hour of
18. two o'clock.

19. RECESS

20. AFTER RECESS

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. If I can have the attention of the Senate. The Senate will
23. stand in recess until the hour of five today. The Senate stands
24. in recess until 5:00 p.m.

25. SENATOR WEAVER:

26. ...call a Republican caucus in Doc Shapiro's Office immediately.
27. Republican caucus. Senator Bowers.

28. RECESS

29. AFTER RECESS

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. The Senate will come to order. The Chair recognizes Senator
32. Rock.

33. SENATOR ROCK:

1. Thank you, Mr. President, and Ladies and Gentlemen of the
2. Senate. I move that the Senate stands adjourned until tomorrow
3. at two o'clock.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. The Senate stands adjourned until the hour of two o'clock
6. Friday afternoon.

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