

82nd General Assembly

Regular Session

October 16, 1981

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. The hour of nine having arrived, the Senate will come to  
3. order. Prayer by the Reverend Robert Florence, Lakeside  
4. Christian Church of Springfield, Illinois, and will our guests  
5. in the galleries please rise.

6. REVEREND FLORENCE:

7. (Prayer given by Reverend Florence)

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Is Senator Johns on the Floor? Just a...reading of the  
10. Journal. Senator Hall.

11. SENATOR HALL:

12. Thank you, Mr. President. I move that reading of the  
13. Journals...of October 14th and of October 15th be...be postponed  
14. pending the arrival of the printed Journal.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Heard the motion. Discussion? All in favor say Aye.  
17. Opposed Nay. The Ayes have it. The motion prevails. ...Reports.

18. SECRETARY:

19. Senator Donnewald, Chairman of the Committee on Assignment  
20. of Bills, assigns the following bills to committee:

21. Agriculture, Conservation and Energy - Senate Bill 1258,  
22. 1259 and 1260; Higher Education - Senate Bill 1261; Transportation -  
23. Senate Bill 1262.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. All right. Motions in Writing.

26. SECRETARY:

27. Motion in Writing.

28. I move to dispense the reading of the Governor's Veto  
29. Messages, that they be entered upon the Journal and a copy  
30. of each message be placed on the desk of each member. Signed,  
31. Senator Donnewald.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. You've heard the motion. Is there discussion? That is,  
34. that we would not read each message from the House on Veto

1. Messages, they will be placed upon your desk as opposed to  
2. reading it. It is similar to the procedure we adopted as  
3. to Messages on...from the Governor on Senate Bills. Heard  
4. the motion. Discussion? All in favor say Aye. Opposed Nay.  
5. The Ayes have it. The motion prevails. Resolutions.

6. SECRETARY:

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

8. Mr. President - I am directed to inform the Senate  
9. the House of Representatives has adopted the following Joint  
10. Resolution, in the adoption of which I am instructed to ask  
11. concurrence of the Senate, to-wit:

12. House Joint Resolution 54.

13. (Secretary reads HJR 54)

14. Senator Rock is the Senate sponsor there.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Rock is recognized.

17. SENATOR ROCK:

18. Thank you, Mr. President and Ladies and Gentlemen of the  
19. Senate. I move for the suspension of the rules and the  
20. immediate consideration and adoption of that House Joint  
21. Resolution. It is the Adjournment Resolution which calls for  
22. us to return to Springfield on the 28th day of October at the  
23. hour of noon when we quit today.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. The motion is to suspend the rules for the immediate  
26. consideration and adoption of the resolution. Is...discussion  
27. of the motion? All in favor say Aye. Opposed Nay. The Ayes  
28. have it. The rules are suspended. On the motion to adopt,  
29. discussion? All in favor say Aye. Opposed Nay. The Ayes  
30. have it. The resolution is adopted. Resolutions.

31. SECRETARY:

32. Senate Resolution 328 offered by Senator Lenke and it's  
33. congratulatory.

PRESIDING OFFICER: (SENATOR BRUCE)

SB 1247  
Recalled  
SB 1248

- 1. Resolution. Is there leave to place that on the Resolution
- 2. Consent Calendar today? Leave is granted. What purpose does
- 3. Senator Grotberg...for what purpose does Senator Grotberg arise?
- 4. Grotberg.

5. SENATOR GROTBERG:

- 6. Thank you, Mr. President. Just...particularly the Republican
- 7. side of the aisle...if I could have your attention.

8. PRESIDING OFFICER: (SENATOR BRUCE)

- 9. May we have some order, please? Senator Grotberg.

10. SENATOR GROTBERG:

- 11. I rise because I promised the family of John Alexander that
- 12. I would arise. John Alexander Senior, who is Mr. Republican
- 13. from everything west of Chicago to the west coast passed away.
- 14. His funeral was yesterday. And I don't know how many Republican
- 15. candidates over here ever had the pleasure of having a guy like
- 16. John Alexander of the Alexander Lumber Company and you've
- 17. seen their yards all over Illinois, Wisconsin and Indiana, one
- 18. of the most marvelous men that I have ever known. And I told
- 19. his son that John...or his son Duncan said, Dad would really
- 20. get a kick out of it if you just stood up and said, we Republicans
- 21. miss you John and we know that there's got to be a Republican
- 22. Party in Heaven because he was that kind of a guy and I memorialize
- 23. that and we'll also do a resolution. Thank you, very much.

24. PRESIDENT:

- 25. Resolutions.

26. SECRETARY:

- 27. Senate Joint Resolution 64 Constitutional Amendment offered
- 28. by Senators Philip, Weaver, DeAngelis, Grotberg and all Republicans.

29. PRESIDENT:

- 30. Executive. Let's turn to page 2 on the Calendar. We'll
- 31. move now to the Order of Senate Bills 3rd reading. On the Order
- 32. of Senate Bills 3rd reading, Senate Bill 1247. Senator Bruce
- 33. seeks leave of the Body to return that bill to the Order of
- 2nd reading for purposes of an amendment. Leave granted? Leave

AB 1248  
Recalled

1. is granted. On the Order of Senate Bills 2nd reading, Senate  
2. Bill 1247, Mr. Secretary.

3. SECRETARY:

4. No committee amendments.

5. PRESIDENT:

6. Any amendments from the Floor?

7. SECRETARY:

8. Amendment No. 1 offered by Senator Bruce.

9. PRESIDENT:

10. Senator Bruce.

11. SENATOR BRUCE:

12. Yes, the two bills that we're going to be talking about,  
13. 1247 and 48; are there revisionary bills which we will pass in  
14. just a moment. They each have amendments. I would have...have  
15. given them one to Senator Philip early this morning, I'm sure he read it in its  
16. entirety, it's two hundred and some pages long. There's another  
17. amendment which will come in which is five hundred and sixty-  
18. four pages long and growing. These are all the Acts that  
19. we amended last year in more than one bill, and what this does  
20. is combine those paragraphs into one paragraph, so that as you  
21. read the Statutes there's only one particular statement made  
22. by the General Assembly. And I would move the adoption of  
23. Amendment No. 1 to Senate Bill 1247.

24. PRESIDENT:

25. Senator Bruce has moved the adoption of Amendment No. 1  
26. to Senate Bill 1247. Any discussion? If not, all in favor  
27. signify by saying Aye. All opposed. The Ayes have it,  
28. the amendment is adopted. Are there further amendments?

29. SECRETARY:

30. No further amendments.

31. PRESIDENT:

32. 3rd reading. On the Order of Senate Bills 3rd  
33. reading, Senate: Bill 1248. Senator Bruce seeks leave of the

1. Body to call that bill back to the Order of 2nd reading for
2. purposes of an amendment. Is leave granted? Leave is granted.
3. On the Order of Senate Bills 2nd reading, Senator Bill 1248.
4. Mr. Secretary.

5. SECRETARY:

6. Amendment No. 1 offered by Senator Bruce.

7. PRESIDENT:

8. Senator Bruce.

9. SENATOR BRUCE:

10. Same comments. Move its adoption.

11. PRESIDENT:

12. Senator Bruce moves the adoption of Amendment No. 1
13. to Senate Bill 1248. Any discussion? If not, all in favor
14. signify by saying Aye. All opposed. The Ayes have it, the
15. amendment is adopted. Are there further amendments?

16. SECRETARY:

17. No further amendments.

18. PRESIDENT:

19. 3rd reading. Senator Kent, are you ready on 1256?
20. On the Order of Senate Bills 3rd reading, Senate Bill 1256.
21. Read the bill, Mr. Secretary.

22. SECRETARY:

23. Senate Bill 1256.
24. (Secretary reads title of bill)

25. 3rd reading of the bill.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Kent.

28. SENATOR KENT:

29. Senate Bill 1256...is...provides the Department of
30. Veteran's Affairs to...help veterans...disabled veterans, with...
31. housing benefits. And the section is unchanged to provide for
32. severely disabled veterans a benefit of up to thirty thousand
33. to construct...or structurally alter a house to meet his or her

1. needs. It has been changed into Section A and a Section B.  
2. And Section B is provides a disable veteran who is either  
3. blind, or both eyes with five to two hundred visual acuity or  
4. less, who has an anatomical loss or a loss of use of both hands,  
5. a benefit up to five thousand to make minor adaption to his  
6. or her home. This is...the appropriation has been passed, this  
7. is just the...the substantive legislation to meet that need.  
8. I move that it would...favor of a roll call, is that...we're on  
9. 3rd.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Is there discussion? Senator Rock.

12. SENATOR ROCK:

13. Thank you, Mr. President. I rise in support of Senate  
14. Bill 1256. It is an emergency type piece of legislation for  
15. the Department of Veteran Affairs. We have, by virtue  
16. of action of this Assembly, passed the appropriation bill.  
17. This is the substantive legislation which allows the department  
18. to do that for which we passed the money and I would urge  
19. a favorable roll call.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Discussion? Senator Johns.

22. SENATOR JOHNS:

23. Question of the sponsor, please.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Indicates she will yield. Senator Johns.

26. SENATOR JOHNS:

27. Senator Kent, does that person have to own that home...in  
28. legal title? For example, could he be in a home owned by others  
29. but have the right to live in that home for the rest of his  
30. life? Would you know of a situation like that?

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Kent.

33. SENATOR KENT:

As long as he or she is a resident of that home.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Johns.

3. SENATOR JOHNS:

4. Then, under those conditions, I would like to declare that  
5. I do have a brother that is paralyzed and a veteran, non service  
6. connected, living in a home that I own, but he has the right to  
7. live there the rest of his life. I wanted to clear that before  
8. I vote. He is a paraplegic and he lives in a home that I own,  
9. okay. I wanted to clear that...because I do believe in what you're  
10. trying to do, I also would like to be cosponsor and shown as a cosponsor  
11. of this entire package. Would I have your permission? So, would  
12. the record please show that I have joined as a cosponsor of this  
13. legislation as well.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Is there leave? Leave is granted. Further discussion?  
16. Senator Kent, do you wish to close?

17. SENATOR KENT:

18. Just vote for a favorable roll call.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. The question is, shall Senate Bill 1256 pass. Those in favor  
21. vote Aye. Those opposed vote Nay. The voting is open. It  
22. will require thirty-six affirmative votes to be effective  
23. immediately. Have all voted who wish? Have all voted who wish?  
24. Have all voted who wish? Take the record. On that question, the  
25. Ayes are 46, the Nays are none, 1 Voting Present. Senate Bill  
26. 1256, having received the required constitutional majority  
27. is declared passed and having received a three-fifths affirmative  
28. vote of the members elected is declared to be effective immediately.  
29. Senator...Mahar, on 1257. Read...Senate Bill 1257. Read the bill,  
30. Mr. Secretary, please.

31. SECRETARY:

32. Senate Bill 1257.

33. (Secretary reads title of bill)

1. 3rd reading of the bill.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Mahar.

4. SENATOR MAHAR:

5. Thank you, Mr. President and members of the Senate. Senate  
6. Bill 1257 amends the Enviromental Protection Act. When we  
7. passed Senate Bill 875 in the Spring Session and signed it into  
8. law, the Attorney General found that the felony provisions  
9. of the bill were not appropriate and that if we didn't do something  
10. about it, we have a period of time between now and next spring  
11. in which they would not be able to act. So this is a...an  
12. emergency measure in which will bring the...the felony provisions  
13. into proper conformity and I'd ask for your support.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Is there discussion? Is there discussion? Senator Rock.

16. SENATOR ROCK:

17. Thank you, Mr. President. Again, I rise in support of  
18. Senate Bill 1257. This is, in the determination of the Governor's  
19. Office an emergency piece of legislation and I would urge a favorable  
20. vote.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. The question is, shall Senate Bill 1257 pass. Those in favor  
23. vote Aye. Those opposed vote Nay. The voting is open. Have  
24. all voted who wish? Have all voted who wish? Take the record.  
25. On that question, the Ayes are 45, the Nays are none, 2 Voting  
26. Present. Senate Bill 1257, having received the required  
27. constitutional majority is declared passed and having received  
28. a three-fifths affirmative vote of members elected is declared  
29. immediately upon its becomming a law. 1255, Senator Rock. Read  
30. the bill, Mr. Secretary, please.

31. SECRETARY:

32. Senator Bill 1255.

33. (Secretary reads title of bill)



AB 1247  
3rd reading

1. 3rd reading of the bill.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Rock.

4. SENATOR ROCK:

5. Thank you, Mr. President and Ladies and Gentlemen of the  
6. Senate. As I'm sure everyone is painfully aware, under Article  
7. IV of the Constitution, the members of the Senate are to be  
8. divided by the Secretary of State into three groups and some  
9. of us will run for two years and others will...the other  
10. two-thirds will run for four years. This is the exact same  
11. bill and same process that we went through ten years ago.  
12. The only change in this legislation substitutes, for 1972, '76  
13. and '80...1982, 1986 and 1990. It affords the Secretary of  
14. State the opportunity to conduct, as he did in the past, the  
15. lottery to determine which of us will stand for election for  
16. two years and four years. I know of no objection. This is  
17. absolutely essential, constitutionally, and I would seek your  
18. favorable support.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Is there discussion? Is there discussion? Senator  
21. Schaffer.

22. SENATOR SCHAFFER:

23. Senator Rock, can you assure us the Secretary of State  
24. won't use Abraham Lincoln's hat again?

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Further discussion? The question is, shall Senate Bill  
27. 1255 pass. Those in favor vote Aye. Those opposed vote Nay.  
28. The voting is open. Have all voted who wish? Have all voted  
29. who wish? Take the record. On that question, the Ayes are 45,  
30. the Nays are none, none Voting Present. And Senate Bill 1255,  
31. having received the required constitutional majority is declared  
32. passed.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

AB 1247  
AB 1248  
3rd Reading

1. Senate Bills on 3rd reading. Senate Bill 1247. Read  
2. the bill, Mr. Secretary.

3. SECRETARY:

4. Senate Bill 1247.

5. (Secretary reads title of bill)

6. 3rd reading of the bill.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Senator Bruce.

9. SENATOR BRUCE:

10. Yes, this is a general revisionary bill along with 1248  
11. to get the code and sections correct to all the amendments  
12. we made last year. I'd move the favorable consideration  
13. of 1247.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Is there discussion? The question is, shall Senate Bill  
16. 1247 pass. Those in favor vote Aye. Those opposed Nay.  
17. The voting is open. Have all those voted who wish? Have  
18. all those voted who wish? Would you vote me, Senator Bruce,  
19. for your bill. Take the record. On that question, the Ayes  
20. are 44, the Nays are none. Senate Bill 1247, having received  
21. the constitutional majority is declared passed. Senate  
22. Bill 1248. Read the bill, Mr. Secretary.

23. SECRETARY:

24. Senate Bill 1248.

25. (Secretary reads title of bill)

26. 3rd reading of the bill.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Senator Bruce.

29. SENATOR BRUCE:

30. This is the second part of the revisionary package. I  
31. move its favorable consideration.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Is there discussion? The question is, shall Senate Bill

1. 1248 pass. Those in favor vote Aye. Those opposed Nay. The  
2. voting is open. Have all those voted who wish? Have all those  
3. voted who wish? Take the record. On that question, the Ayes  
4. are 45, the Nays are none. Senate Bill 1248, having received  
5. a constitutional majority is declared passed.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Is there leave to go to the Order of Motions in Writing?  
8. Leave is granted. Motions in Writing.

9. SECRETARY:

10. In accordance with Rule 10, I move to discharge the  
11. Committee on Revenue from further consideration of House Bill 1047,  
12. and that the bill be placed on the Order of House Bills 3rd reading.  
13. Further move that all...appropriate rules be suspended for the  
14. purpose off the immediate consideration of the bill. Such motion  
15. is made for the person taking House Bill 1047 back to the Order  
16. of House Bills 2nd reading for the purpose of amending the bill  
17. to increase the annual homestead exemption on real estate  
18. property taxation from...from the current amount of three  
19. thousand to four thousand five hundred dollars. Signed, Senator  
20. Jeremiah Joyce.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Heard the motion. Is there discussion? Is there discussion  
23. on the motion? All in favor say Aye. Opposed Nay. The Ayes  
24. have it. The motion prevails. The bill will be placed on the  
25. Order of House Bills 3rd reading. All right. Senator Joyce  
26. asks leave of the Senate to return...House Bill 1047 back to  
27. the Order of 2nd reading for the purpose of an amendment. Is  
28. there leave? Leave is granted. Mr...Senator Maitland.

29. SENATOR MAITLAND:

30. Mr. President, an explanation. When the Secretary read...a  
31. synopsis of...of that bill, it certainly doesn't...it doesn't  
32. say that in the Digest. I'm just curious what...

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. The...the nature of the motion explained to the  
2. membership that it was to be recalled for the purpose of  
3. attaching the amendment to...

4. SENATOR MAITLAND:

5. Of that amendment?

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Of that amendment, yes.

8. SENATOR MAITLAND:

9. And then...then the second point. It isn't...it isn't  
10. necessary for these motions to appear on the Calendar?

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. No.

13. SENATOR MAITLAND:

14. We don't follow that procedure?

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. No. We do follow it as to vetoes so that everyone can kind  
17. of find out who's filed motions, but that is just more or less  
18. a courtesy and practice of the Body...on...on Veto Messages.  
19. Are there amendments, Mr. Secretary? The bill is on the Order  
20. of 2nd reading.

21. SECRETARY:

22. Amendment No. 1 offered by Senator Rock.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. The homestead exemptions. Senator Rock is recognized  
25. on Amendment No...

26. SECRETARY:

27. 1.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. 1.

30. SENATOR ROCK:

31. Thank you, Mr. President. I would like to offer and have  
32. adopted Amendment No. 1, which, in fact, will increase the  
33. amount of the exemption. It is particularly acute in the

1. County of Cook. I will agree readily to hold it on the Calendar  
2. until everyone has the opportunity to look at it and evaluate  
3. its consequences. I would move the adoption of Amendment No. 1.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. The motion is to adopt Amendment No. 1. Discussion on  
6. the motion? All...Senator Berning.

7. SENATOR BERNING:

8. I'm sorry if something escaped me, but...I'm not clear as  
9. to where this bill has been resting...1047, I don't find it, and  
10. how does it get from nowhere onto 3rd reading so that it can be  
11. brought back to 2nd?

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. The bill was on the Order of 3rd reading when, pursuant  
14. to the Senate rules, it was rereferred automatically to committee.  
15. It was returned to the Order of 3rd reading today and is now in  
16. the process of being amended.

17. SENATOR BERNING:

18. It was on 3rd reading when we adjourned?

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Not when we necessarily adjourned, but pursuant to Senate  
21. Rule. It was rereferred to committee from 3rd reading, so it  
22. can return to the Order of 3rd reading.

23. SENATOR BERNING:

24. Thank you, Mr. President. That was not clear. I had no  
25. idea where the bill was, I thought it had just arrived here  
26. and I was curious as to what we were doing.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Okay. Further discussion? Senator Maitland.

29. SENATOR MAITLAND:

30. Yes, Mr. President, we have no idea what the amendment  
31. says or what it does. And there...and there...there are no copies  
32. on our desks.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Rock made an explanation of the amendment. As the  
2. Chair understands it, from his comments, the essence of the  
3. amendments is to change the homestead exemption from three  
4. thousand dollars to four thousand, five hundred dollars. The  
5. Chair could be in error, but...Senator Maitland.

6. SENATOR MAITLAND:

7. Mr. President...an explanation then on...on the assessment. Is  
8. that retroactive to January 1, '81 or is this...just prospective  
9. to January of '82?

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Is there anyone that might be able to answer? Senator...  
12. Senator Jeremiah Joyce indicates he might be able to explain  
13. the amendment. Senator Jeremiah Joyce.

14. SENATOR JEREMIAH JOYCE:

15. It would be retroactive to 1981.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Maitland.

18. SENATOR MAITLAND:

19. Well, you know, I...if...if that's the case, this really  
20. screws up assessments. You're...you're telling me that it's...it's  
21. retroactive to January 1, '81, and Senator Netsch will tell you  
22. that we...we worked diligently to try to make all of these  
23. assessment messing up mechanisms at least prospective, so that  
24. they will go into effect next year. What we're doing now is  
25. telling assessors that what all you...everything that you've done  
26. is wrong and you go back to January 1 and take that additional  
27. fifteen hundred dollars off. Am I not correct?

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Jeremiah Joyce.

30. SENATOR JEREMIAH JOYCE:

31. My understanding is that you would be incorrect, Senator,  
32. but between now and the time we vote on this, we can have an  
33. answer to that.

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. Senator Maitland.
3. SENATOR MAITLAND:
4. ...Mr. President, a question of the sponsor.
5. PRESIDING OFFICER: (SENATOR BRUCE)
6. Indicates he will yield, Senator Maitland.
7. SENATOR MAITLAND:
8. Would you agree to bring this back, Senator Joyce...to
9. 2nd reading again?
10. PRESIDING OFFICER: (SENATOR BRUCE)
11. ...Senator Joyce.
12. SENATOR MAITLAND:
13. I...I think we're really creating a problem, here.
14. PRESIDING OFFICER: (SENATOR BRUCE)
15. Senator Jeremiah Joyce.
16. SENATOR JEREMIAH JOYCE:
17. Yeah, I...I would...I would...I would agree to bring this
18. back to 2nd reading for purposes of working out your problem,
19. Senator Maitland.
20. PRESIDING OFFICER: (SENATOR BRUCE)
21. All right. Senator Maitland.
22. SENATOR MAITLAND:
23. Thank you, Mr. President. Just in closing, the assessments
24. for downstate are already out and we are creating a very serious
25. problem for downstate Illinois.
26. PRESIDING OFFICER: (SENATOR BRUCE)
27. Senator Joyce.
28. SENATOR JEREMIAH JOYCE:
29. My understanding is, that, and...and I had a very brief
30. conversation on this question. My understanding is that we are
31. still within a safe time, that is, we can still act without messing
32. up downstate assessments. If that is not the case, then I am...
33. then I have received wrong information. But for purposes of

1. working out your problem, I would tell you, yes, I would...I would  
2. agree to bring this back to 2nd reading.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Further discussion? Senator Philip.

5. SENATOR PHILIP:

6. Thank you, Mr. President and Ladies and Gentlemen of  
7. the Senate. Senator Joyce said...he mentioned Senator Maitland's  
8. problem. There may be some other problems on this side of the  
9. aisle, we hope that you'd bring it back and at least consider  
10. some of the other problems, other than Senator Maitland's.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Further discussion? Senator Egan, did you...all right.

13. On the motion to adopt. Further discussion? The motion is to  
14. adopt Amendment No. 1. On that motion all in favor say Aye.

15. Opposed Nay. The Ayes have it, Amendment No. 1 is adopted.

16. Further amendments?

17. SECRETARY:

18. No further amendments.

19.

20.

21.

22.

23.

24. (The following typed previously )

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Motions in Writing H.B. 430

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. 3rd reading. Senator Thomas, you ready on House Bill 430?
3. All right. On the Order...Order of Motions in Writing...for
4. what purpose does Senator Demuzio arise?
5. SENATOR DEMUZIO:
6. Yes, I'd like a parliamentary inquiry.
7. PRESIDING OFFICER: (SENATOR BRUCE)
8. Yes, Senator.
9. SENATOR DEMUZIO:
10. I understand we're going to House Bills...430. Is this
11. on the Calendar? For today?
12. PRESIDING OFFICER: (SENATOR BRUCE)
13. We are actually going to Motions in Writing. And we would
14. be considering a motion concerning a House Message on House
15. Bill 430. Senator Demuzio.
16. SENATOR DEMUZIO:
17. Well, then, what is the...what is the...the posture of
18. House Bill 430 now? Is it within the jurisdiction of the
19. Senate?
20. PRESIDING OFFICER: (SENATOR BRUCE)
21. We...it was read back in on a Message from the House this
22. morning. And...and...I'm...the...the House has adopted a
23. Specific Recommendation of the Governor as to House Bill 430 and
24. I assume that shortly that would be before this Body. Senator
25. Demuzio.
26. SENATOR DEMUZIO:
27. Well, my question is then...a parliamentary inquiry was
28. posed early this morning as to whether or not we're going to
29. go to motions that are not on the Calendar. Now, is this...is
30. this a...departure from the previous practices of the Senate,
31. that we're going to a motion on a House Bill that is not
32. on the printed Calendar?
33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Our...our rules don't require that Motions in Writing  
2. be upon the Calendar. We have, in the past, and as a courtesy  
3. to members, alerted membership as to Motions in Writing  
4. as it relates to veto messages, and oftentimes, at the end  
5. of the Session, as to people who want to discharge committee,  
6. but that is...we have done that just so Senators know what  
7. motions have been filed and...and will be pending...what Motions  
8. in Writing have been filed, but we also, under our rules take  
9. Motions in Writing as they are filed with the Secretary.  
10. Senator Demuzio.

11. SENATOR DEMUZIO:

12. I do not have the Senator's motion in front of me, ...and  
13. I understand that there is something in the rules that requires  
14. the motions to be made before the members of the Senate prior  
15. to...discussion.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Under the Senate rules, Senator Demuzio, you are empowered  
18. to request that a motion be reduced to writing and...and that,  
19. in fact, has been done. Senator...Thomas' motion is, in fact,  
20. in writing. Senator Demuzio.

21. SENATOR DEMUZIO:

22. Then what order of business are we on then, Mr. President?

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. We are on the Order of Motions. Senator Demuzio.

25. SENATOR DEMUZIO:

26. Then I would appeal the ruling of the Chair. I think that  
27. this is unprecedented in going to this order of business without  
28. this being put on the printed...Calendar and I would hope that  
29. the members of the Senate on...in this Chamber would resent the  
30. fact, that we are, in fact, going to this order of business. That  
31. it is...it's unprecedented and it should not happen and I would  
32. suggest to you, Mr. President, in all fairness that this be...  
33. allow to be on the printed Calendar unless there is a record  
34. vote saying that we can go to this order of business.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Well, Senator Demuzio, if you would just withdraw your  
3. motion to...appeal the ruling of the Chair. It...the Chair  
4. sought leave to go to the Order of Motions in Writing and...and  
5. leave was granted and so we're on that business. And I think  
6. the Chair might suggest that many of the arguments that you  
7. would like to bring forth, could be brought forth on the motion,  
8. in consideration, after Senator Thomas has, in fact, explained  
9. the motion, he might persuade you to vote otherwise. Senator  
10. Demuzio.

11. SENATOR DEMUZIO:

12. I request a quorum call.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. All right. Senator...may I have the attention of the  
15. Body. Senator Demuzio has questioned the presence of a quorum  
16. in the Senate Chambers. Pursuant to our rules, that order is in...  
17. that motion is in order. The Secretary will call the membership  
18. to establish a quorum. The members will answer when their name  
19. is called.

20. SECRETARY:

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

29.

30. (Continued on next page)

31.

32.

33.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Demuzio. Senator Demuzio, the Chair notes the  
3. presence of forty-three members. A quorum has been established  
4. and the Senate can conduct business. All right. Senator Thomas  
5. is recognized on a motion, on Senate...on House Bill 430. Read  
6. the motion, Mr. Secretary, please.

7. SECRETARY:

8. I move to accept the Specific Recommendations of the Governor  
9. as to House Bill 430 in the manner and form as follows. Signed,  
10. Senator Thomas.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Thomas.

13. SENATOR THOMAS:

14. Thank you, very much, Mr. President and Ladies and Gentlemen  
15. of the...of the jury, is what we have going on right now. This  
16. has nothing to do with the abortion issue, it has nothing to  
17. do with the equal rights amendment. We passed House Bill 430,  
18. we also passed House Bill 438. The Governor found that there  
19. had been some omissions in 438, he's attempting to change that,  
20. via 430. But for a more articulate and thorough explanation, I  
21. now turn things over to the Honorable Senator Phil Rock.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Rock.

24. SENATOR ROCK:

25. Thank you, Mr. President, for the dubious distinction.  
26. The amendatory or the Call for Specific Recommendations for  
27. Change in Senate Bill 430, is, in the opinion of the Chief  
28. Executive and some of us, absolutely essential. As I am  
29. sure everyone is aware, the State of Illinois, will, next  
30. week, be going to the public bond market with an offering  
31. of about a hundred and twenty-five million dollars in  
32. bonds. This change in the law, which has to be effective  
33. immediately and thus will require, I think, thirty-six votes,

1. is absolutely essential if we are to get what we hope we will  
2. get in terms of a lower interest rate. When we changed, by  
3. virtue of Senate Bill...or House Bill 430, when we took the  
4. ceiling off the interest rate on a number of...different  
5. financial transactions, there were some changes that were  
6. made that were inadvertent. We are now attempting, at least,  
7. to restore the law to its prior position so that those eminent  
8. people who call themselves bond counsel will be...satisfied  
9. that the State of Illinois still enjoys a triple A rating  
10. and we will enjoy, I hope, a lower interest rate, if, in fact,  
11. we can pass this. I had previously discussed with the Governor  
12. the possibility of delaying the...the offering until the  
13. Senate had truly adequate time. I think we're all well aware  
14. of what's going on. It is in the best interest of our financial  
15. rating to do this and I would urge a...your favorable support.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Discussion? Senator Rhoads.

18. SENATOR RHOADS:

19. Question of Senator Rock. Senator, it's obvious a lot  
20. of us are not aware, at all, of what's going on and what I'd  
21. like to find out first of all, is, does...do the changes submitted  
22. in the Amendatory Veto, in any way affect a consumers ability  
23. to prepay without penalty? And, if so, how does it affect that?

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Rock.

26. SENATOR ROCK:

27. The question is well taken, the answer is yes. The  
28. Specific Recommendations for Change, do, in fact, reimpose  
29. the...prepayment penalty clause.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Rhoads:

32. SENATOR RHOADS:

33. Well, now, I'm pro-business and all that, but as a matter  
34. of public policy, what is the justification for doing that, when

1. we have already taken off the lid on all interest rates, altogether.  
2. What...what...what's the justification for imposing a prepayment  
3. penalty?

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Rock.

6. SENATOR ROCK:

7. Well, I...I am not the sponsor, I am only a surrogate in  
8. this respect, but let me suggest, I did not write the Specific  
9. Recommendations for Change. 438, when passed, eliminated the  
10. prepayment penalty provision. It was, at that point, I am  
11. informed, unintentional, should not have been done. Bond counsel  
12. is concerned that the prohibition of the use of prepayment  
13. penalties...somehow impairs our...or could impair our financial  
14. position.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Rhoads.

17. SENATOR RHOADS:

18. Then based on...on the answer of Senator Rock, I rise in  
19. opposition to the Motion to accept the Amendatory Veto for  
20. this reason. If we are going to allow the banks, no interest  
21. rate limit, and if we are also going to allow variable rates,  
22. which I think is good for the consumer, then many of these  
23. notes can be renegotiated at various times, to the advantage  
24. of the consumer and without any disadvantage to the financial  
25. institutions. This doesn't affect just the State of Illinois,  
26. now I...I understand how it would be desirable for the State  
27. of Illinois to have a fixed system here, desirable from the  
28. standpoint of the lenders, and desirable as a negotiating  
29. tool for the State of Illinois so that we can get a good interest  
30. rate and a fixed interest rate. But it isn't desirable from  
31. the standpoint of the consumer, and I think there are more  
32. consumers in my district than there are...bond counselors  
33. and bankers and...I think this ought to be resisted at this  
34. time.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Further discussion? Senator Demuzio.

3. SENATOR DEMUZIO:

4. Yes, thank you, Mr. President. Senator Rhoads is absolutely  
5. correct in...in what he has alluded to this morning. In fact,  
6. in House Bill 438, which the...the bill did take all of the...the  
7. interest rate off of the consumer loans. The sweetener in there,  
8. I guess, for some of those who either voted for it or sponsored  
9. it, was that it eliminated the prepayment penalties for the...  
10. for the consumer. Unfortunately, the financial institutions  
11. decided, all of a sudden, that they just didn't want to give that  
12. consumer the break since they had already taken the interest  
13. rate ceilings off and as a result, the Governor did not want  
14. House Bill 438 to come back to...allow the Legislature to get  
15. our hands on this thing because, as you well know, interest rates  
16. are...a pretty volatile kind of issue these days. And so, as  
17. a result, he...utilized his Amendatory Veto power by...reestablishing  
18. the language in House Bill 430. Now we have challenged his...right  
19. to do that. We...we feel that under Article IV, Section 9 of  
20. the 1970 Constitution, that what, in fact, the Governor has  
21. done, is that he has...substituted or has removed language from  
22. one bill and restates it in another bill. And I think, quite  
23. frankly, that irrespective of what takes place...today, if, in  
24. fact, this bill is...is...agreed to, I think you can expect an  
25. immediate court challenge from consumer groups or even some  
26. members of the financial institutions themselves in the State  
27. of Illinois. Let me say that, we've been in Session now, for  
28. three days this week, if there were such a problem that we  
29. simply had to go out and have these bonds to be sold by the  
30. State of Illinois next...this next week, that we could of easily  
31. have taken care of the bond counsel's problem by putting in emergency  
32. legislation as we...ordinarily and customarily do around this  
33. place, and having that pass so that both houses could have acted  
34. on it and that the Governor, in fact, could have signed it so that

1. if, in fact, the State of Illinois is going to go out for their...  
2. for bonds...to sell bonds next week, that...that, in fact, could  
3. have been done and the consumer could have still gotten a break.  
4. But, in fact, you know, we didn't do that and I'm quite surprised  
5. that...that we're here contemplating this language, which, at...at  
6. the most will probably be, as I said, be challenged in court, it  
7. will probably be ruled unconstitutional and I think he's exceeded  
8. his constitutional authority by rewriting House Bill 430. I  
9. think we ought to reject this. I think that an emergency bill  
10. can be put in, can be...to take care of the bond counsel's problem  
11. and still give the consumers of the State of Illinois a break.  
12. Thank you.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. All right. Senator Rock, for what purpose do you arise?  
15. SENATOR ROCK:

16. Thank you, Mr. President. It is Friday...Senator Demuzio,  
17. while I'm not convinced, I...I think it would be in our best  
18. interest...if you would entertain my motion to adopt the  
19. Resolutions Consent Calendar and adjourn.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. The Chair has twelve other members who have sought...sought  
22. recognition.

23. SENATOR ROCK:

24. That's why I made...that's why I made the motion, yeah, right.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Right. ...Senator Thomas, Senator Rock has recommended that  
27. you withdraw your motion at this time. Senator Thomas.

28. SENATOR THOMAS:

29. Well, I think, at least we've had a little fun here this  
30. morning. A lot...lot of members thought it was going to be  
31. a rather dull Friday morning. Thank you for your kind assistance,  
32. Mr. President, and I think that's a good idea.

33. PRESIDING OFFICER: (SENATOR BRUCE)



1. Senator Thomas asked leave of the Senate to take his Motion  
2. in Writing out of the record. Is there leave? Leave is granted.  
3. Is there leave to go to the Order of Resolutions. Resolutions.

4. SECRETARY:

5. Senate Resolution 329 offered by Senator Davidson and all  
6. Senators and its congratulatory.

7. Senate Resolution 330 offered by Senators Nash, Geo-Karis,  
8. Rock, Carroll and all Senators and its congratulatory.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Is there leave to suspend the rules and have these placed  
11. on the Resolutions Consent Calendar for today? Leave is granted.  
12. Is there leave to go to the Order...is there leave to go to the  
13. Order of Resolutions Consent Calendar? Leave is granted. Mr.  
14. Secretary, have any Senators filed objections to any of the  
15. resolutions contained upon the Resolutions Consent Calendar?

16. SECRETARY:

17. No objections have been filed, Mr. President.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Buzbee moves the adoption of the Resolution  
20. Consent Calendar. Discussion of the motion? All in favor say  
21. Aye. Opposed Nay. The Ayes have, the Resolution Consent  
22. Calendar is adopted. Any further business to come before  
23. the Senate? Senator Vadalabene moves that pursuant to the  
24. adjournment resolution, the Senate stands adjourned until the  
25. 28th of October at the hour of noon. Is there discussion of  
26. the motion? All in favor say Aye. Opposed Nay. The Ayes  
27. have it. The Senate stands adjourned until October 28th at  
28. noon, noon.

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